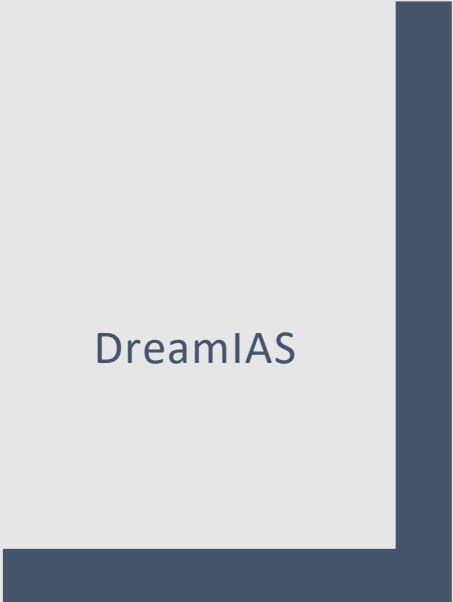




14TH TO 20ST NOVEMBER, 2021

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INTERNATIONAL

AGREEING TO DISAGREE

As much as the virtual summit meeting between Presidents Joe Biden and Xi Jinping, spotlighted multiple points of continuing strategic dissonance between the U.S. and China, it equally appeared to underscore in their minds the need for them to find common ground on contentious issues including trade and tensions surrounding Taiwan and the South China Sea. The summit itself was a long time coming, given that Mr. Xi has not been able to travel abroad owing to the onset of the COVID-19 pandemic, and Mr. Biden entered office around that time too. Further, in March 2021, at a meeting in Anchorage, Alaska, between senior officials from both countries, a heated exchange ensued after U.S. Secretary of State Antony Blinken said that without the rules-based international order there would be a “much more violent world” and that Chinese activities in Xinjiang, Hong Kong, and Taiwan, threaten that order, and were not internal matters. In that context, it is unsurprising that even though the summit meeting yielded no major breakthroughs, Beijing was quick to claim a diplomatic victory, with Chinese state media proclaiming, “Biden reiterates he doesn’t support Taiwan independence.” Such messaging is almost certainly directed towards a domestic audience given that Mr. Xi is consolidating power to secure a third term for himself, a process that will culminate next year in the CPC’s 20th Congress. At the top of the policy agenda that is causing bilateral friction is trade. After the bruising trade war with China prior to 2020, under a Trump White House, relief came in the form of the Phase 1 Trade Agreement, which requires that China buy \$380 billion worth of American goods by the end of 2021. That has not happened, according to some analysts, in part owing to a shortfall in orders from Beijing for Boeing aircraft in view of the aviation slowdown. Yet, compromise may not be far away in this space, as the U.S. Trade Representative hinted that the Trump-era practice of permitting exemptions for certain goods from trade tariffs may be resumed. On Taiwan’s independence, while the U.S. post-summit readouts suggest that Washington is adhering to its long-standing policy in this matter — that it acknowledges but does not recognise Beijing’s claim over Taiwan under the One China policy — the Chinese side indicated that Mr. Xi said, “It is playing with fire.....” Such comments likely signal that China will respond robustly to any western moves seen as strengthening Taiwanese independence, for example through direct arms sales to Taipei. Both sides will have to be even-handed in managing their conflicts on trade and regional tensions or else risk these issues spilling over into the global arena and disrupting the fragile ongoing recovery in economic growth and public health.

STRIDING BACK INTO THE AFGHAN THEATRE

Amidst the multiple messages that New Delhi wished to send out by convening ‘The Third Regional Security Dialogue on Afghanistan’ on November 10 — a National Security Adviser (NSA)-level meet — one stands out: that despite the current absence of an on-ground presence in the country, India continues to matter in Afghan affairs. To ensure that this thought was acknowledged by the Indian political and strategic classes as well as the region, Indian officials, in their background briefings, emphasised that India’s invitation was accepted by countries that have significant stakes in Afghanistan — Russia, Iran and all the five Central Asian Republics (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan). They correctly downplayed Pakistan’s outright refusal to join the meeting and China’s lame excuse for its absence. Indeed, in



the context of the present state of Sino-Indian ties and Pakistan's obsession of keeping India away from Afghanistan, neither country's decision was surprising.

Similar concerns

There is little doubt that the initiative succeeded in demonstrating that many regional countries accept that India has legitimate concerns relating to Afghanistan. The Delhi Declaration that emerged from the deliberations of the National Security Advisers/Secretaries of the National Security Councils of the participating states shows that all these countries share similar concerns which are also widely held in the international community. The Delhi Declaration demanded that Afghan soil is not used to spread terrorism or extremist ideologies. It called for a control on the production of Afghan opium. It reflected the widely held view that the Taliban have to conform to acceptable standards of behaviour on gender issues and minority rights. The Declaration also called for the formation of "an open and truly inclusive government" that was "representative of the will of the Afghan people" and had the participation of "all sections of society" in its "administrative and political structure". This is a laudable objective, but is it realistic? The hard fact is that the Taliban achieved a military victory and unlike in the 1990s now control all of Afghanistan. Is any neighbour of Afghanistan willing to nurture a long-lasting insurgency to effectively pressure the Taliban?

Hurdles, an outreach

All the participants of the Delhi Dialogue except India have open contacts with the Taliban even if some of them consider the Taliban to be a negative political force. It is, therefore, likely that despite this clarion collective call for an inclusive government, these states will ultimately individually settle for a Taliban government that will show a degree of responsiveness on gender issues and minority rights, including of ethnic minorities. Even more they will look for how the Taliban are addressing their individual concerns on specific terrorist groups that target them. The Russian press statement after the Delhi Declaration itself reveals that each country will act not on the basis of common positions in this document but in keeping with its interests. It is here that Indian policymakers are still struggling to accept the consequences and realities of the great change that took place in Afghanistan on August 15, when Afghanistan President Ashraf Ghani fled from Kabul and the Taliban rolled in. This far-reaching development eroded the very basis of India's Afghan policy. It required an immediate re-assessment of the regional situation and nimble, quick and comprehensive action with salience given to strategic considerations. It needed a ruthlessly cold 'all of political and strategic classes' approach unaffected by political considerations of any nature. Almost three months later this is still not discernible. And, the Delhi meeting, while serving a small diplomatic purpose, will not contribute to addressing the vast challenges that India now faces in its entire western neighbourhood, especially Afghanistan.

Pakistan link

Pakistan has avoided its mistake of the 1990s, of giving formal diplomatic recognition to the Taliban. It is however acting in a manner with the group's government, which it helped put together, as it would have with a 'recognised' administration. It is no coincidence that the day the Delhi Dialogue was convened, the acting Afghan Foreign Minister, Mullah Amir Khan Muttaqi, reached Islamabad leading a high-level delegation. In India's absence in Kabul, Pakistan has a free hand. As it is with its deep and abiding relations with the Taliban it has a unique and enduring advantage. But should that mean that India ignores Afghanistan altogether and confines itself to



only covert contacts with the Taliban? There has been no repeat of a Doha-like meeting between the Indian Ambassador and senior Taliban officials.

A place for India

India will have to play a multi-faceted diplomatic game to safeguard and promote its interests in Afghanistan and the region. It cannot join the game unless it re-establishes a presence in Kabul. All-important regional players and Russia have kept their missions open in Kabul. New Delhi must note that the Taliban spokesperson, taking note of the Dialogue said that India was an important regional country with which it desired good diplomatic relations. India has to proceed with caution but without inhibitions. That can only be through an understanding of Afghan traditions and culture which has been under strain but which has not disappeared altogether. At no stage in Afghan history has any ruler or group not chafed at foreign dependence howsoever necessary it may have been. They have always looked to alternatives. Taliban signals on India to Pakistan should be taken in this context. Besides, the Taliban are not immune from regional and tribal cleavages. This is not to underrate the difficulties in India's path in Afghanistan but it would be a profound mistake to consider that there is no space for India to operate in Afghanistan; the Taliban public statements are themselves indicating that it does; Muttaqi has publicly said that India-Afghan trade via Wagah should be allowed by Pakistan. Expressing concern for the "deteriorating socio-economic and humanitarian situation in Afghanistan" the Delhi Declaration called for "urgent humanitarian assistance" to the Afghan people. It also did well to emphasise that humanitarian assistance should be provided in an "unimpeded, direct and assured manner to Afghanistan". This is directly relevant for India wishes to send 50,000 tonnes of wheat for the Afghan people overland via Pakistan. Obviously, the Taliban have welcomed the Indian offer and asked Pakistan to agree. Pakistan Prime Minister Imran Khan told Muttaqi that he will "favourably" consider the Taliban's request. At this stage, India should be bold and enhance its offer to one million metric tonnes of wheat; that is what it pledged in 2002 at the Tokyo Afghanistan conference. It should also publicly declare, if needed, that it would hand the wheat over to the World Food Programme at the Wagah border. If Pakistan obstructs the additional offer, let it explain its negativity to the Afghan people.

On China

It is not only Pakistan that India will need to confront in Afghanistan but also China. The Chinese have always maintained contacts with the Taliban and their strategic and economic interests have and will continue to make them adopt pragmatic policies. Indian economic interests also demand its presence in Afghanistan. There is no time to lose for this purpose. A heavy and long-term price will have to be paid otherwise. In all this process India must remain grounded in reality but that seems absent in some Indian analysts who believe that it is a Eurasian power too. That should be the objective. But is it so today when it does not have connectivity to the region and is reluctant to play the Afghan game where it matters — the mountains and valleys of the Hindukush?

THE EU'S ROLE IN THE INDO-PACIFIC

The Indo-Pacific region has acquired striking salience with the U.S.-China strategic contestation becoming sharper than before. Speedy development of the Quad comprising Australia, Japan, India and the U.S.; the emergence of AUKUS comprising Australia, the U.K. and the U.S.; and other alignments raise the question: where does Europe stand in relation to this churning?



It is complicated

Europe's Asia connect is old, strong and multi-layered. Asia is viewed and evaluated through national and regional perspectives. This explains why at least since 2018, countries such as France, the Netherlands, Germany and the U.K. announced their specific policies towards the Indo-Pacific. The European Union (EU) is in the process of coping with the rise of China and other Asian economies, the tensions due to China's aggressiveness along its periphery, and economic consolidation through the Regional Comprehensive Economic Partnership, and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. In this backdrop, the announcement by the Council of the European Union of its initial policy conclusions in April, followed by the unveiling of the EU strategy for cooperation in the Indo-Pacific on September 16, are notable. Seen from Brussels, the EU and the Indo-Pacific are "natural partner regions". The EU is already a significant player in the Indian Ocean littoral states, the ASEAN area and the Pacific Island states, but the strategy aims to enhance the EU's engagement across a wide spectrum. Future progress will be moulded by principles ranging from the imperative to defend the "rules-based international order"; promote a level-playing field for trade and investment, Sustainable Development Goals and multilateral cooperation; support "truly inclusive policy-making" encompassing the civil society and the private sector; and protect human rights and democracy. The policy document also says cooperation will be strengthened in sustainable and inclusive prosperity, green transition, ocean governance, digital governance and partnerships, connectivity, security and defence, and human security. The EU thus promises to focus on the security and development dimensions of its relationship with the region. But the EU's security and defence capabilities are quite limited, as compared to the U.S. and China. To obviate an imbalance in favour of economic links, EU will need to give adequate space and support to France which has sizeable assets and linkages with the Indo-Pacific. It also must forge strategic coordination with the U.K. as the latter prepares to expand its role in Asia as part of its 'Global Britain' strategy. As a major economic power, the EU has an excellent chance of success in its trade negotiations with Australia, Indonesia and New Zealand; in concluding discussions for an economic partnership agreement with the East African Community; and in forging fisheries agreements and green alliances with interested partners to fight climate change. To achieve all this and more, EU must increase its readiness to share its financial resources and new technologies with partners.

Approach to China and India

The EU suffers from marked internal divisions. Many states view China as a great economic opportunity, but others are acutely conscious of the full contours of the China challenge. They believe that neither China's dominance in Asia nor bipolarity leading to a new Cold War will serve Europe's interests. The risks facing the EU are varied. Russia next door is the more traditional threat. It is increasingly on China's side. Hence, the EU should find it easy to cooperate with the Quad. However, AUKUS muddied the waters, especially for France. Yet, endeavours by a part of the western alliance to bolster naval and technological facilities to deal with China cannot be unwelcome. What the EU needs is an internally coordinated approach. India has reasons to be pleased with the EU's policy. India's pivotal position in the region necessitates a closer India-EU partnership. The India-EU Leaders' Meeting on May 8, followed by the External Affairs Minister's Gymnich meeting in Slovenia with the EU foreign ministers on September 3, were designed to "foster new synergies". Early conclusion of an ambitious and comprehensive trade agreement and a standalone investment protection agreement will be major steps. Cooperation in Industry 4.0 technologies is desirable. Consolidating and upgrading defence ties with France, Germany and the



U.K. should also remain a significant priority. The EU can create a vantage position for itself in the Indo-Pacific by being more candid with itself, more assertive with China, and more cooperative with India.

HISTORY LESSONS

Following a meeting of its Central Committee last week, China's Communist Party passed what it called a "Resolution on the Major Achievements and Historical Experience of the Party over the Past Century". Ostensibly about the past, it still holds enormous significance for China's future. This is only the third such resolution on history passed by the party in its 100-year history. The previous two resolutions, passed by Mao Zedong in 1945 and Deng Xiaoping in 1981, marked important inflection points in China's politics, and established them as the dominant leaders of their respective generations. The full text of the latest resolution has not been made public, but a 5,000 word communiqué issued after the closure of the four-day plenum gives a flavour. It heaps praise on the contributions of Mao, Deng and current leader Xi Jinping. It differs in one key aspect from the previous resolution of 1981, which acknowledged Mao's mistakes that led to the Cultural Revolution (1966-1976), by describing the history of the party as one without flaws. "Looking back on the party's endeavours over the past century," it surmises, "we can see why we were successful in the past and how we can continue to succeed in the future." Explaining why the party saw the need for a new historical resolution, the communiqué said the party wanted to "strengthen our consciousness of the need to maintain political integrity, think in big-picture terms, follow the leadership core, and keep in alignment with the central party leadership". The latest communiqué implicitly criticised the collective leadership model that Deng bequeathed his successors and enabled three peaceful transfers of power, praising Mr. Xi's "core" leadership for having "solved many tough problems... never resolved and accomplished many things that were wanted but never got done". It also called for "resolutely upholding Xi Jinping's core position on the Central Committee and in the Party... and upholding the Central Committee's authority... to ensure that all Party members act in unison". The significance of the 1945 and 1981 resolutions lay not in their reflections on the past but in how they would change the exercise of power, bringing dramatic consequences for China's future. The first established Mao's ideology as the party's guiding ideology. By doing so, it made it heresy to question Mao and paved the way for the creation of his disastrous personality cult. In 1981, Deng too established his dominance, but used his power to bring an end to rule by ideology, instead turning the party's attention to development and bringing China to its era of reform and opening up. Now, 40 years after Deng, as China's current leader looks to write his place in the party's history, the past might be held in reverence, but it will not be allowed to dictate the contours of the future when the country prepares to take yet another political turn.

WILL INDIA BE SANCTIONED FOR S-400 PURCHASE?

India is preparing for a visit from Russian President Vladimir Putin for an annual bilateral meeting with Prime Minister Narendra Modi in early December, but it is the arrival of the \$5.4-billion Russian long-range surface-to-air missile defence shield "S-400", also expected next month, that is likely to generate more international headlines. The United States Government has made it clear that the delivery of the five S-400 systems is considered a "significant transaction" under its Countering America's Adversaries Through Sanctions Act (CAATSA) of 2017, which could trigger sanctions against Indian officials and the Government.



What kind of sanctions?

The CAATSA is designed to ensure that no country is able to increase military engagement with Iran, North Korea and Russia without facing deterrent punitive action from the U.S. The sanctions are unilateral, and not part of any United Nations decision, and therefore no country is bound to accept them. The law that was pushed through by Democrat Congress representatives was signed by President Donald Trump under some protest, as he was keen at the time on improving relations with Russia, and was hoping to broker a deal between the Koreas as well. Section 231 says the President shall impose no fewer than five different sanctions on any Government that enters into a significant defence or intelligence deal with the Russian Government. Section 235 lists 12 options, including stopping credit lines from U.S. and international banks such as the IMF, blocking sales of licensed goods and technology, banning banks, manufacturers and suppliers, property transactions and even financial and visa sanctions on specific officials (<https://bit.ly/3wFWLTr>). However, the law empowers the President to waive sanctions or delay them if he/she certifies that the deal is not a threat to the U.S. and allies, that waiver of sanctions is in the U.S.'s "vital national security interests" or that the country being sanctioned promises to reduce its future dependence on the "adversary country".

Has the U.S. used CAATSA before for S-400 sales?

The U.S. has already placed sanctions on China and Turkey for purchase of the S-400. In 2018, the State Department said it, along with the Department of the Treasury, would impose sanctions on the People's Liberation Army's Equipment Development Department, and in particular its Director, Li Shangfu, for the purchase of the S-400 system-related equipment and Sukhoi-35 combat aircraft from Russian defence exporter Rosoboronexport. The sanctions included denial of export licences, ban on foreign exchange transactions, blocking of all property and interests in property within the U.S. jurisdiction and a visa ban (<https://bit.ly/3qwSGzJ>). In 2020, the U.S. sanctioned its NATO partner Turkey, which it had warned about CAATSA sanctions for years, besides cancelling a deal to sell Ankara F-35 jets. The sanctions on Turkey's main defence procurement agency, SSB, also included a ban on licences and loans, and blocking of credit and visas to SSB president Ismail Demir and other officials. While U.S. officials hope the sanctions and the promise of a sale of F-16 jets would stave off Turkish President Recep Erdogan's plans to deploy S-400, a deadlock continues (<https://bit.ly/3gLyP9f>).

Which way is the Biden administration leaning on India?

The Biden administration has not given any firm indication on where it leans on India's case yet. Last month, during a visit to Delhi, U.S. Deputy Secretary of State Wendy Sherman said the U.S. had made it clear that the S-400 is "dangerous and not in anybody's security interest", but left the determination on sanctions after India takes delivery of the missiles to President Biden himself (<https://bit.ly/30oR6Fq>). In subsequent weeks, Congress representatives, including the Chairman of the powerful House of Representatives Foreign Affairs Committee (HFAC), Gregory Meeks, a Democrat, as well as several Republicans have called upon the Biden administration to consider a special waiver for India, given India's importance as a defence partner, and as a strategic partner on U.S. concerns over China and in the Quad. "Taking a long view, the potential of our long-term strategic partnership with India, and its positive impact on our own security interests, certainly outweighs any kind of benefit from sanctioning India because of its purchase of the S-400," Mr. Meeks told The Hindu (<https://bit.ly/3Dfp2mj>). On the other hand, in April 2021, ahead of U.S. Defence Secretary Lloyd Austin's visit to Delhi, Chairman of the Senate Foreign



Relations Committee Bob Menendez (also a Democrat) had urged Mr. Austin to raise the S-400 issue with Indian officials, and make it clear that the purchase would lead to sanctions. "If India chooses to go forward with its purchase of the S-400, that act will clearly constitute a significant, and therefore sanctionable, transaction with the Russian defense sector under Section 231 of CAATSA. It will also limit India's ability to work with the U.S. on development and procurement of sensitive military technology," Mr. Menendez wrote in his letter (<https://bit.ly/3kB4i0V>). Saudi Arabia has also reportedly negotiated with Russia for the S-400, and some experts in the U.S. feel that giving a waiver to India would be the wrong signal for others seeking to go ahead with similar deals. New Delhi may receive a clearer picture on which way the U.S. will go when External Affairs Minister S. Jaishankar and Defence Minister Rajnath Singh are due to meet their American counterparts in the next few weeks in Washington.

What is India's position?

India has not backed down in the face of U.S. opposition thus far, however, and is scheduled to receive the first S-400 deliveries in December. In preparation for the induction, two teams of technicians from the Indian Air Force were trained on the system by the manufacturer, Almaz Antey, in Russia this year. After signing the deal in October 2018, during Mr. Putin's last visit to Delhi, India and Russia had protected the advance payments from triggering U.S. sanctions by ensuring a rupee-rouble transfer. In response to questions about Ms. Sherman's tough remarks on the S-400, the Ministry of External Affairs conceded that the issue was "under discussion" between India and the U.S. for some time. "It was raised, and we have discussed it and explained our perspective. And discussions on this are ongoing," External Affairs Ministry spokesperson Arindam Bagchi said in a non-committal response in October.

Why is the S-400 deal so important to India?

Senior Indian officials have held firm that S-400 is very important for India's national security considerations, especially as it faces new threats from China, Pakistan and Afghanistan, calling it a "game changer". The system will also offset the air defence capability gaps due to the IAF's dwindling fighter squadron strength. Integrating the S-400 into the national air defence architecture will be much easier as India has a large number of legacy Russian air defence systems, a major reason India did not consider the U.S. air defence systems as a viable alternative. For both political as well as operational reasons, the deal is at a point of no return. When asked about the threat of U.S. sanctions, the outgoing Indian Ambassador to Russia, D.B. Venkatesh Varma, told The Hindu that India "will do what we have to do and is necessary for India to preserve and protect its national security interests". In addition, buying the S-400 is a way for the Narendra Modi Government to assert its 'strategic autonomy'. This stated principle of Indian foreign policy wavered under pressure from the Trump administration, when India agreed to stop buying Iranian oil over the threat of sanctions in 2019, a move that caused India both financial and reputational damage. Not giving in to the U.S.'s unilateral sanctions over the S-400 would be one way to restore some of that.

**NATION****ERROR CORRECTED**

The Supreme Court has done well to correct an egregious error of interpretation committed by a judge in the Nagpur Bench of the Bombay High Court in holding that sexual assault on a child victim would require “skin-to-skin” contact. It has set aside two judgments that acquitted two offenders against children from the graver charge of sexual assault, even while sentencing them to short prison terms for lesser offences. The High Court had construed Section 7 of the Protection of Children from Sexual Offences (POCSO) Act, pertaining to sexual assault on children, in such a way that it concluded that the acts for which the accused were charged did not amount to sexual assault. The Attorney General of India took the initiative to challenge these two verdicts. The NCW also questioned the Court’s understanding of a POCSO provision, arguing that the law does not brook the sort of dilution that led to the Court ignoring the basic fact that the entire Act is aimed at penalising actions rooted in sexual intent. The Supreme Court showed alacrity and sensitivity in staying the portions of the judgment related to the diluted interpretation earlier this year. In one case, the act of groping a 12-year-old girl’s breast over her dress and, in another, the acts preparatory to an assault on a five-year-old were proved in the trial. Even after accepting these facts, the absence of physical contact with the girl’s body part was used to absolve the accused of the charge of sexual assault. In the second case, the Court took a lenient view that the act of “holding the hands of the prosecutrix” and “opening the zip of the pant” did not fit into the definition of sexual assault. It was quite apparent that the High Court’s understanding was flawed and out of sync with the legislative intent behind the enactment of a stringent law to protect children based on principles found in the UN Convention on the Rights of the Child. Writing for the Bench, Justice Bela M. Trivedi has said that restricting the interpretation of the words ‘touch’ or ‘physical contact’ to ‘skin to skin contact’ would be a narrow and pedantic interpretation of Section 7, and if such a narrow interpretation is accepted it would frustrate the very object of the Act. The judgment sets right not only a misinterpretation of the statute but also underscores that the core ingredient of a sexual offence is the “sexual intent” behind it. While restoring the trial court’s conviction for ‘sexual assault’ in one case, and ‘aggravated sexual assault’ in the other, the apex court has rejected attempts to interpret a law in favour of the accused when there was no real ambiguity in it. And in any case, as Justice S. Ravindra Bhat has pointed out in his concurring opinion, an interpretation should not be destructive of the law’s intention.

A ROUTINE MATTER OR A PUNISHMENT POST? (JUSTICE K. CHANDRU - A RETIRED JUDGE OF THE MADRAS HIGH COURT)

The Supreme Court collegium’s recommendation to transfer the Chief Justice of the Madras High Court, Sanjib Banerjee, to the Meghalaya High Court, as well as the senior-most judge of the Allahabad High Court, Munishwar Nath Bhandari, to the Madras High Court, has raised eyebrows.

Many questions

Justice Banerjee was appointed as a judge of the Calcutta High Court on June 22, 2006. He was appointed as Chief Justice of the Madras High Court on December 31, 2020, and he assumed office on January 4, 2021. Without a promotion, he would have to retire from office on November 1, 2023. He has two more years to serve at the Madras High Court. The Calcutta High Court has a



sanctioned strength of 72 judges and the Madras High Court has a sanctioned strength of 75 judges. The proposal is to transfer him to the Meghalaya High Court, established in 2013 and with a sanctioned strength of only four judges. It is therefore only fair that some would term the transfer of a judge, who was managing a large High Court for nearly 10 months, to a northeastern State as a punishment unless the collegium provides reasons for its decision. Article 222 of the Constitution provides for the transfer of a judge (including Chief Justice) from one High Court to any other High Court. In the case of Justice Banerjee, since the proposal came from the Supreme Court collegium, the Central government, which has to advise the President of India, is entitled to ask for relevant material before tendering any advice. If it is not satisfied, the Central government can ask the Supreme Court to reconsider its decision. Recently, the Union Law Minister, Kiren Rijiju, said that the Chief Justice of India (CJI) will “create a new dawn in judiciary”. The CJI in turn said that Mr. Rijiju was “the only Law Minister or politician in recent times, who recognised our judicial hard work and appreciated us”. Therefore, it may be possible that both the decision-makers have a common intention for the transfer. Justice Banerjee was appointed as the Chief Justice of a High Court with three years of service left. He was found suitable for that post. How is that within 10 months of his tenure he is being found unsuitable for the same High Court and is being transferred to a far-away State which has just two judges at present?

Another puzzling decision

Justice Bhandari’s transfer is equally puzzling. In its September 16th decision, the collegium recommended the transfer of Justice Bhandari to the Madras High Court. The details of his appointment show that he was initially appointed as a judge of the Rajasthan High Court on July 5, 2007. If he joins the Madras High Court, he will become the senior-most judge since Justice T.S. Sivagnanam was transferred to the Calcutta High Court and the next two judges — M. Duraiswamy and T. Raja — are admittedly junior to him. With his transfer, Justice Bhandari will become the Acting Chief Justice of the Madras High Court. Even if the consultation process in making Justice Bhandari the Chief Justice of the Madras High Court is delayed because of, say, the State government raising any issues, Justice Bhandari will continue as Acting Chief Justice and will retire on September 12, 2022. Justice Bhandari’s tenure at the Rajasthan High Court was not free from controversy. After being appointed as a judge in that High Court, he was transferred to the Allahabad High Court. The collegium proposed his transfer in 2019 and the reason it provided was that the transfer was in the “interest of better administration of justice”. Justice Bhandari requested through representations on January 18 and 23, 2019, that his proposed transfer be deferred for the time being for further consideration. The collegium rejected his representation and the note published, it stated: “the Collegium has carefully gone through the aforesaid representations and taken into consideration all relevant factors including his request to defer his proposed transfer for the time being for further consideration in future. On reconsideration, the Collegium is of the considered view that it is not possible to accede to his request”. Justice Bhandari joined the Allahabad High Court on March 15, 2019, and in due course, he became the senior-most judge in that Court. If the Supreme Court collegium of 2019 thought that Justice Bhandari should leave the Rajasthan High Court in the “administration of justice”, what changed that prompted the collegium of 2021 to transfer him to the Madras High Court with the full knowledge that he will be heading that court? What was once a punishment transfer has now become a rewarding transfer. If a judge is not considered suitable for one High Court, then how he does he become suitable for another High Court? This is the question that is being asked in legal circles. And does this mean that the decision to transfer Justice Banerjee to the Meghalaya High Court was made to facilitate Justice Bhandari’s elevation as Chief Justice of the Madras High Court?



Also, if the decision was taken as early as on September 16, why was it made public only about one and a half months later? This is a question that many are asking. Normally when such proposals are made, a judge in the Supreme Court who comes from the State in which the transferee judge is holding office is also consulted. With regard to Justice Banerjee's transfer, there are four judges who are qualified to be called consultee judges. Why was consultation in the case of Justice Banerjee made only with the junior-most judge of the Supreme Court and not the senior judges?

Not a routine matter

Evaluations are not made on the discharge of duties of a judge as there is no reliable basis for making such an analysis. In terms of disposal of matters and writing skills, no one can find fault with the present Chief Justice. If there are other reasons for his transfer, then such a transfer proposal can only be termed as a punishment and not a routine matter. It is time for the Central government to step in and clear these doubts.

JUSTICE KIRPAL

After a long delay of four years, the Supreme Court collegium, headed by Chief Justice N V Ramana, has finally recommended advocate Saurabh Kirpal's elevation as Delhi High Court judge. If the government does not demur, the decision will clear the path for the appointment of India's first openly gay judge. In the four years that the collegium took to arrive at a decision on his candidature, the judiciary took long strides in expanding the constitutional promise of equality. In 2018, a landmark decision by the Supreme Court decriminalised consensual same-sex relationships between adults, setting free India's sexual minorities from the discriminatory taint of a colonial-era law. And yet, the reluctance in endorsing Kirpal, and the murmurs over his personal life, appeared to belong to an earlier, regressive era of suspicion of queer life. The Supreme Court collegium deferred a decision on Kirpal not once, but four times. Perhaps, it was influenced in some measure by the government repeatedly objecting to Kirpal's name on the grounds that his partner being a foreign national led to a "conflict of interest" and a "security risk". The former CJI, S A Bobde, had even written to the Union law minister, asking for clarification on the intelligence inputs on Kirpal. The opaqueness of the collegium's decision-making process makes it hard to be certain, but it was not an argument that convinced Kirpal, who has gone on record to say that he was being passed over because the highest echelons of the judiciary and executive were uncomfortable with the idea of a homosexual judge. That the Supreme Court collegium has now shed its apparent reluctance, and recommended Kirpal is heartening. It is also a recognition that the queer rights movement that culminated in the Navtej Johar and others vs Union of India judgment, with the Supreme Court's ringing endorsement that "the choice of LGBT persons to enter into intimate sexual relations with persons of the same sex is an exercise of their personal choice, and an expression of their autonomy and self-determination", has rippled out beyond the idea of decriminalisation. It will do more, it will demand greater equality of opportunity and non-discrimination from the state. Indeed, institutions across the board are faced with the challenge of greater inclusiveness — whether in terms of gender or caste or sexual orientation — as societies shed their prejudice and bias. The judiciary, on many occasions the champion and catalyst of such progressiveness, is itself not an exception to this change. The ball is now in the government's court. It has no business in objecting to Kirpal's choice of partner, entirely a personal matter. It must respect the collegium's decision — and not stand in the way of what will be a milestone in Indian queer rights history.



PEGASUS INQUIRY MUST REVERSE THE 'CHILLING EFFECT'

It is startling to know that governments in India purchase very expensive Israeli software to bug the Opposition and suppress dissent. The revelations about the misuse of Pegasus spyware have shaken the world and even India has felt its reverberations. The Government has stonewalled queries on the subject, has refused to order any probe, and even allowed a whole Parliament session to be washed away as a discussion on the subject was denied. The Pegasus scandal matches the Watergate scandal that brought down U.S. President Richard Nixon in the 1970s, but here in India, business has been as usual. There was a fact-finding judgment in May 5, 2021 by the Royal Courts of Justice Strand, London (<https://bit.ly/3HraRx4>) that was to look into “factual allegations” made by a princess that the software had been installed in her phone as well as those used by her her solicitors, her personal assistant and security by her husband (a high-profile ruler in the United Arab Emirates) in the case of the welfare of their two children. It was an example of how even the phones used by royals have been hacked using Pegasus. After the United States government determined that Pegasus was acting contrary to the foreign policy and the national security interests of the U.S., it blacklisted the NSO group by putting it on an “entity list”. But India has neither looked into the facts nor blocked the hacker. In India, the suspected abuse of surveillance power followed by blatant denial of Right to Information requests and Parliament questions, defiant responses to Public Interest Litigation (PIL) notices and, above all, the ‘inaction’ of the Government are what have compelled the Supreme Court of India to act. On October 27, 2021, a Bench of the Court, led by the Chief Justice of India (CJI), N.V. Ramana, constituted a three-member independent expert committee to conduct an investigation (it will be overseen by a retired judge of the Court) and protect public faith in the constitutional system. In the world over, this is the first-ever inquiry ordered by any Chief Justice with such wide-ranging terms into spying by Pegasus. This initiative of the CJI will embolden civilians to question the suppression of rights and instil fear among rulers. It should reverse the chilling effect. This dynamic order evoked positive responses while some wanted greater relief than what was prayed in the original PILs.

A worrying silence

The Union Government has been consistently silent on the question on whether it had or has invaded the privacy of hundreds of innocent non-accused citizens and what it has done with the collected ‘intelligence’. It has a constitutional duty now to justify its defence of ‘national security’ before the Court-appointed inquiry committee or face politico-constitutional consequences. More than anything else, what is worrisome is the Centre’s deafening silence. The Court turned down the Government’s request to allow it to set up the inquiry committee, as the principles of natural justice will not permit the ‘accused’ to select his investigators. The Bench has enough reasons to suspect that the Government is a party to this unconstitutional action (Pegasus). It made it clear that allowing that request “would violate the settled judicial principle against bias, i.e., that ‘justice must not only be done, but also be seen to be done’.” The use of the invasive spyware was noticed in May 2019 when WhatsApp claims that ‘Pegasus’ had infiltrated the devices of WhatsApp users; the fact of Indians being affected was acknowledged by the Minister for Law in November 2019; and when Amnesty International and Citizen’s Lab reported on June 15, 2020 of nine individuals in India having been targeted. The nation cannot afford to ignore the Pegasus Project, or the report of a consortium of 17 media organisations on July 18, 2021, which showed, based on its investigation, that a “list of over 50,000 phone numbers in more than 45 countries had been potentially targeted for surveillance by misusing Pegasus”. The list included the numbers of over



300 Indians, some of whom were senior journalists, doctors, lawyers, political persons and even court staff. WhatsApp, in 2019, said it had notified the Government that 121 Indian citizens had been targeted. Yet, there has been no response.

Privacy, a sacrosanct right

Though privacy was not a specifically guaranteed right earlier, unabated surveillance was never allowed. The Supreme Court emphatically defined it in R. Rajagopal in 1994. With the landmark order in 2017 by the Supreme Court declaring that the right to privacy is as sacrosanct as human existence and is inalienable to human dignity and autonomy, the burden to secure this right has also fallen on the top court. Snooping can be justified only on three counts: the restriction must be by law; it must be necessary and only if other means are not available, and proportionate (only as much as needed); and it must promote a legitimate state interest (e.g., national security), according to paragraph 325 of the nine-judge Bench judgment on privacy). Without establishing this justification, the Government cannot use 'national security', in the case of Pegasus, as an empty or lame excuse, because surveillance directly infringes on the privacy right. If the Government wants to justify the surveillance as authorised then it has to answer the question whether anybody has been prosecuted for terrorism with evidence procured by snooping. And who is the authority that decides the need and mode of surveillance? Without this information, the state cannot rely on the excuse of 'national security'. The leaked list of phone numbers, which includes those of journalists, politicians and lawyers only raises the suspicion of abuse of surveillance power.

Injures freedom of speech

The Bench led by the CJI observed that surveillance injures the freedom of speech and results in fear based self-censorship. When it relates to the freedom of the press, it results in a chilling effect on the basic civil right of freedom of speech. Using the highly expensive software, Pegasus, is an assault on the vital public watchdog role of the press, which could undermine the ability of the press to provide accurate and reliable information which is needed for people to know about the acts of their elected government. The potential technological power of Pegasus must be challenged. The Centre's complacency is worse than its alleged involvement that needs to be probed. In fact, the Court has faced criticism of 'inaction', giving a long rope to the Government, and refused to stay the notification issued by the West Bengal government, setting up an inquiry commission to investigate the revelations of the Pegasus Project. The Delhi-based lawyer, Gautam Bhatia, even wrote that the Court should ask the Government to answer whether it ordered spying on citizens who are not accused of any crime. If yes, it should be made liable. If the Government refuses to answer, or says 'no', what is the Court expected to do? This is what the committee must probe. Ensuring the independence and the objectivity of members of the committee is not a mean task. The Court has explained how the chairman and other members were chosen with great care and research. The terms are specific: the committee has the task of finding answers to whether spyware was used to access conversations and information through the devices, the interception of the communications, who the victims were, which law authorised this, and who decided this on what basis and at what cost.

The defence and a pointer

The stock defence of 'national security' for snooping has provided, prima facie, grounds to believe the involvement of the 'state'. The Court has explained: "the Petitioners have placed on record



certain material that prima facie merits consideration by this Court. There has been no specific denial of any of the facts averred by the Petitioners by the Respondent — [the] Union of India". Although it is "a settled position of law that in matters pertaining to national security, the scope of judicial review is limited", the Bench was vocal in saying "this does not mean that the state gets a free pass every time the spectre of 'national security' is raised." It is well within the four corners of its jurisdiction for the Supreme Court to constitute this committee as specifically prayed in the 12 PILs. Using criminal spyware is not only a mere violation of Part III rights but is also a serious blow to freedom of the press, expression of dissent by the Opposition, and fearlessness of lawyers to challenge in courts the unconstitutional actions of the state. It undermines democracy and converts elected leaders into absolute dictators. The Supreme Court committee and Bench has the onerous duty of resurrecting the constitutional scheme of rule of law.

EXCEPTION TO THE RULE

The new law authorising an extension of the services of the heads of the Central Bureau of Investigation and the Enforcement Directorate until they complete a total tenure of five years will seriously compromise the autonomy of those agencies. It goes against the spirit of the Supreme Court judgment in Vineet Narain vs Union of India (1997) which laid down a dictum that the Directors of the CBI and the ED should have a minimum tenure of two years. This was to prevent their sudden transfer out of office if their functioning goes against the interests of the regime of the day. While it did not specifically bar longer terms or extensions, the prospect of getting an annual extension can be an incentive for displaying regime loyalty in the discharge of their duties. Significantly, in the case of the present Director of Enforcement, S.K. Mishra, who was appointed for two years in November 2018, his services were extended by an order on November 13, 2020, which amended the original term of appointment from two years to three years. That the changes were brought in through the ordinance route in November raises a doubt whether the Government is keen on retaining him at the helm. Given that the central agencies have drawn much criticism for their focus on personages linked to Opposition parties, such a measure will be seen as a reward for guided functioning instead of a necessity to keep ongoing investigations on track. As it is, the fixed tenure for certain posts means their superannuation within that period will not end their term. In effect, there is an implied extension for an officer appointed to one of these protected posts if the appointment comes within two years of retirement. A further extension that will take the officers' services well beyond superannuation, that too one year at a time, will render the heads of two investigating agencies unacceptably beholden to the Government. Also, in Mr. Mishra's case, the Supreme Court declined to interfere with the one-year addition to his original term of appointment, but also said that "extension of tenure granted to officers who have attained the age of superannuation should be done only in rare and exceptional cases". And that the further extension should only be for "a short period". It also made it clear that no further extension shall be granted to him. It is possible that the Government will abide by this order and not give the benefit of the amendment to Mr. Mishra, but it does not render the act of authorising year-on-year extensions to future appointees any less detrimental to the public interest. The protection given by a fixed tenure and the use of a high-ranking committee to recommend appointments and transfers were meant to dilute the 'doctrine of pleasure' implicit in civil service. However, it may be breached, if the extension allowed in exceptional circumstances becomes the rule.

BACK TO SQUARE ONE



The Mullaperiyar dam, which has been a cause of bickering between Tamil Nadu and Kerala for decades, is again in the limelight with two developments kicking up a storm. One is the circumstances under which the release of excess water through two spillway gates began on October 29 and the second is the Kerala government's decision to retract the permission it had earlier granted to Tamil Nadu to fell 15 trees.

Concerns

The 126-year-old Mullaperiyar dam, in the Idukki district of Kerala, is an outcome of the 1886 lease agreement between the then Travancore princely state and the British government. It diverts the west-flowing rivers to the east through a tunnel in order to irrigate about 58,650 hectares in the dry southern districts of Tamil Nadu, which owns, operates and maintains the dam. Concerns over the safety of the dam were first raised in 1979, leading to the Centre's intervention. In November that year, the dam's water level was lowered to 136 feet from its full level of 152 ft. Since the mid-1990s, Tamil Nadu has been demanding the restoration of the water level on the ground that it had completed most of the strengthening work. The Supreme Court, in February 2006, allowed water to be stored up to 142 ft and asked Tamil Nadu to carry out the balance work. When Kerala enacted a law in March 2006 against raising the water level beyond 136 ft, the matter again went to the Supreme Court, which, in May 2014, reiterated its previous ruling and held the Kerala law unconstitutional. This time, the Court relied on a number of studies undertaken by different agencies such as the Central Water and Power Research Station and the Bhabha Atomic Research Centre. Between July 2014 and March 2018, the Centre, in response to the Court's orders, formed two committees: a Supervisory Committee for inspecting the dam periodically, keeping a close watch on its safety and recommending measures; and a sub-committee under the National Disaster Management Authority for monitoring the measures to ensure high level of preparedness to face any disaster in relation to the dam.

Recent developments

But the controversies did not die down. A month ago, during the torrential rains and landslides in Kerala, the safety of the dam again became a matter of concern. It was under these circumstances that the excess water was released from the dam through the spillway gates. The presence of Kerala Ministers Roshy Augustine and K. Rajan during the water release inauguration was viewed by the AIADMK and sections of farmers of the Vaigai basin as unacceptable. Even as the AIADMK planned to hold demonstrations on November 9 and Water Resources Minister Durai Murugan fiercely refuted the AIADMK coordinator O. Panneerselvam's criticism of the DMK regime's approach came the news that Kerala's chief wildlife warden Bennichan Thomas had given his nod for cutting 15 trees as a prerequisite to take up the remaining work. Tamil Nadu Chief Minister M.K. Stalin swiftly thanked his Kerala counterpart Pinarayi Vijayan for the clearance. But this was short-lived relief for Tamil Nadu as the Kerala government on November 7 decided to freeze the clearance. Kerala's Forest Minister A.K. Saseendran later told the Assembly that the development had caught the government unawares. Mr. Thomas has since been placed under suspension. On November 13, when the Supreme Court heard the case, Tamil Nadu, in its written reply to issues raised by Kerala, informed the Court of the developments. There is a talk in certain quarters that the Chief Ministers of the two States may meet soon. It remains to be seen whether the leaders will come up with any solution to the dispute over the water level in the dam.



THE DEFEAT OF HUBRIS, A CONFRONTATION ON HOLD

The repeal of the three farm laws by the Union government, on Friday, marks a historic victory for the farmer's movement in India. For more than a year, thousands of farmers had barricaded Delhi, and their protests were gradually evolving into a pan-Indian movement of resistance. The belated, though wise, decision by the Government to repeal the laws brings down the curtains on the agitation in Delhi but is unlikely to douse the political fervour it has left behind. The Union government's response to the protests were appalling and marked by hubris. Its focus was on controlling and positivising the narrative. Efforts were made to break, divide, buy out, demean, denigrate, demonise and shame the protesters, who were conveniently branded as terrorists and Khalistanis. Seditious cases were filed against the protesters. Teargas shells rained on the protest marches, and officials publicly asked the police to smash the heads of protesters. In Lakhimpur Kheri, Uttar Pradesh, a vehicle was driven into a peaceful demonstration, killing several persons. That the protests endured and survived such brutal responses is indeed salutary.

The broader context

"Reforms" in agriculture, advocated by right-wing economists after 1991, were focused on dismantling the institutional support structures in Indian agriculture that were established after the 1960s. These support structures — in prices, subsidies, credit, marketing, research and extension — were instrumental in India's achievement of food self-sufficiency between the 1960s and the 1980s. In agricultural marketing, the focus of attack was the mandis governed by the Agricultural Produce Market Committee (APMC) Acts passed by State Assemblies. It was argued that if India needs to diversify its cropping pattern into export-oriented and high-value crops, mandis need to give way to private markets, futures markets and contract farming. The APMC Acts discriminated against farmers by not allowing them to interact directly with the big corporate buyers and exporters. So, the APMC Acts must be amended so that any private market or rural collection centre can freely emerge anywhere without approval of the local mandi or the payment of a mandi tax, and so that contract farming can be popularised. Similarly, the advocacy for the amendment to the Essential Commodities Act, 1955 rested on the view that private corporate investment can be incentivised into storage and warehousing if stock limits are relaxed for traders. It was a long-held constitutional consensus in India that agricultural marketing was the legislative arena of State governments. Thus, in 2003, the Union government prepared a Model Act on agricultural marketing and sent it to States for passage in State Assemblies. This was followed by the preparation and circulation of two other Model Acts, in 2017 and 2018. Reception to these Model Acts was neither dismissive nor welcoming. Many States selected a few clauses, which they found attractive and suitable to their contexts, and accordingly amended their APMC Acts between 2003 and 2020. Only one State — Bihar — used the occasion to completely annul its APMC Act in 2006.

Laws were unconstitutional

The consensus was broken in 2020, when the Union government took up on itself the task of legislating on agricultural marketing and passed the farm laws. Federal principles were violated as the Union government invoked Entry 33 of the Concurrent List to intervene into matters in Entry 14, Entry 26 and Entry 27 of the State List. The farm laws even interfered with Entry 28 of the State List, which were not subject to Entry 33 of the Concurrent List. Thus, to begin with, the farm laws were reasonably and justifiably argued to be unconstitutional. However, the Supreme



Court of India refused to act swiftly on petitions filed before it. Instead, without consulting the protesting farmer's organisations, it appointed, in January 2021, a committee of four persons, all of whom had publicly declared their support for the farm laws. Farmer's organisations, on their part, distanced themselves from the committee and continued with their agitation. Apart from constitutionality, the contents of farm laws were also widely criticised. Bihar's example showed that private investment was unlikely to flow into agricultural markets even if APMC Acts were annulled. In fact, the exploitation of farmers by unscrupulous traders intensified in Bihar after 2006. Kerala never had an APMC Act. Yet, there was little presence of private investment in its agricultural markets. Maharashtra delisted fruits and vegetables from the ambit of APMCs in 2016. Still, the inflow of private investment into agricultural markets was only marginal. Thus, what was likely was that a formal and regulated market might fragment itself into an informal and unregulated market if the APMC Acts were weakened. Furthermore, two other problems were highlighted. One, mandi taxes were used to invest in rural infrastructure in States such as Punjab. If mandis are weakened, what would substitute for such investments? Two, even if private markets emerged, how would they address the structural problem of poor farm-gate aggregation of the produce of small and marginal farmers? Would one middleman be simply substituted by another? Proponents of farm laws had no convincing answers. The grievance redress mechanisms for contract farming also came up for criticism. The obliteration of the power of civil courts and their substitution with a weak mechanism led by the sub-divisional magistrate threatened to be a serious impediment to a just redress of complaints. It was feared that this may benefit corporate sponsors more than the contracting farmers.

It pointed towards corporates

Finally, the overall thrust of the farm laws appeared to encourage the participation of larger corporate players in agricultural markets rather than farmer-friendly organisations, such as cooperatives or Farmer Producer Companies (FPC). Especially in the case of the amendment of the Essential Commodities Act, there was reasonable suspicion that a handful of corporate players were to substantially benefit from investments in logistics, storage and warehousing. The farmers' protests began from States such as Punjab and Haryana where the mandis were deeply rooted institutions in the local economy and society. However, as days passed, the agitation spread to western Uttar Pradesh and from there to many other States. In a few months, the agitation threatened to grow into a pan-Indian phenomenon with a constant addition of local agrarian demands into the larger demand for the repeal of farm laws. Such local customisation of the agitation immensely helped in the cause of mobilisation. An unusually large number of women actively participated in the protests. In regions such as western U.P., the protests also threatened to bridge and repair the communal fault lines that were consciously cultivated after the Muzaffarnagar riots of 2013. Numerous protesters perished on the protest grounds, but support for the protests grew not just domestically, but also globally.

A mindset of intolerance

It was not just hubris that marked the Government's response, but also infantilism. When pop star and celebrity Rihanna tweeted a rather innocent comment about the protests, the entire machinery of the ministry of external affairs was awoken for an extraordinarily disproportionate response. Indian embassies were asked to spread the word that she and other celebrities were propagandists who had irresponsibly ganged up to discredit progress in India. These responses showed nothing but a deeply disturbing official mindset of intolerance and insecurity. The repeal



of the farm laws has, at least temporarily, put an end to an ugly and eminently avoidable chapter of confrontation between the Union government and the farmers. However, the momentum that the agitation has left behind would surely linger on. The agitation has led to a positive politicisation of several agrarian demands, including the need for stable markets and remunerative prices. A confidence has grown that committed struggles matter and even aggressive governments can be made to kneel. New rural mobilisations around demands to address the larger and persistent agrarian crisis are likely to emerge and grow. We surely are in for interesting times.

THE GURU'S WAY

For at least two months in Gurgaon — as in so many parts of the country — religion and worship have been used to create a wall, one that both keeps people out and hems them in. The offering of namaz, even in designated areas, was disrupted by politico-religious groups, and the local administration withdrew permission for Friday prayers citing “objections from local residents and RWAs”. It is easy to forget, in such a climate of communal hostility, the ideas of service, fraternity and hospitality that are a part of religious traditions. Thankfully, five gurdwaras in Gurgaon reminded people of those sentiments by offering Muslim neighbours their grounds for namaz. In virtually every recent crisis — migrant workers trudging home in 2020, during the farmers’ agitation, as people suffered during the Second Wave — the Sikh community has been at the forefront of providing relief, assistance and sustenance. Langar is served to all comers, with no questions asked about religion, caste or creed. It is this openness and generosity — both spiritual and material — that is on display in Gurgaon. As Sherdil Singh Sidhu, president of the Gurdwara Sri Guru Singh Sabha, Sabzi Mandi, Gurgaon, put it: “A gurdwara is the house of the Guru... If the Muslim community is facing problems in praying at designated sites, they can offer prayers in the gurdwaras. The doors of gurdwaras are open to all.” “Religious polarisation”, a phrase used often by political pundits, doesn’t quite capture the fraying social fabric, the sense of loss that accompanies the cynical politicisation of religion. This is made worse when administrations carry out seemingly partisan policies. The decency of Gurgaon’s gurdwara committee, and of people like Akshay Yadav — who offered his shop for namaz — make it clear that the “community” is not exclusivist. On Guru Nanak’s birth anniversary, this may just be the greatest testament to his legacy.

AS GOA POLLS APPROACH, WHY MINING HAS BECOME A HOT TOPIC FOR POLITICAL PARTIES

Mining, which was an important livelihood in Goa along with tourism, came to a standstill after a Supreme Court order in 2018. Mining activity in the state, however, stopped in 2012 as the issue of illegal mining was under litigation. A sector that has been awaiting revival is now among the top poll issues in Goa, with every political player offering to restart it.

Why did mining stop in Goa?

While mining concessions for iron ore and manganese ore were granted in perpetuity under the Portuguese rule in Goa, after the state’s liberation in 1961, they were turned into mining leases that expired in 2007. When mining activity continued beyond 2007, the Goa Foundation filed a PIL against the “illegal mining”. In September 2012, the Union Ministry of Environment and Forests kept the environmental clearances granted to these lease holders in abeyance, and the



Goa government suspended mining activities. In 2014, the Supreme Court allowed conditional resumption of iron ore mining, capping annual extraction to 20 million tonnes. In 2015, the Goa government renewed 88 of these leases that were again challenged in the apex court and struck down in 2018, after which there has been no mining activity in the state. The Goa government's review petition against the 2018 order was also dismissed by the top court in July.

Mining ban in Goa: How many people were affected due to this?

In its 2014 ruling, the SC recorded the submission of the senior counsel appearing for 33 village panchayats in Goa that 1.5 lakh people were directly employed in mining, a claim that was contested by the Goa Foundation. Using various resources and methodologies, including replies to questions raised in the Goa legislative Assembly, the Goa Foundation had said about 7,000 were rendered unemployed as a result of the ban on mining.

What has the ruling BJP done to restart mining in Goa?

In March, Goa Chief Minister Pramod Sawant said in the Assembly that the state government will recover its dues from mine owners as indicated in the Justice M B Shah Commission Report on illegal mining in the state. The commission was set up by the central government in 2010. Sawant said the state government had filed an affidavit in the High Court of Bombay at Goa and the Special Investigation Team (SIT) appointed to probe the matter had so far filed 16 FIRs — chargesheets had been filed in eight, two were under investigation, three were transferred and two quashed. "The SIT is on track," Sawant had said. He said the Directorate of Mining and Geology had recovered Rs 16 crore, and trials in the rest of the cases were ongoing. "Recovery notices have been issued. It is going on for the last two years," Sawant had said.

What have other political parties promised to do to revive Goa's mining sector?

Congress: On his visit to Goa on October 30, senior Congress leader Rahul Gandhi met mining dependents, among others, to give an ear to their grievances. "I met fishermen, they said the railway line is being doubled. Goa is becoming a coal hub, mining-affected people also came to meet me, mines have been shut, lakhs of people have suffered. They said the same person will get the mines. They will be given to that one person by Delhi. Who stands to benefit from the coal hub that Goa is becoming? Is it the people of Goa? Airport, ports, mining, doubling of railways, all for Adani, then what do the people of Goa get?" Gandhi had said.

Aam Aadmi Party: The party that drew a blank in the 2017 Assembly polls in Goa, has promised to restart mining in six months if voted to power. AAP national convenor Arvind Kejriwal has also announced that until mining jobs are restored, households dependent on it will get an unemployment allowance of Rs 5,000 a month.

Trinamool Congress: The latest entrant in Goa's political landscape has thrown its weight behind a roadmap prepared by the Goa Foundation for the revival of mining in Goa. The Goa Foundation's 'mining manifesto' calls for sweeping reforms in regulation: recovery of Rs 35,000 crore in dues from losses due to illegal mining; transparent and competitive bidding for extraction of ores; safeguarding of revenue by sale of ores by a state-run body; and ensuring that dividends from the revenue are paid to the people of Goa. The plan also entails monitoring the sale of ores in stockyards through CCTV cameras and electronic documentation, and generation of employment through restoration of the mining area.



WILL MPLADS BE CHANGED FOR POST-PANDEMIC NEEDS?

Under the Member of Parliament Local Area Development Scheme, every MP is entitled to ₹5 crore a year, adding up to ₹3,950 crore for the 790 members. The fund is to be utilised for “creation of durable community assets and for provision of basic facilities, including community infrastructure, based on locally felt needs”. This money does not directly go to the account of the MPs. They can only recommend works. Thereafter, it is the responsibility of the district authorities to sanction, execute and complete the works within the stipulated period. More money is released only on receipt of the completion certificate. The Ministry of Statistics and Programme Implementation monitors the scheme.

When was the scheme started?

It was launched during the Narasimha Rao Government in 1993 with the grant of ₹50 lakh a year to each MP. This sum was increased to ₹1 crore during 1994-95. The third revision to ₹2 crore happened in 1997-98. The United Progressive Alliance Government in 2011-12 raised the annual entitlement to ₹5 crore. There have been regular demands from MPs across party lines to increase the amount further.

How does it work?

Each Lok Sabha member has to designate a district as the nodal district. The District Magistrate is responsible for handling the funds and monitoring the projects sanctioned under the scheme. A Lok Sabha member can recommend works in his constituency alone, while a Rajya Sabha member can use the funds for works anywhere in a State. In case of a natural calamity, the MPs from non-affected areas in both Houses of Parliament can recommend works estimated at a maximum of ₹25 lakh a year in disaster-hit places.

What are the controversies?

The scheme was first challenged in 1999 by Jammu and Kashmir National Panthers Party chief Bhim Singh and an NGO, Common Cause. They alleged that in the absence of any guidelines, the funds were misused by MPs. In 2005, a sting operation showed some MPs allegedly demanding money from contractors to award work for projects under the scheme. The exposé led to the expulsion of members from both Houses. In 2006, the scheme made the headlines because of the allegations that a Trust run by the family of the then Election Commissioner, Navin Chawla, got funds under the scheme. Finally, on May 6, 2010, the scheme's constitutional validity was upheld. The Supreme Court said in its judgment that mere allegations that the funds were prone to misuse could not be the ground for scrapping the scheme. However, it suggested improvements to the scheme.

When was the scheme suspended?

On April 6, 2020, the scheme was suspended for two years. The Government argued that it needed every last penny to tackle the COVID-19 pandemic. The scheme's budget of ₹7,900 crore for two years was to be subsumed under the Consolidated Fund of India. This move was severely criticised by the Opposition MPs, who said the State Governments had already been cash-strapped, and they were in a dire need of the funds under the scheme. Senior Congress leader Shashi Tharoor argued that the scheme was the only means for an MP to direct development resources to his



constituency. "Now the money will be allocated by the Centre and will follow the priorities and preferences of New Delhi, rather than reflect 543 sets of local needs," he wrote on Twitter.

When and why was it restored?

Last Wednesday, the Union Cabinet brought back the scheme, almost six months before its expected restoration. According to a statement from the Government, the country is on the road to economic recovery, and the scheme continues to be beneficial to the creation of durable community assets, the fulfilment of the aspirations of the locally felt needs of the community, the skill development and creation of jobs across the country, thus helping to achieve the objective of Atamirbhar Bharat. For 2021-22, it is only a partial restoration, since instead of ₹5 crore for each MP, the sum will only be ₹2 crore.

What are the changes expected?

The COVID-19 pandemic has forced a significant change in the policy decisions. The Government may refine the scheme to suit the post-pandemic world. Currently, the funds are only to be spent on "durable assets", but many MPs have demanded that the guidelines be altered for the funds to be spent on smartphones and laptops for poor students to ensure that they did not miss out on online education in future as they did during the pandemic. This issue was also raised at a meeting of the Rajya Sabha Standing Committee on MPLADS on Friday.

THE SIGNIFICANCE OF DNLA MILITANTS LAYING DOWN ARMS IN ASSAM

46 cadres of the Dimas National Liberation Army (DNLA), along with Commander-in-Chief Mushrang, laid down arms in Assam's Dima Hasao district to join the mainstream. Assam Chief Minister Himanta Biswa Sarma said that the surrender had given an "impetus to the process of peace" in Assam.

What is the DNLA?

A relatively new insurgent group, the DNLA, operating in Dima Hasao and Karbi Anglong districts, was formed in 2019. A release by the group at the time of formation said it was "committed to revamp the national struggle and fight for the liberation of a sovereign, independent Dimasa Nation". It aimed to "develop a sense of brotherhood among the Dimasa and also to rebuild the trust and faith among the Dimasa society for regaining the Dimasa Kingdom". The group had run on a model of 'extortion and taxation' and was believed to have drawn its support and sustenance from the NSCN(IM) of Nagaland. Active in the last two years, the DNLA came to limelight when they were suspected to be behind the attack that killed five truck drivers in Dima Hasao in August, after the truck owners allegedly failed to pay extortion money. The attack came at a time when the government had been making efforts to bring militant groups to the mainstream.

What led the group coming overground?

In September, barely a fortnight after the truck attack, the group's top leaders came overground to hold talks with CM Sarma. The leaders included self-styled 'chairman' Edika Diphusa alias Kharmindao Dimasa, 'deputy chairman' Juddychan Haflongbar alias America Dimasa and 'general secretary', Prithamjit Jidongsa alias Galao Dimasa. After talks, they signed a suspension of operations agreement. Following that, on Saturday, along with Mushrang, 46 cadres laid down arms in the presence of Hiren Nath, ADGP (Special Branch), Jayant Singh, SP, Dima Hasao, Debolal

3rd floor and 4th floor Shatabdi Tower, Sakchi, Jamshedpur;



Garlosa, Chief Executive Member of North Cachar Hills Autonomous Council (NCHAC). They are currently in a camp in Maibang, 100 km from district headquarters Halflong. The police said that there were about 300 more DNLA cadres, and they, too, would come overground soon. SP Singh said that arms the group surrendered included an AK 47 and M16 rifles, among others.

Who are the Dimasas? What is the Dimasa kingdom?

The Dimasas (or Dimasa-Kacharis) are the earliest known rulers and settlers of Assam, and now live in Dima Hasao, Karbi Anglong, Cachar, Hojai and Nagaon districts of central and southern Assam, as well as parts of Nagaland. Prior to Ahom rule, the powerful Dimasa kings — believed to be the descendants of the rulers of the ancient Kamarupa kingdom — ruled large parts of Assam along the south bank of the Brahmaputra between the 13th and 16th centuries. Their earliest historically known capital was Dimapur (now in Nagaland), and later Maibang in North Cachar Hills.

What about militancy in Dima Hasao?

The hill districts of Assam — Karbi Anglong and Dima Hasao (earlier North Cachar Hills) — have had a long history of insurgency by Karbi and Dimasa groups which peaked in the mid-1990s, and was rooted in a core demand of statehood. Both districts are now protected under the Sixth Schedule of the Constitution, and are run by the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council, respectively. While the demand for statehood began in the 1960, it took a violent turn when a demand for a full-fledged state, 'Dimaraji', gathered steam, and led to the formation of the militant Dimasa National Security Force (DNSF) in 1991. The group surrendered in 1995, but its commander-in-chief, Jewel Gorlosa, broke away and formed the Dima Haram Daogah (DHD). After the DHD began talks with the government in 2003, Gorlosa broke away again and formed the Dima Haram Daogah (Jewel) (DHD-J), with an armed wing called Black Widow. Gorlosa was arrested in 2009, signed a ceasefire agreement in 2012, and thereafter joined mainstream politics. Dima Hasao was a hotbed of insurgency in 1994-95 and again in 2003-2009, but has been largely peaceful in the last decade. DNLA was the newest group to have taken up arms in Dima Hasao.

Is the DNLA surrender significant?

SP Singh said that they were the last active militant group in the district. "As of now no more groups are active," he said, adding that their surrender was a "step towards peace." ADGP Nath added that this was especially significant because the hill districts have had a long history of militancy. "Considering they were the last active group, it is noteworthy they have joined the peace process," he said. Special DGP GP Singh said that the surrender comes at a time when most groups in Assam have joined the mainstream, including all Bodo and Karbi militant outfits. "This leaves out the United Liberation Front of Asom-Independent (ULFA-I)," he said, adding that the government was already in the process of reaching out to them. "We are hopeful they will come overground too and there will be peace in Assam," he said. In September CM Sarma said that Union Home minister Amit Shah had authorised him to hold preliminary talks with the ULFA-I. On Sunday, the group extended its unilateral ceasefire for three more months.



WHAT IS PLA, RESPONSIBLE FOR ATTACK ON ASSAM RIFLES CONVOY IN MANIPUR?

The People's Liberation Army and the Manipur Naga People's Front have jointly claimed responsibility for the ambush of an Assam Rifles convoy on Saturday (November 13) morning in Churachandpur district of Manipur, killing seven, including a Commanding Officer, his wife and their five-year-old son. The ambush is one of the biggest in the state since the attack on the Dogra Rifles in 2015.

What is the People's Liberation Army (PLA)?

The group was founded on September 25, 1978, under the leadership of N. Bisheshwar, after having broken away from its parent body, the United National Liberation Front. In 1979, the PLA's political wing Revolutionary People's Front (RPF) was set up. Like the UNLF, and many other splinter groups that would follow, the PLA was fighting for the secession of Manipur from India. While the PLA called for Kuki and Naga insurgents to join their ranks, it remains till this day dominated by the Imphal valley-based Meitei Hindu insurgents. Also, like other Meitei underground groups, in its initial years, PLA cadres were trained by the NSCN and hold Marxist ideology. Its political wing, the RPF campaigned against the use of drugs, and banned alcohol in the state, often using violent means to impose these bans. Considered one of the strongest groups in Manipur, the PLA has been working out of Myanmar where they continue to have camps, like the other Meitei groups, and remain active with no ceasefire agreement with the Indian government, and have so far not expressed any intent of peace talks with India.

Why has the ambush taken place in Churachandpur?

Insurgent leaders in the state, as well as experts point out that Saturday's ambush has been a departure on several counts. In the past, ambushes and attacks on Indian security forces have taken place in Chandel district of Manipur, which also borders the highly porous Indo-Myanmar border. This includes one of the biggest ambushes in the country in Chandel by insurgents which led to the killing of 18 soldiers of the Dogra Rifles and injuring 16 others. Since the Indian Army's Operation All Clear in 2003-4, active insurgents have been driven out of the country into Myanmar – especially in the Churachandpur area which has remained largely peaceful, with over 20 Kuki, Paitei and Zomi groups being under Suspension of Operation agreements with the Indian government. The valley groups also do not operate from this district. Bahiang, where the attack has taken place, borders Myanmar, but falls under the territorial jurisdiction of the Zomi Revolutionary Army, a powerful insurgent group in Churachandpur. The question that local insurgent leaders have been asking is, how the PLA could have operated in this area without ZRA permission, and have pointed to ZRA's security lapse. Insurgent leaders have also pointed to the Myanmar coup as a reason for both the revival of insurgent activity as well as the choice of Churachandpur. The district neighbours Chin state in Myanmar where the political situation has been tenuous and there have been reports of human rights violations. An active People's Defence Force, the armed wing of the National Unity Government, which claims to be Myanmar's legitimate government, is believed to have pushed Indian insurgent groups towards the Indian border.

Why is Saturday's attack different?

While there have been reports of women and children being attacked in the 1990s – during the clashes between the Nagas and the Kukis in Manipur – since then, this is the first attack in which an Indian security officer's family has been killed. Later in the evening, while claiming



responsibility, the PLA and MNPF said that they were unaware that the commanding officer was being accompanied by his family. But what experts have found most surprising is the seeming revival of PLA activity, that too in such a violent manner. The PLA has been one of the most active groups in the past, but has remained dormant over the past 5-6 years. Leaders in other groups have pointed out that even in social programmes organised by insurgent groups – such as anti-drug campaigns, anti-AFSPA and other such protests – have been shunned by the PLA. So, their sudden violent activity on Saturday has caused surprise.

What is the status of valley groups in Manipur?

Unlike the tribal groups – such as the Naga NSCN-IM and NNPGs, or the 20 odd Kuki/Zomi groups which are in peace talks with the Indian government – the Meitei valley-groups have till date not come to the table to discuss a solution with the Indian Government. There are six main valley groups in Manipur – the UNLF, PLA, KCP, KYKL, PREPAK, MPLF – apart from numerous splinter groups from each. All the groups operate out of Myanmar and raise funds for operations and arms largely through extortion. They use guerrilla tactics in their operations and the attacks on Indian security forces in the north east are largely carried out by these groups. Their activity over the years has dwindled, however, with recruitment having stalled on one hand, and Myanmar's increasing cooperation with India in recent years, placing pressure on the groups.

END THE BLAME GAME

A familiar sequence of events unfolds in the National Capital Region before the advent of winter. The monsoon retreats, dries the air and the wind drops. The pollution from construction, industry, road transport, hitherto being masked through the year, becomes more visible. However, the period also coincides with a unique practice in northern India where farmers in Punjab, Haryana and eastern Uttar Pradesh, in a bid to hurriedly clear their fields of rice straw to make space for wheat, set fire to the chaff. This long-standing practice is now facing criticism because of its emerging link to Delhi's noxious air quality. The stubble smoke carries over into Delhi through long-range wind transport. Finally, the third element during the season is Deepavali and the bursting of crackers. The season is also marked by more social gatherings such as weddings or related celebrations that again see a demand for crackers. While there is an official ban on crackers, except so-called 'green crackers' that are not widely available, the additional smoke from all of these add to the bad air, spiking air quality meters into the 'very poor' and 'severe' categories. This provokes a public outcry and concerns from the Supreme Court of India and a harried response from the Government that pushes for restrictions on free movement and construction. Invariably, the weather improves and all is forgiven. The recurrent tragedy of addressing the problem of air pollution in Delhi is that it invariably descends into a blame game. The Centre blames the Delhi government, because it belongs to a different political dispensation, which in turn quite conveniently blames farmers in Punjab. What is never addressed head-on is that the air pollution crisis is not a problem that can be solved overnight. The lockdown last year provided compelling evidence that taking vehicles off the road and a cessation in industrial and construction activity led to clearer skies. Source apportionment studies by various institutions have shown that the contribution of stubble burning varies significantly, from as low as 4% on some days in October-November to as much as 40%. But the running of power plants and construction are also necessary activities that cannot be shut at a moment's notice. The move to ban the entry of trucks too is not any more effective than waiting for the wind to blow over, and has consequences for the economy. The way forward is to view winter air pollution as a natural



disaster and target root causes. Road dust is the dominant source of particulate matter and the most significant impediment to clean air, and unfortunately the least amenable to an easy fix. The emphasis must be on concerted and consistent efforts, and not annual blame games.

AN OUTREACH TO TRIBALS THAT CHECKS ALL THE BOXES

In the Ayodhya kanda of the Ramayana, when Lord Rama is exiled from the kingdom of Ayodhya, and reaches the northern bank of the Ganga at Sringerapur, he is received by the king of the neighbouring kingdom of Nishadha, Guha. Rama treats the tribal leader, Guha, as his own conscience. Rama stays at Guha's place and the Nishadha king helps Rama cross the river the next day. In the Mahabharata, Arjuna's travels in the Northeast lead to his encounter with Ulupi, the princess of the Naga tribe, who he marries and has a son with, Iravan. The Ramayana and the Mahabharata are replete with harmonious relationships between forest dwellers and the "city dwellers".

Recognition now

Despite a place for tribals in Indian culture and history, the enactment of the Criminal Tribes Act, 1871 by the British government, branded the very 'descendants' of Guha as criminals. With its racist overtones and the stereotyping of tribes as uncivilised, this Act aimed to create a sense of fear against tribal communities. Various tribes across India resisted British rule vehemently and the law was aimed at dealing with these tribes with an iron fist. From Birsa Munda and Tanti Bhil in the north and central parts, Komaram Bheem and Thalakkal Chandu in the south to the likes of Rani Gaidinliu in the northeast, tribal movements in different regions of the country waged spirited battles against the British colonial rule. A lot of their contributions today are either not known or not fully appreciated. The aim of commemorating November 15, the birthday of Bhagwan Birsa Munda, as Janjatiya Gaurav Divas is to ensure that the freedom fighters from various tribal communities who fought for India's Independence get their rightful recognition. It will also ensure that the heritage, culture and the values of the 705 tribal communities (Scheduled Tribes) that constitute approximately 10% of our population is protected and is made accessible across the nation.

Meaningful representation

Since Independence, there have been efforts to improve the social, political and economic conditions of the tribal populations. Ensuring political representation by reserving electoral constituencies with large tribal populations was one such vehicle. However, representation at ministerial levels was still restricted to the odd figurehead Minister such as Tribal Affairs. The recent expansion of the Union Council of Ministers led by Prime Minister Narendra Modi saw the inclusion of eight Ministers belonging to the Scheduled Tribes representing the States of Arunachal Pradesh, Assam, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and West Bengal. They represent the Gond, Santal, Miji, Munda, Tea Tribe, Kokana and Sonowal-Kachari communities. The Union Cabinet now has three Ministers who belong to various tribal communities. Contrast this with the period between 2004- 2014, when tribal community political representatives were considered mere figureheads. Under the United Progressive Alliance (UPA) government, between 2004-2014, the Ministers from the tribal community were fewer and primarily restricted to the Tribal Affairs Ministry.



Economic well-being

Apart from political representation, it is also important to ensure that tribal communities see economic progress and better human development indicators. This received renewed impetus in 1999, when former Prime Minister Atal Bihari Vajpayee set up a separate Ministry for Tribal Affairs. Now, under Mr. Modi, imbalances in budgetary provisions are being addressed in mission mode. For the year 2021-2022, the Ministry of Tribal Affairs saw a budgetary allocation of ₹7,524.87 crore. This is nearly double the budgetary allocation made in the last UPA Budget of 2013-2014. After close to 90 years, the Indian Forest Act of 1927 was amended in 2017 (The Indian Forest (Amendment) Act, 2017; <https://bit.ly/3wR8zSS>) so that bamboo is no longer classified as a tree. This has allowed for the economic value of bamboo to be leveraged to its fullest potential and also brought the Act in consonance with the Forest Rights Act of 2006. The biggest beneficiaries of this are the forest dwelling tribal communities who are now able to use such forest produce to make value-added utility products. The role of tribal marketing development corporations in building market linkages is further increasing incomes of tribal communities. Sustainable development also needs to ensure that human development indicators (HDIs) in nutrition, health and education are being improved. The National Education Policy (NEP) acknowledges the additional focus required for tribal communities to address issues such as higher dropout rates. The NEP, by ensuring that the medium of instruction until at least Class 5, will be the mother tongue or local language of the child has ensured that tribal languages are protected and are treated on a par with languages mentioned in the Eighth Schedule of the Constitution. The expansion of the Eklavya Model Residential Schools, from 90 new schools sanctioned in the UPA years to 472 new schools sanctioned since 2014, will ensure that tribal children will see better education outcomes. This coupled with health interventions in the form of primary health and wellness centres and nutrition programmes will see improved HDIs among tribal communities in the long run. Bhagwan Birsa Munda was only 25 when he died in prison (1900). He fought bravely against the exploitative system of the British Raj and spearheaded a movement against the British colonial oppressive system. It is unfortunate that the contributions of several other tribal freedom fighters including those of tribal women freedom fighters such as Rani Gaidinlu, Jhano Murmu, Helen Lepcha and others have nearly been forgotten.

Tribal museums

There are records of over 200 tribal freedom fighters across India who participated in about 85 instances of revolts and uprisings against colonial rule. To recognise this, 10 tribal freedom fighter museums are being set up in the States of Andhra Pradesh (Lambasingi), Chhattisgarh (Raipur), Goa (Ponda), Gujarat (Rajpipla), Jharkhand (Ranchi), Kerala (Kozhikode), Madhya Pradesh (Chhindwara), Manipur (Taminglong), Mizoram (Kelsey) and Telangana (Hyderabad) will showcase the contribution of tribal freedom fighters and are at different stages of construction and completion. Commemorating November 15 every year will integrate various stakeholders and allow for a discussion on the achievements and contributions of tribal communities, their cultural heritage, and practices and traditions among the younger generation of Indians. As India celebrates its 75th year of Independence with 'Azadi ka Amrit Mahostav', this would be a thoughtful gift for our tribal community and a recall to Ram Rajya — where the likes of Guha are given due respect, their cultural diversity is respected, and their contributions celebrated.



IS SILVERLINE ON THE RIGHT TRACK?

The Kerala government is facing political heat over its ambitious 540-km-long semi high speed railway project, SilverLine, which proposes to reduce the travel time between Thiruvananthapuram in the south to Kasaragode in the north. The project also aspires to open up verdant hinterlands to development, decongest highways and reduce Kerala's carbon footprint. The government has pegged SilverLine's cost at ₹63,941 crore. K-Rail, a Central and State joint venture, will execute the project. Kerala holds a 51% share in K-rail and the Union Railways Ministry holds the rest.

Concerns

The Congress-led UDF, the BJP and environmentalists have said the project poses serious environmental issues. A UDF fact-finding sub-committee found that the 4 to 10 m high steep railway embankment for the track would tear the State asunder geographically. The causeway would run uninterrupted for at least 250 km. The barrier would impede natural drainage and exacerbate floods during the monsoon. The UDF said the government would have to hollow out the Western Ghats to excavate enough granite to raise the rail barrier. It said SilverLine would subsume large expanses of ecologically fragile wetlands and mangrove forests. The Leader of the Opposition, V. D. Satheeshan, termed it a white elephant. The scheme would foist an irredeemable debt of more than ₹1,24,000 crore on the public, he said. Mr. Satheeshan also accused the administration of not publishing an environmental impact study and being opaque about the project. BJP State president K. Surendran said the Centre was sceptical about the financial and environmental viability of SilverLine. The Union Minister for Railways had communicated the Centre's reservations to Chief Minister Pinarayi Vijayan. While the Centre envisaged an elevated high speed railway corridor, SilverLine will hug the terrain, require the construction of scores of underpasses and still would not serve the purpose of an MRTS, he said. The Congress and BJP have said there will be street protests if the government does not drop SilverLine. Both parties have suggested a network of small greenfield airports and an augmented railway network to address public transportation woes. However, the government seems to have crossed the Rubicon. It recently appointed special revenue officers to expedite land acquisition and ensure the speedy relocation of displaced families and disbursement of compensation. The proposed track will pass through 11 districts. SilverLine would require the acquisition of 1,198 ha of private land at an estimated cost of ₹13,362.32 crore and affect 9,314 buildings. The government has raised ₹2,000 crore from the Kerala Infrastructure Investment Fund Board (KIIFB) for the initial phase of land acquisition. It is in touch with international agencies to get low-interest loans. The administration is also exploring options to raise money from the open financial market for SilverLine via the KIIFB. The LDF says the Congress and BJP are 'anti-development' for stridently opposing SilverLine. Mr. Vijayan has said the Opposition's fears are misplaced. He said SilverLine would skirt population centres and use elevated paths to bypass rivers, lakes, forests and ecologically fragile lands and cause minimal displacement.

Allaying fears

A comprehensive environmental impact study would serve public interest. The government should shed the perceived opaqueness about the project's financial viability, social impact and execution. The government should also allay the fears of families and businesses that SilverLine



will displace. It should ensure speedy and adequate compensation for those displaced. Any attempt to bulldoze SilverLine through might lead to social and political upheaval.

DIGITAL DIVIDE

“Your phone is your wallet,” said Bill Gates in 1996. It sounded right out of the soon-to-be launched Harry Potter fantasy-fiction series! In just a couple of decades, it’s an everyday reality, and how! Not an elitist, exclusive or luxe technology. I just paid the milkman with my UPI app and so, I am sure, do you. Mr. Anand Mahindra just tweeted a photo of a ceremonial cow, like our own boom-boom maadu down South, on whose forehead is pasted a QR code to scan and make a donation. UPI, the payment method at the basis of this, has cut across the Indian socio-economic digital divide quite well and amazingly fast. However, it is a different type of digital divide that we should watch out for, namely, the chances of being defrauded when we use our phones to pay.

What is UPI

First came Internet banking, more than 15 years ago, relieving us of physical cheques, exchanging them in person or through post, presenting them at a bank, and waiting for funds to be realised. All of this could take up to 15 days depending on the location of the two banks, banking holidays and postal delays. It was magical to sit at your computer and make these NEFT (National Electronic Funds Transfer) payments, which would be realised in just two or three days. Soon, the service segmented itself into near instant payment for large amounts (RTGS or Real-Time Gross Settlement) and instant payments without waiting to enable a payer account (IMPS or Immediate Payment Service), handy for one-time payments. When smartphones and apps took over, Internet banking moved to apps and IMPS transformed into mobile wallets, which was one step removed from your bank account. You had to put money from your bank account into the wallet and know information about my wallet to pay me, more complicated if you and I dealt with different banks. This struggling step that saw lukewarm response evolved in 2018 into United Payments Interface or UPI-based payments. UPI is the clearing house for payments across almost every bank. Pick an app, download and install it on your smartphone, authenticate your SIM through an OTP process, enable your (same) mobile number-linked bank account, and you are good to go. You can make or receive payments and also check your balance. You can feed a bank account number and IFSC (Indian Financial System Code) as for NEFT and start paying! In the far simpler world that we live in, your vendor’s VPA or virtual payment address, is sufficient. This will be vegetableshop@bankname or even mobilenumber@bankname which makes it easier to share! Going a step further, on some apps, if you and the vendor use the same app, just his mobile number is enough for you to make the payment. The easiest method is to scan the QR code of the payer and make payment. This cuts across language barriers and misspelling and mishearing errors. You can link more than one of your bank accounts to the app and make a specific payment from a specific bank account. The top UPI apps today include PhonePe, Paytm, Google Pay, Amazon Pay and BHIM, the latter being the Government offering. There are dozens of others and their collective use is growing phenomenally. Demonetisation and the pandemic may have been the triggers, but the sheer ease of use and accessibility of the technology surely laid the foundation.

Trouble points

The rose always has thorns. Technology easy enough to use by the mass of people will be susceptible to fraud. We need not go as far as hacking or high-tech methods, but simple confidence



tricks are enough to cheat people using UPI apps. For example, writing down your password or pin can land you in trouble if it gets into the wrong hands. Sharing them with strangers and allowing them to use your phone and app are equally risky. Some common frauds take advantage of the fact that we may be unclear how the app works and dos and don'ts of online transactions. For example, when you initiate a payment, you have to key in your PIN to complete the transaction. However, to receive payments you don't need a PIN. This can be grounds for confusion. Let us say you are selling your used furniture online. A fraudulent buyer would, instead of paying you, generate a request for money from you through the UPI app and ask you to approve the request saying that you have to enter your PIN to receive the money. Do that and, in effect, you have paid them! To ensure you are flustered and confused they would put pressure on you smoothly, not allowing you the time to think or get suspicious. Some UPI apps have an online/ real-time chat and its easy for users to mistake the chat as being official instructions from the app itself. So, if the fraudster asks for your PIN on the chat you may well believe your app is prompting to enter the PIN. You just have to be alert always. Another fraud is based on your registered mobile number (RMN). The SIM card of your phone/ your RMN is at the heart of your account, its authentication and operations. Fraudsters try to replicate your SIM by cloning it or simply conning you to cooperate so that they can get a replacement SIM! Then its theirs to get OTPs (one-time passwords) and make digital transactions on your accounts. For example, you may get a call from somebody posing as staff of your mobile phone company offering anything from upgrade of SIM to requiring a KYC verification. They will offer to do this for you online/ on their end if you just give them the OTP. The process can even be initiated by an SMS that sounds alarming or threatening. Something along the lines of your bank account or credit card being deactivated, or your SIM. Of course, you won't respond to the Nigerian prince offering you a fortune if you help him access his super fortune. But when you get an SMS saying your bank account will be deactivated, wouldn't you get anxious and want to respond? On the contrary, your antennae should perk up if anything like this happens as you should never share any OTP with anybody and certainly not something pertaining to your SIM card or bank account. Your bank will never ask you for it and neither will your mobile service provider. Another widely prevalent fraud is through fake apps. Once downloaded and installed, these apps can steal much of your personal information. Bottomline, never download apps except from authorised sources. A basic precaution would be to keep a low balance in the bank account linked to your UPI app. That way you minimise the risk should you fall prey to some scam.

Recourse

Should something happen, what should you do. Call your bank immediately and lodge a complaint. Your UPI app itself has a link to raise a complaint. You can complain to the cybercrime cell as well. As with cash, being alert and being circumspect, even a little paranoid, will go a long way in keeping you safe!

CREATING SAFE DIGITAL SPACES

Recognising that school-related violence is an infringement of children's right to education and to health and well-being, UNESCO Member States have declared the first Thursday of November as the International Day against Violence and Bullying at School, including cyberbullying. The aim is to raise awareness among students, parents, members of the school community, education authorities and others about the problem of online violence and cyberbullying. In India, an estimated 71 million children aged 5-11 years access the Internet on the devices of their family



members, constituting about 14% of the country's active Internet user base of over 500 million. It should also be noted that two-thirds of Internet users in India are in the age group of 12-29 years.

Tackling all kinds of bullying

School closures as a response to the COVID-19 lockdowns have led to an unprecedented rise in unsupervised screen time for children and young people, which in turn exposed them to a greater risk of online violence. Various reports have indicated increased incidence of cyberbullying and online child sexual exploitation by adults. In the same vein, there is growing scientific evidence which suggests that cyberbullying has negative consequences on the education, health and well-being of children and young people. Published in 2019 and drawing on data from 144 countries, UNESCO's report 'Behind the numbers: Ending school violence and bullying' highlighted the extent of the problem, with almost one in three students worldwide reporting being bullied at least once in the preceding month. Therefore, cyberbullying prevention interventions should aim at tackling all types of bullying and victimisation experiences at the same time, as opposed to each in silo. Effective interventions also require gender-sensitive and targeted approaches that respond to needs of learners who are most likely to be the victims of online violence. A 2020 study by Plan International, involving 14,000 women aged 15-25 from across 22 countries, revealed that 58% of girls in the Asia-Pacific region reported online harassment. Globally, of the girls who were harassed, 14% who self-identified as having a disability and 37% who identified themselves as from an ethnic minority said they get harassed because of it. The impact of online sexual harassment could have long-term negative impacts on mental health and well-being. Data on school bullying demonstrates its harmful impacts on students' educational outcomes, mental health, and quality of life. Children who are frequently bullied are nearly three times more likely to feel left out at school than those who are not. They are also twice more likely to miss out on school and have a higher tendency to leave formal education after finishing secondary school.

Tackling the menace

Although online violence is not limited to school premises, the education system plays a crucial role in addressing online safety. Concerted efforts must be made to provide children and young people with the knowledge and skills to identify online violence so that they can protect themselves from its different forms, whether perpetrated by peers or adults. Teachers also play a critical role by teaching students about online safety, and thus supporting parental involvement. For those looking to prevent and counter cyberbullying, the information booklet brought out by UNESCO in partnership with NCERT on Safe Online Learning in Times of COVID-19 can be a useful reference. It supports the creation of safe digital spaces and addresses the nuances of security. Similarly, to prevent the adverse effect of online gaming and the psycho-emotional stress that children could be undergoing, the Department of School Education and Literacy has circulated exhaustive guidelines to raise children and parental awareness. At a time when COVID-19 lockdowns have resulted in online bullying, we must redouble our efforts to tackle this menace. Cyberbullying may take place in a virtual world, but it has a very real impact on children's health. The Union Ministry of Education and UNESCO are committed to ensuring access to safe, inclusive and health-promoting learning environments for all children. It is imperative that digital and social media platforms are free of cyberbullying, if learners have to access quality education. More importantly, confidential reporting and redress services must be established. We encourage students, parents, schools, education authorities, members of the education community and its



partners to take part in preventing online violence and promoting the safety and well-being of young people.

MORE A PRIVATE SECTOR PRIMER THAN HEALTH-CARE PATHWAY

The central government's flagship health insurance scheme, the Ayushman Bharat-Pradhan Mantri Jan Arogya Yojana (AB-PMJAY), aims to extend hospitalisation cover of up to ₹5 lakh per family per annum to a poor and vulnerable population of nearly 50 crore people. Apart from AB-PMJAY and State-level government health insurance schemes, small segments of the Indian population are covered under social health insurance schemes and private health insurance. Covering the left out segment of the population, commonly termed the 'missing middle' sandwiched between the poor and the affluent, has been discussed by the Government recently. Towards this, NITI Aayog recently published a road map document entitled "Health Insurance for India's Missing Middle". However, to say the least, the report confounds all hopes and expectations of a credible pathway to universal health coverage (UHC) for India. The report proposes voluntary, contributory health insurance dispensed mainly by private commercial health insurers as the prime instrument for extending health insurance to the 'missing middle'. Government subsidies, if any at all, will be reserved for the very poor within the 'missing middle' and only at a later stage of development of voluntary contributory insurance. This is a major swerve from the vision espoused by the high-level expert group on UHC a decade ago, which was sceptical about such a health insurance model as the instrument of UHC and advocated a largely tax-financed health system albeit with private sector participation.

In-patient care

Those with even a rudimentary understanding of health policy would know that no country has ever achieved UHC by relying predominantly on private sources of financing health care. Evidence shows that in developing countries such as India, with a gargantuan informal sector, contributory health insurance is not the best way forward and can be replete with problems. But even when we look at international precedents of contributory social health insurance models, some very important traits stand out, for example, significant levels of government subsidy to schemes; not-for-profit mode of operation; and some important guarantees for health. The NITI report sweepingly ignores these fundamental precepts. For hospitalisation insurance, the report proposes a model similar to the Arogya Sanjeevani scheme, albeit with lower projected premiums of around ₹4,000-₹6,000 per family per annum (for a sum insured of ₹5 lakh for a family of five). There would be a standard benefit package for all, and the insured sum will be between ₹5,00,000 and ₹10,00,000. Insurance will be dispensed largely by commercial insurers who would compete among themselves. It is clear how this model is a little different from commercial private insurance, except for somewhat lower premiums. These low premiums are achieved by reducing administrative costs of insurers through an array of measures, including private use of government infrastructure, and possibly by switching to low-powered modes of physician payments. Most importantly, low premiums are not achieved on account of government subsidies or regulation. One can see how this model is vulnerable to nearly every vice that characterises conventional private insurance. For instance, consider countries such as Switzerland. Despite relying predominantly on private insurers and a competitive model of insurance, certain important checks and balances exist: benefits are etched in legislation; basic insurance is mandatory and not-for-profit; cream-skimming and risk-discrimination are prohibited. Such checks and balances are a long shot in the Indian scenario, neither have they been discussed in



the NITI report. The report suggests enrolment in groups as a means to counter adverse selection. The prevailing per capita expenditure on hospital care is used to reflect affordability of hospital insurance, and thereby, a possible willingness to pay for insurance. Both these notions are likely to be far-fetched in practice, and the model is likely to be characterised by widespread adverse selection notwithstanding. It is important to remember that even free-of-cost government health insurance for the poor has little penetration in the country, despite a nearly two decade-long legacy. The possible destiny of contributory private health insurance with modestly lower premiums, for a target group that is not significantly well-off, is obvious.

Out-patient care

An even more untenable case has been made with respect to out-patient department (OPD) care insurance coverage, which includes doctor consultations, diagnostics, medicines, etc. The report rightly acknowledges that OPD expenses comprise the largest share of out-of-pocket expenditure on health care, and concomitantly have a greater role in impoverishment of families due to health-care expenses. The report proposes an OPD insurance with an insured sum of ₹5,000 per family per annum, and again uses average per capita OPD spending to justify the ability to pay. However, the OPD insurance is envisaged on a subscription basis, which means that insured families would need to pay nearly the entire insured sum in advance to obtain the benefits. This is the last thing one would equate with UHC. Clearly, this route is unlikely to result in any significant reduction of out-of-pocket expenditure on OPD care, which beats the whole purpose of providing insurance. Any cost savings or benefits that accrue would be due to using low-powered physician payment modes and a more integrated and coordinated pathway of care. However, their contribution is likely to be nominal and at least be partly offset by the administrative costs involved in insurance. Individuals are likely to be largely indifferent to such an OPD insurance scheme, particularly if it restricts choice of health-care providers.

Wrong disposition

The NITI report defies the universally accepted logic that UHC invariably entails a strong and overarching role for the Government in health care, particularly in developing countries. Rather than plot a pathway for UHC in India, the report is more about expanding the footprints and penetration of the private health insurance sector. Further, the report looks to attain the elusive UHC with few or no fiscal implications for the Government, which is an absurd idea by any stretch of the imagination. Such a disposition is highly dismaying in the aftermath of COVID-19. The National Health Policy 2017 envisaged increasing public health spending to 2.5% of GDP by 2025. Let us not contradict ourselves so early and at this crucial juncture of an unprecedented pandemic.

LEARNING FROM THE BEST IN INDIA'S COVID-19 FIGHT

A few months ago, as the country reeled under the impact of the second wave of COVID-19, officials deep inside Madhya Pradesh's tribal districts had to contend with an additional crisis: vaccinating a people firmly resistant to any coronavirus vaccines.

A transformation

It was April 15, 2021, and less than 10% of the eligible population had been vaccinated in Jhabua, the district in Madhya Pradesh, per government figures, with one of the highest percentages of Scheduled Tribes population in India (<https://bit.ly/3Cez2Lk>). It was then that district officials



decided to leverage tradition in their efforts to convey the message of timely vaccination. They started by organising khatla baithaks (khat means “woven bed,” and baithak means “meeting”), or community meetings, to dispel vaccine myths. By July, Jhabua saw a five-fold increase in vaccination uptake, with approximately 40% of eligible people in the district having received at least one dose. In fact, as members from the department of Women and Child Development handed out turmeric-smeared rice to rural houses as a traditional means of welcoming people to vaccination programmes across the district, vaccination drives across the district saw a discernible uptick. An easy interpretation of this intervention might make it seem that Jhabua district is an outlier in the larger narrative of COVID-19 containment strategies. However, the data has made us see that, quite simply, it is not. Like Jhabua, there are multiple districts and regions where individuals and groups, from both government and civil society, have stepped in to ensure that impact of COVID-19 was mitigated in any and every way possible — even if that meant the use of rice or khatla baithaks. But just as it is easy for such stories to dissolve in the predominant din of the news cycle, it is also easy to see why our journey over the last several months began.

Space for initiatives

In April and May 2021, when the nation was going through the peak of a crippling second wave, a small group of us — that soon grew to over 500 people — came together to form India COVID SOS. We realised that there existed a wide spectrum of people who had made it their mission to help society steer to safer shores in this pandemic: medical professionals who, despite the volume of patients, were managing COVID-19 in an evidence-informed, pragmatic way; teams vaccinating entire villages once overwhelmed by hesitancy; workers ensuring even the remotest areas had adequate oxygen supply, etc. These efforts needed to be foregrounded, and a space was essential to document learnings from such successful initiatives. Subsequently, together with Exemplars in Global Health, our research led to the development of case studies from India; now publicly available, these case studies highlight interventions and innovations that drove meaningful outcomes in the pandemic response across India. We confirmed that the story of Jhabua was not one of exception. As our case studies show, there are other commendable endeavours as well. For instance, in February 2021, when India’s vaccination drive was initiated, health-care workers in Janefal, a rural hamlet with just over 500 residents in Maharashtra’s Aurangabad district had a difficult time convincing people to get vaccinated. Some had heard stories from neighbouring villages about people dying after vaccination. Others believed that people who were vaccinated had to amputate their arms. To build trust and confidence, village heads and other front line workers set an example by getting vaccinated first. They had their photos taken while getting the vaccine, and later, to address apprehensions, spent time painting gram panchayat buildings. A task force was also set up. It comprised health workers, police officers and village council leaders who discovered villagers had an unprecedented fear of hospitals and were terrified doctors would kill them and rob them of their kidneys if they went in for treatment. With the nearest vaccination centre being eight kilometres away, the task force overcame both challenges by conducting a vaccination camp in the village, taking the vaccines to the people. They also did this on April 27, Hanuman Jayanti — an auspicious day for the locals. It was an insightful and clever way to leverage the occasion for the right cause.

In Tamil Nadu and Bihar

In Nilgiris, Tamil Nadu, the district administration in collaboration with local non-governmental organisations (NGOs) addressed vaccine hesitancy effectively, too. The NGOs enlisted the help of



community members to write songs in tribal languages to share the benefits of getting vaccinated. The district administration also recorded statements from village leaders in their own languages, regarding the vaccine's effectiveness, and broadcast those messages throughout the district's different villages. This helped villagers engender trust, and soon, vaccination rates there went up, too. In East Champaran, Bihar, district officials remarkably achieved 95% COVID-19 vaccination of adults in the Bankatwa block in just two days using what has been dubbed the "Bankatwa Way". Bankatwa block historically had low routine immunisation coverage of just 64.3% due to challenges of difficult terrain, poor health infrastructure and vaccine hesitancy in the community, among others. To tackle this, the district adopted a mission mode approach. This was a concentrated effort of all government departments in collaboration with World Health Organization, civil society organisations, local elected leaders, and religious leaders to mobilise all eligible people in the district for COVID-19 vaccination. In just 48 hours, over 55,000 of the block's 62,000 registered inhabitants were vaccinated by setting up vaccination sites in each of the area's 102 villages and hamlets. The effort had a knock-on effect across the district with similar intensive effort campaigns, delivering 100% first dose coverage by early October.

Work in progress

Like these stories, there are many such novel, inspirational efforts that can be found in the case studies we have helped to collate (<https://bit.ly/2YJ6VpG> and <https://bit.ly/3c8VECj>). Our idea has always been to capture a broad canvas of learnings that could inform policy at the highest level, through critical vignettes showing what is working best (or not). But we are just getting started. It is essential that we keep working toward expanding the scope of our case studies, making them a reservoir of accurate information and inspiration. If we can effectively share and disseminate learnings and highlight the best interventions from across different domestic geographies, we can take a step towards being better equipped to tackle health crises in the future. (India COVID SOS is an international non-profit volunteer group of scientists, clinicians, engineers, policy-makers, community organisers, and industrial partners. Exemplars in Global Health brings together researchers, funders, and collaborators around the globe with the mission of identifying countries that are positive outliers in global health. Their analyses of best practices strive to be a template that can be potentially replicated by others at a country/regional-level.)

WHO IS KISHANDA, VETERAN MAOIST IDEOLOGUE ARRESTED IN JHARKHAND?

Jharkhand Police arrested CPI (Maoist) central committee member Prashant Bose alias Kishanda along with five others. Police sources said Kishanda, who is in late 70s, is part of the organisation's "think tank". Jharkhand Police chief Neeraj Sinha told a news conference on Sunday that the police have got hold of an "encyclopaedia" of the Maoist organisation. Kishanda is a founding member of the Maoist Communist Centre of India (MCCI) that merged with the People's War Group to become the CPI (Maoist). Fifty cases are registered against him in Jharkhand, and he carried a reward of Rs 1 crore.

The arrest

It is learnt that police managed to reach Kishanda and the other five individuals following the surrender of two area commanders of the CPI (Maoist), Ballon Sardar and Suraj Sardar. Police acted on information that top Maoist leaders would be travelling from the Parasnath Hills in Giridih district towards the dense Saranda sal forest in West Singhum. According to police, the



five men and a woman, all of whom appeared “suspicious”, were intercepted in the Kandra police station area of Saraikela in Saraikela-Kharsawan district, and taken to a “joint interrogation centre”. Following sustained interrogation, two of the party were identified as Prashant Bose and his wife, Sheila Marandi alias Sheiladi. The other four individuals were Birendra Hansda and Raju Tudu of Giridih, and Krishna Bahada and Gurucharan Bodra of West Singhbhum, all of whom are “active CPI (Maoist) members”, police said. Rs 1.51 lakh rupees was seized from them. All six were arrested under the Unlawful Activities (Prevention) Act.

Kishanda’s career

Police sources said that in the early 1960s, Prashant Bose joined a labour organisation that was affiliated to the Naxals. He was arrested in 1974 and, following his release in 1978, went on to co-found the MCCI along with Kanai Chatterjee. Thereafter, Bose started to organise ongoing protests against zamindars in Giridih, Dhanbad, Bokaro, and Hazaribagh. He worked with local Santhal leaders until around 2000, and strengthened the Naxal organisation in Palamu, Chatra, Gumla, and Lohardaga. During this period, Bose fought against both police and upper caste zamindar militias such as the Ranbir Sena and Brahmarshi Sena, sources in the Jharkhand Police said.

In the CPI (Maoist)

Since the founding of the CPI (Maoist) in 2004, Kishanda has been a member of its central committee, Central Military Commission, and in-charge of Eastern Regional Bureau. He worked in the South Chhotanagpur area, and lived in the Saranda forest. He tried to strengthen the Maoist organisation in Jharkhand, Bihar, Odisha and West Bengal, and was also part of the West Bengal State Committee. According to police, Bose was involved in several Maoist actions, including the 2007 murder of Sunil Mahato, then general secretary of the Jharkhand Mukti Morcha and the party’s sitting MP from Jamshedpur.

Impact of arrest

A day after Kishanda’s arrest, 26 Maoists including Milind Teltumbde, who headed the Maharashtra-Madhya Pradesh-Chhattisgarh zone of the CPI (Maoist), were killed by security forces in Maharashtra’s Gadchiroli district. The back-to-back setbacks are a major blow to the Maoists, and are expected to lead to considerable loss of morale. In his news conference, Jharkhand DGP Sinha said Kishanda had been active for 40-45 years, and had trained most of the important leaders of the banned organisation. “After the formation of CPI (Maoist), Kishanda was second-in-command and its ideologue...his stature was far higher than his rank. After his arrest we have an ocean of information, and it will take us months to analyse it,” Sinha said. The police chief paid a backhanded compliment to Bose’s ideological prowess: “He has been mentally far more alert than all of us. Go near him, and he will convert you into a Naxal!”

A LOST CAUSE

With the deaths of 26 rebels in a police operation in Gadchiroli on Saturday, the proscribed Communist Party of India (Maoist) has faced yet another setback in its “protracted armed struggle” against the Indian state. Gadchiroli, a largely forested and tribal-dominated district, is among Maharashtra’s poorest and the Maoists have sought to expand their presence extending from neighbouring Chhattisgarh. There have been major encounters in the district, with recent ones involving the deaths of 40 Maoists in two separate operations in April 2018 and a landmine



blast claiming 15 police personnel and a driver in May 2019. Gadchiroli remains one of the few districts “severely affected” by left-wing extremism. Despite suffering significant losses to its leadership either in military operations or due to physical infirmities and a shrinking of the areas of influence, the Maoists have refused to withdraw from their pursuit of armed struggle. In cycles of violence, they have managed their own strikes against security forces, but such attacks have not provided them any heft in expanding their presence or increasing their support base. The conflict has fallen into a pattern — violence begets violence as insurgents and the security forces continually lose combatants, but equally disturbing, this also affects the poor tribal people whose lives are caught in a prolonged crossfire. The Maoists’ inability, not just to expand but also to entrench themselves, is to some extent to the credit of the Indian state apparatus, both its security establishment and its work, through development schemes, in weaning away support for the Maoists among the poorest and marginalised sections, especially in remote areas. At the same time, this is also a reflection of the incongruence of the Indian Maoists’ programme which bases itself on replicating the Chinese Revolution of the previous century, and its quixotic pursuit of armed struggle as the means to achieve its aims. Neither are the conditions in India remotely closer to that of China in the 1920s, nor are the peasantry — whose support the Maoists deem as crucial to their project — enamoured of the Maoist programme or its reliance on guerilla struggle. The Maoists’ refusal to acknowledge the diverse industrial base in the country, their rejection of liberal democratic instruments in the Indian state and the faith of the poor in the robust electoral system have blinded them to pursue a futile cause. Yet, despite the futility, the Maoists retain the capability to strike in isolated skirmishes. Maharashtra must not rest on its success in militarily diminishing the Maoist threat in Gadchiroli. It must act continually in winning over the support of tribals in the region and retaining their faith in the liberal democratic institutions of the state.

THE NAYIKA

Becoming an entrepreneur when you are close to 50 isn’t easy. It’s harder in a business — online retailing of beauty, personal care and fashion products — where the target consumers are Generation Z and Millennials. Falguni Nayar has defied all stereotypes, becoming India’s only second self-made woman billionaire after Biocon’s Kiran Mazumdar-Shaw. Not only was the Rs 5,352-crore initial public offering of Nayar’s FSN E-Commerce Ventures Ltd oversubscribed nearly 82.5 times, but its shares debuted at Rs 2,001 in the BSE on Wednesday, against the issue price of Rs 1,125. At Friday’s closing price of Rs 2,359, the Nayar family’s 52.56 per cent stake in her company was worth \$7.9 billion. That makes her the country’s second richest woman after Savitri Jindal, ahead of Mazumdar-Shaw, Leena Tewari of USV, Mallika Srinivasan of Amalgamations, Smita Crishna of Godrej and Anu Aga of Thermax. All of them, barring Mazumdar-Shaw and Nayar, are inheritors of businesses originally promoted by men. Nayar’s company — better known as Nykaa, an apt take on the Sanskrit word ‘nayika’ or heroine — is also interesting in other ways. It reported a profit of Rs 62 crore on operational revenues of Rs 2,441 crore for the year ended March 31, 2021. This is rare for any digital startup, including the likes of Zomato and One 97 Communications (Paytm) that have been burning cash despite being around for more than a decade. One reason could be that a lot of what is sold through the company’s websites, mobile apps and 73 physical stores are under its own Nykaa and Kay Beauty brands. This is unlike Amazon or Flipkart that largely hawk others’ brands/products, whose gross monetary value paid by consumers would be many times the actual revenue accruing to the company. Nykaa has also been different from other tech startups in not receiving much venture capital funding. Most of its investors have been high-net worth individuals. Whether or not Nykaa’s future performance



meets its post-IPO expectations, Nayar's story should hopefully inspire more women to become job creators, not just job seekers. Dismantling patriarchy requires many more such entrepreneurs to emerge, particularly from India's small towns and hinterlands. Nykaa's own business model has been about leveraging rising female workforce participation and aspirations. The fact that 64 per cent of its sales last fiscal came from Tier 2 and 3 cities points to not just a huge untapped market; the demand for skincare and beauty accessories is ultimately a reflection of growing aspirations.

MANNU BHANDARI: A SOFT, SELF-EFFACING, YET FIRM CREATIVE VOICE

Eminent Hindi writer Mannu Bhandari breathed her last on Monday in Gurugram because of age-related ailments, after having led a full and rich life. While her death was not unexpected, she turned 91 in April, it did come as a painful shock to the Hindi literary world that suddenly became ever more aware of the significance of her presence. A self-effacing person, she chose to speak through her short stories, novels, plays and memoirs and made her presence felt. Unlike many women writers of the succeeding generations, she did not seek recognition as a "woman writer" and the Hindi world accepted her as a "writer", just as it had accepted Mahadevi Verma and Subhadra Kumari Chauhan earlier. Hailing from a conservative Marwari family that was progressive in its own way – firm belief in the desirability of women's education being one of the features – Mannu Bhandari was made to feel inferior on account of her dark complexion. It's a painful reality that even today Indian society feels the need for fairness creams. However, young Mannu overcame her circumstances by sublimating them into an inner creative force and gradually emerged as a noteworthy writer. Mannu imbued her works with an uncommonly objective artistic observation, analysis and creative portrayal of day-to-day experiences that, despite looking mundane, shape our lives. Mannuji, as she was fondly called, will always be remembered by the Hindi literary world as soft, yet firm creative voice, a writer who expressed what she felt and reflected reality in her works as she saw it, not as it should be. Her huge popularity was mainly due to an endearing lack of pretension. She and Rajendra Yadav were perhaps the first writer couple in the Hindi literary world and blazed a new trail when both announced that they would write an experimental novel *Ek Inch Muskan* (One-inch Smile). Her penchant for transparency also reflected in the way she discussed her relationship with Yadav, one of the pillars with *nayi kahani* (new story) movement in Hindi literature, in her autobiography. She is survived by their daughter Rachana Yadav, who is a noted Kathak exponent. Bhandari's first novel *Aapka Bunty* (Your Bunty), published in 1971, established her as a novelist as it very sensitively depicted the tragedy of a child whose parents have divorced and are trying to find new ways of relating to each other and to him. Her collections of short stories include *Ek Plate Sailab*, *Main Haar Gayee*, *Teen Nigahon Ki Ek Tasveer*, *Yahi Sach Hai*, *Trishanku* and *Sampoorna Kahaniyan*. Besides *Mahabhoj*, her play *Bina Devaron Ke Ghar* has also been quite popular.

NEHRU, THE REVOLUTIONARY

Jawaharlal Nehru is not thought of as a revolutionary, yet he imagined himself as one, living in revolutionary times. What did he understand by revolution and why was he so keen to project himself as a revolutionary? He understood it in many different ways, and he pursued multiple objectives by adopting the term. In the early years, especially in the inter-war years, Nehru summoned the spirit of revolution. In 1928, he published his little book on a week-long visit to Moscow in November 1927; and for the epigraph he chose the words of Wordsworth's ecstatic reception of the French Revolution: "Bliss was it in that dawn to be alive, But to be young was very



heaven.” He exhorted student audiences to recall Danton’s call to France in the crisis of September 1792 to be “daring and daring and still more daring”; that even thinking was revolutionary as the youth of the country faced their timorous elders and a government of India “strangely lacking in intelligence”. He denounced colonial law and order as a crime and as “the last refuge of the reactionary, of the tyrant”. He addressed conferences urging a “revolutionary spirit”, “revolutionary outlook”, and “revolutionary changes” while ridiculing dominion status, reformism, violence, and terror. He confided in his prison diary in 1930 that “Normalcy or normal conditions are the very reverse of revolutionary conditions. Our object is to have abnormality and to make it impossible for the government and people alike to revert to normalcy.” He was prepared to wave the revolutionary banner, but he refused to consider a Leninist seizure of power. The revolution was to be non-violent.

Revolution vs. reform

Before Independence, Nehru seemed to advocate revolution-as-event, as the Russian Revolution was then understood. He made the conceptual and strategic distinction between revolution and reform, spelling out the difference at length in 1928 in the style of any radical student. He reasoned that reform would be futile, as nobody would surrender power peacefully, and he grew ever more despondent in the 1930s when European politics was descending into its fascist abyss and India was approaching its moment of reckoning. During these inter-war years, he imagined the forthcoming transition not only as a revolution but also, in all probability, a violent one. But he shrank from actual revolution and its inevitable violence. He reassured an anxious bourgeoisie in 1928 that the proposed labour reforms were not revolutionary, that “even from the capitalist point of view they are recognized to be essential in order to increase the efficiency of labour.” He was prepared for illegality without violence. He argued that violence was impractical, that it would provoke counter-revolution, and eventually lead to the fragmentation of the nation. All of Gandhian tactics entailed violating the law peacefully, be it refusing to pay taxes or making salt. He stoutly declared, “The moment violence becomes necessary, I will not hesitate to use it”, but it would not achieve Independence, which required “discipline,” that is, unity. But he added, almost wistfully, that he did not possess the resources for effective violence. He tossed about ideas of extolling revolution, being revolutionary, toying with the idea of violence at times, but opposing it for practical reasons and for fear of fragmenting the nation. Nehru left the question of a revolutionary reordering of power tantalisingly open. He could not imagine inciting class and other social hatreds in order to achieve his objectives. He fulminated against feudal magnates, but he recoiled from revolutionary expropriation. He was clear that there could be no socialism without the majority supporting it. If Independence was to be gained through democratic mobilisation and negotiation, social restructuring would follow the same logic. In spite of that strategy, Independence came with a bloodbath. There were too many forces, both national and global, that he could not control, however impressive Gandhian mobilisation was. He was all too conscious of the bitter resistance he would face and the compromises he might be compelled to make. Coerced change entailed heavy political costs, and democratic change may not occur at all. It was a dilemma for which he found no satisfactory resolution; in the event, he made his choice by pursuing his democratic and consensual instinct rather than his revolutionary one. After 1947, Nehru argued that democracy had made revolution superfluous. With the limited franchise, insurrection was possibly the sole means to dramatic change; with democracy and universal franchise, it was possible both to come to power through electoral majorities and to carry out such transformations legally. One of his favourite polemical themes was that Marx was outdated and that communists were “reactionary,” for relying on anachronistic texts. He remained faithful to



the conceptual binary of reform and revolution, and again and again resorted to the socialist and conservative argument that timely reform pre-empted revolution.

Life and freedom

Nehru inverted the colonial and orientalist staple that the Orient had been unchanging until the civilising mission revolutionised its existence. To nationalists, especially to Nehru, colonialism was stultifying and nationalism was revolutionising, and with Independence, India would “awake to life and freedom.” But it was not mere inversion by mimicry. The colonial argument had rested on an asymmetry of resources so extreme and a dynamism of industry so overwhelming that the Orient could be represented convincingly through architectural ruins, overgrown jungles, and languid human beings. Nationalism however engaged with modernity positively and it faced to the future; and while the imbalance of power remained acute, nationalism fashioned political and cultural instruments of such energy as to represent the colonial experience convincingly as stagnation. The pictorial image of poverty, squalor, disease, and famines under colonialism completed the argument. Both colonialism and nationalism were imagined by their agents in their respective moments of triumph as the revolutionary resuscitation of mummified corpses. Curiously, Nehru endorsed both the orientalist and nationalist accounts of sluggishness, and gave himself and his followers the dual task of overcoming both variants simultaneously. But Nehru, as always, had his doubts. The Indian tyrant replacing the British species was not enough, as Gandhi had warned. Major structural changes had to follow. The most enduring of these and the truly revolutionary change, in Nehru’s eyes, was the empowerment of the people as voting citizens. With Independence, the logic of democratic mass politics triumphed. Nehru ensured adult suffrage, the Constitution guaranteed fundamental rights to the citizen, protection to minorities, and affirmative action for the most deprived of the social hierarchy. Electoral party politics were firmly instituted, and hopes and aspirations soared. All of this was revolutionary to him. But beyond citizenship, the revolution was a promise of much to come — social and economic reform in terms of land tenure and tax, protection of labour, freedom of unions, progressive and inheritance taxes, free primary education, protection to industry, state control and regulation of key sectors, reduction of military and administrative expenditure, secularism, and above all, economic growth. From the late 1920s, Nehru spelt these out in speeches, Congress resolutions, plan preparations, reflections and soliloquies, and correspondence, with some of it distilled into the Constitution in 1949. These were undoubtedly sweeping in scope, but they were left-liberal or progressive reforms that parliamentary majorities could carry out: and they contained almost no element of one structure being set in place of another, except of course the expulsion of the British.

Passivity of India

Nehru regretted at times that what he had imagined as a revolution had not in effect been one. The stasis that he feared seemed to be coming about, of Indians merely replacing the British in an unchanging colonial structure. He confessed unhappily to Sampurnanand in 1950 that Gandhi’s genius was peculiarly suited to the passivity of India, which was now a hindrance to social change. But he also asked: if the colonial structure were to be dismantled, what would he replace it with; more precisely, if the bureaucracy were to be sent packing, what would he find in its stead? The human resources in the Congress were far from inspiring. Whether his revolution had been half-baked or total, Nehru was saddled with the universal post-revolutionary problem of revolutionary enthusiasm being no substitute for the bureaucracy of state, military or civil, however hateful or despicable they may have been. As so often in such circumstances, dictatorship beckoned; and as



generations of Indians were to do subsequently, he succumbed to the myth that China had ensured change through zealotry and despotism, both sadly, or otherwise, lacking in India. He, however, wisely resisted the temptation. Beyond the drama of revolution as a single event or as spirit and fervour, Nehru was inspired by the vision and dream of modernity as the relentless churning that had begun with the industrial revolution continued through periodic technological and scientific bursts of innovation, as with electricity, the wireless, radar, or atomic power and inter-planetary travel, and would not, indeed could not, come to rest. In his dissection of the Nehru years, Rajni Kothari called this the “incremental revolution” as opposed to a single overpowering event. Trotsky was remote from the consciousness of both Nehru and his journalist audience when Nehru defined this condition as a “permanent revolution”. This world seemed fated to renew itself daily, and in the course of it came close to destroying itself through technological excess. But Nehru plunged headlong into these revolutions, freezing Gandhi’s cautions against the dangers of industrialism, yet ceaselessly warning of a nuclear holocaust. He yoked his Gandhian non-violence to the routinisation of progress and innovation and to evolutionary capitalism and socialism, marrying the conservative ideal of stable adjustment with the revolutionary one of radical and ceaseless change. With this, Nehru inverted the meaning of revolution as it has been understood since the 18th century: “Gandhiji, of course, conceived and brought about this revolution of ours in terms of continuity and not in terms of a break with the past,” he said in an interview. Nehru’s revolution was not to be an event or a cascade of events, a seizure of power or of one class overthrowing another, but a process that would be permanent to the human condition. By aligning himself with this vision of the future, Nehru regarded himself as a true and sincere revolutionary and invited his followers to immerse themselves in its purifying, if turbulent, waters.

HABIBGANJ TO RANI KAMLAPATI: HOW A RAILWAY STATION’S NAME IS CHANGED

The name of Bhopal’s Habibganj railway station has been changed to Rani Kamlapati station. The BJP government of Madhya Pradesh proposed this to the Centre last week, which gave the clearance without any delay. This is to coincide with the inauguration of the station, which has been redeveloped at a cost of around Rs 100 crore with private participation — a first such large-scale PPP model in station redevelopment in India, in the works for the past few years. The station is to be inaugurated by Prime Minister Narendra Modi on Monday. According to the state government, the renaming is to honour the memory and sacrifices made by a queen of the Gond community.

Who was queen Kamlapati?

Rani Kamlapati was the widow of Nizam Shah, whose Gond dynasty ruled the then Ginnorgarh, 55 km from Bhopal, in the 18th century. Nizam Shah built the famous seven-storeyed Kamlapati Palace in her name in Bhopal. According to the state government, Kamlapati is known to have shown great bravery in facing aggressors during her reign after her husband was killed. Chief Minister Shivraj Singh Chouhan has claimed that Kamlapati was the “last Hindu queen of Bhopal”, who did great work in the area of water management and set up parks and temples. The Gond are one of the largest tribal communities in India, spread across Madhya Pradesh, Maharashtra, Chhattisgarh, Andhra Pradesh, Telangana, Bihar and Odisha. The renamed and redeveloped railway station is being inaugurated on November 15, the birth anniversary of the iconic 19th century tribal freedom fighter Birsa Munda.

Why does a railway station’s name change?



Changing of railway station names is not new. There are times when state governments decide to go for a name change to represent long-standing popular demand or history, or as part of a political project pushing for a wider iconography. For instance, in 1996, the city of Madras was officially rechristened 'Chennai' to underline history and local sentiments. The name of the railway station, too, changed from Madras to Chennai as a result. Since 2014, a number of stations have got new names. The most notable among them was Mughalsarai Junction, which became Pandit Deen Dayal Upadhyay Junction in 2018 to honour the right-wing ideologue who was found dead in Mughalsarai in 1968. In the same year, Allahabad was renamed Prayagraj by the Yogi Adityanath government. Of late, the Manduadih station in Varanasi in Uttar Pradesh was renamed Benaras to reflect the name by which the city is known. The larger station representing the city is already called Varanasi Junction. Again this year, on Diwali, the Faizabad Junction station next to Ayodhya was renamed Ayodhya Cantonment station.

How are railway station names changed?

It is a common misconception that Indian Railways can change the name of its stations. That is not the case. While Indian Railways may own the station, it does not get involved in the business of naming it. This is left to the discretion of the state government concerned. Change of station names is entirely a state subject even though Railways belong to the Union government. The state governments send the request to the Ministry of Home Affairs, the nodal ministry for these matters, which then accords its approval, keeping the Ministry of Railways in the loop. Usually, it is ensured that no other station with the new name proposed exists anywhere in India. If a state government wants to change the name of a city, generally, there is little reason for the Centre to come in the way or keep an old name in circulation, including in the signage of its properties there. Indian Railways receives regular representations from civil society groups, political parties and others to change the names of stations, citing historical reasons or local sentiments. In most cases, it replies that it is a matter for the state government and the Home ministry.

What happens when a name is changed?

Once the name change is notified by the state government following all due process, Indian Railways steps in to do the necessary work. A new station "code" for railway operation purposes may need to be invented. For instance Faizabad Junction's code used to be "FD" but post the name change, the new code is "AYC". The name change is then fed into its ticketing system so that the new name along with the code is reflected on its tickets and reservation and train information. Lastly, it physically changes the name written at the station — building, platform signage, etc, and also in its communication materials for all practical purposes.

How are the languages, spellings to be displayed on the signboard decided?

This aspect is governed by what is known as the Indian Railway Works Manual— a 260-odd-page document that codifies everything related to civil engineering construction works. Traditionally, station names were written only in Hindi and English. Over time, it was instructed that a third language, which is the local language, should be included. Even then, the matter is not simple. Paragraph 424 of the Manual says that Railways should obtain approval of the state government concerned on the spelling of the names (in all three languages) before putting them on its signboards. "The station names shall be exhibited in the following order: Regional Language, Hindi and English, except for Tamil Nadu where the use of Hindi will be restricted to important stations



and pilgrim centres as determined by the Commercial Department. Where the Regional language is Hindi, the name boards will be in two languages, Hindi and English...,” the Manual says.

SABZ BURJ RESTORED TO ITS MUGHAL-ERA GLORY

Hidden in plain sight on a traffic island on Mathura Road, with an estimated 60 lakh vehicles passing by annually, is one of Delhi’s earliest Mughal-era monuments— Sabz Burj. It has been conserved and restored over the last four years using traditional materials and building-craft techniques favoured by 16th Century craftsmen.

Immense significance

The tomb, which was built in 1530, does not have any markings pointing to the identity of those buried under it. However, it is of immense significance due to the ceiling on its double dome structure painted in pure gold and lapis and revealed after conservation efforts began. It is thought to be the earliest surviving painted ceiling for any monument in India. Conservationists believe that the painting on the ceiling that has floral motifs predates similar work that was seen in miniature paintings and textiles from the Mughal era and was covered with plaster sometime in 20th Century, when the structure was used as a police station. The missing glazed tiles on the dome and the tall, elongated drum on which it rests have been restored to its original turquoise-blue hue. The original tiles that remain have been preserved even though they have lost the glaze.

Original hue

Ratish Nanda, project director of the Aga Khan Trust for Culture, said that art conservators spent three years in scientific cleaning to remove plaster and chemical layers to reveal the extent of the surviving painted ceiling. “The conservation effort stopped at revealing the original painted surface and no effort to restore the missing portions was attempted for the inner dome. For the glazed tiles on the exterior of the dome, artists from Uzbekistan trained local craftsmen on how to get the exact hue of it,” Mr. Nanda said. The monument stands at the entrance to Humayun’s Tomb and would have originally stood within an enclosed garden. The conservation works have been undertaken with the support of Havells by the Aga Khan Trust for Culture in partnership with the ASI. It has been done in a way to ensure the authenticity of material, form and design while ensuring the integrity of the monument is retained for future centuries. The tomb has been illuminated at night and is open for visitors.

BID TO GET HERITAGE STATUS FOR JACKFRUIT TREE

A jackfruit tree, aged around 250 years, located 40 km from Bengaluru, is believed to be Karnataka’s oldest tree of this variety and one of the oldest in the country. The tree at Janagere village in Magadi taluk is now in the limelight as agricultural and horticultural scientists are striving to get “heritage tree” status for it. With a vast canopy, a height of 19.5 m and a trunk girth of 6.5 m, the tree is visible from a long distance to visitors who come to this village during summer to taste its fruits.

Everybody’s favourite

Ravish J.R., owner of the tree, has fenced it for protection. Villagers say that he is the 10th generation owner of the tree that has been protected not only by the family of owners, but the



community as well. What makes this tree special is not just its age but also the taste of its fruits and its ability to continuously bear a big number of quality fruits.

Yields 300 fruits a year

“The tree yields 250 to 300 fruits a year ranging between 8 kg and 20 kg. Each fruit fetches ₹300 to ₹500 depending upon the size,” says K. Narayana Gowda, former Vice-Chancellor of the University of Agricultural Sciences-Bengaluru, who is part of a four-member study team that inspected the tree to assess its characteristics scientifically in a bid to get it heritage status. The scientists have taken up the proposal with the Central authorities along with scientific data for getting heritage status for the tree.



DreamIAS



BUSINESS & ECONOMICS

AMBER ON ECONOMY

The latest data on inflation, both in retail and wholesale prices as well as industrial output estimates, suggest it would be prudent to adopt caution on the outlook for the economy. October's retail inflation based on the CPI showed a slight quickening in overall year-on-year price gains to 4.48%, from the 4.35% pace in September, spurred by a persistent acceleration in the prices of certain key food items and transport fuels. Oils and fats logged 33.5% inflation, while meat and fish and pulses and products both saw a marginal easing in the pace of annual gains from September — posting 7.1% and 5.4% increases, respectively. However, the food and beverages sub-index that accounts for over half the CPI, accelerated 2.3% month-on-month, led by vegetable prices that reared up sharply by 14.2% from September's levels. The sequential trend in the food category is particularly disconcerting as except egg and fruits, all the 10 other items of the 12-component sub-index saw prices accelerate last month. Transport and communication, which encompasses the pump prices of petrol and diesel, logged inflation of 10.9% from the October 2020 level, lending justification to the Centre's Deepavali-eve decision to cut the excise duty on the key fuels. With the WPI also showing price pressures intensifying at the wholesale-level last month, especially for fuel and power and manufactured products — October's headline WPI inflation accelerated to 12.5%, from 10.7% in September — the overall outlook on inflation is still far from reassuring. The Index of Industrial Production data from September also points to a sharp slowdown in output. While IIP growth slumped to an annual 3.1% pace, from August's 12%, overall industrial output, of mining, manufacturing and electricity, actually shrank 2.6% on a sequential basis. While the Finance Ministry has cited monsoon rains for the slump in mining and power generation, which contracted 8.4% and 11% month-on-month, respectively, index heavyweight manufacturing too suffered a 0.5% contraction. Four of the six use-based industrial categories saw output shrink including consumer non-durables, which contracted 0.9%. The only silver lining was that consumer durables posted a healthy 6.7% jump in production from the preceding month, as white goods dealers likely stocked up ahead of the festival season. Automobile manufacturing slumped 9% from a year earlier and shrank 3.3% from August's output levels as a global shortage of semiconductors crimped production. Automakers have reported more than 20% declines in production for October as well, as the chip scarcity coupled with high input costs abides. And given that manufacturers, who have so far sought to avoid risking the tenuous demand recovery by raising product prices, may not be able to defer increases for much longer, policymakers will have to ensure they do not drop their guard on inflation.

A STIMULATING ALLIANCE

The Centre will release over ₹95,000 crore in one stroke to States this month, Finance Minister Nirmala Sitharaman announced on Monday, after meeting with Chief Ministers and State Finance Ministers to discuss the state of the economy and to sustain the recovery from the COVID-19 pandemic. After all, no amount of central policy fixes will suffice to revive the country's long-somnolent investment cycle without States working in tandem. The Government set aside the spate of recent confrontations with States over revenue, GST compensation concerns, and their fears about 'encroachment' on their powers, to initiate an economy-focused dialogue independent of Budget consultations and GST Council machinations. Its ready acceptance of States' request to expedite the sharing of taxable revenues — as in the case of GST compensation for this year — is

3rd floor and 4th floor Shatabdi Tower, Sakchi, Jamshedpur;



a token of the faith it seeks to imbue. While most States have positive cash balances, access now to double the funds than usual will help them ramp up capital expenditure. The cash flow could also help several States catch up on their capex targets, on which hinges an additional borrowing limit of 0.5% of their Gross State Domestic Product. The Finance Ministry's clarification that the excise duty cuts on petrol and diesel shall not dent the tax pool shared with States has also soothed frayed nerves. The rare and 'one-off' meeting with CMs yielded several ideas and policy proposals, including a simple demand that the Centre share leads about prospective investors and enunciate a clear policy on green clearances. While the Finance Ministry believes that investments are on the cusp of a take-off, public investments will need to do the heavy lifting for several more quarters before the private sector can be expected to spur the economy's growth. The Centre and States need to combine forces to make it an easier and swifter journey through red tape for potential investors. Commerce and Industry Minister Piyush Goyal has said that just 10 States have joined the single window clearance system for investors, and four more may join next month. It not only makes sense to sustain this free-wheeling economic dialogue with States because the economy still needs collective hand-holding, but it also merits a broad-basing of the framework to include key economic ministries, and occasionally, the Prime Minister too. Investment facilitation was a key agenda item, so it would have been apt to include the Industry Minister in the deliberations to nudge States into joining the single window system. Closing this somewhat informal channel for dialogue with the States, outside the framework of NITI Aayog and the National Development Council, would be a wasted opportunity with embedded economic costs.

4 STATES WITH NEGATIVE CASH BALANCE TO GAIN FROM FRONTLOADING

The recent decision to advance an instalment of tax devolution to states, in addition to the one to be given in November, will help in cash flow for Andhra Pradesh, Tamil Nadu, Sikkim and Manipur, which had negative cash balances as of October 30. Rest had a positive cash balance as of October 30. Frontloading of tax devolution amount will help in meeting expenditure needs, especially on the capital expenditure front, though states have concerns about lower revenue flow. "The frontloading will help meet their expenditure requirements. States though are concerned about their revenue growth which is required on a sustainable basis," an official said. Finance Minister Nirmala Sitharaman on Monday had held a meeting with states to discuss measures to incentivise expenditure, growth and investment. The Centre had decided that of the 14 instalments of tax devolution, the one to be paid in March will be advanced and states will given an instalment, in addition to the one to be given in November. "Contrary to popular impressions, most of the states are not in negative cash flow. In fact, cash balances are very high at the moment, with very few exceptions. As of October 30, Rs 2.66 lakh crore of positive cash balance was there among states..." Finance Secretary TV Somanathan had said on Monday. "It's not as if most of the states are in cash trouble but this will enable them to frontload their capital expenditure," he said. At present, 41 per cent of tax collected is devolved in 14 instalments which gives predictability of cash flows to states. On November 22, instead of the normal monthly installment of tax devolution amount of Rs 47,541 crore, I have asked to release another Rs 47,541 crore — a total of Rs 95,082 crore will be given to states on November 22.



GILTS FOR ALL

The RBI had in February announced proposals for the Retail Direct Scheme for investors in government securities and the Integrated Ombudsman Scheme. The schemes were unveiled by the Prime Minister on November 12.

What is the Retail Direct Scheme?

Under the Retail Direct Scheme, small investors can now buy or sell government securities (G-Secs), or bonds, directly without having to go through an intermediary like a mutual fund. It is similar to placing funds in debt instruments such as fixed deposits in banks. However, the same tax rules apply to income from G-Secs. But, with the Government being the borrower, there is a sovereign guarantee for the funds and hence zero risk of default. Also, government securities may offer better interest rates than bank fixed deposits, depending on prevailing interest rate trends. For example, the latest yield on the benchmark 10-year government securities is 6.366%. India's largest lender, State Bank of India, offers 5.4% on deposits of less than ₹2 crore for a tenure of five to 10 years.

How can individuals access G-Sec offerings?

Investors wishing to open a Retail Direct Gilt account directly with the RBI can do so through an online portal set up for the purpose of the scheme. Once the account is activated with the aid of a password sent to the user's mobile phone, investors will be permitted to buy securities either in the primary market or in the secondary market. The minimum amount for a bid is ₹10,000 and in multiples of ₹10,000 thereafter. Payments may be made through Net banking or the UPI platform. Retail participants would be bidding for the securities under the "non-competitive segment of primary auctions of Government Securities and Treasury Bills", the RBI said in a November 12 notification.

Why was it necessary to introduce this scheme?

The RBI said the scheme would help "broaden the investor base and provide retail investors with enhanced access to the government securities market — both primary and secondary." It said the scheme was a "major structural reform placing India among select few countries which have similar facilities". This scheme, among others, would "facilitate smooth completion of the Government borrowing programme in 2021-22". The Government intends to borrow up to ₹12 lakh crore this year ending March 31, 2022. The significant spike in borrowing — that is expected to spur infrastructure and social funding — follows a steep decline in the economy last fiscal. The Union Government, hence, wishes to broaden the base of investors signing up for bond purchases. The added benefit of the Government accessing retail investors could be the freeing up of room for companies to mop up funds from institutional investors; funds that may otherwise have been cornered by the government to fund its expenses.

Why is the RBI setting up an Integrated Ombudsman?

Prior to the introduction of this scheme, the RBI had three different ombudsman schemes to aid dispute resolution with respect to banks, NBFCs, and non-bank pre-paid payment issuers (PPIs). They were operated by the RBI through 22 ombudsman offices. With the introduction of the integrated scheme, the earlier ones stand repealed. When the regulator unveiled the proposal for



an Integrated Ombudsman in February, it said it wished to make dispute resolution more “simpler, efficient and responsive”. Hence the proposal to integrate the three ombudsman schemes and introduce the centralised processing of grievances. This, it said, was intended to make the process of redress of grievances easier “by enabling customers to register their complaints under the integrated scheme, with one centralised reference point”. The RBI would appoint the Ombudsman and a Deputy Ombudsman for three years. Complaints may be made either physically to the Centralised Receipt and Processing Centre or the RBI’s offices; or electronically through the regulator’s complaint management system (<https://cms.rbi.org.in/>).

What about grievances pending adjudication?

Though the three earlier schemes have been repealed, the RBI clarified that the adjudication of pending complaints, appeals and execution of the awards passed “shall continue to be governed by the provisions of the respective Ombudsman Schemes and instructions of the Reserve Bank issued thereunder”.

GLOBAL CENTRAL BANKS UNWINDING STIMULUS: RBI

Pointing to the hardening of interest rates across the world, the Reserve Bank of India (RBI) has indicated that a distinct shift towards unwinding of pandemic-led stimulus is taking hold on the policy front globally as inflation worries are rumbling more clearly than before. Many global central banks have started hiking interest rates. “There is a risk of faster policy normalisation by major central banks leading to tightening of financial conditions and stifling of growth impulses,” the RBI said in its ‘State of the economy’ report. Among the emerging market economies, Brazil remains the most hawkish central bank, raising its policy rate for the sixth time since March and at a much higher magnitude of 150 bps – the highest hike in almost 20 years – taking the total cumulative increase in 2021 to 575 bps. Russia too, effected its sixth consecutive rate hike but at a lesser magnitude of 75 bps, for a cumulative increase of 325 bps in 2021, the RBI said report said. Hungary raised rates by 15 bps, its fifth consecutive hike in 2021, while Chile effected its third consecutive rate hike at a higher magnitude of 125 bps in October. Poland increased rate for the second consecutive month in November by 75 bps, the RBI said. On October 8, while unveiling the monetary policy, RBI Governor Shaktikanta Das had hinted at the road map for unwinding of the accommodative monetary policy in India. “This process has to be gradual, calibrated and nondisruptive, while remaining supportive of the economic recovery,” Das said. The Reserve Bank of Australia also dumped its policy of yield curve control as a signal to act against a post-pandemic surge in prices. The Monetary Authority of Singapore tightened its monetary policy by allowing the Singapore dollar (S\$), in nominal effective terms, to appreciate mildly, while the Czech Republic effected its fourth rate hike at a much higher magnitude of 125 basis points. The European Central Bank (ECB), on the other hand, held on to its accommodative policy stance in October, while continuing with asset purchases at a moderately lower pace in Q4 than Q2 and Q3, as was decided in its September meeting. The Bank of England too, kept its policy rate and asset purchase programme unchanged in its November meeting, confounding market expectations of a rate hike. In a sharp departure, Turkey cut its policy rate by 200 bps, its second rate cut in a row, which took the total cumulative rate change for the year to (-)100 bps. The US Fed, in its November meeting, announced the tapering of its asset purchases at a pace of US\$ 15 billion per month beginning mid-November. From the current pace of monthly purchase of US\$ 80 billion of Treasury securities and US\$ 40 billion of agency mortgage-backed securities (MBS), the taper will be of US\$ 10 billion in Treasury securities and US\$ 5 billion in agency MBS. The Bank of Canada in



its October meeting left its policy rate unchanged but ended its weekly bond-buying programme of C\$ 2 billion. However, the RBI report said the Indian economy is clearly differentiating itself from the global situation, which is marred by supply disruptions, stubborn inflation and surges of infections in various parts of the world. "The global economic outlook remains clouded by uncertainty with headwinds from multiple fronts at a time when many economies are still struggling with nascent recoveries," it said. "Domestically, there have been several positives on the COVID-19 front, in terms of reduced infections and faster vaccinations. Mobility is rapidly improving, the job market is recouping and overall economic activity is on the cusp of a strengthening revival," the RBI said. Overall monetary and credit conditions stay conducive for a durable economic recovery to take root, it said. With the onset of the festival season, Google and Apple mobility indices recorded a marked improvement during October-November. Google mobility index for retail and recreation activities normalised for the first time since the onset of the pandemic, and mobility around grocery and pharmacy, parks and transit stations surged beyond the pre-pandemic baseline, the RBI said. "Apple mobility index, also remained elevated propelled by an increase in activity across all major cities," it said. On the recovery pace, the RBI said India stands resolute in its quest for speedy revival, though the speed and pace of recovery remains uneven across different sectors of the economy. The outlook remains overcast by the future course of pandemic and global supply disruptions, it said. According to the central bank, the global economic outlook remains shrouded in uncertainty, with headwinds from multiple fronts. In India, the recovery gained strength, though the speed and pace of improvement remains uneven across different sectors of the economy. "Indicators of aggregate demand posit a brighter near-term outlook than before," it said.

WHY HIGH PRICES ARE HERE TO STAY

When the Covid pandemic started sweeping across one country after another in 2020, the main concern among policymakers was to save lives and ensure that the likely economic recession does not become a prolonged one. In other words, reviving economic growth and containing the spread of the pandemic were the only two concerns. But as the events of the past few months have shown, both policymakers and economists have been surprised by the rise of inflation as an equally important challenge. Most economies managed to bounce back within a few quarters, and even though growth worries are likely to linger for a while, it is the steady and sharp increase in prices that has fast become the overwhelming concern. For the most part, it is a story of a wide mismatch between supply bottlenecks on the one hand and unexpectedly fast demand recovery on the other. October's data in the US revealed the highest inflation rate (on a year on year basis) in over three decades. But the US is not alone. There are several countries that are struggling with high inflation. Germany has 4.5%, Russia has over 7%, Brazil has 10%, Turkey has 20%, and Argentina has over 50%. Globally, the term "stagflation", which was popular in the 1960s and the 70s, has regained currency. It essentially describes a phase when a country's economic growth is "stag"nant and while it also suffers from persistent high in"flation". But in a note last month, analysts at Morgan Stanley, a leading financial services firm, argued that the world isn't there yet. "The 1970s are a long way away from our expectations or market pricing. Scenarios of slowing growth and rising inflation clash with our global forecasts of the opposite."

What about India?

India may not be staring at stagflation but it has its own set of worries on the inflation front. On the face of it, in the past few months, headline retail inflation — measured by the Consumer Price



Index or CPI — has fallen well within the RBI's comfort zone. But there are reasons why Indians are likely to face sustained inflationary pressures not just for the next 6 months — that is, until the end of the current financial year — but also in the next financial year (that is, 2022-23). The first thing to remember is that high inflation predates the start of the pandemic in India. Data shows that retail inflation was above or near the RBI's comfort zone since late 2019. These price pressures continued to stay elevated during the pandemic despite a complete collapse of demand. For the most part, this happened with high inflation in food and fuel prices. Typically, inflation in food and/or fuel prices is seen as a temporary phenomenon as these price movements are often affected by short-term or seasonal factors, making their prices fluctuate wildly. In other words, they go up for short-term reasons and then fall just as fast. For instance, unseasonal rains during late October and early November tend to spike vegetable prices — as one annually notices with prices of onion and tomatoes. But if these prices stay up for long, they do tend to seep through to what is called the “core” inflation. Core inflation is a measure of retail inflation that ignores inflation in food and fuel prices. Using core inflation provides policymakers and economists with a more robust measure of inflation — that is, a measure that is seen to be more reliable. What is worrying for Indian policymakers is the fact that core inflation is now higher than headline inflation (See CHARTS 1 and 2; source: ICICI Securities).

Why is core inflation high and how does it matter?

A big reason for high headline inflation in India was the high inflation in food prices. Food articles account for the biggest chunk of headline inflation. But, over the past few months, food price inflation has simmered down. This has brought down the headline number. Yet, at the same time, core inflation has continued to be high. The problem with core inflation is that it is often quite sticky. In other words, it tends to stay the way it is. Right now it is close to 6% and analysts expect that it may stay elevated for a while. Analysts at ICICI securities believe that unless international crude prices come off sharply, core goods inflation may stay elevated. Further, they believe, core inflation (especially for services) may also pick up as economic reopening gains traction. “We expect core inflation to average around 6% in Nov-Mar, and likely average ~5.5% next fiscal as well. If this expectation turns out to be true, we doubt the steady downtrend in inflation trajectory projected by RBI next fiscal would crystalize,” write Prasanna A, Abhishek Upadhyay, and Tadit Kundu of ICICI securities in a recent note.

Who has been worst affected by high inflation in the recent past?

Last month, Crisil Research came up with a detailed paper explaining how the same level of inflation affects different sections of India differently. Table 1 (Source: CRISIL) details the CPI inflation across different income classes. Crisil has used the National Sample Survey Organisation (NSSO) data to break down the population between the bottom 20%, the middle 60%, and the top 20% for both urban and rural areas. As one can see, both during the last financial year and in the first half of the current one, it is the urban poor (bottom 20% in the income category) that faced the highest inflation rate. In other words, when it came to inflation, the urban poor were worse off than the rural poor. But since the start of April, different components of inflation have behaved differently. For instance, food prices inflation has come down sharply, fuel inflation has soared while core inflation has stayed high and sticky.



If this pattern persists, how will the different sections of society be affected?

The next two charts — one each for rural and urban areas — try to match two things for people belonging to each of the income categories. One, their consumption pattern with the inflation rate for that commodity. In rural areas, see CHART 1 [Mapping Consumption and inflation patterns in rural areas (Source: CRISIL)] alongside, it can be seen that people belonging to the bottom 20% income bracket must be enjoying some relief because the biggest category they spend on — food and beverage (which accounts for over 60% of their total consumption) — has just a 3.5% inflation rate. But the rich, who spend 48% of their total consumption on goods and services that are neither food nor fuel, will face a tougher time since core inflation is 6.6% and likely to stay high for a little while. In urban areas, as represented by the CHART 2 [Mapping Consumption and inflation patterns in urban areas (Source: CRISIL)] alongside, it is the fuel price inflation that has been soaring at almost 15%. The worst affected is the poor, who spend almost 11% of their income on buying fuel.

CRYPTO OPPORTUNITY

On Tuesday, RBI Governor Shaktikanta Das once again raised concerns over cryptocurrencies. Speaking at the SBI Banking Conclave, he said that “there are serious concerns on macro-economic and financial stability”. The governor’s comments come days after a meeting chaired by the prime minister reportedly arrived at a consensus that steps taken by the government in the field of cryptocurrency should be “progressive and forward looking”. While the central bank is right to advise caution, an outright ban, even if enforceable, is not a prudent way forward. Considering the nature of cryptocurrencies, restrictions on such transactions may end up having the opposite effect, pushing them beyond the realm of scrutiny and making it harder to enforce the law in case of felony. Globally, there does not appear to be uniformity in the regulatory approach towards cryptocurrencies. Countries are grappling with questions over the appropriate regulatory framework, and are opting for different approaches. For instance, on the one hand, El Salvador has permitted Bitcoin as legal tender, while on the other, China has imposed a blanket ban on all crypto transactions and mining. In India, the RBI had barred all banks from dealing in cryptocurrencies in 2018 but this was struck down by the Supreme Court in 2020. However, even as the central bank has voiced its concerns, the underlying blockchain technology does find support. Much depends on how a country views cryptocurrency — as a currency, an asset or a commodity? How it is classified will in turn determine the regulatory architecture, and thus the tax treatment. There are indications that the Indian government is likely to introduce a Bill on cryptocurrencies in the winter session of Parliament. Reports also suggest that the government could classify crypto exchanges as e-commerce platforms. But doing so would also raise questions about who would be the appropriate regulator. There are legitimate concerns over cryptocurrencies. They stem from the fact that there is no underlying asset, no benchmark to assess their values against. Moreover, they are extremely volatile in nature. Considering the dramatic rise in investor interest in such currencies — non-fungible tokens are increasingly gaining traction — concerns over investor protection also need to be addressed. While sophisticated investors may not need guidance, retail investors — according to the RBI governor, 80 per cent of crypto accounts are small accounts of Rs 1,000 and Rs 2,000 — need to be cautioned about cryptocurrencies and the volatility associated with them. Issues of money laundering and financing of terrorism need to be grappled with. Considering this, a regulatory framework needs to be urgently framed. The apparatus will need to deal with myriad aspects of cryptocurrencies



— sale, purchase as well as intermediaries like exchanges and trading platforms. The government would do well to tread cautiously. It must identify the associated risks, and create the regulatory architecture to address them.

DIGITAL LENDING: RBI PANEL PITCHES FOR TOUGHER NORMS, SEPARATE LAW

A working group set up by the Reserve Bank of India (RBI) has proposed stringent norms for digital lenders, including a separate legislation to prevent illegal digital lending activities. According to the committee, digital lending apps should be subjected to a verification process by a nodal agency to be set up in consultation with stakeholders. It also proposed the setting up of a Self-Regulatory Organisation (SRO) covering the participants in the digital lending ecosystem. It proposed that disbursement of loans should be directly into the bank accounts of borrowers. “Disbursement and servicing of loans only through bank accounts of the digital lenders. Data collection with prior and explicit consent of borrowers with verifiable audit trails. All data to be stored in servers located in India,” the committee said. The RBI says lending through digital mode relative to physical mode is still at a nascent stage in the case of banks (Rs 1.12 lakh crore via digital mode against Rs 53.08 lakh crore through the physical mode) whereas for NBFCs, higher proportion of lending (Rs 0.23 lakh crore via digital mode against Rs 1.93 lakh crore through the physical mode) is happening through digital mode. The committee said algorithmic features used in digital lending to be documented should ensure necessary transparency. “Each digital lender will have to provide a key fact statement in a standardised format including the annual percentage rate. The use of unsolicited commercial communications for digital loans to be governed by a code of conduct to be put in place by the proposed SRO,” it said. It also proposed the maintenance of a ‘negative list’ of lending service providers by the proposed SRO. In India, digital lending ecosystem is still evolving and presents a patchy picture. While banks have been increasingly adopting innovative approaches in digital processes, NBFCs have been at the forefront of partnered digital lending. The RBI constituted a Working Group (WG) on digital lending including lending through online platforms and mobile apps on January 13, 2021, with Jayant Kumar Dash, Executive Director, RBI as the Chairman. The panel was set up in the backdrop of business conduct and customer protection concerns arising out of the spurt in digital lending activities. The report’s thrust has been on enhancing customer protection and making the digital lending ecosystem safe and sound while encouraging innovation, it said. Private sector banks and NBFCs with 55 per cent and 30 per cent share respectively are the dominant entities in digital lending ecosystem. Also, share of NBFCs has increased from 6.3 per cent in 2017 to 30.3 per cent in 2020 indicating their increasing adoption of technological innovations.

AS NEW RULES KICK IN, NBFC BAD LOANS MAY RISE 300 BPS

Gross non-performing assets (NPAs) of non-banking finance companies are expected to rise by 300 basis points following the Reserve Bank decision to ask NBFCs to recognise bad loans on a daily due date basis and upgrade NPA accounts only after all overdues are cleared. Bad loans of NBFCs were 6.4 per cent of their exposure as of March 2021, according to the Financial Stability Report of the RBI. Analysts said the tightening norms made applicable to NBFCs could result in more loans being classified as NPAs as partially paid loans could be classified as a slippage and would increase the gross NPAs — loans with dues of over 90 days — in the middle of the year. The increase in gross NPAs would vary according to the different asset classes, borrower characteristics and loan tenure. Rating agency CARE expects an increase of up to 300 bps with



limited impact for shorter tenure loans. “The average increase is expected to be around 150 bps in gross NPAs, being a proportion of assets moving from SMA2 (special mention account-2) buckets,” it said. In absolute terms, the asset size of NBFC sector (including HFCs) as of March 2021 was over Rs 54 lakh crore with over 9,600 NBFCs registered across 12 categories and the sector has grown at an annual rate of close to 18% over the last five years and currently stands at 25% of the size of the banks, said Care Ratings. Typically, NBFCs ramp up collection activity on overdue accounts between the due date and the month end, which is why overdues reduce towards the month-ends. “This flexibility is no longer available. Bounce rates in the 60-90 days bucket are estimated at 25-35%.

THE STORY OF AN ARREST, A ‘RESOLUTION’ AND RETRIBUTION

The arrest, on October 31, 2021, of the former Chairman, State Bank of India (SBI), Pratip Chaudhuri — in a case that was related to a hotel project in Jaisalmer, Rajasthan that was financed by the bank — became the centre of attention, but reactions were mixed. There are some who consider the arrest of any banker as well-deserved without bothering to ask the reason. Such callous reactions are often spawned by ‘Wiki-pandits’. One such person wrote: “... was arrested... for selling property as (sic) throwaway price to one company and he joined same company after retirement.”

The background

The group which ran the luxury hotel, GarhRajwada, in Jaisalmer, availed a loan of ₹24 crore and cash credit of ₹1 crore from the SBI in 2007. With repayments not forthcoming and the global financial crisis raging, the bank restructured the account in 2009. It became a non-performing asset in June 2010. The bank recalled the loan. On non-payment, it approached the Debt Recovery Tribunal (DRT) in 2013 for ₹39.69 crore. It also proceeded under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act. To secure its financial interest, the bank assigned the loan to the Alchemist Asset Reconstruction Company (AARC) for ₹25 crore. AARC pursued the matter in the DRT and under the SARFAESI Act. It also approached the National Company Law Tribunal (NCLT) under the Insolvency and Bankruptcy Code (IBC). It had to move the National Company Law Appellate Tribunal (NCLAT) and the Supreme Court of India before the NCLT admitted the matter in March 2017. The dilatory tactics of the promoters, including not handing over company vehicles to the Interim Resolution Professional (IRP), delayed the process. These invited strictures from the NCLAT and the Court. The promoters also filed a first information report against the IRP resulting in his arrest. The Court quashed these proceedings. In December 2017, despite the attempts by the promoters to delay things on frivolous grounds, the NCLT permitted the sale of the hotel to JFC Finance. The lenders were paid in full while the promoters received just ₹1 per share, or ₹17.4 lakh. The case was the first such sale after the IBC barred promoters from bidding for their own assets.

Recovery yield

The bank recovered ₹25 crore out of dues of ₹40 crore. Recovering over 60% is excellent when globally, such sales yield only around 30% or less. In India, recoveries average only 23.2% across various channels. It is highest through the IBC at 45.5% of the amount involved. Recoveries through the SARFAESI route come to 26.7%. Lok Adalats and DRTs come next with 6.2% and 4.1%, respectively. As the sale of the underlying security was done by the ARC, the consideration



received by the bank when assigning its dues and its appropriateness as compared to the security value is irrelevant. This sale is unrelated to the value of the underlying security. Thus, a transparent process was followed for the sale of the receivables by the bank to the arc, and by the arc to the final buyer. So there was no case for malfeasance against any banker including Mr. Chaudhuri. He laid down office as Chairman of the SBI in September 2013, about six months before the bank sold the asset to ARC in March 2014. He joined the board of ARC six months later in October 2014. In any case, such individual cases do not come to the chairman of a bank of the SBI's standing. The logic behind accepting smaller amounts in settlement is based on a banker's judgment that recovering ₹25 crore today is better than recovering an uncertain amount in the distant future, given the time value of money and delays in our judicial processes. The second reason is that banks are in the business of banking, and recovery is not their forte. Investing people and money in messy recovery processes — through specialised branches or otherwise — distracts a bank from its core business. Mr. Chaudhuri's arrest took place in a related case where the same borrower alleged fraud in an apparent act of retribution. The case was initially dismissed for want of criminality. The matter was later revived and a non-bailable warrant issued. The arrest of Mr. Chaudhuri and not that of the other directors indicate that he was either not briefed or defended properly; or he was the victim of overconfidence.

A destabilisation

The episode betrays a lack of understanding of the recovery process and its underlying principles. These could have been clarified during discussions. That there were none indicates an attempt to put the system under duress through blackmail to get the desired result. The balance of power between the lender and borrower has moved like a pendulum. At periodic intervals, the Government and the Reserve Bank of India (RBI) have moved to strengthen the hands of the lender vis-à-vis the borrower, and vice-versa. But, an unstable equilibrium was often restored with the system, bankers and other gatekeepers included, conspiring to put the system back in favour of the borrower. In 1962, after the Palai Central Bank failed, an amended RBI Act provided for a de facto credit information bureau, which would have been among the first in the world. What would have strengthened information sharing among bankers soon became dysfunctional. A decade later, in 1971, a study group recommended setting up a Credit Information Trust. The entire system was discontinued in 1995. The Credit Authorisation Scheme, inventory norms, and other regulations were started from the late 1960s onwards with similar pious intentions. But, an industry of professionals sprung up to train and advise borrowers on how to cook up figures to get the level of credit they wanted. The Debt Recovery Tribunal was introduced in 1993 following the Narasimham Committee recommendations of 1991. About a decade later, the SARFAESI Act was passed. These were intended to speed up recovery and strengthen the hands of bankers. But, the system, over the years, became compromised in different ways. This included the non-appointment of judges, failed auctions, delayed payments, and so on. The IBP is the most effective system to date to secure the interests of the lender. Mr. Chaudhuri's arrest is an early symptom of attempts to hijack the system. An alert Government and regulator should move fast to close the gaps. Those who wield high-level fiduciary responsibilities should also be circumspect deciding who they associate with later. Very often they are not after the persons or their worth, but their last designation.



DEVAS TO CONTINUE FIGHT FOR AI'S ASSETS

Shareholders in Devas have written to a U.S. District Court asserting that Air India's sale to the Tatas did not impact its petition seeking seizure of the airline's assets to recover the arbitration award it won against the Indian government. They have also claimed that the Tatas could be liable for damages. Dated November 15, the letter follows AI's supplemental letter where the airline has underlined that its forthcoming privatisation weakens the merit of the enforcement action sought by Devas. Air India (AI) has also demanded a stay on discovery pending its forthcoming motion seeking dismissal of Devas's petition. "Air India is incorrect. India's sale of Air India will not moot this case... will not impair — much less destroy — the Court's ability to grant Plaintiffs effective relief," law firm Gibson, Dunn & Crutcher contended in the letter. In June 2021, Devas Shareholders had filed a petition in a New York court seeking to seize AI assets in the U.S. as reparation for India's failure to pay the satellite firm. The letter said Devas's shareholders hold an arbitral award of more than \$111 million against India under the India-Mauritius Bilateral Investment Treaty. The shareholders have won sums totalling in excess of \$1 billion across multiple awards against India. In 2011, state-owned Antrix Corp. had cancelled contracts with Devas, resulting, the latter said, in erosion of investment value. The June petition said the airline was an "alter ego of the Republic of India" and was jointly liable for the debts and obligations of India. AI has argued that its sale to the Tatas will eliminate any possibility that the airline could remain an alter ego of India. Devas's lawyers claimed that "the relevant time period for determining whether Air India is India's alter ego is before this action (the June petition) was filed." A message sent to Secretary, Department of Investment and Public Asset Management, elicited no response. "If Air India is found to be India's alter ego at the time of the arbitral award, Air India's transfer must be subject to Plaintiffs' claims. Tata will take control of Air India with notice of Plaintiffs' claim on a portion of its assets," they said in the letter. Devas's lawyers reiterated their demand for discovery of AI's assets urgently, as the transfer of control to the Tatas will "endanger" their ability to get discovery as the new owners may lack knowledge of document location and inventory, they said. The Centre aims to hand over AI to the Tatas by this year-end. British firm Cairn Energy, having won an arbitral award in the retro tax case against India, had recently agreed to give up claims to AI's assets after the government repealed the law concerned.

CENTRE ACCEPTS CAIRN'S OFFER ON RETROSPECTIVE TAX

Moving quickly towards ending a retrospective tax dispute with a firm that gave India its largest oilfield, the government has accepted Cairn Energy PLC's undertakings which would allow for the refund of taxes, sources said. The company had earlier this month given required undertakings indemnifying the Indian government against future claims as well as agreeing to drop any legal proceedings anywhere in the world. The government has now accepted this and issued Cairn a 'Form-II', committing to refund the tax collected to enforce the retrospective tax demand, two sources in direct knowledge of the development said. Following the issuance of Form-II, Cairn will now start withdrawing all cases in international courts. Once this is complete, the company will be issued a ₹7,900 crore refund, they said, adding the withdrawal of cases may take up to three-four weeks. A senior finance ministry official confirmed the government accepting the company's undertakings.



HOW SC VERDICT ON REAL ESTATE ACT BENEFITS HOMEBUYERS

Last week, the Supreme Court affirmed that the provisions of the Real Estate (Regulation and Development) Act, 2016 (RERA) are applicable to projects that were ongoing and for whom completion certificates were not obtained at the time of the enactment of the law, in effect interpreting that the law is retroactive. The court also held that the amount invested by the allottees, along with interest as quantified by the regulatory authority or the adjudicating officer, can be recovered as arrears of land revenue from the builders. Aimed at protecting homebuyers, the ruling brings a major relief for the buyers, speeds up the resolution process, and makes it difficult for state governments to dilute the intent of the law. The judgment came on a batch of civil appeals filed against the dismissal of writ petitions (by promoters/real estate developers) by the Allahabad High Court.

Which projects are covered when the law is applied retrospectively?

Under Chapter II of the Act, registration of real estate projects was mandatory. It mandated that for projects that were ongoing on the date of commencement of the Act, specifically projects for which the completion certificate had not been issued, the promoters shall be under obligation to make an application to the authority for registration of the project. "From the scheme of the Act 2016, its application is retroactive in character and it can safely be observed that the projects already completed or to which the completion certificate has been granted are not under its fold and therefore, vested or accrued rights, if any, in no manner are affected. At the same time, it will apply after getting the on-going projects and future projects registered under Section 3 to prospectively follow the mandate of the Act 2016," the Supreme Court Bench of Justices Uday Umesh Lalit, Ajay Rastogi and Aniruddha Bose ruled. Projects that received their completion certificate prior to enactment of RERA, however, are not covered by the law.

What must builders do for filing an appeal?

The Supreme Court affirmed that it is mandatory for real estate developers to deposit at least 30% of the penalty ordered by the regulator, or the full amount as the case may be, before they challenge any RERA order under Section 43(5). This is expected to ensure that only genuine appeals are filed and homebuyers' interests are protected. "It may straightaway be noticed that Section 43(5) of the Act envisages the filing of an appeal before the appellate tribunal against the order of an authority or the adjudicating officer by any person aggrieved and where the promoter intends to appeal against an order of authority or adjudicating officer against imposition of penalty, the promoter has to deposit at least 30 per cent of the penalty amount or such higher amount as may be directed by the appellate tribunal. Where the appeal is against any other order which involves the return of the amount to the allottee, the promoter is under obligation to deposit with the appellate tribunal the total amount to be paid to the allottee which includes interest and compensation imposed on him, if any, or with both, as the case may be, before the appeal is to be instituted," the court observed. The counsel for the appellants had argued that the condition of pre-deposit is "onerous on the builders alone" and "discriminatory". The Bench noted that "in our considered view.. the obligation cast upon the promoter of pre-deposit under Section 43(5) of the Act, in no circumstance can be said to be onerous as prayed for or in violation of Articles 14 or 19(1)(g) of the Constitution of India."



What did the court rule on homebuyers recovering their investment?

This comes under Section 40(1) of the Act. The builders had contended that under Section 40(1), homebuyers are only entitled to recover interest or penalty as arrears of land. The court, however, ruled that “if Section 40(1) is strictly construed and it is understood to mean that only penalty and interest on the principal amount are recoverable as arrears of land revenue, it would defeat the basic purpose of the Act.: Taking into consideration the scheme of the Act, the court observed, what is to be returned to the allottee is his own life savings. The amount with interest as computed/quantified by the authority becomes recoverable and such arrear becomes enforceable in law, it said.

Why did RERA come in?

Regulation of the real estate sector was under discussion since 2013, and the RERA Act eventually came into being in 2016. Data show that more than 77% of the total assets of an average Indian household are held in real estate, and it's the single largest investment of an individual in his lifetime. Prior to the law, the real estate and housing sector was largely unregulated, with the consequence that consumers were unable to hold builders and developers accountable. The Consumer Protection Act, 1986 was inadequate to address the needs of homebuyers. RERA was introduced with the objective of ensuring greater accountability towards consumers, to reduce frauds and delays, and to set up a fast-track dispute resolution mechanism. So far, 34 states/Union Territories have notified rules under RERA, while its implementation in Nagaland is under process. West Bengal has enacted its own legislation — West Bengal Housing Industry Regulation Act, 2017 (HIRA) — instead of notifying rules under RERA. Thirty States/UTs have set up Real Estate Regulatory Authorities, and 26 have set up Real Estate Appellate Tribunals, as per the latest data available with the Ministry of Housing and Urban Affairs. As of July 23, 67,669 real estate projects and 52,284 real estate agents have been registered under RERA, and 70,601 complaints have been disposed by Real Estate Regulatory Authorities.

CCI STUDY CALLS FOR NATIONAL DIGITAL DRUGS DATABANK: HOW WILL IT HELP?

The Competition Commission of India (CCI) has recommended the creation of a National Digital Drugs Databank and strict enforcement of drug quality standards to boost price competition among generic drugs in India. We examine the findings and recommendations of the CCI's market study in the pharmaceutical sector in India.

What are the key findings of the CCI?

The CCI found that the market for generic drugs is driven by brand competition instead of price competition despite such drugs being functionally and chemically identical. Generic drugs are chemically identical to drugs that once had patent protection. Pharmaceuticals including generic drugs account for about 43.2 per cent of out of pocket healthcare expenditure in India according to the CCI study and about 62.7 per cent of the total health spending in the country.

Why does brand competition override price competition in the market for generic drugs?

The study concluded that brand differentiation in terms of a perception of different levels of quality and trade margins offered to incentivise chemists were key drivers of brand competition in India's markets for generics. The report found that manufacturers that concentrate their efforts



on the creation of brand image and brand loyalty have been able to command a price premium on chemically identical drugs by striving “for the patronage of prescribing physicians,” adding that patients who are unaware of the attributes and substitutes for drugs simply purchase medications prescribed by physicians and dispensed by chemists.

What has the CCI recommended?

The report stated that effective price competition in generics can benefit consumers and improve access to affordable healthcare. The CCI noted that the enforcement and interpretation of quality regulations was not uniform across states and different regulatory and testing capacities had led to different quality standards being followed. “A mechanism may be devised under the aegis of the CDSCO (Central Drugs Standard Control Organisation) to create awareness on quality issues, build capacity, and harmonise training and practices across the country with a view to ensure uniform and consistent application of quality standards,” the CCI recommended. The CCI also recommended an increase in the frequency of testing of drugs and in the capacity of drug testing labs. The regulator also recommended that a National Digital Drugs Databank be created and made available to regulators, industry, physicians and consumers to address information asymmetry in the sector.

What are other key findings

The commission also took note of the rising market share of online pharmacies and concerns around the concentration of patient data raised by brick and mortar pharmacies.

‘TIGHT OIL’: WHAT IS SHALE AND ITS POTENTIAL IN INDIA

Cairn Oil & Gas has announced that it is partnering US-based Halliburton to start shale exploration in the Lower Barmer Hill formation, Western Rajasthan. The company is also looking to increase the recoverable reserves at its offshore assets by 10 times via enhanced use of technology, in partnership with Halliburton.

What is shale oil? How does it differ from conventional crude oil?

The key difference between shale oil and conventional crude is that the former, also called ‘tight oil’, is found in smaller batches, and deeper than conventional crude deposits. Its extraction requires creation of fractures in oil and gas rich shale to release hydrocarbons through a process called hydraulic fracking. Russia and the US are among the largest shale oil producers in the world, with a surge in shale oil production in the US having played a key role in turning the country from an importer of crude to a net exporter in 2019. A number of US shale exploration firms, including Halliburton, have faced litigation from citizens living in areas adjacent to shale production sites who have claimed that hydraulic fracking has contributed to groundwater contamination .

What are the prospects of shale oil exploration in India?

Currently, there is no large-scale commercial production of shale oil and gas in India. State-owned ONGC had, in 2013, started exploration and, by the end of FY21, assessed shale oil and gas potential in 25 nomination blocks, but has reduced investments over the past few years after only getting limited success in shale exploration efforts. While ONGC’s assessment found prospects of shale oil at the Cambay basin in Gujarat and the Krishna Godavari basin in Andhra Pradesh, the company concluded that “ the quantity of oil flow observed in these basins” did not indicate



“commerciality” and that the general characteristics of Indian shales are quite different from North American ones. Debasish Mishra, partner at Deloitte India, said shale oil and gas exploration faces several challenges other than environmental concerns around massive water requirements for fracking and potential for ground water contamination.



DreamIAS

**LIFE & SCIENCE****WAS IT REALLY A BLACK HOLE THAT THE EHT IMAGED IN 2019?**

In 2019, astronomers of the Event Horizon Telescope captured the first ever image of a supermassive black hole (M87*) which was located at the centre of a galaxy Messier 87 (M87). This black hole is calculated to be 6.5 billion times the Sun's mass and is 55 million light years away from the Earth. The discovery set the world of astronomy on fire and also found a mention in the "popular information" section of the announcement of the Nobel Prize in physics for 2020. Now, a paper published in The European Physical Journal C brings in an alternative explanation for the compact object that was imaged by the Event Horizon Telescope. The authors say it (M87*) is not necessarily a black hole but could even be a "naked singularity with a gravitomagnetic monopole." When stars much more massive than the Sun reach the end of their lives, they collapse under their own gravity, and the product of this collapse, most astronomers believe is a black hole. A black hole has two parts: At its core is a singularity – a point that is infinitely dense, as all the remnant mass of the star is compressed into this point. Then there is the event horizon – an imaginary surface surrounding the singularity, and the gravity of the object is such that once anything enters this surface, it is trapped forever. Not even light can escape the pull of the singularity once it crosses the event horizon. That is why, we cannot see the singularity at the heart of a black hole but only see points outside the event horizon.

Troublesome sibling

In many scenarios of stellar collapse, the event horizon does not form, and the singularity is exposed to the outside, without any event horizon shielding it. Pankaj S. Joshi, a specialist in general theory of relativity and cosmology, calls this "naked singularity" a "troublesome sibling" of a black hole in an article by him in Scientific American. If this weird object should exist, observers can, in principle, see the bare, or "naked" singularity as it is called. While many physicists object because of some seriously problematic issues associated with the solutions, these nevertheless exist, puzzling researchers, perhaps embarrassing them. Prof. Joshi is the Founding Director of International Center for Cosmology and Advisor, Charusat University, Anand, in Gujarat, and is not involved in the work under discussion. In the above paper, Chandrachur Chakraborty, from the Department of Physics, Indian Institute of Science, Bengaluru, and Kavli Institute of Astronomy and Astrophysics, Peking University, Beijing, China, and his collaborators show that M87* could be either a black hole or a naked singularity and each of these possibilities could be plain or coupled with what is called a gravitomagnetic monopole. In all, that leaves four possibilities in principle.

Monopoles and gravity

In the nineteenth century, James Clerk Maxwell unified electricity and magnetism as one combined phenomenon, showing that light is an electromagnetic wave. But there is an asymmetry between electricity and magnetism. While positive and negative electric charges can be found to exist independently, the poles of a magnet are always found in pairs, north and south bound together. Dr Chakraborty draws upon an analogy between gravitational force and electromagnetism to explain that in 1963, Newman, Tamburino and Unti (NUT) proposed a theoretical concept called a "gravito-magnetic charge" also called a gravitomagnetic monopole. "We have shown that M87* could be a black hole (with or without gravitomagnetic monopole) or



a naked singularity (with or without gravitomagnetic monopole) ... The Event Horizon Telescope collaboration mapped it to a black hole only and did also not consider that it might contain a gravitomagnetic monopole," says Dr Chakraborty. But this is where a difficult situation arises. When you allow the NUT-like solutions, there is a possibility of "closed timelike loops." These are regions in parameter space of spacetime in which the past merges with the future allowing many bizarre situations. Hence, this solution comes in for strong criticism from physicists. "The Kerr and the Schwarzschild solutions of Einstein's equations [namely black holes with spin and having an event horizon] are considered appropriate for describing astrophysical black holes, like the one that has been recently imaged in M87. However, the Kerr-NUT solutions describing gravitomagnetic monopoles are not regarded in the same way," says Joseph Samuel, a physicist from Bengaluru-based International Centre of Theoretical Sciences, who has worked in General theory of Relativity and Cosmology. "These solutions suffer from a pathology known as closed timelike curves. In such spacetimes, time is a periodic variable [that is, everything repeats after a period of time]. One can travel into the past and create logical contradictions by killing off one's ancestors," Prof. Samuel adds. Prof. Joshi has this to say. "Some important solutions to Einstein equations do admit closed timelike curves. Despite this, the solutions have been studied because they have some other useful or important or interesting features. So, you have to take them in that spirit. This is why the so-called wormhole solutions that also admit closed timelike curves are very much under study today."

Another approach

There is another approach. Why discard the entire solution? Only those regions of parameter space that give rise to the closed timelike loops could be thrown away. This is suggested by Prof. Joshi. "Not all solutions of Einstein equations have closed time like curves, but some have... If you do not like closed time like curves then you have to discard away these solutions. It is as simple as that. That is the status of the theory right now," he says, clarifying that not all naked singularity solutions have closed timelike curves, many of them do respect causality. Thus, an old debate resurfaces with this paper: to throw out these solutions or keep them and handle them carefully.

WHAT IS KAMO'OALEWA?

In 2006, the PanSTARRS telescope in Hawaii spotted a quasi-satellite — a near-Earth object that orbits the Sun and yet remains close to the Earth. Scientists named it Kamo'oalewa, a word that is part of a Hawaiian chant, and alludes to an offspring that travels on its own. The asteroid is roughly the size of a Ferris wheel – between 150 and 190 feet in diameter – and gets as close as about 9 million miles from Earth. Because of its small size (about 50 metres wide), this quasi-satellite has been difficult for scientists to study, and little was known about it so far. Now, a study in the journal *Communications Earth and Environment* offers insights into where this satellite could have come from. One possibility is that Kamo'oalewa was a part of the Earth's Moon, the study suggests. It could have broken away from the Moon due to a possible impact, and gone on to orbit the Sun rather than the Earth-like its parent does. When scientists compared its spectrum with a lunar sample that was brought back to Earth during the Apollo 14 mission, they found striking similarities between the two. A mission to collect Kamo'oalewa's samples has been scheduled for a launch in 2025. Another possibility is that Kamo'oalewa was captured in its Earth-like orbit from the general population of Near Earth Objects. A third possibility could be that it originated from an as-yet-undiscovered quasi-stable population of Earth's Trojan asteroids (Trojans are a group of asteroids that share an orbit with a larger planet).



SPURTS OF GROWTH

The evolution of land plants has been marked by an increase in the complexity of reproductive structures. A recent study has revealed land plants did not evolve gradually over hundreds of millions of years. Instead, they underwent two major bursts of diversification 250 million years apart. The first occurred early in plant history, giving rise to the development of seeds, and the second took place during the diversification of flowering plants, according to a Stanford University release. The Stanford research uses a simple metric to classify plant complexity based on the arrangement and number of basic parts in their reproductive structures. The latest study (Science) has shed light on those changes. The researchers analysed the temporal pattern of the increase in the complexity of reproductive structures by studying fossil and extant land plants across the entire paleontological record. They found that reproductive complexity increased in two widely separated pulses that coincides with key developments in reproductive biology: the origin of seeds in the very late Devonian and the origin of flowering plants in the mid-Cretaceous almost 250 million years later. The second burst of complexity was more dramatic than the first, emphasising the unique nature of flowering plants, according to Andrew Leslie, one of authors of the paper from Stanford. That period gave rise to plants like the passionflower, which can have 20 different types of parts, more than twice the number found in non-flowering plants.

AMAZON DEFORESTATION SURGES TO WORST IN 15 YEARS

The area deforested in Brazil's Amazon reached a 15-year high after a 22% jump from the prior year, according to official data published on Thursday. The National Institute for Space Research's Prodes monitoring system showed the Brazilian Amazon lost 13,235 square kilometres of rainforest in the 12-month reference period from August 2020 to July 2021. That's the most since 2006. The 15-year high flies in the face of the Bolsonaro Government's recent attempts to shore up its environmental credibility, having made overtures to the administration of U.S. President Joe Biden and moved forward its commitment to end illegal deforestation at the United Nations climate summit in Glasgow this month. The space agency's report, released on Thursday, is dated October 27 — before talks in Glasgow began. The Brazilian Amazon hadn't recorded a single year with more than 10,000 square kilometres of deforestation in more than a decade before Jair Bolsonaro's term started in January 2019. Between 2009 and 2018, the average was 6,500 square kilometres. Since then, the annual average leapt to 11,405 square kilometres. "It is a shame. It is a crime," Márcio Astrini, executive secretary of the Climate Observatory, a network of environmental nonprofit groups, told The Associated Press.

BATTING FOR AN IMPORTANT YET MISUNDERSTOOD SPECIES

Imagine dusk in our rural heartland, groups of people returning to their homes from farms, factories and forests. At the same time, hordes of winged mammals called bats (nearly 128 species in India; over 1,200 species worldwide) emerge from their roosts in trees, caves, rock ledges, temples and buildings. Bats and humans have cohabited since time immemorial. Throughout the night, these bats devour insects in farms, fields, forests, grasslands and around our homes, including agricultural pests and disease-causing mosquitoes. Some bats sip nectar, pollinate flowers, eat fruits, and spread the seeds of many important tree species including wild varieties of bananas, guava, cashew, mango, figs, mahua and other fruits. A study in Thailand has shown that pest biocontrol provided by just one species of bat prevented the loss of 2,900 tons of rice per



year — or a savings of \$1.2 million, and meals for 26,200 people annually. Bat droppings (guano) mined from caves are widely used as a fertilizer for agricultural crops as they have high concentrations of nitrogen and phosphorus.

Role in disease spread

Unfortunately, despite these critical roles bats remain among the most misunderstood of all animals. In India, we have almost no studies on the ecosystem services that bats provide. With scientific evidence mounting that the SARS-CoV2 virus that causes COVID-19 originated in bats, there are growing fears of further disease transmission from bats. A significant and unique feature of bats is that they are known or suspected to be the natural reservoirs for many novel and recently emerged pathogenic viruses such as Nipah, Hendra, Marburg, Ebola and the coronaviruses that cause severe acute respiratory syndrome. Despite being reservoirs for viruses, bats never fall sick. Flying is a very stressful business, and results in toxic by-products which could damage cell contents. Bats have evolved mechanisms to avoid such damage by suppressing their immune systems. Scientists think that such suppression results in a continuous auto-immune response which helps them combat infections and control virus propagation. Interestingly, this ability to limit excessive inflammatory response (which is responsible for the adverse effects of such viruses in infected humans), ensures they do not over react to viral infections and protects them from multiple chronic age-related diseases. In other words, in gaining the ability to fly long distances, bats have also inherited an immune system that protects them from viruses. The same immune system also makes them age slower, and live longer. They are among the longest lived mammals for their body size. Due to COVID-19, we have suddenly become aware of the several viruses bats carry because they could spill over to us. But such spillovers — the transmission of pathogens from their natural host or reservoirs to novel hosts such as humans — are unusual and rare events, and tend to occur when there is increased contact between humans and wild hosts. Over the last several 100 years, humans have significantly modified the landscapes around them — cutting of forests, clearing of land for agriculture and development — resulting in disturbances to bat roosts, and forcing them to change their ‘homes’. Activities such as mining destroy natural cave systems that bats live in. Scientists have shown that when bats are disturbed, they become stressed and could shed viruses that they carry, increasing the risk of spillover. This suggests that human habitat destruction makes bats move closer to human habitation, resulting in stressing them, and in turn viral shedding. The COVID-19 pandemic has compelled us to look back on the mistakes made in destroying this fine ecological balance, and study how bats and humans can co-exist in certain areas. This is as important as searching for the cure for SARS. Yet, we still do not know too much about the ecology of bats, even in the context of viruses. Are chances of spillover higher in areas with more bat species? Are viruses shed by bats throughout the year or only seasonally?

Study of human-bat interface

Several indigenous people had understood the importance of giving enough space to all animals including bats whilst staying with them. Some have isolation practices such as quarantine following hunting. They are dependent on animals and nature, and have achieved a balance without any harm to both sides. The Bomrr clan in Nagaland, for example, have traditionally celebrated the annual bat harvest for many years. They gather at a place called Mimi to smoke a cave full of bats and as bats start exiting, kill them for consumption. In the process, the bats bite them or scratch them. Yet, there has been no major disease outbreak among the Bomrr clan. To



understand how and why the Bomrr are immune to the viruses in the bats they interact with, the National Centre for Biological Sciences (NCBS-TIFR), an aided Centre of Department of Atomic Energy (DAE) are carrying out sero-ecological studies on this human-bat interface. They are exploring microbial diversity associated with the bats, and also serology (antibody response to known viral families) to investigate which part of this diversity is potentially pathogenic. So far, they have found: genetic prevalence/detection (between 3%-10% of bats) of several bacterial and viral families and evidence that both bats and humans have shared antibody response to some viral families, indicative of a spillover. The NCBS is also in the process of sequencing whole genomes of bat viruses. This study could help build a bank of virus genomes as baselines to be prepared for any possible future outbreaks. Local practices and traditions could serve as a guide for us to understand how we should minimise risk of infectious disease spillover from bats in the future. The rich biodiversity and cultural diversity in India serves as an excellent and unique place for such studies.

Some precautions

But the fact remains that bats carry many viruses. So how can we continue to co-exist with them? We could take a few sensible precautions that minimise our direct interactions with bats — such as avoiding handling or eating bats, and not eating fallen fruits gnawed by bats or fruits likely to be contaminated by bat fluids. This would greatly reduce the risk of spillover. In the longer term, we should work towards restricting and reversing land-use change practices that are bringing us in greater contact with, and increasingly stressing out, animals that may harbour ‘emerging infections’.

Restore the balance

In India, many people are dependent on the ecosystems they live in, and the various services those ecosystems provide, for example water, clean air and pollination. Over the last few decades, habitat destruction and land-use change has impacted most of India. We can regain this balance with nature and animals through a combination of habitat restoration and co-existence with wildlife such as bats. Integrated approaches such as One Health, where human health is linked to that of the environment and animals can result in the best possible outcomes. Any such future will require a global commitment to reduction of habitat loss, and the preservation and restoration of our natural habitats and biodiversity. A world with fewer bats around us will be one that suffers greater crop losses to agricultural pests, witnesses increased incidences of other diseases such as those transmitted by mosquitoes, and one without mahua, too.

WHAT COP26 ACHIEVED, DIDN'T

After two weeks of hard negotiations with governments squabbling over provisions on phasing out coal, cutting greenhouse gas emissions and providing money to the poor world, the annual climate change summit came to an end on Saturday night with the adoption of a weaker-than-expected agreement called the Glasgow Climate Pact. While most countries insisted that the agreement was an important, though small, step in keeping alive the hopes of achieving the 1.5 degree Celsius temperature goal, observers and civil society groups saw it as a missed opportunity to enhance global climate action.



The Context

The Glasgow meeting was the 26th session of the Conference of Parties to the UN Framework Convention on Climate Change, or COP26. These meetings are held every year to construct a global response to climate change. Each of these meetings produce a set of decisions which are given different names. In the current case, this has been called the Glasgow Climate Pact. Earlier, these meetings have also delivered two treaty-like international agreements, the Kyoto Protocol in 1997 and the Paris Agreement in 2015, which form the global architecture for actions to be taken to tackle climate change. While the Kyoto Protocol expired last year, the Paris Agreement is now the active instrument to fight climate change. The main task for COP26 was to finalise the rules and procedures for implementation of the Paris Agreement. Most of these rules had been finalized by 2018, but a few provisions, like the one relating to creation of new carbon markets, had remained unresolved. However, due to clear evidence of worsening of the climate crisis in the six years since the Paris Agreement was finalized, host country United Kingdom was keen to ensure that Glasgow, instead of becoming merely a “procedural” COP, was a turning point in enhancing climate actions. The effort was to push for an agreement that could put the world on a 1.5 degree Celsius pathway, instead of the 2 degree Celsius trajectory which is the main objective of the Paris Agreement. Hence, more than 100 heads of states and governments were invited to attend the meeting and lend their political weight behind the process. So many leaders have assembled on only two earlier occasions, at the climate meetings in Copenhagen in 2009 and Paris in 2015. On both those occasions, the COPs were aiming to deliver a major agreement. Copenhagen had failed in that, but Paris had succeeded. Glasgow did benefit from the presence as many of them also announced new and enhanced climate actions. However, the final agreement was a mixed bag, as most such pacts invariably are.

What was achieved

Mitigation: The Glasgow agreement has emphasised that stronger action in the current decade was most critical to achieving the 1.5-degree target. Accordingly, it has:

- Asked countries to strengthen their 2030 climate action plans, or NDCs (nationally-determined contributions), by next year
- Established a work programme to urgently scale-up mitigation ambition and implementation
- Decided to convene an annual meeting of ministers to raise ambition of 2030 climate actions
- Called for an annual synthesis report on what countries were doing
- Requested the UN Secretary General to convene a meeting of world leaders in 2023 to scale-up ambition of climate action
- Asked countries to make efforts to reduce usage of coal as a source of fuel, and abolish “inefficient” subsidies on fossil fuels

Adaptation: Most of the countries, especially the smaller and poorer ones, and the small island states, consider adaptation to be the most important component of climate action. These countries, due to their lower capacities, are already facing the worst impacts of climate change,



and require immediate money, technology and capacity building for their adaptation activities. As such, the Glasgow Climate Pact has:

- Asked the developed countries to at least double the money being provided for adaptation by 2025 from the 2019 levels. In 2019, about \$15 billion was made available for adaptation that was less than 20 per cent of the total climate finance flows. Developing countries have been demanding that at least half of all climate finance should be directed towards adaptation efforts.
- Created a two-year work programme to define a global goal on adaptation. The Paris Agreement has a global goal on mitigation — reduce greenhouse gas emissions deep enough to keep the temperature rise within 2 degree Celsius of pre-industrial times. A similar global goal on adaptation has been missing, primarily because of the difficulty in defining such a target. Unlike mitigation efforts that bring global benefits, the benefits from adaptation are local or regional. There are no uniform global criteria against which adaptation targets can be set and measured. However, this has been a long-pending demand of developing countries and the Paris Agreement also asks for defining such a goal.

Finance: Every climate action has financial implications. It is now estimated that trillions of dollars are required every year to fund all the actions necessary to achieve the climate targets. But, money has been in short supply. Developed countries are under an obligation, due to their historical responsibility in emitting greenhouse gases, to provide finance and technology to the developing nations to help them deal with climate change. In 2009, developed countries had promised to mobilise at least \$100 billion every year from 2020. This promise was reaffirmed during the Paris Agreement, which also asked the developed countries to scale up this amount from 2025. The 2020 deadline has long passed but the \$100 billion promise has not been fulfilled. The developed nations have now said that they will arrange this amount by 2023.

What does the Glasgow Agreement say?

A deal aimed at staving off dangerous climate change has been struck at the COP26 summit in Glasgow. The pact has:

- Expressed “deep regrets” over the failure of the developed countries to deliver on their \$100 billion promise. It has asked them to arrange this money urgently and in every year till 2025
- Initiated discussions on setting the new target for climate finance, beyond \$100 billion for the post-2025 period
- Asked the developed countries to provide transparent information about the money they plan to provide

Loss and Damage: The frequency of climate disasters has been rising rapidly, and many of these cause largescale devastation. The worst affected are the poor and small countries, and the island states. There is no institutional mechanism to compensate these nations for the losses, or provide them help in the form of relief and rehabilitation. The loss and damage provision in the Paris Agreement seeks to address that. Introduced eight years ago in Warsaw, the provision hasn't received much attention at the COPs, mainly because it was seen as an effort requiring huge sums



of money. However, the affected countries have been demanding some meaningful action on this front. Thanks to a push from many nations, substantive discussions on loss and damage could take place in Glasgow. One of the earlier drafts included a provision for setting up of a facility to coordinate loss and damage activities. However, the final agreement, which has acknowledged the problem and dealt with the subject at substantial length, has only established a “dialogue” to discuss arrangements for funding of such activities. This is being seen as a major let-down.

Carbon Markets: Carbon markets facilitate the trading of emission reductions. Such a market allows countries, or industries, to earn carbon credits for the emission reductions they make in excess of their targets. These carbon credits can be traded to the highest bidder in exchange of money. The buyers of carbon credits can show the emission reductions as their own and use them to meet their reduction targets. Carbon markets are considered a very important and effective instrument to reduce overall emissions. A carbon market existed under Kyoto Protocol but is no longer there because the Protocol itself expired last year. A new market under Paris Agreement is yet to become functional. Developing countries like India, China or Brazil have large amounts of carbon credits left over because of the lack of demand as many countries abandoned their emission reduction targets. The developing countries wanted their unused carbon credits to be transitioned to the new market, something that the developed nations had been opposing on the grounds that the quality of these credits — the question whether these credits represent actual emission reductions — was a suspect. A deadlock over this had been holding up the finalisation of the rules and procedures of the Paris Agreement. The Glasgow Pact has offered some reprieve to the developing nations. It has allowed these carbon credits to be used in meeting countries’ first NDC targets. These cannot be used for meeting targets in subsequent NDCs. That means, if a developed country wants to buy these credits to meet its own emission reduction targets, it can do so till 2025. Most countries have presented climate targets for 2025 in their first NDCs. The resolution of the deadlock over carbon markets represents one of the major successes of COP26.

Parallel Processes

A lot of substantial action in Glasgow happened in parallel processes that were not a part of the official COP discussions. The announcements made by Prime Minister Narendra Modi about increased climate action from India fall in this category. These do not form part of the final agreed outcome, but Glasgow can certainly claim credit for facilitating these actions.

- India announced a Panchamitra (a mixture of five elements) of climate actions. It raised the targets for two of its existing climate targets, announced two new ones, and also promised to turn net-zero by the year 2070. India’s new commitments created the maximum buzz on the first two days of the Glasgow meeting.
- Several other countries also announced enhanced climate actions. Brazil, for example, said it would advance its net-zero target year from 2060 to 2050. China promised to come out with a detailed roadmap for its commitment to let emissions peak in 2030, and also for its 2060 net-zero target. Israel announced a net zero target for 2050.
- Over 100 countries pledged to reduce methane emissions by at least 30 per cent from present levels by 2030. Methane is a dangerous greenhouse gas, with a global warming potential nearly 80 times that of carbon dioxide over a 20-year time period. This pledge, if achieved, is estimated to avoid about 0.2 degree Celsius temperature rise by the middle of the century. The methane pledge is being seen as one of the biggest successes at COP26.



- Another set of over 100 countries promised to arrest and reverse deforestation by 2030.
- Over 30 countries signed on to a declaration promising to work towards a transition to 100 per cent zero-emission cars by the year 2040, at least in the leading car markets of the world.

WIDE FAULT LINES WITHIN THE GLOBAL CLIMATE RISK INDEX

The address by Barbados Prime Minister Mia Mottley at the 26th United Nations Conference of Parties, or COP-26, in Glasgow, Scotland, attracted global attention with her remark that failure to provide critical adaptation finance as well as measuring the extent of loss caused by climate change with respect to “lives and livelihoods” was immoral. This has again brought the complexity in measuring climate risk to the forefront. The Intergovernmental Panel on Climate Change (IPCC), under the aegis of the United Nations, defines climate risk as the likelihood of unfavourable impacts occurring as a result of severe climate events interacting with vulnerable environmental, social, economic, political or cultural conditions. Quantitatively, it is the product of the probability of a climate event occurring and its adverse consequences. Recent discussions around climate risk assessment and management have been based on the “Global Climate Risk Index” (GCRI), published annually by GermanWatch, a non-profit organisation. The latest version of the GCRI, published in January 2021, ranked 180 countries based on the impact of extreme weather events and associated socio-economic data from 2000-2019. According to the publishing agency, the rankings are meant to forewarn countries about the possibility of more frequent and/or severe climate-related events in the future. This index uses historical data to provide insights on exposure to extreme events. It cannot be used for linear forecasts about future climate impact. There are deep fault lines in the methodology and interpretation of the country rankings. Recommendations based on this index should be generated with caution. First, the GCRI ranks countries based on four key indicators: number of deaths; number of deaths per 1,00,000 inhabitants; sum of losses in Purchasing Power Parity (in U.S. dollars); and losses per unit of the Gross Domestic Product (GDP). Of these indicators, two are absolute while the other two are relative. However, the GCRI report does not provide a rationale for the selection of these macro indicators. Second, the index suffers from exclusion errors and selection bias. Composite indicators are better constructed using micro indicators instead of macro indicators, which measure loss because isolating the effect of the loss of elements on GDP is fraught with errors. Instead, a number of key micro indicators such as the total number of people injured, loss of livestock, loss of public and private infrastructure, crop loss and others are better candidates for assessing the composite loss resulting from climate change events. Third, the index accounts for information on weather-related events like storms, floods, temperature extremes and mass movements. However, it omits geological incidents like earthquakes, volcanic eruptions or tsunamis, which may be potentially triggered by climate change and can have economic and humanitarian impact. Fourth, the ranking under the GCRI is done based on data collected by Munich Re’s NatCatService, which is not validated at the ground-level. The data gaps particularly with regard to economic losses are based on experience, the prevailing intellectual property of MunichRe and the market value of elements at risk that are at best approximate values of economic losses.



Delays in action and response

Any discussion on measurement and management of climate risk is incomplete without accounting for issues of uncertainty, scale and delays between action and response to climate change. Therefore, climate change can at best be managed within a comprehensive risk assessment framework, which uses climate information to better cope with the impact of climate change. In this context, India's latest module on the National Disaster Management Information System (NDMIS) captures damages and losses caused by disasters and monitors the targets of the Sendai Framework for Disaster Risk Reduction. The NDMIS captures details on parameters like death, injury, affected population by categories as well as economic losses in social and infrastructure sectors due to weather and geological events on a daily basis. The data captured by the NDMIS includes all major climatic events. Deploying effective approaches and principles to foster collaboration among climate risk information users and providers, along with enabling the implementation of effective management actions, will allow India to leapfrog on the targets envisaged in the Sendai Framework.

A NEW ORAL MEDICINE FOR DIABETES, AND WHAT MAKES IT DIFFERENT

Researchers have developed an oral medication to treat diabetes which, they have reported in a new study, controls insulin levels while simultaneously reversing the inflammatory effects of the disease. The study has been published in Nature Biomedical Engineering. It has been developed by Tarek Fahmy, associate professor of biomedical engineering, Yale University said in a press release. It cited two critical advantages of the drug over the standard treatment for diabetes. Because it can be taken orally, it's much simpler for the patient to stay compliant with his or her treatment. It also addresses three major issues with diabetes at the same time: it helps control immediate blood glucose levels, restores pancreatic function, and re-establishes normal immunity in the pancreatic environment, the release said. It's all done within a nanocarrier composed of materials that our own bodies make — bile acids. This means that the carrier itself has therapeutic effects that works with the loaded agent to reinstate normal metabolism in the short-term, and restore immune competence in the longer term. "This combined approach is what makes this system a promising new therapy for autoimmune disease in general," the release quoted Fahmy as saying. One of the major obstacles to creating a successful oral medication for diabetes, Yale noted, is that the drug breaks down in the patient's gastrointestinal system. The nanoparticle, however, protects the insulin while carrying it to the site of the pancreas, where it unloads the medication, the university said. The nanoparticle is made from a polymerised ursodeoxycholic acid, a bile acid. In its more natural form as a monomer, it has been used to make drugs for dissolving gallstones and liver stones. It hasn't, however, been very effective as a treatment for diabetes, the release said. Fahmy's research team polymerised the bile acid, which increases its ability to bind with receptors critical to metabolism, making it much more effective as a treatment for diabetes, it said. In their tests on mice, the nanoparticles reversed inflammation, restored metabolic functions, and extended their survival, while the cargo of the particles restored insulin levels, the study said.

ZIKA VIRUS OUTBREAKS, AN OPPORTUNITY TO IMPROVE HEALTHCARE IN INDIA

Viruses are ubiquitous, most are innocuous and some, such as SARS CoV-2, turn out to be pernicious. Zika virus, first detected in rhesus monkeys in the Zika forest in Uganda in 1947 and then identified in humans after a few years, appears to be re-positioning itself. For the first 60

3rd floor and 4th floor Shatabdi Tower, Sakchi, Jamshedpur;



years after detection, only 14 human cases had been reported, from Asia and Tropical Africa. The first ever outbreak of Zika virus was reported in 2007 in the island of Yap (a federated state in Micronesia) in the Pacific. Zika virus received global attention with the start of a major outbreak in Brazil in March 2015, which then spread to many countries in Central and South America and the Caribbean. The outbreak was associated with higher incidences of microcephaly (a condition which results in a small brain in the fetus) as well as the increased neurological symptoms such as Guillain-Barré syndrome and neuropathies in adults and children infected with the virus. On February 1, 2016, Zika virus outbreak was designated a public health emergency of international concern (PHEIC) by the World Health Organization (a classification a step before a disease is declared as pandemic). Between 2015 and 2017, nearly 550,000 suspected and 175,000 confirmed Zika virus cases were reported, which included nearly 2,700 cases of microcephaly in Brazil alone. The outbreak had subsided by mid-2017; however, by late 2019, the Zika virus has been reported from at least 87 countries across the world. The earliest evidence of Zika virus in India is in 1952-1953. The prevalence studies conducted by the National Institute of Virology, Pune, in different parts of India, had detected the antibodies against the Zika virus from humans.

Zika in India

The first two outbreaks of Zika virus infections in India were reported in 2017. This included three human cases from Ahmedabad, Gujarat (January-February, 2017) and one case from Krishnagiri district of Tamil Nadu (July 2017). There were two more outbreaks in 2018 from Madhya Pradesh (130 cases) and Rajasthan (159 cases). In 2021, at least three Zika virus outbreaks have been reported. In Kerala (at least 89 cases) and then in Maharashtra (Around 12 cases), both in July, and most recently from Uttar Pradesh in October-November, 2021 (nearly 110 confirmed cases till now). Zika virus is primarily a mosquito-borne illness, transmitted by the Aedes mosquitoes (which transmit chikungunya and dengue). However, Zika virus is transmitted from infected mother to fetus during pregnancy, through blood and other body fluids and organ transplantation as well as sexual contact. Most people do not develop any symptoms; however, a few may develop fever, rashes, redness in eye, muscle and joint pain, headache, and generalised fatigue. It is a mild illness for all age groups except for the pregnant women, whose fetus may develop congenital malformation, especially abnormal brain development, microcephaly and other related neurological outcomes. The symptoms are very similar to other common viral illnesses. Infection is suspected if there is ongoing Zika virus transmission in the area, travel history or contact history with a confirmed case. The laboratory confirmation is done from blood or urine samples. There is no licensed vaccine to prevent disease and no specific treatment available. People are advised to take rest, eat well and drink plenty of fluids.

Need to step up

The current reports of Zika virus outbreaks are not a matter of immediate concern for citizens in India. However, knowing that the vector for Zika virus, the Aedes mosquito is present in all States of India, there is a need for stepping up preventive and public health measures. India should use the recent disease outbreaks as an opportunity to strengthen the disease surveillance system and health data recording and reporting systems in the country. The laboratory capacity for COVID-19, developed in the last 18 months, needs to be optimally used to conduct testing for other emerging infections. One of the key considerations is that the outbreak which had started in Brazil in 2015 was caused by a new variant of Zika virus, termed as American lineage. Though originated from South Asian lineage, it has crucial mutation S139N, attributed to higher incidences of



microcephaly and other neurological conditions. All previous outbreaks in India have been due to South-East Asian lineage and no case of microcephaly has been reported from the country. However, there is a need for a systematic surveillance of evolutionary trends in Zika virus, which can be built upon newly developed genetic sequencing capacity for SARS CoV2. Considering most Indian states have reported Zika virus for the first time, there is a need for enhanced surveillance and equipping laboratories with testing kits for Zika virus. In areas where cases are reported, active case findings and surveillance and mosquito control measures (elimination of breeding sites and the public awareness campaigns, especially for specially for pregnant women should be prioritised. It is also the time to ensure coordinated actions between the State government and municipal corporation to develop joint action plans against vector borne diseases and share responsibilities for public health actions. The emergence and re-emergence of viral diseases is partly unavoidable. However, with a stronger public health system, application of principles of epidemiology and use of data, their impact can be minimised.

FIGHTING MOSQUITO-BORNE DISEASES: WORK IN PROGRESS

Mosquito-borne diseases have been a scourge for thousands of years, with huge armies defeated, and economies shattered. We were therefore relieved to read reports announcing an effective malaria vaccine, following clinical trials in Burkina Faso conducted by the University of Oxford, the Serum Institute of India and others. This West African country has a long and hot season followed by monsoon rains, when mosquitoes emerge in huge swarms. The R21 vaccine has shown an efficacy of 77%, and targets the 'circumsporozoite' protein (CSP) of the malarial parasite, Plasmodium falciparum. The sporozoite stage of this parasite secretes CSP. Mosquito bites transfer the CSP and sporozoites into the human bloodstream, and the CSP nudges the parasite towards the liver, where it enters liver cells, matures and proliferates. The release of mature merozoites marks the onset of the symptoms of malaria.

Efficient vaccines

The WHO has just cleared another vaccine, called Mosquirix, from Glaxo Smith Kline (GSK) of the U.K. With the involvement of the London School of Hygiene and Tropical Medicine, the vaccine has been tested in Kenya, Malawi and Ghana on over 800,000 children and shows an efficiency of over 50% in the first year, but dropping as time progresses. The Global Vaccine Alliance (GAVI) is planning to purchase the vaccine for countries that request it. (See a report by Apoorva Mandavilli published in New York Times). Bharat Biotech of Hyderabad has entered into a deal with GSK to develop this vaccine in India, with a dedicated facility at Bhubaneswar. Another rapidly spreading disease is dengue. It is spread by Aedes aegypti mosquitoes, which happily grow in small stagnant pools of water, such as in discarded tyres. Four serotypes of the dengue virus are found. Serotypes make vaccine development difficult, as a different vaccine is needed against each serotype. A vaccine against dengue, DENVAXIA, from Sanofi Pasteur, is approved in several countries and shows efficacies ranging from 42% to 78% against the four serotypes of the virus.

Fighting dengue

In India, Zydus Cadilla has been developing a DNA Vaccine against dengue. Dr. Easwaran Sreekumar at the Rajiv Gandhi Centre for Biotechnology, Thiruvananthapuram has modelled a consensus of the four serotypes, which is the basis for Zydus Cadilla's DNA vaccine, using a platform that the company successfully developed for their COVID-19 vaccine.



Using parasites

Other innovative methods to fight dengue have been in the pipeline. One particularly interesting strategy involves a bacterium, *Wolbachia pipientis*, an intracellular parasite commonly found in many insects, but not in the dengue-carrying mosquito. When introduced into this mosquito's cells, this parasite competes successfully against other parasites such as the viruses that cause dengue, chikungunya, yellow fever and Zika. *Aedes* mosquitoes, doped with *Wolbachia* in the laboratory, are released in localities where the disease is prevalent. They quickly spread the bacterium to native *Aedes* mosquitoes, and the incidence of new dengue cases starts to decline. In a controlled release study in Djakarta, researchers from the Gadjah Mada University placed clusters of *Aedes* mosquito eggs infected with *Wolbachia* in 12 localities of the city in December 2017 (9 other localities served as controls – no *Wolbachia* released). By the time the study was halted in March 2020 due to the pandemic, the 12 localities registered 77% fewer cases of Dengue fever compared to the control localities. The intensity of the fever was less, too, with an 86% drop in hospitalisations due to Dengue.

Prevention of disease

Another way of preventing, rather than curing, mosquito-borne diseases is to accurately predict the next outbreak, and focus your healthcare and mosquito control machinery accordingly. Both mosquitoes and the *Plasmodium* parasite need warm, moist weather to flourish. Using data continuously gathered by environmental satellites such as the NOAA-19, scientists at ICMR's National Institute of Malaria Research have built elaborate models that correlate monthly rainfall data and data on annual state-wise incidence of dengue and malaria with the El-Nino Southern Oscillation, which influences global atmospheric circulation. The result is an early warning tool that forecasts the start of an outbreak and the dynamics of its progression, along with estimates of the likely number of cases. Therefore, health authorities can begin cautionary measures, several weeks in advance, to minimise the impact of an outbreak. This information is currently available for Indian States. Refining it to the district level should be the next step.

PLAGUES STRIKE EGYPT: SUDDEN FLOODS, THEN 4-INCH SCORPIONS CALLED DEATHSTALKERS

First came the lightning that strobe-lit the Nile skies a pale purply gray. What happened next checked all the boxes for a fierce storm: heavy rain, thunder and flash flooding that sent people scurrying for dry land and crumbled mud-brick houses around Aswan, the largest city in southern Egypt. Then came the scorpions. There were hundreds, if not thousands: yellowish four-inchers with as many as six pairs of eyes and a tail full of venom so toxic that the species is known, unscientifically, as the deathstalker. Swept from their desert burrows by the rains, they came skittering into mountainside villages and burst into homes through cracks in the walls, stinging at least 503 people on Friday night alone, according to local officials. "The floods in the villages of Aswan forced the scorpions out of their hide-outs, and they stung some people," the administrator of a Facebook page dedicated to community news, Nubia, lamented after the waters had subsided. "O Allah, protect the land." In the final analysis, the storm that detonated over Aswan with biblical fury at about 9:30 p.m. on Friday inflicted its worst damage with flooding: Three people died, and local officials said 103 homes were partly or fully destroyed, though residents said the real toll was far greater. On Monday, thousands of people were still doubling up with neighbors or sleeping outside as they tried to salvage whatever they could from the rubble. In a show of discontent rare



for Egypt, where most dissent is suppressed by security forces, roughly a dozen protesters demonstrated in front of the Aswan governor's office on Monday over the lack of electricity, water or any government assistance. But it was the plague of scorpions that turned heads far from Aswan, a few hours south of the ancient temples of Luxor, where the Nileside pace of life is nonchalant, the small pastel-painted villages ramshackle and the weather dry — until Friday night. With its vast deserts, Egypt is normally heaven for scorpions, 24 species in all, which make their homes in desert burrows or under rocks and can survive for weeks on end with no food or water. They are such longtime inhabitants of the country that two ancient kings borrowed their names, and the ancient goddess Isis was said to have escaped danger with the help of seven scorpions, who also took the form of a goddess, Serket, in Egyptian mythology. Friday's heavy rains proved a less hospitable environment than usual. Scorpion experts said the flooding in Aswan had probably driven them from the mountainous desert that surrounds the area and into the villages. Deathstalker scorpions — or, as they are known to scientists, *Leiurus quinquestriatus* — are part of daily life for Aswanis, especially in the summer, when scorpions tend to be more active. They scamper the streets, lurk under stones and trespass homes, nestling in shoes and beneath blankets. Dozens of scorpion stings are reported in the area each year. If stung, everyone knows, a trip to the hospital for a shot of antivenom and a few days' recovery will take care of it. "We're just used to it," said Islam Mohamed, who pilots one of the many small boats that drift down the Nile around Aswan, ferrying people from place to place. "We just hit them with something when we see them." Still, 503 bites in one night is unheard-of. Hospitals around Aswan were forced to dig into their antivenom stashes, and a Health Ministry graphic circulating on Facebook over the weekend warned of the most common symptoms of scorpion stings: severe pain at the sting site, high fever, sweating, vomiting and diarrhea. A deathstalker's sting can kill a child. Adults may also sicken and die, depending on their health and weight, said Mohamed Abdel-Rahman, a molecular toxicology professor at Suez Canal University who studies scorpion venom.



DreamIAS