

# *CURRENT AFFAIRS FOR UPSC*

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*DreamIAS*



## INTERNATIONAL

### FREEDOM AND POWER

Since his election campaign last year, U.S. President Joseph Biden had promised to hold a “Summit for Democracy” in order to highlight the worrying trends around the world of growing authoritarianism, and to bolster democratic institutions that appear to be faltering. While the concerns are genuine, and Mr. Biden’s successful delivery of his promise last week, with a summit that saw 110 nations invited must be credited, it has also thrown up troubling questions. The State Department’s decision to “arbitrarily place” restrictions on the invitee list, has led to a controversy. In South Asia, the inclusion of Pakistan, along with India and Nepal, but the exclusion of Bangladesh, Bhutan and Sri Lanka raises serious doubts on the criteria applied. And, if the “quality of democracy” and the importance of human rights were the criteria, then the question is which country is qualified to make that value-based judgment? Expectedly, the Summit was roundly criticised for the most notable exclusions: Russia and China. In a joint editorial, the Russian and Chinese Ambassadors to the U.S. claimed their own states are democratic in practice, and criticised the U.S.’s experiments in regime change and “democratic transformations” in Iraq, Libya and Afghanistan. That the summit was organised in a year when newest democratic entrants, Afghanistan and Myanmar, reverted to autocratic regimes that rule by the power of the gun casts doubts on the efficacy of the international system in enforcing democracy through external interventions. Apart from a more inclusive guest list, as a result, the summit would have done better to begin with a globally accepted definition for democracy, and a common understanding of the challenges. The Biden administration committed to announcing specific targets on helping free media, ensuring free and fair elections, and the participation of women, and listed authoritarianism, corruption and human rights violations as key challenges. Prime Minister Narendra Modi referred to the principles of “inclusion, transparency, human dignity, responsive grievance redressal and decentralisation of power” as key to Indian democracy. Many accused big tech companies and social media of “digital authoritarianism”, and some spoke of the devastating impact of COVID-19, climate change and rising economic inequality as major stumbling blocks. Few, however, were willing to concede the shortcomings in their own democracies, however, especially the rise in hyper-nationalism, xenophobia and majoritarianism that saps the very essence of representational, pluralistic and inclusive governance today. Democracy, like charity, begins at home, and rather than making international pledges at summit-level conferences, elected leaders must keep their promises of freedom and equality for the people or “demos” that make up their nations.

### RUSSIA DRAFTS PACT TO LIMIT U.S., NATO ROLE IN EX-SOVIET NATIONS

Russia on Friday unveiled proposals to contain the U.S. and NATO in the former Soviet Union and Eastern Europe, calling for urgent negotiations with Washington as it amasses forces near Ukraine. The U.S. said it was willing to talk but stated upfront that it disagreed with much in the far-reaching proposals, as it renewed warnings of painful reprisals if Russia invades Ukraine. Russia released unfinished security documents — an unusual move in diplomacy — that call for U.S.-led NATO alliance not to bring in new members or establish bases in ex-Soviet countries. Deputy Foreign Minister Sergei Ryabkov said Russia was ready to hold urgent security talks with the U.S. “as early as” on Saturday. “We are ready to immediately, even tomorrow — literally tomorrow, on Saturday — go for talks with the U.S. in a third country,” he told reporters, suggesting Geneva as a venue. In Washington, a senior official said the U.S. expected to respond



“sometime next week” to Russia on a format for talks but made clear it was not enthusiastic about the proposals. “If there is any further aggression against Ukraine, that will have massive, massive consequences and will carry a high price,” the official said. White House Press Secretary Jen Psaki noted that the U.S. has negotiated with Moscow on strategic concerns for decades but said it would only act in concert with NATO allies. “There will be no talks on European security without our European allies and partners,” she told reporters. The West says Moscow has readied some 1,00,000 troops for an imminent attack on Ukraine, which has been battling a pro-Moscow insurgency in its east since 2014. Russian President Vladimir Putin denies planning an attack and blames NATO for the rise in tensions, demanding “legal guarantees” the alliance will not expand eastwards. The draft document addressed to NATO says its members should “commit themselves to refrain from further enlargement, including the accession of Ukraine as well as other states”. It also insists that alliance members not conduct military activity in Ukraine or other countries in Eastern Europe, the South Caucasus and Central Asia. Moscow and NATO, the document said, should limit the deployment of missiles, set up an emergency telephone hotline and also work to “prevent incidents” in the Baltics and the Black Sea.

#### EU SLAPS SANCTIONS ON RUSSIAN MILITARY FIRM

The European Union imposed sanctions on Russian private military contractor Wagner Group on Monday as well as on eight individuals and three other energy companies in Syria accused of helping to finance the mercenaries in Ukraine, Libya and Syria. The EU accused the Wagner Group, whose members are mostly ex-service personnel, of human rights abuses and said they carried out clandestine operations on the Kremlin's behalf. “The Wagner Group is responsible for serious human rights abuses in Ukraine, Syria, Libya, the Central African Republic, Sudan and Mozambique,” the EU said in its official journal, listing torture and extrajudicial executions. Russia denies any wrongdoing. President Vladimir Putin has said private military contractors have the right to work and pursue their interests anywhere in the world as long as they do not break Russian law. Mr. Putin has said the Wagner Group neither represented the Russia state nor was paid by the Russian state. The travel bans and asset freezes — designed to limit any governments from working with the Wagner Group — are unlikely to have a big impact in Moscow, but they mark a further hardening of EU foreign policy towards Russia, diplomats said. Among those targeted, the EU blacklisted Dimitriy Utkin, a former Russian military intelligence (GRU) officer, saying he was the founder of the Wagner Group and responsible for “coordinating and planning operations for the deployment of Wagner Group mercenaries in Ukraine”. Two others, Denis Kharitonov and Sergey Shcherbakov, were a part of a group of alleged Wagner mercenaries who were briefly detained in Belarus last year and sent back to Russia, according to Belarus state news agency Belta. The EU also said that Mr. Kharitonov had fought as for Russia in eastern Ukraine, “personally shot down a Ukrainian helicopter” in the region and “received the Russian Federation’s Order of Merit for the Fatherland”. Three Russian-based entities linked to the Wagner Group that the EU said were involved in oil and gas production in Syria were also hit with sanctions. The sanctions follow an EU travel ban and asset freeze in October 2020 on one-time Russian caterer Yevgeny Prigozhin, dubbed “Putin’s cook” for his close links to the Kremlin, who the bloc said had close ties to the Wagner Group. “The Wagner Group is financed by Yevgeny Prigozhin,” the EU said on Monday in its official journal. Mr. Prigozhin denied any such links in a statement on Friday. Separately, the EU adopted on Monday a sanctions regime relating to Mali, although no names were added. Russian Foreign Minister Sergey Lavrov has said the company has a “legitimate” right to be in Mali because it was invited by the transitional government, and he insisted the Russian government is not involved.



## AT THE CENTRE OF THE UKRAINE CRISIS

Donbas, a small region in eastern Ukraine adjoining the Russian border, is no stranger to military conflicts. After the fall of the Russian empire, the region was incorporated into the newly created Ukrainian People's Republic in 1918. And then came the Bolsheviks, who were fighting a civil war against the remnants of the old regime. Donbas became part of the Ukrainian Soviet Socialist Republic. During the Second World War, the Nazis took the region. Over 3,00,000 civilians were killed in Donbas alone during the Nazi occupation. In 1943, after defeating the Nazis in Stalingrad, the Red Army took Donbas back. In 1991, with the disintegration of the Soviet Union, the region, which comprises the Donetsk and Luhansk Oblasts, became part of the newly born Ukrainian nation. Now, Donetsk and Luhansk are two self-declared republics run by rebels backed by Russia. With Russia mobilising thousands of troops on its border with Ukraine, which has sparked fears of war, Donbas is once again at the centre of a looming conflict. The current crisis started with the 2013 Euromaidan protests in Ukraine. When pro-western protesters forced President Viktor Yanukovich to resign in 2014, counter-protests broke out in the Crimean Peninsula and Donbas, where a majority of people speak Russian. Immediately after Russia's annexation of Crimea, protests picked up in Donbas, eventually leading to an armed rebellion. In Donetsk and Luhansk, separatists declared self-ruled republics in May 2014. Ukraine and Western countries accused Russia of supplying weapons to the rebels and sending military personnel to the region to fight the Ukrainian army. Russia's official position is that it has nothing to do with the insurgency, but President Vladimir Putin said in 2016 that Russia "was forced to defend the Russian-speaking population in the Donbas...". In Donbas, ethnic Ukrainians make up a majority, while ethnic Russians are the largest minority. But over 70% of the population, across the ethnic divisions, speak Russian. Moscow says the post-Yanukovich regimes in Kiev are discriminatory to the Russian-speaking people in the east. Unable to defeat the Russian-backed rebels, Ukraine agreed to the Minsk Protocol, after holding talks with the rebels and Russia that were mediated by France and Germany, in 2014. The Protocol called for an immediate ceasefire. As the agreement collapsed, the Ukraine Trilateral Contact Group, comprising representatives from Russia, Ukraine and the OSCE, called another summit of the concerned parties in the Belarusian capital in February 2015, which is called Minsk II.

### Call for ceasefire

As per Minsk II, Ukraine and rebels were required to enforce a full ceasefire in the Donbas region, pull out heavy weapons and start talks on holding local elections. Ukraine is also supposed to devolve more powers to the Donbas "republics", introduce constitutional reforms codifying the decentralisation of power and announce an amnesty to the rebel fighters. Rebels, in turn, should allow the Ukrainian troops to restore control of the border with Russia. These terms were never implemented. A war of attrition continued on the border. Ukraine started getting enhanced military and financial aid and training from the U.S. and other western nations. Since 2014, the U.S. has committed over \$2.5 billion in military assistance to Ukraine. As the Minsk process hit a dead end and Ukraine, under President Volodymyr Zelensky, moved closer to the West, Russia changed its approach. Earlier this year, Russia had gathered thousands of troops on the border, but pulled them back after Mr. Putin's Geneva summit with U.S. President Joe Biden in June. But as the Western aid to Ukraine continued to flow in with NATO members enhancing their activities in the Black Sea, the Russian troops were back. Mr. Putin sees Ukraine joining NATO or the latter moving advanced weaponry to Ukraine as a direct threat to Russia's "command positions". He demands a commitment from the U.S. that Ukraine would not be taken into the NATO fold. The U.S. would not give any such assurance. As the stalemate continues, Donbas, a region of roughly 4



million people, has been caught in the middle of the most dangerous great power rivalry in Europe since the end of the Cold War.

## ENDLESS ORDEAL

The ruling by the High Court in London that WikiLeaks founder Julian Assange, currently in a British prison, can be extradited to the U.S., where he is facing charges under the Espionage Act, is a blow to all those who believe in press freedom. A lower court had earlier this year rejected the U.S. request for extradition, citing his mental health. His lawyers and doctors had argued that he might be driven to suicide by American jail conditions. But the High Court, after receiving some assurances from the U.S. authorities that Mr. Assange would not be held in restrictive prison conditions (based on his conduct), decided to allow the extradition. The U.S. accuses him of conspiring to hack into defence databases to get sensitive unclassified information. The leaks, the U.S. says, put lives at risk. If convicted, Mr. Assange, 50, could face up to 175 years in jail. His legal team will now appeal and the legal process could drag on for years. But these cases have already put him in one or the other form of confinement for years. He took refuge in the Ecuadorian Embassy in London in 2012 while facing a probe on accusations of sexual assault in Sweden, which were later dropped. In 2019, after his arrest from the Embassy, he was jailed for 50 weeks in the U.K. for breaching his bail conditions. He is now in London's Belmarsh prison. The documents WikiLeaks released on the Iraq and Afghan wars, which were published by almost all media houses, exposed official crimes and cover-ups. Any responsible, democratic government should have taken action against those who committed those crimes. Instead, the U.S. government went after the publisher. The Trump administration unsealed the indictment against Mr. Assange for violating the Espionage Act, a First World War-era law, after his 2019 arrest. The U.S. government argued that he was not a journalist. But beyond the definition of journalism, what the U.S. tried to do was to use a controversial law to punish someone who published unpleasant truths about powerful entities. If he is extradited and convicted, it would set a bad precedent for press freedom and investigative journalism, raising questions about the protection the First Amendment offers to the press. It is ironic that the administration of President Joseph Biden, who convened a global "Summit for Democracy" last week and emphasised the role of free press, is following Mr. Trump's policies in pursuing Mr. Assange. If the U.S. and the U.K., among the world's oldest democracies, are serious about their proclaimed commitment to press freedom, they should take steps to set Mr. Assange free. The ordeal the "free world" has put this man in for exposing abuses of power has taken away years from his life and affected his health. This should not go on forever.

## A THORN IN PAKISTAN-BANGLADESH RELATIONS

December 16, "Bijoy Dibosh", is celebrated in Bangladesh as the day marking the country's formal victory over Pakistan after then chief of the Armed Forces of Pakistan, General Amir Abdullah Khan Niazi, surrendered with 93,000 forces to joint forces led by the Bangladeshi freedom fighters, popularly known as "Mukti Bahini" and the Indian armed forces. The systemic ignorance towards and disrespect of the civil and political rights of then East Pakistan's Bengali population by their counterparts in West Pakistan sparked mass protests in March 1971 which ultimately ended in a brutal conflict. Over three million Bangladeshis lost their lives and thousands of women were subjected to assault. As Bangladesh commemorates 50 years of its historic victory, it is worth revisiting exactly why Pakistan's leadership has remained hesitant so far to offer a formal apology to those aggrieved and what this means for the future of Bangladesh-Pakistan relations.

### Broken pledges

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The humiliating nature of the defeat left strong feelings within Pakistan's military establishment, reflected in the increase in the country's defence budget — from \$635 million to over \$1 billion by the end of the 1970s. Despite then Pakistan leader Zulfikar Ali Bhutto being fully aware of the scale of atrocities committed, according to the Hamoodur Rahman (former Chief Justice of Pakistan) Commission Report from July 1972, Pakistan put forth a carefully crafted "forgive and forget" narrative during the tripartite agreement in 1974. This was the first instance when Islamabad came close to acknowledging excesses committed by "some" of its armed forces and promised to hold them accountable at war crime tribunals that led to Bangladesh handing over hundreds of Prisoners of War as a reconciliatory measure. Five decades later, however, none has been brought to book. During the state visit of former Pakistan President Pervez Musharraf to Bangladesh in 2002, he expressed regret for the death en masse in 1971 while visiting a national war memorial but fell short of the formal apology that Bangladesh has been seeking. Despite acknowledging a susceptibility to official state propaganda that branded Bengali demonstrators of the 1970s as "terrorists, militants, insurgents, or Indian-backed fighters" in his autobiography from 2011, Pakistan's Prime Minister Imran Khan has toed the official state narrative on the issue. Pakistan has attempted to gesticulate its intent to strengthen diplomatic relations and economic ties with Bangladesh in recent years without necessarily making the concerted efforts needed for reconciliation. Largely perceived to be under control of the armed forces, Pakistan's official position and narrative on the events of 1971 are a fair distance from case studies elsewhere. Particularly after Pakistan's Foreign Office dismissed Bangladesh's fresh demands in 2009 for an apology for the atrocities committed in 1971.

#### Unwise moves

Opposed to Bangladesh's independence, the Jamaat-e-Islami and its student wing, Islami Chatro Shangha, along with splinter groups such as the Razakar, al-Badr, and al-Shams were among the local outfits that aided Pakistan's armed forces. After coming to power in 2009, the current Bangladesh government led by Prime Minister Sheikh Hasina has prosecuted and in some cases executed senior leaders of the Jamaat-e-Islami which did not go very well with their counterparts in Pakistan's political establishment. In particular, the resolution by Pakistan Parliament led by MP Sher Akbar Khan in 2016 protesting hangings of war criminals of 1971 drew sharp reaction and protest from Bangladesh. In 2015, the University of Dhaka cut off ties with the Pakistani establishment in protest against the cold-blooded assassination of numerous prominent intellectuals, academicians, and thinkers of Bangladesh on December 14, 1971 just few days before the country formally earned victory. In May 2021, 113 years after Germany's colonial government massacred approximately 80,000 Herero and Nama people in Namibia between 1904-08, Foreign Minister Heiko Maas acknowledged it as a "genocidal" event, seeking forgiveness and offering \$1.35 billion to spend on development projects over 30 years. Nazi war criminals accused of participating in the Holocaust continue to stand trial and any attempt of denial is met with punishment. Pakistan's attempts at whitewashing their responsibility for 1971 have been criticised and Prime Minister Hasina has shared with the Pakistani High Commissioner to Bangladesh how it is difficult for Bangladesh to forget about atrocities by Pakistan in the 1971 war.

#### Country comparison

Bangladesh's progress in the last 50 years has been remarkable in key performance indicators such as exports, social progress, and fiscal prudence, all of which eclipse Pakistan's growth during the same period. Bangladesh's GDP growth, for example, stands at 7.9% while Pakistan is at 1.5%. Bangladesh's GDP per capita had grown by 9% in 2020 rising to \$2,227 while Pakistan remains at



\$1,543. Bangladesh's export volume and foreign exchange reserves are almost twice as that of Pakistan's as well as its position on the global passport index, microcredit financing, and women's rights. In literacy, Pakistan lags behind with 58% to Bangladesh's 75%. In 1971, Pakistan and Bangladesh remained neck-and-neck on fertility rates — seven live births per woman. Today, according to the World Bank, Bangladesh's fertility rate stands at 2.01 while Pakistan is at 3.45, indicating the enormous progress the former has made. Safety and security remain pressing concerns as well. Pakistan has lost many civilians to terrorist attacks between 2000 and 2019. Concerns of terrorism, radicalisation, and extremism continue to hurt Pakistan's potential and credibility, making it unsafe to travel to, and in many instances unattractive to trade and invest. On the other hand, Bangladesh has been praised for its tough stance against any form of fundamentalism and radicalisation and boasts a moderate Muslim majority country with liberal and progressive socio-cultural values.

#### **For a new chapter**

For Pakistan to bury its past to start a new chapter in its relations with Bangladesh, taking responsibility and ensuring accountability for events of the period is a critical first step. Expressing hope and sincerity for reconciliation and friendship stands hollow without any mention of 1971. Before one can start forgetting, one has to be able to forgive. How can Bangladesh forget when Pakistan has not even offered an apology which could have started the healing process for a country which saw millions die, thousands assaulted and where there was much shedding of so much blood and tears in the process? This is a much needed step to heal historical wounds and help both countries forge better diplomatic and economic relations in the coming days for realising a shared vision for the region's future.

### **THE FLAWED ISLAMIC DEMOCRACY OF PAKISTAN**

By not making Pakistan a theocracy even after short-sightedly establishing it as a Muslim nation, Muhammad Ali Jinnah provided an excellent opportunity for that country to peacefully coexist within the comity of secular democracies. But in what was a bewildering constitutional move, Pakistan decided to call itself an 'Islamic Republic' even while claiming to be a state 'dedicated to the preservation of democracy'. Since then, it has been hurtling headlong into a state of ataxia that has numbed its capacity to comprehend its statal essentialism. Over the years, civilian-military rule in Pakistan could figure out neither the meaning of the designation 'Islamic democracy' nor its societal implications. Is it about enacting laws to target political opponents and curtail the freedoms of religious and ethnic minorities or is it the name of statutorily preserving legal egalitarianism and social justice as envisaged in the Quran and the Universal Declaration of Human Rights?

#### **Attacked for alleged blasphemy**

A serious consequence of this ontological incertitude has been the maddening perversity of thought that marks the justification of mob violence against those charged under blasphemy laws in Pakistan. The most notorious example of this was the ordeal a Christian woman, Asia Bibi, went through before being acquitted of blasphemy in 2018. Many who defended her had to pay with their lives including the Punjab Governor, Salman Taseer. The latest manifestation of the chronic malaise was the lynching in Sialkot earlier this month of a Sri Lankan man for allegedly taking down posters on which Quranic verses were inscribed. Less than a week before the Sialkot savagery, an extremist mob had burned a police station in Khyber Pakhtunkhwa when officers rejected its demand to hand over a mentally unstable man arrested for allegedly desecrating the



Quran. These ghastly incidents were preceded by the shocking arrest in July this year of an eight-year-old Hindu boy for “intentionally” urinating on the carpet of a madrasa library where religious books were kept. The boy’s family and several members of the Hindu community in the district of Rahim Yar Khan had to flee their homes when a Muslim crowd attacked a Hindu temple after the boy’s release on bail in August. The unnerving commonality that runs through almost all blasphemy cases in Pakistan is the questionable nature of the charges and the insatiable appetite for vigilante justice. According to the Center for Social Justice, a minority rights organisation in Pakistan, between 1987 and 2020, about 1,855 people were accused of blasphemy under Sections 295-B (Defiling, etc., of Holy Qur’an) and 295-C (Use of derogatory remarks, etc., in respect of the Holy Prophet) to 298-C (Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith) of the Pakistan Penal Code. Seventy-eight of them were killed in extrajudicial ways of which 42 were Muslim. Muslims also made up 75% of the people charged under blasphemy laws in 2020. This shows that the criminalisation of factitious religious offences in Pakistan has become a legislative tool to impose on the people an interpretation of Islam alien to the Quran and Prophetic teachings, not to mention the political scores that are sought to be settled through it.

### **No justification in the Quran**

In the context of blasphemy, the provision in question is Section 295-C of the Pakistani Penal Code which seeks to punish anyone who “defiles the sacred name” of the Prophet. It is indeed a great sin to denigrate the Prophet. But there is no historical evidence to suggest that it was criminalised in the early phase of Islam. The Arabic term for this offence, sabb al rasool, was not in use during the Prophet’s lifetime although the Quran mentions several defamatory insults that were hurled at him. The reason for this could be that the Quran did not criminalise the barbs (or mockery of the Quran). It asked the Prophet to ignore them and distance himself from the offenders showing magnanimity (73:10, 6:68). Sabb al rasool had its genesis in the misinterpretation of Prophetic rulings that made treasonous behaviour against the nascent Muslim community a capital crime. It is true that some of those killed under this law had also abused the Prophet. But their execution was exclusively for treason because the Prophet could never have sentenced his detractors to death in violation of the Quranic instruction to ignore personal insults. In short, there is no categorical directive in the Quran or Prophetic teachings to justify any worldly punishment for blasphemy. Most of the extra-Islamic offences developed gradually in the post-Prophetic period (after the Rashidun Caliphate of Companions Abu Bakr, Umar, Usman, and Ali) due to the ‘religionisation’ of Islam for political exploitation. This was done by tribal despots in collaboration with a complaisant clergy. In Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison, scholar Ahmet Kuru points out that marginalisation of the intellectual and bourgeois classes by the ‘ulema–state alliance’ contributed to the endurance of Muslim authoritarianism. It is no wonder, therefore, that Muslim history is dotted with violent inquisitions over creedal polemics such as the mind-boggling 9th-century contestation in the Abbasid Caliphate to establish if the Quran had existed eternally or was divinely created at some point in time. The Abbasid Caliphs used the controversy to consolidate their religious credentials in pursuance of power, reducing Islam to a dogmatic creed in the process.

### **Understanding democracy**

In reality, Islam had emerged more as a movement for social justice than a ritualistic religion. The Prophet’s mission was not to alienate people from mundane realities and dulcify them with distant paradisiacal promises but to educate and liberate them from oppressive yokes (yaza’u anhum israhum wal aghlaala). The Quran, while upholding religious freedom (2:62 & 256, 6:108, 10:99,





22:40, 109:1-6), presented in a non-dogmatic manner its fundamental doctrine of tawheed (monotheism) to emphasise the logical impossibility of multiple creators at a time when the Meccan oligarchy was inventing and managing deities to exploit and control the masses. In a detailed passage (6:136 -140) the Quran explains how this exploitation — which included the ritualistic killing of children — necessitated the appearance of a Prophet who would inspire humans to overcome their gullibility through emancipatory education. Indeed, the first message (96:1-5) delivered by the Prophet to the Meccans began with the word ‘read’ (iqra) and spoke of the liberative nexus between knowledge (ilm) and the pen (qalam). If Muslim countries which boast of being Islamic democracies are to fulfil the obligations of Islam, they should take steps to de-religionise the faith and restore its Quranic originality. Only then would they be able to understand the true meaning of democratic values such as freedom of religion, civil liberties, fraternity, equality, human rights, and sustainable development. Perhaps this is what the Prophet meant (in Bukhari) when he asked Muslims to be lenient and promote peace by not presenting Islam in a manner that creates aversion for it in the minds of people (yassiru wa laa tu assiru; wa sakkanu wa laa tunaffaru).

#### CHINESE PROJECT AT BALOCHISTAN PORT: LOCAL PROTESTS AND GLOBAL CONCERNS

Since the second week of November, there have been continuous protests in Gwadar, Balochistan against mega development plans of the port city as part of the China-Pakistan Economic Corridor. The protesters, rallying under the Gwadar Ko Huqooq Do Tehreek (Give Rights to Gwadar Movement), have sought to draw attention to marginalisation of the local people in the development of the port. They are angry that not only are they being excluded, their present livelihood too has been endangered. They are from Gwadar and nearby areas of coastal Balochistan including Turbat, Pishkan, Zamran, Buleda, Ormara and Pasni. This is not the first time Gwadar is seeing protests, but this one has now run for 26 days. Despite the severe conservatism of Balochistan, women protesters have come out in large numbers. Another significant aspect of the protest is that it is led by a Jamat-e-Islami leader of the area, Malauana Hidayat ur Rehman. The JI has traditionally been an ally of Pakistan’s military establishment. The national leader of the JI, Siraj Ul Haq also visited Gwadar in a show of solidarity with the protesters.

#### The local concerns

Balochistan is among the least developed even though the most resource-rich of Pakistan’s four provinces. The main means of livelihood for people in the region is fishing. Balochistan has the lowest access to drinking water, electricity, and even the gas that is the main resource of the region. The protesters have made 19 demands, according to Dawn newspaper. One is that more people from Gwadar should be employed by the Chinese company developing the port. On top of this list is that the government should crack down on foreign “trawler mafia” who are stripping the Gwadar Sea of its marine resources. This demand was first raised in June, when hundreds of fishermen, political workers and members of civil society had staged a protest against the government’s grant of licences to Chinese fishing trawlers. The National Party and Baloch Student Organisation, and a fishermen’s organisation held a dharna outside the Gwadar Press Club. Protesters pointed out that while Gwadar fishermen had given up their fishing spots for development of the port after assurances that it would greatly improve their economic condition, their existing condition was only worsening because of the unequal competition with the Chinese fishing vessels, which were also harming the eco-system. They expressed anger and disappointment that Pakistani government officials including the federal Fisheries Minister were

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not supporting their case and giving statements in favour of the Chinese fishermen, and demanded that the licences be cancelled. After a Voice of America report this week, linking the protests to Chinese fishing trawlers, the Chinese Ministry of Foreign Affairs dismissed it as “fake”. Global Times, a Chinese-state run media, too ran down the VOA report but also said the Chinese construction giant China Communications Construction Co (CCCC), which is constructing a \$144 m expressway in the area, was planning to donate 75 fishing nets to local fishermen soon. It quoted the company as saying the nets worth 100,000 yuan (\$15,701) and “a donation ceremony” would be held together with local residents at Gwadar. The port development at Gwadar is perhaps the single most strategically important project of the CPEC, and Chinese involvement there predates the CPEC by at least a decade. Work there began during the 10-year rule of General Pervez Musharraf, who pitched it as a strategic energy corridor that would provide the Chinese an alternative to the sea route for its oil imports from the middle east. Now it is integral to the President Xi Jinping’s Belt and Road Initiative. Ever since, Baloch nationalists have been angry at their exclusion, and separatist insurgent groups like the Baloch Liberation Army and others have targeted Chinese interests in and around Gwadar. The attacks have only risen after the CPEC took off. An attack on the Serena in 2019 took place during a visit by an official Chinese delegation. In response, more Pakistani troops have flooded the port city. One of the protesters’ demands is a reduction in the number of checkpoints.

#### Concerns of India, West

India has been concerned that Gwadar, which gives China strategic access to the Arabian Sea and the Indian Ocean, is not just being developed as a trade entrepot but as a dual purpose port for use by PLAN (the Chinese Navy) and is intended to expand Chinese presence in the Indian Ocean Region alongside Kyaukpyu in Myanmar and Hambantota in Sri Lanka. With vital military interests in West Asia, the US too is concerned about the Chinese presence in Gwadar. In an interview to the BBC earlier this week, Pakistan’s NSA Moeed Yusuf denied that the Chinese had been offered any military bases in Pakistan. He said there were Chinese-Pakistani “economic bases” in the country, “where any country can invest. The same were offered to the US, Russia and the Middle East”. But the concern will remain, given China’s ambitions in the Indo-Pacific, and Pakistan’s close military ties with it. The recent discovery of a secret Chinese military base in the UAE can only heighten the concerns.

#### SANCTIONS AND RIGHTS

The U.S. move to sanction a paramilitary unit in Bangladesh, the Rapid Action Battalion (RAB), has apparently caught the administration in Dhaka off-guard, prompting a diplomatic pushback including Bangladesh Foreign Secretary Masud Bin Momen summoning U.S. Ambassador to Dhaka Earl Miller to protest the action. Fresh on the heels of the U.S. President Joe Biden’s Democracy Summit, which Dhaka was not invited to attend, the U.S. Treasury said that as per the allegations made by various NGOs, the RAB and other Bangladeshi law enforcement units were responsible for “more than 600 disappearances since 2009, nearly 600 extrajudicial killings since 2018, and torture”; there were also reports suggesting that the targets of these actions were Opposition party members, journalists, and human rights activists. The sanctions were invoked under the Global Magnitsky Human Rights Accountability Act. The RAB is a joint task force founded in 2004. Under the RAB’s mandate of ensuring internal security, intelligence-gathering on criminal activities, and government-directed investigations, principally relating to Bangladesh’s war on drugs, there have been “widespread allegations of serious human rights abuse” by the RAB, to the extent that they threaten U.S. national security interests by undermining the rule of law and



respect for human rights and fundamental freedoms, according to the U.S. Treasury. The broader picture of the U.S.'s application of sanctions to alleged human rights violators across the globe is that the latest list of allegations includes not just the RAB, but also government officials and administrators in the Xinjiang region of China, where the minority Uighur community is reported to have faced rights violations; citizens of North Korea suspected to be engaged in earning illicit incomes abroad to support the country's arms trade and Russian institutions that have aided them; two military officials from Sri Lanka alleged to have committed gross rights violations against ethnic Tamils; and Chief Ministers of States in Myanmar who are alleged to have facilitated "ongoing brutal crackdowns against the people of Burma, including children and members of ethnic minority groups...." A knee-jerk response to such sweeping sanctions is to either question their effectiveness or challenge their moral authority given that minorities in the U.S., such as African-Americans, are also periodically at the receiving end of rights violations. However, given the rampant degree of such violations worldwide, there is a case to be made for any policy by any country that highlights the role of specific individuals alleged to be involved. Especially across South Asia, it might be salutary for the broader cause of human rights if there is a ripple effect of the sanctions on the RAB. Indeed, if this action gives pause for thought to overzealous law enforcement agents who violently act out their prejudices against ethnic or religious minorities, that would be welcome.

#### NEW CALEDONIA VOTES TO REMAIN PART OF FRANCE

Voters in the French island territory of New Caledonia chose overwhelmingly on Sunday to remain part of France, in a referendum boycotted by pro-independence forces and closely watched around the South Pacific. French President Emmanuel Macron hailed the result as a resounding confirmation of France's role in the Indo-Pacific, and announced negotiations on the territory's future status. Separatist activists expressed disappointment. They had urged a delay in the vote because of the pandemic, and were angry over what they said were French government efforts to sway the campaign. So they called on their supporters to stay away from voting stations. And they did. Official results showed 96% of those who took part chose to stay in France. Overall turnout was just 42% — less than half the numbers who showed up in a previous independence referendum last year, where support for breaking away was 46.7%. "Tonight France is more beautiful because New Caledonia decided to stay," Mr. Macron said.

DreamIAS



## NATION

### INDIA LAYS EMPHASIS ON UNCLOS

India remained committed to promoting a free, open and rules-based order rooted in international law and undaunted by coercion, the Centre informed Parliament on Monday while reiterating support for the United Nations Convention on the Law of the Sea (UNCLOS). “Government of India is committed to safeguarding maritime interests and strengthening security in the Indian Ocean Region (IOR) to ensure a favourable and positive maritime environment,” Minister of State for Defence Ajay Bhatt said in a written reply in the Lok Sabha. India also supported freedom of navigation and overflight, and unimpeded commerce based on the principles of international law, reflected notably in the UNCLOS 1982. As a State party to the UNCLOS, India promoted utmost respect for the UNCLOS, which established the international legal order of the seas and oceans, the statement said. India developed its maritime cooperation with regional partners in consonance with the Government’s vision of Security and Growth for All in the Region (SAGAR), Mr. Bhatt said. The steps taken include ‘Mission based Deployments’ of naval ships and aircraft to enhance Maritime Domain Awareness, promote maritime security and address contingencies that may arise, he stated.

#### Joint exercises

In addition, India proactively engaged with regional and extra-regional maritime forces through multilateral exercises, joint surveillance, coordinated patrols among others to promote maritime security in the region in an inclusive and cooperative manner, the statement added.

### SC HAS TAKEN NOTE OF SECTION 124A MISUSE

Union Law Minister Kiren Rijiju’s reply in Parliament that there is no proposal to scrap sedition charge from the Indian Penal Code comes almost five months after Chief Justice of India N.V. Ramana made scathing remarks in open court to the Government about the chilling effect of the “colonial law”, which suppresses the freedoms of ordinary people. In a hearing on July 15, the CJI compared the use of sedition charge (Section 124A of the IPC) to a tool given to a carpenter “to cut a piece of wood and he uses it to cut the entire forest itself”. The CJI wondered why a democracy needed such a law which was used by the British to imprison Mahatma Gandhi and Bal Gangadhar Tilak. “The Ministry of Home Affairs has informed that there is no proposal under consideration to scrap Section 124A of the Indian Penal Code, 1860. Further, the question of law regarding Section 124A is pending for adjudication before the Hon’ble Supreme Court of India,” Mr. Rijiju said in a written reply in the Lok Sabha.

#### Colonial law

He said the observation that sedition was a “colonial law” misused by the Government was not part of any judgment or order of the court. However, the Government, on July 15, through its topmost law officer, Attorney General K.K. Venugopal, had responded to the CJI’s oral observations in court, saying there was no need to strike down Section 124A. “It is enough to see if there were any excesses in its use and limit the Section to its real purpose... That would be enough,” Mr. Venugopal said. The CJI’s observations in court make it apparent that the highest court has taken judicial notice of the misuse of the sedition provision by the State. The observations were made by the CJI during court proceedings of the court. Oral observations made during a court hearing,





though not part of a formal order or judgment, reflect the constitutional court's line of thinking. It shows application of the judicial mind, and in this case, of the topmost judge of the country. Besides, the 2015 judgment of the Supreme Court in the Shreya Singhal case had called for the striking down of vague laws which choke free speech and shackle personal liberty.

#### **Media reports**

Former Union Minister P. Chidambaram, in his tweets, has pointed out that the court's comments were reported in the media. Mr. Rijju had retorted that media reports do not form part of official records. However, the court has already sought a formal response from the Government by issuing notice on a petition filed by Major General S.G. Vombatkere (retd.) to quash Section 124A. It has also issued notice to the Government on a writ petition filed jointly by the Editors Guild of India and cartoonist Aseem Trivedi. Two other petitions filed by Kishore Chandra Wangkemcha and Aamoda Broadcasting Company Private Ltd., the latter against the Andhra Pradesh Government, are pending before the court. Both cases concern sedition charges. A Bench led by Justice U.U. Lalit had issued notice in the Wangkemcha case. The Aamoda petition is before a Bench led by Justice D.Y. Chandrachud. A petition by senior journalist Arun Shourie and NGO Common Cause, both represented by advocate Prashant Bhushan, has argued that Section 124A does not even possess a "presumption of constitutionality". The CJI's Bench said all these petitions posed "similar questions of law". The very fact that the court wants an answer from the Government shows that it senses a problem worthy of judicial intervention. The CJI's oral remarks in July have also opened the floor for debate and introspection on the court's own judgment in 1962, in the Kedar Nath case, which upheld Section 124A.

#### **Stale laws**

The CJI had asked the Government why it did not throw out sedition law along with the hundreds of "stale laws" it had expunged from the statute books. "If you look at the history of use of this Section 124A of IPC, you will find that the conviction rate is very low. There is misuse of power by executive agencies... Your Government is taking out a lot of stale laws from the law books, why have they not looked into this," the Chief Justice asked.

### **HC STAYS DELHI GOVT. DIRECTIVE BANNING CROSS-GENDER MESSAGE**

The Delhi High Court on Thursday put on hold the Delhi Government's guidelines banning cross-gender massage services in the Capital noting there was no reasonable connection between the absolute ban and preventing prostitution at spas. Welcoming the order, spa owners, who had moved the High Court against the policy, said the Government has been targeting spas by delaying their opening after the lockdown followed by the guidelines to prohibit cross-gender massages. Justice Rekha Palli said she was of the view that "this kind of an absolute ban on cross-gender massage cannot be said to have any reasonable connection with the aim of the policy, which is to regulate the functioning of the spas and ensure that no illegal trafficking or prostitution takes place in the city".

#### **Deterrent measures**

Justice Palli said that while the authorities ought to have taken deterrent measures to regulate the spa centres against such illegal activities, it prima facie appeared that the policy to impose a blanket ban was framed without any consultation with professionals involved in spa services. The High Court ordered that the operation of the policy will remain stayed till further orders. It,



additionally, directed the three municipal corporations and the Delhi police to carry out inspection in their respective area within one week, and take appropriate steps for closure of all unlicensed spas.

#### **Policy guidelines**

The High Court's direction came while hearing a batch of petitions filed by Association of Wellness Ayurveda & Spa and owners of spa centres, who were affected by the Delhi Government's policy guidelines prohibiting cross-gender massages and the consequent directions passed by the municipal corporations. The petitioners claimed that many spas have been closed down for engaging in cross-gender massage and others are being threatened by officials on the basis of the new guidelines. "Every industry, workplace and businesses have some bad apples but that doesn't mean that every spa centre across the State is running a prostitution and human trafficking racket," one of the petitions said. The association said that cross-gender treatment has been "part of the traditional massage practices" and assuming prostitution to be only in the "heterosexual domain" is illogical. "Defaming spa centres across Delhi as some kind of prostitution hub/brothels has severely affected the business of the petitioners as customers are scared to visit the centres which are already suffering from the COVID-19 pandemic," the association said in its petition.

#### **'Permanent solution'**

Pooja Chatterjee, president of Delhi Wellness Spa Association (DWSA), and a petitioner in the case, welcomed the judgment and said that she hoped for a "permanent solution" to the prohibition on cross-gender massage services. She said, "We agree that all unlicensed spas that run rackets should be closed but that does not mean every centre is involved in such activities. Spas have already suffered a financial setback due to the COVID-19 lockdowns, and now people are scared to enter spas because such a prohibition on cross-gender massages makes them question their safety." Ravi Tandon, vice-president of the DWSA, said he was discontent with the Delhi Government's "behaviour towards spa owners". The Government had delayed the opening of spas after the first lockdown and they had to file a petition in the Delhi High Court to have them reopened, and this happened after the second lockdown as well, he said. "Then it came after spas with the prohibition on cross-gender massages and the BJP-led civic bodies also made a similar decision for political gains," Mr. Tandon said.

#### **New licence policy**

Earlier, the South and East Delhi Municipal Corporations had announced a ban on cross-gender massages. The South civic body had said that the prohibition was approved under a new licence policy for spas and massage centres and that it was approved by "Lieutenant-Governor Anil Baijal". East civic body Mayor Shyam Sunder Aggarwal said that the civic body "will respect the Delhi High Court's order". "However, I feel that the Delhi High Court will go back on its decision and will find that our move to prohibit cross-gender massages was right. I believe that the maximum number of these spa establishments are linked to problematic activities," he said.

### **SC APPROVES WIDENING OF THREE CHAR DHAM HIGHWAYS**

The Supreme Court on Tuesday upheld the Government's mandate to broaden three Himalayan highways, considered crucial by the Ministry of Defence (MoD) for quick troop build-up along the India-China border. The three National Highways — Rishikesh to Mana, Rishikesh to Gangotri and Tanakpur to Pithoragarh — act as feeder roads to the northern border with China. They are part



of the Char Dham Highway project. The highways will now be developed in accordance with the double lane with paved shoulder (DLPS) system. “This court in judicial review cannot second-guess the infrastructural needs of the armed forces,” a Bench led by Justice D.Y. Chandrachud said in a judgment. The verdict is based on an application filed by the MoD to modify the court’s September 8, 2020 order, which directed that mountain roads for the Char Dham project should be 5.5 metre in width in compliance with a 2018 circular of the Ministry of Road Transport and Highways. The Ministry had gone on to amend its circular in December last, saying that “for roads in hilly and mountainous terrain which act as feeder roads to the Indo-China border [and] are of strategic importance for national security, the carriageway width should be 7 m with 1.5 m paved shoulder on either side”. Modifying the September order, the judgment on Tuesday said, “We allow the Ministry of Defence’s application for DLPS configuration for three strategic highways... At the same time take note of the environmental concerns raised for the entirety of the project and the unanimous recommendation of the High Powered Committee (HPC) for taking remedial measures and direct that they have to be implemented by the Ministry of Road Transport and Highways and the Ministry of Defence going forward.” The Bench formed an oversight committee chaired by former Supreme Court judge, Justice A.K. Sikri, to ensure that the Government implements the remedial measures recommended by the court’s HPC for the environment. Noting that while a majority of the HPC had recommended DLPS-standard road width for the highways, the court said the panel had also unanimously suggested “best practices” and remedial measures to protect the ecology from harm, especially in “areas of concern”. The court observed that some of the areas needed constant monitoring by the Roads Ministry. A system needed to be set up. The court highlighted the HPC’s recommendation to study the effect on local communities and a dialogue with them to resolve their problems. Environmentalists had argued in court that broadening the highways using DLPS would prove fatal to the already fragile Himalayan ecology. But the court concluded that the Roads Ministry’s circular was based on recommendations from the MoD. The court said it cannot “interrogate” the defence requirements of the nation.

#### WHEN ‘VEG’ IS ‘NON-VEG’: WHAT DELHI HIGH COURT SAID

Delhi High Court has directed the food safety regulator to ensure that food business operators make full disclosures on all that goes into any food article — “not only by their code names but also by disclosing as to whether they originate from plant, or animal source, or whether they are manufactured in a laboratory, irrespective of their percentage in the food article”. The operators must comply strictly with Regulation 2.2.2(4) of the Food Safety and Standards (Packaging and Labelling) Regulations, 2011 “on the basis that the use of any ingredient — in whatever measure or percentage, which is sourced from animals, would render the food article as Non-Vegetarian,” the court said. “Every person has a right to know as to what he/she is consuming, and nothing can be offered to the person on a platter by resort to deceit, or camouflage,” a division bench of Justices Vipin Sanghi and Jasmeet Singh said in an order passed on December 9.

#### What are the labelling requirements under the 2011 Regulations?

The Regulations define non-vegetarian food as containing “whole or part of any animal including birds, fresh water or marine animals or eggs or products of any animal origin, but excluding milk or milk products”. All non-vegetarian food must be labelled with “a brown colour filled circle... [of a specified diameter] inside a square with brown outline having sides double the diameter of the circle”. Where egg is the only non-vegetarian ingredient, a “declaration to this effect [may be given] in addition to the said symbol”. Vegetarian food must be labelled with a “green colour filled circle...inside the square with green outline”. The regulations also require manufacturers to



display a list of ingredients along with their weight or volume. Manufacturers must disclose which types of edible vegetable oil, edible vegetable fat, animal fat or oil, fish, poultry meat, or cheese, etc. has been used in the product.

#### **Who went to court, and why?**

Ram Gaua Raksha Dal, a non-government Trust that works for the safety and welfare of cows, filed a petition in October seeking implementation of the existing rules, and prayed that all products, including non-consumables like crockery, wearable items, and accessories, should be marked on the basis of the ingredients used. For food items, the petition sought on the label not just the ingredients, but also the items used in the manufacturing process. The trust, whose members are followers of the Namdhari sect, submitted that the community strongly believes in following strict vegetarianism, and that their religious beliefs also prohibit the use, in any form, of goods containing animal products.

#### **So, what is the problem with the labelling?**

The court said that the law “very clearly intends and expressly provides for declaration on all food items...as to whether they are vegetarian or non-vegetarian”. However, “it appears, some Food Business Operators are taking advantage of — upon misreading of the Regulations, the fact that the Act does not specifically oblige [them] to disclose the source from which the ingredients — which go into manufacture/production of food articles, are sourced, except...specific express exceptions”. The court gave the example of the chemical disodium inosinate, a food additive found in instant noodles and potato chips, which is commercially manufactured from meat or fish. “A little search on Google...shows that it is often sourced from pig fat,” it said. When such ingredients are used, often “merely the codes of the ingredients are disclosed, without actually disclosing on the packaging as to what is the source, i.e. whether it is plant based, or animal based, or it is a chemically manufactured in a laboratory,” the court said. “Many food articles which have ingredients sourced from animals, are passed off as vegetarian by affixing the green dot.”

#### **What directions did the court issue, therefore?**

The court said the use of non-vegetarian ingredients, even in “a minuscule percentage”, “would render such food articles non-vegetarian, and would offend the religious and cultural sensibilities/ sentiments of strict vegetarians, and would interfere in their right to freely profess, practice and propagate their religion and belief”. The failure of authorities to check such lapses is leading to non-compliance of the Food Safety and Standards Act, 2006, and the Regulations, the court said. It directed food business operators “to ensure full and strict compliance of Regulation 2.2.2(4)”, (“Declaration regarding Veg or Non veg”) and observed that “failure...to comply...would expose [them] to, inter alia, class action for violation of the fundamental rights of the consuming public and invite punitive damages, apart from prosecution”.

### **THE EVOLUTION AND FRAMING OF THE CONSTITUTION**

Constitution Day was celebrated on November 26 this year too with the Government of India organising a grand event in the Central Hall of Parliament to remind citizens that the Indian Constitution was adopted by the Constituent Assembly this day, 72 years ago. As usual, speeches were made about the greatness of the Constitution. But politics was not kept out entirely. In fact, there is always an unexciting predictability about these speeches. That is largely attributable to the sequacity of the political class. It is not certain whether the various speeches made on this





occasion every year have enlightened the younger generation of India about the historical background of the Constitution. It is a fair guess that the new generation in this country knows pretty little about the freedom struggle led by Gandhi and the Congress.

#### **A refresher**

For the information of this generation, let me state a few facts. The framing of the Constitution is not an isolated and accidental event in the sense that one fine morning, a few barristers and jurists got together and decided that India needed a Constitution and began writing it. It is the culmination of long years of the struggle for freedom which consumed a countless number of precious lives of ordinary Indians. The Indian National Congress, under the leadership of Pandit Jawaharlal Nehru, had demanded, in 1935, a Constituent Assembly to frame a Constitution for free India, and Nehru wanted the election to be held to the Assembly on the basis of adult franchise. As it happened, the Constituent Assembly came to be constituted 11 years later, in 1946, but the election was held on the basis of communal representation. After almost three years of hard work, the Constitution was completed in November 1949 and was adopted by the Constituent Assembly on November 26. Although the Constitution was adopted and signed by the President of the Constituent Assembly, Dr. Rajendra Prasad, on that day, it was brought into effect only on January 26, 1950. This date was chosen because it was on this day in 1930 that the Indian National Congress under the presidentship of Nehru declared 'Poorna Swaraj' (complete independence) for India. Thus, the history of the Constitution is bound up with the history of the Congress and the freedom movement.

#### **Nehru's contribution**

Any celebration of Constitution Day will remain incomplete if Nehru's contribution to the making of the Constitution is not remembered. It was his Objectives Resolution which formed the Preamble of the Constitution. It contained the philosophy, the vision and the goal of the Constitution. The ideas thrown up by the European Renaissance, the America Independence and the French Revolution tremendously influenced him. The ideas of liberty, equality and fraternity and freedom of speech, freedom of conscience, justice-social economic and politics permeated the Indian Constitution under the influence of Nehru. It is an interesting thought that India's mainstream society which is structurally incapable of internalising the ideas of equality and social justice, had to suffer terrible inconvenience from the imperatives of equality and social justice. The Constitution ushered in an era of equality, signifying a complete break with an unsavoury past.

#### **Choice of Ambedkar**

Dr. B.R. Ambedkar, of course, is rightly remembered in the context of the Constitution and more frequently in political contexts. However, it is difficult to remember a single memorable speech by any politician about the contribution of Dr. Ambedkar to the building and concretising of the concept of social equality in the Constitution. Dr. Ambedkar became the Chairman of the drafting Committee perhaps incidentally. He admits in one of his famous speeches in the Constituent Assembly that he had come there to plead for the depressed classes, but the Assembly made him the Chairman. Dr. Ambedkar was an original thinker and a very perceptive social scientist who had a keen understanding of the terrible structural inadequacies of Hindu society and its philosophical pretensions. He radically deferred with Gandhi on many crucial issues and had serious differences with the Congress. He ridiculed civil disobedience, non-cooperation and Satyagraha and said "these methods are nothing but the grammar of anarchy and the sooner they



are abandoned, the better for us". But the Constituent Assembly, which had an overwhelming majority of Congressmen, chose him as the Chairman of the drafting Committee. The great men who led the freedom movement and guided the making of the Constitution, had displayed tremendous foresight in choosing Dr. Ambedkar to draft the Constitution.

### **On accountability**

Speeches made on Constitution Day expectedly contained references to the Judiciary. Many such references are undoubtedly about the Supreme Court. Of course, Constitution Day cannot pass without making pontifical observations about the role and the responsibility of the Judiciary, particularly the top court. Judicial accountability is an issue which the political class seems to be obsessed with. The Preamble of the Constitution begins with "We, the People of India". The people are the sovereign, and every organ of the state is ultimately accountable to them. But, accountability is a nuanced term which is understood or interpreted differently in different contexts. In a parliamentary system with the Cabinet form of government, the Executive is accountable to the Legislature, because the Legislature consists of representatives of the people. Therefore, if the Legislature withdraws support to the government, it does not survive. Similarly, the legislators are accountable to the people who elect them. They have to go back to them every five years. But, how is judicial accountability dealt with by the Constitution? Recently, this interesting issue was raised by the present Chief Justice of India, N.V. Ramana, in one of his thought-provoking speeches, on November 26, in the context of the Constitution Day celebrations. He said, "The framers of the Constitution made accountability an integral element with respect to the Legislature and Executive. However, they consciously decided to keep the Judiciary on [a] different pedestal." This is a lucid exposition of the constitutional position of the Judiciary vis-à-vis other organs of the state with respect to accountability.

### **A different pedestal**

Serious students of the Constitution can readily agree with the learned Chief Justice of India because the Constitution does not impose the same burden of accountability on the Judiciary as the Executive and the Legislature. The mandate given to the Judiciary is to do justice to the people, and, therefore, the Constitution made it an independent institution answerable neither to the Executive nor to the Legislature in respect of its functions. Article 142 brings in the concept of complete justice. The top court, where all litigations terminate, is mandated to do complete justice. In order to be able to do that, the Judiciary has been placed on a different pedestal. One can unhesitatingly agree with the Chief Justice of India when he says "they (constitution makers) trusted the competence of the men and women who would adorn the Bench in upholding the Constitution". Who can deny that the doctrine of 'basic structure' propounded by the Supreme Court in the Kesavananda Bharati case has in a way saved the Constitution from being mutilated by politicians who believe in neither democracy nor in justice? An independent judiciary which does not have to look over its shoulder is the pride of the Indian Republic. Accountability of the Judiciary in the political sense is a disaster. "We, the People of India" made it independent so that it does complete justice to us. The Chief Justice of India knew what he was saying.

## **A FALSE CONFLATION BETWEEN DUTIES AND RIGHTS**

Should our rights coalesce with our duties? In recent times, it has been something of a constant refrain of the governing class to advocate an integration of duty with right. By duty here they do not mean the concomitant obligations that spring out of constitutional promises, but a set of ideals that were written into the Constitution during the acme of the Indira Gandhi-imposed Emergency.



In their belief, these otherwise non-binding obligations — the “fundamental duties” as Article 51A describes them — ought to be treated on a par with, if not superior to, the various fundamental rights that the Constitution guarantees. In an inversion of the well-known dictum, they see duties, and not rights, as trumps.

### Voices and opinion

On Constitution Day last month, many Union Ministers used the occasion to underline this proposal. The Minister of Law and Justice, Kiren Rijiju, claimed that our country can be made great only “if we create a balance between fundamental duties and fundamental rights.” The Minister for Culture, G. Kishan Reddy, took this thought further still. “Today, on Constitution Day, it is important that we emphasise our fundamental duties for the growth and progress of our country,” he wrote in the Hindustan Times. “If deeper roots have to be established in a diverse and democratic country such as India, citizens will have to converge their inalienable fundamental rights with their fundamental duties.” What is more, the link between fundamental rights and duties, according to him, was not merely a constitutional debate but a “civilisation discussion” — whatever that might mean. To be sure, it is a basic proposition that all rights come with duties. But those duties are quite distinct from the meaning ascribed to them in the popular discourse. When a person holds a right, she is owed an obligation by a duty-bearer. For example, when citizens are promised a right against discrimination, the government is obliged to ensure that it treats everybody with equal care and concern. Similarly, the guarantee of a right to freedom of speech enjoins the state to refrain from interfering with that liberty. It is only in this sense that rights and duties go together. But the government’s position proposes something rather more ominous. It puts forward an idea that our rights ought to be made conditional on the performance of a set of extraneous obligations. This suggestion is plainly in the teeth of the Constitution’s text, language, and history.

### Rights, limitations

The Constituent Assembly was clear in its belief that the Constitution’s emphasis must always rest on individual dignity. That is, the Constitution’s chief purpose must be to preserve and guarantee basic human rights, to equality, to autonomy, and to liberty, among others. To the framers, the very idea of deliberating over whether these rights ought to be provisional, and on whether these rights ought to be made subject to the performance of some alien duty, was repugnant to the republic’s vision. But the importance placed on every person’s ethical independence did not mean that rights were seen as absolute warrants. After all, Part III of the Constitution, in which our fundamental rights are nestled, contains within it a set of limitations. However, none of those restrictions places a burden on citizens to perform duties as a condition for the enforcement of rights. The Constitution’s framers saw the placing of mandates on individual responsibilities as nothing more than a legislative prerogative. Any such imposition would have to conform to the language of fundamental rights, but Parliament was otherwise free to dictate personal behaviour. For example, the legislature could impose a duty on individuals to pay a tax on their income, and this duty could be enforced in a variety of ways. If the tax imposed and the sanctions prescribed were reasonable, the obligations placed on the citizen will be constitutionally valid.

### Many duties

In this manner, Parliament and the State legislatures have imposed a plethora of duties — duties to care for the elderly and for children; duties to pay tolls and levies; duties against causing harm to others; duties to treat the environment with care, the list is endless. What is critical, though, is



that these laws cannot make a person's fundamental right contingent on the performance of a duty that they impose. A legislation that does so will violate the Constitution. Now, no sensible person is arguing that duties of this kind are unimportant. To sustain our society, to live peacefully together, we must take seriously our civic responsibilities. But any talk aimed at making these obligations central, and at melding our rights with duties, is aimed only at undermining the Constitution. That this is so is clear from the history of fundamental duties in India. In its original form, the Constitution did not enlist any obligations that an individual was bound to follow. The fundamental duties that are now contained in Article 51A were introduced through the infamous 42nd constitutional amendment. The Swaran Singh Committee, which was set up during the Emergency, and which recommended the insertion of the clause, also suggested that a failure to comply with a duty ought to result in punishment. Ultimately, the amendment was introduced after the binding nature of the clause was removed, but its intention was clearly expressed in the then Law Minister H.R. Gokhale's assertions that the provision would have "a sobering effect" on the "anti-national" and "subversive" sections of society. In its finally adopted form, Article 51A encouraged citizens to perform several duties: among others, to cherish and follow the noble ideals that inspired the national struggle for freedom; to uphold and protect the sovereignty, unity and integrity of India; to defend the country and render national service when called upon to do so; to protect and improve the natural environment; and to safeguard public property. When the Emergency came to pass, these directives were largely seen in innocuous terms — for one, they were considered too vague to make any meaningful difference. But today, when our popular discourse veers towards a need to place an emphasis on duty over right, the Constitution's basic ethos once again comes under threat. What these demands overlook is that the social revolution that the Constitution was meant to herald was underpinned by a belief that it is only a guarantee of rights — unimpeded by duty — that could help usher India into a free and egalitarian future.

#### Questions to ask

This is not to suggest that human rights are by themselves sufficient. The philosopher Onora O'Neill has argued with some force that we would do well to discuss the precise nature of duties that rights create. Unless we do so, our charters of human rights may not by themselves be enough. For example, we may want to ask ourselves if the promise of a right to free expression imposes on the state something more than a duty to forebear from making an unwarranted restriction on that liberty. Does it require the state to also work towards creating an equal society where each person finds herself in a position to express herself freely? Similarly, does the right to life include within it a positive obligation on the state to provide shelter, livelihood, and health care? When we speak about the importance of obligations, it is these questions that must animate our discussions. Should we instead allow the language of fundamental duties — as contained in Article 51A — to subsume our political debates, we would only be placing in jeopardy the moral principles at the heart of India's republic.

#### CALL FROM WITHIN JUDICIARY TO CHANGE COLLEGIUM SYSTEM

Union Law Minister Kiren Rijiju told the Rajya Sabha on Monday that there was a call from within the judiciary and parliamentarians to change the collegium system for appointment of judges. He said a draft memorandum of procedure for bringing transparency and accountability to the system was submitted by the Government to the Supreme Court, and it was pending. The National Judicial Appointments Commission (NJAC) Bill passed by both the Houses of Parliament was declared ultra vires by the Supreme Court in 2015. "There is a call from several quarters to bring transparency to the appointment of judges. Till 1993, the appointments were taking place as per





the Constitution, the President of India appointed the judges in consultation with the SC. Soon this changed and from 1998, the collegium system kicked in. So consultation was changed to concurrence... the nation should introspect on this important issue," Mr. Rijju said. He said the Government should carry out its duty diligently in consultation with the top court.

#### **'Not a challenge'**

"If the Government considers a particular person is not fit to be an SC or HC judge, how can we be forced to appoint that person...my words should not be construed as a challenge to the judiciary. If we are not crossing the line, then others should also not come in our way," he said. He said the Government had written to the Chief Justices of all High Courts to include names of members from the reserved categories while recommending names for appointment as judges. John Brittas of the CPI(M) said it had been six years since the court struck down the NJAC, but "this Government has found it convenient and expedient so that there is a barter". "The Government has successfully spiked the appointments of those who are inconvenient to them. And the Government has been sitting on the proposals of the collegium whenever they find certain names who are persona non grata for them. Some judges are transferred for unknown reasons as a punishment. But some Chief Justice openly speaks against secularism and thus the Constitution. No age criterion for becoming judges, some are rejected for want of age, some are appointed overnight," he said. Mr. Rijju was participating in a discussion in the Rajya Sabha on a Bill that clarifies the process to count the age of retired judges to determine when they will get enhanced pension. The Bill was passed by voice vote in the Upper House. The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021 was passed earlier by the Lok Sabha.

#### **THE SPEAKER WHO STIFLED DEBATE**

November 29, 2021, will be remembered as a black day in the history of India's parliamentary democracy. On that day, by a fell blow, the custodian of the Lok Sabha's rights, its Speaker Om Birla, struck at the very raison d'être of the House. Historically and constitutionally Parliament is no legislature machine. It is the grand inquest of the nation. In Britain and in India, debates long preceded legislation. What is particularly repulsive is that the outrage was orchestrated. Hours before the House met, Prime Minister Narendra Modi laid down the law in the very terms that the Speaker used in his ruling. At the Business Advisory Committee, which met shortly before the House, BJP members dutifully said ditto.

#### **Holding the House to ransom**

The Farm Laws Repeal Bill, 2021, sought to repeal three contentious farm laws. The Agriculture Minister, Narendra Singh Tomar, introduced the Bill for "consideration" and adoption, which implies after debate. This was fortified by his attacks on the Opposition's "hypocritical attitude". The Opposition had a right to rebut this but this right was denied to it. The Speaker ruled, "I will allow the discussion only when the House is in order". The Rules of Procedure and Conduct of Business in Lok Sabha give him no right or power to hold the House to ransom unless such assurances are given in advance. No self-respecting Opposition will submit to this. The Rules give him ample power to enforce order after it has been disrupted. The Minister arrogated to himself the right to decide that there was no need for a debate because there was a consensus on the repeal of the three Acts. This is disingenuous. The Acts remained to be discussed. As the All India Kisan Sabha pointed out, the three Acts did not include safeguards to prevent profiteering and monopoly by corporates and private entities. The Opposition was denied the right to move amendments to the repealing Bill. The Minister went further still. He said that a debate would have



no tangible results. Why then hold debates on foreign policy, for instance? Was the House not entitled to move an amendment to legal guarantees for Minimum Support Price? The Rules of Procedure are drafted to ensure a free debate, not to stifle it. There is not a single Rule or Standing Order which empowers the Speaker to act as Mr. Birla did. Consider Rule 362(1) to begin with: "At any time after a motion has been made, any member may move that the question be now put, and unless it appears to the Speaker that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Speaker shall then put the motion that the question be now put." Closure cannot be imposed without a prior debate. Rule 363(1) says: "Whenever the debate on any motion in connection with a Bill or on any other motion becomes unduly protracted, the Speaker may, after taking the sense of the House, fix a time limit for the conclusion of discussion on any stage or all stages of the Bill or the motion, as the case may be". It is the "sense of the House", not the Speaker's opinion, which governs.

### **The Speaker's powers**

The Speaker has ample power to quell disorderly behaviour. But thereafter, the House is the master. It can overrule the Speaker (Rule 374A). The Speaker can adjourn the House or suspend a sitting. The Speaker has no power to refuse a debate unless an undertaking is given for good conduct in future. Debates are meant for the edification of the people and are, in turn, influenced by public opinion. As Ivor Jennings wrote in his classic on Parliament, "It is not the control of the Government by the House but the fact that its dislikes are often a representation of electoral dislikes that makes debate important." Jennings wrote, "Obstruction is an ordinary part of parliamentary procedure". The Rules of Procedure provide precisely what Erskine May's Parliamentary Practice prescribes. In the event of grave disorder, the Speaker may adjourn the House or suspend the sittings. He cannot stipulate good behaviour as condition for debate. What happens in our Parliament is nothing compared to the "rowdiness" in the House of Commons which Philip Norton specified in The Times of July 7, 1990. Yet, he warned that "to limit the capacity of the House to debate is to frustrate the very purpose of the institution, and so undermine support for the system of government." MPs must draw up a documented statement on the matter, based on India's Rules of Procedure and those of the U.K., Canada and Australia, in assertion of their rights and those of the people they represent. In fairness, the Speaker should be invited, most respectfully, to indicate the Rule under which he acted on November 29, 2021.

### **IN THE NAME OF THE FATHER**

A Special Investigation Team of the Uttar Pradesh police has concluded that the violence in Lakhimpur Kheri, U.P., on October 3 that claimed the lives of eight people was a "pre-planned conspiracy". Union Minister of State for Home Ajay Kumar Mishra's son Ashish Mishra is a key accused in the case. He was in a convoy of cars that mowed down farmers protesting against the controversial farm laws that have since been repealed. Two of the cars were owned by the Minister. In subsequent violence on that day, three BJP workers who were part of the convoy were lynched by the protesters. The charges are yet to be proved in a court, but the Minister is on the defensive as the Opposition stalled Parliament for two days, demanding his dismissal. The charges against his son are serious. The police have sought to drop the initial charges they had brought against the accused under Indian Penal Code (IPC) Section 304A (culpable homicide not amounting to murder), Section 279 (negligent driving), and Section 338 (causing grievous hurt). They now seek Section 307 (attempt to murder), Section 326 (causing hurt with dangerous weapon), Section 34 (acts done by several persons in furtherance of common intention), and Section 3/25 Arms Act against Ashish Mishra. It could be argued that a father is not accountable



for his son's actions, but in this instance it is disingenuous. The son has been a key character in the father's politics, by all accounts, and the Minister's continuation in the Council has become morally untenable. Mr. Sharma has aggravated the situation for himself by misbehaving with a journalist who asked him a question on the issue. His behaviour, caught on camera, is unbecoming of a Minister. The violence unleashed by the Minister's followers on October 3 was one of the factors that forced the hand of Prime Minister Narendra Modi who had ruled out the repeal of the farm laws all along. The BJP appears to be defending the Minister though the official argument has been limited to the point that the matter cannot be discussed in Parliament as it is before a court. Mr. Mishra's adventurism has turned out to be costly for the BJP, but the party may be cautious in dealing with him. The Assembly election is due in Uttar Pradesh, and the party may not want to ruffle feathers any further. An element of an internal power struggle in the BJP's U.P. unit is unmistakable in the violent incident and the police response that followed. Mr. Mishra had political calculations in taking a combative stance against farmers. But he may have to pay a price for it now, as the incident puts the State and Central governments of the party on the back foot. Fairness demands that he must not stay on as a Union Minister.

## BUCKLING

A constitutional democracy is held up as much by its individual and separate institutions as by the terms of their relationship with each other. The respect and dignity they give to, and demand from one another, may sometimes be intangible, but is nevertheless crucial. In India, the Election Commission discharges its constitutional mandate of conducting free and fair elections but it does more than just that. It also forms the core of a sprawling electoral system in which, except the odd aberration, even those who lose an election by a hair's breadth seldom question the results, or the credibility of the poll monitor. The EC's reputation for independence and fairness is not just its individual attribute, but also forms an inalienable part of the system's legitimacy, the people's trust in supervisory institutions, as winners and losers come and go. The EC, therefore, must especially be accorded its due dignity and respect — much depends on it. That is why there is reason to pause on the wording of a letter from an official of the law ministry to the poll panel last month. As this newspaper has revealed, it effectively summoned the CEC to a meeting chaired by an official in the PMO. There is reason, also, to ask why, after the CEC had made known his "displeasure" at the tone of the letter, and stayed away from the meeting, all three election commissioners bent immediately thereafter, joining an "informal interaction" with the PMO official. Questions must be asked — of the PMO, law ministry and the EC — not because any meeting between them is controversial, but because the lack of form and propriety in the entire exchange matters. It speaks of larger and disquieting things. The strength of institutions, or the balance between them, is a changeable thing, varying and wavering over time. The EC was not always the formidable body that it is today. Much of the ground for its current standing was laid by the leadership of TN Seshan, whose tenure in the 1990s was widely seen to rouse a sleepy institution. CEC Seshan gave new force to the EC's role of upholding the rules of the game, including the Model Code of Conduct. Similarly, the equilibrium between institutions has not remained the same. In fact, ever since a single party won a majority at the Centre after over two decades in 2014, there has been mounting pressure on unelected institutions to bend and bow to the elected and their "mandate". The EC has not always stepped up to the watchdog's rising challenge. Several decisions, from the delay in announcing the election schedule in Gujarat, 2017, to the prevarication in banning campaign activity amid the second Covid surge in West Bengal this year, were seen to favour the Centre's ruling establishment. The EC must urgently dispel the impression of not being able to keep an aggressive Executive at arm's length, of any weakness in the knees. At the very least, the CEC should ask the Law Ministry to regret on record and withdraw



the note in question. The government must also recognise that undermining the EC ends up weakening the very system it draws its strength from. In the run-up to the coming round of assembly polls, the red lines will need to be redrawn, with a renewed firmness. The EC will be closely watched.

#### WHAT IS THE SIXTH SCHEDULE, AND CAN LADAKH BE INCLUDED UNDER IT?

BJP MP from Ladakh Jamyang Tsering Namgyal on Tuesday demanded that the region be included in the Sixth Schedule of the Constitution to safeguard land, employment, and cultural identity of the local population. Namgyal spoke in Parliament a day after Ladakh observed a shutdown to press for statehood. Representatives of the region have raised the demand repeatedly since the constitutional changes in the erstwhile state of Jammu and Kashmir in 2019.

##### **What is the Sixth Schedule?**

The Sixth Schedule under Article 244 provides for the formation of autonomous administrative divisions — Autonomous District Councils (ADCs) — that have some legislative, judicial, and administrative autonomy within a state. ADCs have up to 30 members with a term of five years, and can make laws, rules and regulations with regard to land, forest, water, agriculture, village councils, health, sanitation, village- and town-level policing, inheritance, marriage and divorce, social customs and mining, etc. The Bodoland Territorial Council in Assam is an exception with more than 40 members and the right to make laws on 39 issues. The Sixth Schedule applies to the Northeastern states of Assam, Meghalaya, Mizoram (three Councils each), and Tripura (one Council).

##### **Why does Ladakh want to be part of the Sixth Schedule?**

There was much enthusiasm initially, mostly in Leh, after the August 5, 2019 decisions that created two new Union Territories. Buddhist-dominated Leh district had long demanded UT status because it felt neglected by the erstwhile state government, which was dominated by politicians from Kashmir and Jammu. In Parliament, Namgyal had said, “Under Kashmir, our development, our political aspiration, our identity, our language – if all of this got lost it is because of Article 370...” Prime Minister Narendra Modi had “given an address on the political aspirations, developmental spirit and even recognized the contribution of the people from the region of Ladakh”, he said. The enthusiasm waned as it was understood that while the UT of J&K would have a legislature, the UT of Ladakh would not. There had been four MLAs from the region in the erstwhile J&K Assembly; the administration of the region is now completely in the hands of bureaucrats. To many in Ladakh, the government now looks even more distant than Srinagar. Also, the changed domicile policy in Jammu and Kashmir has raised fears in the region about its own land, employment, demography, and cultural identity. The UT has two Hill councils in Leh and Kargil, but neither is under the Sixth Schedule. Their powers are limited to collection of some local taxes such as parking fees and allotment and use of land vested by the Centre.

##### **What are the voices from the ground saying?**

A coalition of social, religious, and political representatives in Leh and Kargil has gone beyond the Sixth Schedule and demanded full statehood for Ladakh, besides protection of land and jobs for locals. The region observed a complete shutdown on Monday to press these demands; a similar bandh had been observed in August during a visit of MoS Home Nityanand Rai to Leh. In Kargil district, which is dominated by Shia Muslims, demands have been raised for the restoration of





special status — also for a merger with the UT of J&K which has been provisioned a legislature. Representatives of social, religious, and political groups in Kargil have come together under the banner of the KDA. In January this year, a delegation including former MPs Thiksay Rinpoche and Thupstan Chhewang, former BJP minister Chering Dorjay, Leh chief executive councillor Tashi Gyalson, and Namgyal met Home Minister Amit Shah to press their demands.

#### **Can Ladakh be included in Sixth Schedule?**

In September 2019, the National Commission for Scheduled Tribes recommended the inclusion of Ladakh under the Sixth Schedule, noting that the new UT was predominantly tribal (more than 97%), people from other parts of the country had been restricted from purchasing or acquiring land there, and its distinct cultural heritage needed preservation. Notably, no region outside the Northeast has been included in the Sixth Schedule. In fact, even in Manipur, which has predominantly tribal populations in some places, the autonomous councils are not included in the Sixth Schedule. Nagaland and Arunachal Pradesh, which are totally tribal, are also not in the Sixth Schedule. “Ladakh’s inclusion in the Sixth Schedule would be difficult. The Constitution is very clear, Sixth Schedule is for the Northeast. For tribal areas in the rest of the country, there is the Fifth Schedule,” a Home Ministry official said. However, it remains the prerogative of the government — it can, if it so decides, bring a Bill to amend the Constitution for this purpose.

#### **What has been the government’s response?**

The Centre woke up to the anxieties of the region when, a year after the abrogation of Article 370, all political parties in Leh, including the BJP, announced a boycott of the LAHDC-Leh elections. They called off the boycott after a meeting with Shah in New Delhi, at which they were promised “Sixth Schedule-like” protections. In January, the MHA announced that a committee under then MoS Home G Kishan Reddy would be formed to address “the issues related to language of Ladakh, culture of Ladakh and conservation of land in Ladakh”. In July, Reddy promised KDA representatives that representatives of Kargil would be included in the committee. In August, MoS Home Rai assured representatives of Kargil and Leh that the government was committed to look into their concerns. Not much has happened since.

### **WHY RAISE LEGAL AGE, OR WHY NOT**

The Cabinet’s decision to raise the legal age of marriage for women is based on the recommendation of a panel led by Jaya Jaitly.

#### **The rationale**

The task force was set up by the WCD Ministry to re-examine age of marriage and its correlation to health and social indices such as infant mortality, maternal mortality, and nutrition levels among mothers and children. Jaitly has said the recommendation is not based on the rationale of population control (India’s total fertility rate is already declining) but more with women’s empowerment and gender parity. The committee has said access to education and livelihood must be enhanced simultaneously for the law to be effective.

#### **The opposition**

Experts have been opposing a raised age of marriage on two broad counts. First, the law to prevent child marriages does not work. While child marriage has declined, it has been marginal: from 27% in 2015-16 to 23% in 2019-20, according to National Family Health Survey (NFHS) 5. The



decrease was, however, dramatic in NFHS 4, from 47% in NFHS 3. The marriage age at 18 was set in 1978, but child marriage started to decline only in the 1990s, when the government stressed primary education of the girl child and took measures to reduce poverty. The experts said girls being taken out of school to be married off is a reasoning blown out of proportion; often the girl child drops out after primary school simply because she has no access to higher education, and is then married off. The second objection being raised is the criminalisation of a large number of marriages that will take place once the law comes into effect. While 23% of marriages involve brides under age 18, far more marriages take place under age 21. The median age at first marriage for women aged 20-49 increased to 19 years in 2015-16 from 17.2 years in 2005-06, but remained under 21 years.

#### **Who will be affected?**

Experts noted that 70% of early marriages take place in deprived communities such as SCs and STs, and said the law will simply push these marriages underground instead of preventing them. According to NFHS 4 (2015-16), the median age at first marriage for women aged 25-49 is higher among the social categories of Others (19.5 years), OBC (18.5), ST (18.4) and SC (18.1). The experts said rural women will be affected more than urban women. According to NFHS 4, the median age at first marriage (age 25-49) for urban women (19.8) is 1.7 years more than that for rural women (18.1). A study by the International Centre for Research on Women has found that girls out of school are 3.4 times more likely to be married or have their marriage already fixed than girls who are still in school. According to the State of the World Report 2020 by UNFPA, in India, 51% of young women with no education and 47% of those with only a primary education had married by age 18, compared to 29% of young women with a secondary education and 4% with post-secondary education.

### **ENFORCING AGE OF MARRIAGE**

The Union Cabinet has cleared a proposal to raise the minimum marriage age for women from 18 to 21. A look at the legal implications:

#### **What is the minimum age of marriage?**

Personal laws that govern marriage and other personal practices for communities prescribe certain criteria for marriage, including age of the bride and groom. For example, Section 5(iii) of The Hindu Marriage Act, 1955, sets a minimum age of 18 for the bride and 21 for the groom. This is the same for Christians under the Indian Christian Marriage Act, 1872 and the Special Marriage Act. For Muslims, the criteria is attaining puberty, which is assumed when the bride or groom turns 15.

#### **Why is there a minimum age?**

Essentially to outlaw child marriage. This is done through special legislation such as the Prohibition of Child Marriage Act, 2006 and the Protection of Children from Sexual Offences Act, 2012. Under the Child Marriage Prevention Act, any marriage below the prescribed age is illegal and the perpetrators of a forced child marriage can be punished.

#### **What happens to such marriages once detected?**

Child marriages are illegal but not void. It is voidable at the option of the minor party. This means the marriage can be declared void by a court only if the minor party petitions the court. This



flexibility is kept to ensure that the rights of the minor, especially the girl, is not taken away in marital homes later on. However, if a court finds a minor was coerced into marriage by parents or guardians, the provisions of the Juvenile Justice (Care and Protection of Children) Act come into effect to keep the custody of the minor until he or she attains majority and can make a decision on the marriage.

#### **What laws will have to be changed to raise the minimum age of marriage?**

First, the age limit in the Prohibition of Child Marriage Act will have to be changed. The government had indicated this will be followed by necessary changes in personal law. The Hindu Marriage Act, the Indian Christian Marriage Act and the Special Marriage Act will also have to be changed consequently. However, changes in the Muslim law could raise significant legal issues.

#### **What are these legal issues?**

The Prohibition of Child Marriage Act does not contain any provision that explicitly says the law would override any other laws on the issue. And there is an obvious discrepancy in the letter of the law between the Prohibition of Child Marriage Act and Muslim law on the minimum age of marriage. For example, although the marriage of a 16-year-old girl deemed to have attained puberty is not considered invalid in Muslim law, it would be a child marriage under the Prohibition of Child Marriage Act. Additionally, the Supreme Court, in a landmark 2017 verdict, has held that in case of a minor wife, the law recognises marital rape. Husbands of minor women, as opposed to husbands of adult women, cannot enjoy the blanket immunity that the Indian Penal Code provides in Exception 2 to Section 375 against charges of marital rape. But if a marriage is valid, can a marital rape claim still be made by the minor wife? Experts have noted that this is a blind spot in the law that needs to be rectified.

#### **Can Muslim law be amended too?**

Muslim law is a mere codification of Shariah law. In *Shayara Bano v Union of India*, the case in which the Supreme Court declared the practice of instant triple talaq as unconstitutional, one of the key questions was whether the Supreme Court could quash a religious or divine law. The court said all personal laws will have to fall under the constitutional framework and will be subject to public order, morality and health. Experts suggest the minimum age of marriage can be justified under public health. However, there are several differing verdicts from high courts on this issue.

#### **What have courts said so far?**

In February this year, the Punjab and Haryana High Court granted protection to a Muslim couple (a 17-year-old girl married to a 36-year-old man), holding that theirs was a legal marriage under personal law. The HC examined provisions of the Prohibition of Child Marriage Act but held that since the special law does not override personal laws, Muslim law will prevail. In other cases, the Karnataka and Gujarat High Courts have held that the 2006 special law would override personal laws and have sent the minor girl to a care facility.

### **WHICH STATES IN THE N.E. ARE UNDER AFSPA?**

The killing of 14 civilians in a botched military operation in Nagaland has led to fresh calls for repealing The Armed Forces (Special Powers) Act (AFSPA), a stringent law that allows the armed forces to use maximum force in an area declared as 'disturbed'. Following the incident on



December 4, the demand for repealing the law has become quite vociferous. Among those calling for its withdrawal are the Chief Ministers of Nagaland and Meghalaya.

#### **What is the origin of AFSPA?**

In the wake of the partition riots, four ordinances were promulgated in 1947. The first was the Bengal Disturbed Areas (Special Powers of Armed Forces) Ordinance; this was followed by ordinances for Assam, East Punjab and Delhi, and the United Provinces. These were replaced by a common legislation, the Armed Forces (Special Powers) Act, 1948. This was meant to be in force for one year, but was repealed only in 1957. Thereafter, the President promulgated the Armed Forces (Assam and Manipur) Special Powers Ordinance in May 1958. This was subsequently replaced by an act of Parliament. Initially known as the Armed Forces (Assam and Manipur) Special Powers Act, 1958, it was subsequently adapted appropriately after the creation of Arunachal Pradesh, Meghalaya, Mizoram, Nagaland and Tripura.

#### **Which parts of the country come under AFSPA?**

The AFSPA has been in force for decades in most parts of the Northeast States. Under this law, an area can be declared a 'disturbed area', bringing into play the protection it offers to the armed forces for use of force in the notified area. The notification is extended periodically, mostly for six months at a time. As of today, the whole of Assam and Nagaland are 'disturbed areas'. The last six-month extension was made on August 28 and June 30 respectively. The whole of Manipur, with the exception of the Imphal municipal area, has been notified by the State government for one year from December 2020. In Arunachal Pradesh, the 'disturbed area' notification is confined to the districts of Tirap, Changlang and Longding, and the areas falling under Namsai and Mahadevpur police stations, bordering Assam. The AFSPA was revoked in Tripura in May 2015, after being in force since February 1997. It was revoked by a decision of the State Cabinet following substantial improvement in the ground situation. Meghalaya was under AFSPA for 27 years, until it was revoked from April 1, 2018. The Act was implemented in a 20-km area along the border with Assam. Jammu and Kashmir has a separate J&K Armed Forces (Special Powers) Act, 1990.

#### **What does the Act say?**

The Act empowers the Governor of any State, or the Administrator of a Union Territory, or the Central Government to notify parts of or the whole of a State or a Union Territory as a 'disturbed area', if they consider that the condition in such areas is so dangerous or disturbed that the use of the armed forces is necessary in aid of civil power. In such a notified area, any officer of the armed forces may fire upon or use force, even to the point of causing death, against any person for the maintenance of public order. This must be done after giving due warning as considered necessary, and the target must be a person who is contravening any law, or order prohibiting the assembly of five or more persons, and carrying weapons, firearms or ammunition. The Act allows arrest and search of any premises without a warrant in a notified area, and the recovery of any confined person, or any arms and ammunition stored unlawfully. The armed forces may also destroy any hideout, or arms dump or fortified area or shelter from which armed attacks are being launched, or any arms training is being carried out. No person can be prosecuted or subjected to any legal proceedings for action taken under the Act, without the Central Government's previous sanction.





### Why do many demand its repeal?

Detractors and human rights organisations, as well as many sections of civil society, argue that the Act encourages impunity and is the cause of many instances of excesses and atrocities committed by the armed forces under its protective cover. Irom Chanu Sharmila, an activist from Manipur, became an iconic figure symbolising the struggle against AFSPA after she sat on an indefinite fast in 2000, demanding its repeal. She ended it only in August 2016. In 2005, a Government-appointed five-member committee headed by retired Supreme Court judge, B. P. Jeevan Reddy, recommended that AFSPA be repealed. It suggested that the Unlawful Activities (Prevention) Act could be suitably amended to deal with terrorism. It made this recommendation as it felt that the AFSPA created an impression that the people of the Northeast States were being targeted for hostile treatment. However, the Army has been resolutely opposed to the repeal of AFSPA.

### CABINET NOD TO KEN-BETWA RIVER LINK: WHAT IT ENVISAGES, WHO WILL BENEFIT

The Union Cabinet on Wednesday approved the funding and implementation of Ken-Betwa inter-linking of rivers project with a total cost of Rs 44,605 crore. The project will be completed in eight years.

#### What is the Ken-Betwa Link Project?

It is the first project under the National Perspective Plan for interlinking of rivers. It envisages transferring water from the Ken river to the Betwa river, both tributaries of the Yamuna. The Ken-Betwa Link Canal will be 221 km long, including a 2-km long tunnel. The project has two phases, with mainly four components. Phase-I will involve one of the components — Daudhan Dam complex and its subsidiary units such as Low Level Tunnel, High Level Tunnel, Ken-Betwa Link Canal and power houses. Phase-II will involve three components — Lower Orr Dam, Bina Complex Project and Kotha Barrage. According to the Jal Shakti Ministry, the project is expected to provide annual irrigation of 10.62 lakh hectares, supply drinking water to about 62 lakh people, and generate 103 MW of hydropower and 27 MW of solar power. As per an official statement issued after the Cabinet approval on Wednesday, the total cost of Ken-Betwa link project has been assessed at Rs.44,605 crore at 2020-21 price levels. The Union Cabinet has approved central support of Rs.39,317 crore for the project, covering grant of Rs.36,290 crore and loan of Rs.3,027 crore, the statement said. The statement further said that the project is proposed to be implemented in 8 years with “state of the art technology.”

#### A Special Purpose Vehicle (SPV) for the project

According to the statement, a Special Purpose Vehicle (SPV) called Ken-Betwa Link Project Authority (KBLPA) will be set up to implement the project. In fact, the Centre has set in motion the process of creation of National Interlinking of Rivers Authority (NIRA), an independent autonomous body for planning, investigation, financing and implementation of the interlinking of river (ILR) projects in the country. The NIRA will have powers to set up SPV for individual link projects.

#### When was the Ken-Betwa project agreement signed?

On March 22, 2021, a memorandum of agreement was signed among the Ministry of Jal Shakti and the governments of Madhya Pradesh and Uttar Pradesh to implement the Ken-Betwa Link Project (KBLP).



### **How was the project conceptualised?**

The idea of linking Ken with Betwa got a major push in August 2005, when a tripartite memorandum of understanding for preparation of a detailed project report (DPR) was signed among the Centre and the two states. In 2008, the Centre declared KBLP a National Project. Later, it was included as part of the Prime Minister's package for development of drought-prone Bundelkhand region. In April 2009, it was decided that the DPR will be prepared in two phases. In 2018, a comprehensive DPR including phase-I, II and additional area proposed by Madhya Pradesh was also prepared. It was sent to Uttar Pradesh, Madhya Pradesh and the Central Water Commission in October 2018. On Monday, the memorandum of agreement was signed to implement the project.

### **Which regions will benefit from it?**

The project lies in Bundelkhand, a drought-prone region, which spreads across 13 districts of Uttar Pradesh and Madhya Pradesh. According to the Jal Shakti Ministry, the project will be of immense benefit to the water-starved region, especially the districts of Panna, Tikamgarh, Chhatarpur, Sagar, Damoh, Datia, Vidisha, Shivpuri and Raisen of Madhya Pradesh, and Banda, Mahoba, Jhansi and Lalitpur of Uttar Pradesh. "It will pave the way for more interlinking of river projects to ensure that scarcity of water does not become an inhibitor for development in the country," the Ministry said in a statement.

### **Will the project affect the Panna Tiger Reserve?**

According to the National Water Development Agency under the Jal Shakti Ministry, the Daudhan dam, to be built on the Ken river, will be 77 metres high and its gross capacity will be 2,853 million cubic metres. According to the NWDA, the reservoir of Daudhan dam will involve "a submergence of 9000 ha area, out of which 5803 ha comes under Panna Tiger Reserve. The later includes 4141 ha of forest area which is about 7.6% of the total Panna Tiger Reserve area". "In order to mitigate adverse impacts on Panna Tiger Reserve, as decided by NTCA, Landscape Management Plan to decide mitigation strategy with respect to Ken-Betwa Link entrusted to Wildlife Institute of India, Dehradun and is in its final stage," the NDWA has said. "In addition to above three wildlife sanctuaries, viz Nauradehi, Rani Durgawati of MP and Ranipur WLF of UP are planned to be integrated with PTR for proper conservation of Wild Life under Tiger Reserve," it has said.

### **How old is the concept of river linking in India?**

In the past, several river linking projects have been taken up. For instance, the Periyar Project, under which transfer of water from Periyar basin to Vaigai basin was envisaged, was commissioned in 1895. Other projects such as Parambikulam Aliyar, Kurnool Cudappah Canal, Telugu Ganga Project, and Ravi-Beas-Sutlej too were undertaken. In the 1970s, the idea of transferring surplus water from a river to a water-deficit area was mooted by the then Union Irrigation Minister Dr K L Rao. Himself an engineer, he suggested construction of a National Water Grid for transferring water from water-rich areas to water-deficit areas. Later, Captain Dinshaw J Dastoor proposed a Garland Canal to redistribute the water from one area to another. However, the government did not pursue these two ideas further. It was not until August 1980 that the Ministry of Irrigation prepared a National Perspective Plan for water resources development envisaging inter-basin water transfer. The NPP comprised two components: Himalayan Rivers Development; and Peninsular Rivers Development. Based on the NPP, the National Water Development Agency (NWDA) identified 30 river links- 16 under Peninsular component and 14 under Himalayan Component. Later, the river-linking idea was revived during the Atal Bihari



Vajpayee regime. The Ken-Betwa Link Project is one of the 16 projects under the peninsular component.

#### **What clearances are required for a river linking project?**

Various types of clearances are required, such as: techno-economic clearance (given by the Central Water Commission); forest clearance and environmental clearance (Ministry of Environment & Forests); resettlement and rehabilitation plan of tribal population (Ministry of Tribal Affairs) and wildlife clearance (Central Empowered Committee).

### THE GOOD EGG

With 35 per cent children under the age of five stunted and nearly 20 per cent wasted (according to the National Family Health Survey-5), Karnataka has a malnutrition problem. Historically, the crisis has been more alarming in the poorer northern regions of the state — the figures for stunting in Koppal (49 per cent) and Yadgir (57.6 per cent) districts, for instance, are disturbingly high for a relatively affluent state. The Karnataka government has done what science recommends — turned to the egg, a food that has few peers (whether milk or bananas) in delivering a nutrition-packed punch of protein, calcium, and vitamins at one go. From this month, boiled eggs have been added to the school mid-day meal menu in seven districts (Ballari, Bidar, Kalaburagi, Koppal, Raichur, Vijayapura and Yadgir), which the NFHS data (and other recent studies) have red-flagged for their exceptionally poor nutrition levels. And so, it is worrying that the state government appears to be wavering in its resolve in the face of objections by seers and religious heads of various mutts. Karnataka is an outlier in south India, the only state that has not added eggs to its mid-day meal menu, despite the fact that a large majority of its people have no cultural aversion to eating non-vegetarian food. Earlier efforts in 2007 and 2015 to introduce eggs in the mid-day meals were similarly thwarted by the powerful veto of dominant caste and religious interests. The seers' argument — that serving eggs to children in schools discriminates against those who do not eat them — is unreasonable, given that provisions have been made to serve bananas to children from vegetarian homes. Indeed, eggs are already served to pregnant and lactating women, and severely malnourished and wasted children, in anganwadis across the state — without any ripples of social disharmony. Food is, of course, tied to questions of identity and privilege. But, increasingly, bitter contestations over non-vegetarian food, whether eggs or beef, are being used to license violence against certain communities and enforce a myth of India as a vegetarian nation. Such bias has disastrous consequences if it creeps into policy in a country that is struggling to deliver nourishment to its children. Why should the short-sighted concerns of Karnataka's seers be allowed to dictate public policy? The B S Bommai government must stand firm in its decision — and not sacrifice children's future to appease sectarian interests.

### KERALA ROW AND BEYOND: GOVERNOR'S ROLE IN STATE, CENTRAL UNIVERSITIES

A controversy has erupted in Kerala over the reappointment of Gopinath Ravindran as the Vice Chancellor of Kannur University, with Governor Arif Mohammed Khan saying he approved the decision against his "better judgement" as Chancellor. In a letter to Chief Minister Pinarayi Vijayan on December 8, Khan expressed his desire to step down as Chancellor, alleging political interference in the universities. The CM downplayed the episode, saying "misconceptions can be sorted out through discussions".



### **What is the role of Governors in state universities?**

In most cases, the Governor of the state is the ex-officio chancellor of the universities in that state. While the Governor's powers and functions as the Chancellor are laid out in the statutes that govern the universities under a particular state government, their role in appointing the Vice Chancellors has often triggered disputes with the political executive. In Kerala's case, the Governor's official portal asserts that "while as Governor he functions with the aid and advice of the Council of Ministers, as Chancellor he acts independently of the Council of Ministers and takes his own decisions on all University matters". In marked contrast, the website of Rajasthan's Raj Bhawan states that the "Governor appoints the Vice Chancellor on the advice/ in consultation with the State Government".

### **What about central universities?**

Under the Central Universities Act, 2009, and other statutes, the President of India shall be the Visitor of a central university. With their role limited to presiding over convocations, Chancellors in central universities are titular heads, who are appointed by the President in his capacity as Visitor. The VCs too are appointed by the Visitor from panels of names picked by search and selection committees formed by the Union government. The Act adds that the President, as Visitor, shall have the right to authorise inspections of academic and non-academic aspects of the universities and also to institute inquiries.

### **What is the controversy in Kerala about?**

Last month, Ravindran was re-appointed to the post of Kannur University VC for another four years. Ravindran is above 60 now; the Kannur University Act says no person above the age of 60 shall be appointed as VC. In his letter, the Governor wrote that he had tried to convince the legal advisor to the Chief Minister that re-appointment does not amount to an extension of the term of an incumbent VC. Also, the state government recently, amended the University Act, which took away the powers of the Governor as Chancellor to make appointments to the University Appellate Tribunal. But the discord cannot be seen in isolation as the Governor and the state government have locked horns over many other issues. In 2020, Khan had turned down the recommendation of the state Cabinet to convene a special session of the Assembly to discuss the new farm laws of the Union Government. Khan had then questioned the very purpose of summoning the legislature. He had also criticised the government when the Assembly passed a resolution demanding that the Centre revoke the Citizenship (Amendment) Act (CAA).

### **What disputes have other states seen?**

The disputes are, quite naturally, more common in states run by political rivals of the party running the Union government, which appoints the Governors through the President of India. In West Bengal, the Trinamool Congress government had in 2019 curtailed the powers of the Governor in appointing VCs, and to take action against them. The state universities were empowered to convene meetings of key decision-making bodies without keeping the Governor in the loop, and it was made clear that all communication between the Governor and the VCs would have to go via the state Education Department. In Odisha, the state government and the University Grants Commission are locked in a legal dispute in the Orissa High Court over the Odisha Universities (Amendment) Act. The Act brings appointments to universities in the state under the control of the state government. The UGC has challenged the Act, saying it violates its regulations, a charge denied by the state government.





## LOSING THE ART OF CRITICAL THINKING

We in India are destroying the spirit of education — the spark of engaged pedagogy, critical thinking and humanistic sensibilities. Possibly, the dominant political culture — often celebrated by sections of the media in this ‘post-truth’ age — is not in tune with the art of debate and dialogue. Furthermore, as the ‘will to power’ often characterises our leaders, it becomes difficult to acknowledge solid facts and truth that might unsettle their images as the ultimate saviours of the nation. It is no wonder that the escape from truth becomes the new normal. And this pathology seems to have crippled the educational sensibilities of our academic bureaucrats.

### Poverty of imagination

Is it, therefore, surprising that the CBSE issued an apology for the “inappropriate” question on the Gujarat riots asked in the Class XII Sociology board exam paper? The question read: “The unprecedented scale and spread of anti-Muslim violence in Gujarat in 2002 took place under which government?” Why is this inappropriate? Students of the social sciences ought to reflect on the dynamics of culture, politics and society. They ought to learn, unlearn and think critically of the complex trajectory of sociopolitical ideals like secularism, cultural pluralism and religious nationalism. What is the point of studying sociology if they do not become aware of, say, the violence implicit in caste hierarchy or the tyranny of majoritarianism? However, our academic bureaucrats are not spirited teachers or pedagogues. See the poverty of imagination in their justification for the apology. We are told that this “inappropriate” question is in violation of the CBSE guidelines. A question, we are told, should be purely “academic oriented”, “class and religion neutral”, and not touch upon domains that could “harm sentiments of people based on social and political choices”. If we go by this strange logic, our children should not be told about, or encouraged to debate on, the historical/political episodes which affected the trajectory of the postcolonial Indian state — the propagation of the ‘two-nation theory’ by V.D. Savarkar and Muhammad Ali Jinnah; the brutalisation of human consciousness in the Partition violence as depicted with immense sensitivity by a literary figure like Saadat Hasan Manto; the assassination of Mahatma Gandhi by a Hindu fanatic; the horror of Emergency; the anti-Sikh riots in Delhi in 1984; the demolition of the Babri Masjid in 1992; or the rise of feminist/Dalit/working class/environmental/civil society movements in the country. It is possible that the techno-managers of the CBSE might argue that all these episodes are “political” and therefore not “academic”. Furthermore, they would argue that debates on these would hurt some group or other. They might say don’t refer to anti-Sikh riots because it would hurt the sentiments of Hindus or don’t talk about Gandhi’s assassination because it might hurt the sentiments of many Hindu nationalists. Hence, children, as the CBSE logic seems to suggest, should grow up with the notion that no one demolished the mosque in 1992; no riot took place in Gujarat in 2002; and no COVID-19-related deaths due to the scarcity of oxygen cylinders took place during the pandemic.

### The potential of critical pedagogy

Imagine the likes of Paulo Freire and Bell Hooks responding to the CBSE’s logic. They would possibly make three points. First, they would demythologise the notion of value-neutral academics. They would argue that in the name of value-neutrality, we often end up legitimising the status quo. In fact, the spirit of critical pedagogy awakens young minds and makes them capable of reflecting on the discourse of power. Hence, a young student should not merely memorise the Preamble of the Constitution as a fact; instead, they should be inspired by teachers to see the harsh reality and wonder why our secular, socialist republic is characterised by gross inequality and caste/gender violence. Education is about asking difficult questions and striving



for a just social order. Second, they would stress on the creative agency of a young learner. The idea is neither to memorise facts like a parrot nor to master the strategy of cracking the multiple-choice questions pattern of standardised tests. In our classrooms, they must find their voice, their argumentative spirit, and their urge to walk with teachers as co-travellers and critical thinkers. There is no harm if in our classrooms they ask: Does the cult of narcissism negate the ethos of democracy? And third, they would remind us of the art of building the bridge between the 'self' and the 'world', or 'personal' and 'political'. When you are introduced to the ideas of Gandhi, B.R. Ambedkar and Savitribai Phule, you undergo a process of inner churning; you begin to strive for a new world. Our political masters seek to negate this liberating potential of critical pedagogy. And ironically, our academic bureaucrats abhor the spirit of emancipatory education.

#### TROUBLING QUESTION

The road to gender equity is long and hard, and despite the fact that each generation has paved a better way for the next, the struggle to overcome disparities is far from over. Through this difficult journey, the school's role in sensitising young minds towards building a non-discriminatory world cannot be overstated. In this context, a comprehension passage in the Central Board of Secondary Education (CBSE) English examination conducted on Saturday for Class 10 students must be condemned for its regressive and sexist stance. The passage, which created a furore across all sections of society and in Parliament where Congress president Sonia Gandhi called out the misogyny, contained outrageous sentences, including one which said "women gaining independence is the main reason for a wide variety of social and family problems". Young impressionable teenagers, girls and boys, already stressed because of the pandemic, did not know how to tackle the question. Another sentence shockingly read "that the emancipation of the wife destroyed the parent's authority over the children... In bringing the man down from his pedestal the wife and mother deprived herself, in fact, of the means of discipline". The multiple answers to one question that followed the passage asking children to comment on the tone had this choice: "Writer takes a light-hearted approach to life". The initial response from the CBSE was tone-deaf, although the Board later said it was dropping the question. It was eventually forced to express "regret" and it vowed to review its paper setting processes. Already because of COVID-19, the 2020-21 syllabi for Classes 9-12 were truncated by 30% with glaring omissions of core concepts in subjects such as Mathematics. From the social sciences and other humanities subjects, topics such as federalism, citizenship, nationalism, secularism, democracy, and diversity, were slashed. In the real world it will be tougher for children if they are not taught the basics in school, and if they grow up with anxieties related to gender, for instance. In India, misogyny has long roots. Inequalities of class, caste, gender already exist in the school system, worse in the villages and among the urban poor. Many girls are pushed to drop out for myriad reasons, from the lack of toilet facilities in school to forced labour or marriage. If men, as Claudia Goldin says in her book, *Career & Family*, must start doing what women have always done, provide personal support, lend an ear, and help, education has to begin when they are young. Instead of teaching them to cast off stereotypes, school authorities are reiterating old wrongs. At a time when it is imperative for the Board to lighten children's burden, the CBSE has sent out the worst possible message.

#### CBSE 'REGRETS' MISOGYNISTIC QUESTION

The Central Board of Secondary Education (CBSE) has expressed "regret" for including a misogynistic comprehension exercise in its Class 10 English examination, and vowed to review its paper setting processes. Soon after the issue was raised in the Lok Sabha by Congress president Sonia Gandhi on Monday, followed by a walkout by Opposition MPs, the CBSE said the question



would be dropped and all students granted full marks for that section. One of the question paper sets for the exam held on Friday included a passage which appeared to blame a “feminist revolt” for teenage indiscipline. It stated that the “emancipation of the wife destroyed the parents’ authority over the children, contrasting it to the past when wives obeyed their husbands and “children and servants were taught to know their place”. Students, parents and politicians had expressed outrage over the passage, demanding an apology from the Board, a review of gender sensitivity standards, and a classroom debrief to sensitise students to the problematic nature of the content. Just minutes after a number of Opposition parties escalated the issue further by walking out of the Lok Sabha, the CBSE issued a statement acknowledging that the passage was “not in accordance with the guidelines of the Board with regard to the setting of question papers”. On the basis of a subject expert committee’s review, it was decided to drop the question, and award full marks for all students for passage no. 1, regardless of which question paper set they received. Later in the evening, facing criticism for its failure to apologise, the Board went a step further to say: “CBSE regrets this unfortunate incident and is setting up an expert committee to thoroughly review and strengthen the question paper setting processes, to avoid such occurrences in the future.”

#### ECOLOGISTS OPPOSE CHANGES TO BIOLOGICAL DIVERSITY ACT, 2002

Environmentalists have expressed concern over amendments to the Biological Diversity Act, 2002 on the grounds that it prioritises intellectual property and commercial trade at the expense of the Act’s key aim of conserving biological resources. Amendments to the Act were introduced as a Bill in the Lok Sabha by Environment Minister Bhupender Yadav on Thursday. On Friday, Rajya Sabha member Jairam Ramesh, who also chairs the Parliament’s Standing Committee on Science, Technology and Environment, wrote a letter to Lok Sabha Speaker Om Birla “protesting” his decision to refer the amended Bill to a select committee when the Bill ought to have been perused by a standing committee that had existing mandate to examine questions of science and environment. The amended Bill was drafted in response to complaints by traditional Indian medicine practitioners, seed sector, and industry and researchers that the Biological Diversity Act, 2002.

#### Compliance Burden

The bill was enacted for conservation of biological diversity and ensure fair and equitable sharing of the benefits arising out of the use of biological resources with indigenous and local communities, imposed a heavy “compliance burden” and made it hard to conduct collaborative research and investments and simplify patent application processes. The text of the Bill also says that it proposes to “widen the scope of levying access and benefit sharing with local communities and for further conservation of biological resources.” The Bill seeks to exempt registered AYUSH medical practitioners and people accessing codified traditional knowledge, among others, from giving prior intimation to State biodiversity boards for accessing biological resources for certain purposes. A statement from the Legal Initiative for Forest and Environment (LIFE) said the Bill would “undo all the efforts made in the last few years to implement the Biological Diversity Act.” There was not a “single provision in the proposed amendment to protect, conserve or increase the stake of local communities in the sustainable use and conservation of biodiversity.” LIFE said the amendments were done to “solely benefit” the AYUSH Ministry. The Bill in the current form would pave the way for “bio piracy” and would mean AYUSH manufacturing companies would no longer need to take approvals and thus defeat the purpose for which the Act was created in the first place.



## FOR DISABLED CITIZENS TO HAVE THE POLICE THEY DESERVE

While effective and meaningful access to the police is important for all Indian citizens, it is doubly so for persons with disabilities. Their disability exposes them to heightened risk of violence. As the Supreme Court noted in a case concerning the rape of a blind Scheduled Caste woman earlier this year (*Patan Jamal Vali v. The State Of Andhra Pradesh*), “as the facts of this case make painfully clear, women with disabilities, who inhabit a world designed for the able-bodied, are often perceived as ‘soft targets’ and ‘easy victims’ for the commission of sexual violence.” Against this backdrop, the Draft Accessibility Standards/Guidelines recently released by the Ministry of Home Affairs (MHA) for built infrastructure under its purview (police stations, prisons and disaster mitigation centres) and services associated with them assume significance. The Standards recognise that these spaces and services must be barrier-free by design, for persons with disabilities to fully and effectively enjoy their rights equally with others. Unfortunately, however, the Standards are not in conformity with a rights-based understanding of disability when they state that accessibility is society’s “social responsibility” towards the “differently abled”. This understanding is flawed as accessibility is in fact a legal entitlement that inheres in the disabled as rights-bearing citizens.

### Steps in the right direction

The Standards set out models for building new police stations as well as improving upon existing police stations and prisons that are modern, gender sensitive and accessible. On the positive side, the Standards speak to the need to make the websites and institutional social networks of police stations accessible, ensuring that persons with disabilities accused of committing any crimes are treated appropriately, having disabled-friendly entrances to police stations and disabled-friendly toilets. Interestingly, the Standards state that the police staff on civil duty could be persons with disabilities. This is inconsistent with the Office Memorandum issued by the Department of Empowerment for Persons with Disabilities on August 18, 2021, according to which the Centre has exempted posts in the Indian Police Service; the Delhi, Andaman and Nicobar Islands, Lakshdweep, Daman and Diu and Dadra and Nagar Haveli Police Service; as well as the Indian Railway Protection Force Service from the mandated 4% reservation for persons with disabilities in government jobs. Even as the Central Government is committed to creating a more disabled-friendly police service through the issuance of these standards, it has foreclosed the possibility of the disabled being part of the police force. A police force that does not have adequate representation of people with disabilities can scarcely be inclusive towards them. The Standards further highlight the distinctly disadvantageous position of persons with disabilities, especially women, children and persons with psycho-social disabilities, during natural disasters. Acknowledging that persons with disabilities must receive equal protection as others in such situations, the Standards provide direction on disability inclusion in disaster mitigation, preparedness, response and recovery efforts. They also stress on disability inclusive training for persons involved in disaster relief activities, data aggregation, use of information and communication technology (ICT) and enforcing accessible infrastructure models for schools, hospitals and shelters following the principle of universal design. Moreover, the Standards introduce accessibility norms for services associated with police stations and prisons. These norms promote the use of ICTs to facilitate communication, development of police websites, app-based services for filing complaints, making enquiries, etc., as well as encouraging the use of sign language, communication systems such as Braille, images for persons with psycho-social disabilities, and other augmentative and alternative modes of communication.





### Inadequate in certain aspects

Equally, however, the Standards are also inadequate in some key ways. First, the cover letter to the Standards, containing such crucial details as the coordinates of the competent official to whom public comments are to be sent and the last date of submission, is embedded in an image. Consequently, a screen reader (the software used by the blind to access the computer) cannot make out the text. Second, the Standards call for the deployment of directional signage regarding accessibility features in the MHA's physical infrastructure as well as to indicate the location of accessible toilets. However, they do not require that such signage itself be accessible to the visually challenged, such as through auditory means. Third, the Standards characterise several reasonable accommodations that are necessary for the disabled as being merely recommendatory. These include having trained police personnel in every police station to assist persons with disabilities and placing beepers at all entrances to enable the visually challenged/blind to locate themselves. Just as posting signs for the benefit of the able-bodied is not optional, it is difficult to understand why placing beepers for the benefit of the visually challenged should be. Finally, in the case of Patan Jamal Vali, the Court suggested connecting special educators and interpreters with police stations to operationalise the reasonable accommodations embodied in the Criminal Law (Amendment) Act, 2013. It further recommended setting up a database in every police station of such educators, interpreters and legal aid providers to facilitate easy access and coordination. While the standards do require developing a mechanism to provide human assistance to the disabled such as sign language interpreters, they are short on specifics on this count. In sum, the Standards, when enacted into law, will mark a huge step forward in making our law enforcement apparatus more disabled-friendly. Bolstering the Standards further, by incorporating the suggestions flowing from well-thought-out public comments, will take us closer to the aim of ensuring that India's disabled citizens truly have the police they deserve.

### SUPERSONIC MISSILE-ASSISTED TORPEDO SYSTEM TESTED: DRDO

A supersonic missile-assisted torpedo system developed by the Defence Research and Development Organisation (DRDO) was successfully launched from Wheeler Island in Odisha on Monday. "The system is a next-generation missile-based stand-off torpedo delivery system. During the mission, full-range capability of the missile was successfully demonstrated. The system has been designed to enhance anti-submarine warfare capability far beyond the conventional range of the torpedo," the DRDO said in a statement. It was a textbook launch, where the entire trajectory was monitored by the electro-optic telemetry system, various range radars, including the down-range instrumentation and down-range ships, the DRDO said. The missile carried a torpedo, parachute delivery system and release mechanisms. This canister-based missile system consists of advanced technologies — two-stage solid propulsion, electro-mechanical actuators and precision inertial navigation. The missile is launched from a ground mobile launcher and it can cover a range of distances. While a number of DRDO laboratories developed various technologies for this system, industry participated in the development and production of various sub-systems, the statement said.

### THE IAF'S WORKHORSE

On December 8, an Indian Air Force (IAF) Mi-17V5 helicopter with the Chief of Defence Staff (CDS) Gen. Bipin Rawat, his wife Madhulika Rawat and 12 defence personnel, including the crew, crashed in Coonoor ghat in the Nilgiris, Tamil Nadu. The cause of the chopper crash, in which there was only one survivor who is battling for his life, is being investigated. Mi-17V5 of Russian



Helicopters is considered one of the most advanced choppers of its class globally. It has incorporated the best engineering solutions of previous generations, according to Rostec State Corporation of Russia. Each Indian Mi-17V-5 has a complex navigation and electronic display KNEI-8. The numerous indicators for various information in the earlier series of Mi helicopters have been replaced with four multi-function displays which unloads dashboards and greatly facilitates the work of the crew. The complex also significantly simplifies pre-flight check of the helicopter with information from all sensors of conjugate systems on a single monitor screen, according to the manufacturer. In addition, the helicopters are equipped with modern powerful engines, which significantly extends the capabilities for the transport of heavy and bulky loads, especially suited for mountainous and high altitude regions of India. Mi-17 V5 is a twin engine helicopter designed with full glass cockpit, advanced avionics, weather radar and powerful aero engines for high altitude operations, according to the Defence Ministry.

### Various operations

“The helicopter is being exploited for various civil and military operations such as transportation, paratrooper induction, search and rescue, medical evacuation and fire fighting in all weather conditions,” the Defence Ministry had stated earlier. India is one of the largest operators of Russian helicopters and the Mi series have been in the IAF’s inventory for decades. According to Rostec, over the decades, Russian Helicopters and its earlier companies have delivered 110 units of the Mi-4, 128 units of the Mi-8 and about 160 units of the Mi-17 to India. In fact, Mi-4 helicopters, supplied by the Soviet Union, played a seminal role during the 1971 Liberation War of Bangladesh. On December 9, 1971, IAF Mi-4s were used to ferry Indian troops across river Meghna, which proved decisive in their advance to Dhaka. The Mi-17 fleet — Mi-17, Mi-17 1V, Mi-17 V5 — has been the workhorse of the IAF, observed Air Vice Marshal Manmohan Bahadur (Retd), a former helicopter pilot. The safety record of a fleet is worked on accidents/incidents per 10,000 hours of flying — and the stats for the Mi-17 show that its record is good, AVM Bahadur stated. “It is rugged, reliable and ideal for field operations. Pilots swear by its dependability.” In 2008, India had signed a contract with Rosoboronexport for 80 Mi-17V-5, which was completed in 2011-13. In 2012-13 three additional supplies have been signed for a total of 71 Mi-17V-5 for the IAF, the Home Ministry and also to be used for VVIP transport. In February 2016, Rostec handed over the final batch of three helicopters of the contract for 151 Mi-17V-5 helicopters. The Mi series in general and the Mi-17 in particular have a good safety record in the IAF fleet. There have been at least five accidents with the Mi-17V5s since induction, including the one shot by own air defence system in February 2019 during the aerial dual with Pakistan, a day after the Balakot air strike. According to a recent report of the Parliamentary Standing Committee on Defence, the number of air accidents in the IAF has reduced from an average of 13 accidents per year in 11th plan (April 1, 2007 to March 31, 2012) to an average of 7.6 per year in 12th plan (April 1, 2012 to March 31, 2017). In the last two decades, the IAF had flown approximately 2.5 lakh hours per year, with the available inventory of aircraft, according to the report. Comparing safety records from 1990 in a block of five years, as submitted by the IAF to the Standing Committee, the average number of accidents has gone down at each level. Between 1990-95, there were an average of 27 accidents a years, which is an accident rate of 1.07, and the average has come down for each five-year block and from 2015-18, there were an average of 7.33 accidents a year, an accident rate of 0.28.

### MEN IN INDIA TAKE 82% OF LABOUR INCOME, SAYS REPORT

Men in India capture 82% of labour income, while women earn just 18%, according to the first-ever estimates of the gender inequality in global earnings presented in the World Inequality



Report 2022 released earlier this week. The female share of the total labour income is the national aggregate labour income earned by women relative to the total aggregate of labour income within a country. In a country with perfect equality between women and men, the female labour income share would be 50%. But the report finds that it is below 50% around the world, with significant variations across countries, ranging from below 10% to 45%. The report covered 180 countries between 1991 to 2019. Female labour income in India of 18.3% is lower than the average for Asia, which was at 27% in 2019. Eleven countries in the region have values above 30%. Among the neighbours that performed worse than India were Bhutan (17.5%), Bangladesh (16.9%), Pakistan (7.4%), and Afghanistan (4.2%); and those with a higher share were Nepal (23.2%), Sri Lanka (23.3%) and China (33.4%).

### **Pandemic impact**

After the pandemic, there was a worsening of female labour participation rate, which fell to 16.1% during the July-September 2020 quarter, according to the Ministry of Statistics. Eastern Europe has the highest female labour income shares, with the average female share near 41%. Moldova has the highest female labour income in the world at 45%. Overall, the share of women in total incomes from work neared 30% in 1990 and stands at 34% today. "Unpaid care work is likely to prevent women from participating in the labour market, and, when they do work, to prevent them from attaining high-paying positions. When paid and unpaid work are combined, women's contribution to work increases substantially and thus makes the female labour income share appear even more unfair," states the report.

### **ABSENCE OF GRACE**

There seems to be no great controversy about the decision to replace Virat Kohli with Rohit Sharma as the white-ball captain, but Indian cricket has found a characteristically amateur way to stumble into a mess. Did Sourav Ganguly and selectors tell Kohli clearly that if he quits T20 captaincy, he would lose his ODI role too? Did Kohli not understand the implications involved and thought he could carry on as ODI skipper? Unfortunately, it has to come to this: Who is lying, who is telling the truth? And the bigger picture is lost. It's the prerogative of the selectors and the board to replace a captain if the desired results aren't coming in. Kohli might want to go on as captain but it isn't his call. In the end, it is about the handling of the exit, and the absence of grace. But grace and BCCI have historically not gone well together. There was no "thank you" note in the press release to Kohli, not even a mention of his name in the note to elevate Rohit Sharma. Much earlier, Venkataraghavan had learned that he was replaced as captain by Sunil Gavaskar mid-air, through an announcement by the pilot. Gavaskar once had to scale a wall like a thief to enter a meeting where he was anointed as captain over Kapil Dev. In 1983, after a Pakistan tour, Gavaskar himself didn't even get a phone call from the selectors that he was going to be replaced by Dev. What makes this current situation more fascinating is the cast of characters. Sourav Ganguly, who previously not only lost captaincy but also his spot in a coup of sorts led by then coach Greg Chappell. Jay Shah, BCCI secretary and son of the Union home minister, who holds the real power. Rahul Dravid, not visible in the messy unfolding of events now, but who was the captain when the Ganguly-Chappell episode took place. And Kohli who might understandably feel hurt about the way he was dethroned, but who has now pitted himself in a corner with the board, having essentially called them liars. Adding intrigue is the troll army and some prominent verified handles, which have been in overdrive ever since Kohli supported Mohammed Shami and challenged the vicious campaign around his faith. The elevation of Rohit as white-ball captain is the right move but in reaching here, there has been unnecessary and avoidable fumbling.



## INDIA'S HARNAAZ SANDHU CROWNED MISS UNIVERSE 2021

Punjab's Harnaaz Sandhu on Monday won the Miss Universe 2021 pageant, beating contestants from 79 countries to bring the title back to India after 21 years. Only two Indians before Ms. Sandhu, just 21 and an actor as well as a model, have been crowned Miss Universe earlier — actors Sushmita Sen in 1994 and Lara Dutta in 2000. The win, being seen as a fillip for the beauty pageant industry, led to celebrations at her home and congratulatory messages from all quarters. The 70th edition of the event was held in Israel's resort town of Eilat. Ms. Sandhu will move to New York City where she will live during her 'reign' and become a spokesperson for various causes. During the final question and answer round, Ms. Sandhu was asked what advice she would give young women on how to deal with the pressure they face today. "The biggest pressure the youth of today is facing is to believe in themselves, to know that you are unique and that's what makes you beautiful. Stop comparing yourselves with others and let's talk about more important things that's happening worldwide."

## RETRACING FA-HIEN IN THE LAND OF THE BUDDHA

Sakyamuni Gautama Buddha attained enlightenment on his own accord. He became fully immersed in the bliss of Nirvaan — free from craving, greed, aversion, and fallacies. The perfect embodiment of humanity, the Buddha, the most compassionate being, did not keep the secrets of the path of liberation to himself but shared them with the world. His single purpose was to free humanity from suffering because everyone was born into the inescapable circles of pain and suffering. Buddha identified this as the "Noble Dukkha (suffering)" — the truest experience shared by all living beings. Suffering ties us all, and the path to overcome makes us all seekers. Different faiths and doctrines administer their own path of liberation. The Buddha's was one of such, which based human being and their experiences as a path towards the final goal. This message spread without the assistance of a sword. The Wheel of Law—the Dhamma — spread wide. Monks from India carried the word of the Enlightened One to China around 150 CE. It received the patronage of kings, invited curiosity among people in the far land of Han. Thus, a Buddhist monk from China, Fa-Hien, decided to come to the land of the Buddha in 399/400 CE. Authorised by the Han dynasty, Fa-Hien, he took the difficult journey while recording the experiences of a flourishing Buddhism from Central Asia to South Asia. Fa-Hien reported with great detail all the Buddhist sites and symbols that he encountered. Fourteen hundred years later, Alexander Cunningham, the father of India's archaeology, followed Fa-Hien's trails to uncover the sites. Fa-Hien reported with details how the Buddhist kingdoms venerated the Buddha. Fa-Hien also wrote about the important moments in Buddhist history. Buddhism was a State religion across the plains of India. Kings vied to make offerings and patronise monasteries. The places Buddha visited were revered. The information Fa-Hien documents is crisp, yet has detailed precision. Fa-Hien learned new languages and transcribed alien cultures filled with Buddhist lores. The purpose of Fa-Hien's travels to the Buddha's lands was to take with him the Vinaya-Pitika — the code for good governance. That is why his travelogue became known as "A Record of Buddhistic Kingdoms", translated from old Chinese to modern English by Scotsman James Legge in 1886. Legge identifies the existing religious beliefs at the time of translation, as Christianity, Confucianism, Brahmanism, Mohammedanism and Taoism. Notably, there is no mention of Hinduism because there didn't exist a faith as such. Fa-Hien notes of Brahmins as jealous and angry people who believed in a "false doctrine" that was contrary to the Buddhas. Brahmins attempted to root out any evidence of Buddhist past by cutting down the trees which were believed to be planted by the Buddha. He also notes meticulously how a "heretical Brahmin" went to the limits of murdering a woman so as





to put the blame on the Buddha. Fa-Hien's travelogue also records the royal past of the Mallas of Kushinagar, now condemned as untouchables, who at one point were the rulers who patronised Buddhism. It also honourably notes the Kashyapa Matanga who carried the Buddha's message to China. Fa-Hien is one of our most spiritual-scholarly connections to China who preserved Buddha's Dhamma. It is to the credit of Fa-Hien that we have records of our glorious history. Fa-Hien's ethnography has brought us closer to the vast Indian past. Indo-China relations have to be built on similar lines of mutual cooperation and strong history that don't promote jingoistic nationalism but humanitarian universalism. Buddha is common to humanity. We should promote Buddha and Buddhist values. The Buddha's revolution was unacceptable to the Muslim and Brahminic invaders who collectively wiped off the treasures that Fa-Hien and another traveller of the seventh century Hsüan-tsang recorded. I wish to follow the trails of Fa-Hien. It was an uncomfortable and arduous journey. However, it was worth all the sacrifices. Today, we must honour Fa-Hien as a great chronicler of medieval India. He should be included in the pantheons of Bahujan society and India's national history.

#### THE 'INTANGIBLE CULTURAL HERITAGE' OF KOLKATA'S PUJA

Unesco's Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage on Wednesday put "Durga Puja in Kolkata" on the Representative List of the Intangible Cultural Heritage of Humanity. The Committee is meeting virtually in its 16th Session from December 13 to 18. Eric Falt, director of UNESCO New Delhi, said he was "confident that this inscription will offer encouragement to the local communities that celebrate Durga Puja, including all the traditional craftspeople, designers, artists, and organisers of large-scale cultural events, as well as tourists and visitors..."

##### **Puja in Kolkata**

Although celebrated across the country — notably in Tripura, Bihar, Jharkhand, Odisha, Assam, Maharashtra, Delhi, and Uttar Pradesh — and in neighbouring Bangladesh, the heart of the 10-day annual Sharodotsav festival is in Kolkata, where more than 3,000 community Durga Pujas are held, apart from a large number of pujas in Bengali households. Since 2016, the Mamata Banerjee government has been organising a Durga Puja Carnival — a parade of popular pujas from Kolkata and adjoining districts along with cultural performances — at Red Road to attract global attention for the festival and boost tourism. On Thursday, the Chief Minister said she was "proud and honoured for what we have achieved", and took a jibe at her political opponents (BJP) who she said had "spread lies that I don't allow Durga Puja celebrations in the state".

##### **Intangible Heritage**

According to UNESCO, "cultural heritage does not end at monuments and collections of objects", but "also includes traditions or living expressions inherited from our ancestors and passed on to our descendants, such as oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe or the knowledge and skills to produce traditional crafts". Intangible cultural heritage, according to UNESCO, is "traditional, contemporary and living at the same time", "inclusive", "representative", and "community-based". It is "an important factor in maintaining cultural diversity in the face of growing globalisation" — and "an understanding of the intangible cultural heritage of different communities helps with intercultural dialogue, and encourages mutual respect for other ways of life".



### On the list

The Representative List of the Intangible Cultural Heritage of Humanity currently has 492 elements, UNESCO said in a release. The list of Intangible Cultural Heritage elements on the UNESCO website includes 13 entries from India. Besides Durga Puja in Kolkata (2021), the India list has: Kumbh Mela (2017); Nowruz (2016); traditional brass and copper utensil-making among the Thatheras of Jandiala Guru, Punjab (2014); Sankirtana of Manipur (2013); Buddhist chanting of Ladakh (2012); Chhau dance, Kalbelia dance of Rajasthan, and Mudi yettu of Kerala (2010); Ramman festival of Garhwal (2009); and Kutiyattam Sanskrit theatre, Ramlila, and Vedic chanting (2008). The 2021 Representative List of the Intangible Cultural Heritage of Humanity also has entries including Arabic calligraphy, Uzbekistan's Bakhshi art, Congolese rumba, falconry, Inuit drum dancing of Denmark, and the traditional Italian knowledge and practice of truffle hunting and extraction.

### INCREASE IN PREY BASE AND FOREST COVER: HOW BUXA TIGER RESERVE TURNED A CORNER

An increase in the forest density and the big cat prey base, especially deer, had attracted a Royal Bengal tiger, a first such sighting in 23 years, to the Buxa reserve in Airpurduar district in north Bengal, said forest officials on Sunday. They believed that a favourable habitat at the tiger reserve would invite more tigers, which had migrated to neighbouring Bhutan. The state shares a contiguous range of the protected area with Bhutan. The forest department on Saturday shared a camera trap picture of the tiger spotted at the East Damanpur range of the tiger reserve. The news delighted wildlife enthusiasts and ecologists. A four-member team of the forest department has reached Buxa to examine the area and evidence confirming the tiger presence. Ravikant Sinha, a former head of the forest department, told The Indian Express that the sighting did not rule out the earlier presence of tigers in the reserve. "It was not true that tigers were not found in Buxa in the last 23 years. Pictorial evidence just confirms the tiger presence. Besides this, we had some other evidence that could prove the same," he said. Sinha explained that a reason why big cat was not spotted earlier was its shyness and instinct to avoid human beings. "The forest department has of late relentlessly tried to increase the density of the jungle. A herd of deer was introduced to the forest so that tigers could find their food from the jungle. The movement of human beings was restricted specially in the core tiger reserve. These measures led to the success. As a result, tigers are now returning from Bhutan," said Sinha. Last year, a report released by the Union Ministry of Environment, Forests and Climate Change said the Buxa reserve had no tiger and its infrastructure was found wanting. "Buxa needs to be rebuilt as a tiger habitat. Tigers may have been brought from Kaziranga," it noted. A senior forest official said, "Last year after the ministry report, we decided to bring in tigers from the Kaziranga reserve forest, but because of the Covid situation, we failed to do so. Now, we are thinking that tigers should be brought from Assam as soon as possible for breeding." State Forest Minister Jyotipriya Mullick said a decision whether to make the reserve a breeding centre would be taken after the report of the four-member team. A few days ago, a pugmark was found near a river bank in Buxa. Later the tiger presence was confirmed after a trap camera captured it. Entry points to the reserve have now been closed for visitors. Some villagers in the vicinity of the reserve were being evacuated so that the tiger was "at ease", official sources said.

**BUSINESS & ECONOMICS****THE CHALLENGE OF ACHIEVING 9.5% GROWTH RATE**

The National Statistical Office (NSO) released the second quarter gross value added (GVA) and gross domestic product (GDP) numbers on November 30, 2021, indicating the pace of economic recovery in India after the two COVID-19 waves. The contraction was highest in the first quarter of 2020-21, gradually easing off in the subsequent quarters. The resultant base effect was the strongest in the first quarter of 2021-22 as reflected in real GDP and GVA growth rates of 20.1% and 18.8%, respectively. The base effect weakened in the second quarter with GDP and GVA growth rates at 8.4% and 8.5%, respectively. Considering these two quarters together, the real GVA for the first half of 2021-22 at ₹63.4 lakh crore has remained below the level in the first half of 2019-20 at ₹65.8 lakh crore by (-)3.7%. This difference is even larger for GDP which at the end of first half of 2021-22 stood at ₹68.1 lakh crore, which is (-) 4.4% below the corresponding level of GDP at ₹71.3 lakh crore in 2019-20. As the base effect weakens in the third and fourth quarters of 2021-22, a strong growth momentum would be needed to ensure that at the end of this fiscal year, in terms of magnitude, GVA and GDP in real terms exceed their corresponding pre-COVID-19 levels of 2019-20.

**Sectors that improved**

In the first half of 2021-22, on the output side, only four of the eight GVA sectors have exceeded their corresponding 2019-20 levels. These are agriculture; electricity, gas, et al.; mining and quarrying; and public administration, defence and other services. Of these, the first and second quarter growth of public administration, defence and other services was at 5.8% and 17.4%, respectively. The upsurge in the growth of this sector in the second quarter of 2021-22 reflects the Central government's emphasis on capital expenditure which started gathering momentum in recent months. The Central government capital expenditure grew by 38.3% during the first half of 2021-22. This emphasis on government investment expenditure, supplemented by recovery of private investment expenditure, resulted in gross fixed capital formation (GFCF) showing a positive growth of 1.5% in the second quarter of 2021-22 over its corresponding level in 2019-20. However, even in this case, the level of GFCF in the first half of 2021-22 has remained below its corresponding level in 2019-20 by a margin of ₹1.93 lakh crore. Overall, domestic demand including private final consumption expenditure (PFCE) in the first half of 2021-22 remains below its corresponding level in 2019-20 by nearly ₹5.5 lakh crore. This indicates that investment as well as consumption demand have to pick up strongly in the remaining two quarters to ensure that the economy emerges on the positive side at the end of 2021-22 as compared to its pre-COVID-19 level. Private consumption demand would pick up with employment and income growth, especially in the small and medium sectors, which is linked to the recovery in the services sectors, particularly the trade, hotels et al. sector. This may happen in the second half of 2021-22 provided economic activities are not beset again by COVID-19's new strain, Omicron.

**Annual growth prospects**

To realise the projected annual growth at 9.5% for 2021-22 given both by the Reserve Bank of India (RBI) and the International Monetary Fund (IMF), we require a growth of 6.2% in the second half of 2021-22. This will have to be achieved even as the base effect weakens in the third and fourth quarters since GDP growth rate in these quarters of 2020-21 was at 0.5% and 1.6%, respectively. Thus, achieving the projected growth rate of 9.5% is going to be a big challenge. Had



the growth rate of the second quarter been higher, the task would have been easier. If, in fact, we achieve the growth rate 9.5% in 2021-22, we can be confident that 2022-23 will see a growth rate of 6% to 7%. The policy instrument for achieving a higher growth may have to be a strong fiscal support in the form of government capital expenditure. This is currently being facilitated by the buoyant Centre's gross tax revenues. The Centre's gross tax revenues have shown an unprecedented growth rate of 64.2% and a buoyancy of 2.7 in the first half of 2021-22. The nominal GDP growth at 23.9% and the implicit price deflator-based inflation at 9.0% in H<sub>1</sub>FY22 is the key reason for the buoyant tax revenues. The fiscal deficit target of 6.8% may come under pressure because of upward revisions in some expenditure items such as food and fertilizer subsidies, MGNREGA and extension of the Pradhan Mantri Garib Kalyan Anna Yojana along with some shortfall in non-tax and non-debt capital receipts. In spite of these pressures, it would be advisable for the Centre to continue infrastructure spending. The Centre's incentivisation of state capital expenditure through additional borrowing limits would also help in this regard. According to available information, 11 States in the first quarter and seven States in the second quarter qualified for the release of the additional tranche under this window. Even as Central and State capital expenditures gather momentum, high frequency indicators reflect an ongoing pick-up in private sector economic activities.

#### High frequency indicators

PMI manufacturing increased to a 10-month high of 57.6 in November 2021, increasing from 55.9 in October 2021. PMI services remained high at 58.1 in November 2021, its second-highest level since July 2011. Gross GST collections at ₹1.31 lakh crore remained above the benchmark of ₹1 lakh crore for the fifth consecutive month in November 2021. Core IIP growth increased to 7.5% in October 2021 from 4.4% in September 2021. Compared to its October 2019 value, core IIP showed a growth of 7.0% in October 2021. Merchandise exports growth was at 26.5% in November 2021 and 43.0% in October 2021 as compared to the corresponding month of the previous year. When compared to 2019 levels, exports grew by 35.9% in October and 15.9% in November 2021, reflecting robust external demand. An important difference between 2019-20 and 2021-22 arises from the performance of the Centre's gross tax revenues (GTR). The growth in the Centre's GTR in the first half of 2019-20 was at 1.5% and there was a contraction of (-)3.4% for the year as a whole. In the face of such weak revenues, the Central government could not mount a meaningful fiscal stimulus in 2019-20 even as real GDP growth fell to 4.0%. In contrast, the government is in a significantly stronger position in 2021-22 since the growth in GTR in the first half is 64.2% and the full year growth is expected to be quite robust. Thus, the key to attaining a 9.5% real GDP annual growth in 2021-22 lies in the government's ongoing emphasis on infrastructure spending as reflected in government's capital expenditure. This is also seen in the high real growth in public administration, defence and other services of 17.4% in the second quarter of 2021-22. It is imperative that this momentum is sustained in the remaining part of the fiscal year.

#### THE WTO'S CHALLENGE TO MSP IS ANOTHER FRONTIER TO CROSS

The demand of farmers to provide a legal guarantee for the minimum support price (MSP) for their produce has triggered a nationwide debate. Some believe it would be "fiscally ruinous" to procure all the 23 crops for which MSP is announced annually. Others contend that procuring these crops would be a logistical nightmare. There is yet another dimension of this debate that has largely gone unnoticed. Can India provide a legal guarantee for MSP without violating its





international law obligations enshrined in the Agreement on Agriculture (AoA) of the World Trade Organization (WTO)?

#### **As a trade-distorting subsidy**

One of the central objectives of the AoA is to cut trade-distorting domestic support that WTO member countries provide to agriculture. In this regard, the domestic subsidies are divided into three categories: 'green box', 'blue box' and 'amber box' measures. Subsidies that fall under the 'green box' (like income support to farmers de-coupled from production) and 'blue box' (like direct payments under production limiting programmes subject to certain conditions) are considered non-trade distorting. Countries can provide unlimited subsidies under these two categories. However, price support provided in the form of procurement of crops at MSP is classified as a trade-distorting subsidy and falls under the 'amber box' measures, which are subject to certain limits. To measure 'amber box' support, WTO member countries are required to compute Aggregate Measurement of Support (AMS). AMS is the total of product-specific support (price support to a particular crop) and non-product-specific support (fertilizer subsidy). Under Article 6.4(b) of the AoA, developing countries such as India are allowed to provide a de minimis level of product and non-product domestic subsidy. This de minimis limit is capped at 10% of the total value of production of the product, in case of a product-specific subsidy; and at 10% of the total value of a country's agricultural production, in case of non-product subsidy. Subsidies breaching the de minimis cap are trade-distorting. Consequently, they have to be accounted for in the AMS. The procurement at MSP, after comparing it with the fixed external reference price (ERP) — an average price based on the base years 1986-88 — has to be included in AMS. Since the fixed ERP has not been revised in the last several decades at the WTO, the difference between the MSP and fixed ERP has widened enormously due to inflation. For instance, according to the Centre for WTO Studies, India's ERP for rice, in 1986-88, was \$262.51/tonne and the MSP was less than this. However, India's applied administered price for rice in 2015-16 stood at \$323.06/tonne, much more than the 1986-88 ERP. When this difference is accounted for in the AMS, the possibility of overshooting the de minimis limit becomes real. Procuring all the 23 crops at MSP, as against the current practice of procuring largely rice and wheat, will result in India breaching the de minimis limit making it vulnerable to a legal challenge at the WTO. Even if the Government does not procure directly but mandates private parties to acquire at a price determined by the Government, as it happens in the case of sugarcane, the de minimis limit of 10% applies. Very recently, a WTO panel in the case, India – Measures Concerning Sugar and Sugarcane, concluded that India breached the de minimis limit in the case of sugarcane by offering guaranteed prices paid by sugar mills to sugarcane farmers.

#### **Peace clause**

The AoA needs to be amended so that it provides adequate policy space to run an MSP-backed food security programme. Although a permanent solution is nowhere in sight, the countries have agreed to a peace clause. The peace clause forbids bringing legal challenges against price support-based procurement for food security purposes even if it breaches the limit on domestic support. However, the peace clause is subject to several conditions. For example, it can be availed by developing countries for the support provided to traditional staple food crops to pursue public stockholding programmes for food security (procuring food to provide free ration through the Public Distribution System). Furthermore, the peace clause is applicable only for programmes that were existing as of the date of the decision and are consistent with other requirements. Countries are also under an obligation to notify the WTO if their subsidies exceed the permissible level. For instance, earlier this year, India reported to the WTO that it gave subsidies worth \$6.31 billion for



rice in 2019-20 while the value of rice production was \$46.07 billion. In other words, the subsidies were 13.6% of the total value of production as against the de minimis level of 10%. India's procurement for rice and wheat, even if it violates the de minimis limit, will enjoy legal immunity. However, India will not be able to employ the peace clause to defend procuring those crops that are not part of the food security programme (such as cotton, groundnut, sunflower seed). Even if the AoA is amended to exclude MSP-backed procurement for food security purposes from the AMS, procurement for other crops at prices higher than the fixed ERP would be considered trade-distorting and thus subject to the de minimis limit. Therefore, India needs to recalibrate its agricultural support programmes to make use of the flexibilities available in the AoA.

### Some alternatives

Arguably, India can move away from price-based support in the form of MSP to income-based support, which will not be trade-distorting under the AoA provided the income support is not linked to production. Alternatively, one can supplement price-based support (keeping the de minimis limit in mind) with an income-based support policy. However, it will be arduous especially given the climate of high misgiving prevailing between the farmers and the political establishment. The recent fiasco with the three repealed farm laws demonstrates that reforms in agriculture, no matter how sagacious, cannot be shoved down the throats of the farmers. The Government needs to engage with the farmers and create an affable environment to convince them of other effective policy interventions, beyond MSP, that are fiscally prudent and WTO compatible.

### BEHIND THE CURVE ON INFLATION, FED PIVOTS: WILL IT DERAIL INDIA SENTIMENT?

The US Federal Reserve said Wednesday that it will curtail its extraordinary policy support for the American economy more quickly than predicted and underscored its plans to hike interest rates three times next year. Amid surging inflation and sliding unemployment, Fed Chair Jerome Powell said the US economy is growing at a "robust pace" even as it "faces risks" from the Covid-19 pandemic. But with inflation likely to persist longer than the Fed had earlier projected, Powell said the central bank needed to address the threat of runaway prices to help the economy sustain its growth. The new projections are being seen as a definitive move to frontload the reversal of the central bank's expansionary monetary policy put in place in early 2020 to invigorate the American economy amid the Covid-19 outbreak. Part of this support was in the form of an extraordinary bond buying programme, which was intended to bring down long-term interest rates and catalyse greater borrowing and spending by both consumers and businesses. It is this plan that is now being wound down, albeit at a faster rate. Alongside the bond buying programme, the Fed also had slashed its funds target rate to zero. A faster unwinding of the bond buying programme also means that interest rate hikes in the US are likely earlier than expected.

### The announcement and the timing

The Fed's announcement comes amid criticism that the US central bank has fallen behind the curve on inflation. Late last month, the United States' Labor Department had reported that retail inflation had spiked to 6.2 per cent in October. Wednesday's Fed announcement is being seen as an attempt by the central bank to wrest back the narrative on the inflation issue. The announcement effectively means that the Fed will accelerate the tapering of its bond purchases, scaling back by \$30 billion a month instead of the \$15 billion pace it announced just in November. This, according to Bloomberg analysts, "opens up the possibility that policy makers could raise the fed funds rate from its current range of 0% to 0.25% as soon as the first half of 2022" and that



the fresh updates to the Fed's so called "dot plot" forecast of the short-term benchmark shows a median expectation among policy makers for three interest-rate increases next year, up from less than one projected in September. "The economy no longer needs increasing amounts of policy support," Powell said in a news conference yesterday. The pace of inflation is "uncomfortably high", he said after the end of the Fed's latest two-day policy meeting. The US central bank is currently buying \$90 billion a month in bonds, down from \$120 billion in October, and has been reducing those purchases by \$15 billion a month. But in January, it will reduce those purchases by \$30 billion, to \$60 billion, and will be on track to end them altogether in March, Powell said, according to a Reuters report.

### **Policy signals and impact**

Like other central banks such as the Reserve Bank of India, as the US Fed conducts monetary policy, it influences employment and inflation primarily by using policy tools to control the availability and cost of credit in the economy. The Fed's primary tool of monetary policy is the federal funds rate, changes in which influence other interest rates — which in turn influence borrowing costs for households and businesses as well as broader financial conditions. Additionally, the bond-buying programme, also known as quantitative easing, was put in place in early 2020 as an extraordinary measure to help the financial markets and the economy counter the impact of the pandemic. This bond buying is an unconventional monetary policy tool (that was deployed during the global financial crisis as well), using which the central bank purchases longer-term securities from the open market in order to increase the money supply and incentivise lending and investment. Buying these securities augments the supply of new money in the economy, and ends up dampening interest rates, while also expanding the central bank's balance sheet. The tapering off of the bond buying plans now signals a move towards policy normalisation and a progressive reversal of the interest rate trajectory in the economy. When interest rates go up in an economy, it becomes more expensive to borrow; so households are then less inclined to buy goods and services, and businesses have a disincentive to borrow funds to expand, buy equipment or invest in new projects. A subsequent lowering of demand for goods and services ends up depressing wages and other costs, in turn bringing runaway inflation under control. Even though the linkages of monetary policy to inflation and employment are not direct or immediate, monetary policy is a key factor in tackling runaway prices.

### **Impact on EMEs, including India**

Theoretically, a signal to hike policy rates in the US should be a negative for emerging market economies, especially from a debt market perspective. Emerging economies such as India tend to have higher inflation and higher interest rates than in developed countries. As a result, investors, including Foreign Portfolio Investors, tend to borrow in the US at lower interest rates in dollar terms, and invest that money in the bonds of countries such as India in rupee terms to earn a higher rate of interest. A hike in rates in the US could have a three-pronged impact. When the Fed jacks up its policy rates, the difference between the interest rates of the two countries narrows, thus making countries such as India less attractive for the currency carry trade. A high rate signal by the Fed would also mean a lower impetus to growth in the US, which could be yet negative news for global growth, especially when China is reeling under the impact of a real estate crisis. Higher returns in the US debt markets could also trigger a churn in emerging market equities, tempering foreign investor enthusiasm. There is also a potential impact on currency markets, stemming from outflows of funds.



## NO RBI SIGNAL, BUT LENDERS KICK-OFF RATE HIKES IN INDIA

Although the Reserve Bank of India (RBI) is yet to jack up key policy rates, interest rates are slowly showing signs of rising in the financial system, in line with the global trend. At a time when global central banks are scheduled to tighten their monetary policies and hike rates, Indian banks and financial entities have started announcing rate hikes. Even as the Bank of England hiked the interest rates by 15 basis points to 0.25 per cent and the US Federal Reserve decided to accelerate tapering of bond purchases ahead of a rate hike. State Bank of India (SBI) has raised the benchmark lending rate, or base rate, by 10 bps without waiting for the RBI to hike the repo rate or reverse repo rate. SBI's revised base rate is 7.55 per cent. Base rate is the minimum interest rate at which a bank could lend to its customers under the base rate regime. This means the overall interest rate of old borrowers with floating rate loans like home loans linked to the base rate will go up. Home loan customer will have to shell out higher equated monthly instalments (EMIs) or they will have to extend their loan tenure. A hike in fixed deposit rates was announced by Bajaj Finance earlier this month — by 0.30 per cent for tenors between 24 and 60 months on fixed deposits (FDs) of up to Rs 5 crore. HDFC Bank too raised FD rates for select tenors with effect from December 1. On FDs maturing in one year and two years, HDFC Bank has hiked interest rates by ten basis points to 5 per cent. On one-year FDs, it is offering 4.9 per cent. The bank is now offering a 2.50 per cent interest rate on deposits with a maturity of 7 to 29 days, and 3 per cent interest rate on FDs with a maturity of 30 to 90 days, 3.5 per cent for FDs with maturity of 91 days to 6 months and 4.4 per cent for FDs with 6 months 1 day to less than one year tenor. Ujjivan Small Finance Bank hiked interest rate on term deposits with a tenure of 19 months and one day to 24 months to 6.6 per cent. For 12 months tenure, it has hiked interest rates to 6.5 per cent from 6 per cent. Other banks are also set to increase interest rates in the coming days. According to a Morgan Stanley report, the February policy (2022) will likely mark the start of policy normalisation with a reverse repo rate hike to normalise the policy rate corridor. "However, we anticipate the lift-off and its quantum to be contingent on the impact of Omicron on economic activity. If the growth momentum remains durable, we would then expect that the RBI could choose to hike the reverse repo rate 40 bps to adjust the policy rate corridor in one shot. Next, we expect this to be followed by a hike in the repo rate in the April, with a cumulative rise of 150 bps in FY2023," it said. On December 8, the Monetary Policy Committee of the RBI kept the policy rate unchanged for the ninth time in a row and retained its accommodative stance to support the recovery in the economy, which is yet to fully reach pre-pandemic levels. All members of the MPC voted to keep the repo rate — the key policy rate of RBI or the rate at which it lends to banks — unchanged at 4 per cent while one member, Jayanth Varma, dissented against retaining the accommodative policy stance.

## BANK-NBFC CO-LENDING: HOW IT WORKS, AND THE CONCERNS IT RAISES

A November 2020 decision by the Reserve Bank of India (RBI) to permit banks to "co-lend with all registered NBFCs (including HFCs) based on a prior agreement", has led to unusual tie-ups like the one announced earlier this month between the State Bank of India (SBI) and Adani Capital.

### The 'Co-Lending Model'

In September 2018, the RBI had announced "co-origination of loans" by banks and Non-Banking Financial Companies (NBFCs) for lending to the priority sector. "The arrangement entailed joint contribution of credit at the facility level by both the lenders as also sharing of risks and rewards", the RBI said. Subsequently, based on feedback from stakeholders and "to better leverage the





respective comparative advantages of the banks and NBFCs in a collaborative effort”, the central bank allowed the lenders greater operational flexibility, while requiring them to conform to regulatory guidelines. The primary focus of the revised scheme, rechristened as ‘Co-Lending Model’ (CLM), was to “improve the flow of credit to the unserved and underserved sector of the economy and make available funds to the ultimate beneficiary at an affordable cost, considering the lower cost of funds from banks and greater reach of the NBFCs”, the RBI said in a circular issued on November 5 last year.

#### **Bank-NBFC tie-ups**

Several banks have entered into co-lending ‘master agreements’ with NBFCs, and more are in the pipeline. On December 2, SBI, the country’s largest lender, signed a deal with Adani Capital, a small NBFC of a big corporate house, for co-lending to farmers to help them buy tractors and farm implements. SBI’s giant network includes 22,230 branches, 64,122 automated teller machines (ATMs) and cash deposit machines (CDMs), and 70,786 business correspondent (BC) outlets across the country. Adani Capital has a network of just 60 branches and has disbursed around Rs 1,000 crore, according to its website. On November 24, Union Bank of India entered into a co-lending agreement with Capri Global Capital Ltd (CGCL), with the aim “to enhance last-mile finance and drive financial inclusion to MSMEs by offering secured loans between Rs 10 lakh to Rs 100 lakh” initially through “100+ touch points pan-India”.

#### **Risk in co-lending**

The move by big banks to tie up with small NBFCs for co-lending has come in for criticism from several quarters. Under the CLM, NBFCs are required to retain at least a 20 per cent share of individual loans on their books. This means 80 per cent of the risk will be with the banks — who will take the big hit in case of a default. The terms of the master agreement may provide for the banks to either mandatorily take their share of the individual loans originated by the NBFCs on their books, or to retain the discretion to reject certain loans after due diligence prior to taking them on their books. Interestingly, the RBI guidelines provide for the NBFCs to be the single point of interface for customers, and to enter into loan agreements with borrowers, which should lay down the features of the arrangement and the roles and responsibilities of the NBFCs and banks. In effect, while the banks fund the major chunk of the loan, the NBFC decides the borrower.

#### **Corporates in banking**

While the RBI hasn’t officially allowed the entry of big corporate houses into the banking space, NBFCs — mostly floated by corporate houses — were already accepting public deposits. They now have more opportunities on the lending side through direct co-lending arrangements. This has come at a time when four big finance firms — IL&FS, DHFL, SREI and Reliance Capital — which collected public funds through fixed deposits and non-convertible debentures, have collapsed in the last three years despite tight monitoring by the RBI. Collectively, these firms owe around Rs 1 lakh crore to investors. While the RBI has referred to “the greater reach of the NBFCs”, many bankers point out that the reach of banks is far wider than small NBFCs with 100-branch networks in serving underserved and unserved segments.

#### **SBI on co-lending**

Announcing the tie-up with Adani Capital, SBI chairman Dinesh Khara said the partnership “shall help SBI to expand customer base as well as connect with the underserved farming segment of the country and further contribute towards the growth of India’s farm economy”. SBI, he said, would



“continue to work with more NBFCs in order to reach out to maximum customers in far flung areas and provide last mile banking services”. Adani Capital MD & CEO Gaurav Gupta said the company aimed to “make economical credit available to the micro-entrepreneurs of India”. Through the partnership with SBI, it sought to “contribute to farm mechanisation and play a role in improving productivity and income of the farm segment”.

#### **BANK DEPOSIT INSURANCE PROGRAMME AND NORMS TO ACCESS FUNDS**

Prime Minister Narendra Modi Sunday said that Rs 1,300 crore had been paid to over 1 lakh depositors who could not access their money as their banks faced financial crises and that a further 3 lakh such depositors were set to receive funds stuck in such accounts. The PM noted that the deposits worth Rs 76 lakh crore were insured under the Deposit Insurance and Credit Guarantee Corporation (DICGC) Act providing full coverage to around 98 per cent of bank accounts.

##### **What did the PM say on deposit insurance?**

The Prime Minister said any country can save the problems from getting worse only by timely resolution of them. Earlier, out of the amount deposited in the bank, only Rs 50,000 was guaranteed, which was then raised to Rs 1 lakh. “Understanding the concern of the poor, understanding the concern of the middle class, we increased this amount to Rs 5 lakh,” he said. “Today is a very important day for the country, the banking sector and for crores of bank account holders,” the PM said at an event where he handed over cheques to cover insured sums to account holders who could not access their funds in distressed banks. “If a bank is weak or is even about to go bankrupt, depositors will get their money of up to Rs five lakhs within 90 days,” Modi said, noting that earlier account holders “could not access their own money for upto 8-10 years after financial stress at banks”. The PM added that this would give confidence to depositors and strengthen the banking and financial system.

##### **Changes in deposit insurance law**

Troubles for depositors in getting immediate access to their funds in banks in recent cases such as Punjab & Maharashtra Co-operative (PMC) Bank, Yes Bank and Lakshmi Vilas Bank had put spotlight on the subject of deposit insurance, after which the government made changes to the deposit insurance laws in August this year to provide funds up to Rs 5 lakh to an account holder within 90 days in the event of a bank coming under the moratorium imposed by the RBI. According to the finance ministry, depositors normally used to end up waiting for 8-10 years before they are able to access their deposits in a distressed bank only after its complete liquidation. Now with the changes to the law, depositors can get insurance money within 90 days, without waiting for eventual liquidation of the distressed banks. This covers banks already under moratorium and those that could come under moratorium. Within the first 45 days of the bank being put under moratorium, the DICGC would collect all information relating to deposit accounts. In the next 45 days, it will review the information and repay depositors closer to the 90th day.

##### **What were the norms for deposit insurance earlier?**

Earlier, account holders had to wait for years till the liquidation or restructuring of a distressed lender to get their deposits that are insured against default. Last year, the government raised the insurance amount to Rs 5 lakh from Rs 1 lakh. Prior to that, the DICGC had revised the deposit insurance cover to Rs 1 lakh on May 1, 1993 — raising it from Rs 30,000, which had been the cover



from 1980 onward. In an unlikely event of a bank failing in India, a depositor has a claim to a maximum of Rs 5 lakh per account as insurance cover. The cover of Rs 5 lakh per depositor is provided by the Deposit Insurance and Credit Guarantee Corporation (DICGC), which is a fully owned subsidiary of the Reserve Bank of India. Depositors having more than Rs 5 lakh in their account have no legal recourse to recover funds in case a bank collapses. While the depositors enjoy the highest safety on their funds parked with banks, unlike the equity and bond investors in the banks, an element of risk always lurks on their deposits in case a bank collapses.

#### MIND THE RISK

The Reserve Bank of India (RBI) introduced a prompt corrective action (PCA) framework for non-banking finance companies (NBFCs). The framework has been designed to trigger supervisory intervention at the suitable time, helping nurse the entity back to health, and limit the fallout on the larger financial system. Under it, certain parameters of NBFCs like bad loans and capital adequacy ratios will be monitored, and as and when these parameters fall below pre-defined levels, the central bank will impose restrictions on activities of NBFCs in varying degrees. The framework will be effective from October 2022, giving the NBFCs time to bolster their balance sheets which may have been impacted due to the economic fallout of the pandemic. With this step, the RBI is moving towards bringing about some alignment in the supervisory framework of NBFCs with that of banks. Under the framework, the central bank has taken three indicators, namely, the capital to risk weighted assets ratio (CRAR), the tier I capital ratio and the net NPA ratio (NNPA) to delineate three risk thresholds. If an NBFC's position worsens on these parameters, then the entity will move higher on the risk profile. And as its risk profile deteriorates, the severity of the restrictions imposed by the RBI will increase. These begin with curbs on the distribution of dividend, restrictions on guarantees and taking on contingent liabilities of group companies, and requiring the promoters/shareholders to infuse equity in the entity and reduce leverage. At high risk thresholds, curbs will also be imposed on branch expansion, capital expenditure, and operating costs. Exit from the PCA framework and the easing of restrictions will be conditional upon the NBFC not breaching the risk thresholds for four continuous quarters. With this segment growing in size — the NBFC credit to GDP ratio stood at 11.6 per cent in 2020 as per the RBI — and with strong linkages with the other parts of the financial system, their asset quality must be closely observed. More so for the larger deposit-taking NBFCs. A delay in taking action only complicates matters, adding to the uncertainty in financial markets. The collapse of NBFCs such as the Infrastructure Leasing & Financial Services (IL&FS) and Dewan Housing Finance Corporation Limited (DHFL), the fallout in the financial markets and the larger economy, the spectre of liquidity issues morphing into solvency issues, only underline the need for such a framework. Addressing the stress earlier lowers the associated costs.

#### THE NMP IS HARDLY THE PANACEA FOR GROWTH IN INDIA

The National Monetisation Pipeline (NMP) envisages an aggregate monetisation potential of ₹ 6-lakh crore through the leasing of core assets of the Central government in sectors such as roads, railways, power, oil and gas pipelines, telecom, civil aviation, shipping ports and waterways, mining, food and public distribution, coal, housing and urban affairs, and stadiums and sports complexes, to name some sectors, over a four-year period (FY2022 to FY2025). But the point is that it only underscores the need for policy makers to investigate the key reasons and processes which led to once profit-making public sector assets becoming inefficient and sick businesses.



### To unlock value

Eight core industrial sectors that support infrastructure such as coal, crude oil, natural gas, refinery products, fertilizers, steel, cement, and electricity have a total weight of nearly 40% in the Index of Industrial Production (IIP). According to NITI Aayog, the strategic objective of the asset monetisation programme is to unlock the value of investments in public sector assets by tapping private sector capital and efficiencies. The NMP policy advocates unlocking idle capital from non-strategic/underperforming government owned assets and reinvesting the funds, thus received, into new infrastructure projects and augmentation of assets such as greenfield infrastructure creation. This reportedly first-of-its-kind initiative claims that it will boost the economy, generate better employment opportunities, and drive the competitiveness of the Indian economy. Notwithstanding the merit of this decision by the government of the day, it becomes imperative for policy makers to introspect the decline of profit-making government assets in the backdrop of the Government contemplating reinvesting the funds received to create fresh assets, post the NMP exercise. It is quite likely that the nation may find itself in a vicious cycle of creating new assets and then monetising the same when they become liabilities for the Government at a later stage. Going by the annual report (2020-2021) of the Department of Public Enterprises, Government of India, there are 256 operationally-run central public sector undertakings (CPSUs), employing about one million people; they posted a net profit of ₹93,294 crore (FY 2019-20). Out of these, 96 have been conferred the Ratna status (72, 14, and 10 are Miniratnas, Navaratnas, and Maharatna companies, respectively). As India needs to invest about \$1.5 trillion on infrastructure development in order to aspire to become \$5 trillion economy by the year 2024-25, according to the Economic Survey 2019-20, public enterprises should be in focus.

### Some reasons for PSU decline

The primary reasons for the failure of public sector enterprises is no secret. Cost overruns, inter alia, is one of the major reasons. In some cases, project completion time is exceeded, leading to elevated project cost so much so that either the project itself becomes unviable at the time of its launching or delays its break even point. Besides, optimum input-output ratio is seldom observed in a majority of government infrastructural projects leading to their overcapitalisation. A reluctance to implement labour reforms, a lack of inter-ministerial/departmental coordination, poor decision-making, ineffective governance and excessive government control are other reasons for the failure of public infrastructural assets. Recently, the “Pradhan Mantri Gati Shakti National Master Plan” for multi-modal connectivity was launched by the Prime Minister with an aim ‘to synchronise the operations of different departments of 16 Ministries including railways and roadways for seamless planning and coordinated execution of infrastructure projects in a timely manner’. It is essentially a digital platform for information sharing among different Ministries and departments at the Union and State levels. It also entails analytical decision-making tools to disseminate project-related information and prioritise key infrastructure projects. Besides, it fosters a periodical review and monitoring of the progress of cross-sectorial infrastructure projects through the GIS platform in order to intervene if there is a need.

### Essential steps

In addition to it, as enunciated in the Economic Survey 2020-21, an important step for the Government to take to strengthen public sector businesses would be to completely revamp their corporate governance structure in order to enhance operational autonomy augmented with strong governance practices including listing on stock exchange for greater transparency and accountability. The Department of Public Enterprises has reportedly initiated revamping of the





performance monitoring system of central public sector enterprises to make them more transparent, objective and forward looking, based on sectoral indices/benchmarks. The Economic Survey also highlights the Government's initiatives as part of the Atmanirbhar Abhiyaan (campaign for self-reliance) in order to boost domestic production in the steel sector, viz. inclusion of "speciality steel", recommending four different types of steel for incentives under the production linked incentive (PLI) scheme; selling steel to Micro, Small and Medium Enterprises (MSMEs), affiliated to Engineering Export Promotion Council of India at export parity price under the duty drawback scheme of the Directorate General of Foreign Trade (DGFT); measures to provide preference to domestically produced iron and steel in government procurement, where aggregate estimate of iron and steel products exceeds ₹25 crore; protecting industry from unfair trade through appropriate remedial measures including imposition of anti-dumping duty and countervailing duty on the products on which unfair trade practices were adopted by the other countries. More such out-of-the-box policy initiatives are needed to rule out public asset monetisation schemes such as the NMP in future.

### PAIN FROM PRICES

The latest inflation data, both retail and wholesale, point to accelerating price gains that could potentially undermine the fragile economic recovery by pushing up costs and depleting consumers' purchasing power. November's Consumer Price Index (CPI) shows year-on-year inflation at the retail level quickened to a three-month high of 4.91%, from 4.48% in October. Even on a sequential basis, last month's CPI reveals prices are estimated to have risen 0.73% from October with as many as 10 of the 12 constituents of the food and beverages category witnessing month-on-month inflation. Food was in fact a major driver of the quickening in price gains on an annual basis. Vegetable prices surged from October, logging 7.4% month-on-month inflation. Also, the Union government's belated and marginal reduction in excise duty on petrol and diesel, which was followed by cuts in local value added taxes by many States, barely slowed the pace of inflation in the transport and communication category: the rate eased 88 basis points from 10.90% in October, to 10.02% in November. Clothing and footwear, housing, health, education and recreation were among the other key product and service categories that contributed to the sequential trend in price gains underlining the fact that inflation excluding food and fuel, otherwise known as core inflation, remains disconcertingly sticky and elevated at around 6%. Nor does the data on wholesale prices provide any reason for cheer, with provisional inflation based on the wholesale price index racing to a record 14.2% in November, from October's 12.5%. The fuel and power sub index surged 39.8% year-on-year, and all three major groups comprising the WPI posted sequential accelerations as well. Persistently high and climbing wholesale prices of basic metals, chemicals and chemical products, and textiles among manufactured products have the potential to feed through down-the-line to retail prices and add to inflationary pressure for consumers. While manufacturers in some sectors may opt to absorb rising input costs, at least in the short term till demand gets more entrenched, the signs including from automobile makers are far from reassuring. The tariff increases announced by telecom service providers last month are also expected to feed through into retail inflation in December and international semiconductor shortages and logistics bottlenecks are roiling the outlook for prices of electronics and other products reliant on global supply chains. With the rupee continuing to weaken against the U.S. dollar, policymakers also face the challenge of contending with imported inflation including the landed cost of crude oil shipments. The onus is clearly on the Centre to deepen the fuel tax cuts and address other supply-side issues to prevent inflation from hurting the recovery.



## COAL SHORTAGE: AMID PRIORITY TO THERMAL PLANTS, NON-POWER SECTORS BEAR BRUNT

Prioritisation of coal supplies for the power sector have led to rising input costs for the aluminium, steel and cement sectors and may lead to prolonged shutdowns at some plants, according to experts. Industry associations have written to the Coal Ministry requesting a resumption of normal supply to non-power sector consumers of coal as inventory at thermal power plants which had fallen to four days of stock in October has improved to 11 days of stock. Since July, the Centre has directed Coal India Ltd (CIL), India's largest supplier of coal, to prioritise supply to thermal power plants, sharply reducing the supply of the dry fuel to non-power sector players, according to industry sources. Low coal stocks at thermal power plants forced many states including Uttar Pradesh, Rajasthan and Punjab to impose load shedding in October, as states rushed to power exchanges paying three-four times normal rates for power due to inadequate supply. "The situation is very serious for non-power sector consumers and there doesn't seem to be a resolution in sight," said an expert who did not wish to be quoted. Aluminium, steel and cement sectors utilise domestic coal to generate power at captive power plants to run operations. Such sectors are being forced to use purchase expensive imported coal as well as draw more expensive power from the grid due to low coal supplies. Aluminium plants in particular have raised concerns about coal supply as even a two-hour interruption in power supply at such plants could lead to prolonged shutdowns before they can come back online. An industry source aware of developments said, "The requirement for non-power coal consumers is about 45-50 rakes of coal daily and the supply fell to about 27 rakes in October and improved to 33-34 rakes in November, but has fallen again due to prioritisation for the power sector." One rake consists of 58 train wagons and can carry up to 3,750 tonnes of coal. Industry sources noted that while supplies to non-power sector consumers had improved in November, they had fallen again in December after a government directive that supplies be prioritised for the power sector. Union Power Minister RK Singh had indicated in October that the coal supply issues for the power sector could continue till February or March. India's thermal power plants currently have about 11 days of coal stock on average, compared to a recommended level of 15-30 days based on the distance of the thermal plant from the source of coal. Coal inventories had fallen to about 4 days worth of stock in early October when a number of thermal power plants ran out of coal, cutting power supply and pushing up the average market clearing price of power in October a peak Rs 8.0 unit on the India Energy Exchange up from Rs 2.7 per unit in October 2020. In an official response to queries from The Indian Express, the Coal Ministry said that supplies to non-power sectors had been "robust" till November, noting that CIL and Singareni Collieries Company Ltd had supplied a combined 88.4 million tonnes (MT) of coal to non-power sectors between January and November, up from 83.8 MT in the same period last year. The ministry did not, however, respond to queries on the supply of coal to non-power sectors in 2019 which was unaffected by the Covid-19 pandemic. "The increased prices of coal in the international market has resulted in non-power consumers seeking cheaper domestic coal whose notified prices has not increased for almost 4 years now. However, with the increased coal production and despatch from coal companies, the supply to non-power is likely to increase further," the ministry said.

## WHEN THE CHIPS ARE DOWN

The Union Cabinet's decision this week to set aside ₹76,000 crore for supporting the development of a 'semiconductors and display manufacturing ecosystem' is a belated but welcome acknowledgment of the strategic significance of integrated circuits, or chips, to a modern



economy. The basic building blocks that serve as the heart and brain of all modern electronics and information and communications technology products, the ubiquitous chips are now an integral part of contemporary automobiles, household gadgets such as refrigerators, and essential medical devices such as ECG machines. The COVID-19 pandemic has dramatically thrown into sharp relief the vulnerability that a range of manufacturing industries and, by extension, national economies are exposed to in the face of disruptions in the supply of these vital semiconductors. The pandemic-driven push to take sizeable parts of daily economic and essential activity online, or at least digitally enable them, has also highlighted the centrality of the chip-powered computers and smartphones in people's lives. With the bulk of semiconductor manufacturing and supply capability concentrated in a handful of countries including Taiwan, South Korea, U.S., Japan and, more recently, China, governments worldwide have realised that it is in the national interest to treat chip manufacturing as a strategic imperative. The Cabinet decision to simultaneously establish an India Semiconductor Mission helmed by 'global industry experts' to drive long-term strategies for the sustainable development of the chip and display industry is therefore a step in the right direction. The challenge ahead, however, is fairly daunting. For one, the level of fiscal support currently envisioned is minuscule when one considers the scale of investments typically required to set up manufacturing capacities in the various sub sectors of the semiconductor industry. A semiconductor fabrication facility, or fab, can cost multiples of a billion dollars to set up even on a relatively small scale and lagging by a generation or two behind the latest in technology. Even granting that India's Production Linked Incentive scheme intends to give only 50% of the cost of setting up at least two greenfield semiconductor fabs by way of fiscal support, not much of the current scheme outlay of approximately \$10 billion is likely to be left to support other elements including display fabs, packaging and testing facilities, and chip design centres. Chip fabs are also very thirsty units requiring millions of litres of clean water and extremely stable power supply. It may be best if the new mission focuses fiscal support, for now, on other parts of the chip-making chain including design, where surely India already has considerable talent and experience.

# DreamIAS



## LIFE & SCIENCE

### MYSTERY IN METEORITES

Most meteorites contain tiny beads of glass that date back to the earliest days of the solar system, before planets formed. Now, scientists with Chicago University have published an analysis of how these beads came to be, and what they can tell us about the early solar system. The beads of glass inside these meteorites are called chondrules. But what exactly caused the formation of these chondrules remains unclear. Scientists can find clues about the early days of the solar system by looking at the types of a given element in a rock. Elements can come in several different forms, called isotopes, and the proportion in each rock varies according to what happened when that rock was born, how hot it was, whether it cooled slowly or was flash-frozen. From there, scientists can piece together a history of likely events. Scientists at the University of Chicago measured the concentrations and isotopes of two elements that are depleted in meteorites, potassium and rubidium. The team pieced together what must have been happening as the chondrules formed. The elements would have been part of a clump of dust that got hot enough to melt, and then to vapourize. Then, as the material cooled at a rate of around 500 degrees C per hour, some of that vapour coalesced back into chondrules. They theorise that massive shockwaves passing through the early nebula could have been sudden and violent enough to cause this extreme heating and cooling, says a University of Chicago release.

### WILL U.S. DIRECTIVES ON 5G USE IMPACT FLIGHTS?

On December 7, 2021, the U.S. Federal Aviation Administration (FAA) issued two airworthiness directives (with effect from December 9, 2021) that are to create a framework as well as gather more information about the potential effects of 5G on crucial aviation safety equipment. The FAA also said that it is working with the Federal Communications Commission and wireless companies to ensure that the expansion of 5G and aviation can co-exist in a safe manner.

#### **Why is it significant?**

On November 2, 2021, the FAA issued a Special Airworthiness Information Bulletin which had "initial information about possible interference from 5G C-band wireless transmissions". These steps are significant as American wireless communications companies get ready in early January 2022 to begin transmission in the "C-band" (in 46 places), which is a range that is close to the one used by certain aircraft equipment. This will be in addition to other frequencies already in use for 5G.

#### **What is the essence of the FAA directives?**

In short, the directives affect two categories of air transportation, the first being transport and commuter-category aircraft and the second, helicopters. It is estimated that over 6,800 aircraft equipped with radio altimeters will be affected; they include aircraft made by Airbus, Boeing, Embraer and Gulfstream to name a few. The directives address the "threat of potential radar altimeter interference" from 5G cellular in the 3700 MHz-3800 MHz frequency, or the C-band — another report gives it as between 3700 MHz -4200 MHz — which is close to the 4200 MHz-4400 MHz range used by aircraft radio altimeters, says the FAA. The directives will also require highlights in flight/flight operation manuals that will limit flight operations when such interference is experienced. Operations by aircraft, including large jets, could be restricted. Some





may be prohibited from using certain landing and navigation systems in places where there is scope for potential interference from new 5G cellular networks. The restrictions could be severe for smaller aircraft and helicopters. Overall, these could result in flight cancellations, delays or diversions in 46 places where these towers are, according to an aviation report. A report says that telecom firms in the U.S. are expected to begin activating additional 5G frequencies as early as January 5, 2022. In November 2021, these firms had announced voluntarily restricting power output at cell towers (using these frequencies) near an estimated 46 airports and other strategic locations for about six months. The FAA has also sought specific data about the locations of 5G towers, their power supply and angles to study how they can interfere with aircraft approaches. This could lead to what experts call “more-tailored warnings that are less disruptive”.

#### **What is the aircraft equipment that can be affected?**

A senior Airbus commander and examiner told The Hindu that all medium and large commercial aircraft have two types of altimeters — pressure altimeter and radio altimeter. The pressure altimeter, which displays the altitude of the aircraft in relation to mean sea level, is used for all purposes of air traffic control reporting, and maintenance of separation and altitude as all aircraft can use a specified common datum such as MSL or airfield altitude. Most commercial aircraft have two radio altimeters. The radio altimeter measures height (not altitude) of the aircraft above the surface immediately below. For this purpose, it transmits a radio signal directly below. In all modern commercial aircraft, the radio altimeter is a very important tool used for precision approaches and landing. There are various other systems that depend on inputs from the radio altimeter — for example, predictive windshear, ground proximity warning system, traffic collision avoidance system, and auto landing, he said. Any disturbance caused to internal radio altimeter readings caused by 5G or other equipment transmitting in frequency bands close to it can result in disastrous effects on crucial systems during approach/landing. Another senior commander who flies Boeing aircraft said that the problem can get amplified because the radio altimeter is essential for any type of precision approach, which in this day and age is used at major airports almost 100%.

#### **What are the takeaways from the directives?**

According to Captain A. (Mohan) Ranganathan, a former airline instructor pilot and aviation safety adviser, there are four important points.

The first is: “Prohibited operations include instrument landing system approaches (ILS), required navigation performance (RNP) operations, automatic landing operations and some use of enhanced flight vision systems and other flight control systems.” Captain Ranganathan says that if ILS, RNP operations and Autoland are prohibited, the entire operations come under what is called as a non-precision approach category which will require increased visibility and obstacle clearance limit requirements. For airports and passengers, this will result in additional flight times and also more fuel requirement for each flight as the separation between flights will increase that will have a domino effect of flight delays.

The second: the FAA’s separate order for helicopters likewise prohibits automated flight that requires use of radio altimeter data in 5G-affected areas. Those operations include auto-hovering. This means that helicopters flying in all areas within the vicinity of a city or town will become impossible unless they revert to manual flights

The third: there is a warning of potential interference from both transmissions from 5G base stations and from the handheld phones of passengers. This is the biggest danger, he says, as a



majority of passengers do not switch off their cell phones. This could pose extreme danger when flying in the vicinity of major airports. Even if 5G towers are prohibited within a certain radius, any passenger switching on and using the (5G) phone while the aircraft is at lower altitudes and hovering due to delays, can cause a problem.

The fourth: for large commercial aircraft, the risk is limited to “specific scenarios”, but can cause “extreme” consequences in some circumstances, such as when aircraft are performing reduced-visibility instrument approaches, says the directive. Reduced visibility approaches, he says, pose a big danger as you are close to the ground and a false input to the autopilot system due to erroneous signals can result in a crash.

Stringent rules and punishment criteria are required to enforce safety, Captain Ranganathan told The Hindu.

#### **Is there an issue with mobile phone use?**

In 2000, Swiss aviation investigators believed that “electrical interference from a mobile phone” could have been a factor in the crash of a small aircraft, Crossair flight LX 498, shortly after take-off. Earlier this year, the French Civil Aviation Authority had warned that the latest generation of smartphones, 5G, can interfere with aircraft altitude instruments, and recommended that they should be turned off during flight.

#### **What about the implications for India?**

The Directorate General of Civil Aviation (DGCA) did not respond to an email by The Hindu for its comments. But a senior Boeing commander said pilots in India were aware of the implications of 5G in the country, adding that there was no official communication on the subject so far. In India, 5G could be rolled out in the 3.2 GHz-3.6 GHz band, which may not have the potential to interfere with aircraft operations, says an expert.

#### **What is the way ahead?**

The senior Airbus commander said that there needs to be a lot more research to realise the full implications of 5G on the radio altimeter and other aircraft systems. There could be expensive protective counter measures or mitigating procedures, but till then, staying away from 5G seems to be the easiest and safest option. An aviation expert said wireless carriers could also operate in certain frequencies within the C-band, leaving what is called a buffer between 5G signals and frequencies used in aviation. And, Captain Ranganathan said that in India, the DGCA should order a ban on 5G towers within 15 nautical mile radius of any airfield with precision approaches such as ILS. With densely built-up areas in many cities that are coming up or that are close to airports, interference to navigation signals can be catastrophic.

### **UN WEATHER AGENCY AFFIRMS 2020 ARCTIC HEAT RECORD IN SIBERIA**

The UN weather agency said Tuesday it has certified a 38-degree Celsius (100.4 Fahrenheit) reading in the Russian town of Verkhoyansk last year as the highest temperature ever recorded in the Arctic, the latest in a string of “alarm bells about our changing climate.” The World Meteorological Organization said the temperature “more befitting the Mediterranean than the Arctic” was registered on June 20, 2020, during a heat wave that swept across Siberia and stretched north of the Arctic Circle. Average temperatures were up to 10 degrees Celsius more than usual in Arctic Siberia, playing a key role in forest fires, loss of sea ice and global temperature



risers that made 2020 one of the three hottest years on record. “This new Arctic record is one of a series of observations reported to the WMO Archive of Weather and Climate Extremes that sound the alarm bells about our changing climate,” said WMO Secretary-General Petteri Taalas in a statement. Verkhoyansk is about 115 kilometers (70 miles) north of the Arctic Circle and a meteorological station there has been observing temperatures since 1885, WMO said. Spokeswoman Clare Nullis said the record reading was the first of its kind in a new category of Arctic temperature monitoring, so there was no previous record to compare it with. But 38 degrees has never been seen before in the Arctic, she said. WMO is looking into a number of possible heat records, including 54.4 Celsius (129.9 Fahrenheit) recorded both this year and last in Death Valley, California, which could be a worldwide record high temperature reading, and 48.8 Celsius (119.8 Fahrenheit) on Italy’s southern island of Sicily this summer — which could be the hottest temperature ever recorded in Europe. Taalas said WMO has never had so many investigations of possible heat records going at the same time, and they take time to verify. The agency says the Arctic is among the fastest-warming regions of the world and is heating up at rates twice those of the global average.

#### WHY INDIA, RUSSIA BLOCKED MOVE TO TAKE CLIMATE CHANGE TO UNSC

A contentious proposal to authorise the UN Security Council to deliberate on climate change-related issues was rejected on Monday after veto-wielding Russia and India voted against it. The draft resolution, piloted by Ireland and Niger, had been in the making for several months, and sought to create a formal space in the Security Council for discussions on climate change and its implications on international security. This was the second time in weeks that India went against the tide to block a climate change-related proposal that it did not agree with. At the annual climate change conference in Glasgow last month, India had forced a last-minute amendment in the final draft agreement to ensure that a provision calling for “phase-out” of coal was changed to “phase-down”.

##### The proposal

The UN already has a specialised agency, the UN Framework Convention on Climate Change or UNFCCC, for discussing all matters related to climate change. The parties to the UNFCCC — over 190 countries — meet several times every year, including at a two-week year-ending conference like the one at Glasgow, to work on a global approach to combat climate change. It is this process that has given rise to the Paris Agreement, and its predecessor the Kyoto Protocol, the international instrument that is designed to respond to the climate change crisis. The Security Council, on the other hand, exists primarily to prevent conflicts and maintain global peace. For the last few years, however, a few European countries, led by Germany, have been pushing for a role for Security Council in climate change discussions as well, arguing that climate change had an international security dimension. Climate change-induced food or water shortage, loss of habitat or livelihood, or migration can exacerbate existing conflicts or even create new ones. This can have implications for the UN field missions that are deployed across the world in peacekeeping efforts. The draft resolution piloted by Ireland and Niger was not the first attempt at bringing climate change on Security Council’s agenda. Last year, a similar, stronger resolution was proposed by Germany. However, it was never put to vote because of possible objections from the United States, which had made it clear that it would block any such attempt with a veto. Germany’s two-year term at the Security Council was over last year, but the proposal had other backers, and Ireland and Niger agreed to refresh the draft resolution. With the US position shifting decisively under new President Joe Biden, the draft resolution had realistic chances of getting approved if China



and Russia, the known opponents of the proposal, had agreed to abstain. On the face of it, the draft resolution seemed academic in nature. It called for UN Secretary General Antonio Guterres to submit a report on security aspects of climate change in the next two years. It also asked the Secretary General to appoint a special envoy for climate security. Further, it asked UN field missions to regularly report on climate change assessments in their areas of operation and take the help of climate experts in carrying out their routine functions.

### **UNSC and climate change**

Although it is not the forum to discuss climate change, the Security Council and its secretariat has hosted a few debates and informal discussions on the subject in the past. According to a recent research report, the frequency of such discussions has increased significantly since 2017, with climate change finding a mention in several Security Council decisions as well. It said several European countries, initially led by Sweden and the Netherlands, began to make efforts towards integration of the security implications of climate change in the Security Council's work. The same year, one of the UN's visiting missions in Lake Chad region heard from Nigerian President Mahamadou Issoufou about how the shrinking of Lake Chad, a direct consequence of climate change, had contributed to the rise of the Boko Haram. Issoufou told the mission that the lake had lost 90 per cent of its surface area since the 1960s, which had destroyed livelihoods of local communities which became fertile ground for Boko Haram to grow. The research paper said this account of the Nigerian President left an impression on several UNSC members.

### **The objections**

Russia and China, two permanent members with veto powers, have always been opposed to the move to bring climate change on the Security Council agenda. While the US switched sides this year, India, which started a two-year term in January, joined ranks with Russia and China. Brazil, which will join the Security Council next year, is also known to be against this move. The opposing countries have been arguing that the UNFCCC must remain the appropriate forum for addressing all climate change-related issues, and claim the Security Council does not have the expertise to do so. They have also been pointing out that unlike UNFCCC, where decisions are taken by consensus of all the 190-plus countries, the UNSC would enable climate change decision-making by a handful of developed countries. "We therefore need to ask ourselves what is it that we can collectively do under this draft resolution which we cannot achieve under the UNFCCC process. Why is it that one needs a UN Security Council resolution to take action on climate change when we have commitments made under UNFCCC towards concrete climate action. The honest answer is that there is no real requirement for this resolution except for the purpose of bringing climate change under the ambit of the Security Council and the reason for that is now decisions can be taken without involvement of most developing countries and without recognising consensus," India's permanent representative to the UN T S Tirumurti said. "Today, climate change decisions are sought to be taken out of the wider international community represented in the UNFCCC and given instead to the Security Council. Ironically, many of the UNSC members are the main contributors of climate change due to historical emissions. If the Security Council indeed takes over the responsibility on this issue, a few states will then have a free hand in deciding on all climate related issues. This is clearly neither desirable nor acceptable," he said. While the draft resolution was said to have the support of more than 100 countries, Russia said many developing countries had been backing it in the hope that they would get some assistance in fighting climate change.





## OMICRON SLOW TO INFECT LUNGS, SAYS HONG KONG STUDY

The Omicron variant of SARS-CoV-2 infects and multiplies faster than the Delta variant and original SARS-CoV-2 in the human bronchus, which may explain why it may transmit faster between people than previous variants. However, it does not easily infect the lower lungs and this, researchers say, potentially explains why instances of severe disease are proportionally lower in cases involving Omicron. The study was led by researchers from the LKS Faculty of Medicine at the University of Hong Kong. The two bronchi lie at the end of windpipe and split like a 'y' into each lung. The research paper, that is still being peer reviewed, however, does not explain why the virus was less successful in progressing deeper into the lungs compared to previous variants. The scientists used lung tissue for investigating viral diseases of the respiratory tract. After isolating the Omicron variant, they used it to compare infection with the original SARS-CoV-2 from 2020, the Delta variant and the Omicron variant. They found that Omicron replicated around 70 times higher than the Delta variant and the original SARS-CoV-2 virus over 24 hours. In contrast, the Omicron variant replicated less efficiently (more than 10 times lower) in the lung tissue than the original SARS-CoV-2 virus. However scientists involved with the study said this was not reason enough to breathe easy. "It is important to note that the severity of disease is not determined only by virus replication but also by the host immune response, which may lead to dysregulation of the innate immune system, or cytokine storm," said Dr. Michael Chan Chi-wai, Associate Professor, School of Public Health, HKUMed and the leader of the study, in a statement. "By infecting many more people, a very infectious virus may cause more severe disease and death even though the virus itself may be less pathogenic. Therefore, taken together with our recent studies showing that the Omicron variant can partially escape immunity from vaccines and past infection, the overall threat from Omicron variant is likely to be very significant." India has so far reported at least 73 cases of the Omicron variant and reports from a study in South Africa, which has seen the fastest rise of the Omicron surge, suggest that at least a fourth of nearly 78,000 positive cases were of the Omicron variant. Recent laboratory studies so far also suggest that antibodies produced against Omicron by those vaccinated were 20-40 times fewer than in older variants. The antibody levels were highest in those vaccinated and with previous exposure to the virus. The United Kingdom has reported around 10,000 cases of Omicron so far with at least 10 people hospitalised. One person has died after contracting the variant, which is anticipated to become the dominant strain. The country is currently reporting close to 80,000 cases a day. India has seen daily COVID-19 case counts dip to 5,000 a day but has now seen an increase to around 7,000 on Thursday with nearly 3,500 cases being reported from Kerala.

### 'Interesting twist'

Most of these reportedly involve the Delta and its related variants. Anurag Agrawal, Director, CSIR-IGIB and closely involved with the sequencing of SARS-CoV2 variants, tweeted that the findings were an "interesting twist" and could mean less severe infections. "Omicron infects and replicates better in airways than lung compared to ancestral SARS CoV2 / Delta. This could translate to less severity — more like an upper respiratory infection / common cold than a pneumonia, but I still think of the threat level as high," she stated.

## TWOOMICRONVARIANTS

The World Health Organization designated Omicron (B.1.1.529) as a variant of concern on November 26, three days after the genome sequence was deposited in a public database by South Africa and Botswana. Based on genome sequence data, scientists have identified a sub-lineage —



BA.2—of Omicron. As a result, the Omicron variant has been split into two sub-lineages, namely BA.1, “for the original globally-distributed lineage”, and BA.2, “for the new outlier lineage”.

#### **Why is BA.2 called a sub-lineage?**

The BA.2 has a “cluster of sequences that share many of the same mutations as the ‘original’ Omicron (BA.1) but is missing some mutations and has some other new ones,” Dr Emma Hodcroft, co-developer of Next Strain, tweeted. The BA is an alias for B.1.1.529, now redefined to encompass both BA.1 and BA.2. While BA.2 is genetically quite different from the sub-lineage BA.1, BA.1 and BA.2 are two divergent clusters with a common ancestor, says a senior scientist. Both BA.1 and BA.2 are equal sub-lineages of B.1.1.529.

#### **Since both have a common ancestor, how many mutations in the spike protein are common and how many are unique to each?**

The B.1.1.529 cluster, which includes both BA.1 and BA.2, has 86 mutations, of which 40 mutations are in the spike protein alone. While 12 mutations have been found exclusively in the spike protein of BA.1, the BA.2 sub-lineage has seven exclusive mutations in the spike protein. Twenty-one mutations in the spike protein are common to both BA.1 and BA.2. As on December 9, the genome sequence data from seven samples across the world have been posted on the public database. Of the seven, five sequences have been deposited from Canada, and one each by South Africa and Australia. Compared to the small number of BA.2 genome sequences deposited so far, there are over 1,000 sequences of BA.1 that have been deposited in the database from across the world.

#### **Can the sub-lineage BA.2 be identified by RT-PCR tests?**

The new sub-lineage named recently, BA. 2, cannot be identified by the primers used in the RT-PCR (reverse transcription–polymerase chain reaction) test. While the BA.1 sub-lineage carries the characteristic S-gene dropout mutation, the BA.2 does not have this mutation. The currently used primers in RT-PCR tests carry sequences that target three genes, one of which is the S-gene. Since the BA.1 sub-lineage carries the S-gene dropout mutation, only two of the three targets in the primer will turn positive when the BA.1 sample is tested by RT-PCR. The S-gene in the primer does not test positive due to the presence of the S-gene dropout mutation. The test being positive for two genes but not for the S-gene is a convenient way of knowing that the sample tested is a sub-lineage BA.1 of the Omicron variant. In short, the S-gene dropout is a proxy to identify the BA.1 sub-lineage. Since BA.2 does not carry the S-gene dropout mutation, all the three target sequences in the RT-PCR primer will test positive. Hence, it will not be possible to straightaway know if the sample tested is a sub-lineage of the Omicron variant. Only by genome sequencing can one identify if a sample belongs to the BA.2 sub-lineage.

#### **Will BA.2 have higher transmissibility and/or immune escape?**

According to a senior scientist, the additional seven mutations in the spike protein do not provide sufficient evidence in terms of increased immune escape and transmissibility. Even individually, these seven mutations have not been implicated with either significant immune escape or enhanced transmission. As of now, the combined effect of the seven mutations is not known either. “The designation aims to aid scientific discussion and does not imply an assessment of the lineages’ transmission properties,” the Pango Network said in a tweet.

**Do the two sub-lineages change the manner in which patients are treated?**

No, the clinical management of patients with any degree of disease severity remains the same immaterial of whether they have been infected with one of the Omicron sub-lineages or the Delta variant.

**TO ROLL OUT COVID-19 BOOSTER VACCINES, OR NOT TO**

The Health Ministry said India is still examining the possibility of administering booster shots of the Covid-19 vaccine, while noting that the World Health Organization (WHO) has not taken a stand on this. Experts have said boosters will be required for continuing protection from Covid, while stressing that second-dose coverage is of high priority. Some have suggested looking at both options simultaneously — increasing coverage and offering targeted boosters to vulnerable sections.

**What is a 'booster' dose?**

Most Covid vaccines are administered in two doses, with a few given as a single dose. A booster is an additional shot given after the protection provided by the original shot(s) has begun to decrease over time, so that people can maintain their level of immunity for longer. "How long immunity developed by an infection or a vaccination will last will vary depending upon various factors," said leading immunologist Dr Vineeta Bal. For example, antibodies decay over time, and even memory T-cells will die after a few years or months. In the past, boosters were recommended for smallpox prevention every three to five years. Tetanus toxoid boosters are also recommended today for adults and pregnant women after childhood vaccination.

**What is the published evidence of waning immunity following Covid vaccination?**

In September, a study at ICMR-Regional Medical Research Centre, Bhubaneswar showed a significant drop in antibodies against Covid-19 within four months after complete vaccination. Another study, on the immune response to mRNA vaccines, was published in Science earlier this year. At six months, it found declining antibody levels, but durable memory B cell and T cell responses. Most of the B cells were able to cross-bind with the Alpha, Beta and Delta variants. A study in the US showed that antibodies reduce by more than 80% six months after receiving the second dose of the Pfizer-BioNTech mRNA vaccine.

**Have studies been done on the effect of a booster dose?**

BioNTech and Pfizer have said a three-shot course was able to neutralise the Omicron variant in a laboratory test; the third dose increased neutralising antibodies by a factor of 25. A recent study by Indian Council of Medical Research (ICMR) scientists suggested use of booster shots of Covishield to fight emerging variants. The study, posted on bioRxiv and yet to be peer-reviewed, evaluated the neutralising potential of blood samples from people who received two doses of Covishield.

**Under what other circumstances can administering a booster be considered?**

Breakthrough infections with Delta are associated with high viral loads. If community transmission is high, boosters would help in controlling viral spread, said Dr Sanjay Pujari, member of the ICMR national task force on Covid-19. He noted that daily case counts in Israel have remained low after booster coverage increased. "In India, where there are no surplus stocks of



different vaccines, the policymakers need to take a call whether to aggressively enhance the vaccine coverage and whether booster shots can be given, at least to those who were vaccinated more than six months ago. Particularly those with comorbidities and frontline health workers,” said scientist Dr V S Chauhan. Experts such as Dr Bal said boosters are not an answer to surges, especially in an outbreak area. In any community, mass vaccination for specific diseases provides a robust way of preventing morbidity. The goal should be vaccination of the entire eligible population with the recommended number of doses, they stressed. Indian Medical Association president Dr J A Jayalal stressed the need for the Centre to roll out a booster for healthcare and frontline workers and immunocompromised persons. “Immunity is sufficient to face normal infection. Now, with another variant, Omicron, there are reports indicating high transmissibility, and in such an event, it will be healthcare workers who will be most at risk due to increased frequency of exposure. The viral load average immunity will not be sufficient... Firstly, of course, all people in the country should be vaccinated,” he said.

#### **What is the reasoning of some countries in administering boosters?**

The US Centers for Disease Control and Prevention (CDC) has recommended booster shots, at least six months after their second dose, for all adults who received a Pfizer-BioNTech or Moderna vaccine. The European CDC has urged citizens to get fully vaccinated and adhere to recommendations on booster vaccination. In many European countries where vaccinations started almost a year ago, there has been a surge in the pandemic. Armed with vaccine stocks, these countries and the US have rolled out booster shots for the last several months. Experts pointed out, however, that the situation in the US and Europe is different compared to India. The number of Delta variant-caused cases is increasing in many countries. Besides, there is some preliminary evidence that immunity mediated by mRNA vaccines (such as those from Pfizer-BioNTech and Moderna) starts waning earlier than that mediated by adenovirus-vector-based vaccines (such as Covishield), especially for T cell response. This was discussed in a letter published in the New England Journal of Medicine last month. “Hence mRNA vaccine recipients might be more in need for boosters earlier than Indians (since 80+% vaccine recipients in India have received Covishield),” Dr Bal said.

#### **Why is the WHO not throwing its weight behind boosters?**

According to a WHO statement in October, the degree of waning of immunity and need for booster doses may differ between vaccine products, target populations, circulating SARS-CoV2 virus, in particular variants of concern, and intensity of exposure. Introducing booster doses should be evidence-driven and targeted to groups in greatest need; improving coverage of primary vaccination series should be prioritised over booster vaccination, it said.

#### **What is India’s policy on booster doses?**

On Friday, the Health Ministry said two experts bodies are still examining this. About the WHO, Dr V K Paul, head of India’s Covid-19 task force, noted: “They have absolute clarity on the administration of a booster. It is under consideration. It has clearly and emphatically highlighted the need to complete primary vaccination, as the most important priority. Our thinking and the overall picture are also aligned with the same approach to complete the task of vaccinating adults with two doses,” Paul said. ICMR chief Dr Balram Bhargava also said India is still examining the issue of booster doses. “The data (on antibody response) has shown that vaccines are still effective after nine months to a year. This depends on the type of vaccines,” Bhargava said.





### How should we view booster shots in the context of Omicron?

Information on Omicron variant is still emerging. ICMR chief Dr Balram Bhargava said India will soon begin testing of Covaxin and Covishield against Omicron. Experts said Omicron appears to spread very easily in the unvaccinated population, based on reports from Africa. Whether this will be the case in fully vaccinated people is unclear. Expert accounts from Africa suggest the disease itself is mild, and hospitalisation is mostly not needed. But once again, a lot more data from other places is needed before this can be confirmed as a general trend. "Israel is an example of how mass booster vaccination have kept their case numbers low. Although some triple vaccinated individuals have tested positive for Omicron, they have had mild symptoms and there has been no rapid spread. However, further long-term data is needed," leading immunologist Dr Vineeta Bal said.



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