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## INTERNATIONAL

### 46 YEARS AGO, ANOTHER US EXIT AND FALL OF SAIGON

*On social media, the Taliban's march to Kabul is being likened to the 'fall of Saigon' — a reference to 1975 when the capital of US-backed South Vietnam fell to Communist-ruled North Vietnam two years after the withdrawal of US military presence of 19 years. Saigon's capture on April 30, 1975 (it was later renamed Ho Chi Minh City) signalled the end of the Vietnam War, and the Communists consolidated their hold over the entire country in the next few months — just as security analysts fear the Taliban would do in Afghanistan in the near future.*

#### **What happened in the Vietnam War leading to the fall of Saigon?**

*The Vietnam War (1954-75) left 58,000 Americans and 2,50,000 Vietnamese dead, and ended with the US being thrown out of the country. From 1954, when North Vietnam's General Vo Nguyen Giap defeated French colonial troops at Dien Bien Phu, the war raged for 21 years until Giap defeated the Americans and the South Vietnamese at Saigon. When Saigon fell, TV and the next morning's newspapers showed large groups of Americans, soldiers and civilians on the roof of the US Embassy, waiting to be rescued by military helicopters. As each US helicopter was overfilled and rose a few feet, dozens clung to its skids and jumped down on aircraft carriers before the helicopter could land. That very day, four hours after a US helicopter evacuated the last of a dozen Americans, the National Liberation Front (the Communists) captured the city. Saigon surrendered unconditionally, ending 120 years of foreign occupation.*

#### **What position did India take?**

Then-Prime Minister Indira Gandhi congratulated the North on its victory. The Indian Express reported at the time: "In a veiled criticism of the foreign policy attitudes associated with Dr Henry Kissinger, Indira Gandhi said that the balance of power model certainly did not provide an answer. *The idea that four or five or six great powers interacting among themselves could preserve peace in the world was an extension of the ideas developed in Europe in the 19<sup>th</sup> century.* The world has become extremely complex." Indira Gandhi's statement reflected what had been India's position on Vietnam since she had become Prime Minister nine years earlier. In 1966, when she went on a state visit to the US, she refused to tell President Lyndon Johnson that India "shared America's agony over Vietnam" — as had been the wish of her top advisors. "All she was prepared to say to LBJ was: 'India understands your agony'," the late journalist Inder Malhotra wrote in a 2015 column in this paper.

### THE TALIBAN WAR CHEST

In returning to power in Kabul over the weekend, the Taliban demonstrated both the success of a lightning military offensive against Afghanistan's then government, as well as their remarkable resilience in the face of onslaughts by the world's most powerful military for 20 years. *When they were driven out of Kabul in November 2001, the Taliban had been in power for a little over five years, and in existence for only seven.* What makes them the fighting force that outlasted the United States in its longest ever war, and defeated the Afghans who received equipment and training worth over



\$80 billion from the Americans? Where have the Taliban found the funds to sustain themselves over a two-decade war with an adversary with almost limitless resources?

### Flourishing drug trade

In a May 2020 report, *the United Nations Security Council estimated that “overall Taliban annual combined revenues range from \$300 million to upwards of \$1.5 billion per annum”*. It said that while the figures for 2019 were lower, officials “were careful to note that the Taliban used resources effectively and efficiently and were not experiencing a cash crisis”. The primary source of the Taliban’s funds has been the *drug trade*, as report after report has shown over two decades. Their income suffered in recent years because of the “reduction in poppy cultivation and revenue, less taxable income from aid and development projects, and increased spending on “governance” projects”, the UNSC report said. However, “while *heroin cultivation and production* have provided the bulk of Taliban revenue for many years, the emergence of *methamphetamine* in Afghanistan is giving impetus to a major new drug industry with significant profit margins,” the report noted.

“In each district, smugglers paid a tax to district Taliban commanders of 200 Pakistan rupees (approximately \$1.30), or its equivalent in afghanis, per kilogram of heroin. Smugglers were provided documentation by each Taliban commander certifying payment of tax before proceeding to the next district and repeating the same process. Afghan officials stated that the smuggling routes thus helped to financially empower each district Taliban commander.” In a report published last year, UNODC said “Afghanistan, the country where most opium is produced, which has accounted for approximately 84 per cent of global opium production over the past five years, supplies markets in neighbouring countries, Europe, the Near and Middle East, South Asia and Africa and to a small degree North America (notably Canada) and Oceania.”

### Mining, taxes, donations

In September 2020, Radio Free Europe reported on a confidential report commissioned by NATO, which concluded that the Taliban “has achieved, or is close to achieving, financial and military independence”, which “enables [it] to self-fund its insurgency without the need for support from governments or citizens of other countries”. Besides the illicit drug trade — overseen by Mullah Muhammad Yaqoob, the son of Taliban founder Mullah Muhammad Omar, a shadowy figure who is expected to play an important role in the new government — the Taliban had “expanded its financial power in recent years through increased profits from illegal mining and exports”, the report said. It estimated that the militant movement earned “a staggering US \$1.6 billion” in the year ending March 2020. Of this, \$ 416 million came from the drug trade; over \$ 450 million from the *illegal mining of iron ore, marble, copper, gold, zinc, and rare earth metals*; and \$ 160 million from *extortion and taxes in the areas and on the highways it controlled*. It also got \$ 240 million in donations, largely from Persian Gulf nations. To launder the money it earned, it imported and exported consumer goods worth \$ 240 million. The Taliban also own properties worth \$ 80 million in Afghanistan and Pakistan, the report said.

### Weapons from Pak and loot

*The Taliban do not appear to have had any dearth of weapons to fight the Afghan and US forces. Support from Pakistan has always been key, but the Taliban did not rely on any single source of arms and ammunition.* Journalists such as Gretchen Peters, Steve Coll, and others have repeatedly



pointed to *the support of the ISI and Pakistan army to the Taliban, directly and through the Haqqani network, a sprawling Islamist mafia based in Pakistan's tribal areas and in Afghanistan, comprising fighters, extremist religious schools, and shady businesses with powerful connections to Arab countries in the Gulf and in Pakistan.* American leaders and generals have openly accused Pakistan of diverting to the Taliban funds that it received to fight against the fundamentalist movement. There are other players too. In September 2017, then Afghan Army Chief General Sharif Yaftali told the BBC that he had documents to prove that *Iran was "supplying weapons and military equipment to the Taliban in western Afghanistan"*. A November 2019 report by the US Defense Intelligence Agency noted that since "at least 2007, *Iran has provided calibrated support — including weapons, training, and funding — to the Taliban to counter US and Western influence in Afghanistan, combat ISIS-Khorasan, and increase Tehran's influence in any post-reconciliation government*". The US has also *accused Russia of supporting the Taliban, but there is little evidence of that.* Beyond these external avenues, the Taliban has also been *able to arm itself with the weapons and ammunition that the US has provided to the Afghan forces over the years.* America's Special Inspector General for Afghanistan Reconstruction (SIGAR), a Congress-backed watchdog, noted in an analysis in 2013 that *nearly 43 per cent of the firearms — 2,03,888 of the 4,74,823 — provided to the Afghan forces were unaccounted for.* "Given the Afghan government's limited ability to account for or properly dispose of these weapons, there is a real potential for these weapons to fall into the hands of insurgents, which will pose additional risks to US personnel, the ANSF, and Afghan civilians," the analysis said.

#### **US military assets with Taliban**

*No figures are available for what kind of American military assets, and in what numbers, have fallen into Taliban hands.* The US Government Accountability Office said in a report in 2017 that between 2003 and 2016 the US funded 75,898 vehicles, 5,99,690 weapons, 208 aircraft, and 16,191 pieces of intelligence, surveillance, and reconnaissance equipment for the Afghan forces. And "there is a non-zero possibility of groups like al-Qaeda or the Pakistani Taliban getting their hands on some of the weapons."

#### **WHAT'S NEXT FOR AFGHANISTAN?**

Almost 20 years after they were ousted from power by a U.S.-led invasion, the Taliban, who rose from a group of madrassa students in the 1990s under the leadership of Mullah Omar, are back in Kabul. The city fell without a fight on August 15, as President Ashraf Ghani and most of his Ministers and elected lawmakers fled the country. The whole world is now looking at the unfolding situation in Afghanistan as the Taliban are now tightening their grip on the country.

#### **What's happening?**

*The Taliban are yet to form a transition government. Their leaders, including Amir Khan Muttaqi, a former Information Minister, are currently holding talks with former President Hamid Karzai, top government negotiator Abdullah Abdullah and Hezb-e-Islami leader and former warlord Gulbuddin Hekmatyar on transition. The Taliban call themselves the Islamic Emirate of Afghanistan. Currently, Afghanistan is an Islamic Republic, where President is the head of state.* The Taliban are expected to change the name in the coming days, which would also mean that *their supreme leader Mullah Hibatullah Akhundzada would be the 'Emir' of Afghanistan.* As the transition process is under way,



the Taliban have moved to assure the foreign diplomatic missions as well as the public that they would not target anybody. On August 17, Zabihullah Mujahid, the Taliban's spokesperson, held a press conference in Kabul where he said the new government would respect Afghan women's rights "within the framework of the Islamic law". Mujahid, who was a shadowy figure until recently, also said the Taliban would not target anyone who worked with the fallen government or foreigners, and asked government employees, including women, to continue to go to work. Media houses continued to allow women journalists to work, while the streets of Kabul were patrolled by Taliban militants in the military vehicles abandoned by government soldiers. The Taliban have also set up checkpoints across the city.

### Have Taliban changed?

*The press conference in Kabul suggests that the Taliban are concerned about the public perception, at least for now, as the transition is under way. They also want to assure the Afghan people, many of whom are desperately trying to flee the country, that things have changed from 1996.* But the question is whether these statements are mere optics given the delicacy and complexity of the current situation or signals of a genuine transformation. While clarity is yet to emerge on what kind of a regime is going to be formed in Kabul, there is little evidence to suggest that the Taliban have gone through an ideological transformation. *When the Taliban were in power during 1996-2001, even basic human rights were suspended in Afghanistan. Women were not allowed to work and girls were not allowed to go to schools. Women could not venture out of their homes without a male companion. Men had to grow their beard. Amputation, flogging and stoning were common. Kabul's famed football stadium had been turned into a public execution ground. Music, TV, cinema, photography, painting and even kite-flying were banned. The sixth century monumental statues of Bamiyan Buddhas were destroyed. The Taliban did all these because they believed in a puritanical interpretation of Islam and in their bid to establish a "pure Islamic system". They haven't disowned these beliefs.* The Taliban may have taken Kabul within a day without bloodshed. But their long road to victory has been marred with violence. Over the past 20 years, they have carried out many attacks, including suicide attacks, killing thousands of civilians. Particularly after the U.S.-Taliban agreement was signed in February 2020, Afghanistan saw a series of assassinations of journalists, liberal critics and even pilots. And in areas the Taliban captured since May, there were reports of public executions, beatings and forced marriages of young girls with Taliban militants. In Kabul, many residents say, the Taliban were doing a door-to-door search, looking for those who worked with the government despite assurances from the group's leadership that no one would be harmed. The chaotic scenes from Kabul airport indicate how much sections of Afghan society fear the Islamist militants. *On Wednesday, Taliban militants in Jalalabad opened fire into a crowd of protesters, putting down the first demonstration of public dissent violently. So the Taliban spokesman's comments about moderation and rights of the people are not supported by the Taliban history and the developments on the ground.* It's up to the militants to prove the sceptics wrong. On the other side, the Taliban have shown more willingness to engage with other countries this time, especially with China and Russia. And Pakistan has openly welcomed the Taliban's capture of power.

### Is there any resistance?

*In 1996 when the Taliban took power, the Mujahideen government of President Barhanudeen Rabbani and Ahmad Shah Massoud retreated to Panjshir where they regrouped the Northern*



*Alliance.* This time, the Taliban appear to be more powerful. They reached Kabul after forcing the U.S., the world's most powerful country, to pull back. Most top officials in the Afghan government, including President Ghani, have fled the country. *The only top official who still stays defiant is Amrullah Saleh, the former First Vice-President. Mr. Saleh, a former aide of Massoud during the Northern Alliance days, is believed to be in Panjshir along with Ahmad Massoud, son of Ahmad Shah Massoud. On August 17, almost at the same time as the Taliban's Mujahid was holding the press conference in Kabul, Mr. Saleh tweeted, saying he's "the legitimate caretaker President" of the country, according to the Afghan Constitution. He also asked Afghans to join the "resistance".* It's too early to say which direction Mr. Saleh's efforts would take. *In the 1990s, Massoud had the backing of Russia, Iran and India, and the Northern Alliance was strong across northern and northeastern provinces. This time, Panjshir is the only province that stays out of the Taliban's control.* It's to be seen whether Panjshir could hold off the Taliban and Mr. Saleh could muster enough domestic and regional support to mount a credible challenge to them.

## AFTERMATH

As nations come to terms with the abrupt change of regime in Afghanistan, they will seek answers to many questions about the nature of the new Taliban government that controls most of the territories. Almost as an emergency measure that reflects the sense of alarm in Afghanistan's prospects of a stable future, U.S. President Joe Biden and U.K. Prime Minister Boris Johnson have agreed to hold a virtual G7 leaders' meeting to discuss a common strategy and approach. Yet, it will be a complex and likely frustrating task for the G7 to reconcile its position on minimum governance norms for Afghanistan with the ground realities of rule by the Taliban. In its May 2021 Foreign Ministers' communiqué, the G7 noted that "a sustainable, inclusive political settlement would be the only way" to achieve a just and durable peace that benefits all Afghans. To that end, the G7 promised its support to the negotiations in Doha and efforts to convene a high-level conference on Afghanistan in Istanbul. But the sheer audacity of the Taliban takeover and its promise to make Sharia orthodoxy the basis of jurisprudence suggest that Taliban interlocutors attending these parleys may not truly represent the voice of their commanders and administrators on the ground. Similarly, the G7's enduring aspiration for meaningful participation and inclusion of the voices of women, young people, and those from minority groups, looks to be dashed. Given that the project of long-term military occupation and regime change has amounted to naught in this country, going forward, the only lever that G7 might have to press for internal change in Afghanistan is foreign aid and, should the circumstances warrant it, sanctions. Indeed, the May 2021 communiqué noted that "Current and future support to the Afghan government relies on the adherence to the principles set out in the Afghanistan Partnership Framework and progress towards the outcomes in the Afghanistan National Peace and Development Framework II as decided upon at the November 2020 Geneva donors' conference". Yet, if there is one signal that the conditional norms elucidated by the G7 will be brazenly disregarded by the Taliban it is that they have already been disregarded to the extent that the Islamist group has been linked to numerous attacks on civilians, including targeted campaigns against women in public life, human rights activists, and media persons. This means calls for eschewing violence and allowing unhindered access to humanitarian aid may fall on deaf ears unless there is a punitive element that lends teeth to such demands. If the Taliban have distilled past strategic learnings, it might hold out hope that this time around, they will limit the damage they inflict on the fabric of



mainstream Afghan society, if nothing for fear that the backlash that it will bring from the global community will once again break their grip on power.

## HOW TALIBAN TOOK KABUL WITHOUT A FIGHT

The U.S. seemed to have concluded long ago that they lost the war in Afghanistan. What they did not expect was the speed with which Kabul fell. The latest U.S. intelligence estimates said the Taliban could capture Kabul in 90 days, The Washington Post reported on August 10. But the city fell in a single day, without even a fight, on August 15. How did that happen?

### Trump-Taliban deal

Though the Taliban overran most of the country within days, the road to their final victory started from the agreement they signed with the U.S. in February 2020. The Trump administration appointed a special envoy for Afghanistan, held direct talks with the Taliban bypassing the Afghan government and signed an exit agreement. In the agreement, the U.S. could not extract any concession from the Taliban towards a political settlement in Afghanistan. The Taliban did not even agree to a ceasefire. And the American focus was on getting their troops and diplomats out of Afghanistan safely. In the deal, the U.S. agreed to withdraw its troops by May 1, 2021 in return for assurances from the Taliban that they would not let terrorist groups operate from Afghan soil. This provided the Taliban a sense of victory, while demoralising the Afghan troops. Pro-Taliban channels immediately celebrated the Doha deal as their victory over America. They said if they could defeat the U.S., the world's pre-eminent superpower, the Afghan forces would not be much of a challenge. During the war, the Taliban's main challenge was the U.S. air power, which had caused devastating blows to the insurgency. Since the Doha agreement, the U.S. airstrikes went down drastically, in return for the Taliban stopping attacks on American forces completely. This allowed the Taliban to regroup across the country, plan for the next offensive and refurbish the supply lines. Legitimised by the U.S. deal, the Taliban also reached out to regional players such as China, Russia and Iran to neutralise their role in the coming big fight. And then they were waiting for the Americans to start going.

### The Ghani factor

The Ghani administration was internally divided. The last two presidential elections — 2014 and 2019 — were disputed. After both elections, the U.S. had to interfere, striking a deal between Mr. Ghani and his main rival, Abdullah Abdullah, to stitch together the unity government. Mr. Ghani, according to both his friends and rivals, was mercurial, impulsive and isolated. He projected himself as the rightful Pashtun leader of Afghanistan, alienating other ethnic leaders, who made up the erstwhile Northern Alliance that resisted the Taliban in the 1990s. Mr. Abdullah, half Pashtun and half Tajik, was a rival who was accommodated in the government. Abdul Rashid Dostum, the Uzbek warlord and Mr. Ghani's former Vice-President who's facing serious allegations, was living abroad. Atta Muhammad Nur, the Tajik "strongman" in the north, had publicly challenged the government. He was sacked as the Governor of Balkh province by Mr. Ghani in January 2018. Mr. Ghani, a former World Bank economist who has specialised on failed states, could not build an administration that commands over at least all the anti-Taliban forces. He tried to weaken the former warlords in the name of strengthening the national forces, as well as shore up his political base, but in the course, he weakened the anti-Taliban coalition further.



So, well before the American withdrawal started on May 1, the Ghani administration looked like a loose confederation of different fiefdoms. What glued them all together was the American troops. And once it was clear that the Americans were leaving, the cracks in the administration started widening. All the Taliban had to do was to push it from outside.

#### **American withdrawal**

The Taliban launched their offensive on May 1, the day the remaining U.S. troops started withdrawing. The Afghan government had the provincial centres under its control and set up outposts across the rural areas, which were provided supplies by air. Mr. Biden withdrew not just American air support but also the intelligence agents and contractors who were serving Afghanistan's war planes and helicopters. This has, besides the psychological and political impacts of the withdrawal, debilitated the Afghan air force, the only superiority the Afghan troops had in the war. Knowing this, the Taliban had also launched an assassination campaign, targeting Afghan pilots. According to a Reuters special report dated July 9, seven Afghan pilots were assassinated in recent months. As an overstretched and resource-limited air force came under pressure, the supply lines dried up. The Taliban could easily overrun remote government outposts and sweep through the country's north, which was, in the 1990s, the epicentre of the anti-Taliban resistance. The Taliban strategy was to take the rural districts first and then lay siege to the cities, allowing them to fall. With cities under their control, they encircled Kabul.

#### **No fight**

The turning point came on August 6, when the first city, Zaranj, fell to the Taliban. The Taliban allowed the government troops to walk away if they surrendered with their equipment. In some cases, according to a report in The Wall Street Journal, surrendered soldiers, unpaid for months, were even given pocket money by the Taliban. Those who resisted were killed. So Afghan troops, lacking reinforcements, faced two choices — either surrender and save their lives or fight to death for a government that cannot get its act together and was abandoned by even the U.S. In most cases, they chose the first. So did several government officials. In Ghazni, the provincial Governor handed the keys to his office to a Taliban commander along with flowers. The Governor was escorted out of his office by the Taliban. In several cities, they overran prisons and recruited prisoners to their ranks. As soldiers surrendered without a fight, cities after cities fell to the Taliban. Within eight days after Zaranj fell, more than half of the provincial capitals were under their control. Kabul became an island in the Taliban sea. On August 14, even when the city was surrounded, Mr. Ghani tried to show a brave face, saying his focus was on remobilising Afghan troops. But it was practically impossible. The soldiers across the country knew that the war had been lost. And they were unlikely to fight for Kabul alone. Five of the seven Army corps of the Afghan National Army were already taken over by the Taliban. By the evening, Mazar-e-Sharif in the north, one of the most anti-Taliban cities, fell. Mr. Ghani knew the time was up. On Sunday morning, he left the Presidential palace for the U.S. Embassy where he spent a few hours. In the afternoon, with a group of close aides, he flew out of the capital. By nightfall, the Taliban were in Arg-e-Shahi (Citadel of the King), the Presidential palace built by the 19th century Emir Abdur Rahman Khan. Almost 20 years after the U.S. started its war on terror driving the Taliban out of power, life is back to square one for millions of Afghans.





## INDIA STARTS SINGLE ENTRY E-VISA FACILITY FOR AFGHANS

*In the wake of the prevailing situation in Afghanistan where the Taliban have seized power, India has introduced a new category of e-visa for Afghan nationals to fast-track their applications for entry into India. These visas will be valid for six months only and will be granted only after security clearance, sources said. "MHA reviews visa provisions in view of the current situation in Afghanistan. A new category of electronic visa called "e-Emergency X-Misc Visa" introduced to fast-track visa applications for entry into India," a statement from the Ministry of Home Affairs (MHA) said on Tuesday. "India already provides X Miscellaneous category visa to foreigners whose purpose of entry into India does not match with any prescribed category. In the case of Afghanistan, the e-visa facility was not extended to the nationals of that country until now. However, since our mission is now shut in Afghanistan, people are being allowed to get online visas. All these applications, however, will first be cleared by security agencies," a home ministry official said. According to MHA's visa policy, foreign nationals applying for a visa for a purpose, which is not specifically covered under any visa category, may be granted 'X-Misc' Visa for appropriate duration. "Such a visa may be granted only with single entry and for the specific duration taking into account the purpose of visit. If the visa is granted for a period of stay exceeding 180 days, the foreigner will have to register himself/ herself with the FRRO/ FRO concerned within 14 days of arrival. This visa will be non-extendable and non-convertible to any other type of visa," the MHA policy document on X-Misc visa says. X-Misc visas are granted in general either independently or in conjunction with other visa categories such as to a dependent child of a medical visa applicant. India has in the past granted long duration visas to Afghan nationals — of all religions — facing persecution in that country and a large number of Afghans who fled the country during the first Taliban takeover and during the two decades of war after that continue to live in India. Stay Visa/ Residential Permit for one year at a time is granted by FRRO/ FRO to such Afghanistan nationals on a case-to-case basis with prior approval of the Ministry of Home Affairs. This is, however, available only to those facing persecution and not to economic immigrants. These permits are also State/UT specific with movement of such Afghans being restricted to the State/UT where they are permitted to stay. For visiting any place in any other State/UT, such Afghan nationals have to seek prior permission of the FRRO/FRO concerned. Grant of Stay Visa/Residential Permit is also subject to police reporting every year at the place where the Afghan national is allowed to stay. Notably, Afghanistan already falls under the Prior Reference Category (PRC) countries for grant of visa to India. This means that to visit India for any purpose, an Afghan national has to take clearance from MHA. Other foreigners in this category include those from Pakistan, Iraq, Sudan, foreigners of Pakistani origin and stateless persons.*



## NATION

### INDIA WORKING FOR RETURN OF KARMAPA

South Block is positively considering an outreach to the *17th Karmapa Ugyen Trinley Dorje, the Chief Minister of Sikkim said on Saturday*. At a press conference in Gangtok, CM Prem Singh Tamang said the Karmapa, who left India in 2017 without any warning, may return “very soon” and the State is planning to send a delegation to the monk in this regard. The Karmapa is the leader of the Karma Kagyu branch of Buddhism. “We have got a positive reply to our demand that 17th Karmapa Ugyen Trinley Dorje be allowed to visit Sikkim at the earliest. We believe it will happen very soon,” said Mr. Tamang. The 17th Karmapa has a strong following in Sikkim, where he remains popular despite having stayed away from India for the past four years. Lama Dorje used to reside in his impressive monastery located near the Dhauladhar range in Dharamsala. But Sikkim has always maintained that he should be based in the State as he is the ceremonial head of the Rumtek monastery. The importance of the 17th Karmapa is expected to grow and he is likely to play a role in the efforts to find a successor to the Dalai Lama. The Sikkimese government is planning to send Minister of Ecclesiastical Department Sonam Lama as the head of a delegation to meet the 17th Karmapa abroad and bring him back. The decision to send Mr. Lama is being interpreted as a big turnaround by the Indian establishment as the announcement was made by Mr. Tamang a day after he met Prime Minister Narendra Modi in New Delhi. The life of Ugyen Trinley Dorje has so far been eventful. He was born in Tibet but escaped to India at the age of 14 in a dramatic manner in 1999. The escape of the Karmapa was a major setback to the Chinese government. The young monk remained in India till 2017 but often complained about travel restrictions that prevented him from moving across the country and abroad. He had complained that the residential certificate given to him by the Government of India was insufficient as many countries in the world did not recognise the document which is usually granted to the Tibetan refugees in India. Dorje disappeared from India in May 2017 and was later found to be living in Europe and the U.S. He had reportedly acquired citizenship of Dominica, a Caribbean island state. It was reported that the monk had been living in a farm house in New Jersey gifted to him by a Chinese-Taiwanese couple. From the beginning of this uncertain phase, communication was maintained between the Indian authorities and Dorje who in an interview to Radio Free Asia in 2017 revealed that he was in talks with authorities for a return to India. A senior source in the BJP with knowledge of the Karmapa’s demands also substantiated the reports of the dialogue saying the outreach was blessed by the Dalai Lama as well. The person, however, said previous attempts to bring Dorje back did not succeed as the Research and Analysis Wing did not approve the move. Subsequently, sources had informed that India had toughened its position and planned to de-recognise Dorje as the rightful claimant of the position of the 17th Karmapa.

### NO NEW GRAND SCHEME IN MODI’S RED FORT ADDRESS

In his speech from the ramparts of the Red Fort on Sunday, Prime Minister Narendra Modi announced a ₹100 lakh crore “Gati Shakti” infrastructure plan with great fanfare. He made no mention of the fact that the same scheme has turned up in his last two Independence Day speeches as well. In fact, several initiatives announced on Sunday seem to be a rehash of previously launched schemes, some as old as two years ago. “In the near future, we are going to launch the

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National Master Plan of Prime Minister 'Gati Shakti' which will be a huge scheme and fulfil the dreams of crores of countrymen," Mr. Modi said on Sunday. "This scheme of more than 100 lakh crores rupees will result in new employment opportunities for lakhs of youth. Gati Shakti will be a National Infrastructure Master Plan for our country which will lay the foundation of holistic Infrastructure."

### Echoes of past

Back in 2019, similar words issued from the ramparts of Red Fort: "We have decided to invest 100 lakh crore rupees for modern infrastructure in this time period. This will generate employment; will develop new systems and various aspirations will be met." In 2020, Mr. Modi had reiterated the same plan, offering more details: "The National Infrastructure Pipeline Project will play an important role in this endeavour. ₹110 lakh crore will be spent on this project." It was a similar story with some other announcements on Sunday as well. The Prime Minister said he had "good news to share today" that the Sainik Schools would admit girls. The decision to make all Sainik Schools co-educational by 2021-22 was announced by the Defence Ministry back in October 2019. "I am announcing the National Hydrogen Mission today with this Tricolour as a witness," the Prime Minister said on Sunday. However, Finance Minister Nirmala Sitharaman had announced this mission during her Budget speech in February. The plan to fortify rice with iron and vitamins before distributing it in ration shops and at schools was also announced by then Food Minister Ram Vilas Paswan in 2019. The resolution to make India energy independent before the 100th anniversary of Independence also puts a deadline on a long-time ambition. Previous Independence Day speeches from Mr. Modi have included grander ambitions. The schemes to electrify all villages, end open defecation through Swachh Bharat, provide taps in all rural households through Jal Jeevan, put a human in space by 2022, double farmers income by 2022 and double the economy to \$5 trillion over a five-year period were all announced from the Red Fort during previous August 15 speeches. "It has been two years since August 15, 2019. At least, the 100 lakh crore figure could have been changed," said a tweet from Congress spokesperson Randeep Surjewala.

## REMEMBERING THE HORRORS OF PARTITION

Remembrances of mass killings and collective violence can play an important part in societies seeking forgiveness for the crimes they committed against humanity and resolving that they will never let those terrible events happen again. Israel remembers the Holocaust for more reasons than one. For different reasons, Germany too remembers the Holocaust through discussions in schoolbooks, public events and more. Japan, by actively remembering Hiroshima and Nagasaki, has not allowed the world to forget the destruction caused by the nuclear bombs dropped on the two cities. Not all nations, though, are committed to national remembrance. The United States, for instance, has not cared to publicly remember the genocide of the Native Americans during the 18th and 19th centuries.

### A refusal to remember

The biggest example of forgetfulness of a 20th century event is that by India. *It has never cared to collectively remember the estimated two million Hindus, Muslims and Sikhs who died in targeted murders and the tens of millions who were displaced in British India during the months before*



*Independence.* India's holocaust, which never has an 'H' to it, is *for the most part something we remember as having happened because of British perfidy and Mohammed Ali Jinnah's cunning ways. As a society we bear no responsibility, we believe.* But it is only by constantly telling ourselves what happened that we can come to terms with the mass murders of the time. By not remembering the crimes perpetrated on each other, we do not reach closure, we only push them aside in our minds. *There is no national memorial for the millions murdered, sexually violated, and displaced during Partition. School textbooks only note the killings; they do not remember them. There are no names, there are no faces, there are no voices of those millions.* In a reflection of the national attitude, the arts too barely remember the slaughters. *Saadat Hasan Manto's stories, Bhisham Sahni's novel Tamas (which was also turned into a film for TV), and the fictionalised presentations in the film Bhaag Milkha Bhaag are exceptions.* The academic world has over the past quarter century sought to make amends with a wide body of work of Partition studies and the creation of Partition archives, but these have not permeated into wider society. (There is, though, a Partition Museum that has been established in Amritsar, not by a government but by a trust set up by a dedicated group of citizens.) The blame for this post-Independence refusal to remember and seek forgiveness must be laid squarely at the door of the governments since 1947. In their anxiety to deny the two-nation theory, the state of the new republic sought to gloss over the terrible killings of Partition. It did not forget the mass murders, but it did not seek to actively remember the horrors that had taken place only a few years earlier. Pakistan was no different in not remembering the violence that happened on its side of what became a new national border. Independent India's call was 'Let us get on with building a nation of communal harmony'. Yet it was the opposite that happened. In the absence of collective remembrance, people's memories of the mass violence became easy fodder for the embers of communal hatred. *Indeed, the refusal to openly acknowledge and atone for the Partition slaughter was an important cause of the communal violence that dotted the decades after 1947.* A string of violent events took hundreds of lives each time, if not thousands, from Jabalpur (1961) to Ahmedabad (1969), Jamshedpur (1979), Moradabad (1980), Bhiwandi (1984), the Rath Yatra killings of 1989, Bhagalpur (1989), the Babri Masjid demolition violence of 1992-93, Bombay (1993); the list is endless extending to Gujarat (2002) and beyond. All these conflagrations are testimony to the outcome of the divisions built around Partition that have lingered ever since.

### Reopening wounds

It is never late to begin the process of remembrance and to come to terms with the past without erasing it. This remembrance must be of all the communities — Hindus, Muslims, and Sikhs — in undivided India, on both sides of the present borders, in the west and the east, who saw unimaginable devastation. *It must be a journey of remembrance that seeks forgiveness and makes us say 'Never again'.* But Prime Minister *Narendra Modi's decision (let us make no mistake: the decision has the Prime Minister's imprint all over it) to institute August 14 every year as 'Partition Horrors Remembrance Day' cannot be such a beginning. No communities are mentioned in the Prime Minister's statement, but the choice of the date tells us what it is about. Up to two million people of all religions died, but it is on the day which marks Pakistan's emergence as a nation that we will remember the brutalities of Partition. This kind of remembrance will reopen wounds and give a new edge to the divisions that led to the deaths during Partition. If the post-Independence error was to avoid talking about the mass killings, the new decision will keep the past on the boil. This is not remembrance; it encourages us to let the wounds fester.* We are surprised with this decision, but



we should not be. It is in keeping with the idea of India as a Hindu Rashtra. A part of the Rashtra was 'lost' to Pakistan on August 14, 1947, and we are now told that we must remember on that very day those who lost their lives during the events that ended with the break-up of the so-called Akhand Bharat. This is not a dog whistle ahead of the Uttar Pradesh elections; it is something more dangerous. *Seventy-five years after the birth of two countries, this decision by the Prime Minister of India seems to be aimed at recalling that the emergence in 1947 of two independent nations, rather than just one, was a mistake that we cannot be allowed to forget. The institution of 'Partition Horrors Remembrance Day' will then not help us remember and grieve in silence for the people who were killed. It will have the opposite effect — perhaps even intentionally — of retaining the anger over Partition.* Such a decision could have dangerous consequences in the future. If we truly want to make a beginning at remembrance of the horrors of the time, we could start by establishing a national museum of Partition in the heart of New Delhi. *Mahatma Gandhi had suggested after Independence that the Viceroy's House (now Rashtrapati Bhavan) should be turned into a hospital; the suggestion was not taken up.* Perhaps, now we could turn the new residence of the Prime Minister, proposed as part of the Central Vista Redevelopment Project, into a museum that remembers the millions of people of all communities who were killed or were forced to flee their homes 75 years ago. Such a national memorial in India could be a catalyst for Pakistan and Bangladesh to establish similar museums to honour the dead in those parts of British India. This may well mark a larger South Asian process of remembrance of everyone who died, whatever their religious denomination and wherever their location at the time of Partition. This would be a true collective atonement for those terrible events.

#### HISTORICAL ECHO TO MODI'S CALL

Prime Minister Narendra Modi's intention in announcing August 14 as Partition Horrors Remembrance Day to remove disharmony finds an echo from 74 years ago, in a page of the Constituent Assembly debates. The incident recorded in the Assembly's annals dates back to July 14, 1947. It had then been just over a month after Lord Mountbatten announced the partition of British India into two independent dominions of India and Pakistan in June 1947. Partition was a certainty, but Haji Abdul Sathar Haji Ishaq Sait, a member elected from the Madras Presidency, who was president of the Muslim League from Malabar, was present in the Constitution Hall to participate in the Constituent Assembly debates which Jawaharlal Nehru described as a "high adventure of giving shape, in the printed and written word, to a Nation's dream and aspiration". Dr. Rajendra Prasad, in the Chair, asked the members to present their credentials and sign the Assembly's Register. The Secretary then called out Mr. Sait's name. One of the members, Deshbandhu Gupta, intervened at that point. He asked whether it would not be "fair" to the House to have Mr. Sait first reveal whether he still subscribed to the "Two Nation Theory". "I take it that, as a sovereign body, and in view of the Partition that has been decided upon, we should review the whole question and lay down that a Member who does not subscribe to the Objectives Resolution that has been passed cannot sign the Register," Mr. Gupta told the Chair. The 'Objectives Resolution' was the resolve of the Constituent Assembly to frame a Constitution for a Sovereign, Independent, Indian Republic. Mr. Nehru had introduced the 'Objectives Resolution' as an indication "to ourselves, to those who look to this Assembly, to those millions in this country who are looking up to us and to the world at large, as to what we may do, what we seek to achieve, whither we are going". After hearing out Mr. Gupta, Dr. Prasad said he had raised an "interesting" point, but indicated it was not worth taking any further. Dr. Prasad said Mr. Sait, an elected

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member of the Constituent Assembly, was clearly entitled to sit in the House as long as he did not resign. "Anyone who has been elected is entitled to sit in this House as long as he does not resign. Therefore, I do not think I can prevent any Member who has been elected duly from signing the Register," said Dr. Prasad, who went on to serve as the first President of India. The record of the day showed that Mr. Sait was the first one to be called to sign the Register.

#### ON AUGUST 15, 1947, WHERE WAS BAPU?

While Delhi, the national capital, was being decked up for the grand celebration of Independence and the transfer of power, and Indians geared up to celebrate Independence, where was the man who had helmed the fight for Independence? Where was Bapu?

##### In Beliaghata

He was far away, in Calcutta, resolute in his efforts to bring peace and calm to a place that was burning with violence and hatred. The words and actions of Bapu doused the flames. The historic events bear recounting as India celebrates a landmark anniversary of Independence. The conditions were anything but peaceful then; today, 75 years down the line, conditions are not far from reigniting the fires that burned then. This is then a day to reflect on how far we have travelled. Or have we travelled far? On the evening of August 6, Bapu boarded the Calcutta Mail at Lahore; it would take him to Patna and then Calcutta from where he planned to leave for Noakhali (now in Bangladesh), where he had promised the minority community that he would shield them when Partition happened and East Bengal became East Pakistan. Bapu arrived in Calcutta on August 9, 1947. A delegation of Muslims, led by the chief of Calcutta District Muslim League, Mohammad Usman, pleaded with Bapu to remain in Calcutta to ensure the safety of Muslims. Bapu told them he would delay going to Noakhali if they guaranteed the safety and wellbeing of the minority community in Noakhali. If, despite their promise, there was violence in Noakhali, he would go on an unconditional fast unto death. On August 11, Bapu met with H.S. Suhrawardy, the former Premier of Bengal. Suhrawardy too voiced his concern about the safety of Muslims. Bapu asked him to stand guarantee for the safety of the Hindus in Noakhali if he wished for him to stay back in Calcutta. Suhrawardy promised. Bapu told him, "I will remain if you and I are prepared to live together. We shall have to work till every Hindu and Mussalman in Calcutta safely returns to the place where he was before. We shall continue in our effort till our last breath..." It was decided that Bapu and Suhrawardy would meet and live in Hyderi Mansion (now preserved as Gandhi Bhawan) in Beliaghata, the dilapidated and abandoned home of a Muslim family, in a densely populated neighbourhood of very poor Muslims. Bapu and Suhrawardy were greeted by an angry mob of young Hindu hotheads who were furious with Bapu for coming to the rescue of Muslims. Bapu tried to pacify them, but they persisted; their angry protest continued the next day, too. Bapu told them, "I am going to put myself under your protection. You are welcome to play the opposite role if you so choose. I have nearly reached the end of my life's journey. I have not much farther to go. But let me tell you that if you again go mad, I will not be a living witness to it. I have given the same ultimatum to the Muslims of Noakhali, too; I have earned the right. Before there is another outbreak of Muslim madness in Noakhali, they will find me dead." Speaking at the prayer meeting at Beliaghata on the evening of August 14, Bapu invited everyone to observe a 24-hour fast and pray for the wellbeing of India and to spend the day hand-spinning. After the prayers, Hyderi Mansion was again attacked. Stones crashed against the windows, shattering glass panes and



showering Bapu and the occupants with fragments of glass. The wooden shutters were hurriedly closed. Finally, in order to pacify the mob Bapu stood at a window and spoke with them. When he felt that he had calmed the mob, he called Suhrawardy. Suhrawardy stood next to Bapu, framed in the window illuminated by streetlights, Bapu placed a hand on Suhrawardy's shoulder; Suhrawardy unequivocally accepted responsibility for the Calcutta killings and expressed his sincere regrets for the tragedy he had caused. This had a profound effect on the crowd. "It was the turning point," Bapu said. "It had a cleansing effect." It was around 11 when the rooms occupied by Bapu and his tiny retinue were cleaned. After spinning his regulation quota of khadi yarn, his daily bread labour, Bapu lay down to rest; soon he was fast asleep. At midnight on August 14-15, 1947, Indians rejoiced. India was free. In the Central Hall of Parliament, in a grand ceremony, the British relinquished power and the interim government took charge. India heard the "tryst with destiny" speech made by Pandit Jawaharlal Nehru, which would be oft-quoted later in India's history, a testimony to its soul-stirring narrative of what India set out to achieve. But the man who had made that tryst possible was fast asleep, on a thin mattress, in a dilapidated home, in the densely populated poor neighbourhood of Beliaghata in Calcutta, oblivious to all the rejoicing and the celebration. On August 15, 1947, Independence Day, Bapu woke up at 3:45 a.m. He followed his usual daily routine. He received several messages of congratulations, but he was not celebrating. He was praying, fasting and spinning khadi. On Independence Day itself, a large crowd gathered around the Governor's mansion in Calcutta and laid siege to it, unmindful that now its occupant was an Indian, C. Rajagopalachari. The newly appointed Governor of Bengal was held hostage in the Raj Bhavan for several hours by Indians on Independence Day. Bapu sent a message to the ministers of the cabinet of West Bengal. He wrote, "From today, you have to wear the crown of thorns. Strive ceaselessly to cultivate truth and non-violence. Be humble. Be forbearing. Now, you will be tested through and through. Beware of power; power corrupts. Do not let yourselves be entrapped by its pomp and pageantry. Remember, you are in office to serve the poor in India's villages."

### **Together in joy**

At the prayer meeting that evening, Bapu congratulated Calcutta for the camaraderie displayed by Hindus and Muslims. Muslims shouted the same slogans of joy as the Hindus. They flew the tricolour without the slightest hesitation. What was more, the Hindus were admitted to mosques and Muslims were admitted to mandirs. Bapu had hoped that Calcutta would be entirely free from the communal virus forever. Then, indeed, they need have no fear about East Bengal and the rest of India. "Shaheed and I are living together in a Muslim Manzil in Beliaghata where Muslims have been reported to be sufferers. Now, it seemed as if there never had been bad blood between the Hindus and the Muslims. As I have said above, we are living in a Muslim's house and Muslim volunteers are attending to our comforts with the greatest attention... Is this to be called a miracle or an accident? I only ask myself whether the dream of my youth is to be realised in the evening of my life..." This is the wish with which Bapu ended his day, the day that India became independent in 1947.

## **THE FOUNDERS' FORESIGHT ILLUMINATES OUR HISTORY**

Sixteen years before Independence, during a temporary respite from Civil Disobedience, the nation's leaders decided to make public their dream — of what they would do for the country's



good, when at last it was free. *This was laid out in the Fundamental Rights Resolution, which was drafted by Jawaharlal Nehru and moved by Mahatma Gandhi at the Karachi session of the Indian National Congress from March 26 to 29 in 1931. It promised universal suffrage, civil liberty, the abolition of caste disabilities in the public sphere, state's 'neutrality' in respect of religion, protection of labour rights, including special rights for women, reduction of land tax and rent on peasants, relief for the poor from indebtedness, and finally, the state's "ownership and control of key industries and services". These pledges were repeated in the Congress's manifestos for the 1936-37 and 1945-46 elections. By 1945-46, the abolition of zamindari had also now been placed on the agenda.* As early as 1938, the Congress had committed itself to economic planning, having established a Planning Committee, with Nehru as its Chairman. Another important aspect which was brought to the fore in the National Movement was social reform. Gandhiji had always been firm in his opposition to untouchability. *As for women, his views ultimately changed entirely from the position he had taken in Hind Swaraj, 1909, about women remaining "queens" of their homes. By 1945 he had come to believe in total equality between women and men.*

### Courage and heroism

*When India became independent on August 15, 1947, the mass slaughter and ethnic cleansing that occurred brought out the sheer courage and heroism that both Gandhiji and Nehru commanded; and Gandhiji died on January 30, 1948 at the hands of a murderer. Yet, Gandhiji's fast earlier in the same month had at last brought violence to a close, so that now India could move towards reforming itself.* It is often suggested that *Nehru imposed his concept of a "socialist pattern" without any sanction derived from pledges made during the National Movement. As may be seen from the contents of the Karachi Resolution, this is a total misconception: only the term "socialist" officially used for that vision was a novelty. In two major areas, land reforms and construction of the public sector in industry, Free India in the first three decades had considerable achievements to its credit. The legislation for abolition of zamindari passed by individual provinces or States in the early years of Independence varied in detail, but the effect was that the bulk of the peasants became owners of the land they tilled.* Perhaps, the most radical measures were adopted in Jammu and Kashmir in 1950, where the actual cultivating tenants became owners of the land without paying even nominal compensation to the land-owners, this made possible because J&K had its own Constitution. In 1959, the Congress adopted a resolution in favour of ceilings on the size of land-holdings, and this initiated a process of land redistribution by which landless labourers, mostly Dalits, could also receive land to till. One can see the result of the land-reforms in the increase in food supply per capita. From 152.72 kg per head in 1950-55, the per-capita supply rose to 168.44 kg in 1961-65, whereafter a plateau ensued (figures as calculated by Professor Utsa Patnaik). As far as industry was concerned, *it was the Second Five-Year Plan (1956-61), which created a large public sector, especially in heavy industry. Even capitalists like G.D. Birla supported this measure because they well knew that only the state with its large resources could create an industrial sector on the required scale in India.* There was also considerable effort to expand literacy and improve higher education. Nor to be forgotten is the large state investment in science and technology, especially the establishment of the Indian Institutes of Technology and lower-level training institutes. Credit must be given to our nation's founders also for their effort in the cause of women's empowerment. Not only were restrictions on women's recruitment to government service removed after Independence but radical legislation also followed. Over this issue, the newly formed alliance of Jan Sangh (promoted by the Rashtriya Swayamsevak Sangh), the Hindu Mahasabha and the Ram





Rajya Parishad was soundly defeated in the 1952 elections. Today, one tends to forget the radicality of the changes in personal law that now ensued: the Special Marriage Act, 1954, that applied to all communities, and, then, the changes in the 'Hindu Code'. I have something more to add here: the remarkably high level of personal conduct of the political leadership. After Independence, local authorities throughout the country began removing Englishmen's names from gates and parks and replacing them with Nehru's name. Nehru issued a firm prohibition of anything to be named after him. I also have a story of my own about him to tell. In 1955, then a junior lecturer, I wrote to him as Prime Minister about a personal grievance of mine. Within days came a message that I was to see him at his office on a specified day at 9 a.m. When Nehru had done the talking with the Pope's envoy, I was called in. He began by telling me how wrong it was for the Pope to defend Portuguese behaviour in India, shifting thereafter to Russian and Chinese Communists, finding the latter more flexible. He then came to my case, referring to my Communist activities for four years or so, but without censure. He, however, told me that proper constitutional practice prevented him from intervening in the matter. He did so, I think, merely to avoid my thanks, for only a few days later, I got the passport enabling me to benefit from a Government of India scholarship for studies abroad. Nehru, indeed, stood apart. But in his time, even politicians with controversial personal reputations seemed quite different in their personal conduct. Travelling to Delhi, I once got into a small railway compartment. There was already a gentleman sleeping on the upper berth. As the train approached Delhi, he carefully came down, and, I realised I was in the company of Chandra Bhan Gupta, then Chief Minister of Uttar Pradesh, a veteran Congressman since the 1920s, with many critics. Here he was — with no security, no flaunting of dignity, just a first-class passenger. No picture of his came to us through paid advertisements or on government bill-boards. It was only when he got down at the Delhi railway station that his staff appeared.

#### TRAM TURNS INTO MUSEUM ON FREEDOM STRUGGLE

Commemorating the 75th Independence Day, West Bengal's Transport Department on Sunday launched a mobile museum on the freedom struggle and the partition of Bengal by turning two trams into galleries. This museum on wheels has been curated by the Arts and Cultural Heritage Trust in collaboration with the West Bengal Transport Corporation (WBTC). It will be on display at Esplanade in the heart of the city till December. It will move to other parts of the city from January 1. Two tram cars have been used to put together the museum. The first car highlights the rising resistance against the British Raj from the 1900s and key moments during from 1900 to 1947. The second car focuses on the mass migration and rehabilitation that took place post-Partition. The museum was inaugurated by Minister of Transport and Housing Firhad Hakim. "The museum on wheels beautifully depicts the efforts of our freedom fighters and also the impact of the division of Bengal and Punjab on the national psyche," Mr. Hakim said. Transport Secretary Rajesh Sinha said there will be no entry fee to visit the museum. Rajanvir Singh Kapur, Managing Director of the WBTC, who has been instrumental in other novel initiatives like curating Tram library and Tram world, said, "We are reviving the importance of trams and reshaping its use to go beyond just a mode of travel to rich cultural space in the modern context. This is a great way for people to learn about one of the most defining events in the subcontinent's history." The exhibition tells the story through newspaper reports and documents and archival & personal photographs. A 7,500-sq. feet national flag was unfurled at the Victoria Memorial Hall here. Chief Minister Mamata Banerjee hoisted the tricolour at the Red Rod here. In a social media post, she

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called for strengthening the voices against forces that stifle freedom. "On the 75th Independence Day, let us all come together to strengthen our voices against all forces that aim to stifle our freedom. We must never forget the sacrifice of those who fought a long and hard battle for this day. Warm wishes to all my brothers and sisters. Jai Hind!" Ms. Banerjee tweeted.

## COLLEGIUM RECOMMENDS EIGHT JUDGES FOR SUPREME COURT

The Supreme Court Collegium, led by Chief Justice of India (CJI) N.V. Ramana, has recommended to the government nine names for appointment as judges in the court, and in the process, scripted history by naming Karnataka High Court judge B.V. Nagarathna, who may become India's first woman CJI a few years from now. The Collegium, including Justices U.U. Lalit, A.M. Khanwilkar, D.Y. Chandrachud and L. Nageswara Rao, met until the late hours of August 17 to zero in on the names. It, however, formalised and published its resolution on Wednesday.

### 3 women judges

Eight judges and one lawyer from the Supreme Court Bar have been recommended. They are Karnataka High Court Chief Justice A.S. Oka, who is the most senior Chief Justice; Gujarat Chief Justice Vikram Nath; Sikkim Chief Justice J.K. Maheshwari; Telangana Chief Justice Hima Kohli, who is also the only serving woman Chief Justice; Justice Nagarathna; Kerala High Court judge C.T. Ravikumar; Madras High Court judge M.M. Sundresh; Gujarat High Court judge Bela M. Trivedi; and senior advocate P.S. Narasimha, in that order. The Collegium has for the first time, in one single resolution, recommended three women judges. It has thus sent a strong signal in favour of the representation of women in the highest judiciary. It has also continued the recent trend of recommending direct appointments from the Supreme Court Bar to the Bench of the court. The top court currently has 10 vacancies. Judicial appointments to it have remained frozen since September 2019. The last batch of appointments in September 2019 were of Justices Krishna Murari, S. Ravindra Bhat, V. Ramasubramanian and Hrishikesh Roy. The oldest vacancy is that of Justice Ranjan Gogoi, who retired in November 2019. The tenure of Chief Justice S.A. Bobde did not see a single judicial appointment to the court though frequent discussions were held by the Collegium. Justice Bobde's tenure as CJI had to weather the breakout of COVID-19. The Supreme Court Collegium has also recommended six judicial officers and a judicial member of the Income Tax Appellate Tribunal for appointment as judges of the Telangana High Court. The judicial officers recommended are P. Sree Sudha, C. Sumalatha, G. Radha Rani, M. Laxman, N. Tukaramji and A. Venkateshwara Reddy. The ITAT judicial member is P. Madhavi Devi.

## CENTRE NOT FOR FORMING SECURITY FORCE TO PROTECT JUDICIARY, COURTS

The Union government told the Supreme Court on Tuesday that it was "not advisable" to form a Central security force to protect the judiciary and court complexes. The government said security of courts was "better left to the States". Appearing before a Bench led by Chief Justice of India (CJI) N.V. Ramana, Solicitor General Tushar Mehta, for the Centre, said problems of security varied from State to State. The State police would be better equipped to gauge the deployment needs in local courts and take care of logistics of transporting criminals and protecting witnesses, among other crucial functions within court complexes. The Ministry of Home Affairs had issued extensive guidelines for the States to follow while protecting courts and the judiciary. Besides, Mr. Mehta



said 'police' is a State subject under the Constitution. The court had taken suo motu cognisance of the attacks on judges along with petitions pending since 2019 seeking better protection for the judiciary and in courts. The turning point was the recent murder of a judge in Jharkhand, Uttam Anand, in broad daylight. The court had asked the Centre's opinion on forming a central security outfit in the manner of the Railway Protection Force to protect courts and judges. "It is not advisable to have a central security force like the CRPF... There should be a fuller implementation of the guidelines of the Home Ministry. It is advisable that security is taken care of at the State level because problems vary from State to State. For example, Chhattisgarh and Jharkhand have naxal problems... It has to be State-specific instead of country-specific," Mr. Mehta submitted. But the court questioned the implementation of the guidelines and the poor security provided to courts. "Question is whether the guidelines are followed and to what extent these governments are providing security... CCTVs cannot prevent a criminal from attacking a judge. There should be something in place to prevent threats, attacks on judges," Justice Surya Kant, on the Bench, told the Solicitor General.

#### **Affidavits from States**

Justice Kant said several States had not bothered to file affidavits detailing the security arrangements in place for courts. Others who had filed affidavits presented a "lazy picture" of the security arrangements. The Bench allowed the States to file their affidavits in 10 days subject to paying ₹1 lakh each as costs. The court warned that Chief Secretaries would be summoned in case of non-compliance.

### **BETWEEN WORD AND INTENT**

The disquiet over the absence of adequate debate or discussion in Parliament is quite widespread. Concerned citizens and sections of the Opposition bemoan the evident haste with which laws are pushed through; presiding officers fret over the low productivity due to time lost amidst unruly protests; and even government representatives may worry that their legislative agenda is not being carried out in time. The Chief Justice of India, Justice N.V. Ramana, has added a new dimension to this sense of discontent by pointing out the absence of any help from parliamentary debates when the courts are faced with ambiguities or lacunae in laws. His description, of a "sorry state of affairs", would resonate as crucial pieces of legislation are indeed passed without sufficient debate, and often with nothing more than a Minister's brief reply or a mere assurance in response to any concern raised by some members. The CJI's concern was possibly occasioned by some specific law such as the Tribunals Reforms Bill, recently passed with a few clauses struck down by the Supreme Court. However, the import of his observation, at a celebration to mark the 75th Independence Day, was that when the courts were unable to fathom the intent behind some laws, the parliamentary record could throw some light if the debates were sufficiently enlightening. He referred to the illuminating debate on the Industrial Disputes Act as an example. It is quite true that a fuller debate in the legislature would provide greater insight into the intent behind laws, but a situation that requires a scrutiny of such intent ought not to arise in normal circumstances. Legislation should be drafted clearly and the letter of the law should not stray much beyond its purpose and scope. A purposive interpretation of statute is normally required only when the wording of the law is unclear. Otherwise, reliance on House committee reports or parliamentary debates is only an extrinsic aid, and not fully determinative of a law's meaning. In



a recent example, the Supreme Court ruled that the 102nd Amendment to the Constitution ousted the power of State governments to identify backward classes, even though it was vehemently argued by the Government that it was not Parliament's intention. It highlights the need to have the wording of the law fully reflect the legislative intent. More than the quality of debate, it is the scope for detailed discussion that imparts clarity and a much-needed proximity to the original intent and purpose to any statute. For this, it is vital that important pieces of legislation are scrutinised by standing committees, which will have the advantage not only of eliciting replies from the executive but also inputs from the wider civil society, before the statute is framed.

#### ARREST IS NOT ALWAYS A MUST, SAYS SUPREME COURT

The Supreme Court has held that merely because law allows arrest does not mean the State can use the power indiscriminately to crush personal liberty. *"We may note that personal liberty is an important aspect of our constitutional mandate. The occasion to arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond.* Merely because an arrest can be made because it is lawful does not mandate that arrest must be made," a Bench of Justices Sanjay Kishan Kaul and Hrishikesh Roy said. A distinction must be made between the existence of the power to arrest and the justification for exercise of it, it noted. "If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation we fail to appreciate why there should be a compulsion on the officer to arrest the accused," the court observed in its recent order. The order was passed in a plea for anticipatory bail filed by businessman Siddharth, represented by senior advocate Pramod Kumar Dubey and advocates Ravi Sharma and Rahul Shyam Bhandari. The Allahabad High Court had rejected his bail application in July. The case concerns an FIR registered against him for allegedly entering into a conspiracy and criminal breach of trust involving former ministers and high-ranking officials in relation to a project initiated by the Uttar Pradesh government in 2007 to build parks and museums, including the Ambedkar Samajik Parivartan Asthal, Kashiram Smarak Asthal Gautambudh Nagar Upvan Echo Park and Noida Ambedkar Park. The FIR alleges a loss of ₹ 14,000 crore to the public exchequer.

#### 'Wrongly interpreted'

Mr. Dubey argued that his client had joined the seven-year-old investigation. There was no need for his custodial interrogation. There was no apprehension that he would abscond or tamper with evidence. Mr. Dubey said Section 170 of the Code of Criminal Procedure (CrPC) has been wrongly interpreted by the police and trial courts to make arrest of the accused mandatory at the time of filing of the charge sheet. He argued that the word "custody" in Section 170 had been wrongly interpreted as 'arrest'. Agreeing with the senior lawyer, the Supreme Court clarified that "the word 'custody' appearing in Section 170 does not contemplate either police or judicial custody but it merely connotes the presentation of the accused by the Investigating Officer before the court while filing the charge sheet". "The trial courts are stated to be insisting on the arrest of an accused as a pre-requisite formality to take the charge sheet on record in view of the provisions of Section 170 of the CrPC. We consider such a course misplaced and contrary to the very intent of Section 170 of the CrPC," the court laid down the law.



## COURTS IN THE COUNTRY CONTINUE TO DIFFER ON MARITAL RAPE

Four years after the Supreme Court referred to Justice J.S. Verma Committee's recommendation to make marital rape a crime, besides quoting from decisions of courts across the world that "a rapist remains a rapist and marriage with the victim does not convert him into a non-rapist", Indian courts continue to take views on marital rape that are the polar opposite of each other. The recent response from courts to complaints of marital rape has been contradictory. When the Kerala High Court backed marital rape as a valid ground for divorce, a court in Maharashtra gave anticipatory bail to a man while concluding that forcible sex with his wife was not an "illegal thing" though she said it left her paralysed. In 2017, the top court, in *Independent Thought versus Union of India*, refused to delve into the question of marital rape while examining an exception to Section 375 (rape) of the Indian Penal Code which allows a man to force sex on his wife if she is above 15 years of age. However, in its judgment that declared "sexual intercourse with a girl below 18 years of age is rape regardless of whether she is married or not", the Supreme Court highlighted that legislative immunity given to marital rape stemmed from the "outdated notion that a wife is no more than a subservient chattel of her husband". Similarly, the Gujarat High Court has held that "a law that does not give married and unmarried women equal protection creates conditions that lead to the marital rape". "It allows the men and women to believe that wife rape is acceptable. *Making wife rape illegal or an offence will remove the destructive attitudes that promote the marital rape,*" the court had suggested. *Legislative amnesty to marital rape continues to survive in the statute book despite a gamut of decisions by the Supreme Court upholding the bodily integrity and privacy of women. The right to bodily integrity was recognised in the context of privacy in State of Maharashtra v. Madhukar Narayan Gardikar. Here, the top court observed that no one has a right to violate the person of anyone else, including of an "unchaste woman".* In *Suchita Srivastava v. Chandigarh Administration*, the top court backed a "woman's right to refuse participation in sexual activity or alternatively the insistence on use of contraceptive methods". The court has held that "rape is not only a crime against the person of a woman, it is a crime against the entire society". In *State of Punjab v. Gurmit Singh*, the court voiced the extent of trauma suffered by a rape survivor, saying "*a murderer destroys the physical body of his victim, a rapist degrades the very soul of the helpless female*". The report submitted by the Justice J.S. Verma Committee of Amendments to Criminal Law of January 2013 had recommended the removal of the marital rape immunity. "A marital or other relationship between the perpetrator or victim is not a valid defence against the crimes of rape or sexual violation. *The relationship between the accused and the complainant is not relevant to the inquiry into whether the complainant consented to the sexual activity. The fact that the accused and victim are married or in another intimate relationship may not be regarded as a mitigating factor justifying lower sentences for rape,*" the committee had advised the government unsuccessfully. The report underscored the fact that marital rape immunity had been withdrawn in most foreign jurisdictions. In England and Wales, the House of Lords had held in 1991 that "marriage is in modern times regarded as a partnership of equals, and no longer one in which the wife must be the subservient chattel of the husband".

## BOMBAY HC STAYS PROVISIONS OF NEW IT RULES

The Bombay High Court on Saturday partially stayed the operation of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The court said, "We have



found that prima facie it is in intrusion of petitioner's rights and goes beyond substantive law and the Information Technology Act." A Division Bench of Chief Justice Dipankar Datta and Justice G.S. Kulkarni stayed Rule 9(1) and Rule 9(3) of the new IT Rules. The portion which is stayed brings Code of Ethics under the IT Rules and directs self-regulation by the publishers, self-regulation by the self-regulating bodies of the publishers and oversight mechanism by the Central government. The court said, "Rule 9 (observance and adherence to the code) prima facie seems to be against the freedom of speech.

The court was hearing a petition filed by legal news website The Leaflet and a public interest litigation by journalist Nikhil Wagle. The petitions urged for direction from the court to restrain authorities from taking any coercive action against the petitioners for any failure to comply with the new rules.

#### 'Vague and draconian'

Senior advocate Darius Khambata, representing The Leaflet, argued that the rules go far beyond the permissible restrictions of freedom of speech and freedom of trade for a digital news publisher. They are vague and draconian and can have a chilling effect on free speech, so much so that they have to be stayed immediately, he said. Advocate Abhay Nevagi, appearing for Mr. Wagle, contended that the rules were arbitrary, illegal, irrational and unreasonable and contrary to the provisions of law, including Article 14 (equality before the law), Articles 19 (1) (a) (to freedom of speech and expression), 19 (1) (g) (to practise any profession, or to carry on any occupation, trade or business) of the Constitution.

### ELOPEMENTS MOST PROSECUTED UNDER CHILD MARRIAGE LAW

Legal proceedings against child marriages are commonly undertaken against elopements whereas forced child marriages often go unpunished, finds a new study. The report — *"Child Marriage Prosecutions in India" — brought out by Partners for Law in Development (PLD), a Delhi-based legal resource group, analysed 83 high court and district court verdicts in cases relating to child marriage from 2008 and 2017.* It selected for analysis judgments and orders in which child marriage was specifically mentioned. These included cases filed under the Prohibition of Child Marriages Act, 2006, as well as legal action initiated under other laws in relation to child marriage such as Protection of Children from Sexual Offences Act (POCSO), 2012, and the Indian Penal Code (IPC). The study found that legal prosecution of child marriages was twice as much against elopement or self-arranged marriages by girls with such cases accounting for 65% ( 54 out of a total 83 cases) of the total cases studied. Only 30% of the cases were those of arranged child marriages, and a mere 5% were forced child marriages (such as those that involved kidnapping, enticement or forcible marriage by parents).

#### Seeking custody

An analysis of who initiated the legal proceedings shows that it was primarily the parents of girls who approached the legal system with a complaint. A total of 56 of the 83 cases, or 67.4%, were initiated by parents or relatives. These included cases where parents sought custody of their daughter who had eloped or to prosecute the husband. Only 7% of the cases were initiated by a child marriage prohibition officer — the State functionary designated for implementing the law.



Another 7% of the cases were filed by a third party, including an NGO, or suo moto action by the court. Girls accessed the law on their own the least, with only 3.5% of the cases filed to seek the nullification of their arranged marriage or to initiate criminal legal action against their parents for arranging an underage marriage. Further, the punishment for elopement versus forced and arranged child marriages were hugely disproportionate. The former could invite a punishment of 10 years to life imprisonment if convicted for rape under the IPC or a jail of 20 years to a maximum punishment of death under the POCSO Act, whereas the latter under the PCMA comes with no minimum sentence and a maximum sentence of imprisonment for two years and/or a fine. The study terms this “weaponisation of the law to settle family dishonour”. That the law is tilted against older adolescents is also borne out by national crime data. In 2019, 525 cases were registered under the PCMA, compared with 6,590 children who were “deemed” to have been kidnapped on account of an elopement or love relationship and 12,724 cases of children who were kidnapped for the purpose of marriage. “The unintended harm of the law needs to be corrected. Law reform in this area must aim to shield the young in self-arranged marriages,” says Madhu Mehra, the lead author of the study and Head, Research and Training, at PLD.

## FAITH AND MARRIAGE

A regressive and patently unconstitutional feature of recent anti-conversion laws enacted by different States is the criminalisation of inter-faith marriages by treating them as a means to convert one of the parties from one religion to another. *While anti-conversion laws, euphemistically called in some States as laws on ‘freedom of religion’, have always sought to criminalise conversions obtained through fraud, force or allurements, the recent enactments or amendments have created “conversion by marriage” as one of the illegal forms of conversion.* In its interim order protecting parties to inter-religious marriages from needless harassment, the Gujarat HC has made it clear that the “rigours” of the State’s amendments introduced earlier this year will not apply to marriages that do not involve any fraud, force or allurements. So, it has stopped the initiation of criminal proceedings against those who have married across religious faiths, unless there was any of these illegal elements. *A Bench has rejected the State government’s attempt to adopt an innocent reading of the provisions of the Gujarat Freedom of Religion (Amendment) Act, 2021, by claiming that inter-faith marriages that did not involve fraud or coercion and leading to conversion would not attract the penal provisions.* The argument is obviously contrary to the wording of the amendment, which makes conversion “by marriage” or “by getting a person married” or “by aiding a person to get married” an offence. The court said, “A plain reading of Section 3 would indicate that any conversion on account of marriage is also prohibited.” It is regrettable that Hindutva votaries continue to believe in medieval-minded laws aimed at curbing inter-faith marriages. Despite clear Supreme Court rulings that it is no more constitutional to police private lives and beliefs, sections in the polity still believe that inter-religious marriages are aimed at religious conversion, that they have an adverse impact on public order and invariably involve coercion or deceit. It was always clear to the secular minded and legal experts that constitutional courts will not see such marriages as events that impinge on public order, and that making their solemnisation a ground for prosecution under anti-conversion laws was unlikely to be upheld. *It is clear that the Gujarat law’s provisions “interfere with the intricacies of marriage” and an individual’s right to choice, thereby infringing Article 21 of the Constitution. The principle that the right to marry a person of one’s choice is integral to Article 21 flows from the verdict in Shafin Jahan vs Asokan. The order stalling criminal action against those entering into a valid inter-faith marriage constitutes a significant judicial*

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*pushback against disconcerting attempts by various States to foment communal divides through dubious legislation.*

#### QUOTA BENEFIT CAN'T BE AVAILED SIMULTANEOUSLY IN 2 STATES

*The Supreme Court has ruled that a person belonging to a reserved category is entitled to claim the benefit of reservation in either of the successor States of Bihar or Jharkhand, but cannot claim benefit of the quota simultaneously in both the successor States upon their reorganisation in November, 2000. The top court also held that members of the reserved category, who are residents of the successor State of Bihar, while participating in open selection in Jharkhand, shall be treated to be migrants, and they can participate in the general category without claiming the benefit of reservation and vice versa. A Bench of Justices U.U. Lalit and Ajay Rastogi decided the "peculiar question" after a resident of Jharkhand, Pankaj Kumar, a member of a Scheduled Caste, filed an appeal against the 2:1 majority High Court order, denying him appointment in the State Civil Service examination of 2007, on the ground that his address proof showed that he was a permanent resident of Patna, Bihar. "It is made clear that person is entitled to claim benefit of reservation in either of the successor State of Bihar or State of Jharkhand, but will not be entitled to claim benefit of reservation simultaneously in both the successor States and those who are members of the reserved category and are resident of the successor State of Bihar, while participating in open selection in State of Jharkhand shall be treated to be migrants and it will be open to participate in general category without claiming the benefit of reservation and vice-versa," the Bench said.*

#### THE INDIAN UNION AND ITS BEDROCK OF FEDERALISM

A few weeks ago, leaders of the Bharatiya Janata Party in Tamil Nadu took offence when the State government referred to the ruling National Democratic Alliance (NDA) government as a Union government. By a strange semantic twist, they argued that calling it a Union rather than Central government smacks of divisive politics! *The debates that ensued, and subsequent clarifications by legal experts on the constitutional sanctity of the term 'Union', highlight a key but less acknowledged feature of post-independent Indian polity. It is the critical role of federalism in democratising political processes and strengthening the Union.*

##### A 'holding together' model

To be sure, the Indian government is not strictly federal, with subnational units coming together to form a federation as in the U.S. Rather, it approximates a *'holding together' model that ensures autonomy to subnational units so as to ensure efficiency in governance and to represent regional diversity.* In fact, scholars contend that the issue of *regional representation is particularly important in culturally diverse countries such as India.* Noted political scientist Ashutosh Varshney points out that this becomes even more compelling when cultural diversities are mapped on to distinct territories such as in India, Canada, Belgium or Nigeria. As the tragic and bitter experience of Sri Lanka shows, a failure to do this can end up actually weakening the country. The argument that strong subnational governments can undermine the strength of the Centre is, therefore, not tenable. *Though cognisant of the need to accommodate India's diversity, the Indian Constitution does give more powers to the Union government. Conceived as it was in the context of Partition and demand for independent nationhood by princely States such as Travancore and Hyderabad, there*





*was a political consensus within the Congress that a strong central authority is essential for 'holding together'. B.R. Ambedkar, chairman of the Drafting Committee, however, assured that the Constitution is indeed federal, with the Union and the States deriving their respective powers and authority from the Constitution. State governments are not subnational agents of the Union government but are governments in their own right, with a specific set of powers and responsibilities guaranteed by the Constitution.* The Union government cannot, therefore, intervene in the domain of State governments. Nevertheless, the relations are indeed asymmetrical between the Union government and the States by design. Apart from the list of domains clearly demarcated between the Union and State governments, the Union government has overriding powers in the subjects listed under the Concurrent List, and also has primary control in the residual domains. Despite such asymmetry of power and significant lapses, political practice in India has ensured that such powers and lapses have been kept in check. *Federal relations had in fact improved over the years through such practice. The Union government, for example, conceded the demand for a linguistic reorganisation of States in the 1950s when the demands became hard to ignore. Similarly, in the 1960s, it agreed to postpone the declaration of Hindi as the sole official language until there was consensus among all States. Rather than weakening, such moves actually strengthened the Union. On the contrary, efforts to centralise power by the Union government in the 1970s and 1980s generated centrifugal pressures across several regions.* The series of Centre-State conflicts that followed were resolved not through more centralisation but through recognition of the rights and demands of regions. The emergence of coalition governments since 1989 played an important role in this. Contrary to popular perceptions that they cannot be decisive, coalition governments were in fact responsible for landmark decisions that have defined the trajectory of Indian development. *The government headed by Mr. V.P Singh not only implemented the recommendations of the Mandal Commission to initiate affirmative action policies for Backward Classes but also established the Inter-State Council as a constitutional body to address inter-State conflicts based on federal principles. Subsequent coalition governments oversaw the implementation of major economic reforms in the 1990s apart from passing the Right to Employment, the Right to Information, the Right to Education and the Right to Food Acts that opened up spaces for democratisation and social inclusion.*

### Inspiring initiatives

While coalition governments provided space for regional voices within the Union government, policy innovations by State governments have inspired several developmental initiatives by the Union government. The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is inspired by a similar scheme in Maharashtra launched in the 1970s. The Integrated Child Development Services Scheme that simultaneously addresses schooling and nutrition by providing nutritious meals in schools is modelled after the pioneering mid-day meals programme launched in Tamil Nadu. Ayushman Bharat is based on health insurance programmes launched by State governments such as Karnataka and Andhra Pradesh. The Pradhan Mantri-Kisan Samman Nidhi that supports small farmers through cash transfers mimics the Rythu Bandhu scheme of Telangana. Importantly, responding to regional political demands, States such as Tamil Nadu have refrained from adopting targeted Public Distribution System policies despite pressure from the Union government and multilateral agencies. Living through a pandemic, we now know the pitfalls of targeting in a transitioning economy such as India, where economic vulnerabilities can easily push people into poverty. Apart from specific policy innovations, inter-State diversity in development trajectories also allows for mobilising alternate historical models for learning. For



example, when growth-centric interventions in States such as Gujarat were showcased as the way to ensure development under neoliberalising conditions, Tamil Nadu and Kerala suggested otherwise — that prioritising investments in human development and democratising opportunities can deliver more inclusive development. Driven by democratic pressures, such policy emphasis has also helped counter the power of dominant development narratives diffused by technocratic elites and policy think tanks. Schemes often derided as a waste of resources in such policy circles have subsequently become the hallmark of India's welfare architecture. A federal polity also ensures plurality of identities and hence helps resist majoritarian mobilisation based on a singular and exclusionary identity. Amartya Sen, in fact, makes a strong case for a multiplicity of identities as key to expanding human freedoms. Identity-based majoritarian mobilisation, however, requires the erasure of such plural identities. As a result, despite conditions being more conducive for federating and a promise to usher in cooperative federalism by the NDA government, processes have actually worsened in recent years. *The reduction of the State of Jammu and Kashmir to Union Territories, squeezing taxation powers of State governments, a New Education Policy that denies a role for State governments, arbitrary levy of cess that is not shared with States, and flexing of financial and political muscle to direct policy-making by State governments have assumed a more systemic tenor. This shift also appears to be inspired by a belief that a strong Centre is required to make India powerful.* History, however, tells us otherwise. As we enter into the 75th year of Independence, it is worth recalling that it is the strengthening of the federal polity and a recognition of diversity that has contributed to the vibrancy of Indian democracy. In fact, States that have made the most principled demands for subnational autonomy have contributed substantially to sustain the Constitutional commitment to India's plural traditions and ethos. Efforts to learn from such diverse traditions rather than homogenisation have sustained our democracy thus far.

#### AN OATH IN WHOSE NAME?

Some Cabinet Ministers in Karnataka who took oath recently stood out from the rest. Prabhu Chauhan took the oath in the name of Gaumata and 'Seva Lal'. Murugesh Nirani took oath in the name of God and farmers. Anand Singh took oath in the name of Vijayanagara Virupaksha and Bhuvaneshwari. All these oaths run against the spirit of the Constitution.

#### An agnostic Constitution

During the Constituent Assembly debate on October 17, 1949, the last item to be debated was the Preamble. B.R. Ambedkar proposed the Preamble, "We, the people of India...". H.V. Kamath moved an amendment to the Preamble, "In the name of God, we, the people of India...". To this proposal, another member, A. Thanu Pillai, said, "If Mr. Kamath's amendment is accepted... would not that amount to compulsion in the matter of faith?... It affects the fundamental right of freedom of faith. A man has a right to believe in God or not, according to the Constitution... This amendment should be ruled out...". Another member, Rohini Kumar Chaudhuri, said, "What does Bande Mataram mean? It means an invocation to a Goddess... We who belong to the Sakthi cult protest against invoking the name of God alone, completely ignoring the Goddess... May I move an amendment to that of Shri Kamath that instead of 'in the name of God', would he be pleased to accept 'in the name of Goddess'?" H.N. Kunzru opposed Kamath's amendment stating, "I do not see why in a matter that vitally concerns every man individually, the collective view should be forced on anybody.



Such a course of action is inconsistent with the Preamble which promises liberty to thought, expression, belief, faith and worship to everyone... *We invoke the name of God, but I make bold to say that while we do so, we are showing a narrow, sectarian spirit, which is contrary to the spirit of the Constitution...*. In the end, the President of the Assembly put Kamath's amendment to vote. The amendment was defeated, thereby excluding 'God' from the Preamble. Thus, our founding fathers gave us an agnostic Constitution. *Constitutional oaths should be secular. Abhinav Chandrachud, in Republic of Religion, pointed out that public officials who took office under the Government of India Act, 1935 had to take oath which had no mention of God. However, the framers of the Constitution rejected this conception of secularism and brought 'God' back into the Constitution by giving office-holders an option to swear in God's name if they so wished.* This was a regressive step. The U.S. Constitution contains no reference to God. While it is customary for the U.S. President to utter the words: "So, help me God..." at the end of the oath, the Constitution does not require it.

### Calling for an amendment

The Supreme Court of India observed in 2012 that the oath by an elected representative should be taken "in the name of God" if the person is a believer or should be "solemnly affirmed" if the person is a non-believer. The case pertained to an MLA, Umesh Challyil, whose oath had been declared void by the Kerala High Court. Mr. Challyil had taken oath in the name of Sri Narayana Guru, whom he said he considers and believes as God. Mr. Challyil challenged the High Court order. While taking up the matter, the Supreme Court said that the oath of an elected representative should be in strict compliance with the wordings of the Constitution. In the light of this verdict, the oaths of the Karnataka Cabinet Ministers would be null and void. *The allegiance of a person holding a constitutional post should only be to the Constitution. Once such a person takes the oath in the name of a God affiliated to a particular religion or caste, citizenry cannot expect the absence of affection or ill-will from him. As the Republic belongs to all the citizenry, irrespective of whether he is a theist, atheist or agnostic, and irrespective of his caste or religion, a person occupying a constitutional post should take oath in the format of "solemnly affirm". The Constitution should be amended accordingly.*

## BACK TO BASICS

A preliminary report of a nationwide survey conducted by *Lego Foundation in Denmark* stated that *students give importance to peer interactions, good teachers, fun learning content and knowledge gained from experimental approaches. The UNICEF says that children want to go back to school. We can reasonably assume that these aspirations hold true for Indian children but how prepared are we to send them back to school? According to various estimates, the pandemic and lockdowns have led to an alarming drop-out rate from schools, migration of children from private to government schools due to inability to pay fees, increased abuse at home, inadequate nutrition, etc. Industry experts will agree with the claim that for adults to unlearn and relearn is a very expensive and time-consuming process.* Thus, if the foundation of education is weak, any effort at a later stage to strengthen it will only yield sub-optimal results.

### Issues to be addressed

*So, what are the major factors that need to be addressed at the foundational level? UNICEF has raised the issue of nutrition. Children, depending on their age group and gender, need to consume 1,000-*



*3,200 calories per day. How close do India's mid-day meal schemes address their nutritional needs? The UNDP Human Development Report 2019 states that students who fall behind may struggle "if the level of classroom instruction (based on textbooks that follow ambitious curricular standards) is considerably above their learning level. These problems are exacerbated at higher grades, if students are automatically promoted to the next grade without having acquired foundational skills." While the National Education Policy (NEP) 2020 proposes pedagogical freedom to the teacher, content-heavy curriculum forces instructionist rather than constructivist engagements by default, as teachers are always short of time. As a result, students simply consume what they are taught; they don't become creators. Supporting slower foundational development while focusing on the essentials will allow for deeper and more meaningful learning.*

#### **Need for skilled teachers**

*The National Curriculum Framework for Teacher Education 2009 quoted the NEP 1986 which said, "The status of the teacher reflects the socio-cultural ethos of the society; it is said that no people can rise above the level of its teachers". NEP 2020 has entrusted the intellectual development of kindergarten children from underprivileged sections to matriculation-pass Anganwadi teachers and helpers whose monthly salary is about ₹10,000 and ₹5,000, respectively. Anganwadi teachers will not be able to fulfil the task of *developing underprivileged kindergarten students into creators simply because they lack the expertise to do so.* The proposal to upgrade their skills using online methods is grossly inadequate.*

#### **Working in rural areas**

If the sight is on the 2030 Sustainable Development Goal for Education, India needs to work on a war footing. It will have to acknowledge that EdTech is a resource of the privileged and learning *higher-order cognitive skills requires time and personal support. One way is to mobilise students in higher education to contribute three to six months in government-sponsored programmes by working in the most remote and underdeveloped areas to educate children and teachers.* Private companies could also sponsor mentorship programmes where employees spend about a month on the field. *This will have a transformative effect on all the participants involved. Current solutions appear to be designed in the cloud without adequate exposure of the ground. The ability to successfully satisfy Sustainable Development Goal 4 will depend on the priority afforded to school education. And with budgetary allocations based on priority, the question that begs to be asked is, what is the priority of school education?*

### **A REPORT THAT IS AT ODDS WITH ACCESS TO KNOWLEDGE**

In 2002, in light of two progressive pronouncements by the Supreme Court of India (Miss Mohini Jain vs State of Karnataka and Ors. and State of Himachal Pradesh vs H.P. State Recognised and Aided Schools Managing Committees and Ors.), the right to education found a secure constitutional home in the fundamental rights chapter of the Indian Constitution. *This fundamental right, set out in Article 21A, guarantees every child between the ages of 6 and 14 access to free and compulsory education. In a series of rulings (Anuradha Bhasin vs Union of India, and Avinash Mehrotra vs Union of India), the top court has interpreted the right in a broad and expansive way, holding that it imposes an affirmative obligation on the government and civil society to secure its enjoyment. Consistent with this spirit, the Court held in Farzana Batool vs Union of India that,*

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*while access to professional education is not a fundamental right, the state must take affirmative measures to secure the right to education at all levels.*

#### **State's failure**

Against this backdrop, the cavalier dismissal of the right to education under the garb of “ensuring balance between copyright protection of the publishers and public access to affordable educational study material” by the Parliamentary Standing Committee on Commerce in a recent report (<https://bit.ly/3maSZhq>), is deeply worrying. *The Committee suggests curtailing fair dealing provisions under Indian Copyright law — which enable access to the work without the copyright holder's consent — since it was informed that the provisions pose “a detrimental impact on the publishing industry and authors who are mainly dependent on royalties”. To highlight this as a concern instead of the abject state failure to remedy impediments to accessing educational material, exacerbated by the novel coronavirus pandemic, betrays complete ignorance of the state's obligation to secure the right to education.*

#### **The issue of ‘purpose’**

The Committee takes note of the Delhi High Court's landmark judgment in the DU photocopy case. In that case (The Chancellor, Masters & Scholars of the University of Oxford & Ors vs Rameshwari Photocopy Services & Anr.), *the court (both the Single Judge and the Division Bench) adopted a robust understanding of the educational exception enumerated in the list of fair dealing provisions in the Copyright Act. Section 52(1)(i) allows the reproduction of any work by a teacher or a pupil in the course of instruction.* The court held that ‘course of instruction’ therein is not confined to the time and place of instruction, and would include anything that could be justified for the purpose of instruction. This includes steps commencing at a time prior to lecturing and continuing till after it. It also noted that apart from Section 52(1)(a), which provides for the right to a “fair dealing” of any copyrightable work, other rights/purposes enumerated under Section 52 would not have to meet the express requirement of fair dealing. *Thus, Section 52(1)(i) was recognised as enumerating an affirmative purpose exempt from infringement. The fairness of use under these Sections can be deemed to be presumed by the legislature as long as it is justified by the purpose specified. Consistent with this, the court also noted that there are no quantitative restrictions on the extent of the reproduction permitted as long as it is justified by a specific purpose under Section 52. In its report, the Standing Committee notes that it is distressed that the conflict between educational institutions and copyright owners does not bode well for the “overall literary culture and image of the country”. In a bid to make the system fair and equitable, it calls on the government to amend Section 52 to allow for such copying only in government-owned institutions. It further states that there should be a quantitative limit on how much copying is permissible and regulation of the storage of copied works in digital formats.*

#### **A flawed view**

The Committee's views are flawed for multiple reasons. First, they betray a profound misunderstanding of the raison d'être for granting copyright in educational content. As the single judge eloquently noted in the DU photocopy case, the purpose of copyright is to increase the: “harvest of knowledge, motivate the creative activity of authors and inventors in order to benefit the public”. Therefore, the rights of publishers are only a means to an end. Relatedly, the



Committee misunderstands the role of fair dealing provisions within this framework. Fair dealing provisions are user rights which are no less important than the rights of publishers. Given the fundamental character of the right to education, the importance of these rights can be traced to the Constitution. Therefore, their interpretation should reflect their salutary nature. Second, the Committee errs in assuming that the rights of publishers were not duly accounted for in the DU photocopy judgments. Addressing arguments regarding any adverse impact of adopting a broad interpretation of the educational purpose exemption on the market of the concerned copyrighted works, the Division Bench noted with an example that access to copyrighted material for literacy and education does not curtail the market for these works. It held that students are anyway not potential customers of 30-40 reference books in the library, and that citizens with improved literacy, education and earning potential expand the market for copyrighted materials in the long run. Third, having quantitative restrictions on the extent of permissible copying would be inapposite, because any limit would be arbitrarily arrived at. Instead, what is needed is a test suited to Indian realities and its development needs of making access to education more equitable and fairer in a context of deepening socio-economic inequalities.

### Looking backward

The novel coronavirus pandemic has revealed the inadequacy of our fair dealing provisions to promote educational access. Specifically, these provisions were not designed to promote the free dissemination of educational content in digital form and to facilitate the sharing of resources required to effectively offer virtual education. The Committee should have focused on suggesting amendments to Section 52 that would have made our copyright law fit for today's challenges. That it has decided to look backward instead of forward is deeply troubling. Given the Supreme Court's richly articulated constitutional obligation of the state to secure access to education, copyright law should facilitate, as opposed to attenuating its enjoyment.

## THE BIG OPPORTUNITY

According to various international studies, the median age in India would be 28 years by 2022-23, in contrast to 37 in China and 45 in western Europe. This is not an ageist remark, but rather an enormous growth opportunity as India will have the highest number of people in the workforce. *In other words, India's non-working population would be outnumbered by the working population, leading to a favourable demographic dividend. Given the changing face of world economies over the past two years, it is important to juxtapose these statistics with the predicted challenges of a post-COVID world. As per an Organisation for Economic Co-operation and Development (OECD) study, the equivalent of five years or more of per capita income would likely be lost by the end of 2021.* The World Bank notes that we would be witnessing deep global recessions fuelled by lowered investments, displacement of human capital owing to lost jobs and schooling, and a disintegration of global trade and supply chains.

### Effects of climate change

In addition to this, increased use of non-degradable plastics, bio-medical waste and impediments to ongoing climate repair programmes have further exacerbated climate change deterioration. The effects of an increased use of plastics during the pandemic (which would end up in oceans or landfills) would cost fisheries, tourism and maritime transport industries an additional \$40



billion, according to a UN Environment Program report. Hence, COVID-19 is an ongoing challenge that is further aggravating bigger concerns like economic recession and climate change. For most countries, these two predicaments would be bigger than the pandemic. Despite the gloomy outlook, there is a silver lining for India. Let us circle back to the demographic dividend or the economic growth brought on by a change in the structure of a country's population. This leads to an increase in the labour force and, in turn, more people are working and being productive. This accelerates urbanisation and the growth of industries. Also, as the purchasing power of the populace increases, it opens up a bigger domestic market (which is already sizeable in the case of India), thus attracting more investment and increasing opportunities. Taking these factors into account, the Centre for Economics and Business Research (CEBR) predicts that despite the pandemic, India will become the third largest economy in the world by 2030. Deutsche Bank cements this forecast with their own findings that India's economy will grow to \$7 trillion by 2030 (it is about \$2 trillion now). The younger the population the more climate-conscious they are. This can simply be explained by younger generations seeing the real-time impact of climate change — from increasing natural disasters to lessening natural resources. This makes them more inclined to act towards a greener tomorrow. A UN report on climate change tells us that close to half a million youth around the world have taken (or are taking) action against climate change through initiatives at their homes, schools and communities. A decisive 'Future of Work' survey conducted by the Prince's Trust and HSBC claims that 85% of India's youth are interested in a green job as they believe that healing the environment is the only sustainable way forward. When we corroborate this with India's performance on climate change mitigation (one of the top 10 countries to have made substantial efforts towards mitigating climate change), we can fully understand the clout of a younger demographic. The Climate Change Performance Index (CCPI), 2021, puts only two G20 (or Group of Twenty) countries — India and U.K. — in the top 10. India is often at the forefront of bringing about change. But to continue unhindered on the path of reaping the benefits of the demographic dividend, efforts will have to be made. Inequality is a pressing issue. COVID-19 and the subsequent lockdowns have further deepened this divide. While the Union government has rolled out various subsidies and employment schemes, dominance of the informal economy makes it difficult for all benefactors to reap the benefits. The need of the hour is for public-private partnership (PPP) models to work in conjunction to bridge the gap. Education and skilling are also key components in enhancing the capabilities of the growing young population and helping them realize their full potential. Moreover, labour-intensive sectors need to be better supported for further job creation. The rising young population provides India with a great opportunity for growth. To be able to best utilise this boom, policies must ensure that they comprehensively cover all aspects aimed at increasing human development and standards of living.

#### NO OPPOSITION PARTIES IN NAGALAND ASSEMBLY

*The 60-member Nagaland Assembly now has no MLA in the Opposition. The Naga People's Front (NPF) — the State's only Opposition party — was on Monday inducted into the State government, headed by Chief Minister Neiphiu Rio, to "work collectively towards achieving a peaceful and amicable solution" to the protracted Naga political issue. The issue pertains to the peace process with several extremist groups, primarily the Isak-Muivah faction of the National Socialist Council of Nagaland, which has been hanging fire for more 24 years. The Nagaland House has an effective strength of 59 after the death of an MLA. The NPF had won 25 seats in the 2018 Assembly election*

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



but suspended seven MLAs for hobnobbing with the Nationalist Democratic Progressive Party (NDPP).

#### **Nagaland United Govt.**

“The decision to accept the Opposition-less united government has been taken unanimously by the primary PDA partners, namely NDPP and BJP including 2 (two) Independent MLAs supporting the PDA government... Henceforth, the government shall be called Nagaland United Government,” a joint statement said. Apart from Mr. Rio, the 12 signatories of the statement included Deputy Chief Minister and senior BJP leader Yangthungo Patton and NPF veteran T.R. Zeliang, a former Chief Minister. The Core Committee of the Parliamentary Committee on Naga political issue had earlier resolved and affirmed the joint united approach in achieving a solution to the Naga political issue. The NPF legislature party had also endorsed the concept of Opposition-less government. “The political parties shall appeal to all Naga Political Groups (read insurgent groups) to make serious efforts towards unity and reconciliation. The political parties shall ensure unity of their members in the Assembly on the issue,” the statement reads. Mr. Rio was with the NPF before falling out with the party and joining the NDPP floated ahead of the 2018 Nagaland polls.

#### **ARMS AND THE WOMEN**

*Women have been fighting a tough and uphill battle for equal opportunities in the Indian Army. In a landmark judgment in February 2020, the Supreme Court asked the Government to abide by its own policy and grant permanent commission to women in the Short Service Commission and give them command postings in all services other than combat.* In *The Secretary, Ministry of Defence vs Babita Puniya & Others*, the top court pointed out that women had played a “significant role” in the army since their induction in 1992 and extending permanent commission to women SSC officers “is a step forward in recognising and realising the right of women to equality of opportunity in the Army”. *Despite the stringent verdict, systemic issues remain in the Army, and women have gone back to court to sort out the issues.* Another step towards ensuring that women get an equal opportunity, as laid down by the Constitution, has been taken on Wednesday, *when the Court passed an interim order allowing women to appear for the National Defence Academy entrance exam on September 5. Till now, women could join the Army through the Indian Military Academy and the Officers Training Academy. The directive allows girls who clear the exam to study at the NDA and then at the IMA or the naval and air force academies and become commissioned officers.* The directive is subject to further orders from the Court, and the case has been posted for hearing again on September 8. When Additional Solicitor-General Aishwarya Bhati, appearing for the Government and the Indian Army, told the Court that it was a policy decision not to allow women to take the NDA exam, the Bench, of Justices Sanjay Kishan Kaul and Hrishikesh Roy, said it was based on “gender discrimination”, directing the Centre and the Army to take a constructive view. The Bench pointed out that closing a route of entry for women to join the Army was discriminatory. The ruling came on a writ petition filed by Kush Kalra seeking permission for women to sit for the NDA entrance exam. Mr. Kalra argued that Articles 14, 15, 16 and 19 of the Constitution, which uphold the values of equality and allow equal, non-discriminatory opportunities at work, were being violated by denying eligible women the opportunity. Though the legal route has helped overcome some of the hurdles, it will be a long haul before gender parity is fully achieved in the Army. In that context,





the Prime Minister's Independence Day announcement that girls will be granted admission in the Sainik Schools is a welcome move towards preparing them for an equal role and life in the military.

## THE SIGNIFICANCE OF THE 'THERE IS NO DATA' ANSWER

It can be safely assumed that the popular American dictum, "In God we trust; all others must bring data", is unlikely to be found in any office of the Narendra Modi government. *There is mounting evidence to show that either the Government has 'no data' about issues that show it in a bad light, or with its 'alternate facts', the answer is zero.* If there was a filing cabinet that citizens maintained, then the file titled 'No Data' would be the thickest. The *desperate scenes of migrants walking back to their villages* after the announcement of the sudden lockdown on March 24, 2020 were recorded by global media. A World Bank report concluded that 40 million migrant jobs were impacted/lost in India in April 2020. But *when the Government was first asked how many migrants had lost their jobs, the answer was that it had no data.* When asked in September 2020 on *how many frontline health workers had lost their lives during the pandemic*, the then Health Minister announced that there was no data.

### Consumer data, other cases

*Well before the novel coronavirus pandemic, the Ministry of Statistics and Programme Implementation decided not to release the results of the all-India Household Consumer Expenditure Survey conducted by the National Statistical Office during 2017-2018.* The results of the Survey would have come before the 2019 parliamentary elections. But the Government waited for after the results, offering an excuse in November 2019 that there were "data quality issues". It is pertinent to note that *leaks from the data had suggested a noteworthy slump in consumption expenditure, an ominous proposition that showed this for the first time since data collection had started in 1972-73.* The no data declarations have continued this year. The Government told Parliament in this monsoon session that *the number of deaths caused by manual scavenging were not available.* On the *lack of oxygen* claiming lives in the second wave of COVID-19, the Government said it had no information. On the *number of farmers dead during the farmers' agitation*, it has been a stubborn stonewall of no data. *On the economic loss caused due to Internet shutdowns, in which India has the world record for the most by any democracy*, the Government said it had no information. On a parliamentary question on *vaccine shortage, clear as day with a number of inoculation centres shutting down due to no doses*, the Union Minister of State for Health declared in Parliament (written reply to the Rajya Sabha) on July 20, that *there was no shortage of vaccines.* The Government understands the power of constructing a narrative using data. The power of the ₹1.76-lakh crore 'notional loss' due to airwaves sold during the second term of the United Progressive Alliance government was a datapoint that was used masterfully to weave a narrative. A serious attempt to comprehend why it is saying no data is important, because this is no trivial matter but critical to a larger political project.

### Hands off responsibility

The first reason why 'no data' is to be maintained is easy to understand. *If the Government were to acknowledge any data, even if these were highly discounted numbers, it would be tantamount to entering the ring and opening itself up to scrutiny as being accountable for the mess and deterioration in the state of affairs. "Thank You Modiji" has replaced Acche Din on Government*



*advertisements across the board, embodying the total personalisation of governance. The flip side is that any failure by the Government would imply failure of this centralised machine that continually claims credit. Denial of data on important markers of governance, delivery and issues that matter to people — whether it is farmers killing themselves, people consuming far less than before, hunger rising, the mismanagement of the pandemic or the botch-up in the vaccine policy — keeps responsibility at bay. If the Government knows, it must be responsible. And conversely, if it does not, it can pretend no one died or no one lost jobs and that the failures did not occur at all.*

### **Bounced to States**

*The second reason for not acknowledging facts or numbers is to deflect accountability to the only other unit of power that continues to stand and challenge the Centre — and that is State governments. The fall in the share of taxes due to States has never been so low in five years, as it is now. To continue to mesmerise citizens and keep them invested in the benefits of centralisation, washing hands off responsibility is critical for the Union government. Acknowledging data or information of failures derails the project and the creation of alternate facts is very important. This needs not just avoidance of responsibility but deflection from vital issues. So, we continually hear variants of “health is a State subject.” India was told that there was no data on deaths due to ‘no oxygen’ because States did not give the data. And if it is not the States, it must be the political Opposition or past governments that will be held accountable by the Centre. The third reason, apart from the direct evasion of responsibility and accountability, why ‘no data’ is consistently maintained is that it allows regimes to rewrite the story of the times. This is not about rewriting history but about retaining the power to script the present at a future date. The truth does not matter, the narrative does. Recently, crucial health data from the National Health Mission’s Health Management Information System went missing. It was only after data-watchers made a fuss that the data on the website was restored. Consider giving absolutely no data for the lack of oxygen deaths. The news cycle allows public memory to be only that long. It might be fully possible to tell the story of oxygen in the second wave in a year’s time, by writing fiction, if data on it is simply withheld now. If data on this subject were provided now, it narrows the flight of how far spin can go on to market a dismal failure as a success.*

### **Widening information gap**

*Information is power and a lack of information is the absence of power. There is a gigantic and growing information gap between the state and citizens. The state is building the largest ever technology-driven structure ever built by India for identification under Aadhaar, which wants biometrics before poor people even get their food grain rations. The state wants to be able to use facial recognition tools before putting in place a legal framework to be able to do so. All this data is sought to be extracted from citizens while it is trying to maintain an effective ‘no data’ position on the biggest snooping revelations that an international consortium has exposed globally, after the National Security Agency (NSA) revelations in the United States by Edward Snowden. The asymmetry of power can only be sustained by keeping citizens in the dark while increasing the rulers’ reach to know everything about everyone else. Moreover, there is a certain brazenness in saying with a straight face and on record, at constitutional fora such as Parliament, that the Government does not have the data. It is seen to feed the public image of a ‘strong ruler’ by demonstrating unbridled authority and unconstrained power, but this partly is also apiece with the information skew — encouraged not only because the Government does not wish to part with data but because denying*



citizens the data helps to restate the emergent power equation between the Government and citizens. It is something that Right To Information activists witness routinely as they try and exercise their 'right' to get information. Lest the total concentration of power with the rulers get diluted, the data will not be given, shared or made easily available. Sometimes, dead citizens speak up. At the height of the second wave of COVID-19, when poor and hapless citizens ended up burying their dead relatives on the shores of the Ganga, it was taken as the end of the matter. But being in denial did not help when it rained. Sixty buried bodies floated up on the banks of Allahabad's Phaphamau on July 30, and the Uttar Pradesh State government was forced to perform their last rites that night.

#### Challenge before citizens

But those were exceptional and dramatic circumstances. Eventually, lived experiences of people, those whose kith and kin died due to lack of oxygen, or of those who died of COVID-19 begging for medical aid, will have to challenge the Government narrative. This can be a tall order, expecting citizens to hold their reality as a contrast to sarkari spin, that too in a situation where several institutions and a large section of the media have turned into government mouthpieces. *Denial of data is not a bug but a feature of the political ideology governing the country.* In a scenario where a majority of citizens may be dead to the truth of their times, the challenge would be for them to recognise the truth and unhesitatingly push for it. It is a long road, but good and truthful information is the very basis of the quality of democracy. It matters to fight this fight.

#### J&J SEEKS APPROVAL FOR COVID VACCINE TRIALS ON ADOLESCENTS

*U.S. pharma major Johnson & Johnson (J&J) has applied for permission to conduct clinical trials of its single-shot COVID-19 vaccine on adolescents aged 12-17 years in India.* The company has moved an application to the Central Drugs Standard Control Organisation (CDSCO) seeking approval. A J&J India spokesperson, in a statement, said: "We are committed to facilitating global equitable access to COVID-19 vaccine and recognise the unmet needs of children. On August 17, 2021, we submitted an application to the CDSCO to conduct a study of the J&J COVID-19 vaccine in India in adolescents aged 12-17 years." "To ultimately achieve herd immunity, it is imperative that COVID-19 vaccine clinical trials continue to move forward in this population, and we remain deeply committed to the critical work needed to make our COVID-19 vaccine equitably accessible for all age groups," said the statement. Previously in August, J&J's single-dose COVID-19 vaccine had been granted emergency use approval (EUA) in India, and the Health Ministry has said it was in talks to get the vaccine available to the general public as soon as possible. The five COVID vaccines granted EUA in India are Serum Institute's Covishield, Bharat Biotech's Covaxin, Russia's Sputnik V, Moderna and now Johnson & Johnson (J&J). Coronavirus vaccine developed by J&J has demonstrated 85% efficacy in staving off severe COVID-19 disease in its phase 3 trials.

#### ZYCOV-D, FIRST VACCINE FOR THOSE ABOVE 12, GETS NOD

*The Drug Controller General has granted emergency approval to the Zycov-D, a COVID-19 vaccine developed by the Ahmedabad-based Zydus Cadilla group, on Friday, making it the first vaccine in India that can be administered to adults as well as those 12 and above. It is also the only DNA-based vaccine in the world and can be administered without a needle, purportedly minimising chances of*



*reactions. Interim results from phase-III clinical trials in July, in over 28,000 volunteers, showed a primary efficacy of 66.6% for symptomatic RT-PCR positive cases.* “This has been the largest vaccine trial so far in India for COVID-19,” the Department of Biotechnology (DBT) said in a statement on Friday. “This vaccine had already exhibited robust immunogenicity and tolerability and safety profile in the adaptive Phase I/II clinical trials carried out earlier. Both the Phase I/II and Phase III clinical trials have been monitored by an independent Data Safety Monitoring Board,” the DBT statement added. The vaccine has been developed in partnership with the Department of Biotechnology under the ‘Mission COVID Suraksha’. The three-dose vaccine once administered produces the spike protein of the SARS-CoV-2 virus and elicits an immune response. “The plug-and-play technology on which the plasmid DNA platform is based can be easily adapted to deal with mutations in the virus, such as those already occurring,” the DBT noted.

#### BEATING PLASTIC POLLUTION

*The Plastic Waste Management Amendment Rules notified by the Centre on August 12 acknowledge the gravity of pollution caused by plastic articles of everyday use, particularly those that have no utility beyond a few minutes or hours. Under the new rules, the manufacture, sale and use of some single-use goods made with plastic, polystyrene, and expanded polystyrene, such as earbuds, plates, cups, glasses, cutlery, wrapping and packing films, are prohibited from July 1 next year, while others such as carry bags must be at least 75 microns thick from September 30, 2021, and 120 microns from December 31 next year, compared to 50 microns at present.* The decisions follow recommendations made by an expert group constituted by the Department of Chemicals and Petrochemicals two years ago. *In 2018, India won praise globally for asserting on World Environment Day that it would eliminate all single-use plastic by 2022, a theme that Prime Minister Narendra Modi has stressed more than once. Yet, policy coherence to achieve the goal has been lacking. The Central Pollution Control Board has reported that 22 States have, in the past, announced a ban on single-use plastic, but this has had little impact on the crisis of waste choking wetlands and waterways and being transported to the oceans to turn into microplastic.* At about 34 lakh tonnes generated in 2019-20, India has a staggering annual volume of plastic waste, of which only about 60% is recycled. What is more, a recent study of the top 100 global producers of polymers that culminate in plastic waste found six of them based in India. It is unsurprising, therefore, that in spite of the staggering problem, policymakers have been treading on eggshells. *The international view is changing, however, and support for a UN Plastic Treaty is growing; the majority of G7 countries too are supportive of cleaning up the oceans through a charter in the interests of human wellbeing and environmental integrity. India’s policies on environmental regulation are discordant, lofty on intent but feeble on outcomes, and plastic waste is no different.* State governments have felt no compulsion to replace municipal contracts, where companies are paid for haulage of mixed waste, with terms that require segregation and accounting of materials. Considerable amounts of plastic waste cannot be recycled because of lack of segregation, leading to incineration, while mixing newer types of compostable plastic will confound the problem. Patchy regulation has led to prohibited plastic moving across State borders. Now that the Centre has adopted a broad ban, further pollution must end. Microplastic is already found in the food chain, and governments must act responsibly to stop the scourge.

#### TREKKING THE HIGHEST BATTLEFIELD IN THE WORLD



Where there's a will there's a way. A team of people with disabilities embarked upon a journey to trek the Siachen Glacier on Independence Day. They will attempt a world record for the largest group of people with disabilities to scale the highest battlefield in the world. *Minister for Social Justice and Empowerment Virendra Kumar flagged off the expedition, which is being executed by 'Team CLAW', a group of armed forces veterans working towards empowering people with disabilities. "The team will drive via Manali to Leh and will prepare for the Siachen Glacier world record expedition," said Major Arun Prakash Ambathy (retd.) of CLAW Global. "It shall subsequently undergo three stages of acclimatisation, training and medical screening before being inducted into the Siachen Base Camp for the final expedition," he said.*

### 15,632 feet

The final leg of the expedition from Siachen Base Camp to Kumar Post, at an altitude of 15,632 feet, will commence on September 1, 2021, Major Ambathy added. *This is the land world record expedition part of 'Operation Blue Freedom Triple World Records' being undertaken, CLAW Global said. Those selected will undergo all the three stages of acclimatisation and training at Leh (Stage 1), Siachen base camp (Stage 2) and North Pullu (Stage 3) after which the final expedition team would be selected. CLAW Global was set up in January 2019 by Major Vivek Jacob, a retired Para Special Forces officer, with the aim of teaching life skills to adventurers and people with disabilities.*

## ODISHA PLANS 'ODYSSEY' TO WILD CATTLE ISLAND

There's every chance of visitors to the Hirakud reservoir in western Odisha bumping into the large numbers of cattle growing in the wild there for over 60 years. The Odisha Forest and Environment Department is all set to begin 'Island Odyssey' and 'Hirakud Cruise' ecotourism packages for tourists to islands inside the reservoir when COVID-19 restrictions are lifted. 'Cattle island', one of three islands in the Hirakud reservoir, has been selected as a sight-seeing destination. When large numbers of people were displaced from their villages when the Hirakud dam was constructed on the Mahanadi river in 1950s, villagers could not take their cattle with them. They left their cattle behind in deserted villages. As the area started to submerge following the dam's construction, the cattle moved up to Bhujapahad, an elevated place in the Telia Panchayat under Lakhanpur block of Jharsuguda district. Subsequently named 'Cattle island', the piece of land is surrounded by a vast sheet of water. Hirakud Divisional Forest Officer (DFO) Anshu Pragyan Das said, "The cattle show wild characteristics. They are not ferocious, but shy. If a person comes near, the animals just run away. When the Hirakud cruise begins, tourists will get to see these cattle from a distance. We are not going to disturb the cattle population." Ms. Das said the ecotourism project will be run with the involvement of local fisher families.



## BUSINESS & ECONOMICS

### REBOOT TO RESET

*India's largest trading partner, and one with whom it has a significant trade surplus, the U.S., is no longer interested in securing a bilateral free trade agreement (FTA), as per indications from the Joe Biden administration.* An official acknowledgement of this, from Commerce Minister Piyush Goyal, suggests that years of negotiations towards a 'mini-trade deal' followed by a full-blown trade pact that Mr. Biden's predecessor oversaw may well be infructuous now. The Government will now seek to work on market access issues on both sides, he said, adding that lowering of non-tariff barriers, mutual recognition pacts and adopting common quality standards can also help Indian exports in the interim. There is a possibility that even these issues, which include long-festering dissonances over providing access to U.S. agricultural products or easing import duties on automobiles and Bourbons, would have to be discussed afresh. On Friday, the U.S. envoy to India met Mr. Goyal for what he said was a parley on attaining the \$500 billion bilateral trade vision of the U.S. President. The trade target, set when Mr. Biden was the Vice President in the Barack Obama regime, remains unchanged, but the tools for achieving it are no longer clear. *India was pulled out of the U.S.'s Generalised System of Preferences (GSP) that granted some tariff relief to its exports by the Trump government in 2019, and hopes of its reinduction through a mini-trade deal now appear bleak. While India was expected to gain from the Sino-U.S. trade wars under the Donald Trump administration, its retaliation to the GSP status revocation with hiked tariffs on U.S. products had led to frictions that perhaps stymied the conclusion of a mini-trade deal before the change at the helm in the White House.* The U.S.'s no-go stance on the FTA implies ambitions may have to be pared down but also provides an opportunity for India to holistically review its stance on global trade. It is refreshing that Mr. Goyal has signalled a revamped approach towards FTAs and reminded Indian industry there cannot be one-way traffic. This needs to be matched by actions that start unwinding India's creeping walls of import tariffs. The Atmanirbhar Bharat campaign has further exacerbated that view — as the advent of a protectionist 'closed market' project. Strenuous exhortations that the self-reliance drive is one that seeks to integrate with global value chains can only go so far. Trade policy cannot be perpetuated in isolation and, in fact, affects investments too. *Having walked out of RCEP, India needs to demonstrate to its potential FTA partners, including the EU and the U.K., with which rivals like Vietnam have already sealed a deal, that it is a viable alternative to China in a post-COVID world. To be a major trading and manufacturing nation, India can ill-afford to keep sending mixed signals.*

### GLOBAL-LOCAL DIVIDE IN FUEL: OMCS MAKING UP FOR 'UNDER RECOVERIES'

While petrol and diesel prices are still at or near record-high levels in the country, international crude oil has fallen 13.9 per cent since the beginning of August. Industry sources told The Indian Express that Oil Marketing Companies (OMCs) might be withholding part of the benefit from the fall in international prices to compensate for under recoveries during earlier periods. Separately, *Finance Minister Nirmala Sitharaman has ruled out reducing Central taxes on petrol and diesel, citing the financial burden of having to pay interest payments on oil bonds issued to OMCs for earlier under recoveries by the Congress-led UPA government.* An unexpected build-up of fuel inventories in the US and concerns about the spread of the Delta variant pushed Brent crude to \$65.63 per



barrel — its lowest level since May. *“Under recoveries during prior periods, such as state elections when price increases were held back, are likely the reason that OMCs are being slow in passing on the benefit of lower international prices to consumers”, said an official at a public sector OMC.* Usually, the full impact of changes to crude oil prices is often seen with a lag as *domestic rates are benchmarked to a 15-day rolling average of global prices of petrol and diesel.* Industry sources said the full impact of lower global prices would be felt sooner in diesel than petrol as under recoveries for the former were significantly lower than the latter, and were likely to be recouped soon if the current trend of low prices continues. Experts noted that with no excise duty cut expected and OMCs withholding part of the benefit of lower international prices, consumers would only benefit from lower fuel prices if crude oil prices continued to remain at lower levels for a sustained period. *Even though the prices of petrol and diesel are deregulated and can be revised daily, OMCs had, in March and April, halted hikes as a number of states went to elections.* OMCs had also held prices constant for over 80 days last year from March 16, as crude fell sharply due to the Covid pandemic. *Experts said the decision to hold prices steady, during the period when crude touched lows of around \$20 per barrel, led to far higher marketing margins for OMCs during FY21.* OMCs have also held the price of petrol constant for the past 34 days and cut the price of diesel by about 60 paise per litre over the past three days after holding steady for 33 days. Petrol is retailing at Rs 101.8 per litre in the Capital, while diesel is at Rs 89.27. High crude prices, coupled with elevated taxes on fuel, have led to a 21.7 per cent increase in the pump price of petrol and a 20.8 per cent jump in diesel since the beginning of the year. *Elevated taxes on petrol and diesel have also been key contributors to record high prices.* Last year, the Centre hiked Central levies by Rs 13 per litre on petrol and Rs 16 on diesel to shore up revenues as Covid caused a sharp fall in economic activity. “The government wants to ensure that the earnings of OMCs are protected as they are key investors in important infrastructure such as pipelines, new refineries and LPG infrastructure,” said Vivekanand Subbaraman, analyst at Ambit Capital. He added margins for OMCs had been increasing steadily over the past few years as their profits were rising even though their sales volumes had remained relatively stable. Indian Oil Corporation Ltd, Bharat Petroleum Corporation Ltd and Hindustan Petroleum Corporation Ltd did not respond to emailed requests for comment.

#### THE OIL BONDS UPA LAUNCHED: WHY, HOW MUCH, AND WHAT NDA ARGUES

The Centre has argued that it cannot reduce taxes on petrol and diesel as it has to bear the burden of payments in lieu of oil bonds issued by the previous UPA government to subsidise fuel prices. Before fuel prices were deregulated, petrol and diesel as well as cooking gas and kerosene were sold at subsidised rates during UPA rule. Instead of paying direct subsidy to oil marketing companies from the Budget, the then government issued oil bonds totalling Rs 1.34 lakh crore to the state-fuel retailers in a bid to contain the fiscal deficit. “In the past when oil prices were over \$120 a barrel, the oil bonds were issued to minimise impact on consumers and keep oil marketing companies profitable. If that was not done, the retail prices would have been much higher at that point in time. It would have led to higher inflation, lower disposable income for consumers, affecting consumption and growth. Lower growth in turn would have led to lower tax collections. It is difficult to say, which decision was optimal. But this is how consumers were insulated,”

Citing the need to repay interest and principal components on these bonds, the Centre has now argued that it needs higher excise duty to help its finances. The NDA government too has used a similar strategy to inject capital into state-owned banks and other institutions by issuing



recapitalisation bonds worth Rs 3.1 lakh crore, which will come up for redemption between 2028 and 2035.

#### **What's the government's argument?**

Finance Minister Nirmala Sitharaman said Monday: "The Government of Prime Minister Narendra Modi is today paying for the oil price reduction done by the UPA in 2012-13. "Look at their trickery," she said, noting that the previous government had cut taxes on fuels but left the current government with oil bonds. "We don't do so many tricks like the UPA government. They issued oil bonds for which the principal amount is over Rs 1 lakh crore, and for the last seven fiscals, the government has been paying over Rs 9,000 crore interest annually... If I did not have the burden to service the oil bonds, I would have been in a position to reduce excise duty on fuel," she said.

#### **Why were oil prices deregulated, and how has it impacted consumers?**

Fuel price decontrol has been a step-by-step exercise, with the government freeing up prices of aviation turbine fuel in 2002, petrol in 2010, and diesel in 2014. Prior to that, the government would intervene in fixing the price at which retailers were to sell diesel or petrol. This led to under-recoveries for oil marketing companies, which the government had to compensate for. The prices were deregulated to make them market-linked, unburden the government from subsidising prices, and allow consumers to benefit from lower rates when global crude oil prices tumble. While oil price deregulation was meant to be linked to global crude prices, Indian consumers have not benefited from a fall in global prices as the central as well as state governments impose fresh taxes and levies to raise extra revenues. This forces the consumer to either pay what she's already paying, or even more. Price decontrol essentially offers fuel retailers such as Indian Oil, HPCL or BPCL the freedom to fix prices based on calculations of their own cost and profits. However, the key beneficiary in this policy reform of price decontrol is the government.

#### **How much taxes/duties has the government collected?**

The Centre's revenue from taxes on crude oil and petroleum products jumped 45.6% in 2020-21 to Rs 4.18 lakh crore. Excise duty on petroleum products jumped over 74% year-on-year to Rs 3.45 lakh crore in 2020-21, according to government data. The Centre's share in taxes on petroleum products has progressively increased from Rs 2.73 lakh crore in 2016-17 to Rs 2.87 lakh crore in 2019-20. On the other hand, the share of states in taxes on crude oil and petroleum products decreased 1.6% to Rs 2.17 lakh crore in 2020-21 from Rs 2.20 lakh crore in 2019-20. The Centre and a number of states have significantly increased duties on petrol and diesel as a way to boost revenues in view of the Covid-induced restrictions that curtailed economic activity. State and central levies account for about 55.4% of the retail price of petrol and 50% of the price of diesel in Delhi. Central levies alone account for about 32.3% of the retail price of petrol and 35.4% of the pump price of diesel in Delhi. The Centre hiked the excise duty on petrol to Rs 32.98 per litre in May 2020 from Rs 19.98 per litre, and on diesel to Rs 31.83 from Rs 15.83. Fuel prices have increased steadily over the last one year. The country has already seen a 21.7% increase in the prices of petrol and diesel since the beginning of the year. Petrol is currently retailing at Rs 101.8 per litre in Delhi and diesel at Rs 89.87 per litre. The price of petrol has been increased 39 times and decreased once in 2021-22, while that of diesel has been increased 36 times and





decreased twice. In 2020-21, the price of petrol was hiked 76 times and decreased 10 times and that of diesel increased 73 times and decreased 24 times.

#### **To what extent have the oil bonds been serviced by the government?**

The interest on oil bonds paid in the last seven years totalled Rs 70,195.72 crore. Of the Rs 1.34 lakh crore worth of oil bonds, only Rs 3,500 crore principal has been paid and the remaining Rs 1.3 lakh crore is due for repayment between this fiscal and 2025-26. The government has to repay Rs 10,000 crore in the current fiscal year, another Rs 31,150 crore in 2023-24, Rs 52,860 crore in 2024-25, and Rs 36,913 crore in 2025-26. But this is less than a tenth of the excise duty on petroleum products at Rs 3.45 lakh crore, a majority of which accrues to the Centre.

#### **What is the current government's bond strategy for banks?**

In October 2017, then Finance Minister Arun Jaitley had announced that recapitalisation bonds would be issued as a one-time measure to inject equity into PSU banks that were stressed by bad loans. This instrument does not impact the fiscal deficit, with only interest payment being reflected in deficit calculations. Initially, the government had indicated that a total of Rs 1.35 lakh crore worth of recap bonds would be issued, but this later became routine and a convenient practice. The government so far has issued recapitalisation bonds to public sector banks and EXIM Bank, IDBI Bank and IIFCL worth Rs 3.1 lakh crore, as per Budget documents. Out of this, Rs 5,050 crore is for recapitalisation bonds to EXIM Bank, Rs 4,557 crore to IDBI Bank, Rs 5297.60 crore to IIFCL and Rs 3,876 crore for non-interest bearing bonds to IDBI Bank. Special securities worth Rs 2.91 lakh crore issued to public sector banks would begin to mature beginning 2028.

#### **GILTS SET TO GO GLOBAL: OVERSEAS INVESTORS GET ANOTHER CHANNEL**

*The government expects to start trade and settlement of debt securities on the international Euroclear platform, a move that would pave the way for inclusion of G-sec in global bond indices anytime soon.* "Taxation issues including the exemption from capital gains on the international transactions have been amicably addressed. We expect that at their next review of index constituents, entities like JP Morgan and Barclays should be able to include Indian gilts in their indices, giving access to investors to participate in our market," the official said. *The plan to list a set of government securities in global bond indices has been in the works for many years now.* Then Finance Minister Arun Jaitley, in the Union Budget 2014-15, proposed allowing international settlement of Indian debt securities, as it was expected to result in a reduction in bond yields and an increase in liquidity in domestic bond markets. *The Budget 2020-21 had proposed to remove limit on foreign investment in some government securities, as a first step towards their inclusion in global bond indices.* The Reserve Bank of India had on March 30 notified a fully accessible route for investment by non-residents in government securities without any ceilings. *The central bank, in consultation with the Finance Ministry, is expected to put caps on the amount of specific securities that will be allowed to be traded on the Euroclear platform under the fully accessible route.* With fiscal deficit rising sharply after Covid hit the economy, additional sources of funding into government debt market are *expected to aid the Centre's increased borrowing programme of more than Rs 12 lakh crore annually.* Last month, *the RBI unveiled a scheme allowing domestic retail investors to directly participate in the G-sec market.* They can open and maintain a 'Retail Direct Gilt Account' with the RBI through a portal, which will also provide access to primary issuance of



G-Secs and the secondary market as well. *Inclusion in bond indices, along with these measures, are aimed at supporting the government's borrowing programme.* The Financial Markets Regulation Department of the RBI, which is entrusted with the development and regulation and surveillance of G-secs market, has created a framework for international settlement of gilts. *This would allow overseas investors to put money in government debt papers without the need to register as FPIs.* "The Department initiated the process of international settlement of Indian government securities through *International Central Securities Depository (ICSD)* in consultation with the Government of India, ICSDs and other stakeholders. Clients of ICSDs would be able to invest in Indian G-sec without registering themselves as foreign portfolio investors (FPIs)," the RBI said in its annual report released on May 27.

#### RBI, IRDAI NOD MUST FOR FDI IN BANK-LED INSURANCE

*Applications for foreign direct investment in an insurance company promoted by a private bank would be cleared by the RBI and IRDAI to ensure that the 74% limit of overseas investment is not breached.* The changes took effect following amendments to the Foreign Exchange Management (Non-debt Instruments) Rules, 2019, as per the gazette notification issued by the Finance Ministry on August 19. "These rules may be called the Foreign Exchange Management (Non-debt Instruments) (Second Amendment) Rules, 2021," it said. *In March, Parliament passed a bill to raise the foreign direct investment (FDI) limit in the insurance sector from 49% to 74%. The Insurance Act, 1938 was last amended in 2015, raising the limit to 49%, resulting in foreign capital inflow of ₹26,000 crore over 5 years.* "Applications for foreign direct investment in private banks having joint venture or subsidiary in insurance may be addressed to the Reserve Bank for consideration in consultation with the Insurance Regulatory and Development Authority of India (IRDAI)," to ensure that the foreign investment limit is not breached, the notification said.

#### MPC'S VARMA FLAGS RISKS OF POLICY STANCE

*Monetary Policy Committee (MPC) member Jayanth Varma has expressed serious reservations about the RBI's protracted "accommodative" policy stance in light of uncertainty about the duration of the ongoing COVID-19 pandemic, contending that the forward guidance and stance were becoming "counterproductive".* "By creating the erroneous perception that the MPC is no longer concerned about inflation and is focused exclusively on growth, the MPC may be inadvertently aggravating the risk that inflationary expectations will be disanchored," he was cited as having said at the August 4-6 meeting of the central bank's rate-setting panel, the minutes released by RBI on Friday show. *The MPC decided unanimously to hold the policy repo rate and by a 5-1 majority voted to continue with the accommodative stance as long as necessary to revive and sustain growth,* with Mr. Varma the sole dissenter. "As the pandemic continues to mutate, it appears to me that the balance of risk and reward is gradually shifting" meriting a hard look at the stance, Mr. Varma said.

#### 'Neutron bomb'

Contending that COVID-19 was beginning to look more and more like tuberculosis which kills a large number of people every year without inflicting major damage to the economy, and thus resembling a 'neutron bomb', he said the ability of monetary policy to mitigate a human tragedy of this nature was very limited as compared to its ability to contain an economic crisis. "The



possibility that COVID-19 will haunt us (though with lower mortality) for the next 3-5 years can no longer be ruled out. Keeping monetary policy highly accommodative for such a long horizon is very different from doing so for what was earlier expected to be a relatively short crisis," he said. *Arguing that monetary policy was much less effective than fiscal policy for providing targeted relief to the worst affected segments of the economy*, he said: "monetary accommodation appears to be stimulating asset price inflation to a greater extent than it is mitigating the distress in the economy". Emphasising that inflationary pressures were beginning to show signs of greater persistence than anticipated earlier he said, "There are indications that inflationary expectations may be becoming more widely entrenched. Most worrying of all, there is now a reduced degree of confidence that demand side inflationary pressures would remain quiescent." *Mr. Varma also argued that the reverse repo needed to be raised from 3.35% so as to allow the MPC room to keep the policy repo rate at 4% for a longer period.* "At a time when the economic recovery is still nascent, it is extremely important that monetary policy serves as an anchor of macroeconomic stability. That would reduce the inflation risk premium" and stabilise long-term rates, he said.

#### FINANCIAL INCLUSION AT LITTLE OVER HALFWAY MARK: NEW RBI INDEX

*A significant segment of the country is still financially excluded, according to the Reserve Bank of India's first composite Financial Inclusion Index (FI-Index) unveiled Tuesday*, which seeks to capture extent of financial inclusion across the country. The annual FI-Index for the financial year ended March 2021 crossed the halfway mark to 53.9, as compared to 43.4 for the year ended March 2017, the RBI said. *The index will reflect various aspects of financial inclusion in a single value ranging between 0 and 100, where 0 represents complete financial exclusion and 100 indicates full financial inclusion*, it said. As per the central bank, *the FI-Index has been conceptualised as a comprehensive index incorporating details of banking, investments, insurance, postal as well as the pension sector in consultation with government and sectoral regulators.* "The FI-Index comprises three broad parameters — access (35 per cent weightage), usage (45 per cent) and quality (20 per cent) — with each of these consisting of various dimensions, which are computed based on a number of indicators ... The index is responsive to ease of access, availability and usage of services, and quality of services, comprising, in all, 97 indicators," the RBI said. *The index has been constructed without any "base year", and reflects cumulative efforts of all stakeholders. It will be published annually in July.* A unique feature of the index is the parameter related to the quality of financial inclusion as *reflected by financial literacy, consumer protection, and inequalities and deficiencies in services*, it said. The FI-Index of 53.9 for 2020-21 indicates that 46.1 per cent of the parameters considered are still financially excluded, despite the launch of the Pradhan Mantri Jan Dhan Yojana for unbanked sections of society, digital payment revolution and entry of a host of players in the insurance and mutual fund segments over the last couple of years. Six years after its implementation, the total number of accounts opened under Jan Dhan Yojana has touched 41.4 crore, with deposits adding up to Rs 1.30 lakh crore as on December 2 last year. Nearly two-thirds of accounts are operational in rural and semi-urban areas. Total assets under management of mutual funds added up to Rs 35.31 lakh crore as on July 31 this year. Digital identity (Aadhaar), along with the proliferation of mobile phones with new payment systems, have addressed the first two challenges of access and usage to a large extent. "The third challenge, i.e. quality, requires both demand and supply side interventions. Opening of Pradhan Mantri Jan Dhan Yojana accounts has enabled millions to have access to financial services. This has addressed the supply side issue



to a considerable extent,” RBI Governor Shaktikanta Das said at an event on financial inclusion last month.

#### RBI ALLOWS HDFC BANK TO ISSUE NEW CREDIT CARDS

*After eight months of “restrictions”, the Reserve Bank of India (RBI) has allowed HDFC Bank to start issuing new credit cards. However, the RBI restrictions on the bank’s new offerings under its Digital 2.0 strategy will remain.* On December 2, the RBI directed the bank to temporarily stop all launches of the digital business generating activities planned under its programme Digital 2.0 (to be launched) and other proposed business generating IT applications, and sourcing of new credit card customers. *The RBI ban came after certain incidents of outages in the internet banking, mobile banking and payment utilities of the lender over the past two years.* The bank had 1.48 crore credit card customers as of June. In a communication to HDFC Bank on Tuesday, the RBI said, “The said restrictions are hereby lifted to permit the bank to undertake the sourcing of new credit cards. The restrictions on all new launches of the digital business generating activities planned under the Digital 2.0 programme of the bank will continue till further review.” On July 17, the bank’s CEO and MD Sashidhar Jagdishan said it has complied with 85 per cent of the RBI’s requirements on the improvements desired, and the ball is now in the regulator’s court to re-allow the bank. *The action against HDFC Bank has been followed with a ban on Mastercard and American Express from selling any new cards because of a failure to adhere to data localisation rules.*

#### TELCOS KNOCK ON CENTRE’S DOOR FOR RELIEF

The telecom industry has yet again made a strong pitch to the government for “fundamental financial reforms” to ensure sustained and orderly growth of the sector. The Cellular Operators Association of India (COAI), whose members include Bharti Airtel, Vodafone Idea and Reliance Jio, has written to the Department of Telecom *seeking a cut in levies, a doubling of the tenure of all auctioned spectrum and a reduction in compliances to the bare minimum.* The appeal comes in the backdrop of *growing concerns over Vodafone Idea’s survival* in the absence of policy support. In the letter dated August 17, which has also been marked to the Ministry of Finance, COAI asserts that *the Indian telecom sector remains one of the most heavily taxed.* “The government needs to recognise that the current revenue sharing regime of around 32% of revenue outgo as taxes and levies is unsustainable and will always be detrimental to the growth of the industry due to perennial lack of surplus cash to reinvest,” it said. COAI urged the government to “considerably reduce” the burden of regulatory taxes and levies by overhauling their structure. *It suggests slashing licence fee from 3% to 1% of Adjusted Gross Revenue (AGR) for all service providers to cover administrative and regulatory costs in line with international practices; reducing the present 5% of AGR USOF (Universal Service Obligation Fund) contribution for all providers to 1%; incentivising service providers with reduced USO levies for additional coverage of villages; and paring the weighted average Spectrum Usage Charge by 3% for all providers.* COAI said that the past cycle of spectrum renewal along with the increased competition and technology upgradation had considerably impacted the sector’s finances. However, the industry was not yet done with spectrum acquisition, especially given the upcoming roll-out of 5G services.



### 'Huge financial burden'

"Massive additional financial burden is yet to be incurred, therefore the government should reduce it [on] one hand by adopting a reasonable reserve price and also consider major reforms like increasing the tenure of existing and future spectrum holdings and providing a 7- to 10-year moratorium for both present and future payments," the association said. *COAI also sought a doubling of tenure for all auctioned spectrum, from the current 20 years to 40 years*, "without seeking any additional amounts".

## A DELAYED INTERVENTION

*After much delay, the Government has notified the rules and rates based on which exporters can claim rebates on taxes paid on their outbound cargo.* That it took nearly eight months to come up with these critical details after the scheme promising such rebates kicked in has meant that exporters have had to conjure up additional working capital to the extent of taxes paid but not refunded during this period. *A new scheme was necessitated to replace the erstwhile merchandise exports incentive scheme after the WTO dispute settlement body held it was not compliant with the multilateral trade watchdog's norms. The Government is confident that the new scheme, Remission of Duties and Taxes on Exported Products (RoDTEP), and effective from January 1, is WTO-compliant.* Covering 8,555 tariff lines, or roughly 65% of India's exports, the remission rates now notified, range from 0.5% to 4.3% of the Freight On Board value of outbound consignments. For some goods, there is a cap on the value of the exported items. Steel, pharmaceuticals and chemicals have been excluded from the RoDTEP. *Some sectors are concerned about the rates being lower than expected, while engineering firms are worried that taxes on key raw materials are not adequately offset.* Fine-tuning may be needed, but a vacuum has been plugged at last. There can be no doubt that Prime Minister Narendra Modi's call to scale up exports to \$400 billion this year helped expedite the disentangling of inter-ministerial red tape over the RoDTEP scheme. A new foreign trade policy, a couple of smaller export-related schemes and a mechanism to fork out the last two years' pending dues under the earlier export incentive programme are expected by September. *This urgency must not be lost. Having opted out of RCEP, India is looking to re-ignite free trade pact negotiations with Australia, the U.K., the EU and the U.S. The global economy is on the cusp of one of its strongest rebounds as COVID-19 vaccination drives cross a tipping point in many advanced economies.* As they look to go beyond China to service domestic consumption demand, India needs to aggressively step up to the opportunity. *Although the second wave's damage on the economy is less severe than the wreckage from last year's national lockdown, domestic recovery is still feeble and uneven. Consumption may see some pullback on pent-up demand as well as the impending festive season, but its sustainability is fragile.* Till that firms up, private investments are unlikely to take off. That leaves public capital spending and exports as the two growth engines with feasible firepower to aid the recovery momentum. There is no time to dither on either of these fronts.

## SEBI CUTS POST-IPO LOCK-IN FOR PROMOTERS TO 18 MONTHS

*Markets regulator SEBI has reduced the minimum lock-in period for promoters' investment post an initial public offering (IPO) to 18 months from three years*, under certain conditions. The move comes at a time when many firms are eyeing a listing on the bourses. The Securities and Exchange Board of India (SEBI) has also streamlined the disclosure requirements of group companies. In a



notification, SEBI said that *if the object of the issue involves offer-for-sale or financing other than for capital expenditure for a project, then the minimum promoters' contribution of 20% would be locked in for 18 months from the date of allotment in the IPO. Currently, the lock-in period is three years.*

#### Holdings disclosure

SEBI also amended the takeover regulations because of the implementation of the System Driven Disclosures. Under the new rule, certain disclosure obligations for acquirers / promoters on acquisition or disposal of shares aggregating to 5% and any change of 2% thereafter, annual shareholding disclosures and creation or invocation or release of encumbrance registered in depository systems under takeover regulations would not be applicable. *The amendment will be effective April 1, 2022, the regulator said in a notification*, dated August 13. The regulator also eased norms on the quantum of sweat equity that can be issued by new-age tech firms listed on the Innovators Growth Platform. *The yearly limit for sweat equity shares will be 15%, while the overall limit will be 50% of the paid-up capital at any time.* This enhanced overall limit will be applicable for 10 years from the date of the company's incorporation.

#### CENTRE TO BOOST OIL PALM FARMING

*The Centre will offer price assurances, viability gap funding and planting material assistance to oil palm farmers to boost domestic production and reduce dependence on imports via a new mission approved by the Cabinet on Wednesday.* Over a five-year period, the financial outlay for the **National Mission on Edible Oils – Oil Palm (NMEO-OP)** will amount to ₹11,040 crore of which ₹8,844 crore is the share of the Central government, according to an official statement. *The Mission hopes to increase oil palm acreage by an additional 6.5 lakh hectares by 2025-26 and grow production of crude palm oil to 11.2 lakh tonnes by 2025-26 and up to 28 lakh tonnes by 2029-30.* At a media briefing after the Cabinet meeting, Agriculture Minister Narendra Singh Tomar said the government aimed to reduce the risk for farmers facing price fluctuation of the fresh fruit bunches from which oil is extracted, due to volatility in the international market.

#### Price mechanism

“The government will develop a mechanism to fix and regulate palm oil prices. So *if the market is volatile, then the Centre will pay the difference in price to the farmers through direct benefit transfer,*” he said. *This is the first time the Centre will give oil palm farmers a price assurance, with industry mandated to pay the viability gap funding of 14.3% of crude palm oil prices.* In a bid to encourage oil palm cultivation in north-eastern India and in the Andaman and Nicobar islands, *the Centre will bear an additional cost of 2% of the crude palm oil prices in these States.* The scheme has a sunset clause, ending November 1, 2037. The Mission will also more than double the support provided for the cost of planting materials. *Asked about biodiversity concerns involved in monoculture plantations, Mr. Tomar said an assessment by the Indian institute of Oil Palm Research had found 28 lakh hectares across the country which could be safely used for oil palm cultivation.* Less than four lakh hectares are currently planted with oil palm.



### Praise from industry

The Oil Palm Developers & Processors Association hailed the Cabinet decisions and said it has been relentlessly urging the government to usher reforms in the sector. The decisions would benefit farmers and make it viable for the industry to continue contributing towards making the country self-sufficient in edible oil requirements and consequently save foreign exchange, association president Sanjay Goenka said.



# DreamIAS



## LIFE & SCIENCE

### CAVE LION CUB FOUND IN SIBERIAN PERMAFROST IS 28,000 YEARS OLD

Scientists have said that an astonishingly well-preserved cave lion cub found in Siberia's permafrost lived 28,000 years ago and may even still have traces of its mother's milk in it.

#### Female cub

The female cub, named Sparta, was found at the Semyuelyakh River in Russia's Yakutia region in 2018 and a second lion cub called Boris was found the year before, according to a study published in Quaternary. The cubs were found 15 metres apart but are not only from different litters but were also born thousands of years apart. Boris, a male cub, lived around 43,448 years ago, the study said.

#### Other finds

The two cubs aged 1-2 months were found by mammoth tusk collectors. Two other lion cubs named Uyan and Dina have also been found in the region in recent years. Cave lions have been extinct for thousands of years. Valery Plotnikov, one of the study's authors, told Reuters in the regional capital Yakutsk that Sparta was so well-preserved that it still had its fur, internal organs and skeleton. "The find itself is unique; there was no any other such find in Yakutia," he said. "Maybe, we hope, some disintegrated parts of the mother's milk [remain intact]. Because if we have that, we can understand what its mother's diet was," he said.

#### Faster warming

*Similar finds in Russia's vast Siberian region have happened with increasing regularity. Climate change is warming the Arctic at a faster pace than the rest of the world and has thawed the ground in some areas long locked in permafrost.*

### NEW SPECIES OF FROG IN ARUNACHAL PRADESH

A team of researchers from Delhi University (DU), along with biologists from the Wildlife Institute of India and North Carolina Museum of Natural Sciences, USA, have discovered a new species of *cascade frog in Arunachal Pradesh*. It has been *named after the indigenous Adi tribe and the hills they inhabit*. Discovered on the Adi hills in Arunachal Pradesh, the new frog species has been named Adi Cascade Frog (Amolops Adicola). The hills are home to the Adi tribe. The literal meaning of Adi is "hill" or "mountain top", the researchers said.

Many frogs in this region are reported to occur widely but, in fact, have relatively small geographical ranges and require special attention for conservation before they go extinct forever. Northeast India is a treasure house of species still unknown to science." Researchers said the *Adi hills were historically known as Abor hills*.

"The study also resolved the century-old taxonomic confusions surrounding the identity of another cascade frog species, Amolops Monticola, which was discovered from the Sikkim Himalayas 150 years ago. These discoveries have important implications on the taxonomy and

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





geographical distribution of several other members of this group found in India and the neighbouring regions of China," the biologists said.

## THE MESSAGE FROM THE IPCC REPORT

The recent report of the Intergovernmental Panel on Climate Change (IPCC), the Working Group I contribution to the Sixth Assessment Report (AR6), titled 'Climate Change 2021: The Physical Science Basis', is the first of four that the Panel will issue over the next one and a half years. The reports are eagerly awaited as they provide a summary assessment of all aspects of the challenge of global warming and past reports have heralded significant shifts in climate policy. This particular report has added significance as it is the only one of the four of AR6 to be ready before the 26th Conference of the Parties (COP26) of the UN Framework Convention on Climate Change to be held in Glasgow in November.

### Findings of the report

A significant section of the report reinforces what is already well known, though, importantly, with updated numbers, higher accuracy and specific regional assessments, including South Asia. Global surface temperature is now higher by 1.07°C since the pre-industrial era. The impact of climate change on the atmosphere, oceans and land is unmistakably of human origin and this impact is picking up pace. It is a striking fact that there is no part of the inhabited world that is now untouched by the impact of global warming. Carbon dioxide is the dominant source of warming. Aerosols contribute to reducing the impact of warming by other greenhouse gases, by almost a third. Methane reduction, while needed overall, is particularly significant only as part of the endgame as the drastic reduction of aerosols actually leads to an increase in warming. A major scientific advance in this report is the use of multiple lines of evidence (through precise technical methods) to pin down the values and trends of key climatic variables more accurately, and narrow their range of uncertainties. Climate predictions from models appear to be working better in many specific ways due to improved representation of basic processes and higher resolution, while the use of other evidence enables scientists to ensure that the modelling output is suitably filtered to match more closely the real world. Thus, the value of equilibrium climate sensitivity — the measure of how a specified increase in carbon dioxide concentration translates into long-term surface temperature rise — is now pinned down to the range of 2.5°C to 4.0°C, with a best estimate of 3°C, compared to the Fifth Assessment Report range of 1.5°C to 4.5°C. With the inclusion of the Indian Institute of Tropical Meteorology's Earth System Model among the climate models used in AR6, India too has joined the climate modelling fraternity. The report expectedly projects an increase in climate extremes due to global warming, with heat waves, extreme rainfall events and occurrence of extreme sea levels all expected to intensify and be more frequent. Coincidentally, the IPCC session for the approval and release of the report was held in the background of news of unprecedented disasters from the global North, including massive forest fires, unprecedented rain and flooding, and record heat.

### Restrict cumulative emissions

A major finding of the report is that air pollution reduction and steep climate change mitigation are not complementary goals but require independent efforts over the short and medium term. This is particularly important as the claims of such a linkage have been used to argue that India,



for instance, must cease the use of coal immediately, despite its continuing importance as the key element of the country's energy security. The truly disconcerting news though, for the global North, is the report's clear message that reaching net zero was not the determining factor for the world to limit itself to a 1.5oC , or 2oC, or indeed any specific temperature increase. The report is clear that it is the cumulative emissions in reaching net zero that determine the temperature rise. This obvious conclusion from past reports and scientific literature had become something of a casualty in the massive campaign mounted on net zero by the developed countries with the partisan support of the United Nations Secretary General and UN agencies. India's Ministry for Environment, Forest and Climate Change was quick to note this point about net zero in a statement, adding that "historical cumulative emissions are the cause of the climate crisis that the world faces today." It also noted that the "developed countries had usurped far more than their fair share of the global carbon budget." The limitations of the remaining carbon budget for 1.5oC are so stringent — a mere 500 billion tonnes of carbon dioxide for an even chance of keeping to the limit — that they cannot be met by promises of net zero 30 years from now. The report is indeed a "clarion call for developed countries to undertake immediate, deep emission cuts," as the Union Environment Minister, Bhupender Yadav, tweeted, especially if they are not to deprive the rest of the world, barring China, of any hope of future development. Developed countries must, in fact, reach net zero well before 2050. That Alok Sarma, the COP26 President, is not unaware of all this is seen from the shift in his discourse, appealing to "keep 1.5oC alive".

#### **Little cheer for Global South**

However, the exposure of the misleading character of the net zero campaign can bring little cheer to the global South, for an equally disconcerting finding is that the world is set to cross the 1.5oC limit within 10-15 years. If deep emissions cuts by the three big emitters — the U.S., the European Union and China — are not forthcoming, even the prospect of a mild overshoot of the limit followed by a later decline is likely to be foregone. After years of procrastination in real action, the constant shifting of goal posts to avoid immediate emissions reduction, and marking time with their obsession with Article 6 negotiations to pass the burden on to developing countries, the developed countries now have nowhere to hide. Regrettably, India cannot save the world from the consequences of the neglect of those whose responsibility it was to lead in taking credible action. India has contributed less than 5% of global cumulative emissions to date, with per capita annual emissions a third of the global average. India is also the only nation among the G20 with commitments under the Paris Agreement that are even 2oC warming-compatible. India needs its development space urgently to cope with the future, one where global temperature increase may be closer to 2oC. With India's annual emissions at 3 billion tonnes in carbon dioxide equivalent terms, even the impossible, such as the total cessation of emissions for the next 30 years, with others' emissions remaining the same, will buy the world less than two years of additional time for meeting the Paris Agreement temperature goals. The prospect of keeping almost a sixth of humanity in quasi-permanent deprivation for the rest of the century as a consequence cannot even be contemplated. Focusing on definite cumulative emission targets keeping equity and historical responsibility in view, immediate emission reductions by the developed countries with phase-out dates for all fossil fuels, massive investment in new technologies and their deployment, and a serious push to the mobilisation of adequate climate finance is the need of the hour. This is the message that the IPCC report has sent to this year's climate summit and the world.



## WHERE WILL CLIMATE CHANGE STRIKE?

*In one of the most categorical statements from a scientific body in the UN system, a working group of the Intergovernmental Panel on Climate Change (IPCC) said in a report released on August 9 that human activities were unequivocally the principal driver of changes in the atmosphere, ocean, cryosphere and biosphere, in other words, of climate change. Man-made emissions of greenhouse gases (GHGs), led by carbon dioxide, methane and nitrous oxide since the industrial era, were altering the climate system, raising average surface temperature globally. The contribution of Working Group I to the IPCC Sixth Assessment Report is one of the three such technical reports, the other two being on impacts, adaptation and vulnerability (WG II) and mitigation (WG III) expected later this year, ahead of a synthesis report next year.*

### **What is the key message from Working Group I?**

The WG I report asserts, leaving nothing to doubt, that the contribution of GHG emissions from various activities is the scientific basis for global warming and climate change. These actions include the burning of fossil fuels for energy and transport, emissions from agriculture and waste, and energy profiles of buildings. Compared with the period 1850-1900, the increase in global surface temperature for the decade 2011-2020 is estimated to be 1.09°C, an indication of how much the world has warmed. This must be viewed against the consensus under the Paris Agreement of the UN Framework Convention on Climate Change (UNFCCC) that the world should act to limit warming compared to levels that existed before the industrial revolution to well below 2°C, and preferably 1.5°C. The WG I report devotes itself to assessing what impacts would accrue to various dimensions of the planet, such as land, oceans, mountains, polar regions, glaciers and water cycle, under different emissions scenarios. Even in the best case scenario, the global surface temperature increase averaged between 2081 and 2100 could be 1.0°C to 1.8°C, while in a high emissions scenario, it could go to a searing 3.3°C to 5.7°C. Since the original pledges of the Paris Agreement are insufficient to keep warming to well below 2°C, deep and early cuts to greenhouse gas emissions are necessary.

### **What will be the effect of continued global warming?**

A warmer world is estimated to have a big impact on extremes of temperature and rainfall with implications for human health, ecosystem survival and sustainable economic activity. The report says it is “virtually certain that hot extremes (including heatwaves) have become more frequent and more intense across most land regions” as witnessed since the 1950s, while cold extremes (including cold waves) “have become less frequent and less severe”. Scientific confidence is now high that human-induced climate change is the main driver of these changes. There are other impacts too. Climate change has contributed to increases in agricultural and ecological droughts in some regions due to increased land evapotranspiration, the report says. Enhanced warming is expected to amplify thawing of permafrost (subsurface soil in the polar regions that remains below freezing point year-round), and loss of seasonal snow cover, of land ice and of Arctic sea ice. Under scenarios of rising CO<sub>2</sub> emissions, two of the big carbon sinks on the planet — the oceans and land — may become less effective at slowing the accumulation of CO<sub>2</sub> in the atmosphere. Continued warming would influence the global water cycle, further intensifying it, with consequences for “its variability, global monsoon precipitation and the severity of wet and dry events”, the WG I report adds.

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



### What could be the consequences for India?

India's major concerns are centred around the health of the annual monsoon, the fate of Himalayan glaciers, heating over land, floods, droughts and overall impact on people's well-being, agriculture and food production. Here, the report says with medium confidence that "heatwaves and humid heat stress will be more intense and frequent during the 21st century" and both annual and summer monsoon rainfall will rise, with a higher degree of variability between years. Such a situation creates a lot of uncertainty. It is important to note that over South Asia, among other regions, aerosol emissions notably from human activity had a cooling influence during the 20th century, which in turn counteracted increases in monsoon rainfall produced by warming. That aerosol effect could be overcome by persistent warming, leading to future high levels of rainfall. For the snow-covered areas, the outlook is, again, alarming. Snow volumes are forecast to decrease in most regions of the Hindu Kush Himalaya during the 21st century and the snowline elevations to go up while glacier volumes are likely to decline, with greater mass loss in scenarios of higher CO<sub>2</sub> emissions.

### INDIA CAN DO MORE, HINTS CLIMATE OFFICIAL

Alok Sharma, President-designate, United Nations Conference of Parties (COP), said he hoped India would consider more ambitious emissions targets. Mr. Sharma is visiting India as part of a larger international tour building consensus among nations for concrete outcomes ahead of the 26th round of climate talks. "I have been encouraged by the discussions I have had. India is on track to overachieve its Nationally Determined Contribution (NDC). I would request if India would consider any NDC that takes into account this overachieving," Mr. Sharma told reporters on Wednesday. Among those he met in this three-day India tour were Environment Minister Bhupendra Yadav and Finance Minister Nirmala Sitharaman. A major theme building ahead of the climate talks to be held in Glasgow, Scotland, in November is the question of how many nations can commit to a net zero target and by when. Net zero or carbon neutrality is when more carbon is sucked out from the atmosphere or prevented from being emitted than what a country emits and is critical to ensuring that the planet does not heat up an additional half a degree by 2100.

#### Carbon neutrality

A little over 120 countries have committed, with varying degrees of firmness, to reaching carbon neutrality by 2050. Five countries have net zero pledges set for after 2050, including Australia and Singapore, which have not set a firm target yet. China, the world's biggest emitter, has committed to peaking its emissions before 2030 and achieving net zero by 2060. The United States has said it would achieve net zero by 2050 and nearly halve emissions by 2030. India is among the major countries that have not committed to a 2050 plan but has said it is one of the countries that has delivered on one of the 2015 Paris Agreements main goals that is taking steps to ensure that its emissions do not put the globe on a road to heating one degree more than present by the turn of the century. Further, India's position is that it has among the lowest per capita emissions, is not responsible for the climate crisis, which the science establishes is due to historical emissions by developed countries, and cannot compromise on ensuring economic growth of its vast citizenry.



## Renewable energy

India's NDC includes reducing the emissions intensity of GDP by 33%–35% by 2030 below 2005 levels; increase the share of non-fossil-based energy resources to 40% of installed electric power capacity by 2030, with help of transfer of technology and low-cost international finance including from Green Climate Fund and to create an additional (cumulative) carbon sink of 2.5–3 GtCO<sub>2e</sub> through additional forest and tree cover by 2030. *It has committed to installing 450 GW of renewable energy by 2030 of which 100 GW is reportedly installed. A thorn of contention is the over-\$100 billion that was to have come to developing countries from developed ones for clean energy investments and mitigation that continues to be outstanding.* Mr. Sharma said Canada and Germany were working with his team to set out a “delivery plan”. “Delivering the \$100 billion a year is a matter of trust. Germany and Canada will be setting out a delivery plan until 2025 and have it in place before COP 26. For the years beyond 2025, that will certainly require trillions of dollars, much is expected to come from the private sector,” he said. On Wednesday, *the Union Cabinet approved ratification of the Kigali Amendment to the Montreal Protocol that envisages phasing out of hydrofluorocarbons (HFC) by 80-85% of present levels by 2040 in a phased manner by all signatory countries. The HFC are used in refrigeration and contribute to global warming. India in 2016 committed to phasing down HFC in four steps from 2032 with a 10% reduction in 2032, 20% in 2037, 30% in 2042 and 80% in 2047.*

## OZONE PACT IN CLIMATE FIGHT

Five years after it fought hard to successfully negotiate favourable terms for itself, India on Wednesday decided to ratify a key amendment to the Montreal Protocol, which turned the 1989 ozone-saving agreement into an extremely potent weapon in the fight against climate change as well. The Kigali Amendment, negotiated in the Rwandan capital in October 2016, enables the gradual phase-down of hydrofluorocarbons, or HFCs, a family of chemicals used extensively in the air-conditioning, refrigeration and furnishing foam industry. HFCs are known to be much worse than carbon dioxide in causing global warming. In fact, according to the UN Environment Programme (UNEP), the average global warming potential of 22 of the most used HFCs is about 2,500 times that of carbon dioxide. India's decision to ratify the amendment was never in doubt and is little more than a formality at this stage. It was widely anticipated after the United States and China, the world's top producers and consumers of HFCs, took similar decisions in the last few months. The amendment has already come into force from the start of 2019. But the decision to ratify it does create the right atmospherics ahead of the annual climate change conference in Glasgow this November.

## Ozone and climate

The 1989 Montreal Protocol is meant to protect the ozone layer of the upper atmosphere. It wasn't originally an instrument to fight climate change. A set of chemicals, mainly the chlorofluorocarbons or CFCs, which were being used in the air-conditioning and refrigeration industry earlier, were found to be damaging the ozone layer of the upper atmosphere. Their extensive use had led to depletion of the ozone layer, and formation of an “ozone hole” over the Antarctic region. The Montreal Protocol mandated the complete phase-out of CFCs and other ozone-depleting substances (ODS), which it has successfully managed to do in the last three decades. CFCs were gradually replaced, first by HCFCs, or hydrochlorofluorocarbons, in some

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cases, and eventually by HFCs which have minimal impact on the ozone layer. The transition from HCFCs to HFCs is still happening, particularly in the developing world. HFCs, though benign to the ozone layer, were powerful greenhouse gases. With global warming emerging as one of the biggest global challenges in the new millennium, the use of HFCs came under the scanner. HFCs still form a small part of the total greenhouse gas emissions, but with air-conditioning demand showing a significant increase, especially in countries like India, their use is rising at about 8% every year. If left unabated, their contribution to annual greenhouse gas emissions is expected to reach up to 19% by 2050. Because HFCs were not ozone-depleting, they were not controlled substances under the Montreal Protocol. They were part of the problematic greenhouse gases whose emissions are sought to be curtailed through climate change instruments such as the Kyoto Protocol of 1997 and the 2015 Paris Agreement. But the Montreal Protocol has been a far more effective and successful agreement than the climate change instruments. It has already resulted in the phase-out of 98.6% of ozone-depleting substances. The remaining 1.4% are the HCFCs that are in the process of being transitioned. Accordingly, it was decided to use the Montreal Protocol to phase out HFCs as well, rather than leave them at the mercy of climate change agreements. For that to happen, an amendment to the Montreal Protocol was required.

### **The Kigali Amendment**

In 2016, countries agreed to include HFCs in the list of controlled substances under Montreal Protocol and decided on a schedule for its phase-down. Before the middle of this century, current HFC use has to be curtailed by at least 85 per cent. Countries have different timelines to do this. India has to achieve this target by 2047 while the developed countries have to do it by 2036. China and some other countries have a target of 2045. While the reductions for the rich countries have to begin immediately, India, and some other countries, have to begin cutting their HFC use only from 2031. If implemented successfully, the Kigali Amendment is expected to prevent about 0.5°C rise in global warming by the end of this century. No other single intervention to cut greenhouse gas emissions comes even close to this in terms of returns offered and the ease of implementation. It is thus considered crucial to achieving the Paris Agreement target of restricting temperature rise to within 2°C from pre-industrial times. And the Montreal Protocol has a fairly good track record on ensuring climate benefits as well. CFCs, the predecessors to HFCs, were also greenhouse gases, apart from being ozone-depleting. Their phase-out has already avoided an estimated 135 billion tonnes of carbon dioxide equivalent emissions between 1990 and 2010. This is three times the current annual greenhouse gas emissions. The UNEP estimates that, with Kigali Amendment, the avoided emissions could touch 420 billion tonnes of carbon dioxide equivalent by the end of the century.

### **India's efforts**

India had played a key role in negotiating the Kigali Amendment. It had fought hard to get an extended timeline for itself, and some other countries, for the reduction of HFC use. This was considered important for the domestic industry which was still in the process of transitioning from HCFCs to HFCs. The climate-friendly alternatives to HFCs are not yet widely available at low cost. The extended timeline was meant to give the industry some cushion to make the transition. Despite being one of the main architects of the Kigali Amendment, India was the last major country to announce its decision to ratify it. There wasn't ever any doubt over its ratification, and it was more like a waiting game to see what China or the United States did. In the meanwhile, however,



India had unveiled an ambitious action plan for the cooling industry which accounts for the phase-out of HFCs. The 20-year 'India Cooling Action Plan', or ICAP, released in 2019, describes cooling as a "developmental need" and seeks to address the rising demand in cooling, from buildings to transport to cold-chains, through sustainable actions. The plan estimates that the national cooling demand would grow eight times in the next 20 years, which would result in a corresponding five to eight-fold rise in the demand for refrigerants that involve the use of HFCs. The ICAP aims to bring down the refrigerant demand by 25 to 30 per cent in the next 20 years. As part of the ICAP, the government has also announced targeted R&D efforts aimed at developing low-cost alternatives to HFCs. Such efforts are already underway at the Hyderabad-based Indian Institute of Chemical Technology and IIT Bombay.

### COVID-19 BOOSTER SHOTS MAKE MOCKERY OF EQUITY

Rich countries' decisions to roll out COVID-19 booster shots while so many people across Africa remain unvaccinated "threaten the promise of a brighter tomorrow" for the continent, the Africa director for the World Health Organization said on Thursday, warning that "*as some richer countries hoard vaccines, they make a mockery of vaccine equity.*" Matshidiso Moeti and other African health officials, including the Africa Centres for Disease Control and Prevention, had warned against booster shots in recent weeks as *less than 2% of the population on the continent of 1.3 billion people is fully vaccinated against COVID-19.* Ms. Moeti noted that the latest resurgence in cases across Africa is levelling off and more vaccine doses are finally arriving on the continent, but "Africa is encountering headwinds" as rich countries like the United States decide to roll out booster shots.

Ms. Moeti pointed out that rich countries have on average administered more than 103 vaccine doses per 100 people, while in Africa it's just six. Earlier this week the WHO director-general, Tedros Adhanom Ghebreyesus, called it "unconscionable" that some countries are now offering booster shots "while so many people remain unprotected." She added, after the revelation this week that some COVID-19 vaccine doses now being manufactured in Africa are being shipped to Europe, "I think no better example can follow this than vaccines that are actually being produced on the African continent." She called on those countries to consider donating some of the South Africa-produced vaccines to African nations.

### FOR THE LOVE OF SUDOKU

*It was in 1984 that Maki Kaji first came across a now-familiar grid-based puzzle. At the time, it went by the rather dull name of Number Place. Kaji, who spotted the puzzle's hit potential, renamed it Sudoku — derived from the Japanese sentence "Suuji wa dokushin ni kagiru (numbers should be single)", which also doubled up as an instruction to puzzlers. The "Godfather of Sudoku", as he eventually came to be known as, died at his home in Tokyo on Monday at the age of 69. The origins of Sudoku are hazy, although many historians believe it to be the direct descendant of a puzzle known as Latin Squares (named thus in the 18th century by Swiss mathematician Leonhard Euler). The version that Kaji discovered is believed to have been created by a retired American architect known as Howard Garns, possibly in the '70s. While Kaji didn't technically invent the puzzle, he can be credited with refining it into the brain teaser that would soon spawn its own devoted following and highly competitive tournaments all over the globe.* For Kaji had instantly spotted what



gave the puzzle universal appeal. Despite appearances, it requires absolutely no mathematical ability from its solvers and, unlike in a crossword puzzle, even the ability to “read” (numbers, in this case) is not a requirement. It had the potential to be the next Rubik’s Cube, because all it required was logic. Kaji knew that Japan, a nation which watches brain teaser-based TV shows during prime time, would lap it up. Sudoku, first published in Japan in the magazine Nikoli, quickly became a national obsession, although it wouldn’t become a global phenomenon until 2004, when The Times of London published a puzzle. Years later, in an interview, Kaji described Sudoku as a “treasure”, adding that he was driven by the “excitement of solving it”. A sentiment that will resonate with the millions who still rack their brains over a fresh puzzle everyday.



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