

20TH TO 26TH JUNE, 2021

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INTERNATIONAL

REPUBLICANS BLOCK VOTING RIGHTS LEGISLATION

A procedural vote to begin debate on a voting *rights Bill backed by Democrats failed to pass the U.S. Senate on Monday after Senators voted 50-50 along party lines. The 'For the People Act', which sought to make access to voting easier across the country, introduced in response to Republican-backed measures to tighten voting laws in several States, faced a filibuster from Senate Republicans, necessitating at least 60 of 100 votes to progress. The Bill included provisions to increase early voting, absentee voting, limit gerrymandering (manipulating electoral constituency boundaries to favour a particular party), establish federal financing of campaigns and automatic voter registration. It also proposed additional campaign finance disclosures.* The Democrat-controlled House had passed its version of the legislation in March. While the outcome of the vote was not unexpected, Democrats are using it to argue that Republicans are engaged in systemic voter suppression and a case in point for why the filibuster must be ended. *Senate Majority Leader (Democrat) Chuck Schumer said the GOP vote against the Bill was "further evidence that voter suppression has become part of the official platform of the republican party".* The vote was the "starting gun" and not the "finish line", he said. Senate Minority Leader Mitch McConnell accused the Democrats of a "power grab" and said the legislation would permit them to "take a red pen to election laws in each of the 50 States neutering voting ID laws and ballot harvesting". House Majority Leader Steny Hoyer told reporters that the vote would be "dramatic evidence of why the filibuster needs to be modified", according to a Reuters report.

Ballot access

Two Democrats, Joe Manchin of West Virginia and Kyrsten Sinema of Arizona, have repeatedly stated their opposition to getting rid of the filibuster. Mr. Manchin was also not on board with the legislation, citing a lack of bipartisanship, but joined his fellow Democrats at the eleventh hour, after some of his suggested modifications (on voter ID and gerrymandering) were accepted. *Democrats, including U.S. President Joe Biden, said they would persist in their efforts to expand ballot access. "This fight is far from over — far from over. I've been engaged in this work my whole career, and we are going to be ramping up our efforts to overcome again, for the people, for our very democracy,"* Mr. Biden said in a statement. "We have several serious options for how to reconsider this issue and advance legislation to combat voter suppression. We are going to explore every last one of our options," Mr. Schumer said on the Senate floor, right after the vote. *However, what legislative path they will take remains unclear, as Democrats are likely to encounter the filibuster again and will need the support of at least 60 Senators to pass future versions of the Bill.*

A COLD WAR RELIC THAT'S SEEKING A NEW PURPOSE

In a communiqué issued following the June 14 summit of its member-states in Brussels, the North Atlantic Treaty Organization (NATO), for the first time, explicitly described China as a security risk. China has never figured in NATO summit declarations before, except for a minor reference in 2019 to the "opportunities and challenges" it presented. But this year's communiqué bluntly states: "China's stated ambitions and assertive behaviour present systemic challenges to the rules-based international order and to areas relevant to Alliance security." China has reacted sharply, calling

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the statement a “slander”. *It has urged NATO to “view China’s development rationally, stop exaggerating various forms of ‘China threat theory’ and not to use China’s legitimate interests and legal rights as excuses for manipulating group politics [while] artificially creating confrontations”. The other two threats identified by the NATO communiqué are on predictable lines: Russia and terrorism. Tensions with Russia are an inevitable outcome of NATO’s bid to expand eastward into what Russia considers its sphere of influence. Trying to bring countries such as Ukraine, Georgia and Moldova under the NATO umbrella was bound to cause a confrontation with Russia, and so it has. As Russia sought to protect its interests by “annexing” Crimea and stationing troops in Georgia and Moldova, NATO accused it of acting irresponsibly and breaking the “rules-based international order”.* There is a significant difference, however, between a strategic focus on countering Russia and casting China as a “systemic challenge”, and this goes back to NATO’s founding mandate and subsequent history. *NATO, the planet’s largest — and largest ever — military alliance, was formed in 1949 by 12 Allied powers to counter the massive Soviet armies stationed in Eastern and Central Europe after Second World War. According to Paul-Henri Spaak, the second Secretary-General of NATO, it was, ironically enough, Joseph Stalin who is the true father of NATO. It was Stalin’s overreach — especially with the Berlin blockade of 1948-49 and the orchestrated coup in Czechoslovakia in 1948 — that convinced a diverse set of war-ravaged European nations to come together under an American security blanket. The collective defence principle enshrined in NATO’s Article V states that “an attack against one ally is considered as an attack against all allies”. The formation of NATO, and its Soviet counterpart, the Warsaw Pact, in 1955, inaugurated the Cold War era. NATO was completely successful in its mission of protecting the “Euro-Atlantic area” from Soviet expansion and preventing war between the two superpowers. When the Soviet Union collapsed in 1991, questions were raised about NATO’s relevance and future. After all, if the Non-aligned Movement (NAM) became irrelevant when the Communist bloc disappeared, how does one justify the continuation of a military alliance formed to protect Europe from Communist expansion? Wouldn’t Europe’s security be better served by a collective force managed by the Europeans themselves? While some in Europe did think so, they underestimated the resilience of the powerful NATO bureaucracy, which remains an integral element of what U.S. President Dwight D. Eisenhower described as “the military-industrial complex”.*

Post-Cold war era

This bureaucracy succeeded in refashioning NATO for the post-Cold war era. The refashioning rested on a paradigm shift — from collective defence, which implied a known adversary, to collective security, which is open-ended, and might require action against any number of threats, including unknown ones and non-state actors. *Another factor in the persistence of NATO is that, like all successful alliances, it has been a mutually beneficial arrangement. For Europe, it was an attractive bargain where, in exchange for a marginal loss in autonomy, it enjoyed absolute security at a cheap price. For the U.S. on the other hand, NATO has been an ideal vehicle for power-projection around the world — in places beyond the Euro-Atlantic area, such as Iraq, Afghanistan and Libya. It views NATO as a tool to ensure the primacy of American interests across the globe. Unsurprisingly, NATO’s post-Cold War role has evolved in tandem with U.S. foreign policy priorities. The NATO doctrine of “enlargement”, which Russia calls “expansion”, is essentially about extending the American military footprint by bringing in new members. That is how NATO’s membership today stands at 30, having added 14 members between 1999 and 2020. Member-states, of course, have some leeway in terms of the degree to which they commit themselves — not all of them send*



troops to every conflict outside Europe, and most contribute less than their share of financial resources. *This has been an area of friction between the U.S. and the European states, as the former foots nearly 70% of NATO's bills. While the cost of 'protection' is likely to go up for Europe, they are also wary of being dragged into confrontations that, while perhaps necessary from an American viewpoint, may not serve Europe's interests.* Soon after the NATO communiqué was issued, both France and Germany sought to put some distance between NATO's official position and their own perception of China. French President Emmanuel Macron said, *"NATO is a military organisation, the issue of our relationship with China isn't just a military issue. NATO is an organisation that concerns the North Atlantic, China has little to do with the North Atlantic. It's very important that we don't scatter ourselves and that we don't bias our relationship with China."* Chancellor Angela Merkel of Germany also underscored the danger of overreacting to China. *The picture that emerges post the G-7 and NATO summits is of the U.S.'s growing conviction that China is a threat to its global supremacy and must be contained.* If one were agreeable to a bipolar or a multi-polar world, it is difficult to see how China alone presents a "systemic challenge" to the world order. U.S. foreign policy, however, remains rooted in American exceptionalism. It is plausible that today the strongest challenge to the doctrine of American supremacy comes from China, the world's second largest economy.

Containing China

The Biden administration, therefore, wants to mobilise NATO member-states behind its larger objective of containing China. NATO's European member states may view China as an economic rival and adversary, but they are unconvinced by the American line that it is an outright security threat. *This line also, in a way, points to the underlying logic behind NATO's persistence in the post-Soviet world. Unlike the Soviet Union, China offers no alternative vision of society that could make Western capitalism insecure. In fact, its own economy is already deeply integrated into Western markets. China, nonetheless, is perceived as posing a 'threat'. It remains to be seen how far an ageing Europe would be willing to commit itself to a strategic path that prefers confrontation to collaboration, given that NATO is essentially a military alliance, and for all the talk of hybrid and cyberwar, there is zero risk of China invading the Euro-Atlantic area.*

RUSSIA, U.K. SPAR OVER BLACK SEA INCIDENT

Russia accused Britain on Thursday of spreading lies over a warship confrontation in the Black Sea and warned London that it would respond resolutely to any further provocative actions by the British Navy off the coast of Russia-annexed Crimea. Russia summoned the British Ambassador in Moscow for a formal diplomatic scolding after the warship breached what the *Kremlin says are its territorial waters but which Britain and most of the world say belong to Ukraine. Britain said Russia was sowing inaccuracies and disputed Russia's account, saying no warning shots had been fired and that no bombs had been dropped in the path of the Royal Navy destroyer Defender.* Russia's Foreign Ministry summoned Ambassador Deborah Bronnert to deliver a "tough demarche" — diplomatic jargon for a telling off — and spokeswoman Maria Zakharova accused London of "barefaced lies". "We believe it was a deliberate and premeditated provocation," Kremlin spokesman Dmitry Peskov said of the incident, in which Moscow said it fired warning shots and dropped bombs in the path of the British destroyer. "In the event of a repeat of unacceptable provocative action — if those actions go too far, no options can be ruled out in terms



of legally defending Russia's borders," Mr. Peskov told reporters. *The Black Sea, which Russia uses to project its power in the Mediterranean, has for centuries been a flashpoint between Russia and its competitors such as Turkey, France, U.S. and the U.K. Russia seized and annexed the Crimea peninsula from Ukraine in 2014 and considers areas around its coast to be Russian waters.* Western countries deem the Crimea to be part of Ukraine and reject Russia's claim to the seas around it.

Ukrainian waters: Boris

British Prime Minister Boris Johnson said the warship was acting in accordance with the law and had been in international waters. "The important point is that we don't recognise the Russian annexation of Crimea," he told reporters. "These are Ukrainian waters and it was entirely right to use them to go from A to B." He also disagreed with the suggestion that relations with Russia were at an historic low. "I can remember times in my own lifetime when things have been far worse," he said. Britain has also disputed the Russian version of events, with Foreign Secretary Dominic Raab saying: "No shots were fired at HMS Defender." "The Royal Navy ship was conducting innocent passage through Ukrainian territorial waters," he told reporters on a visit to Singapore: "We were doing so in accordance with international law and the Russian characterisation is predictably inaccurate." Under international law of the sea, innocent passage permits a vessel to pass through another state's territorial waters so long as this does not affect its security. During its 2008 war with Georgia, Russia bristled at U.S. warships operating in the Black Sea, and in April the U.S. cancelled the deployment of two warships to the area. BBC released footage from the ship showing a Russian coast guard warning that he would shoot if the British ship did not change course. "If you don't change the course, I'll fire," a Russian voice said in English to the British ship.

THE POLITICS OF AN AERIAL SNARE

On May 23, a Ryanair flight was forced to make an emergency landing in Minsk by a MiG-29 fighter jet of Belarus. The dissident Belarussian journalist, Roman Protasevich, who was travelling in the commercial, civilian aircraft, was subsequently arrested. The whole operation, it is alleged, was carried out on the orders of President Alexander Lukashenko, who has ruled Belarus for 27 years.

Global reaction

The incident received considerable global attention. *The European Union (EU) and the U.S. denounced it and called for a thorough investigation by the International Civil Aviation Organization (ICAO).* EU-based carriers have since heeded the call to avoid overflight of Belarus. Belarussian flights have been barred from overflying EU airspace or landing at its airports. Air France, British Airways, Lufthansa, KLM and a host of other airlines have implemented their own suspensions. At a special meeting convened on May 27, the ICAO Council expressed strong concern at the incident and launched a fact-finding investigation.

European Commission President Ursula von der Leyen called the incident an "attack on democracy", an "attack on freedom of expression", and an "attack on European sovereignty". The U.S., EU, and the U.K. have slapped further sanctions on Belarus. How justified was Belarus in taking such a decision? The answer lies at the junction of Belarus's domestic laws as a sovereign country and international laws governing the action that states can legitimately take to deal with threats to security, real or perceived.



Not the first of its kind

The flight that the 26-year-old fugitive blogger boarded was operated by the Irish low-cost airline, Ryanair. It was on its way from Greece to Lithuania. While traversing the airspace of Belarus, an ostensible 'bomb scare' forced the aircraft to make an emergency landing in Minsk for standard checks. It turned out to be a false alarm. Mr. Protasevich, whose presence on board is suspected to be the real reason behind the action, was taken into custody soon after. According to media reports, Mr. Protasevich, who had fled Belarus for Poland in 2019, had been in Greece to attend an economic conference with other Belarusian dissidents. There, the blogger also covered the visit of exiled Belarus Opposition leader Sviatlana Tsikhanouskaya. If convicted, he could face a long prison term or worse. After all, Belarus is the only country in Europe that hands down the death penalty. Mr. Protasevich's case is not the first of its kind.

Abdolmalek Rigi, head of the Jundullah militant group, accused by Iran for fomenting attacks in the province of Sistan-Baluchistan, was similarly arrested in February 2010. According to Iranian media reports, Rigi's plane was forced to land in Bandar Abbas by Iranian aircraft while on a flight from Dubai to Bishkek in Kyrgyzstan. Rigi was subsequently tried and executed. Itek Air, a small Bishkek-based airline, folded up in 2010 for unrelated reasons. There is no direct parallel between Mr. Protasevich and Rigi except that both men were wanted by the governments of their respective countries and their custody was secured through very unconventional means. *Pressure to divert passenger aircraft from preordained flight paths could be on grounds of a security threat or for political reasons. In 2013, during the manhunt by the U.S. for National Security Agency whistleblower Edward Snowden, Bolivian President Evo Morales's plane was forced to land in Austria after several European countries refused the aircraft permission to enter their airspace, allegedly due to pressure from the U.S.* According to reports, there was suspicion that Mr. Snowden might have boarded the President's plane in Moscow. As it turned out, Mr. Snowden, who later obtained asylum and stayed on in Moscow, was not in the aircraft. *Following the incident, seven Latin American countries voiced their concerns to the then UN Secretary-General, Ban Ki-Moon, who asserted that "a Head of State and his or her aircraft enjoy immunity and inviolability".*

An issue with many dimensions

The issue of the use of military aircraft to neutralise potential threats posed by civilian aircraft acquired a different kind of urgency in the aftermath of terrorist attacks in the U.S. on September 11, 2001. Generally speaking, *international law grants sovereignty to nations over their airspace as it does in territorial waters. The Convention on International Civil Aviation, better known as the Chicago Convention of 1944, to which Belarus is a signatory state, prohibits any unlawful intervention against a civilian aircraft. At the same time, it has various provisions under Article 9 which permit a sovereign state the right to impose restrictions, including enforced landings at a designated airport in its territory, in "exceptional circumstances or during a period of emergency, or in the interest of public safety". Once a flight has landed, Article 16 provides the host country the right to board/search the aircraft. This is probably the clause that provided cover for the local authorities to board Mr. Morales's aircraft in Austria in 2013. But the Chicago Convention applies only to civilian aircraft of the contracting parties.* In this case, the national carrier, Belavia Belarusian Airlines, is not involved though it is part of the targeted sanctions by the EU. International law might also have to be examined in light of the International *Air Services Transit Agreement (IATA), also concluded in Chicago in 1944.* According to this agreement, *contracting*



states grant to one another the freedom of air transit in respect of scheduled international air services, that is, the privilege to fly across territories without landing. Belarus is not a signatory of IASTA. For that matter, neither is Russia, which is the main supporter of Mr. Lukashenko. Given the multiple interpretations possible under the Chicago Convention and related agreements, the investigation could be a long-drawn-out affair. The International Court of Justice does consider ICAO-related cases, but it cannot enforce its decisions. The United Nations Security Council is a divided house and, in any case, does not consider unlisted agenda unless the case constitutes a major threat to international peace and security. This is not a matter that easily lends itself to technical consideration, given that it goes beyond the issue of a forced landing of a civilian airliner to encompass broader geopolitical issues. A meaningful outcome from the ICAO investigation may therefore prove evasive.

WHY IS CHINA TARGETING CRYPTOCURRENCIES?

The price of the world's most prominent cryptocurrency Bitcoin has more than halved in the last two months after hitting a peak in mid-April. The second-most valuable cryptocurrency, Ether, has seen a similar fall from its peak last month. China's crackdown against cryptocurrencies, which are those that aren't sanctioned by a centralised authority and are secured by cryptography, is said to have a lot to do with the crashing of the value of cryptocurrencies.

What has China done?

In recent weeks, China has reportedly cracked down on crypto mining operations. The country has over the years accounted for a large percentage of the total crypto mining activity that takes place. In purpose, Bitcoin miners play a similar role to gold miners — they bring new Bitcoins into circulation. They get these as a reward for validating transactions, which require the successful computation of a mathematical puzzle. And these computations have become ever-increasingly complex, and therefore energy-intensive in recent years. Huge mining operations are now inevitable if one is to mine Bitcoins. Access to cheap electricity has made mining lucrative in China. According to the Cambridge Bitcoin Electricity Consumption Index, China accounted for nearly two-thirds of the total computational power last year. Xinjiang and Sichuan provinces accounted for nearly half of this. Now, provincial governments one by one have acted against these mining operations. The latest to do so is Sichuan, which was a hydroelectric-based crypto mining hub. But that's not all. A few days back, the People's Bank of China directed banks and payment firms to pull the plug on cryptocurrency trading. Actually, there is little change in the policy as far as China is concerned. It first imposed restrictions on cryptocurrencies way back in 2013. It then barred financial institutions from handling Bitcoin. Four years later, it barred what are called initial coin offerings, under which firms raise money by selling their own new cryptocurrencies. This is largely an unregulated market.

What China wants?

An inter-ministerial committee report in India two years ago noted that in 2017, *the government of China also banned trading between RMB (China's currency renminbi) and cryptocurrencies. It said, "Before the ban, RMB made up 90% of Bitcoin trades worldwide. In under a year, the trades between RMB and Bitcoin had fallen to under 1% of the world total."* The report also noted that *China had decided to prohibit mining within its jurisdiction.* While the miners had stopped their activities for some time, the steep increase in the price of Bitcoin had brought many back into action. The



fact that cryptocurrencies bypass official institutions has been a reason for unease in many governments. Not just that. *The anonymity that it offers aids in the flourishing of dark trades online. While many countries have opted to regulate the world of cryptocurrencies, China has taken the strictest of measures over the years. According to observers, the latest set of measures are to strengthen its monetary hold and also project its new official digital currency.* An AFP report said, *“China launched tests for a digital yuan in March. Its aim is to allow Beijing to conduct transactions in its own currency around the world, reducing dependency on the dollar which remains dominant internationally.”*

Offshore platforms

This time, its focus is on what has been a loophole all along — of offshore platforms enabling those in China to trade in cryptocurrencies. A Reuters report said the People’s Bank of China asked banks and payment firms to “identify those involved in cryptocurrency transactions and promptly cut their payment channels.” It said, “China Construction Bank, Industrial and Commercial Bank of China (ICBC), Agricultural Bank of China (AgBank) and Postal Savings Bank of China attended the meeting, along with Alipay, the ubiquitous payment platform owned by fintech giant Ant Group.”

AT UNHRC, ‘GRAVE CONCERNS’ RAISED OVER XINJIANG

More than 40 countries led by Canada voiced grave concerns at the UN Human Rights Council (UNHRC) on Tuesday about China’s actions in Xinjiang, Hong Kong and Tibet — triggering a fierce backlash from Beijing. The widely anticipated joint statement had been in the pipeline for several days and was delivered on day two of the 47th session of the council in Geneva. “We are gravely concerned about the human rights situation in the Xinjiang Uighur Autonomous Region,” Canada’s Ambassador Leslie Norton said. The statement was backed by Australia, Britain, France, Germany, Italy, Japan, Spain and the U.S., among others. Beijing must allow UN rights chief Michelle Bachelet and other independent observers “immediate, meaningful and unfettered access” to Xinjiang, and end the “arbitrary detention” of Uighurs and other Muslim minorities, it said. “Credible reports indicate that over a million people have been arbitrarily detained in Xinjiang and that there is widespread surveillance disproportionately targeting Uighurs and members of other minorities and restrictions on fundamental freedoms and Uighur culture,” it said. The statement cited reports of torture or cruel, inhumane and degrading treatment or punishment, forced sterilisation, sexual and gender-based violence, and forced separation of children from their parents. Aware that the statement was coming, China responded — before it was delivered. Beijing’s representative read out a statement on behalf of a group of countries “deeply concerned about serious human rights violations against the indigenous people in Canada”.

IN THE LINE OF FIRE

Apple Daily vows to carry on and publish as usual,” read a headline in Friday’s edition of Apple Daily, the outspoken tabloid newspaper that is at the centre of attention in Hong Kong. On Thursday morning, *some 200 Hong Kong police officers raided the newspaper’s headquarters and arrested five of its top editors and management, in what is being seen by many journalists in China’s Special Administration Region (SAR) as the most significant action targeting a Hong Kong media outlet since the 1997 handover, and one that may well herald a darker future for the once free-*



wheeling Hong Kong press. Apple Daily has occupied a curious position on the spectrum of Hong Kong's vibrant media. The tabloid was founded in 1995 by businessman Jimmy Lai, who came to then British-ruled Hong Kong in 1959, aged 12, started out as a child labourer in textile factories, and rose to found the clothing brand Giordano when he was 22. He entered the media business and set up Next Media (later renamed Next Digital), publishing a daily newspaper and a weekly magazine. Both were hardly the standard-bearers of good journalism, popular for their tabloid-style coverage. One of Mr. Lai's magazines in 2006 caused an uproar for using a hidden camera and publishing photos of popular singer Gillian Chung when she was undressing backstage at a concert. The newspaper's coverage wasn't only on matters salacious. It also garnered a following for its strong political stand. Mr. Lai was a firm supporter of the pro-democracy movement in Hong Kong and an outspoken critic of Beijing. In 2019, when millions of Hongkongers took to the streets over many months to protest a new extradition Bill that would allow suspects to be repatriated to the mainland to stand trial, seen by many as the latest and most significant dilution of the "one country, two systems" model that had ensured freedoms in Hong Kong, including that of the press, Mr. Lai and his newspaper became among the strongest backers of the protest movement. The newspaper's popularity and reputation grew with the protest movement. An annual survey on "public evaluation on media credibility", conducted in 2019 by the City University of Hong Kong, ranked it as the third most credible newspaper, after the South China Morning Post and Ming Pao. It ranked far higher than two most prominent pro-Beijing papers, Ta Kung Pao and Wen Wei Po.

Security law

The paper was also critical of the new national security law passed by Beijing in June 2020 for its broad definitions of what constituted secession and collusion with the "foreign forces" blamed by Beijing for the 2019 protests. *The law paved the way for tightening the noose on a newspaper that had grown to become a thorn in the side of both the HKSAR government and Beijing, and was cited to justify a raid on Apple Daily in August last year when Mr. Lai was arrested.* After the five arrests and the raid on Thursday, the paper's fate is now "hanging in the balance", reported the South China Morning Post, noting that beyond the arrests of its top leadership, a freeze on its assets "could send it over the edge financially". Hong Kong's Secretary for Security John *Lee Ka-chiu insisted the operation "was not targeting the press at large but only going after a publication that had used 'news coverage as a tool' to harm national security,"* the Post reported. That is not, however, the view of most Hong Kong journalists. *The national security law, with its broad definitions of crimes, has in their view led to a wider chilling effect. "Journalists are more cautious than ever when they criticise the HKSAR Government and the Central Government, and managements have put more pressure on them," said the Hong Kong Journalists Association's 2020 press freedom report.* Of 367 responding journalists, 91% said press freedom in Hong Kong had worsened compared to the previous year. The paper, however, said it is undeterred, even live-streaming the raid. It said it would print 500,000 copies on Friday, five times more than its usual circulation. Some news stands, reported the Hong Kong Free Press, said copies of Friday's edition were sold out within two hours after going up on the stands at midnight.

ARMENIA PM WINS MAJORITY IN POLLS DESPITE ANGER OVER WAR

Armenia's acting prime minister, Nikol Pashinyan, kept power in a parliamentary election that boosted his authority despite being widely blamed for a military defeat last year in the Nagorno-



Karabakh enclave, results showed on Monday. Mr. Pashinyan's Civil Contract party won 53.92% of votes cast in Sunday's snap election, according to preliminary results on Monday. *Former President Robert Kocharyan's Armenia Alliance trailed on 21.04%, and questioned the credibility of the result, the Interfax news agency reported.* The government called the election to try to end a political crisis that began when ethnic Armenian forces ceded territory to Azerbaijan in and around Nagorno-Karabakh in six weeks of fighting last year. *The hostilities caused international concern because the wider South Caucasus region is a corridor for pipelines carrying natural oil and gas to world markets. It is also a geopolitical arena with Russia, the U.S., the European Union and Turkey all jostling for influence.* Mr. Pashinyan, 46, faced protests after the defeat and demands for his resignation over the terms of a peace agreement under which Azerbaijan regained control of territory it had lost during a war in the early 1990s. *He described the deal as a disaster but said he had been compelled to sign it in order to prevent greater human and territorial losses.* He wrote on Twitter on Monday that his party would have a constitutional majority — at least 71 deputies out of 105 — and “will form a government led by me.” Mr. Pashinyan said *Armenia would strengthen ties with Russia-led regional groups, the Collective Security Treaty Organisation (CSTO) and the Eurasian Economic Union (EAEU). “We are determined to work on improving, deepening and developing relations (with CSTO and EAEU countries), and we will definitely move in this direction,”* Russia's RIA news agency quoted Mr. Pashinyan as saying in an address broadcast on Facebook.

AUSTRALIA ACCUSED OF BECOMING ONE OF WORLD'S MOST SECRETIVE DEMOCRACIES

Australia's suppression of information seen as pivotal to a free and open media is at the center of accusations that the country has become one of the world's most secretive democracies. Last week, a former Australian spy was convicted over his unconfirmed role as a whistleblower who revealed an espionage operation against the government of East Timor. It's the latest high-profile case in a national system in which secrecy laws, some dating back to the colonial era, are routinely used to suppress information. *Police have also threatened to charge journalists who exposed war crime allegations against Australian special forces in Afghanistan, or bureaucrats' plan to allow an intelligence agency to spy on Australian citizens. Australians don't even know the name of the former spy convicted Friday. The Canberra court registry listed him as “Witness K.” His lawyer referred to him more respectfully as “Mr. K” in court. K spent the two-day hearing in a box constructed from black screens to hide his identity. The public and media were sent out of the courtroom when classified evidence was discussed, which was about half the time.* The only sign that anyone was actually inside the box was when a voice said “guilty” after K was asked how he pleaded. *The Australian government has refused to comment on allegations that K led an Australian Secret Intelligence Service operation that bugged government offices in the East Timorese capital in 2004, during negotiations on the sharing of oil and gas revenue from the seabed that separates the two countries. The government canceled K's passport before he was to testify at the Permanent Court of Arbitration in The Hague in 2014 in support of the East Timorese, who argued the treaty was invalid because Australia failed to negotiate in good faith by engaging in espionage.* There was no evidence heard in open court of a bugging operation, which media reported was conducted under the guise of a foreign aid program. K was given a three-month suspended sentence. If he'd been sent to prison, there were court orders designed to conceal his former espionage career by restricting what he could tell friends and associates to explain his predicament. He had faced up to two years in prison. Since his offense, *Australia has continued to tighten controls on secrecy, increasing the maximum sentence to 10 years. As lacking in transparency as K's prosecution was, it was a vast*

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improvement on Australia's treatment of another rogue intelligence officer known as Witness J. J has been described by the media as possibly the only person in Australian history to be tried, sentenced and imprisoned in secret. But no one seems to know for sure. As with K, it is illegal to reveal J's identity. J pleaded guilty in a closed courtroom in the same Canberra court complex in 2018 to charges related to mishandling classified information and potentially revealing the identities of Australian agents. He spent 15 months in prison. The secret court hearing and imprisonment only became public in late 2019 because J took court action against the Australian Capital Territory government, claiming his human rights were violated by police who raided his prison cell in search of a memoir he was writing. Outraged lawyers then called for the first major review of the nation's secrecy laws since 2010. *Whistleblowers as well as journalists currently are under threat from more than 70 counterterrorism and security laws passed by Parliament since the 9/11 attacks in the U.S. For many, Australian authorities took a step too far in June 2019 in their bid to chase down whistleblowers, intimidate journalists and protect government secrets.* Police raided the home of News Corp. journalist Annika Smethurst, and the next day the headquarters of the Australian Broadcasting Corp. Both media outlets had used leaked government documents as the basis of public interest journalism. *The search warrants were issued under Section 70 of the Crimes Act 1914, which prohibited a government employee from sharing information without a supervisor's permission. That section has since been replaced under national security legislation that expanded the crime to include a government employee sharing opinions or reporting conversations between others.* Media law experts Johan Lidberg and Denis Muller said Australia is the only country within the Five Eyes intelligence-sharing alliance – which includes the United States, Britain, Canada and New Zealand – that gives its security agencies the power to issue search warrants against journalists in the hunt for public interest whistleblowers in the name of national security.

AUSTRALIA TAKES WINE DISPUTE WITH CHINA TO WTO

The Australian government said on Saturday it was lodging a formal complaint with the World Trade Organization over China's imposition of anti-dumping duties on Australian wine exports, escalating further the trade standoff with Beijing. "The government will continue to vigorously defend the interests of Australian wine makers using the established system in the WTO to resolve our differences," Dan Tehan, minister for trade, tourism and investment, said in a joint press release with the Agriculture Minister David Littleproud. Relations with China, *already rocky after Australia banned Huawei from its nascent 5G broadband networking in 2018, have worsened since Canberra called for an international inquiry into the origins of the coronavirus, first reported in central China last year. China, Australia's largest trading partner, responded by imposing tariffs on Australian commodities, including wine and barley and limited imports of Australian beef, coal and grapes, moves described by the United States as "economic coercion".* Last year, Australia launched a formal appeal to the WTO seeking a review of China's decision to impose hefty tariffs on imports of Australian barley. *The wine tariffs doubled or tripled its price and made the Chinese market unviable for exporters, the Australian government had said earlier. Australian winemakers shipped just A\$12 million (\$9 million) of wines to China in the four months from December to March, from A\$325 million a year earlier, industry figures showed, confirming that hefty new tariffs have all but wiped out their biggest export market.* Earlier in June, Prime Minister Scott Morrison called on the WTO to address the standoff between the two countries and days later won the support of the Group of Seven countries for a tougher stance against China's growing impact on global trade. On Saturday, the government said that despite the complaint, Canberra was ready to cooperate with Beijing.

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"Australia remains open to engaging directly with China to resolve this issue," Tehan and Littleproud said in their release.

EBOLA OUTBREAK IN GUINEA IS OVER

The World Health Organization on Saturday officially announced the end of Guinea's second Ebola outbreak which was declared in February and claimed 12 lives. At 16 confirmed cases and seven probable infections, according to WHO figures, the limited size of the latest flare-up has been credited to experience from the 2013-16 epidemic, which killed more than 11,300 people mostly in Guinea, Liberia and Sierra Leone. Just 12 people died this time around. "I have the honour of declaring the end of Ebola" in Guinea, WHO official Alfred Ki-Zerbo said at a ceremony in the southeastern Nzerekore region, where the disease surfaced at the end of January. International rules meant that Guinea had to wait 42 days — twice the virus' incubation period — without a new case before declaring the epidemic over. That wait was over on Friday, weeks after the last person was declared cured on May 8, a senior Health Ministry official said. Health Minister Remy Lamah also declared the outbreak finished "in the name of the head of state" President Alpha Conde.

EU LEADERS DEFEND LGBT RIGHTS AMID CONCERN OVER HUNGARY LAW

European Union leaders clashed with Hungary's prime minister during a heated summit Thursday over new legislation in his *country that will ban showing content about LGBT issues to children, a measure that has been widely criticised across the region and has angered human rights groups. A majority of the leaders insisted that discrimination must not be tolerated in the 27-nation bloc and told Viktor Orban that the new Hungarian law goes against the EU's fundamental values. "Being homosexual is not a choice; being homophobic is," Belgian Prime Minister Alexander De Croo told Orban during the meeting, according to a EU diplomat. The person spoke anonymously according to usual practice. Dutch Prime Minister Mark Rutte launched a virulent tongue-lashing, suggesting that Orban activate the same clause in the bloc's treaty that Britain used to leave if he is not happy with the EU's principles, another diplomat said. Hungarian Justice minister Judit Varga said on Twitter that Hungary has no intention of leaving the EU. "On the contrary, we want to save it from hypocrites," she wrote. Hosting the summit in Brussels, European Council president Charles Michel recalled that values such as freedom, tolerance and human dignity are at the heart of the EU, said another diplomat with direct knowledge of the discussions. He added that the discussion was "an in-depth and at times even emotional debate". The law was signed Wednesday by Hungarian president Janos Ader after Hungary's parliament passed the bill last week. It prohibits sharing content on homosexuality or sex reassignment to people under 18 in school sex education programs, films or advertisements. The government says it will protect children, but critics say it links homosexuality with pedophilia. It will enter into force in 15 days. Speaking upon arrival at the meeting in Brussels, Orban ruled out withdrawing the law, insisting it does not target homosexuals. "It's not about homosexuality, it's about the kids and the parents," Orban said. "I am defending the rights of homosexual guys but this law is not about them." The issue has turned a harsh spotlight on the EU's inability to rein in the "illiberal democracies" among its ranks like Hungary and Poland, whose deeply conservative, nationalist and anti-migrant governments have flouted the bloc's democratic standards and values for years. Luxembourg Prime Minister Xavier Bettel, who is openly gay, said the Hungarian law further stigmatizes homosexuals and should be fought. "The most difficult thing for me was to accept myself when I realized that I was in love with this person of my*

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Telegram: http://t.me/DreamIAS_Jamshedpur



sex,” Bettel said. *“It was hard to say to my parents, hard to say to my family. We have a lot of young people who do suicide because they do not accept themselves, how they are.”* In coordinated messages on Twitter, several EU leaders wrote that *“hate, intolerance and discrimination have no place in our Union. That’s why, today and every day, we stand for diversity and LGBTI equality so that our future generations can grow up in a Europe of equality and respect”*. Many attached a letter to their tweets addressed to European Council President Charles Michel, who hosted their summit, as well as European Commission President Ursula von der Leyen and UN Secretary-General Antonio Guterres, who also took part in the meeting. *“Respect and tolerance are at the core of the European project. We are committed to carry on with this effort, making sure that future European generations grow up in an atmosphere of equality and respect,”* said the letter, signed by the leaders of France, Germany, Italy and Spain, among others. Hungary was not mentioned by name, but many of the same leaders signed a letter earlier this week backed by *17 countries calling on von der Leyen’s commission, which watches over the respect of EU laws, to take the government in Budapest to the European Court of Justice over the bill*. The commission has already taken the first step in legal action. *On Wednesday, Brussels sent a letter to Hungary’s justice minister seeking “clarifications, explanation and information” about elements of the bill. It said that some provisions appear to “directly violate the prohibition of discrimination based on sex and on sexual orientation”, and would put homosexuality, sex change and divergence from self-identity “on the same footing as pornography”*. Asked Thursday about the Hungarian bill, Guterres said *“all forms of discrimination are totally unacceptable and obviously any form of discrimination in relation to LGBTQ+ people are totally unacceptable”*. Speaking after a meeting with Guterres, EU Parliament president David Sassoli said *a mechanism making payouts to Hungary from a Covid-19 recovery fund conditional to the respect of the rule of law should be activated*.

WITH RAISI IN THE SADDLE, THE ROAD AHEAD FOR IRAN

The head of Iran’s judiciary, Ebrahim Raisi, won the presidential election in Iran on Saturday, June 19 with 61.95% of the vote. His victory has come as no surprise, especially as he was considered the main choice of the Iranian hardliners. Mr. Raisi was among seven contenders — including five conservatives — allowed by Iran’s election monitoring body to run in the presidential election of June 18. Unsurprisingly, *out of the estimated 592 people who registered to take part in the presidential election, only seven candidates were approved by Iran’s Guardian Council*. Among those barred from running were former President Mahmoud Ahmadinejad and former Parliament Speaker Ali Larijani.

A deeper reading

From the point of view of experts and observers of Iranian politics, this *election was carefully engineered and controlled by the Supreme Leader, Ayatollah Ali Khamenei, and the Iranian Revolutionary Guards Corps (IRGC)* who have been influencing all decision-making concerning Iranian domestic and foreign policies. *Ayatollah Khamenei is 82 and there are already rumours that the best candidate to replace him in the long run, as the Supreme Leader of the Iranian Revolution, is Mr. Raisi.* This is a decision which will certainly be desired and approved by the hardline members of the IRGC which is the most powerful support base for exporting the Islamic Revolution to other countries and breaking all resistance from social and political groups in the country.



A weakening of the reformists

Mr. Raisi's election comes at a critical time for the Iranian reformists. Unlike the previous presidential elections, where the hardliners fought against pro-reform figures, the June 18 election was the final nail in the coffin of the reform movement; the idea supported by many within and outside Iran during the past three decades was that gradual political change in the Islamic Republic was possible. *Mr. Raisi's victory is an important opportunity for Iranian hardliners to win control over the most important branches of government after being out of office for many years.* As a reaction to the hardline retort, the reformists even tried to pressure Hassan Khomeini, the grandson of the founder of the Islamic republic, Ayatollah Ruhollah Khomeini, to run as a candidate, but even he had no chance to encounter the dynamics of an election fully controlled by the Supreme Leader and his gathering. As a result, *none of the close collaborators of Hassan Rouhani could pass the vetting by the Guardian Council.* But, anyhow, the reformists were to be blamed for having failed to bring in meaningful change in easing political and social restrictions in the country and helping the expected rise of the hard-liners. This is one of the main reasons why many Iranians have become increasingly disillusioned with the reformist camp of the establishment, which has been increasingly marginalised. *Let us not forget that the voter turnout in last week's presidential election was 48.8%, the lowest turnout recorded for a presidential election since the establishment of the Islamic Republic in 1979.*

The ground realities

Though unified in their support of Mr. Raisi, the Iranian hardline factions did not succeed in energising Iran's disaffected public. As a matter of fact, *there was a minimal interest in the presidential election among many young Iranians who continue to struggle on a daily basis to make both ends meet amid a continually deteriorating economy that has been crushed by sanctions by the United States.* Unsurprisingly, a high percentage of the Iranian population does not find in the new President a possibility of a better economic situation and improved ties with the West. But this is not the only reason why Iranian civil society does not trust the new President. *Many Iranians, even those born after the Islamic Revolution of 1979, are quite aware of Mr. Raisi's long career in Iran's judiciary and his participation in a four-member committee which ordered the execution of thousands of Leftist and the People's Mujahedin Organization of Iran (MKO) political prisoners in 1988.* These executions were never acknowledged by the Iranian government, but in August 2016, the family of the late Ayatollah Ali Montazeri, the former Deputy Supreme Leader, published an audio file in which he harshly criticised the executions in a conversation with the committee that included Mr. Raisi.

Looking ahead

On a different note, as being defiant to the normalisation of ties with the West, Mr. Raisi will certainly not plead for an immediate opening of the Iranian economy to foreign investors. As in foreign policy, the new President will continue good relations with Russia and China, while he will persist in reinforcing Iran's strategic relations with Syria and Iraq. Last, but not least, although challenging the West, he will not openly and clearly oppose the Iranian nuclear agreement which is currently being negotiated with the Americans and the Europeans. After all, *the Iranian President is a political player with very little power in the Islamic regime, since the final decision on major issues such as the nuclear agreement, comes back to the Supreme Leader of the Revolution.* But there is



more to Ebrahim Raisi than what he seems to appear. Actually, *as everybody knows inside Iran, he has ambitions to replace Ayatollah Khamenei as the next Supreme Leader of the Revolution.* Therefore, while he continues to be faithful to Ali Khamenei, he could be trying to consolidate his alliances with different conservative groups in Iran. Mr. Raisi's deep ties with the IRGC can be interpreted as his support for the Iranian military hegemony in the region, with a clear priority being given to the ideological interests of the Islamic regime over regional security and stability. As an ultra-conservative, Mr. Raisi will certainly continue to collaborate with the IRGC decision-makers in order to play a significant role within Iran's hegemonic enterprise in West Asia.

SAUDI ARABIA SEEKS RELIGIOUS RESET AS CLERICAL POWER WANES

Muezzins issuing high-decibel calls to prayer have long been part of Saudi identity, but a crackdown on mosque loudspeakers is among contentious reforms seeking to shake off the Muslim kingdom's austere image. *Saudi Arabia, home to the holiest Muslim sites, has long been associated with a rigid strain of Islam known as Wahhabism that inspired generations of global extremists and left the oil-rich kingdom steeped in conservatism. But the role of religion faces the biggest reset in modern times as Crown Prince Mohammed bin Salman, spurred by the need to diversify the oil-reliant economy, pursues a liberalisation drive in parallel with a vigorous crackdown on dissent. Chipping away at a key pillar of its Islamic identity, the government last month ordered that mosque loudspeakers limit their volume to one-third of their maximum capacity and not broadcast full sermons, citing concerns over noise pollution.* The move triggered an online backlash with the hashtag "*We demand the return of mosque speakers*" gaining traction. It also sparked calls to ban loud music in restaurants, once taboo in the kingdom but now common amid liberalisation efforts, and to fill mosques in such large numbers that authorities are forced to permit loudspeakers for those gathering outside. But authorities are unlikely to budge, as economic reforms for a post-oil era take precedence over religion, observers say. "The country is re-establishing its foundations," Aziz Alghashian, a politics lecturer at the University of Essex, said. "It's becoming an economically driven country that is investing substantial effort in trying to appear more appealing — or less intimidating — to investors and tourists." In what was once unthinkable, some shops and restaurants now remain open during the five daily Muslim prayers.

AFGHANISHTAN SAGA

The dilemmas of ending the U.S.'s 'forever war' appeared to fall heavily upon the shoulders of President Joe Biden, who is now helming his country's rush for the exit before the self-imposed deadline of September 11, 2021, the 20-year anniversary of the WTC terror attacks. While he clearly signalled his intention to remain engaged with the war-torn country by meeting, in the first instance, Afghanistan's President, Ashraf Ghani, and Chairman of its High Council for National Reconciliation, Abdullah Abdullah, at the White House this week, the U.S.'s troop withdrawal since May 1, 2021, in a sense signals the opposite intention. There is no mistaking the Taliban's reaction, especially to Washington's plan to wind down its Afghan military presence. Ever since February 29, 2020, when the U.S. and the Taliban signed the *Doha "agreement for bringing peace" to Afghanistan, Taliban-linked violence has risen steadily*, U.S. intelligence reports have assessed that al-Qaeda still has a presence in Afghanistan and the terrorist outfit's decades-long ties with the Taliban have been undiminished. *Meanwhile the situation on the ground is far from inspiring for anyone who hopes for peace in the region. Facing tepid resistance from the ANDSF, now with ever-*



reducing access to U.S. air support, the Taliban have managed to fight, hold on to and even take back the territories from the government. This reality begs the question of what new vortexes of violence, terrorist havens and other sources of regional instability Afghanistan might play host to now, and whether the U.S. and western powers will retain enough influence to prevent events in this regard from spiralling out of control. *Closer to home, a sense of concern must be pervading South Block as the last U.S. troop carriers lift off from Bagram, potentially allowing agents linked to Pakistan's military and intelligence establishment a freer hand to engage with extremist elements in Afghan with possible blowback for India.* What will become of New Delhi's long-sighted, soft-power investments into education, training and infrastructure and civil society development? Had the U.S. played a consistently strong hand supporting the Afghan government instead of pushing as hard as it did to engage the Taliban, that might have delayed Washington's exit plans but provided more leeway for the ANDSF to push harder and take enough territory to weaken the Taliban's overall strategic grip. Given the prospect of the ANDSF's fragmentation — already occurring in some areas — it now appears more likely that a deal may be forged between the Taliban and powerbrokers once associated with the Afghan government. This could lead to a Taliban-centric religious council that sets an overall tenor of governance based on Islamic law yet permits a semi-autonomous executive governmental power to operate within that framework.

TALIBAN SAY COMMITTED TO AFGHAN PEACE TALKS, WANT 'ISLAMIC SYSTEM'

The Taliban said on Sunday they were committed to peace talks, adding they wanted a "genuine Islamic system" in Afghanistan that would make provisions for women's rights in line with cultural traditions and religious rules. The statement came amid slow progress in the talks between the Islamic group and Afghan government representatives in Qatar and as violence rises dramatically around the country ahead of the withdrawal of foreign forces by September 11. *Officials have said the Taliban has not yet submitted a written peace proposal that could be used as a starting point for substantive talks. "We understand that the world and Afghans have queries and questions about the form of the system to be established following withdrawal of foreign troops,"* said the Taliban co-founder Mullah Abdul Ghani Baradar., in the statement. "A genuine Islamic system is the best means for solution of all issues of the Afghans," he said. "Our very participation in the negotiations and support on our part indicates that we believe in resolving issues through understanding." *He said that women and minorities would be protected and diplomats and NGO staff would be able to work securely. "We take it on ourselves as a commitment to accommodate all rights of citizens of our country, whether they are male or female, in the light of the rules of the glorious religion of Islam and the noble traditions of the Afghan society,"* he said, adding that 'facilities would be provided' for women to work and be educated.

INDIAN DELEGATION MET TALIBAN: QATARI OFFICIAL

Indian officials made a "quiet visit" to Doha to speak to the Taliban's political leadership based there, said a senior Qatari official, in what appears to be the first official confirmation of recent reports that New Delhi has engaged the Taliban directly. "I understand that there has been a quiet visit by Indian officials to speak to the Taliban," said the official. *Qatar's Special Envoy of the State of Qatar for Counterterrorism and Mediation of Conflict Resolution Mutlaq bin Majed Al Qahtani was speaking at a web conference on Monday. The statement comes after External Affairs Minister S. Jaishankar stopped over in Doha to meet the Qatari leadership twice in the past two weeks.* The MEA

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declined to comment on Mr. Qahtani's statement, and did not respond to questions about what level, if any, contacts with the political leadership of the Taliban based in Doha would have been at. In response to a question from The Hindu during the discussion, Mr. Qahtani said the reasoning behind the meeting was that the Taliban will have a "key" role in Afghanistan's future. *"Not that everybody thinks the Taliban is going to dominate, but because it is a key component of the future of Afghanistan,"* he added. "So, I see this as the reason behind having a dialogue or talks and reaching out to all parties in Afghanistan," he added. Dr. Qahtani was speaking at a conference organised by the Arab Centre in Washington and Centre for Conflict and Humanitarian Studies in Doha, on *"Looking towards Peace in Afghanistan after the US-NATO Withdrawal"*. *Afghanistan President Ashraf Ghani, who is set to meet U.S. President Joseph Biden this Friday in Washington, to discuss the situation developing ahead of the US-NATO troops pull-out, will also address the 3-day conference. To a question about whether any talks between India and Pakistan are linked to the Afghan reconciliation process,* Mr. Qahtani said, "Afghanistan as a country should not become a place for a proxy [fight] for other countries."

Afghan peace

"It is in the Interest of Pakistan and India to have a stable Afghanistan. Pakistan is a neighbouring country. India is a country that we know has assisted a lot economically in Afghanistan and they want it to be peaceful and stable," he added. In response to previous media reports that had pointed to a new, direct reach out by the Modi government to the Taliban, after years of refusing to recognise the militant group accused of terror attacks in Afghanistan, the MEA spokesperson had said that *New Delhi is "in touch with various stakeholders in pursuance of its long-term commitment towards development and reconstruction in Afghanistan."*

U.N. GENERAL ASSEMBLY DEMANDS MYANMAR JUNTA END COUP AND STOP THE KILLINGS

The United Nations General Assembly on Friday sought to ostracize Myanmar's ruling generals with an emphatic rebuke, demanding they end the 5-month-old military takeover, stop killing opponents and free imprisoned civilian leaders. The 193-member body also called for an arms embargo on Myanmar and requested unimpeded humanitarian access to stop the country's slide into poverty, dysfunction and despair. The adoption of a resolution containing these demands by a vote of 119-1, with 36 abstentions and 37 members not voting, was not the overwhelming consensus its drafters had originally sought. But it still represented the most widespread condemnation yet of the Myanmar military commanders who seized total control in a Feb. 1 coup and have basically ignored all efforts to restore that country's fragile democracy. Olof Skoog, a Swedish diplomat who represents the Delegation of the European Union to the United Nations, praised the outcome. "It sends a strong and powerful message," he said. *"It delegitimizes the military junta, condemns its abuse and violence against its own people, and demonstrates its isolation in the eyes of the world."* *Historians said it was only the fourth time since the end of the Cold War that the General Assembly had passed a resolution condemning a military coup, and was a rare occasion in which the body also called for an arms embargo. The yes votes included one from Myanmar's ambassador, Kyaw Moe Tun, who speaks for the country's deposed civilian government and has defied junta orders to resign. The lone no vote was cast by Belarus, which has itself been widely criticized for severe repression of internal dissent.*



INDIA ABSTAINS ON RESOLUTION, SAYS VIEWS NOT REFLECTED IN DRAFT

India has abstained on a UN General Assembly resolution on Myanmar, saying its views have not been reflected in the draft and New Delhi does not believe the resolution, tabled hastily, is conducive to "aiding our joint efforts towards strengthening democratic process" in the country. "This resolution was tabled in the UN General Assembly in a hasty manner without adequate consultations with neighbours and regional countries. This is not only unhelpful but may also prove counter-productive to the efforts of the ASEAN to find a solution to the current situation in Myanmar," India's Permanent Representative to the UN Ambassador TS Tirumurti told. In the explanation of the vote in the General Assembly hall, Tirumurti said as Myanmar's immediate neighbour and close friend of its people, India is cognizant of the "serious impact of political instability" and the potential of its spillover beyond Myanmar's borders. India has been calling for greater engagement with the objective of peacefully resolving all issues. "During the discussions on this resolution, we had engaged in a spirit of finding a constructive and pragmatic way forward and had accordingly shared our suggestions to those who piloted this resolution," he said. "However, we find that our views have not been reflected in the draft being considered for adoption today. We would like to reiterate that a consultative and constructive approach involving the neighbouring countries and the region, remains important as the international community strives for the peaceful resolution of the issue," Tirumurti said. He emphasised that the fact that there is a lack of support from all neighbouring countries as well as several countries in the region itself "should, hopefully, serve as an eye-opener to those who chose to pursue a hasty course of action".

PREVIOUS GOVERNMENTS DID NOT CURB TERRORIST FINANCING AND MONEY LAUNDERING: PAKISTAN FM SHAH MAHMOOD QURESHI

With the FATF set to discuss a report on the progress made by Pakistan on the implementation of a 27-point action plan this week, *Foreign Minister Shah Mahmood Qureshi has alleged that previous governments did not take steps to curb money laundering and terrorist financing in the country. The Paris-based Financial Action Task Force (FATF) placed Pakistan on the grey list in June 2018 and asked Islamabad to implement a plan of action to curb money laundering and terror financing by the end of 2019 but the deadline was extended later on due to the COVID-19 pandemic. Qureshi said on Tuesday that the previous government of Pakistan Muslim League-Nawaz (PML-N) was responsible for the country being placed on the grey list of the FATF, The Express Tribune reported. When PTI (Pakistan Tehreek-i-Insaf) came to power, Pakistan had already gone into the (FAFT) grey list, Qureshi said. Holding the PML-N responsible for the tough conditions set by FATF, he said that no previous government took steps to curb money laundering and terrorist financing. The minister said that nations faced pressures in these situations so we should (also) bear this pressure. Qureshi said Pakistan had fulfilled the 27 conditions of the FATF, therefore, there are no grounds to keep Pakistan into the grey list. The gift of the grey list was also given by the PML-N, he said, adding: Now there is no justification for keeping Pakistan into the grey list. The statement came as the global anti-money laundering watchdog is set to discuss a preliminary report on the progress made by Pakistan on the implementation of a 27-point action plan in its plenary meeting being held from June 21 to 25. The report has been prepared by the FATF's International Cooperation Review Group (ICRG), which includes China, the USA, UK, France and India. Pakistan has been scrambling in recent months to avoid being added to a list of countries*



deemed non-compliant with anti-money laundering and terrorist financing regulations by the global watchdog, a measure that officials here fear could further hurt its economy. In February, the FATF gave a fourth extension to Pakistan to fully implement a 27-point action plan and ‘strongly urged’ it to meet the remaining three conditions about terror financing investigations and the United Nations Security Council resolutions. Against the government’s hopes of exiting the grey list, the FATF plenary found the country’s progress on three out of the remaining six points were less than satisfactory. *Pakistan would remain on the grey list till June 2021*, a statement issued by the FATF from Paris had said.

Pakistan was retained on the greylist, or the list of countries under “increased monitoring”, by the *Financial Action Task Force (FATF), as the Paris-based UN watchdog judged it deficient in prosecuting the top leadership of UN Security Council-designated terror groups, including Lashkar-e-Taiba, Jaish-e Mohammad, Al Qaeda and Taliban.* Announcing the decision at the end of its latest plenary session held virtually from June 21-25, the FATF said despite completing 26 of the 27 tasks it had been handed, *Pakistan’s failure to complete the last task on convicting terrorists and terror entities meant it would not be delisted for now.* In addition, *the FATF handed down another six-point list of tasks, mainly on money laundering actions. “The FATF encourages Pakistan to continue to make progress to address as soon as possible the one remaining Countering Finance of Terrorism-related item by demonstrating that Terror Financing investigations and prosecutions target senior leaders and commanders of UN-designated terrorist groups,”* the FATF president said.

PAK NSA LISTENING, INDIA PROPOSES ACTION AGAINST LET, JAISH WITHIN SCO FRAMEWORK

With his Pakistani counterpart Moeed Yusuf listening, National Security Advisor (NSA) Ajit Doval on Wednesday *“proposed an action plan against Lashkar-e-Taiba (LeT) and Jaish-e-Mohammad (JeM) as part of the SCO framework”*, sources said on Thursday. Doval was speaking at the meeting *of NSAs from Shanghai Cooperation Organisation (SCO) member countries in Dushanbe, the capital of Tajikistan.* Doval also emphasised *“adoption of international standards to counter terror financing, including an MoU between SCO and the Financial Action Task Force (FATF)”*, the sources said. The FATF, which is the global money laundering and terrorist financing watchdog, is currently holding a meeting to decide whether to retain Pakistan on its ‘grey list’. Doval *“strongly condemned terrorism in all forms and manifestations”*, and said that *“perpetrators of terrorism including cross-border terror attacks should be expeditiously brought to justice”*, the sources said. *He stressed the “need for full implementation of UN resolutions and targeted sanctions against UN designated terrorist individuals and entities” — a reference to the absence of action by Pakistan against LeT chief Hafiz Saeed and JeM chief Masood Azhar.* There is a *“need to preserve gains made in the last two decades in Afghanistan and give top priority to the welfare of its people”*, Doval said. India, he said, *“fully supports SCO Contact Group on Afghanistan, which should be more active”.* He underlined that *“greater connectivity including through initiatives like Chabahar, INSTC, Regional Air Corridors, Ashgabat Agreement always leads to economic gains and building trust”.* Without mentioning the *China-Pakistan Economic Corridor (CPEC)*, Doval said that *“connectivity must respect sovereignty and territorial integrity”.* India is opposed to the CPEC — *it has maintained that the corridor, which passes through Pakistan-occupied Kashmir, violates India’s sovereignty.* At the meeting, Doval also stressed the *“need to monitor new technologies used by terrorists including drones for smuggling of weapons and misuse of dark web, artificial intelligence,*



blockchain and social media". Doval, Yusuf, and the other SCO NSAs agreed to cooperate in the joint fight against "international terrorism", "extremism", "separatism", and "religious radicalism", conference host Tajikistan had said in a statement issued on Wednesday. The statement, issued in Tajik, said special attention was given to the "current military and political situation in Afghanistan", and the risk of "escalation". While there was no word on the possible meeting between Doval and Yusuf, the fact that the two NSAs shared a table was significant given the fluid situation in Afghanistan and the fragile, four-month peace along the LoC. On Afghanistan, External Affairs Ministry spokesperson Arindam Bagchi said: "India supports all peace initiatives and has a long-term commitment towards development and reconstruction of Afghanistan. In this context, we remain in touch with various stakeholders, including regional countries."

THE COMRADES AND THEIR DIVERGENT PERSPECTIVES

Russian President Vladimir Putin has recently asserted that both the Indian Prime Minister, Narendra Modi, and the Chinese President, Xi Jinping, are "responsible" enough to solve issues between their countries, while underlining the need to debar any *"extra-regional power"* to interfere in the process. The implications of Mr. Putin's advice for India are numerous and far-reaching as Moscow expects New Delhi to ignominiously give up all efforts to reverse Beijing's encroachment strategies. *The Russians may have their reasons to remain blind to China's growing aggressiveness, but the Indians have learned to expect at Chinese hands an unremitting effort to undermine India's global position — to destroy their confidence in themselves and the confidence of others in them — and to reduce India to a state of isolation and impotence in global affairs.*

The Quad factor

Mr. Putin's remarks can only be seen as reinforcing China's claim that the Quadrilateral or Quad (comprising India, the United States, Japan and Australia) is aimed at containing Beijing's influence in the Indo-Pacific region. In fact, Mr. Putin's assertion is the logical extension of views expressed by Russia's Ambassador to India, Nikolay Kudashev. Sometime ago, he had advised New Delhi to take a "larger look at Chinese foreign policies", while describing the Indo-Pacific strategy as an effort to revive the Cold War mentality (<https://bit.ly/3gLOVBY>). *Russia's Foreign Minister, Sergey Lavrov, has frequently, and quite acerbically, lashed out at the Quad. Notwithstanding the cataclysmic changes in the global and regional politico-security environment, India has been able to maintain amicable ties with Russia. Yet, Russia's continued criticism of the Indo-Pacific and the Quad give ample evidence of the divergent perspectives of New Delhi and Russia on how to deal with China's rise to global prominence. Russia has rejected the Indo-Pacific construct in favour of the Asia-Pacific on the ground that the first is primarily an American initiative designed to contain both China and Russia. Obviously, India thinks otherwise since Russia's simplistic advice is not sagacious enough to solve its China problem. India's External Affairs Minister, S. Jaishankar, in a virtual discussion with his Australian and French counterparts, had recently asserted that no country can have a veto on India's participation in the Quad* (<https://bit.ly/3cXDDaV>). This assertion was an indirect counterpoise to what Mr. Lavrov had termed the Quad — as *"Asian NATO"*. *In an unmistakable indication of India's attempt to reimagine a new geostrategic maritime role for itself, Mr. Jaishankar had further observed that incorporation of the Indo-Pacific concept in Indian diplomacy means that India can no longer be confined between the Malacca Strait and Gulf of Aden. Though the recent diplomatic romance between Russia and Pakistan has generated some unease in India, it is*



Russia's uncritical advocacy of China's global vision that seems to have left New Delhi overly confounded. For many policymakers and people in our country, the Russian attitude toward China's growing power and influence will be the touchstone of Russia's relations with India. *While the Sino-Indian relationship has experienced a sharp downward trend since the Galwan clashes in June 2020, New Delhi has become particularly concerned with Moscow downplaying China's display of coercive military pressure against India.* With the catastrophic rise of populist nationalism amidst the bankruptcy of globalisation, the resolution of the Sino-Indian boundary dispute appears a hopeless dream in the absence of a miracle. India is confronted in Ladakh with a situation far uglier and more recalcitrant than is generally recognised.

Beginnings of looking West

It need not be necessary to remind us again that the decade following the disintegration of the Union of Soviet Socialist Republics (USSR) was a period of great turbulence in global politics. *A bewildered India soon realised Russia was much weaker than the erstwhile USSR and incapable of helping New Delhi balance potential threats from Beijing.* This does not mean that India completely abandoned external balancing strategies; *it began to diversify its sources of external balancing. On the other hand, Russia began to cast Moscow as the leader of a supposed trilateral grouping of Russia-India-China against a U.S.-led unipolar world.* Leaving behind the bitterness and mistrust between Moscow and Beijing during the Cold War, *Russia became an early proponent of the 'strategic triangle' to bring together the three major powers.* Aware of the emerging international system as an expression of western expansion, India's fear of the unipolar moment too made it easier for New Delhi to become part of this initiative. *But China's dismissive attitude toward Indian capabilities, coupled with an emerging China-Pakistan nexus, prevented the success of this trilateral. India, instead, invested its diplomatic energies in rapprochement with the United States.* Unlike Russia, which tried to build an alternative international economic architecture, *India decided to get integrated in the economic order it once denounced. Economic liberalisation also allowed New Delhi to buy sophisticated weapons from a wider global market that included suppliers such as Israel and France. Both were keen to sell weapons technology to India, and this also boosted New Delhi's bargaining capacity with Moscow.* As the logic of intensive engagement with the West was effectively established, strategic partnership with the U.S. was a logical corollary. India's cooperation with the U.S. has strengthened still further, in part against the perceived terrorism threat, but also in light of China's growing assertiveness whose undesirable impacts are now being felt across the world. However, Russia's ability to influence the India-China relationship has become doubtful. India has been searching for other major powers to balance against China as it does not have the sufficient means for hard balancing. *Adding options to its statecraft toolbox, India has deepened its ties with Japan and Australia in a way that is close to soft balancing.* Nevertheless, among all of India's balancing efforts, the stupendous growth in ties with the U.S. has been the greatest source of concern for China which views the India-U.S. rapprochement as containment. *While India needs Russia's partnership for its defence needs, New Delhi cannot endorse the Russian perspective on the Indo-Pacific and the Quad. For New Delhi, it would be self-defeating to accept that the Indo-Pacific is an American construct.* With the first-ever summit of the four leaders in the 'Quadrilateral framework' in March this year, the Quad is being formalised into a functional strategic alignment.



Maritime structures

The real 'strategic triangle' in the maritime domain will be that between New Delhi, Washington and Beijing. While other powers such as France, Australia, Japan and Russia will have an impact on the emerging maritime structures of the Indo-Pacific region, it is the triangular dynamic between India, China and the U.S. that is going to be the most consequential. Russia is yet to realise that it will gain immensely from the multilateralism that the Indo-Pacific seeks to promote, and being China's junior partner only undermines Moscow's great-power ambitions. But the Putin regime is making things unnecessarily hard for Russia as well as for India; and it is clear that those responsible for Russian policy have arrived at a flawed assessment of the current situation. *As the Kremlin's policymakers are obsessively preoccupied with Russia's 'status' rivalry with the U.S., Russia's view of India-China relations seems understandable. But there is an inherent danger in permitting it to harden into a permanent attitude as an increasingly pro-Beijing Russia might adopt more aggressive blocking of India's policy agendas.* That is why India is particularly interested in a normalisation of relations between Washington and Moscow as it will help it steer ties among the great powers. and also diminish Moscow's propensity to closely coordinate its South Asian policies with Beijing.

India-China ties

There is no doubt that shared identities and beliefs in the principle of non-alignment, painful memories of colonial subjugation, opposition to great-power hegemony, and strong beliefs in sovereignty and strategic autonomy have been the key influencers in shaping India's and China's engagement with each other as well as the western world. But this has begun to change as Beijing is asserting its hegemony over Asia. In such circumstances, multilateral forums such as the Russia-India-China (RIC) grouping and BRICS (Brazil, Russia, India, China and South Africa) have little practical value for Indian diplomacy. Without China's reciprocity, options before India are limited. India's concessions, whatever their form, must meet with some form of positive response from China. The response cannot be just symbolic or rhetorical. The absence of any material evidence of reciprocity is bound to doom an attempt at Sino-Indian rapprochement. Beijing seems to be acting as though it is immune not only to the strategic consequences for its actions but also to all the conventional rules of international politics. China is undoubtedly the most powerful actor in its neighbourhood but it cannot simply have its way in shaping Asia's new geopolitics. Beijing's policies will still be constrained and altered in fundamental ways by India which cannot be expected to adopt a hopeless stance of remaining peripheral in its own strategic backyard.



NATION

DRDO TESTS ENHANCED RANGE PINAKA ROCKET

The Defence Research and Development Organisation (DRDO) on Friday successfully test fired the enhanced range versions of the indigenously developed 122 mm calibre rocket as well as the extended range version of indigenously developed Pinaka rocket from a Multi-Barrel Rocket Launcher (MBRL) at integrated test range, Chandipur in Odisha. “Four enhanced range version of 122mm rockets were test fired with full instrumentation and they met the complete mission objectives. *These rockets have been developed for Army applications and can destroy targets up to 40 km,*” a DRDO statement said. This enhanced rocket system would replace the existing 122mm Grad rockets. In a second statement, the DRDO said that 25 enhanced Pinaka rockets were launched in quick succession against targets at different ranges on June 24 and 25. “The enhanced range version of Pinaka rocket system can destroy targets at distances up to 45 kms,” it stated. Both the Pinaka and the 122 mm rockets were developed by Pune-based Armament Research and Development Establishment and High Energy Materials Research Laboratory with manufacturing support from Economic Explosives Limited, Nagpur.

CARRIER WILL BE THE NAVY’S MOST POTENT PLATFORM

The first indigenous carrier (IAC) is expected to have its maiden entry into the sea for a series of trials before September this year, and delivery to the Navy is slated for early 2022. Basin trials of the vessel being built by Cochin Shipyard were completed in November 2020, but travel restrictions put the brakes on its preparations for sea trials. The vessel, to be named Vikrant after the decommissioned maiden carrier of the Navy, will have an air component of 30 aircraft, comprising MiG-29K fighter jets, Kamov-31 airborne early warning helicopters and the soon-to-be-inducted MH-60R multi-role helicopter, besides the indigenous Advanced Light Helicopters. With an overall length of 263 metre and a breadth of 63 metre, it is the largest vessel made in India and carries a price tag of about ₹20,000 crore. The towering vessel has a total of 15 decks and a displacement of 40,000 tonnes. It is expected to have a top speed of 30 knots (approximately 55 kmph) and is propelled by four gas turbines. The shipborne weapons include Barak LR SAM and AK-630, while it has MFSTAR and RAN-40L 3D radars as sensors. The vessel has a Shakti EW Suite.

IAC WILL BE COMMISSIONED NEXT YEAR

The first indigenous aircraft carrier (IAC) being built at the Cochin Shipyard will join the naval fleet next year, coinciding with the 75th year of India’s Independence, Defence Minister Rajnath Singh said here on Friday after reviewing the progress of its construction. He said in a statement, after visiting the aircraft carrier at the Cochin Port Trust, that the combat capability, reach and versatility of the IAC would add formidable capabilities in India’s defence and help secure its interests in the maritime domain. On his Karwar visit on Thursday to review Project Seabird, the largest upcoming naval base, he said it would provide the facilities and infrastructure to support the Navy’s operations in the Indian Ocean Region (IOR) and beyond. “Our impetus on modernisation, harnessing India’s indigenous industry and know-how, is a key priority. That 42



of the 44 warships on order are being built at Indian shipyards is a testimony to this. The IAC boasts nearly 75% indigenous content, from design, to steel used in construction, to key weapons and sensors,” he said. The Defence Acquisition Council (DAC) recently approved requests for proposals (RFP) of Project 75-I [for the construction of another line of diesel-electric submarines] under the strategic partnership model, which he said would give a fillip to indigenous development of niche manufacturing technologies. The Navy, he added, remained poised and combat-ready to tackle any challenge. Its proactive forward deployment during the Galwan standoff signalled India’s intent that though it sought peace, it was ready for any eventuality.

HOW JUDGES RECUSE FROM CASES, AND WHY

In the last week, two Supreme Court judges — Justice Indira Banerjee and Justice Aniruddha Bose — have recused themselves from hearing cases relating to West Bengal. On June 21, Delhi High Court judge Anup Bhambhani recused himself from hearing a plea by digital media houses challenging the validity of the IT rules regulating intermediaries.

Why does a judge recuse?

When there is a conflict of interest, a judge can withdraw from hearing a case to prevent creating a perception that she carried a bias while deciding the case. The conflict of interest can be in many ways — from holding shares in a company that is a litigant to having a prior or personal association with a party involved in the case. *The practice stems from the cardinal principle of due process of law that nobody can be a judge in her own case. Any interest or conflict of interest would be a ground to withdraw from a case since a judge has a duty to act fair. Another instance for recusal is when an appeal is filed in the Supreme Court against a judgement of a High Court that may have been delivered by the SC judge when she was in the HC.*

What is the process for recusal?

The decision to recuse generally comes from the judge herself as it rests on the conscience and discretion of the judge to disclose any potential conflict of interest. In some circumstances, lawyers or parties in the case bring it up before the judge. If a judge recuses, the case is listed before the Chief Justice for allotment to a fresh Bench. There are no formal rules governing recusals, although several Supreme Court judgments have dealt with the issue. *In Ranjit Thakur v Union of India (1987), the Supreme Court held that the tests of the likelihood of bias is the reasonableness of the apprehension in the mind of the party. “The proper approach for the Judge is not to look at his own mind and ask himself, however honestly, “Am I biased?” but to look at the mind of the party before him,” the court had held. “A Judge shall not hear and decide a matter in a company in which he holds shares... unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised,” states the 1999 charter ‘Restatement of Values in Judicial Life’, a code of ethics adopted by the Supreme Court.*

Can a judge refuse to recuse?

Once a request is made for recusal, the decision to recuse or not rests with the judge. While there are some instances where judges have recused even if they do not see a conflict but only because such an apprehension was cast, there have also been several cases where judges have refused to



withdraw from a case. For instance, in 2019, *Justice Arun Mishra had controversially refused to recuse himself from a Constitution Bench set up to re-examine a judgement he had delivered previously, despite several requests from the parties. Justice Mishra had reasoned that the request for recusal was really an excuse for “forum shopping” and agreeing could compromise the independence of the judiciary. In the Ayodhya-Ramjanmabhoomi case, Justice U U Lalit recused himself from the Constitution Bench after parties brought to his attention that he had appeared as a lawyer in a criminal case relating to the case.*

Do judges record reasons for recusal?

Since there are no formal rules governing the process, it is often left to individual judges to record reasons for recusal. Some judges disclose the reasons in open court; in some cases, the reasons are apparent. The two Supreme Court judges who have recused from cases relating to West Bengal had been Calcutta High Court judges. The cases they have recused from relate to post-poll violence in the state and the Narada scam, which have become political battles between the state and Centre in court. In a landmark verdict in 2015 holding that the National Judicial Appointments Commission as unconstitutional, *Justice Kurian Joseph and Justice Madan Lokur had referred to the need for judges to give reasons for recusal to build transparency and help frame rules to govern the process.*

AN OVERSIGHT THAT LEFT KEY PROVISION OF NDPS ACT INOPERABLE

Is financing illicit trafficking of narcotics and harbouring offenders no longer a crime in India? Last week, the Tripura High Court, in a significant verdict, discovered that an oversight in drafting the 2014 amendments to the Narcotics Drugs and Psychotropic Substances Act, 1985 had unintentionally rendered a key provision of the Act, Section 27A which provides for punishment of those financing illicit trafficking, inoperable.

What is the provision?

The NDPS Act, 1985 is the principal legislation through which the state regulates the operations of narcotic drugs and psychotropic substances. It provides a stringent framework for punishing offences related illicit traffic in narcotic drugs and psychotropic substances through imprisonments and forfeiture of property. Section 27A of the NDPS Act, 1985, prescribes the punishment for financing illicit traffic and harbouring offenders.

The provision reads:

“Whoever indulges in financing, directly or indirectly, any, of the activities specified in sub-clauses (i) to (v) of clause (viii) of section 2 or harbours any person engaged in any of the aforementioned activities, shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees: Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.”



So why is this provision inoperable?

The text of the provision says that offences mentioned under Section 2(viia) sub-clauses i-v are punishable through Section 27A. However, Section 2 (viia) sub-clauses i-v, which is supposed to be the catalog of offences, does not exist after the 2014 amendment. So, if Section 27A penalises a blank list or a non-existent provision, it can be argued that it is virtually inoperable.

What was the 2014 amendment?

In 2014, a key amendment was made to the NDPS Act to allow for better medical access to narcotic drugs. Since the regulation under NDPS was very stringent, despite being a leading manufacturer of morphine, an opioid analgesic used as a painkiller, it was difficult to access the drug even for hospitals. The 2014 amendment essentially removed state-barriers in transporting, licensing drugs classified as “essential narcotic drugs”, and made it centralised. This was done by first introducing a provision in Section 2 that defines essential narcotic drugs, and subsequently in Section 9 allowing the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption and use of essential narcotic drugs. The amendment to add the definition of essential narcotic drugs re-lettered the old Section 2(viii)a that was the catalog of offences as Section 2(viii)b, and under the Section 2(viii)a, defined essential narcotic drugs. However, the drafters missed amending the enabling provision in Section 27A to change Section 2(viii)a to Section 2(viii)b.

How was this error noticed?

In 2016, an accused sought bail before a special judge in West Tripura in Agartala citing this omission in drafting. The accused’s plea was that since Section 27A penalised a blank list, he could not be charged under the offence. The district judge then referred the case to the Tripura High Court.

What did the HC decide?

The Law Ministry had argued that the court must overlook the omission and read the legislation as a whole. It also told the court that the provision would be amended to rectify the dissonance. The Tripura HC agreed with the government’s view, but said that it may not be the best solution. The amendment is yet to take place. *However, criminal laws cannot be amended retrospectively. Article 20 of the Constitution guarantees protection against double jeopardy. Article 20(1) says that no person shall be convicted of any offence except for violation of the law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.* So even if the amendment is brought in, the result of the drafting error could lead to more constitutional questions being raised.

COUNTERING A POLITICAL ACT THAT HAS A LEGAL GARB

Aisha Sultana, a film-maker from Lakshadweep, was recently booked for the alleged offences of sedition and statements prejudicial to national integrity. A crime was registered based on a complaint by a leader of the Bharatiya Janata Party (BJP). Ms. Sultana then moved the Kerala High Court for pre-arrest bail. The court allowed interim bail to her on June 17. Ms. Sultana thus got

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



temporary relief from incarceration. *The court will pass its final orders in the application shortly. Ms. Sultana's case is only one among the numerous sedition cases recently registered in the country. In Lakshadweep, people have had sedition slapped against them for putting up placards or posters against the Prime Minister. Ms. Sultana's case also reveals the regime's political strategy to threaten dissidents.*

Background and implications

Ms. Sultana is alleged to have used the word 'bioweapon' in a television discussion about the recent developments in Lakshadweep and its draft reforms. She said it while deliberating over the Lakshadweep Administrator's actions and omissions that allegedly contributed to the spread of the COVID-19 pandemic on the island, which was free from the virus in 2020. Ms. Sultana indicated in her petition before the court and to the media that she is apologetic about the word used. In an interview she said that her "bioweapon remark" was a "mistake" and that she was "entrapped". Hindutva forces have relied heavily on this subsequent posture which she publicly made, to strengthen their stand. They tried to create a false sense of moral victory and legitimacy to back their position, which they thoroughly lack. Ms. Sultana is not a political activist. And it is probable that she may not be very articulate or even be able to present strong arguments on the affairs of the nation. It seemed like she was partly accusing herself or acknowledging the 'mistake' in some way. This self-accusation was, however, unwarranted. When the purpose of the sedition law is to curtail opposing ideas, her rescission had the effect of legitimising the state's wrongful action.

Lessons from history

Ms. Sultana's case is a case study for those who are concerned about the country's liberal values. The offence of sedition under Section 124A of the Indian Penal Code (IPC) was inserted in the Code in 1870. *In the great trial of 1922, Mahatma Gandhi, charged with sedition, described the provision as "perhaps the prince among the political sections of the IPC designed to suppress the liberty of the citizen." Gandhiji, who himself was a lawyer, made two points in his statement given on March 18, 1922. One, he admitted the charge of preaching disaffection towards the then existing regime. Two, he justified his act and said that it was his duty to do so as it is "a sin to have affection for the system (under the British Raj)". He explained that "Affection cannot be manufactured or regulated by law. If one has no affection for a person or system, one should be free to give the fullest expression to his disaffection so long as he does not contemplate, promote, or incite to violence. (<https://bit.ly/3vP9S2x>)"* This statement is not only political but also legal. Curiously, this assertion that Gandhiji made in the court was indirectly laid down as the law by the Constitution Bench of the Supreme Court of India in *Kedar Nath Singh (1962)* which said that *incitement to violence is the gist of the offence of sedition. This proposition was followed by the top court consistently, till Vinod Dua (2021), where the Court said that a journalist cannot be booked for sedition for expressing dissent. The law was clear even when Gandhiji was convicted and sentenced. Evidently, the charge and the conviction were political, not legal. Even today, the very registration of crimes against political opponents under the draconian laws is essentially a political act, though it takes a legal form. According to the report by the National Crime Records Bureau (NCRB), between 2016 and 2019 there was a 160% increase in the registration of sedition cases whereas the conviction rate during this period fell from 33.3% to 3.3%. Thus, the process itself becomes the punishment. Therefore, one needs to build up a political defence as well as legal defence against such charges. Litigation is not merely a means for the redress of grievance. When the charges are under 'political*



sections', as Gandhiji eloquently described, they need to be countered by a political praxis as well. Only such a course would expose the egregious motive of the state in accusing its citizens of the offence of sedition without any legal or factual foundation whatsoever. Only such a resistance would be able to re-educate our judicial institutions constitutionally and historically, and to ensure dialogic democracy. Unfortunately, Ms. Sultana's subsequent expression of regret does not pass this political test. She could have asserted that the word she used was correct and proper. It was possible for her to justify it as an imagery capable of exposing the regime's unprincipled approach in Lakshadweep. It needs to be told that the British Raj used the draconian provision only when they alleged that a speech or a writing resulted in violence, or there was at least a remote connection between the overt act and social disturbance. Bal Gangadhar Tilak was tried in 1897 on an accusation that the articles in Kesari, a Marathi paper owned by him, incited violence that led to the killing of two British officers. Tilak was convicted and sentenced to undergo rigorous imprisonment for 18 months. In 1908, he was again tried and later sentenced for writing "seditious" articles and by connecting them with certain instances of 'social disorder'. Post-Independence, in Kedar Nath Singh, the accusation among others, was that Kedar Nath, a Forward Communist Party leader, had asserted his belief in a revolution "in the flames of which the capitalists, zamindars, and the Congress leaders of India....will be reduced to ashes...." The Court said that "comments, however strongly worded, expressing disapprobation of actions of the Government, without exciting those feelings which generate the inclination to cause public disorder by acts of violence, would not be penal". In Balwant Singh (1995), slogans for an independent Sikh nation were found to be not seditious for want of the ingredient of incitement to violence. None of these prominent cases relied on the mere use of words to make out the offence.

A new judicial activism

But after 2014, cases of sedition are frequently and intentionally registered solely based on words spoken, written, or tweeted. This can have a chilling effect on people's movements. The clear political object behind the invocation of the law is to create an atmosphere of fear. This, in a way, is the price which the country had to pay for the retention of the law of sedition, among other draconian laws. Therefore, the Supreme Court of India and the High Courts should take suo motu cognisance of the incidents where the state ostensibly uses draconian laws to suppress criticism and protest. This is difficult, but not impossible. Such suo motu proceedings would reflect the kind of judicial activism that our time demands. The organised Bar, especially at the State level, must perform its libertarian role by constantly demanding for a judiciary that values freedom and acts for it.

A CASE TO DECRIMINALISE SUICIDE

India has the highest suicide rate in the Southeast Asian region, according to the World Health Organization. Depression, chronic ill health, guilt, trauma, substance abuse, failure in exams, and loss of loved ones are some of the reasons which influence a person's decision to take his or her life. A total of 1,34,516 cases of suicide were reported in 2018 in India, according to the National Crime Records Bureau. While the rate of suicide was 9.9 in 2017, it increased to 10.2 in 2018.

Crime and punishment

Section 309 of the Indian Penal Code dictates the penal provision for attempting suicide. If a person is suffering from any mental trauma or illness, he or she should be given reformatory treatment



rather than a deterrent punishment which is “simple imprisonment for a term which may extend to one year [or with fine, or with both]”. India has retained much of the colonial legal legacy in its penal jurisprudence. But the fact is that the British Parliament decriminalised attempts to suicide in 1961 through the *Suicide Act*. In India, a Bill to repeal Section 309 was first introduced in the Rajya Sabha in 1972 but it failed to pass in the Lok Sabha because the House was dissolved. We have witnessed a century-long tussle between two camps in which one advocates for penal provision and the other continuously demands that attempts to suicide be decriminalised. *Those who favour the penal provision generally quote the judgment in Gian Kaur V. State of Punjab (1996) where the court held that the “right to life is a natural right embodied in Article 21” of the Constitution but “suicide is an unnatural termination or extinction of life and, therefore, incompatible and inconsistent with the concept of right to life”.* In *Aruna Ramchandra Shanbaug v. Union of India (2011)*, the Supreme Court endorsed the earlier judgment. On the other hand, those who argue that the act of attempting suicide should not be criminalised quote *Maruti Shripati Dubal v. State of Maharashtra (1986)*. In this judgment, the Bombay High Court declared Section 309 unconstitutional. It said: “For example, the freedom of speech and expression includes freedom not to speak and to remain silent. The freedom of association and movement likewise includes the freedom not to join any association or to move anywhere... If this is so, logically it must follow that right to live... will include also a right not to live or not to be forced to live.” The court also said: “If the purpose of the prescribed punishment is to prevent the prospective suicides by deterrence, it is difficult to understand how the same can be achieved by punishing those who have made the attempts... Those who make the suicide attempt on account of the mental disorders require psychiatric treatment and not confinement in prison cells.” This idea was recorded in *Chenna Jagadeeswar v. State of Andhra Pradesh* and *P. Rathinam v. Union of India (1994)* where the court held that Section 309 of the Indian Penal Code is a violation of Articles 14 and 21 and is void and unconstitutional.

A solution

In 2017, Parliament passed the *Mental Healthcare Act*. Section 115 (1) of the Act provides, “Notwithstanding anything contained in section 309 of the Indian Penal Code, any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code.” However, this law applies only to those suffering from mental illness. There is presumption of severe stress in case of an attempt to die by suicide. But what if severe stress is not proved? We have to shift from penalising attempts to suicide to making such cases medico-legal ones and provide psychological or mental treatment and support to the persons affected. As the issue demands a reformative stance, we need a permanent solution like repealing Section 309 of the Indian Penal Code or striking it down.

THE ‘UNION GOVERNMENT’ HAS A UNIFYING

The Tamil Nadu government’s decision to shun the usage of the term ‘Central government’ in its official communications and replace it with ‘Union government’ is a major step towards regaining the consciousness of our Constitution. Seventy-one years since we adopted the Constitution, it is time we regained the original intent of our founding fathers beautifully etched in the parchment as Article 1: “India, that is Bharat, shall be a Union of States”. If a student of Indian polity attempts to trace the origin of the term ‘Central government’, the Constitution will disappoint him, for the Constituent Assembly did not use the term ‘Centre’ or ‘Central government’ in all of its 395 Articles



in 22 Parts and eight Schedules in the original Constitution. What we have are the 'Union' and the 'States' with the executive powers of the Union wielded by the President acting on the aid and advice of the Council of Ministers headed by the Prime Minister. Then, why did the courts, the media and even the States refer to the Union government as the 'Centre'? *Even though we have no reference to the 'Central government' in the Constitution, the General Clauses Act, 1897 gives a definition for it. The 'Central government' for all practical purposes is the President after the commencement of the Constitution. Therefore, the real question is whether such definition for 'Central government' is constitutional as the Constitution itself does not approve of centralising power.*

Intent of Constituent Assembly

On December 13, 1946, Jawaharlal Nehru introduced the aims and objects of the Assembly by resolving that *India shall be a Union of territories willing to join the "Independent Sovereign Republic"*. The emphasis was on the consolidation and confluence of various provinces and territories to form a strong united country. *Many members of the Constituent Assembly were of the opinion that the principles of the British Cabinet Mission Plan (1946) be adopted, which contemplated a Central government with very limited powers whereas the provinces had substantial autonomy.* The Partition and the violence of 1947 in Kashmir forced the Constituent Assembly to revise its approach and it resolved in favour of a strong Centre. *The possibility of the secession of States from the Union weighed on the minds of the drafters of the Constitution and ensured that the Indian Union is "indestructible". In the Constituent Assembly, B.R Ambedkar, the Chairman of the Drafting Committee, observed that the word 'Union' was advisedly used in order to negative the right of secession of States by emphasising, after all, that "India shall be a Union of States".* Ambedkar justified the usage of 'Union of States' saying that the Drafting Committee wanted to make it clear that though India was to be a federation, it was not the result of an agreement and that therefore, *no State has the right to secede from it. "The federation is a Union because it is indestructible,"* Ambedkar said. *The usage of 'Union of States' by Ambedkar was not approved by all and faced criticisms from Maulana Hasrat Mohani who argued that Ambedkar was changing the very nature of the Constitution. Mohani made a fiery speech in the Assembly on September 18, 1949 where he vehemently contended that the usage of the words 'Union of States' would obscure the word 'Republic'. Mohani went to the extent of saying that Ambedkar wanted the 'Union' to be "something like the Union proposed by Prince Bismarck in Germany, and after him adopted by Kaiser William and after him by Adolf Hitler".* Mohani continued, "He (Ambedkar) wants all the States to come under one rule and that is what we call Notification of the Constitution. I think Dr. Ambedkar is also of that view, and he wants to have that kind of Union. He wants to bring all the units, the provinces and the groups of States, everything under the thumb of the Centre." However, Ambedkar clarified that *"the Union is not a league of States, united in a loose relationship; nor are the States the agencies of the Union, deriving powers from it. Both the Union and the States are created by the Constitution, both derive their respective authority from the Constitution. The one is not subordinate to the other in its own field... the authority of one is coordinate with that of the other".* *The sharing of powers between the Union and the States is not restricted to the executive organ of the government. The judiciary is designed in the Constitution to ensure that the Supreme Court, the tallest court in the country, has no superintendence over the High Courts. Though the Supreme Court has appellate jurisdiction — not only over High Courts but also over other courts and tribunals — they are not declared to be subordinate to it. In fact, the High Courts have wider powers to issue*



prerogative writs despite having the power of superintendence over the district and subordinate courts. Parliament and Assemblies identify their boundaries and are circumspect to not cross their boundaries when it comes to the subject matter on which laws are made. However, the Union Parliament will prevail if there is a conflict.

Word play

The members of the Constituent Assembly were very cautious of not using the word 'Centre' or 'Central government' in the Constitution as they intended to keep away the tendency of centralising of powers in one unit. The 'Union government' or the 'Government of India' has a unifying effect as the message sought to be given is that the government is of all. Even though the federal nature of the Constitution is its basic feature and cannot be altered, what remains to be seen is whether the actors wielding power intend to protect the federal feature of our Constitution. As Nani Palkhivala famously said, "The only satisfactory and lasting solution of the vexed problem is to be found not in the statute-book but in the conscience of men in power".

TOWARDS A MORE FEDERAL STRUCTURE

Preserving the unity of India was a great concern at the time of independence. The rulers of Travancore, Hyderabad, Jodhpur, Bhopal and Junagadh wanted their own separate countries. In October 1947, Kashmir was invaded with the backing of a very young Pakistan government. Goa was liberated from the Portuguese only in 1961. It was natural that India opted to be a Union unlike the U.S. and many other countries which have federal governments. The essential difference is that the Central government has more authority and power in a Union government.

Revenue distribution

Direct taxes are income tax and corporate tax. In the U.S., both the federal and State governments collect such taxes from individuals and corporations. This is true in Switzerland and some other countries as well. However, in India, direct taxes go entirely to the Central government. The Central government is supposed to distribute 41% of its gross tax revenues (reduced from 42% after the formation of new Union Territories in Jammu and Kashmir) to the State governments. In the U.S., the federal government distributes about 15% of its revenues. State governments get funds from the Central government according to the Finance Commission's recommendations. Though this is based on some formula, often politics intervenes and some States get less and some more. Usually the Central government does not meet the 41% target. We see various States either petitioning or coming into conflict with the Central government on this issue. Meanwhile, the Central government has added cess on various items which adds up to over ₹3.5 lakh crore. This is not shared with the State governments. State governments also raise their own funds largely through taxes on liquor, property, road and vehicles. At an all-India level, the States get 26% of their total revenue from the Central government. Some of the so-called poorer States get up to 50% of their total revenue from the Central government, making them even more dependent. This gives more economic power to the Central government and allows ruling parties at the Centre to use these funds to their advantage. Another issue is regional disparity. Maharashtra, Delhi and Karnataka contribute the lion's share of taxes to the government. These three regions along with Tamil Nadu and Gujarat contribute 72% of the tax revenue. Uttar Pradesh, which has the largest population in India, contributes only 3.12% but gets over 17% of the revenue distributed by the Central government. Revenue distribution is based



on complex considerations including population and poverty levels. For every ₹100 contributed, southern States get about 51% from the Central government, whereas Bihar gets about 200%. The population growth rates in the south have come down to near zero, whereas the population in central and north India continues to grow. The cross subsidy from the south to the north will therefore grow. Meanwhile, job seekers and those looking for higher quality education are flocking to the south. On the other hand, political power is concentrated in the north because there are more Lok Sabha seats. The number of seats in each State will be revised in 2026 perhaps based on population and other factors. This has already created apprehension in the southern States that they will be further politically marginalised. The periodic attempts to declare Hindi a national language fuels widespread resentment.

Beyond the current framework

Some experts support cross subsidy and others oppose it. Suggestions usually work within the current framework. Making the fund allocation fairer is almost impossible because of politics. We need to look beyond this framework. One step could be to provide greater economic power to the States so that they can directly collect more taxes and be less dependent on the Central government. This would improve Centre-State relations. For poorer States, a period of transition is perhaps required. Unfortunately, politics does not depend on expert opinion. On top of an extended pandemic, negative economic growth and loss of crores of jobs, the situation is becoming ripe for rabble-rousing politicians to ask why we should subsidise those people who disrespect our language and do not give us political power. Regional differences led to violence in Yugoslavia, Sri Lanka and between East and West Pakistan. Hopefully, we may not see that kind of violence. India's hard-won independence and unity needs to be preserved. Today there are threats from China. There may be threats from Afghanistan after the U.S. withdraws its troops. A transition to a more federal structure will allow the Centre to focus on external threats instead of internal dissensions. Our internal divisions helped invaders from West Asia and the British. Hopefully, we will learn from our history.

FUTURE STATE

Political leaders from Jammu and Kashmir (J&K) who attended a meeting called by Prime Minister Narendra Modi on Thursday came away with a sense of optimism: restoration of Statehood is somewhere on the horizon, even if a total reversal of the withdrawal of the special status remains unlikely. The meeting itself was a surprise, and came at a time when expectations of any quick resolution were very low. *But the fact that a spectrum of political leaders got the invitation from the Centre without any set pre-conditions had raised hopes of progress.* Eventually, the meeting gave reason to Kashmir's political class to believe in possibilities that did not seem to exist just a week earlier. But restoration of Statehood to J&K, which was reorganised as two Union Territories, should be the first step in the revival of the democratic political process and not the culmination of some elaborate negotiation strategy. Mr. Modi described the meeting as an "important step in the ongoing efforts towards a developed and progressive J&K". While committing to strengthen grassroots democracy, he called for quick delimitation of constituencies, after which legislative polls could be held. Home Minister Amit Shah insisted the restoration of Statehood will follow delimitation and elections. Not surprisingly, many participants were not convinced by this sequence suggested by the Centre. But the positives are that the long meeting was freewheeling,



without rancour and all parties were united in the demand for the restoration of Statehood. Most participants also sought an assurance to return the domiciliary rights concerning land and State services, but considering the BJP's strident position, this might be difficult. As Mr. Modi argued, the focus must be on the future, but this will have to be built on the trust and cooperation of the people of J&K. Decades of turmoil have created unique problems of governance and mistrust. The NC and the PDP, with all their deficiencies, remain India's best messengers to the people of the Valley. In deciding to engage them, and other parties, the Centre has made a departure from its earlier position. By seizing the opportunity, these parties also showed maturity. Global and domestic factors might have nudged the Centre towards what appears to be a tentative accommodation of other viewpoints. But the political challenge to its decision to hollow out Article 370 is all but fading. The restoration of Statehood has been placed so far down the path that any discussion on special status is unthinkable in the near future. In that sense, the Centre and the BJP have irreversibly reset the conversation on J&K. That success should not blind them to the resentment among the people. Mr. Modi and Mr. Shah will have to look forward to the future rather than being bound by their past rhetoric on Kashmir.

UTTARAKHAND'S UNELECTED CM: THE CRISIS, THE LAW, AND BJP'S OPTIONS

Uttarakhand is staring at a possible constitutional crisis, with time running out for Chief Minister Tirath Singh Rawat to get elected to the Legislative Assembly. Rawat, sworn in on March 10 as a surprise pick of the BJP state legislature party, has until September 10 to get elected as an MLA in a bypoll. But with the pandemic raging, uncertainty prevails over whether a bypoll can be held within that time-frame, and over the legal and political implications if it is not held.

What does the law say?

According to *Article 164 (4)* of the Constitution, "a Minister who for any period of six consecutive months is not a member of the Legislature of the State shall at the expiration of that period cease to be a Minister". So, to continue as Chief Minister, Rawat has to be elected as an MLA before September 10. Rawat, who replaced Trivendra Singh Rawat as the Chief Minister, was elected to Lok Sabha from Garhwal in 2019. He has not yet resigned from Lok Sabha and remains the Garhwal MP, according to the Lok Sabha website.

What are the options before the BJP?

BJP sources said the central leadership has been in discussion with legal and constitutional experts. "One suggestion that came up is that the party can pick someone else for the top post as there are restrictions on the same person returning to the post," said a BJP leader. "*Both the Election Commission and the government are careful after the criticism during recent Assembly elections. So holding an election is possible only after the situation becomes normal,*" said a senior BJP leader.

Has such a situation happened before?

In April last year, the Maharashtra government was in a similar situation, requiring Chief Minister Uddhav Thackeray to be elected to the state legislature. The pandemic had left holding a bypoll uncertain. Thackeray initially tried to get himself nominated to the Legislative Council using a



provision that allows the Governor to nominate 12 members, but the move was stalled by Governor Bhagat Singh Koshyari. The crisis was eventually resolved with Thackeray getting himself elected as a Member of the Legislative Council. *Unlike Maharashtra, the Uttarakhand legislature is unicameral and has no Upper House. This leaves BJP with no option other than contesting a bypoll if it intends to retain Rawat as CM.* There have also been *instances in the past when a minister has resigned for a day and been appointed again, extending the constitutional deadline by another six months.* In September 1995, Punjab Congress leader Tej Parkash Singh, then not an MLA, was appointed a minister. In March 1996, before he could get elected within six months, he resigned and was appointed a minister again during the term of the same legislature. When the appointment was challenged, *the Punjab and Haryana High Court dismissed the plea but the Supreme Court held that Singh's second appointment "without getting elected in the meanwhile was improper, undemocratic, invalid and unconstitutional".* The decision, however, was only an academic exercise as it came in 2001, well after the Assembly had completed its term.

Does the law contemplate a scenario where it is impossible to hold a poll?

A caveat in the Representation of the People Act, 1951, adds another dimension to the crisis. Section 151A allows two exceptions to holding a bypoll to satisfy the requirement in Article 164(4) of the Constitution. It states a bypoll need not be held if (a) the remainder of the term of a member in relation to a vacancy is less than one year; or (b) the Election Commission in consultation with the Central Government certifies that it is difficult to hold the by-election within the said period. The term of the current Uttarakhand Assembly, which began in March 2017, has less than a year to expire. Both these options would mean that Rawat would have to be replaced.

Has the EC ever certified that an election cannot be held?

For filling vacant seats, the EC could cite the less-than-one-year rule and club the bypolls with the Assembly elections. In the past, the clause on impossibility of holding an election has been invoked, including in Jammu and Kashmir. However, in situations concerning the Chief Minister's election, the EC has traditionally preferred to hold a bypoll. According to a senior EC official, the panel has not yet taken a view on holding the byelection in Uttarakhand as it is watching the Covid-19 situation. If the EC and the Centre decide that holding a bypoll can be avoided given the Covid situation, it could set a precedent for West Bengal Chief Minister Mamata Banerjee, who lost her Assembly election from Nandigram and needs to be elected within six months.

BEFORE BJP MPS' REMARKS, STATEHOOD MOVEMENTS FROM NORTH BENGAL

Two BJP MPs from West Bengal recently called for separate states to be carved out in Jangalmahal and North Bengal respectively. While these are individual statements, which the BJP leadership has distanced itself, West Bengal has also seen three full-fledged movements for separate states since Independence — all from parts of North Bengal. A look at the two BJP leaders' remarks and the three statehood movements:

What the BJP MPs from Bengal said

On June 13, BJP MP from Alipurduar John Barla demanded a separate state or a Union Territory in North Bengal, saying the region has lacked development over the years. On June 21, BJP MP



from Bishnupur Saumitra Khan demanded that Jangalmahal region (formerly a Maoist belt, not in North Bengal) be made a separate state, contending there have never been serious development there. The following day, BJP state president Dilip Ghosh clarified: "Some of our leaders have made some statements in their personal capacity. It has nothing to do with our party line or opinion which is against any form of division of West Bengal."

Gorkhaland movement

The demand for a separate state for Gorkhas in the Darjeeling hills and parts of the Dooars and Siliguri terai regions began as a violent movement in the 1980s, initially spearheaded by Gorkha National Liberation Front (GNLF) founder Subash Ghising. The demand stemmed from allegations that these regions were deprived of basic amenities such as electricity, healthcare, schools, and jobs. The agitation peaked in 1985-86, with over 1,200 deaths. It ended with the *formation of Darjeeling Gorkha Hill Council (DGHC) in 1988*, which administered the Darjeeling hills for 23 years with some autonomy. In 2007, the statehood demand resurfaced after Ghising's former aide, Bimal Gurung, broke away from the GNLF and formed the Gorkha Janmukti Morcha. The GJM took over the Gorkhaland movement, spearheading agitations in 2011, 2013 and 2017. In 2011, the *Gorkha Territorial Administration was formed for the Darjeeling and Kalimpong areas*, replacing the DGHC. But Gurung resigned from the GTA in 2011 itself, citing interference from the state government, and renewed the Gorkhaland agitation. In 2017, following a 104-day shutdown in the Darjeeling hills and a violent agitation, Gurung went into hiding. He resurfaced last year and extended his support to the ruling Trinamool Congress. Since then, the Gorkhaland demand has fizzled out. The BJP has been winning the Darjeeling Lok Sabha seat with the support of GJM since 2009, but its leaders have steered clear of discussing the Gorkhaland demand.

Kamtapur movement

This movement came from within the Koch Rajbongshi community, a Scheduled Caste in West Bengal. The proposed state covers seven of North Bengal's eight districts including Cooch Behar, where the movement is centred, as well as Kokrajhar, Bongaigaon, Dhubri and Goalpara districts in Assam; Kishanganj in Bihar; and Jhapa in Nepal. The demand was first raised in 1995 following the formation of the Kamtapur Liberation Organisation (KLO), an armed militant organisation. Its stated aim was to address problems faced by the Koch Rajbongshi people such as unemployment, land alienation, neglect of Kamtapuri language and identity, and economic deprivation. The movement fizzled out in the early 2000s due to a leadership crisis and the arrest of several operatives of the KLO and the All Kamtapur Students Union (AKSU).

Greater Cooch Behar agitation

The movement was started in 1998 by Greater Cooch Behar People's Association (GCPA) general secretary Bangshi Badan Barman. The proposed state comprised seven districts of North Bengal along with Assam's Kokrajhar, Bongaigaon and Dhubri. *In 1949, Cooch Behar was merged with India as a C-category state through three treaties. On January 1, 1950, the Centre bifurcated the erstwhile kingdom, with parts going to West Bengal and parts to Assam.* This statehood movement never gained momentum, and there has been no major agitation since 2008 when the Greater Cooch Behar Democratic Party held a fast-unto-death demanding the release of Barman and 55 others who had been arrested in 2005.



A MATTER OF DRESS AND DISCIPLINE

The Director of the Central Bureau of Investigation, Subodh Kumar Jaiswal, recently directed all officials in the agency to dress in formal clothes while on duty. This means that all the male officers should wear collared shirts, formal trousers and shoes and all the women officers should wear sarees, suits, or formal shirts and trousers. Casuals are a strict no-no. Until a few decades back, there was no need to issue such an order. Police officers are normally trained to maintain decorum in office. But over the years, there has been more indiscipline, which has led to this situation. The enforcement of discipline originates from the top. The head of the organisation may himself be observing a proper dress code. But enforcement of discipline needs to flow down the line to the last man. Such enforcement builds up a culture and an ethos within the organisation. When I joined the Central Reserve Police Force for my basic training in Neemuch, most of my batchmates who wore printed shirts were asked to pack them and never to be seen in them again. Only plain, striped, or checked shirts were to be worn. The barber turned us into easily recognisable trainees by giving us crew cuts. All this instilled a sense of pride in us.

Image of the police

Decorum isn't about clothes alone. The Director General (DG) of Bihar Police, S.K. Singhal, issued instructions recently to all personnel to not use their mobile phones while on duty, except in exceptional cases, as it "affects the image of the police". A strict enforcement of this order will not only enhance the image of the police but will go a long way in improving the efficiency of the force. Alertness, the hallmark of efficiency in a police force, will produce the desired results. When the police are seen chatting on mobile phones while on duty, it tends to tarnish the image of the police. They are seen as being negligent and inefficient in the performance of their duties. The responsibility largely devolves on the junior officers to check their subordinates from using mobiles. *A few years ago, the then DG of Bihar Police issued orders that police personnel should not sport any religious symbols on their uniforms or body that would indicate their religious leanings. The order was issued because many were sporting a 'tilak' on their foreheads while in uniform. As per regulations, policemen are debarred from wearing any religious marks on their face or uniform. Only Sikh personnel are permitted to wear turbans and grow a beard and moustache.* There can be no compromise in projecting the secular nature of the police forces of the country. The Police Commissioner of Delhi, S.N. Shrivastava, recently raised objections to civil defence volunteers donning the khaki, an exclusive preserve of the police. A civil defence volunteer was recently arrested for posing as a sub-Inspector and prosecuting those who were violating COVID-19 lockdown restrictions. The matter is being taken up by the Ministry of Home Affairs. *When the police are smartly dressed and conduct themselves in a professional manner, they command the respect of the general public. Pot-bellied policemen project a bad image of the force. The Central Armed Police Forces rightly introduced the concept of an annual medical examination in the late nineties for all the personnel.* This has not only kept them trim and fit but has also ensured that they are always in good health. Any medical deficiency can result in their losing promotions. Once the pandemic ends, it is hoped that the health sector shows drastic improvement. It would be a step in the right direction if medical examinations are introduced in all government departments. If this is done, health issues can be detected in the initial stages and treated early. The Central and State governments should issue orders as part of the conduct rules that all employees must be in



formal wear when attending office. *When private companies can enforce a dress code, there is no reason why government services shouldn't.*

LAKSHADWEEP: KERALA HC STAYS 2 ORDERS, ASKS GOVT WHY UPSET FOOD HABITS

The Kerala High Court on Tuesday temporarily stayed two controversial orders of the Lakshadweep administration — one pertaining to closure of dairy farms and the other on change in the menu of midday meals for school children in the islands. Lakshadweep Administrator Praful K Patel had recently ordered the closure of government-owned dairy farms, and for meat and chicken to be taken out of the menu of the midday meal scheme, prompting Ajmal Ahamed, a native of Lakshadweep, to file a public interest litigation in the High Court. *The petition said the order on midday meals was issued with mala fide intention to change the food habits of the people of the islands, and alleged that the decision to shut down government-run dairy farms was meant to promote marketing of dairy products from Gujarat, Patel's home state.* Staying the orders and giving the Union Territory two weeks to file its counter affidavit, a division bench of Chief Justice S Manikumar and Justice Shaji P Chaly asked the Union government why it was upsetting the food habits of the region. The two orders stayed by the High Court are among a clutch of controversial decisions and proposed legislation by the administrator — ranging from a ban on beef to disqualification of panchayat poll aspirants with more than two children, and introduction of an anti-goonda Act — that have led to turmoil in the Union Territory. The petitioner also wanted a stay on the decision to hand over the midday meal scheme in the islands to a Bengaluru-based NGO, Akshaya Patra, but did not insist on it as the Union government informed the court that they didn't plan to proceed with the decision.

LAKSHADWEEP COULD FACE MAJOR COASTAL EROSION DUE TO RISING SEA LEVELS: STUDY

A group of scientists at IIT-Kharagpur, in a study carried out under the Department of Science and Technology, have found that sea levels around Lakshadweep are estimated to rise between 0.4 mm and 0.9 mm annually, causing coastal erosion in many of the islands, and possibly submerging the smaller islets. *The Lakshadweep archipelago comprises 36 islands of coral and reef formation in the Arabian Sea, spanning just over 32 sq km. The islands are characterized by low elevations, with maximum elevation ranging from 4-6 metres above Mean Sea Level and minimum elevations lower than 1 metre. Only 10 islands are inhabited* – those that the IIT scientists from the Department of Architecture and Regional Planning and Department of Ocean Engineering Naval Architecture have jointly studied. The range of rise in sea levels has been ascertained based on different climate change models and the study has been conducted projecting different greenhouse gas scenarios. While the study has found that some islands will be affected more than others, all islands will be affected by the sea level rise. The research has been published in the journal 'Regional Studies in Marine Science'. "Lakshadweep islands are already facing the impact of sea level rising which is taking place even now. But while many countries have coastal protection measures in place, and even India does have some coastal protection measures, these are not sufficient... By 2030, we expect the islands to face major coastal erosion which will affect the residents of the Union Territory," Prasad K Bhaskaran of the Department of Ocean Engineering and Naval Architecture at IIT-Kharagpur, one of the lead authors of the study, said. "Coastal protection measures need to be taken now. *There are two kinds that the government can adopt – soft measures, that is, the*

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



creation of mangroves, which we think is more effective. And hard engineering solutions including the building of sea walls – a proposition which is extremely expensive.” The study has estimated that the *islands Chetlat and Amini are expected to face major land-loss*. Projection mapping indicated that about 60-70 per cent of the existing shoreline would experience land-loss in Amini and about 70-80 per cent in Chetlat. *The island Minicoy and capital Kavaratti are also vulnerable to sea-level rise, and expected to experience land-loss along 60 per cent of the existing shoreline, the study shows, adding that the only airport in the archipelago, located on the southernmost tip of Agatti island, is likely to experience damage due to inundation.* “The land use pattern in the islands is such that most of the residential areas occur along the periphery of the islands and cultivation in the centre, increasing the vulnerability of the islands to rising sea levels and erosion. Fisheries, agriculture and tourism are the three main economic sectors of the islanders, all of which are also vulnerable.”

RELEVANT ADVICE FOR HEALTH CARE-GIVERS, MOTHERS-TO-BE

India's demographic dividend is largely dependent on its high birth rate. The number of births in India is ~ 72,000 per day; taking into account the 10 month duration of gestation and pregnancy losses, the number of pregnant women on any single day will be much larger. Currently, the number of new cases of COVID-19 per day and the number of daily COVID-19 deaths in India are among the highest in the world. Maternity services in India, both public and private, already overburdened with large numbers even in pre-COVID-19 times, face a crisis situation with the conditions caused by the pandemic.

A danger

Recent reports from Kerala (The Hindu, May 14, 2021) on pregnant mothers, have uncovered many serious medical problems faced by pregnant women who contract COVID-19 and their new-born — pre-eclampsia, pre-term labour maternal infections, increased caesarean section rates, fetal growth restriction due to placental insufficiency, still births, neonatal infections and respiratory distress. According to a recent publication in the Journal of the *American Medical Association, maternal mortality is several-fold higher in COVID-19 positive pregnant mothers than in non-COVID-19 pregnant women. Many pregnant women need admission to the intensive care unit and prolonged hospitalisation. Of all the COVID-19 deaths in the paediatric age-group, neonatal deaths are the most common. All maternal and neonatal complications increase with maternal obesity and diabetes in pregnancy — problems that are common in pregnant women in India. These facts underscore the need for urgent action to minimise the impact of the coronavirus infection on pregnant mothers and new-born.* There is an urgent need for action from professional bodies to avert a serious calamity; the Government, in consultation with these bodies, should immediately facilitate counselling and care for women in the reproductive age group and provide resources to health-care professionals involved in their care. Quite early during the course of the COVID-19 pandemic, we cautioned about the potential adverse effects of COVID-19 in pregnancy and urged pre-conceptual advice for women planning a pregnancy during COVID-19 times (The Hindu, September 14, 2020; <https://bit.ly/2U3Nghq>) — a simple precaution that could have averted serious problems for large numbers of women in the reproductive age group.



Steps to be taken

With the massive increase in numbers of COVID-19 infections with the second wave of the novel coronavirus pandemic in India, and its effect on pregnant mothers, this important matter should be taken up on a war footing, alerting women in the reproductive age group and the medical profession.

Two important steps must be considered immediately: Advise all women to postpone pregnancy till both partners are vaccinated; Offer vaccination to all un-vaccinated pregnant women. Temporary and reversible contraception during COVID-19 times is a simple and effective way to postpone pregnancies and thereby decrease the number of women who would otherwise seek antenatal advice in crowded hospitals and risk exposure to infection. The demands on health-care personnel who provide antenatal care would decrease; they can be redeployed for COVID-19 care and the vaccination programme, public health measures that make huge demands on health-care professionals. Reduction in the number of antenatal visits, online consultations, protocols for ultrasonography, glucose tolerance test and antepartum fetal evaluation have been introduced by many institutions. *This must be followed by all caregivers. Ultrasound scans are routinely done during pregnancy. Dedicated and safe ultrasound scan centres for pregnant women, manned exclusively by immunised personnel (either vaccinated or after recovery from previous COVID-19 infection) is a need of the hour. Pregnant women with fever should be considered to have COVID-19 unless proven otherwise and be taken care of in triage areas with all personal protective measures in place till COVID-19 test results are available. At present, COVID-19 and non-COVID-19 pregnant women coming for delivery are not strictly segregated in many hospitals, it is high time that COVID-19 pregnancies and non-COVID-19 pregnancies are handled in different settings to prevent infecting susceptible mothers. Both types of facilities should be manned by immunised personnel, the first to prevent infections in health-care personnel and the second to prevent infections in susceptible mothers. Unvaccinated health-care workers providing care for pregnant women should be quickly vaccinated.*

Clear benefits of vaccination

The health authorities in the United Kingdom and the United States have realised the benefits and the safety of vaccinating pregnant women and have approved vaccination of all pregnant women with mRNA vaccines (<https://bit.ly/3xYZIxX>). These COVID-19 vaccines have been found to produce a good immune response and, maternal antibodies, demonstrated to cross the placenta and enter the fetus, confer protection against maternal to fetal transmission of the virus. The benefits of vaccination far outweigh the risks. *Pregnancy and the immediate postpartum period are pro-thrombotic states — they favour the formation of blood clots in veins. Of the two vaccines readily available in India, the vectored vaccine (Covishield) was found to be associated with rare but serious side-effects pertaining to thrombosis of the veins draining critical areas such as the brain and intra-abdominal organs, a feature shared by the single dose (Janssen) vaccine; indeed, this side-effect may be a feature of all vectored vaccines against COVID-19. In general, inactivated virus vaccines are safe during pregnancy and the World Health Organization has given a nod to the use of the inactivated Synovac vaccine (<https://bit.ly/35WzIH8>). Therefore, the inactivated vaccine available in India (Covaxin) may have advantages over the vectored vaccines (Covishield and Sputnik) for vaccinating pregnant women. The availability and advantages of the vaccine for pregnant women should be publicised and awareness should be created among the public. Vaccine hesitancy in pregnant women is likely to be much higher than in the general population — this should be addressed by information,*



education and effective communication. Professional bodies recommended to the Ministry of Health and Family Welfare that vaccination be offered to pregnant women after providing adequate information and counselling — and the Indian Council of Medical Research and the Ministry of Health have approved this, welcome steps in the right direction (<https://bit.ly/3xRBAGl>). India will do well to enhance vaccination coverage of couples planning pregnancy and pregnant women on a priority basis in order to protect mothers and their newborn.

CHORES AND CONVERSATIONS: HOW TO KEEP CHILDREN ENGAGED

The pandemic-related lockdowns have not been easy for anyone, but they have been particularly difficult for children, parents, teachers and the elderly.

Learning from home

Children have been mostly indoors for over a year. Toddlers may not remember this period later, but for older children, there is little at home to stimulate their curious, active minds. With schools remaining shut, children have been attending online classes. Many parents have reported that their children, especially in the 4-6 age group, have been finding it hard to focus during online classes. Mothers have said during counselling sessions that their children have shown disinterest and lack of motivation. Some don't participate during class; they keep themselves busy on their parents' phones and other gaming sites, or by chatting with their friends. To make matters worse, children are inclined to unwind after a long day of virtual learning by again being on their gadgets. Parents deal with this problem in various ways: they grab and hide the devices, turn the WiFi off, and beg and plead with their children to fall in line. But these requests often fall on deaf ears and finally the parents give in. Once the pandemic ends, a great challenge is going to be to cure children of their screen addiction. Studies have found that limiting the use of online time can lead to significant reductions in loneliness and depression. Since this is a new system for schools too, teachers are unable to constantly keep track of what the children are up to. Online tests and assessments cannot always be monitored. Some parents have said that they have caught their children cheating during tests. Teachers too are heading towards a burnout. They have had to learn new ways of making virtual classes engaging and fun and prepare content accordingly. *While in the classroom, teachers give special attention to children with learning difficulties, this hasn't been possible during the pandemic. Children with dyslexia, dyscalculia, etc. have it especially hard at a time like this.* It has become almost entirely the parents' responsibility to help the child, when they themselves are overburdened. With no day-care centres, after-school care centres, play dates, sleepovers, birthday parties and so on, it has become the task of the parents to help in their children's education, look after them, and entertain them, all while doing their own work. Higher school students have reported different issues. There have been challenges in learning in the absence of laboratories and field visits. *Many are set to graduate from school without having met their friends for over a year. While this may not be a problem for all students and some enjoy being at home, others may find it more challenging to re-enter social life and should do so slowly. Entrance exams have been postponed for college admissions and so, students feel demotivated to prepare. Further, the pandemic has exacerbated the divide between the rich and poor. The lesser privileged children who have had little or no access to smartphones, computers and Internet have reported feeling dejected. School dropouts are becoming a problem.*



How can parents help?

While the situation can improve only when the pandemic abates and schools reopen, parents and teachers can do a few things to keep the children happy and engaged. If parents are proactive and positive, this could have a big impact on their children. Children pick up quickly on parents' fears and so it is important for parents to remain calm and patient and meet their children's concerns in an age-appropriate manner. If parents show that they are resilient, children too will learn to be that way. To keep the children engaged at home, parents can assign them tasks and chores. They can train their children to cook, clean, and focus on basic hygiene. All this will help the children throughout their adult life. Parents should also look out for signs that indicate that the child is having trouble coping. If children are unable to follow a routine, sleep poorly, and constantly complain of anxiety, fear, etc., parents should take note. All these emotions could have a long-term impact on the children. Parents can also set an example by doing a digital detox. Spending time with young children and listening to their stories is important as they require a lot of attention. If parents are unavailable, children will seek out others online, which could be dangerous. Pursuing hobbies, exercising, and hitting the outdoors while following COVID-19 protocols will all help keep the body and mind active and refreshed. Each child is unique and needs to be dealt with differently.

PROTECTING PRISONERS' RIGHTS

The catastrophic surge in COVID-19 cases across India in April and May led to a great number of deaths (still being counted) and put an enormous strain on the healthcare system and governments. In the midst of the surge, prisoners were largely forgotten. The failure of the authorities to reduce severe overcrowding in prisons left thousands of prisoners at risk of infection and death. *According to data, there are 12,715 inmates lodged in 11 sections of Tihar Jail alone as against the lodging capacity of 7,425. Out of them, 11,077 are undertrials.*

Violating human rights

As was expected, given the poor state of prisons in India, hundreds of prisoners got infected during the pandemic and a number of them died. *This vitiates a fundamental right derived from Article 21 of the Constitution. Overcrowded jails are a violation of the human rights of prisoners (Re-Inhuman Conditions in 1382 v. State of Assam, 2018). As the court said in Charles Sobraj v. The Suptd., Central Jail, Tihar, 1978, "imprisonment does not spell farewell to fundamental rights". The aim of imprisonment is not merely deterrence of crime but also reformation. Apart from risking the lives of inmates, ignorance of the poor conditions of prisons has also added to the misery of the families of those in jail.* Since physical meetings between the inmates and family members were suspended, many families have been unaware of the conditions of their loved ones in prison. While the Supreme Court ordered that prisons adopt video conferencing technologies to overcome the lack of physical meetings, this has not been properly implemented, according to Amnesty International. A report of the organisation noted that prisoners in Jammu and Kashmir were allowed a phone call to their family only once in 15 days. In May, prominent Hurriyat leader and chairman of Tehreek-e-Hurriyat, Mohammad Ashraf Sehrai, died in detention in Jammu. *Sehrai had been jailed under the Public Safety Act, a detention law that allows detention of any individual for up to two years without a trial or charge. He had tested positive for COVID-19 posthumously.* His son said that Sehrai had complained of ill-health when the family had spoken to him 10 days

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earlier but there had been delay in his treatment till death became inevitable. Sehrai's death has exposed the condition of prisons in Jammu and Kashmir. It has also exposed the condition of political prisoners who often languish in jail for years and are rarely convicted.

Political prisoners

Ever since the pandemic outbreak, human rights activists have demanded the immediate release of political prisoners on humanitarian grounds but this has fallen on deaf ears. *There are several Kashmiris kept in preventive detention in jails in Uttar Pradesh, Delhi, and other parts of India. A number of them are undertrials. According to Article 14 (3)(c) of the International Covenant on Civil and Political Rights, an accused has the right to be tried without undue delay.* The state is bound to provide legal assistance to prisoners, ensure their safe and timely release and safeguard their rights to a fair and speedy trial (Hussainara Khatoon v. Home Secretary, State of Bihar, 1979). But this is not the reality for a large number of prisoners. Taking cognisance of this issue, the Supreme Court directed the States to examine releasing inmates, convicted or facing trial on non-serious charges, from jails either on regular bail or on parole. It also directed them to provide transport facility to the prisoners to reach home. It is hoped that States will comply. Some have said that they have begun reviewing prison occupancy. Given that States have started vaccinating prisoners too, the situation may improve soon. But India cannot ignore the problem of overcrowding, pandemic or no pandemic.

THE STATE OF INDIA'S POOR MUST BE ACKNOWLEDGED

The son of a corn merchant-turned sociologist, Charles Booth had little patience for Charles Dickens and others in his time, who used lyrical prose to describe the desperation of the poor in working class London. Booth was also angry, in 1885, over the claims made by F.D. Hyndman, the leader of the Social Democratic Federation, which after an enquiry into the working classes of London had concluded that a quarter of the population of London lived in abject poverty (<https://bit.ly/3gKVNi8>). Confident of showing up the claims as sensational, he set about drawing his poverty map of the city and getting people to do door-to-door surveys. *Much to his horror, his own landmark 'Life and Labour of the People in London' survey concluded that the numbers were much higher and a third of London lived in abject poverty.* He had, unintentionally, nailed the importance of getting the numbers right, which settled the question of which class needed maximum attention.

An imperative

In India, there is now, rightly, a consensus difficult for the *Government to beat down that to be able to battle COVID-19 and secure India from successive waves, the exact numbers of the dead must be carefully documented. Something else that needs equal attention, if the state of the decrepit Indian economy is to be repaired, is to be able to meticulously count the number of the poor and to prioritise them. The World Bank \$2-a-day (poverty line) might be inadequate but it would be a start and higher than the last line proposed by the C. Rangarajan committee. There has been hesitation for a variety of reasons to wrestle with the rising numbers of the poor in India. Not least, the pursuit of becoming 'Vishwaguru', has hampered this as that pitch works only if the leadership is able to mask the dramatic rise in poverty.* Coming to terms with how low India's median income is would disrupt the carefully constructed ride about being the biggest/largest in the world. *A survey in 2013 had*



said India stood at 99 among 131 countries, and with a median income of \$616 per annum, it was the lowest among BRICS and fell in the lower middle-income country bracket.

There has been a slide

Since then — and we are still not talking of the novel coronavirus pandemic — three important data points have made it clear that the state of India's poor needs to be acknowledged if India is to be lifted. *The first being, the fall in the monthly per capita consumption expenditure of 2017-18 for the first time since 1972-73, which the Government withheld citing concerns with the quality of data collected, then the fall of India in the Global Hunger Index to 'serious hunger' category and India's own health census data or the recently concluded National Family Health Survey or NFHS-5, which had worrying markers of increased malnutrition, infant mortality and maternal health. A fourth statistic earlier this year, of Bangladesh bettering India's average income statistics, must also be a reason for Indians to introspect. What kind of growth path has led to India sliding in the sustainable development goals index (by at least two ranks last month) as well as in the per capita income rankings? If we do not bother to know of the increased numbers sliding into poverty, there would be little possibility of moving toward a solution. The precarious situation after the demonetisation in 2016 was rendered calamitous with the novel coronavirus pandemic and the shrinking of the economy. In 2019, the global Multidimensional Poverty Index reported that India lifted 271 million citizens out of poverty between 2006 and 2016. Since then, the International Monetary Fund, Hunger Watch, SWAN and several other surveys show a decided slide. In March, the Pew Research Center with the World Bank data estimated that 'the number of poor in India, on the basis of an income of \$2 per day or less in purchasing power parity, has more than doubled to 134 million from 60 million in just a year due to the pandemic-induced recession'. In 2020, India contributed 57.3% of the growth of the global poor. India contributed to 59.3% of the global middle class that slid into poverty. The last time that 'India reported an increase in poverty was in the first 25 years after Independence, when from 1951 to 1974, the population of the poor increased from 47% to 56%'. So, India is again a "country of mass poverty" after 45 years. This has thrown a spanner in the so far uninterrupted battle against poverty since the 1970s. Urgent solutions are needed within, and the starting point of that would be only when we know how many are poor.*

Poverty line debate

In India, the poverty line debate became very fraught in 2011, as the Suresh Tendulkar Committee report at a 'line' of ₹816 per capita per month for rural India and ₹1,000 per capita per month for urban India, calculated the poor at 25.7% of the population. The anger over the 2011 conclusions, led to the setting up of the C. Rangarajan Committee, which in 2014 estimated that the number of poor were 29.6%, based on persons spending below ₹47 a day in cities and ₹32 in villages.

Reasons why numbers count

Numbers matter for many reasons. The first *is because knowing the numbers and making them public makes it possible to get public opinion to support massive and urgent cash transfers. The world outside India has moved onto propose high fiscal support, as economic rationale and not charity; it is debating a higher level of minimum wages than it has in the past. Spain has accorded security to its gig workers by giving delivery boys the status of workers. In India too, a dramatic reorientation would get support only once numbers are honestly laid out. The second argument for recording the*



data is so that all policies can be honestly evaluated on the basis of whether they meet the needs of the majority. Is a policy such as bank write-offs of loans amounting to ₹1.53-lakh crore last year, which helped corporates overwhelmingly, beneficial to the vast majority? Or has it been just beneficial to a thin sliver of the super rich? This would be possible to transparently evaluate only when the numbers of the poor are known and established. Third, if government data were to honestly account for the exact numbers of the poor, it may be more realistic to expect the public debate to be conducted on the concerns of the real majority and create a climate that demands accountability from public representatives. Fourth, India has clocked a massive rise in the market capitalisation and the fortunes of the richest Indian corporates, whose wealth has grown manifold in the past few years, even as millions of Indians have experienced a massive tumble into poverty. The stories of billionaires get reported regularly and prominently. To say that the stock market and the Indian economy are 'not related' is ingenuous. Indians must have the right to question whether there is a connection and if the massive rise in riches is not coincidental, but at the back of the misery of millions of the poor, whose ranks are swelling. If billionaire lists are evaluated in detail and reported upon, the country cannot shy away from counting its poor.

See the 'bread line'

The late Arjun Sengupta, as Chairman of the National Commission for Enterprises in the Unorganised Sector in 2004, had concluded that 836 million Indians still remained marginalised. He spoke of the poorest of poor and the commission's recommendations on social security resulted in the enactment of the Unorganised Sector Workers Social Security Act (<https://bit.ly/3vEIOEL>). At the time his conclusion was ignored — that 77% of India was marginalised — emphasising that it was a problem of a much bigger magnitude, than the figure of 25.7% conveyed. The 'bread line' ostensibly owes its origins to the economic depression in the United States in the 1890s and charity by New York restaurants which organised soup kitchens. The queue or line of bread seekers would be distressingly long. A physical queue on the roads needed a policy response. It could not be wished away by simply looking away. The massive slide into poverty in India that is clear in domestic and international surveys and anecdotal evidence must meet with an institutional response. The Government must girdle up and unflinchingly quantify the slide from the 'fastest growing economy' to the country with the largest rise in the number of poor people. It must be accepted, to go back to the debate Charles Booth had with the Social Democratic Federation that it is "abject poverty" we are talking about; almost a sub-human level of existence of the majority of fellow Indians we cannot continue to be blasé about. Counting them would be a much-needed start to convey that each life matters.

THE PICTURE IS CLEAR, IT IS TOP-DOWN MISINFORMATION

When asked what source of false or misleading information about the novel coronavirus they are most concerned about, many more Indians highlight domestic political actors than worry about activist groups, foreign governments, or journalists.

Source of prime concern

Nearly one in four (23%) in our recent survey say that the Government, politicians or political parties are the source they are most concerned about. That is more people than worry about misinformation from platforms such as Facebook (16%) or YouTube (14%). Among platforms,

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only messaging applications (e.g. WhatsApp) generate more widespread public concern among our respondents. They are named by 28%. Meanwhile, Indian authorities often seem mostly interested in going after alleged misinformation from activists (only 9% of our Indian survey respondents identify activist groups as the most concerning source of false or misleading information about the coronavirus), select journalists and news organisations (named by 13%), or on Twitter (which just 4% identify as the platform they are most concerned about). *Our survey (<https://bit.ly/3xECltc>) only covers English-speaking Internet users in India, so while it captures an important minority, the data are not representative of India's overall population.* Still, it provides insight into how many Indians see the “infodemic” that has accompanied the pandemic, an immense wave of information that, unfortunately, also includes some false and misleading material, rumours, and attempts to exploit the crisis for propaganda or for profit. *The picture is clear — many Indians think that misinformation about the pandemic often comes from the top.* Are they right? Both academic research and independent journalism suggest that they might well be.

‘Network propaganda’

Study after study around the world has found such “network propaganda” (<https://bit.ly/3zQ1djM>), *where misinformation is spread by some top politicians, nakedly partisan news media who cheer them on, and well-organised communities of political supporters active on social media and messaging applications.* Top-down misinformation from politicians, celebrities, and other prominent public figures are a small part of the false and misleading claims one can come across online in terms of raw volume, but our research (<https://bit.ly/3zJKVst>) during the pandemic shows it accounts for a large share of social media engagement. *Even when political actors are not busy drumming up outright propaganda in the media and on digital platforms, authorities also sometimes risk misleading the public in other ways. In country after country, reporters have found that official COVID-19 death tolls are far lower than the actual excess deaths recorded during the pandemic* – as The Hindu found in Tamil Nadu (<https://bit.ly/3gWGyBG>) by comparing Civil Registration System data with the officially reported figure.

Unproven claims

And politicians have sometimes promoted supposed coronavirus remedies with no scientific basis. Former President of the United States Donald Trump and Brazilian President Jair Bolsonaro are prominent international examples. In India, some politicians have, for example, claimed that cow urine can protect people against COVID-19, even as the Indian Medical Association (IMA) pointed out there was absolutely no evidence for this, just as the Ministry of Health and Family Welfare last year came under severe criticism from for recommending a range of unproved, alternative remedies to prevent or treat the disease. Some misinformation circulates peer-to-peer on social media and on encrypted messaging services as people share supposed miracle cures and ineffective alternative health tips in good faith or carelessly. This can create problems. But arguably, far more problematic is when people in positions of authority and prominent public figures promote measures that have no scientific basis in the middle of a deadly pandemic.

Examples from India

One prominent example is the Bharatiya Janata Party-led Haryana State government announcing last month that it would hand out one lakh Coronil kits to COVID-19 patients for free. The



ayurvedic remedy was launched in June last year by Baba Ramdev's company, Patanjali Ayurved, and at a press conference the yoga guru claimed (<https://bit.ly/3gKUPCI>) the remedy guaranteed "100 per cent recovery from COVID-19 within seven days of consuming the medicine". *Hours later, the central government asked Patanjali Ayurved to stop advertising the drug (<https://bit.ly/3gVPjfd>) and the Uttarakhand Ayurveda Department responsible for licensing the remedy pointed out the licence was for an immunity booster, not a cure. In February this year, Ramdev's company falsely claimed Coronil was certified by the World Health Organization (WHO) — a claim WHO immediately pointed out was untrue.* And the yoga guru appeared at an event with Union Minister of Health Harsh Vardhan promoting alternative medicines for COVID-19 patients, leading the IMA to ask the Minister how ethical it is "to promote the product in unethical, wrong and false ways to the whole country? (<https://bit.ly/3wMJjwk>)" The promotion and provision of what the IMA describes as an "unscientific medicine" marketed with "false and baseless" claims is an example of how *misleading information from prominent public figures and people in positions of authority can lead to bigger problems than random falsehoods spread by ordinary people online and offline.* If authorities in India are serious about addressing misinformation, they might take a cue from the fact that much of the Indian public clearly recognise that misinformation often comes from the top, and spend less time worrying about activists, journalists, and Twitter, and more time thinking about how to ensure that citizens can trust that the health remedies promoted by their own governments and by prominent political figures are actually safe and effective.

BLENDING LEARNING WON'T WORK

A recent circular by the University Grants Commission (UGC) proposes that all higher educational institutions (HEI) teach 40% of any course online and the rest 60% offline. The concept note circulated by the UGC argues that this "blended mode of teaching" and learning paves the way for increased student engagement in learning, enhanced student-teacher interactions, improved student learning outcomes and more flexible teaching and learning environments, among other things. The note also enlists a few other key benefits such as increased opportunity for institutional collaborations at a distance and enhanced self-learning accruing from blended learning (BL). Another claim is that BL benefits the teachers as well. It shifts the role of the teacher from being a "knowledge provider to a coach and mentor". The note says this will enable teachers to have a greater influence and effect on students' learning. Further, as against traditional classroom instruction which is "teacher-directed, top-down, and one-size-fits-all", BL is "student-driven, bottom-up, and customized". The note adds that BL introduces flexibility in assessment and evaluation patterns as well. Educators wish to embrace the forward-looking proposal but the ground reality is different.

Challenges

The latest All India Survey on Higher Education (2019-20) report shows that 60.56% of the 42,343 colleges in India are located in rural areas and 78.6% are privately managed. Can these colleges successfully implement BL? And what would be the cost of such education? Only big corporates are better placed to invest in technology and provide such learning. Second, according to datareportal statistics, Internet penetration in India is only 45% as of January 2021. This policy will only exacerbate the existing geographical and digital divide resulting in the exclusion of a large number of rural students. Third, BL leaves little room for all-round formation of the student that includes the



development of their intelligent quotient, emotional quotient, social quotient, physical quotient and spiritual quotient. What is the guarantee that BL will enhance interactions between students and teachers that lead to personality development, character building and career formation? The listening part and subsequent interactions with the teacher may get minimised. Also, the concept note assumes that all students who enter the arena of higher education have similar learning styles and have a certain amount of digital literacy to cope with the suggested learning strategies of BL. This is far from true. Education in India is driven by a teacher-centred approach. Expecting these students to switch over quickly to collaborative and technology-enabled learning will be stressful for them and may accentuate the existing dropout rate in higher education.

Recommendations

Given these challenges, it is worth considering a few recommendations. *The government should ensure equity in access to technology and bandwidth for all HEIs across the country free of cost. Massive digital training programmes must be arranged for teachers.* Even the teacher-student ratio needs to be readjusted to implement BL effectively. This may require the appointment of a greater number of teachers. The design of the curriculum should be decentralised and based on a bottom-up approach. More power in such education-related policymaking should be vested with the State governments. Switching over from a teacher-centric mode of learning at schools to the BL mode at the tertiary level will be difficult for learners. Hence, the government must think of overhauling the curriculum at the school level as well. *Finally, periodical discussions, feedback mechanisms and support services at all levels would revitalise the implementation of the learning programme of the National Education Policy 2020, BL, and lead to the actualisation of the three cardinal principles of education policy: access, equity and quality.*

NO PHYSICS, MATH FOR ENGINEERING ENTRY: NITI RED FLAG IN KEY MEETING

A meeting called by the Central Government's top policy think tank this month seems to have forced a rethink on AICTE's decision to give engineering colleges the flexibility to admit students who did not opt for mathematics and physics in their plus-two course, and offer them remedial bridge courses to cope in class. The Indian Express has learned that NITI Aayog member and scientist V K Saraswat expressed serious reservations about the new entry qualification criteria at a meeting chaired by vice-chairman Rajiv Kumar on June 11. The meeting was also attended by AICTE chairman Anil Sahasrabudhe and Higher Education Secretary Amit Khare, among others. According to sources, there was a difference of opinion between Saraswat and Sahasrabudhe, with the former favouring a rollback. On the other hand, the AICTE chairman defended the changes on the ground that they are in line with the new National Education Policy's multidisciplinary approach. In March, AICTE had tweaked the entry-level qualification for undergraduate engineering programmes, making students who haven't studied either physics or mathematics (or both) in Classes 11 and 12 eligible for admission. Under the new norms, a candidate is expected to have scored at least 45 per cent in any three subjects out of a list of 14: physics, mathematics, chemistry, computer science, electronics, information technology, biology, informatics practices, biotechnology, technical vocational subject, engineering graphics, business studies, and entrepreneurship. Earlier, an engineering aspirant should have cleared plus-two with physics and mathematics as compulsory subjects. Although AICTE is still firm on the new entry-level qualifications, it has agreed to define the engineering branches to which this flexibility will be



limited. A committee headed by K K Aggarwal, chairman of the National Board of Accreditation, has been tasked by AICTE to list the branches for which studying physics and mathematics in plus-two will not be a prerequisite. Earlier, when the decision was announced in March, the technical education regulator had left the decision to the universities and engineering institutes. A candidate who had, for instance, studied computer science, business studies, and entrepreneurship in high school, could have applied for B.Tech in computer science if the college decided to keep the entry qualification flexible. It is not clear, though, whether the new entry qualification will be put on hold until the Aggarwal committee submits its report. When contacted by The Indian Express, Sahasrabudhe said the matter is still under discussion and there will be more meetings. "All of us, the Aggarwal committee and even NITI Aayog, will sit together and hold more discussions. I can't say anything more at this moment." Saraswat said he did not wish to speak on the matter. The regulator's new entry qualification had triggered a debate with experts cautioning against making physics and mathematics optional for engineering aspirants in plus-two. Principal Scientific Advisor K VijayRaghavan had told The Indian Express in that "rigour and depth in mathematics and physics comes easier early on" and that it would be wiser to study these subjects in plus-two before seeking admission to BE and B.Tech programmes. Saraswat, at that time, had called the decision "retrograde" and a "step in the wrong direction".

'ASSAM'S TWO-CHILD POLICY WILL STALL DEVELOPMENT'

A coalition of civil society groups engaged in reproductive health has said Assam's move to adopt a two-child policy for availing benefits under government schemes will hurt the poorest besides hindering the development goals of the State. In a statement issued on Tuesday evening, Advocating Reproductive Choices (ARC) said there was no evidence to suggest there was a population explosion in the country. Instead, NFHS-5 or the National Family Health Survey for 2019-2020 has made it clear that men and women want smaller families even without a coercive population policy. The ARC is a coalition of 115 organisations working towards expanding contraceptive choices, improving quality of care and ensuring availability, accessibility and affordability of reproductive health and family planning services. Assam Chief Minister Himanta Biswa Sarma on June 19 said that barring the tea plantation workers, Scheduled Castes and Scheduled Tribes, people with more than two children would gradually not be able to avail benefits under specific schemes funded by the State. This will be in addition to the amendment made in 2018 to the Assam Panchayat Act, 1994, which requires a two-child norm along with minimum educational qualifications and functional sanitary toilets for contesting the rural polls. "Total Fertility Rate (TFR) in Assam is 1.9, which is less than the national average of 2.2. Data from the NFHS-5 shows that 77% of the currently married women and 63% of men aged 15-49 years in Assam want no more children, are already sterilised or have a spouse who is already sterilised," the ARC said. "More than 82% of women and 79% of men consider the ideal family size to be two or fewer children and 11% of currently married women in Assam have an unmet need for family planning," it added.

Policy objectives

It was critical that policy objectives catered to population stabilisation, enabling families, especially women, to exercise choices about having children. But outside Assam, even for States which had high fertility rates, there was no evidence that a two-child policy was effective, the ARC



said. *The coalition alluded to a five-State study by former bureaucrat Nirmala Buch that said sex-selective and unsafe abortions increased in States that adopted the two-child policy.*

'DRILL DIDN'T KILL': AGRA HOSPITAL GETS CLEAN CHIT

The Agra district administration has given a clean chit to a prominent private hospital, which was sealed earlier this month after a purported video clip emerged of its owner talking about cutting off oxygen supply to Covid-19 patients as part of a “mock drill” to find out “who will die”. In the video clip, Dr Arinjay Jain, owner of Shri Paras Hospital, purportedly says that 22 patients were “filtered out” during this “experiment” as they “turned blue”. The incident is reported to have occurred on the morning of April 26. Two panels were formed to probe the case: a four-member death audit committee comprising three doctors from SN Medical College and an official from the district health department, and a two-member magisterial committee. The district administration has submitted a report based on findings of the two committees. “The death audit committee found that all patients had been treated as per Covid protocol and details of their oxygen status and supply have been listed,” the report said. “It also found that oxygen supply of any patient was not interrupted. Patients who died had comorbidities and (died) because of their critical condition. The hospital had been given adequate oxygen supply.” The report said 16 patients had died at the hospital on April 26-27. While 14 had comorbidities, two had other issues, it said. Earlier, the hospital and the district administration had said four Covid-19 patients had died on April 26, and three on April 27. The hospital has been found guilty of spreading false information. It discharged patients citing lack of oxygen even when there was enough supply, said the report. Action against the hospital will be taken under relevant sections of the Epidemic Act, it said. In the video clip, Jain can be heard saying: “Ek mock drill kari humne subah 7 baje... Shoonya kar diye sabke. Phir chhaant gaye 22 mareej... Turant khol diye. 22 chhaant gaye je mareenge. Chhatpata gaye, neele padne lage... Chalo, 74 bache... Time mil jayega... Sabse bada prayog yahi raha. (We did a mock drill at 7 am. We made it [oxygen supply] zero. Then 22 patients who were likely to die were filtered out ... We immediately restored supply. They started turning blue... 74 remained... We got time... This was our biggest experiment).” He is also heard saying that the “mock drill” lasted five minutes. “In this context, the doctor submitted before the committee that some words in the video were not his and the video had been circulated to create sensation, and it was part of a criminal conspiracy. The video was also used to blackmail him,” said the report. The counter-allegations will be probed separately by the police along with the role of a mediaperson in the case, it said. The report said that in the video, the hospital manager is heard saying that a “five minute mock-drill was conducted and 22 patients were filtered out”, but a conclusion that this means many patients died is false. There was no mock-drill under which oxygen supply was stopped, and there is no evidence to support this, it stated. Jain had earlier told The Sunday Express: “We adjusted the bed flow of oxygen of patients just to check what amount was required. Since everyone had been saying that oxygen must be used judiciously we decided to adjust levels to see if we could use less. We identified 22 patients who required high flow oxygen. We had sleepless nights over oxygen supply and this was our experiment to stabilise supply. We did not cut off oxygen, as is being said everywhere. There is no irreversible impact of lowering oxygen supply.” Meanwhile, Agra DM Prabhu Narain Singh told The Sunday Express that the hospital continues to be sealed and in the coming days it might completely be shut. Criticising the clean chit to the hospital, Ashok Chawla, whose mother died on April 26, said: “This is an absurd conclusion... The hospital will evade action. But we will not rest, we will take up the matter with

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higher officials because we did not get justice.” Naresh Paras, an Agra-based activist who complained against the hospital on behalf of the families, said: “They (the panel) did not take into account the statements of the families and made a one-sided report. Besides, all officials were from the district itself. We are demanding a separate, impartial probe by a panel from outside this region. I have already registered a complaint with the NHRC. We are also looking at legal options to get a court-monitored probe. The hospital must face action.”

COMPENSATION FOR COVID DEATHS: PETITION IN SUPREME COURT, AND WHAT THE LAW SAYS

On Monday, the Supreme Court reserved its verdict on a petition by two advocates seeking compensation of Rs 4 lakh to the kin of those who have died of Covid-19 or related complications. The Centre had submitted by affidavit on Saturday that state governments cannot afford to pay this, and had argued in favour of a broader approach including health interventions.

What are the provisions for compensation for death?

Last year, the Centre declared Covid-19 as a notified disaster under the Disaster Management Act. Section 12(iii) of the Act says the National Authority shall recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which shall include “ex gratia assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood”. The Centre revises this amount from time to time. On April 8, 2015, the Disaster Management Division of the Home Ministry wrote to all state governments and attached a revised list of “norms of assistance”. Under “ex gratia payment to families of deceased persons”, it specified: “Rs 4 lakh per deceased person including those involved in relief operations or associated in preparedness activities, subject to certification regarding cause of death from appropriate authority.”

So, what about compensation for Covid?

On March 14, 2020, the Home Ministry wrote to state governments that the central government “has decided to treat it (Covid-19) as a notified disaster for the purpose of providing assistance under SDRF”, and attached a “partially modified list of items and norms of assistance”. It did not specify payment of ex gratia to families of deceased. If compensation were to be paid at Rs 4 lakh per deceased, the total expenditure would come to over Rs 15,572 crore for over 3.89 lakh Covid-related deaths until Tuesday. Some states have decided to pay, but not for all deaths. The Delhi government recently announced Rs 5 lakh to the kin of persons who died due to shortage of oxygen, and Rs 50,000 to families of those who died of Covid.

How has the government responded to the petition?

It was filed in May by advocates Gaurav Kumar Bansal and Reepak Kansal. In its affidavit, the Centre submitted that ex gratia of Rs 4 lakh is beyond the affordability of state governments. argued that if Rs 4 lakh is paid to the kin of each, it “may possibly” consume the entire amount of the State Disaster Relief Fund (SDRF), leaving states with insufficient funds for organising a response to the pandemic, or to take care of other disasters. “Already the finances of State Governments and the Central Government are under severe strain, due to the reduction in tax



revenues and increase in health expenses on account of the pandemic,” it said. It said the term ex gratia itself means the amount is not based on legal entitlement. It said a “broader approach, which involves health interventions, social protection, and economic recovery for the affected communities”, would be a “more prudent, responsible, and sustainable approach”.

What steps has the government taken?

On June 2, the Home Ministry responded to an RTI application by The Indian Express: “So far as Ministry of Home Affairs is concerned, there is no scheme to pay compensation to families of deceased due to corona virus (COVID-19).” It said the Centre has decided to treat it as a notified disaster for the purpose of providing assistance under the State Disaster Response Fund to all states for certain items: measures for quarantine for sample collection and screening; procurement of essential equipment/labs; and relief measures such as temporary accommodation, food, clothing, and medical care. The National Disaster Management Authority (NDMA) has provided Rs 999.94 crore to various state governments to deal with issues arising out of migration of labour due to Covid-19. This comes from the amount NDMA received from the PM Cares Fund. As per an RTI response from the NDMA on June 18, only Himachal Pradesh and Mizoram have provided utilisation certificates about the amounts released to them. In Lok Sabha on September 22, MP Manish Tewari asked whether the government had provided compensation to families of “those killed and injured on NHs (national highways) due to the Government’s inability to provide them with the requisite transportation facilities”. Minister of State for Road Transport and Highways V K Singh responded: “In order to assist the movement of migrant labourers walking on foot on the various National Highways all across the Country, necessary assistance were provided in terms of food, drinking water, basic medicines, foot wears, etc”. Last year, after 16 migrant workers died on railway tracks during the first wave of Covid-19, Prime Minister Narendra Modi had approved Rs 2 lakh to their kin.

MASSIVE DISTRIBUTION OF EX GRATIA WILL STRAIN FINANCES, SAYS CENTRE

The COVID-19 pandemic is not a “one-time disaster”, such as an earthquake or a flood for which victims can be compensated with just money, the Centre told the Supreme Court. It is an ongoing pandemic, which will continue to attack in waves. A “broader approach” is essential. The government was responding to petitions in the Supreme Court to pay ₹4 lakh compensation to the families of every COVID-19 victim. “Unlike disasters of a short and finite duration, occurring and ending quickly, COVID-19 is a global pandemic which has affected all the countries in the world. The pandemic has claimed more than 3.85 lakh lives, a number which is likely to increase further... These deaths have affected families from all classes — the rich and poor, professionals and informal workers, traders and farmers...” the Ministry of Home Affairs, represented by Additional Solicitor General Aishwarya Bhati, said in a 189-page affidavit. Limiting relief to monetary pay-offs was a “narrow and pedantic approach”. There was also no precedent of giving ex gratia compensation for a disease or disaster spread out over several months or years. “The pandemic started in the early months of January 2020 and the country is still battling the same with different intensity, different symptoms and different mutations, with no certainty regarding the end,” the government said. Massive distribution of compensation across the country at this point would dry up precious financial resources of the Centre and the States. “If the entire State Disaster Response Funds get consumed on ex gratia compensation for COVID-19 victims, the States may not have



sufficient funds for organising COVID-19 response, for provision of various essential medical and other supplies, or to take care of other disasters like cyclones, floods, etc. Already the finances of State governments and the Central government are under severe strain due to the reduction in tax revenues and increase in health expenses on account of the pandemic,” the affidavit explained. Besides, the MHA said granting ex gratia compensation for one disease while denying it for those accounting for a larger share of mortality would not be fair or proper. “It would create unfairness and invidious discrimination between persons suffering from one disease and those suffering from another,” the government justified. The court said its “broader approach” encompasses a different set of ‘Minimum Standards of Relief’ focussed on public health interventions, social protection and economic recovery for the affected communities. “This would be a more prudent, responsible, and sustainable approach,” the Ministry argued. It said funds to the tune of ₹1,113.21 crore were released to States/UTs towards management and containment of COVID-19 over and above the National Health Mission coverage in 2019-2020 financial year. In 2020-21, ₹8,257.89 crore was released to the States/UTs to fight the pandemic.

SIMPLIFY COVID-19 DEATH CERTIFICATION PROCESS

The Supreme Court on Monday asked the Union government what it plans to do in cases of COVID-19 patients whose death certificates cited some other reason for the cause of death. “What is the remedy in the case of COVID patients who have already been issued death certificates showing some other reason as cause of death?” Justice M.R. Shah, who accompanied Justice Ashok Bhushan on the Bench, asked Solicitor General Tushar Mehta. The court suggested that the government should simplify the process for certification COVID-19 deaths. It asked the government whether the reason of death could be given as COVID-19 in the certificate if the family could produce a COVID-19 report, no matter whether the patient died in a hospital or outside. The court pointed out that some patients were not even given their medical records. Mr. Mehta reiterated the government’s stand that any lapse in stating COVID-19 as the cause of demise in a death certificate would have penal consequences for those found responsible, including the certifying doctor. In its affidavit on Sunday, the Centre said: “It is mandated that any death resulting from COVID-19 shall have to be so certified i.e. as COVID death, failing which, everyone responsible, including the certifying doctor, shall be responsible for penal consequences.” The government stated that deaths with the diagnosis of COVID-19, irrespective of comorbidities, have to be certified as pandemic deaths. The only exception to the rule was when there was a clear alternative cause of death, for example, accidental trauma, poisoning, etc. The Supreme Court recently told the Centre that the death certificates of those who died of COVID-19 often did not reveal that fact. “The death certificates of persons who die from COVID-19 in hospitals show the reason as lung or heart problem or something else,” Justice Shah had told Mr. Mehta. “All deaths with the diagnosis of COVID-19, irrespective of co-morbidities, are to be classified as deaths due to COVID-19,” the Centre had clarified in the affidavit.

DELTA PLUS IS A VARIANT OF CONCERN

The Centre on Tuesday termed the emerging delta-plus variant a ‘variant of concern’ just hours after Health Secretary Rajesh Bhushan and Chairman, National Empowered Group on Vaccination V.K. Paul said it was only a ‘variant of interest (VoI).’ A variant of concern (VoC) carries the highest threat perception of a coronavirus variant, which is characterised by increased infectivity, transmissibility

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or resistance to vaccines and treatment. A VoI is a degree lower. The World Health Organisation, as of June 14, had classified the variant 'delta' (B.1.617.2) as well as offshoots — AY.1 and AY.2 — as VoC. Delta plus, as the variant is sometimes referred to, is an informal name. So far there are only four international VoC (alpha, beta, gamma and delta) with the off-shoots, AY.1 and AY.2 classified as off-shoots of Delta.

WHO WAS ZIONA CHANA, THE PATRIARCH OF THE 'WORLD'S LARGEST FAMILY'?

When Ziona Chana, famous as the patriarch of the 'world's largest family', died in Mizoram earlier this month, a flurry of headlines followed. For years, Ziona's incredible story — featuring his 38 wives, 89 children and 36 grandchildren — has fascinated the world, drawing tourists and journalists to his four-storey purple home in a Mizoram village. However, beyond his polygamous nature, little is known of Ziona, or the religious sect he led. Who was Ziona Chana, how did his sect come into being, how do its members live and who takes over after his death?

A journalist's discovery

"Chhuanthar" (New Generation), as Ziona's cult is called, first made headlines when HC Vanlalruata, a local Mizo journalist, stumbled upon his story sometime in 2010. In the years that followed, the 100-roomed "Chhuanthar Run" (New Generation House) where Ziona and his family lived, became a tourist spot, and is even listed as a 'place of interest' in the state's official tourism website. Many journalists, most from international media, visited too. "UK, South Korea, Japan, Australia, Germany, France — they came from all over... curious about the family and to click photos and videos," said 62-year-old HC Lalringthanga, a nephew of Ziona, who joined the sect in 2007. *While Ziona's immediate family of around 200 members stay in the main house, the sect followers live around it, within a rough 4-km radius. Visitors are allowed only on the ground floor and only some got to meet Ziona, who was shy and spoke only in Mizo — an impediment for many international journalists.* Yet, it was not long before Ziona became a sensation of sorts — his story reportedly featured in American franchise Ripley's Believe It or Not twice.

The three leaders

According to Mizo historian Vanlalpeka, the sect is rooted in a movement that broke away from the Presbyterian church in the 1930s. "The founder of the sect was a man named Khuahthuaha, who was excommunicated from the church for having an illegitimate child," said Vanlalpeka, who teaches the 'History of Christianity' at the Academy of Integrated Christian Studies in Aizawl. Vanlalpeka started studying the sect in 2018, interviewing its senior members, as well as, on one occasion, Ziona himself. In 2019, his paper on the family, "Escaping Prophets in Zomia: The Sect of Ziona", was published in Horizon Research Publishing (HRPUB). During his research, Vanlalpeka found that Khuahthuaha was known to have a "magnetic personality" which led many to settle with him. Gradually a colony of his followers established themselves in the outskirts of the village of Baktawng, 70 km from Aizawl. In 1955, Chalianchana or Chana, Khuahthuaha's younger brother took over, before it was handed over to his nephew Zionghaka or Ziona in 1997. Under Ziona, the community grew to have approximately 3,000 followers, who all live and work in Baktawng. "For them, Ziona occupies 'god-like' status," said Vanlalpeka. The sect leads a communal life, with their own belief system, marked by polygamy, isolation from mainstream society and economic sustenance. While it is primarily a religious sect that practises polygamy,



Vanlalpeka said it was difficult to neatly club it under Christianity. “It definitely borrows from Christianity. For example, obedience, honesty, morality and other virtues that are rooted in the Bible are taught to its followers, but neither do they use the Bible, nor do they sing hymns, or celebrate Christian festivals,” said Vanlalpeka. There have been other religious sects in Mizoram too, such as the Vanawia Pawl (Vanawia’s Sect) and Lalzawna Pawl (Lalzawna’s Sect) in the 1970s. “But neither could sustain itself beyond a decade, and gradually fizzled out. What is interesting about Ziona’s sect is that it not only continues to sustain itself but even grows stronger,” said Vanlalpeka.

Polygamy: a ‘divinely ordained’ practice

While both his predecessors practised polygamy, it was most pronounced under Ziona, who had 38 wives, the youngest being around 40, and the oldest above 70. It was this unique feature that made Zionghaka or Ziona the most significant. The sect considered the polygamy as “divinely ordained” said Vanlalpeka. “Some members said that polygamy they practised was ‘normal’, and not driven by sexual desire, but by love. However, this claim cannot be proved,” said Vanlalpeka. According to Vanlalpeka’s paper, while the community under Khuangtuaha was perceived to be “sexually perverted” by the church, it is believed that many “immoral behaviours” were discarded under Chana’s time, and even further, during Ziona. Vanlalruata, the journalist who first broke the story about the sect, said that despite visiting several times he found that there was always an element of secrecy in the household. “Visitors were allowed to chat with some members but they were all very private,” he said.

While it has been nearly two weeks since his death, Ziona’s successor is yet to be decided. “We are still very sad because for us, he was like god,” said Lalringthanga. Since it was a religious cult, the state never interfered with it. “In fact, local legislators have always maintained a good relationship with Ziona because his family accounted for a considerable number of votes in the constituency,” said Vanlalruata.

WHAT GOVT PROPOSES TO CHANGE IN FILM CERTIFICATION

Last week, the Centre released the draft Cinematograph (Amendment) Bill 2021 to the general public for comments until July 2. The new draft proposes to amend the Cinematograph Act of 1952 with provisions that will give the Centre “revisionary powers” and enable it to “re-examine” films already cleared by the Central Board of Film Certification (CBFC). A look at what the draft proposes to change:

Revision of certification

The Ministry of Information and Broadcasting proposes to add a provision to the Act that will equip the Centre with revisionary powers on account of violation of Section 5B(1) (principles for guidance in certifying films). The current Act, in Section 6, already equips the Centre to call for records of proceedings in relation of a film’s certification. The Ministry explained that the proposed revision “means that the Central Government, if the situation so warranted, has the power to reverse the decision of the Board”. Currently, because of a judgment by the Karnataka High Court, which was upheld by the Supreme Court in November 2020, the Centre cannot use its revisionary powers on films that have already been granted a certificate by the CBFC. The new



draft makes space for the government's intervention. "... It is also proposed in the Draft Bill to add a proviso to sub-section (1) of section 6 to the effect that on receipt of any references by the Central Government in respect of a film certified for public exhibition, on account of violation of Section 5B(1) of the Act, the Central Government may, if it considers it necessary so to do, direct the Chairman of the Board to re-examine the film," the Ministry said.

Why it is significant

The draft comes shortly after the abolition of the Film Certificate Appellate Tribunal, which was the last point of appeal for filmmakers against the certificate granted to their film. The draft has been criticised by filmmakers such as Adoor Gopalakrishnan, who has termed it a "super censor".

Age-based certification

The draft proposes to introduce age-based categorisation and classification. Currently, films are certified into three categories — *'U' for unrestricted public exhibition; 'U/A' that requires parental guidance for children under 12; and 'A' for adult films.* The new draft proposes to divide the categories into further age-based groups: *U/A 7+, U/A 13+ and U/A 16+.* This proposed age classification for films echoes the new IT rules for streaming platforms.

Provision against piracy

The Ministry noted that at present, there are no enabling provisions to check film piracy in the Cinematograph Act, 1952. The draft proposes to add Section 6AA that will prohibit unauthorised recording. The proposed section states, "notwithstanding any law for the time being in force, no person shall, without the written authorisation of the author, be permitted to use any audio-visual recording device in a place to knowingly make or transmit or attempt to make or transmit or abet the making or transmission of a copy of a film or a part thereof". Violation shall be punishable with imprisonment for a term "which shall not be less than three months but which may extend to three years and with a fine which shall not be less than Rs 3 lakh but which may extend to 5 per cent of the audited gross production cost or with both".

Eternal certificate

The draft proposes to certify films for perpetuity. Currently a certificate issued by the CBFC is valid only for 10 years.

CONCERNS ON IT RULES ARE HIGHLY MISPLACED

The new IT rules of India were framed after extensive consultation with stakeholders and are meant to protect the rights of online users, India told the Human Rights Council in Geneva. The statement came soon after experts at the U.N. said the Rules are not in line with international human rights principles. India maintains that the concerns of the experts are "highly misplaced". "The Rules are designed to empower ordinary users of social media. The victims of abuse on social media platforms shall have a forum for redressal of their grievances," said a special 'brief' that the Permanent Mission of India in Geneva had sent to the HRC on the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The brief said both the Houses of Parliament "repeatedly" asked the Government of India to "strengthen" the legal



framework to hold online platforms accountable under Indian laws. *Three Special Rapporteurs of the U.N. had on June 11 expressed “serious concerns” about the Rules and said they amount to “infringement of a wide range of human rights”.* “On the traceability of the first originator of the information, it may be noted that the Rules seek only limited information. Only when a message already in public circulation is giving rise to violence, impinging on the unity and integrity of India, depicting a woman in a bad light, or sexual abuse of a child and when no other intrusive options are working, only then the significant social media intermediary will be required to disclose as to who started the message,” India said in response. The issue has drawn attention in view of the continued differences between the government and social media platforms such as Twitter and Facebook. *The differences with online social media platforms have added to India’s continued problems with Internet, which was shut down repeatedly over the last three years in Kashmir after the dilution of Article 370 in August 2019, and in other parts of the country, such as Assam and Delhi, following protests against the Citizenship (Amendment) Act (CAA).*

The G7 statement

However, India last week signed the “open societies statement” at the G7 alongside other guest countries, such as South Africa and South Korea. The statement criticised “rising authoritarianism, disinformation and politically motivated Internet shutdowns”. Official sources clarified that the Indian concerns were accommodated in the statement. The statement indicated India’s commitment to “protect digital civic-space” and respect for human rights and international law.

TRENDS IN USE OF SOCIAL MEDIA IN INDIA SINCE 2014: GROWTH ACROSS PLATFORMS, USER PROFILE

Ever since the 2014 Lok Sabha elections when social media made its debut in electioneering in India, Lokniti-CSDS has been asking questions on the use of various SM platforms in all its election surveys. They have enabled us not only to analyse SM’s influence on voting preferences, but also to track the growth of SM platforms, the regularity of their use and the users’ profile. As SM companies face intense pressure from the government to comply with its new IT rules or face consequences, it may be useful to highlight some of these survey findings to provide a sense of the reach of SM platforms and what’s at stake for them, their users and the government.

Use and growth, 2014-19

In its 2019 National Election Study, Lokniti asked voting-age citizens about the frequency with which they used five SM platforms — Facebook, Twitter, WhatsApp, Instagram and YouTube. *WhatsApp, which launched in 2009 and has taken the government to court recently complaining that the new digital rules violate its privacy protections, emerged the most popular with 34% using it (regular and rare users combined). Next was Facebook, in existence in India since 2006, which is used by 32%, followed closely by YouTube that started in 2005, at 31%. Instagram, which arrived on the scene in 2010, was used by 15% adults, and Twitter, operating since 2006, was the least popular with 12% users.* It’s difficult to say why Twitter has been a low performer, but a possible reason could be its *more textual, less visual* nature. It is to be seen how much its latest audio chat room feature helps it grow. Interestingly, *Twitter also lagged behind others in terms of the propensity of its users to use it daily.* Whereas 85% of WhatsApp users, 81% YouTube users, 72% Facebook users and 60% Instagram users said they used them on an everyday basis, among Twitter users the



figure was way lower at 42%. As far as growth goes, *most platforms for which longitudinal data is available can be seen to have registered impressive increases between 2014 and 2018, but subsequently experienced a slowing down.* Facebook and Twitter usage, for instance, climbed from 9% and 2% in 2014 to 20% and 5% in 2017 and further to 32% and 14% in May 2018. However, between 2018 and May 2019, Facebook use remained the same according to our data, and Twitter usage saw a marginal decline. WhatsApp exhibited a similar trend between 2018 and 2019, with no great growth.

Current use

So has this slowdown persisted since 2019 or have the platforms once again seen a good increase in use? While we have no recent national-level data to look into this, data from our surveys in five states that went to polls in the last six months — Bihar, Assam, West Bengal, Kerala and Tamil Nadu — offer strong clues. These states taken together are quite representative of the national trend since they threw up very similar numbers of SM use in 2019 as the rest of India. *On analysing the five-state dataset, we notice a strong revival in SM growth across platforms. In the last two years, WhatsApp use increased from 31% in the five states to 41% now, YouTube from 28 to 38, Facebook from 31 to 37, Instagram from 13 to 21, and Twitter from 12 to 17%.* Notably, *YouTube seems to have displaced Facebook in terms of usage.* We also find that Twitter is used more regularly by its users now, and that *many more adults use all five platforms now (14%) than 2019 (9%). Also, the proportion of those not using any platform has declined from 65% to 55%.*

User profile

Finally, it is noticed that the user base of all SM platforms has a very similar social profile. Their *usage is far greater among men than women and among those who are college educated, young, upper caste and from relatively wealthier backgrounds. This similarity may largely be a function of smartphone ownership that, as pointed out in a previous article of this series by Manjesh Rana, is also higher precisely among these categories.* Any clampdown of SM platforms by the government in the future therefore is likely to affect these relatively privileged social groups the most, although one must add that our data suggests that SM usage has also risen fairly significantly since 2019 among marginalised communities — Dalits, Adivasis and Muslims, indicating a gradual ‘democratisation’ of the SM space.

TWITTER LOCKS IT MINISTER OUT OF HIS ACCOUNT, HE SLAMS VIOLATION OF RULES

The ongoing tension between Twitter and the Central government ratcheted up Friday after Ravi Shankar Prasad, Union Minister for Electronics and Information Technology and Union Minister for Law and Justice, was locked out of his official account on the social media platform over a tweet posted by him three and a half years ago. Sources in the IT Ministry said Prasad had been denied access to his account between 7.50 am and 8.50 am on Friday. *A spokesperson for Twitter said the action had come after the microblogging platform received a notice of violation of US copyright law by the Minister's account.* Prasad hit back strongly, accusing Twitter of violating India's IT Rules. In a statement first posted on the homegrown microblogging site Koo and later on Twitter, Prasad said Twitter's action was “in gross violation of Rule 4(8) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021”, as the platform had failed to provide “any prior notice” before denying him access to his own account. “It is apparent that

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my statements calling out the high-handedness and arbitrary actions of Twitter, particularly sharing the clips of my interviews to TV channels and its powerful impact, have clearly ruffled its feathers.

A spokesperson for Twitter said Prasad's account had been "temporarily restricted" due to a notice under the *Digital Millennium Copyright Act (DMCA), which is a set of US federal laws that protect copyright and intellectual property of content on the Internet*. The said tweet, on which a *copyright violation has been claimed, was shared by the Minister on December 16, 2017, and contained a video celebrating Vijay Diwas, a commemoration of India's victory over Pakistan in the 1971 war that led to the birth of Bangladesh*. In the tweet with the video, Prasad had said: "On #VijayDiwas, I salute all the martyrs & heroes who fought for the nation and led us to victory in 1971 war." Sources said the video shared by Prasad paid tribute to the Indian Army, in which *a composition by A R Rahman had been used as "background music"*. "The International Federation of Phonographic Industry, on behalf of Sony Music, which owns the rights to the song, flagged this as a copyright violation," a source close to the development told The Indian Express. A Twitter spokesperson confirmed that it was this tweet on which the DMCA notice had been raised. The tweet remained withheld owing to the notice, the spokesperson said. According to Twitter, a copy of the DMCA takedown notice, which includes details of the complaint, is sent to the "email linked to the account at the time of removal", so that the account holder gets all the information regarding the takedown notice. Twitter claims that it also sends the account holder instructions for filing a counter notice to the DMCA takedown notice. Officials in the IT Ministry, however, denied that any such mail from Twitter had been received on any of the email addresses linked with Prasad's account. *DMCA notices are common; they make up one of biggest chunks of requests received by social media intermediaries annually. Between January and June 2020, Twitter received more than 174,000 DMCA takedown notices, affecting 1.2 million accounts in all. It complied with 57 per cent of the requests, withholding 1.1 million tweets and 1.6 million pieces of media on the platform*. Twitter has been at loggerheads with the government over making appointments of local officers in India. While the company has claimed to have appointed a resident grievance officer, a nodal contact person, and a chief compliance officer for India, Ministry officials have maintained that since the appointments are not in line with the requirements of the IT Rules, they will not be considered valid. On Thursday, the Karnataka High Court gave interim relief to Twitter's India head Manish Maheshwari from appearing at a Ghaziabad police station over the controversial video of an assault of an elderly man. Twitter's action against the Minister's account on Friday triggered bipartisan outrage.

WORLD'S FIRST GM RUBBER SAPLING PLANTED IN ASSAM

A Rubber Board research farm on the outskirts of Guwahati now sports the world's first genetically modified (GM) rubber plant tailored for the climatic conditions in the Northeast. The GM rubber has additional copies of the gene MnSOD, or manganese-containing superoxide dismutase, inserted in the plant, which is expected to tide over the severe cold conditions during winter — a major factor affecting the growth of young rubber plants in the region. The plant was developed at the Kerala-based Rubber Research Institute of India (RRII). Planting the GM rubber at the research farm at Sarutari off the highway to Meghalaya capital Shillong on June 22, Rubber Board Chairman and Executive Director K.N. Raghavan said the RRII had earlier developed two high-yielding hybrid clones of rubber adapted to the climatic conditions of the Northeast. "This is the first time any GM



crop has been developed exclusively for this region after years of painstaking research in RRII's biotechnology laboratory," he said. Natural rubber is a native of warm humid Amazon forests and is not naturally suited for the colder conditions in the Northeast, which is one of the largest producers of rubber in India. Laboratory studies conducted at the RRII showed the GM rubber plants overexpressed the MnSOD gene as expected.

IN BATS IN MAHABALESHWAR CAVE, ANTIBODIES AGAINST NIPAH VIRUS

A cross-sectional survey by Indian Council of Medical Research- National Institute of Virology to study the prevalence of Nipah virus (NiV) in bats of India has picked up samples with the presence of antibodies against the Nipah virus in some bat species from a cave in Mahabaleshwar, a popular hill station in Satara district, Maharashtra. NiV is on the top-10 priority list pathogens identified by the World Health Organization. Till date, India has experienced four episodes of NiV outbreaks with CFR ranging from 65% to 100%. The first evidence of NiV infection was reported in Siliguri district, West Bengal in 2001, followed by Nadia district in West Bengal in 2007. The presence of NiV antibodies were detected in Mynaguri and Dubri district of Assam and Cooch Behar of West Bengal, both places situated close to Bangladesh border . A third outbreak occurred in Kozhikode district of Kerala state in 2018 with 18 case fatalities, followed by another outbreak in the same state in 2019 . A study in 2018 has identified many South East Asian countries including Indian states as potential hotspots for the NiV disease. *Pteropus medius bats, which are large fruit-eating bats, are the incriminated reservoir for NiV in India as both NiV RNA and antibodies were detected in the samples of these bats collected during previous NiV outbreaks. Studies on other species of bats as potential NiV reservoirs in India are very limited. The new study — Detection of possible Nipah virus infection in Rousettus leschenaultii and Pipistrellus Pipistrellus bats in Maharashtra, India, published in the Journal of Infection and Public Health — has found the virus and antibodies in different species.* During March 2020, from a cave in Mahabaleshwar, two species of bats, Rousettus leschenaultii (medium-sized fruit eating bats) and Pipistrellus pipistrellus (tiny insectivorous bats), were trapped by researchers using mist nets. Blood, throat and rectal swab samples were collected onsite from anaesthetised bats. Throat and rectal swab specimens were collected from all the bats. Necropsy of ten bats of each species was performed at the containment facility of Indian Council of Medical Research- National Institute of Virology (ICMR-NIV), Pune. RNA was extracted from samples and Anti-NiV IgG antibodies were detected in a number of the samples. One bat each from R leschenaultii and P pipistrellus species tested positive for both NiV RNA and anti NiV IgG antibodies, the study said. This is the first report of possible NiV infection in R leschenaultii bats in India, which was demonstrated by the presence of both NiV RNA and anti-NiV IgG antibodies in bats, said Dr Pragya Yadav, NIV scientist and one of the authors. The cross-sectional survey was initiated to study the prevalence of NiV in bats of India by random sampling of P medius, R leschenaultii and P pipistrellus bats that have wide prevalence in India, said Mangesh Gokhale, lead author of the study, and Dr D T Mourya, former director of NIV and one of the authors. In earlier investigations during the last decade, NiV activity could not be detected in R leschenaultii, despite processing several hundred bats including bats from the same location. The exposure of R leschenaultii bats to NiV warrants further investigation as roosting and breeding habitats of the Rousettus and Pteropus vary greatly, the scientists said. More studies in bats and humans are therefore needed to understand the prevalence of the virus in the state. The roost which was sampled was age-old and the virus might have been circulating among the inhabitants at low levels and not detected during earlier studies. Alternatively, a new introduction

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might have occurred from *P. medius* to *Rousettus* bats through NiV-contaminated fruits, as both share the same fruit trees. *NiV detection in P. pipistrellus* bats, an insectivorous species, and their role in virus spill-over to humans appears remote, the study said. Their positivity might be explained through sharing the same habitat with *R. leschenaultii* bats inside the cave. Researchers said it was difficult to infer any conclusion as only a few bats were screened during the present study. Recurring outbreaks, high case fatality rate, human-to-human transmission and lack of effective vaccine/antivirals pose a major concern in India as bat roosts are very common in areas where large human populations reside, it said.

HOW SHUTTING PARKS DURING THE RAINY SEASON HELPS TIGERS

Uttarakhand Forest Minister Harak Singh Rawat announced on Wednesday that the state's two Tiger Reserves — Corbett and Rajaji — would now remain open for tourism round the year. Until now, the reserves would remain closed to tourists during the monsoon for 4-5 months every year. The statement has sparked a debate with many warning that tourism activities in the rainy season will disturb tigers in their mating season. Until now, Rajaji's Jhilmil and Corbett's Jhirna zones remained open round the year, while the latter's Bijrani zone closed for four months from June 15 to October 15. The rest of Corbett and Rajaji usually remained shut for tourism between June 15 and November 15. The dates vary due to variation in forest quality, topography and climate. For example, the peripheral forests of Jhirna remain open throughout. Bijrani is not as affected by seasonal streams as the northern parts, say Dhikala, of Corbett and opens a month early. In comparison, meagre rainfall in Rajasthan allows Ranthambhore National Park to stay open for 9 months between October and June. And high monsoon in Assam forces Kaziranga National Park to stay practically shut for six months between May and October.

What about tiger breeding?

Contrary to the myth, tigers breed round the year. Except when raising a litter, a tigress comes into oestrus every 21 days. Even in the event of stillbirth or premature death of cubs, it comes into oestrus again within a month. Clearly, such readiness belies every imaginary seasonal restriction, even though extreme winters of the Russian Far East are known to force a semblance of seasonality in the Amur tiger's breeding behaviour. In India, if there is any seasonal bias for mating, observational evidence suggests it is towards the autumn-spring window. The rainy season is not the best time for tiger breeding. The elephant, the other iconic species of Corbett and Rajaji, does not seem to particularly prefer the monsoon for species propagation either. While elephant breeding is indeed linked to rainfall patterns — they breed round the year in places where it rains likewise — a high number of births are observed in the winter months of November-January in India, indicating a surge in mating in the pre- and early monsoon months of May-July. A 2009 paper on reproductive behaviour of elephants in Rajaji noted the "musth phenomenon in adult male elephants was mostly observed during February to July, which was dominated by dry period" and peak breeding season in "largely the warm period" starting May.

So, why shut tiger reserves?

It has more to do with humans than tigers (or elephants), really. A tropical forest is least accessible during the monsoons, with lush undergrowth blocking movements and gullies washing away tracks. This is why even the trophy hunters of yore picked the rainy months as the off-season — a window



they had to allow the animal population to recover. In fact, the policy of shutting down a wildlife park is driven by weather across the world. *Yellowstone, the first national park in the US, and also the world, shuts every winter in the snow season. Nagarhole and Bandipur Tiger Reserves of Karnataka shut to tourists in the dry summer season to protect animals from stress and the forests from fire.* In the north, the rainy months are the most challenging. Only in 2019, a monsoon spate in the seasonal Dhangarhi nallah that flows across the Ramnagar-Corbett road swept away a tourist car. Inside Corbett, vehicular access is limited to only three (Dhela, Jhirna and Sultan) of over a dozen tourist accommodations during the rainy season when seasonal nullahs carrying boulders wash away roads and even knock down culverts. “We walk and use elephants to cross the streams for patrolling and supply ration to the guard posts during the monsoons. While it is possible to upgrade the road to Bijrani across two seasonal streams that do not bring too many boulders, strengthening the road network to access the rest of the park will be a challenge. But everything is possible with big investment and mega machinery,” said a forest official who recently served at Corbett.

Why not invest and stay open?

It is difficult, although not impossible, due to the topography. A number of southern reserves, including Nagarhole and Bandipur, have invested in such interventions to stay open for tourists round the year. The scale of construction, however, is not comparable to what is required in Uttarakhand’s forests. “We also get a lot of rain here but the gradient is such that water channels here stay narrow and regular culverts do the trick. In Corbett, they will probably need bridging structures spanning several hundred metres. We have to decide if we want all that inside a tiger reserve,” said a former top official of the Karnataka forest department. Besides, *tiger breeding is not the only concern. A number of species do breed in the forest during the rainy months and together they maintain the ecological balance, or the food chain, that supports the apex species. Besides, wildlife deserves a break from noise, light and other pollutions tourism brings to their habitat. And given the logistical challenges it poses, the rainy season is the most convenient period for providing that respite.* A recent study reported high stress induced by tourist vehicles in tigers in Bandhavgarh and Kanha tiger reserves of Madhya Pradesh by comparing a marker in the scat collected during tourism (January-March) and non-tourism (September) months. While a more accurate comparison would be between scats collected from tourism and non-tourism zones the same month (a rainy September could anyway be more relaxing), it is reasonable to assume that a period of low disturbance will anyway benefit wildlife.

Does opening or shutting parks impact poaching?

While opening parks to tourists in the rainy months will not hamper the breeding prospects of the tiger, it may yet put the national animal at risk. Unlike the royal trophy hunters who avoided the dirty rainy months, *the poacher considers the monsoon an opportunity when guards struggle to patrol much of the reserve.* That is why *Project Tiger has always emphasised enhanced vigilance during the monsoon.* Uttarakhand has a history of suffering heavy losses to poachers during the rainy season. *Diverting the forest staff from ‘Operation Monsoon’ to tourism duties during these tough months will only make the reserves more vulnerable.*



8 RARE PYGMY HOGS RELEASED IN MANAS NATIONAL PARK

Eight of 12 captive-bred pygmy hogs, the world's rarest and smallest wild pigs, were on Tuesday released in the Manas National Park of western Assam. The remaining four would be released on June 25.

Second batch

This is the second batch to have been reintroduced into the wild under the Pygmy Hog Conservation Programme (PHCP) in a year. Fourteen of these animals were released in Manas in 2020. The PHCP is a collaboration among Durrell Wildlife Conservation Trust of UK, Assam Forest Department, Wild Pig Specialist Group of International Union for Conservation of Nature and Union Environment Ministry and is currently being implemented by NGOs Aaranyak and EcoSystems India. Six hogs — two males and four females — were captured from the Bansbari range of the Manas National Park in 1996 for starting the breeding programme. The reintroduction programme began in 2008 with the Sonai-Rupai Wildlife Sanctuary (35 hogs), Orang National Park (59) and Barnadi Wildlife Sanctuary (22). With Tuesday's release, the number of pygmy hogs reintroduced into the wild under the PHCP reached 142, which is more than their current original global wild population. "Manas has been doing well in conservation in recent years," Amal Chandra Sarma, Manas' Field Director said. "Conservation of pygmy hog was initiated by noted naturalist Gerald Durrell and his trust in 1971. The pygmy hog was brought back from near-extinction by the partnership effort, and now we are moving towards the establishment of a population across the entire range," PHCP's Project Director Parag Jyoti Deka said.

BT COTTON ADOPTION SHOWED BENEFITS

Amid the perpetual debate surrounding Bt cotton's positive and negative impacts, a recent study titled — 'Long-term impact of Bt cotton: An empirical evidence from North India' — has said its adoption in Punjab in the past over a decade has resulted in net economic and environmental benefits. *The research was funded by the Agricultural Extension Division of the Indian Council of Agricultural Research under extramural project "Impact evaluation of integrated pest management technologies".* The study was jointly done by the Punjab Agricultural University at Ludhiana, the Sher-e-Kashmir University of Agricultural Sciences and Technology in Jammu (SKUAST) and the Noida-based Amity University, and has been recently published in the Journal of Cleaner Production.

'Stable cotton yield'

"Since the commercialisation of Bt cotton, there has been reduction in insecticide use by volume and applications, decline in environmental and human health impact associated with insecticide use, more so with the reduction in the use of highly hazardous and riskiest insecticides, and reduction in the expenses associated with insecticide use. Also, cotton yields in the past 13 years have been stable, the only exception being 2015. Yet over the past 13 years, pesticide use has gradually increased in Bt hybrids and reduced in non-Bt varieties, primarily driven by the use of fungicide, which was not applied in cotton in 2003 and 2004. "Akin to the discovery of synthetic pesticides in the 1940s, which was proclaimed as 'silver bullet technology' by entomologists, the complete reliance on Bt cotton without incorporating it into the integrated pest management

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(IPM) system led to outbreak of whitefly in northern India and pink bollworm in western India in 2015; thus, resistance to Bt cotton is yet to become a significant problem. Compatibility of Bt with IPM is not a given when we have weaker institutional setting with ad hoc IPM system and the contrarian view that Bt cotton has been a failure in India, in this case Punjab, lacks empirical evidence,” professor Rajinder Peshin of SKUAST told The Hindu. Bt (*Bacillus thuringiensis*) cotton has been commercially grown in India for the past 19 years. In Punjab, Bt cotton was released for cultivation in 2005.

PACT SIGNED TO CONSERVE RARE TURTLE IN ASSAM

*A major temple in Assam has signed a memorandum of understanding with two green NGOs, the Assam State Zoo-cum-Botanical Garden and the Kamrup district administration for the long-term conservation of the rare freshwater black softshell turtle or the *Nilssonina nigricans*.* A vision document 2030 was also launched after Turtle Survival Alliance India and Help Earth signed the pact involving the Hayagriva Madhava Temple Committee. The temple, revered by both Hindus and Buddhists, is at Hajo, about 30 km northwest of Guwahati. *Until sightings along the Brahmaputra’s drainage in Assam, the black softshell turtle was thought to be “extinct in the wild” and confined only to ponds of temples in northeastern India and Bangladesh.* The International Union for Conservation of Nature had in 2021 listed the turtle as “critically endangered”. But it does not enjoy legal protection under the Indian Wildlife (Protection) Act of 1972, although it has traditionally been hunted for its meat and cartilage, traded in regional and international markets. “Various temple ponds in Assam such as that of the Hayagriva Madhava Temple harbour various threatened species of turtles. Since the turtles are conserved in these ponds only based on religious grounds, many biological requirements for building a sustainable wild population have since long been overlooked,” Arpita Dutta of Turtle Survival said. “This multi-stakeholder association [conservation pact] aims to restock the wild with viable, self-sufficient and genetically pure threatened turtle populations in the region. We will offer assistance for the required improvement of husbandry of turtles kept in such ponds, and further recovery efforts are recommended for the long-term survival and existence of the endangered freshwater turtles,” she added.

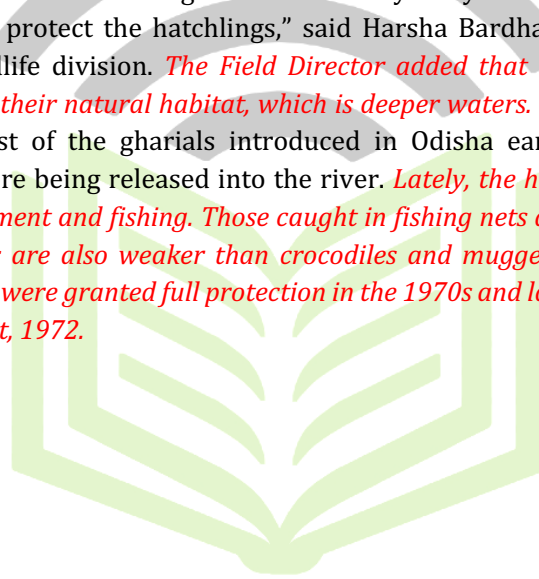
IT’S A GHARIAL! AFTER 45 YRS OF WAIT, ODISHA WELCOMES FIRST HATCHLINGS

For the first time since they were introduced in its rivers back in 1975, Odisha has seen natural nesting of gharials, a critically endangered species. As many as 28 hatchlings were spotted towards the end of May in the Mahanadi, in the Baladamara area near Satkosia range, and officials have been monitoring them closely since, with round-the-clock vigil including drones. All the original gharials introduced over the years in Odisha are dead now. Having waited more than 40 years for their numbers to grow naturally and for them to lay eggs, Odisha introduced 13 more gharials over the past three years in the Mahanadi. Only eight survived. While the Forest Department is still tracking two of them via their radio collars, the other six have moved out of its radar. *With the introduction of gharials in 1975, Odisha had become the only state to have all the three species of the reptile —freshwater gharials, muggers and saltwater crocodiles.* Nearly 50 foresters from six forest divisions are monitoring the hatchlings, camping close to their habitat, patrolling the water bodies and spreading awareness across 300-odd villages located close to the river to help preserve the gharials. Six officials are stationed closest to where the hatchlings and the mother gharial are. “We

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also have solar-powered CCTV cameras to keep a watch, and manually update on the movement of the reptiles,” said Divisional Forest Officer, Satkosia Range, Ravi Meena. *Gharial eggs need incubation for 70 days, and the hatchlings stay with their mothers for several weeks or even months.* A team of four persons patrols the main river area in two country boats. With the onset of monsoon, this is crucial since hatchlings can stray into breakaway nullahs or be swept away from their mother in rising waters. “We have roped in local fishermen, who are aware of the geography. We avoid mechanised boats as their noise may scare or disturb the hatchlings,” Meena added. Satkosia Field Director, Pradeep Rajkarat said their main concern was flooding due to the rains. “Announcements are being made in villages and posters being put up.” Rajkarat added that *gharials, being different from muggers, do not harm humans.* “But many people mistake them for crocodiles and consider them harmful. We are trying to ensure the hatchlings are not harmed.” Earlier this month, the Forest Department announced Rs 1,000 for anyone rescuing a gharial, and compensation for those whose fishing nets are destroyed by the reptiles. “Cash rewards will encourage villagers to protect the hatchlings,” said Harsha Bardhan Udgata, Divisional Forest Officer, Mahanadi wildlife division. *The Field Director added that they would be watching the gharials till they are in their natural habitat, which is deeper waters. Gharials come to the shallow areas to lay eggs.* Most of the gharials introduced in Odisha earlier were first kept in the Nandankanan zoo before being released into the river. *Lately, the habitats of gharials are under threat due to encroachment and fishing. Those caught in fishing nets are either killed or have their snouts cut off. Gharials are also weaker than crocodiles and muggers, and don't survive a fight between them. Gharials were granted full protection in the 1970s and later listed in Schedule 1 of the Wildlife (Protection) Act, 1972.*



DreamIAS



BUSINESS & ECONOMICS

AADHAAR-PAN LINKAGE DEADLINE EXTENDED TO SEPT 30: TAX RELIEF ON EX-GRATIA FOR COVID DEATHS, AID FOR TREATMENT COSTS

In light of the second Covid wave's impact on the economy, the government on Friday announced income tax exemptions for monetary aids received by people for coronavirus treatment. It also gave tax exemption to ex-gratia received by kin of the deceased — if received from employers, the exemption is available without any upper limit, and, in case received from others, the waiver will be available up to Rs 10 lakh. *"In order to ensure that no income tax liability arises on this account, it has been decided to provide income-tax exemption to the amount received by a taxpayer for medical treatment from employer or from any person for treatment of Covid-19 during FY20 and subsequent years," the Central Board of Direct Taxes (CBDT) said in a statement.* "It has been decided to provide income-tax exemption to ex-gratia payment received by family members of a person from the employer of such person or from other person on the death of the person on account of Covid-19 during FY20 and subsequent years. *"The exemption shall be allowed without any limit for the amount received from the employer and the exemption shall be limited to Rs 10 lakh in aggregate for the amount received from any other persons,"* it added. Many taxpayers have received financial help from their employers and well-wishers for meeting their expenses incurred for treatment of Covid-19. Necessary legislative amendments for the decisions shall be proposed in due course of time, it added. In view of the impact of the Covid-19 pandemic, taxpayers are facing inconvenience in meeting certain tax compliances and also in filing response to various notices. *It also extended the due date of various compliances, including the last date of linkage of Aadhaar with PAN from June 30 to September 30, 2021 as well as last date for payment under Vivad se Vishwas by 2-4 months. The last date of payment of amount under Vivad se Vishwas (without additional amount) which was earlier extended to June 30, 2021 is further extended to August 31, 2021. Last date of payment under Vivad se Vishwas (with additional amount) has been notified as October 31, 2021.*

INDIA RECEIVES \$64 BILLION FDI IN 2020, FIFTH LARGEST RECIPIENT OF INFLOWS IN WORLD: UN

India received USD 64 billion in Foreign Direct Investment in 2020, the fifth largest recipient of inflows in the world, according to a UN report which said the COVID-19 second wave in the country weighs heavily on the country's overall economic activities but its strong fundamentals provide "optimism" for the medium term. *The World Investment Report 2021 by the UN Conference on Trade and Development (UNCTAD), released Monday, said global FDI flows have been severely hit by the pandemic and they plunged by 35 per cent in 2020 to USD 1 trillion from USD 1.5 trillion the previous year.*

THE RURAL ECONOMY CAN JUMP-START A REVIVAL

The second wave of the COVID-19 pandemic could be slowly receding with a decline in the official estimates of daily infections and deaths. The economy is also very gradually getting back to normal, with many States beginning to ease some of the restrictions imposed in their lockdowns. However,

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the challenge of an economic recovery is far more serious than the health pandemic despite official claims of there being an economic recovery. *Last month, the National Statistical Office (NSO) released the estimates of the Indian Gross Domestic Product (GDP) growth for the fiscal year 2020-21. The decline in GDP, at 7.3%, was slightly better than expectation, even though this is a gross underestimate of the reality given the methodological issue of underestimation of the economic distress in the unorganised sector.*

Making things worse

But what makes economic recovery challenging is that this decline followed three years of sharp decline in GDP even before the novel coronavirus pandemic hit the country. *Economic growth had already decelerated to 4% in 2019-20, less than half from the high of 8.3% in 2016-17. Since then, the slowdown in the economy has not only made things worse as far as economic recovery is concerned but also come at a huge cost for a majority of households which have lost jobs and incomes. The pandemic has only worsened an already fragile economic situation.* The sharp decline in GDP was partly a result of the trend of a slowdown in economic activity since 2016-17. *But a large part of the economic outcome in the first year of the pandemic is also a result of a mishandling of the economic situation. While a strict national lockdown certainly hit economic activity last year, what made matters worse was the less than adequate response from the Government in increasing fiscal support to revive demand in the economy.* Many of the grand announcements remained largely on the monetary side without the enabling policy framework to help small and medium enterprises as well as the large unorganised sector which bore the brunt of the restrictions in economic activity.

Agriculture, a key driver

Despite the lack of fiscal support, an important contributor to the better-than-expected economic performance was the resilience of the rural economy, particularly the agricultural sector. While rural areas were the first point of refuge for a majority of migrants who walked back thousands of kilometres from urban metropolitan areas, agriculture was the only major sector (other than electricity, gas, water supply and other utility services) which reported an increase in Gross Value Added (GVA) in 2020-21. It not only provided jobs to returning migrants but also sustained the economy in the rural areas. Agriculture has not only been the biggest saviour during the period of the pandemic but has consistently been an important driver of the economy throughout the last five years which has seen the economy slow down sharply. *The average growth rate in agriculture GVA in the last five years, at 4.8%, is significantly higher than the GVA growth of the economy as a whole, at 3.6%, in the last five years. But can the rural sector play saviour again? Unlikely, in the present context. And it will not be due to any natural calamity such as drought but a result of the neglect and policy missteps by the Government. Even though the lockdowns imposed by the State governments at the beginning of the second wave were less severe when compared to last year, they did impact the non-agricultural economy as is evident from the high frequency data for the last two months.* The expectation of positive growth in this fiscal year may suggest recovery. However, given that the economy has already suffered last year, any recovery will largely be a statistical artefact driven by the low base of last year rather than a real recovery. The fact that a majority of households have already suffered job losses and income decline which are yet to regain their pre-pandemic levels suggests caution in making any inference on an economic recovery. However, even the aggregate data are unlikely to capture the actual extent of devastation in the rural areas.



While this is true for even the basic estimates of death and the health catastrophe caused by the pandemic, it is even more severe in its economic impact. Similar to the official statistics which have underestimated deaths due to the pandemic in most States — as has been brought out recently in several newspapers — the economic distress in rural areas is also largely unreported and underestimated. The second wave affected rural areas disproportionately, in terms of health but also in terms of livelihoods. Many households have lost an earning member and an equally large number have spent a large sum on private health care expenditure in dealing with the infection. It will not be surprising if rural areas now witness a sharp rise in indebtedness from non-institutional sources. However, the response from the Government has not been commensurate with the scale of the pandemic in rural areas. *Unlike last year, the Government has not increased the allocation this year for the National Rural Employment Guarantee Scheme (NREGS). For the country as a whole, despite an increase in employment demand in NREGS, the person-days generated in May 2021 was only 65% when compared to May 2020. While the free food-grain scheme has been extended this year as well, it does not include pulses as was provided last year. Similarly, there has not been any cash transfer to vulnerable groups, unlike last year.*

Decline in jobs, income

The impact of declining incomes and job losses on demand is now visible even in rural areas. While real wages have continued to decline with the latest estimates of April 2021 showing a decline in rural non-agricultural wages by 0.9% per annum in the last two years, agricultural wages continue to stagnate. *One indicator of declining demand is the decline in wholesale prices of most of the agricultural commodities. Cereals and vegetables, which together account for more than half of crop output, have seen prices decline on a year-on-year basis for more than six months now. This is happening at a time when international agricultural prices are at an all-time high. Some of this is reflected in the rise in inflation in pulses and oilseeds groups, both of which are largely imported.* The net result is a peculiar situation where output prices for dominant agricultural commodities in the domestic market are declining while consumer prices of essentials such as edible and pulses are contributing to rising inflation.

Inflation threat

Rising inflation further threatens to reduce the purchasing power of the rural economy struggling with declining incomes and job losses. This is further compounded by the shift in terms of trade against agriculture which has put agricultural incomes under strain. The rise in input prices for diesel has already contributed to rising input costs but the recent increase in fertilizer prices for most of the complex fertilizers have also added to the misery of farmers. Rising inflation in international commodity prices also threatens the rural non-farm economy. A majority of the rural non-farm sector already struggling from low demand has now seen its profit margins getting impacted due to the increase in the cost of raw material. *Despite these setbacks, the rural economy including the agricultural economy continues to remain crucial for any strategy of economic revival. But for that, it will require proactive intervention from the Government to protect the rural population by speeding up vaccination. Unfortunately, so far, the rural areas have been lagging behind in the overall rate of vaccination.* At the same time, rural areas will also need greater fiscal support, both in terms of direct income support to revive demand in the economy but also through various subsidies and protection from the rising inflation in input prices. This urgent intervention is not



just necessary to support economic revival but also prevent another humanitarian crisis, this time as a result of economic mismanagement.

A RECOVERY PATH FOR AIRLINES

After months of closing their borders, regions that have contained the spread of COVID-19 are trying to find ways of reopening their borders. However, there are many apprehensions in doing this. It is not easy for governments to reopen their borders, allow traffic and still keep the virus away. Airlines have been battling uncertainty since March 2020. *In April 2020, two thirds of the global fleet of aircraft was grounded, but essential operations were not halted. By raising private capital, receiving government support, cutting costs to the bone, and flying more to transport goods, etc., many airlines have managed to prevent bankruptcy.*

Restarting operations

It is challenging for airlines to figure out how they are going to restart operations when customer demand returns to pre-COVID-19 levels. As the vaccination programme unfolds in different parts of the world, it is critical to restart air travel with an internationally reliable, acceptable and harmonious approach. The government and industry should collaborate to develop a sustainable 'restart strategy'. Such a strategy should use a science-based approach and specify how nations must deal with vaccinated and non-vaccinated passengers, how quarantine and testing measures will be adjusted, and how appropriate electronic capture of health data to facilitate international travel can be ensured. It is possible to have a flexible policy. Tools can be developed to continually monitor the risk profiles of different regions. For India, the large domestic aviation market is a saviour. Collaboration among the States will be critical to ensure the effective restart of the aviation industry. Different testing and quarantine requirements have already created a lot of confusion. As done in natural calamity protocols, a framework establishing clear rules, processes and standards needs to be in place according to the situation. Local actions need to be taken whenever risks are identified, and a consistent policy should be followed. In recent times, micro-containment zones have been helpful over blanket lockdowns in containing infections. It is time to focus on substituting blanket restrictions with testing, vaccination and limited quarantine measures. Tests and vaccines will jointly play a key role in the industry's recovery. Vaccination can be a requirement to travel but should co-exist with testing regimes. It should be considered as a progressive step towards safe travel. Imposing compulsory vaccination as a pre-requisite for air travel will only further impact the sector. It is going to take some time to fully vaccinate everyone who wants to be vaccinated. In the meantime, until the population worldwide is significantly vaccinated, it is important to have robust and stable testing protocols, along with interoperable digital solutions. Implementing widespread COVID-19 antigen testing before departure is key to restarting air travel. The Indian Council of Medical Research approved self-testing COVID-19 kits called CoviSelf, which could come in handy.

Vaccine passports

Digital travel passes and vaccine passports may be another solution. But in order to work, these will require standardisation across borders. Internationally, there is concern that governments may not cooperate or establish shared principles for opening their borders. The concept of vaccine passports is illogical if the same vaccines are not recognised in all the countries. For example, the



Pfizer and AstraZeneca vaccines, which are generally recognised as examples of vaccines that will be used as a pre-requirement for vaccine passports, are only accessible in 72 and 74 countries, respectively. Uneven travel restrictions and passenger demand are driving the need for flexibility and speed in decision-making processes. This is seen across multiple serviceable areas, including long-term fleet planning, network planning, and revenue management. In the present scenario, a network plan needs to be rethought and reworked, as there may be the possibility of different segments in different parts of the network opening and closing depending on the uncertainty of the pandemic and the demand. The next few years will be challenging for the aviation industry. The actions taken by governments and industry will determine how long it takes for the industry to recover. If the aviation industry has to recover, governments need to come up with consistent policies based on evidence, and industry should do whatever it can to reinstate passenger confidence, embrace new ways of making revenue, and new operational demands. This is the call of the hour even if this means moving outside the comfort zone.

CCI PROBE INTO GOOGLE: WHAT ARE THE ALLEGATIONS?

The competition regulator on Tuesday ordered an investigation into the conduct of Google in the smart TV segment over allegations that the company's agreements with smart TV manufacturers restricted the development and usage of alternate versions of Android. The Indian Express looks into the allegations and the defence made by Google.

What are the alleged violations of the Competition Act?

According to the order by the Competition Commission of India (CCI), Google requires any Original Equipment Manufacturer (OEM) that wants to pre-install Google's app store on their products to sign two agreements, namely the Television App Distribution Agreement (TADA), and an Android Compatibility Commitment (ACC). The TADA agreement requires that manufacturers pre-install an entire suite of Google applications on their devices and not just any single application. *The CCI noted that mandatory preinstallation of all the Google applications instead of allowing OEMs to pick and chooses Google apps amounted to imposition of unfair condition on the smart TV device manufacturers under the Competition Act.*

Why is the Google play store a must have app according to the CCI?

The CCI estimated that Google had a 65 per cent market share in India's smart TV segment and that the network effect would lead to such a dominant player attracting more users, OEMs and app developers. The CCI noted that the dominance of Google's App store in the smart TV space made it a "must have" app and that not being able to offer the app on devices would significantly affect the marketability of Android devices.

What is Google's stance?

Google told the CCI in its submissions that the TADA agreement which provides a suite of Google apps is optional and that the Google Play Store is less important on smart TVs than on other Android devices such as smartphones or tablets.



CENTRE FURTHER EASES NORMS FOR VOICE-BASED BPOS

India on Wednesday said more norms governing Other Service Providers, or voice-based BPOs, were being relaxed, and that the distinction between domestic and international entities in particular had been removed. This was aimed at helping consolidate the country's position in the sector globally, paring operating costs for the entities and aiding them to strike synergies among different firms. *Removal of the distinction would mean a BPO can leverage the same telecom resources to serve customers located globally as well as in the country. A release said the interconnectivity between all types of OSP centres was now permitted.* Other relaxations include allowing Electronic Private Automatic Branch Exchange (EPABX) of the OSP to be located anywhere in the world. Apart from using EPABX services of telcos, the entities can locate the facility at third-party data centres in India. *There will be no restriction for data interconnectivity between OSP centres of the same company or group firm or any unrelated firm. Minister for Communications Ravi Shankar Prasad said the move was expected to provide a fillip to the BPO sector as well as create jobs.* This was in continuation of the Department of Telecommunications' liberalisation of norms in November. Nasscom said the Centre had issued clarifications on all points the association had raised, which would place the IT-BPM sector in a competitive space. "The new guidelines will add to India's attractiveness in ease of doing business," it added.

KALROCK-JALAN CLEARED TO RESTART JET

The National Company Law Tribunal (NCLT), Mumbai, on Tuesday approved the resolution plan of Kalrock Capital and entrepreneur Murari Lal Jalan for the revival of Jet Airways two years after the airline shut down operations due to a cash crunch. The NCLT, in an oral order, gave 90 days to the Ministry of Civil Aviation and the Directorate General of Civil Aviation for allotting airport slots to the airline.

'Date can be extended'

The bench also said that if further extension of the effective date was required, the Jalan-Kalrock consortium could approach the tribunal again. In an affidavit, the government had submitted that Jet Airways did not have a claim over airport slots held by it earlier. These slots were allocated to different airlines after Jet Airways suspended flight operations in April 2019. "The Consortium maintains its stand that it wants to work alongside the Ministry of Civil Aviation, the Directorate General of Civil Aviation (DGCA) and all its competitors to put Jet Airways back in the skies," the Jalan-Kalrock consortium said in a press statement.

'Delhi, Mumbai slots full'

"I am confident that the DGCA and Ministry of Civil Aviation will give fair consideration to the business proposal for Jet's revival," Ashish Chhawchharia, Jet Airways' Resolution Professional (RP) and partner, Grant Thornton, said. "Apart from airports such as Delhi and Mumbai, on preliminary analysis, it appears that other airports have sufficient slots, whereas some are likely to expand their capacity." The bid by the consortium of Kalrock Capital and Mr. Jalan was approved by the Committee of Creditors in October last year.



‘Claims total ₹15,432 cr.’

As per the resolution plan, the Kalrock-Jalan consortium has proposed to repay financial creditors and employees about ₹1,200 crore over five years and intends to reestablish Jet Airways as a full-service airline with 30 aircraft. This contrasts with claims totalling ₹15,432 crore from financial and operational creditors which were admitted by the RP. “Surprisingly, the NCLT order is a massive clean-up,” said Kapil Kaul, CEO and director, CAPA Advisory. “It will allow the new promoters to develop a viable business case subject to significant capitalisation,” Mr. Kaul added.

BANKS GET ASSETS WORTH ₹8,441 CRORE FROM ED

The Enforcement Directorate has transferred assets worth ₹8,441.5 crore to public sector banks that suffered losses to the tune of ₹22,585.83 crore due to frauds committed allegedly by businessmen Vijay Mallya, Nirav Modi and Mehul Choksi. All three accused had fled overseas. The agency said it recently transferred attached shares worth ₹6,600 crore to a State Bank of India-led consortium as per an order of the PMLA Special Court, Mumbai. On Wednesday, the Debt Recovery Tribunal, on behalf of the consortium, sold the shares of United Breweries Limited for ₹5,824.5 crore. Further realisation of ₹800 crore by sale of shares is expected by June 25. Owing to the help extended by the ED, the public sector banks earlier recovered ₹1,357 crore by selling the shares. “Thus, the banks shall be realising a total amount of ₹9,041.5 crore through sale of a part of the assets attached/seized by the ED...,” said the agency. As on date, of the total attachment worth ₹18,170.02 crore, assets valued ₹329.67 crore have been confiscated and properties worth ₹9,041.5 crore — amounting to 40% of the total loss to the banks — have been handed over to them. Based on the cases registered by the Central Bureau of Investigation, the ED had taken up a money laundering probe that helped unearth a complex web of domestic and international transactions and stashing of assets abroad by the accused persons and their associates. They had used dummy entities controlled by them for rotation and siphoning of the funds provided by the banks. As part of the investigation, the ED took steps to attach or seize assets worth ₹18,170.02 crore. This included properties worth ₹969 crore located in foreign countries. “The quantum of the attached and seized assets represents 80.45% of total bank loss of ₹ 22,585.83 crore,” said the agency. A substantial part of the assets in question was held in the name of dummy entities, trusts, third persons or relatives of these accused and these entities were their proxies for holding the properties. Prosecution complaints were filed against all the three accused after completion of the investigation under the Prevention of Money Laundering Act. Extradition requests were sent for them to the United Kingdom (Mr. Mallya and Mr. Modi) and Antigua and Barbuda (Mr. Choksi). The extradition of Mr. Mallya has been ordered by the Westminster Magistrates Court and confirmed by the U.K. High Court. As he has been denied permission to file an appeal in the U.K. Supreme Court, his extradition to India has become final. However, the matter is pending with the U.K.'s Home Department for quite some time now. The Westminster Magistrates Court had also ordered the extradition of Mr. Modi to India. After his arrest in 2019, on a request from the Indian authorities, he has been in judicial custody in a London jail for the last over two years.

PREFERENTIAL TREATMENT

In the *PNB Housing Finance saga*, matters appear to have come to a head, with PNB Housing, on Monday, filing an appeal before the Securities Appellate Tribunal (SAT) against a letter issued to



it by the Securities and Exchange Board of India (SEBI). *In its letter, SEBI had asked PNB Housing to keep its resolution for the preferential issue of equity shares and warrants to the Carlyle group and others on hold until valuation of the shares is carried out by an independent registered valuer.* SEBI's letter came after *Stakeholders' Empowerment Services (SES), a proxy advisory firm*, raised questions over the proposed transaction, terming it "unfair" to the interests of minority shareholders. While SAT has allowed for a vote on the issue, and the matter will be taken up on July 5, the manner in which this entire issue has played out raises troubling questions. *The transaction in question involves the issue of Rs 4,000 crore preference shares to a group of investors led by the Carlyle group. With this transaction, the group's shareholding in PNB Housing would rise to over 50 per cent, giving it the controlling stake.* The concerns voiced are basically two: One, *the decision to opt for a preferential issue*, and two, *the pricing of the preferential shares. In a rights issue, as opposed to a preferential issue, all shareholders are entitled to participate.* This, as SES has argued, allows for equal treatment of shareholders. On the issue of pricing, *SES has argued that the valuation exercise was carried out without accounting for the "control premium", implying that the shares should have been priced higher.* The argument is straightforward: The transaction changes the nature of the company — effectively transforming it to a privately controlled entity. This event needs to be priced in. The fact that the share price of PNB Housing Finance has soared signals how the market valuation of the company went up due to this event. *On its part, though, PNB Housing Finance has refuted the allegations, and has clarified that the process followed to determine the pricing of shares was in line with the "market practice" by listed companies.* Several red flags have been raised. More so, when, *as reported in this paper, of the 12 PNB Housing Finance board members who approved the transaction, seven, including the independent directors, had dealings with the Carlyle group.* This raises questions about *conflict of interest*, and protection of minority rights, which lie at the heart of corporate governance structures.

If the shareholders approve the preference share allotment Tuesday and legal issues don't come in the way, the Carlyle Group will become a majority shareholder in the company (with over 50 per cent stake in the company) and *will bring down the stake of Punjab National Bank in its housing finance subsidiary to around 20.3 per cent.* This means it will not only lose its dominant shareholder status but also its veto power on the board of the company. *While the preference share allotment to investors including Carlyle was fixed at Rs 390, the book value of PNB Housing share is Rs 540. The official pointed out that PNBHF is on the path to recovery with some of its corporate loan resolutions being supported by the SWAMIH Fund (Special Window for Affordable & Mid-Income Housing) set up by the government. PNBHF maintained that the company acted in compliance of all the applicable laws and moved the Securities Appellate Tribunal on Monday seeking relief.* Giving its nod to PNBHF to hold its extraordinary general meeting (EGM) Tuesday for shareholder approval of the Rs 4,000-crore allotment, SAT directed the company not to declare the results of voting until further orders. It also asked the company to inform the National Securities Depository Ltd (NSDL) to withhold the result. On Friday, *Sebi had issued a letter to PNBHF that its May 31 notice for the EGM to approve the allotment was "ultra-vires" of the company's AoA and should not be acted upon until the company undertakes the valuation of shares — as prescribed in its AoA — by an independent registered valuer.* Experts said SAT's interim order is in line with Sebi's direction. While Sebi had not called for cancellation of the EGM, it had said that the company should not act upon the resolution relating to the issue of securities.



THE MANDATE TO CARRY OUT VALUATION OF AN ENTITY

A valuation report by a registered valuer is at the heart of the recent controversy surrounding a Rs 4,000 crore share allotment decision by PNB Housing Finance to investors led by Carlyle at a price of Rs 390 per share. While the matter has reached the Securities Appellate Tribunal, the Securities and Exchange Board of India (SEBI) had on June 18 written to PNB Housing stating that the latter's board resolution with regard to the "issue of securities of the company", in its EGM notice dated May 31, is "ultra-vires" of the company's Articles of Association (AoA) and should not be acted upon until the company undertakes a valuation of shares, as prescribed in its AoA, by an independent registered valuer.

Who is a registered valuer?

A registered valuer is an individual or entity which is registered with the Insolvency and Bankruptcy Board of India (IBBI) as a valuer in accordance with the Companies (Registered Valuers and Valuation) Rules, 2017. Under Section 458 of the Companies Act, IBBI has been specified as the authority by the central government. The concept of registered valuer was introduced in the Companies Act in 2017 in order to regulate the valuation of assets and liabilities linked to a company and to standardise the valuation procedure in line with global valuation standards. Experts say that before the concept of registered valuer became part of the Companies Act, valuation was done in an arbitrary manner, often leading to question marks over the authenticity of the valuation.

What does the valuation report comprise?

As per the Companies (Registered Valuers and Valuation) Rules, 2017, the valuer should, in his/its report, state 11 key aspects including disclosure of the valuer's conflict of interest, if any. Among others it must include: purpose of valuation; sources of information; procedures adopted in carrying out the valuation; valuation methodology; and major factors that influenced the valuation.

Who can become a registered valuer?

An individual needs to clear the Valuation Examination conducted by IBBI. The individual should, however, have a postgraduate degree in the specified discipline (relevant for valuation of the class of asset for which the registration is sought) and should have at least three years of experience in the discipline thereafter. As of March 31, 2021 there were 3,967 registered valuers in the country. Only 40 of them are registered entities; the rest are individuals.

For what assets can a registered valuer undertake valuation?

Registered valuer can get themselves registered for valuation of assets such as land and building; plant and machinery; and securities and financial assets. They can get registered for valuation of all three classes, and can undertake valuation of only the assets for which they have got the registration.



IDBI BANK PRIVATISATION PROCESS KICKS OFF

Kickstarting privatisation process in the banking sector, the government Tuesday invited bids to appoint transactions and legal advisors to assist in strategic sale of its equity, along with transfer of management control, in IDBI Bank to private players. *Transaction advisor — which could be consulting firms, investment or merchant bankers, and financial institutions/banks — will undertake tasks related to all aspects of proposed strategic disinvestment.* It will include assisting the government on modalities of disinvestment and the timing, structuring the transaction, organizing roadshows for potential investors, and suggesting measures to fetch optimum value. The advisor will help in negotiations with shortlisted bidders, fixing the range of fair reserve price, and support IDBI Bank in setting up of the e-data room that would help investors in conducting due diligence, according to the draft request for proposal document released by the Department of Investment and Public Asset Management (DIPAM) Tuesday.

The government currently owns 45.48 per cent equity in IDBI Bank, while Life Insurance Corporation has 49.24 per cent stake and remaining 5.29 equity is held by public shareholders. Public Sector Banks cannot participate as bidders for acquisition of IDBI Bank in the transaction process, DIPAM has stated. Transactions and legal advisors have to submit their bids by July 13. With the Cabinet clearance in place and legislative provisions in line, IDBI Bank transaction is expected to be faster than the process of privatising two other banks, announced in the Budget.

CREDITORS CHOOSE SURAKSHA FOR JAYPEE RESOLUTION; WHAT HAPPENS NOW?

Suraksha Asset Reconstruction Ltd (Suraksha ARC) has emerged as the successful bidder for debt-ridden Jaypee Infratech after narrowly beating state-owned NBCC in voting by the Committee of Creditors of Jaypee Infratech. Suraksha ARC's resolution plan reportedly received the support of 98.66 per cent of the financial creditors while NBCC's resolution plan received approval from 98.54 per cent of financial creditors. What is the background of this decision by the Committee of Creditors, and what are its implications?

What is Jaypee Infratech's debt burden like?

Jaypee Infratech has total debt obligations of over Rs 22,000 crore, including 20,000 homes that the company has failed to deliver to buyers for over a decade. The company, which manages the Yamuna Expressway, was one of the big 12 defaulters to be referred to the Insolvency and Bankruptcy Code (IBC) for resolution by the Reserve Bank of India.

What is Suraksha ARC's resolution plan for Jaypee Infratech?

Suraksha ARC's resolution plan is set to complete the construction of unfinished housing units within 42 months, and to transfer 2,651 acres of land held by the company to lenders to settle their debt — besides infusing Rs 175 crore as equity into the company. Suraksha ARC is also set to avail of loans of Rs 3,000 crore to complete the construction of unfinished residential units. Under the plan, Suraksha ARC proposes to retain Yamuna Expressway within Jaypee Infratech, as opposed to the plan by NBCC, which had planned to offer 82 per cent of the rights in the Yamuna Expressway to lenders after hiving it off into a special purpose vehicle.



How did the voting proceed?

ICICI Bank was the only lender to vote against the bids by both resolution applicants. But a vote by SREI infrastructure Finance approving Suraksha ARC's plan and rejecting the NBCC plan played the key role in giving the edge to Suraksha ARC's bid. This concluded the fourth round of bidding for Jaypee Infratech after the Supreme Court set aside the approval of a bid by NBCC by the Committee of Creditors, as it did not comply with the IBC.

How has the process progressed thus far?

The JSW, Vedanta, and Adani Groups had also shown interest in the resolution of Jaypee Infratech, but dropped out due to delays in the resolution process. Insolvency proceedings against Jaypee Infratech started in 2017, and faced a number of challenges — including attempts by Jaypee Infratech's promoter Jaiprakash Associates Limited to withdraw the company from insolvency proceedings. *The case also led to the government amending the Insolvency and Bankruptcy Code in 2019 to allow the majority decision of homebuyers to be counted as a unanimous block decision in the proceedings of the Committee of Creditors.*

What happens here onward?

Suraksha ARC's approved resolution plan will now be placed before the National Company Law Tribunal (NCLT) for approval. The approval by the Committee of Creditors may also be challenged by NBCC before the NCLT and the appellate tribunal.

HURDLES IN CLASS ACTION

The families of 71 people who were killed after Cyclone Tauktae battered ONGC's barge vessels off Bombay High last month have received compensation up to Rs 2 lakh from ONGC, and between Rs 35 lakh and Rs 75 lakh from Afcons, which was assigned the project contract. Three directors of ONGC have been suspended, and *NHRC has issued notices to the Petroleum Ministry, ONGC, and the Coast Guard. A surviving engineer has filed a case of criminal negligence against the deceased captain of barge P-305, which sank.* Neither ONGC nor Afcons have taken responsibility for the loss of lives. For over 35 years, India's laws for negligence and liability have not been strengthened, in order to force safety and prevention measures, and to minimise such incidents. In the ONGC matter, there is little the families can do in terms of personal injury suits, or class action suits. Both these legal options are weak in India, and not considered a worthwhile exercise. However, they are necessary if India is to improve its ease of doing business rankings, especially in disaster prevention and risk of life. How can such incidents be made preventable, and in the eventuality of damage and death, how can the parties be made responsible, with adequate damages paid? How can India move in the direction of such accountability, which is taken seriously in developed economies, and which makes them better abodes for employment and business? *This explainer looks at class action suits, a tool extensively used in the US where individuals or small communities, aggrieved by the actions of a large entity, come together to exercise legal options collectively.*

What are class action suits?

A class action suit is a legal action or claim that allows one or many plaintiffs to file and appear for a group of people with similar interests. Such a group forms a "class". A class action suit derives



from representative litigation, to ensure justice to the ordinary individual against a powerful adversary. *While class action suits have a history dating back to the 18th century, these were formally incorporated into law in the United States in 1938 under the Federal Rules of Civil Procedure. Over the years, class action has become so successful at curbing negligence, that it is now a part of US corporate and consumer laws, environmental litigation, etc.* The ubiquity of representative litigation in the US has given rise to *a class of lawyers called “ambulance chasers”* — those who solicit for clients at an accident or disaster site, largely for personal injury cases. *They get financial compensation for their clients from the perpetrator, a percentage of which they keep.* While such soliciting violates professional legal conduct in the US, it has helped hold people and corporations accountable. *The most successful class action suits in the US are the \$206 billion settlement made by four American tobacco companies to cover medical costs for smoking-related illnesses; the \$20 billion BP Gulf of Mexico oil spill in 2016, which caused environmental damage; and the \$7.2 billion settlement made by Visa and MasterCard to retailers who claimed they had overpaid credit and debit card fees to the card companies.* In an incident made into a film, Erin Brockovich, Pacific Gas & Electric was ordered to pay \$333 million for knowingly discharging harmful chemicals in surrounding water bodies in California that led to bodily harm.

Is there an Indian equivalent of US class action suits?

The most actionable suit was the Bhopal gas leak from the Union Carbide factory in 1984, where more than 3,700 people died. Three class action suits were filed in the US, which dismissed all claims for environmental clean-up, personal injuries, and medical compensation. In India, *the central government filed a case on behalf of the persons who had been injured as a result of the gas leak.* Eventually, Union Carbide was asked to pay \$470 million in compensation, one-seventh of the claim asked for. This also ended all civil and criminal complaints. The water is still contaminated, people still haven't recovered from their injuries, and multiple generations suffer the effects. *During the 2009 Satyam Computers scandal, there was fraud and misrepresentation to the stock exchanges, regulator, and investors. A class action suit was filed, but because India didn't have an appropriate law, 300,000 Indian investors were deprived of damages while Satyam's US investors were made whole.* The amendment of Section 245 of the Companies Act, as mentioned below, was a consequence of this case. In 2015, the Government of India filed a case on behalf of consumers in the National Consumer Disputes Redressal Commission against Nestle after the Food Safety and Standards Authority of India found higher than permissible levels of lead in instant noodles. The case is still pending. *India now has legal provisions for filing class action suits, but under four laws:*

Order 1 Rule 8 of the Civil Procedure Code refers to representative suits, which is the closest to a classic class action suit in a civil context in India. It does not cover criminal proceedings.

Section 245 of the Companies Act allows members or depositors of a company to initiate proceedings against the directors of the company in specific instances. There are threshold limits, requiring a minimum number of people or holders of issued share capital before such a suit can proceed. This type of suit is filed in the National Company Law Tribunal. Currently, no class action matters have been filed under this provision.

The Competition Act under Section 53(N) allows a group of aggrieved persons to appear at the National Company Law Appellate Tribunal in issues of anti-competitive practices.



The Supreme Court has held that in certain complaints under the Consumer Protection Act, they can be considered as class action suits. (Rameshwar Prasad Shrivastava and Ors v Dwarkadhis Project Pvt Ltd and Ors)

Is a class action suit comparable with public interest litigation?

For filing a public interest litigation (Article 32 or Article 226 of the Constitution), the plaintiff need not have a personal interest or claim in the matter. The PIL must serve a matter of public interest. A crucial difference is that unlike a class action suit, a PIL cannot be filed against a private party.

What has deterred the development of a mature body of class action suits in India?

There are several hurdles, which are not necessarily regulatory in nature.

Underdeveloped system of torts: *Tort law has not developed sufficiently in India for a number of reasons, primarily due to the high cost and time-consuming nature of litigation, especially in cases concerning the law of torts.* As civil breaches, litigants find it too expensive and complicated, and therefore do not pursue such cases.

Lack of contingency fees: *The rules of the Bar Council of India do not allow lawyers to charge contingency fees, i.e., a percentage of the damages claimants receive if they win a case.* This disincentivises lawyers from appearing in time-consuming cases that class action suits inevitably are. Revisiting this rule in specific cases may be a good first step in bringing class action suits into the mainstream.

Third-party financing mechanisms for litigants: *Since litigation costs are high, class action suits can be made easier by allowing external parties to fund or sponsor the cost of litigation.* Some states like Maharashtra, Gujarat, Madhya Pradesh, and Karnataka have made changes in the Civil Procedure Code to allow this.

THE DRAFT RULES FOR E-COMMERCE COMPANIES, AND HOW IT WILL IMPACT ONLINE SHOPPERS

The government has proposed changes to the e-commerce rules under the Consumer Protection Act to make the framework under which firms operate more stringent. While a number of new provisions are similar to what the Centre sought of social media companies through the IT intermediary rules announced earlier this year, several proposals in the e-commerce rules are aimed at increasing liabilities for online retailers for goods and services purchased on their platforms.

Are there any changes that could impact the shopping experience of users?

Firstly, *the draft rules issued by the Consumer Affairs Ministry seek to ban "specific flash sales" by e-commerce entities.* While as per the draft rules, conventional e-commerce flash sales are not banned, specific flash sales or back-to-back sales "which limit customer choice, increase prices and prevents a level playing field are not allowed". *The rules have also introduced the concept of "fall-back liability", which says that e-commerce firms will be held liable in case a seller on their platform fails to deliver goods or services due to negligent conduct, which causes loss to the customer.*



In several cases, when problems arise with goods purchased from their marketplaces, e-commerce platforms direct the consumers to the respective sellers to solve any grievance. With fall-back liability, consumers will be able to reach out to the platform itself. *The rules also propose to restrict e-commerce companies from “manipulating search results or search indexes”, in what comes as a response to a long-standing demand from sellers and traders to prevent preferential treatment to certain platforms.*

What else do these new rules change for consumers?

E-commerce companies will also be restricted from making available to any person information pertaining to the consumer without express and affirmative consent. No entity shall record consent automatically, including in the form of pre-ticked checkboxes. Further, the companies will have to provide domestic alternatives to imported goods, adding to the government’s push for made-in-India products. The draft amendment also proposes to ask e-commerce firms to mandatorily become a part of the National Consumer Helpline.

What changes for e-commerce companies?

Any online retailer will first have to register itself with the Department of Promotion for Industry and Internal Trade (DPIIT). The rules propose mandating that *no logistics service provider of a marketplace e-commerce entity shall provide differentiated treatment between sellers of the same category.* Taking on from the DPIIT’s foreign direct investment policy for e-commerce marketplaces, *parties and associated enterprises related to e-commerce companies will not be allowed to be enlisted as sellers on the respective platform. Any entity having 10 per cent or more common ultimate beneficial ownership will be considered an “associated enterprise” of an e-commerce platform.*

What are the commonalities with the IT intermediary rules?

On the lines of the IT intermediary rules announced for social media companies, the Consumer Affairs Ministry has proposed to mandate e-commerce companies appoint a grievance officer, a chief compliance officer and a nodal contact person “for 24×7 coordination with law enforcement agencies”.

While on the face of it none of these new rules appears exceptionable, especially when e-commerce tops the National Consumer Helpline’s complaints chart, there is still a distinctly discernible pattern to the changes. Following on the heels of the recent IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, the draft e-commerce amendments show the Government’s increasing keenness to exercise greater oversight over all online platforms. The Centre also appears to be signalling its intent to dig in its heels in an intensifying stand-off with Walmart’s unit Flipkart, and Amazon, which are both now in court battling an attempt by the Competition Commission of India to reopen a probe into their business practices. *The two large e-commerce players have had to contend with accusations that their pricing practices are skewed to favour select sellers on their platforms and that their discounting policies have hurt offline retailers.* The fact that the latest changes expressly seek to ensure that none of an e-commerce entity’s ‘related parties and associated enterprises is enlisted as a seller for sale to consumers directly’ could also impact several platforms that retail products supplied by vendors with arm’s length ties. The enforcement of many of these norms is bound to spur protracted legal fights. Asserting



that the amendments were not aimed at conventional flash sales, the Government said it was only targeting certain entities engaged in limiting consumer choice by indulging in 'back-to-back' sales wherein a seller does not have the capability to meet an order. In trying to address shortcomings in its rules from last year, the Government appears to be harking back to an era of tight controls. Overregulation with scope for interpretative ambiguity risks retarding growth and job creation in the hitherto expanding e-commerce sector.



DreamIAS



LIFE & SCIENCE

AFTER US

Even before the pandemic — in fact, since atomic weapons were deployed at the end of World War II — “doomsday” had been a looming concern. The world, or at least “life as we know it”, humankind realised, is a precarious balance that could fall over the precipice at any moment. A nuclear holocaust, climate change, pandemic, a well-placed meteor — there are innumerable ways for the world to end. But the acolytes of the apocalypse are far too anthropocentric. Even as the Doomsday Clock comes ever closer to midnight, there are new kinds of life being manufactured in labs that are on the verge of becoming self-sustaining and subject to evolution. *A team of researchers from Britain and the Netherlands are among many that could end up creating robots that are capable of reproduction and, by extension, evolution. Reproduction, unlike replication, is a cornerstone of what is broadly defined as life and, along with mutation, leads to evolution. Simply put, a pair of robots will be able to produce “offspring” that have the characteristics of both parents, and will be able to adapt over time to their environment. Currently, this process can be directed by humans but it can also take place independently, potentially creating novel artificial species.* There are, of course, practical benefits to artificial evolution. *An infinitely adaptable algorithm can produce robots suited for mining, deep-sea diving and even life-saving surgeries better than designs limited by the human brain.* But at a deeper, philosophical level artificial “life” could become the inheritor of the earth. Too often, homo sapiens’ self-obsession has meant that we see phenomena like global warming as something that will end all life, or the planet. Given that intelligent, non-biological life forms are already here, perhaps it’s time to realise that humanity is a contingency, just another vehicle for the gene to perpetuate itself. If it continues to flirt with doomsday, there are successors waiting in the wings.

(M)CLIMATE CRISIS TO HIT SOONER THAN FEARED

Climate change will fundamentally reshape life on Earth in the coming decades, even if humans can tame planet-warming greenhouse gas emissions, according to a landmark draft report from the UN’s climate science advisers obtained by AFP. Earlier models predicted that we were not likely to see Earth-altering climate change before 2100. *But the UN draft report says that prolonged warming even beyond the threshold of 1.5 degrees Celsius could produce “progressively serious, centuries’ long and, in some cases, irreversible consequences”. Dangerous thresholds are closer than once thought, and dire consequences stemming from decades of carbon pollution are unavoidable in the short term.*

(M)PETER PAN SYNDROME: WHEN ONE ‘NEVER GROWS UP’ OR TAKES RESPONSIBILITY

A special court in Mumbai has granted bail to a 23-year-old accused of sexually assaulting a minor. The court found the two were romantically involved, and that the 14-year-old had voluntarily been with the accused. *During the hearing, the accused had told the court he suffered from “Peter Pan Syndrome”, prompting the special public prosecutor to argue that a medical examination of the man showed no signs of abnormality, and that the defence itself could not provide medical papers to support the claim.*



But, what is Peter Pan Syndrome?

Peter Pan is a fictional character created by Scottish novelist James Matthew Barrie in the early 1900s. His character is one of a care-free young boy, who never grows up. He features in several of Barrie's books and plays, and has since been adapted in numerous films, television series and comics. These works describe stories of Peter and his friend Wendy travelling to Neverland, a mythical island, where they meet fairies, pirates and mermaids, amongst other creatures. It is said that people who develop similar behaviours — of living life carefree, finding responsibilities challenging in adulthood, and basically, “never growing up” — suffer from Peter Pan Syndrome. While the World Health Organization does not recognise Peter Pan Syndrome as a health disorder, many experts believe it is a mental health condition that can affect one's quality of life. The term ‘Peter Pan Syndrome’ first appeared in 1983, in a book authored by Dr Dan Kiley titled ‘Peter Pan Syndrome: Men Who Have Never Grown Up’. He described it as a “social-psychological phenomenon”.

What are the symptoms of Peter Pan Syndrome?

As Peter Pan Syndrome hasn't officially been diagnosed as a health disorder, there aren't clearly-defined symptoms or characteristics or even reasons which cause it. *However, according to HealthLine, it could affect one's daily routine, relationships, work ethic, and result in attitudinal changes. According to the University of Granada, “The ‘Peter Pan Syndrome’ affects people who do not want or feel unable to grow up, people with the body of an adult but the mind of a child. They don't know how to or don't want to stop being children and start being mothers or fathers. The syndrome is not currently considered a psychopathology. However, an increasingly larger number of adults are presenting emotionally immature behaviors in Western society.”*

THE RISE, FALL AND DEATH OF AN ANTIVIRUS SOFTWARE PIONEER

*Seventy-five-year-old John McAfee, the creator of the McAfee antivirus software who allegedly killed himself in a Spanish prison on Wednesday, called himself an iconoclast. His run-ins with governments saw him don the life of fugitive many a time in the final years of his life. In between all the running away, he found his political expression in the Libertarian Party, though he was unsuccessful in his attempt to be its nominee for the presidential election of 2016. He wanted to give it another shot in 2020 but pulled out eventually. “Decriminalise marijuana, bring our troops home, end the madness of our education system, reduce the size of government, hamstringing the DEA (Drug Enforcement Administration), and let all people out of prison (who are there) for non-violent crimes.” McAfee said, in his 30-second introduction at the party's presidential debate in 2016. “What we insert into our bodies or our minds is our own business,” he would go on to say. *His death came hours after a court ordered his extradition back to the United States, where he is wanted for tax evasion.* He was arrested last year at the Barcelona airport while he was reportedly about to board a flight to Istanbul. “The words ‘Arrested’ and ‘McAfee’ are frequently found together in the same sentence,” he once tweeted. He made his name and money in business. He was considered a pioneer in the field of security technology. *His McAfee Associates, which sold anti-virus software, was started in 1987.* And by 1994, two years after taking it public, he exited the company. It wouldn't be until 2010 that Intel bought the then-avatar of this company, by which time, however, the McAfee name was starting to get controversial.*



Loss of wealth

McAfee, it was reported, lost a lot of his wealth in the financial crisis of 2007. At that time, he had financial interests in the real estate sector. He could never replicate the success of his anti-virus software despite dabbling in many businesses — from an instant messaging platform to herbal antibiotics, from secure computer network devices to Bitcoin mining — over the years. *His cryptocurrency business interest only got him more troubles from the authorities.* His problems with law spanned many countries. He once ran away from Belize where authorities considered him a “person of interest” in connection with the murder of a neighbour. He was then arrested for illegally entering Guatemala.

MICROSOFT CHALLENGES APPLE'S BUSINESS MODEL WITH NEW WINDOWS 11 OPERATING SYSTEM

Microsoft Corp on Thursday showed Windows 11, its first major operating system revamp since 2015 with new changes that take direct aim at Apple Inc's lucrative App Store business model. Windows 11, which will hit the market by the end of this year, will include a new Windows Store that will let software developers use their own in-app payment systems and pay no commissions to Microsoft. It will also let users both find and run Android mobile applications on their laptops and PCs, thanks to technology assistance from both Amazon.com and Intel Corp. The moves stand in contrast to Apple's "walled garden" approach, in which the iPhone maker only lets users download software from the App Store and imposes controls on software developers, including a requirement to use Apple's in-app payment systems and pay commissions of up to 30%. The changes amount to a clash of visions between Microsoft, whose market capitalization recently topped \$2 trillion, and Apple, the only other U.S.-listed company to hit a \$2 trillion valuation. It also challenges Alphabet Inc's Google Play Store, which also charges developers commissions. "Windows has always stood for sovereignty for creators and agency for consumers," Satya Nadella, Microsoft's chief executive officer, said during an event announcing the new operating system. The software that turned Microsoft into a household name and dominated personal computers for years has been overtaken in popularity by devices using Apple and Google software, but it is still core to Microsoft's strength in the corporate market. Windows 11 will include many features aimed at these users, such as the ability to more seamlessly undock a computer connected to an external monitor to take a call in a quieter room and then return to the docking station afterward. The company also said it will integrate its Teams chat software directly into the operating system, a move that could cause conflict with Slack Technologies Inc, Microsoft's top rival in the workplace chat sector. Slack, which is being purchased by Salesforce.com Inc for \$27.7 billion, has filed an antitrust complaint against Microsoft in the European Union. Microsoft's upgraded operating system may also appeal to individuals, with new features for gamers such as an Xbox app and better gaming performance. But the biggest shift appears to be to Microsoft's pitch to developers, content creators and others seeking to make money from the world's 1.3 billion Windows users, which is nearly as many as Apple's total installed device base of 1.65 billion users but less than half of Alphabet's 3 billion Android users. Microsoft said on Thursday that it will include new tools for tipping content creators - including local news outlets - directly in the Windows 11 operating system. The company recently cut commissions on games sold through the store to 12%, lower than the 15% it takes on regular apps, and has been a vocal critic of Apple's App Store. *Windows powered Microsoft's rise in the 1990s as PCs became a fixture among businesses and consumers. But*



the operating system took a back seat to Apple's iOS and Alphabet's Google as mobile phones displaced PCs as the primary computing device for billions of users. Windows remains one of the biggest platforms in the technology world, with Microsoft's personal computing segment, which includes Windows revenue from businesses and consumers, accounting for \$48.2 billion of its \$143 billion in revenue in its most recent fiscal year. Among PCs and laptops, Windows lost some market share in 2020 to Google's Chromebooks as schools opted for cheaper devices for online learning but still retained greater than 80% market share, according to data firm IDC.

THE MAN WHO REBUILT MICROSOFT

In his book *Hit Refresh*, Satya Nadella, the Microsoft CEO, reminisces about his first day in that role, way back in early 2014. Mr. Nadella has now been given the opportunity to shape Microsoft's vision as its chairman as well. He will be only the third chairman in the company's 46-year history, and will be only the second, after its iconic co-founder Bill Gates, to hold the positions of chairman and CEO at the same time.

When The Hyderabad-born Mr. Nadella took over as CEO in 2014, Microsoft was seen as a company whose best years were behind it. Toward the end of his predecessor Steve Ballmer's term, pressure was mounting on the company to come up with a roadmap that would place it among the most dominant technology companies once again. This was a time when Microsoft was struggling to shape a future that moved away from its dependence on the Windows operating system, which served it well during the years of the personal computer boom. Times had, however, changed. In the years leading up to 2014, as the world adopted mobile devices in a big way, Microsoft struggled to make a success of its new ideas and ventures. Its forays into mobile devices, for instance, were a failure. The stock price reflected its state and was largely stagnant for a long time. In the seven years since taking over, Mr. Nadella has been widely acknowledged for the revival of Microsoft's fortunes. It is once again one of the most valuable companies in the world today. *According to current prices, it is in fact No. 2 in terms of market capitalisation just behind Apple and just ahead of Amazon.* Its market capitalisation is in striking distance of \$2 trillion. What Mr. Nadella did was not just move away from the Windows past but also build and fund future business such as cloud computing. Two years ago, a Bloomberg Businessweek article, with the title 'The Most Valuable Company (for Now) Is Having a Nadellaissance', wrote: "Under Nadella, it cut funding to Windows and built an enormous cloud computing business — with about \$34 billion in revenue over the past year — putting it ahead of Google and making progress in key areas against the dominant player, Amazon Web Services". In fact, the article says, "His first email to employees ran more than 1,000 words — and made no mention of Windows."

A marathon

He got his bachelor's degree in electrical engineering from Mangalore University, and then did his MS in computer science from the University of Wisconsin-Milwaukee. He also has an MBA degree from the University of Chicago.

As CEO, Mr. Nadella had to take tough decisions, one of which was the writing off of the over \$7 billion acquisition of Nokia's handset business, leading to thousands of job cuts. He also put more money in growing businesses such as cloud computing, and also led big-ticket acquisitions such as those of LinkedIn, Nuance and GitHub. He reorganised the company and made sure its products



were compatible with products and devices from other stables. This was in line with what he had put in a memo to the board, before he was picked as CEO. He had bet on a plan toward a “renewal of Microsoft”. This was to cater to a world where “humans will interact with experiences that span a multitude of devices and senses.” The success of the plan has put Mr. Nadella at the top-most position of a company he joined 29 years ago.

GREY MATTER LOSS SEEN AFTER COVID

The loss of smell and taste, which is among the most common symptoms associated with coronavirus infection, is writ large in the brain, says a study that scanned brain images from a group of volunteers to compare changes before and after COVID-19. The study, which is yet to be peer-reviewed, was able to paint a picture of a distinct loss of grey matter, in regions of the brain associated with smell and taste in those who had tested positive for the coronavirus compared to those who hadn't. "This [the grey matter loss] might represent a more deleterious impact of COVID-19, or be due to risk factors (as hospitalised patients were older, had higher Body Mass Index) and blood pressure, and higher risk of diabetes), or an interaction of both. The loss of grey matter in memory-related regions of the brain may in turn increase the risk of these patients of developing dementia in the longer term," say the authors, who include scientists at the University of Oxford, the Imperial College London, and the National Institutes of Health, U.S. The study compared brain imaging scans sourced as part of the U.K. Biobank initiative, that prior to the pandemic had collected a large set of brain-scan images from over 40,000 volunteers over 45. From these, 394, who had tested positive for the virus and 388 who had not (and used as comparator controls), and who had appeared for follow-up brain imaging, were studied to tease out how parts of their brains had changed. Apoorva Bhandari, cognitive neuroscientist, Brown University, United States, said that the findings showed a "significant though subtle grey matter loss" linked to a positive COVID-19 test or diagnosis. "It's harder to say that it was due to COVID and in particular due to the novel coronavirus attacking the neurons. It may be due to secondary effects of the loss of olfactory functioning, which itself is likely due to the virus impacting other non-neural support cells in olfactory epithelium. When you have a profound effect on a sensory system's processing, you can see its effects in subsequent processing regions (including in the grey matter volume) even in normal subjects, which is temporary and reversible," Mr. Bhandari, who wasn't connected to the study, told The Hindu. Going ahead, data from this set that could establish if over time the grey matter loss reversed, stayed stable or further deteriorated could provide "very strong clues" to not only the mechanism (causing the loss) but the potential significance of these findings, he added.

ABUZZ WITH CICADAS

Periodical cicadas of the genus *Magicicadae* have intrigued entomologists since they were noticed. Though Native Americans in the east of America knew about them earlier, the earliest recorded mention of these insects was in 1633 (there is some doubt whether this was in 1631 or 1634) by William Bradford, the governor of Plymouth Colony in America, according to Gene Kritsky's article in *American Entomologist* in 2001. This area later developed into the town of Plymouth, Massachusetts. The next mention was in 1666 by an unsigned note published by Henry Oldenberg where he referred to “swarms” of “locusts”. However, these insects are neither locusts nor do they swarm.



How did the evolution of lineages take place?

As species, periodical cicadas are older than the forests they inhabit, writes Chris Simon in an article in *The Conversation*. Molecular analysis has shown that about 4 million years ago, the ancestor of the current *Magicicada* species split into two lineages. Some 1.5 million years later, one of those lineages split again. The resulting three lineages are the basis of the modern periodical cicada species groups, Decim, Cassini and Decula. Each of these three species has 13-year and 17-year broods.

Why is the present emergent population called Brood X?

The term 'brood' is used to refer to all periodical cicadas that emerge the same year and occupy a geographically contiguous area. Charles Marlatt assigned roman numerals to designate their year of emergence, and the sequence started arbitrarily in 1893. The brood with the 17-year cycle that emerged in 1893 was denoted Brood I, and so on. So, the 17-year broods were designated I to XVII, and the 13-year broods were designated XVIII to XXX.

Why are they called 'periodical' cicadas?

These cicadas spend most of their lives underground. They grow burrowed in their earthy homes by feeding on root xylem for 13 or 17 years. During this time, they complete five developmental stages, known as "instars", entirely underground. The fifth-instar nymphs emerge from the ground by making holes and then transform into adults, only to perish approximately four weeks later. As adults, they gather in so-called chorus groups, where the males sing to woo the females. After mating, the female lays eggs in thin twiggy branches of trees, and then dies. The eggs hatch and the nymphs drop into the earth like rain, burrowing into it. *About 95% of the nymphs die, and the ones that are left feed on root sap and remain underground, till it is time to emerge.* This is described in an article by Kathy S. Williams and Chris Simon in *Annual Review of Entomology* (1995).

In which parts of the U.S. are they found?

They are found to the east of the Great Plains in the U.S. and north of Florida, says Chris Simon, Professor of Ecology and Evolutionary Biology at the University of Connecticut, in an email. "They emerge earlier in the warmer southern areas (late April-May) and later in the colder zones (late May-June)," she adds.

How does climate impact them?

"In any given place, they come out only once every 13 or 17 years. Occasionally, part of a population will come out four years early and part four years late. With climate warming, we are seeing more four-year early emergences in larger numbers," says Prof. Simon. For instance, the Brood X periodical cicadas were documented in 2017 too, according to an article in the Washington Post.

Are there periodical cicadas in India?

There are three species of cicadas found in the Indian subcontinent — *Chremistica mixta* (found in Sri Lanka), *C. seminiger* (found in the Nilgiri hills) and *C. ribhoi* (discovered in Ri-Bhoi district of Meghalaya). Mass emergence has been noticed only in the case of *Chremistica ribhoi*. The



emergence takes place after dusk and once in four years. The phenomenon is well-known among villagers, who refer to the insect in the local Khasi language as 'niangtaser' (niang stands for "insect" and taser is believed to be derived from the name of the village "Iewsier", which refers to the area in which the phenomenon occurs, and the forest region around it). This periodical cicada is used as food and fish bait and has been observed in May 2006 and in May 2010, according to a 2013 article in *Zootaxa* by Sudhanya Ray Hajong and Salmah Yaakop.

(M) MAGICAL SETAE OF SPIDERS

Do spiders have sticky feet?

*Spiders do not have sticky or adhesive pads like frogs and lizards, instead, they have toe pads covered in tiny, branched hairs. Called 'setae', these hairs are also found in geckos and certain beetles. Each hair is just one-hundredth of one millimetre thick. The feet of wandering spider *Cupiennius salei* is made up of about 2,400 'setae' and a study published last month (*Frontiers in Mechanical Engineering*) found that each hair showed unique adhesive properties. The research team from Germany studied how each hair sticks to rough and smooth surfaces, including sandpapers, glass, epoxy resin. They also looked at how the hairs stuck at different contact angles. Group leader Clemens Schaber of the University of Kiel said in a release that the adhesion forces largely differed between the individual hairs, for example, one hair adhered best at a low angle with the substrate while the other one performed best close to a perpendicular alignment.* The team writes that this variety helps spiders climb different surfaces. The team studied the hairs under hi-tech microscopes to understand their structure. They found that each hair was different and had previously unrecognised structural arrangements.

ARE YOUR STAPLE RICE AND WHEAT LOSING THEIR NUTRIENTS?

*Rice, domesticated by humans over 10,000 years ago has now become the staple food for more than three billion people. But today's rice does not have the same density of essential nutrients as those cultivated 50 years ago, notes a new study. Researchers from various institutes under the Indian Council of Agricultural Research (ICAR) and Bidhan Chandra Krishi Viswavidyalaya found depleting trends in grain density of zinc and iron in rice and wheat cultivated in India. The findings were published last month in *Environmental and Experimental Botany*. The team collected seeds of rice (16 varieties) and wheat (18 varieties) from the gene bank maintained at the ICAR-National Rice Research Institute, Chinsurah Rice Research Station and ICAR-Indian Institute of Wheat and Barley Research.*

Cultivar repositories

"These are nodal institutes that preserve and archive the old cultivars or varieties from our country. These institutes are repositories of genetic materials. If you want to study the genuine variety, or as botanists call them, 'the true type' of a plant, these institutes are your source," explains Professor Biswapati Mandal from the Bidhan Chandra Krishi Viswavidyalaya, West Bengal, and one of the corresponding authors of the paper. The collected seeds were germinated in the laboratory, sown in pots and kept under an ambient environment outdoors. They were treated with the necessary fertilizers and the post-harvest seeds were studied for their nutrient content.



Falling nutrients

The team noted that zinc and iron concentrations in grains of rice cultivars released in the 1960s were 27.1 mg/kg and 59.8 mg/kg. This depleted to 20.6 mg/kg and 43.1 mg/kg, respectively in the 2000s. In wheat, the concentrations of zinc and iron --- 33.3 mg/kg and 57.6 mg/kg in cultivars of the 1960s, dropped to 23.5 mg/kg and 46.4 mg/kg, respectively in cultivars released during the 2010s. Sovan Debnath, the first author of the paper explains: "There could be several possible reasons for such depletion: one is a 'dilution effect' that is caused by decreased nutrient concentration in response to higher grain yield. This means the rate of yield increase is not compensated by the rate of nutrient take-up by the plants. Also, the soils supporting plants could be low in plant-available nutrients." He is a doctoral researcher at Bidhan Chandra Krishi Viswavidyalaya and a scientist for ICAR. "Zinc and iron deficiency affects billions of people globally and the countries with this deficiency have diets composed mainly of rice, wheat, corn, and barley. Though the Indian government has taken initiatives such as providing supplementation pills to school children, it is not enough. We need to concentrate on other options like biofortification, where we breed food crops that are rich in micronutrients," he adds.

Not sustainable

The paper concludes that "growing newer-released (1990s and later) cultivars of rice and wheat cannot be a sustainable option to alleviate zinc and iron malnutrition in Indian population. These negative effects need to be circumvented by improving the grain ionome (that is, nutritional make-up)...while releasing cultivars in future breeding programmes".

UK PROBES NEW LAMBDA VARIANT AMID DELTA SURGE

The number of Delta variant cases of COVID-19 in the UK have risen by 35,204 since last week to a total of 111,157, representing a 46 per cent increase, health officials said in the weekly report released on Friday. Public Health England (PHE) said of the total Delta variant of concern (VOC) – first identified in India – 42 belong to the Delta AY. 1 sub lineage, dubbed as Delta plus in some quarters over fears of its even greater transmissibility. While the Delta variant now accounts for approximately 95 per cent of cases that are sequenced across the UK, PHE said the both doses of a COVID-19 vaccine continue to provide good protection against hospitalisations. "Through the success of our vaccination programme, data suggest *we have begun to break the link between cases and hospitalisations*," said Dr Jenny Harries, Chief Executive of the UK Health Security Agency. "This is hugely encouraging news, but we cannot become complacent. Two doses of vaccine are far more effective against COVID-19 than a single dose, so please make sure that you come forward to get your second dose as soon as you are invited," she said. "Whilst vaccines provide excellent protection, they do not provide total protection, so it is still as important as ever that we continue to exercise caution," she added. Meanwhile, PHE said it added *another variant, Lambda (C.37) to its list of variants under investigation (VUI) on Wednesday due to international expansion and several notable mutations, including L452Q and F490S*. The World Health Organisation (WHO) classified Lambda as a "Variant of Interest" on June 14. Six cases of Lambda have been identified across the country to date, all have been linked to overseas travel. The earliest documented sample was reported in Peru and Lambda has been sequenced in 26 countries to date. But PHE



said it is carrying out laboratory testing to better understand the impact of mutations on the behaviour of the virus.

MONOCLONAL ANTIBODIES & COVID

An experimental *monoclonal antibody cocktail, REGEN-COV2*, has been found to be a life-saving treatment for some of the most severely affected Covid-19 patients, results of a clinical trial in the UK have shown. How important are the findings for management of Covid-19, including in India?

What are monoclonal antibodies?

To fight a viral infection, our bodies create proteins known as antibodies. Monoclonal antibodies are artificial antibodies that mimic the activity of our immune systems. They are produced through a process that involves *extracting specific antibodies from human blood and then cloning them.* These monoclonal antibodies are designed to target a virus or a specific part of one — for instance, *REGEN-COV2 is a cocktail of two monoclonal antibodies developed to target the SARS-CoV-2 spike protein.* The monoclonal antibodies bind to specific parts of the spike protein, blocking its ability to infect healthy cells. Besides Covid-19, monoclonal antibodies have been used in the treatment of cancers as well as Ebola and HIV.

How important are they in Covid-19 treatment?

Research during the pandemic has increased optimism in monoclonal antibodies' ability to help reduce the risk of hospitalisation. Some monoclonal antibodies have shown the ability to retain activity against multiple variants of the virus, suggested Dr Anthony Fauci, Chief Medical Advisor to the US President and Director of the US National Institute of Allergy and Infectious Diseases, during a White House briefing on June 3. While a crucial and promising part of treatment, monoclonal antibodies also have limitations. So far, these therapies have shown the most success in high-risk groups with mild to moderate Covid-19. They are not approved for use in those hospitalised with severe Covid-19 and those requiring oxygen. It is very important to provide them to "the right patients at the right time" for the greatest benefits, especially in resource-constrained settings, according to Dr D Behera, a Padma Shri and former HoD at PGIMER Chandigarh's Department of Pulmonology. Some emerging variants like the Delta Plus "variant of interest" have also displayed the ability to nullify the use of monoclonal antibodies, according to Dr V K Paul, NITI Aayog's Member-Health and the Chair of the National Expert Group on Vaccine Administration against Covid-19.

What does the new study show?

The University of Oxford said last week that its RECOVERY trials found that for hospitalised patients with severe Covid-19 "who have not mounted a natural antibody response of their own", Regeneron's monoclonal antibody cocktail reduces the risk of death by a fifth compared to those who had received standard care. "Thus, for every 100 such patients treated with the antibody combination, there would be six fewer deaths," the university said in a release. *The therapy reduced the hospital stay of patients lacking their own natural antibody response by four days. It also reduced their risk of requiring a ventilator.* However, "no such benefits were seen in the overall study population", which includes patients who have been able to mount a natural antibody response. *These findings*



basically mean that the therapy would be most beneficial for those who have not been able to develop their own antibody response, even if they had developed severe symptoms or been hospitalised. With 9,785 participants between September 2020 and May 2021, this is the first trial large enough to determine “definitively” whether this treatment reduces death in hospitalised patients with severe Covid-19. This is significant, given that this therapy has so far only been approved for mild to moderate Covid patients.

Is this therapy available in India?

REGEN-COV2 is available in India through a tie-up between Swiss drug giant Roche and Indian company Cipla. The therapy, a combination of monoclonal antibodies casirivimab and imdevimab, had received the Central Drugs Standard Control Organisation’s restricted emergency use permission in May. In the beginning of June, another antibody cocktail therapy — *Eli Lilly’s bamlanivimab and etesevimab* — received a similar emergency approval. Both antibody cocktails are indicated for use in those with mild to moderate Covid-19 who do not require oxygen and who are at a high risk of progressing to severe disease. *GlaxoSmithKline, which on May 26 had announced the US FDA’s Emergency Use Approval for Sotrivimab, is exploring options to make the monoclonal antibody therapy available for India. In India, Zydus Cadila plans to take an antibody cocktail, ZRC-3308, through trials.*

Is it expensive?

Such therapies are expensive because they are difficult to make and take a lot of time. *In India, Cipla is supplying 100,000 packs of REGEN-COV2 at a maximum retail price of approximately Rs 1.20 lakh per pack. With one pack offering treatment for two patients, the price of a dose for one patient is Rs 59,750, inclusive of all taxes.* Eli Lilly is engaged in “active dialogue” with the Indian government to “donate” its antibody cocktail for Covid-19 patients. *Monoclonal antibodies have to be made in tissue culture,* said Dr Arturo Casadevall, chair of the Department of Molecular Microbiology and Immunology at the Johns Hopkins Bloomberg School of Public Health. “You have to grow the cells. And these cells have to produce the protein which then needs to be purified,” Dr Casadevall said in the School’s “Public Health on Call” podcast on November 2.

How do monoclonal antibodies compare with convalescent plasma therapy?

India last month dropped the use of convalescent plasma as an “off-label” option from its guidance on Covid-19 treatment. Over the last eight months, evidence from trials has shown it has no significant benefits in improving patient outcomes. Compared with plasma, scientists have expressed more confidence in the promise of monoclonal antibodies. *Both antibody-based therapies, they differ in the way they are made. Convalescent plasma therapy involves providing antibodies from a recovered Covid-19 patient’s plasma.* This means that those receiving this therapy would be getting all the antibodies the recovered patient has made. *Monoclonal antibodies are when you take a specific antibody and mass-manufacture it in a factory. For antibody cocktails, you provide a combination of two or more such antibodies.* Monoclonal antibodies are “extremely pure” due to their homogenous nature, Dr Fauci told MedPage Today in August. *“The difference between monoclonal antibodies and convalescent plasma is (that) plasma has a lot of other things in it, which could lead to allergic and other reactions,”* Fauci said. The data from clinical trials of monoclonal



antibodies at that time indicated they are a “very promising form of prevention and treatment,” Dr Fauci had said.

MODERNA VACCINE ELICITS IMMUNE RESPONSE IN INFANT MODEL

A group of scientists reported that the Moderna mRNA vaccine and a protein-based vaccine candidate elicited durable neutralising antibody responses to SARS-CoV-2 in pre-clinical research with baby rhesus macaques. There were no adverse effects. The results, published in *Science Immunology*, suggest that vaccines for young children are likely important, safe tools to curtail the pandemic, according to the researchers. *The strong neutralising antibody responses elicited by the vaccines in 16 baby rhesus macaques persisted for 22 weeks.* The researchers are conducting challenge studies this year to better understand potential long-lasting protection of the vaccines, the University of North Carolina says on its website.

THE DEBATE AROUND GAIN-OF-FUNCTION RESEARCH

With the re-emergence of the lab-leak origin theory for the SARS-CoV-2, questions are also being raised on what gain-of-function research is, and whether the benefits of conducting such research outweigh the risk of pathogens escaping from labs. *The Wuhan Institute of Virology was said to have conducted gain-of-function research on coronaviruses.*

What is gain-of-function research?

In virology, *gain-of-function research involves deliberately altering an organism in the lab, altering a gene, or introducing a mutation in a pathogen to study its transmissibility, virulence and immunogenicity.* It is believed that this allows researchers to study potential therapies, vaccine possibilities and ways to control the disease better in future. “Gain-of-function research involves manipulations that make certain pathogenic microbes more deadly or more transmissible. This is done by genetically engineering the virus and by allowing them to grow in different growth mediums, a technique called as serial passage,” says Abdul Ghafur, senior consultant, infectious diseases, Apollo Hospitals. *There is also ‘loss-of-function’ research, which involves inactivating mutations, resulting in a significant loss of original function, or no function to the pathogen.* When mutations occur, they alter the structure of the virus that is being studied, resulting in altered functions. Some of these significant mutations might weaken the virus or enhance its function. *Some forms of gain-of-function research reportedly carry inherent biosafety and biosecurity risks and are thus referred to as ‘dual-use research of concern’ (DURC). This indicates that while the research may result in benefits for humanity, there is also the potential to cause harm — accidental or deliberate escape of these altered pathogens from labs may cause even pandemics.* Thomas Briebe of Columbia University described gain-of-function research done in the laboratory as being a “proactive” approach to understand what will eventually happen in nature, during a 2014 seminar on ‘Potential Risks and Benefits of Gain-of-Function Research’.

What is the situation in India?

In India, all activities related to genetically engineered organisms or cells and hazardous microorganisms and products are regulated as per the “Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms/Genetically Engineered Organisms or Cells Rules, 1989”.



Last year, the Department of Biotechnology issued guidelines for the establishment of containment facilities, called 'Biosafety labs', at levels two and three. The notification provides operational guidance on the containment of biohazards and levels of biosafety that all institutions involved in research, development and handling of these microorganisms must comply with.

Should research continue?

Scientists have differing opinions on the issue, particularly since the emergence of the COVID-19 pandemic. *While those on the side of gain-of-function research say that it makes science and governments battle-ready for future pandemics, there have been a rising number of calls to suspend such research. Proponents of gain-of-function research believe that "nature is the ultimate bioterrorist and we need to do all we can to stay one step ahead".* Dr. Ghafur, who thinks it is time to stop such research, says, "Unfortunately, scientists have crossed all boundaries and created monster chimeric viruses." In the U.S., after COVID-19 struck, concerns were raised to ensure greater transparency about such research. In 2014, the country paused funding for three years for such research until steps could be taken to ensure the safety of the procedure. The Scientific American says in a report that science policymakers "must wrestle with defining the rare instances in which the benefits of experiments that enhance a virus's capacity to survive and flourish in human hosts outweigh any risks." At the World Health Organization (WHO), the Science Division leads activities on DURC and responsible use of life sciences research, focusing on mitigation and prevention of biorisks and associated ethical issues. Soumya Swaminathan, chief scientist, WHO, says that in 2020, the Department organised three DURC Dialogues with academies and councils, science editors and publishers, and donors of life sciences research. The stakeholders also called on the WHO to develop a Global Guidance Framework for member states to follow. The organisation initiated the development of that Framework and organised a consultative meeting in March 2021. Work is on to address key topics as part of the Framework.

DreamIAS