

CURRENT AFFAIRS FOR UPSC

18TH TO 24TH JULY 2021



INTERNATIONAL

RETURN TO TROUBLES

The British government's demand to renegotiate parts of the Northern Ireland Protocol of the Brexit agreement with the EU has set the stage for another round of clashes between London and Brussels. Just seven months after the agreement came into force, Prime Minister Boris Johnson's government now says the Protocol, which was accepted by both sides to avoid physical and economic barriers between Northern Ireland, a part of the U.K., and the Republic of Ireland, an EU member, hampers trade inside the U.K. When the Brexit agreement was signed in 2020, Mr. Johnson agreed to set up checks at the British side for goods entering Northern Ireland. This meant, in order to avoid an economic barrier between the two Irelands, Britain effectively set up one between the British mainland and the Island of Ireland. The decision had economic and political repercussions, affecting British traders every time they move goods across the Irish Sea. Within Northern Ireland, the Irish nationalists who support unification are in favour of the Protocol, while the unionists, including the Democratic Unionist Party that was once an ally of Mr. Johnson, do not want it. In a difficult economic and political situation now, Mr. Johnson's conservative government is seeking a way out. The government wants all customs checks on goods entering Northern Ireland to be removed. It has also sought to end the role of EU institutions in enforcing the Protocol and introduce a dual regulatory system that would allow products to freely circulate in the province if they comply with either British or EU standards. But the problem is that this is part of an agreement which Mr. Johnson signed in 2020, and welcomed. The EU has said it remained open to "practical, flexible solutions" to the controversial clauses. Many had warned even before the 2016 Brexit vote that Northern Ireland would be a thorny issue if the U.K. chose to leave the EU, given Ireland's violent history. *The economic integration and soft borders between the two Irelands were one of the key aspects of the 1998 Good Friday agreement that brought peace to the island after 30 years of Troubles.* Now Mr. Johnson, a Brexit supporter, is caught in a difficult situation, thanks to Brexit. For London, continuing with the protocol will have economic and political consequences. If the U.K. moves the customs checks to the border between the two Irelands, it can upset the peace agreement. In the event of the absence of an agreement, either party can suspend the Protocol using Article 16, which means the crisis would be back to square one. Both sides should realise the seriousness of the situation and be ready for talks. Any amends to the Protocol should not compromise on the conditions that guarantee peace in the island of Ireland.

U.K. WANTS NEW TRADE DEAL FOR N. IRELAND

Britain demanded on Wednesday that the European Union renegotiate post-Brexit trading arrangements for Northern Ireland after rioting and business disruption hit the province, but the EU immediately rejected the offer. London stopped short of suspending the so-called Northern Ireland Protocol — introduced at the start of the year, and which requires checks on goods arriving from mainland Britain — and instead called for "significant changes". It wants the European Union to indefinitely abandon ad-hoc grace periods for certain border checks and freeze legal action launched against the U.K. for non-compliance, as part of a "standstill period" allowing for fresh negotiations. Northern Ireland Secretary Brandon Lewis said while Britain had negotiated the protocol "in good faith", its real-world application by the bloc had entailed "considerable and continuing burdens". "Put simply, we cannot go on as we are," he told U.K.



lawmakers. “We urge the EU to look at it with fresh eyes and work with us to seize this opportunity and put our relations on a better footing.”

‘Creative solutions’

But within hours, the EU — which has long insisted that it is up to London to implement what it agreed in their drawn-out Brexit divorce — had ruled out any renegotiation. “We are ready to continue to seek creative solutions, within the framework of the Protocol, in the interest of all communities in Northern Ireland,” European Commission vice president Maros Sefcovic said in a statement. “However, we will not agree to a renegotiation of the Protocol.” The protocol was painstakingly negotiated to avoid a hard border with Ireland, by effectively keeping Northern Ireland in the EU’s single market. Northern Ireland, which suffered three decades of sectarian conflict until a peace agreement in 1998, has been rocked by violence this year, in part against the protocol. Many pro-U.K. unionists see it as creating a de facto border in the Irish Sea with mainland Britain and say they feel betrayed.

U.K. proposals

In its proposals, Britain urged the EU to stop broad checks and focus more squarely on goods “genuinely” at risk of entering its single market via Northern Ireland. The government insisted for all other goods, a light touch was needed to preserve Northern Ireland’s integral status as part of the U.K. It also wants the removal of any oversight role by the European Court of Justice.

IN HARRY’S WORDS

Every Tom, Dick and Harry wants to write a memoir. And Harry, it turns out, is the most self-indulgent of all. Most memoirs are written after a person has lived a full life, and has true achievements and experience — the benefit of hindsight to put memories into perspective. Not so, apparently, for the so-called royals. The young prince of the House of Windsor is only 36. His lone claim to fame is his family — both the one he was born into and, recently, the one he started with his wife. In essence, the richest unemployed family in the world now consists of an upper-class cast of reality stars. Any memoir from a young, estranged member of that cabal can only serve as grist for the gossip mill. Harry, in a sense, is trapped by history. His desire to distance himself from the Family and its conservatism, and start an independent life in the US, is understandable. Yet, this “independence” still depends on his inheritance. Were he only Harry Smith (36), former soldier for a few months and otherwise unemployed, would any publisher be interested in his probably pious pontifications? And the book is likely to only feed the tabloid and media frenzy that he so wishes to escape, to draw out the saas-bahu-sasur-daadi battles that his departure from England and subsequent interviews have led to. But let’s not blame just Harry. In a public culture that is both youth and celebrity-obsessed, the Royal Family makes for easily digestible content. In India, infants inherit their parents’ celebrity a la baby Taimur and the Kardashians continue to thrive on unproductive drama after decades in the US. Harry, who retired in his 20s, needs something to fill the time. The downside, of course, is that his anger at being a victim of celebrity he did not choose will ring just a little less true with every interview, memoir and press release.



BEN & JERRY'S ANGERS ISRAEL BY BOYCOTTING SETTLEMENTS

Ice creams hardly play a role in international conflicts. But the U.S.-based ice cream brand Ben & Jerry's decision to stop selling its products to the Jewish settlements in the Israeli-occupied Palestinian territories of East Jerusalem and West Bank has triggered an uproar in Israel, which has taken the battle against the brand to its parent company and 35 American States. Israel Prime Minister Naftali Bennett has warned Unilever, the London-based parent company, of "severe consequences" over its subsidiary's decision.

'Values' over profit

In its July 19 statement, Ben and Jerry's, known for taking up progressive causes such as Black Lives Matter, said the sales of its products in the occupied Palestinian territories was "inconsistent with our values". Israel seized the West Bank and East Jerusalem in the 1967 war and has promoted Jewish settlements in the territories since the 1970s. Currently, there are about 140 Israeli settlements in the West Bank and East Jerusalem where more than 6,00,000 Jews live. Ben & Jerry's, founded in the 1970s by two American hippies, operates in Israel through a licensee, Ben & Jerry's Israel, which makes and distributes its products in Israel and the occupied territories. "We have informed our licensee that we will not renew the license agreement when it expires at the end of next year," the company said. It added that it would seek another arrangement to sell its ice creams within the internationally accepted borders of Israel. The Palestine Solidarity Campaign, an activist group based in the U.K. that promotes boycotting Israeli goods, has welcomed Ben & Jerry's decision. "This is Huge. Very important step by Ben & Jerry's and a message to all complicit companies. The tide of history is turning. #BDS," the PSC tweeted on Monday. Activists who support the Boycott Divestment and Sanctions (BDS) movement has been campaigning for a years for economic measures to put pressure on Israel to change its policies regarding settlements and occupation.

Unilever's position

Unilever, the British multinational, acquired Ben & Jerry's in 2000 for \$326 million in an unusual agreement that allowed the brand to keep an independent board with the right to make decisions on its social missions and brand integrity. The decision to end sales to the Jewish settlements came from the Board. In a statement, Unilever said: "Ben & Jerry's was acquired by Unilever in 2000. As part of the acquisition agreement, we have always recognised the right of the brand and its independent Board to take decisions about its social mission. We also welcome the fact that Ben & Jerry's will stay in Israel." There were signs of tensions between the parent company and the independent board of Ben & Jerry's. Anuradha Mittal, the Board's chair, told NBC that Unilever issued the statement against the wishes of the Board.

Israel's response

Gilad Erdan, Israel's Ambassador in Washington, has written to each of the 35 Governors of American States that have passed laws against BDS, urging them to sanction the ice cream brand. In the letter, a copy of which was posted on Twitter, Ambassador Erdan wrote Ben & Jerry's decision amounted to "de-facto adoption of anti-Semitic practices and the de-legitimization of the Jewish state". In 2018, Airbnb announced it would remove listings on its website in the Jewish settlements in Palestine, but reversed the decision a few months later after having come under enormous pressure from Israel and a lawsuit in a federal U.S. court. This time too, Israel is leaving



no chance behind to mount economic and legal pressure on Ben and Jerry's and Unilever to undo the decision. The challenge Israel faces is that if Ben and Jerry's sticks to its decision in solidarity with the Palestinians, it could set a successful precedent for other corporations and give a boost to the BDS movement.

PEDRO CASTILLO DECLARED PERU'S NEXT PRESIDENT

Leftist school teacher Pedro Castillo was proclaimed Peru's President-elect Monday, six weeks after a polarising vote of which the results were delayed by claims of electoral fraud from his right-wing rival, Keiko Fujimori. The 51-year-old trade unionist's victory leaves Ms. Fujimori facing an imminent corruption trial. "Dear compatriots, I bring here an open heart for each and every one of you," Mr. Castillo declared from the balcony after Jorge Luis Salas, head of the JNE elections jury, announced his victory in a virtual ceremony. The JNE validated the vote count by the ONPE elections body, which had given Mr. Castillo 50.12% of the ballots cast, some 44,000 more than Ms. Fujimori — most of whose objections the jury dismissed.

EGYPT TAKES CENTRE STAGE IN WEST ASIAN AFFAIRS

Most important developments in West Asia are increasingly revealing an Egyptian fingerprint. Egypt's diplomats and intelligence officers recently negotiated the end of the 11-day Israel-Palestine conflict, with the new Israeli government looking to Egypt to manage the turbulent cauldron of Gaza. Turkey, which has been hostile to Egyptian President Abdel Fattah al-Sisi for the coup in July 2013, when he overthrew the Muslim Brotherhood government in Cairo headed by President Mohammed Morsi, is anxious to reopen relations. Egypt, after long years of neglect, has now become active in re-engaging with its neighbours in Africa, with substantial economic and defence partnership agreements. Finally, Egypt, with Iraq and Jordan, announced in Baghdad at the end of June that a new tripartite grouping of these West Asian States had been set up, proclaiming the advent of al-Sham al-Jadid, the "New Levant".

Political, economic changes

Just a few years ago, after the overthrow of the country's first democratically elected government, Egypt survived with a \$12 billion aid package from Saudi Arabia, the United Arab Emirates (UAE) and Kuwait. These West Asian deposits were supplemented by grants in 2013-14 for the import of petroleum products, valued at another \$16 billion (<https://bit.ly/3exXb6w>). West Asian politics was also largely influenced by the active role of Saudi Arabia and the UAE, in Syria, Yemen and Libya. Egypt found itself a reluctant partner in these ventures, though it was low key in Yemen and maintained ties with the Assad government in Damascus. In Libya, it was pushed into a more active role to confront the Tripoli-based administration, but here, too, it refused to deploy troops in the country. Egypt's role in the blockade of Qatar from June 2017, initiated by Saudi Arabia and the UAE, was also relatively lukewarm. Egypt allowed Qatari LNG to pass through the Suez Canal, while Qatar made no effort to dilute its investments in Egypt or order the repatriation of 2,50,000 Egyptian workers in the country. The failure of Saudi Arabia and the UAE to achieve any success in their military interventions, or in the blockade of Qatar, has opened the space for Egypt to regain the influence it has traditionally enjoyed in Arab counsels. This has been greatly facilitated by the good management of its economy through difficult times. *Economic reforms from 2015 finally provided foreign exchange reserves of \$40 billion by 2018 and a growth rate of 5.6% in 2019*



(<https://bit.ly/3eAlfpb>). The instrument that Egypt is using to assert its diverse interests in a complex and conflictual region is not military force, but diplomacy.

Regional challenges

The principal challenge that Egypt presently faces relates to Ethiopia's plan to construct the "Grand Ethiopian Renaissance Dam" (GERD) on the Blue Nile. Egypt fears this project could restrict its access to the waters of the Nile, the source of 95% of its fresh water. Seeing the project as an "existential threat", Egyptian officials have said that "all options" are on the table. However, Egypt has actually embarked on robust diplomatic engagements in its African neighbourhood, with defence agreements with the "ring countries" around Ethiopia — Sudan, Uganda, Burundi, Rwanda and Kenya — to safeguard its interests. Ethiopia has initiated its own diplomatic effort in the Horn of Africa by firming up ties with Somalia, Eritrea and South Sudan. In response, Egypt has agreed to build a major dam and hydropower project in Tanzania, so that the latter will compete with Ethiopia in the export of power in the region. At the end of June, Egypt wrote to the UN Security Council seeking international intervention on the dam issue; it said that, with this effort, "we will have exhausted all the peaceful means". Egypt's other challenge is relations with Turkey. The two countries met at the deputy Foreign Minister level in Cairo in early May and discussed the issues that divide them: Libya and the East Mediterranean. In Libya, Turkey has deployed about 500 soldiers and another 2,000 fighters from its militia in Syria in support of the Tripoli-based authority. Egypt and the UAE have so far backed the Tobruk-based administration and supported the rival Libyan force, led by Field Marshal Khalifa Haftar, with weaponry and mercenaries. In March 2021, an interim government of National Unity was formed that brings together the two rival administrations in one national order until elections are held in December this year. But this arrangement is still fragile, and competitions for power between the Tripoli and Tobruk-based rivals are ongoing. Libya's peace process demands that foreign troops leave the country. Though the Syrian militants have started leaving, Turkey asserts that its own soldiers have been invited by the government and is showing no signs of withdrawing them, while Russia insists that withdrawal of foreign troops will be a "step-by-step" process so that a power balance is maintained. In the East Mediterranean, Egypt, with other littoral partners, has delineated energy claims in the sea which conflict with Turkey's claims. With neither side willing to compromise, there are serious fears of conflict. On July 3, Egypt affirmed its interest in Libya by inaugurating a new naval base close to the Libyan border.

Coalition for cooperation

The just-announced tripartite coalition of Egypt, Iraq and Jordan is clearly an attempt by the partners to broaden their regional engagements: Iraq would like to free itself from the Iranian grip and expand ties with its Arab neighbours. Jordan is unhappy with the recent Saudi role in trying to topple King Abdullah and replace him with a disgruntled half brother, Prince Hamza. Egypt views the partnership as an opportunity to move beyond its traditional dependence on Saudi Arabia and the UAE and assert its own leadership in the region. Together, the partners constitute a near-contiguous land mass, with a total population of 150 million (<https://bit.ly/3kwy2g6>) and considerable domestic agricultural and industrial capacity. They are looking at extensive cooperation in energy connectivity and reconstruction areas. Membership is open and, later, Syria and Lebanon could also join this group.



The outlook

While Egypt's diplomacy has already placed it in the vanguard of regional affairs, it also faces serious challenges. As of now, Ethiopia is not budging on GERD, raising fears of a military confrontation. At home, due to the novel coronavirus pandemic, unemployment has increased, recovery has been slow, and the percentage of workers without adequate income has gone up from 55% to nearly 75%. The poverty rate is still 2% higher than in 2015, when reforms had started. Further deterioration in the economy could compel Egypt to seek assistance from the Gulf States, which would dilute its independent posture in regional affairs. Again, under the country's stringent counterterrorism laws, tens of thousands of government critics are in detention. During the election campaign, Joe Biden, now U.S. President, had promised that there would be "no more blank checks for Trump's 'favourite dictator'", a reference to al-Sisi. However, it remains to be seen if the U.S. will actually go through with this. As of now, Egypt is riding high. The Egyptian President recently revamped the museum of ancient history in Cairo and presided over parades of mummies of former Egyptian pharaohs as they moved to their new home. Perhaps, he feels a kinship with those old rulers who had brought Egypt so much glory all those centuries ago.

XI VISITS TIBET, FIRST TRIP BY LEADER IN YEARS

China's President Xi Jinping this week became the first Chinese leader in many years to visit Tibet as well as its southeastern border region with India, as he inspected a newly opened and strategically important railway line. The official Xinhua news agency reported on Friday Mr. Xi arrived in Tibet on Wednesday on a three-day visit, landing at the airport in Nyingchi, which is located less than 20 km from the border with India's Arunachal Pradesh. The Xinhua report said Mr. Xi drove to the Nyang river bridge to inspect the Yarlung Zangbo river, or Brahmaputra river — the Nyang is its second largest tributary. He also visited Nyingchi town and its railway station to inspect the newly built Sichuan-Tibet railway. This is Mr. Xi's first visit to the Tibet Autonomous Region (TAR) since taking over as the General Secretary of the Communist Party of China in 2012. He had visited in 2011 when he was Vice-President. That visit was to mark the 60th anniversary of what the Communist Party calls "the peaceful liberation of Tibet", and this week's trip was timed to mark the 70th anniversary. The Seventeen Point Agreement was signed on May 23, 1951. China refers to the agreement as heralding what it calls "the peaceful liberation of Tibet". The agreement has been rejected by the Dalai Lama, who has said the Communist Party had both forced it on Tibet and subsequently violated its commitments, leading him to eventually flee to India in exile in 1959. From Nyingchi, Mr. Xi travelled to Lhasa, where he visited the Potala Palace — the traditional home of the Dalai Lamas — and Drepung monastery. He called on monks there "to support the leadership of the Communist Party of China" and "maintain the unity of the motherland". He said the Communist Party would "actively guide the development of Tibetan Buddhism", part of a broader effort to promote what the Party calls the "Sinicisation" of Tibetan Buddhism with an emphasis on patriotism and ensuring Beijing's authority on the appointment of lamas and key religious figures.

Military ideology

Mr. Xi on Friday, the last day of the trip, met with soldiers of the Tibet Military Command of the People's Liberation Army, state media reported, calling on them to "implement the Party's military ideology in the new era" and to "comprehensively strengthen training and preparation work". Developing connectivity to border areas was a particular focus of the visit, evident in the visit to Nyingchi, which assumed particular significance coming a month after China started operating the



first bullet train line in Tibet, linking Lhasa to Nyingchi near the border with Arunachal Pradesh. The China State Railway Group said the 435-km line, on which construction began in 2014, has a designed speed of 160 km per hour and would connect the capital city of the Tibet Autonomous Region to the border city of Nyingchi with a travel time of three and a half hours. The Lhasa-Nyingchi rail is one among several major infrastructure projects recently completed in Tibet's southern and southeastern counties near the Arunachal border. *Last month, China completed construction of a strategically significant highway through the Grand Canyon of the Yarlung Zangbo river, the "second significant passageway" to Medog county that borders Arunachal. The Lhasa-Nyingchi rail is one section of the Sichuan-Tibet railway line connecting the two provincial capitals, a strategic project described by the Chinese leader as "a major step in safeguarding national unity and a significant move in promoting economic and social development of the western region." This will be the second railway line connecting Tibet to the hinterland, following the already open Qinghai-Tibet rail.* The first section of the new line, from Chengdu, the provincial capital of Sichuan, to Yaan, was finished in December 2018, while work on the 1,011 km Yaan-Nyingchi line will complete the entire railway line by 2030. Zhu Weiqun, a senior Party official formerly in charge of Tibet policy, was quoted as saying by state media the railway will help "transport advanced equipment and technologies from the rest of China to Tibet and bring local products out". "If a scenario of a crisis happens at the border," he said, "the railway can act as a 'fast track' for the delivery of strategic materials."

WOLVES AND SHEEP

In 2010, Russell Crowe, as the eponymous lead in Ridley Scott's Robin Hood, exhorted his oppressed compatriots to "rise and rise again until lambs become lions". But Robin had the same weapons as his medieval oppressors, and did not have to contend with the sheer military and surveillance might of a modern superpower. Not so for the five members of a Hong Kong union who have been arrested on charges of sedition by the recently set up "national security unit". Their crime, it seems, has been to combine Animal Farm and Baa Baa Black Sheep — and this creativity is a threat to a rising China. In the last few months, the General Union of Hong Kong Speech Therapists has published three illustrated e-books to help children understand the pro-democracy movement in the city. Citizens of Hong Kong are portrayed as a village of sheep that is surrounded by wolves. The trilogy references and lays at the door of the wolves some of the oppressions of the Chinese state. For example, the final book in the trilogy, 12 Braves of Sheep Village, is a barely-disguised parable about the failed attempt of 12 people from Hong Kong to flee to Taiwan. It is easy to see the Red government's justification for invoking Hong Kong's colonial-era sedition law. After all, it is "protecting" children from becoming "anti-nationals". Parables and nursery rhymes often carry a deeper message. *The original Baa Baa Black Sheep, for example, is a lament against the 13th century Wool Tax imposed by King Edward I in England. And the Soviet Union's oppressions led to Orwell's masterpiece, where some "animals were more equal than others". But slapping sedition for stories is a ham-handed response by the government, almost an admission of defeat in the battle of narratives.*

GLOBAL CALL FOR 'END' TO TALIBAN OFFENSIVE

More than a dozen diplomatic missions in Afghanistan on Monday called for "an urgent end" to the Taliban's ruthless military offensive, saying it was at odds with claims they want to secure a political deal to end the conflict. The statement — signed by the U.S., EU, and more than a dozen



other missions in Kabul — follows another round of inconclusive talks in Doha over the weekend between the Afghan government and the Taliban that many hoped would kickstart the ailing peace process. *“The Taliban’s offensive is in direct contradiction to their claim to support a negotiated settlement,” it read. “It has resulted in loss of innocent Afghan lives, including through continued targeted killings, displacement of the civilian population, looting and burning of buildings, destruction of vital infrastructure, and damage to communication networks.” For months, the two sides have been meeting on and off in the Qatari capital, but have achieved little, if any, notable success — with the discussions appearing to have lost momentum as the militants made enormous battlefield gains.* A joint statement released late on Sunday said little more than they had agreed on the need to reach a “just solution”, and to meet again next week. “We also agreed that there should be no pause in the negotiations,” Abdullah Abdullah, who oversees the Afghan government’s delegation, said on Monday.

No talks on truce

He noted, however, that neither side was currently pursuing a joint ceasefire during the talks, despite urgent calls from Afghan civil society and the international community to end the surge in fighting. Ahead of the second day of talks, Taliban supreme leader Hibatullah Akhundzada had said “the Islamic Emirate strenuously favours a political settlement” despite the groups lightning victories on the ground. Akhundzada has said his group remained committed to forging a solution to end the war, but slammed the group’s opponents for “wasting time”. But the Qatari facilitator of the talks said at the end of the two days that the sides had merely agreed to “work to prevent civilian casualties”, far short of previously agreed ceasefires. “The two sides agreed to continue negotiations at a high level until a settlement is reached. For this purpose, they will meet again next week,” said Qatar’s counter-terrorism envoy Mutlaq al-Qahtani who oversees the talks for Doha.

Fighting continues

Despite the latest round of shuttle diplomacy, fighting continued to flare in Afghanistan with both the Taliban and government making claims of taking and re-taking territory in various areas across the country. Despite coming days ahead of the Id-al-Adha holiday, the statement notably made no mention of a formal call for a ceasefire. Over the years, the Taliban have announced a series of short truces during Islamic holidays. However, the group has been criticised for using them to resupply and reinforce their fighters, allowing them to launch devastating onslaughts on Afghanistan’s security forces once the truces expire. With foreign forces in the last stages of a withdrawal due to be complete by the end of August, the Taliban have cut a huge swath across Afghanistan, capturing hundreds of districts, seizing key border crossings and encircling provincial capitals.

INDIA MUST DIRECTLY ENGAGE WITH TALIBAN 2.0

With the withdrawal of the United States from Afghanistan in process, New Delhi has decided to ramp down its civilian presence in the war-torn country, bracing for a full-blown civil war. *India has ‘temporarily’ closed its consulate in Kandahar and evacuated its diplomats and Indo-Tibetan Border Police (ITBP) personnel stationed there. This follows the decision to suspend operations in the Indian consulates in Jalalabad and Herat. As a result, India today is left with its Embassy in Kabul and the consulate in Mazar-e-Sharif.*



The Taliban's sway

These developments indicate two things: New Delhi's decision to partially "withdraw" from Afghanistan shows that betting only on the government in Kabul was a big mistake, and that New Delhi realises the threat Taliban poses to Indian assets and presence in Afghanistan. Either way, India's Afghan policy is at a major crossroads; to safeguard its civilian assets there as well as to stay relevant in the unfolding 'great game' in and around Afghanistan, New Delhi must fundamentally reset its Afghanistan policy. India must, in its own national interest, begin 'open talks' with the Taliban before it is too late. The time for hesitant, half-embarrassed backchannel parleys is over. However, when I say it is time to 'openly' talk to the Taliban, I do not mean according recognition to the Taliban. In any case, what is there to 'recognise' at this point as far as the Taliban is concerned? It is only one of the parties in Afghanistan — it is neither the Afghan government, nor a part of it. Not yet. But with over a third of Afghanistan's more than 400 districts under Taliban control, the talk-to-the-Taliban-option is indeed the best of the many less than perfect options available to India. To be fair, New Delhi has been steadily abandoning its puritanical policy towards the Taliban over the past few years. *In late 2018, when Moscow organised a conference which had the Taliban, members of the Afghan High Peace Council, and other countries from the region in attendance, India sent a 'non-official delegation' of two retired diplomats to Moscow.* Thereafter, in September last year, India's External Affairs Minister S. Jaishankar joined the inaugural session of the intra-Afghan negotiations in Doha. Last month, reports indicated that India has started reaching out to the Taliban which was indirectly confirmed by the Ministry of External Affairs when it said "we are in touch with various stakeholders in pursuance of our long-term commitment towards development and reconstruction in Afghanistan". However, such half-hearted, half-embarrassed, ideologically-hesitant meandering outreach to the Taliban is hardly sufficient to safeguard Indian interests in a rapidly shifting Afghan geopolitical landscape. Open dialogue with the Taliban should no longer be a taboo; it is a strategic necessity. Therefore, our outreach must now be direct and unambiguous. But before I explain why I say so, let me briefly analyse New Delhi's rationale for the indirect approach to the Taliban.

Rationale for indirect talks

There are at least five possible reasons why New Delhi appears to want to keep the Taliban engagement slow and behind closed doors. For one, *if New Delhi chooses to engage the Taliban directly, it could make Afghanistan President Ashraf Ghani, thus far India's trusted partner, uneasy. This could potentially nudge him to look towards China and the Shanghai Cooperation Organisation (SCO) for national security and personal political survival. So, in New Delhi's calculation, a bird in the hand is worth two in the bush. Two, decision makers in New Delhi are also faced with the dilemma of who to talk to within the Taliban given that it is hardly a monolith. New Delhi may have little access to the members of the Quetta Shura or the fighters on the ground in Afghanistan. So, the only option might be the Doha-based Taliban negotiators or leaders such as Abdul Salam Zaeef whose beef with Pakistan is well known. Third, given the global opprobrium that Taliban faced in its earlier avatar and the lack of evidence about whether the outfit is a changed lot today, New Delhi might not want to court the Taliban so soon. More so, there is little clarity about what the Taliban's real intentions are going forward and what they would do after ascending to power in Kabul. Finally, it would not be totally unreasonable to consider the possibility of Pakistan acting out against India in Kashmir if India were to establish deeper links with the Taliban. New Delhi's rationale is not entirely erroneous. And yet, there are more compelling reasons why India should engage with the Taliban*



more proactively and openly. For one, whether we like it or not, the Taliban, one way or another, is going to be part of the political scheme of things in Afghanistan, and unlike in 1996, a large number of players in the international community are going to recognise/negotiate/do business with the Taliban. So, basic statecraft requires that we follow that route as well. Making peace with the fait accompli is not always a bad thing especially in the absence of better alternatives.

The Pakistan factor

Two, the Taliban today is looking for regional and global partners for recognition and legitimacy especially in the neighbourhood. So the less proactive the Indian engagement with the Taliban, the stronger Pakistan-Taliban relations would become. Put differently, and bluntly, letting the Pakistani deep state exclusively deal with the Taliban is an inherently bad idea. Third, even though the Taliban is widely considered to be propped up by Pakistan, it would be a mistake to think that the Taliban will continue to be Pakistan's servile followers upon gaining power in Kabul. A worldly-wise and internationally-exposed Taliban 2.0 would develop its own agency and sovereign claims including perhaps calling into question the legitimacy of the Durand Line separating Pakistan and Afghanistan, something Pakistan was always concerned about. More so, contrary to what many analysts assume, a Taliban-dominated Afghanistan, next door to its Tehreek-e-Taliban Pakistan-infested tribal areas, may not really end up becoming a happy space for Pakistan. In other words, the Taliban would want to hedge their bets on how far to listen to Pakistan. That is precisely when New Delhi should engage the Taliban. Four, India needs to court all parties in Afghanistan, including the Taliban, if it wants to ensure its security of its civilian assets there. It makes neither strategic nor economic sense to withdraw from Afghanistan after spending over \$3 billion, something the Government seems to be prepared to do. Withdrawing from Afghanistan now because the Taliban is on the rise (and we do not want to have relations with them) will go on to highlight how weak our strategic resolve is. Five, India's outreach to the Taliban should have started years ago before the Taliban had many suitors as they do today. So, if India is not proactive in Afghanistan at least now, late as it is, Russia, Iran, Pakistan and China will emerge as the shapers of Afghanistan's political and geopolitical destiny, which for sure will be detrimental to Indian interests there.

Open the congested frontier

Finally, and perhaps most importantly, opening up the congested north-western frontier is key to bringing India's continental grand strategy on an even keel, a process New Delhi has already started. Backchannel talks with Pakistan and a consequent ceasefire on the Line of Control, political dialogue with the mainstream Kashmiri leadership, secret parleys with Taliban all indicate that New Delhi is opening up its congested north-western frontier. Proactive engagement of the Taliban will provide this effort with more strategic heft. Consider this. Except for the strategic foray into the Indo-Pacific, India today is strategically boxed in the region and it must break out of it. Afghanistan could provide, if not immediately, India with such a way out. In the end, India's engagement with the Taliban may or may not achieve much, but non-engagement will definitely hurt Indian interests. In an ideal world, the Taliban, given its bloody past, should not have been anywhere near governing Afghanistan, but it is neither an ideal situation nor is the Taliban stoppable from gaining power in Kabul. So New Delhi must exorcise the demons of IC-814 (the December 1999 hijacking) from its collective memory and engage with the Taliban 2.0 — there is no need to be secretive or embarrassed about it. And yet, open engagement of the Taliban is neither tolerating nor accepting the condemnable atrocities committed by the Taliban.



LEAVING THE PAST BEHIND

Two events in Central Asia last week, which India attended, saw Afghanistan's neighbours seeking solutions to the conflict there. *The first was a meeting in Dushanbe, of the Contact group on Afghanistan of SCO Foreign Ministers*, and the second, *a Central and South Asia connectivity conference in Tashkent*. The meetings also took on a special salience due to their timing. *Just days after the U.S. and NATO completed their pullout from the Bagram air base, and most other key locations, it is clear that the Taliban are making advances to return to power, by force if necessary*. Of particular concern are the Taliban's attacks on border posts, particularly the border with *Central Asian countries, and the Spin Boldak-Chaman border with Pakistan, which are for territorial control and to cut off crucial supply chains to the government in Kabul*. At such a time for the SCO Ministers' grouping that includes Russia and China, India and Pakistan, and four Central Asian countries to have issued a joint statement, albeit without naming the Taliban directly, that decried the violence by terrorist groups, was significant. *At Tashkent, the host, Uzbek President Shavkat Mirziyoyev, also gave Afghanistan President Ashraf Ghani the opportunity to confront Pakistan Prime Minister Imran Khan for Pakistan's failure to keep its promises on stopping the Taliban from crossing over and ensuring the Taliban conduct peace negotiations in earnest*. Despite Mr. Khan's protests, the message is that the region, and global players, will not support the Taliban to enforce its brutal regime in Afghanistan through violent means. For India and the Central Asian States, the worries are about the violence at the frontiers and the resultant refugee influx, extremism, and support to transnational groups such as al Qaeda, LeT, JeM, ETIM and IMU, as it happened earlier under Taliban rule. As External Affairs Minister S. Jaishankar said, Afghanistan's past cannot be its future, and in an interview to The Hindu, Mr. Ghani made it clear that the Afghan forces will not simply crumble this time. The emergence of the regional consensus to shun any attempt to take power by force will also give the Taliban and its backers in Pakistan reason to pause, and the high-level intra-Afghan talks in Doha over the weekend, and the Taliban's Eid announcement that they will pursue a political solution "seriously" and to assure neighbours they will not allow Afghan territory to be "used against any other country" may be evidence that the message has been received. As the future of Afghanistan is decided in the weeks ahead, it is necessary for the neighbourhood's voice, Central and South Asia included, to emerge more united and determined to protect the gains the nation has made over two decades.

THE PRESIDENT IN HIS LABYRINTH

In a direct attack on a neighbouring country in a public platform with its Prime Minister sitting a few feet away, Afghan President Ashraf Ghani came heavily on Pakistan on Friday for its "support for terrorists". Speaking at the Central and South Asia Connectivity Conference in Tashkent, Uzbekistan, Mr. Ghani said "more than 10,000 jihadi fighters" have crossed into Afghanistan from Pakistan in the last month. Pakistan Prime Minister Imran Khan, who sat through Mr. Ghani's speech, later denied the allegations. Mr. Ghani is known for his mercurial ways. But a direct public outburst against a foreign government was rare even by his reputation. It shows the desperation of Kabul, which lost swathes of territories to the Taliban. Since May 1, the day the remaining western troops started withdrawing from Afghanistan, the Taliban have taken dozens of districts, especially in the country's north. Amid mounting losses and growing uncertainty, Mr. Ghani is visibly under pressure. A trained anthropologist, Mr. Ghani rose to power in 2014, promising to end corruption and fix Afghanistan's institutions. This had been his favourite theme for decades. His doctoral thesis at Columbia University, 'Production and Domination: Afghanistan, 1747-1901',



is a study on the country's difficulties in building institutions amid economic backwardness. In 2008, a consultancy Mr. Ghani co-founded in Washington, published a paper titled, 'Fixing Failed States: A Framework for Rebuilding a Fractured World', which outlined the measures to be taken to build institutions.

'Double failure'

In his first presidential campaign in 2009, Mr. Ghani blamed a "double failure" for Afghanistan's miseries — a failure by the international community and a failure by the country's elites in rebuilding the nation. So when he was finally elected President in 2014, it was a chance for "Afghanistan's theorist in chief", as George Packer called him in *The New Yorker*, to put his ideas into practice. But ironically, under Mr. Ghani's watch, Afghanistan's institutions have further slipped away from Kabul while the Taliban kept making gains. Born in 1949, Mr. Ghani grew up in Kabul's old city. His paternal grandfather was a military commander under King Nadir, who assumed the throne in 1929. Mr. Ghani's father was a senior official in the court of King Zahir, Nadir's son. In 1973, the year the Afghan monarchy was overthrown by Daoud Khan, who became the first President of the republic, Mr. Ghani received a degree in political science from the American University of Beirut. In 1977, two years prior to the arrival of the Soviet Red Army, Mr. Ghani and his family left Afghanistan, and he would not come back to live in his country until 2001. When the Taliban regime was overthrown by the Americans in 2001, Mr. Ghani travelled to Afghanistan as a UN official. Later he became a special adviser to Hamid Karzai, who headed the transition government, and then went on to become his Finance Minister. But by 2004, Mr. Karzai and Mr. Ghani fell out and the latter left the government. The fall of the Taliban and the formation of a democratic state had opened up Afghanistan's polity for the country's elite. Like many others, Mr. Ghani also didn't hide his political ambitions. He quit the government, but stayed active in Afghan civil society. In 2009, he made his first attempt in the presidential election, but failed. In 2014, Mr. Ghani contested again, and was declared winner after a disputed election. In the 2019 elections that saw a record low turnout amid surging violence, he got re-elected. On both occasions, election disputes with his main rival, Abdullah Abdullah, were settled through talks. But a much bigger challenge Mr. Ghani faces is from the Taliban. He appeared helpless when the Taliban swept through the countryside. The intra-Afghan peace talks haven't reached anywhere. His administration rejected a proposal from the Biden administration to form a transition government with the Taliban. "Be assured that as long as I am alive, they will not see the formation of an interim government," Mr. Ghani said in February. But now, his cities are surrounded by the Taliban. The Americans will be out of the country within weeks. Hopes for a political settlement are slim. Mr. Ghani is entering perhaps the most critical phase of his presidency.

U.S., AFGHANISTAN, PAKISTAN AND UZBEKISTAN TO FORM QUAD GROUP

The U.S., Afghanistan, Pakistan and Uzbekistan have agreed in principle to establish a new quadrilateral diplomatic platform focused on enhancing regional connectivity, the Biden administration has said. "The parties consider long-term peace and stability in Afghanistan critical to regional connectivity and agree that peace and regional connectivity are mutually reinforcing," the State Department said on Friday. Recognising the historic opportunity to open flourishing interregional trade routes, the parties intend to cooperate to expand trade, build transit links, and strengthen business-to-business ties, it said. "The parties agreed to meet in the coming months to determine the modalities of this cooperation with mutual consensus," said the State Department.



Strategic location

Afghanistan's strategic location has for a long time been touted as a competitive advantage for the country. Afghanistan is bordered by Pakistan to the east and south, Iran to the west, Turkmenistan, Uzbekistan, and Tajikistan to the north, and China to the northeast. Located at the heart of the historic Silk Road, Afghanistan was long the crossroads of commerce between Asian countries connecting them to Europe, and enhancing religious, cultural, and commercial contacts. The formation of the new quad group is important amid China's desire to extend its Belt Road Initiative (BRI) to Afghanistan. The BRI, a multi-billion-dollar initiative launched by Chinese President Xi Jinping when he came to power in 2013, aims to link Southeast Asia, Central Asia, the Gulf region, Africa and Europe with a network of land and sea routes. By virtue of its location, Afghanistan can provide China with a base to spread its influence across the world. Since the announcement of the withdrawal of U.S. forces by August 31, violence has been rising and efforts to broker a peace settlement between the Afghan government and insurgent Taliban have slowed.

DON'T LOOK AWAY

I want to expose you to the raw truth — and make you a witness to it. You can look away, or stand up and ask for change," Danish Siddiqui had said in a talk last year. And till his death in a Taliban attack in Kandahar, Afghanistan on Friday, the Pulitzer-winning photojournalist was on the field doing just that — bearing witness to some of the subcontinent's most fraught conflicts, and making it hard for his audience to look away. For every crisis in the last tumultuous years in Indian political life, whether it was Delhi burning in the February 2020 riots or the long walk home of migrant workers from metropolises placed under a sudden lockdown, or the Covid-19 pandemic's brutal second wave, there is an iconic Danish Siddiqui frame telling the story. In the best pictures that he made, the velocity of breaking news and the punishing march of history slowed down to yield the human story. A boy in a yellow-checked shirt sits atop his father's shoulders, his eyes bewildered, as a group of migrant workers walk out of Delhi, the lights of the city about to fade behind them. A young man whips out a gun and aims at anti-CAA/NRC protestors in Delhi, as policemen look on. A brother and sister break down outside a Delhi mortuary, their faces hidden, a sorrow both public and private. Siddique's images of exhausted Rohingya refugees, or of the silent homes of the victims of the Easter Sunday bombings in Colombo, or the mass pyres of coronavirus victims all convey a devastating grief — for people caught up in dehumanising forces beyond their control. In the image of a Muslim man cowering before a crazed mob during the Delhi riots, Siddiqui makes a chilling portrait of collective derangement. Like the best of journalism, Siddiqui's work came about by turning up and being there — by pitching his body into the unforeseen moment, despite all the attendant risks. At a time of organised untruths and digital manipulation of media, the photojournalist's work has a powerful authenticity — and heart. In conflict zones — and indeed, in the hyper-partisan echo chambers of social media — the journalist walks a fine line, dodging black- and-white answers, to bring the reader face to face with a complicated, grey truth. The tragedy of Danish Siddiqui's death in one of the world's oldest conflict zones deprives us all of more such riveting, humanising encounters with the world.

AFGHAN AMBASSADOR'S DAUGHTER ABDUCTED, ASSAULTED IN PAKISTAN

The daughter of Afghanistan's Ambassador to Pakistan was abducted in the middle of the Pakistani capital of Islamabad, held for several hours and brutally attacked, officials in both countries said on Saturday. No one has been arrested in connection with Friday's assault on Silsila



Alikhil, 26. The Afghan Foreign Ministry issued a statement demanding a quick investigation, saying she was “severely tortured”. A hospital medical report, seen by the Associated Press, said she suffered blows to her head, had rope marks on her wrists and legs and was badly beaten. There was a suspicion that she had several broken bones and X-rays were ordered, the report said. The report also said her abductors held her for over five hours and that she was brought to the hospital in Islamabad by the police. There were no details about the abduction or the circumstances of her release. Pakistan called the attack “disturbing” and said that security at the residence of the Afghan Ambassador in Islamabad had been reinforced. The Afghan Foreign Ministry said it strongly condemns this “heinous act”.

INDIA IS WELCOME TO JOIN CHINA-SOUTH ASIA GROUPING

India can join the China-led South Asian initiative for COVID-19 vaccines and poverty alleviation too if it so desires, said Bangladesh Foreign Minister A.K. Abdul Momen, denying that a six-nation grouping launched earlier this month was meant to exclude India. The creation of the China-South Asian Countries Emergency Supplies Reserve, and a Poverty Alleviation and Cooperative Development Centre set up in China on July 8, the outcome of a meeting of the Foreign Ministers of China, Afghanistan, Bangladesh, Nepal, Pakistan and Sri Lanka in April, had raised eyebrows in New Delhi, as it appeared to leave out only India, Bhutan and the Maldives.

In dire need of vaccines

“The Chinese approached us at a time we were in dire need of vaccines,” Mr. Momen told The Hindu in an interaction on the sidelines of the connectivity conference in Tashkent last week, explaining that India’s decision to suspend vaccine exports, including to Bangladesh, who had contracted and made advance payments for 5 million doses of Covishield per month, had become a “big issue” in the country, particularly as many had taken the first dose of the vaccine and had no access to the second. Mr. Momen said that after Bangladesh requested vaccines from China, Foreign Minister Wang Yi decided to convene the six-nation China-South Asia meeting, where he suggested setting up a poverty alleviation centre to deal with economic issues arising in South Asia due to COVID, an e-commerce economic cooperation forum and an emergency storage facility for vaccines. “We asked, how about India, and the Chinese [government] said this forum is open to India and India is welcome. In fact, even at the Foreign Minister’s meeting which included Pakistan, they said India would be welcome to join,” Mr. Momen said, stressing that the issues involved in the forum are common to all South Asian countries battling COVID and its impact on GDPs in the region.

Aggression on LAC

The Ministry of External Affairs did not respond to a question on whether India had been invited to the forum or would consider joining the China-South Asia centre, now being established in the Southern Chinese city of Chongqing, in the future. However, given continuing tensions over Chinese aggression at the Line of Actual Control in Ladakh, and New Delhi’s firm stand that other bilateral relations cannot move ahead without a resolution of the boundary stand-off, it is understood that India would be unlikely to consider a new grouping involving China, especially one that could be seen to dilute its role in the SAARC region. The absence of India from the grouping as well as from a series of consultations on COVID relief between the Chinese Vice Foreign Minister and different combinations of all SAARC member countries (other than India and



Bhutan) led some experts to suggest this was meant to be a “Minus India” initiative. India is the only country of all eight SAARC nations that has not requested or accepted Chinese COVID vaccines.

CORRECT THE COURSE, NASHEED TELLS SOLIH

Maldivian Parliamentary Speaker and former President Mohamed Nasheed, who survived a bid on his life in May, has asked President Ibrahim Mohamed Solih to “course-correct before it is too late”. In a statement issued on Saturday, Mr. Nasheed accused President Solih of reneging on his pledge to address religious extremism, referring to the government’s “withdrawal” of support for a recent Bill — criminalising hate crimes — tabled after the May 6 explosion targeting him. “When the conservative religious parties who are part of a political alliance with the government objected, the government withdrew support for its own Bill,” the statement said, naming the Adhaalath party. His comments come amid growing tensions within the ruling Maldivian Democratic Party (MDP) over the government’s policies, mainly on corruption and religious extremism. While some MPs back President Solih’s “restrained” approach that they find politically prudent, other, disgruntled members support Mr. Nasheed’s “bold” ways. The friction seen within the top echelons of the Maldivian government that is facing the pandemic’s blow and incumbency has set off speculation over political stability in Indian Ocean island nation. Mr. Nasheed was critically injured in the May 6 incident that police called a “terror attack”, and has since undergone multiple surgeries in Male, before being flown to Germany for further treatment. In his first media remarks since the blast, Mr. Nasheed, currently in the U.K., told The Hindu over telephone that “pandering to extremists” is often deemed necessary for political expedience in the Maldives, especially during polls.

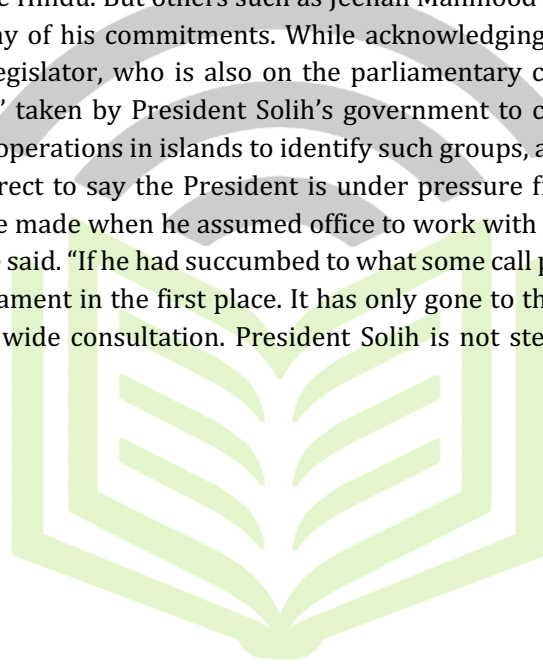
Extremist votes

“We have had three elections under the new Constitution. The MDP won twice — in 2008 and 2018, and President Yameen’s PPM won in 2013. All three victories were possible only with the extremist vote.” But, the tendency could take the country to a “dangerous place” in the next few years, he warned, adding: “Look at Afghanistan today.” Emphasising that he has nothing against President Solih, his “very good friend”, Mr. Nasheed said he did not want the MDP to split, although some fear Mr. Nasheed’s actions could divide the party. “As long as I am there, I will make sure that doesn’t happen.” All the same, he said those committed to moderate values must come together in a common platform. “And that could include the PPM too,” he said, despite his differences with the political rival and jailed former President, Mr. Yameen. On his own ambitions to run for the country’s top office in 2023, Mr. Nasheed said: “Well, I have merely indicated that I have not resigned yet, and that I am available.” According to MDP spokesman and legislator Imthiyaz Fahmy, there is no imminent threat to the party’s unity, but the differences within pose a challenge. Mr. Nasheed, he said, is “really concerned about the government’s lukewarm reaction” to the terror attack, and its response to growing Islamist extremism in the country. “The very ideology and principles that the MDP stands for have been sidelined by the government, according to President Nasheed, and he believes that is detrimental to the party,” he said. Meanwhile, some legislators in the party are increasingly disillusioned, according to MP Mickail Naseem, in whose view President Solih’s pledge to address religious extremism and ensure justice for past victims of their violent attacks has been “overshadowed” by this intention to keep the ruling coalition intact.



Landslide win

Following President Solih's victory in 2018, the MDP secured a landslide win in the 2019 general elections. The MDP has 65 MPs in the 87-member People's Majlis, and is in alliance with the Jumhooree Party, with three MPs [after recent realignment of 2 others], and the Adhaalath party that has no representation in the legislature. The Opposition is led by a combine of the Progressive Party of Maldives (PPM) and the People's National Congress (PNC), or broadly, former President Abdulla Yameen's political camp. Following pressure from religious conservatives within government, President Solih backed down on the Bill, Mr. Naseem said. "This also impacts the murder cases of Ahmed Rilwan [journalist] and Yameen Rasheed [blogger] as well. The lack of urgency on the part of the government in tackling the root cause of the May 6 attack is worrying some of us," he told The Hindu. But others such as Jeehan Mahmood do not think President Solih has gone back from any of his commitments. While acknowledging Mr. Naseem's concerns as "very real", the MDP legislator, who is also on the parliamentary committee on human rights, pointed to "bold steps" taken by President Solih's government to combat religious extremism, including undertaking operations in islands to identify such groups, and pressing charges against suspects. "It is not correct to say the President is under pressure from coalition partners. It is really a commitment he made when he assumed office to work with this coalition. He will not be the one to break it," she said. "If he had succumbed to what some call pressure, then the Bill would not have come to Parliament in the first place. It has only gone to the committee stage now and will be taken up after wide consultation. President Solih is not stepping back from any of his promises."



DreamIAS



NATIONAL

THE ELECTION IN PAKISTAN OCCUPIED KASHMIR

Elections are scheduled to be held in Pakistan Occupied Kashmir (PoK) on Sunday. The PoK Assembly has 53 seats, including four that were added in 2019. Over 700 candidates are in the fray, and there are about 20 lakh voters.

Constitutional position

PoK, which Pakistanis call “Azad Jammu & Kashmir” (“AJK” in short), came into being after the 1949 ceasefire between India and Pakistan after the Kashmir war, and comprises the parts of the erstwhile state of Jammu and Kashmir that were occupied by the Pakistani forces. *Pakistan’s constitutional position on PoK is that it is not a part of the country, but the “liberated” part of Kashmir.* The constitution of Pakistan lists the country’s four provinces — *Punjab, Sind, Balochistan, and Khyber Pakhtunkhwa.* However, Article 1 of the constitution, which lists out the territories of Pakistan, also has a provision for “such States and territories as or may be included in Pakistan, whether by accession or otherwise”. *The one direct reference to Jammu and Kashmir in Pakistan’s constitution is in Article 257, which says: “When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and the State shall be determined in accordance with the wishes of the people of that State.”*

In effect, central rule

The territory of PoK comprises 10 districts under three divisions — Mirpur, Muzaffarabad, and Poonch. The capital is Muzaffarabad. *While PoK is ostensibly an autonomous, self-governing territory, the Pakistan Army is the final arbiter on all matters Kashmir — and the security establishment exercises tight control over what goes on in PoK. At the height of the militancy in the Kashmir Valley, many of the training camps for militants were located in PoK.* The PoK constitution has a clear injunction against persons or political parties propagating “against or taking part in activities prejudicial to the ideology of the state’s accession to Pakistan”. An Assembly member invites disqualification for doing this, and candidates have to sign an affidavit swearing allegiance to Kashmir’s accession to Pakistan. *For all practical purposes, PoK is run by the Pakistan government through the all-powerful Kashmir Council, a nominated 14-member body headed by the Prime Minister of Pakistan. Six members are nominated by the Pakistan government and eight are from the PoK Assembly and government, including the “prime minister” of “Azad Kashmir”.*

Seats and legislators

The first direct elections in the territory were held in 1970. “AJK” got its own “interim” constitution (pending a final settlement of the Kashmir issue) in 1974, the same year that Pakistan got its first full fledged constitution. Forty-five of the 53 seats in the Assembly are for directly elected members — 33 are from constituencies in “AJK”, while 12 are “refugee constituencies” in Pakistan’s four provinces, representing those who migrated from the Indian side to Pakistan in 1947. The remaining eight seats in the Assembly are filled via nomination: five women, one professional, one a PoK resident settled abroad, and one from the ulema. The Assembly has a five-year term. The legislators elect a “prime minister” and a “president” for the territory.



In election results, a pattern

The parties and contestants in the fray in elections in PoK mirror the politics of Pakistan. The winning party is usually the ruling party in Islamabad, and the losing side usually makes the allegation that the “agencies” — a reference to Pakistani intelligence agencies — gave the winners a helping hand. The last elections in PoK were held in 2016 when the Pakistan Muslim League (N) led by Nawaz Sharif was in power in Islamabad. The PML(N) won a comfortable majority, and Raja Farooq Haider was elected prime minister of “Azad Kashmir”, and Masood Khan the president. In keeping with the pattern, it is widely expected that Imran Khan’s Pakistan Tehreek-e-Insaf (PTI), which came to power in 2018, will win the PoK election. However, PML(N) rallies, addressed by Nawaz Sharif’s daughter Maryam, have been attracting huge crowds. Bilawal Bhutto Zardari, chairman of the Pakistan People’s Party, has also addressed several rallies.

SC WITH PEOPLE TO PROTECT CIVIL LIBERTIES: CJI RAMANA

Chief Justice of India (CJI) N.V. Ramana on Saturday asserted that the Supreme Court would stand by the people to protect their civil liberties, while Justice D.Y. Chandrachud cautioned that *any semblance of majoritarian tendencies or clampdown on civil or religious freedoms would upset a sacred promise made to the ancestors who accepted India as their Constitutional Republic*. The judge observed that the “danger to our freedoms may not only originate from those who are tasked to govern but also originate in the intolerance of persons in society as well”. The CJI said the people of India knew that “when things go wrong”, the Supreme Court, as the guardian of the largest democracy, “will stand by them”. The Constitution, together with the immense faith of the people in the judicial system, brought to life the Supreme Court; its motto *Yato Dharma Sthato Jaya*. “Where there is dharma, there is victory,” CJI Ramana stated in the keynote address to a global audience at the Indo-Singapore Mediation Summit of 2021.

Majoritarian tendencies

At a separate event to commemorate the 101st birth anniversary of his father and longest-serving CJI Y.V. Chandrachud, Justice Chandrachud, who is line to be the CJI, stated: “Majoritarian tendencies, whenever and however they arise, must be questioned against the background of our constitutive promise. Any semblance of authoritarianism, clampdown on civil liberties, sexism, casteism, otherisation on account of religion or region is upsetting a sacred promise that was made to our ancestors who accepted India as their Constitutional Republic.” “Our nation was forged and united, with a promise of certain commitments and entitlements to each and every citizen. A promise of religious freedom, a promise of equality between persons, irrespective of sex, caste or religion, a promise of fundamental freedoms of speech and movement without undue State interference and an enduring right to life and personal liberty,” he stressed. Chief Justice Ramana noted that conflicts were unavoidable in any society. But with conflicts, there was also the need to develop mechanisms for conflict resolution.

One of the chief reasons for delays was “luxurious litigation”, he pointed out. “It is a specific type of litigation, wherein parties with resources attempt to frustrate the judicial process and delay it by filing numerous proceedings,” he said.



CONJUGAL RIGHTS BEFORE SUPREME COURT

In the coming week, the Supreme Court is expected to begin hearing a fresh challenge to the provision allowing restitution of conjugal rights under Hindu personal laws. In 2019, a three-judge Bench of the Supreme Court had agreed to hear the pleas.

What is the provision under challenge?

Section 9 of the Hindu Marriage Act, 1955, which deals with restitution of conjugal rights, reads: *"When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly."*

What are conjugal rights?

Conjugal rights are rights created by marriage, i.e. right of the husband or the wife to the society of the other spouse. The law recognises these rights— both in personal laws dealing with marriage, divorce etc, and in criminal law requiring payment of maintenance and alimony to a spouse. *Section 9 of the Hindu Marriage Act* recognises one aspect of conjugal rights — the right to consortium and protects it by allowing a spouse to move court to enforce the right. The concept of restitution of conjugal rights is codified in Hindu personal law now, but has colonial origins and has genesis in ecclesiastical law. *Similar provisions exist in Muslim personal law as well as the Divorce Act, 1869, which governs Christian family law.* Incidentally, in 1970, the United Kingdom repealed the law on restitution of conjugal rights.

How can a case under Section 9 be filed?

If a spouse refuses cohabitation, the other spouse can move the family court seeking a decree for cohabitation. If the order of the court is not complied with, the court can attach property. However, the decision can be appealed before a High Court and the Supreme Court. Normally, *when a spouse files for divorce unilaterally, the other spouse files for restitution of conjugal rights if he or she is not in agreement with the divorce.* The provision is seen to be an intervention through legislation to strike a conciliatory note between sparring spouses.

Why has the law being challenged?

The law is being challenged now on the main grounds that it violative of the fundamental right to privacy. The plea by two law students argues that a court-mandated restitution of conjugal rights amounted to a *"coercive act"* on the part of the state, which *violates one's sexual and decisional autonomy, and right to privacy and dignity.* In 2019, a nine-judge Bench of the Supreme Court recognised the right to privacy as a fundamental right. *Although the provision of restitution of conjugal rights has been upheld by the Supreme Court earlier, legal experts have pointed out that the nine-judge Bench's landmark verdict in the privacy case set the stage for potential challenges to several laws such as criminalisation of homosexuality, marital rape, restitution of conjugal rights, the two-finger test in rape investigations.* Although the law is ex-facie ('on the face if it') gender-neutral since it allows both wife and husband to seek restitution of conjugal rights, the provision *disproportionately affects women. Women are often called back to marital homes under the*



provision, and given that marital rape is not a crime, leaves them susceptible to such coerced cohabitation. It will also be argued whether the state can have such a compelling interest in protecting the institution of marriage that it allows a legislation to enforce cohabitation of spouses.

What has the court said on the law earlier?

*In 1984, the Supreme Court had upheld Section 9 of the Hindu Marriage Act in the case of Saroj Rani v Sudarshan Kumar Chadha, holding that the provision “serves a social purpose as an aid to the prevention of break-up of marriage”. Leading up to the Supreme Court intervention, two High Courts — those of Andhra Pradesh and Delhi — had ruled differently on the issue. A single-judge Supreme Court Bench of Justice Sabyasachi Mukherjee settled the law. In 1983, a single-judge bench of the Andhra Pradesh High Court had for the first time struck down the provision in the case of T Sareetha v T Venkatasubbaiah and declared it null and void. Justice P Choudhary cited the right to privacy among other reasons. The court also held that in “a matter so intimately concerned the wife or the husband the parties are better left alone without state interference”. The court had, most importantly, also recognised that compelling “sexual cohabitation” would be of “grave consequences for women”. However, in the same year, a single-judge Bench of the Delhi High Court took a diametrically opposite view of the law. In the case of Harvinder Kaur v Harmander Singh Chaudhry, the Delhi High Court upheld the provision. “From the definitions of cohabitation and consortium, it appears that sexual intercourse is one of the elements that goes to make up the marriage. But it is not the summum bonum. Sex is the refrain of T Sareetha’s case. As if marriage consists of nothing else except sex. Chaudhary, J’s over-emphasis on sex is the fundamental fallacy in his reasoning. He seems to suggest that restitution decree has only one purpose, that is, to compel the unwilling wife to ‘have sex with the husband’.” Justice Avadh Behari Rohatgi of the Delhi High Court, while critiquing the Andhra Pradesh High Court judgment, added that “it is in the interests of the State that family life should be maintained, and that homes should not be broken up by the dissolution of the marriage of parents. Even in the absence of children, it is in the interest of the State that if possible the marriage tie should remain stable and be maintained”. **The Supreme Court upheld the Delhi High Court view and overruled the Andhra Pradesh High Court verdict.***

SC ORDERS MANIPUR ACTIVIST’S IMMEDIATE RELEASE

The Supreme Court on Monday directed the release of Manipur-based activist Erendra Leichongbom, detained under the National Security Act for his social media posts allegedly on the efficacy of cow dung and urine as cures for COVID-19 in the context of the death of a BJP leader. A Bench of Justices D.Y. Chandrachud and M.R. Shah said the activist could not be detained in jail even for one night and ordered his release by 5 p.m. on Monday. The court said his continued detention would be a violation of his fundamental right to life and the due process of law. Solicitor-General Tushar Mehta said the government would file a response but did not pose any objections. Advocate Shadan Farasat, for Mr. Leichongbom’s father L. Raghumani Singh, said the government was using preventive detention in cases where even ordinary penal sections did not apply. Mr. Farasat submitted that the Facebook posts were criticism against the advocacy of cow dung and urine as cure. He said stringent NSA provisions had been slapped against the activist to chill his free speech. His client’s son had spent days in custody pursuant to criminal cases initiated against him followed by a spell of preventive detention after grant of bail. The petition sought the quashing of a May 17 detention order and the grounds of detention issued by District Magistrate, Imphal West District. It contended that the detention was in violation of an April 30 order of the Supreme Court that



barred the authorities from taking legal action or muzzling voices critical of the government's COVID-19 management.

TRANSGENDER PERSONS' BID TO BREAK NEW GROUND

Not so long ago, Pratima Behera, a 22-year transgender, faced abuses and scurried for cover as baton-wielding policemen chased her at a railway station in Jamshedpur, Jharkhand, where she begged for survival. Kalpana Patra (name changed), who used to be a trans-sex worker, also experienced harassment and violence, often at the hands of police. Both Pratima and Kalpana are set to turn their life around. *They have filled out applications to become police officers in Odisha. From undertaking hour-long running to practising yoga and from brushing up general knowledge and English language skills to meditating, these two transgender aspirants and their likes are fully occupied all through the day at Sundarpada locality of Bhubaneswar. They seem to be on a mission to prove themselves. When the Odisha government came up with an advertisement last month to appoint transgender persons as sub-inspectors of police, the community considered it an opportunity to change the societal perception about them.* For a total of 477 SI posts, 1,32,496 candidates have applied. Of them, 97,506 are males and 34,964 females while 26 belong to the transgender community. "Not many in our community can plan their future on the basis of their qualifications. There are very few employers for us in the job market," said Kalpana. Pratima said the prospect of joining the police force was a once-in-a-lifetime opportunity for her, especially after she was forced to flee home and beg for survival just to evade the mocking eyes of her own family members. "This is a rare occasion when so many transgender candidates have applied for a government job. This is the first permanent, dignified job offered to transgender persons," said Meera Parida, *a transgender activist who heads an NGO, Sakhaa, that works on mainstreaming the transgender community.* She is mentoring the transgender candidates for cracking the police job.

THERE CAN'T BE PARALLEL LEGAL SYSTEMS

The Supreme Court on Thursday held that the bail granted to the husband of a legislator in Madhya Pradesh is an example of two "parallel systems" of justice — one for the rich and the other for the poor — at work. "India cannot have two parallel legal systems, one for the rich and the resourceful and those who wield political power and influence, and the other for the small men without resources and capabilities to obtain justice or fight injustice. The existence of a dual legal system will only chip away the legitimacy of the law," a Bench of Justices D.Y. Chandrachud and M.R. Shah observed in a 33-page judgment. *The court quashed the bail granted to Govind Singh, husband of Rambai, BSP MLA. It ordered that Singh be shifted to another jail.*

A 'grave error'

The Bench termed the High Court's grant of bail to a man with criminal antecedents who has been evading arrest a "grave error". Singh is accused of murdering Congress leader Devendra Chaurasia in 2019. Shocked by the "machinations" at work even within the police force to protect Singh, the Supreme Court drew the spotlight on an order passed by the trial court judge in February, bringing on record the fact that he is being targeted for standing up to a "politically influential accused". The apex court asked the Madhya Pradesh High Court Chief Justice to launch a time-bound probe into the trial judge's order. The Supreme Court said the "independence of the judiciary is the independence of each and every judge". The case pointed to a larger malaise of application of political pressure on trial judges. A judge expressing fear for his own safety in a case involving the



husband of a powerful person did not bode well for the entire judiciary. “A judiciary that is susceptible to such pressures allows politicians to operate with impunity and incentivises criminality to flourish in the political apparatus of the State,” Justice Chandrachud wrote.

LIVE-STREAMING COURT PROCEEDINGS IS KEY

Formalising live-streaming of court proceedings is crucial for dissemination of information. *The spread of information is sacrosanct to free speech, Chief Justice of India N.V. Ramana said on Saturday. The Chief Justice was inaugurating the launch of live-streaming of proceedings at the Gujarat High Court in the presence of Supreme Court e-Committee Chairperson Justice D.Y. Chandrachud, Supreme Court judge Justice M.R. Shah, Gujarat High Court Chief Justice Vikram Nath.* The CJI said the Supreme Court is “keen” to commence live-streaming of its proceedings. “We are working out the logistics and working on the full consensus of the full court... We can introduce live-streaming in a cost-effective manner without much of a burden on the exchequer,” Chief Justice Ramana explained. *The people have a right to be informed about the institutions which serve them,* the CJI said. “Currently, the public obtains information about court proceedings through the media. In effect, *the information from the courts is being filtered by agents of transmission. In the process, there is sometimes a transmission loss leading to misinterpretation of questions asked and observations made by the Bench due to the absence of context.* Vested interests are eager to amplify these misinterpretations in order to embarrass or discredit the institution,” the CJI said. However, the CJI said live-streaming was a “double-edged sword”. Judges, working under public scrutiny, may face a stressful environment. “A judge cannot be swayed by popular opinion. Yes, with increased public gaze, he might become a subject of multiple debates, that should never deter him from his duty to protect the right of one against the might of many. Always remember, *as a repository of people’s faith, a judge cannot afford to lose objectivity,*” Chief Justice Ramana advised. The CJI said the rules of live-streaming should be calibrated to protect the privacy and security of victims and witnesses.

EMPOWERING NATURE WITH BIOCENTRIC JURISPRUDENCE

The Great Indian Bustard, a gravely endangered species, with hardly about 200 alive in India today, came under the protective wings of the Supreme Court of India in a recent judgment. The Court said, in *M.K. Ranjitsinh & Others vs Union of India & Others* (<https://bit.ly/372sm5v>), that in all cases where the overhead lines in power projects exist, *the governments of Rajasthan and Gujarat shall take steps forthwith to install bird diverters pending consideration of the conversion of overhead cables into underground power lines.* The overhead power lines have become a threat to the life of these species as these birds frequently tend to collide with these power lines and get killed. The Ministry of Power, in an affidavit dated March 15, 2021, has said: *“The Great Indian Bustard (“GIB”) lacks frontal vision. Due to this, they cannot detect powerlines ahead of them, from far. As they are heavy birds, they are unable to manoeuvre across power lines within close distances.* Thus, they are vulnerable to collision with power lines.” In protecting the birds, the Court has affirmed and emphasised the biocentric values of eco-preservation. *The philosophy of biocentrism holds that the natural environment has its own set of rights which is independent of its ability to be exploited by or to be useful to humans. Biocentrism often comes into conflict with its contrarian philosophy, namely anthropocentrism. Anthropocentrism argues that of all the species on earth humans are the most significant and that all other resources on earth may be justifiably exploited for the benefit of human beings.* Expressions of such line of thought date back many centuries and find mention in Politics,



a well-known work of Aristotle, as also the moral philosophy of Immanuel Kant amongst many others.

The 'Snail darter' case

*A noteworthy instance of the application of anthropocentrism in the legal world is in that of the "Snail darter" case in the United States. In 1973, a University of Tennessee biologist David Etnier, discovered a species of fish called the "Snail darter" in the Little Tennessee river. Etnier contended that the snail darter was an endangered species and that its existence would be gravely threatened by the continuation of development works relating to the Tellico Reservoir project. Following this revelation, a lawsuit came to be filed challenging the continuation of the Tellico Reservoir project. The challenge travelled all the way to the Supreme Court. **The Supreme Court of the United States of America in Tennessee Valley Authority vs Hill, held that since the "Snail darter" was a specifically protected species under the National Environmental Policy Act, the executive could not proceed with the reservoir project. However, after the Supreme Court delivered its verdict, Congress enacted a law excluding retrospectively the snail darter from statutory protection. The project progressed and the fish suffered.***

Species in danger

Humans share the world with countless other species, many of which are nearing extinction on account of man's imprudent insensitivity. *About 50 years ago, there were 4,50,000 lions in Africa. Today, there are hardly 20,000. Indiscriminate monoculture farming in the forests of Borneo and Sumatra is leading to the extinction of orangutans. Rhinos are hunted for the so-called medicinal value of their horns and are slowly becoming extinct. From the time humans populated Madagascar about 2,000 years ago, about 15 to 20 species of Lemurs, which are primates, have become extinct. The compilation prepared by the International Union for Conservation of Nature lists about 37,400 species that are gravely endangered; and the list is ever growing.*

Some green shoots

Some aspects of constitutional law on ecoconservations are significant. The Constitution of India declares that it is applicable to the territory of India. While making such a declaration, it very obviously refers to humans within that territory and its predominant aim was to give them rights, impose obligations and to regulate human affairs. The Constitution is significantly silent on any explicitly stated, binding legal obligations we owe to our fellow species and to the environment that sustains us. *It is to the credit of the judiciary that out of these still and placid waters, it has fished out enduring principles of sustainable development and read them, inter alia, into the precepts of Article 21 of the Constitution. Amid such a gloomy landscape, one is heartened to observe some green shoots emerging. Pieces of legislations are slowly evolving that fall in the category of the "Right of Nature laws". These seek to travel away from an anthropocentric basis of law to a biocentric one. In September 2008, Ecuador became the first country in the world to recognise "Rights of Nature" in its Constitution. Bolivia has also joined the movement by establishing Rights of Nature laws too. In November 2010, the city of Pittsburgh, Pennsylvania became the first major municipality in the United States to recognise the Rights of Nature (<https://bit.ly/3iHkKuK>). As a first step, these laws empower people in a community to "step into the shoes" of a mountain, stream or forest ecosystem and advocate for the right of those local communities". These laws, like the Constitution of the countries that they are part of, are still works in progress. In times like this the Supreme Court's judgment in M.K. Ranjithsinh upholding the biocentric principles of coexistence is a shot in*



the arm for nature conservation. One does hope that the respective governments implement the judgment of the Court and that the fate of the Great Indian Bustard does not go the way of the Snail Darter.

PROSECUTOR, NOT PERSECUTOR

Father Stan Swamy's recent death while waiting for bail has prompted an outcry among lawyers, activists and concerned citizens. While those who admired him were processing their grief, the same National Investigation Agency (NIA) Court rejected bail for one of his co-accused, Anand Teltumbde. *Father Swamy's arrest under the Unlawful Activities (Prevention) Act (UAPA) and the denial of bail to him and others accused in the Bhima-Koregaon case have highlighted issues related to police power, pretrial detention, and draconian anti-terror legislation.* However, the role of prosecutors in perpetuating the dominant attitude towards undertrial detention has been largely ignored.

Role of public prosecutors

The NIA Court order rejecting Father Swamy's request for bail stated that the prosecutor submitted various pieces of evidence to prove a prima facie case against the accused. The prosecutor argued that the court must give precedence to the interest of the community/society over the right to liberty even though by this stage, Father Swamy's need for medical attention was apparent. He had Parkinson's disease, his hearing was impaired and he had contracted COVID-19. Was an 84-year-old man in such a precarious state of health a threat to the community's interests? Was there any risk of him absconding or tampering with evidence if released? The prosecutor's stand in the case as mechanically presenting the investigating agency's case while zealously demanding prolonged detention of the undertrial throws up vexing questions about the role of public prosecutors in the criminal justice system. Public prosecutors are influential at every stage of a trial. They decide what offences the accused person should be charged with, whether to seek pretrial custody, and what sentence to ask for. However, public prosecutors, unlike defence counsel, have an ethical obligation to seek justice balancing the interests of the victims of crime, society, and those accused of crimes. They represent the public and are not mere mouthpieces for law enforcement agencies. The Supreme Court in *Sheo Nandan Paswan v. State of Bihar* (1986) cautioned that even though prosecutors have a duty to represent the executive for trying the offender, and it is broadly their responsibility to see that the trial results in conviction, they need not be extremely concerned about the outcome of the case. They act as officers of the court and are obliged to ensure that the accused person is not unfairly treated. The High Court of Delhi, in *Jitendra Kumar v. State* (1999), warned that, "In performance of his duty he can prosecute the accused, but he cannot assume the role of a persecutor. *It is no part of his duty to secure conviction at all costs... The Public Prosecutor should act fairly and impartially and must be conscious of the rights of the accused. He is not only required to conduct prosecution case... but [also] respect and protect the rights of the accused.*" The duty of a public prosecutor to not assume the role of persecutor is vital in trials under special statutes like the UAPA, which water down fair trial guarantees. *Undertrial detention becomes a convenient means to punish those accused under the UAPA without convicting them.* Such trials are long-drawn-out, and the conviction rate is low. *In 2019, in 11% of UAPA cases (pending from previous years and filed in 2019), the police closed the case because of insufficient evidence or because the accused was untraceable. Charge sheets were filed in only 9% of the UAPA cases. The conviction rate for UAPA cases was 29.2% compared to an average conviction rate of 50.4% for crimes committed under the Indian Penal Code.*



Narrative building

Public prosecutors also have a role in narrative building. Since they present the state's case in criminal trials, they build narratives of criminality and criminalisation. Daniel Richman describes them as "adjudicative gatekeepers" who play a key role in translating criminal "law on the books" to criminal "law in action." Such narratives are especially pernicious in cases involving alleged terrorist activities and "anti-nationals", where anxieties about the security of the state already haunt the imagination of those in the criminal justice system and ordinary citizens. Thus, public prosecutors who support criminal justice reform can be a powerful force for altering the culture of undertrial detention. The responses of the prosecutors and law enforcement agencies reflect the carceral logic that buttresses undertrial detention. *Two-thirds of India's prison population comprises undertrial prisoners.* This reflects the embedding of this carceral logic in the architecture of law enforcement and manifests in prosecutors demanding prolonged custody of the accused. Reversing course will require a re-imagination of the objectives of the criminal justice system and cultural change.

HEALTH ABOVE FAITH

It does not require any higher wisdom to know that there is considerable risk to public health during massive religious gatherings in the midst of a pandemic. Yet, it took some prodding by the Supreme Court for Uttar Pradesh to cancel the annual Kanwar Yatra. The yatra, in which Kanwaris, devotees of Shiva, make a pilgrimage to collect water from the Ganga, was not held last year due to COVID-19. This year, it was scheduled to start on July 25. Uttar Pradesh Chief Minister Yogi Adityanath appeared keen that the pilgrimage be held this year, and had convened a meeting on July 9 to discuss preparations and security arrangements, along with putting measures in place to avoid the spread of COVID-19 infection. However, the Court was perturbed by reports of the plan to conduct the yatra, resulting in the initiation of suo motu proceedings. Disagreeing with even the idea of a 'symbolic yatra' in deference to religious sentiment, the Court had reiterated a principle that is being observed in most places: the idea that the health of the public and their right to life are paramount. "All other sentiments, albeit religious, are subservient to this most basic fundamental right," the Court had observed on July 16, while giving the State government time till July 19 to call off the gatherings on its own. The Uttarakhand government had earlier cancelled the yatra in its territory, rightly heeding warnings by experts that such large gatherings posed a major risk, amidst fears and expectations of a third wave. Uttar Pradesh was helped by the various Kanwar Sanghs that offered to avoid taking out the yatra this year too. Despite the fact that the organisation of the Kumbh Mela earlier this year was seen as responsible for a surge in infections in the run-up to the disastrous second wave that overpowered the country's health system for weeks, there are sections that believe that rituals and gatherings associated with religious faith must be allowed with some restrictions. *There may be a case for relaxations aimed at economic revival and restoration of normality in most parts of the country, but there really is none when it comes to choosing between religious rights and the right to life and safety.* The *easing of lockdown restrictions for three days in Kerala to help people celebrate Bakrid is a case in point. It has attracted justified criticism, as any relaxation after a long spell of severe curbs will have to be based on a scientific assessment of the number of daily infections, the rate of positivity and signs of abatement.* Kerala is one of the States whose daily numbers are causing concern, and the easing of restrictions defies logic and flies in the face of science. The State government will be hard pressed to explain its decision to the top court, which will quite rightly demand much more than a routine



clarification that the relaxations were accompanied by instructions for maintaining the COVID-19 protocol.

TWO-THIRDS OF INDIANS HAVE ANTIBODIES

Two-thirds of the population aged above six have antibodies against SARS-CoV-2, according to data released on Tuesday from a serosurvey conducted by the Indian Council of Medical Research (ICMR) in June and July. *Nearly 40 crore people, or a third of the population, are still vulnerable to the COVID-19 infection, the study showed.* Presenting the results of the fourth national COVID-19 serosurvey, ICMR Director-General Balram Bhargava said though the survey offered a ray of hope, there was no room for complacency. "The survey found that more than half of the children (6-17 years) were seropositive while seroprevalence was similar in rural and urban areas. Eighty-five per cent of healthcare workers had antibodies, while one-tenth of them were unvaccinated," he said. The survey covered 28,975 adults and children aged 6-17 years, and 7,252 healthcare workers. It was conducted in the 70 districts across 21 States where the three earlier rounds were done.

Future waves possibility

"This national serosurvey is not a substitute for local (State/district) variations. State heterogeneity indicates the possibility of future waves of infection. We strongly suggest that societal, public, religious and political congregations be avoided, non-essential travel be discouraged and travel should be undertaken only if fully vaccinated," the ICMR chief said. He added that the country had to work towards ensuring full vaccination of all healthcare workers while accelerating vaccination coverage among vulnerable population groups. To a question on reopening of schools, Dr. Bhargava said it would be better if primary schools were opened first as children showed better tolerance against the virus. However, he added that it should be done only after ensuring that all the staff members were fully vaccinated.

VACCINE PROCUREMENT RATES REVISED

The Centre has placed an order to procure 66 crore more doses of Covishield and Covaxin to be supplied between August and December, at a revised price of ₹205 and ₹215 a dose, respectively, excluding taxes, official sources have said. They said 37.5 crore Covishield doses from the Serum Institute of India and 28.5 crore Covaxin doses from Bharat Biotech will be procured by December. "An order to procure 66 crore more doses of COVID-19 vaccines — Covishield and Covaxin — to be supplied between August and December, at a revised price of ₹205 and ₹215 per dose respectively, excluding taxes, has been placed," a source said. The price of a dose of Covishield amounts to ₹215.25 and Covaxin ₹225.75, including taxes, the source said. *The Union Health Ministry, which was procuring both the vaccines at ₹150 per dose, had indicated that the prices would be revised after the new COVID-19 vaccine procurement policy came into effect from June 21.* Under the new policy, the Ministry will procure 75% of the vaccines being produced by the drug manufacturers in the country. While the Centre has asked both the vaccine manufacturing firms to scale up their production, the manufacturers had indicated that getting ₹150 for each dose while making investments to ramp up the production was not viable for them. The Union government had earlier allowed States and private hospitals to procure 50% of the vaccines following demands for decentralisation. However, after several States complained of problems, Prime Minister Narendra Modi announced the revision of the vaccine guidelines on June 8.



Domestic vaccine manufacturers are given the option to provide 25% of their monthly production of vaccines to private hospitals. According to the revised guidelines which came into effect on June 21, vaccine doses provided free of cost by the Centre will be allocated to States and Union Territories based on criteria such as population, disease burden and the progress of vaccination, and all above the age of 18 will be eligible for the free jabs. Any wastage of vaccine will affect the allocation negatively. The States and Union Territories would aggregate the demand of private hospitals keeping in view equitable distribution between large and small private hospitals and regional balance. "Based on this aggregated demand, the Government of India will facilitate the supply of these vaccines to the private hospitals and their payment through the National Health Authority's electronic platform. This would enable the smaller and remote private hospitals to obtain a timely supply of vaccines, and further equitable access and regional balance," the Ministry had said. The price of vaccine doses for private hospitals would be declared by each vaccine manufacturer, and any subsequent changes would be notified in advance, it had said. More than 41.69 crore vaccine doses have been provided to States and Union Territories so far, through all sources, the Health Ministry said on Saturday.

MAKING DECISIONS UNDER STRESS

The COVID-19 pandemic has caused the biggest disruption to lives since the Partition in 1947 for those in India. It has caused dramatic shifts in our personal and work lives. It has, of course, caused illness and taken away many of our loved ones. It has caused many people to lose a substantial portion of their incomes. It has posed new behavioural challenges to governments and individuals. It has created great uncertainty. In short, the pandemic has put us all under immense stress. It has been so stressful that the one thing that every person on the planet wants right now is for the pandemic to end and for life to go back to pre-COVID-19 days.

Chronic anxiety

The stress caused by the pandemic has sustained over a long period of time and can be categorised as *chronic stress*. When we face stress, the body releases a hormone called *cortisol*. Prolonged exposure to cortisol, the body's *primary stress hormone, increases the risk of heart disease, sleep disruptions and mood disorders like anxiety and depression. Chronic stress has been found to kill brain cells and even reduce the size of the brain. Chronic stress has a shrinking effect on the prefrontal cortex, the area of the brain responsible for memory and learning.* Studies in behavioural science show that *we don't tend to make good decisions under stress.* In fact, they have repeatedly shown that *we often don't make good decisions even in normal times.* For example, *we know exercising is good for our health but we don't do it enough.* We know *overeating* is bad for us but we still indulge in it often. We know binging on *social media takes away time from doing what we are supposed to be doing* but we can't stop scrolling. This is some of our behaviour in normal times. Given that we are now facing chronic stress, our behaviour is becoming more irrational. For example, outdoors is generally a safer place to meet people than indoors because of a greater degree of ventilation. Yet, people feel safer indoors than outdoors. *Indoors are generally safer than outdoors at protecting us, but not during the pandemic. People are more likely to wear masks outdoors, where it is actually safer, and remove their masks indoors, which at a time like this is risky behaviour.* After the first COVID-19 wave declined in India, people began travelling, holidaying, partying and attending weddings. There was no availability of vaccines then. *When people had little protection against COVID-19, they behaved fearlessly. But now, even after partial or full vaccination, people seem more scared of contracting COVID-19 than they were after the first wave.*



Studies around the world are showing that most vaccines are demonstrating more than 90% protection against hospitalisation due to COVID-19. One would think that should make people less fearful, but that's not the case.

Mindless investing

While most people are facing a drop in income, those with disposable incomes have begun investing their money on their own. Brokerage firms in India have reported the highest number of demat account openings in the past 15 years. Driven by the fear of missing out, a large number of newbie investors have begun following their herd by investing money in India's stock markets and even in cryptocurrencies. But *history shows that retail investors, especially the inexperienced newbies, are the last to enter bull runs, buying stocks and assets at high prices, because people in their social network are making money.* People love making easy money. History shows that such irrational investing leads to bubbles that eventually burst leaving such investors with massive losses. People have begun buying and selling cryptocurrencies. These are not currencies but mere speculative instruments because they are neither backed by any underlying asset nor by the government. In fact, 'crypto' means hidden or secret. But history shows it's no secret that such speculative manias are caused by our own irrational behaviour. The COVID-19 pandemic has made it more difficult for us to think rationally.

LAKH INDIAN CHILDREN LOST CAREGIVERS

As many as 1.19 lakh children in India lost their primary caregivers (one or both parents or one or both custodial grandparents) to COVID-19, placing the country after Mexico (1.4 lakh) and Brazil (1.3 lakh) in this figure, says a new study published in The Lancet. *Globally, this figure stood at 11.34 lakh between March 1, 2020, and April 30, 2021. Children who lost either a mother or a father totalled 10.42 lakh, with 1.16 lakh of them in India.* The study developed estimates of pandemic-associated orphanhood and caregiver deaths using excess mortality and deaths for *21 countries that accounted for 76.4% of the global deaths* during the period. It then used these findings to develop global extrapolations. Researchers from the COVID-19 Response Team of the U.S. Centers for Disease Control, Imperial College, London, the University of Oxford and the World Bank were among those who conducted the study. *More than 15 lakh children around the world lost at least one primary or secondary caregiver (co-residing grandparent). This figure stood at 1.86 lakh for India. Though India ranks third in absolute numbers, its figure of 0.3 per 1,000 children was much lower than those of countries such as South Africa (5.1), Mexico (3.5), Brazil (2.4), Colombia (2.3), Iran (1.7), the U.S. (1.5), Argentina (1.1) and Russia (1). There were up to five times more children with deceased fathers than mothers.* For example, *in India, an estimated 25,500 children lost their mother and 90,751 their father.* The rise in COVID-19-associated deaths from February to April 2021 in India was associated with an 8.5 times increase in the number of children orphaned or losing caregivers in April as compared to March, according to the study. *The study underlines that such children are at greater risk of family separation and institutionalisation and recommends investments towards strengthening family based care.*

DEALING WITH DENIAL

A touchy topic for the Centre and States has been the counting of the dead from COVID-19. In 2020, as the pandemic ravaged Europe and the U.S., Health Ministry officials would incessantly argue that India had better managed the pandemic because its deaths per million of population were



comparatively lower. While factually true, it was always apparent that the argument was specious given the size, demographic difference and India's per capita access to quality health care. But the ferocious second wave, in April and May, characterised by the very visible scenario of hospitals being overrun, and the sick gasping for a very basic necessity of medical oxygen, revealed a spike in excess deaths, compared to the normal death rate in previous years. Even though independent databases, such as the CRS and State records, show large spikes in deaths, with no other explicable cause other than COVID-19, the Centre continues to be in denial of the mortal scale of the pandemic. *Tuesday's statement by Bharati Pravin Pawar, Minister of State for Health and Family Welfare, in the Rajya Sabha, that there were no "specific reports" of deaths from States due to lack of oxygen*, led Congress leader K.C. Venugopal, to say the party will move a privilege motion against her. Indeed, it is the absolute lack of empathy or acknowledgement of the lived experience of many who have watched their closest suffer and die for want of medical oxygen that makes the Minister's statement appalling. *It is technically true that while no death certificate or medical record would note a COVID-19 patient's demise as due to "lack of oxygen", and therefore not causative, the very fact that the Centre moved in April-May to repurpose all its industrial oxygen capacity into producing and transporting medical grade oxygen is itself evidence that the inability to access it must be considered as a probable cause of death.* In the early days of the pandemic, a COVID-positive test was necessary to count as a COVID-19 death until the ICMR said it was not always required. *It is bewildering why India — with the third highest number of COVID-19 deaths globally, whose oxygen crisis was international news, and mortality figures considered an under-count — sees value in denying oxygen-shortage casualties.* Counter-productively, it diminishes public faith in the health-care system. India's leadership sought to convey the impression that the country had conquered the pandemic and — chastened by the second wave — is now advising abundant caution, with the public messaging focused on the possibility of a third wave, and how nearly a third of the population continues to be vulnerable as per the ICMR's fourth serology survey. *But diminishing the tragedy, especially in Parliament and in its official records, only further erodes the Government's credibility.*

SENSITIVE AND PRECISE

Undoubtedly, trafficking is a pernicious offence, one that societies and governments must have zero tolerance for, and yet, handling the offence of trafficking needs precision, not a sledgehammer. In its current form, the draft *Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021* seems to be lacking in nuance, even if well intentioned, to stamp out exploitative trafficking. The Bill, which will shortly be introduced in Parliament, *aims at preventing and countering trafficking in persons, particularly women and children, to provide for care, protection and rehabilitation to the victims, while respecting their rights, and creating a supportive legal, economic and social environment for them.* This is the Bill's second iteration; *the first was passed in the Lok Sabha, in 2018, but then meandered into nothingness as it was never introduced in the Upper House.* Notably, the Bill has *expanded the area under coverage to include offences taking place, not only within India but also outside it.* It envisages the setting up of *anti-trafficking committees at the State and national levels to implement the provisions*, when passed. In the days the Bill was up in the public domain for comments, civil society activists and legal experts have criticised its various provisions, and submitted that an overzealous approach would blur the nuances and an understanding of the contributing factors, including vicious poverty, debt, lack of opportunity, and development schemes missing their mark. Vociferous opposition has arisen over the key aspect of *handing over investigation in trafficking crimes to the NIA* both by those who



believe that it would burden the already stretched unit further, and those arguing that *this move would be an attack on federalism, by removing local enforcement agencies out of the picture*. Another key criticism of the Bill has been its *broad definitions of victims, smacking of refusal to consider consensual sexual activity for commerce*. This would only land up *criminalising sex work and victimisation of the exploited. Bringing pornography into the definition of sexual exploitation would not allow even for any adult consumption of non-exploitative, consensual material*. Reporting of offences has been made mandatory with penalties for non-reporting, but those with an understanding of the tortuous processes, point to the fact that victims often do not want a complaint to be recorded. The mention of the *death penalty for various forms of aggravated trafficking offences needs to be flagged too*. The Government would do well to scan and incorporate the responses to its Bill in order to ensure that the fence does not eat the crop. *While sexual exploitation and trafficking can be ghastly crimes invoking public horror, for the state to not employ a wholesome approach, cognisant of the causative factors, one that would be sensitive and precise, would be equally horrific*.

MUKHTAR ABBAS NAQVI APPOINTED DEPUTY LEADER OF HOUSE IN RAJYA SABHA

Prime Minister Narendra Modi on Monday appointed Union Minister Mukhtar Abbas Naqvi as Deputy Leader of the House in the Rajya Sabha. Union Parliamentary Affairs Minister Pralhad Joshi informed Rajya Sabha Chairman M Venkaiah Naidu that the Prime Minister has directed him to inform that Naqvi, Union Minister of Minority Affairs, has been appointed Deputy Leader of the House in Rajya Sabha. Naqvi succeeds Piyush Goyal, who has been named Leader of the House in Rajya Sabha. The minority affairs minister is known for his knowledge of parliamentary affairs, and has served as minister of state for parliamentary affairs during the first term of the Modi government. Naqvi hails from Uttar Pradesh's Rampur and was elected to the Upper House from Jharkhand.

GYANVAPI MOSQUE GIVES LAND NEAR IT FOR KASHI TEMPLE CORRIDOR PROJECT

The committee that runs the Gyanvapi Masjid in Varanasi has handed over a piece of land outside the mosque complex to the Kashi Vishwanath Temple Trust, in exchange for another plot of land in the vicinity. The land ceded by the mosque had been given by it earlier on a perpetual lease to the administration, to build a police control room, in the wake of the demolition of the Babri Masjid, mosque officials said. The Trust had sought it several years ago for the temple corridor project in Varanasi, a mosque official said. While this plot, located around 15 metres from the mosque complex, is equal in value to the one it was exchanged for, it is larger in size. The land given by the mosque measures 1,700 sq ft compared to the 1,000 sq ft given to it in exchange. S M Yasin, joint secretary of the Anjuman Intezamia mosque and the caretaker of the Gyanvapi Masjid, told The Indian Express that the plot handed over was not connected to the mosque and is separate.

Chief Executive Officer of Shri Kashi Vishwanath Temple Trust Sunil Verma said the transfer was done between the Trust and the UP Sunni Central Waqf Board. "The land has nothing to do with the mosque. Because this land could not be bought as it is Waqf property, we exchanged it, which was done on the basis of value. The land handed over to the mosque was under the control of the Shri Kashi Vishwanath Special Area Development Board till now," said Verma. *The development comes three months after a local court in Varanasi ordered an ASI survey of the disputed Kashi Vishwanath Temple-Gyanvapi Mosque complex to "find out as to whether the religious structure standing at present at the disputed site is a superimposition, alteration or addition or there is a*



structural overlapping of any kind, with or over, any religious structure". The UP Sunni Central Waqf Board and the mosque committee had challenged the order in the Allahabad High Court, arguing that such a suit is barred under provisions of the Places of Worship (Special Provisions) Act, 1991. The matter is being heard in the High Court.

A 'TOLERANT' INDIA CAN BE MAJORITARIAN

B.R. Ambedkar once said, "... fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint." In a recent comprehensive face-to-face survey (of nearly 30,000 people) on religious identity, nationalism and tolerance in Indian society, and conducted in 17 languages between late 2019 and early 2020 by the reputed United States-based Pew Research Center (<https://pewsr.ch/3xQqIVQ>), *85% of Hindus affirmed that "respecting all religions is very important to being truly Indian."* But, paradoxically, *64% of Hindus think "it is very important to be Hindu to be 'truly' Indian".* And *80% among them say, "it is very important to speak Hindi to be truly Indian"*, giving credence to the slogan of Hindutva. Rather than celebrating toleration, or seeing the paradoxes as a peculiarity of the Indic mind, it is crucial to recognise that a virulent majoritarianism can coexist with the professions of tolerance. It is misreading to treat the latter as a paradox because mere toleration or an empirical plurality of cultures is not the same as a conscious democratic project of multiculturalism or composite culture. Thus, in the last two Lok Sabha elections, not a single Muslim has been elected on a Bharatiya Janata Party ticket. This obliteration of political representation of a significant minority (numbering 200 million) — which arguably has no parallel in any established democracy in the world — has become completely normalised in India, and is not a matter of discussion at all.

Other findings and paradoxes

The Survey abounds in other paradoxes: 80% (across all religions, in almost same proportion) think that respecting other religions is a very important part of their own religious identity, 91% assert that they are free to practise their religion, 77% of Muslims believe in the Hindu notion of karma, but *when it comes to inter-religious marriages, friendships and neighbours, there is a marked tendency to keep communities separate.* Thus, *67% of Hindus and 80% of Muslims believe it is important to stop women of their communities from marrying outside; 86% of Hindus have their close friends come mainly or entirely from their religion.* Scholar Bhikhu Parekh argues that plural cultures have always existed in the past, but what marks out contemporary multi-cultural societies is the premise of equality of cultures, and not just self-contained co-existence. The key features of multi-culturalism/composite culture are, as Prof. Lord Parekh asserts, cultures beyond compartments, constant dialogue and mutual change, and a strong streak of interrogation of "settled beliefs" across all cultures, especially the dominant culture. *It is a mistake to see the electoral success of religious majoritarianism in recent years as constructed in a vacuum. Instead, it is precisely the decades-long compartmentalisation of different religious communities, and the absence of solid state and civil society arrangements in educational pedagogy, personal relationships, workplace, to facilitate inter-cultural interaction, and based on equality and respect, even under supposedly secular regimes, that has made the soil politically fertile for the demonisation of the minority, especially the Muslim* (and occasionally the Sikh, as in the recent farmer protests). This is despite the Survey breaking the Hindutva appellation of the anti-national Muslim. In fact, *95% of Muslims (and Sikhs) declare that they "are very proud to be Indian".*



India's 'skyboxification'

Like with religion, *64% say that it is "very important" to prevent women from crossing caste boundaries in marriage, and 70% affirm that "most or all of their close friends share their caste"*. Again, the Survey brings to the fore the central contradiction of a democratic nation that is divided by compartmentalised hierarchies. Thus, it is vital to note that amidst the gathering clouds of majoritarianism, it is a minority of upper castes that holds the reins of power, across religions, and *it is the lower castes among the religious minority that face the brunt of majoritarian attacks*. Glossing over this reality, ironically, reinforces religious majoritarianism, and reduces conflicts to merely religion. This can only be overcome by the unison of social groups, especially the oppressed, across, religious and caste boundaries. *As B.R. Ambedkar recognised a long time ago, the central barrier to the making of a nation is "separation in social life". It cannot be eliminated simply by elements like, as the Survey shows, a quarter of Muslims and a third of Christians believing in the purifying power of the Ganga, or the same kind of numbers believing in reincarnation, etc.* The antidote to the fear of other social groups, especially minorities, often is increased interaction among them in a variety of public and private settings. This is demonstrated in earlier Pew surveys in India, and those elsewhere. In the United States and West Europe, there is a big difference in positive attitudes towards other social/religious groups when members of those groups are personally known. *Despite anti-Muslim sentiments, much higher numbers than India are willing to accept Muslims as neighbours. In the Pew Survey on 11 Emerging Economies including India (<https://pewrsr.ch/2VVyEBV>), a higher percentage of the majority community in countries such as Lebanon, Venezuela, and South Africa interact with the minorities than India.*

Attitudes in South India

But contrary voices to the majoritarian and segregated vision can be seen within the present Survey too. In several aspects such as the superiority of one's own religion, having friends and neighbours from other religions, preventing inter-religious marriages, the importance of being a Hindu and speaking Hindi to be a true Indian, prohibition of beef, *the attitudes in South India differ, not by a small, but a substantial margin to the rest of India, especially the North and the Central parts*. This enhanced willingness to break differences permeates both Hindus and Muslims in the South, showing the wider reinforcing effects of increased mutual interaction. Since culture affects politics, Hindu nationalism has had much less electoral success in the South, at least so far. Social reality and complexity cannot be reduced to numbers. After all, one cannot compare attitudes of different social groups blandly without understanding power differences. But quantitative surveys are still necessary tools. *Majoritarianism, accompanied by mere tolerant acceptance of minority communities as non-interacting enclaves, is the death knell of democracy. To the extent that the Pew Survey hints at majoritarian attitudes and compartmentalisation, it can only be ignored at our own peril.*

I-T DEPT. RAIDS DAIK BHASKAR PREMISES ACROSS THE COUNTRY

The Income Tax Department on Thursday conducted extensive raids on more than 30 premises of the Dainik Bhaskar media group across several States for alleged tax evasion, drawing sharp criticism from the Opposition parties. Officials searched the offices of Dainik Bhaskar, one of the largest media houses in the country, in Delhi, Bhopal, Indore, Jaipur, Ahmedabad, Mumbai and a few other locations, sources said. The Bhopal residence of Sudhir Agarwal, the group's promoter, was also raided. *Dainik Bhaskar and its other publications have been aggressively reporting on the scale of*



devastation during the second wave of the COVID-19 pandemic. The department *also raided the office of a local news channel in Uttar Pradesh, Bharat Samachar, which has been critical of the State government's handling of the pandemic.* The residence of its editor, Brajesh Misra, was also searched by tax officials. The Opposition parties termed the raids an attempt to intimidate the media from reporting the truth. Responding to the Congress's remarks that it was an attack on democracy, Information and Broadcasting Minister Anurag Thakur said the "agencies do their work, there is no interference from us on that". More than 100 officials were involved in the raids on Dainik Bhaskar, one of the largest circulating Hindi dailies, that began in the morning. On its website, the group said the government launched the raids as it was "scared of its coverage of floating dead bodies in the Ganga during the pandemic". It added that besides the offices, the I-T officials also raided the residences of key personnel of the group. "The taxmen have seized mobiles of the employees," it claimed. There were no women in the I-T teams that raided the group's offices and other premises, it added.

Alleged tax evasions

Sources in the I-T Department maintained that the raids were carried out after the department was tipped-off about alleged tax evasions by the group and its various companies. Headquartered in Madhya Pradesh, the Dainik Bhaskar group has more than 60 editions operating in a dozen States in multiple languages.

DISPOSE OF PETITIONS ON DISQUALIFICATION OF MLAS

The Orissa High Court has directed the Governor to dispose of two petitions seeking disqualification of MLAs, who were appointed as chairpersons to district planning committees, under the Odisha Offices of Profit Amendment Act, 2016. *One Samrendra Beura had submitted a petition to the Governor seeking the disqualification in May 2019. In September, 2019, he again sought the disqualification of the MLAs under Article 192 (by obtaining the opinion of the Election Commission). The Odisha Offices of Profit (Removal of Disqualifications) Amendment Act, 2016 was enacted with retrospective effect from January 18, 2016 including certain categories of offices that would not attract such disqualification.* Thereafter, the government appointed chairpersons to the 30 district planning committees with Minister of State status in August, 2019.

SC approached

Mr. Beura was, however, aggrieved that his petitions were not disposed of by the Governor. Since the members of the Orissa High Court Bar were on strike, he approached the Supreme Court which disposed of the petition granting him liberty to approach the High Court. Mr. Beura moved the Orissa High Court again. The division bench comprising Chief Justice Dr. S. Muralidhar and Justice S.K. Panigrahi said, "In view of the limited nature of relief sought for and without expressing any opinion whatsoever on the merits of the petition, or the Odisha Offices of Profit (Removal of Disqualifications) Amendment Act 2016, this court directs that petitioner's two petitions shall be disposed of by the Governor of Odisha, after obtaining opinion from the Election Commission of India, not later than November 8, 2021."



GOVT. DELAYS RELEASE OF ELECTORAL BOND DATA

A day after the Finance Ministry told the Rajya Sabha that it needed more time to furnish data on sale of electoral bonds asked by an MP, activist Kanhaiya Kumar said on Wednesday that the details had been provided to him by the State Bank of India two months ago in reply to his Right to Information application. Trinamool Congress MP Santanu Sen had sought the details of the 15th and 16th phases of the sale, which was in the run-up to the Assembly elections in Tamil Nadu, West Bengal, Puducherry, Assam and Kerala from March to May.

Bonds cost

Mr. Sen also asked about the bonds sold since the scheme started in 2018 and the cost of printing the same. "The government seeks more time to furnish the replies," a written reply by Minister of State for Finance Pankaj Chaudhary said on Tuesday. *Mr. Kumar, a Bihar-based RTI activist, received the reply from the SBI, the only bank authorised to sell the bonds, on May 14. As reported by The Hindu on May 18, the SBI reply said bonds worth ₹695.34 crore had been sold from April 1 to 10.*

No details of parties

The SBI declined to share the details of the parties that encashed them and the commission it earned from the sales, both of which were asked by Mr. Sen.

Questions delay

"The questions are submitted 15 days in advance. The SBI has already provided this information in response to my RTI query. So it's quite obvious that they have information in requisite format. Still, the Ministry says it needs more time to furnish the replies," Mr. Kumar said.

FARMERS HOLD A 'KISAN SANSAD' IN DELHI

Outnumbered by both the police and mediapersons, a group of 200 farmers reached Parliament Street on Thursday to begin their Kisan Sansad protest, running parallel to the proceedings at Sansad Bhavan barely a km away. "We are showing them how to conduct a Parliament with knowledgeable discussions. The government says the farmers are uneducated, they say they need to educate the farmers about the impact of these three farm laws. Listen to the debates here. Is it not clear that the farmers have understood how their lives and livelihoods will be hurt by these laws?" said All India Kisan Sabha general secretary Hannan Mollah. "These laws will lead to the end of the existing mandi system and MSP procurement. It will result in farmers, agricultural labourers and mandi workers being deprived of their jobs. And when the private mandis come, replacing the government mandis, their infrastructure will only benefit Ambani and Adani, not farmers," said Jasbir Kaur, committee member of Punjab Kisan Union, speaking during the first hour of the Sansad. She was one of only seven women among the protesters on Thursday. "If the fields and crops of this country go into the hands of corporates, if they take control of our harvests and our grain, then it is the people who will go hungry and face starvation. That is why this is the protest not just of farmers, but of the people. This is a jan sansad," said Raminder Singh Patiala, a leader of the Kirti Kisan Union. "These laws are actually dead already, but we still need the government to issue the death certificate," said Swaraj India president Yogendra Yadav, referring to the fact that the Supreme Court suspended implementation of the laws six months ago. He warned Opposition MPs, who have been issued a "voters whip" by the farmers that if they fail to



take up the issue continuously in Parliament, they will face the same farmers' boycott as BJP MPs. Even as the Parliament session was ongoing, more than 20 MPs from Kerala arrived at the Kisan Sansad to express their solidarity, but were not allowed on the farmers' stage. Regarding the Pegasus issue that has consumed much of Parliament's time so far, several farm leaders worried they may also be targets of surveillance. "We suspect that our numbers are also on the list of those being snooped on. The government is behind the snooping. We know that they are keeping an eye on us too," Rashtriya Kisan Mahasangh president Shiv Kumar 'Kakkaji' Sharma told journalists. Stating that the massive police presence on the blockaded stretch of Parliament Street may be larger than within Parliament itself, he asked: "Where is the need for this kind of security? For just 200 farmers, there are 50 companies of police. What are they afraid of?" Rakesh Tikait, who heads a large faction of the Bharatiya Kisan Union in western U.P., told presspersons that the arrival of farmers at Jantar Mantar was a sign of progress. "The distance between us and Parliament is constantly reducing; we are just a few hundred metres away now," he said.

THE MAKING OF PEGASUS, FROM STARTUP TO SPY-TECH LEADER

Hundreds of thousands of cybersecurity researchers employed by the largest tech companies spend almost all their time looking for and fixing loopholes in their software code. Companies managing tech products and solutions even have bounty programmes to reward independent cybersecurity researchers for detecting flaws they may have missed themselves. In such an ecosystem, a cyber-offensive tool that would be lapped up by governments around the world would require the tool to trick not only the targets but also the platform through which it is delivered. Israel's NSO Group, which is at the heart of the alleged state surveillance of thousands of human rights activists, lawyers, journalists, politicians, and dissidents in countries including India, has built such a tool — *Pegasus, the world's most invasive spyware*. It can find a route into a target's device that is unknown to the developer of the device and its software, and without requiring the target to take any action such as clicking a link.

Pegasus: The beginnings

According to a profile of the NSO Group published by the French nonprofit Forbidden Stories, which has published the 'Pegasus Project' along with its media partners, the company was *started by Shalev Hulio and Omri Lavie*, friends who started out with a product placement startup MediaAnd in the early 2000s. The startup was all but washed out by the recession of 2008, but Hulio and Lavie found an opportunity in the 2007 launch of Apple's iPhone. It marked a watershed moment — people began to use handheld devices for more than just calling and texting at scale. Hulio and Lavie launched Communitake, Forbidden Stories reported, which allowed users to take control of any smartphone from a distance. This was originally meant for mobile operators, who would want to take control of devices to provide tech support. But as the use of smartphones spread and the need arose for providing security features like encrypted messaging services, this presented a challenge for law enforcement and intelligence agencies. *So far, intelligence agencies would intercept a message or call while it was in transit on networks of telecom companies. But encrypted services meant that without the encryption key, they couldn't access the message anymore — unless they accessed the device itself and decrypted the communication.* "Without knowing it, Hulio and Lavie had solved the problem for them: agencies could simply pirate the phone itself, bypassing encryption and giving them all of the information they needed and more. The way Hulio tells it, the two Israeli entrepreneurs were approached by intelligence agencies interested in their technology. Hulio and Lavie knew little of the opaque world of cyber-intelligence but they decided



to give it a shot. *They brought on Niv Carmi, a former Mossad intelligence operative and security expert and created NSO Group in 2010.* The trio (*Niv, Shalev and Omrie, or NSO, for short*) operated with clear roles: Niv Carmi handled the tech and Hedio and Lavie the business,” Forbidden Stories noted.

Spy-tech and zero-click

From here on, NSO started focusing on building Pegasus as a spying solution for intelligence agencies and police forces. The narrative they built was that government agencies would use it to tackle terrorism, drug-trafficking, etc. *But its first known state client — Mexico — then equipping itself with cyber-espionage tools to fight drug trafficking, went beyond the script. Forbidden Stories reported that more than 15,000 numbers were selected for targeting by Mexican agencies between 2016 and 2017.* Among these were those of people close to then candidate Andres Manuel Lopez Obrador, now Mexican President, besides journalists, dissidents, their colleagues and family members. “The Mexican government liked Pegasus so much it ended up equipping several of its agencies with the spyware tool: in addition to the Attorney General’s office, Mexico’s intelligence bureau and army were also given access. In turn NSO Group continued to provide their clients with juicier offers — each technology more sophisticated than the last,” Forbidden Stories reported. This catapulted NSO Group to a leader in the spy-tech industry, leaving behind then heavyweights such as European companies Hacking Team and FinFisher. Until then, *Pegasus was utilising attack vectors such as malicious links in e-mails and SMSes. Once clicked, the link would install the spyware, giving the hacker complete access to the device without the target’s knowledge. Then, it leapfrogged to “zero-click” infections.* Such infections, used in WhatsApp and iMessage hacks, do not require any intervention from the end-user. *On WhatsApp, a missed call on the voice call feature would insert a malicious code into the device. With iMessage, a short message preview did the trick.*

Wider clientele

In 2014, a US-based private investment firm, Francisco Partners, bought NSO Group for \$120 million. With this, the company started focusing on finding vulnerabilities in various apps used by smartphone consumers. This also helped it earn a wider set of clients. A 2018 report by Canada’s The Citizen Lab found suspected Pegasus infections associated with 33 of the 36 Pegasus operators it identified in 45 countries. *The NSO Group also found itself in the crosshairs in relation to the murder of Saudi journalist Jamal Khashoggi in October 2018.* Months later, in February 2019, Hedio and Lavie bought back the company from Francisco Partners with the help of Novalpina, an investment firm backed by European venture capitalists for a reported \$850 million. At the time, Novalpina said it would ensure NSO Group’s technology is used only for lawful purposes. However, little changed. In July 2020, The Citizen Lab wrote to the South Yorkshire Pensions Authority, which has invested in Novalpina, and highlighted new research showing “use of NSO Group’s technology against civil society, media, human rights defenders, and political opposition members”. A year later, *Forbidden Stories, Amnesty International and 17 media partners published reports from a list of 50,000 names including journalists, opposition members, activists and even members of the administration being selected for surveillance using Pegasus.*

NSO’s response

Responding to queries from The Indian Express, an NSO spokesperson said the investigation “has been flimsy from the beginning”. The spokesperson dismissed the list as “an equivalent of opening



the White Pages, choosing randomly 50,000 numbers, and drawing headlines from it". The spokesperson said that "the report itself stated that 'it is unknown how many of the phones were targeted or surveilled'," and that "even the Washington Post's editor stated that 'the purpose of the list could not be conclusively determined'." Importantly, however, the spokesperson said the company would investigate "all credible claims" of misuse of its technology, and would take strong action, including shutting down the customer's system, if warranted.

PEGASUS: A SPY THAT WON'T WAIT; WILL DIE BEFORE IT IS EXPOSED

Zero-click installation that requires no action by the target is not the only ability that makes Pegasus the super spyware it is. What also makes it unique is the capability of "active collection", which gives attackers the power to "control the information" they want to collect from the targeted device. This set of features, says a marketing pitch of the Israeli company NSO Group that developed Pegasus, are called "active as they carry their collection upon explicit request of the operator", and "differentiates Pegasus from any other intelligence collection solution", that is, spyware. "Instead of just waiting for information to arrive, hoping this is the information you were looking for, the operator actively retrieves important information from the device, getting the exact information he was looking for," the NSO pitch says.

'Active' data extraction

The NSO Group categorises the snooping into three levels: initial data extraction, passive monitoring, and active collection. Unlike other spyware that provide only future monitoring of partial communications, says NSO, *Pegasus allows the extraction of all existing, including historical, data on the device for "building a comprehensive and accurate intelligence picture."* *The initial extraction sends SMS records, contacts, call history (log), emails, messages, and browsing history to the command and control server.* While Pegasus monitors and retrieves new data real-time — or periodically if configured to do so — from an infected device, it also makes available a whole set of active collection features that allow an attacker to take real-time actions on the target, and retrieve unique information from the device and the surrounding area in its location.

Such active extractions include:

GPS-based location tracking: *If GPS is disabled by a target, Pegasus enables it for sampling and immediately turns it off.* If no GPS signal is accessible, Cell-ID is retrieved.

Environmental sound recording: *Pegasus ascertains if the phone is in idle mode before turning on the microphone through an incoming silent call.* Any action by the target that turns on the phone screen results in immediate call hang-up and terminates recording.

Photo taking: *Both front and rear cameras can be used after Pegasus ascertains that the phone is in idle mode.* The quality of the photo can be pre-determined by an attacker to reduce data use and ensure faster transmission. *NSO cautions that since the flash is never used and the phone might be in motion or in a low-lit room, photos can at times be out of focus.*

Rules and alerts: A number of conditions can be pre-set for real-time action, such as *geo-fencing alerts (target enters or exits a defined location), meeting alerts (when two devices share the same location), connection alert (a call or message sent or received to/from a specific number), and content alert (a specific word used in a message), etc.*



Invisible transmission

The transmitted data is encrypted with symmetric encryption AES 128-bit. Even while encrypting, says NSO, extra care is taken to ensure that Pegasus uses minimal data, battery, and memory to make sure that the target does not get suspicious. This is the reason why *Wi-Fi connections are preferred for transmitting the collected data*. NSO says it has put “extra thought into compression methods and focusing on textual content transmission whenever possible” to minimise data footprints to only a few hundred bytes and to ensure minimal impact on the target’s cellular data plan. *Data transmission stops automatically when the battery level is low, or when the target is roaming. When transmission is not possible, Pegasus stores the collected data in a hidden and encrypted buffer which is set to reach no more than 5 per cent of the free space available on the device. Under rare circumstances when no transmission is possible through safe channels, an attacker can collect urgent data through text messages but this, warns NSO, may incur costs that appear on the target’s phone bill.* The communication between Pegasus and the central servers takes place through the Pegasus Anonymizing Transmission Network (PATN), which makes tracing back to the origin “non-feasible”. The PATN nodes, says NSO, are spread across the world, redirecting Pegasus connections through different paths prior to reaching the Pegasus servers.

Self-destruct function

Pegasus comes complete with an efficient self-destruct mechanism. In general, says NSO, “we understand that it is more important that the source will not be exposed and the target will suspect nothing than keeping the agent alive and working.” *Any risk of exposure automatically activates the self-destruct mechanism, which also comes into effect if Pegasus does not communicate with its server from an infected device for 60 days or a customised period of time.* There is a third scenario in which the self-destruct mechanism is activated. *From the day it released Pegasus, the NSO Group has not allowed Pegasus to infect American phone numbers. The company does not even allow infected phones to travel to the United States. The moment a victim enters the US, Pegasus in her device goes into self-destruct mode.*

THE POLITICS OF SNOOPING

The Pegasus storm is only the latest — though perhaps the most widespread and sophisticated — among many snooping scandals in Indian politics. In past scandals, governments have fallen, Chief Ministers have resigned, CBI inquiries have been ordered, and the Supreme Court has been moved. *But in many of these earlier cases, the alleged infringement of privacy and misuse of the powers of interception were far less flagrant — and in some cases, minuscule — compared to the en masse apparent misuse that is being revealed in the global media investigation called the Pegasus Project.*

A spyware like no other

The change in surveillance technology over the decades has been frightening. The trepidation of those who may fear their conversations are being listened to, has increased manifold with, for instance, the development of the revolutionary spying software with ‘zero-click’ technology that the Israeli company NSO offers. Intelligence agencies the world over have always relied heavily on “listening in” technology as against human intelligence. Before the advent of mobile telephony, it was conversations on telephone fixed lines that were being snooped upon — and those who feared they might be intercepted would strain their ears for the faint whirring sound of tape recorders or the call drops that ensued. *There was a joke that if you wanted to beat the old-*



fashioned snoops, you made your confidential telephone calls very early in the morning. Reason: the headphone-wearing listeners, who mostly belonged to the Intelligence Bureau, would not have reported for duty! Later, with the use of off-air or “passive” interception equipment, people would look out for the strange car or van parked close to their homes or workplaces. Again, those who feared their conversations might be picked up, found simple solutions (many important people still do!) such as creating enough sound disturbance for the off-air equipment to receive only garbled conversations. The illegal use of off-air equipment was in the news towards the end of the tenure of former Army Chief General V K Singh in 2012, when he and his detractors traded charges of mounting surveillance equipment to spy on each other. But what do you do if a spyware like Pegasus is implanted in your mobile phone seemingly without leaving a trace, and it continuously streams out all of the phone’s audio, video, and text content?

Snooping over the years

Over the years, snooping scandals in India have emerged through the outing of a variety of material. It could be the leak of interception orders (leading to the resignation of then Karnataka Chief Minister Ramakrishna Hegde in 1988); the physical sighting of intelligence operatives (which led to the fall of the Chandra Shekhar government in 1991); the leak of audio tapes (Tata Tapes, first reported by The Indian Express in 1997); or the leak of entire transcripts on pen drives of a target put under lawful interception (Radia Tapes, 2010). There have been other scandals such as the leak of the secret letter written by then Finance Minister Pranab Mukherjee to then Prime Minister Manmohan Singh, informing him that he suspected his office was being bugged (reported by The Indian Express, 2011); and the “snoopgate” in Gujarat (2013), when audio tapes, recorded allegedly at the behest of then Chief Minister Narendra Modi’s aide Amit Shah, of purported conversations of a woman architect were leaked. There was also the leak of Blackberry Messenger (BBM) messages recovered by Income Tax officials from the laptop of meat exporter Moin Qureshi. (The Indian Express, 2014). At that time, BBM services were considered impenetrable to surveillance — just as messaging services like WhatsApp, Telegram and Signal, which promise end-to-end encryption, were, until recently, considered safe. From 2019, however, when the first Pegasus surveillance lists were published by The Indian Express, the Internet-based messaging platforms are no longer seen as being entirely safe. In the present case involving Pegasus, metadata comprising thousands of telephone numbers, belonging to targets of the government clients of NSO, has been leaked.

The fallout of leaks

A review of some of these past scandals provides lessons in the manner in which agencies that purchase spyware have been upgrading their arsenal with increasingly expensive equipment and software. It also shows the manner in which the politicians of the day have reacted when confronted with evidence of violations — while many stepped down taking moral responsibility in the past, more recently, they have tended to mostly brazen it out.

RAMAKRISHNA HEGDE: The then Chief Minister of Karnataka stepped down on “moral grounds” in 1988 after details emerged of wire-taps on 50 individuals, including journalists and dissidents within the Janata Party. Subsequently, the authorisation given to the state police for the tapping too was made public, completing the ignominy of the Chief Minister.

CHANDRA SHEKHAR: While Rajiv Gandhi, who was Prime Minister at the time, was exultant at the exit of Hegde, three years later he had his own surveillance moment. The Congress had propped



up Chandra Shekhar's Samajwadi Janata Party government. The tenuous relationship between the two leaders dived sharply after two policemen belonging to the Haryana CID were apprehended allegedly keeping vigil outside Rajiv's house. The former Prime Minister was furious, and even though Chandra Shekhar offered a probe by a Joint Parliamentary Committee, Rajiv decided to pull the plug on the government. Chandra Shekhar resigned, and nothing much was heard about the "snooping" incident subsequently. Even when an investigating agency has been empowered to carry out an inquiry into cases of surveillance, nothing conclusive has ever been proven in terms of, for example, who leaked the tapes or transcripts.

Tata and Radia Tapes

The Tata Tapes were the first instance of the leak of a large volume of intercepted conversations. The tapes dealt with conversations of industrialists Nusli Wadia, Ratan Tata, and Keshub Mahindra, and the attempts to get the Centre to intercede in the manner in which the United Liberation Front of Asom (ULFA) was extorting money from tea estates, including those owned by the Tatas. Then Prime Minister I K Gujral ordered a CBI inquiry into the audio tape leaks but shortly thereafter, the inquiry was closed "for want of evidence". The question of who or which agency ordered the telephone taps on the industrialists was never conclusively answered. More than a decade after the Tata Tapes, hundreds of conversations of corporate lobbyist Niira Radia were leaked in 2008. The difference was that the route of the interception and the secret written communications between the Income Tax Department and the CBI that preceded the phone tapping were in circulation before the contents of the conversations were made public. The other difference was that this was the leak of an authorised interception (renewed three times as per procedure) in connection with the 2G telecom scam, but it triggered a huge brouhaha. The result: for years, monitored by the apex court, the CBI attempted to find "criminality" in the contents of the Radia Tapes, but failed. Radia herself quit public relations, but the message from that episode remains starkly true: that no conversations are safe, and anything can leak.

THE LAWS FOR SURVEILLANCE IN INDIA, AND THE CONCERNS OVER PRIVACY

In response to the finding by a global collaborative investigative project that Israeli spyware Pegasus was used to target *at least 300 individuals in India, the government has claimed that all interception in India takes place lawfully*. So, what are the laws covering surveillance in India? Communication surveillance in India takes place primarily under two laws — *the Telegraph Act, 1885* and *the Information Technology Act, 2000*. While the *Telegraph Act deals with interception of calls, the IT Act was enacted to deal with surveillance of all electronic communication*, following the Supreme Court's intervention in 1996. A comprehensive data protection law to address the gaps in existing frameworks for surveillance is yet to be enacted.

Telegraph Act, 1885

Section 5(2) of the Telegraph Act reads: "On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states or public order or for preventing incitement to the commission of an offence, for reasons to be recorded in writing, by order, direct that any message or class of messages to or from any person or class of persons, or relating to any particular subject,



brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government making the order or an officer thereof mentioned in the order...” Under this law, the government can intercept calls only in certain situations — the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states or public order, or for preventing incitement to the commission of an offence. *These are the same restrictions imposed on free speech under Article 19(2) of the Constitution.* Significantly, even these restrictions can be imposed only when there is a condition precedent — the occurrence of any public emergency, or in the interest of public safety. Additionally, *a proviso in Section 5(2) states that even this lawful interception cannot take place against journalists.* “Provided that press messages intended to be published in India of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under this sub-section.”

Supreme Court intervention

In *Public Union for Civil Liberties v Union of India* (1996), the Supreme Court pointed out lack of procedural safeguards in the provisions of the Telegraph Act and laid down certain guidelines for interceptions. A public interest litigation was filed in the wake of the report on “Tapping of politicians phones” by the CBI. The court noted that authorities engaging in interception were not even maintaining adequate records and logs on interception. *Among the guidelines issued by the court were setting up a review committee that can look into authorisations made under Section 5(2) of the Telegraph Act.* “Tapping is a serious invasion of an individual’s privacy. With the growth of highly sophisticated communication technology, the right to sold telephone conversation, in the privacy of one’s home or office without interference, is increasingly susceptible to abuse. It is no doubt correct that every Government, howsoever democratic, exercises some degree of subrosa operation as a part of its intelligence outfit but at the same time citizen’s right to privacy has to be protected from being abused by she authorities of the day,” the court said. *The Supreme Court’s guidelines formed the basis of introducing Rule 419A in the Telegraph Rules in 2007 and later in the rules prescribed under the IT Act in 2009.* Rule 419A states that a Secretary to the Government of India in the Ministry of Home Affairs can pass orders of interception in the case of Centre, and a secretary-level officer who is in-charge of the Home Department can issue such directives in the case of a state government. In unavoidable circumstances, Rule 419A adds, such orders may be made by an officer, not below the rank of a Joint Secretary to the Government of India, who has been duly authorised by the Union Home Secretary or the state Home Secretary.

IT Act, 2000

Section 69 of the Information Technology Act and the Information Technology (Procedure for Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009 were enacted to further the legal framework for electronic surveillance. Under the IT Act, all electronic transmission of data can be intercepted. So, *for a Pegasus-like spyware to be used lawfully, the government would have to invoke both the IT Act and the Telegraph Act.* Apart from the restrictions provided in Section 5(2) of the Telegraph Act and Article 19(2) of the Constitution, Section 69 the IT Act adds another aspect that makes it broader — *interception, monitoring and decryption of digital information “for the investigation of an offence”.* Significantly, it dispenses with the condition precedent set under the Telegraph Act that requires “the occurrence of public emergency of the interest of public safety” which widens the ambit of powers under the law.



Identifying the gaps

In 2012, the Planning Commission and the Group of Experts on Privacy Issues headed by former Delhi High Court Chief Justice A P Shah were tasked with identifying the gaps in laws affecting privacy. On surveillance, the committee pointed out divergence in laws on permitted grounds, “type of interception”, “granularity of information that can be intercepted”, the degree of assistance from service providers, and the “destruction and retention” of intercepted material, according to a report by the Centre for Internet & Society. *Although the grounds of selecting a person for surveillance and extent of information gathering has to be recorded in writing, the wide reach of these laws has not been tested in court against the cornerstone of fundamental rights.*

DALAI LAMA’S CLOSE AIDES FIGURE ON SPYWARE LIST

Several of the top India-based aides to the Tibetan spiritual leader, the Dalai Lama, figure on the list of potential targets for spying using the Pegasus spyware, according to a report on Thursday. *The phone numbers of the Dalai Lama’s aides were among the list of 50,000 numbers accessed by Forbidden Stories and Amnesty International and shared with 17 media organisations.* One of those organisations, *The Wire*, reported on Thursday that several phone numbers of top Tibetan officials in Dharamsala “were marked from late 2017 to early 2019”. Another one of those organisations, *The Guardian*, said “analysis strongly indicates that the Indian government was selecting the potential targets.” The inclusion on the list, which means the numbers were targeted for monitoring, *does not necessarily mean the numbers were infected by the spyware. Confirmation would require analysing the devices in question.* Israel’s NSO Group has said the numbers are not a list of targets of its Pegasus spyware and were not selected by the group. It has also said its clients mostly include “vetted” government agencies ostensibly to help them fight terrorism.

India-based client

The Wire reported the inclusion of the numbers of top officials based in Dharamsala “indicate[s] that the targets may have been selected by an unknown India-based client of the NSO Group”. *The Government of India has neither confirmed nor denied it is a client.* Thursday’s report suggested whatever entity placed the numbers on the list may have had a special interest in keeping abreast of the Dalai Lama’s interactions with foreign governments, particularly with the U.S. It noted that the number of long-term envoy Tempa Tsering appeared on the list during a period coinciding with the Dalai Lama’s meeting with former U.S. President Barack Obama in New Delhi.

10 PMS, WHO CHIEF’S STAFFER, TELEGRAM FOUNDER TARGETED

Telephone numbers linked to 10 Prime Ministers, three Presidents and a King appeared on the list of potential targets for spying using the Pegasus spyware of the Israeli company NSO Group, according to reports. The numbers connected with a former staffer of Tedros Adhanom Ghebreyesus, Director-General, World Health Organization, and Pavel Durov, the Russian tech billionaire who founded the Telegram messaging app, are also on the list of numbers selected by NSO’s clients. France’s Emmanuel Macron, Iraq’s Barham Salih and South Africa’s Cyril Ramaphosa are the Presidents on the list. Morocco’s Mohammed VI is the King. Pakistan’s Imran Khan, Egypt’s Mostafa Madbouly and Morocco’s Saad-Eddine El Othmani are the Prime Ministers on the leaked database, which also has seven former Prime Ministers, who were added to the list when they were in power. They are Yemen’s Ahmed Obeid bin Daghr, Lebanon’s Saad Hariri,



Uganda's Ruhakana Rugunda, France's Édouard Philippe, Kazakhstan's Bakitzhan Sagintayev, Algeria's Nouredine Bedoui and Belgium's Charles Michel, according to The Wire news website and international publications. Mr. Khan's numbers appeared in a group dominated by Indian targets, the Washington Post reported. Mr. Salih and Mr. Hariri were found among numbers dominated by the UAE and Saudi groups. The Pakistan government has said it is investigating whether a number used by Mr. Khan was compromised. India has rejected surveillance allegations, saying they have "no concrete basis or truth associated with it whatsoever". The Israeli company issued a statement on Tuesday evening, saying "at least three names" identified by the media reports — President Macron, King Mohammed VI and the WHO director Tedros — "are not, and never have been, targets or selected as targets of NSO Group customers". None of the leaders provided their phones for forensic analysis to the media outlets that conducted the Pegasus investigation so that it could not be confirmed whether their phones were actually infected with the malware, according to The Washington Post. The NSO maintains that it sells the malware, which can secretly unlock the target's phone, computer or other devices, collect information and transfer it into another device without the permission of the user, only to government agencies to fight terrorism and other serious crimes. "NSO Group will continue to investigate all credible claims of misuse and take appropriate action based on the results of these investigations," the company said in the statement. Forbidden Stories, a Paris-based non-profit organisation, and the Amnesty International got access to the leaked database and shared it with 17 media publications, including The Wire, The Guardian and The Washington Post. The Amnesty's Security Lab provided forensic analyses and technical support, while the media consortium conducted the investigation, called the Pegasus Project. Forensic analysis has shown that at least 37 phones were infected by the malware. Election strategist Prashant Kishor, murdered Saudi journalist Jamal Khashoggi's fiancée Hatice Cengiz, Rwandan dissidents, besides journalists and activists in India and elsewhere, are among those whose phones were compromised. Overall, the database contained phone numbers of more than 600 government officials and politicians from 34 countries, which included Afghanistan, Azerbaijan, Bahrain, Bhutan, China, Congo, Egypt, Hungary, India, Iran, Kazakhstan, Kuwait, Mali, Mexico, Nepal, Qatar, Rwanda, Saudi Arabia, Togo, Turkey, the United Arab Emirates, the U.K. and the U.S. Numbers belonging to President Macron and other French officials appeared amid a group of more than 10,000 numbers dominated by Moroccan targets and those in Algeria. The numbers for King Mohammed VI, Mr. Tedros's staffer and former Italian Prime Minister were also found in that group. Morocco has "categorically rejected" claims that its intelligence services had used Pegasus to monitor critics at home and abroad.

RAHUL, PRASHANT KISHOR, EX-EC LAVASA ON LIST OF SPYWARE TARGETS

Former Congress president Rahul Gandhi, former Election Commissioner Ashok Lavasa, election strategist Prashant Kishor, Trinamool Congress leader Abhishek Banerjee and Union Ministers Ashwini Vaishnaw and Prahlad Patel appeared on a leaked list of "potential" or actual targets for spying by the Israeli company NSO's Pegasus spyware, news website The Wire and other international publications reported on Monday. Two mobile phones used by Mr. Gandhi appeared on the list — one was added in 2018 when he was the president of the Congress and the other after the 2019 Lok Sabha election, according to the reports. *Numbers belonging to at least five of Mr. Gandhi's close friends and other Congress officials, including Sachin Rao and Alankar Sawai, also figured on the list, which has the names of dozens of journalists, activists and healthcare experts. At least one number once used by Pakistan Prime Minister Imran Khan as well as hundreds of others in the country also appeared on the list.* The phones targeted were infiltrated by a malicious software



called Pegasus, which is sold by the NSO Group. The spyware can secretly unlock the target's phone, computer or other devices, collect information and transfer it to another device without the permission of the user. *The Israeli company has said it sells Pegasus only to government agencies to fight terrorism and other serious crimes and that it does not operate the spyware licensed to its clients.* Those who were targeted in India included *The Wire's editors Siddharth Varadarajan and M.K. Venu, journalist Sushant Singh and Mr. Kishor, a forensic analysis found.* The phone of Mr. Kishor, who worked with the Trinamool in West Bengal and the DMK in Tamil Nadu that went to the polls in April, was found to have been compromised as recently as July 14. Investigations confirmed the Pegasus attack, or signs of potential targeting, on phones linked to 10 Indian numbers and 27 phones around the world, according to The Guardian. *The family members of a Supreme Court employee who had accused the then Chief Justice Ranjan Gogoi of sexual harassment in 2019 are on the list.* Mr. Lavasa, who is on the list, served as an Election Commissioner between January 2018 and August 2020, and had expressed dissenting views on the three-member election panel's ruling that Prime Minister Narendra Modi had not violated the Model Code of Conduct in 2019. Others on the list include *Gagandeep Kang, a well-known virologist, M. Hari Menon, the India country head for the Bill and Melinda Gates Foundation, and two employees of the U.S. Centers for Disease Control and Prevention based in Delhi. Forbidden Stories, a Paris-based non-profit organisation, and Amnesty International got access to the list of thousands of potential targets worldwide and shared it with 17 media publications, including The Wire, The Guardian and The Washington Post. Amnesty's International's Security Lab provided forensic analyses and technical support, while Forbidden and the media houses conducted the investigation, called the Pegasus Project.*

LIMITS OF COOPERATION

The cooperative movement certainly needs reform and revitalisation. Beset by political interference, many cooperative societies do not hold elections regularly, while some are superseded frequently. *The 97th Constitution Amendment, which came into effect in 2012, was a major step towards infusing autonomy, democratic functioning and professional management. The recent Supreme Court verdict holding the amendment unconstitutional to the extent it applied to cooperative societies under the control of the States is a reminder that even well-intentioned efforts towards reforms cannot be at the cost of the quasi-federal principles underlying the Constitution. The amendment added Part IXB to the Constitution, concerning cooperative societies. Part IXB delineated the contours of what State legislation on cooperative societies ought to contain, including provisions on the maximum number of directors in each society, reservation for seats for SCs, or STs, and women, besides the duration of the terms of elected members, among others.* The question before the Court was whether the 97th Amendment impacted the legislative domain of the State Legislatures and, therefore, required ratification by half the legislatures, in addition to the required two-thirds majority in Parliament. The Gujarat High Court had found the amendment invalid for want of such ratification. *The Supreme Court, by a 2:1 majority, upheld the judgment holding the amendment invalid, but only in relation to cooperatives under the States. The elaborate amendment would hold good for multi-State cooperative societies, on which Parliament was competent to enact laws. A significant limitation on Parliament's amending power is the requirement that certain kinds of amendments to the Constitution must be ratified by 50% of the State legislatures. The Union government believed that as the subject of 'cooperative societies' in the State List was not altered in any way by the 97th Amendment, and that it only outlined guidelines on any law on cooperatives that the Assemblies may enact, the ratification was not necessary. A key principle from the judgment is that the ratification requirement will apply if there is any attempt to fetter the*



State legislatures in any way while enacting a law in their own domain, even if there is no attempt to alter the distribution of legislative powers between the Union and States. Thus, in the absence of ratification by the States, the amendment that sought to prescribe the outlines of State laws on a State subject did not pass constitutional muster. The judgment may mean that the concern expressed by some about the adverse implications of the formation of a new Ministry of Cooperation on federal principles could be true. However, there is no denying that the scope for democratising the functioning of cooperative societies and enhancing their autonomy remains unchanged.

WATER AS WOE

The revival of the monsoon has overwhelmed Mumbai and its suburbs once again, paralysing life, disrupting drinking water supplies, and exposing the parlous state of its infrastructure. It is clear that the volume and duration of monsoonal rain are turning unpredictable, and intermittent torrents, with crippling impacts on cities will become more frequent, influenced by a warming climate. Strengthening that theory, three weather stations in Mumbai recorded a staggering level of rainfall in one week from July 13, ranging from 628 mm in Mahalaxmi to 958.5 mm in Santa Cruz, the latter experiencing a peak of 234.9 mm on July 18. The inundation has taken a toll of at least 32 lives, and the majority of victims died in landslides that crushed their slum houses at Mahul in Chembur. These deaths of despair recur almost every year, soon to be forgotten in fair weather in a city that prides itself on its enterprise and resilience. In the second year of the COVID-19 pandemic, the monsoon malady poses a double jeopardy, adding to the economic misery of the vulnerable who live in hovels in suburban landslide-prone locations. Such dire conditions stand in contrast to Maharashtra's keen desire to keep Mumbai as the country's pre-eminent financial metropolis. The limitations in its infrastructure to accommodate intense monsoons, and its notorious inability to provide affordable inner city housing to the less affluent and even the middle class, are making other cities look more attractive. The catastrophic floods in Mumbai and Chennai in 2005 and 2015, respectively, resulted in the emergence of a management plan drawn up by the National Disaster Management Authority and later, the first dedicated storm water drainage manual by the Ministry of Housing and Urban Affairs. But such initiatives can do little if States, which have both power and responsibility over city affairs, do not feel compelled to address the challenges posed by urbanisation. In fact, Mumbai's inability to manage recurrent floods and the needs of a massive slum population was highlighted by a fact-finding committee appointed by the Maharashtra government after the 2005 deluge, with calls to liberate the city's rivers and lakes from various impediments, enable perennial flow in the Mithi river, create fresh holding lakes for excess waters, and rehabilitate those who live in risky locations. There is a need to clear the air on the follow-up to these and other expert recommendations, which the State can do through a white paper. Mumbai's neglect is not unique, though, and most big cities are amorphaously expanding to the suburbs where basic infrastructure including drainage is absent, and lakes and rivers are heavily encroached, often with political support. Such unplanned growth, with no defences against weather disasters, is leaving cities a lot poorer.

SHARING DURING SCARCITY

The Union Ministry of Jal Shakti's gazette notification on the jurisdiction of the Krishna and Godavari River Management Boards over projects and assets in the fields of irrigation and hydropower, though delayed, is a welcome development. The two river boards can now administer, regulate, operate and maintain 36 projects in the Krishna Basin and 71 in the Godavari to ensure judicious water use in



Andhra Pradesh and Telangana. The arrangement is expected to leave the working of Water Resources or Irrigation Department in the States intact. The seven-year delay to get the notification only reflects the tense equations between the two States over river water sharing. The States have been locked in a battle of sorts over the utilisation of Krishna water, with Andhra Pradesh proposing a few projects, including a lift irrigation scheme for Rayalaseema, a region from where Chief Minister Y.S. Jagan Mohan Reddy hails, and, in turn, Telangana coming up with half-a-dozen projects of its own. Although the Union Minister of Jal Shakti, Gajendra Singh Shekhawat — the chairperson of the apex council of the two river boards — had said that the Centre would go ahead with notifying the jurisdiction of the boards, it took nine months to see whether a reluctant Telangana would fall in line. The seven-year-old State had held the view that the notification should flow from finalisation by a tribunal on Krishna water sharing by the two States that would enlarge the scope of reference of the existing Krishna Water Dispute Tribunal (KWDT)-II. Telangana had even moved the Supreme Court but the Centre said it would consider Telangana's request only if it withdrew its petition which it did. In the process, Telangana wanted its complaint to be referred to the current Tribunal to avoid duplication of inquiry. The Centre must now see to it that the empowered Boards function in a fair manner, as the Union government's decision will be final with regard to matters concerning jurisdiction of the two bodies. Both States have their own justification to pursue new water and power projects as several areas await economic development. Rayalaseema is a dry region and it was grievances over poor utilisation of the two rivers in then undivided Andhra Pradesh that was a factor that led to the bifurcation. At the same time, the two States should instead focus on water and energy conservation and improving the efficiency of irrigation schemes and hydel reservoirs. Given the adverse impact of the COVID-19 pandemic on the finances of the Centre and in States, Telangana and Andhra Pradesh do need to consider these alternatives and low-cost options. After studying the experiences of the revamped Boards, the Centre should look at turning the much talked-about concept of river basin organisations into a reality.

OXFAM REPORT HIGHLIGHTS SHARP INEQUALITIES IN HEALTH INDICATORS

Sharp inequalities exist across different caste, religious, class and gender categories on various health indicators, according to a report by Oxfam India. The report, titled "India Inequality Report 2021: India's Unequal Healthcare Story", shows that the "general category is better off than SCs and STs, Hindus are better off than Muslims, the rich are better off than the poor, men are better off than women, and the urban population is better off than the rural population" on most health determinants, interventions and indicators. The findings are primarily based on secondary analysis from rounds 3 and 4 of the National Family Health Survey and various rounds of National Sample Survey. The report shows that while women's literacy has improved across social groups over the years, SC and ST women lag behind the general category by 18.6% and 27.9% respectively. There exists a gap of 55.1% between the top and bottom 20% of the population in 2015-16. Though the female literacy rate among Muslims (64.3%) is lower than all religious groups, inequality has reduced over time. As far as sanitation is concerned, 65.7% households have access to improved, non-shared sanitation facilities in the general category while SC households are 28.5% behind them and ST are 39.8% behind them. An examination of health interventions too shows disparities. The share of institutional deliveries in India has increased from 38.7% in 2005-06 to 78.9% in 2015-16, but inequalities persist, with ST households 15% below the general category, Muslims 12% behind Hindus and a 35% gap between the poorest and richest 20% of the population.



VILLAGERS STRING ROPEWAY ACROSS MISSING HIGHWAY

Villagers on either side of a missing 30-metre stretch of the strategic Trans-Arunachal Highway (TAH) waited 15 days for the government to start work. Thereafter, they took turns for a week to string a ropeway across the gap and reconnect parts of four districts — *Siang, West Siang, Upper Siang and Shi Yomi. Two of these districts border Tibet. Many villages and towns in these districts were cut off as heavy rainfall washed away 30 metres of TAH, also National Highway 13, at Lelek in Siang district. More than a week ago, the people in Pangin, Kebang and adjoining villages decided they could not wait for the State's Highway Department to start work. Pangin is the circle headquarters about 30 km downhill of the damaged portion of the TAH and Kebang about 20 km uphill. "People of 10 villages nearest the damaged portion got together to collect local materials and about 50-60 volunteers took turns to string the suspension bridge with bamboo, ropes and aluminium wires over seven days," Lelek Bridge Construction Committee chairman Tagum Sitang told The Hindu.* The Power Department provided high-tension wires to be used temporarily for the bridge that was completed on July 18. The "temporary" period, villagers said, could stretch to six months because of rain and soggy conditions and the repair was unlikely to take place soon. "For 21 days, people were forced to climb a steep *50-metre rocky mound near the damaged portion to bring in essentials or carry patients to the only major hospital in Pasighat (headquarters of East Siang district),*" Mr. Sitang said. "Vehicles are now coming to the safest point near the damaged portion for people to cross over and goods to be transhipped," he added.

THE DIRECTION THAT THE NCF NEEDS TO TAKE

The National Council of Educational Research and Training (NCERT) has tasked the State Councils of Educational Research and Training (SCERTs) to develop four State Curriculum Frameworks (SCFs). *They pertain to School Education, Early Childhood Care and Education (ECCE), Teacher Education (TE) and Adult Education (AE).* This is as in the recommendations of the National Education Policy (NEP) 2020. At the first level, the NCERT will provide templates to the States to develop four draft SCFs, the drafts will feed into formulating the National Curriculum Frameworks, or NCFs, and the final version of the NCFs will be used as guiding documents to finalise the SCFs. The SCERTs are also supposed to develop 25 position papers, which will be similarly used to develop national position papers. The cycle seems to be designed to take onboard suggestions from all States, thereby making the NCFs representative and inclusive documents. The NCERT will also provide support to the SCERTs in terms of guidance, training of personnel, and technology platforms to develop these documents.

Much data collection

So far so good. But the NCERT will also provide e-templates for each of these tasks "which will be filled-up by the States/UTs [Union Territories]". Similarly, survey questionnaires/multiple choice questions, or MCQs, will also be provided to conduct surveys among various stakeholders. Thus, massive data collection seems to be in progress. Such surveys are designed, let us accept, with all good intentions to take on board views from all sections of the population. This is without doubt a must in a democracy, particularly in matters of deciding the aims, the objectives, and the content of curriculum because it affects everyone. However, the gathering and the organisation of such data to be used in curricular decisions requires more than just good intentions. The kind of questionnaires and template that one develops can emphasise certain kinds of recommendations while muting some others. Similarly, the cleaning and organising of the data may pick up what is



already in the minds of the people handling such data and filter out what does not fit within their thinking. Even if these two problems are somehow solved, the problem of what the majority 'wants' and what 'ought to be' done remains. For example, if one asks about public opinion on the medium of instruction for the ECCE, the overwhelming majority is likely to favour English. Does it mean this would be in the best interest of the children and society?

Some valid questions

A huge opinion gathering exercise preceded NEP 2020. One wonders why this could not prevent it from becoming a managerial policy geared to make education a training endeavour to produce a workforce for market needs. The policy is chock-a-block with words for values, capabilities and skills, all justified as needed for emerging market requirements. Furthermore, these lists are just heaps of words, devoid of any organising principle to decide priorities, inter-relationships and deriving curricular content and pedagogy from them. A similar unorganised list is repeated ad nauseum in the name of pedagogical recommendations. And yet, it fails to provide appropriate criteria to choose pedagogy at different stages and for different curricular areas. The so-called foundational stage crumbles under the slightest scrutiny on organisational as well as pedagogical grounds. The ECCE plus Classes one and two (first five years of education, for the age group three years to eight years) is proclaimed as one stage. But the ECCE and Classes one and two will be run in separate institutions; their teachers' qualifications, salaries, and training are supposed to be different; their curriculum frameworks are supposed to be different. One wonders what makes it a single block. On pedagogical grounds, the capabilities of self-restraint, dealing with adults and people outside family, concentration span, responsible behaviour, self-directed activities and understanding the value of completing a task widely differ for a four-year-old and a six-year-old. These are the capabilities which determine the nature of pedagogy and formal learning; not the forming of synapses and the growth of brain mass. Thus, the people developing NCFs have to deal with these issues in addition to finding a method of making proper sense of gathered public opinion. If the National Curriculum Framework for School Education (NCFSE) is purely guided by the NEP 2020, we are unlikely to ensure the sound development of our schoolchildren. Fortunately, there is a way through which the teams developing the NCF and the SCFs can mitigate — if not completely solve — the problems created by the NEP 2020 as well as take on board public opinion in an appropriate manner. Furthermore, such a framework can also help in making appropriate use of what is good in this policy, for it is not completely devoid of good recommendations. For example, flexibility in secondary education, examination reform, more exposure to Indian languages, and taking on board Indian knowledge systems can make our education system better.

Documents of value

One way out of this problem is to take a lot of help from the Secondary Education Commission Report (SECR) and Zakir Hussain's Basic National Education (BNE) report. The purpose of surveys on public opinion is to create a consensus on basic values, and the vision and the direction our education system should take. The SERC assumes, without saying, that the democratic polity we adopted gives us that consensus. They also collected a lot of data, but that data was analysed and organised in the light of the vision of the individual, society, and education inherent in the democratic ideal. Thus, they had all the three necessary elements: the overall framework of values and future direction, current issues and problems of the education system, and public opinion. The SECR makes sense of the latter two in the light of the earlier. And it rigorously works out the



aims of education, pedagogy and content to achieve those aims. The logical rigor is very clear in working our aims from the democratic values and pedagogy from the aims. It is somewhat loose in working out the content. But the direction is clear. Another useful document in this regard is the BNE. The logical flow in this document may be somewhat amiss at one or two places in the beginning. But the rigorous derivation of educational aims from the vision of society, curricular objectives from the aims, and content from the objectives are starkly clear. These are coherent and rigorous documents because they place the values and principles of democracy and a morally, aesthetically and intellectually rich individual life at the starting point and try to resolve current economic problems in alignment with them. The current policy reverses the order. It is not that the content from these documents should be borrowed; rather, that the approach they take has much to teach. It is rigorous, rational, and very sound. Interestingly, the first edition of the BNE was in 1938 (<https://bit.ly/2V2I9ij>), SECR was written in the 1950s. Patricia White, a British philosopher of education, first argued for making democracy the basis for working out the school curriculum in 1973. John White worked out a rigorous method for the same in a paper published in 1998. The BNE and the SECR do not philosophically argue or give the detailed exposition of the method; they make practical use of this approach. It is somewhat surprising that the reports and curriculum frameworks developed after the 1980s in our country are completely overwhelmed by the current problems or by the pedagogical ideals of child-centrism and simply assumed that vague assumptions about the democratic ideals mentioned here and there randomly was enough. The objectives and content in these later documents are based on other fashionable or political or current issues.

Placing the debate

It is time to again place the democratic ideal at the centre of our education. Not as an object of lip service or reverence, but as the source of a framework of values and principles to judge and justify all other aspects. Otherwise, we are likely to make the curriculum a political football, and stir up debates that border on cacophony. Let us remember that opinions without supporting arguments are nothing more than assertions. And one citizen's assertions are only as good as another's. This leaves the conclusion of the debate to the most powerful. The only way to wrest the judgment from the hands of the powerful is to have the curricular debates rooted in democratic values.

MIDDAY MEALS LEAVE A LONG-LASTING IMPACT

Girls who had access to free lunches provided at government schools had children with a higher height-to-age ratio than those who did not, said a new study on the inter-generational benefits of the midday meal scheme, published in Nature Communications this week. Using nationally representative data on cohorts of mothers and their children spanning 23 years, the paper showed that by 2016, the prevalence of stunting was significantly lower in areas where the scheme was implemented in 2005. *More than one in three Indian children are stunted, or too short for their age, which reflects chronic undernutrition. The fight against stunting has often focussed on boosting nutrition for young children, but nutritionists have long argued that maternal health and well-being is the key to reducing stunting in their offspring.* Noting that “interventions to improve maternal height and education must be implemented years before those girls and young women become mothers”, the study has attempted a first-of-its-kind inter-generational analysis of the impacts of a mass feeding programme. *The paper was authored by a researcher from the University of Washington and economists and nutrition experts at the International Food Policy Research Institute. It found that the midday meal scheme was associated with 13-32% of the improvement in*



the height-for-age z-scores in India between 2006 and 2016. The linkages between midday meals and lower stunting in the next generation were stronger in the lower socio-economic strata and likely work through women's education, fertility, and the use of health services, the paper said. The scheme was launched in 1995 to provide children in government schools with a free cooked meal with a minimum energy content of 450 kcal. However, only 6% of girls aged 6-10 years had benefited from the scheme in 1999. By 2011, with an expansion in budget, and state implementation following a Supreme Court order, coverage had grown to 46%. The study tracked nationally representative cohorts of mothers by birth year and socio-economic status to show how exposure to the scheme reduced stunting in their children. IFPRI researcher Purnima Menon, one of the authors of the study, said the key takeaway is to "expand and improve school meals now for inter-generational pay-offs not too far down in time." Tweeting about the study, she said, "Girls in India finish school, get married and have children all in just a few years — so school-based interventions can really help." These findings come at a time when the mid-day meal scheme has effectively been put on hold for the last one and a half years, as schools have been closed since March 2020. Although dry foodgrains or cash transfers have been provided to families instead, food and education advocates have warned that this would not have the same impact as hot cooked meals on the school premises, especially for girl children who face more discrimination at home and are more likely to drop out of school due to the closures. The findings of the study exacerbate concerns that the interruptions to schooling and to the mid-day meal scheme could have even longer term impacts, hurting the nutritional health of the next generation as well.

'GATEKEEPER MODEL' MOOTED TO PREVENT SUICIDES IN PRISONS

In a bid to prevent suicides triggered by mental health issues in prisons across the country, the National Institute of Mental Health and Neuro Sciences (NIMHANS), Bengaluru, has recommended the "Gatekeeper Model" where selected inmates, trained to identify prisoners at risk of suicide, would refer them to treatment or supportive services. Acting on the request of the Ministry of Home Affairs, NIMHANS, an Institute of National Importance, issued a set of guidelines on the management of mental health issues of the prisoners and prison staff. Referring to the Bangalore Prison Mental Health Study, the advisory pointed to the prevalence of mental illness and substance use disorder in about 80% of the prison population. NIMHANS experts said prisoners with mental disorders had to be regularly assessed for severity of suicidal risk and also put on regular and supervised medication. To address the prisoner's mental health needs, the correctional facility should have links to community-based initiatives like the District Mental Health Programme.

"Buddy system"

The advisory said the concept of a 'Buddy System' — social support through trained prisoners called "buddies" or "listeners" — was found to have a good impact on the well-being of suicidal prisoners. Periodic telephone conversations with friends and family would also foster support, it said. These initiatives were part of several other recommendations made by NIMHANS to effectively manage mental health issues among prisoners and staff. Communicating the guidelines to all States, the MHA said the COVID-19 virus had posed unique challenges to the world and prisons and correctional facilities were also affected by the pandemic. Though appropriate measures were taken by the authorities to check the spread of the virus in prisons, there was a need to continue monitoring the situation rigorously without letting the guard down and provide care to inmates and prison staff. Emphasising on the mental health of prisoners, the Ministry said incarcerated people could face



many vulnerabilities during the pandemic, which might impact their mental wellbeing. The prison staff was also working under tremendous pressure and faced challenges in performing their duty while safeguarding themselves from contracting the infection. In Tamil Nadu, Director-General of Police, Prison & Correctional Services, Sunil Kumar Singh said 58 mobile phones were purchased for prisoners to make video calls to their family members in lieu of the physical interviews that were temporarily suspended in view of the pandemic.

MVA GOVT. TO JOIN CLIMATE GROUP'S EV100 DRIVE

Weeks after unveiling its electronic vehicle (EV) policy, the *Maharashtra government on Friday announced its decision to become the first State in the country to join hands with Climate Group's EV100 campaign. The drive aims to make electric transport the new normal by 2030 by encouraging companies to switch from vehicles running on fossil fuels to EVs and install charging infrastructure. Maharashtra's EV policy aims to achieve 25% electrification of last-mile delivery vehicles by 2025. Within six months from the day of notification of the policy, e-commerce companies, delivery and logistics players, and mobility aggregators will submit EV transition plans to the Transport Department.* Climate Group, an international non-profit, will act as a bridge between private companies and the State government to ease the process of shifting their fleets to EVs. As per Climate Group and SYSTEMIQ research's Fleets First study, the majority of EVs today are privately-owned passenger vehicles, while only 11% are part of fleets. Focussing on fleets can spur electrification and boost infrastructure, it said. State Environment Minister Aaditya Thackeray, who had unveiled the policy, said, "Investing in a clean transport system is an essential part of our State Climate Action Plan. With the revised EV policy, we want to engage early on with the most important stakeholder — businesses. The EV100 partnership aims to build a robust demand for EVs that can enable key linkages for the vibrant business community in Maharashtra, and support faster uptake of the policy." Divya Sharma, India executive director, Climate Group, said, "We urge businesses in Maharashtra to utilise the incentives offered by the State and join EV100 to drive 100% fleet transition by 2030. Companies should set interim targets aligned with the State's EV policy to accelerate electric mobility."

THE GANGA'S MESSAGE

The Ganga might have stood witness to many stages of India's civilisation, as Mahatma Gandhi once noted, but in recent decades it has become a conduit for sewage, solid waste, industrial effluents and other pollutants. It is depressing, though not surprising, therefore, that a new study by an NGO has found evidence of a modern-day scourge, microplastics, in the river, with the highest concentrations in Varanasi and Kanpur, followed by Haridwar. What the data show is the alarming presence of plastic filaments, fibres, fragments, and in two places, microbeads, with their composition pointing to both industrial and secondary broken-down plastics from articles of everyday use. These range from tyres, clothing, food packaging, bags, cosmetics with microbeads, garland covers and other municipal waste. The finding of significant levels of microscopic particles invisible to the naked eye at below 300 micrometres to 5 millimetres in the country's holiest river calls into question the progress of two high-priority, well-funded missions of the NDA government, Swachh Bharat, to deal with solid waste, and Namami Gange, to rid the river of its pollution. Surprisingly, Prime Minister Narendra Modi's support for the river clean-up, originally scheduled to be implemented by December 2020, has not saved it from serious deficits; official data indicate that 97 Ganga towns may be discharging about 750 million litres of untreated sewage a day into the river. An



environmental activist, Guru Das Agrawal, died in 2018 after fasting in protest, and his letter to Mr. Modi did not change the situation. Microplastics, recorded in recent times in the remotest of places — Mount Everest, Arctic snow, Icelandic glaciers, the French Pyrenees, and the depths of the Mariana Trench, among others — pose a hazard as plastics production outpaces the ability of governments to collect and manage waste. Successive governments issued waste management rules, but dropped the ball on implementation. *Although the Centre recently issued a draft to tighten the Plastic Waste Management Rules, cities have failed to implement existing rules as well as the Solid Waste Management rules, on ending single-use plastics, waste segregation, recycling labels on packaging, extended producer responsibility for manufacturers and recovery of materials. Moreover, growing plastic waste will far exceed the capacity of governments to manage it, given that recycling has its limits. Swachh Bharat, therefore, must mean not merely keeping waste out of sight, achieved through costly dumping contracts, but sharply reduced generation, full segregation and recycling. Plastic waste around the world is threatening the food web and the crisis demands a new global treaty modelled on the Montreal Protocol and the Paris Agreement. India needs to demonstrate that it is serious about a clean-up at home.*

MAKING INDIA A SPORTING NATION

Two econometricians, Bernard A.B. and Busse M.R., in a paper in The Review of Economics and Statistics (February 2004) tried to establish that “total GDP is the best predictor of the national Olympic performance”. They also claimed that host countries are “likely to win an additional 1.8% of the medals beyond what would be predicted by their GDP alone”. Since then, many studies have attempted to understand the factors that influence most the ability of a nation to win medals at the Olympics. One such work after the Rio Olympics showed that medals per hundred billion of dollars (based on purchasing power parity data of 2015) are highest in some Caribbean nations and lowest in some Asian and African nations. These results negate to a considerable extent the hypothesis that total GDP is the best predictor of the performance of a nation at the Olympics.

Factors that determine performance

There are many factors which are important in determining the performance of a nation in various sports. Beyond a threshold level, the average standard of living in a nation and the country's population size may be important determinants for its performance at the Olympics. *The size of total GDP is hardly important in countries like India where a sizable segment is fighting hunger. A person of poor health can never be a good sportsperson. In countries where there are high levels of stunted growth, malnutrition and anaemia, we cannot expect good athletes. Thus, South Asian countries and countries in Sub-Saharan Africa don't fit in the econometric models built on total GDP. Genetic factors are also no less important. The U.S., Australia and the Netherlands are powerhouses in swimming, but not China. Perhaps, taller people have an advantage in swimming or basketball but height is not important in shooting or gymnastics. China excels in shooting along with the U.S. and Germany. East Asian nations do better at table tennis than Western nations. Russia, East European nations and Central Asian countries do well in amateur boxing whereas China and Central Asian countries do better in weightlifting and wrestling. Mobilising resources in world-class training provides an edge to sportspersons. Such infrastructure makes the U.S. the superpower in athletics and gymnastics, Germany in equestrian, and the U.K. in diving, sailing and cycling. For poor nations, creating such infrastructure is a luxury. During colonial rule, India got some exposure to international sporting events earlier than many Asian and African nations. The Calcutta Football League, for example, is the oldest football league in Asia. Durand Cup is the oldest existing football*



tournament in Asia. This exposure gave India an edge over other 'Third World' nations in the 1950s and early 1960s. Resources in India were spread thinly across sports disciplines. As more and more nations started coming into the international sports arena, India's relative position started declining from the 1970s. Asian countries such as Kazakhstan, Singapore and Malaysia may stand below India in the medal's tally at the Asian Games, but are ahead of it at the Olympics. This is primarily because India is moderately good at many sports but not good enough to be the best at any of them. In contrast, Jamaica does well at the Olympics in sprinting and Kenya gets medals in long-distance running. They perform better than India though they are not great sporting nations. In recent years, India has shown promise in shooting, amateur boxing, wrestling, gymnastics and badminton. We need to concentrate more on sports where the physical build of an average Indian will not stand as a disadvantage.

One State, one sport

States need to be integrated in a bigger way in India's sports policy. Can we not develop different States as centres of excellence for different sports? People of different States have different food habits and build. It's not impossible to develop training infrastructure for different sports in different parts of the country depending on the inclination of people of that area and their habits and build. Unless we start grooming our children, who show potential, for international sports, India can hardly succeed at the Olympics. Individual talent alone cannot take us ahead. *The policy of "One State, One Sport" can be a game-changer in India. India's best performance at the Olympics was in London (2012) where it won two silver medals and four bronzes and ranked 56th in the medal's tally. At the Rio Olympics (2016), with one silver and one bronze, India's rank came down to 67. Whatever the predictions of the econometricians, if India can find a place in the top 50 sporting nations in the medal's tally of the rescheduled Summer Olympics at Tokyo commencing on July 23, that will be good enough to boost the nation's morale.*

DreamIAS



BUSINESS & ECONOMICS

A COMPROMISE AMID UNCERTAINTY

For now, the risk has receded that the United Arab Emirates (UAE), said to hold the world's largest untapped crude reserves, might quit the Organization of the Petroleum Exporting Countries (OPEC). The end to the UAE's weeks-long impasse with Saudi Arabia, one of the world's biggest crude exporters, and Russia, a non-OPEC state, was brought about by Sunday's deal. Under its terms, the UAE's demand for an increase in its oil output quotas, in recognition of its higher production capacity, has been conceded. The baselines have also been raised for Saudi Arabia, Russia, Iraq and Kuwait.

The compromise

The bloc will now step up crude production by 400,000 barrels a day starting in August. The deal will extend until the end of 2022. The output boost is in response to rising oil prices in the wake of the rebound in economic activity following the easing of lockdown restrictions and increased COVID-19 vaccinations in different parts of the world. Sunday's deal has also extended until the end of next year the broad terms of the unprecedented production cuts the bloc enforced in April 2020. The cartel cut oil production by 9.7 million barrels a day (mbd) as oil demand fell from 100 mbd to 91.1 mbd and prices plummeted from \$70 in January 2020 to around \$20 in April. The bloc has since gradually rolled back these steep cuts and hopes to return production to pre-pandemic levels by the end of 2022. The UAE has played hard ball during the bloc's attempts to deal with the pandemic-induced price volatility. In December, when OPEC+ tried to ease production cuts, the UAE insisted that members who diluted the original output reductions should compensate through even steeper cuts, following its own example. Thus, while the internal rift has been resolved for now, the danger cannot be ruled out of an increasingly economically and politically assertive UAE flexing its muscle. Any potential break with the bloc would undoubtedly prove far more consequential for the OPEC than the 2019 exit of Qatar. Bilateral relations between the traditional allies, Saudi Arabia and the UAE, have been especially strained since the UAE established diplomatic ties with Israel last year and withdrew troops from the Saudi-spearheaded war in Yemen the year before. A more recent arena of tension is the tariffs Riyadh has imposed on imports from the six-nation Gulf Cooperation Council. Saudi Arabia will now exclude from the GCC tariff agreement goods made by companies with a workforce of less than 25% of locals and industrial products with less than 40% of added value after their transformation process. Home to a predominantly migrant population, the move could hit the UAE especially hard.

Peak in oil demand

The latest OPEC compromise echoes growing recognition of the delicate balance between competing domestic and global priorities. Foremost is their eagerness to maximise the returns on their substantial hydrocarbon resources, amid growing speculation of a peak in oil demand within sight. The OPEC, echoing other assessments, forecast in 2016 that a strict implementation of the Paris climate accord could see the demand for oil peak by 2030, owing to the proliferation of alternative fuels and electric cars. Conversely, its report last year pins hopes on population growth and expansion of the middle class for continued increase in oil demand. The International Energy Agency (IEA), which in 2016 forecast a continued rise in oil consumption until the 2040s, has more recently hinted at about 5% rise or fall relative to the demand before the pandemic within a



decade. The OPEC's other concerns are the stabilisation of world oil prices without jeopardising national expenditure programmes, and the diversification of economies in anticipation of the unfolding global energy transition. Unity would be of the essence amid this uncertainty.\

ROADBLOCK FOR RATE TRANSMISSION: EXTERNAL BENCHMARK-LINKED LOANS RISE, BUT MCLR STILL DOMINANT

The share of outstanding loans linked to external benchmarks like the Repo rate introduced by the Reserve Bank of India rose significantly in the last two years, but opaque MCLR loans (or marginal cost of funds-based lending rate) continues to be the dominant rate structure for the banking industry, still hindering rate transmission. Data collected from banks by the RBI suggests the share of *outstanding loans linked to external benchmarks — mostly the Repo rate which is at four per cent — increased from as low as 2.4 per cent during September 2019 to 28.5 per cent during March 2021, contributing to significant improvement in transmission on the back of persisting surplus liquidity conditions.* According to an RBI report on 'Monetary transmission in India', *legacy of internal benchmark linked loans (BPLR, base rate and MCLR) together comprised 71.5 per cent of outstanding floating rate rupee loans as at end March 2021, impeding the transmission. The share of loans linked to MCLR stood at 62.9 per cent as of March 2021. Only 8.6 per cent of floating rate rupee loans were still linked to the BPLR and base rate even though the Reserve Bank had moved to MCLR based regime over five years ago.* "The opacity in interest rate setting processes under internal benchmark regime hinders transmission to lending rates, although the EBLR regime is indirectly also leading to moderate improvement in transmission to MCLR based loan portfolio," the RBI report said. The RBI had made it mandatory for banks to link all new floating rate personal or retail loans and floating rate loans to MSMEs to an external benchmark like the Repo rate effective October 1, 2019. The MCLR method — considered as non-transparent — which was introduced in the Indian financial system by the RBI in 2016, replaced the base rate system that was introduced in 2010. The central bank report says the information collected from banks suggests that most banks — *38 of the 58 banks which introduced external benchmark linked loans (out of a total of 71 banks that responded to a survey) — have adopted the Reserve Bank's policy repo rate as the external benchmark for floating rate loans to the retail and MSME sectors in May 2021. These include 28 banks in the public and private sectors and five banks have adopted sector-specific benchmarks.* "Data collected from banks suggest an increasing share of outstanding loans linked to external benchmarks – more so for foreign banks followed by the private sector banks," it said. The outstanding loans (linked to both fixed and floating interest rates) in personal and MSME segments accounted for 35 per cent of the outstanding loans as at end-March 2021. *"Quarterly periodicity in re-setting interest rates for outstanding loans linked to external benchmark as against annual for MCLR linked loans has contributed to the improvement in pass-through to lending rates on outstanding loans," it said. The external benchmark system has incentivised banks to adjust their term as well as saving deposit rates as lending rates undergo frequent adjustments in line with the benchmark rates, to protect their net interest margins thus broadening the scope of transmission across sectors that are not even linked to external benchmark,* the RBI said. Nonetheless, several impediments to transmission to lending rates persist, which call for resolution on a fast clip. The report says that monetary transmission to all new loans sanctioned in respect of select sectors where new floating rate loans have been linked to the external benchmark registered substantial improvement. *The weighted average lending rates (WALRs) of domestic banks in respect of fresh rupee loans on housing, vehicle and other personal loans declined significantly during October 2019-May 2021. "The decline was sharpest in the case of MSME loans*



(212 basis points) followed by other personal loans (164 bps). During the same period, the decline observed in WALR on fresh rupee loans for all sectors combined stood at 176 bps," the report said.

RBI PLANS DIGITAL CURRENCY PILOTS SOON

*The Reserve Bank of India is likely to soon kick off pilot projects to assess the viability of using digital currency to make wholesale and retail payments to help calibrate its strategy for introducing a full-scale central bank digital currency (CBDC). "Every idea has to wait for its time, perhaps the time for a CBDC is here," RBI Deputy Governor T. Rabi Sankar said on Thursday. "Like other central banks, we have also been exploring the pros and cons of this since quite some time," he added. India is already a leader in digital payments, but cash remains dominant for small-value transactions, he said, stressing that **an official digital currency would reduce the cost of currency management while enabling real-time payments without any inter-bank settlement.** "Some key issues are being examined: whether they should be used in retail or wholesale payments, the underlying technology, if the validation mechanism should be token-based, etc. Conducting pilots in wholesale and retail segments may be a possibility in the near future," he said. **A high-level inter-ministerial committee set up by the Finance Ministry had recommended the introduction of a CBDC with changes in the legal framework including the RBI Act, which currently empowers the RBI to regulate issuance of bank notes.***

'Save on paper currency'

*"India's fairly high currency-to-GDP ratio holds out another benefit of CBDC — to the extent large cash usage can be replaced by CBDC, the cost of printing, transporting and storing paper currency can be substantially reduced," Mr. Sankar said at a discussion hosted by Vidhi Centre for Legal Policy. "The advent of private virtual currencies is another reason... If these private currencies gain recognition, national currencies with limited convertibility are likely to come under some kind of threat," he remarked. **Transacting with CBDC would be an instantaneous process as the need for inter-bank settlement would disappear as it would be a central bank liability handed over from one person to another,** Mr. Sankar pointed out. Moreover, foreign trade transactions could be speeded up between countries adopting a CBDC. "They could enable a cheaper and more real-time globalisation of payment systems — it is conceivable for an Indian exporter to be paid on a real-time basis without any intermediary...The risks of dollar-rupee transactions, the time zone difference in such transactions would virtually disappear," he added.*

IBBI AMENDS INSOLVENCY RULES TO HELP IMPROVE TRANSPARENCY

*Seeking to enhance transparency in the insolvency process, the Insolvency and Bankruptcy Board of India (IBBI) has amended the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations. The IBBI said in a release on Wednesday that the amendments were aimed at enhancing "the discipline, transparency, and accountability in corporate insolvency proceedings". **A resolution professional was duty-bound to find out if a corporate debtor (CD) had been subject to avoidance transactions, namely, preferential transactions, undervalued transactions, extortionate credit transactions, fraudulent trading and wrongful trading, and file applications with the adjudicating authority seeking appropriate relief.** This not only **claws back the value lost in such transactions increasing the possibility of reorganisation of the CD through a resolution plan, but also disincentivises such transactions preventing stress to the CD,** the IBBI said. "For effective monitoring, the amendment requires the RP to file Form CIRP 8 on the*



electronic platform of the Board, intimating details of his opinion and determination in respect of avoidance transactions,” the board said in the release.

ARCS STRETCHED, ‘BAD BANK’ ROAD MAP: RS 2 LAKH CRORE OF STRESSED ASSETS

*Even as state-owned banks have identified 22 assets, worth about Rs 82,500 crore, for transferring to the newly set up National Asset Reconstruction Company Ltd (NARCL) in the near future, the entity will eventually take over most legacy non-performing assets (NPAs) worth over Rs 2 lakh crore. NARCL, owned by state-owned banks, was registered with the Registrar of Companies (RoC) in Mumbai on July 7. “These are the kind of assets which cannot be effectively resolved through the existing resolution mechanism. NARCL will resolve these, backed by the government on the SR (security receipt) component,” a senior official said. Government sources said **most existing asset reconstruction companies were thinly capitalised and could not deal with the scope of NPA problem, especially for loans where potential recovery is around the liquidation value. NARCL, also known as a bad bank, has eight public sector banks as its shareholders.** According to the Articles of Association of the company, filed with the RoC, while SBI, Union Bank of India, Bank of Baroda and Indian Bank own 99 lakh shares each, Canara Bank owns 1.2 crore shares. Other shareholders include — Punjab National Bank (90 lakh shares), Bank of India (90 lakh shares) and Bank of Maharashtra (50 lakh shares). The authorised share capital of the company is Rs 100 crore divided into 10 crore shares of Rs 10 each. This is set to rise going forward as sources say that NARCL may have a capital base of Rs 6,000-7,000 crore eventually. **Some private sector banks are also expected to pick up equity stake in the company.** The company has four directors on its board — Padmakumar Madhavan Nair (CGM, SBI), Salee Sukumaran Nair (DMD, SBI), Nair Ajit Krishnan (CGM, Canara Bank) and Sunil Mehta (chief executive, Indian Banks’ Association). Sources said the company will hire more people in senior management and operational roles shortly. **As per the objectives of the company, it will carry the business of an asset reconstruction company. Besides dealing in financial assets, it will also manage, enforce, sell or realise any property or asset that may come into its possession, among others.** As the mechanism for transfer of stressed assets to ARCs is already in place, NARCL is expected to start functioning soon. “The Reserve Bank of India, being the regulator of asset reconstruction companies (ARCs), has already prescribed a regulatory framework for the functioning of ARCs and there are well-laid norms for transfer of stressed assets by banks and non-banking finance companies to ARCs,” Minister of State for Finance Bhagwat Karad said in reply to a query in Lok Sabha on Monday. **While the government does not have any equity stake in the company, it will provide guarantee against loan losses on the security receipt issued by NARCL. The company will pay banks 15 per cent in cash and 85 per cent in the form of security receipts for transfer of stressed assets.** The government’s guarantee committee is expected to total up to Rs 31,000 crore in due course. **NARCL will manage these assets and sell them to Alternate Investment Funds and other potential investors in due course to realise value of these assets.** The ARC, along with an asset management company, India Debt Management Company, was proposed in this year’s Budget to take over the stressed debt of banks.*

THE RIGHT RESOLUTION

On Monday, the National Company Law Appellate Tribunal (NCLAT) stayed the approval given to the resolution plan submitted by Twin Star Technologies, an arm of the Vedanta Group, for the Videocon group of companies under the insolvency and bankruptcy proceedings. The appellate tribunal’s order was in response to an appeal by Bank of Maharashtra over the manner in which



payments to dissenting financial creditors were going to be carried out as per the resolution plan. This latest twist comes after the National Company Law Tribunal (NCLT) had earlier made troubling observations in this case over the sanctity of the resolution process itself. *On June 8, the NCLT had approved the resolution plan for the distressed Videocon group of companies. Under this, as against admitted claims of creditors amounting to Rs 64,838 crore, only Rs 2,962 crore would be paid, implying a haircut of over 95 per cent.* This, as the NCLT also observed, meant that *Twin Star was "paying almost nothing" for the companies.* High haircuts may not necessarily mean that all isn't kosher in a transaction. It is possible that bids are depressed because there aren't enough buyers in an economy due to an economic slowdown or poor future prospects of the company. But *what was intriguing in this case was that the winning bid of Rs 2,962 crore was remarkably close to the companies' liquidation value of Rs 2,568 crore which is required to be kept confidential.* The remarkable closeness between the two led even the NCLT to voice its concern. "Even if the confidentiality clause is in existence, in view of the facts and circumstances, a doubt arises on the confidentiality clause being in real-time use," it noted. The tribunal even asked the Insolvency and Bankruptcy Board of India (IBBI) to "ensure the confidentiality clause is followed". It is possible that financial creditors in a minority in the committee of creditors will get overtaken by those with greater say. But considering that the law says that the distribution shall be "fair and equitable", resolution plans can be challenged. The sanctity of the IBC process, however, should be maintained. *Critical and confidential information should not find its way into the hands of interested parties.* Care should be taken to ensure that unprincipled promoters aren't allowed to game the system. The spirit of the IBC should be adhered to.

LIC'S IPO AND ITS CUSTOMERS

As investors wait for the mega public offer of Life Insurance Corporation later this year, LIC policyholders who have bought over 28.9 crore policies, too, have now got reason to be enthused. *The government has said that up to 10% of the issue size in the IPO would be reserved for LIC policyholders. There could be a discount on the floor price.*

What are the LIC rules on such reservation?

The LIC (Amendment) Rules, 2021 say that any reservation made by the Corporation in favour of its policyholders on a competitive basis in a public issue under Clause (a) of sub-section (9) of Section 5 should be made in a manner similar to that applicable to a reservation on a competitive basis for employees in a public issue under any regulation made and circular issued by the Securities and Exchange Board of India. The allotment of equity shares to life insurance policyholders against any reservation made in their favour should be made in consultation with the stock exchanges concerned. *According to IPO norms, an issuer company can offer the shares to employees at a discount of a maximum 10% on the floor price at which the shares are offered to other categories.*

LIC IPO: What's the status of the listing plan?

The Union Cabinet recently approved the disinvestment of equity in LIC. *The process is on to appoint merchant bankers to launch the IPO. A panel headed by Finance Minister Nirmala Sitharaman will decide on the size of the share sale. The government has amended the LIC Act of 1956 for the proposed IPO. The LIC has appointed Arijit Basu, former MD of State Bank of India and former MD & CEO of SBI Life, who had led the move to get LIC listed on stock exchanges, as a*



consultant to help launch the IPO. After the amendment, like any other listed company, the corporation, now governed by the Companies Act and SEBI Act (post-IPO), has to prepare its quarterly balance sheet with profit or loss figures and make public key developments. Budget amendments to the LIC Act have been notified and the actuarial firm will work out the embedded value of the insurer in the next couple of weeks.

While it may appear that LIC policyholders would get a lower bonus after the IPO than they are getting now, sources said it may not happen that way: The LIC will find new ways to continue offering the same bonus. Pricing of the issue will be key, especially given the past experience with public issues of two general insurance companies — General Insurance Corporation of India Ltd and New India Assurance Co Ltd — that got listed in 2017. New India Assurance shares, initially offered in the range Rs 770-800, are now quoting at Rs 161, while the price of General Insurance Corporation shares have fallen from Rs 912 to Rs 174.60. However, both companies issued one bonus share for every share held between June and July 2018. That means that if an investor had one share of GIC at Rs 912, he/she would be holding two shares worth Rs 174.60 each. That would still mean a loss of over 60% of his/her investment in the IPO.

Why is the LIC IPO important for the government?

The listing will be crucial for the government to meet its disinvestment target, especially when its plans to privatise two public sector banks and one insurance firm have not taken off yet. *The government aims to mop up Rs 1.75 lakh crore in the current fiscal from minority stake sale and privatisation.* Of this, Rs 1 lakh crore was to come from selling its stake in public sector banks and financial institutions, and Rs 75,000 crore as CPSE disinvestment receipts. The LIC IPO is expected to meet the shortfall in that target.

Why should investors look forward to it?

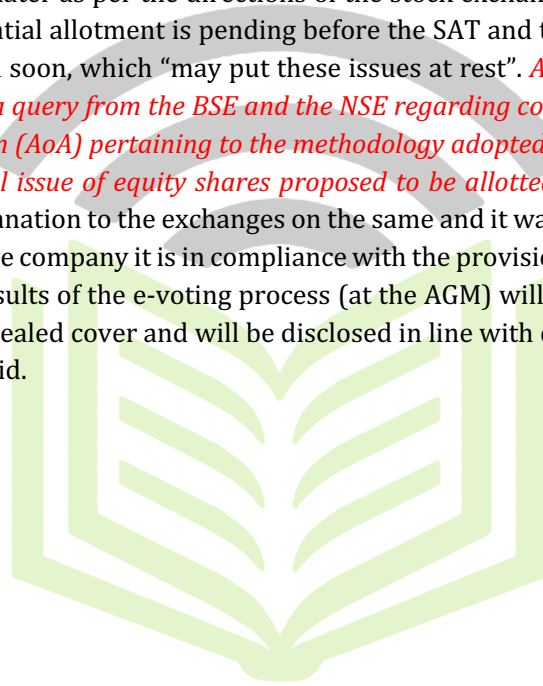
In LIC's size and reach, market participants see great potential for future growth. *As the largest life insurer in the country with a total first-year premium of over Rs 1.84 lakh crore in the year ended March 2021, LIC commands a market share of over 66%.* It has 2.9 lakh employees, and a network of 22.78 lakh agents. As of March 31, 2020 it had total assets of Rs 37.75 lakh crore and equity AUM of Rs 6.63 lakh crore. Industry insiders say that even if the 22 lakh agents sell one additional policy in a year, it will add huge volume. Besides, *LIC is the biggest institutional investor in India and has a huge investment portfolio that can generate big investment returns.* "Even a marginal per-employee-business-productivity improvement every year for the next few years would result in raising business volumes that are higher than the actual size of a few mid-sized insurance firms," said a market expert. *It is also important to note that while LIC will go for a corporate structure and will have independent directors, it will continue to have the sovereign guarantee that could provide a big comfort to FPIs and other investors. This means the government would provide it capital if the need arises.* For LIC, the challenge lies in bringing efficiency across the large agent network and also in maintaining its market share.

LIC HOUSING FIN, BARBEQUE NATION PREFERENTIAL ISSUES UNDER SEBI SCRUTINY

After PNB Housing Finance, two more companies — LIC Housing Finance and restaurant chain Barbeque Nation Hospitality — are under regulatory scrutiny for not appointing an independent valuer while making preferential allotment of shares. The Securities and Exchange Board of India (Sebi), the market regulator, had asked stock exchanges to get an explanation from these companies



why they did not obtain a valuation report from a registered independent valuer while pricing their preferential allotment. LIC Housing has approached the Securities Appellate Tribunal (SAT) on the issue of 4.5 crore preferential shares to its parent company, LIC. The company has been asked to explain by the bourses how it arrived at the decision to fix the issue price for the preference shares at Rs 514.25 apiece for allotting 4,54,00,000 equity shares to LIC. Sebi had earlier asked PNB Housing about the rationale behind share price valuation while allotting Rs 4,000 crore preferential issue to Carlyle group. *While the PNB issue is also pending with the SAT, Sebi had indicated that the role of PNB board in the preferential issue will be probed.* According to a stock exchange filing by Barbeque Nation, as the agenda item No 1 — relating to the preferential issue — is under examination by the BSE and the National Stock Exchange, voting results for the agenda item will be intimated later as per the directions of the stock exchanges. LIC Housing said a case relating to the preferential allotment is pending before the SAT and the verdict of the tribunal in that matter is expected soon, which “may put these issues at rest”. *According to LIC Housing, the company had received a query from the BSE and the NSE regarding compliance with the provisions of Articles of Association (AoA) pertaining to the methodology adopted in respect of computation of price of the preferential issue of equity shares proposed to be allotted to LIC.* “The company had provided detailed explanation to the exchanges on the same and it was reiterated to the members that in the opinion of the company it is in compliance with the provisions of the AOA,” LIC Housing said in a filing. “The results of the e-voting process (at the AGM) will not be made public and the same will be kept in a sealed cover and will be disclosed in line with directions received from the exchanges,” the firm said.



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LIFE & SCIENCE

'BEST DAY EVER': JEFF BEZOS BLASTS INTO SPACE ON OWN ROCKET

Jeff Bezos blasted into space on Tuesday on his rocket company's first flight with people on board, becoming the second billionaire in just over a week to ride his own spacecraft. The Amazon founder was accompanied by a hand-picked group: his brother, an 18-year-old from the Netherlands and an 82-year-old aviation pioneer from Texas — the youngest and oldest to ever fly in space. "Best day ever!" *Mr. Bezos said when the capsule touched down on the desert floor at the end of the 10-minute flight.*

New Shepard

Named after America's first astronaut, Blue Origin's *New Shepard rocket* soared from remote West Texas *on the 52nd anniversary of the Apollo 11 moon landing*, a date chosen by Mr. Bezos for its historical significance. He held fast to it, even as Virgin Galactic's Richard Branson pushed up his own flight from New Mexico in the race for space tourist dollars and beat him to space by nine days. *Unlike Mr. Branson's piloted rocket plane, Mr. Bezos' capsule was completely automated and required no official staff on board for the up-and-down flight. Blue Origin reached an altitude of about 106 km, more than 16 km higher than Branson's July 11 ride.*

MERCURY'S IRON HEART

A study by researchers from the University of Maryland disputes the prevailing hypothesis on why Mercury has a big-sized core relative to its mantle (the layer between its core and crust). Scientists had argued that hit-and-run collisions with other bodies during the formation of our solar system resulted in much of Mercury's rocky mantle being removed, leaving behind the big, dense, metal core inside. But new research reveals that Sun's magnetism is the reason for this and not the collisions. The researchers developed a model showing that the density, mass and iron content of a rocky planet's core are influenced by its distance from the Sun's magnetic field (Progress in Earth and Planetary Science). *There is a gradient in which the metal content in the core drops off as the four inner planets of our solar system get further from the Sun.* The current work explains this by showing that the distribution of raw materials in the early forming solar system was controlled by the Sun's magnetic field. *The new model shows that during the early formation of our solar system, when the young Sun was surrounded by a swirling cloud of dust and gas, grains of iron were drawn toward the centre by the Sun's magnetic field. When the planets began to form from clumps of that dust and gas, planets closer to the sun incorporated more iron into their cores than those further away.*

RARE ARCTIC LIGHTNING STORMS STRIKE NORTH OF ALASKA

Meteorologists were stunned this week when three successive thunderstorms swept across the icy Arctic from Siberia to north of Alaska, unleashing lightning bolts in an unusual phenomenon that scientists say will become less rare with global warming. "Forecasters hadn't seen anything like that before," said Ed Plumb, a National Weather Service meteorologist in Fairbanks, speaking about the storms that started on Saturday. *Typically, the air over the Arctic Ocean, especially when*



the water is covered with ice, lacks the convective heat needed to generate lightning storms. But as climate change warms the Arctic faster than the rest of the world, that's changing, scientists say.

Tripled in frequency

Episodes of summer lightning within the Arctic Circle have tripled since 2010, a trend directly tied to climate change and increasing loss of sea ice in the far north, scientists reported in a March study published in the journal Geophysical Research Letters. As sea ice vanishes, more water is able to evaporate, adding moisture to the warming atmosphere. "It's going to go with the temperatures," said co-author Robert Holzworth, an atmospheric physicist at the University of Washington in Seattle. *These electrical storms threaten boreal forests fringing the Arctic, as they spark fires in remote regions already baking under the round-the-clock summer sun. The paper also documented more frequent lightning over the Arctic's treeless tundra regions, as well as above the Arctic Ocean and pack ice. In August 2019, lightning even struck within 100 kilometers of the North Pole, the researchers found. In Alaska alone, thunderstorm activity is on track to increase threefold by the end of the century if current climate trends continue,* according to two studies by scientists at the National Center for Atmospheric Research in Boulder, Colorado, published over the last year in the journal Climate Dynamics. "What used to be very rare is now just rare," said Rick Thoman, a climate scientist with the University of Alaska Fairbanks. As the parade of Arctic storms this week demonstrated, lightning is already appearing in unexpected places, he said. "I have no memory of three consecutive days of this kind of thing" in the Arctic.

On the water

On the water, the lightning is an increasing hazard to mariners, and vessel traffic is increasing as sea ice retreats, Holzworth said. People can become lightning rods and usually try to get low for safety. That's tough to do on flat tundra or ocean expanse. "What you really need is to pay better attention to the lightning forecasts," he said.

CLIMATE CHANGE HAS ADDED OVER 1,000 LAKES IN SWISS ALPS

Climate change has dramatically altered the Swiss Alp landscape — at a quicker pace than expected — as melting glaciers have created more than 1,000 new lakes across the mountains, a study published on Monday showed. The inventory of Swiss Glacial lakes showed that almost 1,200 new lakes have formed in formerly glaciated regions of the Swiss Alps since the end of the Little Ice Age around 1850. Around 1,000 of them still exist today, according to the study published by the Swiss Federal Institute of Aquatic Science and Technology (Eawag). That is far more than the few hundreds the researchers had expected to find at the beginning of the project. "We were surprised by the sheer numbers," Daniel Odermatt, head of the Eawag Remote Sensing Group that carried out the study, said in a statement. He said the "*marked acceleration in formation*" was also surprising, pointing out that "*180 have been added in the last decade alone*". Glaciers in the Swiss Alps are in steady decline, *losing a full 2% of their volume last year alone,* according to an annual study by the Swiss Academies of Science. And *even if the world were to fully implement the 2015 Paris Agreement two-thirds of the Alpine glaciers will likely be lost,* according to a 2019 study by the ETH technical university.



WHY THE AKAMAI OUTAGE IS WORRISOME

Global internet infrastructure company Akamai suffered an outage Thursday night that lasted over an hour, taking down several online applications across India and overseas. This was the second major outage involving a delivery network in as many months that affected internet usage on a global scale.

What is Akamai and what happened Thursday?

Akamai is a global content delivery network (CDN) and cloud services platform that is rented by online content and commerce services apps. On Thursday, Akamai faced a disruption on its Edge DNS service that took down platforms such as Zomato, Paytm, parts of Amazon, Airbnb, PlayStation Network, Steam, Disney+Hotstar, etc for a short while. *Edge DNS as a technology provides a shorter route for DNS, or domain name services, between a company's servers and its users, thereby drastically decreasing resolution times and providing low latencies.*

What happened in the earlier global internet outage?

In June, a major issue with the content delivery network of American cloud computing services provider Fastly caused several large websites to go down globally for about half an hour. Just like Akamai, Fastly is a cloud computing services provider, which offers CDN, edge computing, cloud storage services.

What is the significance of these outages?

While the Akamai and Fastly outages were large scale in that they affected major internet outlets across the world, there has been an increasing trend of internet outages. In a note S&P Global said that global internet outages grew by 28% during the week of July 10, to 360, marking the third consecutive week of gains, according to data from ThousandEyes, a network-monitoring service owned by Cisco Systems Inc. *Even as the internet was originally conceptualised as a decentralised network, experts believe that a handful of infrastructure companies like Akamai, Fastly, Amazon Web Services have become concentrated centres providing their services to major internet platforms.* This, especially after a flood of enterprises — both small and large — increasing their digitisation efforts after the pandemic. *The concentrated nature of internet services is also what is making the world wide web less and less fault-resistant.*

UNESCO STRIPS LIVERPOOL OF ITS WORLD HERITAGE STATUS

The English city of Liverpool has been removed from UNESCO's list of world heritage sites after the United Nations' cultural agency found new buildings, including a football stadium, undermined the attractiveness of its Victorian docks. Liverpool was named a World Heritage Site in 2004, joining cultural landmarks such as the Great Wall of China and the Taj Mahal. After a vote in China by members of its World Heritage Committee, UNESCO said on Twitter that Liverpool should be removed from the international cultural organisation's list. Joanne Anderson, the Liverpool Mayor, said the decision was "incomprehensible". *The only other sites stripped previously of the title are a wildlife sanctuary in Oman in 2007 after poaching and habitat loss, and the Dresden Elbe Valley in Germany in 2009 when a four-lane motorway bridge was built over the river.*



IN SEARCH OF GOLD

A medal can lose its lustre but the athlete's sporting immortality is set in stone, such is the enduring allure of triumphs at the Olympics. Even a participant without any titles, is referred to as an Olympian and it is an eternal stamp that sportspersons obsess about. The quadrennial congregation of the world's finest athletes is set to begin, after a year's delay imposed by the pandemic's shadow. 'Tokyo 2020', as the Olympics is branded for the latest edition, will commence at Japan's capital on Friday while COVID-19 protocols are in place. Tokyo and Fukushima will conduct events without spectators while a limited number may be allowed at stadiums in the Miyagi and Shizuoka regions. Local approval ratings for the Games now stand at the half-way mark, a considerable improvement especially after an 83% opposition as recent as May. Having previously hosted the Olympics in 1964, Tokyo's second dalliance with the premier championship has been extremely tough. Even two days ago, there were whispers of cancellation as the coronavirus graph linked to the Games and to Japan revealed an upward climb. Within the Olympics Village ecosystem of athletes, coaches, officials and volunteers, around 70 have tested positive for COVID-19. But the Olympics harking back to its Athens roots in 1896, is expected to hold steady till its conclusion on August 8. When it comes to winning at the Olympics, the United States of America, Russia, China, European nations and Australia have excelled. India meanwhile has a mere 28 medals to show despite turning up since 1900. India's initial share came from hockey but even that tap has run dry since the gold at Moscow in 1980. India's tilts in the Olympics have often been infused with pathos. Legendary runners Milkha Singh and P.T. Usha missing their bronzes in 1960 and 1984 respectively, still test the tear glands of die-hard fans. However, over the years and through diverse sports such as shooting, tennis, badminton, wrestling, boxing and weight-lifting, India has earned a few medals. This time around, the pursuit to better the best-ever tally of six, gained at London in 2012, continues. Headlined by P.V. Sindhu and Mary Kom besides the talent in shooting, weight-lifting and wrestling, India hopes to push its Olympic envelope further while the yearning for excellence in hockey lingers. A sobering truth is that the demographic-dividend of being the second most populous nation, does not really convert into a better yield in multi-event jousts. It is a pointer to the need to improve sports infrastructure as India at the Olympics remains a work in progress. An Olympic medal offers sporting nirvana; even tennis legend Serbian Novak Djokovic is not immune to its charm.

AI TOOL DEVELOPED TO STUDY CANCER-CAUSING MUTATIONS

Researchers at IIT Madras have developed an AI tool called NBDriver (neighbourhood driver) for use in analysing cancer-causing mutations in cells. By looking at the neighbourhood, or context, of a mutation in the genome, it can look at harmful "driver" mutations and distinguish them from neutral "passenger" mutations. *This technique of looking at the genomic neighbourhood to make out the nature of the mutation is a novel and largely unexplored one.* In a paper published in the journal Cancers, the researchers explain that the nature of the mutation depends on the neighbourhood, and how this tool may be used to draw the line between driver and passenger mutations. B. Ravindran, head of the Robert Bosch Centre for Data Science and AI at IIT Madras and one of the corresponding authors, said in a press release that *one of the major challenges faced by cancer researchers involves the differentiation between the relatively small number of "driver" mutations that enable the cancer cells to grow and the large number of "passenger" mutations that do not have any effect on the progression of the disease.* In previously published techniques, researchers typically analysed DNA sequences from large groups of cancer patients, comparing



sequences from cancer as well as normal cells and determined whether a particular mutation occurred more often in cancer cells than random, said Prof. Karthik Raman, from the biotechnology department of IIT Madras and another corresponding author. "However, this 'frequentist' approach often missed out on relatively rare driver mutations," he noted, adding that some studies have also looked at the changes caused by the driver mutations in the production of essential biological products such as proteins.

Statistical modelling

The method of distinguishing between driver and passenger mutations solely by looking at the neighbourhood is novel. "Through robust statistical modelling, we show that there is a significant difference in the pattern of sequences (or context) surrounding the driver and passenger mutations," said Shayantan Banerjee, who is a master's student in the Department of Biotechnology, IIT Madras, and the lead author of the paper.



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