27TH JUNE TO 3RD JUTY, 2021

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WHY A US COURT HAS DISMISSED FTC LAWSUIT AGAINST FACEBOOK

The US District Court for the District of Columbia Monday dismissed a complaint filed by the US Federal Trade Commission (FTC) against social networking giant Facebook that sought to undo the company's acquisitions of Instagram and WhatsApp. This is being seen as a major blow to the US administration's antitrust efforts against big-tech companies.

What was the complaint that FTC filed?

In December last year, an antitrust lawsuit was filed against Facebook alleging that has harmed competition by buying up smaller companies like Instagram and WhatsApp to squash the threat they posed to its business. While the suit was filed by the New York attorney general, 47 other state and regional attorneys general joined it. The overarching theme of the lawsuit was that Facebook, which acquired Instagram for $1 billion in 2012 and WhatsApp for $19 billion in 2014, violated antitrust laws by purchasing companies that were potentially on their way to becoming competitors to Facebook in the social media market.

Why was the lawsuit dismissed?

According to a Reuters report, the US judge said the federal complaints were "legally insufficient". Judge James Boasberg said the FTC failed to show that Facebook had monopoly power in the social-networking market but said the FTC could file a new complaint by July 29, the report said. *He also dismissed a lawsuit by multiple US states saying they waited too long to challenge the acquisitions of Instagram and WhatsApp in 2012 and 2014 respectively.*

What is the significance of this decision?

The Joe Biden administration has mounted a massive antitrust campaign against big-tech firms, in addition to the scrutiny these companies are undergoing from various other branches of the government. And while the case was filed in December, this could prompt the first reaction on the issue from the FTC under its new commissioner Lina Khan, a vocal critic of big-tech who was confirmed by the US Senate earlier this month at a time when there is a growing bipartisan consensus on Capitol Hill on the need to rein in the American technology majors.

REINING IN THE BIG FOUR

On Thursday, the U.S. House of Representatives Judiciary Committee voted to advance six Bills outlawing business practices that sit at the core of tech companies such as Google, Facebook, Amazon and Apple. The package of Bills, which would stop the Big Tech from competing on the platforms they run, will become law once they are passed in the House and in the Senate. These Bills constitute the biggest action to come out of the anti-trust scrutiny these companies have been facing in the U.S. over the last few years. While many nations have taken legal or legislative routes to limit the influence of the Big Four, this is the first major move on their home turf.

What is 'anti-trust'?

Anti-trust is an American term for laws meant to prevent unfair business practices such as monopolisation, which leads to fewer choices for consumers and higher prices. A prime example of anti-trust law in action is when *Microsoft was sued in 1998 for giving away the Internet Explorer web browser for free with its Windows operating system, which led to the collapse of browser-maker Netscape.* Microsoft was found guilty of using its market dominance in operating systems to build a monopoly in browsers and was forced to open up Windows to other developers. *The major anti-trust laws in the U.S. are the Sherman Act of 1890 and the Clayton Act of 1914, and the Federal Trade Commission is charged with upholding them.* The evolution of technology has, however, taken the edge off these anti-trust laws. A report submitted in October last year after a 16-month probe by the U.S. Congress stated that *since rise in consumer prices is the currently accepted indicator of unfair practices, it is difficult to gauge the actions of companies like Google and Facebook that make money off advertising and give many products away for free.* The new package of six Bills that is now in Congress is an attempt to add more teeth to anti-trust proceedings against new-age tech firms.

What's in the Bills?

The Platform Competition and Opportunity Act would prevent big tech companies from nipping competition in the bud by buying up smaller rivals, like what Facebook had done by buying up Instagram for $1 billion. The Ending Platform Monopolies Act would prevent companies from becoming players on their own platforms, like how Amazon sells its own brands, competing with smaller retailers that use its e-commerce platform; Apple's chokehold over developers on App Store is another example. *The Augmenting Compatibility and Competition by Enabling Service Switching (ACCESS) Act promotes interoperability, forcing platforms to let users take data such as contacts lists and profile information with them while migrating to other platforms. The Merger Filing Fee Modernization Act increases the government fee on large corporate mergers to help fund anti-trust law enforcement. The American Choice and Innovation Online Act would prevent companies from giving preferences to their own products in the marketplaces they run, such as Google search results prioritising YouTube videos or Amazon highlighting its own brands. The State Antitrust Enforcement Venue Act would prevent companies from shifting anti-trust cases to courts that could be favourable to them.*

Will they become law?

Over the last few years, the Big Tech has lost favour with both political parties in the U.S. *While Republicans perceive an anti-conservative bias in these companies on issues such as free speech, Democrats have been up in arms over weak data privacy and fake news proliferation.* These Bills enjoy support primarily from the Democrats, with some Republicans thrown in. However, legislative procedures such as a filibuster may force the Bills' supporters to get more Republicans on board. The 50-50 split in the Senate, which is the Upper House, will be another obstacle to surmount. The tech companies also have their supporters in both camps. According to news reports, some Republican legislators see these laws as excessive government control on private enterprises, which is anathema to the conservatives. On the other hand, for *some Democratic legislators from California, on whose turf these companies sit, any loss to these companies translates to a loss in incomes and employment in their domains.*

How will the move affect India?

Any behavioural change that these companies may be forced to adopt in the U.S, which is their largest market, would likely be adopted in all their global markets as well. India already has versions of some of these laws, such as the one that prevents Amazon from selling brands that it owns on its platform. *If implemented globally, a level playing field for brand visibility on Google and Amazon will benefit retailers in India.*

DENMARK STEPS IN TO PROVIDE ASTRAZENECA JABS TO BHUTAN

After weeks of uncertainty over vaccine supplies, Denmark stepped in to provide Bhutan with 2,50,000 doses of AstraZeneca vaccines on Friday, about half of its requirement to complete the inoculation of its population. "Around 2,50,000 AstraZeneca vaccines are coming to Bhutan as a donation from the Danish government to help Bhutan combat COVID-19 and secure that the citizens get the second jab in time," said a statement from the Danish Embassy in Delhi, which also oversees relations with Bhutan. The supplies, which are part of an entire tranche of about 5,50,000 being coordinated by the European Union through its Civil Protection Mechanism, which was reported by The Hindu earlier this week, were necessitated because India was unable to provide the second round of Covishield doses due to the coronavirus pandemic's second wave and domestic vaccine shortages. On Friday, the government repeated its earlier stand that it could not supply to Bhutan, along with other neighbouring countries, that have been hoping that India would resume its "*Vaccine Maitri*" export consignments, many of which have been paid in advance. "Currently our priority is on domestic production for the domestic vaccine programmes," said MEA spokesperson Arindam Bagchi, responding to queries from journalists. Speaking to The Hindu, Bhutan's Health Minister Dechen Wangmo had said Bhutan understood India's current problems and said it would not be "morally right" to push India for more vaccines at this time, and her government had reached out to about 17 other countries, requesting that they provide any surplus unexpired vaccines on an emergency basis. "Denmark received requests from many countries for vaccines, but since Bhutan had few options, the government decided to help Bhutan," said Danish Ambassador to India, Bhutan, Maldives and Sri Lanka Freddy Svane. A statement from the Danish government said the vaccines would be delivered at the "earliest possible." Bhutanese officials said they had requested the vaccines by next week, so as to complete their second dose distribution by mid-July.

E.U. MAY OFFER VACCINES TO BHUTAN

Days ahead of a deadline to complete Bhutan's COVID-vaccination programme, the European Union has stepped in to help supply the much-needed half a million doses of the AstraZeneca vaccine, officials confirmed to The Hindu. The vaccines will allow Bhutan to complete its second round of inoculation. India, which had provided enough vaccines for the first round, failed to export the next batch due to the pandemic surge in April, when its Vaccine Maitri programme was suspended. "*The E.U. and its Member States are actively pursuing concrete options through the EU Civil protection mechanism [for Bhutan]; decisions will be taken in the coming days*," a E.U. official said on Wednesday. It is understood that the E.U. has agreed to coordinate supplies from its member countries and is now helping negotiate the paperwork with AstraZeneca to allow those countries to re-export their surplus stocks of *AstraZeneca's Vaxzevria to Bhutan*. The E.U. is also coordinating the logistics including air transportation and cold-chain requirements for the early transfer of doses. Bhutan has been running against time in its quest for vaccines, as the prescribed

gap between the first and second doses at 16 weeks, runs out in mid-July. In addition, the distribution to the remotest corners is likely to take a further 10-11 days, just as the first round in March did, when doses reached 93% of the eligible adult population of 5,30,000. Bhutanese officials, who welcomed the E.U.'s decision to activate its civil protection mechanism to procure the vaccines from countries who could spare them, said India too played a role by putting in a "good word" with countries well-disposed to assist. In particular, the countries who have agreed to send the supplies are those whose vaccine stocks had not expired, nor were they required for their domestic use. Like a good friend, India has been very helpful in helping to mobilise vaccine donations from friendly countries," the official said, adding that they are 'hopeful' that the E.U. donations will reach Thimphu by next week, so that they reach recipients in time.

CRIPPLED BY INDIA'S VACCINE EXPORT BAN, BHUTAN SEEKS HELP

With no vaccines in sight, and just days to go for Bhutan's deadline for giving its eligible population of half a million people their second dose of COVID-19 vaccines, India's smallest neighbour is searching for any alternative that could help, its Health Minister said. *A spurt in the number of "Delta variant" cases coming in from Bhutan's southern border with India is adding to the worries that its healthcare system could "collapse" in the event of the pandemic spreading. Officials in New Delhi said no decision had been taken on when to provide Bhutan the promised second doses of Covishield, indicating that only a political decision to deliver them could change that as Bhutan needs the doses in the next two weeks*. However, sources said New Delhi was actively involved in helping Bhutan facilitate the vaccines from "elsewhere". "We are praying that countries will come forward to help Bhutan out, understanding the risks that we have as a small nation, understanding the health system that we have as a small nation," Health Minister Lyonpo Dechen Wangmo told The Hindu in an exclusive interview, speaking from Thimphu, where she just completed her 21-day quarantine after returning from the Global Health Assembly in Geneva.

While the global COVAX alliance has promised to send 20% of Bhutan's requirement of AstraZeneca vaccines, these might only be delivered by August, and the U.S.'s announcement on June 21 that it would distribute 16 million U.S.-made (Pfizer, Moderna and Johnson & Johnson) vaccines in Asian countries, including Bhutan, has not clarified when these may arrive. India hit record highs in vaccine production and distribution last week, but the government has "no plans currently" to restart its 'Vaccine Maitri' initiative for Bhutan, three senior officials told The Hindu.

9 EUROPEAN NATIONS CLEAR SII JAB

Nine European countries have given recognition to the Covishield vaccine produced by the Serum Institute of India (SII), informed sources said. The confirmation came on Thursday when the European Union (EU) started the "Green Pass" facility, which will allow people vaccinated with an authorised set of vaccines to travel within its zone, covering 27 countries. The nine countries' move is a "national" move by them and not by the EU, headquartered in Brussels. The EU member-states that have recognised Covishield include Austria, Germany, Slovenia, Greece, Iceland, Ireland and Spain. Estonia has confirmed that it would recognise all the vaccines authorised by the Government of India for travel of Indians, said an informed source. As a Schengen state, Switzerland, though not a EU member, allows Covishield. German Ambassador Walter J. Lindner said, "Confirming that a double shot of Covishield is fully recognised by Germany as valid proof of anti-COVID vaccination." Germany, however, has a travel ban in place for Indians as India has been recognised as a *"virus variant country*." "This [confirmation] does nevertheless not modify existing

travel or visa restrictions for travellers from areas of concern/virus variant areas," said Mr. Lindner. *The nine European countries' clearance, however, is unlikely to translate into an automatic clearance of Covishield as an equivalent to the "Green Pass" that recognises Pfizer/BioNTech's Comirnaty, Moderna's Spikevax, Oxford-AstraZeneca's Vaxzevria and Johnson & Johnson's Janssen.* The European Medicines Agency (EMA), which created the authorised list, is yet to include Covishield, which is based on AstraZeneca's formula, as an acceptable vaccine. The nine countries' move showed that some EU member-states are making individual policies that are suitable to their health and international requirements. Air France has declared that Indian passengers who have taken doses cleared by the EMA are required to undergo seven days of "mandatory quarantine". "These passengers must present a COVID-19 vaccination certificate demonstrating that at least four weeks have elapsed since the first dose of Johnson & Johnson vaccine, or two weeks have elapsed since the second dose of the Pfizer-BioNTech, AstraZeneca or Moderna vaccine, or since the first dose of these vaccines if the passenger holds proof that they previously have been infected with COVID-19," said Air France, laying down the domestic requirement, which places additional conditions on even those Indian passengers who have taken doses of the vaccines meant for the "Green Pass".

ALL WHO-APPROVED JABS MUST BE RECOGNISED FOR TRAVEL

The World Health Organization said Thursday that any COVID-19 vaccines it has authorised for emergency use should be recognised by countries as they open up their borders to inoculated travellers. The move could challenge Western countries to broaden their acceptance of two apparently less effective Chinese vaccines, which the UN health agency has licensed but most European and North American countries have not. In addition to vaccines by Pfizer-BioNTech, Moderna Inc., AstraZeneca and Johnson & Johnson, the WHO has also given the green light to the two Chinese jabs, made by Sinovac and Sinopharm. In its aim to restore travel across Europe, the European Union said in May that it would only recognise people as vaccinated if they had received shots licensed by the European Medicines Agency — although it is up to individual countries if they wish to let in travellers who have received other vaccines, including Russia's Sputnik V. The EU drug regulator is currently considering licensing China's Sinovac vaccine, but there is no timeline on a decision. "Any measure that only allows people protected by a subset of WHO-approved vaccines to benefit from the reopening of travel ... would effectively create a two-tier system, further widening the global vaccine divide and exacerbating the inequities we have already seen in the distribution of COVID-19 vaccines," a WHO statement said on Thursday. "It would negatively impact the growth of economies that are already suffering the most."

Reduces risk

The WHO said such moves are "undermining confidence in life-saving vaccines that have already been shown to be safe and effective." In its reviews of the two Chinese vaccines, the UN health agency said both were found to significantly reduce the risk of hospitalisations and deaths. The two Chinese shots are "inactivated" vaccines, made with killed coronavirus, whereas the Western-made shots are made with newer technologies that instead target the "spike" protein that coats the surface of the coronavirus. Though Western countries have largely relied on vaccines made in the U.S. and Europe, such as Pfizer-BioNTech and AstraZeneca, many developing countries have used the Chinese-made shots.

UNJUST GREEN

The European Union's decision to enforce a "Green Pass" to allow travel within the EU from July 1, and linked to specified vaccines, has set off a storm of protest from several quarters including India. According to the European Medicines Agency (EMA) that sets the guidelines, the vaccines given "conditional marketing authorisation" were Comirnaty (Pfizer/BioNTech), Vaccine Janssen (Johnson & Johnson), Spikevax (Moderna) and Vaxzevria (AstraZeneca), which makes it clear that neither of India's vaccines, Covishield and Covaxin, as well as Russia's and China's, would be eligible for the EU Digital COVID Certificate (EUDCC), as the Green Pass is formally called. External Affairs Minister S. Jaishankar took up the exclusion strongly with EU authorities this week, particularly the case of Covishield, which is made under licensing and certification from AstraZeneca, and cleared by WHO. India has argued that the entire idea of "vaccine passports" would leave developing nations and the global south at a disadvantage, as they have restricted vaccine access. An unspoken but valid criticism is that there is a hint of racism in the action — the EMA list only includes vaccines already used by Europe and North America. A letter of protest on the EMA's decision was also issued by the African Union and the Africa CDC this week, which called Covishield the "backbone" of the COVAX alliance's programme, that has been administered in many African countries. *The EMA list is not binding however, and countries can choose to include others individually. After India's vocal protests, and its subtle threat to impose reciprocal measures, at least a third of the EU has said they would recognise Covishield (Estonia has accepted Covishield and Covaxin). While the news that Austria, Estonia, Germany, Greece, Iceland, Ireland, the Netherlands, Slovenia, Spain and Switzerland (not an EU member) have accommodated India's concerns is welcome, there are still some hurdles before Indian travellers.* Most of these countries are not at present accepting Indian travellers at all, as no non-essential travel is allowed to EU countries, and the spread of the Delta variant, first identified in India, has meant further travel restrictions. In addition, Indians who have taken doses of Covaxin will need to wait even longer, until this vaccine receives WHO clearance. Finally, as more nations complete their vaccine programmes, they will seek to tighten their border controls with "vaccine passports" and longer quarantines in order to curtail the spread of new variants. While it is necessary for the Government to keep up with these actions worldwide, and battle discriminatory practices, the real imperative remains to vaccinate as many Indians as possible, given that more than six months after the Indian inoculation programme began, only 4.4% of those eligible have been fully vaccinated.

DUE PROCESS IN BRAZIL DEAL

Covaxin manufacturer Bharat Biotech on Wednesday asserted that it had followed a routine 'step-by-step approach' towards getting contracts and regulatory approvals for supply of the vaccine in Brazil, and added that it had neither received any advance payments nor supplied any vaccines to the South American country's Health Ministry. Reacting to media reports, including a news report in which Reuters cited Brazil's Health Minister Marcelo Queiroga announcing the suspension of a $324-million Indian vaccine contract in the wake of allegations of irregularity, the Hyderabad-based company laid out the timeline of developments related to its efforts to supply the vaccine to Brazil. Stating that discussions with the Brazilian Ministry had begun in November 2020, Bharat Biotech said that over the course of eight months, a step-by-step approach, similar to what was observed in other countries where the company sought approvals, had been followed. Subsequently, Covaxin received emergency use authorisation in Brazil on June 4.

Price point

Bharat Biotech said it had been clearly established that the vaccine would be priced between $15 and $20 per dose for supplies to governments outside India. The pricing for Brazil had also been indicated at $15 per dose. Also, while advance payments had been received from several countries at the same price points, with supplies in process, pending approvals, "as of June 29, Bharat Biotech has not received any advance payments or supplied any vaccines to MOH Brazil," the company said.

AFTER 2 DECADES, U.S. EXITS KEY AFGHAN BASE

After nearly 20 years, the U.S. military left Bagram Airfield, the epicentre of its war to oust the Taliban and hunt down the al-Qaeda perpetrators of the 9/11 terrorist attacks on America, two U.S. officials said on Friday. T*he airfield was handed over to the Afghan National Security and Defence Force in its entirety, they said on condition of anonymity. One of the officials also said the U.S. top commander in Afghanistan, General Austin S. Miller, "still retains all the capabilities and authorities to protect the forces." Gen. Miller met Afghan President Ashraf Ghani on Friday and according to a Dari-language tweet by the presidential palace the two discussed "continued U.S. assistance and cooperation with Afghanistan, particularly in supporting the defence and security forces." U.S. President Joe Biden on Friday said the withdrawal of American troops from Afghanistan is "on track" but it will not be completed within the next few days*. Speaking to reporters at the White House, Mr. Biden said that some U.S. forces will still be in Afghanistan in September as part of a "rational drawdown with our allies." Meanwhile, Afghanistan's district administrator for Bagram, Darwaish Raufi, said the American departure was done overnight "without any coordination with local officials or the Governor's office", and as a result, early on Friday dozens of local looters stormed through the unprotected gates before Afghan forces regained control. The Taliban too welcomed the American withdrawal from Bagram Airfield. In a tweet by spokesman Zabihullah Mujahid, they called it a "positive step," urging for the "withdrawal of foreign forces from all parts of the country."

TIGRAY FORCES 'SEIZE' CAPITAL

Tigrayan forces made further gains against Ethiopian government troops and their allies on Tuesday, with a spokesman reporting they were in full control of the regional capital, residents said Eritrean forces had left. "*We are 100% in control of Mekelle," Getachew Reda, spokesman for the Tigray People's Liberation Front (TPLF), said on Tuesday, referring to the regional capital*. There had been some fighting on the outskirts of the city, but that was now finished, he said. "Our forces are still in hot pursuit to south, east, to continue until every square inch of territory is cleared from the enemy." Reuters could not independently verify his statement because almost all phone links to Tigray are down. The TPLF, an ethnically based political party that dominated Ethiopia's national politics for nearly three decades, has been battling the central government since early November and has made major territorial gains in the past week. The fighting has forced around 2 million people to flee their homes amid reports of ethnic cleansing, brutal gang-rapes and mass killings of civilians.

ISRAEL'S LAPID OPENS EMBASSY IN UAE

Israel's new Foreign Minister inaugurated the country's Embassy in the United Arab Emirates on Tuesday and offered an olive branch to other former adversaries, saying: "We're here to stay." During his two-day visit, the first to the West Asian nation by an Israeli Cabinet Minister since the countries established ties last year, Yair Lapid was also due to inaugurate a Consulate in Dubai and sign a bilateral deal on economic cooperation. The trip is an opportunity for the two-week-old Israeli government of Naftali Bennett, a nationalist who heads an improbable cross-partisan coalition, to make diplomatic inroads. "Israel wants peace with its neighbours — with all its neighbours. We aren't going anywhere. The Middle East is our home," Mr. Lapid said during the ribbon-cutting ceremony at the Abu Dhabi high-rise office serving as a temporary Embassy. "We're here to stay. We call on all the countries of the region to recognise that," he said, according to a transcript. Brought together by shared worries about Iran and hopes for commercial boons, the UAE and Bahrain normalised relations with Israel last year under so-called "*Abraham Accords" crafted by the then U.S. administration of President Donald Trump. Sudan and Morocco have since also cultivated Israel ties. The UAE also opened its Embassy in Israel recently.*

EU CONSIDERS LEGAL ACTION AGAINST POLAND OVER "LGBT-FREE" ZONES

The European Union's executive is considering legal action against Poland over "LGBT-free" zones set up by some local authorities there, two officials told Reuters. The EU says LGBT rights must be respected in all member states, but Poland's ruling nationalist party has made anti-gay policies part of its governing platform. In March it explicitly banned same-sex couples from adopting children, while more than 100 towns and areas have declared themselves "LGBT-free". "We are checking if there is a violation of EU treaties" in the creation of those zones, said one EU official, adding the process has not yet been completed. A second official confirmed the Brussels-based executive is looking into the issue. Known as an infringement procedure, such a legal action would challenge Poland to eliminate the zones which, if not complied with, could lead to hefty fines. Asked to comment, a Polish government spokesman said: "*There are no laws in Poland that would discrimate against people based on their sexual orientation." Poland is already under a special EU probe for undercutting the rule of law. The governing Law and Justice (PiS) party has repeatedly clashed with the EU over democratic values as it brought courts and media under more state control, curbed women's rights and rejected immigration from the Middle East and Africa. Despite such pressure and the fact that Poland is a major beneficiary of EU financial aid, Warsaw has largely refused to change tack, saying it must defend the country's traditional, Catholic customs.*

NORTH KOREA SEES 'PROPAGANDA VALUE' IN SLIMMER KIM JONG UN

A rare mention in North Korean state media of leader Kim Jong Un's health could be intended to head off speculation and play up shared sacrifice amid food shortages, analysts said. The tightly controlled state media on Friday quoted an unidentified resident of Pyongyang as saying that everyone in North Korea was heartbroken after seeing images of Kim looking "emaciated". When Kim reappeared in state media in early June after not being seen in public for almost a month, analysts noted that his watch appeared to be fastened more tightly than before around an apparently slimmer wrist, sparking speculation over the health of a leader who holds an iron grip in North Korea.

It is unclear whether Kim's weight loss is due to illness, or whether he decided that it was time to get fit, and the intention behind the state media coverage is unknown, said Jenny Town, director of the U.S.-based 38 North project, which monitors North Korea. "It is a little strange that they would show him in such ill-fitting clothes, as the optics do seem to emphasise his weight loss," she said.

Kim has acknowledged a "tense" food situation that could worsen if this year's crops fail, exacerbating economic problems amid strict self-imposed border and movement restrictions that have slowed trade to a trickle.

"Regardless of the motivation for Kim's rapid weight loss, it seems there is propaganda value in showing that even the leader of North Korea is enduring the same food shortages that are hitting the country at the current time."

XI, PUTIN EXTEND 20-YR-OLD FRIENDSHIP TREATY TO FIRM UP CLOSE TIES AMID US, EU OFFENSIVE

Chinese President Xi Jinping and his Russian counterpart Vladimir Putin agreed on Monday to work together as they extended a 20-year-old bilateral agreement on friendship and cooperation to forge closer ties, amid the US and the EU push against both the countries over human rights and a host of other issues. The two leaders issued a joint statement after their talks via video link, officially announcing the extension of the China-Russia Treaty of Good-Neighbourliness and Friendly Cooperation (TGNFC) signed between the two countries in 2001, state-run Xinhua news agency reported. Xi told Putin that China and Russia have injected positive energy into the international community through their close cooperation, as the world is entering a period of turbulence and change and human development is confronted with multiple crises. The two countries have set a good example for a new type of international relations, Xi said. The TGNFC aligns with both countries' fundamental interests, echoes the themes of the times for peace and development, and is a vivid example of building a new type of international relations and community with a shared future for mankind, Xi, also General Secretary of the CPC, said. On his part, Putin said the coordination between Russia and China plays a stabilizing role in global affairs amid the growing political turbulence and increasing conflict potential, TASS news agency reported. 'Amid the increasing geopolitical turbulence, the breakdown of arms control agreements, and the increasing conflict potential in various corners of the world, the Russian-Chinese coordination plays a stabilizing role in the global affairs,' Putin underscored.

A VAGUE AND WANTING STATEMENT (SHUBHAM JANGHU - LAWYER PRACTISING IN NEW DELHI)

Recently, the Group of Seven or G7 met in Cornwall, England. The leaders discussed a number of issues, but failed to take a firm stance on the prevention of future pandemics.

Pandemics of the future

COVID-19 is not the last pandemic we are going to see. Given the closer proximity between humans and animals due to deforestation, displacement of humans, population growth, and the search for wild food, pathogens can easily be transmitted from animals to humans (zoonotic spillover). A report by the Independent Panel for Pandemic Preparedness and Response (IPPPR) notes that most of

the new pathogens' origins are zoonotic. *Further, climate change is allowing the permafrost found in Arctic regions to melt and is reviving pathogens and organisms that were either once thought to be long gone or remain unknown. Recently, bdelloid rotifers, a microscopic creature that was slumbering for at least 24,000 years, was unearthed from the permafrost, which is melting in places due to climate chang*e. Revich and Podolnaya (2011) conclude that vectors of deadly infections of the 18th and 19th centuries may make a comeback due to the same reason. Given that we are still in the midst of a raging pandemic, what was the G7's response to all this? *The Carbis Bay Health Declaration of the G7 fails to take any concrete stance on many (or arguably, any) issues. The G7 merely "acknowledge the bold recommendations of the [IPPPR] and the other review committees" and state that they will "continue to work" with other countries, the G20, the World Health Organization (WHO), and other organisations.* The Declaration takes "note" of the IPPPR's recommendation for a potential treaty under the framework of the WHO, suggesting a failure to reach a concrete agreement. Over 25 leaders from other regions have already supported the idea of a new treaty. Such a treaty is needed to plug holes in the current system and strengthen national capacities and resilience. COVID-19 has taught us that a pandemic anywhere is a pandemic everywhere. If the capacities of developing countries are not strengthened, another virus could spread around the world. Without giving any material support, G7 offers vague commitments to "strive for fairness, inclusion and equity" and "support vulnerable countries".

Need for a holistic approach

The world needs to adopt a holistic approach for the prevention of future pandemics. *Dr. Jorge E. Viñuales et al., in their article in The Lancet, argue that the need is to focus on "deep prevention". They draw a distinction between upstream, midstream, and downstream stages of intervention. Downstream intervention refers to steps taken on the public health front (for example, prevention of disease spread). 'Deep prevention' focuses on upstream and midstream intervention. In the former, one would focus on the 'One Health' approach, which acknowledges the interconnection between humans, animals, plants, and the shared ecosystem. This approach can be given varying levels of intrusiveness. Towards the extreme end, it might involve banning wet markets, such as the one suspected to be the origin of COVID-19. China banned such markets in 2003 after the SARS outbreak; however, incentives to keep the industry open eroded the ban eventually. Although the Declaration seems to support 'One Health', it dilutes it to encouraging coordination efforts between the UN, WHO, World Organisation for Animal Health, and others.* Viñuales et al. suggest that the midstream intervention would involve setting up a science and policy panel such as the Intergovernmental Panel on Climate Change. Such a panel could ensure that science informs the law, pre-emptively detect pathogens of concern, and identify potential hotspots for an outbreak and set up a mechanism for regular inspection by the national authority and appropriate international oversight, among other things.

THE POWER OF AN APOLOGY

In May, Germany officially apologised to Namibia for the massacre of the Herero and Nama people in 1904-1908 and called it a genocide for the first time. Around the same time, *French President Emmanuel Macron said in Rwanda that he recognised his country's role in the Rwandan genocide and hoped for forgiveness.*

Positive effects

The importance of these gestures cannot be overestimated. They can generate multiple positive effects. Apart from strengthening the relations between the countries involved, apologies by leaders help people reconcile with the past and countries and communities take lessons from history and avoid similar tragedies. Most importantly, they provide some solace to the victims' descendants; they give them a sense of justice and rectitude. *There were many public debates following the apology from Germany regarding reparations. Herero activists insist that the development aid offered by the German authorities is not enough and is generic in nature. According to them, the descendants of the genocide's victims should receive a tangible compensation, primarily in the form of land property that had been taken away by the German colonisers. This is a complex issue, whereby it is difficult to find a mutually acceptable compromise. 'What is the right price to pay for genocide?' is a rhetorical question*. Unlike Germany and France*, Turkey has been in constant denial of the Armenian genocide during World War I. In April 2021, the Turkish President went as far as condemning the recognition of the genocide by the newly elected American President, Joe Biden. This strained bilateral relations between Turkey and the U.S. even further. Apparently, the overarching image of Mr. Erdogan as a 'strongman' does not go well with any kind of apology on the international stage.* There is enough evidence that the killing of 1.5 million Armenians in the Ottoman Empire during World War 1 was indeed genocide. Leaders like Mr. Erdogan seem to believe that asking for forgiveness can be interpreted as a sign of weakness. In fact, it is quite the opposite. *The Canadian Prime Minister, Justin Trudeau, has a propensity for apologies. According to him, "apologies for things in the past are important to make sure that we actually understand and know and share and do not repeat those mistakes". In 2016, Mr. Trudeau apologised before the descendants of passengers of the Komagata Maru ship. In 1914, the Canadian government of the day had decided to turn away the ship carrying South Asian migrants, mostly Sikh*s. The ship was forced to return to India. Back home, the British suspected the passengers to be revolutionaries and an altercation began. *Many passengers were shot dead. In 2018, Mr. Trudeau apologised for his country's role in turning away a ship carrying over 900 Jewish refugees fleeing Nazi persecution*. Such apologies require courage, good will, compassion, and humility. It is not an easy task to apologise, given that one has to do so for events that took place decades or even a century ago.

In search of a moral compass

Arguably, a sense of humility is a rare phenomenon in contemporary geopolitics. We are witnessing a re-emergence of political leaders, from Nicaragua to Myanmar, who are ready to resort to any means in order to remain in power. In this environment, apologetic voices become even more precious as they help us reconcile with tragic events of the past and remove the stains of history. Besides, *they add a moral dimension to international relations. In this sense, to be a pillar of the multipolar world is not to be a military power, manufacturing and/or financial hub, and/or a global investor alone. Countries that strive for global leadership should be able to provide moral leadership as well. This includes critical self-reflection, humility, compassion, and care not only towards their own people, but also towards the most vulnerable communities around the world.*

MALE RESPONDS TO INDIA'S LETTER ON MEDIA 'ATTACKS'

The Maldivian governmenton Friday urged the country's media to refrain from publishing "false news and accusations" against resident diplomats, apparently responding to concerns raised by the High Commission of India last week over "malicious" media reports. In a press release issued

on Friday, the Maldivian Foreign Ministry said it took note of articles published repeatedly in some local media, levelling "false accusations" at foreign ambassadors, missions and diplomats in the Maldives. It comes a week after the Indian High Commission sent a letter, dated June 24, to the Ministry, seeking action on persons behind "repeated attacks" in the media on its diplomats, and enhanced security in the wake of such coverage. While some Maldivians, in their social media posts, termed India's request as an attack on the country's media freedom, the Foreign Ministry echoed India's concerns aired in the letter, and said: "These actions affect the decades long friendly relations Maldives has maintained with friendly nations, and create hatred among the local population towards these friendly nations. This also puts the diplomats' lives in danger and hinder their diplomatic work." The Ministry referenced the host state's obligations to provide security to resident diplomats under the Vienna Convention, which the Indian High Commission had also cited in its letter. The Maldivian Democratic Party (MDP) — of President Ibrahim Mohamed Solih, and former President and Speaker Mohamed Nasheed — which leads the Maldives's ruling alliance said it was "deeply concerned" over the recent reports in published in local news portal Dhiyares, "expressing disparaging and ill-founded remarks about Indian diplomats in the Maldives." Responding in a tweet on Friday, the website's co-founder Ahmed Azaan said: "I condemn the ruling DPSecretariat's attempts to curb freedom of speech by its cowardly attempts to bully journalists such as myself into silence. Dhiyares' reporting of India is based on verified and authentic sources."

ANOTHER SHADE OF GREY

Pakistan's hopes of being let off the Financial Action Task Force's grey list were dashed once again, as the 39-member grouping decided to keep it on the list, and even add more tasks. Eventually, *Pakistan missed the mark by one crucial action point out of 27 — being judged deficient in prosecuting the senior leadership of UN-proscribed terror groups. The FATF works closely with the UN Security Council's listings of terror groups as it evaluates countries on their efforts in anti-money laundering/countering the financing of terrorism (AML/CFT); Pakistan's failure to convict JeM chief Masood Azhar and others appeared to tip the balance against it. The Pakistani government publicly protested the decision, pointing out that many countries that had largely completed the action plans handed to them have been delisted in the past. Pakistan, which was on the FATF's "increased monitoring lists" from 2009-2015, was taken off the grey list in 2015 in a similar manner (before it was relisted in 2018). Pakistani leaders have predictably lashed out at India for "lobbying" for its continued listing, while others have hinted that the decision stems from a refusal to allow the U.S. the use of its bases after America's pull-out from Afghanistan. At FATF hearings, the Imran Khan government said it had introduced and amended terror financing laws, which have enabled the prosecution of more than 30 UN-proscribed leaders and their associates, for terror financing.* While it is unclear how many of those are actually serving jail time, the convictions and prison terms, between 15-30 years are a break from the past, when Pakistani authorities would hold these leaders on charges under international pressure, and subsequently release them. By making this the sticking point, the FATF, which works on the principle of mutual compliance, has made it clear that Pakistan must complete the prosecution of all proscribed leaders of groups including the LeT, JeM, al-Qaeda, and the Taliban. By adding six more items to the list on amending its Money Laundering Act and cracking down on other businesses involved in money laundering and terror financing, the FATF has indicated that Pakistan could remain on the grey list for at least another one to two years. *For India, Pakistan's continuance on the list is some comfort, even as it awaits true justice delivered to leaders of groups such as the LeT and JeM for attacks, including Mumbai 26/11,*

Parliament (2001) Pathankot and Pulwama, and not just terror financing. However, the processes of FATF, that has taken a justifiably hard line in Pakistan's case, must be checked for overreach, as India faces its Mutual Evaluation Report, that has been delayed due to the pandemic. New Delhi should expect that Pakistan will push for a critical investigation of India's AML/CFT regime, and with the FATF announcing a new focus on "extreme right-wing terrorism (ERW)", it is clear that there will be more political aspects to its technical scrutiny of countries in the future.

NATION

FLYING TERROR

The use of drones to attack an Indian Air Force base in Jammu on June 27-28 brought to the fore a troubling, though not unanticipated, new mode of terrorism for the country. Though there were no casualties at the base, the fact that there were at least two more subsequent attempts to use drones to attack military targets points to the future of terrorism. *The use of Unmanned Aerial Vehicles (UAV), autonomous weapons systems and robotic soldiers by states in warfare and policing has raised moral and practical questions that remain unresolved.* Non-state actors have caught up quickly. In 2018, Syrian rebels used homemade drones to attack Russian military bases in Syria; later, the same year, Venezuelan President Nicolas Maduro had a narrow escape after a drone flying towards him exploded a short distance away. In 2019, Houthi rebels claimed responsibility for bombing Saudi oil installations using drones. *New modes of sabotage and violence enabled by technology reduce costs and risk of identification for terrorists while increasing their efficacy.* Simultaneously, security agencies would find conventional tools redundant in combating terrorism. Terrorism may not even require organisations, as individuals with sufficient motivation and skills can carry out such attacks and remain under the radar like the drones they use. *The existing international framework for controlling the proliferation of technology that can be weaponised, such as the Wassenaar Arrangement and Missile Technology Control Regime, is also largely useless in the emerging scenario.* States including India have sought to deal with terrorism with a combination of stringent laws, invasive surveillance, harsher policing and offensives against other countries that support terrorist groups. This approach has only had limited success in ensuring peace anywhere while the human and material costs have been high. *The exponential proliferation of new technologies and Artificial Intelligence, vertically and horizontally, will make the task of combating terror even more challenging.* The Jammu drone attack, Indian authorities reportedly suspect, was carried out by the Lashkar-e-Taiba, which is patronised by Pakistan. The same group was behind the 2008 Mumbai terror attack in which perpetrators came by boats from Pakistan. India has tried to punish Pakistan for its support to terror groups in recent years which has shown some success. The entry of drones calls for a more complex response to terrorism. *Terror groups do capitalise on state patronage but technology is enabling them too to be autonomous in an unprecedented fashion.* From turning passenger planes into missiles in 2001, terrorism has come a long way, and one cannot foresee where it will go next. *Enhanced international cooperation and consensus on the development and deployment of technologies are required to deal with the challenge.* India can and must take an active role in the process.

A DIVERSE COALITION

The *People's Alliance for the Gupkar Declaration (PAGD), a group of five political parties in Jammu and Kashmir,* was in the spotlight on June 24 when Prime Minister Narendra Modi met leaders from eight political parties in J&K, the first such meeting since the erstwhile semi-autonomous State was split into two Union Territories (UT) of J&K and Ladakh and its special status was taken away on August 5, 2019. *Otherwise sworn rivals in the battleground of electoral politics, the five parties — the National Conference (NC), the People's Democratic Party (PDP), the People's Conference (PC), the Awami National Conference (ANC), the CPI(M) and the J&K People's Movement — forged the alliance on October 15, 2020.* The sole motive of the alliance, according to its head Farooq Abdullah, "is *to fight for the restoration of the August 4, 2019 position*". The journey of the Gupkar Alliance, as the PAGD is widely called, has already witnessed many ups and downs. *It was*

after the sundown of August 3, 2019 that the PDP's Mehbooba Mufti started visiting her rivals' houses amid speculation that the Centre was planning something big. J&K's political class was clueless then and could not read the reasons for the unprecedented security measures taken by the Centre in the State, such as asking tourists to leave and stopping the Amarnath yatra in the middle. On August 4, 2019, the Gupkar declaration was signed at the residence of Mr. Abdullah, located on Srinagar's Gupkar Road, by eight political parties, including the Congress. *The 169-word declaration unanimously resolved to protect the identity, autonomy and special special status of J&K, fight against modification or abrogation of Articles 35A, 370 and oppose any bid to carry out the unconstitutional delimitation or trifurcation of J&K.* "It (such actions) would be an aggression against the people of Jammu, Kashmir and Ladakh," the declaration reads. All the leaders sought an audience with the President and the PM but failed. Finally, Prime Minister Modi met the Gupkar Alliance leaders on Thursday, but only after the government put them in jail for eight to 13 months, with Ms. Mufti, Mr. Farooq Abdullah and Omar Abdullah booked under the controversial Public Safety Act. The incarceration, however, seemed to have cemented the bond between the local rivals who nursed a deep sense of hurt, betrayal and despair.

DDC elections

Despite many second-rung leaders and workers remaining in jails, the Gupkar Alliance emerged a formidable force during the District Development Council (DDC) polls in J&K in November-December 2020, amid allegations that the State machinery favoured BJP candidates during the campaigning. In the run-up to the polls, *Union Home Minister Amit Shah even termed the alliance 'Gupkar Gang', which became a catchphrase for the electioneering carried out by top BJP leaders. When results came in, the alliance won 110 out of 280 segments, while the BJP managed to win only 75. The results and the alliance's domination in most districts of Kashmir as well as in Jammu may have contributed to the softening of the Centre's approach towards the grouping.* The Gupkar Alliance first saw the *Congress distancing itself in 2020* because it did not want to be seen clamouring for Article 370, which would have impacted the party's electoral prospects in the rest of the country. They suffered another setback when *Sajad Lone, who was the alliance spokesman, decided to quit the group, alleging "the partners fought against each other during the DDC polls". Omar Abdullah also started maintaining a conspicuous absence* from the amalgam's key meetings in recent months. The alliance is now reduced to *three key faces: Farooq Abdullah, Ms. Mufti and M.Y. Tarigami of the CPI(M). The trio is both the binding and frictional force within the group*, with each leader professing politics contrarian to each other. The meeting with the PM was both an opportunity and a challenge for the alliance. *It's an opportunity because the Centre reached out to them and they could push for their declared goals with the government. It's a challenge because there would be questions whether the decision to meet the leaders who ended the special status to J&K yielded any tangible result.*

IN LEH AND KARGIL, DIFFERENT REASONS TO OPPOSE LADAKH'S CURRENT STATUS

When Jammu and Kashmir was bifurcated into two Union Territories on August 5, 2019, Ladakh was seen welcoming the reorganisation. Its MP, Jamyang Tsering Namgyal of the BJP, declared in the Lok Sabha that "the PM… has understood the feelings of the people and has given the region respect. He has given an address on the political aspirations, developmental spirit and even recognized the contribution of the people from the region of Ladakh." *As it turned out, that statement papered over Ladakh's concerns, and the different demands from its two districts, Leh and Kargil.* These demands have come to the fore at different times over the last two years, but the

government appears to be paying more attention to them now, at the same time as its outreach to the Jammu and Kashmir political leadership. *Indications are that a committee under Minister of State for Home G Kishan Reddy will seek to address these demands from Ladakh. The formation of such a committee had been announced back in January, but has been in cold storage since.*

Leh and Kargil, not alike

Of Ladakh's two districts, the August 2019 *changes were immediately opposed by the people of Kargil, where the leaders of the majority Shia population demanded that the district should remain part of J&K, and that special status be restored to safeguard the rights of Kargil people over their land and employment opportunities.* Opposition from Leh came later. *A UT for Ladakh had been a long-standing demand in Buddhist majority Leh, which believed it was marginalised in the larger state of J&K.* But what Leh leaders did not bargain for was the complete loss of legislative powers. *Earlier, the two districts each sent four representatives to the J&K legislature. After the changes, they were down to one legislator — their sole MP— with all powers vested in the UT bureaucracy. Unlike the UT of J&K, Ladakh was a UT without an assembly.* What both Ladakh districts fear is that alienation of land, loss of identity, culture, language, and change in demography, will follow their political disempowerment.

Hill Development Councils

Leh and Kargil have separate Autonomous Hill Development Councils, set up under the Ladakh Autonomous Hill Development Councils Act, 1997. However, the AHDCs have no legislative powers. The councils are elected, and have executive powers over the allotment, use and occupation of land vested in them by the Centre, and the powers to collect some local taxes, such as parking fees, taxes on shops etc. But the real powers are now wielded by the UT administration, which is seen as even more remote than the erstwhile state government of J&K. *Last year, as the five-year term of the Leh Ladakh AHDC neared conclusion, and elections were scheduled, a group calling itself the People's Movement for Sixth Schedule, an umbrella of political parties and religious organisations including the all-powerful Leh-based Ladakh Buddhist Association, put forth its demand for an autonomous hill council under the Sixth Schedule, modelled on the lines of the Bodoland Territorial Council in Assam. The Sixth Schedule is a provision of Article 224(a) of the Constitution, originally meant for the creation of autonomous tribal regions in Assam, Meghalaya, Mizoram and Tripura. Hill councils under this provision have legislative powers.* All political parties in Leh, including the BJP, announced a boycott of the LAHDC-Leh elections. They called off the boycott after a meeting with Home Minister Amit Shah in Delhi at which they were promised "Sixth Schedule-like" protections. Elections were held to the LAHDC-Leh, in which the BJP won a majority of the seats, but fewer than in the 2015 election. The LAHDC-Kargil elections are not until 2023. Significantly, the Kargil political leadership, grouped as the Kargil Democratic Alliance — it includes representatives from the local units of National Conference, PDP, Congress as well two influential Shia seminaries, the Islamia School Kargil and the Imam Khomeini Memorial Trust — did not join in the demand for the Sixth Schedule.

Evolving demands

But with no progress on Leh's demand for Sixth Schedule protections, the Leh leadership — including former MP Thupsten Chewang and former J &K minister Chering Dorjay Labrook, both earlier with the BJP — has now upped its demands. On June 24, as a delegation from J&K held talks with Prime Minister Narendra Modi and Home Minister Amit Shah in Delhi, Leh leaders addressed

a press conference at Thiksey monastery asking for a Union Territory with an elected Assembly. Meanwhile, a KDA delegation that held talks with MoS Reddy on July 1 demanded full statehood to Ladakh, as well as restoration of special status with Article 35 and 370 of the Constitution. *Asgar Ali Karbalai, the head of the LAHDC- Kargil, who led the delegation, said other issues discussed included protections for language, culture, land and jobs, plus a long-standing demand for a route between Kargil and Skardu in territory under Pakistan in Gilgit- Baltistan.* There has been some disquiet in Leh at how the Home Ministry seems to be dealing with the political leadership of the two Ladakh districts separately. But if the committee with planned representation from both districts is set up, it would enable leaders from Leh and Kargil to work out a common negotiating front, leaders from both sides said.

INDIANS VALUE RELIGIOUS FREEDOM, NOT INTEGRATION

Most Indians, cutting across religions, feel they enjoy religious freedom, value religious tolerance, and regard respect for all religions as central to what India is as a nation. At the same time the majority in each of the major religious groups show a marked preference for religious segregation and "want to live separately", according to a nation-wide survey on religious attitudes, behaviours and beliefs conducted by Pew Research Center, a non-profit based in Washington DC. For instance, the report found that 91% of Hindus felt they have religious freedom, while 85% of them believed that respecting all religions was very important 'to being truly Indian'. Also, for most Hindus, religious tolerance was not just a civic virtue but also a religious value, with 80% of them stating that respecting other religions was an integral aspect of 'being Hindu'. Other religions showed similar numbers for freedom of religion and religious tolerance. While 89% of Muslims and Christians said they felt free to practice their religion, the comparative figures for Sikhs, Buddhists and Jains were 82%, 93%, and 85% respectively. And yet, paradoxically the majority in all the faiths scored poorly on the metrics for religious segregation: composition of friends circle, views on stopping inter-religious marriage, and willingness to accept people of other religions as neighbours. The survey found that nationally, three-in-ten Hindus took both these positions: linking being Hindu and speaking Hindi to being Indian, and voting for BJP. But there was a clear geographical skew in their distribution: while roughly half of the Hindu voters in northern and central India fell into this category, only 5% of Hindu voters in the South did so. Also, Hindu nationalist sentiments were less prevalent in the South. Among Hindus, those in the South (42%) were far less likely to say that being Hindu was very important to being truly Indian.

NET LOSS

The digital divide in India's school education system, reflected by the absence of computers and Internet access on campus, emerges starkly from the Education Ministry's Unified District Information System for Education Plus (UDISE+), for the pre-pandemic year of 2019-20. Physical infrastructure has traditionally meant good buildings, playgrounds, libraries and access to water and toilets, but the advent of hybrid learning even ahead of the coronavirus crisis has made essential online access and computers key adjuncts to make the learning process more engaging. During 2020-21, it became painfully evident that most students had to rely on remote learning, but many faced the double jeopardy of not possessing their own computing devices and smartphones at home, and their schools remaining in the dark without such facilities. In remote areas, particularly in the Northeast, many had to travel closer to mobile phone towers to access the Internet on shared phones to get their lessons. *The latest data confirm that a mere 22% of*

schools across the country on average had Internet access, while government institutions fared much worse at 11%. On the second metric of functional computer access, the national average was 37% and for government schools, 28.5%. Beyond the averages, the range of deficits reflects deep asymmetries: 87.84% of Kerala schools and 85.69% in Delhi had an Internet facility, compared to 6.46% in Odisha, 8.5% in Bihar, 10% in West Bengal and 13.62% in Uttar Pradesh. Students and teachers not being able to use computers and the Internet is acknowledged to be a form of deprivation, especially during the pandemic, just as the inability to attend in-person classes is another. Many scholars see the teaching-learning process as multi-dimensional, helping to inculcate social skills. COVID-19 has, however, compelled all countries to evaluate hybrid education models, with a mix of lessons delivered virtually now and on campus later when the virus threat abates. In such a multi-layered process, bringing computers and the Internet to all schools cannot be delayed any longer. *The Centre must explore all options, such as the National Broadband Mission, the BSNL network and other service providers, to connect schools, including all government institutions that are severely deprived; the upcoming 5G standard with the benefit of high wireless bandwidth may also be able to help bridge the gap quickly.* Getting computers to schools should also not be difficult because, apart from public funding, communities, corporates and hardware makers can use recycling and donation options. The UDISE+ shows that many schools have fallen through the net, and they need urgent help to get connected.

IN LAST ACADEMIC YEAR, ONLY 22% SCHOOLS HAD INTERNET

In the academic year that ended with school closures due to COVID-19, only 22% of schools in India had Internet facilities, according to Education Ministry data released on Thursday. Among government schools, less than 12% had Internet in 2019-20, while less than 30% had functional computer facilities. This affected the kind of digital education options available to schools during the pandemic, as well as plans for hybrid learning in the days ahead. *The Unified District Information System for Education Plus (UDISE+) report collates data from more than 15 lakh schools across the country. As the first wave of COVID-19 entered India in early 2020, schools were closed in mid-March, just weeks before the end of the 2019-20 academic year.* The vast majority of the country's 26 crore schoolchildren have not set foot in a school since then, depending instead on various forms of distance education. *The availability of digital education — whether via live, synchronous teaching on apps like Zoom, or through recorded lectures, emails, WhatsApp or educational apps — was largely dependent on whether schools, teachers and parents had access to the necessary infrastructure*. In many States, teachers came to school and taught in their own empty classrooms, using their blackboards and lab facilities, while facing a computer screen that communicated the lessons to their students at home. However, the UDISE+ data makes clear the digital divide, which made this a viable option only in some States. *In many Union Territories, as well as in the State of Kerala, more than 90% of schools, both government and private, had access to working computers. In States such as Chhattisgarh (83%) and Jharkhand (73%), installation of computer facilities in most government schools paid off, while in others such as Tamil Nadu (77%), Gujarat (74%) and Maharashtra (71%), private schools had higher levels of computer availability than government schools. However, in States such as Assam (13%), Madhya Pradesh (13%), Bihar (14%), West Bengal (14%), Tripura (15%) and Uttar Pradesh (18%), less than one in five schools had working computers. The situation is worse in government schools, with less than 5% of Uttar Pradesh's government schools having the facility. The connectivity divide is even starker. Only three States — Kerala (88%), Delhi (86%) and Gujarat (71%) — have Internet facilities in more than half their schools. This will make it hard for most schools to implement the options for hybrid learning as*

schools try to re-open with staggered attendance post the pandemic. More encouragingly, 90% of schools across the country have facilities for handwashing, which will gain added importance as they implement COVID-19 safety protocols while reopening. More than 80% of schools conducted medical check-ups during the year before the pandemic. Temperature testing and monitoring of symptoms need to become a daily activity, according to the Centre's heath protocol for schools wishing to reopen. *The Gross Enrolment Ratio (GER) improved in 2019-20, with 98% of students in Classes 1-8 attending school, though the GER for secondary and senior secondary students stood at 78% and 51% respectively.* The dropout rate at secondary level was 17% in 2019-20, with experts warning that dropouts are likely to surge due to the pandemic.

REIMAGINING EXAMINATIONS

For students, empowerment and acquisition of knowledge begin when they are properly evaluated in an appropriate examination system through a process that provides immediate results and success. *The online pattern of examination should not only judge intellectual development, as is prevalent in the present-day examination system, but it must also test the holistic development of students*. It is the responsibility of every academician and authority to find the ways and means to conduct online examinations with reliable standards amid the COVID-19 pandemic. *To successfully complete examinations during this period, constructive strategies, particularly in the online mode, should be employed, rather than calling for the cancellation of exams. The Supreme Court had stated last year that students in higher education cannot be promoted without writing the final-year or terminal semester examinations, and a directive to the University Grants Commission (UGC) had said the States cannot promote students based on internal assessment or past performance. The court made it clear that the States could, under the Disaster Management Act, 2005, postpone final-year or final-semester exams, but they did not have the power to direct universities to promote students based on prior performance, as students' assessment was the prerogative of the UGC. The UGC rules clearly stated that a degree cannot be granted without examinations.*

Inclusive ways

It is now mandatory that final-year semester examinations should be conducted either online, offline, or a combination of both methods. Therefore, a new examination pattern should be crafted. It must include the assessment of educational objectives of understanding, critical and independent thinking, problem-solving ability, reflective thinking, skill development, and application of knowledge. In other words, a revised system should assess analytical and application skills, rather than mere knowledge in a given time slot. This would enhance the quality and competence of students. To restrict copying, answer scripts may be assessed using plagiarism software. With technological tools, monitoring and supervision of students during online examinations is not a difficult task. Many of the world's leading universities, some premier Indian institutes, and a few State universities conduct examinations online efficiently and fairly through suitable tools.

Looking for alternatives

An alternative approach may be open-book examinations — it allows students to refer to textbooks or other source material while answering questions. Students are provided with questions before sitting for the exam, and they can even complete the test at home. This will help counter rote learning, which pervades the current examination system, while also sensitising

students to real learning and analytical and application skills. Open-book examination is a well-accepted concept in many countries around the world. Last week, *the Supreme Court directed States that have cancelled Class 12 examinations of their respective Boards to spell out their assessment plans. It has also cleared the evaluation criteria proposed by the Central Board of Secondary Education (CBSE) and the Council for the Indian School Certificate Examinations (CISCE) for their Class 12 examinations. Testing the knowledge gained and the presentation of that is the essence of education.* As Jiddu Krishnamurti said, "It is not that you read a book, pass an examination, and finish with education." Criticism should be accepted constructively in order to frame an innovative examination system. It is the foremost responsibility of policymakers and educationists to tackle the challenges posed by the COVID-19 pandemic.

THE TROUBLE WITH RANKINGS

A culture of ranking is dominating today's world. University rankings such as Times Higher Education and Quacquarelli Symonds create a huge uproar. But should they really deserve to be the yardstick of excellence in today's higher education?

The concept of a university

There has been a paradigm shift in the concept of a university in the modern era from the ancient times when universities like Nalanda and Taxila existed. In his 1852 book, The Idea of a University, John Henry Newman assumed that knowledge should be pursued "for its own sake". Newman used the ancient designation of a Studium Generale, or "School of Universal Learning". "A University seems to be in its essence, a place for the communication and circulation of thought, by means of personal intercourse, through a wide extent of country," Newman wrote. The idea of the university, however, was shaped through the reforms of Wilhelm von Humboldt in Prussia. Ever since the University of Berlin was founded in 1810, the 'Humboldtian' university became a model for Europe, and subsequently for the research universities of the U.S. The central Humboldtian principle was the fusion of teaching and research in the work of the individual scholar, and the objective of the university was to advance knowledge by original and critical investigation, not just to transmit the legacy of the past or to teach skills. In India, the Universities of Calcutta, Bombay and Madras were established in 1857. The immediate interest was to produce graduates to fill up the salaried positions emerging in the wake of colonial rule. The mottos of these universities, however, were "Advancement of Learning", "Śīlastataphalā Vidyā" (The Fruit of Learning is Character and Righteous Conduct), and "Doctrina Vim Promovet Insitam" (Learning Promotes Natural Talent), respectively. In 1919, Rabindranath Tagore wrote: "the primary function of our University should be the constructive work of knowledge". While the concept of a university has evolved a lot, blaming the contemporary universities from Newman's standpoint would be like blaming a jet engine for not having the excellences of a windmill, as the philosopher Alasdair MacIntyre said. Back to ranking. In fact, weighted averages of scores for several performance-related criteria are considered for ranking of the universities. The criteria and their weights differ from one ranking organisation to another. Change in weights may produce a different list of rankings. The criteria constitute research income from industry; ratio of international to domestic staff and students; number of students, research papers, citations; etc. Small but important institutes might thus trail in the ranking race. Also, many people think 'citation' is an inappropriate measure of usefulness of a research paper. The most controversial part of the ranking methodology maybe reputational survey or academic peer review, where opinions of academics get importance. This component has significant weight, and these rankings

have come in for criticism for too much emphasis on perception. Last year, seven leading IITs announced that they would boycott one such ranking, saying they are not satisfied with the transparency of the process.

Churning out papers

Research publication is important to enhance the rank. Academics are expected to keep churning out papers. An institute invariably seeks a list of recent publications once or twice a year from its faculty members. But how does that help in quality research? Peter Higgs, the 2013 Nobel Laureate in Physics, believes that he would not have got a job in today's academic system because he would not be considered "productive" enough. When his department at Edinburgh University would ask for a list of recent publications, Higgs would reply: "None". Still, today's academics are mostly confined within the world of such 'compulsory' research and publication, for mere survival. The concept of a university should not be the same everywhere. Universities at Chicago, Harvard and Oxford might fancy making the achievements of their students or professors the yardstick of excellence. However, there are many universities which cater to the local people as the only spectacles of higher education and prism of enlightenment. Their importance is no less than the 'elite' universities. A university should be judged within its social perspective. The worth of university rankings, thus, is not very clear. "When we see a foreign University, we see only its smaller body – its buildings, its furniture, its regulations, its syllabus; its larger body is not present to us. But as the kernel of the coconut is in the whole coconut, so the University," Tagore envisaged a century ago. We might need to redefine the idea of a university within the framework of an ever-changing social perspective and need.

DOWRY BLACK SPOT

The death of a 24-year-old student, allegedly a fallout of dowry-related violence, last week has forced the spotlight on the status of women, power relations within families, and gender dynamics in the institution of marriage in Kerala. It reveals a contradiction within the state's famed development narrative. The resignation of the chairperson of the state Women's Commission following a public outcry over what was seen as her insensitive conduct on public television is a sign that the issue may be receiving the attention it deserves. The police have since arrested the husband of the dead woman under sections related to dowry violence. Over 50 dowry deaths have been reported in the state in the past five years, as per police data. Though the number of deaths has been low for 2020 and 2019 — just six cases each— dowry-related violence is frequently reported in the media. However, most of these cases do not reach the courts since families and state institutions tasked with the responsibility of filing cases prefer to negotiate a resolution outside the law. This is despite the state having legislated against dowry — the Kerala Dowry Prevention Act — as early as in 1961. Now, the chief minister has proposed a slew of measures, including fast track courts, streamlining existing 24×7 helplines, and a more alert and helpful police, to address a regressive tendency that unfortunately also seems to have wide social acceptance. *The case of dowry needs to be located within the larger context of politics and economics. Women have contributed to Kerala's success in improving social indicators such as literacy, education, birth rate, life expectancy and yet their presence in political and economic leadership roles continues to be minimal. Women constitute less than 10 per cent of Kerala's legislators — in the legislative assembly and Parliament — though they outnumber the men in local bodies. Just three ministers in the 21-member state Cabinet are women. On the economic front, work participation rate for women is around 20 per cent, while education levels have been rising.* Women are forced to

confine themselves to their homes while forsaking economic independence. *The economic expansion since the 1990s encouraged conspicuous consumption, which enabled practices such as dowry to spread deeper in society.* It will take more than executive interventions to end the dowry system, it prevails within the private space of family. In fact, *resistance arising from within the institutions of marriage and family will be more effective in curbing the practice. Political and economic empowerment of women will, of course, help.*

WHY THE ASSOCIATED PRESS WILL NOT NAME SUSPECTS IN MINOR CRIMES

The Associated Press (AP), the widely respected 175-year-old American non-profit news agency whose feed is published by more than 15,000 news outlets and business around the world, has announced that it will no longer name suspects or publish their photographs in minor crime stories. This, the AP said, was because *stories have a long "afterlife" on the Internet, and the news agency is not able to follow up on each one of them to check if the initial charges brought by law enforcers were maintained, dropped, or reduced.* The AP's vice-president for standards, John Daniszewski clarified that the "policy of not identifying suspects by name applies to minor crime briefs" — the agency "will continue to identify suspects by name in stories on significant crimes, such as murder, that would merit ongoing news coverage". In these cases, Daniszewski said, "naming a suspect may be important for public safety reasons".

Why the decision matters

As the AP pointed out, what happens if the suspect is eventually acquitted but reports about their involvement in crime can still be found on the Internet? How detrimental could this be to these individuals when they finally try to get on with their lives, maybe look for a job or other association with individuals or companies? Because of the ubiquity of search engines and easy access to archived news stories, there has been a debate in the Western media over naming suspects in cases where trials are ongoing.

A growing concern

The Boston Globe announced earlier this year that it was "working to better understand how some stories can have a lasting negative impact on someone's ability to move forward with their lives". The newspaper has started a *"Fresh Start Initiative"* through which people can appeal their presence in older stories. Through this process, older stories may be updated or republished with updates, or removed from Internet archives.

In the Indian context

There have been a large number of cases of so-called media trials in which accused persons 'convicted' in noisy television studios have subsequently been let off by police or acquitted by courts, but who have had to unfairly carry the stigma for years. Conviction rates in the most serious of alleged crimes have often been low, and concerns such as those aired by the AP have begun to be voiced in India as well. There have been a number of pleas in courts seeking restraints on reporting of cases — and judges have expressed concern over media trials as well as some specific practices such as parading the accused before reporters and photographers. In one recent example, the Madhya Pradesh High Court observed in November 2020 that *"by producing the victims and suspects before the media, the police not only violates the fundamental rights of the suspect as enshrined under Article 21 of the Constitution of India but also encourages the media*

trials. It is true that a general public is entitled to know about the progress in an investigation, but producing the suspects or victims before the media has no foundation under any statutory provision of law including Cr.P.C.".

ELECTIONS NO GUARANTEE AGAINST TYRANNY

Chief Justice of India N.V. Ramana on Wednesday said the mere right of the public to change the "ruler" once every few years by itself need not be a guarantee against "tyranny". "In the 17 general elections held so far, the people have changed the ruling party or combination of parties eight times, which accounts for nearly 50% of number of general elections. In spite of large-scale inequalities, illiteracy, backwardness, poverty and alleged ignorance, the people of Independent India have proved themselves to be intelligent and up to the task. The masses have performed their duties reasonably well. Now, it is the turn of those who are manning the key organs of the State to ponder if they are living up to the Constitutional mandate," Chief Justice Ramana said. The Chief Justice referred to the colonial period when law was used as a "tool of political repression". "I think any law backed by a sovereign must be tempered by certain ideals or tenets of justice," the CJI said. He was speaking at the 17th Justice P.D. Desai Memorial Lecture. Chief Justice Ramana said it was time to pause and ask to what extent the rule of law was used to protect ordinary lives during the pandemic. "I do not intend to provide an evaluation of the same. Both my office and my temperament prevent me from doing so. But I began to feel that this pandemic might yet be a mere curtain raiser to much larger crises in the decades to come. Surely, we must at least begin the process of analysing what we did right and where we went wrong," the CJI said.

'Total freedom needed'

The CJI said the judiciary requires "complete freedom" to apply checks on governmental power and action. "The judiciary cannot be controlled, directly or indirectly, by the legislature or the executive, or else the Rule of Law would become illusory," the CJI underscored. The CJI said it was imperative to start a discourse on the impact of social media trends on institutions. The Chief Justice said the amplified noise produced in social media was not "necessarily reflective of what is right and what majority believes in".

APT JUDICIAL REMINDER IN ERA OF OVER-CRIMINALISATION (FAIZAN MUSTAFA - VICE-CHANCELLOR, NALSAR UNIVERSITY OF LAW, HYDERABAD)

The criminal justice system is an instrument of state and a key index of the state of democracy. Every punishment which does not arise from absolute necessity is tyrannical, said French jurist Montesquieu. In fact criminal law should be used only as a 'last resort' (ultima ratio) and only for the 'most reprehensible wrongs'. *Unfortunately, 'crimes' originate in government policy and, therefore, criminal law reflects the idea of 'power' rather than 'justice'.* Should civil society activists, students, intellectuals and protesters be charged for the crime of terrorism? Is every criminal a terrorist and every violent crime a terrorist activity? Did Parliament in enacting the Terrorist and Disruptive Activities (Prevention) Act, (TADA) and the Unlawful Activities (Prevention) Act, 1967 (UAPA) intend to punish ordinary criminals under these anti-terror special laws?

Example of misuse

In the period 2015-2019, as many as 7,840 persons were arrested under the draconian UAPA but only 155 were convicted by the trial courts. Most would eventually be acquitted by the higher courts. *Even Congress governments misused TADA (enacted in 1985 and amended in 1987). Till 1994, though 67,000 people were detained, just 725 were convicted in spite of confessions made to police officers being made admissible*. In Kartar Singh (1994), the Supreme Court of India had observed that in many cases, the prosecution had unjustifiably invoked provisions of TADA 'with an oblique motive of depriving the accused persons from getting bail'. *It added that such an invocation of TADA was 'nothing but the sheer misuse and abuse of the Act by the police'. UAPA's experience has been worse than TADA. UAPA has also been equally used and abused. The recent 133 page bail order of the Delhi High Court in Asif Iqbal Tanha (June 15, 2021), that led to the release of three student activists, has come as a bolt from the blue for the Delhi police. At the heart of the controversy is the meaning of the term 'terrorism' and when UAPA can justifiably be invoked.*

No consensus on definition

Though there are more than 100 definitions of terrorism available globally, there is no universal definition of the term 'terrorism' either in India or at the international level. *The UN General Assembly had given this task to a committee, but in almost 50 years or so there has been no consensus on the meaning of terrorism. The fight against foreign occupation is to be kept out of terrorism as today's terrorist may be tomorrow's freedom fighter*. *Accordingly, neither TADA nor UAPA has a definition of the crucial terms 'terror' and 'terrorism'. Section 15 of UAPA merely defines a terrorist act in extremely wide and vague words: 'as any act with intent to threaten or likely to threaten the unity, integrity, security, or sovereignty of India or with intent to strike terror or likely to strike terror in the people....*' How is such a terrorist act committed? UAPA says '*by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases ... or by any other means of whatever nature to cause or likely to cause death or injuries...,' What is the meaning of the expression 'by any other means'*? When a general word is used in any statute after specific words, it is to be interpreted in the context of specific words. *Thus, the Citizenship (Amendment) Act (CAA) protests cannot be covered by this expression. In Yaqoob Abdul Razzak Memon (2013), the Supreme Court said that terrorist acts can range from threats to actual assassinations, kidnappings, airline hijacking, car bombs, explosions, mailing of dangerous materials, use of chemical, biological, nuclear weapons etc*. *Since the three student activists did not do any of these things, Justices Anup Jairam Bhambhani and Siddharth Mridul could not be convinced of their involvement in any terrorist act. Through an authoritative and enlightened bail order entirely based on the apex court judgments, Justice Bhambani reminded the Delhi police of the true meaning of a terrorist act.*

Other judgments

In Hitendra Vishnu Thakur (1994), the Supreme Court had defined terrorism as the 'use of violence when its most important result is not merely the physical and mental damage of the victim but the prolonged psychological effect it produces ... on the society as a whole'. Its main objective is to overawe the government or disturb the harmony of society or 'terrorise' people...'. Thus, what 'distinguishes 'terrorism' from other forms of violence is the deliberate and systematic use of coercive intimidation'. In Kartar Singh (1994), the Supreme Court held that a mere disturbance of public order that disturbs even the tempo of the life of community of any particular locality is not a terrorist act. By this interpretation, t*he CAA protests in a few localities of Delhi cannot be termed as terrorist activity. Even in the Rajiv Gandhi assassination case, the Supreme Court, in Nalini and 25 Others*

(1999) held that none of the accused had intent to overawe the government or strike terror among people, and therefore the killing of Rajiv Gandhi and 15 others was not held to be a terrorist act or disruptive activity under Section 3 of TADA. In Ram Manohar Lohia (1966), the apex court explained the distinction between 'law and order', 'public order' and 'security of state'. Law and order represents the largest circle within which is the next circle representing 'public order', and the smallest circle represents the 'security of state'. Accordingly, an act may affect 'law and order' but not 'public order'. Similarly, an act may adversely affect 'public order' but not the 'security of state.' In most UAPA cases, the police have failed to understand these distinctions and unnecessarily clamped UAPA charges for simple violations of law and order. *In the historic PUCL (People's union for civil liberties by Jaiprakash Narayan) judgment (2003) where the constitutionality of the Prevention of Terrorism Act (POTA) was under challenge, the Supreme Court had highlighted another vital dimension of terrorist act by including within its meaning amongst other things the 'razing of constitutional principles that we hold dear', 'tearing apart of the secular fabric' and 'promotion of prejudice and bigotry'*. Justice Bhambhani reiterated the first principle of criminal law, i.e., criminal provisions are to be given the narrowest possible meaning. It is a sad commentary on our criminal justice system that even the mention of this rule of thumb is being considered as a breeze of fresh air in an atmosphere of curtailment of liberties and democracy tilting towards authoritarianism. *Relying on A.K. Roy (1982) where the constitutionality of the National Security Act (NSA) was challenged, Justice Bhambhani concluded that to ensure that a person who was not within the parliamentary intendment does not get roped into a penal provision, more stringent a penal provision,it must be more strictly construed. The apex court itself had held that while construing preventive detention laws such as the NSA, care must be taken to restrict their application to as few situations as possible. In Sanjay Dutt (1994) as well, the Supreme Court had held that those whom the law did not intend to punish are not to be roped in by stretching the penal provisions.* In recent times, the Allahabad High Court had to quash 94 of 120 cases in which NSA has been invoked. *Accordingly, the Delhi High Court concluded that since the definition of a 'terrorist act' in UAPA is wide and somewhat vague, it cannot be casually applied to ordinary conventional crimes, and the act of the accused must reflect the essential character of terrorism*. Indeed, the CAA protests were not terrorist acts. Defining terrorism may be difficult but does not everyone know when an act of terror is really committed?

What must be done

One hopes that, henceforth, our police will be far more cautious in charging people under black laws such as UAPA, the NSA, etc. In any case, no anti-terror law, howsoever stringent, can really end the problem of terrorism. *Pushing a civilised state to state terrorism is the tried and tested strategy of all terrorists. Let us not fall in their trap. Radicalisation generally succeeds only with those who have been subjected to real or perceived injustices.* Let us remove injustice to combat terrorism. The creation of a truly just, egalitarian and non-oppressive society would be far more effective in combating terrorism.

JUDGES MUST LOOK AT FACTS OF A CASE AND ITS HUMAN ASPECT

On one hand, the Chief Justice said, a judge should focus on law, precedents and facts of a case and, on the other, the human aspect. Judges should use the "little discretion" law allows to keep sight of the human suffering and toll behind every case. A decision of the court would echo through time. It will have repercussions. A judgment becomes the law of the land. A judge has to keep all this in mind while dealing with a case, he said. "*Deciding cases is not an easy task. We not only have*

to focus on the law and precedents surrounding the issue before us, as well as the facts of the case, but also the repercussions of what we decide and the precedent we may be setting. This makes it necessary for us judges to be logical and objective and theoretically sound. However, we should not lose sight of the people and their difficulties behind the cases. The little discretion that is given to us, is the area in which a judge has flexibility to display his philosophy," he observed. The CJI was speaking at a farewell organised by the Supreme Court Bar Association for retiring judge Justice Ashok Bhushan. *He said Justice Bhushan, besides his "remarkable judgments", had, as a "humanist judge", left a mark in the hearts and minds of the people of the country. The CJI termed the Bar "the protector of the institution". He said, "Lawyers must respect the institution and protect the judiciary from any onslaught which is likely to affect the functioning of the judicial system. I know, the Supreme Court Bar is always a frontrunner when it comes to supporting the institution from motivated attacks. They always cherish the contribution of judges and appreciate their hard work. They never forget the efforts of judges". The CJI underscored that the strength of the institution lay in the unity of the Bar and the Bench.*

A CASE OF NO CASE

The sedition case against Lakshadweep film-maker Aisha Sultana has all the undesirable indicators of the misuse of the penal provision: intolerance towards any strident criticism of policy, tendency to discern non-existent threats to the state and deliberate resort to it despite the absence of any ingredient of the offence. Therefore, it comes as no surprise that the Kerala High Court has granted her anticipatory bail mainly on the ground that neither Section 124A, which penalises seditious speech or writing, nor Section 153B, which seeks to punish imputations against national integration, is attracted. There may be some cause for those in the Lakshadweep administration to feel aggrieved that the film-maker, in the course of a heated discussion on the policy changes sought to be brought about by the Administrator, accused the authorities of unleashing a "bioweapon" against the people by relaxing quarantine rules for those entering Lakshadweep. However, as the court has rightly pointed out, there is nothing in use of the term that tended to create disaffection against the government or incite the people against it. It ought to have been clear to everyone except the administration, its police and the BJP functionary who complained against her speech that there was no malice or motive to subvert the government established by law. Of course, it is noteworthy that the police did not rush to arrest her, but only issued a notice to her to appear before the police to explain her remarks, indicating that there may not have been a threat of arrest. Yet, the very institution of the case is questionable. It is disconcerting that courts are repeatedly called upon to reiterate that strong speech or writing against government policy is not enough to book someone for sedition, and that only incitement to violence or an inclination to cause public disorder amounts to such an offence. The court considered the political context in which the vehement criticism of the administration has come about. *There is much debate about the administrative changes introduced by the Administrator, Praful Khoda Patel, since he assumed office last December. The context, indeed, was the criticism of the modified operating procedure, under which the mandatory provision for quarantining visitors to Lakshadweep was given up. Many attribute the exponential rise in COVID-19 cases to this modification. Another Bench of the High Court has stayed the administration's order to close down dairy farms run by the Animal Husbandry Department and remove meat from the menu for school mid-day meals. When controversial orders are made, they do have a propensity to attract vehement protests and strident criticism.* Unfortunately, the tendency to accuse critics and detractors of having a design to provoke disaffection against the government is spreading among

authorities across the country. It is clear the problem lies in the continuance of questionable provisions such as the one on sedition on the statute book.

THE LAW OF SEDITION IS UNCONSTITUTIONAL

In Vinod Dua's case (2021), the Supreme Court of India has reaffirmed the law of sedition laid down in Kedar Nath Singh (1962) and directed governments to adhere to it. This reaffirmation seems to be a little problematic. *The Kedar Nath judgment upheld the constitutional validity of sedition as defined in Section 124A of the Indian Penal Code. And the Court read down the provision by holding that only writings or speeches which incite people to violence against the Government will come within the mischief of sedition. So, as per this judgment, unless speeches or writings tend to cause violence or disorder, there is no sedition.*

Issue of 'disaffection'

Section 124A of the IPC, which contains the law of sedition, categorises four sources of seditious acts. They are, spoken words, written words, signs or visible representations. The gist of the offence is: bringing or attempting to bring the government into contempt or hatred, or exciting or attempting to excite disaffection towards the government. There are three explanations attached to this section. *The first explanation says that 'disaffection' includes disloyalty and all feelings of enmity. The second and third explanations say that one can comment on the measures of the government or other actions of the government without bringing or attempting to bring it into contempt or hatred or exciting or attempting to excite disaffection towards the government*. These explanations do not convey anything different from what the defining section says. Here is an illustration. If a person writes that the Government is very good but the vaccine policy is bad, perhaps he may not attract the charge of sedition as per the explanations. But he should invariably state that the government is very good. If he only says that the policies and actions of the government are consistently bad and does not say that the government is very good, he is liable to be charged with sedition. The recent examples of sedition cases amply prove this point. *The Supreme Court's assertion in Kedar Nath that there is sedition only when writing or speech can lead to violence or disorder has consistently been ignored by governments all these years, and citizens of all ages have been charged with sedition for merely criticising the authorities. The Lakshadweep case is the latest example. The problem actually lies in the fact that the law of sedition was not struck down by the Supreme Court in 1962 as unconstitutional. There was every justification for doing that because sedition, as defined in Section 124A of the IPC, clearly violates Article 19(1)(a) of the Constitution which confers the Fundamental Right of freedom of speech and expression, the most valuable right of free citizens of a free country.*

Not a reasonable restriction

Further, this section does not get protection under Article 19(2) on the ground of reasonable restriction. It may be mentioned in this context that sedition as a reasonable restriction, though included in the draft Article 19 was deleted when that Article was finally adopted by the Constituent Assembly. It clearly shows that the Constitution makers did not consider sedition as a reasonable restriction. However, the Supreme Court was not swayed by the decision of the Constituent Assembly. It took advantage of the words 'in the interest ... of public order' used in Article 19(2) and held that the offence of sedition arises when seditious utterances can lead to disorder or violence. This act of reading down Section 124A brought it clearly under Article 19(2) and saved the law of sedition.

Otherwise, sedition would have had to be struck down as unconstitutional. Thus, it continues to remain on the statute book and citizens continue to go to jail not because their writings led to any disorder but because they made critical comments against the authorities.

A few ironies

A great irony here is that the law of sedition, which should have gone out of the Statute Book when the Constitution of India came into force, was softened through interpretation and made constitutionally valid by the Supreme Court. This law was enacted by the British colonial government in 1870 with the sole object of suppressing all voices of Indians critical of the government. James Stephen, the author of the Bill, had clarified then that not only critical comments but even a seditious disposition of a person will attract this penal law. It was the policeman who would decide whether a person's disposition was seditious. The history of this most draconian law during colonial rule would reveal that the basic propositions laid down by Stephen have been followed by courts in all cases on sedition before Independence. *In the Bangobasi case in 1891, Bal Gangadhar Tilak's case in 1897 and 1908 and Mahatma Gandhi's case in 1922, the High Courts, and ultimately the judicial committee of the Privy Council, consistently held that incitement to violence or rebellion is not a necessary part of sedition under Section 124A of the IPC and a mere comment which the authorities think has the potential to cause disaffection towards the government is seditious and the person can be arrested and put on trial. Justice Arthur Strachey, while stating the law of sedition before the jury in Tilak's case, had made it absolutely clear that even attempts to cause disaffection would attract the provision, meaning thereby that rebellion, disorder or violence are not an ingredient of sedition. This statement of law by Justice Strachey was approved by the Privy Council. The Supreme Court, while dealing with Kedar Nath, faced a tricky situation. On the one hand, there was the overwhelming judicial opinion saying that in order to attract sedition, a critical comment which causes disaffection towards the government or bring the government into hatred or contempt, is all that is necessary. If this opinion were followed by the Supreme Court, sedition in the IPC would have become unconstitutional. But the top court, for some unexplained reason, did not want to hold it unconstitutional. So, it adopted the reasoning given by the Federal Court in Niharendu Dutta Majumdar vs Emperor in 1942 in which it was held that the gist of the offence of sedition is public disorder or a reasonable apprehension of public disorder. In fact the Privy Council's statement of law of sedition had clearly held that public disorder was not an ingredient of sedition. The Supreme Court itself admits that the Federal Court did not have the advantage of seeing the Privy Council's statement of law, otherwise it would have affirmed the Privy Council's view. Here we cannot miss the irony that the Supreme Court's attempt to read down Section 124A, to soften it and make its application conditional on public disorder, has made this colonial law constitutionally valid which otherwise it is not. On the other hand, if the judicial opinion on sedition given during the colonial period had been accepted, it would have been held unconstitutional and free India's citizens would not have been thrown into jails for criticising the governments.*

Impacting rights

In the ultimate analysis, the judgment in Kedar Nath which read down Section 124A and held that without incitement to violence or rebellion there is no sedition, has not closed the door on misuse of this law. It says that 'only when the words written or spoken etc. which have the pernicious tendency or intention of creating public disorder' the law steps in. So if a policeman thinks that a cartoon has the pernicious tendency to create public disorder, he will arrest that cartoonist. It is the personal opinion of the policeman that counts. The Kedar Nath judgment makes it possible for the law

enforcement machinery to easily take away the fundamental right of citizens. In a democracy, people have the inalienable right to change the government they do not like. People will display disaffection towards a government which has failed them. The law of sedition which penalises them for hating a government which does not serve them cannot exist because it violates Article 19(1)(a) and is not protected by Article 19(2). Therefore, an urgent review of the Kedar Nath judgement by a larger Bench has become necessary.

COURT CORRECTION

The NIA special court order clearing Akhil Gogoi, a prominent leader of the anti-CAA movement in Assam and currently MLA from Sibsagar constituency, and three others, of sedition and UAPA charges is a damning indictment of the country's premier investigation agency. The court said there was no "prima facie materials to frame charges against the accused persons" and found the "conduct and approach of the investigating authority/prosecution in this case, to be discouraging, to say the least". *Gogoi was arrested at the peak of the anti-CAA protests in Assam in December 2019. He was accused of charges including sedition, association with Maoist groups, terrorism and so on.* He was held in prison for 19 months and contested the Assam assembly elections from jail. The NIA opposed his bail at the Gauhati High Court and the Supreme Court on the ground that he was held under UAPA. *The special court, however, dismissed each of the charges made against him and, in fact, found the evidence produced by the NIA to be contradicting its claims*. For instance, analysing the NIA evidence against Gogoi for incitement to violence, the judge found that "*he is exhorting people not to indulge in violence and seems to be doing so fervently*". Similarly, it found no prima facie materials to frame charges against Gogoi for any offence of conspiracy, abetment, advocacy of terrorism or threatening the integrity of the country. Clearly, *the UAPA and various other criminal provisions had been weaponised by the NIA to silence a political activist who was protesting a government policy and mobilising people to support his stand.* Unfortunately, Gogoi's case is not exceptional but points to a pattern where anti-terror and sedition laws are abused by state agencies to crack down on legitimate forms of dissent and protests by civil society groups and non-mainstream political activists. *Since UAPA has stringent bail conditions, the accused, in most cases, end up spending a long time in prison awaiting trial.* It is welcome that courts across the country are now raising the bar on sedition and UAPA and have asked state agencies to be sensitive to the letter and spirit of the law as well as the rights of citizens. In this context, the NIA court's observation that *"if the criminal justice system, for some reason, is unable to give bail to an accused, his trial should preferably be completed within an year, so that his constitutional and human rights of presumption of innocence and speedy trial is not violated" calls for serious deliberation.*

'UNION' OR 'CENTRAL' GOVERNMENT? IN TAMIL NADU, POLITICAL TUSSLE OVER WORDS AND THEIR MEANING

Article 1(1) of the Constitution of India says "India, that is Bharat, shall be a Union of States." Scholars of India's constitutional system have described it as being "basically federal, with striking unitary features" (D D Basu).

'Central' v 'union' government

In common parlance, the terms "union government" and "central government" are used interchangeably in India. In Tamil Nadu, however, a controversy erupted earlier this month over

the new DMK government referring to the government of Prime Minister Narendra Modi as the 'union government' (ondriya arasu) instead of 'central government' (madhiya arasu). The controversy, which was initially only on Tamil social media, reached the state Assembly when Nainar Nagendran, the BJP MLA from Tirunelveli, demanded to know whether the ruling party had a motive for using the word 'union'. In his reply to Nagendran on June 23, *Chief Minister M K Stalin said there was no need for anyone to fear the word ondriyam (union), and that his government would continue to use it because it stood for the principles of federalism. "The word signifies federal principles... We will continue to use it,"* Stalin said. The DMK, the Chief Minister said, had been using it since 1957, and underlined that the Constitution describes India as a "union of states". Ironically, while BJP leaders wanted an explanation for the DMK's insistence on using ondriya arasu (union government) rather than madhiya arasu (central government), Tamilisai Soundararajan, the Lieutenant Governor of Puducherry who was earlier the chief of the BJP in Tamil Nadu, used the word ondriyam while administering the oath of office to cabinet members in the Union Territory. The Puducherry Raj Bhawan subsequently issued a clarification saying the LG had only read from a template that had been in use for decades. In fact, if the word ondriyam has traditionally been used in Tamil-speaking Puducherry, it has also been in use in the Tamil Nadu Assembly, which came into existence much before Puducherry.

Language and Constitution

Justice (retd) K Chandru, a former judge of the Madras High Court, pointed out that more than 70 years after Independence, there is no authorised Tamil translation of the Constitution of India. The question in the 'union or centre' debate is about the nature of the Indian state, Justice Chandru said. "In the Government of India Act, 1935, provinces had more power and the Viceroy had only the minimum... But the Indian constitution changed this equation, and the federal government was made more powerful... The actual power is vested with the Union of India in all respects. In the 70 years of working of the Constitution, every power was taken away, even those conferred by the original Constitution. All this makes the controversy over a word mere shadow boxing," he said. While submitting the draft Constitution in 1948, Dr B R Ambedkar, chairman of the drafting committee, had said that the committee had used the world 'Union' because (a*) the Indian federation was not the result of an agreement by the units, and (b) the component units had no freedom to secede from the federation. Tamil Nadu has seen consistent efforts to present words in a better form of Tamil, especially after the DMK came to power in the mid-1960s. The word 'sabha', from Sanskrit, is an example: while satta sabha was common earlier, it is now called satta peravai. Sattamandra melavai is used to refer to the Legislative Council, Maanilangalavai to denote Rajya Sabha, and Makkalavai for Lok Sabha. Among other examples, the word Janadhipathi is no longer used; it is mostly Kudiyarasu thalaivar now. There was no Tamil word for Governor for long; the Governor is now Aalunar in Tamil, a precise translation from the English.* While state units of the Congress party are mostly known as Pradesh Congress Committees (PCCs), in Tamil Nadu it is TNCC (Tamil Nadu Congress Committee), possibly because of the Sanskrit word pradesh in PCC.

MÉNDEZ'S ANTI-TORTURE VISION IS STILL DISTANT FOR

In a past interview, Juan E. Méndez, former UN Special Rapporteur on Torture, recounts his fears while being tortured for "intelligence" by security forces of the military junta in 1970s Argentina: "I was very scared during the interrogations. Twice they had to call a doctor to check if they could continue torturing me without killing me. Only then did I realize that I could die. But when you are in that situation you live minute by minute, thinking of the moment when the torturers will get

tired and stop so you can have a break". Mr. Méndez reminds us of the palpable fear created in the exercise of torture. Decades on, instilling fear through torture — physical or psychological — to reach the "truth", is still seen as an effective interrogation "technique" by security forces. The reality that torture persists suggests that belief in its utility overrides the moral arguments and legal prohibitions against it.

Torture does not work

A latest effort to combat torture during investigation, spearheaded by Mr. Méndez, reinforces empirical evidence that torture does not work. Launched in June 2020, the '*Principles on Effective Interviewing for Investigations and Information Gathering', dubbed the 'Méndez Principles'* (https://bit.ly/3A6P8Xo), were developed through a comprehensive, expert-driven consultative process. *The Méndez Principles aim to provide a cohesive blueprint of practical measures to replace torture and coercive interrogation with "rapport-based" interviews, reinforced through legal and procedural safeguards at every step. They offer practical guidance for non-coercive interrogations; address heightened vulnerabilities in custody; and provide specific guidance on training, accountability and implementation.* They are to apply to all authorities who have the power to detain and question people, including the police, military, and intelligence. At their core, the Principles seek to prevent coercive techniques and torture by introducing a paradigm shift away from "confession" based information gathering. Crucially, they are grounded in scientific empirical studies across disciplines — psychology, criminology, sociology, neuroscience — which establish that coercive interrogation is counterproductive. *Extreme torture tactics, such as forced stress positions or waterboarding, have been shown to significantly damage the affected person's memory and recollection of information. Aggressive questioning is more likely to make the interviewee resistant, or 'say anything' just for the threat of violence to stop. Coercive interviewing leads to unreliable information and false confessions. These studies provide scientific evidence to reject the widely-held misconception that a certain degree of 'pressure', or physical pain, will yield accurate information.*

Its persistence in India

With their emergence as a new set of aspirational standards, it is tempting to assess whether the Méndez Principles can readily apply to the Indian context. *Unfortunately, enough evidence indicates that the Indian context typifies the belief in the utility of torture, and is embedded in institutional culture and accommodated by law. In spite of the prohibition of and safeguards against "third degree methods", they are normalised in police practice.* Even the National Human Rights Commission has said that "custodial violence and torture is so rampant in this country that it has become almost routine". The belief that a certain degree of fear and pressure is necessary to compel a suspect to cough up the "truth" is widely held by police officers. This emerged strongly in a 2019 survey of about 12,000 police personnel across India, published by Common Cause and Lokniti (https://bit.ly/3jw5ljb). Three out of four personnel felt that it is justified for the police to be violent towards "criminals", and four out of five personnel responded that there is nothing wrong in the police beating criminals to extract confessions. Scholars, Khanikar (2018; https://bit.ly/3h5Wfrq) and Jauregui (2013; https://bit.ly/3AaXwFm), studying the police in Delhi and Uttar Pradesh, reveal practices of using tools such as wooden sticks in interrogation, signalling the presence of tools to beat or intimidate, while perversely labelling them with suggestive phrases like "aan milo saajna" ("come to me, my beloved"). *Coercion and the resort to violence are common in both the choice of tools and approach to interrogation.* There would need

to be a fundamental shift in police thinking before the goal set by the Méndez Principles of moving from coercive practices to "rapport-based interrogation" can be realised. Structural constraints fuel the persistence of torture, since it is seen to be effective. Investigating officers are in short supply, and have little scope to develop specialisation in investigative work. Working under perceived or actual constraints, of inadequate resources, political pressure, and an overburdened legal system, officers conjure the image of a vigilante cop compelled to take matters into their own hands. Popular films, and political and public support to illegal police killings as in the Hyderabad 'Disha' case (November-December 2019), further legitimise the vigilante cop as the only 'hope' for serving justice.

Tacit acceptance by law

Additionally, Indian law creates conditions which further permit torture through the "back door". While confessions before a police officer are not admissible evidence, to prevent the police from resorting to torture, other legal provisions have the effect of indirectly accommodating the use of torture in investigative practice. *Section 27 of the Indian Evidence Act permits the admissibility of statements before the police to the extent that they relate to the recovery of material objects, often called 'recovery evidence'.* Thus, investigators still have incentive to seek "disclosures", and information implicit in a confession, as central to their investigation. *Torture and falsification, by forcing an accused to sign on blank papers, are known abuses in the use of this provision.* In an opinion study of former Supreme Court judges published in 2018 (https://bit.ly/3x6zNnU), 12 out of 58 judges acknowledged the heightened risk of torture as the shortcut method to obtain recovery evidence. Yet, Indian law still does not bar tainted evidence obtained through torture or coercive methods as inadmissible. It is up to individual judges to decide whether to rely on it or not. *The introduction of so-called scientific techniques of interrogation, such as lie detectors and narco-analysis, are often presented as the solutions to end physical torture. Jinee Lokaneeta's analysis in The Truth Machines (2020) reveals that introduction of these techniques, without addressing the existing conditions which perpetuate torture, has resulted in psychological forms of torture, supplementing coercive interrogation strategies.* While the scientific validity of these techniques in determining the "truth" is held suspect, *Indian law allows evidence voluntarily given by an accused through these techniques to be used as corroborative evidence.* What can be voluntary in police custody without the protective cover of enforced safeguards? In all of these ways, Indian law remains ambivalent and fails to fully prevent torture and coercion from creeping in. Structural constraints, popular culture, and political approval have shaped policing institutional cultures to valorise violence and coercion. Without urgent introspection, Méndez's anti-torture vision will remain distant for India.

ON THE MARGINS WITH FULL EQUALITY STILL OUT OF REACH

This year, the world woke up to June, pride month, gazing at the Google Doodle of *Dr. Frank Kameny (1925-2011),* an American astronomer, veteran, and gay rights activist. *Kameny, in the early 1970s, 'successfully challenged the American Psychiatric Association's classification of homosexuality as a mental disorder'.* The global LGBTQ+ community marched ahead after the 1970s. But in India, the queer community is still a stigmatised and invisible minority, a fact that is alarmingly incompatible with the country's living, liberal and inclusive Constitution. *The Constitution was conceived by India's founding fathers as a beacon of fundamental rights, leading once enslaved Indians to the promised land of life and freedom.* Despite such a liberating

Constitution, the Indian state and the law have been abusing and given many marginalised segments of the citizenry such as the queer community of India the cold shoulder.

Launch pad for jurisprudence

The Constitutional courtroom in post-colonial India became a space where the individual and the state could converse with each other. *The meagre gains that the queer community won have been granted by the judiciary; not by legislatures.* In the book, Sex and the Supreme Court: How the Law is Upholding the Dignity of the Indian Citizen (2020), Saurabh Kripal observes: "In the tug of war between the demands of the traditional conception of society and the rights of individuals to their identity and dignity, the Supreme Court has come down firmly in favour of individual." The Supreme Court of India's ruling in *Navtej Singh Johar & Ors. vs Union of India (2018),* that *the application of Section 377 of the Indian Penal Code (IPC) to consensual homosexual behaviour between adults was "unconstitutional, irrational, indefensible and manifestly arbitrary", has been a great victory to the Indian individual in his quest for identity and dignity.* This judgment has provided a launch pad for the LGBTQ+ jurisprudence and queer liberation movement in India. The Delhi High Court's verdict *in Naz Foundation vs Government of NCT of Delhi (2009)* was a 38th parallel in the law of sexuality and equality jurisprudence in India. The court held that Section 377 offended the guarantee of equality enshrined in Article 14 of the Constitution, because it creates an unreasonable classification and targets homosexuals as a class (https://bit.ly/3A1kHBZ). Earlier, in a retrograde step, the Supreme Court, in *Suresh Kumar Koushal vs Naz Foundation* (2013), reinstated Section 377 to the IPC. *But India witnessed the anastasis of Naz Foundation through the top court's judgment in Navtej Singh Johar & Ors.* with an embedded firewall of the doctrine of progressive realisation of rights. Despite the judgments of the Supreme Court, full equality is still a pie in the sky for the queer community in India. In matters of employment, health and personal relationship, there is still a lot of discrimination against sexual minorities. It is only when these problems are adequately addressed that the LGBTQ+ community will be able to enjoy full autonomy and agency.

Legal sanction opposed

The Union of India has recently opposed any move to accord legal sanction to same-sex marriages in India stating that the decriminalisation of Section 377 of the Indian Penal Code does not automatically translate into a fundamental right for same sex couples to marry. This was stated in response to the Delhi High Court notice to a plea by LGBTQ+ activists and couples who sought recognition of same-sex marriages. Justice Anthony Kennedy of the U.S. Supreme Court, in Obergefell vs Hodges (2015) underscored the emotional and social value of the institution of marriage and asserted that the universal human right of marriage should not be denied to a same-sex couple. *As of 2021, same-sex marriage is legally performed and recognised in 29 countries.* Indian society and the state should synchronise themselves with changing trends.

Amend Article 15

Article 15 secures the citizens from every sort of discrimination by the state, on the grounds of religion, race, caste, sex or place of birth or any of them. This Article is the cornerstone of the concept that equality is the antithesis of discrimination. Imbibing the zeitgeist, the grounds of non-discrimination should be expanded by including gender and sexual orientation. *In May 1996, South Africa became the first country to constitutionally prohibit discrimination based on sexual orientation.* Section 9(3) of its Constitution dictates that state may not unfairly discriminate

directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. Let Gandhiji's nation learn from Mandela's nation! *The United Kingdom passed the "Alan Turing law" in 2017 which 'granted amnesty and pardon to the men who were cautioned or convicted under historical legislation that outlawed homosexual acts'. The law, named after Alan Turing, a World War II code-breaker and computing genius, who was convicted of gross indecency in 1952, provided a 'posthumous pardon, also an automatic formal pardon for living people who had had such offences removed from their record'.* To expiate the excesses committed against the LGBTQ+ community in the past and present, the Indian state should also enact a law on these lines to do justice to the 'prisoners of sexual conscience'. *Justice Rohinton F. Nariman had directed in Navtej Singh Johar & Ors., the Government to sensitise the general public and officials, including police officials, to reduce and finally eliminate the stigma associated with LGBTQ+ community through the mass media and the official channels.* But the Government has simply disregarded this obligation. *School and university students too should be sensitised about the diversity of sexuality to deconstruct the myth of heteronormativity. Heteronormativity is the root cause of hetero-sexism and homophobia.* Rohit De illustrated, in his A People's Constitution: The Everyday Life of Law in the Indian Republic (2018), how laws and policies were frequently undone or renegotiated from below by the ordinary citizenry using constitutional remedies. He unfolded the stories of individuals from socially and economically marginalised sections such as prostitutes, butchers, refugees, and vegetable vendors who turned to the court for 'rewriting' the Constitution. However, for Queeristan, the Constitution has been 'a beautiful and ineffectual angel' so far. Hence, it is time for change; but the burden should not be left to the powers that be. The onus remains with the civil society, the citizenry concerned and the LGBTQ+ community itself.

DEFENCE SERVICE WORKERS BARRED FROM STRIKE

The Union Law Ministry late on Wednesday notified an *Ordinance that prohibited employees engaged in essential defence services from taking part in any agitation or strike*. *The Essential Defence Services Ordinance, 2021,* comes in the backdrop of major federations affiliated with the 76,000 employees of the Ordnance Factory Board (OFB) making an announcement *that they would go on indefinite strike from July 26 in protest against the government's decision to corporatise the OFB.* The notification stated that President Ram Nath Kovind "is satisfied that circumstance exists for the Ordinance as Parliament is not in session". "Any person, who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike, shall be punishable with *imprisonment for a term, which may extend to one year, or with fine, which may extend to ₹10,000, or both*," the Law Ministry notification said. The notification added that anyone *instigating or inciting others to take part in a strike declared illegal under the Ordinance shall also be punished with imprisonment for a term that may extend up to two years, apart from having to pay fines.* The gazette notification said *employees involved in the production of defence equipment, services and operation, or maintenance of any industrial establishment connected with the military, as well as those employed in the repair and maintenance of defence products, would come under the purview of the Ordinance.* Following the Cabinet decision, Defence Minister Rajnath Singh said *there would be no change in the service conditions of employees of the OFB*, and the decision was aimed at boosting India's defence manufacturing sector. On June 16, *the Union Cabinet approved a long-pending proposal to restructure the nearly 200-year-old Ordnance Factory*

Board — operating 41 ammunition and military equipment production facilities — into seven State-owned corporations to improve its accountability, efficiency and competitiveness.

NEW DEPUTY CHIEFS FOR ARMY AND AIR FORCE

Air Marshal Vivek Ram Chaudhari took over as Vice-Chief of the Air Staff on Thursday, while Lt. Gen. Sanjeev Kumar Sharma assumed office as the Deputy Chief of the Army Staff (Strategy). Air Marshal Chaudhari was commissioned into the fighter stream of the Air Force on December 29, 1982, and has a flying experience of more than 3,800 hours on a wide variety of fighter and trainer aircraft, an IAF statement said. He is an alumnus of the National Defence Academy and the Defence Services Staff College, Wellington. Prior to the present appointment, he was Air Officer Commanding-in-Chief (AOC-in-C) of the Western Air Command. He succeeds Air Marshal H.S. Arora, who retired on Wednesday after over 39 years of service. Air Marshal B.R. Krishna, who was the Director-General (DG), Air Operations, took over as the new AOC-in-C of the Western Air Command and Air Marshal P.M. Sinha assumed office as DG, Air Operations. The Deputy Chief (Strategy), a third and a new vertical created for overseeing the Army's operations and intelligence directorates, among other important branches, was one of the most crucial appointments in the Army, said an officer. Lt. Gen. Sharma was the Director General of Military Intelligence prior to the new appointment. He was commissioned into the Rajputana Rifles in December 1983.

DELHI'S LAME DUCK ASSEMBLY

The Government of National Capital Territory of Delhi (GNCTD)(Amendment) Act, 2021 has been extensively criticised as a retrograde law that turns the clock back on representative democracy. The bulk of criticism has been focused on the reduced autonomy of the elected government and the consequent vesting of several crucial powers in the unelected Lieutenant Governor, who is the representative of the Union government. This is largely attributable to public consciousness of the regular skirmishes between the elected government and the Lieutenant Governor. However, what deserves equal condemnation is the Act's assault on the functioning of Delhi's Legislative Assembly, which has been sought to be reduced to a lame duck.

A delicate balance

When the GNCTD Act was enacted in 1992, the Legislative Assembly was given the power to regulate its own procedure, as well as the conduct of its business. This was subject to very limited exceptions concerning financial matters and scrutiny over the Lieutenant Governor's discretionary role. This sought to realise a delicate balance reflecting Delhi's unique constitutional position: neither full state nor a centrally governed Union Territory. However, the Amendment Act drives a coach and horses through this scheme. Now, *Delhi's Assembly has no more functional independence worth its name. Its standards of procedure and conduct of business have been firmly tethered to that of the Lok Sabha, depriving Delhi's elected MLAs of an effective say in how their Assembly should be run.* Even more insidiously, the Amending Act prohibits the Assembly from making any rule enabling either itself or its committees to consider any issue concerned with "the day-to-day administration of the capital" or "conduct inquiries in relation to administrative decisions". This is rounded off by providing that any rule made before the Amendment Act came into effect that runs counter to this formulation shall be void. *The most insidious impact of this shall be to the exercise of free speech in the Assembly and its committees. A situation where an elected Assembly is*

prohibited by law from discussing matters concerning the day-to-day administration of its own territory is one where it is dead on arrival. How can the Assembly be expected to perform its most basic legislative function — that of holding the executive to account — if it cannot guarantee itself the ability to freely discuss the goings on in the capital? What is the use of electing MLAs and endowing them with legislative privilege if they are unable to discuss the governance of the very constituents who elected them?

Impact on committees

A note of alarm must also be sounded for the effect on the functioning of the Assembly's committees. These committees are usually inured from the sound and fury of political theatre that pervade sittings of the whole Assembly. Away from the glare of cameras, cooler heads usually prevail and important work gets done. Inquiries are conducted, witnesses and documents are examined, and reports on relevant issues are written. The deliberations and inputs of committees often pave the way for intelligent legislative action. In a way, they act as the eyes and ears for the whole House, which has neither the time nor the expertise to scrutinise issues in depth. It would be impossible for committees to perform this function without the power to conduct inquiries. It is true that many of these inquiries are bound to be broad-based and roving in nature, and may even lead to legislative dead ends. *But to pre-emptively injunct a committee from conducting an inquiry "in relation to the administrative decisions" (an extremely broad exception) completely negates the ability of committees to function effectively as the Assembly's advisors and agents.* The quality of legislative work emanating from the Assembly is thus ultimately bound to suffer. This clinical purge of its critical legislative functions has rendered the Delhi Assembly a 'legislature' in name only, unable both to articulate the concerns of the electorate and hold the political executive to account. Surely, Delhi's voters deserve better than that.

LATER THAN EVER

The Union Territory of Puducherry has finally got a Council of Ministers. It has taken almost two months after the Assembly election results, and 50 days since the assumption of office by N. Rangasamy as Chief Minister, for the National Democratic Alliance (NDA) to get five nominees sworn in as Ministers, three from his party, the All India N.R. Congress (AINRC), and two from the Bharatiya Janata Party (BJP). What makes Puducherry's first NDA Ministry stand out from the earlier coalition ministries is the inordinate delay in its formation despite there being a pre-poll alliance. The impact of the deadly second wave of the pandemic did not add any sense of urgency to the parties to thrash out their differences. But there could be more trouble to come. Portfolios have not been allocated to the five Ministers who were sworn in on Sunday. The Chief Minister's illness was not the only obvious reason for the delay in cabinet formation; there were also differences between the partners and within the BJP local unit. The central government too appeared to have supported the Chief Minister's not-so-enthusiastic response to the local BJP unit's demand for the post of Deputy Chief Minister as it did not create any such post. However, the BJP, which has nine MLAs in the Assembly, including three nominated legislators, is tasting power for the first time in the Union Territory; the party has also got the post of Assembly Speaker. For all the delay, those involved in the Cabinet formation, including Mr. Rangasamy, deserve credit for the social balance in the Council of Ministers, which has three former Ministers, two representatives of Scheduled Castes and a woman. There is a strong possibility that the two parties would continue to have differences over the implementation of their manifestos, the key one being the AINRC's emphasis on Statehood which the national party is silent on.

FOCUS ON COVID-19 ESTIMATED DEATHS

In India, *even before the COVID-19 pandemic, around 85% of all deaths were registered and only one-fourth of the registered deaths were medically certified for the causes of death.* There have been wide variations among States and within them, in rural and urban areas. *Understanding the causes of death is essential for health sector planning and optimal allocation of health resources.* In the absence of robust data on the causes of death, governments rely on estimates.

Reporting COVID-19 deaths

The World Health Organization has estimated that world over, COVID-19 deaths could be two-three times the officially reported numbers. Public health experts, disease modellers, and research institutes which specialise in morbidity and mortality data have estimated *that COVID-19 deaths in India could be in the range of three to 14 times the officially reported number of deaths.* As per ground reports, there has been under-reporting of COVID-19 deaths during the second wave of infections in India. In April and May 2021, crematorium and burial grounds had long queues, dead bodies were floating in rivers, more cremations were being done following the COVID-19 protocols than the officially reported number of deaths, and everyone had a few people in their social circle who had succumbed to COVID-19. All of these have been captured in media reports from various settings, including major cities and a number of States. *Each of these cities and States has reported excess deaths (comparing two similar periods in different years) that are twice to even 30-40 times higher than the officially reported COVID-19 numbers.* Rural India is known to have a weak death registration system; however, there is corroborative evidence of excess deaths. *At an existing death rate of seven per 1,000 people, an average village of 1,000 people should report around one death every two months. But most Indian villages have experienced deaths at a far higher rate in the two months of the second COVID-19 wave.* The Union and State governments have always been quick to deny estimates. Their core argument has been that COVID-19 deaths cannot be hidden. However, *the biggest counter to this position has come from the reconciliation of COVID-19 deaths in Bihar and Maharashtra. Following reviews and audits, these States showed a nearly 75% increase in COVID-19 deaths over the officially reported deaths for the specified periods. The reconciliation from Bihar and Maharashtra was attributed to under-reporting in private hospitals, in home isolation, in transit to the hospitals/facilities and those who died with post-COVID-19 complications.* In some of the districts, the revision resulted in the increase being twice or thrice the number of reported deaths. Therefore, it is logical to conclude that if and when other States initiate similar exercises, they are likely to report an upward shift in COVID-19 deaths. In fact, the majority of the current analyses of excess deaths has come from urban settings and large municipal corporations, known for a relatively better functioning death registration system. The challenges in death reporting in rural areas are very different and far bigger. During the second wave, access to COVID-19 testing services and treatment facilities was limited in rural India. Pandemic-related restrictions, lack of transport and the health-seeking behaviour of citizens indicate that many people from the villages did not come in contact with the formal health system, which is concentrated in urban settings. Very few rural health facilities were providing services for COVID-19 care. Many people were admitted in the healthcare facilities without a RT-PCR test, and on the basis of clinical symptoms. As many ground reports have shown, deaths in these sub-groups did not make it to officially reported COVID-19 deaths. *One of the core objectives of the pandemic response is to reduce mortality. Therefore, COVID-19 deaths are a good surrogate indicator of the health system's performance at the State and district levels.* This is a more focused

indicator of the response of the health system compared to process-oriented indicators such as daily tests conducted or dedicated COVID-19 beds added. If realistic estimates of COVID-19 deaths by city, rural settings, districts and States are known, a more targeted response could be mounted to the pandemic. *The death estimates could be very useful to plan for the next wave of the pandemic (in the short term) and to strengthen the Indian health care system (in the long run).*

Refining estimates

There are at least four approaches which can help us refine the estimates: death audits; excess death analysis; death surveys followed by verbal autopsies; and decadal Census, which is due in India. First, every State should get death audits done to correctly classify all the deaths that occurred during the pandemic. The audits should focus on all the health facilities, in the public and private sector, as well as deaths in homes. The process of death audits needs to be institutionalised. The experiences of Bihar and Maharashtra show that this can be done quickly. Second, the excess deaths in the pandemic period should be analysed more systematically. For urban settings and those States which have a relatively high death registration, such analysis can be done in a short period of time. Third, rural areas and smaller towns require additional data collection. The death registers at the village level can be utilised and panchayats can provide this data in real-time, which can be collated by the administration. The sample registration system teams functioning under the Registrar General and Census Commissioner in India and the booth-level officers used in elections can be mobilised to collect additional information on deaths reported in April and May 2021. This can help the government in getting more realistic death estimates in the next few months. *The Jharkhand government completed one such survey, focused exclusively on rural areas, which found 43% excess deaths than the comparable period before the pandemic. The State surveyed two-third of its population with the help of the existing workforce, in 10 days.* Such surveys should be planned by all States, followed by verbal autopsy, to assign the causes of deaths. Fourth, there is an urgent need to initiate the decadal Census in India. The U.S. and China conducted their census in 2020 during the pandemic. India should urgently plan for the Census, which would provide useful data for all sectors. Inter-censal growth will provide an important insight into the excess mortality. *The political leadership and health policymakers seem to be taking solace in the fact that India has not yet reported the highest number of COVID-19 deaths in the world. However, there is bigger merit in developing realistic COVID-19 death estimates, which could be more helpful in policy formulation, planning, resource allocation and health system strengthening.* Therefore, the governments at all levels (Union, States and districts) should work to come up with the estimated number of COVID-19 deaths. That kind of granular data on deaths along with other health data will help India fight the pandemic and plan for the post-pandemic period more effectively.

STOPPING THE SURGE

After a debilitating second wave of *COVID-19, cash-strapped State governments have responded to falling cases with a swift unlock programme in most districts. Some States have opted to open the floodgates, allowing dine-in restaurants, gymnasia, most shops and religious centres in areas with low test positivity rates for the coronavirus. Lockdown-weary citizens, on their part, have greeted the reopening with road trips to tourist centres, even travelling across inter-State borders.* This is not surprising, considering that the country has gone through weeks of anguish, when death and misery touched the lives of millions. The déjà vu moment, worryingly similar to the misplaced optimism following the first wave, is a time for caution and to avoid the missteps that produced the deadly second wave. Already, Maharashtra has expressed worry that there is a noticeable rise

in cases in just a week; the experience of other States will soon be known. *There is a lot to be concerned about, since the highly transmissible delta variant of the virus that overran cities and rural areas in April-May continues to threaten unvaccinated populations, senior citizens and people with weak immunity in particular.* The likely risk for children also causes apprehension. That it has morphed into a delta plus variant through a fresh mutation underscores the need for greater vigilance. With the unprecedented knowledge base created in just over a year on COVID-19, governments have the resources to plan finely tuned reopening strategies. The current consensus on preventing spread, as WHO points out, is to avoid the three Cs — crowded places, close-contact settings and confined and enclosed spaces. The intersection of these is the most dangerous, and relaxations given by some States fall within this red zone: dine-in restaurants, cultural performances, shops, and social events in enclosed spaces. *A significant number of people are unwilling to wear masks and adhere to distancing, making it difficult to stop transmission, including on trains and buses.* Neither have State governments moved to provide certified masks to the public liberally, to be able to insist that they be worn. The insurance and banking sectors have made slow progress in enabling employees to work from home using real time platforms that can reduce crowding in offices. It is clear that until vaccines are freely available and cover every individual, the economy can reopen with a modicum of safety only with strong leadership. A record vaccination rate on a given day may encourage more people to come forward to be immunised, but there are not enough doses available, and data show rural areas are doing badly compared to cities even for the first dose. The Centre is cautious this time, warning of a third wave, but the imperative is to open windows of activity gradually without dropping the ball on safety.

GOVT. TAKING STEPS FOR JABS FOR THOSE WITH NO ID PROOF

The Union Health Ministry has said that ownership of a mobile phone is not a prerequisite for COVID-19 vaccination and production of address proof for availing vaccination is not mandatory. In a release issued on Wednesday, the Ministry said it was also not mandatory to pre-register online on CoWIN for availing vaccination. "*For easy understanding of users, CoWIN is now available in 12 languages. These include Hindi, Malayalam, Tamil, Telugu, Kannada, Marathi, Gujarati, Odia, Bengali, Assamese, Gurumukhi (Punjabi) and English*," said the Ministry. The Ministry said the CoWIN platform was an inclusive IT system that provided a flexible framework with all the necessary features to facilitate coverage in the remotest parts of the country as well as for those who were most vulnerable. *"While one of the nine identity cards, including Aadhaar, Electors Photo Identity Card (EPIC), ration card with photo and disability ID card, is required for availing of vaccination, special provisions have been made by Central Government for organising vaccination sessions for those who may not have any of the nine specified identity cards or own a mobile phone," noted the release.* Taking full benefit of such provisions, more than 2 lakh such beneficiaries have been vaccinated, so far. Near-to-home vaccination centre services for the elderly and persons with disability were also being provided. For those who may not have access to Internet or a smartphone or even to a mobile phone, free of cost on-site registration (popularly called walk-in) and vaccination was available at all government vaccination centres. Eighty per cent of all doses have so far been administered in the on-site vaccination mode. "COVID-19 vaccination coverage is found to be better in tribal districts than the national averages. Data also shows that more than 70% of vaccination centres are located in rural areas, including more than 26,000 at the Primary Health Centres and 26,000 at the sub-health centres," the Ministry stated.

A WELCOME SPIKE

India began the week with a record, by administering over 8.6 million doses of vaccine on a single day, an impressive feat even from a global perspective. For most of May, India struggled to deliver over 2 million doses a day and beginning June, managed to hike it to over 3 million doses daily. These are substantial numbers, but inadequate, given that the benefits of mass vaccination would be discernible — in terms of reducing hospitalisation and mortality — only after a large percentage of the population is inoculated. By that metric, India is a global laggard with only 17% of the population covered by at least one dose and less than 4% by two. The U.S., in comparison, has inoculated at least 53% and the U.K. 64% with a single dose. In that light, India on a single day being able to administer over twice the previous weeks' daily average makes plausible the Centre's aspiration to inoculate all of India's adult population by the year-end. So far, about 25% of them have been administered at least one dose and to reach the 944 million adult population, it requires above eight million jabs every day until the year-end. While India has, as part of its polio vaccination programmes, administered vaccines to millions of children in a day, a one-day record is not evidence that the trend is sustainable. Most States substantially increased their daily count on June 21 but three stand out: Haryana, Karnataka and Madhya Pradesh.

ENSURE THAT NO MIGRANT WORKER GOES HUNGRY, SC INSTRUCTS GOVT.

A government cannot "abdicate" its duties to feed migrant workers, especially during a pandemic, merely because they did not have ration cards, the Supreme Court said in a judgment on Tuesday. "There is a large number of such migrants who do not possess any card. *Their above disability is due to their poverty and lack of education. The State cannot abdicate its duty towards such persons, especially in the wake of the pandemic where large numbers of migrant workers are not able to get jobs which may satisfy their basic needs," a Bench of Justices Ashok Bhushan and M.R. Shah observed in an 80-page judgment.* The court set July 31 as the deadline for the Centre and the States to ensure their "bounden duty" that none among the estimated 38 crore migrant workers, who form one-fourth of the country's population, goes hungry during the pandemic. *These workers too have made "considerable contributions" to the country's growth and economic development. The court ordered the State governments to frame schemes to distribute dry rations to migrant workers by July 31. "The States/Union Territories have to make extra efforts to reach migrant labourers so that no migrant labourer is denied two meals a day,"* Justice Bhushan, who wrote the judgment, said. The Centre has to supply whatever additional quantity of food grains a State demanded. The allocation of additional food grains and running of community kitchens in prominent places to feed workers should continue throughout the pandemic, the court directed. *Right to food, one of the "bare necessities of life", was an intrinsic part of the right to live with dignity, the court told the government. It ordered all the States to fully implement the One Nation One Ration Card (ONORC) scheme by July 31. The scheme allows migrant labourers covered under the National Food Security Act (NFSA) to access food at any fair price shop with his or her ration card in any part of* the country.

'Unpardonable apathy'

The court slammed the Labour Ministry for its "unpardonable apathy" in not completing the work of the ₹45.39 crore National Database for Unorganised Workers (NDUW) portal to register and identify migrant workers and unorganised labourers to ensure their rights, welfare and food security. The court had ordered the Ministry to finalise the NDUW module way back in 2018. *The Centre has blamed the delay in implementation on "software" problems. The court ordered the Centre to get its*

act together and complete the work on the portal by July 31. The Labour Secretary has to file a report in a month thereafter. The Centre should complete the registration of workers by December 31 this year or all their "welfare schemes" would be considered "tall claims on paper". Justice Bhushan observed, "*The Ministry is not alive to the concerns of the migrant workers. The non-action of the Ministry is strongly disapproved". The court said an unorganised worker was entitled to direct bank transfer if there was a State policy. "Both, in the first and the second wave of the pandemic, migrant workers had been exposed to financial and other forms of hardships due to their limited access and claim to the welfare resources offered by the States/Union Territories. Migrant labourers are particularly vulnerable to the economic regression," the court noted. It suggested that the Centre ought to "redetermine" the beneficiaries under the Food Security Act in both the urban and rural areas. The Bench directed the States/Union Territories to register establishments and license contractors under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and ensure that they provided the authorities complete details of the workers employed with them.*

RELIEF AND RECOMPENSE

It is a matter of relief and satisfaction that the Supreme Court has prodded the Union government to perform its statutory duty of fixing a compensation for the families of those who lost their kin to the COVID-19 pandemic. The order comes close on the heels of a slew of directions on registering the country's vast unorganised workforce and its army of inter-State labourers on a national database and ensuring that none of them went hungry. On the issue of making an ex gratia payment to those affected by the pandemic, a notified disaster under the Disaster Management Act, the Centre initially took the untenable stand that it lacked the financial resources to compensate for every COVID-19 death. However, it later admitted that it was not the adequacy of resources that made it avoid any compensation, but rather its decision to prioritise expenditure in response to the pandemic. *It is indeed true that unlike more frequent disasters such as cyclones, earthquakes and floods, a pandemic that has hit every country is not a one-time calamity, but an ongoing and prolonged phenomenon. However, the Court has rightly found that this was not reason enough for the Government to evade its duty to include ex gratia assistance on account of loss of life in its guidelines for "minimum standards of relief" to those hit by the disaster. The Court correctly did not fix a compensation amount for each death, leaving it to a policy decision by the National Disaster Management Authority and the Centre.* In an earlier order, the Court dealt with the need for comprehensive registration of all inter-State and unorganised workers in the country. It is unfortunate that it needed a pandemic, and the resulting humanitarian, social and economic crisis for millions of workers, to give an impetus to the process.

ISSUE CLEAR GUIDELINES ON DEATH CERTIFICATES

The Supreme Court on Wednesday directed that deaths due to COVID-related complications must be certified as COVID deaths. This would apply to cases where patients had died of COVID-complications even a month or two after being diagnosed and irrespective of whether the patients died at home or in hospital, the court said. "*A simplified procedure/guidelines is/are required to be issued by the Central Government and/or appropriate authority for issuance of an official document/death certificate stating the exact cause of death, i.e., 'Death due to Covid-19'," a Bench led by Justice Ashok Bhushan directed.* "It is the duty of every authority to issue accurate/correct death certificates stating the correct and accurate cause of death, so that the family members of

the deceased who died due to COVID-19 may not face any difficulty in getting the benefits of schemes that may be declared by the government," the judgment noted. The court ordered that the guidelines should also lay down the grievance redressal process for the families of COVID-19 patients in case of errors in certificates.

GOVT. GIVES NOD FOR CIPLA TO IMPORT MODERNA'S VACCINE

The Drugs Controller General of India (DCGI) on Tuesday granted permission to Mumbai-based pharma major Cipla to import Moderna's COVID-19 vaccine, making it the fourth vaccine in the country to be given the emergency use authorisation (EUA). Announcing this at the Health Ministry's press conference, NITI Aayog's member (Health) V.K. Paul said the modalities were being worked out for the import of the vaccine and added that India is also in talks with Pfizer and JJ to add to the basket of vaccines available in the country. Currently, India has made available three COVID vaccines — Covaxin, Covishield and Sputnik.

Cipla, while applying for the license, referred to DCGI notices dated April 15 and June 1 that if a vaccine is approved by the U.S. Food and Drug Administration (FDA) for EUA, then it may be made available without a post-approval bridging trial and the testing of every batch of the vaccine by the Central Drugs Laboratory. In a statement, Cipla said it is "supporting Moderna, Inc. with the regulatory approval and importation of vaccines to be donated to India. At this stage, there is no definitive agreement on commercial supplies." According to the World Health Organisation (WHO), the Moderna vaccine has shown to have an efficacy of approximately 94.1%. Meanwhile, responding to a question about the spread of the Delta Plus variant in India, Dr. Paul said 51 cases of Delta Plus variant have been reported from 11 States and one Union Territory — Madhya Pradesh, Maharashtra, Punjab, Gujarat, Kerala, Andhra Pradesh, Tamil Nadu, Odisha, Rajasthan, Karnataka, Haryana and Jammu (as of June 28).

TACKLING VACCINE HESITANCY CHALLENGE IN RURAL INDIA

In rural India concerns about COVID-19 vaccines are now increasingly commonplace. People voice their concern about what will happen to them if they get vaccinated and have doubts that the government is sending inferior quality vaccines to them. Vaccination sessions in local health centres often see very few or no takers. From a public health and equity perspective, this is a cause for worry. The fear of vaccines and rural communities not only resisting but also outright rejecting vaccination is a reality. A few weeks ago, villagers in Barabanki (UP) jumped into a river to escape COVID-19 vaccinators. Efforts by local health authorities to create awareness are of little avail. There are contrasting dimensions to COVID-19 vaccine rollout: one where people are enthusiastically accepting it and the other of resistance. *There are many diverse factors at play in this, which may go beyond the health concerns and have more to do with socio-anthropological aspects of health-seeking behaviour.*

Vaccine hesitancy

Vaccine hesitancy is not a recent phenomenon. It is neither limited to a particular community or country, nor have we seen it only in the context of COVID-19. Various studies have shown that the acceptance of vaccines among African-American communities is relatively low in the U.S. Polls have also shown significant hesitancy among Hispanics and people in rural areas. *We have also seen vaccine hesitancy among the urban and the more educated or 'aware' populations, with pockets*

of populations of socio-economically well-off communities refusing to get their kids vaccinated. While vaccine hesitancy can lead to a firm rejection of vaccines, there's also a possibility of people changing their perceptions over time.

Socio-cultural context

Most of our fears and apprehensions stem from a deep impact of something adverse or unfavourable that we have personally experienced or our social circles have experienced. Over time these become our beliefs, our innate guards. In the context of the concerns described at the beginning of this article, we must look at vaccine hesitancy from a distinct lens of fear and not necessarily scepticism for new vaccines. These individuals, and the communities they belong to, are probably not really challenging medical science, or questioning vaccine trial results, adequacy or inadequacy of evidence*. Rather, they seem to indicate deep-seated fears and belief in conspiracies, the fear of perhaps being discriminated and deceived and of being omitted (from societal benefits). Parts of rural Rajasthan, where we have seen high vaccine refusal rates, are also often poorly resourced, and often tribal. Communities in this region here have believed that the widespread poverty and the general backwardness that they had been pushed into is a result of historically institutionalised discrimination imposed on them by those in power. They believe that they have been systematically alienated of their land rights, forest rights and kept deprived of basic education and health care. All of this has led to a state of despondency and, more than that, a very strong feeling of distrust and resentment against government institutions and those in power. Such contexts cannot be ignored while we try to understand what might be fuelling the extreme fear and resistance around COVID-19 vaccine*. .

Building trust

Communities might not see the impact of a vaccine instantly, as it's usually preventive in nature rather than curative. People are used to taking medications when they are unwell or in pain, and they may feel better almost immediately, but that's not the case with vaccines. *On the contrary, vaccines administered to a healthy person may lead to occasional side-effects like fever, body aches, etc. Add to that rumours about deaths post-vaccination, and it may not be so easy for people to get convinced about the vaccines.* Responses to vaccines must also be discussed and analysed in conjunction with and in comparison to uptake of other health care services by a particular population. Addressing vaccine hesitancy in rural India would first of all require health systems to be honest and transparent. Create awareness, let people know how vaccines work, how they help prevent a disease, what are the probable side effects and how they can be managed. *Health authorities need to be comfortable about people raising questions, while providing them answers as best as possible. Moreover, it's important to be patient with them. In most cases, it would take time before they change their minds, if at all. Being cognisant of local cultural sensitivities and working with trusted intermediaries is important in this effort.* Sustained and meaningful efforts need to be made to build trust, gain confidence of communities and meet their expectations. This would also require seeing them as equals, treating them with dignity and acknowledging their fears. *To do this, governments and the health functionaries will need to break out of their conventional notions and beliefs around people's healthcare-seeking behaviours and understand and address their fears and apprehensions. They will also need to rethink and alter their communication strategies and move beyond ceremonial awareness drives and campaigns to interventions that are truly engaging and which make the communities feel important and valued. Even more crucial is to engage communities in planning, execution and monitoring of health care services at all levels. Create fora where they can*

freely convey what they want and how they want it to be delivered, where they can share how they feel about government policies, programmes or services and where they can hold people and systems accountable for gaps without the fear of being subjugated. Also, governments at both Union and State level must commit to investing more on health care and prioritising primary health care services. Quality health services in all aspects, and not just in sporadic efforts such as pandemic vaccination campaigns, should be delivered. Once we establish these, we might start seeing communities respond favourably and supportively to public health efforts.

THE ROLE OF VENTILATION IN PREVENTING COVID-19 TRANSMISSION

Covid-19 spreads through the respiratory route. To minimise the risk of infection, we must pay attention to the flow of air in indoor spaces such as homes, classrooms, restaurants, offices, neighbourhood grocery stores, etc.

Virus in droplets

When a person infected with the coronavirus speaks, shouts, laughs, sneezes, or coughs, they emit droplets. These droplets range in size from the very small (referred to as aerosols) to large, but still less than a millimetre in size. While large droplets fall to the ground under gravity within 1-2 metres of the person emitting them, smaller aerosols can stay suspended in the air and can be carried over large distances, over 8 metres away.

Therefore, masks

Masks trap droplets, dramatically decreasing the range over which they are carried. Thus, they are a very effective way to minimise the number and range of droplets emitted by people. Well-fitted, high filtration efficiency masks such as the N-95 masks virtually eliminate the chance of droplets infecting the wearer. However, the quality of the fit is critical, and a perfect fit, with no gaps, is difficult to achieve in practice with a typical mask. Wearing two masks, one surgical and one cloth, reduces risk substantially.

It's safer outdoors

For infectious airborne pathogens, the chances of infection are greatly reduced through good ventilation. When one is outdoors, normal draughts of wind are sufficient to disperse pathogens and greatly dilute their concentration. The risk of infection is thus very low when one is outdoors, and in situations that are not too crowded. Dense crowds typical of urban train stations or markets in our country carry a higher risk, even if they are outdoors, since large numbers of people are in close proximity. Thus, in an outdoor setting that carries any risk of crowding, it is prudent to double-mask using well-fitting masks, and to minimise the time spent in proximity to other people.

Vulnerable indoors

As India opens up, physical distancing will not always be possible. There will be times when we will need to come into contact with people in closed rooms, in cafeterias, offices, or in social settings. An often-neglected fact is that even talking can spread Covid-19; our research shows that short unmasked conversations can carry a significant risk of infection. *In indoor settings, ventilation is usually poorer than in outdoor locations, and the risk of infection is correspondingly higher. There are well-studied methods in the engineering sciences that can be used to assess the risk of airborne infection indoors*. These methods estimate the risk of contracting infection based on

the number of people in a closed space, the time of exposure, and the ventilation in the room. The greater the number of infected people in a room, and the longer one spends in that room, the higher the possibility of getting infected.

How ventilated?

A key aspect here is ventilation. The simplest measure of ventilation is the average air exchange rate. This tells us how often the air in a room is replaced with fresh air. Consider an exhaust fan that vents the air from a room. An exhaust fan with a rating of 250 cubic feet per minute working at full capacity will, on average, exchange the air in a 15 ft x 10 ft x 10 ft room in about 6 minutes. In general, the higher the fan rating, the better the ventilation. Pedestal fans placed near doors or windows can also be very effective. On the other hand, ceiling fans circulate the air in a room, rather than venting these out directly, and can improve ventilation only with open doors and windows. Ventilating a room dilutes and removes potentially infectious aerosols, decreasing the risk of infection. Therefore, well ventilated airy rooms with open doors and windows reduce the risk of infection. An online calculator for estimating the safe period of time that you can be in a closed room, and yet limit the chance of infection has been developed by a group at MIT. One of the assumptions underlying these air exchange calculations is that the air in the room is well mixed and has the same, uniform concentration of pathogens everywhere. However, computer simulations of air-flows suggest that this is not the case. Specific parts of the room, such as corners, have pockets of air that form recirculating zones. Pathogens trapped in these zones are not easily vented out. Our simulations indicate that droplets in these regions can stay for 10 times longer than in well-ventilated parts of the room. *A person sitting in a recirculating zone will be more exposed to infectious pathogen, thus increasing the risk of infection. A simple strategy to identify recirculating zones in a room is to use an agarbatti to gauge the direction of smoke drift.* If the smoke rapidly drifts towards one of the openings, such as ducts, windows or doors, then this is a well-ventilated zone. If the smoke rises vertically upwards, or spirals in the same area, this indicates a recirculating zone. *These simple methods to study ventilation in indoor spaces can be tested and refined by combining them with computer simulations, as some of us at IIT Bombay are doing. We find that simply increasing the exhaust fan speed may not eliminate the recirculating zones.* They can, however, be minimised by the suitable placement of pedestal fans. We have applied these methods to study how air flow can be improved in confined locations such as barber shops, by simply altering the placement of fans within them. Small, closed, air-conditioned rooms carry enhanced risk. As India enters its monsoon season following the heat of summer, it may be feasible to reduce the use of air-conditioning, leaving doors and windows open, ensuring that these spaces sustain a through-flow of air and that zones of recirculation are avoided. The role of ventilation in ensuring safety against the transmission of Covid-19 has not been emphasized sufficiently so far, but should be a crucial part of India's future strategy.

AFTER ODISHA, TAMIL NADU, JHARKHAND SAYS CUT PRIVATE VACCINE SHARE

NOTING that 75% of the state's population lives in rural areas with negligible reach of private hospitals, the Jharkhand Health Department has written to the Centre seeking that their share in Covid vaccination be reduced from 25% to 5%. In a letter dated June 28, the department has said that this "artificial tie up of 25% vaccination in private hospitals", despite knowing that the demand in such hospitals is negligible, may lead to "deprivation". As per the new vaccination policy that rolled out on June 21, 25% of the shots are to be provided to private hospitals, which can charge a fixed amount as service rate above the price of the vaccine. The remaining 75% goes

to the government, which is providing the shots free of cost. Earlier, Odisha had urged the Centre to cut private hospital share in vaccine allocation to 5% on the same grounds, saying that very few in the state are going to private hospitals for shots. Tamil Nadu M K Stalin recently said the share of private hospitals should be cut to 10% given the actual vaccinations carried out by them.

KEEPING ALIVE CONVERSATIONS ABOUT AIDS

Four decades ago, on June 5, 1981, the Centers for Disease Control and Prevention reported an unusual fungal infection of the lungs (pneumocystis carinii pneumonia) in five gay men in Los Angeles. That was the first time the world learnt about the devastating infection caused by the Human Immunodeficiency Virus (HIV) in people with a weak immune system. We are in June of another decade and another century, and another virus is haunting us. Clioepidemiology is the study of information from past epidemics for advice about the present. We have dealt with the HIV infection for 40 years. What stops us from drawing from the collective experience of the past and entering this new battlefield against COVID-19 well-armed?

Falling short of targets

It is widely acknowledged that India scripted one of the biggest success stories in fighting HIV/AIDS between 1997 and 2010, after the infection hit the shores in 1986. The achievement of "controlling AIDS" was flagged by the Centre in 2012 as a small victory in the long journey of accepting, understanding and fighting the disease. But soon, we fell short of our targets. *The aim of the World Health Organization, of which India is a member, was to ensure that 90% of the people living with HIV/AIDS are on anti-retroviral therapy by 2020.* The target has been pushed by at least five years. Similarly, the 2017 National Health Policy and the UN Sustainable Development Goals aim to end AIDS by 2030. This goal too looks like it may take longer to achieve. Former Union Health Secretary and National AIDS Control Organization (NACO) Director, J.V.R. Prasada Rao, who helmed India's AIDS response programme till 2017 as Special Envoy to the Secretary General of the United Nations on HIV/AIDS for the Asia Pacific region, fears that the country is at risk of losing hard-won gains. When the COVID-19 outbreak shook the world last year, transferring the blame for unmet targets got easy. But AIDS had actually fallen off the radar long before. And if it is further flushed out of public memory, it will be difficult to check progress on controlling it.

How India slipped

After years of debate and hard work, India had everything going for it to escalate the fight against HIV/AIDS. *The information and education campaigns of the 1990s helped to check the transmission of HIV infection through two routes: mother to child, and blood transfusions. Strict ante-natal protocols were established and blood banks were upgraded with superior testing facilities. The sale of blood was banned.* Excellent awareness programmes and intensive follow-up action plans led to significant decline in incidence, but the reduced visibility of the disease led to plateauing of efforts. While politics let AIDS slip from being priority health news, arrogance and complacency of governments between 2013 and 2019 slackened the implementation of AIDS control programmes countrywide. Post-2014 elections, the government was keen to show the world that it was close to beating AIDS, says Mona Mishra, strategic planning consultant (HIV/AIDS project), UNDP. The HIV infection diagnosis rate dropped from 60% in 2010 to 23% in 2019, the mortality rate doubled and new cases spiked five times more during the period. According to NACO's annual HIV Estimates report of 2019, there were over 58,000 AIDS-related deaths and over 69,000 new

HIV infections added to the pool of 2.3 million people living with HIV/AIDS, with 98% of new infections in the high-risk groups. This happened because the campaign to educate and empower the vulnerable communities — MSM (men who have sex with men), IDUs (Injecting Drug Users), migrant and sex workers, and truck drivers — was losing steam. *An entire new generation had grown up on Internet knowledge. They were downloading dating apps and hooking up with no awareness of AIDS. Natural desires and sexual behaviour cannot be changed; yet discussions with adolescents on safe sex were buried.*

Trusting the same formula

The pioneers of the AIDS movement understood that a strong political leadership, financial support, advocacy and activism were non-negotiable in the successful handling of the movement.

The nationalised AIDS treatment plan is a perfect example of how early detection, diagnosis and treatment saved many lives. It gave a head start to the National AIDS Control Programme (NACP) when every State and Union Territory established its own AIDS control organisation and was given a free hand and funds to monitor the epidemic and work on integrated action plans under NACO's supervision. Universal precaution and prevention were NACP's bedrock. Experts say the NACP's experience in dealing with HIV needs to be tapped into. The existing workforce in 21,000 Integrated Counselling and Testing Centres (ICTC) is well-equipped. They can help in early detection of infections, provide basic information on modes of transmission, promote behavioural change, reduce vulnerability and link people with care and treatment services.

HC GIVES A PAT ON THE BACK FOR STRAY DOGS

The Delhi High Court has directed that every Resident Welfare Association (RWA) should form "Guard and Dog partnerships" in consultation with the Delhi Police Dog Squad, so that dogs can be trained to work as guard dogs and yet be friendly to residents of a colony. Justice J.R. Midha issued a slew of directions on the contentious issue of feeding stray dogs. *The High Court said stray or street dogs have the right to food and citizens have the right to feed them, but in exercising this right, care and caution should be taken to ensure that it does not impinge upon the rights of others.*

'Duty to feed'

The High Court also ruled that it should be "the duty and obligation of every RWA or municipal corporation (in case RWA is not available) to ensure that every community dog in every area has access to food and water in the absence of caregivers or community dog feeders". Feeding of community dogs has to be done in areas designated by the Animal Welfare Board of India (AWBI) in consultation with RWA or municipal corporation. While determining the "designated area", it has to be kept in mind that "every dog is a territorial being, and therefore, the street dogs have to be fed and tended to at places within their territory which are not frequented, or less frequented, and sparingly used by the general public and residents", it said. *Stray dogs are protected under the Prevention of Cruelty to Animals Act, 1960, and rules enacted under Section 38 of the Act, particularly the Animal Birth Control (Dogs) Rules, 2001, which makes it illegal for an individual, RWA or estate management to remove or relocate dogs.* A 2006 Office Memorandum of the Central government carried specific rules against government servants who indulge in acts of cruelty to animals. The rules make the government servant liable for action under the Prevention of Cruelty to Animals Act. "Such acts of defiance be noted down in the ACR (annual confidential report) files of government employees. If any such complaint is received by AWBI, the same be sent to the office

concerned for being placed in the ACR file of the government employee for necessary action as per CCS rules," the High Court ordered.

COURT GIVES RELIEF TO CA ASPIRANTS

In relief to chartered accountancy aspirants, the Supreme Court on Wednesday allowed them to opt out if they or their family members had COVID-19. The court directed the Institute of Chartered Accountants of India (ICAI) to allow candidates to opt out of the July exam if they were able to produce a certificate from a registered medical practitioner showing that either they or any of their family members were suffering from COVID-19 or its after-effects and unable to prepare for the exam. RT-PCR test result was not necessary if a candidate had a doctor's certificate.

Change of centre

The court further directed that candidates should be given the option to opt out even if the exam centre has been changed to another location within the same city. "If you are changing the exam centre at the last minute because of your own logistical problem, you should leave it to the candidate to decide whether he or she wants to opt out. You have to give the candidate the choice and respect their choice," Justice A.M. Khanwilkar, leading a three-judge Bench, addressed the ICAI, represented by senior advocate Ramji Srinivasan. *The court said candidates who opted out due to "COVID-related problems" and exam centre changes should be allowed to appear in the back-up exam whenever it would be conducted.* The court said the ICAI scheme already allowed candidates affected by the lockdown during the examination to opt out appear for the back-up exam to be conducted by the institute in due course. The court, allowing the ICAI to go ahead with its exams in July, directed the institute to strictly adhere to safety norms. On Tuesday, *the court pointed out to the ICAI that opt-out option should be made available not only for the candidates who are COVID-19 positive at the time of exam but also for those who could not prepare for it due to extended post-pandemic complications certified by an expert.* The Bench was hearing pleas to postpone the exam due to the pandemic. The ICAI had said that July was the apt time to conduct the exam with all safety protocols in place, considering the lull in cases. The third wave may hit in September or October. It had noted that candidates were eager to take the exam. "Out of 3,74,230 candidates, as on June 27, more than 2,82,000 candidates have downloaded their admit cards, thus showing their eagerness to appear in the examination," it had argued.

COMING SOON

Film-makers around the world have often made extraordinary efforts to keep cinema alive. Under a repressive regime in Iran, directors such as Abbas Kiarostami, Mohsen Makhmalbaf and Majid Majidi fought for art as a basic social need with films like Where Is the Friend's Home?, The Cyclist and Children of Heaven. In India, during the Emergency when the government apparatus came down heavily on any criticism, the prints of Amrit Nahata's political satire Kissa Kursi Ka, filmed in 1975, were destroyed. Even though a revised version was released in 1978, it invited several cuts from the Central Board of Film Certification. For the past few years, the CBFC has objected to the content of several films, ordering cuts. Now, *a proposed amendment to the Cinematograph Act, 1952, will make it even more difficult for film-makers to work on thorny or controversial subjects.* The draft Cinematograph (Amendment) Bill 2021, which has been put out for public comments, *has a provision that allows the Government to order re-certification of a film already certified by the CBFC.* Film-makers argue that the new provision adds one more layer of censorship to the existing

process. *Already in April, the Government took the ordinance route to scrap the Film Certificate Appellate Tribunal (FCAT), a statutory body set up to hear appeals of film-makers against decisions of the CBFC.* In 2000, the Supreme Court had upheld *the verdict of the Karnataka High Court in the K.M. Shankarappa vs Union of India case that the Union government cannot exercise revisional powers in respect of films that are already certified by the CBFC.* The draft acknowledges the existing apex court order but has added a new clause: "...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 provision of Section 5B(1) of the Act, the draft says, is derived from Article 19(2) of the Constitution "which imposes reasonable restrictions upon the freedom of speech and expression in the interests of sovereignty and integrity of India..." *New restrictive laws have come into place for over-the-top (OTT) platforms as well.* Giving the Government powers to vet content not only curbs freedom of expression but also quells democratic dissent. Fresh barriers to content generation are a threat to the existing space for public discourse and are indicative of the current pressures on freedoms from authoritarian tendencies of the ruling establishment.

WHAT ARE DMCA NOTICES FOR PROTECTION OF INTELLECTUAL PROPERTY ONLINE?

Union Minister for Electronics and Information Technology and for Law and Justice Ravi Shankar Prasad Friday was locked out of his Twitter account for an hour allegedly over a notice received for violation of the Digital Millennium Copyright Act (DMCA). The DMCA oversees the implementation of two 1996 treaties signed by World Intellectual Property Organisation (WIPO) member nations.

What is the DMCA and how does it ensure implementation of the WIPO treaties?

The Digital Millennium Copyright Act, or DMCA, is a 1998 law passed in the US and is among the world's first laws recognising intellectual property on the internet. Signed into law by the then US President Bill Clinton, *the law oversees the implementation of the two treaties signed and agreed upon by member nations of the World Intellectual Property Organisation (WIPO) in 1996. WIPO members had in December 1996 agreed upon two treaties, namely the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.* Both the treaties require member nations and signatories to provide in their respective jurisdictions, protection to intellectual property that may have been created by citizens of different nations who are also co-signatories to the treaty. *The said protection, accorded by each member state, must not be any less in any way than the one being given to a domestic copyright holder.* Further, it also obligates that signatories to the treaty ensure ways to prevent circumvention of the technical measures used to protect copyrighted work. It also provides the necessary international legal protection to digital content.

What is WIPO and how does it ensure protection of content on the internet?

With the rapid commercialisation of internet in late 1990s which started with static advertisement panels being displayed on the internet, it became important for website owners to get the user to spend more time on their webpage. For this, fresh content was generated by creators and shared over the Internet. *The problem started when the content would be copied by unscrupulous websites or users, who did not generate content on their own. Further, as the Internet expanded worldwide, websites from countries other than the one where the content originated, also*

started to copy the unique content generated by the websites. To avoid this and bring to task the unauthorised copiers, the members of WIPO, which was established in 1967, also agreed to extend the copyright and intellectual property protection to digital content. As of date, 193 nations across the world, including India, are members of WIPO.

Who can generate a DMCA notice and how are they sent to companies or websites?

Any content creator of any form, who believes that their original content has been copied by user or a website without authorisation can file an application citing their intellectual property has been stolen or violated. *Users can either approach the website on which the content has been hosted, or third party service providers like DMCA.com, which utilise a team of experts to help take down the stolen content for a small fee.* In the case of social media intermediaries like Facebook, Instagram or Twitter, content creators can directly approach the platform with a proof of them being original creators. *Since these companies operate in nations which are signatories to the WIPO treaty, they are obligated to remove the said content if they receive a valid and legal DMCA takedown notice.* Platforms, however, also give the other users against whom allegations of content cheating have been made, a chance to reply to the DMCA notice by filing a counter notice. The platform shall then decide which party is telling the truth, and shall accordingly, either restore the content or keep it hidden.

P. SAINATH SELECTED FOR 2021 FUKUOKA GRAND PRIZE

Noted journalist P. Sainath has been selected as one of the three recipients of the Fukuoka Prize for 2021. Mr. Sainath will receive the 'Grand Prize' of the Fukuoka Prize while the Academic Prize and the Prize for Arts and Culture will go to Kishimoto Mio of Japan and filmmaker Prabda Yoon of Thailand, respectively. In a statement issued by the Secretariat of the Fukuoka Prize Committee, Mr. Sainath was described as a "very deserving recipient of the Grand Prize of Fukuoka Prize". The Secretariat noted his work for creating a new form of knowledge through his writings and commentaries on rural India and for "promoting civil cooperation". *The Fukuoka Prize is given annually to distinguished people to foster and increase awareness of Asian cultures, and to create a broad framework of exchange and mutual learning among the Asian people. The Grand Prize has earlier been awarded to Muhammad Yunus from Bangladesh, historian Romila Thapar, and sarod maestro Amjad Ali Khan.* Eleven Indians have received the Fukuoka Prize so far. A total of 115 people from 28 countries and areas have received the prize in the past 30 years. The prize was established in 1990. Professor Mio has been recognised for her understanding of Chinese history. Prabda Yoon will receive the prize for increasing understanding of Japan in Thailand and for pursuing "a deeper philosophical insight into the future of humanity", said the statement from the Secretariat of the Fukuoka Prize Committee. This year's award ceremony will be held online on September 29.

NUCLEAR-CAPABLE AGNI-P MISSILE TEST-FIRED

A new-generation nuclear-capable ballistic missile, Agni-P (Prime) was successfully test-fired by the Defence Research and Development Organisation (DRDO) on Monday. "Agni-P is a new-generation advanced variant of Agni class of missiles. It is a canisterised missile with range capability between 1,000 and 2,000 km," a DRDO statement said. The test was conducted at 10.55 a.m. from the Dr. A.P.J. Abdul Kalam island, Balasore, off the coast of Odisha.

Various telemetry and radar stations positioned along the eastern coast tracked and monitored the missile, the statement said.

Canisterisation of missiles reduces the time required to launch the missile while improving its storage and mobility, one defence official explained. The Agni class of missiles are the mainstay of India's nuclear launch capability which also includes the Prithvi short-range ballistic missiles, submarine-launched ballistic missiles and fighter aircraft. *The longest of the Agni series, Agni-V, an Inter-Continental Ballistic Missile (ICBM) with a range of over 5,000 km, has already been tested several times and validated for induction. In the past few years, India has also operationalised its submarine-based nuclear launch capability, completing the nuclear triad.* This is especially important given India's *no-first-use policy* while reserving the *right of massive retaliation* if struck with nuclear weapons first. As reported by The Hindu earlier, *the DRDO, in January 2020, successfully test-fired a 3,500-km range submarine-launched ballistic missile, K-4, from a submerged pontoon off the Visakhapatnam coast. Once inducted, these missiles will be the mainstay of the Arihant class of indigenous ballistic missile nuclear submarines (SSBN) and will give India the stand-off capability to launch nuclear weapons submerged in Indian waters. INS Arihant, the only SSBN in service, is armed with K-15 missiles with a range of 750 km.*

ARMY AVIATION RAISES TEMPO IN OPERATIONS ALONG THE LAC

While the Army's repeated attempts to replace its ageing fleet of Cheetah and Chetak helicopters continue, there has been a quantum jump in the employment of helicopters of the Army Aviation in the last one year along the northern borders during the ongoing stand-off, according to defence sources. "The *recent induction of third generation night navigation goggles provides our helicopters with the requisite capability to operate almost during the entire moon phase. Adding to this capability, the recent induction of fresh lot of ammunition for the fleet of Rudra, weaponised variant of Advanced Light Helicopters (ALH), also ensured a quantum jump in terms of capability of the Army Aviation helicopters,"* a defence source said. "The growth of Army Aviation has been exponential in the past one year or so." During the ongoing stand-off and recent tensions along the Line of Actual Control (LAC), the Army Aviation assets were deployed all along as a proactive stance giving troops on ground the much needed surveillance support and confidence in terms of available fire support, the source said.

Surveillance system

The Army has 90 ALH and 75 Rudra helicopters in service which are indigenously designed and developed by Hindustan Aeronautics Limited (HAL). Very soon, the Army Aviation is also likely to induct a surveillance downlink system, anti-aircraft missiles, countermeasures against missile systems, new generation surveillance pods among others which will enhance the existing role manifold, the source stated. *The Army Aviation is also gearing up for some major inductions in the next couple of years including the AH-64 Apache, considered the world's best attack helicopter.* These helicopters will be delivered as early as 2023 and will be operational within a year, the source said, adding, "This massive game changer will ensure that the western borders are well secured." *The Army will soon also receive the indigenous Light Combat helicopter (LCH) from HAL. HAL has received the letter of intent for five IAF and five Army LCH for delivery pending contract finalisation of 15 limited series production variants*, a source said. "In the current year, we are producing four LCH for Army and two for IAF." In addition, to augment its surveillance capabilities along the LAC, *the Army has recently leased four Heron-TP Medium Altitude Long Endurance (MALE) Unmanned*

Aerial Vehicles (UAV) from Israel Aircraft Industries. Two UAVs would be delivered by August and remaining two by year end, two defence sources confirmed. *Heron-TP is an advanced version of the Herons in service with the forces. It is satellite communication-enabled and can fly up to an altitude of 45,000 feet and has an endurance of over 30 hours.* However, *about 75% of the Army's fleet of Cheetah and Chetak helicopters, which are its mainstay, is over 30 years old and some of them are about 50 years old. The Ka-226T utility helicopter deal with Russia along with the indigenous Light Utility Helicopter (LUH) meant to replace them has been held for several years over the percentage of indigenisation.* However, the Army is now hoping for some progress in the coming few weeks on the long-delayed deal, another source said, adding that it is making a pitch to procure a small number of Ka-226T helicopters.

Putin visit

With the visit of Russian President Vladimir Putin in the works for year end for the annual summit, there are expectations that this deal along with other held up proposals like the AK-203 assault rifle deal will get a push, a third source said. At present, the Army is holding 160 of the 246 Cheetah and Chetak helicopters with a serviceability rate of 60%. In addition, around 20 helicopters are with HAL for overhaul for around a year at any point of time. As reported by The Hindu earlier, the technical life of these helicopters will start finishing from 2023 onwards, which will only further exacerbate the deficiencies.

THE REAL MYSTERY

After a furore was raised over the alleged disappearance of Subhas Chandra Bose's cap, which was on display at the Red Fort, the government clarified that the cap was not missing, but was on loan to the Victoria Memorial in Kolkata. Hopefully, the matter will rest there. *But those who fish for red herring after red herring when it comes to Netaji are a tenacious lot.* A trickle of doubt has already made its way into social media about whether there is a precedent for "invaluable" objects being loaned to other museums (there is). Will this new question once more set in motion the gears and sprockets of the old Netaji Conspiracy Theory Generator? *Ever since Bose's death in an airplane crash in 1945, speculation about him has been unceasing.* Did he really die in the crash? What if he survived and lived as one Gumnami Baba for decades? Did "politics" (a vague term loved by conspiracy theorists) lead independent India's government to hide this? Multiple sightings have been reported over the years — at Gandhi's funeral, a military parade in Beijing, a Soviet jail cell. Big names, from Nehru to Krushchev, were dragged in. Never mind that *multiple investigative commissions and most of Bose's family, have accepted his 1945 death. His daughter Anita Bose Pfaff even clubbed Netaji conspiracy theorists with Moon landing hoaxers and JFK assassination theorists. After the storming of the US Capitol by QAnon conspiracy theorists*, among others, in January this year, *psychologists pointed out that in times of great disorder (such as a raging pandemic and economic distress), people who crave "cognitive closure" latch on to any theory that will help them make sense of the world.* The question then, for India, is this: *What plagues the national psyche so terribly that Bose's legacy has been reduced to a clutch of whodunits? Now that is a mystery worth solving.*

WILL FOOD BECOME COSTLIER?

Brent crude prices crossed the $75-per-barrel psychological level last week and closed at $76.18 on Friday, the highest since October 29, 2018. While the increase in international oil prices – Brent was

trading at just over $41/barrel a year ago – is being fully passed on to Indian consumers, it raises a related question: Will food follow fuel?

Trends: India and world

Table 1 shows global prices of major agricultural commodities, too, now ruling way above than their levels a year ago. *The UN Food and Agriculture Organization's (FAO) world food price index (FPI) touched 127.1 points in May, its highest value since September 2011. But unlike fuel, the increase in global food prices is not getting reflected in what consumers in India are paying. Annual consumer food price index (CFPI) inflation in India, at 5% in May, was far lower than the 39.7% year-on-year rise in the FAO-FPI for the same month (see chart). While the CFPI and FAO-FPI inflation rates moved more or less in tandem till about February 2020, the period thereafter has seen a marked divergence. Global food inflation crashed after March 2020 when the novel coronavirus pandemic struck.* Retail food inflation in India, on the other hand, hovered around double-digits till November. It eased after that, by which time, however, the recovery in global food prices was gaining momentum.

Why the divergence

What explains the above divergent trends? For that, one needs to first understand the drivers of both global and domestic inflation. The spike in international food prices from September-October has been due to demand returning with economies unlocking, even as restoration of supply chains is taking time. *This has been further aided by Chinese stockpiling (for building strategic reserves, as well as in anticipation of fresh corona outbreaks) and dry weather-induced production shortfalls in Brazil, Argentina, Ukraine, Thailand and even the US. India, by contrast, has had good monsoons in 2019 and 2020, making it the only agricultural powerhouse, apart from Australia and Canada, not to have faced serious weather-related issues*. Not surprisingly, food inflation started falling from December with a bumper post-monsoon kharif crop being harvested and arriving in the markets. Table 2 gives a more detailed break-up of domestic retail food prices. *These have gone up largely in edible oils and pulses, which are agri-commodities that India significantly imports. The country imports 13-15 million tonnes (mt) of edible oils every year and produces just 7.5-8.5 mt. In pulses, domestic output has risen from 15-16 mt to 22-23 mt in the last five years. Although imports have also halved to 2.5-3 mt, they still exert considerable influence on domestic prices.* In the case of edible oils and pulses, there has been an automatic transmission of prices from the international to the domestic markets, similar to that in fuel. *But the same hasn't happened for cereals, sugar, milk and staple vegetables. The relatively low domestic inflation in food items other than edible oils and pulses is attributable to two main factors. The first is, of course, the munificent monsoons that have ensured no supply-side shortages in most crops that are predominantly produced within the country.* The second *factor has to do with the collapse of demand from successive Covid-triggered lockdowns. With hotels, eateries, sweetmeat shops, hostels and canteens shut or operating at low capacity, besides no wedding receptions and other public functions, food demand has been confined mostly to households.* Even that has been impacted by many households experiencing job and income losses from contraction in overall economic activity.

What next: key factors

Food inflation in India in the coming months is likely to be influenced by four determinants. The first *one is international prices, which, as already noted, matters for edible oil and pulses. It's not clear if the current surge is a result of temporary supply-side disruptions or the harbinger of a larger*

"commodity super-cycle" of the kind witnessed during 2007-2013. The recent peak in global prices of most agri-commodities was reached in May. The fall since then is especially noticeable in edible oils, which have been truly on fire. The second*, probably more important, determinant is the monsoon's progress. While the country received 74% surplus rainfall in May, the southwest monsoon season (June-September) itself has recorded 18% above-average precipitation so far. That should encourage plantings by farmers and, moreover, expand acreages under oilseeds and pulses. Since production is a function of both area and yields, a great deal also rests on the rains during July-August when the kharif crops are in the vegetative growth stage*. A third successive good monsoon should effectively put a lid on food inflation. The third determinant *is the extent of fuel cost increases being pass-through to consumers. The scope for it is, perhaps, limited in today's demand-constrained environment. Take milk, where dairies incur costs for its transport, first from the village collection centres to the processing plants in mini-trucks of 2,000-3,000-litre capacity. The pasteurised and packed milk is further dispatched from the plants to the markets in bigger 10,000-15,000 litre tankers. Most dairies haven't raised their pouch milk rates, despite diesel prices soaring Rs 15-16/litre in the last one year alone*. What many have done, instead, is slash the prices paid to farmers. Procurement prices of milk containing 3.5% fat and 8.5% solids-not-fat in Maharashtra have come down from Rs 31-32 per litre in February-March (pre-second wave) to Rs 21-25 now. Thus, the fuel cost pass-through has taken place not by revised upwards the prices paid by consumers, but by lowering the prices paid to producers. In the event of a general growth and demand revival – one does not know when that will happen —there is likelihood of processors, transporters and even farmers passing on the increase in fuel costs to consumers. The final determinant is political. *The NDA government was hawkish on food inflation in its first term. The annual rise in the CFPI averaged just 3.3% during June 2014 to May 2019. The same inflation has averaged 7.4% in its second term from June 2019 to May 2021. The protests against its farm laws have forced the government to hike minimum support prices as well as procure record quantities of wheat and paddy. With upcoming state elections in Uttar Pradesh, how much of sugar price increase would it allow, to enable mills to pay more to cane growers, remains to be seen.*

CENTRE ASKS STATES TO IMPOSE LIMIT ON STOCKING OF PULSES

In an attempt to arrest the spiralling prices of pulses, the Union government on Friday directed the States to impose stock limit on all pulses except moong till October 31. *The Department of Consumer Affairs issued the Removal of Licensing Requirements, Stock Limits and Movement Restrictions on Specified Foodstuffs (Amendment) Order, 2021 prescribing the limits which have been imposed with immediate effect. The stock limit of 200 tonnes has been imposed on wholesalers provided they do not hold more than 200 tonnes of one variety of pulses, the Ministry said in the order. On retailers, the stock limit will be 5 tonnes. In case of millers, the stock limit will be the last three months of production or 25% of annual installed capacity whichever is higher. For importers, the stock limit will be the same as that of wholesalers for stocks held or imported prior to May 15, 2021. And for pulses imported after May 15, stock limit applicable on wholesalers will apply after 45 days from date of customs clearance, the order said. If the stocks of entities exceed the prescribed limits, they have to be declared on the online portal of the Department of Consumer Affairs and have to be brought within the prescribed limit within 30 days of the notification of the order.* "Since the entire country has been reeling under the impact of the pandemic, the government has been committed to adopting timely measures and has substantially alleviated the concerns and anguish of the common man," a statement said.

LOCATION NO BAR

On Tuesday, the Supreme Court did well to set a deadline of July 31 for states to implement the One Nation One Ration Card system. *Considering the sheer scale of the migrant crisis that unfolded last year — foodgrains were distributed to a staggering 2.8 crore migrants under the government's Aatma Nirbhar Bharat scheme — and the still precarious financial position of households, especially of migrant labourers working in the informal economy, the Court has rightly reminded states of the urgency of implementing this scheme*. Citizens must not be denied basic welfare benefits simply because they have migrated beyond state boundaries. *The concept of One Nation One Ration Card revolves around the idea that citizens should be able to avail of their entitlements irrespective of where they reside in the country*. *In this framework, migrant workers can access the subsidised foodgrains under the National Food Security Act from any of the 5.4 lakh fair price shops across the country, and not be bound to the fair price shop near the place where their ration card is registered*. But there are several issues that require careful consideration. First, *shifting to such an architecture will also require continuous and real-time information on migration across the country. But there has been little progress on this front. The Court on Tuesday chastised the Centre for the delay in setting up a portal to register migrant and unorganised workers.* Second, *foodgrain allocations across states will need to be more flexible in nature, taking into account seasonal fluctuations in migration. Thus the information technology infrastructure needs to be robust to ensure effective inventory and stock management*. Third, *as entitlements tend to vary across states, migrants will not be able to access the full benefits available to them in their home states, unless those costs are borne by the states. But this would require integrated, regularly updated, dynamic systems.* Fourth*, not all the 5.4 lakh fair price shops have installed ePoS machines. For instance, as reported in this paper, Delhi is yet to start using ePoS in fair price shops*. Fifth, *there is also the issue of allowing for the updation of household member details on the ration card, and seeding of ration cards with Aadhaar only in the home state.* To incentivise states to shift to this architecture, last year, the central government had made states' additional borrowings conditional on the successful implementation of the One Nation One Ration Card system. More such measures may be needed to ensure a quick and effective rollout of this scheme. The migrant crisis last year threw into sharp relief not only their precarious economic situation, but also the absence of comprehensive safety nets to fall back on. Shifting to this new framework would be a step towards strengthening existing social security nets whose glaring holes have been exposed by the pandemic.

RATION CARD REFORM, SO FAR

On Tuesday, the Supreme Court directed all states and Union Territories to implement the One Nation, One Ration Card (ONORC) system, which allows for inter- and intra-state portability, by July 31.

What is One Nation One Ration Card (ONORC)?

The ONORC scheme is aimed at enabling migrant workers and their family members to buy subsidised ration from any fair price shop anywhere in the country under the National Food Security Act, 2013. For instance, a migrant worker from, say, Basti district of Uttar Pradesh will be able to access PDS benefits in Mumbai, where he or she may have gone in search of work. While the person can buy foodgrains as per his or her entitlement under the NFSA at the place where he or she is based, members of his or her family can still go to their ration dealer back home. To promote this reform in

the archaic Public Distribution System (PDS), the government has provided incentives to states. The Centre had even set the implementation of ONORC as a precondition for additional borrowing by states during the Covid-19 pandemic last year. At least 17 states, which implemented the ONORC reform, were allowed to borrow an additional Rs 37,600 crores in 2020-21.

How does ONORC work?

ONORC is based on technology that involves details of beneficiaries' ration card, Aadhaar number, and electronic Points of Sale (ePoS). The system identifies a beneficiary through biometric authentication on ePoS devices at fair price shops. The system runs with the support of two portals —*Integrated Management of Public Distribution System (IM-PDS) (impds.nic.in) and Annavitran (annavitran.nic.in), which host all the relevant data*. When a ration card holder goes to a fair price shop, he or she identifies himself or herself through biometric authentication on ePoS, which is matched real time with details on the Annavitaran portal. Once the ration card details are verified, the dealer hands out the beneficiary's entitlements. While the Annavitaran portal maintains a record of intra-state transactions — inter-district and intra-district — the IM-PDS portal records the inter-state transactions.

How many people will it benefit?

Under the National Food Security Act, 2013, about 81 crore people are entitled to buy subsidised foodgrains — rice at Rs 3/kg, wheat at Rs 2/kg, and coarse grains at Re 1/kg – from designated fair price shops. As on 28 June 2021, there are about 5.46 lakh fair price shops and 23.63 crore ration card holders across the country. Each NFSA ration card holder is assigned to a fair price shop near the place where his ration card is registered.

What factors led to the launch of ONORC?

Earlier, NFSA beneficiaries were not able to access their PDS benefits outside the jurisdiction of the specific fair price shop to which they have been assigned. The government envisioned the ONORC to give them access to benefits from any fair price shop. Full coverage will be possible after 100% Aadhaar seeding of ration cards has been achieved, and all fair price shops are covered by ePoS devices (there are currently 4.74 lakh devices installed across the country). ONORC was launched in August, 2019. Work on ration card portability, however, had begun in April 2018 itself, with the launch of the IM-PDS. The idea was to reform the PDS, which has been historically marred by inefficiency and leakages. ONORC was initially launched as an inter-state pilot. However, when the Covid-19 pandemic forced thousands of migrant workers to return to their villages last year, a need was felt to expedite the rollout. As part of its Covid economic relief package, the government announced the national rollout of ONORC in all states and Union Territories by March 2021.

What has been the coverage so far?

Till date, 32 states and Union Territories have joined the ONORC, covering about 69 crore NFSA beneficiaries. Four states are yet to join the scheme — Assam, Chhattisgarh, Delhi and West Bengal. *According to the Union Ministry of Consumer Affairs, Food and Public Distribution, about 1.35 crore portability transactions every month are being recorded under ONORC on an average. "A total of more than 27.83 Crore portability transactions (including intra-state transactions) have taken place all across these States/UTs since the inception of ONORC in August 2019, out of which almost 19.8 Crore portability transactions have been recorded during the COVID-19 period of April*

2020 to May 2021 itself," the Ministry stated on June 3. While inter-state ration card portability is available in 32 states, the number of such transactions is much lower than that of intra-district and inter-district transactions.

Why have these four states not implemented it yet?

There are various reasons. For instance, *Delhi is yet to start the use of ePoS in fair price shops, which is a prerequisite for the implementation of ONORC. In the case of West Bengal, the state government has demanded that the non-NFSA ration card holders — ration cards issued by the state government — should also be covered under the ONORC.*

BUSINESS & ECONOMICS

RATTLING FOREIGN INVESTORS

On August 15 last year, Prime Minister Narendra Modi laid down his vision for an AtmaNirbhar Bharat Abhiyan (self-reliant India initiative). He said that India is emerging as a major destination for foreign direct investment (FDI) and is shifting its focus from 'make in India' to 'make for the world'. In pursuit of this ambition, the Commerce Ministry recently reported that India attracted the highest ever FDI of $81.72 billion in 2020-21. However, several economists argue persuasively that the surge in FDI inflows is driven by unprecedented short-term portfolio investment inflows and a few major acquisition deals involving select corporations. *An important factor that propels investors to invest in foreign lands is that the host state will keep its side of the bargain by honouring contracts and enforcing awards even when it loses. But when the host state refuses to do so, it rattles the investors, shakes their confidence in the host state's credibility towards the rule of law, and escalates the regulatory risk enormously.* Sadly, to an extent, this has been India's story over the last few years.

Defiance of awards

Last year, India lost two high-profile bilateral investment treaty (BIT) disputes to two leading global corporations — Vodafone and Cairn Energy — on retrospective taxation. The responsibility for these two adverse arbitral awards lies at the door of the United Progressive Alliance-2 (UPA-2) government that startlingly amended the tax law retrospectively after losing a case to Vodafone at the Supreme Court. The current government, instead of remedying the past mistake by honouring both the arbitral awards and restoring India's lost credibility in the eyes of the investor community, continues to exhibit the same defiance. India has challenged both the awards at the courts of the seat of arbitration. While India is well within its rights to do so, it continues to maintain that it 'never agreed to arbitrate' a tax dispute – an argument that the Cairn tribunal rejected unequivocally, and rightly so. *As India drags its feet on the issue of compliance, Cairn has launched legal proceedings in the U.S. to enforce the arbitral award of $1.2 billion by seizing the assets of Air India. This not only puts Air India in dire straits, especially when the government is attempting to privatise it, but also harms India's reputation in dealing with foreign investors.*

The interminable Devas saga

The other set of high-profile BIT disputes which stick out like a sore thumb for India arose from the cancellation of an agreement between Antrix, a commercial arm of the Indian Space Research Organisation, and Devas Multimedia, a Bengaluru-based start-up, for the lease of satellite spectrum. The UPA-2 government annulled this agreement arbitrarily on the grounds of national security. This annulment led to three legal disputes — a commercial arbitration between Antrix and Devas Multimedia at the International Chambers of Commerce (ICC), and two BIT arbitrations brought by the Mauritius investors in Devas Multimedia under the India-Mauritius BIT and by Deutsche Telekom, a German company, under the India Germany BIT. *India lost all three disputes. The ICC arbitration tribunal ordered Antrix to pay $1.2 billion to Devas after a U.S. court confirmed the award earlier this year. India challenged the Deutsche Telekom tribunal award in the Swiss Federal Tribunal (being the court of supervision of the arbitration) requesting for annulment, but lost the case. After the ICC award, Indian agencies started investigating Devas accusing it of corruption and fraud.* In what seemed to be a case of pulling a rabbit out of the hat, *last month, the National*

Company Law Tribunal (NCLT) ordered the liquidation of Devas on the ground that the affairs of the company were being carried on fraudulently. Further, the NCLT directed the official liquidator to prevent Devas from perpetuating its fraudulent activities and abusing the process of law in enforcing the ICC award. This has led to Devas issuing a notice of intention to initiate a new BIT arbitration against India, sowing the seeds for complex legal battles again. Indisputably, transgressions by foreign investors should be dealt with firmly. *But a closer reading of these cases reveals that whenever India loses a case to a foreign investor, immediate compliance rarely happens. Instead, efforts are made to delay the compliance as much as possible.* While these efforts may be legal, it sends out a deleterious message to foreign investors. It shows a recalcitrant attitude towards adverse judicial rulings. This may not help India in attracting global corporations to its shores to 'make for the world', as Mr. Modi correctly aspires.

LANKA 'BANKING ON' $1 BN INDIA SWAP DEAL

Sri Lanka is "banking on" a $1 billion currency swap from India to meet its debt repayment obligations this year and tide over the current economic crisis, a senior official of the Central Bank of Sri Lanka said. The island nation has already serviced part of its debt this year, and is preparing to repay the remaining more than $3 billion over the next six months, officials said. With an international sovereign bond maturing soon, a $1 billion repayment is due in July. "We are expecting a $400 million swap from the Reserve Bank of India in a couple of months through the SAARC facility," said the official, who spoke on condition of anonymity given the sensitivity of the ongoing bilateral negotiations. "But the additional $1 billion is going to be crucial for us," the official added. Sri Lankan President Gotabaya Rajapaksa had in May 2020 asked Prime Minister Narendra Modi for a "special" $1.1-billion currency swap to help the country boost its foreign reserves. "It has been more than a year... it is a decision that has to be taken by the political leadership in India, it is beyond the RBI," the Sri Lankan central banker said. While official sources in New Delhi earlier indicated that negotiations on the issue were "ongoing", the Indian government is yet to respond to both President Rajapaksa's request, as well as Prime Minister Mahinda Rajapaksa's February 2020 request for a debt freeze, even as bilateral talks have continued at high levels. Sri Lanka's gross official reserves currently stand at $4 billion, excluding the "standby" about $1.5 billion swap agreement with the People's Bank of China. On inflows, Governor W. D. Lakshman said a $250 million swap from the Bangladesh Bank was expected in July and the $400 million SAARC facility from the RBI was expected in August.

TENURE FOR SMARTPHONE PLI EXTENDED BY A YEAR

The government has extended the tenure of production-linked incentive scheme for smartphones by a year as several manufacturers were unable to meet the first year (FY21) sales target due to Covid-led disruptions. Accordingly, the termination year of the scheme will now be FY26 instead of FY25. However, the outlay, investment and sales targets, base year, and incentive structure will remain the same. The Ministry of Electronics and IT has cleared 16 proposals from domestic and international companies entailing investment of Rs 11,000 crore under the PLI scheme to manufacture mobile phones worth Rs 10.5 lakh crore over the next five years. The government has also made an additional allocation of Rs 19,041 crore for the ongoing BharatNet broadband project. With this the total outlay for the project will be Rs 61,109 crore, including the already approved amount of Rs 42,068 crore in 2017. *This does not burden the government's fiscal position as funds for BharatNet are provided from the universal service obligation fund where around Rs*

55,000 crore is lying unutilised. Finance Minister Nirmala Sitharaman said Rs 42,068 crore has been already utilised for reaching 1,56,223 gram panchayats that are now ready for broadband services as of May 31. "Now with this additional Rs 19,041 crore we should be able to complete the rest," Sitharaman said.

GOVT. UNVEILS ₹6.28 LAKH CRORE STIMULUS POST 2ND COVID WAVE

Finance Minister Nirmala Sitharaman on Monday announced some fresh relief measures for the economy, the first such package after the second COVID-19 wave, *focusing largely on extending loan guarantees and concessional credit for pandemic-hit sectors and investments to ramp up healthcare capacities.* The government pegged the total financial implications of the package, which included the reiteration of some steps that were already announced, such as the provision of foodgrains to the poor till November and higher fertilizer subsidies, at ₹6,28,993 crore. Economists, however, noted that the elements of direct stimulus in the package and its upfront fiscal costs in 2021-22, are likely to be limited. More steps may be needed to shore up the economy through the rest of the year, they said. Calling the measures an effort to stimulate growth, exports and employment as well as provide relief to COVID-affected sectors, *Ms. Sitharaman announced an expansion of the existing Emergency Credit Line Guarantee Scheme by ₹1.5 lakh crore. She also announced a new ₹7,500 crore scheme for loans up to ₹1.25 lakh to small borrowers through micro-finance institutions.* She also unveiled *a fresh loan guarantee facility of ₹1.1 lakh crore for healthcare investments in non-metropolitan areas and sectors such as tourism. A separate ₹23,220 crore has been allocated for public health with a focus on paediatric care, which will also be utilised for increasing ICU beds, oxygen supply and augmenting medical care professionals for the short term by recruiting final year students and interns.* Indirect support for exports worth ₹1.21 lakh crore over the next five years, *free one-month visas for five lakh tourists, and new seed varieties for farmers* were also included in the package. *The existing sop to spur employment, where the government bears EPF contributions for new employees earning less than ₹15,000 a month for two years, has been extended till March 31, 2022.* "Setting aside the guarantee schemes and the announcements that had already been made earlier, the step up in the fiscal outgo within 2021-22 based on the fresh announcements is estimated at around ₹60,000 crore," said Aditi Nayar, rating agency ICRA's chief economist. Economist D.K. Srivastava reckoned that the additional burden on the 2021-22 Budget from the 'three direct stimulus initiatives' — providing free foodgrains, incremental health projects' spending, and rural connectivity — would be ₹1,18,390 crore or about 0.5% of estimated GDP for 2021-22. "Although the total impact amount seems large at nearly ₹6.29 lakh crore, *a large portion of this is by way of credit guarantee schemes where there is no immediate outflow.* The impact on the fiscal deficit will be limited while the stock markets could give a mild positive reaction," said HDFC Securities managing director and CEO Dhiraj Relli.

SMALL SAVINGS INTEREST RATES KEPT UNCHANGED

Having withdrawn a cut in rates soon after announcing the same in April, the government has decided to keep the interest rates for small savings schemes unchanged for the July-September quarter, the fifth in a row. The government's move, coming amid rising inflation and falling incomes, is likely to provide some relief to lower income earners and senior citizens who will continue to earn higher interest income than fixed deposits in banks. The last revision in small savings rates was for April-June 2020. Given Wednesday's decision, the senior citizens' scheme will fetch an interest rate of 7.4% per annum, while the PPF scheme will provide an interest rate of 7.1%. The National

Savings Certificate will fetch 6.8%, Kisan Vikas Patra 6.9% and 5-year time deposits 6.7%. *These rates on fixed income instruments are second only to the 8.5% interest offered by the Employees' Provident Fund Organisation for 2019-20 and proposed for 2020-21. "The rate of interest on various small savings schemes for the second quarter of financial year 2021-22 starting from 1 July, 2021, and ending on 30 September, 2021, shall remain unchanged from the current rates applicable for the first quarter (1 April, 2021, to 30 June, 2021, for FY 2021-22)," an office memorandum by the Department of Economic Affairs stated. Interest rates on small savings schemes are supposed to be reset on a quarterly basis, in line with the movement in benchmark government bonds of similar maturity, making Wednesday's measure out of line with this. Over the last 18-months, the 10-year G-Sec yields have fallen from 6.6% to around 6%, in line with the sharp cut in repo rates by the Reserve Bank of India.* The decision to keep small savings rates unchanged comes amidst creeping inflation. Latest retail inflation data released by the government showed the headline number rising to a six-month high of 6.30% in May from 4.23% in April. With this, retail inflation has breached the inflation target of 4+/-2 per cent set by the RBI. In April, just ahead of Assembly elections in West Bengal and Assam, the government had withdrawn a sharp cut of 40-110 basis points in interest rates on various small savings schemes for the April-June quarter, within 24 hours of announcing the same. The 'Office Memorandum' regarding the revision of rates issued by the Budget Division in the Department of Economic Affairs was uploaded on the Finance Ministry website on March 31 evening. The next morning, Finance Minister Nirmala Sitharaman tweeted that the "orders issued by oversight shall be withdrawn".

RBI RINGS WARNING BELL ON RISING BAD LOANS, STRESS AMONG MSMES

The Reserve Bank of India (RBI) has cautioned that bad loans of the banking system are expected to hit 11.22 per cent of the advances under a severe stress scenario. The central bank also warned about the incipient signs of stress among medium and small units. *The Financial Stability Report of the RBI said macro stress tests indicate that the gross non-performing asset (GNPA) ratio of banks may increase from 7.48 per cent in March 2021 to 9.80 per cent by March 2022 under the baseline scenario and to 11.22 per cent under a severe stress scenario.* However, have sufficient capital, both at the aggregate and individual level, even under stress, it said. *Within the bank groups, NPAs of public sector banks are expected to rise to 9.54 per cent in March 2021 and edge up to 12.52 per cent by March 2022 under the baseline scenario.* However, this is an improvement over earlier expectations and indicative of pandemic proofing by regulatory support, it said. *For private banks and foreign banks, the transition of the NPA ratio from baseline to severe stress is from 5.82 per cent to 6.04 per cent to 6.46 per cent, and from 4.90 per cent to 5.35 per cent to 5.97 per cent, respectively.* While banks' exposures to better rated large borrowers are declining, there are incipient signs of stress in the micro, small and medium enterprises (MSMEs) and retail segments, the FSR warned. The demand for consumer credit across banks and non-banking financial companies (NBFCs) has dampened, with some deterioration in the risk profile of retail borrowers becoming evident, it said. On the domestic front, the ferocity of the second wave of COVID-19 has dented economic activity, but monetary, regulatory and fiscal policy measures have helped curtail the solvency risk of financial entities, stabilise markets, and maintain financial stability, according to the FSR. *The capital to risk-weighted assets ratio (CRAR) of scheduled commercial banks increased to 16.03 per cent and the provisioning coverage ratio (PCR) stood at 68.86 per cent in March 2021.* Going forward, as banks respond to credit demand in a recovering economy, they will need to reinforce their capital and liquidity positions to fortify themselves against potential balance sheet stress, the RBI FSR said. *According to the RBI, only 0.9 per cent of the total loans were restructured. The*

micro, medium and small enterprises (MSME) sector saw the maximum debt recast at 1.7 per cent followed by the corporate loans, which saw 0.9 per cent of the sector loan being restructured. Retail segment saw only 0.7 per cent loans restructured. Banks' resort to restructuring under the COVID-19 resolution framework was not significant and write-offs as a percentage of GNPA at the beginning of the year, fell sharply as compared to 2019-20, except for private banks, the RBI said.

CURRENT ACCOUNT DEFICIT WIDENS AS IMPORTS REVIVE

India's current account deficit (CAD) widened in the January-March quarter on the back of a higher trade deficit and lower net invisible receipts, the Reserve Bank of India said in a release on Wednesday. *The CAD stood at $8.1 billion in January-March compared with a surplus of $0.6 billion in the same quarter last year. The deficit stood at 1% of the gross domestic product in the latest quarter,* RBI data showed. The deficit had widened to $6.28 billion in May from $3.15 billion in May 2020.

PSU DIRECTORS: THIS IS WHAT GUJARAT HC SAID WHEN UPA PACKED NAMES

As early as 2009, when the Congress-led UPA was in power at the Centre, the Gujarat High Court ruled on a PIL stating that the appointment of Independent Directors on the boards of Public Sector banks was not done on merit but to favour politicians connected with the Congress and its allies. Dismissing the concern, the court stated: "Primary consideration of the Government should be the interest of public sector banks, its depositors and not interest of the nominees or any other vested interest. We are sure that the Government will give serious thought in future so unnecessary criticism could be avoided." The petition was based on an investigation by The Indian Express in May 2007 that the then Government headed by Manmohan Singh appointed 37 Independent Directors on the boards of Public Sector Banks of whom at least 33 had ties to the Congress. These included five AICC secretaries, a vice-president and a secretary of the All India Mahila Congress and the Seva Dal. Since that court order, however, several red flags have been raised at various levels on the politics of appointing Independent Directors. *In 2017, a Government-mandated committee under Uday Kotak submitted a report, which stated that there needs to be a continuous assessment of the independence criteria when it comes to Independent Directors.* It said that this evaluation of 'independence' should entail both objective and subjective assessments. In 2018, the Parliamentary Standing Committee on Industry headed by R C P Singh recommended that "a scrupulous mechanism for performance evaluation of Independent Directors has to be brought in with urgent priority". The committee also recommended that the Department of Public Enterprises "shall initiate an exercise to contemporarily recast the eligibility conditions for Independent Directors. *Independent Directors are non-official directors who do not have any relationship with the companies, where they have been appointed, which may affect the independence of their judgment. Their job is to act as objective watchdogs and includes improving governance standards and corporate credibility.* The Companies Act 2013 states: "Every listed public company shall have at least one-third of the total number of directors as Independent Directors and the Central Government may prescribe the minimum number of Independent Directors in case of any class or classes of public companies." *Independent Directors are not involved in the daily functioning of companies but in policy making and planning.* According to the Act, Independent Directors "may be selected from a data bank containing names, addresses and qualifications of persons who are eligible and willing to act as independent directors, maintained by any body, institute or association, as may be, notified by the Central Government." It states that

the responsibility "of exercising due diligence before selecting a person from the data bank" lies with the company. *In PSUs, the names are recommended by a search committee comprising three Secretary-level officials and two non-official members. They are appointed by the administrative ministry after approval is obtained from the Appointments Committee of the Cabinet (ACC). Finally, the names have to be approved by the respective PSU boards. Usually, the tenure is for three years.* They are "not be entitled to any stock option" but "may receive remuneration by way of fee" and "reimbursement of expenses for participation in the board and other meetings and profit-related commission as may be approved by the members". During 2019-20, the sitting fee at ONGC and Power Finance Corporation for board meetings was Rs 40,000 and for committee meetings Rs 30,000.

JET AIRWAYS REVIVAL PLAN GETS NCLT CLEARANCE

Two years after Jet Airways — at the time India's second-largest full-service airline — halted operations in 2019 as it ran out of cash, the carrier has a real chance at getting airborne again. *The Mumbai Bench of the National Company Law Tribunal (NCLT) this week approved a resolution plan from a consortium comprising UAE-based businessman Murari Lal Jalan and U.K.-based Kalrock Capital, clearing the decks for the airline's takeover and a potential revival.*

What is the resolution plan approved by the NCLT?

Against the claims totalling ₹15,432 crore that the resolution professional had admitted from operational and financial creditors, the Jalan-Kalrock consortium has offered to pay creditors, including banks, ₹1,183 crore over a five-year period. Of this, the first tranche of ₹280 crore would be paid in cash after 180 days of the new promoters taking ownership of the beleaguered airline. A second instalment of ₹195 crore would follow in 730 days. The balance would be paid through a mix of cash, proceeds generated from the sale of assets and from the cash flows generated by the airline annually. *Banks would also get a 9.5% stake in the airline, while the consortium would hold 89.79%. Employees would get to own 0.5% of the airline's equity capital, while public shareholding would be at 0.21%. Based on this offer, the Committee of Creditors, led by the State Bank of India, had voted the consortium as the winning bidder last October.* "That the lenders agreed to such a massive clean-up is surprising and it can at best be termed as a face-saver," said Kapil Kaul, CEO & Director, CAPA Advisory.

Are there any caveats to the proposal?

When Jet Airways halted operations in 2019, the government distributed its airport slots (the time-specific landing and take-off rights at various airports) among various other Indian carriers. *At the time, the government had stated that the move was only "temporary" and that the airline's new owners could get the slots back. However, the government has since reversed its position. It informed the NCLT that the slots could not be returned to the new owner of Jet Airways as other airlines had made investments in acquiring additional planes to bolster capacity and utilise the slots. The Jalan-Kalrock consortium has maintained that the offer to acquire the airline would be meaningless without the coveted time slots.* The NCLT, in its oral ruling on June 22, did not address the issue in detail and just set a 90-day period for the consortium to work with the Ministry of Civil Aviation and the Directorate General of Civil Aviation to resolve the matter and seek various regulatory approvals.

Will it be difficult to get slots?

According to a senior government official privy to discussions between the Jalan-Kalrock consortium and airport operators, acquiring airport slots will not be much of a hindrance. "The Airports Authority of India has said that it does not have a problem in allotting new slots," said the official, who spoke on condition of anonymity. "Delhi airport is willing to give 15 departure and 15 arrival slots and has said that more slots will become available after its fourth runway is ready. Mumbai airport, too, is willing to discuss the matter with the new owners. *Availability of airport slots is a non-issue today as airlines are not able to operate flights on all the slots allotted to them because of a dip in travel demand,"* the official added. However, *while obtaining a certain number of basic slots may not be a problem, the availability of premium slots, such as early morning departures out of Delhi and Mumbai, which Jet Airways had previously held, could end up being a thorny issue.*

How viable could Jet Airways be and what is the current aviation industry scenario?

Jet Airways may face big challenges once it resumes operations, given the present state of the sector. The COVID-19 pandemic has resulted in a drastic fall in passenger demand. *The number of domestic travellers shrank to 53 million in FY21 from 140 million in FY20. This forced airlines to ground 50%-70% of their fleet and fly half-empty planes, resulting in massive losses.* The country's largest airline, IndiGo, saw a decline of almost 60% in revenue from flights in the financial year 2021. CAPA has forecast total losses for Indian airlines over two years of the pandemic to be about $8 billion and has estimated that airlines would need almost $5 billion of capital infusion just to survive. In such an environment, a new player would need deep pockets.

ED TRANSFER OF DEFAULTERS' ASSETS TO PSBS

The Enforcement Directorate (ED) on Wednesday came out with a statement saying that it had seized assets worth ₹18,170.02 crore belonging to three fugitive businessmen. The seized assets belong to liquor baron Vijay Mallya and diamond traders Nirav Modi and Mehul Choksi — all three left India before law enforcement agencies could nab them for fraud. *The ED estimated that the seized assets would help public sector banks recuperate about 80% of their losses from the loans given to companies connected to these three individuals. It also noted that assets worth 40% of the total loss amount had already been handed over to the banks concerned. This included cash worth approximately ₹6,600 crore obtained through the sale of shares.* Finance Minister Nirmala Sitharaman later said that fugitive and economic offenders would be actively pursued by the government and that their properties would be attached for the dues to be recovered.

Why did the ED seize and sell the assets of the businessmen?

The three fugitive businessmen have been outside India for a few years now after allegedly cheating banks. The ED stated that these businessmen caused a total loss of ₹22,585.83 crore to banks by "siphoning off the funds through their companies". Mr. Modi and Mr. Choksi have been pursued for committing fraud using unauthorised letters of undertaking (LoUs) that caused a loss of about ₹11,500 crore to the Punjab National Bank. It has been alleged that Mr. Modi colluded with Punjab National Bank employees in Mumbai to create unauthorised LoUs in his favour. On the other hand, Mr. Mallya has been accused of cheating banks of ₹9,000 crore by siphoning business loans towards other purposes. Banks also alleged that Mr. Mallya had offered personal guarantees for the loans taken by his business. Indian authorities have been trying to extradite

these businessmen to India to prosecute them under the Prevention of Money Laundering Act (PMLA) and other laws. *In 2019, the ED managed to convince courts to declare Mr. Mallya and Mr. Modi fugitive economic offenders under the Fugitive Economic Offenders Act, 2018, allowing it to seize assets owned by them. Of the ₹18,170.02 crore seized by the ED under the PMLA, assets worth ₹9,041.5 crore have already been handed over to banks, according to the agency.*

Will the recovered money help banks?

The actual cash worth ₹6,600 crore transferred by the ED will obviously help public sector banks, which have been troubled by bad loans, to recoup some of their losses. However, the recovered amount is unlikely to have any major impact on the overall health of banks. This is simply because *bank losses attributed to these fugitives are tiny compared to the overall amount of bad loans in the books of banks*. It is estimated that the total bad loans of Indian banks stood at more than ₹8 lakh crore at the end of September 2020. Some believe it could easily cross ₹10 lakh crore by the end of the financial year 2022 due to the impact of the two waves of the COVID-19 pandemic on repayments. Further, doubts remain over the actual value of the remaining assets that have been seized by the ED. *The money that has been transferred to banks came from the sale of Mr. Mallya's shares in United Breweries Holding Limited (UBHL). Other assets seized by the ED belonging to these fugitives may not be as liquid as the UBHL shares.* For example, when banks tried several times in the past to sell assets, such as various properties, owned by Mr. Mallya, the sales did not attract significant buyer interest. So, *it is likely that banks may face hurdles trying to sell illiquid assets owned by the trio and may not actually be able to recover the amounts cited by the ED in its statement on Wednesday.*

Why is the recovery process long?

It is also worth noting the delays that have plagued the entire recovery process and the costs associated with such delays. Banks were unable to sell the UBHL shares belonging to Mr. Mallya as the sale was contested in courts by various parties. In fact, it was only after a PMLA court order last month restored the UBHL shares from the control of the ED to the banks that the current sale has transpired. The ED had earlier moved the PMLA court after the Debt Recovery Tribunal, Bengaluru, also ruled in favour of transferring the shares to the banks. *The true scale of the losses to banks may also be higher when the cost of interest foregone by banks since the defaults is taken into consideration.* Even when a borrower defaults, banks need to continue paying interest to lenders. *There is also the opportunity cost of the interest that the banks could have earned if they had lent the money to a more eligible borrower.*

What are some systemic issues?

The seizure and the liquidation of assets may help in paying back a significant share of the liabilities that these fugitives owe to banks. However, efforts to extradite them are likely to continue as they are accused by banks of not just default but also various other frauds, including siphoning off loans that were sanctioned for business purposes. It is unclear when the trio will actually reach India, given the legal procedures involved in their extradition process. More importantly, *many still believe that these asset seizures do not go far enough to address the root problem of banking scams in India, which is systemic.* For one, *loans given by public sector banks to powerful industrialists were often influenced by crony, non-business considerations. When the Indian economy was booming, most of the loans that were disbursed by public sector banks were concentrated towards a small group of industrialists. There was also very little oversight of the*

purposes for which these loans were put to use. At one point, these loans to corporates constituted almost three-fourths of the total bad loans in the banking system. This issue was brought to light by former Governor of the Reserve Bank of India, Raghuram Rajan, during his tenure. Addressing the problem of crony lending will require deep structural changes in the banking sector. Currently, *India's banking industry is dominated by public sector banks, which are heavily prone to political influence of various kinds,* according to experts. This affects the health of banks, which are forced to lend as per special interests while ignoring any business sense. *Structural reforms against this, however, are hard to come by, given that they will upset special interest groups.*

Is the new debt resolution regime robust?

Despite laws such as the Insolvency and Bankruptcy Code (IBC), 2016, recovery of dues from defaulters remains a prolonged process for banks as courts are burdened with cases. *Under the new regime, the amount lenders have managed to recover from defaulters has improved significantly when compared to the pre-IBC regime.* This is true even as a few large corporate resolutions may have skewed the numbers in favour of the IBC regime. *The time taken for recoveries from corporate defaulters has also improved from about four years to about 400 days.* However, *cases have been piling up and the existing Benches of the National Company Law Tribunal have been unable to dispose of cases within deadlines. This may extend the resolution process of troubled companies into several years, which was the case before the IBC regime.* Further, when the resolution of a company is deemed infeasible and the company is liquidated, the recovery made by lenders is abysmal due to the absence of a robust market for the sale of stressed assets.

GOLD LOANS RISING: SHOULD YOU PLEDGE YOUR HOLDINGS, OR SELL SOME OF THEM?

Over the last 15 months, the pandemic has dented household earnings, especially in the middle and lower income categories. A rising cash crunch and unforeseen medical expenses seem to have prompted people to go for gold loans. *Over the 12-month period ended May 2021, the gold loan segment for scheduled commercial banks recorded the highest credit growth among all sectors at 33.8%.*

How much have gold loans grown?

Over the last 12 months, gold loan outstanding with banks has risen from Rs 46,415 crore in May 2020 to Rs 62,101 crore. Since March 2020 when Covid struck, it has risen by 86.4%, or Rs 33,308 crore, RBI data shows. Industry insiders note this is only the business done by scheduled commercial banks. "If you include the loans extended by gold loan companies like Muthoot Finance and Manappuram Finance, the outstanding will be much higher. The gold loan segment has emerged as a major growth area for banks as it's easier to get," said an official of a nationalised bank. *Public sector banks, which were not very keen on gold loans earlier, have found this a major growth area. State Bank of India has witnessed a 465% jump to Rs 20,987 crore in FY20-21.*

Why the jump?

Industry insiders say it could be an indication of stress in rural areas, the low-income group and micro units. Lockdowns imposed by the Centre last year and state governments this year have kept small business units under extreme pressure. Also, decline in demand has impacted the cash flow for many units across industries, and their ability to pay their employees. *Pledging gold as collateral to meet financial needs has been an constant feature of the Indian gold market.*

Traditionally, households use gold loans to meet costs of health, education and marriage, while small businesses use them for their working capital needs. The World Gold Council said demand for gold loans, both through banks and non-banking financial companies, has grown in response to the economic impact of the pandemic.

LIFE & SCIENCE

CLUES FROM METEORITE TO EARTH'S MANTLE

On November 13, 2015, a meteorite fell near the town of Kamargaon in Assam, India. It weighed a little over 12 kg and scientists decoded its mineral composition and classified it as a chondrite, a variety of stony meteorite. A new study has now shown that by studying this meteorite and its minerals we may find new clues about the Earth's lower mantle.

Layers of the Earth

"We are always interested in knowing how this planet of ours was formed. The Earth has different layers - *the upper, very thin crust, followed by the intermediate silicate mantle which starts from 30 km to 2,900 km depth, and then the centre iron-nickel alloy core.* The mantle faces high temperature and pressure. So by studying these meteorites which may have experienced similar high pressure and temperature conditions, we can understand the inaccessible mantle layer in detail,".

Previous studies had noted that the *Kamargaon meteorite contains minerals such as olivine, pyroxene, plagioclase and chromite. Olivine is also found in Earth's upper mantle. It breaks down into bridgmanite and magnesiowustite in Earth's lower mantle conditions.* This breaking down is an important reaction that controls the physical and chemical properties of the Earth's interior.

"This meteorite originated from the asteroid belt, between Mars and Jupiter, and was somehow sucked by Earth's gravity.

DISCOVERY OF A NEW SOURCE OF GRAVITATIONAL WAVES: COLLISIONS BETWEEN NEUTRON STAR AND BLACK HOLE

There is huge excitement among scientists with the first confirmed detection of *a neutron star-black hole (NS-BH) collision being reported.* This ground breaking discovery of gravitational waves from a pair of NS-BH mergers was published in the Astrophysical Journal Letters on Tuesday. The development was expected for a long time but was not confirmed. A new analysis was done to reconfirm this discovery which has now been published in the international journal, said Raychoudhury.

Until now, the LIGO-Virgo collaboration (LVC) of gravitational waves detectors has only been able to observe collisions between pairs of black holes or neutron stars. For the first time, in January 2020, the network of detectors made the discovery of gravitational waves from a pair of NS-BH mergers. Raychaudhury said that there is a lot of interesting science that can be learnt from this. "For instance, a neutron star has a surface and black hole does not. *A neutron star is about 1.4-2 times the mass of the sun while the other black hole is much more massive.*

AMERICA'S FASCINATION WITH UFOS, AND WHAT A GOVT REPORT HAS FOUND

Last week, the US government released an unclassified report that concerns the assessment of the threat posed by unidentified aerial phenomena (UAPs) — known in popular culture as unidentified flying objects (UFOs) — and the progress that the Department of Defense (DoD) Unidentified Aerial Phenomena Task Force (UAPTF) has made in understanding this threat. The report, which is largely

inconclusive, looks at instances of apparent UFO *sightings noticed between November 2004 and March 2021.* While there is no evidence that the sightings were UFOs, there is no other explanation either for what these sightings were.

What led to this new report?

In August 2020, Deputy Secretary of Defense David L Norquist authorised the establishment of the UAPTF. The purpose of this task force is to gain understanding of the nature and origin of various mysterious sightings that have been made, mostly around US military and air bases, in recent years. These sightings, in videos taken by Air Force and Navy pilots, were of some unidentified objects that were travelling at considerable speed, surprisingly, without any propulsion, while others performed aerial manouveres that could not be explained. In April 2020, the DoD authorised the release of three Navy videos, one taken in 2004 and two in January 2015, and noted that the aerial phenomena seen in them remain "unidentified". Therefore, UAPs were considered a threat to national security and finding out what they were became a priority.

And what does the report say?

It acknowledges that between 2004 and 2021, there have been sightings of various types of UAP that require different types of explanations based on their appearance and behaviour. *Out of 144 sightings that the report analysed, it was able to explain only one of them (thought to be airborne clutter) and notes that "UAP clearly pose a safety of flight issue and may pose a challenge to US national security."* It says that while the limited data on UAPs is "largely inconclusive", some patterns have still emerged. For instance, *some UAP observations can be clustered on the basis of their shape, size and propulsion.* Further, most of these sightings tended to be around US training and testing grounds. Only a handful of UAPs demonstrated advanced technology (18 UAPs described in 21 reports had unusual movement patterns and flight characteristics). The report says there is probably not a single explanation that can explain all the sightings. But broadly, the sightings could be a result of airborne clutter — birds, balloons, recreational unmanned aerial vehicles (UAVs), or airborne debris such as plastic bags that muddle a scene and affect an operator's ability to identify true targets, such as enemy aircraft. Or, they could be natural atmospheric phenomena (ice crystals, moisture), industrial development programmes and foreign adversary systems.

A FABLED WONDER IN DANGER

As a fabled wonder of the natural world, Australia's Great Barrier Reef and its diversity of marine life ranging from corals to whales found a place on UNESCO's World Heritage List in 1981. Made up of a couple of thousand individual reefs off the continent's northeastern coast, *it has a geological history going back an estimated 23 million years to the Miocene epoch, and has survived many challenges. The GBR is about 2,300 km long and extends across a breathtaking 346,000 sq. km. area, hosting an assemblage of fishes and invertebrates in the reefs, dugongs, green turtles and other species in seagrass meadows, and sharks, rays, anemones, sponges, worms and myriad other forms all of which need a delicate ecological balance to thrive*. Idyllic as it appears, the reef system faces severe environmental threats, and this year, the World Heritage Committee has sounded a warning by drawing up a resolution to inscribe the reef on the 'List of World Heritage in Danger'. *The Committee took note of the 2019 Outlook Report of the Great Barrier Reef Marine Park Authority, which says in no uncertain terms that the long-term state of the ecosystem has further*

deteriorated from poor to very poor. At the heart of the crisis is climate change, which has led to three big events of coral bleaching in 2016, 2017 and 2020. UNESCO's move to list the GBR as 'in danger' brings pressure on Australia's governmentto review its record on responding to climate change. As a continent that has recorded a rise in its average temperature by 1.4 degrees C since 1910, the devastating fires of 2019-20 were another wake-up call on climate change aggravating extreme events.

Destructive impacts

The World Heritage Committee resolution calls upon Prime Minister Scott Morrison's government to heed the conclusions of the Outlook Report, particularly on accelerated action needed to address climate change with the Paris Agreement goals in focus. The updated Reef 2050 Plan that the country is pursuing for conservation should incorporate this. Further, the government should stop destructive impacts of human activity such as land-based and farm run-off that has polluted waters, coastal development and other commercial uses, it adds. *The World Heritage Centre, the administrative body, had sent a letter to Australia in 2019 raising concerns "about the approval of the Carmichael Coal Mine", a controversial project with impacts for the reef and the climate, to which it got a response noting "that the project's approval is subject to over 180 regulatory conditions and that compliance with these conditions will be monitored." Canberra's response to the UNESCO Committee's move was to allege a conspiracy, hinting at pressure from China, which holds the chairmanship of the panel*. Close scrutiny of the GBR shows a variety of ecological impacts from environmental stresses, including climate change. *The Outlook Report records harm to "the abundance and health of many species groups, including corals, invertebrates, some bony fishes, marine turtles and seabirds" from the rising sea temperatures and thermal extremes due to global warming. It adds that since 2014, there has been widespread and significant declines in many coral species. In 2018, coral larvae declined by 89% averaged across the region, arising from consecutive bleaching events, as the adult broodstock was reduced. Warmer temperatures led to "feminisation of green turtles originating from nesting beaches in the northern Region, potentially leading to significant scarcity or absence of adult males in the future*". *Coral growth is also endangered by the proliferation of crown-of-thorns starfish, which consumes them. Some relief is available from the reported recovery of humpback whales, and slow gain in southern populations of green turtles. Urban coastal dugong populations also show an improved breeding rate. But overall, the reef is under threat. A magnet for eco-tourists, the vast expanse coloured by algal hues draws thousands annually.* The report says that in 2015-16, tourism, fishing, recreational uses and scientific activities contributed an estimated $6.4 billion to the Australian economy, a rise of about 14% since 2011-12. Without resolute action on climate and pollution threats, though, all sectors stand to lose.

LONG JOURNEYS

Many dragonflies, beetles, butterflies, locusts and moths are known to migrate during the breeding season and the distance travelled varies with species. Most insects travel in large groups and scientists have been studying these movements for several years. A recent study (PNAS) noted that the painted lady butterfly (Vanessa cardui) can make 12,000 to 14,000 kilometre round trips. This is the longest annual insect migration circuit so far known. Found in sub-Saharan Africa, the butterfly is able to travel to Europe, crossing the Sahara Desert when weather conditions are favourable. The caterpillars thrive in wetter winter conditions of sub-Saharan Africa and the adults migrate to North Africa during wet spring. They then cross the Mediterranean Sea to reach

Europe. Simulations in the laboratory showed that favourable tailwinds between Africa and Western Europe help these insects in transcontinental travel. *They fly about one to three kilometres above sea level with a maximum speed of around 6 metres per second.* The researchers studied a similar butterfly species and calculated that the painted lady may have enough body fat to sustain 40 hours of non-stop flying.

CHINA DECLARED MALARIA-FREE BY WHO

China was officially certified 'malaria-free' by the World Health Organization (WHO) on Tuesday, becoming the second country in the Asia Pacific region to get the tag, after Sri Lanka in 2016. *The Asia Pacific Leaders Malaria Alliance (APLMA), Asia Pacific Malaria Elimination Network (APMEN) and their partner The RBM Partnership welcomed China's achievement and noted the country's contributions in the fight against malaria. "China has had a long history of malaria. This milestone is a significant life-saving achievement for our country and a testament of the critical role and need for strong healthcare infrastructure, tailored innovations and leadership to end malaria," said Prof Zhou Xiaonong, Director of National Institute of Parasitic Diseases (NIPD) at China CDC, in an official statement. China has now maintained zero indigenous malaria cases for four consecutive years, down from an estimated 30 million cases and 300,000 deaths per year in the 1940s*. Over 10 years ago, the national malaria programme implemented the strategy "tracking infectious sources through surveillance, and response to clear the epidemics" with the 1-3-7 norm. The norm sets out clear timelines for diagnosis (one day), confirmation and risk assessment (three days) and action to contain all malaria cases (seven days) to prevent further transmission. The approach has since been adopted and tailored to local settings by several countries in the region. "Malaria is a preventable and treatable disease; we have the tools to stop its spread and must do so as a region and together. China has proved elimination is possible even in the most populous nation. Honouring this milestone is particularly important as progress on malaria has been uneven globally and in the region," Dr Sarthak Das, CEO of APLMA, said. Over the past 10 years, countries in the Asia Pacific region have almost halved the number of malaria deaths and cases and have made significant gains towards eliminating the disease by 2030. However, over two-and-a-half billion people are still at risk, and in some areas, malaria cases continue to rise.

PHARMA MAJORS COLLABORATE FOR CLINICAL TRIAL OF ORAL ANTI-VIRAL DRUG MOLNUPIRAVIR

Five pharmaceutical companies will collaborate for the clinical trial of the investigational oral antiviral drug Molnupiravir for treatment of mild Covid-19 in an outpatient setting in India. These include Cipla Limited, Dr Reddy's Laboratories Ltd, Emcure Pharmaceuticals Limited, Sun Pharmaceutical Industries Limited and Torrent Pharmaceuticals Limited. Molnupiravir is an oral antiviral that inhibits the replication of multiple RNA viruses including SARS-CoV-2. It is presently being studied by Merck Sharpe Dohme (MSD), through a collaboration with Ridgeback Biotherapeutics, in a Phase III trial for the treatment of non-hospitalised patients with confirmed Covid-19 globally. Between March and April this year, these five pharma companies had individually entered into a non-exclusive voluntary licensing agreement with MSD to manufacture and supply Molnupiravir to India and to over 100 low and middle-income countries. The five pharma companies have entered into a collaboration agreement, where the parties will jointly sponsor, supervise and monitor the clinical trial in India.

HOW ZYCOV-D VACCINE WORKS, HOW IT IS DIFFERENT

Ahmedabad-based Zydus Cadila has applied to Central Drugs Standard Control Organisation (CDSCO), the national drugs regulator, seeking emergency use authorisation (EUA) for ZyCov-D, its Covid-19 vaccine. *If approved by the regulator, ZyCov-D will be the world's first DNA vaccine against infection with SARS-CoV-2.*

What is the ZyCov-D vaccine, and how does it work?

ZyCov-D is a "plasmid DNA" vaccine — or a vaccine that uses a genetically engineered, non-replicating version of a type of DNA molecule known as a 'plasmid'. The plasmids in this case are coded with the instructions to make the spike protein of SARS-CoV-2, the coronavirus that causes Covid-19. Vaccination gives the code to cells in the recipient's body, so they can begin making the spiky outer layer of the virus. The immune system is expected to recognize this as a threat and develop antibodies in response. Most Covid-19 vaccines currently are given in two doses, with a couple of single-shot ones also available. *ZyCov-D by contrast, will be given in three doses, with an interval of 28 days between the first and second and second and third shots. The other unique thing about the vaccine is the way it is given. No needle is used — instead, a spring-powered device delivers the shot as a narrow, precise stream of fluid that penetrates the skin.* ZyCov-D has been developed with the support of the central government's Department of Biotechnology and the Indian Council of Medical Research (ICMR).

How safe and effective is the vaccine?

According to trial data so far, the vaccine has been able to bring down symptomatic cases of Covid-19 in those who received doses by nearly 67 per cent compared with those who did not get a vaccine. Two doses of the vaccine seem to be enough to prevent people from developing severe symptoms of Covid-19 and to prevent death, while three doses keep even moderate symptoms at bay, according to trial data.

The large-scale phase 3 trial of ZyCov-D was conducted at 50 clinical trial sites across the country "during the peak of the second wave of Covid-19", and the company believes that this "reaffirms" the vaccine's effectiveness against the Delta variant of the coronavirus. "

Historically, some safety concerns have been raised about DNA vaccines, including their potential, theoretically, to integrate into cellular DNA or cause auto-immune diseases. However, physician and vaccine researcher Dr Margaret A Liu wrote in a 2019 article published in MDPI that "To date, both pre-clinical testing and careful clinical monitoring have shown DNA vaccines to not induce or to worsen auto-immunity…". Zydus Cadila's Dr Patel said DNA vaccines are "non-infectious" by nature. They do not involve the use of other potentially harmful particles like viral vectors, which minimises the risk of vaccine-enhanced diseases, he said.

What happens here onward?

The regulator will go through Zydus Cadila's application for restricted emergency use permission (known as EUA in other countries) to check for any missing information. Thereafter, a meeting of the Subject Expert Committee (SEC) of the CDSCO will be convened. During this meeting, the company will present the data and make its case for an EUA. Based on the data submitted and presented to them, the SEC will decide whether the vaccine should be recommended for an EUA.

It will also look into details such as whether there is sufficient data to back the use of this vaccine in adolescents between the ages of 12 and 18 years, and whether there is merit to the company's findings that two doses of the vaccine prompt an immune response that is "equivalent" to a three-dose regimen.