

# CURRENT AFFAIRS for UPSC

25TH TO 31ST JULY, 2021

DREAMIAS



## INTERNATIONAL

### BREXIT IN TROUBLES

On July 21, the Boris Johnson administration informed the European Union (EU) that it wants to renegotiate the Brexit deal's Northern Ireland Protocol. The EU has ruled out a renegotiation, but says it is open to *"practical, flexible solutions"*.

#### What's behind Northern Ireland Protocol?

The sovereign territory of the U.K. includes *England, Wales, Scotland, and what is known as Northern Ireland, which occupies a portion of the island of Ireland*. The lion's share of the island (26 of the 32 counties) forms the independent Republic of Ireland. *Ireland has long seen tensions between the Catholics/Nationalists, who want a unified Irish republic, and the Protestants/Unionists, who are loyal to the British crown. The long and violent conflict between the two sides — known as The Troubles — ended with the 1998 Good Friday Agreement, whose fragile peace rests on a principle that Brexit has now disrupted: there won't be a border (and all that entails, such as checkpoints and customs) between Northern Ireland and Ireland*. Northern Ireland is the only part of the U.K. that shares a land border with the EU, as Ireland is an EU member-state. As long as the U.K. was part of the EU, there was no problem. *But Brexit took the U.K. out of the EU's customs union. It created a problem whose solution needed two seemingly contradictory outcomes: preserving the sanctity of the EU's single market, as well as that of the U.K.'s domestic market*. The Protocol's solution was to avoid a customs check on the island of Ireland. Instead, it envisaged a 'sea border' at the ports of Northern Island. Certain goods — meant only for Northern Ireland but not for Ireland, which falls within the EU market — would undergo checks here before entering the island.

#### Why does the U.K. want changes?

*The creation of an economic barrier between the British mainland and Northern Ireland has affected the free flow of goods between the two. Businesses in Northern Ireland have been complaining about cumbersome paperwork and compliance costs. Some British companies would like to avoid the hassle altogether by withdrawing supplies to Northern Ireland. All this has angered the Unionists, who see it as another attempt to dilute their links with the U.K., pushing them into the arms of the Irish republic*. April this year saw rioting in Northern Ireland for nearly two weeks, with government vehicles being burned and 90 police officers injured. Clearly, apart from the economic irritants, Brexit seems to have resurrected old sensitivities about political identity, with the Unionists questioning why they alone — among U.K. citizens — should suffer differential treatment. While the Johnson regime has expressed concerns over the "febrile" situation in Ireland, the U.S. — which helped broker the 1998 Agreement — has warned the U.K. against disturbing the fragile peace over Brexit.

#### What is Britain proposing?

In a nutshell, the U.K. is telling the EU, *"Trust us to protect your single market."* *It has proposed five changes to the Protocol: no more checks on goods moving from mainland Britain to Northern Ireland where a business self-certifies that its products are not meant for use in the EU; a dual regime*



*wherein goods made to either U.K. standards or EU standards can circulate anywhere in Ireland; removal of the need for any 'export declarations' on goods going from Northern Ireland to Great Britain; rewriting of the clause in Article 10 that requires the U.K. subsidies that affect trade with Northern Ireland to comply with EU rules; and finally, ending the right of EU institutions such as the European Court of Justice to enforce the Protocol.*

#### What lies ahead?

These proposals would be unacceptable to the EU, as they outsource the enforcement of the Protocol — and the European customs union — entirely to the U.K. Besides, it's only last year that the U.K. signed the Protocol, and given that nothing has changed since then, the EU will insist that the U.K. honour the deal. *The two sides will certainly seek a solution through talks. But if talks fail, the U.K. could invoke Article 16, which allows the unilateral suspension of a part of the agreement in extreme circumstances. In such a scenario, the economic barrier might shift to a land border on the island, which would basically shred the 1998 Agreement, and the peace that came with it. Interestingly, one U.K. legislator has admitted that the Northern Ireland Protocol was not a sincere effort to address the problem but merely a 'fudge' that sought to close the Brexit deal by kicking the can down the road. Now that 'fudge' has returned to haunt the Brexiters.*

#### THOUSANDS POUR IN FOR BUDAPEST PRIDE MARCH

*Thousands of Hungarians joined the annual Budapest Pride march on Saturday to support LGBTQ people and protest against a law that limits teaching about homosexuality and transgender issues in schools.* Hungary's nationalist Prime Minister Viktor Orbán, in power since 2010, has introduced social policies that he says aim to safeguard traditional Christian values from Western liberalism, stoking tensions with the European Union. The European Commission has launched legal action against Mr. Orbán's government over the new law, which came into force this month, saying it is discriminatory and contravenes European values of tolerance and individual freedom. Demonstrators at the march through the streets of central Budapest said the legislation was dividing the former Soviet-bloc nation and now a member of the European Union. "The law is an outrage. We live in the 21st century, when things like that should not be happening. We are no longer in communist times, this is the EU and everyone should be able to live freely," István, 27, said at the march with his boyfriend. Orbán's Fidesz-Christian Democrat government, which faces a tough election next year, says LGBTQ rights and other such social issues are matters for national governments to decide. It says the law aims to protect children not target homosexuals. Organisers said in a statement the rally would show opposition to "power-hungry politicians" and reject intimidation of LGBTQ people. "Instead of protecting minorities, the Fidesz-Christian Democrat government is using laws to make members of the LGBTQ community outcasts in their own country," they said.

#### MID-CENTURY TARGET FOR NET ZERO INADEQUATE

*At the conclusion of the G20 climate meet, India on Saturday said that pledges by some countries to achieve net zero GHG emissions or 'carbon neutrality' by mid-century were inadequate, when considering the rights of developing countries to economic growth.* "We have noted the pledges made by some countries to achieve net zero GHG emissions or carbon neutrality by or around



mid-century. However, this may not be adequate in view of fast depleting available carbon space. Therefore and keeping in view, the legitimate need of developing countries to growth, we urge *G20 countries to commit to bringing down per capita emissions to Global average by 2030,*” said the Indian statement . *The G20 climate summit, which concluded on Friday, comes roughly about 100 days before the Conference of Parties (COP 26) is set to begin in Glasgow, Scotland.*

#### Forest cover

*The net zero emissions refer to a situation where a country is able to remove at least as much carbon dioxide from the atmosphere as it is emitting. This can be done by increasing forest cover or through technologies such as carbon capture. India’s position as the third largest greenhouse gas emitter but also with among the lowest per capita emissions means that it has always resisted a hard deadline — some countries have set their target years as 2050 or 2060 — to commit to a net-zero future.* It is expected that the forthcoming COP 26 talks in Glasgow will see a commitment by the United States.

#### Plan outline

*Countries periodically submit the National Determined Contributions (NDC) that outline their plans towards capping emission.* As per the NDCs submitted to the UNFCCC under Paris the Agreement, the pledge of the United States falls short of its fair share by 12 tonnes of CO2 per capita, of the U.K. by 14.1 tonnes, of China by 0.2 tonnes, and of India by 0.4 tonnes, according to Council on Energy Environment and Water, a New Delhi based think-tank. The fair share represents the reductions countries must achieve to ensure that the greenhouse gas levels are below that to prevent a 1.5 average temperature rise over the globe by the turn of the century.

### ‘STALEMATE’ IN TIES AS U.S., CHINA OFFICIALS TRADE BARBS

Monday’s talks between senior American and Chinese officials in the city of Tianjin underlined a “stalemate” in relations, officials said, as both sides traded barbs and demands with little prospect of either appearing willing to concede any ground. *Chinese officials for the first time presented “two lists” of demands to visiting U.S. Deputy Secretary of State Wendy Sherman, while the U.S. side repeated its concerns over Xinjiang, Hong Kong and other Chinese actions — concerns that Beijing has rebuffed as “interference” in its internal affairs.* China’s Vice Foreign Minister Xie Feng slammed U.S. calls for a “rules-based international order” — *calls also voiced by the U.S., India, Australia, Japan Quad grouping — describing it as “an effort by the United States and a few other Western countries to frame their own rules as international rules and impose them on other countries”.* “The purpose is to resort to the tactic of changing the rules to make life easy for itself and hard for others, and to introduce ‘the law of the jungle’ where might is right and the big bully the small,” the Chinese Foreign Ministry quoted him as saying. China put forward “two lists” during the talks, called the “List of U.S. Wrongdoings that Must Stop” and the “List of Key Individual Cases that China Has Concerns With”, the South China Morning Post reported. *In the first, Beijing demanded Washington “unconditionally revoke the visa restrictions over Communist Party of China (CPC) members and their families, revoke sanctions on Chinese leaders, officials and government agencies, and remove visa restrictions on Chinese students”.* Beijing has also asked the U.S. to revoke the extradition request for Chinese tech giant Huawei’s chief financial officer Meng Wangzhou, also the



*daughter of Huawei founder Ren Zhengfei, who has been under house arrest in Canada pending extradition.*

#### **Downturn in relations**

While the Chinese side entirely blamed the U.S. for the downturn in relations, with Mr. Xie accusing the U.S. of *“treating China as an imagined enemy,” Ms. Sherman underlined U.S. concerns “about a range of PRC actions that run counter to our values and interests and those of our allies and partners, and that undermine the international rules-based order,” State Department spokesperson Ned Price said in a statement. “In particular, she raised our concerns about human rights, including Beijing’s anti-democratic crackdown in Hong Kong; the ongoing genocide and crimes against humanity in Xinjiang; abuses in Tibet; and the curtailing of media access and freedom of the press,”* he said. “She also spoke about our concerns about Beijing’s conduct in cyberspace; across the Taiwan Strait; and in the East and South China Seas.” The Deputy Secretary also raised concerns *“about the PRC’s unwillingness to cooperate with the World Health Organization and allow a second phase investigation in the PRC into COVID-19’s origins”. She also “affirmed the importance of cooperation in areas of global interest, such as the climate crisis, counternarcotics, non-proliferation, and regional concerns including DPRK, Iran, Afghanistan, and Burma,”* the State Department said.

#### **CHINA’S SEA CLAIMS HAVE NO BASIS**

Pentagon chief Lloyd Austin said on Tuesday that Beijing’s expansive claims in the South China Sea have *“no basis in international law”*, taking aim at China’s growing assertiveness in the hotly contested waters. Mr. Austin’s broadside came at the start of his first trip to Southeast Asia as U.S. Defence Secretary, as he seeks to rally allies in the region as a bulwark to China. President Joe Biden’s administration wants to reset relations with Asian countries and build alliances to face Beijing, after the turbulence and unpredictability of the Donald Trump era. Speaking in Singapore, Mr. Austin criticised China’s actions in the disputed sea, where Beijing has overlapping territorial claims with several Southeast Asian states. *“Beijing’s claim to the vast majority of the South China Sea has no basis in international law,”* he said in a speech hosted by the International Institute for Strategic Studies think tank. *“That assertion treads on the sovereignty of the states in the region,” he said, adding that the U.S. would support countries in defending their rights. China claims almost all of the resource-rich sea, through which trillions of dollars in shipping trade passes annually, with competing claims from Brunei, Malaysia, the Philippines, Taiwan and Vietnam.* Beijing has been accused of deploying a range of military hardware, including anti-ship missiles and surface-to-air missiles there, and ignored a 2016 international tribunal decision that declared its historical claim over most of the waters to be without basis.

#### **Rising tensions**

Tensions have escalated in recent months between Beijing and rival claimants. *Manila was angered after hundreds of Chinese boats were spotted inside the Philippines’ Exclusive Economic Zone, while Malaysia scrambled fighter jets to intercept Chinese military aircraft that appeared off its coast.* Mr. Austin said on Tuesday the U.S. *“will not flinch when our interests are threatened”* — but he insisted Washington does *“not seek confrontation”* with China. *“I am committed to pursuing a constructive, stable relationship with China, including stronger crisis communications with the People’s Liberation Army.” The U.S.-China relationship has deteriorated over a range of issues from*





*cybersecurity and tech supremacy to human rights in Hong Kong and Xinjiang. Mr. Biden has largely kept the hawkish stance on China of Mr. Trump, describing the Asian power as the pre-eminent challenge to the United States, but has lowered the temperature and instead emphasised working with allies and working at home to compete better.* After Singapore, Mr. Austin will visit Vietnam and the Philippines, and will seek to underline that the U.S. is a “stabilising force” in Southeast Asia, said a senior defence official.

## IN SRI LANKA, TEACHERS RESIST BILL ‘MILITARISING’ EDUCATION

*Academics from Sri Lanka’s state universities on Wednesday withdrew from online teaching and administrative duties in resistance to a government Bill that, they say, threatens to “militarise” education.* University teachers also held a silent protest across campuses on the island, according to Harshana Rambukwella, a spokesman for the Federation of University Teachers Associations’ (FUTA) campaign against the General Sir John *Kotelawala National Defence University (or KDU) Bill.* “*The FUTA’s main demand is that the government keep military and civilian education separate,*” Prof. Rambukwella said. “*This Bill is not just about one university, it is essentially a model of private education, subsidised by the government and run by the military. It is an assault on the country’s public education system,*” he said. *The KDU Bill, scheduled for parliamentary debate on August 6, seeks to change the governance structure of the University that was set up in 1980 as an Academy exclusively for the tri-forces, and named after Sri Lanka’s former Prime Minister.* The proposed changes could pave way for a greater military role in education policy and administration, academics warn. With their symbolic action, the university teachers joined other teacher and student groups calling for withdrawal of the controversial Bill. The Ceylon Teachers’ Union (CTU), a body of school teachers across the country, and the Inter University Students’ Federation (IUSF), one of the largest student bodies in Sri Lanka, are also opposing the Bill. Earlier this month, dozens, including CTU general secretary Joseph Stalin, were arrested during a protest against the Bill, on charges of violating “health regulations”. They were forcibly quarantined for a week. Following wide condemnation of the arrest, including by the Bar Association of Sri Lanka, they were released. “Discussions with the government have been very disappointing so far, we will continue our strike action,” Mr. Stalin told The Hindu, of the CTU’s ongoing protests against both, the KDU Bill and for a “long-pending” salary hike.

### ‘Growing militarisation’

Concerns over militarisation in Sri Lanka grew following the election of ex-military officer Gotabaya Rajapaksa as President in November 2019. In her report in January this year, UN Human Rights Chief Michelle Bachelet referred to “the accelerating militarisation of civilian governmental functions”, citing the appointment of at least 28 serving or former military and intelligence personnel to key administrative posts. *For a decade now, the Tamil people living in the north and east, who have faced the brunt of post-war militarisation, have repeatedly objected to the visible presence and participation of the army in civilian activities, including agriculture. The growing momentum and media coverage of the ongoing protests against the KDU Bill lately have put militarisation in the spotlight in the country’s Sinhala-majority south. Those slamming the Bill are flagging the possibility of a military-run, parallel structure of higher education, with provisions to quell students’ right to free expression and dissent.* In a recent Oped article, Opposition legislator and former professor Harini Amasuriya wrote: “*The proposed KDU Bill offers a privatised, military*



*model of higher education, which will take Sri Lanka on a trajectory towards militarisation of society as a whole.” President Gotabaya Rajapaksa told the politically influential Maha Sangha [Buddhist clergy] recently that the “obstacles” in the “University Grants Commission Act” would be removed, and the KDU would be brought under its purview. “It is a mistaken reference to Sri Lanka’s Universities Act, as there is no UGC Act,” Prof. Rambukwella said.*

## JAPANESE EDUCATION SPELLS HOLISTIC DEVELOPMENT

Investment in education yields both private and social returns. Private returns, like wages, accrue to individuals. Social returns accrue to society. *Textbook economics suggests that private returns rise with one’s level of education, but social returns peak at the elementary levels. For when educated people follow rules such as queuing, using washrooms, washing hands, protecting public property, etc. the collective returns from such actions generate a huge social value such as cleaner, healthier and disciplined societies.* Education is everything that expands our capabilities — as individuals and as society. The novel coronavirus pandemic has given us an opportunity to re-evaluate how our schools should expand our capabilities. While academic prowess in math, science and language is essential, what about the issue of household chores? Or connecting with the community or nature? Does learning household chores expand one’s capabilities? For if people do not know how to keep their spaces clean, cook their own food, do their laundry, it just needs a shock like a COVID-19 pandemic to occur and for a society dependent on the labour of others to feel incredibly disrupted. Add to it shortages of essential supplies and overstretched public resources, and social disruption is inevitable. So, how can we prepare for the future? The answer: through our elementary schools. Can we learn from another country? Yes. Probably, Japan. In 2011, pictures from tsunami-hit Japan went viral, with locals patiently queuing up for rations amidst massive devastation. *Throughout the novel coronavirus pandemic, schools and public spaces have remained fairly open in Japan due to people’s responsible behaviour. As India prepares to re-open its schools along with the newly adopted New Education Policy, we can borrow some insights from the Japanese system.*

### Non-cognitive elements

*Japan ranks among the top in the Programme for International Student Assessment (PISA) which evaluates students on their prowess in core academic subjects.* However, *another important aspect of the Japanese curriculum is its emphasis on non-cognitive elements. Japan’s Ministry of Education, Culture, Sports, Science and Technology (MEXT) explains ‘Chi-Toku-Tai’ as the defining features of Japanese schooling.* Chi, which translates to ‘know’ lay an emphasis on building strong academic abilities. *Toku, translates to ‘virtue’ and refers to mindfulness, self-discipline, and cooperative abilities. And last, Tai, translates to ‘body, and refers to physical and mental well-being. The Japanese education philosophy transitioned from an extremely examination-focused, rote memorisation-based approach to the ‘Chi-Toku-Tai’ approach in the 1970s.* The elementary school curriculum was later supplemented with subjects, namely *moral education, integrated studies and special activities.* Together, seen as a ‘zest for life’ approach, *this philosophy focuses on holistic ability extending beyond academic prowess to include ‘kansei’ which roughly translates to ‘sensitivity’. This approach aims at developing a knowledgeable mind which can appreciate beauty and nature, hold a sense of justice, and respect life and labour.*



### Shaping social behaviour

Moral education includes norms that define socially responsible and considerate behaviour towards everyone including nature. For example, as *a summer project, students venture out in nature observing beetles, cicadas, crickets and sketching or noting their characteristics in their 'insect diary'*. Students as young as first graders take turns to *clean their classrooms, washrooms, serve school lunches, and water the plants at school. When students cross a pedestrian crossing while making a driver wait, they bow in a 'thank you' to express gratitude.* While these are some examples, the essence is that elementary school curriculum can play a tremendous role in building courteous and mindful societies. Such a system reaps several benefits. As students do various chores, it *builds respect for labour and humility at a young age. It trains them to undertake routine jobs in an efficient manner and encourages responsible and mindful behaviour towards the community.* Think of how the Japanese fans celebrated their victory in the *2018 football World Cup opening match against Colombia — by cleaning up their rows in the stadium in Russia.*

### Finding solutions

Integrated studies encompasses experiential learning and independent thinking where students identify problems in their local communities and think of solutions. For example, children may create a disaster preparedness map based on their own research. Seniors from the community are invited to share insights about the community's history. *Activities such as these integrate schools with the community. If we can train our children in identifying problems in their local communities such as health ailments, pollution, waste disposal, etc. and coach them in developing solution road maps, the gains to both sides can be immense. The special activities hour encourages students to consider the school as a "society". These include activities such as organising events, maintaining the library, etc. After task completion, students are made to reflect on the problems they experienced in the process such as wastage, conflict, etc. and the ways to resolve them. This inculcates the practise of 'kaizen' — the Japanese philosophy of continuous improvement. Finally, another notable aspect that defines Japanese society and education system is 'collectivism'. Unlike the West, Japan is a collectivist society. Working as a group and group harmony is fundamental to this society.* While this has its own limitations, the general belief that one wins only when the group wins, generates equitable and united societies.

### It's about unity

*For us, volunteering for a treasure hunt activity involving third graders in Tokyo gave us an interesting insight into collectivism. Teams had to find the hidden treasure; however, the primary target was not the treasure but to keep the unit together.* Teams could only move forward when all its members were together and agreed on the next strategy. *So, if there were students on wheelchairs or slow otherwise, the group respectfully waited for them to arrive. Finally, the teachers had to pick one student per group to go to the stage to display the 'treasure' and receive the audience's applause. Surprisingly, they picked the ones who were usually lagging.* Every third grader felt included and valued. The real treasure had been found. Amazing, isn't it?





## ISRAELI WAR CRIMES APPARENT IN GAZA ASSAULT

Human Rights Watch on Tuesday accused the Israeli military of carrying out attacks that “apparently amount to war crimes” during the 11-day war in May against the Hamas militant group. *The human rights organisation issued its conclusions after investigating three Israeli air strikes that it said killed 62 Palestinian civilians. It said “there were no evident military targets in the vicinity” of the attacks. The report also accused Palestinian militants of apparent war crimes by launching more than 4,000 unguided rockets and mortars at Israeli population centres.* Such attacks, it said, violate *“the prohibition against deliberate or indiscriminate attacks against civilians”*. The report, however, focused on Israeli actions during the fighting, and the group said it would issue a separate report on the actions of Hamas and other Palestinian militant groups in August. “Israeli forces carried out attacks in Gaza in May that devastated entire families without any apparent military target nearby,” said Gerry Simpson, associate crisis and conflict director at HRW. *He said Israel’s “consistent unwillingness to seriously investigate alleged war crimes”, coupled with Palestinian rocket fire at Israeli civilian areas, underscored the importance of an ongoing investigation into both sides by the International Criminal Court. The HRW report looked into Israeli air strikes.* The most serious, on May 16, involved a series of strikes on Al-Wahda Street, a central thoroughfare in downtown Gaza City. The strikes destroyed three apartment buildings and killed a total of 44 civilians, HRW said, including 18 children and 14 women. Twenty-two of the dead were members of a single family, the al-Kawlaks. In its investigation, *HRW concluded that Israel had used U.S.-made GBU-31 precision-guided bombs, and that Israel had not warned any of the residents to evacuate the area ahead of time. It also found no evidence of military targets in the area.*

## BIDEN, KADHIMI SEAL DEAL TO END U.S. COMBAT MISSION IN IRAQ

*U.S. President Joe Biden and Iraqi Prime Minister Mustafa al-Kadhimi sealed an agreement on Monday formally ending the U.S. combat mission in Iraq by the end of 2021, but American forces will still operate there in an advisory role.* The agreement comes at a delicate time for the Iraqi government and could be a boost for Baghdad. *Mr. Kadhimi has faced increasing pressure from Iran-aligned parties and paramilitary groups who oppose the U.S. military role in the country. Mr. Biden and Mr. Kadhimi met in the Oval Office for their first face-to-face talks as part of a strategic dialogue between the United States and Iraq. “Our role in Iraq will be ... to be available, to continue to train, to assist, to help and to deal with ISIS as it arises, but we’re not going to be, by the end of the year, in a combat mission,”* Mr. Biden told reporters. There are currently 2,500 U.S. troops in Iraq focusing on countering the remnants of Islamic State. *The U.S. role in Iraq will shift entirely to training and advising the Iraqi military to defend itself.* For Mr. Biden, the deal to end the combat mission in Iraq follows decisions to carry out a withdrawal from Afghanistan and wrap up the U.S. military mission there by the end of August. Together with his agreement on Iraq, the Democratic President is moving to formally complete U.S. combat missions in the two wars that then-President George W. Bush began under his watch nearly two decades ago. *A U.S.-led coalition invaded Iraq in 2003 based on charges that then-Iraqi leader Saddam Hussein’s government possessed weapons of mass destruction. Saddam was ousted from power, but such weapons were never found.* In recent years, *the U.S. mission was focused on helping defeat the IS militants in Iraq and Syria. U.S. diplomats and troops in Iraq and Syria were targeted in three rocket and drone attacks earlier this month.* Analysts believed the attacks were part of a campaign by Iranian-



backed militias. Mr. Kadhimi, who is seen as friendly to the U.S., has tried to check the power of Iran-aligned militias. *But his government condemned U.S. air strikes against Iran-aligned fighters along its border with Syria in late June, calling it a violation of Iraqi sovereignty.* In remarks to reporters after the talks, Mr. Kadhimi stressed that his government was responsible for responding to such attacks. He acknowledged that he had reached out to Tehran to address them. *“We speak to Iranians and others in an attempt to put a limit to these attacks, which are undermining Iraq and its role.”*

#### Move welcomed

*Several powerful pro-Iran groups in Iraq welcomed the announcement by the U.S. Conquest Alliance, the political wing of Iraq’s Hashed-al-Shaabi paramilitary network, said it considered Mr. Biden’s announcement “to be a positive step towards the full sovereignty of Iraq”. “We hope that it will materialise on the ground.”*

### THE 21ST CENTURY SOCIALIST

More than a month after he won the second round of the presidential elections in *Peru, Pedro Castillo has finally been declared the winner.* A former schoolteacher and union organiser, Mr. Castillo’s victory was a narrow one — he defeated his challenger Keiko Fujimori by a small margin of 44,263 votes after gaining just about 50.13% of the votes in the run-off. The narrow margin of her loss was disputed by Ms. Fujimori, who alleged that “votes were stolen from her party”. The daughter of convicted former President Alberto Fujimori, she acknowledged her loss after it took weeks for the election authorities to reject her false claims. Mr. Castillo delivered the third electoral defeat in the presidential polls to the Fujimori scion in what was clearly a mandate against the Peruvian elite. Ms. Fujimori’s party, the Popular Force, undertook a conservative-populist campaign that relied on social media bombardment of “fake news”, seeking to brand Mr. Castillo as a “radical communist”. *Mr. Castillo, a socialist and an agrarian leftist, was born in a poor peasant family in the socio-economically poor but mineral-rich northern region, Cajamarca, and grew out of poverty as a teacher. As a social activist, he combated the Maoist Shining Path’s influence in the region.* Later, he organised teachers’ unions and made a mark in the 2017 teachers’ strike that bargained for higher salaries and increases in the education budget. The strike spread through Peru and finally then President Pedro Pablo Kuczynski took part in the negotiations that conceded benefits to the teachers. Mr. Castillo ran as a candidate of the Peru Libre (PL) party, even though he is not a member of it. The party is led by Vladimir Cerron, who was a former provincial Governor and had been convicted on charges of corruption that disallowed him from contesting elections. The PL has a Marxist-Leninist party programme and is committed to nationalisation of strategic sectors such as mining, but Mr. Castillo has repudiated any links with communism and has instead articulated positions that talk of economic redistribution while holding social conservative positions. His victory reminds some of another left-wing populist candidate, Ollanta Humala, who won the presidential polls in 2006 on a leftist platform. Mr. Humala later went on to govern from the political centre and tacked on to neoliberalism, before corruption scandals widely discredited his presidency. Mr. Castillo, on the other hand, has promised that he will not acquiesce to the political elite or that he would seek to calm vested interests stoking fears about capital flight and stock market collapses.



### Changing state's role

Instead, he has argued for the need for constitutional reform through a popular constituent assembly that will orient the governing system towards one in which the state will have a greater role in the economy and a better balance with the private sector, drawing comparisons with former Bolivian President Evo Morales. Peru has suffered significantly from COVID-19. *It is among the countries with highest per capita mortality rates, and has seen a severe economic contraction — GDP fell by 30.2% in the second quarter of 2020. Widespread anger against the centrist political parties in a country with loose party affiliations resulted in Mr. Castillo and Ms. Fujimori becoming the key candidates in the presidential elections.* Mr. Castillo garnered the support of the marginalised sections with strong endorsement in the “internal regions” of the country compared to Ms. Fujimori’s bases in Lima and in the more affluent coastal regions. The fragmented polity had resulted in a fractured verdict in the first round of elections with only Mr. Castillo, Ms. Fujimori and two others cracking more than 10% support in a crowded field. The fractured verdict was mirrored in elections to the legislature, with traditional parties drawing a blank while the PL and Ms. Fujimori’s Popular Force won 37 and 24 seats, respectively, in the 130-member House. Establishing a redistribution-based economic policy while retaining power through democratic means has been a challenge that was only partially successful in countries such as Ecuador and Bolivia. Mr. Castillo is now the new flag-bearer of what is popularly called “21st century socialism”.

### CRISIS IN TUNIS

*Tunisian President Kais Saied’s decision to sack the Prime Minister and suspend Parliament, amid widespread anti-government protests, has triggered the worst political crisis in the country since the Arab Spring protests. Among the countries affected by the Arab street protests, Tunisia was the only one that managed to successfully transition from dictatorship to parliamentary democracy.* But the North African country’s elected rulers never managed to ease its economic woes, or offer stable governance. *Tunisia has had nine governments since 2011, with its crisis-hit economy being battered further by the COVID-19 outbreak — last year, its GDP contracted by 8.8% in real terms. The trigger now is the government’s poor handling of the pandemic. The country of 11.8 million has recorded nearly 18,000 COVID-related deaths so far — one of the highest per capita death rates in the world.* Only 7% of the population are fully vaccinated. Last week, the government’s move to speed up vaccination by opening it for all above 18 years ended in stampedes and violent incidents. *Prime Minister Hichem Mechichi sacked the Health Minister, but public anger refused to subside. On July 25, Tunisia’s Republic Day, protests broke out and the offices of the ruling party, Ennahda, stormed. This allowed the President to sack the government.* President Saied says he stepped in to “save the state”. But in a country where the wounds of decades-long dictatorship are yet to heal, his move to dissolve an elected government would raise concerns rather than comfort. Both the President and Parliament are popularly elected. *Mr. Mechichi had the backing of Ennahda, the largest party in the suspended Parliament.* President Saied, who is an independent, has had a testy relationship with Ennahda and the Prime Minister. While the Mechichi government has clearly failed in tackling the COVID-19 pandemic, the *President’s move to dissolve Parliament appears more a power grab than a genuine attempt to address the country’s problems. Ennahda and at least two other parties have accused Mr. Saied of orchestrating a coup. If they resort to protests, it would pitch the parties that control Parliament against the President, deepening political instability.* The 2014 Constitution has called for a constitutional court to settle crises like these,



but the court has not been formed yet. Under the Constitution, the President oversees only the military and foreign affairs, while the Prime Minister is in charge of the day-to-day affairs of governance. So to avoid a constitutional crisis, the President will have to appoint a Prime Minister, who should win the confidence of the Assembly of the People's Representatives. Mr. Saied should act within his constitutional limits, recall Parliament and allow the formation of a legitimate government, which could take steps to address Tunisia's economic and health-care woes.

#### SOLIH ASKS MALDIVIANS TO RISE AGAINST EXTREMISM

*Maldives President Ibrahim Mohamed Solih on Monday called upon citizens to rise against religious extremism, in order to safeguard the country's independence and sovereignty.* In a special address to mark the Indian Ocean island nation's *57th Independence Day*, Mr. Solih said some "erroneously" believe in and "propagandise bloodshed" in the name of Islam. "Everyone of us who wish to safeguard the independence and sovereignty of the Maldives must readily rise against this dangerous movement," he said, adding, "those countries, particularly a number of Islamic countries embattled by war and unrest have been swept by this very extremist ideology." The President's reference to threats of religious extremism comes weeks after Parliamentary Speaker and former President Mohamed Nasheed urged him to "course-correct before it is too late", amid a growing rift between the two leaders from the country's ruling Maldivian Democratic Party (MDP). Mr. Nasheed is currently in the U.K, recovering from the multiple injuries sustained in an explosion targeting him in Male on May 6. Maldivian police who termed the incident a "terror attack" have so far arrested 10 persons in connection with the case. No evidence of a direct link between them and ISIS has been found yet, the police chief told a media conference on Saturday. However, the suspects "support ISIS", and are involved in "propagating the terror group's ideology" in the Maldives, he said.

#### Recurring concern

Religious extremism has been a recurring concern in the Maldives, from where dozens are known to have joined the Islamic State terror group as fighters in Syria and Iraq. Further, extremist groups in the Maldives have in the past been linked to the murder cases of dissident journalists and bloggers who sought to challenge their ideology. While acknowledging the problem in his speech on Monday, President Solih emphasised that legal actions alone will not solve the issues of religious extremism, or blasphemy directed at Islam that caused "social discord". *"The lasting solution to these two issues is instilling Islamic faith in our children," he said. His government "exploring options" within the education system to resolve the matter. "As long as such divisive forces exist in our society, our peace and harmony will be at persistent risk of disruption.* Our position to manage other major crises will be consequently weakened if we allow our national affairs to spiral to that extent," President Solih said.

#### EVALUATING INDIA'S OPTIONS IN AFGHANISTAN

It is not a coincidence that the United States is exiting Afghanistan at the same time that the focus of its foreign policy is shifting to East Asia. There is growing consensus in Washington DC that the U.S., instead of staying engaged in the lost wars, which adds little value to American power, should now urgently prepare itself for the unfolding geopolitical contest with China. America's strategic





response to China's rise is its Indo-Pacific strategy, which seeks to build a bloc of Indian and Pacific Ocean democracies aimed at containing China's rise and challenging its high-functioning single party dictatorship. *The U.S. wants India to play a key role in this bloc, which along with Australia and Japan, make up the so-called Quad grouping. But there is one problem. India, unlike the other members, is the only continental Asian power in the Quad, which shares a contested land border with China and is vulnerable to the geopolitical changes in the Eurasian landmass.* The U.S. may have retreated from Afghanistan as part of a grand strategy to take on China in maritime Asia, in which it needs India's involvement, and India might find it tempting to join the ranks, especially after China's aggression on the Line of Actual Control last year. *But the irony is that the American withdrawal and the vacuum it leaves in Afghanistan and continental Asia in general — which is being filled by China and Russia — is reinforcing India's identity as a continental Asian power.* Barring a brief interregnum in the 1990s, *India has historically enjoyed good ties with Afghanistan, which go back to the 1950 Treaty of Friendship. Indian interests and influence suffered when the Taliban, backed by Pakistan, captured Kabul in 1996. But India was back in action as soon as the Taliban were ousted from power after the U.S. invasion in 2001.* It has made huge investments and commitments ever since, which run into over \$3 billion, and cultivated strong economic and defence ties with the Afghan government. Now, it is again staring at uncertainty with the U.S. pullback having effectively changed the balance of power in Afghanistan and the Taliban making rapid territorial gains. *The U.S.'s strategic objectives in Afghanistan were limited, as U.S. President Joe Biden himself pointed out earlier this month — killing Osama bin Laden and disrupting al-Qaeda networks. Defeating the Taliban and nation-building were part of the neoconservative ideological project, which has evidently failed. This means, the U.S., having met its realist objectives, can abandon the Afghan government and exit the theatre — which is what Mr. Biden is doing. But India cannot. It has to protect its investments, prevent Afghanistan from becoming another safe haven for anti-India terrorist groups, and also check Pakistan deepening its influence in Kabul.*

### Talking with the Taliban

So what should India do? One option, as many commentators have already pointed out, is to hold talks with the Taliban. *India has already established contacts with the Taliban in Doha. Talking to them would allow New Delhi to seek security guarantees from the insurgents in return for continued development assistance or other pledges (in the 1990s, India had backed the anti-Taliban Northern Alliance) as well as explore the possibility of the Taliban's autonomy from Pakistan.* At this point, talking to the Taliban looks inevitable. *But India should not overlook the deep ties between Pakistan's security establishment and the Haqqani Network, a major faction within the Taliban that's driving the successful campaigns on the battlefield.* The U.S. overlooked it while fighting the Taliban along with Pakistan, and it paid a heavy price for it. There is no guarantee that India's quest for engagement with the Taliban would produce a desirable outcome. So India should broad-base its options. While talking to the Taliban to protect its interests, New Delhi should also enhance aid to Afghanistan's legitimate government and security forces and work with other regional powers for long-term stability in the country.

### Kabul versus the Taliban

True, the Taliban now control or contest most of Afghanistan's countryside. But still, it is not a foregone conclusion that they could take Kabul easily. The Afghan military has some 200,000 battle-hardened soldiers, including the highly trained special forces. In the cities, which saw





relative freedoms and rights compared to the dark period of the Taliban regime, the government, despite its infighting, corruption and incompetence, still commands support. There is no Northern Alliance this time. *The Taliban have already taken northern districts, including Badakhshan and Takhar. The only force that is standing up to the Taliban is the Afghan National Defense and Security Forces.* India should urgently step up training Afghan forces and provide military hardware, intelligence and logistical and financial support so that Kabul can continue to defend the cities. New Delhi should also coordinate with other regional powers to support the Afghan government because if the government forces crumble before the Taliban, the prospects for a political settlement would be narrowed. Why should a winning Taliban make concessions?

### Regional solution

*There is a convergence of interests between India and three key regional players — China, Russia and Iran — in seeing a political settlement in Afghanistan. These three countries have already opened public, direct talks with the Taliban.* But these contacts are largely tactical in nature. For China, whose restive Xinjiang province shares a border with Afghanistan, *a jihadist-oriented Taliban regime would not serve its internal interests.* Russia, which fears that instability would spill over into the former Soviet Republics, has already moved to secure its Central Asian perimeter. For the Shia theocratic Iran, *a Sunni Deobandi Taliban with which it had almost gone to war in 1998, will continue to remain an ideological, sectarian and strategic challenge.* None of these countries would like to see the Taliban taking over Kabul militarily, which means there would be an isolated Sunni Islamist regime in a country with fractured ethnic equations. There would neither be legitimacy for a *Taliban regime nor peace in Afghanistan.* India, *to break this impasse, should take a layered approach. Its immediate goal should be the safety and security of its personnel and investments. The long-term goal should be finding a political solution to the crisis. And if a political solution is not achieved, it should seek non-conventional methods, like what it did in the 1990s, to offer support to its allies within Afghanistan and retain some influence.* None of this can be achieved unless it works together with the regional powers. Russia has cultivated links with the Taliban in recent years. India would need Russia's support in any form of direct engagement with the Taliban. When it comes to Afghanistan, Iran is an irreplaceable country. It shares a long border with Afghanistan and has built contacts through several stakeholders in the country, especially the ethnic minorities. *The original objective of India's Chabahar project in Iran was to create a direct access to Afghanistan, bypassing Pakistan. This direct access is critical for India in all different scenarios — move supplies to Kabul in larger quantities, retain its presence in the event of a civil war or carry out covert operations if the Taliban take power by force. But India, under pressure from the U.S., slowed down on the Chabahar connectivity projects, which finally prompted Iran to drop India and go ahead.* Building strategic ties with Iran, irrespective of the U.S.'s policy towards the Islamic Republic, is essential for India's Afghan bets. *Finally, India should talk with China, with the objective of finding a political settlement and lasting stability in Afghanistan. Central to this approach is India striking the right balance between its continental realities and the U.S.'s pivot to maritime Asia. The U.S., and the West in general, are done with Afghanistan.* India, as one of the countries that would be impacted by the consequences of American withdrawal, has to work with Eurasian powers to protect its interests and stabilise Afghanistan.



## NATION

### GOOGLE REMOVED OVER 1.5 LAKH CONTENT PIECES

Google India removed over 1,50,000 pieces of content from its social media platforms in May and June, following complaints received from individual users, according to the transparency report released by it on Friday. Additionally, it took removal actions on 11,61,223 pieces of content as a result of automated detection processes during the two months. The report follows the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 that came into force on May 26. The Rules require social media platforms with more than 50 lakh users in India to publish compliance report every month, mentioning the details of complaints received and action taken. As per the report for May, Google removed 71,132 pieces of content from its platforms, following 34,883 complaints received from individual users located in India via the designated mechanisms. In 98.9% of the instances, the removal action was taken due to copyright related issues. Other reasons for content removal include issues related to defamation, counterfeit, circumvention and graphic sexual content. "We evaluate content reported to us under our Community Guidelines, content policies and/or legal policies. Based on this review, removal action may be taken for one of the request reasons..." the report said. Each unique URL in a specific complaint was considered an individual 'item' and a single complaint may specify multiple items that potentially related to the same or different pieces of content. In June, Google received 36,265 complaints from individual users in India via the designated mechanisms, resulting in removal of 83,613 pieces of content. The content removed under 'Copyright' continued to account for majority 99.3% of the removals.

### MEDIA NETWORK WANTS BLINKEN TO FLAG THREATS TO PRESS FREEDOM

A global network of editors, media executives and leading journalists, the International Press Institute (IPI), on Tuesday called on United States Secretary of State Antony Blinken to raise the issue of press freedom with Indian leaders during bilateral meetings. The IPI wrote to Mr. Blinken, who is visiting India this week, to bring to his notice "the stifling press freedom environment in which independent media is operating in India, amidst threats and legal harassment by the government at the Centre and in the States ruled by the Bharatiya Janata Party". The IPI letter noted that 18 attacks on journalists, eight arrests and 20 cases of "legal harassment" of journalists had been recorded by the IPI so far this year. "The government of Prime Minister Narendra Modi has displayed complete intolerance to criticism and resorted to legal harassment to punish those journalists and media organisations who are critical of its policies and speak truth to power... The recent revelations that some 40 journalists were targeted with the Pegasus spyware shows the extent to which the government has gone to invade the professional and private lives of journalists in order to stifle press freedom and human rights in the country," the letter stated.

#### **Dainik Bhaskar raids**

The IPI also highlighted the raids by the Income Tax Department on the offices of Dainik Bhaskar. "The newspaper has extensively covered the impact of the health crisis and published photos of dead bodies floating in the river, which offended the government. We, therefore, urge you to raise



the issue of press freedom during your bilateral meetings with Indian leaders,” the letter, which was signed by IPI executive director Barbara Trionfi, said.

#### SHARED VALUES

U.S. Secretary of State Antony Blinken’s day-visit to Delhi this week was heavy on discussions and understandably light on deliverables. *The visit, the third by a senior U.S. official of the Biden administration, was meant to prepare the way for more substantive meetings in Washington later this year, including the U.S.-India “2+2” of Foreign and Defence Ministers, the Quad summit of its leaders, and a bilateral meeting between Prime Minister Narendra Modi and U.S. President Joseph Biden.* Public statements by Mr. Blinken and External Affairs Minister S. Jaishankar, and readouts, indicate that most of their *conversations are focused on Quad cooperation in the Indo-Pacific, Afghanistan, and in discussing the state of democracy and rights. On the Quad, they showed full convergence. On Afghanistan, Mr. Jaishankar said that there were “more convergences than divergences” on the common positions that there is no military solution to conflict, and that neither country would recognise a Taliban regime that takes Kabul by force.* However, the divergences are more troubling for India, given that the fallout of the U.S. withdrawal will mean a less secure region. *The U.S. continues to engage the Taliban in talks for a power-sharing arrangement, despite the Taliban leadership’s refusal to enforce a ceasefire, and stop attacks against civilians in areas they take over. The militia is also trying to squeeze trade and financial supply chains to the Afghanistan government. Perhaps the greatest worry for India is the U.S.’s refusal to hold Pakistan to account for having given shelter to the Taliban, as this will only embolden Islamabad if the Taliban advance in Afghanistan.* New Delhi tiptoed around the U.S.’s announcement of a new “Quad” with Uzbekistan-Afghanistan-Pakistan on connectivity, but this is another cause for worry. On the subject of democratic freedoms, both sides maintained there were “shared values”. However, Mr. Blinken began his meetings with a “civil society roundtable” wherein internal Indian issues such as minority rights, religious freedoms and curbs on the media and dissent were discussed, making it clear that these were important areas for the Democrat administration. In his rebuttal to a question about the “backslide” in India’s democracy, Mr. Jaishankar had a three-pronged response, reiterating that the same standards apply for the U.S. and India, that policies that have come in for international criticism such as the Citizenship (Amendment) Act, the Article 370 amendment, and anti-conversion laws were part of the Modi government’s attempt to “right historical wrongs”, and that freedoms cannot be equated with “lack of governance”. Despite the attempt from both sides to paper over the cracks, this is an issue that they will grapple with in the future even as they build upon the strong “Comprehensive Global Strategic Partnership” that the world’s oldest and most populous democracies continue to share.

#### REPATRIATION PLEA: HC SEEKS CENTRE’S RESPONSE

The Kerala High Court on Monday asked the Centre to respond to a petition by the mother of Nimisha Fathima, a Keralite woman languishing in a prison in Afghanistan, for the repatriation of her daughter and granddaughter. Justice P.B. Suresh Kumar passed the order on a plea by K. Bindu, mother of Nimisha. According to the petitioner, her daughter’s husband, an Islamic State (IS) fighter, was killed in an attack. As per news reports, after the killing of Abu Bakr al-Baghdadi, former leader of the IS, in 2019 by the United States Armed Forces, a group of 10 women and 21 children had surrendered to the Afghanistan police. Her daughter was among those in the group.

**3<sup>RD</sup> FLOOR AND 4<sup>TH</sup> FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR**



Afghanistan wanted to deport Nimisha and her minor child and other Indians detained in jail. However, the Indian government refused to take them back. It was the responsibility of the Centre to bring back its citizens. said the petitioner.

#### 'SPOUSES' PRESENCE NOT MANDATORY FOR OCI CARD'

*The Delhi High Court has said that the Foreigners Regional Registration Office (FRRO) cannot insist on the physical or virtual presence of both the spouses for processing Overseas Citizenship of India (OCI) card applications for one of them.* The High Court's order came while asking the FRRO to accept the OCI card application of an Iranian woman, who has been living separately in Bengaluru after her relationship with her husband, an Indian citizen, turned sour. *The woman submitted that once her marriage with an Indian citizen since 2009 has been proved and is an undisputed fact, the same should be enough to merit grant of an OCI card in her name. On the other hand, the Centre's counsel argued that unless her spouse comes forward at the time of making the OCI card application, the FRRO cannot even consider the same.* Justice Palli, however, pointed out that the provision in the Visa Manual "merely makes it requisite for all OCI applicants to be present for a personal interview, either physically or through video conferencing". "...Given that there is no rule or guideline which mandates the presence of both the spouses, it is surprising that the checklist was formulated in a manner to impose such a condition," Justice Palli observed.

#### 391 COMPLAINTS OF SEXUAL HARASSMENT

A total of 391 complaints have been filed by employees of Central government Ministries about sexual harassment at workplace, the government told Parliament on Thursday. *These complaints were filed on the government's SHE-Box portal, which was launched in 2017 for effective implementation of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.* The portal is meant for government as well as private sector employees. "Of the 391 complaints, 150 were received since January 1, 2020," Minister for Women and Child Development Smriti Irani said in the Rajya Sabha in response to a question. However, an analysis of 36 cases filed through SHE-Box by employees of the Ministry of Women and Child Development showed that there were only two cases of sexual harassment of women at workplace. Nearly 32 cases were *"in the nature of public grievances on various matters relating to violence against women, dowry harassment, misbehaviour, suggestions, etc."* and the remaining two were repeat entries.

#### JUDGE DEATH CASE HAS WIDER RAMIFICATIONS

Spurred by the alleged murder of a judge in Jharkhand, the Supreme Court on Friday took suo motu cognisance of the mounting concerns about the dangers faced by the subordinate judiciary, especially trial judges, in the line of duty. *A Bench, led by Chief Justice of India N.V. Ramana, noted that the death of judge Uttam Anand, who was fatally knocked down by a vehicle in Dhanbad on Wednesday, had "wider ramifications" on the independence of the judiciary. The suo motu case has been titled 'In Re: Safeguarding courts and protecting judges (death of Additional Sessions Judge, Dhanbad).* "The Dhanbad case has wider ramifications. We are getting reports that judicial officers are under attack across the country. We want to examine this issue and may seek reports from the States," CJI Ramana observed. *The Supreme Court said it would be focussing on the larger aspects*





*of the case, including the threats and appalling working conditions in which trial judges function. The Bench said its suo motu case would not interfere in any manner with the inquiry opened by the Jharkhand High Court on Thursday specifically into the judge's death.* The court, to start with, asked the Jharkhand government and the Director-General of Police to file their affidavits in a week. "It has been brought to the notice of this court that similar incidents are happening across the country. *Taking into consideration the duty and obligation of the State to create an environment and accord full protection to judicial officers as well as the legal fraternity so that they can perform their duties fearlessly, we deem it appropriate to take up this matter suo motu,*" the Supreme Court order said. The court said the issue required "wider consideration", and said it would consider the desirability of issuing notice to other States and Union Territories on August 6, the next date of hearing.

#### **Video footage**

A video footage of the incident showed Mr. Anand being knocked down from behind by a vehicle. The incident was initially considered a hit-and-run until the video surfaced, leading to a murder investigation. The ripples of the judge's death were felt in the court when the Supreme Court Bar Association president, senior advocate Vikas Singh, mentioned the incident in open court before the CJI, who said he had taken up the issue with the Chief Justice of the Jharkhand High Court. Within hours of this interaction in the Supreme Court, Jharkhand Chief Justice Ravi Ranjan suo motu initiated an investigation into the crime and decided to monitor the probe by a special investigation team. Two people, including a man who is suspected to be the driver of the vehicle, have been arrested. *Mr. Anand's death comes close on the heels of a July 22 judgment authored by Justice Chandrachud that highlighted how judges are targeted simply for standing up for what is right.*

#### **Independent judiciary**

The Supreme Court had said the *"independence of the judiciary is the independence of each and every judge". The judgment had also pointed to a larger malaise of application of political pressure on trial judges. "Judicial independence of the district judiciary is cardinal to the integrity of the entire system. The courts comprised in the district judiciary are the first point of interface with citizens. If the faith of the citizen in the administration of justice has to be preserved, it is to the district judiciary that attention must be focused as well as the 'higher' judiciary," Justice Chandrachud had observed.*

### **A HINDU-MUSLIM DIALOGUE WITHOUT CONDITIONS**

In what has been widely perceived as a gesture of conciliation towards Muslims, the Rashtriya Swayamsevak Sangh (RSS) chief *Mohan Bhagwat said in a recent speech (<https://bit.ly/3j2Oe6t>) that Hindus lynching minorities for cow slaughter were acting against Hindutva, and those asserting that Muslims have no place in India were not Hindus. He also tried to allay Muslim fears about the bleak future of Islam in India saying the religion was not in danger, and asked Muslims to help the RSS in making the country a world leader (vishwaguru) on the basis of the fact that all Indians, being the descendants of common ancestors from the last 40,000 years, have the same DNA.*





### The viewpoints

Muslim opinion makers either brushed off Mr. Bhagwat's remarks as "mere rhetoric" because "RSS leaders often spoke with a forked tongue", or tried to mollify him by saying that "if there is someone who can initiate perestroika in the RSS, it is Bhagwat" because, "in a gradual manner he has been trying to change the Sangh's attitude towards Muslims". If the untenability of the first viewpoint is based on a dismissive distrust of the RSS, the second amounts to nothing more than complaisant backslapping. Such facile responses, to say the least, exude an attitude that is not conducive to a genuine Hindu-Muslim dialogue the RSS chief hopes to initiate. To his credit, the RSS chief spoke with an open mind and wanted the mistrust (avishwaas) between Hindus and Muslims to be understood and dispelled in an atmosphere of forthright outspokenness (khari khari baat ko jaisa hai waisa samajna). However, communal unity (ekta) through such a dialogue was possible only if Muslims acknowledge India as their motherland; accept its traditions and culture (parampara, sanskriti), and honour their common ancestors (samaan purvaj). Mr. Bhagwat virtually rendered these three prerequisites a sine quo non for establishing one's Indianness with the condescending summation: baaqi hamaare yahaan sab swatantrata hai (there is freedom for everything else in our land).

### A melding

This attempt to meld Indianness and Hinduness together is eerily similar to V.D. Savarkar's credo which defines a Hindu as one who regards the entire subcontinent as his fatherland (pitrubhu); descended of Hindu parents, and considers this land holy (punyabhū). For Savarkar these three conditions signified a common nation (rashtra), a common race (jati) and a common culture (sanskriti), respectively, and together they form the foundation on which Hindutva rests. Several assertions of Mr. Bhagwat reflected this attitude. For instance, his full statement on cow vigilantism was Hindustan Hindu Rashtra hai, gaumata puja hai; lekin lynching karne waale yeh Hindutva ke khilaf jaarahe hain (India is a Hindu nation, the cow is worthy of worship; but the lynchings are going against Hindutva). He also quoted the RSS founder K.B. Hedgewar as stating that Hindus were wrong in blaming the British and the Muslims for their pitiable state (durwasta) because, despite being the owners (maalik) of their country, and their large numbers, if Hindus could be reduced to such a state then there must be some shortcoming (kami) in them that needs to be addressed. This, Mr. Bhagwat said, is how the RSS conceptualises the situation and therefore, in its view the minorities are not the reason for the miserable condition of the Hindus in a Hindu country (Hinduon ke desh mein).

### Portraiture of India

Had the Muslim commentators listened to Mr. Bhagwat's 34-minute speech made in Ghaziabad — instead of relying on selective versions of it publicised by the media — they would perhaps have challenged, in the spirit of the candidness he suggested, the portraiture of India as indigenously Hindu with a non-native Muslim population. Nonetheless, was Mr. Bhagwat trying to say that Muslims, even if they are "our own brethren" (hamaare apne bhai) now, are outsiders? But he did want the people to know that Islam's entry into India was aggressive (woh aakramakon se saath aaya), but even so, all those who came to our land are still here coexisting peacefully (hamaare yahaan jojo aaya hai woh aaj bhi maujood hai).



### Islam in the subcontinent

*Mr. Bhagwat should have known that Islam in the subcontinent predates the forays of invaders such as Mahmud of Ghazni, Muhammad Ghori, and Muhammad bin Qasim who captured Sindh and Multan from Raja Dahir around 711 CE. It was around 630 CE that Islamised Arab merchants started arriving in the coastal regions of Konkan-Gujarat and Malabar in continuation of the trade links they had with India from pre-Islamic times. The cordiality of this transactive relationship was such that it resulted in the spread of Islamic culture and religion in India. Thus, most Indian Muslims today are the descendants of the locals who converted to Islam and, therefore, they have always considered India their motherland and respected its traditions, culture, and diversity. The ultimate proof of this patriotism was demonstrated when they chose India over Pakistan after Partition. But it would be unfair to expect this loyalism to be rooted in the subliminal recognition of an autochthonous Indian race that magnanimously "accommodated" them. For there is no evidence to show that such a race existed in India, nor are the Muslims aliens. Researcher Tony Joseph, in his engrossing book *Early Indians: The Story of Our Ancestors and Where We Came From* and subsequent articles, has shown that Indians are a multi-source civilisation who draw their cultural impulses, traditions and practices from a variety of heredities and migration histories. He calls the earliest direct ancestors of people living in India today, the 'First Indians'. They were the descendants of the Out of Africa (OoA) migrants who arrived here about 65,000 years ago. The First Indians were later joined by Zagrosian herders from Iran with whom they formed the Harappan civilisation. After 2000 BCE came the Aryans, the Austroasiatic and Tibeto-Burman-language speakers, and, much later, the Greeks, the Jews, the Huns, the Sakas, the Parsis, the Syrians, the Mughals, the Portuguese, the British, the Siddis — all of whom left small marks all over the subcontinent. In short, says Mr. Joseph, almost all the population groups of India carry 50-65% of their ancestry from the First Indians, no matter where in the caste hierarchy they stand, what language they speak, which region they inhabit or what religion they belong to. This being the truth, India cannot be spoken of in terms of Hinduon ka desh (Hindu country) or Musalmaanon ka desh (Muslim country). It belongs equally to all communities living here, and as pointed out by the RSS chief himself, India being a democracy cannot countenance the dominance of Hindus or Muslims. Likewise, any Hindu-Muslim dialogue must be unconditional and take place in an atmosphere of peace and harmony. In Mr. Bhagwat's own words: Darke maare ekta hona nahin hai (Let there not be unity out of fear).*

### THE LONG ROAD TO WINNING THE BATTLE AGAINST TRAFFICKING

*July 30 is United Nations World Day against Trafficking in Persons (<https://bit.ly/3iaMdpN> and <https://bit.ly/2Vkp6uV>). It is also a time to reflect on India's human trafficking crisis. Between April 2020 and June 2021, an estimated 9,000 children have been rescued after being trafficked for labour, according to a child rights non-governmental organisation (NGO). In other words, 21 children have been trafficked every day over nearly 15 months. *The Childline India helpline received 44 lakh distress calls over 10 months. Over a year, 2,000 children have arrived at its shelter homes and 800 rescued from hazardous working conditions.**

### Increased vulnerability

The media frequently publishes individual stories of trafficking. Children as young as 12 are trafficked across States to work in factories in appalling conditions, where owners are turning to cheap labour to recoup their losses from the novel coronavirus pandemic. In November 2020, four



children, between 12 and 16 years, died after being trafficked for labour from Bihar to Rajasthan; some of them had injuries from beatings. Child marriages are also rampant — over 10,000 cases were tracked between April and August 2020. In Madhya Pradesh, about 391 child marriages were stopped in April-May 2021, while in Odisha, 726 child marriages were prevented between January-May 2021. A child rights NGO, working with the Delhi Commission for Protection of Child Rights has highlighted the problem of rampant child labour. In a certain stretch within the national capital, at least 120 children can be seen working. The factors causing increased vulnerability are identifiable. Its report states: *“The [corona] virus has resulted in loss of income and economic crisis, causing families’ reduced capacity to care for children in the long-term. It has also caused, in some instances, loss of parental care due to death, illness or separation, thereby placing children at heightened risk for violence, neglect or exploitation.”* These factors are compounded by an erosion of some of the checks against child labour and child marriage provided by law, as well as the scrutiny of schools and society. The increase in Internet access in current times has also led to cyber-trafficking. An August 2020 report by a member of a child rights group in India notes that popular social media platforms and free messaging apps are often used to contact young people. Often, the trafficker or middleman lures the person to a place under the pretext of offering him employment. Once removed from their locality, they face challenges of limited resources, unfamiliarity with the area and perhaps the local language. Threats of violence from the trafficker, and, importantly, the absence of any identifiable authority to approach other than the police — who are often seen as threats themselves — make it nearly impossible for trafficked persons to report the incident. A recent report by the United Nations Office on Drugs and Crime on the effects of the pandemic on trafficking echoes these findings. It says, traffickers are taking advantage of the loss of livelihoods and the increasing amount of time spent online to entrap victims, including by advertising false jobs on social media. In addition, there is an increased demand for child sexual exploitation material online due to lockdowns.

#### Scant data, other gaps

*The Government admitted in Parliament as recently as March 2021 that it does not maintain any national-level data specific to cyber trafficking cases. The efficacy of certain schemes launched by the Ministry of Home Affairs to improve investigation and prosecution of cyber crimes remains to be seen (<https://bit.ly/3iajGR6>). India is still classified by the U.S. Department of State as a Tier-2 country in its report on global human trafficking (<https://bit.ly/3zKBfgA>). This means that the Government does not fully meet the minimum standards under U.S. and international law for eliminating trafficking, but is making significant efforts to comply. The lack of implementation is illustrated by the state of the Anti-Human Trafficking Units (AHTUs). AHTUs are specialised district task forces comprising police and government officials. In 2010, it was envisioned that 330 AHTUs would be set up (<https://bit.ly/3rEwouF>). RTI responses in August 2020 showed that about 225 AHTUs had been set up, but only on paper. If properly staffed and funded, AHTUs could provide crucial ground-level data on the methods and patterns of traffickers, which in turn can strengthen community-based awareness and vigilance activities. Global practices such as in Nigeria, Africa, should be encouraged in India, in consonance with a larger framework to protect women and children by incentivising education and creating safe employment opportunities.*



### Draft Bill, judicial issues

With focus now shifting to the new draft anti-trafficking Bill (<https://bit.ly/3rEEzqP>), the point to be highlighted is that there is no shortage of anti-trafficking policy in India. Where the system is found *lacking is in the implementation of the laws. Significant discussion is required on the provisions of the Bill, particularly with respect to bringing in the National Investigation Agency and increasing the punishment for offences, including the death penalty as an option in some cases. It is not proven that more stringent laws, particularly the death penalty, have any greater deterrent effect on crime.* The draft Bill also provides for AHTUs/committees at the national, State and district levels, but as noted, their effective functioning cannot be taken for granted. *Legislating without the political will to implement and monitor effectiveness is futile. Special attention must also be paid to the challenges prosecutors and judges face in trafficking cases.* There were 140 acquittals and only 38 convictions in 2019, according to government data. *This points to a failure of investigation and cannot be solved by the draft Bill's provision that accused traffickers must be presumed guilty unless they can prove the contrary. Further, trials can drag on for years, with victims sometimes withdrawing their complaints after being intimidated by traffickers. Proper case management must be introduced to give meaning to the "fast track" courts. Other problems include the low number of beneficiaries of monetary compensation and the lack of consistent access to psychological counselling.* Parts of the draft Bill recognise the importance of rehabilitation, but implementation is key. Most victims of trafficking are from low-income communities for whom the novel coronavirus pandemic and lockdowns have caused long-term financial distress. With schools continuing to be closed in much of India and no definite end to the pandemic in sight, it cannot be assumed that incidents of trafficking will decline with a return to "normalcy". That apart, the failure of existing institutional mechanisms to foresee the present crisis should spur the Government and other stakeholders to take preventive action now. July 30 should be the beginning of the end of human trafficking in India.

### PARLIAMENT PASSES BILLS AMID DIN

Both Houses of Parliament on Wednesday cleared important Bills without debate amid continuing protests by Opposition members on the Pegasus snooping issue and the three contentious farm laws, against which farmers' groups have been protesting for months. The Lok Sabha, which witnessed unruly behaviour in the form of tearing of papers and throwing them towards the *Speaker's Chair and the Treasury benches, saw the passage of the Insolvency and Bankruptcy Code (Amendment) Bill, 2021, as well as the first batch of the Supplementary Demand for Grants and the Appropriations Bill, numbers 3 and 4, without debate and by a voice vote. Though Speaker Om Birla managed to hold Question Hour amid the din,* the first time in the current session, as soon as BJP MP Rajendra Agarwal replaced him in the Chair, the protests got louder and Opposition members such as Gurjeet Aujla, T.N. Prathapan and Hibi Eden from the Congress as well as some others tore up papers and threw them in the air. The Treasury benches demanded action against the MPs, including Mr. Aujla, Mr. Prathapan, Manickam Tagore, Jothimani Sennimalai and others of the Congress, for disrespecting the Chair. Sources told The Hindu that Mr. Birla spoke to the Leader of the Congress in the Lok Sabha, Adhir Ranjan Chowdhury, on the issue. Mr. Chowdhury is learnt to have replied that the Opposition had specific issues and demands, and the protests were for those demands. Mr. Birla is learnt to have individually met the MPs concerned, but no action has been decided upon. The House was adjourned several times before legislative business was

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conducted amid the din and then adjourned for the day. In the Rajya Sabha, too, the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021, was passed without debate and the House adjourned for the day before 3 p.m. Protests in the House, again on the Pegasus issue and the farm laws, continued even as Women and Child Development Minister Smriti Irani explained the proposed amendments. While the Bill was passed, the House was adjourned multiple times. Chairman M. Venkaiah Naidu urged members to stop waving placards, but to no avail.

## NO NEED FOR A DRASTIC POPULATION POLICY

Population policy is suddenly in the news in India with Bharatiya Janata Party-ruled States such as Assam and Uttar Pradesh proposing to bring in or bringing in draft legislation aimed at controlling their populations. *The Uttar Pradesh Population (Control, Stabilisation and Welfare) Bill of 2021 promotes a two-child policy, according to which those people having more than two children will be barred from contesting local body elections and become ineligible to apply for State government jobs. A similar law has also been proposed in Assam, where the Chief Minister has even announced a 'population army' to curb the birth rate in Muslim-dominated areas in lower Assam.* The U.P. Chief Minister has said that the aim of the policy is to reduce the total fertility rate in his State. The Chief Ministers of these States don't seem to have read the document on population projection, published by the Union Ministry of Health and Family Welfare in 2019. According to this document, U.P. will reach a replacement rate (the rate at which women give birth to enough babies to sustain population levels) of 2.1 by 2025, and Assam by 2020. If the replacement fertility rate has already been achieved in Assam and will be achieved by 2025 in U.P., what is the need for any drastic population policy?

### Decreasing fertility rates

The need arises because population policy is an important weapon in the arsenal of the Hindutva brigade to attack the Muslim population in the country. The Assam Chief Minister's 'population army' in Muslim areas and the U.P. Chief Minister's many utterances prove this. However, even on this score, their policy framework is wrong. *According to the National Family Health Survey (NFHS)-2 data, the total fertility rate (TFR), which is the average number of children that women of reproductive age group have had in their lifetime, in 1998-99 in U.P. was 3.87 for Hindus and 4.76 for Muslims. In 2015-16, it decreased to 2.67 for Hindus and 3.1 for Muslims. This means that the TFR declined by 1.2 for Hindus and by 1.66 for Muslims, which is higher. The NFHS-5 data for 2019-20 for U.P. have not been published. When it is published, data will show that the fertility rate for both Hindus and Muslims has declined even further. The fertility trend for Assam is even starker. According to NFHS data, Assam had a TFR of 3.5 in 1992-93, which decreased to 1.9 in 2019-20. Even after such a drastic decline in TFR, the Chief Minister's enthusiasm to decrease it even further has no merit other than scoring political points based on a distorted notion of religious demography. In 1998-99, the TFR for Hindus in Assam was 2.0, which declined to 1.59 in 2019-20. For Muslims, it declined from 3.05 to 2.38 in the same period. While the fertility rate of Hindus is less than the replacement level, the fertility rate of Muslims is near that level and will reach there in the near future without any policy intervention. The point is that fertility rate does not depend on religion. It depends on socio-economic characteristics like education, income, maternal and child health conditions, and other associated factors. The graphs above show this in a concise manner. We have taken the district-wise fertility rates for Hindus and Muslims in four States: U.P., Assam, West Bengal and Bihar (calculated*





from NFHS-4 2015-16 data.. In other words, in districts where Hindus have a high fertility rate, the fertility rate of Muslims is also high. This cannot be explained by religion but by socio-economic factors in these districts. It is also clear that there are districts in these four States where the fertility rate for Hindus is actually higher than that of Muslims. The fertility rate of Hindus is greater than Muslims in four districts of Assam, 11 districts of Bihar, 22 of U.P. and three of West Bengal. Therefore, to stigmatise Muslims in terms of population growth and breeding more children is a figment of the right-wing imagination and not supported by facts.

#### **Preference for a male child**

The preceding discussion pointed out that the population control policy of imposing a two-child norm is not supported by data. However, it can have other unintended consequences. Generally, any discussion on fertility focuses on policy recommendations regarding increasing female education, which is no doubt important. However, a single-minded focus on this policy instrument ignores the issue of a preference for male children, which is dominant in the country. An earlier study of women's fertility in Hindi heartland States showed that the proportion of graduate women who had two living daughters but still wanted another child was 23.7% in Bihar, 27.3% in U.P. and 28.3% in Rajasthan. *This is nothing but an indicator of a preference for sons in a patriarchal and caste-dominated society. Given such a preference for male children, the two-child norm will only increase sex-selective abortions of girl children, and female infanticide, since couples will want to maintain both the two-child norm as proposed to be enacted by the government as well as their preference for sons.*

#### **Problem of ageing**

The experience of China also shows that if the state imposes its decision on families' fertility choices, such a decision is bound to fail. With the one-child policy, the proportion of the aged population is increasing in China. Fewer younger workers are available, which might result in a slowdown of economic growth. As a result, the government has been forced to relax the one-child policy and adopt a three-child policy. In India too, as per the population projection report, the proportion of people aged 60 years and above will increase from 13.8% in 2011 to 23.1% in 2036. The two-child norm will only further aggravate the problem of ageing. The lesson to be drawn is that the decision on children is best made by the family, which can be nudged towards making choices that ensure a stable population growth. As a famous demographer argued, the fertility behaviour of a couple is a "calculus of conscious choice". India's decades-old population policy has achieved replacement level fertility in the country without taking any coercive measures. Governments should have faith in these time-tested policies and respect the choices of people rather than impose warped and motivated ideas regarding demography on the people.

### WHERE DID THE CENTRE GO WRONG ON COOPERATIVES?

The recent Supreme Court verdict striking down a part of the 97th Constitution Amendment, insofar as it dealt with cooperative societies under the domain of the States, has brought the focus on the extent to which the Centre can seek to lay down policy for the functioning of cooperative societies. The correctness of the erstwhile United Progressive Alliance government's move to amend the Constitution to provide a reformist framework for the functioning of cooperatives is in question.



### What is the 97th Constitution Amendment?

The Union government, in its Statement of Objects and Reasons for the amendment, referred to the “weaknesses” in safeguarding the interests of members of cooperatives and the fulfilment of the objectives of these institutions. It referred to delayed elections, nomination of office-bearers for long durations, reduced accountability in management and inadequate professionalism in many societies. It spoke of the need to initiate fundamental reforms to revitalise these institutions and ensure “their autonomy, democratic functioning and professional management”. *Recognising that ‘cooperative societies’ came under Entry 32 of the State List in the Seventh Schedule, the Amendment proposed to create a framework for the functioning of cooperative societies. State laws on cooperatives should conform to this framework. It introduced Part IXB in the Constitution so that the concept of cooperative societies gains constitutional recognition. It was on the lines of Part IX, which deals with panchayats, and Part IXA, which deals with urban local bodies. The idea was to empower Parliament to frame laws for cooperative societies that function across States (multi-State cooperative societies) and State legislatures to make laws for all other cooperative societies falling under their jurisdiction. The Amendment set out basic rules such as a maximum of 21 directors in a society, a fixed term of five years for elected members, a six-month cap on the time limit for which a society’s board of directors can be kept under supersession or suspension, and reservation of one seat for the Scheduled Castes or the Scheduled Tribes, and two seats for women on the board of every cooperative society, that is, every society that has members from these sections.*

### What was the legal infirmity in the Amendment?

On a legal challenge to the validity of the 97th Amendment, the Gujarat High Court struck down Part IXB in its entirety on two grounds. First, the Amendment required not only a two-thirds majority in Parliament, which was obtained, but also had to be ratified by 50% of the State legislatures. This was because the Amendment impinged on a subject over which only the State legislatures had law-making powers. In the absence of such ratification, the Part was declared unconstitutional. It also ruled that the Part violated the basic structure of the Constitution in that it was in breach of federal principles.

### What was the Supreme Court’s view?

*The Centre’s defence was that the Amendment did not alter the entry in the State List on ‘cooperative societies’. In fact, it specified that the State legislatures would enact the relevant laws based on a common framework. There was no need for ratification by the Assemblies, as no subject was shifted from the State List to the Central or Concurrent List. However, the Supreme Court rejected the argument. The Amendment had the effect of limiting and circumscribing the scope and extent to which States could frame laws on cooperative societies. This impacted on their legislative power and would therefore amount to a change that would require ratification by the Assemblies.* All three judges on the Bench that heard the Union government’s appeals agreed with the Gujarat High Court that the ratification by the State legislatures was required for Part IXB, and in the absence of such ratification, the Part had to be struck down. *However, the majority, comprising Justices Rohinton F. Nariman and B.R. Gavai, declared the Part inoperative only in respect of cooperative societies that came under the States. It would be valid as far as multi-State cooperative societies were concerned as Parliament had the power to regulate their functioning. Justice K.M. Joseph, in his dissenting view, ruled that Part IXB could not be severed into two sections, one covering State*



*cooperatives and the other for multi-State cooperatives. It set out a framework for the State cooperatives and only added a clause that in respect of multi-State cooperatives, Parliament will enact the relevant law. As the latter provision had no independent life if the portion concerning the State cooperatives was struck down, the 'doctrine of severability' cannot be applied, and the entire Part had to be declared unconstitutional.*

#### **What now survives in the 97th Amendment?**

The Amendment added the words “or cooperative societies” to Article 19(1)(c) of the Constitution to expand the fundamental right to form associations or unions to cover cooperative societies too. It also added a ‘Directive Principle’ through Article 43B, which says: “The State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies.” These clauses remain undisturbed. In line with the Supreme Court’s judgment, Part IXB dealing with cooperative societies will survive, but only with reference to multi-State societies.

#### **How does the ruling affect Cooperation Ministry?**

*The Ministry of Cooperation was formed recently, apparently with a view to giving a fillip to the cooperative movement and reforming the functioning of cooperative societies. Until now, the subject was dealt with by the Agriculture Ministry. It administered the Multi-State Cooperative Societies Act, 2002. The new Ministry will continue this work. For now, it will not be in a position to compel States to bring their cooperative laws in conformity with the Centre’s vision. Regarding the fate of the constitutional framework for all cooperative societies in the country, the Centre has the option of re-enacting the Amendment with a two-thirds majority in Parliament and obtaining ratification by 50% of the State legislatures.*

### **ASTHANA APPOINTMENT BREACHES SC JUDGMENT**

*The Congress on Wednesday alleged that the appointment of Gujarat-cadre IPS officer Rakesh Asthana’s appointment as the Delhi Police Commissioner is a direct contravention of a Supreme Court judgement. Party spokesperson Pawan Khera asked if there was a “quid pro quo” and reminded the government that Chief Justice N.V. Ramana had rejected Mr. Asthana for the post of CBI director for having less than six months of retirement. Mr. Khera questioned the “special circumstances” because of which Mr. Asthana was appointed four days before his retirement. “Not just is it an issue of inter-cadre appointment; the issue expands to another instance of blatant disregard towards the Supreme Court of India and the laws of the land,” he alleged. While appointing Mr. Asthana, the Appointments Committee of the Cabinet (ACC), headed by Prime Minister Narendra Modi, also approved the inter-cadre deputation from Gujarat to Arunachal Pradesh-Goa-Mizoram and Union Territory (AGMUT) cadre.*

#### **Clear rules**

Mr. Khera argued that the landmark judgment in Prakash Singh and others versus Union of India and others, the Supreme Court had laid down clear rules. The appointment to the post of Director General of Police should be done by the Union Public Service Commission and preparation of panel should be purely on the basis of merit from officers who have at least six months or more to retire,



he said. "With just four days left before the retirement of Rakesh Asthana, this notification by the Modi government issued under the seal of approval by [Home Minister] Amit Shah is downright illegal and in direct contravention of the judgment of the Supreme Court," Mr. Khera said. "His appointment coming after his name was revealed among the list of those snooped upon using NSO's Pegasus begs us to ask the question: Is there some quid pro quo?" he added.

## LAW AND LAWMAKERS

*The Supreme Court ruling that legislative privilege cannot be extended to provide legal immunity to criminal acts committed by lawmakers ought to be welcomed for two reasons. It lays down that legislators charged with unruly behaviour that results in offences under penal laws cannot be protected either by their privilege or their free speech rights.* Second, the decision revivifies the law relating to a prosecutor's role in withdrawing an ongoing criminal case. The LDF government in Kerala has suffered a setback as it strongly favoured the withdrawal of cases against six members sought to be prosecuted for creating a ruckus in the Assembly on March 13, 2015, when they boisterously tried to interrupt the presentation of the Budget presented by the erstwhile UDF regime. Their action resulted in destruction or damage to some items, amounting to a loss of ₹2.20 lakh. Based on the Assembly Secretary's complaint, the police registered a case and later filed a charge sheet against them for committing mischief and trespass under the IPC and destroying public property under the Prevention of Damage to Public Property Act, 1984. This year, the Chief Judicial Magistrate, Thiruvananthapuram, had rejected the application by the public prosecutor for withdrawal from prosecution, an order that was later affirmed by the Kerala HC. It is not surprising that the apex court concurred with these decisions, as it is indeed an unacceptable argument that the alleged vandalism took place as part of the legislators' right to protest on the floor of the House. Kerala CM Pinarayi Vijayan, who has rejected calls for asking his General Education Minister, V. Sivankutty, one of the accused, to resign and face trial, maintains that the matter ought to have been seen as a political protest and something that should not have been taken into the domain of criminal prosecution. He is indeed right when he says that courts ought not to re-appraise a prosecutor's decision to withdraw a case, and that they should only examine whether the prosecutor had applied his mind independently. However, there is equal force in the proposition that it is the court's duty to decide whether the withdrawal is in good faith, is in the interest of public policy, and is not aimed at thwarting the process of law. Legislative privilege and parliamentary free speech are necessary elements of a lawmaker's freedom to function, but it is difficult to disagree with the Court's conclusion that an alleged act of destroying public property within the House cannot be considered "essential" for their legislative functions. It is indeed quite legal for Mr. Sivankutty to remain in office, as he is yet to be convicted. However, he will be well-advised to take a cue from several recent precedents of those in ministerial positions stepping down until their names are cleared by due process.

## 27% FOR OBCS, 10% FOR EWS IN NATIONAL QUOTA MEDICAL SEATS

*The Union Health Ministry has announced 27% reservation for the OBCs (Other Backward Classes) and 10% quota for the Economically Weaker Sections (EWS) in the all-India quota (AIQ) scheme for undergraduate and postgraduate medical and dental courses from 2021-22.* This decision, it said, would benefit every year nearly 1,500 OBC students at the undergraduate level (MBBS) and 2,500 such students at the postgraduate level, and around 550 EWS students in MBBS and around 1,000

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such students in postgraduate courses. *The AIQ was introduced in 1986 under the directions of the Supreme Court to provide for domicile-free merit-based opportunities to students from any State aspiring to study in a medical college located in another State. It comprises 15% of the UG seats and 50% of the PG seats in government medical colleges. Initially, there was no reservation in the AIQ. In 2007, the Supreme Court introduced reservation of 15% for SCs and 7.5% for STs in the scheme. When the Central Educational Institutions (Reservation in Admission) Act became effective that year, providing for uniform 27% reservation to the OBCs, the same was implemented in all the Central educational institutions.* These included Safdarjung Hospital, Lady Harding Medical College, Aligarh Muslim University and Banaras Hindu University among others. *However, this was not extended to the AIQ seats of State medical and dental colleges.* “The OBC students from across the country shall now be able to take the benefit of this reservation in AIQ to compete for seats in any State. Being a Central scheme, the Central List of OBCs shall be used for this reservation. Around 1,500 OBC students in MBBS and 2,500 in postgraduation will be benefited through this reservation,” said the Ministry in a release. In the last six years, the MBBS seats in the country have increased by 56%, from 54,348 seats in 2014 to 84,649 seats in 2020, and the number of PG seats by 80%, from 30,191 seats in 2014 to 54,275 seats in 2020. In the same period, 179 new medical colleges have been established and now the country has 558 medical colleges — 289 government colleges and 269 privately run.

## DALITS' FIST OF FURY

Portraying a Dalit character as the protagonist is a significant development in Tamil cinema. Dalits are now shown as courageous men performing fantastic heroic deeds. In *Kabali*, the Dalit is the leader of Malaysian migrants. In *Kaala*, he is the good-hearted mafia don who challenges the authority of the ruling class in Mumbai. In *Asuran*, he is an angry man who uses violence to protect his family against feudal lords. In *Karnan*, he is a village rebel who kills a police inspector in a revengeful act of justice. These are violent stories about Dalits' social struggles, aspirations and quest for justice. In these films, the Dalit characters emerge as the equal claimants of popular heroic virtues.

### A beautiful metaphor

In Pa Ranjith's *Sarpatta Parambarai*, the hero Kabilan (Arya) stands distinct from earlier Dalit protagonists. We see Kabilan first as a part of an audience at a boxing game. Then from an underdog boxer he overcomes social obstacles to become the ultimate champion of the game. The film thus escapes the typical social burden of the Dalit hero and shows Kabilan as a young sportsman who plays the game with dedication and grit. Kabilan does not use violence for revenge. Instead, the competitive game of boxing emerges as a beautiful metaphor to represent social conflicts, clan pride and personal passions. Kabilan is not a revenge-hungry young man but a committed disciple of his clan's boxing coach Rangan (Pasupathy) and enters the ring only to protect the dignity of his people. Though the violence in the boxing ring showcases raw masculinity, it is utilised only to suggest that even ghettoised people can enter into any game and emerge victorious. Kabilan's punches demonstrate that human spirit and passion cannot be imprisoned by any class or community. The new Dalit hero as an aggressive man is different from the stereotypical representations of him as brutalised. However, these new films only change the social location of the conventional hero; they don't radically alter the idea of the popular hero. The





Dalit hero appears as an improvised version of the mainstream hero as he is also depicted as a tormented man. Though these characters often play under the shadows of Dalit symbols like B.R. Ambedkar's photograph or Buddha's statue, we are yet to see an authentic portrayal of a Dalit protagonist who can represent Ambedkarite cultural aesthetics and Dalits' political vision on screen. The recent portrayals supplement the populist attributes of Tamil cinema and stand agnostic to Ambedkar's political principles and social ethics. After the Russian revolution, while many western educated elites were influenced by Marxist political ideology and wanted to test socialist ideas in Indian conditions, Ambedkar showed only a passive appreciation towards it. He appreciated the socialist, transformative agenda to address class inequality; however, he disassociated himself from the advocates of revolutionary or anarchic violence against the state or the dominant elites. He understood that the Dalits were the most powerless among the Hindus and any violent challenge to the ruling classes would only invite further alienation, subjugation and brutal repression. More than imagining a violent conflict between the Dalits and upper caste Hindus, Ambedkar wanted to build a democratic dialogue to achieve a better conception of the modern state and civil society. His primary task was to bring an enlightened consciousness amongst the Dalits so that they can cherish their rights as citizens and claim various entitlements. Ambedkar's greater goal was not to eliminate the social elites or defeat them in physical battles but to introduce the ideals of liberty, equality and fraternity in society. The Dalit social and political assertion must be peaceful, ethical, and engaged with the principles of social justice. In the post-Ambedkar period, *Kanshi Ram used constitutional and democratic apparatuses to mobilise the Dalit-Bahujan people for bringing about political change. However, such powerful figures and their movements are yet to find respectable presence on the silver screen. Instead, the recent Dalit protagonists we see are of macho males furiously fighting evil caste supremacy.* Ambedkar's political ideas stand distinct from the violent masculinity that has been idealised in Indian cinema's action genre. The emerging Dalit's heroic avatar too appears as a tacit mimicry of the masculine male fantasy that mainstream Tamil cinema has produced all these years. While there are Dalit characters in cinema now, most portrayals endorse the dominant cultural narrative that celebrates hedonistic aspirations, militant violence and male superiority. The emerging Dalit cinematic genre can do better if it also challenges the populist narrative structure and liberates cinema from its patriarchal gaze. Sarpatta Parambarai is not an ideal addition here but it is a promising move towards breaking the Dalit hero's fantasy for violence and revenge.

## WEIGHING DOWN THE PRIVATE UNAIDED COLLEGE TEACHER

The COVID-19 pandemic has affected every sector in the economy in India and across the globe as well. Relatively, the education sector has managed to maintain its revenue. Both schools and colleges have transitioned to the online education mode to serve their students. Under the pretext of providing online education, most private institutions have managed to collect fees in full.

### Survey and findings

*Though the revenue of private educational institutions has not taken a huge hit, the same cannot be said about the livelihoods of teachers in private unaided colleges. During the novel coronavirus pandemic, layoffs and pay cuts have forced several private-unaided college teachers to take up odd jobs to provide for their families. The example of an assistant professor in Tamil Nadu who suffered a pay cut in a private-unaided college following the pandemic and who died while climbing a palm*



*tree — he had taken to cutting the leaves of palm trees to make a living — pushed us to survey private-unaided college teachers and to understand the impact of the pandemic on their working and living conditions.* We surveyed 194 teachers working in private-unaided colleges that are affiliated with the University of Madras, Chennai. The survey was conducted between June 13 and June 26, 2021. The findings show that even before the pandemic, private-unaided college teachers received below-par salaries and many did not enjoy any social security benefits. *Among 194 respondents, 137 fulfilled the University Grants Commission (UGC) qualifying criteria (has PhD or National Eligibility Test or State Eligibility Test) to be an assistant professor; 72% of these qualified teachers received less than ₹25,000 per month and 5.1% received less than ₹10,000 per month, while according to the Seventh Pay Commission entry-level consolidated monthly salary for an assistant professor is ₹76,809. In our survey, we found that only 38% and 42% had Employee State Insurance and paid leave, respectively.* This deplorable condition of private-unaided college teachers can be attributed to the absence of any State regulation of private higher educational institutions, including on matters relating to the working conditions of teachers and other employees. Following neoliberal policies, the Indian state has withdrawn from providing higher education. This has resulted in the enormous growth of private higher educational institutions. *According to the All-India Survey on Higher Education (AISHE), 2020 report, at all India level, 65% of the total colleges are private unaided colleges. Tamil Nadu, which is one of the few States that privatised higher education in the early 1980s, has 77% private unaided colleges. This shows the dominance of profit-maximising private-unaided colleges in higher education.*

#### **Online education as burden**

It is against this background that we must understand the impact of the COVID-19 pandemic on the livelihood of private-unaided college teachers. Private-unaided college teachers have made every effort to provide service to students in the online mode. *In our survey, 88% of the respondents noted one or more of the following as the reason(s) for the difficulty they faced in online teaching — lack of Internet, lack of room/space, and lack of quality equipment. Further, every respondent had to incur an expenditure to purchase Internet service.* Of the 194 teachers surveyed, 132 had to incur an expenditure to purchase one or more of the following items: *a phone, computer, headphones. And, 107 respondents reported experiencing high emotional distress during this period linked to online teaching work. All these show that these teachers had to physically, emotionally, and monetarily exert themselves to provide online education during this pandemic.* Despite this valorising effort by private-unaided college teachers, they have not been rewarded by their management. Instead, they have been punished with severe pay cuts during the pandemic. The survey data revealed that through the first half of 2020-21, less than a third of teachers received the full salary they were entitled to. Sadly, 10% of our respondents did not receive any salary during April to June 2020. *As colleges have transitioned to online mode, one can argue that the operational costs of these colleges must have declined drastically. Further, it is a well-known fact that private colleges have collected fees from students. Therefore, there is no justification for reducing the salary of teachers during this pandemic. Private-unaided colleges have used the pandemic as an excuse to rob teachers who have worked hard to teach under very difficult conditions, incurring considerable monetary expenses and experiencing much stress during this period.*



### Making ends meet

The arbitrary pay cuts have forced several of our respondents to work in additional jobs and/or borrow money from informal sources to survive. These jobs were mostly manual informal jobs such as construction work, farm labour, mechanic work, food delivery, etc. While the pandemic may have worsened the livelihood conditions of private-unaided college teachers, their working conditions were deplorable even in 'normal' times because of the complete absence of regulations by the State in this regard. The Government of Tamil Nadu should consider taking some immediate measures in this regard. Some of these are: pay complete arrears salary to private-unaided college teachers that have been siphoned off by the management; reinstate teachers laid off without any cause; reimburse the expenditure incurred by teachers for online teaching during the pandemic. *In 2018, Kerala fixed ₹1,750 per day and ₹43,750 per month as a standard salary for guest lecturers with UGC qualification and ₹1,600 per day and ₹40,000 per month for those without UGC qualification in aided private colleges. The Tamil Nadu government may consider implementing something along these lines. Further, the Tamil Nadu Private Colleges (Regulation) Act 1976 needs to be reviewed and amended to equip monitoring agencies such as the Directorate of Collegiate Education and the Regional Joint Directorate of Collegiate Education to safeguard the welfare of teachers and non-teaching staff in unaided private colleges.*

### DANGEROUS CONFLAGRATION

Following a dangerous and avoidable escalation of an otherwise dormant border dispute, five policemen and a civilian from Assam were killed in the Mizo border town of Vairengte in clashes between police from the State and their counterparts in Mizoram, on Monday. The sequence of events, beginning October 2020, suggests that what began as skirmishes between residents close to the disputed border between *Assam's Cachar and Mizoram's Kolasib districts has snowballed into a violent confrontation between police and residents. The events point to a failure of the constitutional machinery, empowered to de-escalate tensions at the border. The presence of central paramilitary forces should have helped maintain the peace, but it is curiously not the case.* Besides, Assam and Mizoram are governed by the BJP and its ally, the Mizo National Front, respectively, and are part of North-East Democratic Alliance, of which the Assam Chief Minister, Himanta Biswa Sarma, is a founder-convenor. The political bonhomie should have allowed the respective Chief Ministers to tamp down border tensions and to return to the status quo through joint fact-finding teams, involving the administrative officials in maintaining the peace over the border issue. Instead, both Chief Ministers have been exchanging allegations on Twitter, seeking the intervention of Union Home Minister Amit Shah, and using videos to tell a story that suited their version of the events — a farcical means of communication. This also occurred just days after both Chief Ministers (along with others) met with Mr. Shah to discuss the resolution of inter-State border disputes. The unfortunate loss of lives has led to hardened stances, with Mr. Sarma announcing that Assam would deploy "4,000 commandos to guard its border", even as Mizoram's Chief Minister Zoramthanga has maintained that the casualties followed from the Assam police's actions. *Sectarian tribalism has been the bane of the North-eastern States, with underdevelopment acting as a catalyst in complicating knotty issues over land and other issues in the region. There is no sure-shot and quick solution possible to the border disputes between various States without a spirit of give and take and a civic engagement brokered by the Union government. But for that to happen, governments should, first, not condone violence of any kind and restrain partisans engaging*



*in such activity in their respective States.* A resort to one-upmanship will only prolong the disputes and harden stances. The Home Ministry must ensure that the Assam-Mizoram border situation is first subject to de-escalation and steps taken to return to the status quo that prevailed before the skirmishes began in October 2020 with the cooperation of the respective States.

## AN EMIGRATION BILL THAT DOES NOT GO FAR ENOUGH

In early June 2021, the Ministry of External Affairs invited public inputs to the Emigration Bill 2021 (<https://bit.ly/2VerwzX> and <https://bit.ly/2ULrNdS>). The Bill could be introduced in Parliament soon and presents a long overdue opportunity to reform the recruitment process for nationals seeking employment abroad.

### Exploitative conditions

*For years, independent investigations into migrant worker conditions have underlined serious exploitative practices which include large recruitment charges, contract substitution, deception, retention of passports, non-payment or underpayment of wages, poor living conditions, discrimination and other forms of ill-treatment. In recent months, media reports have highlighted how the majority of migrant worker deaths in the Arab Gulf States/West Asia are attributed to heart attacks and respiratory failures, whose causes are unexplained and poorly understood.* Labour migration is governed by the Emigration Act, 1983 (<https://bit.ly/3i4gfvd> and <https://bit.ly/2VcJm6s>) which sets up a mechanism for hiring through government-certified recruiting agents — individuals or public or private agencies. It outlines obligations for agents to conduct due diligence of prospective employers, sets up a cap on service fees, and establishes a government review of worker travel and employment documents (known as emigration clearances) to 18 countries mainly in West Asian states and South-East Asian countries (<https://bit.ly/2WmmfHp>).

### Improvements, drawbacks

*The Emigration Bill 2021 is an improvement over the 1983 Act. It launches a new emigration policy division, establishes help desks and welfare committees, requires manpower agencies to conduct pre-departure briefings for migrants, and increases accountability of brokers and other intermediaries who are also involved in labour hiring.* But the Bill does not go far enough. *First, the 2021 Bill's purpose "to consolidate and amend the law relating to emigration of citizens of India", lacks a human rights framework aimed at securing the rights of migrants and their families. Progressive labour regimes do so.* For example, in a country such as the Philippines, it explicitly recognises the contributions of Filipino workers and "the dignity and fundamental human rights and freedoms of the Filipino citizens". Another significant drawback is that the *Bill permits manpower agencies to charge workers' service fees, and even allows agents to set their own limits. International labour standards such as International Labour Organization (ILO) Private Employment Agencies Convention No. 181 and the ILO general principles and operational guidelines for fair recruitment recognises that it is employers, not workers who should bear recruitment payments including the costs of their visas, air travel, medical exams, and service charges to recruiters.* Large-scale surveys by the ILO and the World Bank show that *Indian workers pay exorbitant charges for their jobs and that poorer workers pay progressively larger fees — Indians in Saudi Arabia paid on average \$1,507 in recruitment charges; their counterparts in Qatar paid \$1,156* (<https://bit.ly/3zzxLxh>). To some,





recruitment charges might appear like a justified service fee, but the tens of thousands of rupees that workers pay far exceed the real cost of recruitment. *When low wage migrants pick up the tab it makes them vulnerable to indebtedness and exploitation. Worker-paid recruitment fees eat into their savings, force them to take high-interest loans, live on shoe-string budgets, and in the worst cases of abuse, leave workers in situations of debt bondage — a form of forced labour.* But perhaps the *Bill's most glaring inclusion is that it permits government authorities to punish workers by cancelling or suspending their passports and imposing fines up to ₹50,000 for violating any of the Bill's provisions. When enforced, it can be used as a tool to crackdown on workers who migrate through unregistered brokers or via irregular arrangements such as on tourist visas. Criminalising the choices migrant workers make either because they are unaware of the law, under the influence of their recruiters, or simply desperate to find a decent job is deplorable, runs contradictory to the purpose of protecting migrants and their families, and violates international human rights standards. Recruiters and public officials could misuse the law to instil fear among workers and report or threaten to report them. Migrants in an irregular situation who fear that they could be fined or have their passports revoked, are also less likely to make complaints or pursue remedies for abuses faced.*

#### Scant gender dimensions

*This Bill does not also adequately reflect the gender dimensions of labour migration where women have limited agency in recruitment compared to their counterparts and are more likely to be employed in marginalised and informal sectors and/or isolated occupations in which labour, physical, psychological, and sexual abuse are common.* The Bill also provides limited space for *worker representation or civil society engagement in the policy and welfare bodies that it sets up.* To ensure that labour recruitment works for the tens of thousands of Indian women and men who migrate outside our borders each year, *the Ministry of External Affairs must start at the top, and draft a clearer purpose which explicitly recognises the contributions of Indian workers, the unique challenges they face, and uphold the dignity and human rights of migrants and their families.* Then it must address the specific provisions that diverge from this purpose.

#### BASAVARAJ BOMMAI WILL BE NEW KARNATAKA CM

In a choice that underlined a keenness to protect the Lingayat vote base rather than indulge in risky experiments, the BJP on Tuesday chose 61-year-old Basavaraj Bommai as the next Chief Minister of Karnataka. Significantly, he is not from the RSS stable and was earlier associated with the Janata Dal (United); Mr. Bommai joined the BJP only in 2008. This makes him an exception among BJP Chief Ministers in the State. He is a moderate face not known to take a hardline Hindutva stance and an amenable man across party lines. Mr. Bommai met Governor Thaawarchand Gehlot to stake his claim to form the government late on Tuesday and will be sworn in alone on Wednesday at 11 a.m.

#### No surprises

Though there had been intense and wild speculation on the possibility of the BJP throwing a up “surprise” choice, the saffron party played it safe by going with Mr. Bommai, who does not disrupt the caste calculations. Significantly, he is seen as a man who is close to the Lingayat strongman and outgoing Chief Minister B.S. Yediyurappa, which implies that the latter still holds sway. Seers



from the Lingayat-Veerashiva community had interpreted *Mr. Yediyurappa's ouster as an "insult" to the community, and the choice of Mr. Bommai would assuage these hurt sentiments at least partially. Mr. Bommai also meets the long-pending demand for a person from north Karnataka to be at the helm of affairs in the State. Also, Mr. Bommai is only the second Chief Minister whose father (S.R. Bommai) also served in the same post, just as JD(S) father-son duo of H.D. Deve Gowda and H.D. Kumaraswamy.* The decision on the next Chief Minister came just a day after 78-year-old Mr. Yediyurappa resigned with tears in his eyes, at an event organised to mark the second anniversary of his tenure — a bumpy ride marked by dissidence, allegations of corruption and nepotism. Mr. Bommai, in contrast, will be seen not only as young and educated, but also non-controversial. In a day of dramatic developments, the BJP Legislature Party (BJPLP) meeting was convened and central observers dispatched from Delhi. At the late evening meeting, the name of Mr. Bommai was proposed by Mr. Yediyurappa and seconded by former Deputy Chief Minister Govind Karjol. The choice was announced by central observer Dharmendra Pradhan. Speaking after staking his claim, Mr. Bommai thanked Prime Minister Narendra Modi and the party, besides Mr. Yediyurappa whom he described as his mentor. "I have been chosen unanimously by the BJPLP. I will not fail the expectations of Mr. Modi, the party, Mr. Yediyurappa, and will give a pro-people administration," said Mr. Bommai.

#### LESSONS FROM INDIA'S FOOD SECURITY RESPONSE

With a reduction in COVID-19 infections as the second wave weakens in India, it is important to focus on the pandemic's disruptive impact on the food security and livelihoods of the poor and marginalised. The deadly virus has been around for two years and it is not clear as to how and when it will end. However, we do have enough in terms of a hindsight analysis of policies and interventions that promise food and livelihood security, along with the strengthening of health support, for millions facing the wrath of the pandemic. It is imperative to also note an alarming escalation in the global hunger that is unfolding right now. *There was a 'dramatic worsening' of world hunger in 2020, much of it likely related to the fallout of COVID-19. While the pandemic's impact has yet to be fully mapped, a multi-agency report, 'The State of Food Security and Nutrition in the World', estimates that around a tenth of the global population – up to 81.1 crore persons – were undernourished last year.* India has made enormous progress in food production over the years, with an inspiring journey towards self-sufficiency in food production marked by the Green Revolution. In 2020, India produced over 30 crore tonnes of cereals and had built up a food stock of 10 crore tonnes. The country has registered record harvests over the last few years. India exported a record 1.98 crore tonnes of rice and wheat in FY21.

#### Pivoting safety nets

Coming to the impact of COVID-19's fallout, vulnerable and marginalised families in India continued to be buffered against the food crisis by its robust Targeted Public Distribution System (TPDS). Key measures initiated by the Union government included allowing the States to lift their allocations for six months in one go, in anticipation of a surge in demand for foodgrains through the public distribution system. *As data shows, there was an unprecedented spike in the uptake of subsidised and free foodgrains during the lockdown.* The public distribution system became a lifeline for millions hit by the pandemic.



### Increase entitlements

*A dynamic analysis of the food security scenario and feedback from different stakeholders allowed the Government of India to increase entitlements given to National Food Safety Act (NFSA) beneficiaries in 2020. For instance, under the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY), 81.3 crore NFSA beneficiaries received an additional 5 kg of foodgrains per person per month and 1 kg of pulses per family per month, free of cost, for eight months from April to November 2020. Under the Atmanirbhar Bharat package, 8 crore migrants were provided 5 kg of foodgrains per month, free of cost. The government also allowed NGOs/civil society organisations to buy rice and wheat at subsidised prices directly from nearby Food Corporation of India (FCI) warehouses. Rice was sold at ₹22 per kg (market price is ₹35 per kg) and wheat at ₹21 per kg (market price is ₹27 per kg) last year. The PMGKAY was introduced in 2020 for eight months to provide relief to 80 crore beneficiaries covered under NFSA from COVID-induced economic hardships. The scheme was reintroduced this year for the third phase implementation for two months till June, and later extended till November under the fourth phase. During the third phase of PMGKAY, about 89% of the allocated foodgrains were distributed to beneficiaries. **The distribution reached 94% in May. Implemented for eight months last year and for seven months this year, the PMGKAY outlay will add up to a total expenditure of ₹2,28,000 crore over 15 months.***

### Addressing challenges

*The COVID-19 pandemic has once again drawn attention to addressing the aspects of access and portability of food entitlements. It is critical to leave no one behind in times such as these and crucial for states to find solutions so that no one goes hungry. Ensuring that food support focuses on at-risk groups, including persons with disabilities, the elderly, single women-led households, transgender persons, HIV-affected persons, displaced persons, refugees and orphan children, is at the heart of 'Leave No One Behind'. The scale of India's public food distribution systems is immense and has gone through constant navigation and improvement, which is commendable. But more needs to still be done to improve access and inclusion among the missing vulnerable population.*

### Way ahead

*First, the introduction of the One Nation One Ration Card (ONORC) scheme is an innovation that can be a game changer, allowing beneficiaries to access their food entitlements from anywhere in the country. This is especially important for a country like India with a massive mobile population and migration between States. The scheme takes the massive digitisation of the supply chain, distribution and access to the next step, ensuring anyone benefits from anywhere in India. Second, climate change will continue to affect agriculture and food security, and the impact on the poor and vulnerable can be devastating. Massive efforts are needed towards programmes that focus on building resilient agriculture that is adaptive to changing weather and needs through the introduction of newer varieties of crops, efficient irrigation systems, and the promotion of crops as per the agro-climate zones. Thirdly, a third of all food produced is wasted. There should be enhanced efforts to prevent losses. Lost or wasted energy used for food production accounts for about 10% of the world's total energy consumption, and annual greenhouse gas emissions associated with food losses and food waste reaches to around 3.5 gigatonnes of the CO<sub>2</sub> equivalent. Finally, 2021 offers a unique opportunity for advancing food security and nutrition through transforming food systems with the upcoming UN Food Systems Summit, the Nutrition for Growth Summit and the COP26 on*



*climate change*. The outcomes of these events will certainly shape the actions of the second half of the UN Decade of Action on Nutrition. India has a central role to play in this transformation and offering experiences and solutions to address the thought processes and models for a resilient, equitable, and food-secure world.

## ARE LAW AND TECHNOLOGY A SOLUTION TO FAKE NEWS?

Fake news and its associated social problems have been a major concern and the Indian government has been attempting to bring in several legal amendments to deal with its creation, propagation and effects. Social media companies, too, are investing billions of dollars into technological solutions such as Artificial Intelligence (AI) to identify fake news and its proliferation. Are these the best solutions to solve a problem as old as humanity or is there any other effective solution? Looking at statistics on the justice delivery system in India, the legal system needs to become more robust before it can be considered an effective solution. Further, the formulation of laws in themselves do not prevent a wrong action. When Timnit Gebru, former co-lead of Google's ethical AI team, made an unceremonious exit, the MIT Technology Review identified the key aspects of her unpublished paper that had caused a stir within Google. In summary, *to train large AI models, massive computing power and energy is required and this has been expanding since 2017, along with an ever-increasing carbon footprint*. The Technology Review stated that the 'Transformer' model, as on January 2019, used 6,56,347 kilowatt-hour (kWh), producing a carbon footprint of 6,26,155 lbs of CO<sub>2</sub> equivalent at a cloud computing cost between \$9,42,973 and \$32,01,722 for a single training of the AI model. Further, since the models tend to use text already present on the Internet, there is a tendency for the AI to reflect strong negative human biases. *Fake news is disinformation that has no basis in reality, but is presented as fact. Being designed to manipulate both the intellect and emotions of a person, it can evoke strong emotional reactions in its reader, which could sometimes result in violence*. In an experimental study conducted among first-year undergraduate History students, who were given some historical content, it was found that novice learners made claims that did not have supporting evidence, were either inaccurate or unrelated. India's diversity is its strength, but also the source for numerous conflicts that have persisted over the decades. These conflicts, being rooted in historical claims around politics, culture and religion, will intensify if the historical assumptions and data behind related fake news are not contextually analysed. *The problem is aggravated with the decline in history learning programmes worldwide. While the National Council of Educational Research and Training (NCERT) curriculum has elements of historical thinking, State boards are primarily focused on the memorisation of content*. The Constitution of India provides a long-term solution under Article 51A (h), which says, "It shall be the duty of every citizen to develop the scientific temper, humanism and the spirit of inquiry and reform." While the National Education Policy, 2020, captures the needs of the nation, it misses out on historical thinking. *Historical thinking is the set of thinking skills required for learning history. It consists of concepts like points of view, evidence, validity and reliability of the source, contextualisation, and corroboration, apart from other skills*. Historical thinking skills can also be applied to law, forensic science, politics and research, and dealing with 'fake news'. *In the case of fake news, a person would have to be able to read a piece of news, examine the source for bias and ascertain whether the claims being made are factual or whether they constitute deliberate misinformation*. Since fake news is designed to appeal to emotion, it becomes all the more important that a person is skilled at interrogating evidence, contextualising the information and corroborating it with alternate sources. If historical thinking





has such widespread application, why is it missing from active public discourse and in the education system?

#### RAILWAY PERSONNEL TOLD NOT TO USE PRIVATE EMAIL FOR OFFICIAL WORK

The Ministry of Railways has directed officials across its network to use @gov.in or @nic.in domain email services only for all formal communications. The instructions follow an alert issued by a Central law enforcement agency to the Chairman, Railway Board, which specifically prohibited the use of private email services such as Gmail and Yahoo for official communications. In an advisory sent out to the General Managers of all Zonal Railways, heads of production units and other Railway establishments, the Railway Board said the *initiative was part of measures taken by the Ministry of Electronics and Information Technology to secure government websites, "considering the increased threat perception in the cyber space"*. Insisting on the use of government domain email identities and reiterating an earlier order, which also emphasised the use of @gov.in/@nic.in services for uninterrupted services and security reasons, the advisory added that *to secure web portals and prevent any sniffing attacks, the websites, both Internet and intranet and other sub-domains of respective Railway units, should obtain secure socket layer (SSL) certification at the earliest.*

#### Private entities

It was noticed that websites of a number of field units were designed, developed and hosted through private entities that did not conform to the Guidelines for Indian Government Websites (GIGW) Version 2.0, 2019. Many such websites were not hosted on .gov.in or .nic.in domain, it added. Urging the authorities concerned to ensure that *any website developed and/or owned by any of the field units should conform to GIGW Version 2.0 standards and use only .gov.in or .nic.in domains allotted exclusively and restricted to government websites*, the Railway Board underlined the need for strict compliance to the alert. *The GIGW Version 2.0 was developed by the National Informatics Centre (NIC) in 2019 and adopted by the Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances and Pension, as an 'Integral part of Central Secretariat Manual of Office Procedure'*. Railway officials were also directed to initiate urgent steps to ensure that the information available on all Railway websites was "current" and "fully updated".

#### PROBING PEGASUS

*The institution of a judicial probe by the West Bengal government into allegations of surveillance using advanced spyware on potential Indian targets marks a significant political and legal pushback against the Union government's attempts to deny the global media revelations and diminish the potent threat such practices pose to democracy.* Given Chief Minister Mamata Banerjee's penchant for the dramatic and her endless run-ins with the Centre, it may be easy to dismiss the act of a State government ordering an inquiry into what could be a large-scale intelligence-gathering programme of a state actor as mere political chutzpah. However, *in the context of the Centre and the ruling BJP's aggressive refusal to cede any ground on the growing demand for a credible probe into the use and misuse of Pegasus spyware, the West Bengal inquiry acquires both legal and political salience.* The Union government claims that illegal surveillance is not possible in India and has not



specifically admitted or denied the use of Pegasus, the spyware supplied by Israel's NSO Group. *Ms. Banerjee has rightly invoked the possible grave implications for democracy, public order, the independence of the judiciary and the autonomy of legislators while ordering an inquiry under the Commissions of Inquiry Act.* Media reports suggest that those likely targeted included Prashant Kishor, the Trinamool Congress's strategist during the recent Assembly polls, and Abhishek Banerjee, Ms. Banerjee's nephew. Regardless of which agency or government was behind it, *there are grounds to believe that part of the surveillance covered the State government's territory, bringing into play its legitimate right to order an investigation.* It is entirely a different matter that *the two-member Commission, comprising Justice Madan B. Lokur, former judge of the Supreme Court, and Justice Jyotirmay Bhattacharya, former Chief Justice of the Calcutta High Court, may face severe constraints.* For one thing, only some of the potential targets may testify and seek the Commission's aid in getting their phones forensically examined for evidence of infection by Pegasus. Central agencies may not readily offer their cooperation. The Intelligence Bureau may not be permitted to join the probe, and even if it did, it may claim privilege over documents and records relating to its legitimate interception orders, citing national security and operational sensitivity. *In a country where there is no parliamentary oversight over its intelligence agencies, it is unclear how far these agencies and its personnel would cooperate with a probe ordered by a State government.* There have been instances — the Jain and Verma Commissions come to mind — of intelligence files being made available to judicial panels. Therefore, it will be both desirable and appropriate if the Centre itself ordered a wide-ranging judicial inquiry into the Pegasus scandal so that the nation has an opportunity to get at the truth.

#### JOINING THE DOTS IN THE SECOND COMING OF PEGASUS

*Pegasus is not a stranger to our shores. It first surfaced in our public discourse towards the end of 2019. Researchers from University of Toronto's Citizen Lab called up some telephone numbers in our country and informed them that their WhatsApp chats were compromised.* There were some stirrings, but the controversy died out quietly and disappeared from our public discourse. The attention then was predominantly on the issue of how secure WhatsApp was and how weak its claims of end-to-end encryption were. WhatsApp's public relations exercise to reassure its customers of its safety and privacy grabbed disproportionate attention. All these deflected the public's attention from our Government's involvement in the ugly saga and the misuse of NSO of Israel's spyware to snoop on its own citizens. Parliament and civil society let the Government off easily. Perhaps, the impression that the surveillance then was largely confined to the Bhima-Koregaon happenings also contributed to its limited appeal.

#### Signs of a surveillance state

Most of us failed to connect the dots. The frequent and prolonged instances of Internet shutdowns; use of the sedition law on critics of the Government's policies; use of the Unlawful Activities (Prevention) Act (UAPA) ; rushing of crucial pieces of legislation affecting core sectors of our economy through the Houses of Parliament; consigning the data privacy Bill to a select committee; the framing of rules to rein in digital news platforms, and the demonic efficiency with which State governments were toppled appeared less dramatic and had no shock value as unconnected events. But if connected with each other, and the Pegasus spyware running in the background, *they present a picture of India's descent into a surveillance state.* Treated separately, each one of those



incidents, caused little more than a few days of screaming headlines, reprimanding editorials, raucous prime-time television debates, weak and short-lived protests by political parties and rights activists. The probability that the second coming of Pegasus into our political discourse will not be very different from its first appears very real, if this too is treated as a separate and isolated event. Fortunately, this time it came with two major differences.

### The targets now

*This time the attention is exclusively on the Government's role and there are no red herrings in the form of questions about the safety of encryptions offered by service providers.* The people involved in the revelations are not just little known activists. They range from the Leader of the Opposition, a constitutional authority, a number of journalists, human rights activists, Ministers in the Government, ruling party leaders, several political leaders, serving or retired officers. The list also revealed that the government agencies made no distinction between state interests and the interests of the ruling party. The expansiveness of the global list of people named as intended targets of the spyware and the prestige of publications involved in cross-border collaboration are indeed arresting. Pegasus's second coming has yet another distinction. It foregrounds the collusion between government and weapons grade surveillance tech that has no intermediary functions to confuse us. The episodes that were hitherto played out as government versus tech in our country allowed the combatants to compete for our support. The government and the tech companies claimed to fight one another on our behalf. However, they were actually fights between tech and government for possession and control of our data. *Government sought its possession to control society, to eliminate dissent and opposition. But it tried to portray to us that it sought to tame the tech companies to protect our interests, privacy, and the security of the realm. Tech companies sought to possess our data sets to make prediction products out of them and sell them to advertisers. Both the Government and tech companies vied for surveillance over us. One for control and the other for profits.* However, there is always the undetected possibility of their interests coalescing. In the case of Pegasus the collusion is evident. *The NSO Group does not compete with the Government for the possession of data surplus of its application. It is a pure and simple provider of surveillance-as-a-service to the Government.* In the event, Pegasus this time shines a light on the Government for civil society to see it as a clear accountable entity.

### Government stonewalling

It is evident that the Indian government till now is acting out of a standard play book. It is stonewalling. It has so far evaded the essential questions that are raised by the revelations. Ministers and representatives of the ruling party are questioning the credibility of claims made by the global consortium of media organisations that announced the startling revelations. They are accusing the publications of acting with ulterior motives to undermine India's democratic institutions. Supporters of the Government's narrative charge the publications with attempting to defame the country. The Government's, and its supporters', defence so far is essentially semantic quibble and based on raising doubts on the source of the telephone numbers that the media consortium says is from a leaked list accessed by media portal Forbidden Stories. The uncommonly cautious wording of the preface to the consortium's admittedly limited claims to their findings is sought to be used to undermine the extraordinary significance of its revelations. The consortium desisted from making sweeping claims. It said, the leaked list of 50,000 numbers "are believed to have been selected as those of people of interest by government clients of NSO



Group". The consortium also said that the list "indicates the potential targets" identified in advance by the NSO's clients for "possible surveillance". The list is only "an indication of intent" and the appearance of a number in it does not reveal "whether there was an attempt to infect the phone" or "whether any attempt succeeded". But amidst all this extraordinary caution is this devastating revelation which the Indian government chooses to deliberately ignore to indulge in semantic wrangling: "However, forensic examination of a small sample of mobile phones with numbers on the list found tight correlations between the time and date of a number in the data and the start of Pegasus activity — in some cases in as little as a few seconds." Amnesty International's forensic lab found that of the 67 phones examined, 23 were infected and 14 showed signs of attempts to penetrate. The rest were cases of possible change of devices or those using *the Android operating system that did not keep record of logs needed for forensic work*. By any standard this is considered an overwhelming basis for further investigation. It establishes an unquestionable basis for subjecting all the rest of the numbers from the list of 50,000 numbers for investigation. And in India's case, all the 300 numbers from the country that were found in the list. Already, over 10 of them were forensically examined and found to be either successfully infected by Pegasus or attempted to be penetrated. That is enough of a case for a comprehensive investigation into the claims of the media consortium. But the Government narrative harps on words such as 'indicative,' 'possible' and 'potential' as being too general and dismisses snooping charges. The Indian government's defence that rests on questioning the source of the list has little merit. *Investigative journalism is under no obligation to reveal its sources. In fact, it is ethically bound to not reveal in order to protect the identity of its sources. As important as the questions that the Government forcefully articulates is its remorseless stonewalling of the most important question repeatedly asked of it.* It does not tell us in unequivocal terms whether it has or has not purchased the Pegasus spyware. It did not answer that question during the country's first brush with the spyware in 2019 too. Even today it seems to be firm in its resolve not to answer. It hopes to wear down the political opposition, activists, human rights groups, and civil society. It evidently thinks that it can wait out the news cycles to run their course. It probably can. Civil society and the media, cannot, beyond a point, keep the pressure on. *A government with brazen determination, brute majority in the legislature, and as yet unchallenged political capital, can afford to wait out the limited firepower of its political opponents' artillery.*

### Judiciary as bulwark

The only institution in the present situation that can make the Government accountable is the judiciary. *The track record of our top court on major issues of defining importance to our national life is at best mixed in the recent past.* What it chooses to do or not do now can make a difference to India. The options before it are clear as they are stark. To allow the present government a free run in turning India into a surveillance state is one. The other is to stop the Government in its tracks, restore to its people the gift of a free and liberal state that the founding fathers of the Republic gave them. The country has very little time.

## DHOLAVIRA IN GUJARAT ON UNESCO WORLD HERITAGE LIST

The Harappan city of Dholavira, in present-day Gujarat, was on Tuesday named the 40th Indian site on UNESCO's World Heritage list. UNESCO's announcement came just days after another site, Ramappa Temple in Telangana, was admitted to the list on Sunday. *"The ancient city of Dholavira*





*is one of the most remarkable and well-preserved urban settlements in South Asia dating from the 3rd to mid-2nd millennium BCE (Before Common Era). Discovered in 1968, the site is set apart by its unique characteristics, such as its water management system, multi-layered defensive mechanisms, extensive use of stone in construction and special burial structures,” UNESCO said. A range of artefacts of copper, shell, stone, jewellery, terracotta and ivory had been found at the site. “The two newly inscribed World Heritage Sites offer great insight into the knowledge and ways of life of earlier societies, customs, and communities,” UNESCO said. Located in the Kutch district, Dholavira is the larger of the two most remarkable excavations of the Indus Valley Civilisation dating back to about 4,500 years ago. The site had been on UNESCO’s tentative list since 2014 and India had submitted its dossier in January 2020, a Culture Ministry statement said. Prime Minister Narendra Modi said in a series of tweets that he was delighted by the development. “Dholavira was an important urban centre and is one of our most important linkages with our past. It is a must visit, especially for those interested in history, culture and archaeology. I first visited Dholavira during my student days and was mesmerised by the place,” Mr. Modi said.*

#### TELANGANA TEMPLE GETS WORLD HERITAGE TAG

*In a major diplomatic triumph, the 13th century **Ramappa temple in Palampet, Telangana, was declared as a UNESCO World Heritage Site on Sunday. At the ongoing online meeting of the World Heritage Committee (WHC) in Fuzhou, China, the decision was reached after a consensus, with Norway opposing the inscription while Russia led an effort for the immediate inscription of the temple at 4.36 p.m. IST. A consensus with 17 countries backing the move ensured the inscription. The nomination for a World Heritage Site for the Ramappa and Kakatiya temples was made in 2014. The site was in the reckoning for inscription in 2020 but the WHC meeting was delayed by the COVID-19 pandemic. Built by Racherla Senapati Rudrayya, a general of Kakatiya king Ganapatideva, in the 13th century, the main temple is flanked by the collapsed structures of the Kateshwarayya and Kameshwarayya temples in Palampet, about 220 km from Hyderabad. The temple, known for its exquisite craftsmanship and delicate relief work, is a savvy blend of technical know-how and materials of its time. The foundation is built with the “sandbox technique”, the flooring is granite and the pillars are basalt. The lower part of the temple is red sandstone while the white gopuram is built with light bricks that reportedly float on water. Earlier, the International Council on Monuments and Sites (ICOMOS) cited nine shortcomings at the site after an initial visit in 2019, but on Sunday a majority veered round to India’s view about the site’s outstanding universal value. Norway was the only country which opposed the move citing ICOMOS’s conclusion. India mounted a diplomatic offensive to ensure the World Heritage Site status for the Ramappa temple by reaching out to other countries whose representatives were to vote on the proposal.***

#### CHOLA IDOLS AMONG 14 ART WORKS TO BE RETURNED BY AUSTRALIA

The National Gallery of Australia (NGA) on Thursday announced that it would return 14 works of art from its Asian art collection to India. The works being repatriated include 13 objects connected to art dealer Subhash Kapoor through his antique shop ‘Art of the Past’ in New York, and one acquired from art dealer William Wolff. They include six bronze or stone sculptures, a brass processional standard, a painted scroll and six photographs. Three other sculptures, also sourced from ‘Art of the Past’, have been removed from the collection. After research to identify their place of origin, they will be repatriated, the NGA said. Following this action, along with the repatriation

**3<sup>RD</sup> FLOOR AND 4<sup>TH</sup> FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR**



of works in 2014, 2016 and 2019, the NGA will no longer hold any works acquired through Subhash Kapoor in its collection. The decision to return the works is the culmination of years of research, due diligence and an evolving framework for decision-making that includes both legal principles and ethical considerations, the Gallery said in a media release. The NGA Director Nick Mitzevich said, "As the first outcome of this change, the Gallery will be returning 14 objects from the Indian art collection to their country of origin. This is the right thing to do, it's culturally responsible and the result of collaboration between Australia and India." Mr. Mitzevich said the Gallery would continue its provenance research, including for the Asian art collection and resolve the status of any works of concern. *The Indian High Commissioner to Australia, Manpreet Vohra, welcomed the decision by the Australian government and the NGA to return the art works. The works being returned are: child-saint Sambandar, dancing child-saint Sambandar of 12th century belonging to Chola dynasty, processional standard [alam], from Hyderabad, arch for a Jain shrine (11th-12th century), seated Jina, 1163 from Mount Abu region, Rajasthan, the divine couple Lakshmi and Vishnu [Lakshmi Narayana] (11-12th century), and Durga Mahisasuramardini, from Gujarat.*

#### TOBACCO USE SEES DIP IN BOLLYWOOD FILMS

*Tobacco-free Films and TV Rules (2012) has reduced tobacco depictions in Bollywood films, as per a new study released by HRIDAY, a Delhi-based NGO, which studied tobacco incidents in top-grossing Bollywood films between 2006 and 2017.* "The number of tobacco incidents per film was increasing by about 10% per year [incidence rate ratio of 1.1 per year] before the rules took effect in October 2012. However, post-implementation of the rules, the number of tobacco incidents per film began to decline significantly by about 30% per year," said Gaurang P. Nazar, one of the authors of the study.

##### Moderate compliance

The study will be published in Tobacco Control journal on Tuesday. "After 2012, there was moderate compliance with the rules that required a static warning on the screen every time tobacco use was displayed, audio-visual disclaimers and use of anti-tobacco health spots before and at intermission of films with tobacco. Although the level of brand placement was low, some films continued to display tobacco brands even after the rules went into effect," Dr. Nazar said. Monika Arora, who is also an author, said that it has come down in youth-rated movies too. "We observed that the percentage of films depicting tobacco incidents in youth-rated [U and U/A rated] films was 76% in 2012. However, since the enforcement of the rules in 2012, this percentage has been reducing [35% in 2017]. This also indicates that rules have been effective in restricting, but not eliminating, the depiction of tobacco imagery in films," Ms. Arora said.

#### IN THE INTEREST OF THE PUBLIC

*In Registrar General v. State of Meghalaya, the Meghalaya High Court ruled that the State government's order requiring shopkeepers, local taxi drivers and others to get the COVID-19 vaccines before they resume economic activities is violative of the right to privacy, life, personal liberty, and livelihood.* In response to the court's order, *the State government released a new order stating that the requirement of vaccination was merely directory and not mandatory. The case raises important*



*questions of how the government can overcome widespread vaccine hesitancy and bring the pandemic to an end.*

#### **Court's reasoning**

*The court reasoned that forcing people to vaccinate themselves vitiates the "very fundamental purpose of the welfare attached to it". It ruled that the government's order intrudes upon one's right to privacy and personal liberty as it deprives the individual of their bodily autonomy and bodily integrity, even though the intrusion is of minority intensity. It ruled that the government's order affects an individual's right "significantly" more than affecting the general public. It found that the government's order is not maintainable in law as there is no legal mandate for mandatory vaccination. It relied on the Central government's frequently asked questions, which specify that COVID-19 vaccination is voluntary. The court concluded that the State, rather than adopting coercive steps, must persuade the people to get themselves inoculated. Compulsory vaccination has often been deployed in India and abroad. The Vaccination Act, 1880, allowed the government to mandate smallpox vaccination among children in select areas. Similarly, several State laws, which set up municipal corporations and councils, empower local authorities to enforce compulsory vaccination schemes. Contrary to the High Court's opinion, compulsory vaccination has passed the muster of judicial review in several national and international courts abroad. In a recent judgment in Vavřička and Others v. Czech Republic, the European Court of Human Rights (ECtHR) said that the compulsory COVID-19 vaccination scheme is consistent with the right to privacy and religion. The ECtHR cites case laws in France, Hungary, Italy, the U.K., among others to show that several constitutional courts have validated compulsory vaccination and ruled that it has an overriding public interest.*

#### **Right to life and privacy**

The main bone of contention is that compulsory vaccination violates bodily integrity and takes away decisional autonomy from people, thereby violating their right to life and privacy. It is a well-established principle that no right is absolute; rather rights are subject to reasonable restrictions. *According to the order in Justice Puttaswamy v. Union of India, a restriction on privacy can be justified if it passes a three-prong test. First, the restriction must be provided in the law. State governments have the authority to mandate vaccines under the Epidemic Diseases Act, 1897, which allows them to prescribe regulations to prevent the spread of an epidemic disease. Second, the restriction must have a legitimate aim. Compulsory vaccination pursues the legitimate aim of protecting the public from COVID-19. Third, the restriction must be proportional to the object pursued. With more than four lakh reported deaths and a looming third wave, the current scenario counts as a pressing social need. Violations of rights from mandatory administration of a vaccine cannot be termed so grave so as to override the health rationale underlying the government's order. Nevertheless, the government could provide appropriate accommodation for persons based on genuine medical reasons. Even if the court felt that the consequences of non-compliance with the order (i.e., non-resumption of economic activities) was excessive, the government could have been ordered to replace it with less stringent consequences, such as a moderate fine.*



## THE YOUNG

As India's vaccination drive chugs along with sporadic bursts of frenetic inoculation, there are possibilities of administering vaccines to children soon — as early as next month. At present, two Indian vaccines may be eligible for administration to children. *Zydu's Cadilla's ZycoV-D, a three-dose plasmid DNA vaccine, with a 66.6% efficacy in phase-3 trials, has also been tested in adolescents (12-18 years), data for which has been submitted to the regulator. The company has also requested permission to test in children over five. Covaxin's Bharat Biotech is also testing the vaccine in a cohort of children below 12. Though none of these studies has been completed, the expectations are that these vaccines may be ready by September. Pfizer's mRNA vaccine has been authorised in those above 12 and Moderna's too may be similarly approved in the U.S. Both companies are reportedly in discussions with the Indian government. Young children are at the least risk of hospitalisation and death from COVID-19 but are capable of being infection carriers and putting older caregivers at risk.* This undergirds the difficult decision by governments to continue with *school closures that has brought forth unprecedented challenges such as denying many Indian children access to quality education.* From the global experience so far, the broad principle is that if an effective vaccine is available, it must be administered irrespective of age. *However, it is also true that the vaccines are far more effective at protecting from disease than infection. Because children and adults respond to the virus differently, it still remains to be seen whether vaccinating children as a pre-requisite to opening schools actually brings down overall rates of infection.* Countries that have vaccinated those above 12 and have fully opened up are also those boasting high rates of adult vaccination. In India, only around 10% of all adults have been fully vaccinated. India already has a challenging target of fully inoculating all adults — 94.4 crore — by the end of the year. A key constraint has been Covaxin; its manufacturer has been unable to ramp up monthly production to its stated nearly six crore doses. Put together, this implies that if the aim of universal vaccination is to protect from disease, then the thrust must be on prioritising adults over children. *Government and independent experts have advised that schools can open in a staggered fashion. This again underlines that reopening should not be contingent on vaccination alone. There is also the worry that prioritising vaccines for children would mean diverting already limited stocks. Rather than blindly emulate the West, India must decide on what policy works best for its entire population, including children.*

## MICROBES FROM HUMAN, ANIMAL EXCRETA FOUND ABOVE DESIRABLE LIMITS IN YAMUNA

Levels of fecal coliform (microbes from human and animal excreta) is above desirable limits in all points tested in the *Yamuna in Delhi, except for Palla where the river enters the Capital, as per a Delhi government report. The report submitted to the Union Ministry of Jal Sakti also stated that in the absence of a "minimum environmental flow" (flow of water) of the Yamuna in Delhi, it is very difficult to achieve even bathing quality standards of the river water.* "Minimum environmental flow for the dilution of the polluted water in the Yamuna in Delhi is required to meet the desired water quality levels in the river for bathing purpose i.e. BOD<3 mg/l and DO>5 mg/l," the report read. *For bathing in a river, the desirable level of fecal coliform in the water is 500 MPN/100 ml or lesser, as per the Central Pollution Control Board. But the level was as high as 1,40,000 MPN/100 ml — 280 times the desired level — at Okhla Barrage, a point along the river in Delhi, as per the report.*





### Over 80% polluted

*The 22 km stretch of Yamuna from Wazirabad to Okhla in Delhi, which is less than 2% of the river length, accounts for about 80% of the pollution load in the river. According to the International Union for Conservation of Nature, an environmental flow is the water provided within a river, wetland or coastal zone to maintain ecosystems and their benefits where there are competing water uses and where flows are regulated.*

## OZONE LEVELS EXCEEDING PERMITTED LEVELS

### Despite lockdown, more days witnessed higher and longer duration of ozone spells

*A Centre for Science and Environment study has found that ozone levels are exceeding the permitted levels even during winter in Delhi-NCR, making the smog more "toxic".* "Ozone is now a round-the-year problem requiring urgent [action] and the situation demands refinement of clean air action plan to add strategies for ozone mitigation, with stronger action on vehicles, industry and waste burning," says CSE Executive Director Anumita Roychowdhury. Despite the pandemic and lockdowns, more days and locations witnessed higher and longer duration of ozone spells, the study said.

### Year-round menace

*Ozone, a highly reactive gas and dangerous for those suffering from respiratory conditions and asthma, is becoming more widespread in Delhi and NCR across all seasons,* the CSE said. "Contrary to the notion that ozone, produced photochemically from interaction between gases in the presence of sunlight, is predominantly a summer phenomenon, the analysis finds the gas has emerged as an equally strong concern during winter as well," it said. The study was done by analysing the Central Pollution Control Board (CPCB) data. The CSE analysis found that the city-wide average largely remains within the standard with just occasional exceedance. But the 'good' category days have fallen to 115 days in 2020, which is 24 days less than in 2019. "A location-wise analysis presents a different story. It shows that exceedance of the eight-hour average standard is quite widely distributed in the city. At the moment, it is not possible to compute the peak pollution in the city as the data that is available from CPCB is capped at 200 ug/m<sup>3</sup>. This also makes daily AQI reporting ineffective," the study said.

## A CLIMATE RISK

The monsoon is nearing its halfway mark and July, which is among the rainiest months, began with a rainfall deficit but has since seen a revival. For most of last week, all-India rainfall has been over 50% more than what is normal for this time of the year. *Many regions in the Konkan coast and the southern peninsula have been seeing instances of extreme rainfall. According to India Meteorological Department (IMD) data on the regional distribution, the 'South Peninsula' has seen 29% more rain from June 1-July 25 than what is normal for this period.* Rainfall in Mahabaleshwar, Maharashtra, was torrential enough to beat its all-time record, according to the IMD. The monsoon is characterised by unexpected variability that forecast models can capture only in a limited way. However, much evidence is accumulating that there is a distinctive change in climate patterns. *The frequency and the strength of cyclones over the Arabian Sea have increased in the last two decades.*



*There has been a 52% increase in the frequency of cyclones over the Arabian Sea from 2001-2019 and an 8% decrease over the Bay of Bengal compared to 1982-2002, when, historically, most cyclones have been in the Bay of Bengal, according to a new study in Climate Dynamics. Even the duration of these cyclones has increased by 80%. More cyclones are bringing in more moisture from the Arabian Sea and contributing to extreme rainfall events over the western coast, the most recent example being cyclone Tauktae in May, which at 185 kilometres per hour was among the strongest cyclones to approach Mumbai. They drive storm surges that flood the coast. Studies show that a heating globe has increased atmospheric moisture levels, contributing to short, intense spells of rains. **The interaction between warming, rainfall and temperature is complex and variables such as aerosol emissions, particulate matter pollution, agriculture and forestry patterns must be accounted for.** However, the broader picture is that extreme events — bursts of torrential localised rainfall and prolonged droughts and heatwaves — are likely to increase, making the role of accurate forecasts that are able to warn of such events at least three to five days ahead even more important. But the bigger challenge is to undertake so-called climate-proofing of the most vulnerable regions and taking warnings of scientific risk assessment seriously. Evacuations ahead of a flood or a cyclone are not always effective and what is needed is limited construction in places that have been marked vulnerable. **Just as it is possible to plan earthquake-resilient structures and site them scientifically, but hard to anticipate a major quake, similarly, proper planning can insure against the inevitable extremities of nature. International climate change agreements to limit greenhouse gas emissions will yield benefits only in the very long term but what is done in the near future will mean the difference between surviving and thriving.***

## WOUNDED MOUNTAINS

*The tragic death of nine tourists in a landslide in Kinnaur district of Himachal Pradesh is another pointer to the fragility of the ecology of the Himalayan States. Extraordinarily heavy rain pummelled the State recently, leaving the hill slopes unstable and causing floods in built-up areas including Dharamshala. The descending boulders from destabilised terrain, which crushed a bridge like a matchstick, are a source of worry even for cautious local residents, and for unwary visitors, such as the tourists travelling in a van, they can turn into sudden disaster. Himachal is famed for its scenic vistas and welcoming summer climate, and drew a few hundred thousand tourists in June this year as States began relaxing the controls for COVID-19. There was justified alarm at the prospect of a fresh surge in infections, prompting Chief Minister Jai Ram Thakur to appeal for COVID-appropriate behaviour. Unfortunately, there was not enough vigil against travel to risky areas, in the wake of a disastrous year for tourism, resulting in the mishap in Kinnaur's Basteri area. What should worry Himachal, and neighbouring Uttarakhand, is that the States may be entering a phase of irreversible decline because of losses to their ecology; frequent landslides may become inevitable. **Bootstrapping an incompatible model of development in the hills, represented by big hydroelectric projects and large-scale construction activity involving destruction of forests and damming of rivers, is an invitation to harm.** Mega hydropower, which Himachal Pradesh is working to tap as a significant source of "green" power that substitutes energy from fossil fuels, could alter several aspects of ecology, rendering it vulnerable to the effects of extreme events such as cloudbursts, flash floods, landslides and earthquakes. The parliamentary Standing Committee on Energy during 2018-19 noted that the State could more than double its existing harnessed hydropower potential of 10,547 MW. **Kinnaur is a focus point for such development, centred around the potential of the glacially-fed Sutlej valley, but one scientific estimate warns that avaricious***

3<sup>RD</sup> FLOOR AND 4<sup>TH</sup> FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



*tapping of the river through all planned projects would impound nearly a quarter of its waters in dams, and divert a staggering 72% through tunnels.* Other researchers, studying the 2015 Nepal earthquake, point to high seismicity causing fatal landslides and severe damage to hydropower structures in the Himalayas; the cost of power produced was underestimated, while the potential was overestimated. Evidently, it is impossible to assign a real value to the costs to people and communities, together with the loss of pristine forests that weak afforestation programmes cannot replace. *As catastrophic weather events inflict frequent, heavy losses, Himachal Pradesh and other Himalayan States can only watch their ecological base erode. Changing course may yet preserve a lot of their natural riches.*



# DreamIAS



## BUSINESS & ECONOMICS

### CHANGES TO DEPOSIT INSURANCE LAWS: HOW ACCOUNT HOLDERS WILL GAIN

Recent troubles for depositors in getting immediate access to their funds in banks such as Punjab & Maharashtra Co-operative (PMC) Bank, Yes Bank and Lakshmi Vilas Bank has put spotlight on the subject of deposit insurance. *The Union Cabinet Wednesday cleared changes to the deposit insurance laws to provide funds up to Rs 5 lakh to an account holder within 90 days in the event of a bank coming under the moratorium imposed by the RBI.*

#### What is deposit insurance?

Currently, in an unlikely event of a bank failing in India, a depositor has a claim to a maximum of Rs 5 lakh per account as insurance cover. *The cover of Rs 5 lakh per depositor is provided by the Deposit Insurance and Credit Guarantee Corporation (DICGC), which is a fully owned subsidiary of the Reserve Bank of India.* Depositors having more than Rs 5 lakh in their account have no legal recourse to recover funds in case a bank collapses. While the depositors enjoy the highest safety on their funds parked with banks, unlike the equity and bond investors in the banks, an element of risk always lurks on their deposits in case a bank collapses.

#### Who pays for this insurance?

Deposits in public and private sector banks, local area banks, small finance banks, regional rural banks, cooperative banks, Indian branches of foreign banks and payments banks are all insured by the DICGC. The premium for this insurance is paid by banks to the DICGC, and not be passed on to depositors. *Banks currently pay a minimum of 10 paise on every Rs 100 worth deposits to the DICGC as premium for the insurance cover, which is now being raised to a minimum of 12 paise.*

#### How will the fresh changes benefit account holders?

According to the finance ministry, *depositors normally end up waiting for 8-10 years before they are able to access their deposits in a distressed bank only after its complete liquidation.* With the changes being proposed to the law, now depositors will get insurance money within 90 days, without waiting for eventual liquidation of the distressed banks. This will cover banks already under moratorium and those that could come under moratorium. *Within the first 45 days of the bank being put under moratorium, the DICGC would collect all information relating to deposit accounts.*

### MOBILE WALLETS, CARD NETWORKS, WHITE LABEL ATM OPERATORS ALLOWED TO JOIN RBI'S CPS

*The Reserve Bank of India (RBI) has decided to allow non-bank payment system providers (PSPs), including prepaid payment instruments (PPI) issuers like mobile wallets, card networks and white label ATM operators to participate in the Centralised Processing System (CPS) as direct members. The RBI move — first indicated in April 2021 — means allotment of a separate Indian Financial System Code (IFSC) to non-banks, opening a current account with the RBI in its core banking system (e-Kuber) and maintaining a settlement account with the RBI. It will also mean membership of*





*Indian Financial Network (INFINET) and use of Structured Financial Messaging System (SFMS) to communicate with CPS. According to the RBI, direct access for non-banks to CPS lowers the overall risk in the payments ecosystem. "It also brings advantages to non-banks like reduction in cost of payments, minimising dependence on banks, reducing the time taken for completing payments," it said. The RBI said the risk of failure or delay in execution of fund transfers can also be avoided when the transactions are directly initiated and processed by the non-bank entities. Non-bank entities shall transfer funds from their Current Account to RTGS Settlement Account and vice versa during the operating hours. CPS includes Real Time Gross Settlement and National Electronic Funds Transfer systems, owned and operated by the RBI.*

#### ENOUGH TIME GIVEN': NO RELIEF LIKELY FOR BARRED PAYMENT COS

The Reserve Bank of India (RBI) is unlikely to lift restrictions on payment services providers not complying with data localisation norms anytime soon, said two government officials. The banking regulator and the government believe that *processing and storage of critical financial data within the country is a "necessity for an effective supervision mechanism as well as for sound regulation."* "It's important that payment players adhere to the regulatory guidelines as more than enough time was given for compliance. Processing and storing data locally are essential to ensure safety of customers and the system. Banks are being asked to ensure that customer service is not impacted," said a senior government official. *The RBI rules require all payment system providers to ensure that their entire data, including end-to-end transaction details and information collected and processed, is stored in a system only in India.* The latest *draft of the personal data protection Bill also envisages a strict regime for localised storage of sensitive personal and financial data*, an IT Ministry official said. "Our learning with non-localised data storage has been the lack of jurisdiction in case of leaks and databases being hacked. Most often the companies that were targeted express helplessness, citing lack of orders from headquarters," the official said. The IT Ministry had sent suggestions on the norms for local storage of sensitive financial data to the central bank. *The 2018 draft of the personal data protection Bill, which is currently being deliberated upon by a Joint Parliamentary Committee, had suggested that cross-border transfer of personal data, sensitive personal data and financial data of individuals be barred unless specifically allowed by relevant authorities.* Such data, the draft Bill said, should not be retained once the purpose for which it had been transferred was fulfilled. *The National Payments Corporation of India's RuPay card as well as Visa are expected to take fresh business from other players as they are in compliance with the norms.* According to RBI data, there were 90.23 crore debit cards and 6.23 crore credit cards in India, as of May 2021. *The RBI has so far barred three foreign card payment network companies — Mastercard, American Express and Diners Club — from onboarding new customers over the issue of storing data in India.* On July 14, the RBI imposed restrictions on Mastercard Asia Pacific Pte Ltd from onboarding domestic customers (debit, credit or prepaid) in India from July 22, citing non-compliance with guidelines for storage of data in India. The RBI said it had given almost three years to Mastercard for complying with the regulatory directions, but it was unable to complete the process. *The RBI's April 6, 2018 circular on Storage of Payment System Data requires all system providers to ensure that within six months the entire data relating to payment systems operated by them is stored in a system only in India.* However, credit and card firms with global operations have been resisting the move, *citing higher compliance costs, security risk and the possibility of data localisation demand from other countries.* Officials clarified that there will be no easing of the data storage norms despite demands for relaxation from global companies.

3<sup>RD</sup> FLOOR AND 4<sup>TH</sup> FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



## ONLINE LENDERS CAN'T BE ALLOWED TO CHARGE 'EXORBITANT' RATES

*The Delhi High Court on Tuesday said digital lending platforms cannot be allowed to charge an "exorbitant" rate of interest and observed that it expects the Centre and the Reserve Bank of India to come out with something to fix the rate of interest. "Don't allow all these things. You are a custodian of interest of a small man also," the division Bench of Chief Justice D N Patel and Justice Jyoti Singh while listing a PIL, seeking regulation of the online digital lenders, for hearing on August 27. The petition filed by Dharanidhar Karimojji, a freelancer in digital marketing, through advocate Prashant Bhushan, seeks fixing of the maximum rate of interest chargeable by online digital vendors and setting up of a grievance redressal for borrowers in every state. It alleges that the online lending platforms are offering instant loans but deducting almost 35 per cent to 45 per cent of loan money as platform fees, service charges and on other pretexts. The RBI told the court that Centre has to come out with a regulation. "We regulate banks and non-banking finance companies. These online lending platforms are different," it told the court. The court said interest rate cannot be exorbitant. The Bench also told the Centre that it should "be quick in reacting in this matter". "RBI cannot say 'I don't have powers'. The rate of interest you should finalise," it said.*

## HOW RESOLUTION 'PRE-PACKS' FOR MSMEs CAN SPEED UP INSOLVENCY CASES

*The Insolvency and Bankruptcy Code (Amendment) Bill, 2021, passed by Lok Sabha on Wednesday has proposed 'pre-packs' as an insolvency resolution mechanism for Micro, Small and Medium Enterprises (MSMEs). The Bill will replace The Insolvency and Bankruptcy Code (Amendment) Ordinance, 2021, which was promulgated on April 4 this year. What is the Pre-packaged Insolvency Resolution Process (PIRP) in the Bill, and how does it differ from the existing Corporate Insolvency Resolution Process (CIRP)?*

### What are 'pre-packs'?

*A pre-pack envisages the resolution of the debt of a distressed company through a direct agreement between secured creditors and the existing owners or outside investors, instead of a public bidding process. This system of insolvency proceedings has become an increasingly popular mechanism for insolvency resolution in the United Kingdom and Europe over the past decade. Under the pre-pack system, financial creditors will agree to terms with the promoters or a potential investor, and seek approval of the resolution plan from the National Company Law Tribunal (NCLT). The approval of at least 66 per cent of financial creditors that are unrelated to the corporate debtor would be required before a resolution plan is submitted to the NCLT. The NCLTs will be required to either accept or reject an application for a pre-pack insolvency proceeding before considering a petition for a CIRP.*

### How are pre-packs better than CIRP?

*One of the key criticisms of the CIRP has been the time it takes for resolution. At the end of March 2021, 79 per cent of the 1,723 ongoing insolvency resolution proceedings had crossed the 270-day threshold. A major reason for the delays is the prolonged litigation by erstwhile promoters and potential bidders. The pre-pack in contrast, is limited to a maximum of 120 days with only 90 days available to stakeholders to bring a resolution plan for approval before the NCLT. Another key difference between pre-packs and CIRP is that the existing management retains control in the case*



*of pre-packs; in the case of CIRP, a resolution professional takes control of the debtor as a representative of financial creditors. Experts note that this ensures minimal disruption of operations relative to a CIRP.*

#### Is that the reason why the pre-pack has been introduced?

According to sources aware of the developments, pre-packs are largely aimed at providing MSMEs with an opportunity to restructure their liabilities and start with a clean slate while still providing adequate protections so that the system is not misused by firms to avoid making payments to creditors. *Currently, only corporate debtors themselves are permitted to initiate a PIRP after obtaining the approval of 66 per cent of their creditors. The pre-pack mechanism does however, allow for a 'Swiss challenge' to any resolution plan that provides less than full recovery of dues for operational creditors. Under the Swiss challenge mechanism, any third party would be permitted to submit a resolution plan for the distressed company, and the original applicant would have to either match the improved resolution plan or forego the investment.*

#### IN FIVE YEARS OF IBC REGIME, LENDERS TOOK 61% HAIRCUT ON CLAIMS

*Public and private sector banks, non-banking financial institutions, and other financial lenders to companies undergoing corporate insolvency resolution process (CIRP) have taken a cumulative haircut of Rs 3.22 lakh crore — or 61.2 per cent of their admitted claims since the Insolvency and Bankruptcy Code (IBC) regime was rolled out five years ago, data analysed by The Indian Express show.* The IBC is positioned as a framework for timely resolution of the debt of insolvent companies, rather than a mechanism for recovery. But there are pitfalls to achieving either of these targets. *Between December 1, 2016 (when the provisions related to CIRP came into force) and March 31, 2021 (till when data are available), lenders — both financial and operational — have taken 4,376 companies to the National Company Law Tribunal (NCLT) under IBC.* As of March 31, 2016, 79 per cent of the total cases under IBC had been pending for more than 270 days, and *only 348, or 7.9 per cent of the total cases, yielded a resolution plan.* Worse still, *recoveries for both financial and operational creditors has been on the decline.* Though government officials have said time and again that recoveries under IBC are likely to improve as the law “settles down” and CIRP process of more debt-laden companies are completed, the available data suggest otherwise. Another visible trend is that of the delays in the completion of CIRP, *impacting operational creditors much more than financial creditors.* During the financial years 2017-18, 2018-19, 2019-20, and 2020-21, lenders to companies admitted under IBC recovered 51.3 per cent, 46.4 per cent, 16.8 per cent and 28.5 per cent of their claims respectively. *In insolvency cases where the total admitted claims were over Rs 5,000 crore, financial creditors recovered 41.7 per cent of claims; in cases where the total admitted claims were less than Rs 5,000 crore, they recovered only 29.7 per cent.* This points to a recovery-linked skew in favour of bigger cases.

#### AMENDMENTS TO PRIVATISE GENERAL INSURER GETS CABINET GREEN LIGHT

The Union Cabinet has approved amendments to the insurance laws to help facilitate the privatisation of a state-owned general insurance company, a senior Finance Ministry official said on Thursday. *The government plans to introduce amendments to the General Insurance Business (Nationalisation) Act in the ongoing Monsoon session of Parliament,* the official said. Apart from the



privatisation road map, this is one of the key reform proposals unveiled in the Budget. *There are four PSU general insurance companies: New India Assurance, United India Insurance (UII), National Insurance Company (NIC) and Oriental Insurance Company (OIC).* The *government had earlier dropped its plan to merge UII, NIC and OIC and decided to recapitalise them.* Besides, *the government owns reinsurer General Insurance Corporation (GIC Re).* The Finance Ministry, in consultation with the NITI Aayog and a core group of secretaries on disinvestment, will finalise the insurance company that is to be privatised. *The entire general insurance business in India was nationalised by General Insurance Business (Nationalisation) Act, 1972. The Government of India took over the shares of 55 Indian insurance companies and the undertakings of 52 insurers carrying on general insurance business.* This Act provided for the acquisition and transfer of shares of Indian general insurance companies, in order to serve better the need of the economy, by securing the development of general insurance business in the best interest of the community. *The government has steadily opened up the insurance sector for private sector participation and even permitted up to 74 per cent foreign direct investment.* The decision was taken at the Cabinet meeting on Wednesday. Private insurance companies have been consistently gaining market share over the years in general (or non-life) insurance segment. *In 2009-10, the market share of public sector general insurance companies was 57.14 per cent, while that of private companies including health and specialised insurers was 42.86 per cent. By 2019-20, this proportion nearly reversed, with market share of private general insurers (including specialised and health insurers) rising to 61.22 per cent, while that of public general insurers falling to 38.78 per cent.* The general insurance industry underwrote total direct premium of Rs 1.89 lakh crore for 2019-20, as against Rs 1.69 lakh crore in 2018-19, recording an annual growth rate of 11.49 per cent. This data is based on the latest annual reports of the Insurance Regulatory and Development Authority of India (Irdai). In 2019-20, the market share of New India Assurance marginally increased to 14.19 per cent in 2019-20 from 14.11 per cent in 2018-19. The market share of United India Insurance, National Insurance and Oriental Insurance declined to 9.27 per cent, 8.08 per cent, and 7.24 per cent in 2019-20 from 9.69 per cent, 8.93 per cent and 7.79 per cent in 2018-19, respectively. *New India Assurance, which collected direct premium Rs 26,813 crore, continued to remain the largest general insurance company in India.*

# DreamIAS





## LIFE & SCIENCE

### KEY NASA TELESCOPE IN THE CENTRE OF LGBT DEBATE

*NASA is set to launch the large infrared James Webb Space Telescope (JWST) touted as the “premier observatory” of the coming decade later this year. Considered the successor of the Hubble Space Telescope, JWST will study various phases in the history of the universe, from the formation of solar systems to the evolution of our own Solar System.* But before it launches, NASA has an important decision to make — *whether to rename the \$8.8-billion telescope. These considerations stem from allegations that NASA’s former government-appointed administrator James Webb, after whom JWST is named, had persecuted homosexuals when he had worked for the government.* According to an article published in the journal Nature, NASA does not have a shortlist of names as of now. Bill Nelson, the NASA administrator who is likely to make the final decision, has not said anything on this publicly.

### LET’S MAKE ROOM FOR THE RIVER

“There are no words in the German language for this devastation... it is a surreal, eerie situation,” German Chancellor Angela Merkel said when she visited the regions in Germany hardest hit by the floods which occurred as a result of heavy rains between July 12 and 15.

#### **No escape for any country**

*A month’s rain poured in just 24 hours in the worst-affected areas of Germany and Belgium. This caused multiple rivers to burst their banks and flood parts of the two countries as well as the Netherlands, Luxembourg and Switzerland.* It is believed that these areas of Europe have not witnessed such heavy rainfall for more than a century. The floods showed that climate change spares none. Even if a country has adequate resources and advanced infrastructure (physical as well as organisational), it can find no escape from extreme climatic events. Reports say the death toll in Germany and Belgium has crossed 214. Hundreds more are unaccounted for, and authorities are still struggling to restore normalcy. A shocked flood victim told a reporter that he thought such disasters happened only in Asia. Heavy rainfall within a short period of time resulted in overflowing rivers, canals, and other water bodies flooding many towns and cities. The scenes of roads being washed away, houses getting inundated, and stranded people being evacuated by helicopters, earth movers and lifeboats were no different from what is normally witnessed in India during such disasters. *It bore uncanny resemblance to what Kerala experienced in August 2018.* Not surprisingly, Kerala Chief Minister Pinarayi Vijayan reacted to the situation in Europe. He expressed condolences and asked the Indian community in Europe to stand in solidarity with the flood victims. He also recalled with gratitude the technical assistance extended by the Netherlands to the State following the 2018 floods and the visit of the Dutch King and Queen to Kerala in 2019 when they personally reviewed the joint efforts under way for long-term flood resilience. *Superior organisation, better preparedness and an advanced flood management system helped the Netherlands, with its centuries of experience in dealing with floods, to avoid casualties. But many towns were submerged.* Thousands of people had to be evacuated. Floodwaters breached a dike and entered the town of Meerssen. The Dutch military, however, managed to close the breach using hundreds of sandbags. Chancellor Merkel, Dutch Prime Minister Mark Rutte and other



leaders were quick to attribute the cause of the floods to climate change and call for urgent action to arrest global warming. *Experts say the more CO<sub>2</sub> the world emits into the atmosphere, the warmer will be the air temperature. Warmer air holds more moisture and results in excess rainfall, which leads to flooding. Additionally, increasing temperatures at the poles result in slower movement of storms in the mid-latitudes. As a result, storms linger longer at a specific place. The combination of a slow-moving storm and the presence of surplus moisture in the atmosphere results in intense rainfall in one location within a short period of time.* In 2018, Kerala, for example, witnessed 414 mm of rain in just three days between August 15 and 17. Rainfall for the period of August 1 to 19, 2018, in Kerala was 164% more than normal. Several have asked: what did the Netherlands do right in dealing with the floods and what did the others do wrong? The advanced flood warning system of Germany (which includes a network of sensors to measure river water levels in real time) did forecast heavy rains and the possibility of floods. *But local authorities were unable to respond rapidly enough and communicate the warnings to the wider population. The rain and floods happened so fast that there was no time to evacuate all residents to safety and fully deploy the formidable rescue and relief infrastructure that they possessed. There are already demands that such warnings must be communicated to the general public in simple language. Rather than forecast the millimetres of rain expected, conveying specific information regarding the extent of damage to property and life would likely encourage affected communities to remain alert and respond quickly.*

#### Lessons for India

The floods in Europe call attention to the global need for countries to implement ecologically sensitive flood protection measures. The Dutch have gone beyond their conventional dependence on dikes, dams, walls and gates to protect themselves from floods. Their current disaster resilience mantra is to live with water, build with nature and make room for the river. *They champion creating adequate space for rivers to overflow by protecting floodplains from human interference, deepening riverbeds and creating alternate channels for excess water.* After two major floods in 1993 and 1995, the Dutch embarked on several projects to widen riverbanks and reshape the areas around rivers. *The floods in Europe serve as a wake-up call to us in India to adopt pragmatic policies and practices that are nature friendly. We must recognise that we will have to learn to live with water in the long term. Flood-prone areas should be identified, and projects initiated on an urgent basis to create room for rivers. Low-risk areas such as playgrounds, maidans, or agricultural fields should be earmarked to store excess rainwater.* Drains must be built for diverting water into these storage units. This will relieve the stress on the existing drainage infrastructure. The stored water can later be discharged back into the drainage channel once the high water subsides. The United Nations Development Programme-World Bank-European Union Post Disaster Needs Assessment report prepared for Kerala after the 2018 floods pointed out that *the drainage capacity of the rivers and canals of the State must be increased by creating more room for the water to flow.* It called for removing obstructions and encroachments from existing water channels, the proper maintenance of such channels and creating additional channels for water to flow. In the short term, strengthened disaster readiness, planning and preparation will help us deal with sudden, intense rain and consequent floods. *Climate change and global warming will continue to cause extreme climatic events. Across the world, countries are being confronted with situations of either too little or too much water and droughts interspersed with floods.* Rainfall has become unpredictable. While national and State disaster management authorities have grown in experience, competence and professionalism, there is need for a higher degree of coordination



and preparation across all levels of government. *Practice drills need to be conducted in flood-prone areas. We need to test the effectiveness of flood warnings. The warnings should be in local languages and in simple terms.* Today, many are wondering how they can learn from the Dutch experience in preparing for floods and dealing with their aftermath. But the Dutch themselves are wisely not permitting themselves any complacency. Conscious of their vulnerability to water, they maintain a spirit of eternal vigilance to floods. Reflecting this approach, the Dutch Prime Minister has exhorted his countrymen to learn from the recent disaster and see what more can be done rather than stay satisfied that major damage and loss of lives was prevented.

## HOW DOES A HEART-RATE MONITOR SHOW THE TENSION ON AN OLYMPIC ARCHER'S FACE?

*A vision-based heart-rate monitor, developed by multiple technological giants, is at the forefront of revolutionising the viewing experience in archery. The sport, which already boasts of being one of the best broadcasting events for viewers, added an extra dimension by displaying the heart rate of archers during competition.*

### When did World Archery implement the heart-rate monitor for athletes?

The decision to use a heart monitoring device on athletes was taken in the early 2010s. In 2012, World Archery wanted to implement Swiss company TABRASCO's miniature device. *The device would be attached just below the archer's knee and give out real-time data on how many heartbeats per minute (BPM) an archer would go through, and what the variations in the BPM would be at different stages of a match.* All of this data was meant to be shown live as the contest was going on. After years of deliberation and changes in technology, World Archery finally unveiled a televised version of their use of the technology at these Olympics. "On TV, it's hard to feel the tension of archers who have to score 10," said Tom Dielen, secretary general of World Archery. "I want to show their vivid tension."

### How does the heart-rate monitor work?

The world body for archery collaborated with Japanese giants Panasonic to set up cameras all over the venue. *What these cameras do is pick up changes in the colour of the skin of an archer, if and how much the pupils are dilating, and collect this data in real time to quickly come to the conclusion of the BPM an archer is currently going through.* "Heart rates are calculated by four sets of cameras installed 12 metres away from athletes based on delicate changes caused by contraction of blood vessels. *Heart rates are broadcasted on TV but not displayed in the arena as they could distract athletes,*" said Dielen. A field test of sorts was done in 2019, during the World Archery Championship in the Netherlands, when the developers of the 'Contactless Vital Sensing' were allowed to conduct tests and work with engineers on site to fine-tune the use of this technology.

### Has it given insight into an athlete's breathing during pressure situations?

Absolutely. South Korean archers continue to be some of the best in the world, but in the men's individual event, most of them felt the pressure of the occasion. The youngest archer at the Olympics, Kim Je-deok would average around 125 BPM in the first set against German archer Florian Unruh — a set where he shot three 10s consecutively. But an 8 in his first shot of the third



set saw his heart rate rise to 140 and then continue to go to 160 when he scored two 8s in the fourth set. In the fifth set, his heart rate raced to 170, and then for his final shot, was at 163. The Gyeonbukil High School student, who was a medal favorite, lost that match. The South Koreans have been using a similar apparatus developed by car manufacturing giants Hyundai, but rather than enhancing viewing experience, their version of the heartbeat monitor was used to correlate data from the body and the scores of the archer, to try to analyse how and why scores were high or low in certain situations.

#### How have Indians done with their heartbeat count?

India's Deepika Kumari had a very calm outing against Bhutan's Karma, where she was clocking 75 beats per minute. But in her match against USA's Mucino-Fernandes, her heartbeat was 100 in the first set and shot up to 175 at one point in the fifth as both archers battled it out for a place in the next round. "Obviously, I'm nervous. The pressure at the Olympics is at a different level as you put in years of effort to win a medal here. It's a battle with yourself and I'm trying to win against myself here," Deepika told reporters in Tokyo.

### CLOTHES OF A WOMAN

We women all want to feel good in our skin," said German gymnast Sarah Voss, as she explained her decision to wear a full body suit at the European Artistic Gymnastics Championship in April this year. *On Sunday, she was joined by her teammates who wore unitards that covered their arms and legs for the Tokyo Olympics' qualifying round, making a statement against what they described as the "sexualisation" of women in sports.* "We wanted to show that every woman, everybody, should decide what to wear," said German gymnast Elisabeth Seitz. Women athletes everywhere are protesting rules and conventions that expect them to wear outfits which have less to do with function and more to do with glamour and "sex appeal". Most sporting bodies remain conformist and sexist in their approach to athletic outfits. Take what happened with the Norwegian women's beach handball team in the recent European Beach Handball Championship: After their repeated complaints against the mandated bikini bottoms were ignored, they played wearing shorts. The European Handball Federation imposed a fine of 150 euros per player, although after outrage from other teams and the general public, it promised to do something to change the uniform rules. It's been nearly half a century since John Berger observed, "Men look at women. Women watch themselves being looked at." *The tyranny of the "male gaze" is strongest in fields like cinema and sports. For women athletes, it cuts both ways: They're forced to wear clothes that make them self-conscious, and they're also criticised if they embrace glamour and femininity, as happened with Florence Griffith Joyner. Finally, athletes themselves are starting to be heard: The Norwegian Handball Federation supported its players and offered to pay the fine on their behalf. Others need to follow its example.*

### KEEP YOUR MIND ALERT AND ACTIVE

*The World Health Organization (WHO) estimates that 15% of the world's population, or about 785 million people, are mentally disabled – with dementia, memory loss, anxiety and stress-related disorders, Alzheimer's disease and similar disabilities. In India, a recent study reported in this newspaper states that 74% of senior citizens (people above 60 years of age) reported stress and 88%*





*reported anxiety, after the coronavirus pandemic and the associated lockdown.* By the year 2050, the number of senior citizens in India can be about 20% of the population.

### Treating aged people

Given this situation, we need a variety of methods to detect and treat such mental disabilities in aged populations, and indeed even in 'junior citizens' before they attain the senior stage. Several traditional practices such as Ayurveda, Unani, Yoga and breathing exercises have been going on for centuries. Yet, we need to use modern science and technology, new detection and treatment modes.

### Reduces anxiety

*It is here that a recent report from a group at the Weizmann Institute in Israel is of interest. They have shown that the compound called **beta-sitosterol (BSS)** reduces anxiety and synergises with established anxiety drugs in mice. Their paper explores the effect of BSS on various parts of the brain and its chemistry, and can be accessed (Panayotis et al., 2021, Cell Reports Medicine 2,100281). We need more drugs to treat anxiety and stress-related disorders. The discovery and development of such compounds is a challenge. The most common sources of BSS are plants (called phytosterols). They have been used in traditional Indian medicine and are vegetarian since they are plant-derived. The most abundant source of BSS is canola oil, which has over 400 mg of this molecule per 100 grams, and so does corn (makki, cholam) and its oil. However, canola is not easily available in India. The easiest source of BSS in any supermarket across the country are nuts such a pistachio, almonds, walnuts, and even chickpeas (with 198, 132, 103 and 160 mg/100 grams of BSS). Dementia is a term that describes a group of conditions affecting the gradual impairment of brain function. It is associated with memory loss, and impaired cognition and mobility. An individual's personality may also change, and functional ability decline as the condition progresses. Dementia can also impose a burden on the sufferers and their families. An excellent and comprehensive review, titled "The Dementia Epidemic: Impact, Prevention and Challenges for India", published by R. Sathianathan and S. J. Kantipudi in the Indian Journal of Psychiatry (2018, Vol 60(2), p 165-167), is available for free on the net.*

### Biomarkers of dementia

*Scientists and clinicians are concentrating on detecting the onset of dementia and Alzheimer's, by looking for biomarkers such as the deposition of insoluble plaques leading to neurodegeneration. In addition, imaging methods, that use magnetic resonance imaging (MRI) and positron emission tomography (PET) can detect the onset of dementia conditions ahead of time. We have quite a few centres in several cities with MRI and PET scanning facilities. But we need more clinical and biological laboratories that can detect the roles of genetic and neurobiological aspects even before imaging techniques are used. We also need organic chemists to synthesise newer and more efficient drug molecules to act on neurological problems at their very early stage, inhibiting the neural system from degrading. India has been a world leader in the area of the chemistry of natural products – identifying key molecules of health interest and synthesising and marketing them across the country and the world. We also have world class biology laboratories that study genetic and molecular biological aspects. In addition, we have centuries-old herbal medicine centres (in Ayurveda and Unani systems) which continue to produce effective cures for dementia. If the country's*



*Central and State governments, plus private foundations can come together to support research, there is no reason why we cannot reduce the number of dementia and Alzheimer's disease cases. Senior (and junior) citizens can offer their support by adopting diets rich in BSS, eating plant food and nuts, doing exercises- walking, bicycling, vigorous outdoor games – and yoga practices that help in making fitter bodies and brains.*

#### HOW A SQUIRREL SPARKED OFF A SCIENTIFIC QUEST

A black squirrel is indeed a rarity, at least in India, but what would have ended up in captivity as a curious exhibit or a laboratory specimen, instead became the subject of a 13-year-long scientific quest by a multidisciplinary team of 15 researchers from various Indian institutes. Employing the most modern scientific techniques, including morphological and bioinformatic studies and molecular and genetic tools, the scientists embarked on a mission to unravel the cause for the colour change. Ever since it was captured from the outskirts of Kerala's capital city in 2008, Alison, the black squirrel, named after a U.K.-based scientist who helped identify the animal, had been the subject of intense scientific scrutiny. Following up on the preliminary investigations that confirmed the black animal to be a variant of the Indian three-striped palm squirrel (*Funambulus palmarum*), the scientists went on to decipher the genetic causes of the colour change. Finally, after 13 years of research, the team found that it was caused by gene mutation. The study found that the melanocortin-1 receptor (MC1R) gene in the animal acted as a switch to activate the change in pigmentation. The study has been published in the latest issue of Current Science. "At first, we thought it was a tree shrew but the bushy tail resembled that of a squirrel. Once it was confirmed as a female melanistic variant of the Indian palm squirrel, we realised that it was the first black one of its kind to be reported from the Indian subcontinent," says Oommen V. Oommen, former chairman, Kerala State Biodiversity Board and co-author. Unlike the U.K., U.S., and Canada where the black squirrel has attained sizeable populations, there have been no reports of the mutant version being sighted anywhere in India. The next job was to find out whether it was a new species, for which the scientists compared the genes of the wild squirrel with the black melanic variant and found they were 98% similar. Having confirmed it as a palm squirrel, they moved on to the quest to study the mutation. "Our attempt was to understand the basic science behind the colour change, what it is that throws the switch," Prof. Oommen said. Computational docking studies suggested the mutation in the MC1R gene was responsible for the melanism.

#### DELTA VARIANT AS CONTAGIOUS AS CHICKEN POX

The Delta variant of the coronavirus is as contagious as chickenpox, probably causes more severe disease than past strains, and breakthrough cases in vaccinated individuals may be as transmissible as unvaccinated cases, according to a leaked U.S. government document. The slide presentation produced by the Centers for Disease Control and Prevention (CDC) stresses that "the war has changed" as a result of Delta. It was first reported by The Washington Post. CDC director Rochelle Walensky cited data from the presentation this week to justify a return to masks for vaccinated people in high-risk areas. One of the biggest takeaways is the finding that breakthrough infections in vaccinated people are highly contagious, with the data coming from previous studies and a new analysis of an outbreak in Provincetown. Experts rely on a number called the cycle threshold (Ct) value to indicate how much virus an infected person harbours, with lower numbers indicating higher viral load. In Provincetown, there was "no difference in mean Ct values in



vaccinated and unvaccinated cases,” the slides said. A review of findings from other countries shows that each person with Delta infects on average eight others, making it as transmissible as chickenpox but still less than measles. Vaccine efficacy estimates vary across countries, but in its concluding slide, the CDC estimates the risk of severe disease or death is reduced 10-fold or greater in the vaccinated, while risk of infection is reduced three-fold or greater.

## CAN VACCINATING HEALTH WORKERS BE MADE MANDATORY?

On July 12, France made it mandatory for healthcare workers to get vaccinated. Beginning September 15, all unvaccinated healthcare workers in France will not receive salary or be allowed to work. Likewise, Greece and Italy too have made vaccination mandatory for healthcare workers from fall this year. In the U.K., care home workers would be required by law to have the COVID-19 vaccination. Virologist Dr. Shahid Jameel, Director of the Trivedi School of Biosciences at Ashoka University, cites mandatory smallpox vaccination in several European countries. Similarly, polio vaccination was made mandatory in several European countries. At this time childhood vaccination is mandatory in several EU countries and recommended in others, Dr. Jameel adds.

### Wide exemptions

“Compulsory vaccination has never meant people should be vaccinated against their will. These provisions have always been implemented with fairly wide exemptions on religious, social and philosophical grounds,” says Dr. Chandrakant Lahariya, physician-epidemiologist in an email. In France, it is not the healthcare workers alone who have been targeted. As per the announcement, all unvaccinated people will be denied entry into certain public places like theatres, sports venues and festivals involving more than 50 people in France from July 21, and cafes, bars, restaurants, shopping malls, and long-distance trains from August 1. Entry will be permitted only when unvaccinated people show a negative test result.

### Age-old measure

Enforcing reasonable restriction in access to public places to prevent virus transmission appears fair and is an age-old public health measure. Individuals still retain the choice — whether to get vaccinated or not. “Such policies serve more of a nudge to get vaccinated. There is a qualitative difference between being denying entry to a venue and denying salary or refusal to allow to work, as this would impact their economic and social well-being and can have implications beyond the individual,” says Dr. Anant Bhan, global health and bioethics researcher. “Denying salary unless vaccinated would be coercive as it puts an individual at disadvantage,” says Dr. Lahariya. Dr. Giridhara Babu, Epidemiologist at the Public Health Foundation of India, Bengaluru is of the opinion that getting vaccinated is an individual's choice, and none can be forced out of their will to get the shot. “It is important to educate and have strong social mobilisation strategies to empower people to be aware and get vaccinated. In the case of healthcare workers, vaccination can be made an essential criteria for employment, which can be part of medical fitness after a pre-employment health assessment.”



### Ways of protecting

In healthcare settings, there are other ways to ensure that an unvaccinated healthcare worker and the patients are protected — using a PPE kit, mask, face shield, other protective gears and redeployment of unvaccinated staff for services which do not require direct patient engagements, Dr. Babu says. Dr. Jameel strongly disagrees. He says: “Healthcare professionals provide an essential service and work in a high-risk environment. They are at high risk to get infected and to pass infection to others. Therefore, when licensed vaccines are available, they must take them. No one in a hospital who is exposed to blood and other body fluids is allowed to work without hepatitis B vaccination. COVID-19 vaccination should be no different.”

### Effect of nudges

Incidentally, two days after France announced its vaccine policy, 2.2 million people signed up to get vaccinated. It could suggest that nudges can play a role in health promotion, but it could also indicate fear or apprehensions about denial of access to key services or social opportunities which people value, says Dr. Bhan. According to Dr. Lahariya, a majority of those who signed up were in the 18-35 years of age group, who in all likelihood were willing but delaying their vaccination. The compulsion seems to have nudge people to prioritise their own vaccination. At the end of it, it is people who are making a choice about vaccination. Though only less than 7% have been fully vaccinated in India, according to India's Health Ministry, nearly 80% of healthcare workers and 90% of frontline workers were already fully vaccinated by early July. Any attempt to make vaccination mandatory for healthcare workers in India will surely exacerbate the inequities of differential access to vaccines, says Dr. Babu. There is also the possibility that any coercion might lead to more fake vaccination certificate scams.

### Inform and empower

“I am not for making it mandatory for any section or class. This will not only undermine the public support but will also be counterproductive and create newer problems where none exist. As per evidence, coercive measures are always counterproductive; they will only create further panic and fail to increase vaccine uptake,” says Dr. Babu. “The purpose of risk communication is to inform and empower people and respect individual choice. Mandating anything will fundamentally alter this dynamic by overriding personal autonomy.” Dr. Lahariya says that prior to making any intervention compulsory, a few principles have to be adhered to. “The benefit of such an intervention should be scientifically supported. Vaccines should be easily available and accessible to every eligible citizen, and there should be reasonable exemptions. India does not fulfil one or more of these principles,” he says. With demand outstripping supply, vaccine shortages have been reported by several States. Also, if the core argument of compulsory vaccination is to protect others and stop virus transmission, then the role of currently used COVID-19 vaccines in India is not backed by scientific evidence. Clinical trials have documented vaccine efficacy against moderate to severe disease, hospitalisation and deaths; there is limited data on their role in preventing virus transmission.

### Breaking the chain

“It is clear that while those vaccinated can still get infected, they produce much less virus, thus reducing the chances of transmission. Further, they are protected from severe disease and in a

**3<sup>RD</sup> FLOOR AND 4<sup>TH</sup> FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR**





pandemic situation you want your healthcare and frontline workers to be protected and available as much as possible,” says Dr. Jameel. Dr. Bhan agrees that vaccination contributes to breaking of the transmission chain and case reduction even if it does not completely stop the possibility. This makes a strong case for promoting vaccination particularly among healthcare workers. “But this does not necessarily mean we should be exploring the mandatory vaccination route to push this,” Dr. Bhan adds.



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