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11TH TO 17TH JULY, 2020

DreamIAS



INTERNATIONAL

EUROPE REELS FROM WORST FLOODS IN YEARS, 126 DEAD

The death toll from devastating floods in Europe soared to at least 126 on Friday, most in *western Germany* where emergency responders were frantically searching for missing people. Residents were caught completely off guard by the torrent, dubbed the “flood of death” by Germany’s top-selling daily Bild. Streets and houses were submerged by water in some areas, while cars were left overturned on soaked streets after flood waters passed. Some districts were completely cut off from the outside world. “Everything was under water within 15 minutes,” Agron Berischa, a 21-year-old said. Several people were feared dead in a landslide in northern Germany. At least 24 people were confirmed dead in Euskirchen, one of the worst-affected towns just to the north.

In *Switzerland*, lakes and rivers were also swelling after heavy overnight rainfall. In Belgium, death toll jumped to 23 with more than 21,000 people left without electricity in one region. The army has been sent to four of the country’s 10 provinces to help with rescue and evacuations. *Luxembourg* and the *Netherlands* were also hammered by heavy rains. Some parts of western Europe received up to two months’ worth of rainfall in two days, according to the World Meteorological Organization.

U.S. SENATE VOTES TO BAN ITEMS FROM CHINA’S XINJIANG REGION

The U.S. Senate passed legislation that would ban products imported from China’s Xinjiang region, the latest move to pressure Beijing over what Washington says are major human rights abuses against the Muslim Uyghur community. The *Uyghur Forced Labor Prevention Act*, which cleared the Upper chamber by unanimous consent on Wednesday, is intended to bar the import of products made through forced labour, which is allegedly being used in the northwestern Chinese region.

The measure now heads to the House of Representatives, which must pass it if it is to reach President Joe Biden for his signature. The U.S. has already taken action against China over Xinjiang, in addition to Secretary of State Antony Blinken meeting survivors of Xinjiang internment camps last week in Washington. The U.S. also banned imports of solar panel material from a Chinese company and placed restrictions on four others for alleged use of forced labour in the region.

POLISH JUDICIAL REFORMS ILLEGAL, RULES EU COURT

The European Union’s (EU) top court ruled on Thursday that Poland’s system for disciplining judges undercuts the bloc’s laws, part of an escalating battle over democratic rules that risks Warsaw losing some of its key development funding. Poland’s ruling nationalists *set up a disciplinary chamber at the Supreme Court in a sweeping overhaul of the judiciary already condemned by the Court of Justice of the EU in Luxembourg and the bloc’s Brussels-based executive, which acts as the guardian of laws across the 27 member states.* Reinforcing that, the ECJ ruled that the chamber “does not provide all the guarantees of impartiality and independence, and, in particular, is not protected from the direct or indirect influence of the Polish legislature and executive”. The ECJ had already told Warsaw to immediately stop all proceedings at the disciplinary chamber but Poland’s top court



said on Wednesday the demand ran counter to its constitution and the country should not comply. "It is an obvious conclusion for any Polish citizen that the constitution is the highest legal act," Polish Prime Minister Mateusz Morawiecki told reporters on Thursday. Both he and Justice Minister Zbigniew Ziobro said they considered the EU stance to be politically motivated.

CUBA BLAMES U.S. FOR ANTI-GOVERNMENT PROTESTS

Chanting "freedom" and calling for President Miguel Diaz-Canel to step down, thousands of Cubans joined street protests from Havana to Santiago on Sunday in the biggest anti-government demonstrations on the Communist-run island in decades. The protests erupted amid Cuba's worst economic crisis since the fall of the Soviet Union, its former ally, and a surge in coronavirus infections, with people voicing anger over shortages of basic goods, curbs on civil liberties and the authorities' handling of the pandemic.

The Cuban police are out in force on the streets of the country after thousands of protesters rallied against the government on the weekend over high prices and food shortages. More than 100 people, including independent journalists and Opposition activists, were arrested, various sources said. *President Miguel Diaz-Canel on Monday blamed the protests on the United States pursuing a "policy of economic suffocation to provoke social unrest in the country". Cuba has been under U.S. sanctions since 1962.* He also accused Cuban Americans of using social media to spur the demonstrations. "What do they want? To provoke social unrest" with a view to "regime change", the President said in an address broadcast on public television and radio. In a statement, U.S. President Joe Biden expressed support for the protesters' demand for relief "from the decades of repression and economic suffering to which they have been subjected by Cuba's authoritarian regime". Secretary of State Antony Blinken said it would be a "grievous mistake" for Cuba to blame the U.S. for the protests he said could be traced to the communist leadership's "mismanagement" of the economy and COVID-19. The Cuban authorities have also cut access to major social media platforms in an effort to stem the flow of information, a web monitoring organisation said. Data from the London-based group NetBlocks showed disruptions from Monday to WhatsApp, Facebook, Instagram and as well as some Telegram servers.

Russia and Mexico on Monday warned against any "outside interference" in Cuba after thousands took part in rare protests against the Communist government on the island nation. Cuba was an important Cold War ally of the Soviet Union and Moscow has continued to have good diplomatic relations with Havana since the 1991 collapse of the USSR. Mexico's President Andres Manuel Lopez Obrador warned against an "interventionist" approach to the protests, and offered to send aid to the communist island. Mexico could "help with medicines, with (coronavirus) vaccines, with what is needed and with food because health and food are fundamental rights" that do not require "interventionist political management," he said He also said the U.S. economic embargo of Cuba should be ended to help its people.

SUPREME COURT OFFERS A WAY OUT OF KATHMANDU POLITICAL IMPASSE

The decision by a five-member Constitutional Bench of the Supreme Court of Nepal to yet again overturn Prime Minister Khadga Prasad Oli's dissolution of the House of Representatives was expected. Mr. Oli's decision, ratified by President Bidhya Devi Bhandari who repeated the action



taken in December 2020, came about in controversial circumstances in late May. After both Mr. Oli and the Nepali Congress's Sher Bahadur Deuba were unable to establish majority support in Parliament in trust votes, they presented claims to the President with signatures affirming support. *Mr. Deuba's claim presented to Ms. Bhandari with signatures of 149 legislators was more valid than Mr. Oli's, whose claim of support from 153 lawmakers were based on signatures of the leaders of the parties rather than from each individual. The discrepancy in Mr. Oli's claims was due to the fact that both the ruling Communist Party of Nepal (Unified Marxist-Leninist) (UML) and the Janata Samajbadi Party (JSP) in the Opposition were vertically split with rebel factions supporting Mr. Deuba's candidacy, even though the parliamentary leaders of the parties gave their signatures affirming support for Mr. Oli.* Right before the President's decision, Mr. Oli had asked her to invoke Article 76 (5), which allows the President to appoint a member with majority support of the House through representation. However, the clause clearly specifies that this is possible only if the Prime Minister goes through a trust vote [Article 76 (3)], and Mr. Oli's ploy to seek the President's invocation of Article 76(5) raised the Opposition's hackles. Ms. Bhandari rejected both claims and decided to dissolve the House and called for general elections to be held in November.

New PM

The Supreme Court has now not only overruled Mr. Oli's decision to dissolve the House, but also said the rejection of Mr. Deuba's claim with the support of 149 legislators of the 275-member House was unconstitutional as per Article 76(5). This led to Ms. Bhandari's appointment of Mr. Deuba as the new Prime Minister. The 149 lawmakers supporting Mr. Deuba's candidacy included those from Pushpa Kamal Dahal-led Communist Party of Nepal (Maoist-Centre), the Baburam Bhattarai-Upendra Yadav-led faction of the JSP and the Madhav Nepal-Jhalanath Khanal-led faction in the ruling UML.

What's next

The court's ruling also offered a way out of the political impasse – the Bench has allowed lawmakers to utilise their individual agency during the trust vote by making it clear that they are free to defy their parties' whips. But in a party system that thrives heavily on patronage, whether individual lawmakers will apply such an agency during the trust vote remains to be seen. It is still not clear if Mr. Madhav Nepal's faction within the UML will decide to vote formally for Mr. Deuba in the trust vote. Already Mr. Oli has sought to avoid a split within his party by coming up with concessions to the Nepal-Khanal faction, and this could still throw a spanner in the works for Mr. Deuba. If Mr. Deuba fails again, the extended stalemate could only result in calling for fresh elections later this year.

President's role

Nevertheless, *the Supreme Court's decision is yet another rebuke of Mr Oli's attempts at one-upmanship that set the stage for a constitutional breakdown. The ruling also brings scrutiny on the role of Ms. Bhandari whose decisions to rubber-stamp her former party colleague, Mr. Oli, have now been overturned twice by the court.* The President's office had in fact argued in a petition to the court last month that her actions cannot be subject to a judicial review, but the verdict categorically rejected this view by saying, "The action taken by the President falls under the executive function. In such a situation, if the President's moves are kept out of the judicial review



it will be an attack on the principle of the separation of power, control and balance”, as reported in The Kathmandu Post.

ABIY AHMED WINS HUGE MAJORITY IN ETHIOPIA POLL

Ethiopia's ruling party won a landslide in a landmark parliamentary poll, results showed on Saturday, ensuring a new five-year term for Prime Minister Abiy Ahmed despite a brutal war in the northern region of Tigray. Mr. Abiy hailed the outcome of what he described as a “historic” election — the first time he faced voters since being appointed Prime Minister in 2018 following several years of anti-government protests. The *winner of the 2019 Nobel Peace Prize* had hoped to frame victory at the ballot box as a mandate for political and economic reforms and military operations. *But the poll was held in the midst of the gruelling conflict in Tigray that has battered Mr. Abiy's global reputation and raised fears of widespread famine.* His Prosperity Party won 410 seats in the federal Parliament out of 436 where elections were held, according to results issued by the National Election Board of Ethiopia (NEBE), which said there would be a rerun in 10 constituencies. June's vote, which had been postponed twice due to the COVID-19 pandemic and logistical issues, was largely peaceful but Opposition parties decried harassment and intimidation. No voting was held in the Tigray region.

FOUR BROTHERS IN ONE GOVERNMENT

To track the Rajapaksa family tree is to track the most important positions in the Sri Lankan government. With the recent appointment of Basil Rajapaksa, the youngest of the Rajapaksa brothers, as the country's new Minister of Finance, Sri Lanka's first family has further fastened its clasp on power. *The Cabinet has five Rajapaksas — President Gotabaya Rajapaksa (who is also Defence Minister), Prime Minister Mahinda Rajapaksa, Irrigation Minister Chamal Rajapaksa, Basil Rajapaksa, and PM's son and Sports Minister Namal Rajapaksa.* The government has a few more, holding junior ministerial posts and key positions in state-run institutions. They remind sceptics of “family bandyism”, a term commonly used in Sri Lanka in the past, to refer to the Bandaranaike ruling clan. Together, the Rajapaksas in government control a substantial chunk of the budget and policy. For the near 22-million people of the country, this means being steered by one powerful family. *One that derives political legitimacy from its core support base of Sinhala-Buddhist nationalists, with a known suspicion of Tamil and Muslim minorities and an unmistakable aversion to their rights.* For the family, this means a seat at the country's helm, even if it must navigate mounting challenges facing the administration — at a time when the country is still emerging out of its long civil war and into a fast-aggravating economic crisis — and preparing the ground for their respective bids to power in future. At the centre of Sri Lanka's Rajapaksa brand of politics is Prime Minister and former two-time President Mahinda Rajapaksa. Though his father D.A. Rajapaksa was a prominent politician in the island's southern region, it was Mr. Mahinda who elevated the family's profile to the national and international arena. As the “war victor” under whose leadership the LTTE was decimated, he became the camp's reliable political mascot with wide appeal in the country's Sinhala majority south.



PAST AS PRESENT

External Affairs Minister S Jaishankar's words at the Shanghai Co-operation Organisation Foreign Ministers' meeting at Dushanbe that the "future of Afghanistan cannot be its past" reflected India's concern at the swift advance of the Taliban through the country in preparation for a forceful takeover as soon as the Americans complete their departure at the end of August, in a reprise of their violent capture of power in 1996. However, it is moot how much these concerns are shared by the big powers in the regional grouping. After all, Russia and China were not unhappy to see the Americans leave. Both appear to have found some modus vivendi with the Taliban, which has assured these two powers as well the smaller central Asian republics that they have nothing to fear from it. Delegations of Taliban have been visiting these capitals over the last two years, welcomed by leaders who saw the writing on the wall. Pakistan, to which Taliban is tied by an umbilical cord, which knows better than most the violent potential of the Taliban, and the dangers of a spillover on its territory, seems less worried about that and more triumphant at succeeding in clipping India's wings in Afghanistan. *It now seems that India's tentative and belated attempts to reach out to the Taliban have not yielded the desired results. Delhi's decision to pull out Indian nationals from its diplomatic outpost in Kandahar indicated it had failed to get from the Taliban, either directly or through interlocutors, even the minimum assurance of safety for its personnel at the consulate.* It is debatable if India should be making the effort to make contact at all with such a group, or, alternatively, if it should have done so earlier, at the time when the Trump administration launched serious efforts at negotiations with the group, back in 2017. But then, India appeared to believe that the Americans would never leave, and was also misled by the Blinken plan that urged a regional consensus in Afghanistan under the auspices of the United Nations. But all this is academic now. *As the Russian deputy envoy to Delhi has been quoted as saying, the Taliban are the current reality of Afghanistan, and it is for India to decide what role it wants to play.* Much hope is being set on the Doha talks between the Taliban and representatives of the Afghan government. But even on the outside chance that these "intra-Afghan" talks might lead to a political resolution, the Taliban, with their military ascendancy, are likely to call the shots in a future dispensation. For now, Delhi can only wait, and hope that the Taliban can be persuaded by its backers in Rawalpindi and elsewhere not to target the infrastructure projects India built over the last two decades.

INDIA'S AFGHAN INVESTMENT

As the Taliban push ahead with military offensives across Afghanistan, preparing to take over after the exit of US and NATO forces, India faces a situation in which it may have no role to play in that country, and in the worst case scenario, not even a diplomatic presence. That would be a reversal of nearly 20 years of rebuilding a relationship that goes back centuries. Afghanistan is vital to India's strategic interests in the region. *It is also perhaps the only SAARC nation whose people have much affection for India. After a break between 1996 and 2001, when India joined the world in shunning the previous Taliban regime (only Pakistan, the UAE, and Saudi Arabia kept ties), one way New Delhi re-established ties with the country in the two decades after the 9/11 attacks was to pour in development assistance, under the protective umbrella of the US presence.* This was timely help. After five years of near-mediaeval rule by the Taliban from 1996, preceded by a half a dozen years of fighting among mujahideen warlords following the Red Army's withdrawal in 1989 — the decade before that too was of fighting as the US-backed, Pakistan-trained mujahideen took on



the Soviet military — Afghanistan was in ruins. India built vital roads, dams, electricity transmission lines and substations, schools and hospitals, etc. India's development assistance is now estimated to be worth well over \$3 billion. And unlike in other countries where India's infrastructure projects have barely got off the ground or are mired in the host nation's politics, it has delivered in Afghanistan. The 2011 India-Afghanistan Strategic Partnership Agreement recommitted Indian assistance to help rebuild Afghanistan's infrastructure and institutions; education and technical assistance for capacity-building in many areas; encourage investment in Afghanistan; and provide duty-free access to the Indian market. Bilateral trade is now worth \$1 billion.

Projects across the country

Speaking at the Afghanistan Conference in Geneva in November 2020, External Affairs Minister S Jaishankar said "no part of Afghanistan today is untouched by the 400-plus projects that India has undertaken in all 34 of Afghanistan's provinces". The fate of these projects is now up in the air.

SALMA DAM: Already, there has been fighting in the area where one of India's high-visibility projects is located — the 42MW Salma Dam in Herat province. The hydropower and irrigation project, completed against many odds and inaugurated in 2016, is known as the *Afghan-India Friendship Dam*. In the past few weeks, the Taliban have mounted attacks in nearby places, killing several security personnel. The Taliban claim the area around the dam is now under their control.

ZARANJ-DELARAM HIGHWAY: The other high-profile project was the 218-km Zaranj-Delaram highway built by the Border Roads Organisation. *Zaranj is located close to Afghanistan's border with Iran*. The \$150-million highway goes along the Khash Rud river to Delaram to the northeast of Zaranj, where it connects to a ring road that links Kandahar in the south, Ghazni and Kabul in the east, Mazar-i-Sharif in the north, and Herat in the west. *With Pakistan denying India overland access for trade with Afghanistan, the highway is of strategic importance to New Delhi, as it provides an alternative route into landlocked Afghanistan through Iran's Chabahar port*. Jaishankar told the November 2020 Geneva Conference that India had transported 75,000 tonnes of wheat through Chabahar to Afghanistan during the pandemic. Over 300 Indian engineers and workers toiled alongside Afghans to build the road. According to a Ministry of External Affairs publication, 11 Indians and 129 Afghans lost their lives during the construction. Six of the Indians were killed in terrorist attacks; five in accidents. India has also built several smaller roads.

PARLIAMENT: The Afghan Parliament in Kabul was *built by India at \$90 million*. It was opened in 2015; Prime Minister Narendra Modi inaugurated the building. In an expansive speech about India-Afghanistan friendship — he quoted Rumi, who was born in Balkh, Afghanistan, and the immortal Yaari hai imaan mera yaar meri zindagi from Zanjeer, featuring Pran in the role of Sher Khan, the Pathan — Modi described the building as India's tribute to democracy in Afghanistan. A block in the building is named after former PM AB Vajpayee.

STOR PALACE: In 2016, *Afghan President Ashraf Ghani and Prime Minister Modi inaugurated the restored Stor Palace in Kabul, originally built in the late 19th century, and which was the setting for the 1919 Rawalpindi Agreement by which Afghanistan became an independent country*. The building housed the offices of the Afghan foreign minister and the ministry until 1965. *In 2009,*



India, Afghanistan, and the Aga Khan Development Network signed a tripartite agreement for its restoration. The Aga Khan Trust for Culture completed the project between 2013 and 2016.

POWER INFRA: Other Indian projects in Afghanistan include the rebuilding of power infrastructure such as the 220kV DC transmission line from Pul-e-Khumri, capital of Baghlan province to the north of Kabul, to beef up electricity supply to the capital. Indian contractors and workers also restored telecommunications infrastructure in many provinces.

HEALTH INFRA: India has reconstructed a children's hospital it had helped build in Kabul in 1972 — named *Indira Gandhi Institute for Child Health in 1985* — that was in a shambles after the war. *'Indian Medical Missions' have held free consultation camps in several areas. Thousands who lost their limbs after stepping on mines left over from the war have been fitted with the Jaipur Foot.* India has also built clinics in the border provinces of Badakhshan, Balkh, Kandahar, Khost, Kunar, Nangarhar, Nimruz, Nooristan, Paktia and Paktika.

TRANSPORTATION: According to the MEA, India gifted 400 buses and 200 mini-buses for urban transportation, 105 utility vehicles for municipalities, 285 military vehicles for the Afghan National Army, and 10 ambulances for public hospitals in five cities. It also gave three Air India aircraft to Ariana, the Afghan national carrier, when it was restarting operations.

OTHER PROJECTS: India has contributed desks and benches for schools, and built solar panels in remote villages, and Sulabh toilet blocks in Kabul. New Delhi has also played a role in building capacity, with vocational training institutes, scholarships to Afghan students, mentoring programmes in the civil service, and training for doctors and others.

ONGOING PROJECTS: At the Geneva Conference in November, Jaishankar announced that *India had concluded with Afghanistan an agreement for the construction of the Shatoot Dam in Kabul district, which would provide safe drinking water to 2 million residents.* He also announced the start of some 100 community development projects worth \$80 million. Last year, *India pledged \$1 million for another Aga Khan heritage project, the restoration of the Bala Hissar Fort south of Kabul, whose origins go back to the 6th century. Bala Hissar went on to become a significant Mughal fort, parts of it were rebuilt by Jahangir, and it was used as a residence by Shah Jahan.*

Bilateral trade relations

Despite the denial of an overland route by Pakistan, India-Afghanistan trade has grown with the establishment in 2017 of an air freight corridor. *In 2019-20, bilateral trade crossed \$1.3 billion, Afghan government officials said at a recent interaction with Indian exporters in Mumbai. The balance of trade is heavily tilted — exports from India are worth approximately \$900 million, while Afghanistan's exports to India are about \$500 million.* Afghan exports are mainly fresh and dried fruit. Some of this comes overland *through the Wagah border; Pakistan has permitted Afghan trade with India through its territory.* Indian exports to Afghanistan take place mainly through government-to-government contracts with Indian companies. Exports include pharmaceuticals, medical equipment, computers and related materials, cement, and sugar. Two air corridors — Kabul-Delhi and Herat-Delhi — are in operation now. *Trade through Chabahar started in 2017 but is restricted by the absence of connectivity from the port to the Afghan border.* Trade volumes are minuscule.



NATION

VIETNAM APPOINTS FIRST HONORARY CONSUL IN INDIA

As part of Vietnam's efforts to deepen cooperation with various States, industrialist N.S. Srinivasa Murthy, based in Bengaluru, has been appointed Honorary Consul-General of Vietnam for Karnataka. "He is the first Honorary Consul-General of Vietnam from India and the 19th across the world. He is the third Consul-General to be appointed globally this year," said Vietnamese Ambassador in India Pham Sanh Chau, addressing a small gathering amid COVID-19 protocols. The appointment is for a period of three years. Mr. Murthy is the owner and managing partner of N. K. Subbiah Setty & Sons, which has been manufacturing agarbattis (incense sticks) since 1932. Speaking at the event, Mr. Murthy said his endeavour will be to promote trade between Vietnam and South India and in particular Karnataka.

Bilateral ties

In a telephonic conversation on Saturday, Prime Minister Narendra Modi congratulated Pham Minh Chinh on his appointment as Prime Minister of Vietnam and expressed confidence that the India-Vietnam Comprehensive Strategic Partnership (CSP) will continue to become stronger under his able guidance. "PM Modi welcomed the fact that both countries share a similar vision of an open, inclusive, peaceful and rules-based Indian Ocean Region, and hence the India-Vietnam CSP can contribute to promote regional stability, prosperity and development," statement from the Ministry of External Affairs said.

ENDING THE IMPASSE

India's relations with China have been in deep freeze for over a year. The crisis on the LAC remains unresolved, and tens of thousands of soldiers from both sides still remain deployed in forward areas. *Against this backdrop, Wednesday's meeting between External Affairs Minister S. Jaishankar and his Chinese counterpart Wang Yi in Dushanbe assumes significance.* Their last meeting in Moscow, in September 2020, took place in the aftermath of the Galwan Valley clash and at a time of a tinderbox-like situation south of Pangong Lake, with troops and artillery dangerously close to each other on the heights of the Kailash Range. *A political agreement then paved the way for both sides to disengage in February, but the agreements in Galwan and Pangong Lake, where both sides have put in place no-patrolling zones, have not been followed at other disputed sites, in Depsang, Demchok, Gogra and Hot Springs.* Will the Dushanbe meeting similarly break the impasse? The initial readouts from both sides do not inspire confidence. Mr. Jaishankar said the unresolved situation was "visibly impacting the relationship in a negative manner" and "assessing the overall relationship", it was peace on the border that provided "the foundation for the development of ties since 1988" when the post-1962 freeze ended. Mr. Wang did not appear to view the boundary dispute with the same seriousness, instead calling for it to be kept "in an appropriate place" while "expanding the positive momentum of bilateral cooperation". Where both sides did agree is in their assessment, as Mr. Jaishankar put it, that "a prolongation of the existing situation was not in the interest of either side". The difference from Moscow to Dushanbe is that China, which last year was equally concerned after India's counter-deployments to take the heights of the Kailash Range where even shots were fired in warning — the first firing since 1975 — now appears to be in no

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



hurry to restore the status quo elsewhere. *India, having declared that normalcy cannot be possible without disengagement and de-escalation and signalled its intent with measures including scrutiny on Chinese investments — bilateral trade, however, is still booming beyond pre-pandemic levels thanks to huge imports of medical supplies — will now have to stay the course to underline its resolve on restoring the status quo.* Mr. Wang also said that Beijing's "strategic judgment on China-India relations remains unchanged". Whether China's PLA, which has been dragging its feet on negotiations to restore the LAC status quo since February, shares that judgement remains to be seen. The only way for Beijing to demonstrate that is indeed the case will be to resume negotiations on the LAC at the earliest. *Unless a full restoration of peace and a de-escalation on the borders happen, the relations in all other spheres will remain cloaked in distrust.*

DON'T SEEK SURRENDER OF THOSE ON INTERIM BAIL

The Supreme Court on Friday directed the States to not, for the time being, ask for the surrender of prisoners released on interim bail during the second wave of the pandemic to decongest prisons. "For the time being, they should not be asked to surrender until further orders," a Special Bench led by Chief Justice of India (CJI) N.V. Ramana ordered. The CJI Bench ordered the NALSA and the State governments to submit a detailed report on the criteria/norms considered by the respective High Powered Committees for releasing prisoners on interim bail. Copies of the report should be served to the Union government and amicus curiae, senior advocate Dushyant Dave. The court listed the case for hearing on Friday. *In early May, the court turned a humanitarian eye to the over four lakh prison population trapped inside overcrowded jails even as a surging second wave led to huge loss of lives.* Then, a Bench led by the CJI observed that "India has more than four lakh prison inmates. It is observed that some of the prisons in India are overburdened and are housing inmates beyond optimal capacity.... The requirement of decongestion is a matter concerning the health and right to life of both the prison inmates and the police personnel working".

'Limit arrests'

The court had even ordered the police to limit arrests during the pandemic to prevent overcrowding of jails and urged magistrates to not order detention in a mechanical manner in cases involving the punishment of less or up to seven years' imprisonment. It had further ordered special committees or 'High-Powered Committees' constituted in most States and Union Territories to screen prisoners and release them on interim bail. The order had also taken into consideration those released on interim bail in the first wave of the pandemic in 2020. The court had ordered them to be freed "forthwith". 90% of inmates released last year had returned to their prisons in February and March 2021. More importantly, *the court had also taken into consideration the plight of prisoners too scared to return home, though eligible for release on interim bail or parole, owing to their social circumstances or simply because they were afraid they would get infected with COVID-19 while outside.* In such cases, the court ordered proper medical facilities, immediate treatment and regular tests for both inmates and jail staff. It said maintenance of daily hygiene in prisons should be put at a premium.



BAIL ORDERS WILL BE SENT INSTANTLY TO JAIL AUTHORITIES

Chief Justice of India N.V. Ramana on Friday said people given bail by courts, even by the Supreme Court, have to wait for days before prison authorities release them. "It is just too much," he said. The Chief Justice, heading a Special Bench, voiced the Supreme Court's exasperation at prison authorities who insist on receiving by hand the "authentic" hard copy of the bail order regardless of the fact that the personal liberty of people suffers. "In this age of information and communication technology, we are still looking at the skies for the pigeons to communicate the orders," Chief Justice Ramana remarked orally. So, as a solution, the Chief Justice, flanked by Justices L. Nageswara Rao and A.S. Bopanna, announced in open court the rolling out of a new scheme called 'FASTER' or 'Fast and Secure Transmission of Electronic Records' by which the Supreme Court would instantly, directly, securely and electronically transmit bail and other orders to jail authorities, district courts and High Courts. Attorney General K.K. Venugopal appreciated the court's initiative.

Net connectivity

When Solicitor General Tushar Mehta said orders anyway were uploaded on the court website, Justice Rao said "the idea behind the scheme is to transmit orders securely". The Bench asked State governments to file their reports about the Internet connectivity in their jails to prevent technical glitches in future. The Secretary General of the Supreme Court was directed to submit a comprehensive report formulating the scheme within two weeks. *The hearing was based on a suo motu case, 'In Re: Delay in release of convicts after grant of bail', registered on the initiative of Chief Justice Ramana to confront the problem which affects the liberty and dignity of prisoners. Recently, 13 prisoners in Agra Jail, who suffered imprisonment for up to two decades despite the Juvenile Justice Board declaring them 'juveniles' at the time of commission of their crimes, were granted bail by the Supreme Court on July 8, but were released by the prison authorities after a delay of four days. Again, Pinjra Tod activists Devangana Kalita and Natasha Narwal and Jamia Millia Islamia student Asif Iqbal Tanha walked out of Tihar Jail nearly two days after the Delhi High Court granted them bail. The Supreme Court has made concerted moves in the recent months to de-congest prisons amid the COVID-19 pandemic. In May, a Bench led by Chief Justice Ramana had ordered the police to limit arrests during the pandemic to prevent over-crowding in jails and urged courts to not order detention in a mechanical manner.*

BRING IN WOMEN'S RESERVATION BILL

Ahead of the monsoon session that begins on Monday, the Trinamool Congress has raised the demand of bringing the long-pending Women's Reservation Bill to Parliament. The Bill that seeks to reserve one-third of all seats for women in the Lok Sabha and the Legislative Assemblies was introduced in the Rajya Sabha in May 2008 by the UPA government and was referred to a standing committee. In 2010, it was passed in the House and transmitted finally to the Lok Sabha. The Bill lapsed with the 15th Lok Sabha. "It's time we bring the Women's Reservation Bill. The BJP, in its election manifestos of 2014 as well as 2019, had promised to bring in the Bill. So why have they not delivered so far," TMC's Parliamentary Party leader in the Rajya Sabha Derek O' Brien said on Friday. The TMC, among other issues, would raise this in the monsoon session, he asserted. Mr. O' Brien pointed out that 41% of the party's members of the Lok Sabha and 36% in the Rajya Sabha



were women. In contrast, only 14% of the BJP members of the Lok Sabha and 11% in the Rajya Sabha were women.

AN IRRATIONAL DRAFT POPULATION CONTROL BILL THAT MUST GO

Many of us working in the field of public health and social development have been taken aback, if not downright shocked, by the recently announced draft *Uttar Pradesh Population (Control, Stabilization and Welfare) Bill, 2021* (<https://bit.ly/3eoMRh3>) that focuses exclusively on making a two-child norm a law, specifying various incentives and penalties for contravention. The burgeoning negative reaction to this proposal derives from a variety of inherent dangers, but also because most experts would agree that the conceptual clarity *on 'development being the best contraception' and the irrationality of incentives-disincentives had been, ostensibly, long settled*. As early as 1994, the Programme of Action of the International Conference on Population and Development (UN 1994); to which India is a signatory, strongly avers that coercion, incentives and disincentives have little role to play in population stabilisation and need to be replaced by the principle of *informed free choice*. This principle is also echoed in the *National Population Policy 2000, which unequivocally supports a target-free approach and explicitly focuses on education, maternal and child health and survival, and the availability of health-care services, including contraceptive services, as key strategies for population stabilisation*. The logic and rationale for this global and national articulation against incentives and disincentives, and in favour of the developmental measures mentioned above applies as much to Uttar Pradesh and other States today as they did when these policies were formulated.

Signs of stabilisation

Consider the rationale below with the facts as they stand:

The population of India, and Uttar Pradesh is on the road to stabilisation regardless of coercive policies such as the two-child norm. The fertility rate for Uttar Pradesh (National Family Health Survey, or NFHS-4) is 2.7, compared to 3.8 10 years ago (NFHS-3). This trend is correlated with improvements in health indicators for the State, such as infant mortality rate (IMR), maternal mortality ratio (MMR) and malnutrition, in the same period. *There are many States that have attained the replacement-level fertility rate of 2.1 by NFHS-4 such as Andhra Pradesh, Gujarat, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Odisha, Telangana, Tamil Nadu, Uttarakhand, West Bengal (excluding Union Territories and some northeastern States); all of which have much better development indicators*. For instance, by NFHS-4, child mortality rate in Uttar Pradesh is 78 compared to seven in Kerala and 27 in Tamil Nadu. Women with 10 or more years of schooling stand at 33% in Uttar Pradesh compared to 72% in Kerala and 50% in Tamil Nadu. Thus, *there is much scope for acceleration of population stabilisation through better delivery of health and education services*.

Issue of child sex ratios

Second, one of the greatest concerns with coercive policies such as the two-child norm is their *potential impact upon child sex ratios* in a society that has such a high preference for male children. That this concern is only too real is well demonstrated by the *example of China* that had to detract from its stringent one-child norm, first in favour of a two-child norm and then to remove targets



altogether, after experiencing a disastrous reduction in its child sex ratio. Considering that Uttar Pradesh is amongst the worst across Indian States, with the *lowest child sex ratio of 903 compared with 1,047 in Kerala and 954 in Tamil Nadu*, and that; *unlike other development indicators, this has deteriorated in NFHS-4 compared to NFHS-3, why it would want to take such a foolhardy misstep is hard to understand*. The *correlation between poor socioeconomic status and family size also impacts the potentially discriminatory effect of the proposed measures upon communities that house the poorest of the poor, such as the religious minorities and Dalits, as already pointed out by many. Leaving these communities out of political and administrative spaces as well as curtailing their access to welfare is hardly likely to advance any kind of social justice or equity*. In our experience with poor communities that are often blamed for not exerting population control, a vast majority are keen to receive and actively seek contraceptive services. *With an unmet need of 18% in Uttar Pradesh (as compared to, for example, 10% in Tamil Nadu), it is the State that is failing to provide a service at all to almost a fifth of its people that actively seek it, and services with quality to a far higher percentage*. If the law has to be used to correct the situation, why do we not see a move to enact 'the Right to Healthcare' as being demanded by health groups for decades? And why do we not find penalties upon the State for failing to provide services on demand within a reasonable period of time within this law itself? We still have memory of hundreds of lives needlessly lost and human rights violations in almost criminal sterilisation 'camps' that the Supreme Court of India had to step in to regulate (Devika Biswas vs Union of India & Others, Petition No. 95 of 2012). Most recently, a disabled man from a village in Uttar Pradesh was lured into going for a COVID-19 vaccination and was forcibly sterilised instead to fulfil targets.

A wrong path to follow

Clearly, as is evident in so many antiquated 'control' measures the state has been displaying in recent times, *the Government has no trust in the ability of its citizens to take well-reasoned steps for their own welfare*. Rather than do its job as a supporter of these decisions, and a duty bearer towards their rights, *the state visualises itself as a paternal figure that must 'control' a recalcitrant immature populace at best, and a policeman wielding the law as an instrument of imperiousness at worst*. This irrational and ill-considered proposed Act should be retracted forthwith if the Uttar Pradesh government has any appreciation for the collective understanding based on decades of scientific evidence of what does and does not work for population stabilisation. *Instead, we are seeing other State governments displaying signs of following its lead*. Clearly, *it is easier for our governments to blame the victims of maldevelopment and apply penalties upon them than be held accountable for their own failures in delivering basic services of health and education*.

MAKING WELFARE CONDITIONAL IS A STAMP OF COERCION

The draft Bill echoes the U.P. government's new policy in claiming that the State's ecological and economic resources are limited. According to it, unless population growth is regulated, the State will be unable to guarantee the provision of basic rights to all citizens. It also invokes some of the now-usual buzzwords: sustainable development, it says, cannot be achieved without government-imposed birth control. To these ends, the draft postulates an array of measures. *It promises public servants who undergo sterilisation and adopt a two-child norm several benefits*. These include two increments during their service, *subsidy towards the purchase of a house, maternity, or paternity leave, with full salary and allowances, as the case may be, for up to 12 months, and free health care*



and insurance coverage for the spouse. This is as far as the “incentives” go. The draft Bill also contains a list of punishments. It terms these euphemistically as “disincentives”. *A person who breaches the two-child norm will be debarred from securing the benefit of any government-sponsored welfare scheme and will be disqualified from applying to any State government job. Existing government employees who infringe the rule will be denied the benefit of promotion.* And last, transgressing individuals *will be prohibited from contesting elections to local authorities and bodies.* It is worth pondering over whether regulation of population is necessary at all. But assuming such regulation is a legitimate governmental aim, the first question that we must ask of the new proposal is: why. After all, *experiences from other States in India show us that there are more efficacious and alternative measures available to control the growth of population, including processes aimed at improving public health and access to education.* Indeed, the Union Ministry of Health and Family Welfare conceded as much before the Supreme Court late last year. Through an affidavit filed in court, the central government argued that “international experience shows that any coercion to have a certain number of children is counter-productive and leads to demographic distortions”. *The Government further confirmed that India was committed to its obligations under international law, including the principles contained in the International Conference on Population and Development Programme of Action, 1994.*

Pledge on right

Foremost in those principles was a pledge from nations that they would look beyond demographic targets and focus instead on guaranteeing a *right to reproductive freedom*. Since then, in India, the Supreme Court of India has recognised this right as an inalienable promise. *In Suchita Srivastava & Anr vs Chandigarh Administration (2009), the Court found that a woman's freedom to make reproductive decisions is an integral facet of the right to personal liberty guaranteed by Article 21.* “It is important,” the Court wrote, “to recognise that reproductive choices can be exercised to procreate as well as to abstain from procreating”. *This ruling was endorsed by the Supreme Court's nine-judge Bench verdict in K.S. Puttaswamy vs Union of India (2017).* A reading of the plurality of opinions there shows us that the Constitution sees a person's autonomy over her body as an extension of the right to privacy. In his judgment, Justice D.Y. Chandrachud held that privacy partakes different connotations. These include decisional autonomy, which comprehends, among other things, liberty over “intimate personal choices such as those governing reproduction”. Justice S.K. Kaul similarly declared in his separate judgment that the right to procreation was an important constituent of “the privacy of the home”. Like all other fundamental rights, the right to privacy is not boundless. But, *as Puttaswamy clarifies, any restriction placed on the right must conform to a doctrine of proportionality. This requires first, that the limitation be rooted in statute; second, that the state show us that the objective of its law is founded on a legitimate governmental aim; third that there are no alternative and less intrusive measures available to achieve the same objective; and fourth, that there exists a rational connection between the limitation imposed and the aims of the statute.* The logic here is simple: in pursuing public interest, it is essential that governments ensure that individual liberties are encroached upon to the lowest degree possible. A simple reading of U.P.'s draft law will show us that, if enacted, it will grossly impinge on the right to reproductive freedom. The government will likely argue that there is no violation of privacy here because any decision on sterilisation would be voluntary. But, as we ought to by now know, making *welfare conditional is a hallmark of coercion*. If we want the idea of India as a welfare state to mean something, *the right to access basic goods cannot be made provisional on a person*



sacrificing her bodily autonomy. By all accounts, therefore, the proposed law will fall foul of a proportionality analysis. If nothing else, the Union government's concession in the Supreme Court demonstrates that *there are several alternative, less-intrusive means available to regulate population.*

Negative consequences

But the new proposal is also worrying because it is likely to bring with it a host of other deleterious consequences. For instance, *an already skewed sex ratio may be compounded by families aborting a daughter in the hope of having a son with a view to conforming to the two-child norm.* The law could also lead to a proliferation in sterilisation camps, a practice that the Supreme Court has previously deprecated. *In Devika Biswas vs Union of India (2016), the Court pointed to how these camps invariably have a disparate impact on minorities and other vulnerable groups.* As is so often the case with bad laws in India, though, this draft Bill may find support from some past judgments of the Supreme Court. In this case, *the Government may point to the judgment in Javed & Ors vs State of Haryana & Ors (2003), where the Court upheld a law that disqualified persons with more than two children from contesting in local body elections.* But not only is the present proposal far more disproportionate — in that it virtually sanctions civil death for those that violate the norms it fixes — the judgment in Javed can no longer be seen as good law. For one thing, its reasoning flies in the face of Puttaswamy. But as rousing as the nine-judge Bench verdict is, its legacy depends on how its findings are applied. For the judgment to have tangible value and meaning, any law of this kind, which invades upon our most personal and ethical choices, must be seen as repugnant to the Constitution.

TAPPING ON THE POTENTIAL OF THE YOUTH

World Population Day is marked on July 11 every year to focus attention on the importance of population-related issues. It was first observed by the United Nations Development Programme (UNDP) in 1989 and aims to raise the discourse on sustainable ways to safeguard each life that adds up to a population. As flagged by a UNDP report last year, and subsequently in a global study by The Lancet, *India will stabilise its population 12 years earlier than expected. Therefore, the window India has to leverage its 'demographic dividend' is narrower than we had thought. Fears of a 'population explosion' are misplaced; instead, it is critical that we focus our attention on safeguarding young people's well-being because India's welfare hinges on them.*

Impact of the pandemic

At 253 million, India's adolescent population is among the largest. Over 62% of India is aged between 15 and 59 years, and the median age of the population is less than 30 years. India's 'demographic dividend' represents the potential for economic growth based on the age structure of the population. However, *transforming this potential into reality requires adolescents and the youth to be healthy and well-educated.* Even before COVID-19 caused country-wide school closures, India's underfunded education system was inadequately equipped to provide the skills young people need to take advantage of emerging employment opportunities. *According to the World Bank, public expenditure on education constituted 4.4% of GDP in 2019 and only 3.4% of GDP in 2020. Another report revealed that India stands 62nd in terms of public expenditure per student, and fares badly in quality of education measures such as student-teacher ratios.* Coupled with the impact of



COVID-19, this paints a bleak picture of the state of education today. In India, more than 32 crore students have been affected by the nationwide lockdown due to COVID-19. Of these, about 15.8 crore are female. The number of schoolgirls who are impacted is 158 million and many of those who have dropped out are unlikely to go back to school. *Schools have remained closed even in remote areas where the effect of the pandemic has been minimal. Studies show that school closures have a serious impact on the lives and mental well-being of children. The impact of the pandemic on adolescents has been severe.* A survey by the International Labour Organization reveals that *65% of adolescents worldwide reported having learnt less during the pandemic, and 51% felt that their learning would be further delayed.* It also highlighted that adolescent mental well-being has taken a big blow, with 17% of young people likely to be suffering from anxiety and depression. It is important, therefore, for policymakers to balance the risks of transmission through children with the harm of prolonged school closures. *By prioritising the vaccination of teachers and school support staff and also allowing a decentralised approach where district-level officials may reopen schools based on local COVID-19 transmission rates, schools could be opened in a safe and phased manner.* In Odisha, for example, community schools have re-opened in some areas. Students wear face masks and sit physically distanced from each other outdoors under sheds or tents. *With some innovation and creativity, opening schools with a mix of online and offline options could be an important step to addressing the learning needs and mental well-being of adolescents. Increased poverty levels during the pandemic may well have led to a worrying spurt in early marriages of girls in India.* As demographers like Shireen Jejeebhoy note, *while child marriage as a strategy to address household poverty has been noted in India in general, it has registered an alarming rise during the pandemic.* This is linked with increases in gender-based violence. *Adolescent girls are at high risk during times like these, given their vulnerability to abuse and trafficking, especially if primary caregivers fall ill or die.* Restricted mobility due to lockdowns puts girls at risk of violence at home at the hands of caregivers or partners. *The impact of the crisis on adolescents, especially girls, is of gigantic proportions,* but the problem is not irredeemable, provided we display firm commitment to implementing quick and effective strategies to overcome the challenges.

The way forward

We are living through a global crisis and the road ahead is uncertain. This will have long-standing effects on adolescents and youth. Recognising that COVID-19 has affected all dimensions of the lives of youth, collaborative actions by key ministries, government agencies, and civil society will be central to developing a holistic and meaningful solution. It is imperative that we have in place mechanisms for better inter-sectoral collaboration as we move to safeguard the futures of our adolescents. *School mid-day meals, for example, exemplify how improved nutrition benefits learning. Not only do they provide an incentive for parents to send their children to school on the assurance of one nutritious meal; they also provide the calorie intake required to stay alert in the classroom. Studies have established strong links between nutrition and cognitive scores among teenagers.* Coordination across departments can enable better solutions and greater efficiencies in tackling the crisis that our adolescents face. Much could be gained if the Ministry of Education took steps to ensure that adolescents, especially girls, continue their education during the pandemic. Simultaneously, the Ministry of Health and Family Welfare must collaborate with the Education Ministry to disseminate key information to help adolescents safeguard their health and ability to learn. *Given that school closures have impacted access to schemes such as the delivery of menstrual hygiene products to adolescents, teachers can work as volunteers for collaborating with frontline*



health workers to distribute sanitary napkins to girls. To address the mental health of adolescents, the Health and Education Ministries should strengthen outreach via existing helplines and by enabling conversations on critical issues regarding their reproductive and sexual health. *There is enough academic research to demonstrate how the demographic dividend contributed to growth in other countries, especially during East Asia's economic miracle of 1965-1990. During that period, East Asia's working age population grew at a faster rate than its dependent population, thereby expanding the per capita productivity of these economies. This occurred because East Asian countries developed social, economic, and political institutions and policies that allowed them to realise the growth potential created by the transition.* Improving the lives of our adolescents in mission mode would lift their lives, but also generate a virtuous cycle with healthier and educated young adults contributing substantially to securing India's future.

THE UPCOMING CRISIS IN INDIAN FEDERALISM

The Indian Constitution may face an unprecedented crisis in 2026 when there will be a dramatic change in the composition of the Lok Sabha. Since 1976, seats in the Lok Sabha have reflected the 1971 census and have not taken into account changes in the population. The primary reason for this has been unequal population growth among States. India's most highly developed and prosperous States have been successful at family planning, while the poorer States continue to expand. *The freeze was thus a chance to ensure that India's most successful States are not punished politically for their success. Post 2026, when this compact ends, there will be a seismic shift in national power towards India's poorest and most populated States, which is sure to generate much resentment among the States that will lose political and economic power and influence.* This calls for a realignment in the balance between the democratic principle and the federal principle in the Indian Constitution.

The essence of the Union

As Article 1 of the Indian Constitution says, India is a Union of States. The choice of words is deliberate: it is the several States that, together, make up the Indian Union. Admittedly, unlike in other federations, there is no separate State citizenship or State Constitutions. However, one need only study the history that led up to the linguistic reorganisation of States in 1956, and to subsequent movements for Statehood afterwards, to understand that States are distinct associative communities, within the federal structure of the Indian Union. Indeed, in a polity as plural as ours – linguistically, culturally, and ethnically – it could not be any other way.

Big versus small States

Having established, thus, that States are important, self-contained units within the Indian constitutional scheme, we must turn to an inherent contradiction between the principles of democracy and federalism, when federal units are unequal in size, population and economics. This is easy to comprehend. *In a democratic set up, all citizens are equal and are thus entitled to equal representation in governance. But this would imply that bigger States are likely to dominate the national conversation over smaller States.* Small States fear that they would get a smaller share of the pie economically, a much reduced say in national issues, and be irrelevant in the political governance of the country. In order to assuage this legitimate fear, federal democracies have incorporated into their governing structures various kinds of compromises to ensure a balance



between democratic principles and federal ones. For example, when the Americans adopted their Constitution, they protected smaller States in four ways. *First, national powers over the States were limited. Second, each State regardless of size had two seats in the Senate, giving smaller States an outsized role in national governance. Third, Presidents are elected by electoral votes, which means they must win States rather than the total national population. Fourth, and deplorably, the slave-owning States which did not confer citizenship on slaves were allowed to count the slaves for purposes of representation, with each slave being counted as three-fifths of a person.* This essential structure remains the bedrock of the American Constitution today, though the Americans have rid themselves of slavery (fortunately) and have dramatically increased the scope of federal intervention. This federal structure has led to the severing of causal links between the national vote and presidential elections. Presidents George W. Bush and Donald Trump won without winning the popular vote. The current movement to remove the power of a minority to filibuster legislation is based on democratic principles seeking to mitigate the pathology of excessive federalism: indeed, *the American structures of government go so far in the other direction, that they have been accused of essentially facilitating and entrenching minority rule through the Senate, which favours rural, sparsely populated States that are also predominantly white.*

The Indian structure

Other federations (Switzerland and Belgium come to mind) have adopted other — less extreme — forms of reconciliation. However, India's quasi-federal structure has always been sui generis. *Our founders knew that India's diversity made federalism inevitable, but, fearing fissiparous tendencies among States that had never been a single political unit, they also created a strong centre.* While history has been chequered, the fears for Indian national unity simply on the basis of giving States greater powers have proven to be unfounded — and if at all, it has been the other way. The 1956 reorganisation of States on linguistic lines was a popular recognition of federal principles and yet did not result in separatist tendencies. Since then, new States within the Union have been created in response to the demands of people for greater autonomy. *In India, any clash between federal principles and democracy will inevitably also have linguistic, religious and cultural implications and may result in new forms of sub-regional chauvinism.* Thus, there is an urgent need to reimagine our national compact — *another freeze will only kick this thorny issue down the road and will continue to perpetuate an increasingly undemocratic set up.*

Fine-tune these elements

We have the components of such a new balance that need to be fine-tuned to Indian realities. First, the powers of States vis-à-vis the Centre contained in the Lists and in the provisions dealing with altering boundaries of States must be increased to assuage the fear of smaller States that they will be dominated by bigger ones. There is no reason to believe that empowering our States would cause national disintegration. On the contrary, more localised decision-making is bound to increase national prosperity. Indeed, this was the entire goal of the creation of Panchayat governance through the 73rd and 74th Amendments to the Constitution, whose promise remains — unfortunately — unrealised. Second, *the role and composition of the Rajya Sabha, our House of States, must be expanded. This would allow smaller States a kind of brake over national majoritarian politics that adversely impact them.* Third, constitutional change and the change in financial redistribution between the States must require the consent of all or nearly all States (the fate of the Goods and Services Tax, or GST, serves as a salutary warning in this regard). Constitutional



provisions dealing with language and religion must also be inviolate. *If India is a joint venture between majority and minority shareholders, the minority must be protected by a comprehensive list of “consensus items” that require unanimity — or at least, a super-majority — and not simple majority.* Fourth, serious thought must be given to breaking up the biggest States into smaller units that will not by themselves dominate the national conversation.

Competing claims

The unity of India is, of course, the fundamental premise underlying this discussion; but this unity does not depend on an overbearing Centre for its survival. National bonds of affection and patriotism will not be severed by devolution of powers though they will be at least severely strained when one part of the country is empowered over another. Lampedusa’s *Il Gattopardo* contains the memorable quote, Everything must change for everything to remain the same. This includes the question of how we are to balance the competing claims of democracy and federalism, in the years to come.

SC SENDS STRONG MESSAGE TO GOVERNMENT

Chief Justice of India N.V. Ramana’s remarks in open court on Thursday sends a strong message to the government that the Supreme Court is prima facie convinced that sedition is being misused by the authorities to trample upon citizens’ fundamental rights of free speech and liberty. The Chief Justice has sent a clear signal that Section 124A (sedition) of the Indian Penal Code may have passed its time. The CJI has made it clear that the court is sensitive to the public demand to judicially review the manner in which law enforcement authorities are using the sedition law to control free speech and send journalists, activists and dissenters to jail, and keep them there. In a way, *the court has questioned the need for the continuance of Section 124A — a colonial provision which was used to jail the Mahatma — in the law books of a modern democracy.* This is *a step away from the court’s own Kedar Nath judgment of 1962 which had upheld Section 124A but read it down to mean any subversion of an elected government by violent means.* The court will have to re-examine whether this 59-year-old judgment holds in the modern context when the State is itself using a punitive law to impose serious burdens on free speech. The CJI’s reference to low conviction rates under the sedition law resonates with a petition filed by senior journalist Sashi Kumar, highlighting the “dramatic jump in charging a person with the offence of sedition since 2016”. *“In 2019, 93 cases were on the ground of sedition as compared to the 35 cases that were filed in 2016. The same constitutes a 165% increase. Of these 93 cases, chargesheets were filed in a mere 17% of cases and even worse, the conviction rate was an abysmally low 3.3%,”* Mr. Kumar, represented by advocate Kaleeswaram Raj, noted. *The National Crime Records Bureau reports show that in 2019, 21 cases of sedition were closed on account of no evidence, two were closed for being false cases and six cases held to be civil disputes.* Mr. Kumar referred to the sedition cases registered against climate activist Disha Ravi, filmmaker Aisha Sultana and journalists Vinod Dua and Siddique Kappan.

‘Defining limits’

The CJI’s observations culminates the resolve shown by the court in recent months to examine the sedition law. In May, Justice D.Y. Chandrachud said “it is time to define the limits of sedition”. *The judge had flagged the indiscriminate use of the sedition law against people who aired their*



grievances about the government's COVID management, or even for seeking help to gain medical access, equipment, drugs and oxygen cylinders, especially during the second wave of the pandemic. "This is muzzling the media," Justice L. Nageswara Rao, another Supreme Court judge, had noted while considering a plea made by two TV channels, TV5 and ABN, against the Andhra Pradesh government for using the sedition law to "silence" them. The CJI Bench issued notice on Thursday to the government on a petition filed by the Editors Guild of India to quash the sedition law. Senior journalist Arun Shourie has also challenged the constitutionality of Section 124A. *Justice U.U. Lalit, in his recent judgment quashing a sedition case against Mr. Dua for his alleged remarks about the Prime Minister and the Union Government in a YouTube telecast, upheld the right of every journalist to criticise, even brutally, the measures of the government with a view to improve or alter them through legal means.* The time is long past when the mere criticism of governments was sufficient to constitute sedition. The right to utter honest and reasonable criticism is a source of strength to a community rather than a weakness, the judgment recorded.

WHAT MAKES THE UAPA SO STRINGENT?

The death of Father Stan Swamy, a Jesuit priest and tribal rights activist, while in judicial custody, has brought to focus the law under which he was imprisoned. The stringent nature of the Unlawful Activities (Prevention) Act (UAPA), which renders it difficult for one held under it to obtain bail, is being seen as one of the principal reasons for Fr. Swamy's death as a prisoner in a hospital. This has raised questions about the liberty of many others, including 15 others arrested in the Elgar Parishad case and incarcerated under the same law, which is also India's main anti-terrorism legislation.

What is the origin of the UAPA?

The Union government was considering a stringent law against calls for secession in the mid-1960s. In March 1967, a peasant uprising in Naxalbari imparted a sense of urgency. On June 17, 1966, the President had promulgated the Unlawful Activities (Prevention) Ordinance "to provide for the more effective prevention of unlawful activities of individuals and associations". Its stringency created a furore in Parliament when it was tabled, leading to the government dropping it. Instead, the Unlawful Activities (Prevention) Act, 1967, which was not identical to the ordinance, was passed.

What is its scope and how has it been expanded over the years?

The Act provided for declaring an association or a body of individuals "unlawful" if they indulged in any activity that included acts and words, spoken or written, or any sign or representation, that supported any claim to bring about "the cession of a part of the territory of India", or its "secession", or which questions or disclaims the country's sovereignty and territorial integrity. *Prior to the UAPA's enactment, associations were being declared unlawful under the Criminal Law (Amendment) Act, 1952. However, the Supreme Court held that the provision on bans was unlawful because there was no judicial mechanism to scrutinise the validity of any ban. Therefore, the UAPA included provisions for a Tribunal which has to confirm within six months the notification declaring an outfit unlawful.* In its present form, the Act, after the amendments in 2004 and 2013, covers the declaration of associations as unlawful, punishment for terrorist acts and activities, acts threatening the country's security, including its economic security (a term that covers fiscal and monetary security, food, livelihood, energy ecological and environmental security), and



provisions to prevent the use of funds for terrorist purposes, including money laundering. *The ban on organisations was initially for two years, but from 2013, the period of proscription has been extended to five years. After the Prevention of Terrorism Act (POTA), 2002, was repealed, the UAPA was expanded to include what would have been terrorist acts in earlier laws. The 2004 amendments were also aimed at giving effect to various anti-terrorism resolutions of the United Nations Security Council.* In 2012, there was a set of amendments, which was notified from early 2013, seeking to bring the UAPA in line with various requirements of the Financial Action Task Force, an inter-governmental body, to combat money laundering and terrorism financing. *In 2019, the Act was amended to empower the government to designate individuals as terrorists.*

How do UAPA provisions differ from regular criminal law?

Just like other special laws dealing with narcotic drugs and the now-defunct laws on terrorism, the UAPA also modifies the Code of Criminal Procedure (CrPC) to give it more teeth. *A remand order can be for 30 days instead of the usual 15, and the maximum period of judicial custody before the filing of a chargesheet is extendable from the usual 90 days to 180 days. This extension, however, depends on the Public Prosecutor filing a report on the progress in the investigation and giving reasons for seeking another 90 days to complete it. The law also makes it more difficult to obtain bail.*

What is the controversy about its bail provisions?

Under Section 43D(5) of the Act, bail cannot be granted to a suspect if the court is of the opinion that there are reasonable grounds to believe that the charges are prima facie true. A Supreme Court judgment on this has clarified that this meant that the court considering bail should not examine the evidence too deeply, but must go by the prosecution version based on broad probabilities. This means that the onus is on the accused to show that the case is false but without inviting the court to evaluate the available evidence. This is why human rights defenders feel that the provision is draconian, virtually rendering it impossible for anyone to obtain bail until the completion of the trial.

DISABLE UNCONSTITUTIONAL SECTIONS

Recently, while hearing an application filed by the People's Union for Civil Liberties (PUCI), the Supreme Court expressed shock that despite its declaration of Section 66A of the Information Technology (IT) Act, 2000 as being unconstitutional six years ago (Shreya Singhal vs. Union of India), criminal cases are still being registered by the police under this Section. The PUCI said that 1,307 cases had been registered since 2015 across States and therefore the Court must issue guidelines against the registering of FIRs by the police under this head. *In 2015, the Supreme Court had declared Section 66A of the IT Act, which made online posting of information considered as "grossly offensive" a crime punishable by jail, as being violative of Article 19(1)(a) of the Constitution and not saved under the ambit of reasonable restrictions defined in Article 19(2).* It had also said that the expressions used in Section 66A were *open-ended, undefined and therefore arbitrary.* In 1983, the Court had struck down Section 303 of the Indian Penal Code (IPC), which provided capital punishment for murder by a person serving a life term in another case, as being unconstitutional. In *Mithu v. State of Punjab*, it held that the punishment was not based on rational principle as no judicial discretion was available to a life convict. In 2018 (*Navtej Singh Johar v. Union of India*), the



Court read down Section 377 of the IPC criminalising “unnatural sex” as being unconstitutional. Similarly, in *Joseph Shine v. Union of India* (2018), the Court held adultery as defined under Section 497 of the IPC as being manifestly arbitrary, discriminatory and violative of the dignity of a woman and therefore, unconstitutional.

Negligence by the police

Undoubtedly, the registration of FIRs by the police under these sections is illegal and violative of the Court’s directions. Though such cases may not always be registered intentionally, negligence by Station House Officers (SHOs) must be nipped in the bud. The supervisory police officers at the sub-divisional level must ensure that such sections, if invoked due to lack of knowledge at the police station level, are removed at the earliest. The Superintendents of Police must fix responsibility on the erring officer and take corrective action. *Everyone responsible for the negligence should not only be answerable to the courts for contempt but also be liable for departmental action. If the SHOs and others don’t mend their ways despite reprimands, their annual confidential reports could be dented with adverse entries. Action can also be initiated under the new Section 166A of the IPC which provides punishment for up to two years for disobeying directions under the law.*

Avoiding registration

The best way to avoid registration of offences under sections held unconstitutional is *to educate police officers of all ranks about such provisions in basic training institutes*. Second, as the Attorney General of India, K.K. Venugopal, had suggested, *there could be a mention in brackets near the provision that the provision has been struck down*, so that FIRs are not registered under those sections. Third, *unconstitutional sections of the IPC can be disabled in the Crime and Criminal Tracking Network and Systems (CCTNS). Most States register FIRs in the CCTNS either on a real-time basis or in offline mode and synchronise this data with the State Data Centre as soon as connectivity is restored. In case police stations don’t have connectivity, the data (i.e., FIR in electronic format) are taken to the nearest police station that has connectivity and uploaded. The CCTNS came in handy when the Supreme Court directed the States in 2016 to upload FIRs on official websites within 24 to 72 hours of registration*. In Chhattisgarh, we have disabled these Sections in the system. Other States could follow suit. The police must ensure that no FIR is registered under unconstitutional sections and no one is harassed for the negligent actions of SHOs.

INDIA LARGEST SOURCE OF GOVT. INFO REQUESTS, SAYS TWITTER

India is the single largest source of government information requests during the second half of 2020, accounting for 25% of the global volume, as per the biannual Twitter Transparency Report released on Wednesday. Globally, Twitter received 14,561 such requests for 51,584 accounts in the six-month period from June to December 2020, of which 3,615 requests for 7,762 accounts were from India. For India, this is an increase of about 38% from the first half of the year when the number of such requests stood at 2,613. “Over the past year, we’ve experienced and continue to navigate severe global challenges, including the coronavirus pandemic. We’ve also seen concerted attempts by governments to limit access to the Internet generally and to Twitter specifically,” the company said in a blog. It added that global governments and law enforcement agencies submitted approximately 15% more information requests compared to the previous

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reporting period. For the June-December period, the compliance rate for government information requests was 30% globally, and 0.6% in India. The second highest volume of information requests originated from the United States, comprising 22% of global information requests. During the period, Twitter received a total of 38,524 legal demands to remove content specifying 1,31,933 accounts. The platform withheld or otherwise removed some or all of the reported content in response to 29% of these global legal demands. For India, the number of legal requests stood at 6,971, up 151% from 2,772 such requests in the first six months of 2020. As a result of legal requests, Twitter withheld 60 accounts and 598 tweets. In addition, 1,310 accounts were either suspended or some content was removed.

FIRST REPORT ON COMPLIANCE FROM TWITTER

Twitter has appointed Vinay Prakash as its resident grievance officer for India, according to its website. The micro-blogging site also published its first compliance report, which is mandatory under the new digital rules. "In compliance with Rule 4(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, we have published our inaugural report on July 11, 2021, for the reporting period from May 26, 2021, through to June 25, 2021," Twitter said on its website. As per the new digital media rules, significant social media intermediaries are required to appoint a grievance officer, a nodal officer and a chief compliance officer. These persons have to be residents in India. Twitter has already appointed an interim chief compliance officer and is expected to appoint a nodal officer soon. In its compliance report, titled "India Transparency Report", Twitter has provided data on the different categories of complaints from users and action taken on them as well as provided information on its proactive monitoring efforts. Between May 26, 2021 and June 25, 2021, Twitter received a total of 38 complaints, which resulted in action against 133 URLs. Of these, the largest number of complaints pertained to defamation(20), followed by abuse or harassment (6) and sensitive adult content (4). Twitter also processed 56 grievances appealing for suspension of user accounts, of which seven were overturned and remaining suspended. The social media giant has also said that proactive monitoring of user content led to suspension of 18,385 accounts for child sexual exploitation and 4,179 accounts for terrorism related activities globally.

WHATSAPP SAYS BANNED 2 MILLION ACCOUNTS WHICH ABUSED BULK, AUTOMATED MESSAGING FEATURE

Global instant messaging app WhatsApp on Thursday released its first monthly report in compliance with the new Intermediary Guidelines and Digital Media Ethics Code also known as the IT Rules, 2021. The report, published for the period between May 15 and June 15, 2021, states that during this 30-day period, WhatsApp banned a total of 2 million India accounts, while it received a total of 345 reports during this period. Any WhatsApp account that is registered with a number starting from +91 is considered an Indian account by the platform. The 2 million Indian accounts that it banned were in accordance with its three stage process. More than 95 per cent of such accounts which were banned had made "unauthorized use of automated or bulk messaging". Apart from WhatsApp, Facebook also released another report on Thursday detailing the information on grievances it had received during the May 15 to June 15, 2021 period, received from users in India via the grievance mechanisms. As per the report, Facebook received 646 reports through the various grievance mechanisms and responded to all the complaints. It

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received 73 complaints from users about fake profiles that were impersonating them, while it received 198 complaints of accounts being hacked. There were also 22 requests to access personal data by users, while 18 complaints were regarding inappropriate or abusive content.

COURT FINES DELHI POLICE ₹25K FOR 'FARCICAL' PROBE INTO RIOTS CASE

A local court here has imposed a cost of ₹25,000 on the Delhi police while questioning the fairness of the probe conducted into a case of a man who suffered a gunshot injury in his left eye during the north-east Delhi riots in February last year. Additional Sessions Judge Vinod Yadav censured Delhi Police for resisting registration of an FIR based on the complaint of the victim, Mohammad Nasir, a resident of North Ghonda in Delhi. "It is clearly evident that defence for the accused persons named in the complaint of respondent [Mr. Nasir] has been sought to be created by the police," the judge remarked while dismissing Delhi police's appeal against an October 21, 2020, order of a trial court here directing registration of an FIR.

Bhajanpura SHO

"Seeing the matter from any angle, I have not been able to persuade myself about the efficacy and fairness of the investigation carried out in the matter," the judge remarked, adding that the investigation has "been done in a most casual, callous and farcical manner". The judge further noted the police "did not bother to look into the grievance of the respondent that he was being constantly threatened by the accused persons". *The court directed the DCP (North-East) to deposit the fine with the Delhi Legal Services Authority within a week. It also said the fine amount should be recovered from the Station House Officer of Bhajanpura police station and his supervising officers, "who have miserably failed in their statutory duties in this case".* The incident in question took place on February 24 last year, when Mr. Nasir was bringing his sister home from Max Hospital in Shalimar Bagh. When their cab reached Khajuri Chowk, they saw chaos and fires all around. The police officials present there advised him to avoid the normal route. They took a detour, but were stopped by rioters near Rubber Factory Chowk. They were allowed to proceed after Mr. Nasir told the rioters his name was Krishna. The cab driver, however, insisted that he didn't want to go any further due to the situation, so, Mr. Nasir and his sister left the cab at Gokalpuri flyover. On reaching the street of his house, he noticed a mob of around 100-150 people carrying rods, pistols, petrol bombs and swords etc, which was allegedly being led by the owner of M/s Tyagi Store. Mr. Nazir alleged that since he belonged to a different community, Naresh Tyagi fired at him as a result of which he suffered gunshot injury in his left eye. He was taken to Guru Tegh Bahadur Hospital where he was operated upon and subsequently discharged on March 12, 2020. On March 19, 2020, he gave a written complaint to the Bhajanpura SHO in which he named Naresh Tyagi, Subhash Tyagi, Uttam Tyagi, Sushil, Naresh Gaur and their other accomplices as the assailants. However, no FIR was registered by the police. Mr. Nasir then approached the trial court on July 17, 2020. In the meantime, an FIR was lodged at the Bhajanpura police station on the statement of an Assistant Police Sub Inspector with regard to the incident of rioting in the area on February 24, 2020. It was also recorded in the FIR that Mr. Nasir had suffered gunshot injuries at the spot on the date and time of the incident. It was further stated that besides him, six more persons: Ali Hasan, Altaf, Javed, Aman, Faizi and Adnan, had also suffered gunshot injuries. The court noted that all the injured persons were taken to hospitals by their family members and not by the police.



Police response

The police said all the accused persons named by Mr. Nasir had been thoroughly interrogated, “however, no evidence was found against them”. Police said Naresh Tyagi and Uttam Tyagi were not present in Delhi at the time, as they had gone to their native place for attending family functions. Sushil was present in his office on duty and nothing was stated about Naresh Gaur. “Perusal of the case diaries reveals a very shocking state-of-affairs,” the court said. *While the incident against Mr. Nasir happened at North Ghonda, the FIR was lodged in respect of Mohanpuri, Maujpur.* “The factum of seven persons... having suffered gunshot injuries was in the due knowledge of the investigating agency, however, for reasons best known to it, Section 307 of Indian Penal Code (attempt to murder) and Section 25 of the Arms Act were not invoked initially at the time of FIR registration,” the court noted. The court also questioned why the police were unable to trace any eyewitnesses in the case despite the medicolegal case of Mr. Nasir clearly having his address.

NHRC PANEL SEEKS CBI PROBE INTO BENGAL RIOTS

The National Human Rights Commission (NHRC) committee formed to investigate complaints of post-poll violence in West Bengal has recommended that cases of heinous crimes be transferred to the Central Bureau of Investigation (CBI). In its report to the Calcutta High Court on Monday, the panel said it received 1,979 complaints covering over 15,000 victims during its inquiry. The panel visited the State from June 24 to July 10. “A large number of cases related to murders, rapes, molestation and vandalism received from local sources in West Bengal while the teams were camping there,” the report said. *The Calcutta High Court-ordered panel, which was headed by NHRC member Rajiv Jain, concluded that the State government had exhibited apathy towards the victims.* It found that there was “retributive violence” by Trinamool Congress supporters against supporters of the “major Opposition party”, referring to the BJP.

‘Hold trial outside State’

“There is need to provide justice to victims and restore their confidence in the criminal justice system, which can be best rendered by a neutral agency. Hence, it is recommended that all heinous cases, including murder, unnatural deaths, rape and grievous hurt, and complaints carrying these allegations, should be transferred to the CBI for investigation,” the report said, adding that the trial of the CBI cases should be conducted outside West Bengal. The report said there had been 29 complaints related to murder and 12 cases of attempt to rape/sexual assault/molestation. The panel concluded that the police and government officials had been found lacking. “It is quite evident that police is working under influence and in a biased manner and do not have the courage to take action against looming goons belonging to the ruling dispensation,” the report said. The panel said out of the 9,304 people accused in the cases, only 14% had been arrested. The committee also added that it found victims hesitant to speak during its 311 spot visits in the State, with some even reporting being threatened after meeting with the NHRC teams. “Several victims also complained that they were being discriminated against in getting vaccination for COVID-19 because they were perceived to be supporters of the main Opposition party,” the report said. Among the heinous crimes alleged following the completion of Assembly election in May, the panel said women in Kenbona village reported that “police along with Trinamool Congress goons broke



into their houses at midnight” on May 23 and they were taken into custody “in semi-nude condition”.

ASSEMBLY RUCKUS: SC REFUSES TO ACCEPT KERALA GOVT.’S ARGUMENT

*The Supreme Court on Thursday refused to accept the Kerala government’s argument that the Speaker and not the police has the authority to take action against the Left Democratic Front MLAs who vandalised the Legislative Assembly during the Budget speech in 2015. “So, let’s say in an extreme case, if an MLA empties his revolver inside the Assembly, can you say the House is supreme on this?” Justice D.Y. Chandrachud retorted at the Kerala government side. The court was also not convinced by the State government’s line that withdrawal of prosecution against the errant MLAs was in public interest. “How is it in public interest or in service of public justice to seek withdrawal of prosecution when MLAs have damaged the sanctum sanctorum of democracy?” Justice Chandrachud asked. Justice M.R. Shah asked why the State government was trying to defend the accused persons in the case. **The court has reserved for judgment the appeals filed by the Kerala government and accused persons, which include Kerala Education Minister V. Sivankutty, against a High Court order which had confirmed a Magistrate’s decision to refuse the Prosecutor permission to withdraw the criminal case.** Televised images from the day of the incident show legislators come to blows on the House floor and hurl chairs, computers and other public property soon after Finance Minister K.M. Mani began his Budget speech during the United Democratic Front government’s tenure. **The apex court has consistently taken a strong prima facie view against the conduct of the MLAs.***

A KERALA MODEL FOR AN ANTI-DISCRIMINATION

A couple turned down for a home they wish to rent, because they are Muslim. A qualified professional rejected for a job because he uses a wheelchair. A pair of students denied facilities on campus because of their caste or ethnicity. An air hostess dismissed for being above the weight deemed desirable, even though male stewards/pursers of that weight continue in their jobs.

Forms of discrimination

Such incidents are all too common in our society. *“Silent segregation” on the grounds of marital status, gender, sexual orientation or eating preferences are followed in several housing societies and residents’ associations.* The Housing Discrimination Project (<https://bit.ly/3wvGQFC>) at Jindal Global Law School has shown how extensive housing discrimination is across the country. The recent Pew Research Center Report (<https://pewrsr.ch/2TOZF9v>) has confirmed that a substantial number of Indians prefer not to have a person from a different religious community as their neighbour. The absence of a proper legal recourse for those who suffer from housing discrimination only makes matters worse. Even though Section 377 of the Indian Penal Code was read down by the Supreme Court of India to exclude consensual relations between adults of the same sex, social prejudice against members of the LGBTQIA+ community in the country remains strong. *Article 15(1) of the Constitution of India prohibits the state from discriminating against individuals on basis of certain protected characteristics such as religion, race, caste, sex and place of birth. But it does not bar private individuals or institutions from doing what the state is not permitted to. Nor does it expressly list ethnicity, linguistic identity, nationality, marital status, sexual*



orientation, disability, physical appearance and other personal characteristics as prohibited grounds of discrimination. The understanding of discrimination has also evolved over the years. It does not operate along a single axis; *it can take the form of combined discrimination which is a combination of discrimination on two or more grounds.* Last April, the Supreme Court, in Patan Jamal Vali vs State of Andhra Pradesh, recognised intersectional discrimination — discrimination on the basis of the intersection of personal characteristics, such as that faced by Dalit women as Dalits, as women and in the unique category of Dalit women. Discriminatory practices may also be indirect in nature, whereby policies that seem neutral and not expressly targeted at a particular group, still cause a disproportional adverse impact on disadvantaged sections of society.

Legal remedies are needed

Since discrimination thus operates on a wide variety of grounds, legal remedies are needed for its victims, whether direct, indirect or intersectional. A comprehensive anti-discrimination legal framework is required to fill the existing legal lacunae. India is one of the few liberal democracies without such a framework. *The Sachar Committee, in 2006, recognised the need for an anti-discrimination law. This was further reiterated by the Expert Group on Equal Opportunity Commission headed by Prof. N.R. Madhava Menon. Though the proposal for an anti-discrimination law was approved by the United Progressive Alliance Cabinet, it was put on the back-burner after the government changed in 2014.*

When a Bill lapsed

One of us (Tharoor) tried to revive the idea by introducing the Anti-Discrimination and Equality Bill, 2016 (<https://bit.ly/3k5KoMf>) in the Lok Sabha. Perhaps predictably, the Treasury Benches were not interested to take it forward and the Bill lapsed in 2019 with the dissolution of the Lok Sabha. It seems clear to us that the only way progressive legislation of this nature can be passed in the present climate would be if the States lead the way, by enacting anti-discrimination laws in their respective jurisdictions. States have a vital role in strengthening our right to equality. A central Bill cannot, at any rate, cover subjects that are under the exclusive jurisdiction of State governments. And if States take the initiative, the demand for a national anti-discrimination law to cover services and institutions under the domain of the Union government will be reignited. The State legislature can use its powers under Entry 8 of List III in the Seventh Schedule to the Constitution to enact an anti-discrimination law that attracts civil penalties for those who engage in discriminatory practices.

Crafted for Kerala

With the invaluable assistance of Professor Tarunabh Khaitan of Oxford University, we have drafted an anti-discrimination Bill for the Kerala government to consider introducing in the State Legislative Assembly. The Bill prohibits employers, landlords, traders, service providers, private persons performing public functions, and public authorities, from discriminating on grounds of caste, race, ethnicity, descent, sex, gender identity, gender expression, pregnancy, sexual orientation, religious identity, tribe, disability, linguistic identity, HIV-status, nationality, marital status, dietary preference, skin tone, physical appearance, place of residence, place of birth, age or analogous characteristics which are beyond the control of an individual or those that constitute a fundamental choice. At the same time, the Bill balances the anti-discrimination mandate with



other rights guaranteed by the Constitution. The anti-discrimination mandate can be restricted in pursuance of a legitimate objective: for instance, a drama company putting up a production of the Ramayana can insist on only male applicants for the role of Ram. That would not be discrimination in the terms covered by the law. The Bill also introduces affirmative-action provisions whereby public authorities are obliged to progressively realise diversification of their workforces by recruiting members of disadvantaged sections excluded from society, such as transgender persons or persons with disabilities. Given the backlogs in our judicial system, the Bill establishes a 'Kerala Equality Commission' to adjudicate complaints and to provide policy recommendations to the State government. Given that the proliferation of post-retirement public offices for judges does not augur well for judicial independence, the proposed commission does not follow the tried and tested model of former judges presiding over statutory bodies. Rather, appointments to the Commission are left to the political process, with substantial weightage given to the largest parties in the State, both in the Treasury and Opposition benches, to ensure bipartisan buy-in to the process. The Bill has been forwarded both to the Law Minister of Kerala and the Leader of the Opposition with the suggestion that it should be subjected to a pre-legislative consultation process, so that democratic participation in enacting this historic law is encouraged (<https://bit.ly/3reY74Z>). If this Bill is enacted, it will be the largest expansion of civil rights in the State since the commencement of the Constitution, and it can be a model for other States to follow. We recognise that an anti-discrimination law is not a panacea for the problems of inequality and social prejudice that are deeply rooted in our society. Nevertheless, it is a necessary step — an idea whose time has come.

ASSAM BILL BANS SALE OF BEEF AROUND TEMPLES

Prior to tabling the Assam Cattle Preservation Bill, 2021, in the 126-member Assembly on July 12, Chief Minister Himanta Biswa Sarma said its primary objective was to check the smuggling of cows to Bangladesh. It also seeks to restrict the sale of beef in areas dominated by non-beef consuming communities and within a 5-km radius of temples and 'satras' (Vaishnav monasteries) formed by the saint-reformer Srimanta Sankaradeva. The Bill seeks to replace the Assam Cattle Preservation Act, 1950, which allows the slaughter of cattle above 14 years of age or those that have become permanently incapacitated due to work, breeding, accident or deformity after local veterinary officers certify that they are fit for slaughter. The Bill retains this provision while intending to regulate the slaughter, consumption and illegal transportation of cattle across Assam. It says the certified cattle can be slaughtered only in licensed and recognised slaughterhouses. "The State government may exempt certain places of worship, or certain occasions from the slaughter of cattle other than cow, heifer or calf, for religious purposes," it says. The Bill says no one will be allowed to sell beef in any form except at places permitted by the government.

It also bans the transportation of cattle to and from Assam as well as within the State unless competent authorities issue permits for movement of the animal for "bona fide or animal husbandry purposes while following rules laid down by the Prevention of Cruelty to Animals Act, 1960". However, no permission would be required to carry cattle to grazing fields or for agricultural or animal husbandry purposes within a district. *Violation of the provisions of the Bill would entail imprisonment for three to eight years and fines between ₹3 lakh and ₹5 lakh.*



A Bill proposed by the Assam government to stop the transportation of cattle or use the State for transit of the bovine animal has raised concern among its neighbours. *Many in the Christian-majority States of Meghalaya, Mizoram and Nagaland consume beef. While Mizoram and Nagaland have chosen not to react, the Meghalaya government said it would seek the Centre's intervention if the Assam Cattle Preservation Bill, 2021, affects its people and economy.*

"We will raise the issue not only with the Assam government but also the Centre if the law affects transit of cattle to Meghalaya from other States," Meghalaya Chief Minister Conrad K. Sangma said. He said *the Meghalaya government had already discussed the Assam Bill with cattle-supplying States such as Bihar, Telangana and West Bengal.* "Transportation of cattle from these States to Meghalaya should not be a problem. All steps will be taken from our side to ensure that supply is not hampered because of the law to be passed by the Assam government," Mr. Sangma said, adding that his government would first examine the Assam legislation before any move. Assam Chief Minister Himanta Biswa Sarma had said the proposed legislation would ban the movement of cattle to and from the State primarily to check cattle smuggling to Bangladesh. Dr. Sarma also said beef should not be consumed in areas where Hindus live and where the animal is worshipped. Karnataka, Madhya Pradesh and Uttar Pradesh have legislations for the protection of cows.

INDIGENOUS FAITHS ARE FADING AWAY

Assam Chief Minister Himanta Biswa Sarma on Thursday defended the State government's move to create a department for preserving indigenous faiths that were "fading away" due to the "preaching and professional management systems" of mainstream religions. Replying to a Zero Hour notice in the State Assembly regarding the creation of the department, the Chief Minister said time, modernity and global religious communities had taken a toll on tribal cultures, practices, languages, livelihoods and faiths in Assam. "The mandate of the new department, to be put under the joint control of the Directorates of Archaeology, Museum and History and Antiquarian Studies, will be to interact with the tribal people, study the folklores, customs and practices for ensuring these are not forgotten," he said. "Sadly, the vicissitudes of time, modernity and global religious communities have threatened the tribal belief systems," the Chief Minister said. The indigenous faith and culture department would be allotted ₹100-crore in the first year.

'KONGU NADU', A REGION NOT FORMALLY DEFINED, YET THE SUBJECT OF A 'BIFURCATION' DEBATE IN TAMIL NADU

A list of new Union Cabinet ministers issued by the BJP has triggered a debate in political circles in Tamil Nadu, as well as on social media, by referring to 'Kongu Nadu', the informal name for a region in the western part of the state. The list mentions new minister L Murugan as hailing from 'Kongu Nadu'. This has led to allegations that the BJP is trying to bifurcate the state, with the ruling DMK-Congress alliance saying the "agenda" will not succeed.

But where is Kongu Nadu?

'Kongu Nadu' is neither a place with a PIN code nor a name given formally to any region. It is a commonly used name for part of western Tamil Nadu. In Tamil literature, it was referred to as one of the five regions of ancient Tamil Nadu. There were mentions of 'Kongu Nadu' in Sangam literature as a separate territory. *In the present state of Tamil Nadu, the term is informally used to*

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refer to a region that includes the districts of Nilgiris, Coimbatore, Tirupur, Erode, Karur, Namakkal and Salem, as well as Oddanchatram and Vedasandur in Dindigul district, and Pappireddipatti in Dharmapuri district. The name derives from Kongu Vellala Gounder, an OBC community with a significant presence in these districts. The region includes prominent businesses and industrial hubs at Namakkal, Salem, Tirupur and Coimbatore. It has also been considered an AIADMK stronghold in the recent past, and is also where the BJP's limited influence in the state is concentrated.

How did the controversy break?

The list released by the BJP profiles every new minister with the names of the place and state he or she comes from, such as minister John Barla from "Jalpaiguri, West Bengal", and Dr Munjapara Mahendrabhai from "Surendranagar, Gujarat". It refers to Murugan as being from "Kongu Nadu, Tamil Nadu". As social media broke into debate over an alleged attempt to bifurcate the state, some BJP handles were seen supporting the idea of 'Kongu Nadu' — in a state where their party has little presence except for their recent seats they won in alliance with the AIADMK.

Is there any ground for the allegations about a planned bifurcation?

Unlike Telangana or Uttarakhand, there has never been a demand or discussions about a separate Kongu Nadu in the modern political history of Tamil Nadu. The debate, therefore, lacks any political or social context. Many, however, see it as a counter from the BJP to the DMK's assertive stand in using the term Ondriya Arasu (Union government) rather than Madhiya Arasu (central government). "I do not think there is an immediate plan. They were planting a seed actually, and triggered that debate. Hereafter, the demand for 'Kongu Nadu' will not be a new issue," said a former AIADMK minister. Another AIADMK minister said the idea of 'Kongu Nadu' can backfire on the BJP if it pushes it for votes. In electoral politics, however, it is seen as the only region where the BJP and RSS have something of a presence. Two of the four seats the BJP won in the recent Assembly polls, thanks to the AIADMK alliance, were in western Tamil Nadu.

Has the BJP denied the allegations?

The BJP has indeed denied any move to divide the state. Yet, it has also referred to the bifurcation of Andhra Pradesh and Uttar Pradesh. "Vallanadu is near my area. Varusanadu is near Theni. Can we make states out of all these Nadu (regions). Why is the DMK afraid of the Kongu Nadu debate? Everything is Tamil Nadu, nothing to worry about," said BJP Legislature Party leader Nainar Nagendran. "... But at the same time, keep in mind that Andhra Pradesh was divided into two, and UP also. After all, if it is the wish of the people, it would be the responsibility of the government to fulfil it," he said. When journalists asked BJP state general secretary Karu Nagarajan whether the Centre plans to bifurcate the state, he said "this is the first stage". "It has happened like that in other states as well. Telangana is an example. If talking about Ondriya Arasu (Union government) is their wish, it is also the wish of people to call it 'Kongu Nadu'," he said. But Nagarajan later told The Indian Express: "It is a mere social media debate. I am not even sure of the origin of this discussion. Talking about 'Kongu Nadu' is like Tamil parties that used to have alliances with UPA and NDA at the Centre now calling it 'Ondriya Arasu'. There is nothing from the BJP officially. Anyway, the people's wish would be important in such an issue."



How seriously have the BJP's rivals taken this?

Leaders of the ruling alliance have said Tamil Nadu cannot be divided, with the Congress condemning this “agenda of the BJP”. “Nobody needs to worry about such reports. Tamil Nadu is safe under the government now,” said DMK MP Kanimozhi. State Congress chief K S Alagiri, too, said it is impossible to divide Tamil Nadu. “If it happens, that will set a precedent and lead to the formation of many such states. Dividing Tamil Nadu is an impossible dream, even if some political parties with vested interests would love to push for it... This agenda of the BJP will not succeed; we strongly condemn it,” Alagiri said. T T V Dhinakaran, the rebel AIADMK leader who is now heading the Amma Makkal Munnetra Kazhagam (AMMK), said the government should nip in the bud such “mischievous voices”. He noted there was no demand for a new state from any section of the people. AIADMK K P Munusamy, too, condemned those who are triggering debates about dividing the state.

NO WORK ON MEKEDATU SANS CWMA NOD

The Centre has given its assurance that Karnataka will not be allowed to carry out any construction on the Mekedatu dam project on the Cauvery river until its Detailed Project Report (DPR) is approved by the Cauvery Water Management Authority (CWMA), according to members of an all-party delegation from Tamil Nadu who met Jal Shakti Minister Gajendra Singh Shekhawat on Friday. Earlier this month, Karnataka Chief Minister B.S. Yeddyurappa unilaterally announced plans to go forward with the long-pending project, exacerbating Tamil Nadu's concerns that their farmers further downstream will be affected. In what seemed a rebuff to Karnataka's ambitions, Mr. Shekhawat said all parties must adhere to the approvals procedure that had been clearly laid down for such projects. “Water is an issue of engineers and science, but it has unnecessarily become an issue of politicians and sentiment,” he told The Hindu after the meeting. “The State [of Karnataka] submitted its pre-feasibility report first and having studied it, CWC [or Central Water Commission] granted permission for the development of DPR in 2018. It was a conditional permission and the number one condition was that the DPR will only be accepted and considered further if it comes with the approval of CWMA. All stakeholder States are members of CWMA,” he said, adding that the DPR was submitted online in 2020 and last discussed at the CWMA's virtual meeting two months ago. Karnataka and Telangana representatives urged that further discussions be held when the CWMA is able to meet in person, as it is a sensitive issue, added the Minister. The 13-member Tamil Nadu delegation, which included representatives from the opposition AIADMK and the BJP's State unit as well, was led by DMK leader and State Water Resources Minister S. Duraimurugan. They handed over a memorandum which noted that “the implementation of Mekedatu project would affect the interests of Tamil Nadu's farming community. It is an attempt to impound the uncontrolled flows in violation of the Final Award delivered by the Cauvery Water Disputes Tribunal as affirmed by the Hon'ble Supreme Court.” “Mr. Shekhawat assured us that there is no possibility of Karnataka going forward without CWMA approval,” said Mr. Duraimurugan.

History

The Cauvery Water Disputes Tribunal, in its final order on February 2007, made allocations to all the riparian States — Karnataka, Kerala and Tamil Nadu, apart from the Union Territory of Puducherry. It also stipulated “tentative monthly deliveries during a normal year” to be made

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available by Karnataka to Tamil Nadu. Aggrieved over the final order for different reasons, the States had appealed to the Supreme Court. *In February 2018, the court, in its judgment, revised the water allocation and increased the share of Karnataka by 14.75 thousand million cubic feet (tmc ft) at the cost of Tamil Nadu. The enhanced quantum comprised 4.75 tmc ft for meeting drinking water and domestic requirements of Bengaluru and surrounding areas.*

What is Karnataka planning?

Encouraged by the Supreme Court verdict, Karnataka, which sees the order as an endorsement of its stand, has set out to pursue the Mokedatu project. *Originally proposed as a hydropower project, the revised Mokedatu dam project has more than one purpose to serve.* Estimated to cost ₹9,000 crore, the project envisages the construction of a reservoir of 67.16-tmc ft capacity, which will come up about 4 km away from the Karnataka-Tamil Nadu border. *A hydropower plant of nearly 400 MW has also been proposed.* The Karnataka government has argued that the proposed reservoir will regulate the flow to Tamil Nadu on a monthly basis, as stipulated by the Tribunal and the Supreme Court. This is why Mr. Yediyurappa has contended that the project will not affect the interests of Tamil Nadu farmers.

Why is Tamil Nadu opposed to it?

Tamil Nadu feels that Karnataka, through the project, will impound and divert flows from “uncontrolled catchments” to it, a component which was taken into account by the Tribunal in the 2007 order while arriving at the water allocation plan for the State. As per an estimate, around 80 tmc ft of water flows annually to Tamil Nadu, thanks to the catchments including the area between Kabini dam in Karnataka and Billigundulu gauging site on the inter-State border, and the area between Krishnaraja Sagar dam in Karnataka and the gauging site. As the upper riparian State has adequate infrastructure even now to address the water needs of Bengaluru, there is no need for the Mokedatu project, according to Tamil Nadu. The Mokedatu project also does not find mention in the Tribunal’s final order or the Supreme Court judgment. Besides, *given the unpleasant experiences that it has had with Karnataka in securing its share of the Cauvery water over the years, Tamil Nadu is wary of the assurances of the other side.*

What happens next?

Tamil Nadu’s petitions against the project are pending with the Supreme Court. The project is yet to get environmental clearance from the Centre. *A way out can be found if the two parties agree to the idea of a joint execution, operation and maintenance of the project or a third party’s participation.*

A CITY DEPENDENT ON ITS NEIGHBOURS FOR WATER

Delhi is a landlocked city and receives raw water from neighbouring States. The water is treated at various water treatment plants (WTPs) before being supplied to the residents of the Capital. *Delhi receives water from Uttar Pradesh, Punjab, and Haryana. The largest share of water comes from Haryana via the Yamuna through three different channels.* When there is a fall in the amount of raw water Delhi gets from these three States, it affects the water supply in the national capital.



What is the problem?

Since Delhi gets the largest share of water from the Yamuna, it has been a contentious issue for a long time between Delhi and Haryana. *The Yamuna originates in Yamunotri glacier in the Himalayas and travels through Himachal Pradesh, Uttar Pradesh, Uttarakhand, Haryana, Rajasthan and Delhi before its confluence with the Ganga. The stretch of the river from its origin to Okhla in Delhi is called the "Upper Yamuna". In 1994, a Memorandum of Understanding (MoU) was signed by the five basin States of the Yamuna, including Delhi and Haryana, for sharing of water of upper Yamuna. In 1995, the Centre formed the Upper Yamuna River Board (UYRB) to regulate allocation of Yamuna water which flows through these States.* However, Delhi and Haryana have been at loggerheads over the allocation of Yamuna water — especially during summers — with Delhi complaining that it is getting less water from Haryana and the latter denying it most times.

Current issue

During the past one week, the Delhi Jal Board (DJB), which manages water supply in Delhi, has been complaining that it has been getting about 120 Million Gallons per Day (MGD) less raw water from Haryana for the past many days. DJB Vice Chairperson Raghav Chadha claimed the water released by Haryana is so less that water levels at Wazirabad Barrage, a point along the flow of the Yamuna in Delhi, is the lowest since 1965. As per the DJB, due to shortage of water, the capacity of Chandrawal WTP has come down to 55 MGD from 90 MGD; Wazirabad WTP to 80 MGD from 135 MGD; and Okhla WTP to 12 MGD from 20 MGD.

What now?

The issue is expected to be settled shortly as Haryana has released about 1800 cusecs of water for 24 hours on Sunday, as per DJB officials. It takes about two to three days for this water to reach Delhi and it is expected to solve the current water issue. On Sunday, Haryana released more water and the shortfall in Delhi's share has dropped to 65 MGD from 120 MGD, as per DJB officials.

DJB asks SC to initiate contempt proceedings against Haryana

The Delhi Jal Board (DJB) has asked the Supreme Court to initiate contempt proceedings against Haryana Chief Secretary Vijai Vardhan and the Additional Chief Secretary, Irrigation and Water Resources Department, Devender Singh, for 'wilfully' disobeying a February 1996 order of the court to maintain the water level at the Wazirabad reservoir at full capacity to serve the drinking water needs of the Capital.

The DJB had approached the court to "immediately stop" Haryana from discharging pollutants into the Yamuna. The increased ammonia levels had impaired functioning of water treatment plants, and drinking water and health crises loomed large in Delhi, it noted. The DJB had also, in that case, accused Haryana of not releasing the full quantity of water entitled to Delhi at Wazirabad. In a petition in that case, it alleged that the actions/inactions constituted a violation of the principle of cooperative federalism. It amounted to an upper riparian State taking undue advantage of a shared river for irrigation and industrial purposes while effectively not allowing a lower riparian State to access water for drinking". Haryana had denied the charges. An offshoot of the case had been the decision of the court to examine the issue of river pollution, starting with the Yamuna.



FARMERS' PROTEST: DELHI CABINET REJECTS POLICE'S PANEL OF LAWYERS

The Delhi Cabinet on Friday refused to permit Delhi Police's proposed list of lawyers from appearing in the court cases related to the farmers' protests. The cases were forwarded to the Cabinet by Lieutenant-Governor Anil Bajjal. Earlier, Mr. Bajjal had refused to let a panel of lawyers constituted by the Delhi government appear in the cases as public prosecutors. The Delhi government said the Central government, through the L-G, had been putting pressure on the Cabinet to give its nod to the list of lawyers sent by Delhi Police but it had refused to allow police's own lawyers from appearing as public prosecutors. The Cabinet also refused to allow the panel of lawyers recommended by Delhi Police in the north-east Delhi riots case. The decision has been sent to the L-G's office in continuation of the tussle between the Delhi government and the L-G. The Delhi government said the farmers have been constantly agitating against the contentious laws and the Cabinet observed that appointing lawyers of the police will devoid the case of fairness and impartiality. "It is the duty of every Indian to support the farmers of the country. We have not done any favour, but have fulfilled our duty towards the farmers of the country. Farmers are not criminals or terrorists. They are our 'annadata'," tweeted Chief Minister Arvind Kejriwal after the Cabinet's decision. Deputy Chief Minister Manish Sisodia said it is unfortunate that the Central government, through the L-G, is acting as a constant roadblock in every "good step" that the Delhi government takes.

Transfer subject

"The appointment of lawyers is a transfer subject, which means that the elected government of Delhi has the right to choose which lawyer to appoint, as per the Constitution," Mr. Sisodia said. He added that the people of Delhi have chosen Mr. Kejriwal as their leader to govern the Capital and that he should be allowed to do so without any obstruction from the L-G. "The Constitutional Bench set up by the Supreme Court gave a decision on July 4, 2018, directing that it is not the L-G but the Delhi government, which has the right and responsibility of making decisions with regard to transfer subjects. The L-G has Veto power as per the Constitution to give opinions and advice but does not have the right to declare what the Delhi government will do," Mr. Sisodia said. He said the L-G has a "Veto power" to be used in the rarest of the rare cases but Mr. Bajjal was making a habit to exercise a Veto on everything the Delhi government does.

U.P. CAN'T PROCEED WITH KANWAR YATRA AMID PANDEMIC

The Supreme Court on Friday disagreed with the Uttar Pradesh government's proposal to conduct a "symbolic" Kanwar Yatra amid the pandemic for "compelling religious reasons", saying the fundamental rights of citizens across faiths and their right to life trumped religious sentiments. A Bench of Justices Rohinton F. Nariman and B.R. Gavai gave the State time till July 19 to rethink its proposal and file an affidavit. If it did not change its plans, Justice Nariman said, the court "will deliver whatever we have to deliver". "We are of the prima facie view that this is a matter that concerns everyone of us as citizens of India and goes to the very heart of Article 21 [right to life], which has the pride of place in the Fundamental Rights Chapter of the Indian Constitution. Health of the citizenry of India and the right to life are paramount. All other sentiments, albeit religious, are subservient to this basic fundamental right," Justice Nariman dictated in the order.



THE KANWAR YATRA – DEVOTEES, ROUTES, AND THE COVID-19 CHALLENGE

The Supreme Court on Wednesday (July 14) took suo motu cognizance of a report published in The Indian Express on the decision by the Uttar Pradesh government to allow Kanwar Yatra this year with certain restrictions, even as the Uttarakhand government had suspended the yatra amid fears of a possible Covid-19 outbreak. The yatra this year, as confirmed by senior police and administrative officials in Uttar Pradesh, will be held from July 25 to August 6. Officials said that in 2019, the last time the yatra was organised, nearly 3.5 crore devotees (kanwariyas) had visited Haridwar while over 2-3 crore people had visited pilgrimage spots in Western Uttar Pradesh.

Religious significance, origin of Yatra

The Kanwar Yatra is a pilgrimage organised in the Hindu calendar month of Shravana (Saavan). Saffron-clad Shiva devotees generally walk barefoot with pitchers of holy water from the Ganga or other holy rivers. In the Gangetic plains, the water is taken from pilgrimage sites such as Haridwar, Gaumukh and Gangotri in Uttarakhand, Sultanganj in Bihar, and Prayagraj, Ayodhya or Varanasi from Uttar Pradesh. Devotees carry the pitchers of holy water on their shoulders, balanced on decorated slings known as Kanwars. The water is used by the pilgrims to worship Shiva lingas at shrines of importance, include the *12 Jyotirlingas*, or at certain specific temples such as the *Pura Mahadeva and Augharnath Temple in Meerut, Kashi Vishwanath Temple in Varanasi, Baidyanath Dham in Deoghar, Jharkhand, or even in the devotee's own village or town.* This form of Shiva worship has special significance in the areas around the Ganga. *An important festival with similarities to the Kanwar yatra in North India, called the Kavadi festival, is celebrated in Tamil Nadu, in which Lord Muruga is worshipped.* The legend of the ritual goes back to the 'samudra manthan', one of the best-known episodes in Hindu mythology, which is narrated in the *Bhagavata Purana, in the Vishnu Purana*, and explains the origin of 'amrita'. As per the legend, many divine beings emerged from the *manthan along with amrit, as well as 'halahala'* or a highly potent and lethal poison. All entities approached Lord Shiva the Destroyer, to consume it so that the living worlds could be protected. As Shiva drank the poison, his wife Parvati grabbed his throat in an effort to contain the poison and prevent it from affecting the worlds inside him. *Shiva's neck turned blue from the effect of the poison, which earned him the name Neelkantha, or the one with a blue throat.* But the poison still had an impact, and his body was inflamed. *To reduce the effects of that poison, the practice of offering water to Shiva began.* Another origin story of the Kanwar yatra is intimately connected with Lord Parashuram, the renowned, loyal devotee of Shiva. *The first Kanwar yatra was believed to have been undertaken by Parashuram.* While passing through a place called *Pura in present day Uttar Pradesh*, he was struck by a desire to lay the foundation of a Shiva temple there. Parashuram is said to have fetched Gangajal every Monday in the month of Shravana for Shiva's worship.

Pilgrimage centres and Yatra routes

The painstaking journey on foot with the Kanwar can potentially extend to over a 100 kilometres. Pilgrims, including old and young people, women and men, children, and even the differently-abled, can be spotted at holy sites by Ganga such as *Gangotri, Gaumukh*, and Haridwar, at the confluence of holy rivers, and the Jyotilingam shrines of Shiva, chanting 'Bol Bam' and 'Jai Shiv Shankar'. While those in Western UP and states like Punjab, Haryana and Delhi generally travel to Uttarakhand, devotees from *Ayodhya* and nearby districts go to *Sultanganj* by the Ganga in

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



Bhagalpur district of Bihar, from where they take the water, go on a 115-km journey to *Baba Baidyanath Dham in Deoghar*, Jharkhand to offer the holy water to Lord Shiva. Some travel to *Baba Basukinath Dham in Jharkhand's Dumka district*. People from eastern UP come to Ayodhya to take water from the Saryu river to offer it to the *Kshireswar Mahadev Temple* in the town. Others go to Varanasi and offer Ganga water to *Baba Vishwanath*. Another important temple where devotees come is the *Lodheshwar Mahadev in Barabanki*.

The Yatra follows some strict rules. Some devotees take a bath every time they sleep, eat, or relieve themselves during the journey. *Once the kanwar is filled with holy water, the pitchers should never touch the ground. Also, once the pitchers are filled, the yatra to the shrines should entirely be on foot. Some devotees even complete the entire journey by lying flat on the ground, marking the entire length of their body and repeating the process.* Over time, many of these rules have been loosened. Some so-called pilgrims have abandoned walking for rides on motorbikes and other means of transport. Vehicles of devotees often disrupt traffic, and cause traffic jams. Fatal road accidents and deaths of pilgrims in stampedes are reported almost every year.

The law and order challenge

Like all religious processions, the Kanwar Yatra exerts tremendous pressure on the law and order machinery, and often causes breakdowns. Over the last few years, the Yatra has hit headlines for all the wrong reasons. There are also incidents of disruptive behaviour, substance abuse, and hooliganism by anti-social elements in religious garb. The Yatra has at times led to hooliganism, and altercations and clashes between groups, sometimes in the presence of police, who often attract the wrath of both the kanwariyas as well as ordinary people who find it difficult to go about their daily lives due to disruptions. There have been several instances of vehicles being attacked and vandalised by saffron-clad Kanwariyas in Delhi and UP. UP Police Additional Director General (ADG) Law and Order Prashant Kumar said police have to be extra cautious during the Yatra, and plan their strategy based on the expected crowd and intelligence reports.

Special treatment of Kanwariyas in UP

The Yogi Adityanath government has given a lot of leeway to Kanwariyas. There is no ban on DJs playing loud music as long as they restrict themselves to bhajans. The Chief Minister has attacked previous governments for allegedly ignoring kanwariyas in the state. In 2019, district administration officers were instructed to shower flower petals from helicopters on devotees. All of this has led to a situation in which some officers have come to believe that it is important to demonstrate their love and respect for the kanwariyas. In Gautam Buddha Nagar, kanwariyas were reportedly exempted from the 'No helmet, no fuel' rule that was applied to others. In 2018, Prashant Kumar, who was then ADG (Meerut Zone), took to the skies to supervise the Kanwar Yatra and showered petals on Kanwariyas. In Shamli district, the SP was seen massaging the feet of a Kanwariya. The SP and DM later showered rose and marigold petals on the pilgrims, who then danced in the street and raised slogans of 'Yogi Adityanath Zindabad'. At many places, kanwariyas also raised slogans contrasting their treatment by the Adityanath government with the previous Akhilesh Yadav government.



ALERT AS KERALA CAPITAL REPORTS 28 ZIKA CASES

With 28 Zika cases being reported from Thiruvananthapuram district, the Kerala Health Department has sent a State-wide alert to test all cases of fever with rashes for Zika virus (ZIKV) infection. The Ministers for Health and Local Self Government (LSG) held a joint review meeting here on Thursday to organise coordinated micro-level plans for containment across districts. Even though ZIKV cases had not yet been reported from other districts so far, a high level of alert needed to be maintained in all districts as the vector, *aedes aegypti*, was present in high density in all districts, it was pointed out at the meeting. Health Minister Veena George said *seasonal dengue cases too had begun to be reported from all districts and hence intensive vector control measures, including source reduction, fogging and mobilisation of the public to make individual homes aedes-free was the need of the hour.* The list of aedes hotspots would be prepared and handed over to local bodies for launching control measures. District medical officers and Health and LSG officials were present.

INDIA'S NEUROLOGICAL DISEASE BURDEN RISING

The contribution of non-communicable neurological disorders and injury-related neurological disorders to the total disease burden has more than doubled between 1990 and 2019, said the first comprehensive estimates of disease burden due to neurological disorders and their trends in every State of India published in The Lancet Global Health by the India State-Level Disease Burden Initiative and released here on Wednesday. Stroke caused 6,99,000 deaths in India in 2019, which was 7.4% of the total deaths in the country, it stated. The burden of non-communicable neurological disorders was increasing in the country, mainly due to the ageing of the population, the paper noted. "Stroke, headache disorders, and epilepsy are the leading contributors to neurological disorders burden in India." *High blood pressure, air pollution, dietary risks, high fasting plasma glucose and high body-mass index were found to be the leading contributors among the known risk factors for the neurological disorders' burden.* The disorders include non-communicable ones (stroke, headache disorders, epilepsy, cerebral palsy, Alzheimer's disease and other dementias, brain and central nervous system cancer, Parkinson's disease, multiple sclerosis, motor neuron diseases and other neurological disorders), communicable ones (encephalitis, meningitis and tetanus), and injury-related disorders (traumatic brain injuries and spinal cord injuries). The paper found that the burden of many disorders varied substantially across the States. Dr. Lalit Dandona, director of the India State-Level Disease Burden Initiative and senior author of this paper, stated that the study, based on collaboration with leading neurology experts in the country, provided policy-relevant insights into the trends of the disorders across the States. "While the burden of infectious neurological disorders has fallen in India, this burden is higher in less developed States. On the other hand, the burden of the disorders related to injury is higher in more developed States. Among non-communicable disorders, stroke is the third leading cause of death, and dementias are the fastest growing disorders," he said.

NO PSEUDOSCIENCE, PLEASE

The Indira Gandhi National Open University (IGNOU) is India's premier national institute for improving access to education. Recently, IGNOU launched a degree course in astrology. This obsession with astrology is not a new phenomenon in a country which recently sent a spacecraft
3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



in orbit around Mars. *A similar decision was taken by the Atal Bihari Vajpayee government in 2001, which was withdrawn after widespread opposition. In this context, all the citizens of this country who are concerned about the status of education and the role of scientific temperament in education need to take a stance about this decision.*

Content of syllabus

Let us start by examining what is covered by the IGNOU syllabus. Even a casual look at the syllabus gives us an understanding of the unscientific nature of the course. *The syllabus includes the study of horoscopes, which are determined by the state of different planets at the time of our birth and which apparently impact all the things that we do throughout our life. It also includes how to decide on an auspicious time for initiating a specific task. It claims to train its students in how to nullify the ill effects occurring due to specific problems in their horoscope.* The range of problems for which astrology can offer solutions has no limit. *It provides solutions on when one needs to apply for a job to ensure a good result to even determining the time a nation has to take a decision to start a war!* Let us try and evaluate the three basic assumptions of astrology on which this syllabus is based. *The first assumption is that the planets around us in the universe have a continuous effect on human life. The second assumption is that the result depends on the time of birth of the person and the third assumption is that the future of a person depends on all this and can be changed by solutions offered by an astrologer.* Let us now look at the main objections by astronomy (the science of the universe) to these assumptions. As per astrology, nine Navagrahas affect our lives. *All of us know that four of these Navagrahas are not even grahas (planets). The sun is not a planet but a star. The moon is the natural satellite of the earth. Rahu and Ketu, which are claimed to be the most dangerous planets in astrology, are not even planets but points of intersection of the paths of the sun and the moon.* The Milky Way, in which the sun and solar system are included, has countless stars other than the sun. It is not very difficult to appreciate how unscientific and potentially dangerous it will be to allow something like astrology as a mainstream course. Next, let us look at the time of birth. *The nature of a horoscope is dependent on the time of one's birth. And the time of birth used for this purpose by astrology is the time when the baby takes the first breath outside the mother's womb.* Modern science tells us that the baby is actually born when the sperm and ovum come together to form the embryo, and it grows for the next nine months through different stages. *How do all these Navagrahas not have any impact on the baby when it is inside the mother's womb and start affecting it only when it comes out?* Astrologers have no answer. *It is a simple observation that thousands of children are born in the world every second and their futures are not the same.* What will be in their horoscope when a human being gives birth to a baby, say, on the moon or Mars tomorrow? *The most serious effect of depending on astrology is that it takes human agency out of our lives.*

Science and pseudoscience

While we are on the path to astrology, Elon Musk, an American businessman, has started a project to humanise Mars under the SpaceX mission. The robotic rovers sent by NASA to Mars are collecting information and sending it back to earth. Stephen Hawking stated that the search for a habitable planet like earth in the universe should be the priority of astronomical research. Against this background, *one needs to learn to differentiate between astrology, which is a pseudo-science, and astrophysics, which is a robust scientific discipline. Astrology exploits the vulnerability of the human mind while people face uncertainty.* On the other hand, astrophysics depends on the core scientific principles of precise observations, hypothesis, experimentation and results based on all



these. *In an era where pseudoscience has started becoming the new normal, it's our responsibility as citizens to oppose such decisions and demand the withdrawal of such a course.*

INDIA TO DISPLAY RELICS OF ST. KETEVAN

Almost 400 years after she was murdered in present day Iran, relics of St. Queen Ketevan that were found in Goa in 2005 are likely to be put on display in India as well as her native Georgia, according to Archaeological Survey of India (ASI) officials. On July 10, External Affairs Minister S. Jaishankar handed over one part of the relics to Georgia as a gift from India. According to senior ASI officials with knowledge of the matter, parts of the bone of the right arm were found at St. Augustine Church in Old Goa in 2005. *Queen Ketevan was killed in 1624 in Shiraz for not converting to Islam and parts of her remains were brought to Goa by Augustinian monks.* Revered as a martyr, her relics remained lost till 2005 as the St. Augustine Church collapsed in 1842, another official said. *A DNA analysis by the CSIR-Centre for Cellular and Molecular Biology, Hyderabad, confirmed their authenticity in 2013. The official said the larger part of the relic remained with the ASI in Goa and would be publicly displayed for the first time. The smaller part had been handed over to Georgia, where it was likely to be displayed publicly with the citation that it was a "gift from people of India to people of Georgia".* The larger part of the relic had been sent to Georgia for an exhibition for six months in 2017.

AJANTA IN THE ARCTIC

Deep inside an Arctic mountain, on an archipelago in Norway, lies guarded the digitally restored image of one of the earliest-surviving Indian paintings from the 6th century Badami caves in Karnataka. This image joins another painting from the Ajanta caves, also now preserved for posterity at the Arctic World Archive (AWA). In the world of Indian heritage, this is a milestone because not only do these images rescue original masterpieces from getting lost in time, they are also made accessible to a global audience. And soon, AI will become a part of the restoration work. *Renowned art historian and photographer Benoy K. Behl, who restored these images using his own technique over years, says the significance of these pictures is that they establish "India's continuous tradition of ancient painting."* Says Behl: "India has one of the finest traditions of painting and yet they are not known well because most are hidden in the dark recesses of temples and caves." The Ajanta paintings of the 5th century are, of course, well-known, but Behl points out this is not quite the case with ones from earlier periods or later, for about 700 years. "The Ajanta paintings are thus considered a flash in the pan." The quality of art in these ancient Indian paintings were seen in the West much later, with the Impressionists, says Behl. The digitally restored images are based on Behl's own photographs, taken years ago. "Light was not allowed in the caves and so the paintings were not seen clearly. So when I used my technique of photographing in extremely low light, akin to darkness, art critics and others said we had conquered darkness." Thereon, he photographed many other ancient paintings. In 2001, Behl reached the Badami caves. Much of the paintings were already lost by then and by 2008, when a National Geographic team visited the site to document his work, "they could hardly even see the paintings." While art critics around the world marvelled at Behl's work, most people may not appreciate its significance. And so began his work of digitally restoring the images. *It took Behl 19 years to complete the digital restoration of the Ajanta cave painting; he finished in 2019, just in time to celebrate 200 years of the discovery of the caves, now a UNESCO World Heritage Site.* In 2020, Sapio Analytics, a Mumbai-based company, which focuses



on creating high-end data-based algorithms powered by AI, approached Behl to join hands with them to restore and preserve images in the AWA along with other digital artefacts from around the world. The archives also has manuscripts from the Vatican library, political histories, masterpieces from different eras and parts of the world, and samples of scientific breakthroughs. It is here that ancient Indian paintings that are at risk of being lost to time can find a home, reminders of India's rich art history. *The restored image of Bodhisattva King Mahajanaka, the Ajanta cave painting, was sent to AWA in 2020, and this May, the image of the Queen and Attendants, from the Badami cave paintings, was virtually unveiled before the world.* These paintings, says Behl, embody some of the hallmarks of Indian art with their sublime, inward-looking expressions and a compassion that transcends physical boundaries. Looking into the future, Hardik Somani of Sapio Analytics says they are now in the process of developing AI to help in restoration. "A dataset of reference work is being used to develop AI that will use deep learning techniques to restore damaged murals," he says. A damaged area of a mural, for instance, will be restored by altering the pixels of the damaged elements through mathematical inference of the neighbouring, undamaged part. High-end scanning of photographs of the original artwork taken by Behl will aid in the process. *In the pipeline is similar restoration work of paintings of the 3rd century Pitalkhora Buddhist caves in Maharashtra.* Sapio Analytics is now in talks with the Indian Council for Cultural Relations to showcase Behl's original photographs, after they are digitally restored, in exhibitions around the world planned for 2022. Behl however cautions that it is better not to attempt restoration of an art piece if it is going to be restored wrongly. "There is a tendency to 'over-restore', make things too colourful. The purpose of restoration should be what art is meant to be: the hope to influence another human being."

DISCOVERED IN FARIDABAD: PREHISTORIC CAVE PAINTINGS THAT COULD BE ALMOST 1 LAKH YEARS OLD

Archaeologists in Haryana have estimated that a prehistoric site Faridabad's Mangar Bani hill forest, from where cave paintings were discovered recently, may be up to a lakh years old. "On the basis of tool topology, it can be said that the date of prehistoric habitation at the site may be from about 1,00,000 to about 15,000 years ago. But we have also found evidence of later habitation, even up to 8th-9th century AD," said Banani Bhattacharyya, Deputy Director of Haryana Archaeology & Museums Department. *"It can be said that it may be one of the biggest Palaeolithic sites in the Indian subcontinent, where stone age tools were recovered from different open air sites as well as from rock shelters." It was in May this year when environmental activist Sunil Harsana spotted a prehistoric cave painting in the Mangar Bani hill forest. This prompted the Haryana archeology department to conduct exploration in Shilakhari, Mangar, Kot and Dhauj areas in Faridabad, and Roj ka Gujjar and Damdama in Gurgaon in June this year.*

Officials said it is for the first time that a prehistoric site with cave paintings and rock art of a large magnitude has been found in Haryana, though tools from the Palaeolithic age have been identified earlier in parts of the Aravallis. The latest discovery, officials said, will take the history of Haryana further back in time. "The cave paintings are yet to be dated but at least some of them belong to the Upper Palaeolithic period in all likelihood," said an official. Sources said the area is not a protected site and it has not been properly documented or explored so far. However, Haryana Principal Secretary Ashok Khemka said: "We will give state protection to Mangar Bani forests under the Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1964,



because of the presence of a large number of stone age site with cave paintings and tools of the Palaeolithic age that have been found there.” *“This site is very promising as these cave paintings may even be compared with the world famous Bhimbetka cave paintings. In the near future, we will carry out trial trench digging, document and map all rock shelters and open-air sites.* Carbon radio dating and accelerator mass spectrometry techniques will be used to date the cave paintings. With cooperation of other departments, Mangar Bani forests will be comprehensively developed as a pre-historic eco-forest. This also underscores the need to keep such pockets in NCR areas out of the reach of land sharks and unmindful development,” said Khemka.

MINISTRY CLEARS RULES FOR VINTAGE CARS

For the first time ever, India is set to have rules for regulating the registration process for vintage cars. The Union Law Ministry has given its nod to an amendment to Central Motor Vehicle Rules, 1989, which are expected to be notified by the Ministry of Road Transport and Highways soon, according to a government official.

Fifty years

According to the rules, *all two-wheelers and four-wheelers, which have not undergone any substantial overhaul, will be defined as Vintage Motor Vehicles 50 years after the date of first registration. Vehicles that already carry a registration number would be allowed to retain it.* However, *classics that are registered afresh, such as those that are imported into the country, would be assigned an identifier “VA” in the registration number. Vintage vehicles would neither be permitted on road for regular purposes nor would they be used for commercial purposes.* They would be allowed only during exhibitions. *The fees for a new registration would be ₹20,000 and subsequent re-registration would cost ₹5,000. All such antique vehicles would be exempted from the provisions of High Security Registration Plate recently made mandatory by the government.* The sale and purchase of such vehicles registered is permissible provided the buyer and seller inform respective State Transport Authorities, the rules said.

DreamIAS



BUSINESS & ECONOMICS

CURBS ON FOREIGN CARD FIRMS

The Reserve Bank of India has so far barred three foreign card payment network companies — Mastercard, American Express and Diners Club — from taking new customers on board over the issue of storing data in India. Here's what it means for customers and the payment system in India:

Why have these companies been barred from enrolling new customers?

On July 14, the RBI imposed restrictions on Mastercard Asia Pacific Pte Ltd from onboarding new domestic customers (debit, credit or prepaid) in India from July 22, citing non-compliance with guidelines for storage of data in India. The RBI said it had given almost three years for Mastercard to comply with the regulatory directions, but it was unable to complete the process. In April this year, the RBI had imposed restrictions on American Express Banking Corp and Diners Club International Ltd from enrolling new domestic customers onto their card networks from May 1, 2021, also citing non-compliance of storage of data.

Will existing card users and banks be affected?

No. Existing customers using a credit card or a debit card with Mastercard, American Express or Diners Club as the payment network can continue using these. Banks and non-banking finance companies that were planning to use these payment networks won't be able to use these platforms to enrol new customers until the RBI lifts the ban. *"This leaves only Visa Inc and homegrown NPCI's RuPay as payment providers under no restrictions currently.* We don't know if Visa has fulfilled all the requirements of data localisation as envisaged in the Storage of Payment System Data circular of the RBI. In the near term, we don't foresee any material impact on card issuers (especially credit card issuers), but there could be a medium-term impact if this situation persists," banking group Nomura said in a report. *Banks that were planning for new customers through Mastercard will have to look at Visa for enrolment. Yes Bank, RBL Bank and Bajaj Finserv are likely to be most impacted as their entire card schemes are allied with Mastercard,* Nomura said. Around 60% of HDFC Bank's card schemes are tied to Mastercard, Diners and AmEx. For ICICI Bank and Axis Bank, 35-36% are linked to Mastercard. *The card portfolio of Kotak Mahindra Bank is allied with Visa.*

What do the RBI guidelines stipulate?

By the RBI circular on Storage of Payment System Data dated April 6, 2018, all system providers were directed to ensure that within six months the entire data (full end-to-end transaction details, information collected or carried or processed as part of the message or payment instruction) relating to payment systems operated by them is stored in a system only in India. They were also required to report compliance to the RBI and submit a board-approved system audit report conducted by a CERT-In empanelled auditor within the timelines specified. However, credit and card firms with global operations have been resisting the move, citing costs, security risk, lack of clarity, timeline, and the possibility of data localisation demand from other countries. According to Kazim Rizvi, Founding Director of think-tank The Dialogue, the RBI's decision to restrict entities from onboarding new customers is a crucial development in their endeavour to ensure that all payment system operators store or localise their end-to-end transaction data only in India. "The motivation



behind such a move is to carry out effective law enforcement requirements as data access for law enforcement purposes has been a challenge,” Rizvi said.

Why have these firms not complied?

The RBI had stipulated that data should be stored only in India and no copy — or mirroring — should be stored in other countries. Payment firms like Visa and Mastercard, which currently store and process Indian transactions outside the country, have said their systems are centralised and expressed the fear that transferring the data storage to India will cost them millions of dollars. Besides, once it happens in India, there could be similar demands from other countries, upsetting their plans. What has upset foreign players is that domestic payment companies, including e-commerce firms, which are storing the data within India, were putting pressure for data storage within the country. *While the Finance Ministry had suggested some easing of norms in transferring the data, the RBI has refused to budge, stating that the payment systems need closer monitoring in the wake of the rising use of digital transactions.* It’s not clear if Visa has obliged the RBI and transferred data storage to India.

Is there a way out?

Experts agree that it is necessary for all entities to comply with the RBI’s localisation mandate. “At the same time, however, it’s true that hard localisation may impact India’s payments ecosystem,” Rizvi said. “To have a more effective mechanism for law enforcement, we need to move beyond MLAT (Mutual Legal Assistance Treaty), which is slow and ineffective, to a system based on bilateral treaties on data transfers with the EU, UK and the US. Here, the idea must be to ensure that Indian law enforcement requirements of access to data are met in a timely manner while at the same time allowing data flows to foster innovation and trade in the tech ecosystem,” Rizvi said. However, *the RBI is against the suggestion that a copy of data stored outside be brought to India.*

What’s the role of card networks?

Firms such as Mastercard, Visa and National Payment Corporation of India (NPCI) are Payment System Operators authorised to operate a card network in India under the Payment and Settlement Systems (PSS) Act, 2007. Under the Act, the RBI is the authority for the regulation and supervision of payment systems in India. The RBI’s payment system enables payments to be effected between a payer and a beneficiary and involves the process of clearing, payment or settlement, or all of them. *Funds transferred using debit or credit cards are routed through platforms such as Mastercard, Visa and NPCI. The RBI has decided to allow non-bank entities — Prepaid Payment Instrument (PPI) issuers, card networks, White Label ATM (WLA) operators, Trade Receivables Discounting System (TReDS) platforms – to become members of the centralised payment system (CPS) and effect fund transfer through RTGS and NEFT.*

How big is India’s card business?

According to RBI data, there were 90.23 crore debit cards and 6.23 crore credit cards in India as of May 2021. There were 57,841.30 lakh debit and credit card transactions valued at Rs 12.93 lakh crore during 2020-21. Of these, debit card transactions accounted for a volume of 40,200.24 lakh valued at Rs 6.62 lakh crore.



WPI INFLATION REMAINS 'HIGH'

Wholesale price inflation stayed high in June as costlier fuels and manufactured products pegged the provisional headline number at 12.07%, following May's record 12.94%. While industry fretted about the risks of sticky wholesale prices pushing up production costs, economists voiced concerns about the spillover effect on retail inflation and its impact on monetary policy calibration. The Office of Economic Adviser in the Department for Promotion of Industry and Internal Trade *attributed the 'high' inflation to a low base effect combined with the rise in prices of petrol, diesel, naphtha and ATF, as well as those of basic metals and food products.* The Wholesale Price Index inched up 0.75% over May's level, with the fuel and power prices index rising 2.9% from the preceding month, the most among major groups in the index. Wholesale inflation in fuel and power in June was also the highest among the WPI constituents on an annual basis at 32.8%, though it slowed from May's 37.6%. Inflation in wholesale food prices eased to 6.66% from 8.11% in May, but price gains in manufactured products accelerated slightly to 10.88% from 10.83% in May. *The spurt in raw material and fuel and power prices was affecting small businesses already struggling from the pandemic's impact and a squeeze on working capital,* said PHD Chamber of Commerce and Industry president Sanjay Aggarwal. "We urge the Government to consider bringing petroleum products in the ambit of GST to rationalise prices," Mr. Aggarwal said, stressing inflation was affecting Indian industry's competitiveness locally and globally.

'Core inflation to rise'

"While the core inflation hardened further to 10.4% in June, from 10% in May, the pace of the month-on-month uptick in this index eased to a four-month low of 0.5%," said Aditi Nayar, chief economist at ICRA, who expects core inflation to rise further in July, before commencing a gradual downtrend from August. The WPI trend could inject 'uneasiness' into the RBI's policy tone by way of spillover risks, she added.

INFLATION REMAINS ABOVE 6% IN JUNE

After touching a six-month high in May, retail inflation remained virtually unchanged in June at about 6.3%, staying out of the central bank's comfort zone for the second month in a row. Economists expect the Reserve Bank of India to revisit its inflation estimate of 5.1% for 2021-22 and stressed that the lack of fiscal policy action to cool prices could precipitate a faster unwinding of RBI's growth-supporting approach to interest rates. *With petroleum product prices continuing to soar, fuel and light inflation hit 12.7% in June from 11.9% in May. Food inflation, which had flared up from just 2% in April to 5% in May, rose further, led by a 34.8% inflation rate for oils and fats and 19.4% for eggs.* Inflation measured by the Consumer Price Index declined by just four basis points from May's 6.30%, as per the National Statistical Office. One basis point equals 0.01%. Growth impulses remained fragile with the second COVID-19 wave hurting the recovery momentum, according to quick estimates of industrial output for May, with output levels 8% lower than April. Manufacturing output tanked 9.5% month-on-month, electricity production fell nearly 7%, although mining moved up marginally by 0.6% in May. Headline factory output increased 29.3% over an incomparable May 2020, when industrial production had collapsed over 33% in the midst of a national lockdown. However, this was 13.9% below the pre-pandemic levels of May 2019. "Consumer durables and capital goods stood out as the worst affected sectors in May, trailing the



pre-COVID levels by 41.2% and 36.9%, respectively,” noted Aditi Nayar, chief economist at rating agency ICRA. DBS Group Research economist Radhika Rao said *Monetary Policy Committee members may retain a growth focus but are likely to express discomfort on the recent bout of sticky inflation, in the absence of corrective fiscal steps like excise duty cuts on fuel.* “If the CPI inflation remains entrenched above the 6% upper threshold in the next two prints (July-August 2021), a preponement of rate normalisation can’t be ruled out,” warned Ms. Nayar, who expects the tightrope walk between supporting a ‘nascent, incomplete’ growth revival and preserving the need to anchor inflationary expectations, to continue. “Beyond the monthly swings, inflation continues to stay above the mid-point (4%) of the inflation target since late 2019... Pipeline risks are in focus, from service inflation as the second wave ebbs, pass-through from higher input prices as well as risks of a sub-normal southwest monsoon,” Ms Rao pointed out. *While the pace of price rise slowed marginally in rural India from 6.5% in May to 6.2% in June, inflation experienced by urban consumers quickened further to 6.4% from 5.9% in May.*

AS FOREX RETURNS DWINDLE, RBI, GOVT TURN TO EXPERTS FOR DEPLOYMENT ADVICE

With the rate of returns on the country's foreign exchange reserves declining, the Reserve Bank of India (RBI) and the government are exploring ways to enhance returns and have sought external expert assistance for better deployment of forex. “There have been a number of discussions on how to better deploy forex reserves. *Investing them in gilt securities of countries other than the US, as well as, in AAA-rated corporate bonds of top-notch companies are among the options that have been discussed.* Now the expert agencies have been appointed and they will help the central bank in devising a strategy on this subject,” a government official familiar with the discussions said. The RBI has in the past used a portion of the forex reserves to fund infrastructure projects in the country, while there has also been suggestion that these can be deployed to capitalise public sector banks. Last month, the RBI and the finance ministry held discussions on the issue of better management of forex reserves. *The RBI's Department of External Investments and Operations (DEIO) invests forex keeping in mind the objectives of safety, liquidity and return, in that order, as part of its management of foreign exchange reserves.* As many countries, *including the US and the Euro zone, slashed interest rates, the rate of earnings on foreign currency assets declined to 2.10 per cent in 2020-21 as compared with 2.65 per cent in 2019-20 and 2.79 per cent in 2018-19,* as per the RBI data. Earnings from foreign currency assets declined by Rs 1,652 crore to Rs 80,715 crore during the year ended March 2021 from Rs 82,367 crore in the previous year. When contacted, the RBI and the Finance Ministry did not comment on the development. In its latest annual report released in May this year, the RBI acknowledged that the “low yield environment makes it an arduous task for asset managers in general and reserve managers in particular, to generate reasonable returns from their portfolios given their risk appetite.” *Falling rates globally over the years have made investment in gilts of developed countries unattractive, even as there are limits of how much portion of reserves can be invested in gold.* The *10-year US bond yields, for instance, have fallen from the high of 15.8 per cent in 1981 to below 1 per cent in 2020,* while many advanced economies like the Euro zone, Japan and Switzerland have had negative policy rates and sovereign bond yields for years now, the RBI noted. *The central bank said it will explore new asset classes and new markets for deployment of foreign currency assets for portfolio diversification and in the process tap advice from external experts.* Sources said as part of its discussions with the finance ministry over management of forex reserves, *an idea of investing a portion of it in gilts of some Asian countries was also discussed. In the past, the RBI has agreed to invest a total of \$5 billion of its forex*

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



in the UK subsidiary of India Infrastructure Finance Company, which was ring-fenced in such a manner that the forex does not flow back into India and is spent by companies for buying equipment abroad. The RBI reduced its holdings in foreign securities by over \$ 10 billion to \$ 359.87 billion by March 2021 from September 2020. However, it increased its deposits in other central banks by \$ 9 billion to \$ 153.38 billion and deposits in foreign commercial banks from \$ 7.4 billion in September 2020 to \$23.4 billion by March 2021. *The Reserve Bank is sensitive to the credit risk it faces on account of the investment of foreign exchange reserves in the international markets. The Reserve Bank's investments in bonds/treasury bills represent debt obligations of highly rated sovereigns, central banks and supranational entities.* Further, *deposits are placed with central banks, the BIS and commercial banks overseas.* RBI has framed requisite guidelines for selection of issuers/ counterparties with a view to enhancing the safety and liquidity aspects of the reserves. Meanwhile, the country's forex reserves swelled by \$1.013 billion to touch a new high of \$610.012 billion in the week ended July 2. In the week ended June 25, the reserves had risen \$5.066 billion to \$608.999 billion. During the reporting week, the rise in the kitty was mainly on account of a gain in foreign currency assets (FCA). FCAs rose \$748 million to \$566.988 billion, as per data by the RBI. Gold reserves climbed \$76 million to \$36.372 billion in the reporting week.

WHAT TO CONSIDER BEFORE INVESTING DIRECTLY IN GOVERNMENT SECURITIES

Earlier this week, the Reserve Bank of India unveiled a scheme allowing retail investors to directly participate in the government securities market. *They can open and maintain a 'Retail Direct Gilt Account' (RDG Account) with the RBI through a portal, which will also provide access to primary issuance of G-Secs and the secondary market as well.* In February, the RBI had proposed retail access to this risk-free fixed income segment. *Greater participation will support the government's expanding borrowings plan, estimated at around Rs 12 lakh crore annually. It may also pose competition to bank fixed deposits and post office savings.*

What are G-Secs?

These are debt instruments, issued by the government. *They are considered the safest form of investment; the government will not default as it has the option to raise funds through taxes and other means if it faces challenges in repayment. Retail investors have been allowed to buy and sell treasury bills, government bonds, sovereign gold bonds as well as State Development Loans.* Currently, *retail investors are allowed to submit non-competitive bids in auctions of government bonds. They could access the NDS-OM (Negotiated Dealing System-Order Matching) through stock exchanges, which would aggregate the demand for gilts and place it to RBI in NDS-OM. Now, a retail investor can open a gilt account with the RBI and place a direct bid on NDS-OM as well as trade in the secondary market. So far, only institutional players like banks, primary dealers, insurance companies, mutual funds, foreign portfolio investors and high net worth individuals had direct access to this platform.* Gilts are normally traded on NDS-OM in lots of Rs 5 crore each, but retail investors have been allowed to trade with a minimum investment of Rs 10,000.

How will the RBI scheme work?

To register online, investors need to have a rupee savings bank account in India, PAN and a valid document for KYC. Non-resident retail investors are eligible to invest in government securities under Foreign Exchange Management Act, 1999. An RDG Account can be opened singly or jointly.



Investors fill up an online form. Once their RDG Account is opened, details for accessing the portal will be conveyed through SMS/email. *No fee will be charged for opening/maintaining the account or placing bids.* For primary market participation, only one bid per security is allowed. *Payment can be made through net-banking/UPI. If UPI is used, funds in the linked bank account can be blocked at the time of submission of bids; the amount will be debited on allotment in the auction.* A similar facility through banks will be made available in due course. Allotted securities will be issued by credit to the investor's RDG Account on the day of settlement. Refunds, if any, will be credited to the investor's bank account. For secondary market trades, registered investors can access a transaction link on the portal to buy or sell gilts. Securities bought will be credited to the RDG Account on the day of settlement. The RBI will announce the date of commencement of the scheme.

How can investors benefit?

G-Secs add to the variety of debt investment options. *Apart from interest income, investors can also make capital gains by trading in gilts, depending on the trajectory of interest rates.* If an individual holds a bond carrying a yield of 6%, a rise in bond yields will bring the price of the bond down. So, if he wants to trade the bond before maturity, the rise in yield results in capital loss. On the other hand, a drop in yield below 6% would benefit the investor as the bond price will rise. *Investors also face low reinvestment risk in case they are saving for retirement. While fixed deposits are available for a maximum tenure of 10 years and thereby expose the investor to reinvestment risk, a G-Sec investor can lock himself at the current yield for 20-30 years.*

What are the risks in investing directly?

Since G-Secs are highly volatile, investment experts say investors who really understand these instruments or are willing to hold till maturity should look at them. Many argue that although these are safe-asset class, it is better to invest through mutual fund schemes that invest in G-Secs. *For investors who are willing to hold till maturity and are not bothered by volatility, one of the advantages of going direct is that they will save on the expense ratio charged by mutual funds. G-Sec attracts tax on both interest income and capital gains if the papers are traded in the market before maturity. Interest income attracts tax at the marginal tax rate, and capital gains at 10%. G-Secs don't attract capital gains tax if the papers are held till maturity.*

What should one keep in mind if investing directly in G-Secs?

G-Sec yields move on account of various factors, and investors will need to keep an eye on both domestic and global developments. In the market, people say fixed-income investors sink and sail with the direction of interest rates. *Investors suffer capital losses in a rising interest rate regime, and make capital gains in a falling rate environment. This risk is eliminated when gilts are held till maturity. Inflation and interest rates, in turn, are affected by various other factors such as economic growth, sovereign rating, money supply, government borrowing, global liquidity and geopolitical developments.* So investors need to be watchful of all this.



‘WRITE-OFFS OF RS 1.85 LAKH CRORE AID BANKS TO BRING DOWN BAD LOANS’

*Loan write-offs have again aided banks to report lower non-performing assets (NPAs) during the year-ended March 31, 2021. However, total write-offs during the fiscal amounted to Rs 1,85,000 crore, which is lower than Rs 237,876 crore in the previous year ended March 31, 2020. As per the financial disclosures made by the SCBs, loans written-off accounted for more than Rs 70,000 crore in the quarter ended March 2021. This has led to an improvement in the asset quality (GNPA reduction) of the banks, according to figures compiled by Care Ratings. Earlier this year, Minister of State for Finance Anurag Singh Thakur said in a written reply to the Lok Sabha that banks had written off bad loans to the tune of Rs 1.15 lakh crore during the first three-quarters of the fiscal ended March 2021. As a result, the reported NPA ratio of the banks decreased to Rs.8.2 lakh crore in the quarter ended March 2021 as compared with the year-ago period (Rs.8.8 lakh crore in Q4FY20), due to recoveries and higher write-offs made by multiple banks, Care Ratings said in a report. **The RBI Annual Report says the reduction in NPAs during the year was largely driven by write-offs. NPAs older than four years require 100 per cent provisioning and, therefore, banks may prefer to write them off. In addition, banks voluntarily write-off NPAs in order to clean up their balance sheets, avail tax benefits and optimise the use of capital.** At the same time, **borrowers of written off loans remain liable for repayment, the RBI said.** On March 23, 2021, the Supreme Court lifted the ban on NPA classification. **With the asset classification standstill lifted in March 2021, the GNPA ratio of SCBs settled at 7.5 per cent in March 2021 as compared with 8.5 per cent in the quarter ended March 2020 which was largely driven by PSBs.** All commercial banks reported CAR higher than the minimum regulatory requirement as on March 31, 2021. Banks with higher write-offs include SBI (Rs 17,590 crore) in the fourth quarter followed by Union Bank of India, Yes Bank, Bank of Baroda, Axis Bank, Punjab National Bank, Bank of India and ICICI Bank. **The asset quality improvement was further supported by recoveries made by banks.** Of all the banks, data on recoveries from write-off account as disclosed by 19 banks add up to Rs 28,420 crore compared with Rs.18,775 crore in Q3FY21. In fact, **loan write-offs have been rising in the last five years.** Banks wrote off Rs 236,725 crore in 2018-19 and Rs 190,572 crore in 2017-18, aiding banks to bring down NPAs. On the other hand, **the gross NPAs in the near term could also be lower than expected if higher write-offs and recoveries are made by SCBs, one-time restructuring scheme for MSMEs, some amount of stressed assets moved to NARCL, liquidity under ECLGS scheme could support the MSMEs and lower than anticipated impact of second wave of the covid-19 pandemic.** However, very little is known about the identity of the borrowers and the amount written off in the case of individual borrowers. **While banks claim that the recovery measures continue even after loans are written off, sources said not more than 15-20 per cent is recovered and the write-off figures every year are rising, much faster than recoveries and recapitalisation.** With the second wave of the Covid-19 pandemic hitting the economy, bad loans are expected to go up in the coming quarters. **As per the latest Financial Stability Report of the RBI, macro stress tests indicate that the gross non-performing asset (GNPA) ratio of banks may increase from 7.48 per cent in March 2021 to 9.80 per cent by March 2022 under the baseline scenario and to 11.22 per cent under a severe stress scenario. However, have sufficient capital, both at the aggregate and individual level, even under stress,** it said. Within the bank groups, **NPAs of public sector banks are expected to rise to 9.54 per cent in March 2021 and edge up to 12.52 per cent by March 2022 under the baseline scenario.** However, this is an improvement over earlier expectations and indicative of pandemic proofing by regulatory support, it said.*



LIBERATING CO-OPS

As businesses, cooperatives present an appealing alternative to slothful public sector undertakings (PSUs) and profit-maximising private enterprises. On paper, they are either producer or consumer-owned. *Producer cooperatives seek to obtain the highest possible value for the goods and services supplied by farmers, fisherfolk, artisans or labourers. Consumer cooperatives, likewise, provide inputs (fertiliser, seed, credit, fuel, etc), groceries, housing, health and other services at the most economic rates to their members.* In reality, though, cooperatives in India have rarely been member-governed organisations. *In a majority of cases, they have serviced the interests of politicians and governments more than their members. Some had idealistic and zealous founders, but have over time degenerated into quasi-private family-owned businesses.* In other words, *rather than being genuine producer- and user-based organisations, cooperatives have combined the worst of state and private enterprise.* Not for nothing, the Narendra Modi government's latest decision to create a separate Ministry of Cooperation — headed by Home Minister Amit Shah, no less — is being viewed with cynicism by many. They see it *as yet another instance of an overbearing Centre attempting to gain control over grassroots institutions, especially in Opposition-ruled states, and undermining the principles of federalism.* Truth be told, *cooperatives — whether at the state or central level — have always been vulnerable to political and bureaucratic interference. They have seldom been allowed to operate as commercial enterprises controlled and accountable to their ostensible owners.* Most of them are PSUs except in name, *discharging the goals set by the Centre (NAFED) or selling members' produce at prices fixed by state governments (dairy federations).* There are exceptions like Amul and IFFCO, whose success has owed mainly to their being run by professional CEOs and managers, as against IAS officers. *Even they haven't been wholly immune to political pressures, be it election-related or having to contribute to "causes" such as the building of the Ram Mandir.* That said, there's *no doubting the potential of cooperatives in empowering small producers and service producers.* Why cannot restaurant, cab and budget hotel owners, for instance, pool together and create their own mobile apps to attract more consumers? Wouldn't this enable them to capture a higher share of the consumer rupee than currently through Zomato, Uber or OYO? As a minister wielding enormous clout, the least Shah can do is to make it easier for cooperatives to do business, right from registration to winding up. He can, to start with, liberate multi-state cooperatives from government control and get all BJP-ruled states to enact legislation compatible with the requirements of a modern market economy. *Bringing cooperative banks under the Reserve Bank of India's supervision was a welcome measure.* Cooperatives can do without multiple regulators and thrive as truly member-owned businesses. India needs many more Amuls alongside the Ambanis, Adanis and Tatas.

BANKS MULL INVOKING GUARANTEES BY PROMOTERS

Banks may invoke personal guarantees of tycoons to recover unpaid loans from their delinquent firms, sources said Monday. This follows a Supreme Court order in May which held that the November 15, 2019 government notification allowing creditors to move against personal guarantors under the Insolvency and Bankruptcy Code was 'legal and valid'.



‘Estimate of ₹1.6 lakh cr.’

According to an estimate, the top 10 personal guarantors have guaranteed debt of more than ₹1.6 lakh crore. Former promoters of Bhushan Steel and Power Sanjay Singhal and his wife Aarti Singhal had furnished personal guarantees up to ₹24,550 crore to take loans from a consortium of bank led by State Bank of India. Erstwhile promoter Kapil Wadhawan stands guarantee to loans taken by DHFL, with debt of about ₹90,000 crore. Venugopal Dhoot has given personal guarantee to a portion of the ₹22,000-crore loan to Videocon. A senior bank official said banks were assessing the involvement of directors who had pledged their personal guarantee. Then, another banker said, banks would move the National Company Law Tribunal for invoking personal guarantee as part of the recovery process.

CONTRIBUTIONS TO PATANJALI RESEARCH FOUNDATION TO BE ELIGIBLE FOR I-T RELIEF

The Central Board of Direct Taxes (CBDT) has notified Patanjali Research Foundation Trust as a ‘research association’ for scientific research, implying donations to the Trust will be eligible for income tax deduction. The CBDT has granted the status under Section 35(1)(ii) of the Income-tax Act for five years with effect from financial year 2021-22. Section 35 of the Income-tax Act provides for deduction of expenditure of an amount equal to one-and-one-half times of any sum paid to a research association which has as its object the undertaking of scientific research or to a university, college or other institution to be used for scientific research. A business entity that pays any amount to the Trust for scientific research shall be eligible to claim the expense as deduction from business income under Section 35, thereby reducing their tax outgo. A taxpayer is permitted to deduct any amount paid to an ‘approved scientific research association’ for undertaking scientific research in computing the income under the head of business and profession. The previously notified status under Section 35 (1) was granted to Bennett University, Greater Noida, Uttar Pradesh under the category of ‘University, College or other institution’ for Scientific Research and Research in Social Science and Statistical Research on March 9, 2021. Before that, in the last one year, similar notified status was granted to Institute of Pesticide Formulation Technology, Gurgaon, on January 28, 2020 and to Indian Institute of Technology (Indian School of Mines), Dhanbad on January 3, 2020. Neha Malhotra, director, Nangia Andersen LLP, said such provisions serve as tax incentives for spending on scientific research. “Tax breaks in the form of deduction of expenses incurred for specified purposes channelises the funds of the taxpayers in the desired area of investment, that is scientific research in this case. Such provisions serve as a tax incentive for the taxpayer spending on scientific research and source of funds for the research association.”

CCI REJECTS ANTI-COMPETITIVE CONDUCT CHARGES AGAINST UBER

The Competition regulator on Wednesday dismissed allegations of antitrust violations against cab aggregator Uber levelled by Meru, noting that the former is not a dominant player in the market. Meru had alleged that low prices charged to customers and high incentives offered to drivers by Uber were aimed at eliminating competition. Meru had also alleged that Uber had entered into exclusivity contracts with drivers to prevent them from working with other taxi operators. “... despite the alleged practices of Uber, which have been argued to be anti-competitive, Ola has grown in the market in almost equal measure. The competitive constraints posed by Ola and Uber on each other outweigh the anti-competitive effects alleged by Meru,” the Competition Commission of India (CCI)



said in its order. It added that incentives offered by Uber did not meet “the legal test” of an exclusionary agreement that would cause an appreciable adverse effect on competition. *The order dismissing the charges came despite a conclusion by the investigative arm of the CCI that Uber and Ola had adopted a “below-cost pricing strategy” in the Delhi-NCR radio taxi market between January 2014 and September 2017 as neither company was a dominant player.* MM Sharma, head of competition law at Vaish Associates said, *“There is lacunae in the present Act because it does not address the attempt to monopolise, which both Ola and Uber can be accused of indulging in,”* adding that the platform-based models of Uber and Ola had destroyed the level-playing field between platforms and asset-based models through their strong network effects and the use of advanced analytics. Sharma did, however, note that the CCI order was well reasoned and based on a sound economic analysis under the existing legal framework. “CCI could have waited for more time to see the effect on Competition instead of closing the case,” he said.

FIRST TAKEOUT IN INDIAN FOOD SPACE FOR SOFTBANK: CCI CLEARS INVESTMENT IN SWIGGY

The competition regulator has approved an investment by Masayoshi Son-led SoftBank Vision Fund II (SVF II) in online food aggregator Swiggy. SVF II had, according to reports, sought to invest \$450-500 million in Swiggy at a post-money valuation of \$5.5 billion.

The move marks SoftBank’s maiden foray into the online food delivery space in India. SoftBank’s funds have already invested in other Indian unicorns including Flipkart, OYO and Lenskart. Swiggy reportedly secured investment from SVF II shortly after completing an \$800-million funding round which saw Falcon Edge Capital, Amansa Capital, Think Investments, Carmignac, and Goldman Sachs joining as new investors in the company. Swiggy has expanded its operations to include Instamart, a service allowing customers to order groceries all day. The food aggregator may use the latest round of funding to expand services further as it plans to bring new offerings for consumers. In official filings before the CCI, *both parties had noted that there was no overlap in the activities of SoftBank and Swiggy and that the “proposed combination will not lead to any change in the competitive landscape or cause any appreciable adverse effect on competition in India.”* Swiggy’s chief rival Zomato, which is backed by Ant Financial and Tiger Global, is set to go for an initial public offering (IPO) in July in which it is hoping to raise about \$1.25 billion or Rs 9,375 crore.

EYING RISING COMPETITION, FLIPKART RAISES \$3.6 BN; SOFTBANK RETURNS

At a time when the draft e-commerce rules have ushered in greater regulatory uncertainty in the online retail sector, the Bengaluru-headquartered Flipkart Group has raised \$3.6 billion from marquee investors fetching it a valuation of \$36.7 billion. This is nearly double the \$20.8 billion valuation at which the world’s largest retailer Walmart acquired Flipkart in 2018. The fundraise adds to Flipkart’s war-chest when it faces fierce competition in the Indian online commerce segment from Amazon, in addition to other business houses like Reliance and Tata Group looking for their share in the e-commerce pie. A key aspect of Flipkart’s fundraise is that it marks the re-entry of Japanese Softbank Group into the company, which had divested its stake in the company during the Walmart acquisition. Alongside Softbank, the funding round was led by Singapore’s GIC, Canada Pension Plan Investment Board and Walmart, and it was joined by investments from sovereign



wealth funds including Abu Dhabi's DisruptAD, Qatar Investment Authority and Malaysia's Khazanah National Berhad. Other marquee investors such as Tencent, Willoughby Capital, Antara Capital, Franklin Templeton and Tiger Global also participated in the funding round.

Also, the consumer affairs ministry last month announced the draft e-commerce rules as part of the consumer protection law that online marketplace players suggest has added uncertainty to the sector and triggered fresh regulatory confusion among the companies. The government has had several rounds of discussions with the companies since the announcement of draft rules on June 21, and expects stakeholders to submit their comments by July 21. *Sector experts have also pointed out that the e-commerce rules specifically impact foreign players, which operate on a marketplace model. In the Indian e-commerce market, which is around 5% of the country's \$880-billion retail sector, Amazon and Flipkart are neck-to-neck each having leads in different categories. Over the last few years, Reliance Industries, which owns India's largest retailer Reliance Retail and the Tata Group have marked their foray into the online retail segment as well.* Reliance Retail along with its sister concern Jio Platforms launched e-commerce platform JioMart last year in more than 200 cities. Similarly, *the Tata Group, which operates several retail brands such as Croma, Westside, Tata Cliq, etc has bought stakes in online grocer BigBasket and online pharmacy 1mg in its efforts to create a commerce super-app in India.*

WHY THE KITEX GROUP IS UNHAPPY WITH THE KERALA GOVERNMENT

Hours after returning from Telangana, where he announced plans to invest Rs 1,000 crores in an apparel park in Warangal, Sabu M Jacob, the chairman and managing director of garments major Kitex Group, said his conscience doesn't allow him to invest a single rupee in Kerala, his home state, ever again. The remark caps the showdown between the home-grown company and the Kerala government.

What's the origin of the tussle between Kitex and Kerala govt?

The origin of the tussle lies in a series of inspections within the span of a month by various government departments including labour and health at the Kitex manufacturing unit and company premises in Kizhakkambalam in the eastern suburbs of Kochi in Ernakulam district. Jacob alleged that the inspections were a way of "harassing" entrepreneurs like him and "pushing him into a corner". He alleged the officials who came down to inspect the company behaved as if they were looking to nab thieves and robbers. However, the state's Industries Minister P Rajeev clarified that the government had not initiated any suo motu inspections on the company. While the industries department itself was not involved in ordering any raids, he said *the inspections by health and labour departments were following orders by the Kerala High Court and the National Human Rights Commission based on individual complaints. The complaints purportedly raised issues of treatment of workers by the company and the pollution of a nearby river through effluent discharge.*

What happened after the inspections?

Though final results of the government inspections are awaited, Jacob took the spat with the government to the next level by declaring that he was abandoning investments to the tune of Rs 3,500 crores that were announced at the ASCEND summit in January 2020. The investments had been



aimed at setting up an apparel park and industrial parks in Kochi, Thiruvananthapuram and Palakkad along the proposed economic corridor by 2025, generating thousands of jobs. Without directly naming anyone in the state government, Jacob charged that the state lacked a conducive climate for business to grow. He claimed while he did not want to abandon the proposed investments in Kerala, he was being forced to do it as a result of political and bureaucratic harassment. He said while other states in the country were quietly upgrading their eco-system for big business, Kerala was still stuck 50 years behind. Last week, Jacob, along with a few of Kitex officials, flew in a private jet sent by the Telangana government to Hyderabad where they met a delegation led by the state's Industries Minister KT Rama Rao. After two days of discussions, the company announced plans to invest Rs 1,000 crore in an apparel park at the Kakatiya Mega Textile Park in Warangal.

How has the Kerala govt responded to the row with Kitex?

CM Pinarayi Vijayan defended the state's business environment, stating that the government was doing everything it can to make entrepreneurs and investors feel comfortable in the state. He charged that Jacob's remarks were "motivated" with the aim of tarnishing the image of Kerala as a business-friendly destination. He said the state was ranked first in the sustainable development index prepared by the Niti-Aayog. He also listed measures by his government in the last five years such as setting up district-level dispute redressal forums, centralised system for inspections and a board for fast-track clearances of projects. On his part, Rajeev repeatedly said the company management should not have made comments disparaging the state. He also said the government was ready to initiate talks with Kitex and resolve any issues.

What's the significance of Kitex Group?

The Kitex Group, founded by late MC Jacob in the 60s, is the second-largest producer of children's apparel in the world. Apart from garments, the company also manufactures aluminium products, curry powders and school bags. It is the largest private-sector employer in Kerala's industrial scene, believed to provide employment for nearly 10,000 people. Its operations are centred in the village of Kizhakkambalam on the outskirts of Kochi.

Does the row have political shades?

The row comes just months after Twenty-20, a CSR wing of Kitex Group, participated in the state's Assembly elections by nominating candidates in eight constituencies in Ernakulam district. Though it lost in all of the seats, it dented the prospects of the LDF and UDF candidates, especially in Kunnathunad. The Twenty20 was floated with the aim of making the Kizhakkambalam panchayat the best in the country by 2020. *In the 2015 local body polls, the outfit won all except one ward in the local body, making it the first time a corporate firm has control over a panchayat in India. In the 2020 polls, it retained power in Kizhakkambalam and captured power in three other neighbouring panchayats, relegating the established political parties like the CPM, Congress and the BJP. Jacob's move to enter politics first through local bodies and then the Assembly is seen as having rubbed the political parties the wrong way.*



UNITHOLDERS' CONSENT MUST FOR WINDING UP MUTUAL FUNDS

The Supreme Court on Wednesday held that trustees of a mutual fund scheme have to obtain the consent of the unitholders who have invested their money before deciding to wind up the scheme or prematurely redeeming the units. Trustees cannot assume the air of “domain experts” and treat the unitholders as mere “laypersons” whose consent was not necessary before winding up, it said. “The argument that the unitholders are laypersons and not well-versed with the market conditions is to be rejected,” a Bench of Justices S. Abdul Nazeer and Sanjiv Khanna observed in a judgment. “Investments by the unitholders constitute the corpus of the scheme. To deny the unitholders a say, debilitates their role and right to participate,” it added. *The Bench was hearing an appeal filed by Franklin Templeton Trustee Services Private Limited concerning the winding up of its six mutual fund schemes. The judgment harmoniously interprets Regulation 18(15)(c) with Regulation 39 (2) (a) of the Securities and Exchange Board of India (Mutual Funds) Regulations of 1996.* The Supreme Court opted for a middle path between the two Regulations. “The Principle of Harmonious Construction should be applied in the context of the Regulations in question... This would mean that the opinion of the trustees would stand, but the consent of the unitholders is a pre-requisite for winding up,” Justice Khanna observed.



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LIFE & SCIENCE

INDIAN-ORIGIN AERONAUTICAL ENGINEER TO FLY INTO SPACE

Sirisha Bandla, a 34-year-old aeronautical engineer, is set to become the third Indian-origin woman to head to space when she flies as part of Virgin Galactic's first fully crewed flight test on Sunday. Ms. Bandla, who was born in Guntur, Andhra Pradesh, and brought up in Houston, Texas, will join Sir Richard Branson, the company's billionaire founder, and five others on board Virgin Galactic's SpaceShipTwo Unity to make a journey to the edge of space from New Mexico. "I am so incredibly honoured to be a part of the amazing crew of #Unity22, and to be a part of a company whose mission is to make space available to all," she tweeted. Ms. Bandla will be astronaut no 004 and her flight role will be Researcher Experience, according to her profile on Virgin Galactic. She will become the third Indian-origin woman to fly into space after Kalpana Chawla and Sunita Williams. Ms. Bandla started in her role as the Vice President of Government Affairs and Research Operations at Virgin Galactic in January 2021.

FAST ENOUGH TO REACH SPACE, NOT STAY THERE

On Sunday, Virgin Group founder Richard Branson and five others undertook a brief trip to the "edge of space", *taking off on the VSS Unity spaceship* from New Mexico and reaching an altitude of 85 km from Earth before returning. Such a trip is called a "suborbital flight". *Another high-profile suborbital trip is coming up on June 20, when Amazon's Jeff Bezos takes off on the Blue Origin spacecraft.*

What's suborbital

When an object travels at a horizontal speed of about 28,000 km/hr or more, it goes into orbit once it is above the atmosphere. Satellites need to reach that threshold speed in order to do orbit Earth. Such a satellite would accelerating toward the Earth due to gravity. However, it moves fast enough that the Earth curves out from under it as fast as it falls, giving it a circular path, the Virginia Commonwealth University explains on its website. *Any object travelling slower than 28,000 km/hr must eventually return to Earth. However, Branson's spacecraft travelled fast enough, as Bezos's will, to reach a point far enough to be considered outer space.* These are suborbital flights, because they will not be travelling fast enough to orbit Earth once they reach the "edge of space". Such a trip allows space travellers to experience a few minutes of "weightlessness". Branson's flight was first carried off the ground by a larger aeroplane to an altitude of around 15 km. From here, the vehicle blasted off the aircraft, achieving a height of 85 km, where it momentarily reached zero vertical velocity. At this altitude, travellers were estimated to experience about four minutes of weightlessness. For an analogy, consider a cricket ball thrown into the air. Given that no human hand can give it a speed of 28,000 km/hr (about 8 m/sec), the ball will fly in an arc until its entire kinetic energy is swapped with potential energy. At that instant, it will lose its vertical motion momentarily, before returning to Earth under the influence of gravity. A suborbital flight is like this cricket ball, but travelling fast enough to reach the "edge of space", and with enough horizontal velocity to go into orbit. *If an object travels at 40,000 km/hr, it will achieve what is known as "escape velocity", and never return to Earth.*



Why the buzz

With Branson and Bezos kicking off private space flight, several companies are looking for customers wanting to go on suborbital or even orbital journeys. At Branson's Virgin Galactic, around 600 people have already paid deposits for tickets that are priced up to \$250,000 (Rs 1.86 crore). However, Bezos's Blue Origin, which uses the reusable New Shepard rocket, is yet to announce commercialisation plans, according to the BBC. There is also excitement among scientists who want to use suborbital flights for microgravity research. Such flights, as per a space.com report, would be far less expensive than carrying experiments and people to the International Space Station. Suborbital flights could also be an alternative to parabolic flights in aeroplanes that space agencies currently use to simulate zero gravity.

Safety concerns

The Branson flight comes seven years after his company's first rocket, called Enterprise, crashed during a test flight, killing one of the pilots on board. The other survived after parachuting out. The current rocket is also not certified by the US Federal Aviation Administration, which is prohibited to do so by law until 2023. According to The New York Times, this is because the government does not want to burden companies like Virgin Atlantic with regulations during their "learning" period, when they can innovate by trying out different designs and procedures. Passengers need to sign "informed consent" forms, similar to the ones before going for skydiving or bungee jumping, the report said.

WILDFIRES RAGE AS HEAT WAVE STIFLES WESTERN U.S., CANADA

The western United States and Canada was suffering under scorching temperatures to start the week, with heat warnings still in place Monday and authorities struggling to reign in wildfires in both countries. Sweltering conditions hit much of the Pacific seaboard and as far inland as the western edge of the Rocky Mountains on Saturday and Sunday, in a dramatic, prolonged heat wave experts attribute directly to climate change. The U.S. National Weather Service (NWS) had warned the dangerous temperatures will continue in the region for the early part of the week, forecasting highs of up to 115 degrees Fahrenheit (46 Celsius) in southern California, and issued a heat advisory for the Los Angeles area until Monday evening.

CHINA STARTS LONG-AWAITED CARBON TRADING SCHEME

China introduced its long-awaited emissions trading system on Friday, a key tool in its quest to drive down climate change-causing greenhouse gases and go carbon neutral by 2060. The scheme was unveiled with China, the world's biggest carbon emitter, seeking to take a global leadership role on the climate crisis in the lead up to a crucial UN summit in November. China has hailed it as laying the foundations for what would become the world's biggest carbon trading market, forcing thousands of Chinese companies to cut their pollution or face deep economic hits. Analysts and experts say much more needs to be done if China is to meet its environmental targets, which includes reaching peak emissions by 2030.



Pollution caps

The scheme will set pollution caps for big-power businesses for the first time, and allows firms to buy the right to pollute from others with a lower carbon footprint. The market will initially cover 2,162 big power producers that generate about a seventh of the global carbon emissions from burning fossil-fuels, according to data from the International Energy Agency.

HOW US ANTI-TRUST ORDER COULD IMPACT BIG TECH ELSEWHERE

“Capitalism without competition isn’t capitalism. It’s exploitation,” President Joe Biden said Friday as he signed an executive order aimed at cracking the dominance of big tech firms and fostering competition across a number of sectors. This new order is being seen as a decisive policy step in the Biden administration’s stated mission of targeting Big Tech, coming close on the heels of the appointment of two vocal Big Tech baiters in Washington DC — Lina Khan at the helm of the FTC and Tim Wu as his Special Assistant for Technology and Competition Policy.

The new order and it’s remit

Friday’s executive order includes 72 actions and suggestions involving multiple federal agencies. *The problems that it specifically flags include that of big tech firms collecting massive volumes of personal information, acquiring fledgling competitors and holding a competitive advantage against small businesses and corporate consolidation.* The line of actions proposed include *a set of new rules to be issued by the FTC on data collection, increased scrutiny of fresh mergers in the technology sector, scrutiny of the anti-competitive moves in the internet marketplaces.* Other sectors under the scanner include travel, healthcare and agriculture.

Amazon, others in the cross-hairs

A fact sheet released by the government lists out transgressions, without naming companies and entities. But it does not make any pretense about the intended targets. For instance, the document talks about how companies that run “dominant online retail marketplaces” can see *how sellers are doing on the platform and then use the data to launch their own competing products.* This is aimed at Amazon and has a discernible Khan imprint on it, resonating with what she had flagged in a 2017 paper titled ‘Amazon’s Antitrust Paradox’ — where she had critically examined the online selling platform’s dual role. *This dual role, Khan had then said, also “enables a platform to exploit information collected on companies using its services to undermine them as competitors”.*

The executive order by the US federal govt comes weeks after the House Judiciary Committee also voted to approve a series of antitrust bills, which could force big tech firms to transform or even break up their businesses

Scrutiny of tech mergers, sectoral surges in prices

While on the one hand the order calls for changes to how tech mergers and other anti-competitive behaviour by big-tech is scrutinised, *the order also aims to bring down prices of goods and services that have risen over time* with companies in various sectors such as airlines, pharmaceuticals, mobile phones, internet connections, etc gaining control of their respective segments. However, in calling for sweeping actions that look at lowering prices across sectors, *the order does not*



address the conflict between the dogma that lower prices are considered in favour of consumer good and that technology companies often provide services for free but make consumers pay for with their data.

Potential impact beyond the US, India included

The move could have resonance outside of the US, coming at a time when there is increasing consensus across geographies on the issue. In India, there have been a number of antitrust cases against big-tech companies like Amazon and Google being investigated by the Competition Commission of India, but none so far with a significant impact on the behaviour of the companies' operations. *In 2018, the CCI fined Google Rs 136 crore for "search bias". However, this fine was set aside by the National Company Law Appellate Tribunal (NCLAT) just months later.* Specific antitrust cases notwithstanding, New Delhi has also ratcheted up the heat on big-tech companies on the policy front with *the IT Intermediary Rules that impact social media companies like Facebook and Twitter, and the imminent amendments to Consumer Protection (E-commerce) Rules that increase compliance burden for Amazon and Walmart-owned Flipkart.* So, while the development in the US sends signals across the board about a greater consensus on preventing accumulation of "too much power" with a handful of companies, it does so from an antitrust point of view that aims at having a level-playing field.

Consumers' dependence on a few large platforms

More importantly, *how the US manages to rein in big-tech firms through the executive order and whether these companies are forced to make changes to how they operate could set precedence for other antitrust regulators to ask the same of these firms in their jurisdictions.* This could also be a step toward alignment of policy outlook on both sides of the Atlantic. This could mean an affirmation in Washington of the anti-trust actions taken by the European Union, which has so far waged a lone battle against Big Tech.

THE 2020 MILLENNIUM TECHNOLOGY PRIZE GOES TO...

The 2020 Millennium Technology Prize, announced in May, has been awarded to Shankar Balasubramanian and David Klenerman, "for their development of revolutionary DNA sequencing techniques." Their work is a perfect blend of science and innovation, and very apt as we have all heard a great deal about genome sequencing in the context of the ongoing pandemic.

Emphasis on innovation

Awarded by the Republic of Finland, along with top Finnish academic institutions and industries, The Millennium Prize has a 21st century outlook, with a strong emphasis on innovation. Past winners include Tim Berners-Lee (for implementing the world-wide web) and Frances Arnold (for her work on directed evolution in a laboratory setting). Three of the eleven awardees so far have subsequently won Nobel prizes. We wait, with bated breath, for Balasubramanian and Klenerman! Shankar Balasubramanian was born in Chennai, and has lived in England for most of his life. After his PhD, he joined the Chemistry Department, Cambridge University. He teamed up with David Klenerman, recruited by the Department around the same time. The initial aim was to build a microscope that could follow single molecules. Of special interest to him was the molecular



machinery that DNA uses to make copies of itself. *Somewhere in their discussions arose the germ of the idea for a new way to read the alphabet that make up DNA, and to thereby access the information stored in them. DNA (or RNA, in some viruses), the genetic material of life forms, is made of four bases (A, T, G and C; with U replacing T in the case of RNA). A chromosome is the duplex of a long linear chain of these – and in the DNA sequence is information – the blueprint of life. Life famously can replicate, and DNA replicates when an enzyme, DNA polymerase, synthesises a complementary strand using an existing DNA strand as the template.*

Breakthrough idea

The breakthrough idea of Balasubramanian and Klenerman was to sequence DNA (or RNA) using this process of strand synthesis. They cleverly modified their ATGC bases so that each shone with a different colour. When copied, the “coloured” copy of DNA could be deciphered from the colours alone, using miniature optical and electronic devices. *A very significant advance in their “Next Generation Sequencing” (NGS) method lies in the size of DNA that could be sequenced at one go – more than a million base pairs can be sequenced, which translates to hundreds of genes or even the whole genome of an organism. This is made possible by simultaneously sequencing hundreds of pieces of DNA at the same time. Many copies of this long DNA “sentence” are randomly broken up into small pieces, each no more than a few hundred bases long, which are all sequenced together. The “reads” are then fitted together, in the manner of a puzzle, to give the final sequence.* This technology was spun off as a commercial entity, Solexa, with the initiative of Balasubramanian and Klenerman. This phenomenally successful startup was later acquired by the biotech company Illumina.

Falling cost

What about the cost of all this sequencing? *When the Human Genome Project delivered the first, near-complete sequence of our genome, the cost was estimated to have been 3 billion dollars. As all our chromosomes together have 3 billion base pairs, it becomes an easy calculation – One dollar per sequenced base.* By the year 2020, Next Generation Sequencing technologies had pushed the price for sequencing your genome down to a thousand dollars – when this technology becomes prevalent in India, this sum should become a few thousands of rupees! To think that a coronavirus genome has not 3 billion but 30,000 RNA bases – not surprisingly, this has resulted in an explosion of data on the genomes of the novel coronavirus and its variants. Health authorities in the United Kingdom have sequenced the viral genome of one out of sixteen people who have tested Covid-positive. *The popular genomic data sharing site GSAID has over two million submissions of Cov-2 genomic sequences, from 172 countries.* NGS has been at the heart of monitoring the spread of viral variants across the globe, and tracing the source of outbreaks. Shankar Balasubramanian continues to run a fine laboratory, focused on the design of therapeutic molecules that would tune down the uncontrolled expression of certain genes, and so control the damage they cause in conditions such as cancer.

CUBA DEVELOPS THE WORLD’S FIRST CONJUGATE VACCINE FOR COVID-19

Cuba’s State-run corporation, BioFarma, said on Friday that its indigenously produced Soberana 2 vaccine was 91.2% efficacious in phase-3 trials. This follows closely on an announcement that another of its vaccines, Abdala, had reported an efficacy of 92.8% in late stage trials. The greater-than-90% efficacy puts them in a select league; however, unlike the Pfizer-BioNTech and Moderna

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



vaccines that had reported an efficacy of over 90%, both the Soberana and Abdala are three-shot vaccines. Both are subunit vaccines, meaning that a part of the virus forms the antigen and stitched on to another construct. In Abdala the spike protein of the coronavirus is combined with a chemically manufactured adjuvant, whereas in Soberana 2, the spike protein is chemically linked to the tetanus toxoid, making it a conjugate vaccine. The design and manufacturing allows the vaccine to be stored in regular refrigeration settings of 2–8 degree Celsius.

Conjugate vaccines

The most common conjugate vaccines are those used for Haemophilus influenza type b and the pneumococcal bacteria. However, a unique aspect of the Soberana vaccine is that it is by far the only one among coronavirus vaccine candidates that relies on the conjugate vaccine technology. Marlene Ramirez Gonzales, one of the scientists involved in the Cuban vaccine development project, in a March letter to the British Medical Journal explained the rationale: “The [Caribbean] island’s four vaccine candidates against COVID-19 are developed as subunit vaccines, one of the most economical approaches and the type for which Cuba has the greatest know-how and infrastructure. *From protein S - the antigen or part of the SARS-CoV2 virus that all COVID vaccines target because it induces the strongest immune response in humans - Cuban [vaccine] candidates are based only on the part that is involved in contact with the cell’s receptor: the RBD (receptor-binding domain) which is also the one that induces the greatest number of neutralising antibodies...Cuba had already developed another vaccine with this principle. It is Cheimi-Hib, ‘the first of its kind to be approved in Latin America and the second in the world’, against haemophilus influenzae type b, coccobacilli responsible for diseases such as meningitis, pneumonia and epiglottitis.* Experts say that while there are no inherent disadvantages to taking a conjugate-vaccine approach for coronavirus vaccines, they have generally been used against bacteria and not viruses. The two parts of a conjugate vaccine are typically connected by chains of polysaccharides, according to epidemiologist and public health expert, Chandrakant Lahariya, and they generally induce a weaker immune response in young children. “Cuba has a long history of vaccine development and has developed certain platforms that work to their advantage. So it makes sense for them to adopt this route. There is nothing inherently disadvantageous, though, to this approach,” he said.

Effective response

For an effective vaccine response, not only antibodies but even killer T-cells, or those produced by the immune system and capable of destroying infected cells, must be produced. *In a protein sub-unit vaccine, the spike protein may be able to elicit a strong antibody response but when combined with the tetanus toxoid, a very widely used childhood vaccine and therefore one which the immune system recognises, such a T-cell response could also be generated and conferring more effective protection,* said Shahid Jameel, virologist and Director, Trivedi School of Biosciences, Ashoka University. He added that while there could be “logistic” concerns with a three-dose vaccine, it wasn’t right to compare efficacies of various vaccines as those numbers had different contexts. “Every vaccine’s efficacy results are in comparison to placebo, and not against another vaccine.... each trial was done differently.” While the efficacy results of the Cuban vaccines haven’t been published in peer-reviewed journals, that the vaccines have been developed entirely by the public health system and amidst a U.S. trade embargo, are among the reasons why they have evoked interest in several other Caribbean countries as well as beyond.



Global response

Iran's Pasteur Institute has said it will participate in phase-3 clinical trials for Soberana 02, with another 60,000 to be enrolled in Venezuela. Other countries including Mexico, Jamaica, Vietnam, Pakistan and India have expressed an interest in the Cuban vaccines, as has the African Union (on behalf of all 55 of the African nations). *Cuba, which exports medical services, has said it will apply different rates for vaccines depending on the importer's ability to pay.*

WOMAN INFECTED WITH TWO VARIANTS AT THE SAME TIME

A 90-year-old woman who died after falling ill with COVID-19 was infected with both the Alpha and Beta variants of the coronavirus at the same time, researchers in Belgium said on Sunday, adding that the rare phenomenon may be underestimated. The unvaccinated woman was admitted to a hospital in the Belgian city of Aalst after a spate of falls in March and tested positive for COVID-19 the same day. While her oxygen levels were initially good, her condition deteriorated rapidly and she died five days later. When medical staff tested for the presence of any variants of concern they found that she was carrying both strains. "Both these variants were circulating in Belgium at the time, so it is likely that the lady was co-infected with different viruses from two different people," said molecular biologist Anne Vankeerberghen from the OLV Hospital who led the research. Dr. Vankeerberghen said it was difficult to say whether the co-infection played a role in the fast deterioration of the patient. The research, which has not yet been submitted to a medical journal for publication, is being presented at the European Congress of Clinical Microbiology & Infectious Diseases. Lawrence Young, a virologist and Professor of Molecular Oncology at the University of Warwick, said, "This study does highlight the need for more studies to determine whether infection with multiple variants of concern affects the clinical course of COVID-19 and whether this in any way compromises the efficacy of vaccination."

WHAT IS UV-C TECHNOLOGY, AND HOW DOES IT WORK ON CORONAVIRUS?

Union Minister of State for Science and Technology Dr Jitendra Singh has said that Ultraviolet-C or UV-C Disinfection Technology will soon be installed in Parliament for the "mitigation of airborne transmission of SARS-COV-2". The UV-C air duct disinfection system was developed by CSIR-CSIO (Central Scientific Instruments Organisation). CSIR-CSIO mentioned in a release that the system is designed to fit into any existing air-ducts and the virucidal dosages using UV-C intensity and residence time can be optimised according to the existing space. The release adds that the virus is deactivated in any aerosol particles by the calibrated levels of UV-C light. It can be used in auditoriums, malls, educational Institutions, AC buses, and in railways.

What is UV?

Ultraviolet (UV) is a type of light or radiation naturally emitted by the Sun. It covers a wavelength range of 100-400 nm. The human visible light ranges from 380-700 nm. UV is divided into three bands: UV-C (100-280 nm), UV-B (280-315 nm) and UV-A (315-400 nm). UV-A and UV-B rays from the Sun are transmitted through our atmosphere and all UV-C is filtered by the ozone layer. UV-B rays can only reach the outer layer of our skin or epidermis and can cause sunburns and are also associated with skin cancer. UV-A rays can penetrate the middle layer of your skin or the



dermis and can cause aging of skin cells and indirect damage to cells' DNA. UV-C radiation from man-made sources has been known to cause skin burns and eye injuries.

So, can UV-C kill coronavirus?

UV-C radiation (wavelength around 254 nm) has been used for decades to disinfect the air in hospitals, laboratories, and also in water treatment. But these conventional germicidal treatments are done in unoccupied rooms as they can cause health problems. An in-vitro experiment conducted by Hiroshima University researchers showed that 99.7% of SARS-CoV-2 viral culture was killed when exposed to 222 nm UV-C irradiation at 0.1 mW/cm² for 30-seconds. The study was published in September 2020 in the American Journal of Infection Control. Another study published in Scientific Reports in March 2021 noted that UV-C irradiation was highly effective in inactivating SARS-CoV-2 replication. "A complete inactivation at all viral concentrations was observed with 16.9 mJ/cm². These results are important for the development of novel sterilising methods to contain SARS-CoV-2 infection," write the authors.

Is it safe for humans?

Researchers from the Indian Institute of Technology-Kanpur, who developed a portable disinfectant device that used UV-C radiation (222-254 nm), noted that the device was specifically developed to disinfect non-living things. "UV-C radiation used in this device could be harmful to the skin and eyes of the living beings, therefore the operator of the device must use spectacles with UV-C radiation protection and use this device safely," noted the paper published in June 2020. But few studies have shown that far-UVC light (207-222 nm) does not harm mammalian skin. "Far-UVC light has a very limited range and cannot penetrate through the outer dead-cell layer of human skin or the tear layer in the eye, so it's not a human health hazard. But because viruses and bacteria are much smaller than human cells, far-UVC light can reach their DNA and kill them," explained David J. Brenner, director of the Center for Radiological Research at Columbia in a release. His team has demonstrated in 2018 that far-UVC light can help control the spread of airborne-mediated microbial diseases.

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