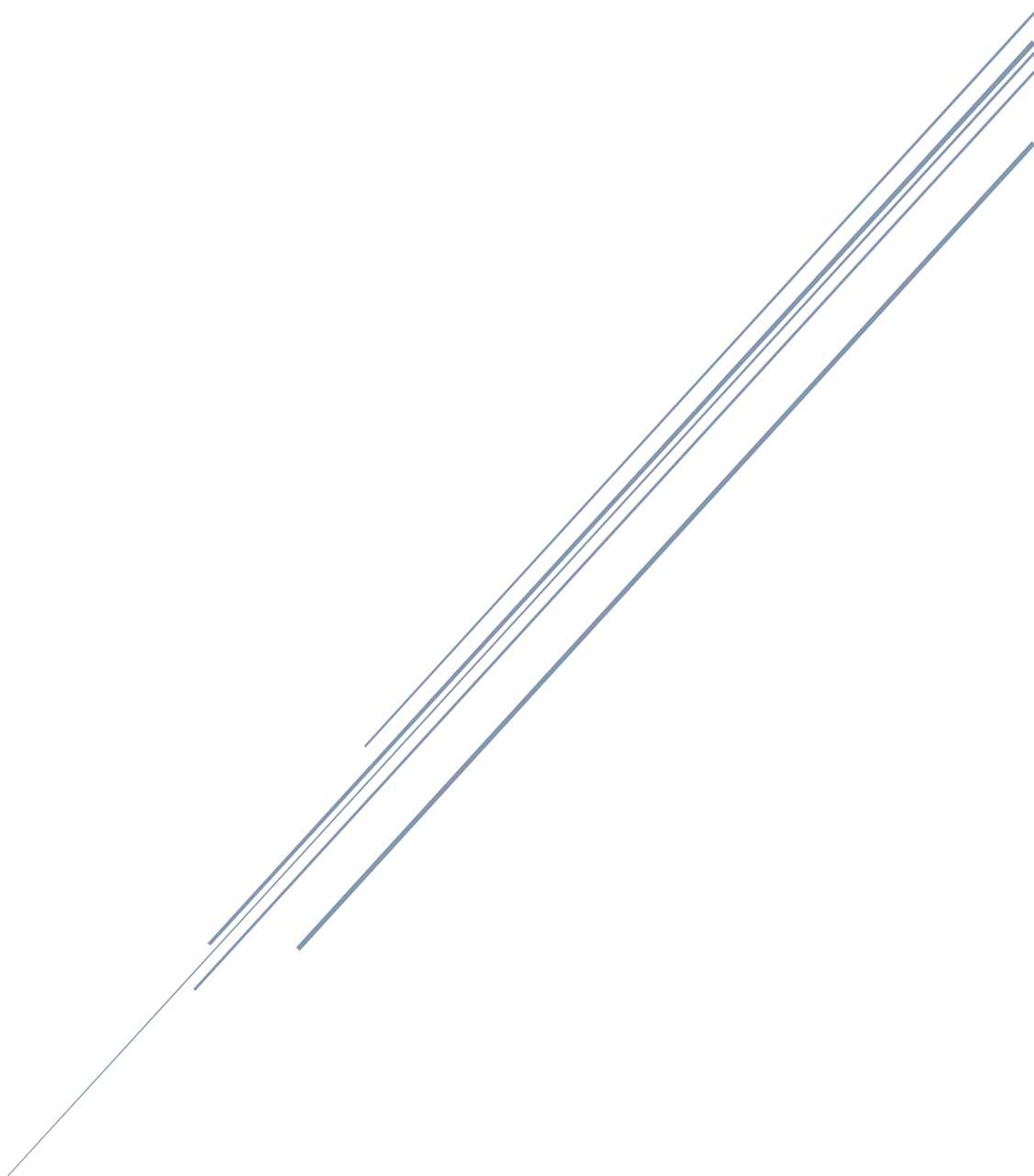


# CURRENT AFFAIRS FOR UPSC

19th TO 25th December, 2021





## INTERNATIONAL

### CHANGE IN CHILE

The sweeping victory of Gabriel Boric, the 35-year-old left-wing leader, in Sunday's presidential run-off election, is a testimony to how Chile has changed. One of the bastions of free market orthodoxy in Latin America, Chile has been rocked by anti-inequality protests for more than two years. Mr. Boric, one of the protest leaders who promised to "bury neoliberalism" during his campaign, built an alliance of social democrats and communists that took on the Republican Party's José Antonio Kast. While Mr. Boric promised to build a more equitable society in one of the most unequal countries, Mr. Kast, a defender of the military regime, positioned himself as a candidate of the economic status quo and blamed migrants, terrorists and narco-traffickers for Chile's agonies. The pollsters had predicted a narrow lead for Mr. Boric, but his 12-point triumph over Mr. Kast by securing about 56% of the votes marks the strongest political comeback of the Chilean left, which had undergone systemic persecution during the U.S.-backed military dictatorship of General Augusto Pinochet. Gen. Pinochet, who toppled the socialist President, Salvador Allende, in 1973, laid the foundations of Chile's neoliberal state. His regime fell in 1990, but the state apparatus he built survived, including the Constitution. Now, when an elected Constituent Assembly is writing a new Constitution for Chile, bringing an end to Pinochet's influence, the country will have the most left-wing President since Allende. Mr. Boric has promised to fight the "privilege of the few" and tackle poverty and inequality. He has opposed big-ticket mining projects as part of his climate protection plan. He wants to raise taxes by 8% of GDP, abolish the unpopular private pension funds, shorten the working week to 40 hours, raise the minimum wage and create a universal health-care system. These promises were the crux of the progressive electoral platform he built. Mr. Boric, who would be sworn in on March 11, 2022, faces the daunting challenge of walking the talk. His legislation agenda would be met with strong opposition in Parliament: the Senate is evenly split between the right and the left, and in the 155-member Chamber of Deputies, his coalition has only 37 MPs. Sagging growth and high inflation would limit the new government's spending agenda. If he goes ahead with the plan to raise taxes on the corporations, abolish private pensions and waive off student debt, the private capital and the old political establishment would revolt, like what happened in the other left-ruled states in Latin America. Mr. Boric's victory has put wind in the sails of Chile's left-wing politics, but he should be ready for a storm as he seeks to take on the Pinochet consensus.

### LIGHTS, CAMERA, UAE

Winds of change are blowing through the United Arab Emirates. After announcing the implementation of the four-and-a-half-day work week earlier this month, the UAE has said that it will end the censorship of films. Instead, a new age category of +21 will be introduced within its existing rating system, allowing the screening of "international" versions of films, which leave intact scenes depicting kissing, nudity, homosexuality. This is just the latest development in what is being widely seen as a softening of the UAE's conservatism. From liberalising its personal laws — such as allowing unmarried couples to co-habit — to making it easier for the holders of the new long-term "golden visa" to have 100 per cent ownership of their business in the country, the UAE is taking decisive steps to attract both individuals and investors. While the country has said that it wants to stay in step with the rest of the world, including on individual rights, the pragmatic need for its economy to diversify beyond oil is also a factor. A 10-year national strategy unveiled in November aims to increase the GDP contribution of the creative and cultural industries to 5 per



cent. The UAE's announcement will give greater impetus to the liberalisation of entertainment that already seems underway in the region. Saudi Arabia, for example, held its first international film festival in Jeddah this year, four years after it removed its over-three-decade-old ban on cinema while at the Cairo Film Festival, a coming-out film *Fiasco*, won two awards (Egypt, where queer people are often the target of violence, also allowed the screening of *The Eternals*, which featured the first MCU gay superhero). At a time when attitudes elsewhere are hardening in favour of greater state control over creative content, the opening up of the UAE to the transformative power of cinema is enormously welcome.

## TESTING THE RED LINES IN THE IRAN NUCLEAR TALKS

Months after Iran's presidential elections in June, multilateral nuclear talks have started once again in Vienna with a new Iranian negotiating team. Iran's chief negotiator Ali Bagheri Kani reportedly introduced demands that in effect cancelled understandings reached in previous rounds of negotiations in June concerning a renewed Joint Comprehensive Plan of Action (JCPOA). As a matter of fact, a report by a nonpartisan organisation points out that Iran began exceeding JCPOA limits on both its allowed stockpile and level of enrichment a year after the Donald Trump administration withdrew from the deal in May 2018 and began re-imposing economic sanctions.

### What Iran and the U.S. say

For the time being, the new round of Vienna talks seems to have no positive outcomes. Both sides are completely intransigent and want the other party to back down and make concessions before they will move. Iran insists on all sanctions being lifted, while the Americans are asking Iran to return to reduced enrichment of uranium and accept full International Atomic Energy Agency (IAEA) inspections. According to some analysts, the current impasse is not due to two factors. First and foremost, Iran is playing the North Korean card, while moving toward leaving the economic sphere of the United States and Europe and joining China and Russia. On the other hand, the Americans do not have a very clear direction for Iran's future, especially because the U.S. President, Joe Biden, is refusing to commit his administration to lift sanctions on Iran during the remaining years of his presidency.

### Europe's line

As for the Europeans, thus far they have been almost non-existent in these new talks. Even so, Enrique Mora, Deputy Secretary General/Political Director, European External Action Service, who coordinates talks between Tehran and six powers on reviving a 2015 nuclear pact seemed to be very positive about the way the negotiations had started. According to him: "the P4+1 must "fully take into account" the political sensibilities of the new Iranian administration", while the Iranian delegation has recognised "the work we have done in the past six rounds and the fact that we will build on this work going ahead". Despite Mr. Mora's positive remarks, it seems that the Europeans are trying to salvage the deal as quickly as possible, as Iran ramps up uranium enrichment. But at the same time, they seem not to be forceful mediators in these talks, given that there are the Chinese and the Russians, who are in favour of the Iranians.

### Chinese remarks

The Chinese comments about the "nuclear hypocrisy" of the West suggested that it is sympathetic to the fundamental arguments of the Iranian negotiators, that has been dealt a fundamental injustice by the U.S. — an injustice in which the Europeans have been complicit. Unsurprisingly,



while the Iranian negotiating team believes that time is running out for the U.S., the U.S. Secretary of State, Antony Blinken, has warned Iran that “the hour is getting very late” to return to the nuclear deal. However, he also added that “it is not too late for Iran to reverse course to save the deal aimed at curbing Tehran’s nuclear capabilities, in exchange for an easing of sanctions from Washington”.

#### **Tehran’s stand, Israel’s view**

All in all, the new Iran nuclear deal presents itself as a path paved with uncertainties. It looks like Iran has headed into the present nuclear talks in Vienna armed with a new general nuclear strategy. Indeed, Iran’s Supreme Leader Ayatollah Ali Khamenei’s demands have consistently centered on full sanctions removal. But, at the same time, the newly elected government headed by Ebrahim Raisi has repeatedly proclaimed that nothing is agreed on unless everything has been agreed on. It seems that the Raisi government is testing international red lines, and trying to leverage Iran’s expanding nuclear programme to produce more concessions from the international community, without paying significant costs. As a result, there is an increasing pessimism on whether the Iran nuclear deal can be revived. The fact that Iran has begun using advanced centrifuges to pursue 20% uranium enrichment at the underground Fordow facility is making the IAEA very nervous. Meanwhile, Israeli officials have been pressing European governments and the U.S. on a real Iranian nuclear threat. However, according to the former Israeli Defence Minister, Moshe Ya’alon, “The main mistake of the last decade was to quit the deal during the Trump administration.” However, let us not forget that the Israeli Prime Minister, Naftali Bennet, declared openly in late November that, “The mistake we made after the first nuclear deal in 2015 will not repeat itself.” He recently asked Washington to start using “a different toolkit against Iran’s forward gallop in the enrichment sphere”. No doubt, Israel continues to see the Islamic Republic of Iran as an existential threat. From the Israeli point of view, this threat can be justified notably by Iran’s current hegemonic military drive into the Levant. All this does not necessarily mean that Israel has a plan to act militarily against Iran, but the situation is far from encouraging for the Israelis. Whatever it may be, the key question remains this: whether the nuclear negotiations in Vienna could become substantive or collapse with no results. No one has the answer to this question yet. But one thing is certain: Iran and the U.S. will both fail if they try to corner each other with a “Trumpian” attitude. After all, if the JCPOA is a complex affair, it is because diplomacy is all about complexity management.

#### **YAMEEN LEADS ‘INDIA OUT’ CAMPAIGN IN MALDIVES**

About a fortnight since Maldives’s ex-President Abdulla Yameen walked free, after the Supreme Court overturned his conviction in a money-laundering case, the ‘India Out’ campaign in the island nation has intensified, with the former strongman now leading it. Earlier this month, Mr. Yameen’s Progressive Party of Maldives (PPM) said the leader would travel to the atolls to step up the campaign resisting “Indian boots on the ground” in the Indian Ocean Archipelago, even as the government denies any Indian military presence. Images of Mr. Yameen and his supporters, attired in a red T-shirt with ‘India Out’ printed in bold font, are circulating on social media, along with the ‘#IndiaOut’ hashtag. In a statement on Sunday, the Government of Maldives said it was “profoundly concerned” by attempts to spread “misguided and unsubstantiated information to propagate hatred towards India”. Calling India “one of the closest bilateral partners of the Maldives”, the government attributed the campaign to a “small group of individuals and a few political personalities”. “Spreading hatred and making false allegations regarding bilateral ties with neighbouring countries not only tarnishes the relations with trusted allies who extends



consistent support to the Maldivian people but also affect the safety and security of their citizens in Maldives, and Maldivians living abroad,” the government’s statement said. This is the second such statement issued by Male in recent weeks. On November 17, the government “strongly rejected” attempts to spread “false information” criticising its ties with India, its “closest ally and trusted neighbour”. India-Maldives ties deteriorated considerably when the Yameen administration was in power from 2013 to 2018. Significantly, tensions rose over Mr. Yameen’s ultimatum to New Delhi to withdraw two Indian helicopters from Laamu and Addu atolls. Mr. Yameen’s perceived China tilt at the time also made New Delhi apprehensive. Following President Ibrahim Mohamed Solih’s election win in September 2018, his government declared an “India first” foreign policy, resetting ties. In an open acknowledgment, Mr. Solih told The Hindu in a January 2021 interview that the Maldives “makes no apology” for close ties with India. Speaker and former President Mohamed Nasheed, a party colleague of Mr. Solih and an influential voice in the Maldives, has earlier said India is the “single most important country” for the Maldives, while accusing its political opponents of “xenophobia”.

### ‘Military presence’

Critics of the Government’s India relations, however, said it was Indian “military presence” that they were wary of. Speaking to The Hindu from Male, opposition parliamentarian and PPM vice-president Mohamed Saeed said: “We are not against India or the people of India. Our people are heavily into Bollywood, we love Indian cuisine. That is not the issue. There are reports of Indian military presence in the atolls and the government is not clarifying this,” he said, adding: “We oppose military presence of any foreign country — be it India, China or whoever else.” Observing that Mr. Yameen was only “giving leadership” to the “concerns” of citizens, Mr. Saeed slammed the government over its Uthuru Thila Falhu (UTF) harbour development deal with India, signed in February 2021. “There is no transparency, and the government is reluctant to reveal the terms of the agreement in Parliament, despite having a majority in the House. The BJP leadership in India and the [ruling] MDP are messing up bilateral ties. We are not on the right course,” said Mr. Saeed, who was Minister of Economic Development in Mr. Yameen’s Government. At the time of the signing of the UTF pact, Maldivian Defence Minister Mariya Didi termed the project “vital” to the “effective functioning” of the Maldivian Coast Guard. Ms. Didi has said that the relationship between the Maldives and India today is “stronger than ever”.

### A STRATEGIC BULWARK

The third India-Central Asia Dialogue convened by External Affairs Minister S. Jaishankar on Sunday is one in a series of timely connections to the region by New Delhi this year, spurred in some measure by events in Afghanistan. The dialogue has been held a month before leaders of all five Central Asian Republics (CARs) come to New Delhi as chief guests for the Republic Day celebrations, and a month after National Security Adviser Ajit Doval’s “Regional Security Dialogue” with his CAR counterparts to discuss Afghanistan. Among the issues discussed on Sunday were extending “immediate” humanitarian aid to Afghanistan, increasing trade, and improving connectivity. It is significant that the CAR Foreign Ministers chose to come to New Delhi, an indicator that India’s outreach to Central Asia, a region neglected by South Block for several decades, is being reciprocated. The joint statement, that they share a “broad regional consensus” on Afghanistan, is apt, given that, like India, all the Central Asian neighbours of Afghanistan worry about the threat of terrorism, radicalisation, narcotics, and refugees. However, unlike India, most of the CARs maintain bilateral talks with the Taliban regime; Uzbekistan and Turkmenistan have

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



reopened missions there. Trade between India and Central Asia has long languished below \$2 billion, with all sides keen to grow this. In addition, India's \$1 billion Line of Credit for projects in Central Asia, and connectivity initiatives such as Chabahar port, the International North-South Transport Corridor and the Turkmenistan-Afghanistan-Pakistan-India gas pipeline were all part of the dialogue. While the strengthening of India-Central Asia ties and a revival of their traditional, historical and cultural links are much needed, it is also important to recognise the geopolitical cross-currents that complicate such efforts. While Russia continues to wield influence in the CAR governments, China's Belt and Road Initiative and \$100 billion trade (by some estimates) have made it a central figure in the region. The U.S. has also been seeking a foothold in the region, especially after Afghanistan. Meanwhile, India's land connectivity to Central Asia is hampered by Pakistan which is building strong links and transit trade agreements with each of the CARs. The alternative route, via Iran's Chabahar, has received a setback after the Taliban takeover of Kabul, and the development of the Indian-managed Shahid Beheshti terminal there continues to suffer due to the threat of American sanctions. While India has strengthened ties with other parts of Asia, it must now redouble its efforts towards Central Asia if it is to counter the 'Great Game' rivalries playing out in the region, and reclaim its shared history with countries that are an important market, a source for energy, and also a bulwark against the threats of extremism and radicalisation.

#### FOR AFGHAN WOMEN, IT'S THE GREAT REGRESSION

The Taliban's seizure of Kabul on August 15, 2021 has considerably altered the group's role. But this time around, the leaders of the Taliban have been much more tactful. To establish legitimacy, the Taliban have gone out of their way to present a more moderate image of themselves to the world by vowing to respect women's rights and freedom. But in reality, each passing day has only brought a stream of bad news for women and girls in Afghanistan. Evidence emerging from the ground suggests that the group has been undertaking many regressive steps to reduce the spaces for women to freely express themselves.

##### **The diktat**

Ever since coming to power nationwide, the Taliban were swift enough to issue new codes of conduct for the Afghan women, restricting their mobility and taking away their free will. They mandated that women wear clothes that completely covered their hair, body and most of the face; they also stipulated that women had to have male chaperones when leaving their homes. While these practices remain perfectly in line with the regime's old order of the 1990s, the newly issued diktat is only one example of how the Taliban, under the garb of imposing Islamic law, have begun snatching away the rights of the Afghan women.

##### **No school, jobs**

The Taliban repeatedly assured women access to education and employment — which formed an important part of its promise to treat women differently under its new rule. Instead, many women are now without jobs; they have been asked to stay away from work. Despite the fact that women comprised over 27% of the workforce in government jobs under the previous civilian administration, the Taliban have gone ahead and imposed restrictions even on these female city government employees by barring them from returning to work; men are to fill up the resultant vacancies. Therefore, the new Taliban government has only male officials who are now responsible for making all the decisions, including those that concern women. In the education sector, the Taliban's Ministry of Education issued an order for male students and teachers from



Classes 6 to 12 are to report to their schools, with no mention about schoolgirls. A recent BBC report says that a top Taliban official has confirmed that girls will remain banned from attending secondary school. Teachers have also been reporting a worrying drop in the attendance of girls in primary schools. But while segregating classes on the basis of gender is one side of the story, snatching away from girls their right of education altogether brings with it a grave risk of pushing them towards poverty and backwardness. It could very well dent all the progress that has been achieved by Afghan women in the past, where female participation in education was as high as 65%, with many girls in school and thousands at university. Just last year, girls accounted for 39% of the country's 9.5 million students. When will these girls be allowed to return to school? Or will they be allowed to return at all? These questions remain unanswered.

### Special decree

On December 3, the Taliban issued a special decree on women's rights, which outlined rules governing marriage and property for Afghan women. The decree stated that "adult women's consent is necessary during marriage" and that a widow has a fixed share in her husband's property. Though a welcome move, the decree — in its practical form — does little to solve the larger problems before the women of Afghanistan. For instance, at no point does the decree explicitly talk about the widespread issue of child marriage that has been prevalent even before the Taliban came to power and continues to be a issue of concern for the international community. According to a UNICEF estimate (November 2021), "28 per cent of Afghan women aged 15-49 years were married before the age of 18". And these numbers have only risen with the COVID-19 pandemic, the on-going food crisis, the onset of winter, and political instability. The decree also contains levels of ambiguity in the sense that while talking about the consent of adult women, it does not specify who can be classified as these "adult women". Neither does it specify how the Islamist group intends to implement these provisions in a country where impoverished families consider marrying off their daughters as a viable option to overcome financial hardships. But what is even more disturbing is that the decree has conveniently summarised all rights of women only in the context of marriage, providing an important insight into Taliban's thinking vis-à-vis women. As such, the decree even fails to mention anything about women's access to education or employment.

### Obliteration of services

Gender-based violence is one of the most pervasive problems. Studies suggest that nearly 87% of Afghan women experience at least one form of violence — physical, sexual or psychological — and almost 62% experience multiple forms. But prior to the Taliban taking over the country, many women and girl survivors of gender-based violence had access to shelters and essential services such as medical treatment, psychological support and pro bono legal representation. Survivors were in fact granted access to the system through the provincial and capital offices of the Ministry of Women's Affairs and the Human Rights Commissions. And even though these systems were not entirely perfect, they did assist thousands of women in Afghanistan each year. Under the Taliban, shelters are being closed and detainees being released from prison, which includes many of those convicted of offences related to gender-based violence, thereby endangering the lives of the survivors. The Taliban's new government has also replaced the Women's Affairs Ministry with the Ministry for the Promotion/Propagation of Virtue and Prevention of Vice and erased the most important legal mechanism — the Elimination of Violence against Women, 2009 — a law that criminalised rape, battery and forced marriage. Thus, extrapolating from these examples, it would be correct to state that within four months of being in power in Kabul, the hard-line Islamist group has adopted stringent policies that considerably limit women's rights and freedoms in



Afghanistan — dress codes, a bar on education and employment, confinement to the domestic sphere and curtailed access to services. All these moves are, nonetheless, a true exposition of the Taliban's seriousness on granting liberty to Afghan women. After all, the leopard has not really changed its spots.

## HONG KONG LOSES A SYMBOL OF ITS FREEDOM

Late into the night on Wednesday, a construction crew quietly worked to dismantle one of Hong Kong's most distinctive statues and works of art. The timing of the statue's removal — as well as the scaffoldings carefully put in place to obscure any views of the process — underlined the sensitivity of the decision by Hong Kong University (HKU) to remove what was a popular fixture on its campus for close to 25 years. The Pillar of Shame, a haunting eight-metre tall sculpture showing intertwined bodies with hollowed eyes and open mouths — an anguished mass of humanity — was created by Danish artist Jens Galschiot as a tribute to the victims of China's crackdown in Tiananmen Square in June 1989. It has been at HKU since 1997, installed shortly after one of Hong Kong's annual June vigils at Victoria Park, where thousands gathered every year to mark the anniversary. The vigil itself had been symbolic of Hong Kong's special status under the "one country, two systems" model that granted it freedoms that are denied on the mainland, where commemorations of June 4 are banned. The vigil did not take place in June this year for the first time, with the police cordoning off the park. If the end of the vigil was seen as a significant symbol of one of Hong Kong's distinct freedoms slipping away, the removal of the statue has now been added to the list.

### **Sweeping law**

Hong Kong's changes, including the shutting down of newspapers and an overhaul of the curriculum in schools and colleges, have come thick and fast in recent months after Beijing, in June 2020, passed a new national security law that lists stiff penalties for subversion and secession. The passing of the law followed months of pro-democracy protests in 2019 calling for direct elections, including for the top post of Chief Executive, who is now nominated. Beijing has also overhauled the electoral system, reducing the share of directly elected representatives in Hong Kong's Legislative Council (LegCo), down from 50% to 22%. The new rules also introduced a review committee to decide on the eligibility of candidates to ensure only "patriots" could run for office. The first "patriots only" polls were held on Sunday, with most of the pro-democracy candidates not taking part, either because they had been charged over their involvement in the 2019 protests or because they had given up politics entirely. The elections were swept by pro-Beijing candidates, while the turnout among voters was the lowest on record.

### **'Legal risks'**

On Monday, Beijing published a lengthy white paper hailing Hong Kong's democracy and freedoms. Three days later, HKU's Council announced that it would take down the statue citing a "risk assessment" and "legal advice" that "the continued display of the statue would pose legal risks". By Thursday morning, the statue was gone. It will be kept in storage and likely returned to its creator. In a statement, the sculptor, Mr. Galschiot, said he would claim compensation for any damages. The university's statement explaining the decision, the South China Morning Post reported, mentioned a "Crimes Ordinance enacted under the Hong Kong colonial government" that was in charge until the 1997 handover. Why it took 25 years to come to that conclusion was left unsaid.





## MENDING FENCES

Foreign Secretary Harsh Vardhan Shringla's two-day visit to Myanmar, the first by a high-ranking Indian official since the coup in February, points to a subtle recalibration in India's approach to Naypyidaw. To begin with, India had kept a distance from the hardline position taken by the US and Europe that sought to censure and sanction the junta for ousting Aung San Suu Kyi and the National League for Democracy after they swept the parliament elections. Delhi had also appealed for the restoration of democracy in Myanmar and even mildly criticised the sham trial that sentenced Suu Kyi to four years' imprisonment, later reduced to two years, in one of the numerous cases filed against her, earlier this month. During his visit, Shringla met the military brass, members of the military-backed Union Solidarity and Development Party (USDP) and some civil society leaders. However, his request for an audience with Suu Kyi was denied. New Delhi took a maximalist position on Myanmar when the military pulled the curtains down on the fledgling democracy in 1962 and held on to it until the 1990s when the then PM, P V Narasimha Rao, decided to engage the junta. The change of stance followed the realisation that the sanctions regime imposed by western democracies forced Myanmar into the orbit of Beijing. The situation is not very different today though the democratic impulse in Myanmar, a legacy of the pro-democracy movement of 1988 and the partial restoration of democratic government since 2015, has been manifesting in street protests. The coup and the subsequent isolation of Myanmar by the US and its allies has pushed the junta closer to Beijing. India's relations are also complicated by a long and porous border that runs through a hilly terrain, frequented by insurgent groups operating in Nagaland and Manipur. Naypyidaw has been sympathetic to India's security concerns in recent years. But the recent attack on an Assam Rifles officer and family in Manipur, close to the Myanmar border, suggests that the threat from insurgent groups is far from over. Besides, tribes in Mizoram, Nagaland and Manipur have ethnic bonds with their counterparts across the border, which explains the influx of refugees following the military action in Myanmar. It may be prudent for Delhi to engage with the junta and use its good offices to persuade Naypyidaw to restore the democratic system in Myanmar while ensuring that India's own interests are protected. Shringla's visit hints that, for now, India is willing to hold back the democracy pitch and allow realpolitik to dictate the terms of the relationship.

## AS A REGIONAL LEADER, NOT A VICTIM OF CIRCUMSTANCE

Addressing an Indian Ocean Conference this month, External Affairs Minister S. Jaishankar listed two "trend lines" that have most influenced the "evolution" of Indian Ocean countries: a greater caution in power projection by the United States, and the rise of China that has permeated many spheres but also resulted in territorial tensions. He also listed two developments that have the most heightened uncertainties in the region: the American pull-out from Afghanistan and the novel coronavirus pandemic. While challenges to India and its neighbourhood were quite correctly identified, it is on these very factors that Indian leadership in the region has been challenged the most, and has fallen short.

### Handling the Afghan issue

To begin with, there is the challenge that the situation in Afghanistan has thrown up, triggered by the U.S. decision to pull out all troops. Four months after the Taliban takeover of Kabul, it is clear that New Delhi has failed to effect outcomes in a country where it has had a role historically, and is now left studying the threats that will emanate from Afghanistan — from terror groups, narcotics, and mass migration to flee the growing humanitarian crisis there. Three failures mark



the Narendra Modi government's efforts on Afghanistan thus far: the past, the present and the future. The first is a failure to recognise where U.S. policy was leading, especially after it signed the Doha Agreement of February 2020, that made the Taliban a legitimate interlocutor, and did not impose a ceasefire with the Afghan security forces as a pre-condition. That the Government continued to insist that it was "on the same page" with the U.S. merely ensured it was blindsided when the U.S., in conjunction with its Troika Plus-mates (Russia, China and Pakistan), paved the way for the fall of the Afghan republic. The second is one that New Delhi persists in today: the failure to secure its friends in Afghanistan. A stubborn resistance to allowing Afghans needing shelter — this includes students, artists and women activists, Afghan National Defense and Security Forces (ANDSF) and National Directorate of Security (NDS) officials who are in particular danger because they trained in India, and members of Afghan minorities that are not Sikh or Hindu (Hazaras, Tajiks, Ahmadis and Shi'as) — has left thousands of Afghans feeling betrayed by a country they once considered "second home". The cancellation of all visas that had been granted prior to August has only strengthened the belief that the Government has closed its doors to the very Afghan "brothers and sisters" in Afghanistan, Prime Minister Narendra Modi reportedly promised to stand by during a Cabinet Committee on Security (CCS) meeting on August 17. The third, is a failure to sow the seeds today for a better future for Afghanistan tomorrow, one which has a strong Indian presence in it. Among all the Afghan friends New Delhi has chosen to shun are members of opposition groups, including the "Resistance Front" led by Ahmad Massoud and former Vice-President Amrullah Saleh. The wariness to meet, support or host those who pose a counter to the Taliban regime today — even to provide a platform for them to speak — is in sharp contrast to the 1990s when New Delhi kept up its contacts with the Northern Alliance, supported their families in India, and admitted thousands of other Afghan refugees, an act that held it in good stead for two decades, after the Taliban was defeated in 2001. The Modi government's moves thus far, building furtive links with the Taliban, with plans to send a small amount of food and aid through Pakistan (not its independently built route via Chabahar), and convening a conference of National Security Advisers of Central Asian countries, while proactive, will hardly fulfil that purpose in the future. Above all, India cannot be seen as toeing a line laid out by "western powers" that have themselves been defeated in the country on whether or not to re-establish its presence in Kabul or rebuild connectivity initiatives. Nor can it be seen as complicit in actions by the Russia-China combine that have protected the Taliban in Kabul and the Tatmadaw in Naypyitaw to subvert two of the world's newest democracies.

### Dealing with China

The next big challenge India has faced is from Chinese aggression, quite directly. Regardless of the Indian Prime Minister's statement in June 2020 that "neither has anyone come in, nor is anyone inside" Indian territory, it is clear from a number of ground sources, satellite maps and official releases that the People's Liberation Army (PLA) has amassed along the Line of Actual Control (LAC) in unprecedented numbers for "peace-time", built villages and settled populations inside disputed territory claimed by India; it has also dug trenches, brought in heavy artillery and prepared road and helicopter and aircraft landing infrastructure for its forces right up to the boundary with India. The Government's reticence in acknowledging the Chinese actions is no longer seen as being "discretion over valour". It is seen, particularly in the region, as deliberate diffidence on India's part, particularly given the brutal killing of 20 Indian soldiers at Galwan last year. More surprising is the oft-repeated official statement that despite dozens of rounds of military and ministerial talks, the Government is unaware of the reasons for the Chinese action, which is disingenuous or exposes a lack of strategic thinking. Those who have analysed the situation more closely have pointed to five decided objectives behind China's aggression at the



LAC: apart from the obvious hegemonistic line Beijing has adopted to “reclaim” territory it claims it has lost over hundreds of years from the South China Sea to Tibet, the PLA plan is: to restrict India’s recent efforts at building border infrastructure, bridges, and roads right up to the LAC; to restrict any possible perceived threat to Xinjiang and Tibet; to restrict India’s ability to threaten China’s key Belt and Road project, the China-Pakistan Economic Corridor (CPEC), including a second link highway it plans from the Mustagh pass in occupied Gilgit-Baltistan to Pakistan, and to blunt any plans as outlined by the Home Minister in 2019 for India to reclaim Aksai Chin and Pakistan-occupied Kashmir (PoK) militarily.

### Impact of some bad moves

In the face of such a clear-cut strategy, New Delhi must not only counter China more vocally and robustly but also be seen to provide leadership to the region that outpowers Beijing’s influence. The first is to resolve not to make spaces for China in the manner that the Modi government has during the coronavirus pandemic. By failing to keep its promises to provide vaccines, even those that had been paid for by countries such as Bangladesh and Nepal, and to send the paltry number required by Bhutan and the Maldives, India has left an indelible scar in the region. Second, India cannot cast itself as a counter to China by invoking its democratic system unless it is prepared to adhere to the very principles the Indian Republic’s founders committed to: as a pluralistic, representative, inclusive power that respects the rights of each citizen, the media, and civil society. While neighbours may not emulate India, they admire these very qualities that differentiate New Delhi from Beijing. The third imperative, which would promote India’s leadership in the region, is to stop seeing collaborations with other countries for projects in South Asia as a “win-win”. In fact, recent surveys by think tanks Carnegie (<https://bit.ly/32iRy9h>) and the Centre for Social and Economic Progress (<https://bit.ly/3soXRCX>) have found that while India is a preferred strategic partner for most of the countries in the neighbourhood (with the obvious exception of Pakistan), possible Indian collaborations with the U.S., Japan, Europe, etc. are not as popular, especially as they are seen as “anti-China” rival platforms, which these countries would want to avoid. These partnerships also hamper India’s ability to stand up for its neighbours when required, as some in Dhaka had hoped it might, when the U.S. chose to slap sanctions on Bangladesh’s multi-agency anti-terror Rapid Action Battalion (RAB) force right as the nation’s 50th anniversary celebrations began. As a result, New Delhi must block all external attempts to recast India as a “middle power”, one which looks to the example of others to decide its best interests and needs the support of other powers to chart its course of action in its neighbourhood. More than anything else, India’s response to neighbourhood challenges must not paint it as a “victim of circumstance” but as an arbiter of its own destiny, and the region’s.

### THE LIBERATION OF BANGLADESH, 50 YEARS AGO

In the evening of April 10, 1971, the Kolkata station of the Radio Free Bangladesh, an offshoot of Akashvani, announced that an important news would be broadcast after 10 pm. Word spread like wildfire and people across India and Pakistan rushed to the nearest radio-owning neighbours, hoping to catch the announcement. Late evening, the dramatic voice of Debdulal Bandyopadhyay announced that the government of independent Bangladesh had been formed under the presidency of Sheikh Mujibur Rahman. Syed Nazrul Islam would be the Vice President. “We will build a new Bangladesh on the ruins of the old East Pakistan,” said Tajuddin Ahmad, the Prime Minister, in a speech that electrified India and East Pakistan. It was an unprecedented moment in Indian history when the head of a Government-in-exile addressed the people of his country from the Indian government’s radio network. Sharmeen Ahmad, currently an Awami League MP in



Dhaka, wrote about that momentous speech in her book on her father, Tajuddin Ahmad: Neta o Pita. The speech was the the beginning of a massive public relation and psychological campaign that India would unleash over the next few months that would create a global public opinion to favour a free Bangladesh. Fifty years later, India-Bangladesh relations, despite internal tensions and geopolitical challenges, are still on a strong wicket. Last week, when Bangladesh celebrated 50 years of its liberation from Pakistan, President Ram Nath Kovind was in Dhaka. In March, when Dhaka marked the outbreak of the conflict in 1971, Prime Minister Narendra Modi was the guest of honour. Speaking at the celebratory event on December 16, President Kovind said the 1971 war “altered the ideological map of South Asia”.

### The beginning

Two crises gripped India and Pakistan by the end of 1970. Indira Gandhi was dependent on the Left parties and was under constant attack from the conservative Swatantra Party. A mid-term election could work in her favour if she could secure absolute majority. On December 27, Gandhi went to President V.V. Giri and asked him to dissolve the Cabinet and call for election in February 1971. In November 1970, East Pakistan was hit by a monstrous cyclone — Bhola. It took a few days before the devastation caused by the cyclone became known to the world. Lakhs were swept away into the sea and all properties in the path of the storm destroyed. The cyclone exposed the prejudice in the heart of the Pakistani government located in the western wing of the country. Bengalis of East Pakistan suffered without much help from Islamabad. Hurt by neglect, they voted in the December election to form a government of their choice. The Awami League (AL) won a majority of seats in the National Assembly, but President Yahya Khan and leader of the Pakistan People’s Party Zulfikar Ali Bhutto refused to allow the AL to form the government. With each passing day, the situation in East Pakistan became tense as protests and violence continued. Finally, in the late evening of March 25, news came: the Pakistan Army had begun to disarm East Pakistan Rifles, which was mainly manned by Bengalis. Soon thereafter, Dhaka’s skies were lit up with flares and targeted killings began against those who supported the AL. That was also the evening when Mujib was arrested and flown later to Rawalpindi. On being alerted in advance by workers of the Awami League, Tajuddin Ahmad, carrying a rifle and a pistol, left for India, telling his family: “You have to look after yourself. I have to leave.” The Government of India had been watching the developments in Bangladesh for months. As Indira returned to power with the mandate to remove poverty, her agenda was shaped by the developments in neighbouring East Pakistan. Starting with the movement of the leaders of the Awami League, millions of people began to pour into West Bengal, Assam, Meghalaya and Tripura. Schools, colleges, offices, railway platforms, godowns were filled up with people. Unable to contain the human flow, the Government began to set up big hollow pipes where they could stay while the Government went around distributing food and medicines. Indira Gandhi travelled to all the bordering States and spoke in Parliament on May 24. She wanted a quick action but that could not be carried out without an adequate public relations exercise as Pakistan was supported by U.S. President Richard Nixon. She entrusted Sardar Swaran Singh, P.N. Haksar, R.N. Kao, and T.N. Kaul with various aspects of India’s approach, including secret diplomacy in the West and espionage operations. The refugees who poured in provided the foot soldiers for the Mukti Bahini that Kao, chief of the Research and Analysis Wing (RAW), raised. Indira Gandhi and Swaran Singh travelled to major world capitals. Members of the western bloc, including Australia, West Germany and France, turned against Pakistan, moving away from the official American line. Gandhi visited Washington, where her meetings with President Nixon and National Security Adviser Henry Kissinger were disastrous, but she gave a series of interviews that added to the anti-Pakistan public opinion. Ronen Sen, India’s former Ambassador to the U.S., recollecting the developments, says the military and



diplomatic moves of the Indira Gandhi government were equally supported by the public relations blitzkrieg that India launched.

### **Military solution**

Indira Gandhi had placed Durga Prasad Dhar, a former politician from Kashmir, as India's Ambassador to Moscow. Assisted by young diplomats like Ronen Sen, A.K. Damodaran and Romesh Bhandari, Dhar carried out a series of negotiations with Soviet leaders for establishing military cooperation, which led to the Indo-Soviet Friendship Treaty aimed at securing emergency military supplies. Just as the Pakistan military continued its campaign, Dhar and his team negotiated the Indo-Soviet treaty. During the monsoon and autumn, the Mukti Bahini was used to soften targets in East Pakistan. Armed with Second World War-era rifles and wearing blue and black lungis and white vests, the soldiers of Mukti Bahini merged among the sympathetic local farmers tending fields and carried out attacks that surprised the Pakistan military. After the Durga Puja of 1971, Indira Gandhi focused on finding a military solution. On December 3, she came to address a rally in Kolkata. After the rally, she sat down for a cup of tea with the city's filmmakers and writers. Her biographer Pupul Jayakar wrote the PM went missing for two hours because of the meeting. In the meanwhile, a momentous development had happened and her office finally tracked her down in the meeting and handed over a piece of paper. Gandhi read the paper and then continued to chat calmly and finished the meeting and left for the airport. The paper informed her that the Pakistan Air Force had carried out a bombing raid in the western sector. Gandhi had ordered India's military to be ready for war but wanted Pakistan to make the first move so that Yahya Khan could be projected as the aggressor. For the next two hours, the PM's aircraft flew over northern India while Pakistani bombers remained airborne. Gandhi rushed to the map room and ordered retaliation, starting an all out tri-service war — India's first. Ambassador Sen recalls that the war was won because Dhar had established a solid channel with the Soviets, who set up an air-bridge between Moscow and Delhi, flying in critical equipment for the Indian Army, led by Gen. Sam Manekshaw. Top Soviet officials were stationed in Delhi to ensure India could carry out the military operation in a swift manner. Mr. Sen says the Soviets were concerned about pushing the Americans too far as that could trigger a chain reaction. On December 16, exactly 50 years ago, the war came to an end with the surrender of the Pakistan military under the command of Gen. A.A.K. Niazi, before the joint India-Bangladesh forces. A free Bangladesh was born.

# DreamIAS



## NATION

### UNDER MODI 2.0, A COURSE-CORRECTED FOREIGN POLICY

There is a new momentum in India's foreign policy, a clinical sharpness to its external policy design, articulation and implementation, in clear departure from the 'song and dance diplomacy' that characterised the foreign policy of Prime Minister Narendra Modi 1.0. After wasting several crucial years in the political promotion of the Bharatiya Janata Party (BJP) and the Prime Minister aboard, there is today a visible transformation in India's engagement of the world. The Ministry of External Affairs (MEA) appears to have taken back the reins of the country's foreign policy from the BJP apparatchiks, preferring substance over style.

#### **A conciliatory policy**

If Hindutva ideology and imperious aggression characterised New Delhi's diplomacy towards the region/neighbourhood during Modi 1.0, India's neighbourhood policy today is an act in careful, well-calibrated and well thought-out policy overtures towards most of the region, with a deep desire to win back the neighbours. During Modi 1.0, relations with Nepal, Bangladesh and Sri Lanka (as well as the attitude towards the Taliban until they overran Kabul in August 2021), for instance, were complicated due to ideological overtones and aggressive policies. The intervention in Kathmandu's Constitution-making process and the subsequent (undeclared) blockade of Nepal; irking the Bangladeshis by offensive references; attempting to be the kingmaker in the Sri Lankan elections, among others, seemed to stem from an imperious attitude. Such an 'either you are with us or against us' attitude prompted many of India's neighbours to opt for the latter part of the choice allowing China a free pass, at least to some extent, into India's traditional sphere of influence. The Sangh Parivar's deep-seated desire to build a Hindu religious plank with Nepal along the lines of V.D. Savarkar's vision — "The whole territory including Kashmere and Nepal, Gomantak, Pondicherry and other French possessions constitutes our national and territorial unit and must be consolidated in a free and centralised state" — did not outlast Mr. Modi's 2014 visit, clad in saffron attire, a rudraksh garland and sandal paste smeared on his forehead, to the Pashupatinath temple in Nepal. Gone are those days, so it seems. The manner in which the BJP-led government reached out to the Taliban shedding its past reservations and its outreach to the West Asian/Gulf states are noteworthy. India's new Nepal policy devoid of Hindutva fantasies and diplomatic imperiousness, and friendly outreach to both Bangladesh and Sri Lanka are already yielding results. If indeed 'illegal Bangladeshi migrants' do not become an issue in the upcoming elections in India, the warmth generated by the recent golden jubilee celebrations of Bangladesh's liberation from Pakistan (with Indian help) could further strengthen the relationship. India's foreign policy interests should not be allowed to become a handmaiden to the BJP's domestic political ambitions.

#### **Effective multilateralism**

New Delhi's multilateral engagements have also become more result-driven and interest-based which it seems to pursue without getting caught in a holier-than-thou rhetoric. India's membership and presidency of the United Nations Security Council (UNSC) witnessed some resolute positions from the country. New Delhi's able framing of the world body's response to the crisis in Afghanistan (especially when India was holding the presidency of the UNSC) along with an outreach to the Taliban, when much of the world was struggling to make up its mind on how to deal with Taliban 2.0, was remarkable. India's far more determined engagement of the



Quad(India, Australia, Japan and the U.S.) and the global climate change negotiations in Glasgow, while at the same time pushing back attempts at securitising climate change at the UNSC, also indicate that it is willing to be a responsible stakeholder in global/regional governance forums. The Modi government's transition from political rhetoric to purposeful action is clear.

### **Balancing contradictions**

For a country like India, located in an unfriendly neighbourhood and caught amidst the vagaries of great power competition among the United States, Russia and China, it is not easy to balance the various geopolitical contradictions. New Delhi's foreign policy has, of late, exhibited a great deal of agility and flexibility in managing those contradictions to the extent possible. Consider the following. The complex balancing act that New Delhi plays between Russia and the United States at a time when India is closer to the U.S. than ever in its history highlights diplomatic nimbleness and sophistication. Buying the S-400 missile system from Russia risking potential sanctions from Washington, and strengthening its participation in the Quad despite strong words from Moscow show an ability to smart-balance systemic contradictions. In the broader West Asian region too, New Delhi's balancing acts have been remarkable: between Arab States and Israel, Israel and Iran, Iran and the Gulf states, and Iran and the U.S. In all of these, Iran appears to be the weakest link in New Delhi's West Asian balancing acts, but that is a different story. The arrival of the West Asian Quad consisting of the U.S., India, UAE and Israel is yet another indication of the new-found foreign policy finesse in New Delhi. On the flipside, however, the question is whether New Delhi can deliver on all these promising partnerships given the acute staff shortage in the MEA. If New Delhi aspires to be a system-shaping power, it must have more men and women to carry out its work. India's relations with China too has witnessed a certain amount of careful balancing. Despite the military stand-off on the Line of Actual Control (LAC), bilateral trade has only shot up: India-China trade, for instance, increased by a record 62.7% in the first half of 2021. New Delhi has also been able to engage the China-dominated Shanghai Cooperation Organisation even as it is strengthening its participation in the Quad.

### **Realities of geoeconomics**

Modi 2.0 has also appeared to have realised the folly of resisting global and regional economic integration. Mr. Modi's first term exhibited a great deal of scepticism towards free trade agreements (FTA). When Mr Modi assumed office in 2014, his government even announced that it would review all existing FTAs to see if they were helpful to the country. What followed was a depressed Indian approach towards FTAs. In 2019, India decided not to become part of the Regional Comprehensive Economic Partnership (RCEP). The only FTA signed by the Modi government in the past seven years was with the ASEAN in 2015, even though much of the work for that was done by the Manmohan Singh government. However, today there seems to be a rethink in the government about the utility of FTAs. New Delhi is scheduled to begin FTA negotiations with the United Kingdom and Canada in 2022 and may start discussing the possibility of another one with the Gulf Cooperation Council countries. It may finalise an FTA with the United Arab Emirates in 2022. And this comes in the wake of the Government's decision to resume long-suspended negotiations with the European Union for a comprehensive trade and investment treaty. The Modi government seems to have realised that its desire to make India a \$5 trillion economy (from the current \$3 trillion) by 2024-25 will remain a fantasy unless it is able to proactively pursue trade agreements, among other things. In sum, New Delhi appears to have realised that the pursuit of national interest is a serious business and must move beyond the promotion of ideological predilections and personality cults. A rebooted Indian foreign policy must find ways of imagining a new regionalism with or without the South Asian Association for



Regional Cooperation (SAARC), and must shed its obsession with Pakistan and terrorism. Pakistan or terrorism pose no existential threats to India nor should New Delhi spend too much diplomatic capital on them. You are, after all, defined also by your obsessions.

## TROUBLED WATERS

The arrest of 68 Tamil Nadu fishermen by the Sri Lankan authorities between December 18 and 20 and the impounding of 10 boats for “poaching” in territorial waters have again raised concerns about the fate of the men. It is a matter of comfort and relief that the Indian High Commission in Sri Lanka is working to secure their early release. The Tamil Nadu Chief Minister, M.K. Stalin, in his communication to the External Affairs Minister, S. Jaishankar, on Monday, has underscored the need to get back 75 fishing boats too from Sri Lanka. Fishermen from Tamil Nadu getting arrested and released later has become a routine affair, but there have been cases of deaths. In January 2021, four fishermen from Ramanathapuram district lost their lives after their vessel collided with a Sri Lankan naval craft. There was a similar case in October in which a fisherman died. This is why the Palk Bay fishing dispute needs a resolution soon. The fact that many rounds of discussions — at the levels of the fishermen and the governments of the two countries — have not led to any tangible improvement in the situation should not deter the pursuit of sustained engagement to sort out a problem that involves humanitarian and livelihood issues. The bone of contention between the two countries has been the use of bottom trawlers by the Tamil Nadu fishermen, a practice opposed in Sri Lanka’s Northern Province on the ground that trawling damages the marine ecosystem. This practice has been banned in Sri Lanka and there have been agitations for stringent enforcement of the law. More than anything else, the fishermen of Tamil Nadu should take into account the fact that their counterparts on the other side of the Palk Strait are still struggling to pick up the threads of their lives after a brutal civil war. Given that an ambitious ₹1,600 crore scheme of replacing in three years 2,000 bottom trawlers with deep-sea fishing boats equipped with long lines and gill nets continues to be a disappointment, both the Central and Tamil Nadu governments need to take up fresh initiatives to get the fishermen on board. The main reason for failure is the component of cost to be borne by the fishermen, accounting for 30% of the unit cost of ₹80 lakh; the two governments take care of the remaining 70%. Apart from increasing the unit cost at least to ₹1.2 crore, which will be at the same level as that of a similar scheme under the Pradhan Mantri Matsya Sampada Yojana (PMMSY), the Governments must increase their share of subsidy. They should also motivate the fishermen to adopt sea cage farming and sea/ocean ranching, which were all covered under the PMMSY. Such an approach is essential as the fishermen find it hard to restrict themselves to India’s territorial waters, given the limited marine wealth and area on the Indian side. But, the priority now for New Delhi should be in securing the swift release of the 68 fishermen.

## PERSIST WITH PROBE

It is difficult to disagree with the argument that there cannot be a parallel probe by any inquiry commission into the allegations of unlawful surveillance using the Pegasus spyware after the Supreme Court ordered an independent inquiry. It is no surprise, then, that the top court has stayed the functioning of the Commission constituted by the West Bengal government and headed by retired judge, Justice Madan B. Lokur. Chief Minister Mamata Banerjee had taken note of the allegations of surveillance that possibly targeted personages in West Bengal, and was on good legal ground when she took the first legal step towards unearthing the truth. It was a step that was warranted by the circumstances then, given the Union government’s refusal to acknowledge that it possessed such spyware or whether those identified by an international media





investigation as targets were subject to any sort of surveillance in the country. Reports by an international consortium of journalists said that 300 out of 50,000 likely targets of Pegasus spyware were Indians. Subsequently, the Government also refused to cede any ground in the Supreme Court, and declined to give a simple 'yes' or 'no' reply to the Court's questions. Stonewalling attempts to raise it in Parliament and sticking to its guns in Court, the Government inevitably invited an order from the Court for an independent investigation. It is significant that the Bench, headed by the Chief Justice of India, N.V. Ramana, ruled that the bogey of national security was not an adequate reason not to have a credible inquiry into the allegations. A fresh report suggesting that Pegasus was used to target jailed activist Rona Wilson's mobile phone underscores the urgent need to persist with the investigation into the illegal use of the spyware in India. U.S. forensic investigation company Arsenal Consulting has said Mr. Wilson's phone was attacked as many as 49 times and it was successfully infected by the time he was arrested in June 2018 for alleged involvement in the Bhima Koregaon case. Earlier, the firm had claimed that NetWire, a remote access Trojan, was used to plant letters on Mr. Wilson's computer. Advocate and co-accused Surendra Gadling was also targeted in the same manner. These developments raise suspicion about the genuineness of the evidence being relied upon to try him and others for an unsubstantiated Maoist plot. There is little doubt that the Court-ordered probe by experts supervised by a panel headed by the retired Supreme Court judge, Justice R.V. Raveendran, should be taken to its logical conclusion and the country be told whether Pegasus, or any other spyware, was used to infect mobile phones and other devices of lawyers, activists and journalists, among others. There is much riding on this judicially overseen inquiry, and it behoves the government of the day to extend its full cooperation and not pose any impediment to its independent functioning.

#### MIXED RECORD FOR SC'S EXPERT PANELS

The Supreme Court has stayed the proceedings of West Bengal's Justice Madan B. Lokur Commission of Inquiry into the Pegasus allegations. The reason for the stay is ostensibly because the apex court is seized of the case and has itself formed an expert technical committee overseen by former apex court judge, Justice R.V. Raveendran, to examine allegations that the Centre used Israeli software Pegasus to spy on citizens. The Justice Raveendran Committee was formed by the court in October to ensure "absolute transparency and efficiency". The court had asked the committee to submit its report "expeditiously" and posted the next hearing after eight weeks. But committees formed by the court in the past in an earnest effort to uncover the truth or to broker peace have had mixed results. Take the case of an October 2020 order of the court in the stubble-burning case. The court formed a one-man committee of Justice Lokur to protect Delhi NCR from air pollution caused by stubble burning in the neighbouring states of Uttar Pradesh, Punjab and Haryana. But the order came to nothing and was put on hold by the court itself when the Centre promulgated the Commission for Air Quality Management in the National Capital Region and Adjoining Areas Ordinance of 2020. Again, the court, with best intentions in mind, formed a four-member committee of experts "to listen to the grievances of the farmers on the farm laws and the views of the government and make recommendations". At one point in the 11-page order of January 2021, the three-judge Bench led by then Chief Justice of India Sharad A. Bobde had expressed the hope that the committee "may create a congenial atmosphere and improve the trust and confidence of the farmers". It was reported that the committee gave its report. Meanwhile, the government repealed the three controversial farm laws and the protesting farmers have headed home. Recently, one of the members of the committee, Anil Ghanwat, told the media that the report could play a certain "educational role" and should be made public. The past months had seen Supreme Court's Justice V.S. Sirpurkar Commission repeatedly seek extensions because of the pandemic to complete its probe into the deaths of four men, accused of the gang-rape and



murder of a veterinarian, in an alleged encounter with the Hyderabad Police on December 6, 2019. In the Ramjanmabhumi dispute case, the constitution of a mediation committee did not stop adversarial litigation in court and the final judgment in favour of the Hindus.

## HIGHWAYS IN THE HILLS

On December 14, modifying its previous order, the Supreme Court upheld the Government's mandate to widen three Himalayan highways - Rishikesh to Mana, Rishikesh to Gangotri and Tanakpur to Pithoragarh - as part of the Char Dham Pariyojna of the Ministry of Road Transport and Highways (MoRTH), in the interest of national security. They will now be developed as per the double lane with paved shoulder (DLPS) system. However, the Supreme Court has also directed the Government to address the environmental concerns raised by the High Powered Committee (HPC), constituted on its order in August 2019.

### What is the Char Dham project?

The ₹12,000 crore project was announced on December 23, 2016. It aims at broadening the roads of about 900 km of national highways for safer, smoother and faster traffic movement. They connect the holy shrines in Uttarakhand: Yamunotri, Gangotri, Kedarnath and Badrinath. The project also includes the Tanakpur-Pithoragarh stretch of the Kailash Mansarovar Yatra route.

### Who challenged its development?

Environmental groups led by Dehradun-based Citizens for Green Doon filed an application on February 27, 2018, in the National Green Tribunal (NGT), challenging construction of the project on the ground that the development activity would have a negative impact on the Himalayan ecosystem. The applicants submitted that the project would result in deforestation, excavation of hills and dumping of muck, which would lead to further landslides and soil erosion, in an already fragile environment. The NGT, on September 26, 2018, observed that the length of each of these projects was less than 100 km and therefore, they did not require environmental clearance. However, it directed constitution of an 'Oversight Committee' to monitor environmental safeguards. The order was challenged in the Supreme Court.

### What happened in the Supreme Court?

On August 8, 2019, the Supreme Court modified the NGT order and constituted the HPC with certain terms of reference, including the responsibility to consider the project's cumulative and independent impact on the entire Himalayan valley. Taking note of an HPC report, the Supreme Court on September 8, 2020, directed the Government to adhere to an MoRTH circular of March 2018 that advised against building full-fledged roads in hilly areas. It allowed 5.5 metres width with two-lane structures. That circular was later amended by MoRTH on December 15, 2020, based on MoD views, given that the stretches in question acted as feeder roads to the India-China border. This enabled 7 metres width with 1.5 metres paved shoulder on either side. The Government, through MoD, moved an application in the Supreme Court seeking modification of the September 2020 order and direction that the three stretches be developed to a two-lane configuration in the interest of the security of the nation and for the defence of its borders.

### What did respondents argue?

They argued that the HPC was not allowed to function independently and was given inadequate assistance by the Government; that no concrete action was taken on concerns related to slope



stabilisation, muck disposal, restoration of damaged slopes and hill-cutting activities; that MoRTH violated its 2018 circular and the Supreme Court's September 2020 directive; and that the fragile environment of the Himalayas would be severely damaged if the DLPS standard was adopted. The Government submitted that the stretches acted as feeder roads to the India-China border and were of strategic importance; that with the increase in defence capability, the nature of weapons, tanks and machinery, and the conditions at the border, wider roads were required; and that the Court's directive was complied with. It also listed a series of mitigation steps taken to ensure that the project caused the least environmental and ecological damage. The Supreme Court's approval is conditional upon MoRTH and MoD implementing the HPC recommendations. An Oversight Committee, which will assess their implementation, has been set up by the Supreme Court. As directed, the Government will issue a formal notification in terms of the Supreme Court's directions within two weeks and thereafter, MoRTH and MoD will place before the Committee the steps taken to adhere to the recommendations, along with a projected timeline for complying with the remaining suggestions.

### LET'S LEARN TO LAUGH, SAYS MADRAS HIGH COURT JUDGE

Perhaps it is time India amended its Constitution mandating that every citizen also has a "duty to laugh", suggested Justice G.R. Swaminathan of the Madurai Bench of the Madras High Court, while quashing a case against a man whose attempt at word play landed him in trouble with the Tamil Nadu Police. Well, that's what Justice G.R. Swaminathan foresaw satirists and cartoonists such as Jug Suraiya, Bachi Karkaria, E.P. Unny and G. Sampath (of The Hindu) prescribing if they were to hypothetically author a judgment on a petition filed by a man whose attempt at humour landed him in trouble. Listing out the duties of every citizen under Article 51-A of the Constitution, the judge said, "To this [list], the hypothetical author would have added one more fundamental duty — the duty to laugh. The correlative right to be funny can be mined in Article 19 (1) (a) of the Constitution of India (the use of crypto vocabulary to be forgiven). Being funny is one thing and poking fun at another is different altogether." The plea was filed by Mathivanan of Madurai, an office bearer of the CPI (ML). On September 16, Mr. Mathivanan had gone on a sightseeing trip to Sirumalai hills with his daughter and son-in-law. Later, he uploaded the photographs of the visit on Facebook, captioning them "Trip to Sirumalai for shooting practice". The Vadipatti police in Madurai however, saw the post as a threat to "wage war" and booked him under various Sections of the Indian Penal Code.

#### Serious question

Quashing the FIR, Justice Swaminathan observed: "Laugh at what? is a serious question. This is because we have holy cows grazing all over from Varanasi to Vadipatti. One dare not poke fun at them. There is however no single catalogue of holy cows. It varies from person to person and from region to region. A real cow, even if terribly underfed and emaciated, shall be holy in Yogi's terrain. In West Bengal, Tagore is such an iconic figure that Khushwant Singh learnt the lesson at some cost. Coming to my own Tamil Desh, the all-time iconoclast 'Periyar' Shri E.V. Ramasamy is a super-holy cow. In today's Kerala, Marx and Lenin are beyond the bounds of criticism or satire. Chhatrapati Shivaji and Veer Savarkar enjoy a similar immunity in Maharashtra. But all over India, there is one ultimate holy cow and that is 'national security'," he said. The Vadipatti Police thought the petitioner was making preparations to wage war against the State. They registered a case, arrested him and produced him before the jurisdictional magistrate for remanding him in custody. Mercifully, M.C. Arun, the Judicial Magistrate, Vadipatti, had the good sense to refuse remand, the judge said. "The petitioner is aged 62 years. His daughter is standing next to him. His son-in-law



is also seen in the photograph. No weapon or proscribed material was recovered from the petitioner. The petitioner neither intended to wage war nor did he commit any act towards preparation.. The very registration of the FIR is absurd, the judge said and quashed it.

## REVISITING DEFINITION OF EWS

A three member-committee set up to examine the income criteria for determining the economically weaker sections (EWS) is expected to submit its report to the Centre within the next few days.

### **Why was the committee set up?**

It was set up after the Supreme Court questioned the income criteria for defining EWS, and termed it “arbitrary”, noting that the ceiling for determining EWS (Rs 8 lakh) is the same as the limit for determining the other backward classes (OBC) “creamy layer” for reservation for the children of people outside of government. On November 25, Solicitor General Tushar Mehta told the court that the Centre would revisit the criteria adopted for deciding the income level of EWS in granting reservation in government jobs and admissions. On November 30, the Ministry of Social Justice and Empowerment announced the committee to “revisit the criteria for determining the economically weaker sections” in terms of the provisions of the explanation to Article 15 of the Constitution. It comprises former finance secretary Ajay Bhushan Pandey, Indian Council for Social Sciences Research (ICSSR) member secretary V K Malhotra, and Principal Economic Advisor to the Government of India Sanjeev Sanyal. The next hearing in the Supreme Court is on January 6.

### **How did this reach the court?**

The Supreme Court is hearing a bunch of petitions, including a special leave petition filed by the Centre, against a Madras High Court order on EWS and OBC reservation in the all-India quota under the NEET entrance exam for postgraduate medical admissions. On July 29, the Centre issued a notification implementing 10% reservation for EWS along with 27% for OBC within the all-India quota for postgraduate medical courses, starting this academic session. Following the petitions, the Supreme Court has stayed counselling for admission until the matter is decided. At present, those with an annual income below Rs 8 lakh fall in the EWS category. When the Supreme Court questioned the criteria used, the Centre first justified the benchmark but later said it was ready to revisit it.

### **When were the income criteria fixed?**

The criteria for EWS and OBC quotas, as notified for NEET admissions in September, are the same as criteria notified for employment and admission on January 31, 2019 by the Department of Personnel and Training (DoPT) based on the 103rd Amendment to the Constitution. Under the 2019 notification, persons who are not covered under the scheme of reservation for SCs, STs and OBCs, and whose family has gross annual income below Rs 8 lakh, are to be identified as EWSs for benefit of reservation. It also specifies what constitutes “income”, and excludes some persons from the EWS category if their families possess assets specified in the notification (see box). EWS reservation was granted based on the recommendations of a commission headed by Major General (retd) S R Sinho. The commission had been constituted by the then UPA government in March 2005, and submitted its report in July 2010. The Sinho Commission recommended that all below poverty line (BPL) families within the general category as notified from time to time, and



also all families whose annual family income from all sources is below the taxable limit, should be identified as EBCs (economically backward classes). The present income ceiling of Rs 8 lakh fixed for EWS is the same as that for OBCs for quotas for people outside of government. For the OBC quota in government, there is a different criteria based on the ranks of the parents of the candidate. Outside of government, there is an income criteria, which was raised from Rs 6 lakh to Rs 8 lakh in 2017.

#### **How was the ceiling decided?**

On August 3, Minister of State for Social Justice and Empowerment Pratima Bhoumik told Lok Sabha in a written reply: "The annual income limit of Rs 8 lakh per annum for EWS category was decided after detailed deliberations by the government". The file regarding EWS reservation, accessed by The Indian Express, includes a Cabinet Note dated January 6, 2019 prepared by the Ministry. "Since establishing of BPL is open to debate and in order to maintain parity with similar categories, it would be appropriate to apply the income/wealth test made applicable in the case of OBCs for the purpose of exclusion from the benefit of reservation." Based on this note, the Cabinet in its January 2019 meeting decided to amend the Constitution to provide reservation to EWS. With months to go for that year's Lok Sabha elections, the government rushed the legislation through. The Bill was tabled and passed in Lok Sabha on January 8, 2019 and in Rajya Sabha next day.

#### **Why has the Supreme Court termed the income ceiling arbitrary?**

On October 21, the Supreme Court observed: "The income limit in the criteria for the determination of the creamy layer of the OBC category and the EWS category is the same, namely, Rs 8 lakhs. While the creamy layer in the OBC category is identified for excluding a section of the community that has 'economically progressed' to such an extent that the social backwardness of the community diminishes, the EWS category is identified to include the segment which is 'poorer' when compared to the rest of the community. Therefore (a) the income criterion in respect of the OBC category is aimed at exclusion from a class while in the case of the EWS category, it is aimed at inclusion; and (b) the OBC category is socially and educationally backward and, therefore, has additional impediments to overcome as compared to those belonging to the general category. In these circumstances, would it be arbitrary to provide the same income limit both for the OBC and EWS categories." The court also questioned "on what basis has the asset exception been arrived at and was any exercise undertaken for that purpose; whether municipalities as required under the exception have been notified; The reason why the residential flat criterion does not differentiate between metropolitan and non-metropolitan areas."

### **YOUNG INDIA'S ASPIRATIONS, WORRIES**

A recent report released by Lokniti-CSDS in collaboration with Konrad Adenauer Stiftung, which interviewed 6,277 youth aged 15-34 across 18 states in July-August 2021, offers insights on their career aspirations, job preferences and expectations, their opinions on institutions of kinship, and their mental health.

#### **Occupation status**

The occupational profile of India's youth seems to have undergone a significant change over a decade and a half, with two-fifths (39%) identifying themselves as students. This is up by 7 percentage points since 2016 and 26 percentage points since 2007. Data also suggest that while



more young men (39%) compared to young women (11%) were working, a higher proportion of young women (42%) were studying than young men (36%). Age shows a clear relation with occupation. Close to four in five youth from the youngest cohort were studying and only 4% were earning, while close to half of the youth in the 18-24 group were studying and only one in five were earning. This indicates increased enrollment in higher education (Figure 1). Youth identified ability-related characteristics (qualification, experience and communication) as important in finding a job. On a positive note, they were the least likely to consider identity-related factors to be playing a decisive role in getting a job (Table 1).

### Employment

More than half (55%) said they would prefer a government job; a quarter (24%) would prefer to start their own business. If we compare these with findings from youth studies in 2007 and 2016, they indicate changing priorities. Five years ago, 65% preferred government jobs, which was three percentage points higher than a decade previously. Interestingly, there is a rising aspiration among the youth to start their own business (Figure 2). One also notices a change in career aspirations. When the youth were asked about the occupation they would choose if they had the freedom to do so, the responses showed a rise from 3% to 17% among those wanting to join the health sector as doctors, nurses or other medical staff (Figure 3). A possible reason for this could be the Covid-19 pandemic.

### Marriage

Many youth are now marrying at a later age than before. The study indicates that the proportion of married youth has decreased by 13 percentage points since 2007 and five percentage points since 2016. In the present study, 42% said they are married (Figure 4). Youth showed a greater acceptance for the idea of inter-caste marriage than for inter-religious marriage. However, while 61% supported inter-caste marriage and 30% opposed it, there is limited empirical evidence of this aspiration being translated into reality. The support for inter-faith marriage is still not widely accepted, with 45% of the youth favouring it and 42% opposing it (Figure 5).

### Mental health

The study found that the family's financial security worried the youth the most, followed by their own health. About six in ten (56%) worried about their jobs, and more than half (54%) about their physical appearance. More than 50% of the youth reported becoming angry over small matters. It is important to stress that these symptoms do not necessarily meet the criteria for any psychological disorder; this is just a reporting of responses. About half each reported feeling sad, losing interest in daily activities, and being affected by loneliness during the last two or three years. Also, those with high exposure to social media were found to be more emotionally distressed than those with low or no exposure. Although the majority of the youth said that they have never experienced suicidal thoughts, close to two in ten (21%) did have such thoughts, either many times or sometimes in the last two to three years (Figure 6). To a hypothetical question on whom they would approach if struggling with depression or thoughts of ending their life, 65% said they will approach either a family member or relatives — highlighting the importance of family in the Indian context — while 15% would approach friends. Only 3% said they would approach a mental health professional. The reason for this could possibly be social stigma and the negative stereotyping of people with mental health issues. What is worrisome is that 9% said they would not approach anyone. On the whole, the data indicate that India's youth worry about a range of issues. This could be linked to the pandemic resulting in worsening financial and health



worries. Youth also showed quite a few symptoms of emotional distress, but what is worrisome is that fairly large proportions have not sought medical help for these. It is important to ensure that there is general mental health awareness and also access to mental healthcare.

## CHANGES TO MARRIAGE AGE WILL CONTRADICT OTHER LAWS

The amendments proposed to the anti-child marriage law defines a child as someone under the age of 21 and contradicts laws where the legal age of competence is recognised as 18. This, experts say, may criminalise young people. The Prohibition of Child Marriage (Amendment) Bill, 2021, which seeks to raise the age of marriage for women to 21, amends the definition of child to mean “a male or female who has not completed twenty-one years of age”. It overrides personal laws of Hindus, Christians, Muslims and Parsis, as well as the Special Marriage Act, 1954. The Lok Sabha has referred this Bill to a Standing Committee after MPs demanded a deeper scrutiny and wider consultations. Senior advocate Indira Jaising tweeted: “How patronising and patriarchal to call someone over the age of 18 a ‘child’, ready and fit to vote but not to marry, is this constitutional morality.”

### Voting age

The 61st Constitution Amendment Act of 1988 defines the voting age for elections to Parliament and the Legislative Assemblies as 18. The Majority Act, 1875 defines the age of majority as “the age of eighteen years and not before”, and as 21 years if a guardian is appointed. Under the Indian Contract Act, 1872 a person should have attained the age of majority in order to be able to enter into a contract. The law to punish sexual crimes against children, the Protection of Children from Sexual Offences (POCSO) Act, 2012 too recognises a child as someone under the age of 18 years and thereby implies that the age of consent for sex is also 18 years. The law that deals with juvenile offenders (or children in conflict with law) and children who need care and protection, that is, the Juvenile Justice (Care and Protection) Act, 2015 does the same. Under the Right of Children to Free and Compulsory Education, 2009, that guarantees access to education, a child is someone between the ages of six and 14 years. Whereas under the anti-child labour law or the Child Labour (Prohibition and Regulation) Act, 1986, which prohibits the engagement of children in all occupations and bans adolescents in hazardous occupations, a child is “a person who has not completed his fourteenth year of age” and an adolescent means “a person who has completed his fourteenth year of age but has not completed his eighteenth year”. “At one level, we say that the age to enter into contracts and to vote is 18 years. We are recognising that a person has the mental capacity to make decisions that will affect her life commercially or as a citizen, but at the same time when it comes to her personal life, she doesn’t have the right to make decisions. The proposed law makes an artificial distinction. By making marriages under 21 years invalid, we are criminalising those who marry under this age and depriving them of protections under law,” says Divya Balagopal, senior advocate, Mundkur Law Partners. Tweaking the definition of a child by amending the age criteria should be done only when it enables, and not when it deprives someone of their rights, warn experts.

## AGE AND MARRIAGE

Good intent does not guarantee favourable outcomes. Coercive laws without wide societal support often fail to deliver even when their statement of objects and reasons aims for the larger public good. Within days of the Union Cabinet approving a proposal to raise the age of marriage for women from 18 to 21 years, the same age as for men, the Government listed it for legislative



business in Parliament this week. If passed, various personal and faith-based laws which govern marriages in India now, including The Hindu Marriage Act, 1955, the Special Marriage Act, 1954, and the Prohibition of Child Marriage Act, 2006, will have to be amended. In her Budget speech last year, Finance Minister Nirmala Sitharaman had announced that the Government would set up a task force to look into the age of a girl entering motherhood with an aim to lower maternal mortality rates, improve nutrition levels as well as ensure opportunities to women to pursue higher education and careers. With these targets in mind, a panel headed by former Samata Party chief Jaya Jaitly was set up in June last year. The panel submitted its report in December 2020. Though the objective looks good on paper, merely raising the age of marriage without creating social awareness and improving access to health care is unlikely to benefit the community it wants to serve: young women not yet financially independent, who are unable to exercise their rights and freedoms while still under the yoke of familial and societal pressures. According to Ms. Jaitly, raising the age of marriage is one of its recommendations, which include a strong campaign to reform patriarchal mindsets, and improved access to education. As per the National Family Health Survey (2019-2021), 23.3% of women aged 20-24 years married before 18, which shows that the Prohibition of Child Marriage Act, 2006, has not been wholly successful in preventing child marriages, especially among the poor. Women's rights activists point out that parents often use this Act to punish their daughters who marry against their wishes or elope to evade forced marriages, domestic abuse, and lack of education facilities. Hence, within a patriarchal setting, it is more likely that the change in the age limit will increase parents' authority over young adults. A good, but not easy, way to achieve the stated objective is to take steps to counsel girls on early pregnancies, and provide them the network to improve their health. The focus must be on creating social awareness about women's sexual and reproductive health and rights, and ensuring girls are not forced to drop out of school or college. Laws cannot be a short cut in the path to social reform.

## IS RAISING MARRIAGE AGE ENOUGH TO HELP GIRLS?

The Government has listed its proposal to raise the age of marriage for women to 21 for legislative business in Parliament in the coming week. The move comes within days of the Union Cabinet approving the proposal which is based on the recommendations of a task force constituted last year.

### What do marriage laws in India say?

The Hindu Marriage Act, 1955, and the Indian Christian Marriage Act, 1872, prescribe the age of 18 years for the bride and 21 years for the groom. The Muslim Personal Law (Shariat) Application Act, 1937, allows marriage if the boy and the girl have attained puberty. The Special Marriage Act, 1954, which governs inter-faith marriages also lays down 18 years for women and 21 years for men as the age of marriage. There is also the Prohibition of Child Marriage Act, 2006, which prohibits marriage below 18 years for women and 21 years for men.

### What is the purpose of raising the age of marriage?

In her 2020 Budget speech, Finance Minister Nirmala Sitharaman announced that the Government would set up a task force to look into the "age of a girl entering motherhood" with the aim to lower maternal mortality rates, improve nutrition levels as well as to ensure opportunities for women to pursue higher education and careers. These were also the terms of references for a 10-member panel headed by former Samata Party chief Jaya Jaitly when it was constituted on June 6, 2020. The panel submitted its report to the PMO and Ministry of Women and Child Development in December 2020 but it has not yet been made public. Ms. Jaitly told The Hindu that raising the age





of marriage is one of its many recommendations, which include a strong campaign to reform patriarchal mindsets, improving access to education by providing girls safe transport to schools and ensuring toilets and sanitary napkins so girls don't drop out, providing sex education, as well as vocational training and livelihood options. "Unless all of the recommendations go with it, there is no justification to raise the age of marriage. It is like making traffic rules without providing good roads or traffic lights," said Ms. Jaitly.

#### **Will raising the age of marriage serve its purpose?**

While children born to adolescent mothers have higher prevalence of stunting and low weight, experts argue that the underlying cause is poverty. There is also a need to improve access to education, skill training and employment opportunities which are some of the barriers for girls in pursuing higher education. It is also important to ensure a safe environment free from the constant threat of rape and sexual assault which is why girls are married off early. "A legislation to increase age of marriage is not needed for this purpose. This measure is superficial and does not go to the root of the problems faced by young women," women's rights lawyer Flavia Agnes told The Hindu. Steps must also be taken to address early pregnancies instead of focusing on age of marriage by extending family planning and reproductive health support which focus on preparation for pregnancy and delaying the first birth.

#### **Will the new proposal make women more vulnerable?**

According to National Family Health Survey-5 (2019-2021), 23.3% of women aged 20-24 years married before the age of 18, which shows that the Prohibition of Child Marriage Act (PCMA), 2006, has not been successful in preventing child marriages and increasing the legal age at marriage for girls will expand the number of persons deemed underage and render them without legal protection. According to an analysis of NFHS-4 (2015-2016) data by Mary E. John, Centre for Women's Development Studies, 56% girls were married below the age of 21 and this figure was as high as 75% among the poorest category of population. This is also worrisome when one looks at evidence on how PCMA is used largely by parents to punish their daughters who marry against their wishes or elope to evade forced marriages, domestic abuse and housework-- a study by Partners for Law in Development showed.

### **PRIVATE HOSPITALS TO BE TAGGED FOR BEING BREASTFEEDING-FRIENDLY**

A new initiative will now help mothers identify "breastfeeding-friendly" hospitals before they give birth. The Breastfeeding Promotion Network of India (BPNI), in collaboration with the Association of Healthcare Providers of India (AHPI), which comprises more than 12,000 private hospitals, has launched an accreditation programme that will enable hospitals to get a "breastfeeding-friendly" tag. This programme is called "Baby Friendly Hospital Initiative (BFHI)". The initiative is only for private hospitals and is based on the Ministry of Health and Family Welfare's MAA programme for government hospitals launched in 2016. The certification process involves two stages — the first stage includes self-assessment by a hospital, followed by an external assessment by an authorised appraiser who interviews doctors, nurses and patients as well as reviews different practices and training of staff. The accreditation process costs ₹17,000 per hospital.

#### **Golden hour**

Early initiation of breastfeeding continues to be low in the country. According to the National Family Health Survey-5 (2019-2021), while there were 88.6% institutional births, only 41.8% of



infants were breastfed within the first one hour, which has improved only marginally from 41.6% during NFHS-4 (2015-2016). In fact, many States such as Maharashtra, Karnataka, Gujarat, Uttar Pradesh, Jharkhand and Chhattisgarh have shown a decline in the proportion of children breastfed within the first hour. Provision of mother's breast milk to infants within one hour of birth ensures that the infant receives the colostrum, or "first milk", which is rich in protective factors, according to the WHO. Lack of support and counselling for expectant mothers during pregnancy and at birth as well as aggressive promotion of baby foods are the reasons for poor early breastfeeding rates.

### **C-section delays**

A rise in caesarean sections is also known to negatively impact breastfeeding rates. "During caesarean operations everyone is focused on recovery, wound surgery, infection control and breastfeeding within the golden hour is missed. Evidence shows that improving breastfeeding rates in hospitals reduces neonatal mortality and infant mortality rates. Therefore, it is important that we train our nurses, doctors and allied health staff. We will roll out our accreditation programme in phases and begin with 100-bed hospitals through our 19 chapters," said Giridhar Gyani, Director General, AHPI. The tools for this evaluation process have been developed in partnership with the Health Ministry and World Health Organisation. The BFHI programme is a worldwide programme of the WHO and UNICEF. Though India adopted it in 1993, it fizzled out by 1998 and is now being revived after more than two decades. Chennai's Bloom Healthcare has become the first hospital to be recognised as "breastfeeding-friendly" under this programme.

## **LINKING VOTER ROLLS TO AADHAAR**

On Tuesday, Rajya Sabha passed by voice vote The Election Laws (Amendment) Bill, 2021, enabling "the linking of electoral roll data with the Aadhaar ecosystem" as the Opposition walked out in protest. The Bill had been passed by Lok Sabha on Monday.

### **What is the government's argument for bringing the Bill?**

The government says the Bill incorporates various electoral reforms that have been discussed for a long time. The government says linking Aadhaar with electoral rolls will solve the problem of multiple enrolments of the same person at different places. "Once Aadhaar linkage is achieved, the electoral roll data system will instantly alert the existence of previous registration(s) whenever a person applies for new registration. This will help in cleaning the electoral roll to a great extent and facilitate elector registration in the location at which they are 'ordinarily resident', a government official said. A Parliamentary Standing Committee report on demands of grants of the Law Ministry, presented in Rajya Sabha on March 6 this year, had said: "The Committee has been advocating linkage of unique Aadhaar ID Card number with voter I-card which would streamline alterations in EPIC during change of ordinary residence by the electors. The incidence of multiple entry could also be eliminated which is required in participative democracy..." In Parliament, Law Minister Kiren Rijju said linking Aadhaar with the voter ID card "is voluntary. It is not compulsory or mandatory". He said the government held "many meetings" with the Election Commission before the Bill was brought.

### **What were these discussions?**

In March 2015, the Election Commission had started a National Electoral Roll Purification and Authentication Programme that sought to link Aadhaar to voter IDs, in a bid to delete duplicated names. The EC said in a release in May 2015: "Under this programme, beside some other activities,



linking and authentication of EPIC data of electors with Aadhaar data is also being done...” However, the EC had “issued necessary instructions to the Chief Electoral Officers (CEOs) of the States/UTs specifying that furnishing of Aadhaar number by electors is not mandatory and it is only optional, as directed by the Supreme Court...” That year, the Supreme Court made it clear that “the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other”. In April this year, the EC wrote to the Law Ministry seeking “expeditious consideration” of pending electoral reforms including the linkage of Aadhaar and voter ID cards. Earlier this week, the Law Ministry issued a statement that on November 16, the Election Commission attended an informal interaction sought by the PMO to finalise the Cabinet note on some long-pending reforms.

#### **What are the Opposition’s objections?**

Manish Tewari of the Congress said: “The linking of voter IDs and Aadhaar violates the fundamental right to privacy as defined by the Supreme Court in the judgment.” AIMIM MP Asaduddin Owaisi said if the Bill becomes an Act, the government would be able to use voter identity details for “disenfranchising some people and profile the citizens”. “This Bill is outside the legislative competence of this House... The linking of voter ID with Aadhaar violates the fundamental right to privacy defined in Puttaswamy (case),” Owaisi said. Rijju said, “The present legal provisions have some disparity and some shortcomings, and to remove the same, the government, in consultation with the Election Commission and incorporating recommendations made by the Election Commission, we have brought these amendments.” He detailed the proposed amendments to various sections of The Representation of the People Act, 1951. Rijju quoted from the 105th report of the Department-Related Parliamentary Standing Committee on Personal, Public Grievances and Law and Justice, which expressed the view that linking Aadhaar with electoral rolls will purify electoral rolls and will consequently reduce electoral malpractices.

#### **Why should there be a problem with identifying names that appear in multiple rolls?**

One of the concerns is whether the Bill’s implementation will be successful if the linkage is not compulsory. The Bill amends the Representation of the People Act, 1950 and the Representation of the People Act, 1951 to implement certain electoral reforms. The 1950 Act provides that a person may apply to the electoral registration officer for inclusion of their name. The Bill says the electoral registration officer may require a person to furnish their Aadhaar number for establishing their identity. If their name is already in the electoral roll, then the Aadhaar number may be required for authentication of entries in the roll, but people will not be denied inclusion in the electoral roll or have their names deleted, if they are unable to show their Aadhaar cards. Arghya Sengupta, founder and research director at Vidhi Centre for Legal Policy, said: “The first justification provided is that bogus voting where one person is voting more than once is taking place... If you’re saying you have to provide it along with your voter ID whenever you go to vote... this will only work if providing Aadhaar is mandatory. However, this section in the law is a bit complicated because it does seem voluntary but the reasons on the basis of which I can choose not to link my Aadhaar will be prescribed by the government for ‘sufficient cause’. Now what that sufficient cause could be is not mentioned in the Bill?...This should be made clear.”

#### **Are there other concerns?**

The Opposition has claimed Aadhaar linkage will enable non-citizens to vote. Congress MP Shashi Tharoor said in Lok Sabha, “If you are in a position asking for Aadhaar for voters, all you are getting is a document that reflects residence, not citizenship. You’re potentially giving the vote to non-



citizens.” Sengupta said, “This has also been mentioned in the House, that Nepalis and Bangladeshis will not be allowed to vote and this will ensure that doesn’t happen. Now here there is a conceptual confusion... Aadhaar is not proof of citizenship and it is said so very clearly in the Aadhaar Act. We know that voting can only be done by citizens. I’m unable to understand how this will prevent non-citizens from voting because non-citizens can have an Aadhaar card... The goal of preventing non-citizens from voting will not be solved with Aadhaar.” Another concern, raised by the CPI(M) in a statement, is the view that the Bill could violate secrecy of the vote undermining the principle of secret ballots, and the fundamental right to privacy of the voter.

#### **Can individual votes be tracked that way?**

“While individual identification of voting choices may not be possible with the linkage of Aadhaar with voter IDs, it will lead to profiling,” said Apar Gupta, Executive Director of the Internet Freedom Foundation. “Verification of a person’s identity is separate from the capturing of the identity which is already happening in booths when a person goes to vote. But it may help the government link it to other services where larger schemes may be designed based on the data...” He added: “The other concern is that there is a documented case that Aadhaar data was being leaked. It could lay the foundation of targeted political propaganda which is against the model code of conduct as well.” In April 2019, the Unique Identification Authority of India (UIDAI) complained to police about a Hyderabad-based software company, IT Grids (India) Private Limited, accusing it of illegally procuring details of 7,82,21,397 Aadhaar holders in Andhra Pradesh and Telangana, and storing these in its databases. Concerns were raised on account of the alleged security vulnerabilities of UIDAI servers, which the authority denied at the time. The case was transferred to a special investigation team, but the investigation has not made any significant progress.

### **DRAWING A LINE**

The proposed remapping of Assembly constituencies in the Union Territory (UT) by the J&K Delimitation Commission has got the entire spectrum of regional parties in the Kashmir Valley up in arms. At the core of their protest is the fear of a shift of political power to the Jammu region. The Commission has suggested six additional Assembly segments in Jammu, from 37 to 43, and one in the Valley, from 46 to 47. The political map is being redrawn not entirely on considerations of the population spread. Additional constituencies are being proposed, based also on factors of “inadequate communication” and “lack of public conveniences due to their excessive remoteness or inhospitable conditions on the international border”. Such considerations may have been applied in earlier instances too, but what makes the present situation unique is the shift of political power from the Muslim region to the Hindu region, and the fact that it comes after the reorganisation of the erstwhile J&K State into two UTs and the controversial elimination of its special constitutional status in 2019. The commission was constituted on March 6, 2020, by virtue of the Parliament Act under the provisions of Part V of the J&K Reorganisation Act, 2019. It was mandated to redraw and delineate seven additional Assembly segments to the 83-member Legislative Assembly of the UT. The commission has also suggested reserving seven seats for Scheduled Castes (Hindus) that mainly populate the Samba-Kathua-Jammu-Udhampur belt and, for the first time ever, earmarking nine seats for Scheduled Tribes, which is likely to benefit the Rajouri-Poonch belt with the highest concentration of STs, mainly non-Kashmiri speaking Muslims. The commission is yet to reveal the names of the districts where these seats have been carved out, and the ST/SC reservations earmarked and methodology. If population is the sole criterion, then the seat share for the Valley, with a population of 68.8 lakh (2011 Census) would



stand at 51 and the Jammu region with 53.5 lakh population at 39. The allocation seems to enhance the electoral prospects of the Jammu-based parties at the cost of the Kashmir-based ones. Valley parties have opposed the draft as “unacceptable” and “divisive” and question its legality. There is a national freeze on delimitation, and the constitutional challenge to the J&K Reorganisation Act, 2019, is still pending before the Supreme Court. The situation in Ladakh, which was carved out in 2019 as a UT without a legislature, is also comparable. Political groups are demanding statehood and special constitutional guarantees on land, jobs, demography and culture. Continuing arbitrariness and heavy-handed measures to repurpose the politics of J&K may appear successful momentarily, but that may not be the sustainable route. A democratic path will necessarily involve more conversations and accommodative measures.

## A DEEPLY INSECURE UNION TERRITORY

Just a day before the Jammu and Kashmir Reorganisation Act of 2019 was passed, Ladakh enjoyed a classical three-tier administrative system. The Autonomous Hill Development Councils of Leh and Kargil read along with the framework of J&K’s special status and its bicameral legislative system gave Ladakh autonomy and participatory democracy. This also kept the interests of the tribal majority population of Ladakh secure. The Hill Councils, the biggest elected bodies in Ladakh, were further enabled by the State government through the State Assembly and both the institutions worked in a synchronised manner. The Hill Councils had the powers over land in Ladakh while the majority of the bigger concerns regarding land remained protected under Article 370 and J&K’s robust land protection laws. Similarly, gazetted officers were recruited through the State Public Service Commission. The District Service Selection Board made recruitments at the district level. But today, there is no Public Service Commission in Ladakh and the Hill Councils’ power to make recruitments at the district level has also been affected by the Lieutenant Governor (LG)’s presence. Technically, there also exists no law in Ladakh now that protects the land or even the jobs. The Union Ministry of Tribal Affairs had recommended in 2019 that Ladakh to be declared a tribal area but that recommendation has disappeared into thin air. Besides making Ladakh a vulnerable Union Territory (UT), the Reorganisation Act has taken away participatory democracy from Ladakh — first by taking away the six seats of the Members of Legislative Assembly and the Legislative Council and second by wakening the functioning of the Hill Councils. The only elected representation from Ladakh outside of Ladakh is a lone MP. On the one hand, there is a political vacuum in Ladakh, and on the other, there has been a tightening of bureaucratic power. The fundamental constitutional dichotomy between the LG’s office and the Hill Councils aside, the functioning of the LG and his offices has been very different from the way the institutions in Ladakh functioned earlier. The office of the LG and his team have their feet in Ladakh but their heart is in Delhi. The LG’s office has followed a corporate model of working — a majority of the officers are of the Hill Councils and the rest have been recruited through outsourcing agencies. The officers are overworked. There has been a focus on creating a new work atmosphere without addressing the issues that have arisen due to the transition from State to UT. These include issues of transport operators who are not able to renew their permits and the transfer and promotion of employees of higher education. There is more focus on amplifying on social media the work done rather than actual engagement with the people on the ground. The fact that the LG’s office has not been able to strike a chord with the people of Ladakh is best manifested by the emergence of two major groups in Ladakh: The Apex Body Leh and the Kargil Democratic Alliance. These groups represent nearly all the religious and political bodies of Ladakh. Though they initially had different demands, they now have a common agenda: statehood. They also advocate for other constitutional safeguards on the lines of what is given to the Northeast. The two bodies have mass acceptance in Ladakh. Calling their emergence as an outcome of their disdain for the UT administration would

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



be a misnomer, though. Rather, it has dawned upon the people of Ladakh that a UT without even a legislature is nothing but a reminder of disenfranchisement and collective despair.

## THE SUSTAINED ATTACK ON FEDERALISM

B. Pocker Sahib, a Muslim League member from Kerala in the Constituent Assembly, was prophetic when he outlined his concerns about the possible impact of centralisation of powers. In 1948, he said: "Now after we have won freedom, to do away with Provincial Autonomy and to concentrate all the powers in the Centre really is tantamount to totalitarianism, which certainly ought to be condemned." Today, amid the pandemic, some elements of this statement resonate quite strongly with the States with some of them raising complaints about the Union government's anti-federal moves. Prior to the pandemic, a series of steps by the Union government undermined the principles of federalism, especially fiscal federalism. This manifested in the increasing monetary share of the States in Centrally Sponsored Schemes (CSS), the terms of reference of the 15th Finance Commission, imposition of demonetisation without adequate consultation with the States, institutionalisation of the Goods and Services Tax (GST), outsourcing of the statutory functions under the Smart Cities Mission, a delay in transfer of GST compensation, 'One Nation One Ration', etc.

### Pandemic and federalism

Besides tightening the purse strings of States, administrations also witnessed an onslaught on the principles of federalism during the pandemic. States were curtailed in aspects relating to COVID-19 management such as procurement of testing kits, vaccination, the use of the Disaster Management Act, and the unplanned national lockdown. Ironically, Union Ministers used the 'health is a State subject' argument to counter criticism when the second wave caught the government unprepared. Several other policies initiated by the Union government in the recent past have also led to the weakening of States' autonomy. These include the farm laws; the Banking Regulation (Amendment) Act of 2020; the Government of National Capital Territory Amendment Act, 2021; the Indian Marine Fisheries Bill, 2021; the Draft Electricity (Amendment) Bill, 2020; the Dam Safety Bill, 2019; the National Education Policy of 2020; and the Draft Blue Economy policy. The creation of the Ministry of Co-operation and the Reserve Bank of India directives on cooperatives are being perceived by the States as measures to strangle a sector that is still struggling to recover from the devastation of demonetisation. These coercive policies, coming on top of the pandemic-induced economic shock, have worsened the fiscal situation of State governments. The impact of COVID-19 on fiscal federalism deserves to be understood in greater detail, and tax collection is a good place to start. Enlarging the non-divisible pool of taxes in the form of cess in petrol tax and instituting the Agriculture Infrastructure and Development Cess have resulted in a situation where the Union continues to exclusively benefit from tax collection. As the economic commentator Vivek Kaul said, the share of non-divisible pool cess and surcharge in total taxes collected by the Union government jumped from 12.67% in 2019-20 to 23.46% in 2020-21. On December 6, 2021, the Union government informed Parliament that its share in the total contribution of the petroleum sector to the exchequer for 2020-21 was 68%, which left only 32% to the States. In 2013-14, the Union:State share was almost 50:50. The story is the same with GST. During the pandemic, the Union government repeatedly violated the compensation guarantees to the States under the GST regime. Delay in paying the States their due worsened the impact of the economic slowdown. The crisis was aggravated in July 2020, when the Union government proposed borrowing as an option to address the shortfall in GST compensation. Most States, forced by economic pressure, had to accept the proposal. In effect, this meant that they



were not only getting the share of GST collections due to them, but were now forced into debt which they would have to service. The GST compensation period expires in 2022, and despite multiple requests from the States, the deadline has not been extended. The Comptroller and Auditor General found that the Union government, in 2018-19, wrongly retained ₹47,272 crore of GST compensation cess in the Consolidated Fund of India — money that was supposed to be transferred to the States. It is also pertinent to recollect that the 2021-22 Budget Estimates indicate that the States' share of Union tax has reduced to 30% against the mandated 41% devolution prescribed by the 15th Finance Commission. Cash-starved States have been seeking non-tax avenues to generate funds to sustain their programmes. And at this point, the Union government issued a clarification that funding to the Chief Minister's Disaster Relief Funds will not be considered as CSR expenditure, unlike the case with PM-CARES. This was followed by decisions like the suspension and transfer of the Member of Parliament Local Area Development (MPLAD) funds to the Consolidated Fund of India. This led to a major crisis situation for most States and resulted in demands for increasing borrowing limits under the Fiscal Responsibility and Budget Management Act (FRBM), from 3% to 5%. The Union government decided to increase FRBM borrowing limits, linking it to the performance of States in fulfilling certain conditions — implementation of the One Nation, One Ration policy, ease of doing business reforms, urban local body/utility reforms and power sector reforms — making it difficult for the States to perceive this as an addressal of their concerns.

#### Some solutions

These policy misadventures call for research and introspection on federalism. Is it time for another State-centric committee like the Rajamannar Committee to study Union-State relations? States should, as recommended by the National Commission to Review the Working of the Constitution, demand the creation of a formal institutional framework to mandate and facilitate consultation between the Union and the States in the areas of legislation under the Concurrent List. State governments could also consider deploying human resources to support them in preparing responses to the consultations initiated by the Union, especially with a focus on the federalism angle. Instead of reaching out to each other only during crisis situations, Chief Ministers should try to create forums for regular engagement on this issue. Former Kerala Finance Minister Thomas Isaac had rallied Finance Ministers from different States during the initial stages of discussion on the terms of reference of the 15th Finance Commission. Similar efforts are required. This would be crucial in the advocacy of major demands like the extension of GST compensation to 2027 and inclusion of cess in the divisible pool of taxes. Federal flexibility — or the lack of it — is going to play a crucial role in shaping the future of our democracy. The Union government needs to invest resources towards facilitating effective consultation with States as a part of the lawmaking process. It is critical that the Union establishes a system where citizens and States are treated as partners and not subjects.

#### FIND THE PLOT

An investigation by this paper has shed light on several land transactions in the city of Ayodhya that raise grave questions of propriety and conflict of interest. By all accounts, land in the city has become a more attractive investment proposition after the Supreme Court 2019 verdict, and private buyers, many with links to the officialdom, have rushed in, in anticipation of windfall gains. The transactions reported in this paper involve members of the legislative assembly, and relatives of officials such as the divisional commissioner, sub-divisional magistrate, and revenue officials. Of course, buying property anticipating gains is smart consumer behaviour but a clear and



disturbing pattern has emerged. At least four buyers are directly related to officials probing the seller for alleged irregularities in land transfer from Dalit residents. In other cases, the buyers are relatives of officials whose job is to authenticate these transactions. At the heart of the issue is the nearly 21 bighas (about 52,000 sq m) of land that was acquired from Dalits in 1992, in what appears to be a violation of norms. According to the rules in the state, unless the transaction is approved by the district magistrate, the sale of agricultural land of Dalits to non-Dalits is not permitted. The Maharshi Ramayan Vidyapeeth Trust (MRVT), which holds the land, acquired it from the Dalit villagers through a Dalit employee of the trust, who subsequently donated the land to the trust in June 1996 through an unregistered donation deed. In 2019, when the trust began selling the land, one of the original sellers complained, raising questions on the legality of earlier transactions. Thereafter, a committee was set up to investigate the matter. But even as various officials accepted the committee's recommendations on taking action against the trust, relatives of officials began to purchase land from the entity under the scanner. The initial land transaction was problematic, and the subsequent set of transactions have raised even more troubling questions. Following The Indian Express investigation, the Uttar Pradesh government has announced a probe. The government must ensure that the investigation is fair and transparent, and seen to be so too, especially since the parties concerned are government officials. However, it needs to be pointed out that such shadowy land transactions are not the exception. Land markets in India are characterised by information asymmetry and there have been many instances of the abuse of the state's discretionary power. The revelations in Ayodhya underline the need for more stringent rules of disclosure, especially by all government officials, when land is being acquired by a trust blessed by the state or private players. This will tighten the regulatory architecture, and ensure greater transparency in the process of land acquisition.

## STRIKING FEAR

A conclave of Hindu religious leaders and political activists in saffron robes held recently in the holy city of Haridwar has brought great shame to the country and its constitutional and religious values. In a so-called Dharam Sansad, or a religious parliament, key personages with a track record of inflammatory and provocative speeches made unconscionable calls for genocide against Muslims and asked Hindus to arm themselves. There were other offensive themes running through the speeches, parts of which have come out in the public domain in the form of video footage, indicating an alarming zeal to spread hatred for minorities and render them vulnerable to armed violence. It requires no deep knowledge of recent national history to say that the genocidal tenor of the conference is the apotheosis of divisive and sectarian tendencies that have been displayed with great impunity by Hindutva organisations in recent decades, but more audaciously since 2014. The references to a Myanmar-like cleansing campaign, the threat of mutiny 'more horrible than 1857' against the state if the outcome of the conference was not adopted as official policy, and the astounding claim by one speaker that he would have turned into a 'Godse' and shot a former Prime Minister in Parliament if he had had the opportunity, are all indicative of an organised offensive against the rule of law and the Constitution. There is, however, no cause to be surprised at the tepid response of the Uttarakhand authorities in registering an FIR based on a solitary complaint, naming one person, that too, after much outrage and criticism. A feigned and manufactured sense of fear about the future of Hindus and Hinduism in India has been the hallmark of right-wing politics. The conclave of religious leaders is providing an outlet for such rabid thoughts, and the confidence with which messages of hatred are being bandied about suggests an expectation of official patronage. Those occupying positions of power and high offices in government, especially the Prime Minister and Union Home Minister, must take a clear stand against this. The political leadership must explicitly denounce the event and affirm that it stands

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





by the constitutional values of secularism, religious tolerance and the preservation of the rule of law. The police in Uttarakhand should act more resolutely and invoke all applicable provisions of law, and not be content with a solitary FIR under Section 153A of the IPC, which deals with promoting enmity between groups. In a country where 'sedition' and 'terrorism' charges are invoked in a heartbeat, the call to a revolt and mass cleansing has not evoked a similar response. It may be easy to dismiss the hate speeches in the 'Dharam Sansad' as representing only a fringe within the majority. However, given the vehemence and frequency of these articulations in the public domain, it is only a matter of time before the phenomenon spreads among more moderate sections. Hate propaganda must not win.

## A FOUL CRY

In a disturbing sequence of events, two men were beaten to death over alleged attempts to "commit sacrilege" in the sanctum sanctorum of the Golden Temple in Amritsar and on the Sikh flag in a gurudwara at Nijampur village in Kapurthala earlier this week in Punjab. With passions now running high as the State heads to polls early next year, political parties have jumped into the fray seeking tougher laws and alleging conspiracies. Prominent political leaders cried foul over the alleged attempts at committing sacrilege, but few questioned the murders of the alleged perpetrators without even investigating their crimes. The use of vigilantism as retaliation for their alleged acts is clearly illegal but it is also deeply problematic in other ways as it has disallowed any possibility of unravelling why these incidents occurred and if they were attempts to foment communal tensions. In the Nijampur incident, the police have said the unidentified man who was lynched by sewadars at the gurudwara was most likely a thief, which suggests that the police must book those who took the law into their own hands. Upholding law and order is paramount in defusing tensions related to inflamed religious passions and, unfortunately, the proximity of elections seems to deter this possibility. The rabble-rousing State Congress chief, Navjot Singh Sidhu, for example, upped the ante by seeking a "public hanging" for those convicted of crimes of committing sacrilege. Earlier in 2018, the State cabinet had sought to pass amendments to the Indian Penal Code (IPC) seeking life imprisonment for those convicted of committing sacrilege against the holy books of major religions, a problematic proposal that sought punishment far disproportionate to the crimes. The proposal itself was redundant as the Supreme Court clarified that Section 295A of the IPC "punishes the aggravated form of insult to religion when it is perpetrated with the deliberate and malicious intention of outraging religious feelings". Besides, if invoked, it could be used to jail miscreants for up to three years. It is a Section misused to prosecute people in the name of protecting the sentiments of sections of society, thereby dampening freedom of expression. Seeking extraordinary punishment for crimes that are vaguely defined such as "sacrilege" would be an even more retrograde step as the application of stringent "blasphemy laws" elsewhere has shown. The State must now allow the police to conduct thoroughgoing inquiries. It must also bring to justice those engaged in vigilantism. Meanwhile, political parties committed to peace in the State must seek to defuse any public anger over the alleged acts of "sacrilege" and not let it descend into communal tensions.

## A MARKETPLACE OF HURT

Comedian Munawar Faruqui's show scheduled in Bengaluru on November 28, 2021 was cancelled by the organisers on advice from the Bengaluru Police that the show "could create chaos and could disturb the public peace and harmony which may further lead to law and order problems" based on "credible information that several organisations are opposing this stand-up comedy show." The police did not cite any provision of law under which the performance could be prohibited, nor did

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they wait for the show to start to assess the risk posed by the “several organisations” they referred to. In January this year, Mr. Faruqui was arrested at a venue in Indore even before he could perform his set. The arrest came after a complaint from Eklavya Singh, the son of a BJP MLA, who accused Faruqui of making fun of Hindu deities and Home Minister Amit Shah. The alleged jokes, however, were not made at all. Mr. Faruqui spent over a month in prison before he was granted bail. Subsequently, comedian Kunal Kamra’s shows in Bengaluru were cancelled for similar reasons. These incidents demonstrate how the marketplace of outrage is growing, fuelled by groups addicted to the high of being offended, with the tacit support of the executive. Comedians have become fair game for vicious troll armies. Matters have escalated now to such an extent that the danger is not just online but involves threats to disrupt shows.

### **Succumbing to the heckler’s veto**

The reaction of the police in preventing such performances reflects a growing acceptance of the heckler’s veto, which allows the state to prevent speech/expression when individuals and groups opposed to such speech/ expression commit or threaten to commit acts of violence in reaction to it. By succumbing to the heckler’s veto, the state suppresses the speech/expression that is potentially disruptive rather than protecting those whose speech is under threat from the hecklers. In India, the heckler’s veto gets legal sanction from exceptions in Article 19(2) of the Constitution which permit the state to make laws imposing reasonable restrictions on the right of speech and expression in the interests of ‘public order’ and ‘incitement to an offence’. These exceptions gave a new lease of life to various colonial laws suppressing speech and expression, such as Sections 153A (promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) and 295A (outraging religious feelings of any class by insulting its religion or religious belief) of the Indian Penal Code.

### **A chilling effect on expression**

Courts have disapproved of the executive bowing down to the heckler’s veto in several cases involving films that offended various groups. In 2019, the Supreme Court, while examining a ‘shadow ban’ on a film in West Bengal, stated that “the police are not in a free society the self-appointed guardians of public morality.... They cannot arrogate to themselves the authority to be willing allies in the suppression of dissent and obstruction of speech and expression” (Indibly Creative Pvt. Ltd. v. Govt. Of West Bengal). In the context of Padmaavat (2018), the apex court cast a duty on the State government to manage the law-and-order situation whenever a film is exhibited. It said that it is the government’s responsibility to protect the persons involved in the exhibition of the film and the audience watching it, if necessary. However, the contestations over offence rarely reach the courts; they usually play out on the streets or on the Internet. The ease with which the executive capitulates to offended groups has created a marketplace of hurt rather than a marketplace of ideas that the right to speech and expression was intended to create. Legal scholar Harry Kalven aptly said that “[B]y giving the police wide discretion to stop the speaker because of audience hostility, the state... in effect transfers the power of censorship to the crowd. Moreover, the police are likely to share the views of the angry audience; hence, their perception of the unrest may be coloured by their assessment of the speaker’s message.” These incidents also indicate that the executive has excessive power to regulate speech. This can be viewed as a broader tendency to confront problems of multi-community, multi-religious democracy through censorship rather than debate and discussion. The consequence of these developments will be a chilling effect on future expression. Even if a court of law overturns such a ban, the prospects of pretrial incarceration and a lengthy trial are sufficient disincentives for comedians not to put out



material that could be perceived as offensive to any group. In the long run, we face the disturbing prospect of the police becoming gatekeepers over what content reaches the public domain and what does not.

## IN BAD FAITH

The Basavaraj Bommai Cabinet is set to discuss the draft Karnataka Protection of Right to Freedom of Religion Bill 2021 this week and legislate during the ongoing winter session of the state Assembly. The Bill comes in the wake of a series of incidents in which the Christian community, that constitutes less than 2 per cent of Karnataka's population, has been targeted for allegedly converting Hindus to Christianity. With draconian provisions including a 10-year jail term for "forced conversion", it violates the letter and spirit of the constitutional protection for the individual's right to profess and propagate a religion and to choose or change faith. It could become a weapon in the hands of right-wing groups that seek to project the majority Hindu community as being under threat from minorities in the state. Similar laws enacted by BJP-ruled governments in UP, Himachal Pradesh and Madhya Pradesh have been challenged in courts. In Karnataka, a political campaign to ban religious conversions gained momentum since the BJP first came to office in 2008, targeting Christian groups, particularly Pentecostal missions and born-again Christian denominations. A report by the United Christian Forum (UCF), Association for Protection of Civil Rights (APCR), and United Against Hate released on December 6 says that there have been 32 incidents targeting Christians and their places of worship in Karnataka this year. A parallel campaign against Muslims has also been launched — on "love jihad" — that accuses the community of luring women of other faiths for conversion through marriage. The anti-conversion law could install a legal regime with the potential to criminalise all inter-religious marriages: The Karnataka draft Bill states that "no person shall convert or attempt to convert either directly or otherwise any other person from one religion to another by use of misrepresentation, force, undue influence, coercion, allurement or any fraudulent means or by marriage, nor shall any person abet or conspire for conversions". Any family member or relative of a person converting can file a complaint under the draft Bill. If it becomes law, harassment by "moral police" could gain legal sanctity. It may also further embolden mobs to encroach on private spaces with impunity. Caste and communitarian loyalties have determined the political framework in Karnataka within which questions of political representation and distribution of public goods are raised and resolved. The BJP seems poised to abandon this delicate balance in favour of an overtly polarising and ideological thrust.

## WEST BENGAL CM MAY BECOME CHANCELLOR

West Bengal Education Minister Bratya Basu on Friday said the government was considering a proposal to nominate Chief Minister Mamata Banerjee as Chancellor of all State universities. He cited differences with Governor Jagdeep Dhankhar, who is the Chancellor now, as the reason. "There is no cooperation and only hostility," Mr. Basu said indicating that the government was studying the legal feasibility of constitutional amendments. "If files are kept pending for an indefinite time and there is not even a little cooperation, we can think of what the Governor of Kerala has done, for an interim period, we can have the Chief Minister as the Chancellor," the Minister stated. Kerala Governor Arif Mohammed Khan had asked Chief Minister Pinarayi Vijayan to take over as the Chancellor of universities. Earlier in the day, Mr. Dhankhar tweeted that no Vice Chancellor or representatives of private universities had turned up for a meeting with him and described the development as "shocking unionism". He had called a meeting of Vice



Chancellors of private universities on Friday. He tweeted it being worrisome, tagging videos of empty chairs and Raj Bhavan.

## TN'S STATE SONG, AND THE HC ORDER THAT PROVOKED GOVT TO MAKE STANDING FOR IT MANDATORY

The Tamil Nadu government has declared Tamil Thai Vaazhthu, a prayer song sung in praise of Mother Tamil, as the State Song. Chief Minister M K Stalin said on Friday (December 17) that a Government Order (GO) had been issued directing that everyone who is present during the rendition of the song, barring differently abled persons, should remain standing. The 55-second song, which is familiar to almost everyone in Tamil Nadu, is sung, like the national anthem, at the beginning of functions in all educational institutions, government offices, public sector undertakings, and similar public events in the state. Friday's government order has come less than two weeks after the Madurai Bench of Madras High Court said that "There is no statutory or executive order requiring the attendees to stand up when Tamil Thai Vaazhthu is sung."

### The case in High Court

The observations on Tamil Thai Vaazhthu were made by Justice G R Swaminathan in his order passed on December 6 in Kan. Ilango v. State represented by Inspector of Police & Another. The court quashed an FIR registered against a group of individuals led by one Kan. Ilango who had allegedly entered a branch of the Kanchi Mutt in Rameswaram in 2018, raised slogans, and criminally intimidated the manager of the mutt. The dozen-odd protesters belonged to the Naam Tamilar Katchi (We are Tamilians Party), a Tamil nationalist organisation led by activist and filmmaker Senthamizhan Seeman. They were protesting against the Pontiff of the Kanchi Kamakoti Peetam Shri Vijayendra Saraswathi Swamigal who, during a function in Chennai, had remained sitting while Tamil Thai Vaazhthu was played. The function was held at the Music Academy on January 24, 2018, at which a Tamil-Sanskrit dictionary was released by then Governor of Tamil Nadu, Banwarilal Purohit. Everyone except the Kanchi seer had stood as usual when the invocation song to Mother Tamil was played. "This triggered considerable outrage," the court noted. "Lyricist Vairamuthu remarked, 'National Anthem is to respect the country, Tamil Anthem is to respect Tamil language. Both ought to be respected equally.'" The court, however, ruled that Tamil Thai Vaazhthu "is a prayer song and not an Anthem" and, while the "highest reverence and respect ought to be shown to Tamil Thaaai Vaazhthu", it was not necessary to stand for it. Also, "since the petitioner and the de facto complainant have shaken hands, no purpose will be served in keeping the impugned prosecution alive," the court said. "The impugned FIR stands quashed."

### Reasoning of the court

The court recalled that the Government of Tamil Nadu had, by a GO dated June 17, 1970, directed that the song from 'Manonmaneeyam', the famous Tamil drama written by P Sundaram Pillai, should be sung as a prayer song at the commencement (and not at the end) of all functions organised by government departments, local bodies and educational institutions. Subsequently, a memo was issued that the song should be sung in Raaga Mohanam, in the thisra thaalaa, as composed by M S Viswanathan. "Thus, Tamil Thai Vaazhthu is a prayer song and not an anthem," the court said. The court also referred to Bijoe Emmanuel vs. State of Kerala (1986), in which the Supreme Court ordered the readmission to school of three children of the Jehovah's Witnesses, who had been expelled for refusing to sing the national anthem. "It was noted (by the Supreme Court) that there is no provision of law which obliges anyone to sing the National Anthem," the



High Court said. Again, while the Supreme Court had, in *Shyam Narayan Chouksey v. Union of India* (2017), directed that all cinema halls shall play the national anthem before the film and all present are obliged to stand, it had modified the original directions and made it “optional and not mandatory”, the High Court said. The High Court said that while “it is true that the members of the audience conventionally stand up whenever Tamil Thai Vaazhthu is sung, the question is whether this is the only mode in which respect can be shown”. “When we celebrate pluralism and diversity, insisting that there can be only one way of showing respect reeks of hypocrisy.” On the alleged disrespect shown by the Pontiff to the song, Justice Swaminathan said: “A Sanyasi primarily leads a life of piety. When in prayer, he is invariably found in a meditative posture. Since Tamil Thai Vaazhthu is a prayer song, a Sanyasi is certainly justified in sitting in a state of meditation. In the instant case, the pontiff is seen sitting in a Dhyana posture with his eyes closed. It was his way of expressing his reverence and respect for Mother Tamil.”

## CAN INDIA BECOME A TECHNOLOGY LEADER?

Every time a technology giant chooses an India-born techie as its leader, there is a justifiable swelling of pride in the country, but also some disappointment. Despite having so many celebrated technologists around the world, why is India still not a major player in technology? India has the potential to occupy the upper echelons of the global technology ladder if only it identifies its shortcomings and acts upon them urgently. The popular narrative is that India’s failures are linked to its inability to make use of the market-driven growth opportunities. The country’s earlier commitment to planning and the public sector continues to damage its chances, so the argument goes, even after the 1991 economic reforms. And so, the talented left the country in droves for the U.S. Indeed, as of 2019, there were 2.7 million Indian immigrants in the U.S. They are among the most educated and professionally accomplished communities in that country.

### **An invisible hand**

No doubt, the U.S. is a country of fabled opportunities. However, what is less known is than an invisible hand of the government has been there to prop up each of the so-called triumphs of enterprise and the free market. Research by Mariana Mazzucato shows that the state has been crucial to the introduction of the new generation of technologies, including the computers, the Internet, and the nanotech industry. Public sector funding developed the algorithm that eventually led to Google’s success and helped discover the molecular antibodies that provided the foundation for biotechnology. In these successful episodes, the governmental agencies were proactive in identifying and supporting the more uncertain phases of the research, which a risk-averse private sector would not have entered into. The role of the government has been even more prominent in shaping the economic growth of China, which is racing with the U.S. for supremacy in technology. A little over a decade earlier, China was known for its low-wage manufacturing. Even while being hailed as the ‘factory of the world’, China had been stuck at the low value-adding segments of the global production networks, earning only a fraction of the price of the goods it manufactured. However, as part of a 2011 government plan, it has made successful forays into ‘new strategic industries’ such as alternative fuel cars and renewable energy.

### **The Chinese experience**

China’s achievements came not because it turned ‘capitalist’, but instead by combining the strengths of the public sector, markets and globalisation. China’s state-owned enterprises (SOEs) were seen as inefficient and bureaucratic. However, rather than privatising them or letting them weaken with neglect, the Chinese state restructured the SOEs. On the one hand, the state retreated



from light manufacturing and export-oriented sectors, leaving the field open for the private sector. On the other, SOEs strengthened their presence in strategically important sectors such as petrochemicals and telecommunication as well as in technologically dynamic industries such as electronics and machinery. When India inaugurated planning and industrialisation in the early 1950s, it was possibly the most ambitious of such initiatives in the developing world. Public sector funding of the latest technologies of the time including space and atomic research and the establishment of institutions such as the Indian Institutes of Technology (IITs) were among the hallmarks of that effort. Many of these institutions have over the years attained world-class standards. The growth of information technology and pharmaceutical industries has been the fastest in Bengaluru and Hyderabad. However, the roadblocks to progress have been many, including India's poor achievements in school education. In 1991, when India embraced markets and globalisation, it should have redoubled efforts to strengthen its technological capabilities. Instead, the spending on research and development as a proportion of GDP declined in India from 0.85% in 1990-91 to 0.65% in 2018. In contrast, this proportion increased over the years in China and South Korea to reach 2.1% and 4.5%, respectively, by 2018.

### Supply and demand factors

Despite the setbacks, India still possesses favourable supply and demand factors that can propel it into the frontlines of technology. The number of persons enrolled for tertiary education in India (35.2 million in 2019) is way ahead of the corresponding numbers in all other countries except China. Further, graduates from STEM (Science, Technology, Engineering and Mathematics) programmes as a proportion of all graduates was 32.2% for India in 2019, one of the highest among all countries (UNESCO data). Without doubt, India needs to sharply increase its public spending to improve the quality of and access to higher education. An overwhelming proportion of tertiary students in India are enrolled in private institutions: it was 60% for those enrolled for a bachelor's degree in 2017, while the average for G20 countries was 33%, according to OECD. India — which will soon have twice the number of Internet users as in the U.S. — is a large market for all kinds of new technologies. While this presents a huge opportunity, the domestic industry has not yet managed to derive the benefits. For instance, the country is operating far below its potential in electronic manufacturing. Electronic goods and components are the second largest item, after oil, in India's import bill. Also, the country's imports are almost five times its exports in this industry (based on 2020-21 data). High-value electronic components needed in the manufacture of, say, mobile phones are technology- and design-intensive. Big multinational companies control these technologies and corner the bulk of the revenues. China has used its large market size as a bargaining chip in negotiations with the foreign firms: stay in our markets only if you localise production and share technologies with the local firms. Meanwhile, there have been aggressive efforts to enhance China's own technological strengths through its research institutions and SOEs. The 'Make in India' initiative will have to go beyond increasing the 'ease of business' for private industry. Indian industry needs to deepen and broaden its technological capabilities. This will happen only if universities and public institutions in the country are strengthened and emboldened to enter areas of technology development for which the private sector may have neither the resources nor the patience. Over the last three decades, PSUs in India have been judged mainly on the short-term fiscal benefits they bring. Instead, they should be valued for their potential long-term contributions to economic growth, the technologies they can create, and the strategic and knowledge assets they can build. A strengthened public sector will create more opportunities for private businesses and widen the entrepreneurial base. Small and medium entrepreneurs will flourish when there are mechanisms for the diffusion of publicly created technologies, along with greater availability of bank credit and other forms of assistance.



The next big story about Indian prowess does not have to be from the U.S., but could come from thousands of such entrepreneurs in far-flung corners of the country.

## INDIA'S MISSILE CAPABILITY

At a seminar organised by the Defence Research and Development Organisation (DRDO) last Tuesday, Defence Minister Rajnath Singh encouraged scientists to work towards developing hypersonic missile technology. China had demonstrated its hypersonic missile capability with successful tests of a hypersonic glide vehicle (HGV) which, according to reports, circled the globe but missed its target by just a few kilometres.

### What is the history of missile technology in India?

Before Independence, several kingdoms in India were using rockets as part of their warfare technologies. Mysore ruler Hyder Ali started inducting iron-cased rockets in his army in the mid-18th century. By the time Hyder's son Tipu Sultan died, a company of rocketeers was attached to each brigade of his army, which has been estimated at around 5,000 rocket-carrying troops. At the time of Independence, India did not have any indigenous missile capabilities. The government created the Special Weapon Development Team in 1958. This was later expanded and called the Defence Research and Development Laboratory (DRDL), which moved from Delhi to Hyderabad by 1962. "In 1972, Project Devil, for the development of a medium range Surface-to-Surface Missile was initiated. A large number of infrastructure and test facilities were established during this period." DRDO's official history of the lab states. "The development of components / systems for Project Devil formed the technology base for the future IGMDP Programme," says DRDO. By 1982, DRDL was working on several missile technologies under the Integrated Guided Missiles Development Programme (IGMDP).

### What kind of missiles does India have?

India is considered among the top few nations when it comes to designing and developing missiles indigenously, although it is way behind the US, China and Russia in terms of range. DRDO chairman G Satheesh Reddy told The Indian Express that DRDO is "working on multiple varieties of missiles". Among the surface-launched systems:

**ANTI-TANK GUIDED MISSILE:** Nag has already been inducted into the services. Reddy said Nag is the only "fire-and-forget ATGM meeting all weather requirements for its range (around 20 km)". Recently Heli-Nag was tested, which will be operated from helicopters and will be inducted by 2022, said Reddy. There is also a Stand-off Anti-Tank (SANT) missile, with a range over 10 km. Tested from Indian Air Force (IAF) helicopters on December 11, it has a millimetre wave seeker, which enhances target detection in all weather conditions. Reddy said "man-portable ATGMs" are also available.

**SURFACE-TO-AIR MISSILE:** The short-range SAM system Akash has already been inducted in the Army and the Air Force. For Akash 1, which has a seeker, the Army has already got the Acceptance of Necessity from the government, Reddy said. For Akash (New Generation), the first tests were conducted in July this year; Reddy said a couple more trials are to be done.

**Medium-Range SAM:** Production of MRSAM systems for the Navy is complete, and it is placing its order, Reddy said. The Jaisalmer-based 2204 Squadron of the Air Force became the first unit to get the MRSAM systems in September this year. Technology for MRSAM for the Army "is also in a good shape and will be flight-tested soon".



Short-Range SAM: For the Navy, the first flight tests have been successfully conducted.

Reddy also mentioned several air-launched systems:

**AIR-TO-AIR:** Astra, India's Beyond Visual Range Air-to-Air Missile (BVRAAM), has been completely tested and is under induction. It has a range of around 100 km, and DRDO is trying to now induct it with more IAF platforms, including the domestically developed light combat aircraft Tejas. A long-range Astra is also being developed, for which initial tests have been conducted. The missile uses solid fuel ramjet technology, which enhances speed, and will have an indigenously-built seeker.

**AIR-TO-GROUND:** Rudram, a New Generation Anti-Radiation Missile (NGRAM), has cleared initial tests and "some more tests will be conducted soon." With a maximum range of around 200 km, the missile mainly targets communication, radar and surveillance systems of the adversary, and was tested from the Sukhoi-30MKI fighter jet last year. Reddy mentioned that BrahMos, which India developed jointly with Russia, is already operational. It has a 300 km to 500 km range, and is a short-range, ramjet-powered, single warhead, supersonic anti-ship or land attack cruise missile.

Reddy said a supersonic missile-assisted torpedo system was successfully launched from Wheeler Island last Monday. It "carried a torpedo and delivered it at a longer range" and will enhance Navy anti-submarine capability with a range of around 400 km, Reddy said.

#### **Which of India's missile systems are most important?**

The two most important are Agni and Prithvi, both being used by the Strategic Forces Command. Agni (range around 5,000 ) , is India's only contender for an inter-continental ballistic missile (ICBM), which is available with only a few countries. Prithvi, although a short-range surface-to-surface missile with a 350 km range, has strategic uses. India also tested a anti-satellite system in April 2019. A modified anti-ballistic missile named Prithvi Defence Vehicle Mk 2 was used to hit a low-orbit satellite. It put India only behind the US, Russia and China in this capability.

#### **What about hypersonic technology?**

India has been working on this for a few years, and is just behind the US, Russia and China. DRDO successfully tested a Hypersonic Technology Demonstrated Vehicle (HSTDV) in September 2020, and demonstrated its hypersonic air-breathing scramjet technology. According to sources, India has developed its own cryogenic engine and demonstrated it in a 23-second flight. India will try to make a hypersonic cruise missile, using HSTDV. Sources said only Russia has proven its hypersonic missile capability so far, while China has demonstrated its HGV capacity. India is expected to be able to have a hypersonic weapons system within four years, with medium- to long-range capabilities.

#### **What makes India good in missile technology?**

Lt Gen V K (retired) Chaturvedi, who had headed the Army's artillery's modernisation programme, said missile technology is "one field in which India has made very, very positive and substantial progress". Under the IGMP then headed by A P J Abdul Kalam, later India's President, first came Prithvi, then Agni. BrahMos, at 2.5-3 times the speed of sound, was among the fastest in the world when developed, Chaturvedi said. "After the nuclear blast in 1998, cryogenic etc were not given to us. Kalam and others, they made it a point that they developed it within the country." Chaturvedi said the US is leading in missile technology, and China is building up". India is also "at a very





advanced stage” among the top three or four nations. With India’s missiles, Chaturvedi said “today our basic opponent, area of interest is northern border [China]. In the western border [Pakistan] we cover the whole area”. With Agni V ready, he said, India is working on Agni VI and Agni VII, which should have a much longer range. He mentioned that Prithvi, which DRDO developed in consultation with the armed forces, “was originally with the Army, and went to the Strategic Forces” but is expected to be back to the Army later. Pinaka rocket systems have also been developed in close coordination with the user agencies, he said.

#### **Where do China and Pakistan stand compared to India?**

While China is ahead of India, Chaturvedi believes a “lot of things about China are psychological”. According to a Pentagon report in 2020, China may have either achieved parity, or even exceeded the US in land-based conventional ballistic and cruise missile capabilities. Chaturvedi said China’s missile development is “definitely a concern for us, but we will definitely evolve”. He said if China strikes a strategic target of India, “we will hit back with equal potential, and hit them at the place where it matters the most.” Chaturvedi was more dismissive about Pakistan. China has given Pakistan the technology, “but getting a technology and really using it, and thereafter evolving and adopting a policy is totally different”. He called hypersonic missiles “weapons of deterrence” but will not be used. He believes they “will continue to deter, but unlikely that China will ever use this. But if it does, India will not sit idle.” On nuclear capability, Chaturvedi said although India does not call BrahMos nuclear, it can be used. India’s only nuclear missiles are Prithvi and Agni, but beyond those, tactical nuclear weapons can be fired from some IAF fighter jets or from Army guns, which have a low range, around 50 km.

#### **THIS CLEAN COOKING FUEL PLAN NEEDS MORE FIRING UP**

In the middle of November 2021, I met Leenu Biswal, who is in her early twenties, in Dandasingha gram panchayat of Deogarh district in Odisha. She lives with her in-laws and is pregnant with her second child. Her husband works in another district and visits home once in a few months. They have an Ujjwala connection but it has not been refilled for a long time. The Pradhan Mantri Ujjwala Yojana (PMUY) is ‘a flagship scheme of 2016, with an objective to make clean cooking fuel such as LPG available to the rural and deprived households which were otherwise using traditional cooking fuels such as firewood, coal, cow-dung cakes’.

#### **Health and clean energy**

When I ask her whether she likes cooking with gas, she nods with an emphatic yes. She also says that she wants a refill. I ask her if she has the sum of about ₹950 to pay for the refill of the large cylinder. It’s a yes, again. We go through her LPG customer book and call the LPG distributor to make a refill booking. The cylinder is delivered to her in two days. There is a lesson in this. Kirk Smith, the eminent professor from Berkeley who passed away in 2020, was an expert who worked on indoor air pollution in India for over three decades, who talked about the high returns in terms of health gains by targeting pregnant women to have LPG access. There is also Dr. Gargi who runs a rural health clinic in Udaipur with a non-governmental organisation, who recommends cooking with gas to tuberculosis patients who consult her. According to the recently released National Family Health Survey (NFHS)-5, there was a higher prevalence of TB in households that were using solid fuels when compared to those using clean cooking fuels in most States. With the number of LPG distributors going up in the five years of Ujjwala, from 17,916 to 25,116, the number of administrative blocks which do not have an LPG distributor has come down drastically.



There are hundreds if not thousands of villages where there was not a single LPG connection before the days of Ujjwala; hence the delivery of cylinders at the village level was unheard of.

### **Use of fuel stacking**

In villages, I often see kitchens using multiple types of cooking stoves – LPG, fuelwood, induction or electric heater and even kerosene. An open firewood chulha is often used for bath water, cooking large quantities of parboiled rice and cattle feed. Some of these may not shift to LPG anytime soon. This fuel stacking is similar to the practice of the poor — of having a basket of livelihood options instead of being reliant on a single source of income. This takes into account factors such as uneven cash flow, seasonal availability of biomass, and ambient heating requirement during winters. During extreme weather events, LPG cylinders come to the rescue.

### **Data on LPG use**

Over the five years, the average per capita consumption among Ujjwala customers has hovered around three cylinders per year (of 14.2 kg), rising to 4.2 (2020-21) when the full impact of free refills under the Pradhan Mantri Garib Kalyan Yojana was seen. A paper in Nature (Kar et al.) showed that only 45% of non-Ujjwala rural consumers use five or more cylinders per year, while data from oil marketing companies show that from October 2020 to September 2021, 32% of Ujjwala households were using five cylinders or more in a year. Therefore, relatively poorer Ujjwala consumers are reaching the LPG consumption levels of relatively well-off non-Ujjwala rural consumers. LPG has earned its place in the cooking energy basket of the poor. It is also not a greenhouse gas (Intergovernmental Panel on Climate Change), assigned with a global warming potential (GWP) factor of zero. Solar, electric heater, improved biomass chulha and biogas also qualify to be a part of this energy basket.

### **Factors that helped**

After completing the target of enlisting eight crore Ujjwala customers in late 2019, the three oil marketing companies which handle the distribution of LPG through their network of distributors have shifted their focus to reach out to low refill consumers. A quick recap of what has made it possible for someone like Leenu to have an option to use LPG, is in order. It was the successful implementation of the Direct Benefit Transfer of LPG (DBTL) or PAHAL (Pratyaksh Hanstantrit Labh) scheme of 2014 which freed up the financial resources needed to dream of a large-scale programme for deposit-free LPG connections. Once Ujjwala was conceptualised and launched, enhanced availability of LPG was ensured. The next was to enhance various capacities such as of the ports for handling imports, of tanks for storage of LPG, of pipelines and trucks for transportation of gas, and of bottling plants for filling in more cylinders. Production of cylinders, pressure regulators, hose and affordable LPG stoves was also enhanced. New distributors/dealers were appointed to reach remote pockets. In addition, then Petroleum Minister Dharmendra Pradhan also sustained enthusiasm for Ujjwala, creating avenues for local MPs and other elected representatives to support Ujjwala and its implementation.

### **A challenging phase**

The novel coronavirus pandemic has resulted in LPG prices having gone up and governmental support focusing on other challenges. This development could derail the gains made by Ujjwala customers in terms of LPG adoption. It is time to get creative about how to sustain LPG adoption in these challenging times. Ujjwala also has the potential to deliver benefits on many fronts. Overall, the push has to be such that every household moves toward adopting a more sustainable



cooking energy basket. Improvements in regular and on-demand supplies of LPG, options for refill financing, alternative remunerative uses for cow dung and bio mass — possibly on the pattern of procurement of cow dung as is being done in Chhattisgarh — and a massive boost to women's incomes through the National Rural Livelihoods Mission all have great potential to nudge women to choosing a more sustainable cooking mix.

## NEEDED, A PUBLIC HEALTH DATA ARCHITECTURE FOR INDIA

In a country perennially thirsty for reliable health data, the National Family Health Survey (NFHS) is like an oasis. It has a large volume of data that is openly accessible. The report of the fifth round of the NFHS was recently released (covering phase 2 States where data collection was delayed due to the novel coronavirus pandemic). Since then, we have had a spate of articles by journalists and scientists covering different aspects (malnutrition, fertility, domestic violence to name a few). It is the go-to source for many researchers and policy makers and is frequently used for various rankings by NITI Aayog.

### Range and scope

For the uninitiated, the NFHS is a large survey conducted in a representative sample of households throughout India which started in 1992-93 and is repeated at an interval of about four to five years. It is the Indian version of the Demographic and Health Surveys (DHS), as it is known in other countries. Currently, the survey provides district-level information on fertility, child mortality, contraceptive practices, reproductive and child health (RCH), nutrition, and utilisation and quality of selected health services. The respondents are largely women in the reproductive age group (15-49 years) with husbands included. The fifth round covered 6,36,699 households, 7,24,115 women, and 1,01,839 men across the country. Each survey costs upwards of ₹250 crore and the funding for different rounds of NFHS has been provided by the United States Agency for International Development (USAID), the Department for International Development (DFID), the Bill and Melinda Gates Foundation (BMGF), UNICEF, the United Nations Population Fund (UNFPA), and the Ministry of Health and Family Welfare, Government of India. Over the years its scope has been expanded to include HIV, non-communicable diseases, or NCDs (tobacco and alcohol use, hypertension, blood sugar, etc.), Vitamin D3. It has now become an omnibus train where anyone and everyone is free to climb into for a ride. It offers something for everyone. While there is a level of efficiency in adding some questions to an existing survey, this has been lost a long time ago in the NFHS. In NFHS-4, the household questionnaire had 74 questions, the women's questionnaire was 93 pages long with 1,139 questions and the men's questionnaire was 38 pages long with 843 questions. The NFHS-5 questionnaire was even longer. The size of the survey has obvious implications for data quality.

### Other surveys and goals

The NFHS is coordinated by the International Institute for Population Sciences (IIPS Mumbai) and the actual survey is outsourced. There is an entrenched set of agencies which survive on this survey. Issues have been raised on the quality of these agencies and their workers. The NFHS is not the only survey that the Health Ministry conducts. In the last five years, it has conducted the National NCD Monitoring Survey (NNMS), the National Mental Health Survey (NMHS), the Global Adult Tobacco Survey (GATS), the alcohol survey, the Comprehensive National Nutrition Survey (CNNS) and many others. Many of these have been implemented by premier academic institutions at costs below ₹25 crore, though none of these generated district-level estimates. Some of these surveys are done to meet the global commitments on targets (NCDs, tobacco, etc.). However, the



requirements for the monitoring of NCD targets are not met by the NFHS, as it covers an age group different than that needed for the global set of indicators. Yet, efforts to get the NNMS sanctioned met with stiff resistance as decision-makers felt that the NFHS was enough to answer those questions. As already said, for tobacco we have another vertical survey. Then why do we have questions on these in the NFHS? It is because we are confusing research with programme monitoring and surveillance needs. Questions on domestic violence and blood collection for vitamin D3 levels are good examples of this lopsided thinking.

#### **Alignment is difficult**

There have been previous attempts to align these surveys but they have failed as different advocates have different “demands” and push for inclusion of their set of questions. While the Department of Planning, Statistics and Programme Monitoring is supposed to take a final call, it lacks the technical capacity and the heft to do so and ends up using a “please-all” approach of accepting all requests with some effort at alignment. Everyone is happy, except perhaps the stakeholder with no power of negotiation — the household which is selected for the survey. Another reason why these questions are not dropped altogether is that the NFHS is the only major survey that India has a record of doing regularly. One does not know if and when the other surveys will be repeated. For example, we do not have any surety that the second round of the NNMS will be conducted, though it is due. So, the general thinking is that “do whatever is possible, as something is better than nothing”. Multiple surveys also raise the problem of differing estimates, as is likely, due to sampling differences in the surveys. We noted this for example in tobacco, where differences in tobacco use estimates of the Global Adult Tobacco Survey (GATS) and the NNMS needed a lot of effort at reconciliation and explanation. Another example is the issue of wide divergence in sex ratio at birth reported by the NFHS and the Sample Registration System (SRS). The SRS is a better system for it as it continuously enumerates the population unlike the NFHS which is a cross-sectional survey well known for recall biases.

#### **There must be purpose**

It is time we questioned this rationale and end the over-dependence on one omnibus survey to provide all public health data for India. The experience of the NFHS and other surveys has conclusively demonstrated our capacity to conduct large-scale surveys with computer-assisted interviews and reasonable quick turnaround and cost. Can we now show that we have the capacity to plan the public health data needs for the country and ensure that these data are collected in an orderly and regular manner with appropriate budgetary allocation? This requires clarity of purpose and a hard-nosed approach to the issue. Some tough calls will have to be taken including questioning the need for vertical surveys, irrespective of national or international funding. We have to identify a set of national-level indicators and surveys that will be done using national government funds at regular intervals. I propose just three national surveys — an abridged NFHS focusing on Reproductive and Child Health (RCH) issues, a Behavioral Surveillance Survey (focusing on HIV, NCD, water sanitation and hygiene (WASH)-related and other behaviours) and one nutrition-biological survey (entails collection of data on blood pressure, anthropometry, blood sugar, serology, etc.) done every three to five years in a staggered manner. We need to look at alternate models and choose what suits us best. This does not include data sources on mortality and the health system.



### A road map

I also propose, as was done for the NNMS, that we take a national-level sample for such surveys and ask States to invest in conducting focused State-level surveys. States have to become active partners including providing financial contributions to these surveys. For a detailed understanding on some issues, each round of survey can focus on a specific area of interest. Other important public health questions can be answered by specific studies (which may or may not need a national-level study), conducted by academic institutions on a research mode based on availability of funding. It is also very important to ensure that the data arising from these surveys are in the public domain. This enables different analyses and viewpoints to be presented on the same set of data enriching the discussion and unlocks the full potential of the survey. Are we ready to establish a public health data architecture that a country of our complexity needs? We have the technical capacity to do so. All it requires now is the political will.

### SIMPLE WAYS TO BETTER COUNTS OF OMICRON IN INDIA

In the last three weeks it has been impossible to miss the slow building of tension over the Omicron variant of the SARS-CoV-2 virus. The news from Europe is not good with regard to the rise in cases and also the severity of the disease. Every day, the national news has reports of case numbers that are slowly rising: 100 last week, 200 this week. So, is there any indication of the actual number of cases in India? Should one be worried about a virus which has infected about 200 people in a land of over 1.3 billion, and when many are vaccinated?

#### Cause of error

Let me attempt to put the numbers in perspective. The reported cases of identified Omicron infections come from a genomic surveillance which is mounted by the Indian SARS-CoV-2 Genomics Consortium (INSACOG). Genome sequencing is complex, and only 38 laboratories across the country (<https://bit.ly/3ED4vrP>) have the ability to sequence a virus which is as infectious as this. As a result, only a small fraction of infected individuals contribute virus samples for sequencing. The numbers reported by the media are the number out of this small sample which show infection by the Omicron variant. So, the media makes an error when it reports this as the number of cases in the country.

#### A calculation

How can we do better? Let us think in terms of fractions or percentages. The Union Ministry of Health and Family Welfare (MoHFW) reports that in December, India performed about 12 lakh RT-PCR tests a day, and about 0.5% of the test results were positive. So, in the first two weeks of December, about 1.7 crore tests were performed nationally, and about 80,000 people tested positive during this time. The number of genomes sequenced by INSACOG is perhaps 1% of these. This means that of the 800 or so samples taken, about 200 tested positive by the end of the second week of December. If the sample of the virus genomes to be sequenced was drawn randomly from the newly infected, then one would be forced to conclude that there are about 20,000 Omicron positive cases in India. However, all public health agencies around the world have proceeded on the assumption that the Omicron variant arose recently and is still being transported around the world. So, the sequencing effort has been biased towards international travellers. This means that the incidence of Omicron infections would be somewhat smaller. Could it be that only about 2,000 people are infected, i.e., about 2.5% of cases? If the numbers were really that low, then about 80% of the virus samples would have been taken from travellers. The remaining 20% of the samples is



then likely to give no Omicron positive results at all. But we know from news reports that at least about 10 cases are from people without a history of recent international travel. Just based on the numbers that we know from the media and from other public sources, we realise that more than 5% and definitely less than 25% of the cases seen in the first two weeks of December are due to the Omicron variant. The number of cases is then closer to being somewhere between 5,000 and 25,000 in this period. Now that the total number of cases per day is beginning to rise, the lower number has become less likely.

### Improving the estimates

Of course, these are very rough numbers. The agencies which handle the data and the scientists who run statistical models would be able to refine these estimates immensely and narrow the range of uncertainty. If the number of genomes sequenced from infected travellers and others are separately given by INSACOG, and tagged by the date on which the sample was collected, it would be much easier for you and me to make these estimates. However, there might be concerns about medical privacy which prevent the Government and its agencies from making public such details about the data. One should also be wary of other mistakes that the intentional bias in sampling virus genomes could lead to. If international travellers arrive more often in Delhi and Mumbai, then could the bias in sampling wrongly lead us to underestimate the speed of the spread of Omicron in the rest of India? The numbers will change every week. Is Omicron spreading faster than Delta, the variant which gave India its second wave? If yes, then week by week, the fraction of Omicron cases would increase, as it out-competes the Delta variant in infecting people. This has happened in other parts of the world, and it could happen here too. I have indicated here the kind of logic that an interested mediaperson or a layman can use. If you make informed judgments about whether to invest your savings in fixed deposits or in shares, then you make more sophisticated numerical estimates quite regularly. Given the numbers made available by the MoHFW and INSACOG, it is possible for you to estimate your personal health risks from COVID-19, whether you stay at home or travel on work or on vacation.

## STEMMING THE ONSLAUGHT OFOMICRON

After the massive second wave of COVID-19 caused by the Delta variant, India has been in the endemic phase. This is the much-awaited respite that permits further relaxation of curbs on social interactions and reopening of all educational institutions. As these are implemented in different States at different paces, India now faces the threat of an Omicron wave. Some experts seem to believe that there will not be another wave since the Omicron variant is not causing severe disease in other countries. We cannot predict whether extensive transmission of Omicron will cause a wave. For some four months there was unrestrained circulation of the Delta variant before it showed up as the second wave of disease. Omicron will take less time as it spreads faster. We did not flatten the Delta wave curve with vaccination; we must use vaccination now to block another wave. The risk of a disease wave may be small but it is not zero.

### The case for booster doses

Our best defence against Omicron is to bolster population immunity with vaccination. Omicron tends to evade immunity induced by infection or two doses of the vaccine. But the evasion is partial. The higher the antibody level, the better the protection. A recent report of cross-protection showed that all convalescent sera neutralised Omicron, albeit with low titres. A booster shot of a vaccine raises antibody levels at least an order of magnitude higher than those induced by infection or two vaccine doses. That is why many countries are providing booster jabs. What we



believe is that the entire population should be vaccinated with two doses, including children (as Omicron causes more infection in children than Delta), and booster doses provided for those who had their second dose six or more months earlier. Policymakers argue that Omicron will not cause serious illness, as initial trends suggest elsewhere, and so booster doses are unnecessary now. Everyone agrees that Omicron is spreading faster than even Delta. These observations must be seen against a background of the high prevalence of immunity in the population. Omicron's true virulence in the non-immune population will be known only in due time. Should we therefore decide against booster doses now? Do we not know that booster doses will inevitably be necessary tomorrow, if not today? So, why not administer them earlier since we know that boosted immunity lasts longer? All those who have followed COVID-19-appropriate behaviour and stayed safe may not be spared infection from Omicron. Diabetics; cancer patients; patients with autoimmune disease, chronic cardiovascular, renal or liver diseases; those who have had organ transplants; and those aged 60+ with immune senescence face the risk of disease. The World Health Organization (WHO) and Centers for Disease Control and Prevention advise a third dose for them to ensure adequate immunity. Apart from these categories of people, healthcare workers occupationally exposed to the virus are a priority. However, everyone who has taken two doses will need a booster sooner than later. If we wait for evidence on how many cases of serious disease and hospitalisation Omicron can cause, we may be too late in protecting these segments with the simple measure of administering a booster. We know that breakthrough infection in two-dose recipients is common with Omicron. They will act as links in the chain of further transmission. We must slow down virus circulation and this can be achieved only by increasing the proportion of people who are adequately immunised. Is there evidence that booster doses will protect us? Studies show that 70% of immunocompromised individuals show rapid increase in neutralising antibody titre with a booster dose. A booster dose with an mRNA vaccine protects well against symptomatic disease caused by Omicron. Will vaccines in India boost immunity against COVID-19? We must assume they do, but we also need to investigate this for confirmation. All these efforts should run in parallel. It is a well-accepted principle in vaccinology that booster doses consistently and exponentially enhance immunity. To face Omicron, which is highly transmissible and has a tendency to evade low levels of immunity, we must act now. Waiting for evidence is unwise – while anticipating evidence, we should offer boosters. A second argument against booster doses is that India should share its vaccines with countries where the vaccination programme is lagging instead of administering booster jabs for its own citizens. The government has primary responsibility towards the Indian population. And India is doing its best to fulfil its obligations to low-income countries — more so than many developed countries. Some argue that the two-dose vaccination programme for the entire eligible population will suffer if booster doses are administered. These two objectives are not in competition. Booster doses are to be administered after a six-month interval after the second dose. There is no reason why the two-dose programme and the booster programme cannot go hand in hand, especially since vaccine supplies are sufficient. When responding to a crisis, decisions must be made quickly, with foresight, integrity and humanity. To wait for firm evidence to emerge before taking action or to take hasty, wrong decisions will entail a price. Foresight shows the middle path. WHO is reluctant to advise boosters now as its duty is to advocate vaccine equity. We must rely on our own integrity to enable us to balance our immediate needs and altruistic allocation for other countries. Immunity is a spectrum ranging from protection from severe disease and death, to preventing even the mildest disease, to preventing infection itself. When we consider the nation's health, our humanity demands that we protect the vulnerable from risk of severe disease and death. Retarding virus circulation and even inhibiting asymptomatic infections becomes a priority. This is the rationale for offering booster doses.



### On child vaccination

It is urgent that we vaccinate children, already back in schools, as a defence against Omicron. The experience in other countries warns us that children without immunity get infected causing disruptions in school and transmission in households. Even children with asymptomatic infection will carry the virus home. Further, if we vaccinate children in a well-organised school-based vaccination programme, we will reduce the size of the potential 'virus reservoir' of that unvaccinated population segment. We need to fast-track approval processes for Emergency Use Authorisation for children. That will enable the next step of recommendation by the Technical Advisory Group on Immunisation. One vaccine manufacturer has made an intranasal vaccine in India. The need for it is now. Hence, its evaluation by a regulatory agency must be fast-tracked in an emergency mode. How do we ensure that those who are immunocompromised get the booster dose? It is time that the vaccines already approved with the EUA are licensed quickly. This will enable physicians to assess the risk in individual patients and counsel them — thereby ensuring that those in need of booster jabs get them quickly. We may be right in assuming that Omicron is relatively harmless. But we may also be wrong and the price we will pay then could be hefty. Instead, if we assume it to be ominous and take all precautions even before evidence clarifies the true picture of Omicron's behaviour, society can go back to pre-COVID normalcy sooner.

### LOOKING BEYOND THE FOREST RIGHTS ACT

The Forest Rights Act (FRA) has been in existence for 15 years. As on April 30, 2020, the Ministry of Tribal Affairs had received 42,50,602 claims (individual and community), of which titles were distributed to 46% of the applicants. If the Forest Department's views are considered, the implementation process is more or less over. But the supporters of tribal rights allege that the Department is overlooking the genuine claims of the tribal people. Despite the Ministry being the implementing agency, the role of the Forest Department in granting titles is crucial because the lands claimed are under its jurisdiction. While both sides hold extreme positions, the situation on the ground presents a mixed picture.

#### Issues in implementation

The journey of the FRA's implementation has never been smooth. The Act provides for democratic tenets in the implementation process. In the first stage, it requires the constitution of a Forest Rights Committee comprising members from within the village by conducting a Gram Sabha with two-thirds of the members present at the meeting. The process was not followed in many places. These committees were mostly constituted by the Panchayat Secretaries upon the directives received from District Magistrates at short notice. The nominations for members for the taluk-level and district-level committees were also not transparent. The contribution of women to the forest economy is well known. The FRA provides for equal rights in titles issued under the Act for women. They have the equitable role at every stage of decision-making. However, on the ground, the women were hardly visible in this regard. It was disappointing that in the initial stages of implementation, there was insistence on satellite images as evidence while other admissible proofs were ignored, as happened in Gujarat. This resulted in mass rejections of claims by the authorities. It is a different matter that a writ petition filed by the civil society groups in 2011 forced the authorities to look into the matter afresh in the State. In some villages around Bastar, Chhattisgarh, the plots claimed and the documents confirming the award did not match. Besides, the extent of land that was awarded was far smaller than what was claimed within the ceiling. The claimants did not protest anticipating that whatever little they had received could be taken back by the authorities. Further, various welfare and developmental schemes of the Rural Department





were not extended everywhere to the tribal people who received documents of land possession under the FRA despite the directives issued by the Ministry to treat them on a par with others. Overall, poor awareness levels among the tribal people proved to be a handicap, especially in the scheduled areas which are remotely located. To effectively present claims, a fair understanding of the Act and its implementation process is necessary. Some NGOs, like in Dang district of Gujarat, made a difference by hand-holding the beneficiaries at every step. However, the involvement of NGOs was missing in some interior areas in States like Chhattisgarh where insurgency was affecting the lives of the people. Evidence suggests that implementation was better in areas which were fairly close to urban settings or where accessibility was easy. In these places, most Central and State government schemes and programmes such as Deendayal Upadhyaya Gram Jyoti Yojana, Janani Shishu Suraksha Karyakram, Mahatma Gandhi National Rural Employment Guarantee Scheme, National Food Security Act, National Health Mission; Pradhan Mantri Awas Yojana; and Pradhan Mantri Gram Sadak Yojana were implemented, empowering the people to assert their positions.

### **Declining produce, livelihoods**

Many tribal areas are witnessing a decline in the quality of forest produce in their vicinity, thus forcing them to look for other sources of livelihood. In Chhattisgarh, in many villages, earnings from activities such as collection of tendu leaves for rolling local cigars were affected when there was an influx of labourers from Bihar who were willing to work for low wages. Poor market and exploitation by local traders/middlemen were no less demoralising. The recognition given to their lands under the FRA gave the tribal people a psychological boost. However, they possess lands (including the lands recognised under the FRA) that are small, of poor quality (particularly lands located on hill slopes) and are not very fertile. The lack of irrigation facilities forces them to depend only on rainfall. To enhance their income, they migrate to work as construction or road-laying labourers. In their opinion, this will continue until the wages earned through any source in the villages matches with the wages in urban areas. NGO representatives working in the tribal areas believe that the livelihoods of the locals would improve if horticulture practices are promoted in addition to bamboo and aloe vera plantations with an assured market. A popular recommendation is medical and ecotourism along the lines of the Kerala model. On the other hand, given the quality of education received by the youth in the remote districts, the possibility of acquiring meaningful jobs remains thin. Those accustomed to urban culture do not feel like going back to their villages. Civil society groups, therefore, believe that providing skill-based education with assured jobs on a large scale in proportion to the demand would do wonders in these areas. A majority of the tribal communities in India are poor and landless. They practise small-scale farming, pastoralism, and nomadic herding. On the Human Development Index, the tribal-populated States always rank lower than the national average. Not long ago, a tragic news article was published about a tribal man walking 12 km in Odisha carrying his dead wife on his shoulder all night. A Chhattisgarh tribesman who had led the members of his village in a march to Delhi in 2004 to demand forest rights told this researcher that the lives of the tribal people are insignificant for our leaders. He said the Central government in the 1970s generously welcomed refugees from Bangladesh into forests and provided them a house and a land to farm, whereas natives were still being denied the same.

### **The way forward**

The FRA was never going to be a panacea to address all the issues of the tribal people, but it is important. To improve the condition of the tribal people, especially those living in remote areas, there needs to be a push on every possible aspect of their socioeconomic life. This can be attained



if schemes and programmes already drafted for the tribal people are implemented in letter and spirit across the country. With protective laws like the Panchayats (Extension to Scheduled Areas) Act, 1996, in place, it is only a matter of will. One way forward could be to induct people who are sensitive to the cause of tribal people in the decision-making process at every stage.

### THAR DESERT EXPANDING FAST WITH LAND DEGRADATION

Along with the gradual destruction of the Aravali ranges, the mighty Thar desert in western Rajasthan is expanding fast because of migration of people, changes in the rainfall pattern, spread of sand dunes and unscientific plantation drives. The degradation of land is posing a threat to the desert ecology, while the climate change has contributed to the spread of arid region. With these findings, a study on desertification of Thar region conducted by the Central University of Rajasthan has predicted that the sandstorms from the desert will travel as far as the National Capital Region (NCR) in the years to come. The sandstorms will become intense with the erosion of Aravali hills, which act as a 'natural green wall' between the desert and the plains. The study was undertaken as part of an assessment of the environmentally sensitive areas within the framework of the UN Convention to Combat Desertification (UNCCD). The scientists associated with the project studied the climate and vegetation in Thar, which is the world's ninth largest hot subtropical desert, to understand the desertification process.

#### Loss of Aravalis

Laxmi Kant Sharma of the Central University of Rajasthan's School of Earth Sciences, who along with two other scientists undertook the study, told The Hindu that the loss of Aravali hills because of unchecked mining activities would result in the sandstorms travelling to NCR and Delhi. "The suspended particles from the arid region are contributing to air pollution in NCR. The sandstorms will hit this area because of the desert expanding in the eastern direction," Dr. Sharma said. Since no mechanism has evolved so far to control the spread of sand dunes, the desertification will make an impact on the Aravali ranges' northern part as an ecotonal area, acting as transition zone between the ecological systems. Dr. Sharma said the over-exploitation of resources had led to reduction in vegetation cover in the areas adjacent to the Thar desert, contributing to its expansion beyond four districts in western Rajasthan. The study, which focused on Barmer, Jaisalmer, Bikaner and Jodhpur districts covering more than 50% of Thar desert, found that Jodhpur, situated near the Aravali hills, had witnessed a slow speed of desertification. It also found that the vegetation cover and waterbodies had increased in the area in the last 46 years and the complex sand region had decreased by 4.98%. Dr. Sharma said new plans should be evolved for conservation of the Aravali ranges to stop the desertification towards eastern parts of the State. The study was published recently in the prestigious Journal of Arid Environments.

### INESCAPABLE RISKS OF MANDATORY IRON FORTIFICATION

Many things have been said about the necessity for mandatory iron fortification of foods in India. That it is a 'necessity', 'complementary strategy' to dietary diversity, 'effective' and more loudly now, that it is 'safe'. Given what we now know, and are uncovering, about the risks associated with too much iron, particularly in children, the proclamation of safety must be made carefully. The simple fact is that iron is not safe in excess; it is an oxidant with a variety of ill-effects. Just because a 'tolerable upper limit' was proposed for its intake, any intake less than this was thought to be safe. But no longer. We must think of the long-term risk for other diseases, not the toxicological approach of looking at acute clinical symptoms, like stomach pain. This is because we now know



that iron increases the risk for many non-communicable diseases like diabetes, hypertension and even high blood cholesterol. What is the evidence? Take diabetes: what happens when body iron stores, measured by serum ferritin concentration, increase? In the National Health and Nutrition Examination Survey of a healthy U.S. population, those with high ferritin level had a four-fold higher risk of having diabetes. In India, our team recently analysed a national, quality-controlled survey (Comprehensive National Nutrition Survey) of Indian adolescents, to evaluate the risk of high blood sugar, high blood lipids and high blood pressure as their serum ferritin increased. The results were scary; there was a clear and significant risk for each of these conditions as serum ferritin increased. Note that fortification of any one staple (rice, wheat, or salt) will increase serum ferritin, without necessarily changing the haemoglobin level. When provided together, the increased iron intake could be 20- 30 mg/day. We also modelled the risk when an additional 10 mg of iron/day (single staple fortification) was present: this increased high blood sugar prevalence by 2-14% across States of India, with similar findings for high blood pressure and high lipids.

### **Risk already high**

If that is not sobering enough- another of our published analyses of the same national survey, showed that no less than 50% of Indian children, aged 5-19 years, already had a biomarker of either high blood sugar or high blood lipids, even when thin or stunted. Thus, the risk of chronic disease is already very high in our children, and we will implement this veiled threat of risk magnification by mandatory cereal fortification. Cereal intake is already too high, and should be replaced by more quality foods like pulses, fruits and vegetables, etc. We should be straining every sinew to prevent the high burden of chronic disease with life-long and intergenerational consequences, starting with our children. Remember- India is already called the world capital of diabetes and hypertension: what next? There are also other simple truths, that should give us pause before we rush to mandatory iron fortification. First, we do not even know if anaemia is as rampant to warrant such mandatory measures. The WHO is having a consultation this year to evaluate if haemoglobin diagnostic cut-offs for anaemia should be lowered in different geographies, one of which is India. This is partly based on a recent paper in The Lancet by us, that showed that the cut-offs were likely lower than the WHO cut-off in Indian children. This lowering has been also confirmed in a study of no less than 32 countries worldwide, as well as another in pregnant women. A lower cut-off will mean a lower (halved) anemia prevalence.

### **Choices removed**

Second, when mandatory fortification is enforced in parts of the population that do not need this, it removes their choice of foods, or autonomy, and could even be unethical if the risk of other morbidities is increased. Third, iron deficiency in the Indian diet is not a universal problem: the Indian requirement for iron has been lowered by half to two-thirds in 2020. Fourth, rice fortification has not been shown to work in a combined analysis, by the respectable Cochrane group, of all available and rigorous studies. It is misleading to dismiss this analysis, and instead quote sporadic Indian studies purporting to show that fortification is successful, since these are either not published, or 'quasi experimental', sometimes without randomization or even a true measurement of blood haemoglobin. Pragmatism demands that we await the forthcoming WHO haemoglobin cut-offs to get to the true anaemia burden and only rely on gold-standard venous blood haemoglobin in future surveys. Dietary modification strategies should be the preferred solutions; they are not impossible to achieve, as studies in rural India show. With the ever-expanding health care infrastructure (Ayushman Bharat and associated clinics), we need to move



to equity for all in precision treatment: here, we should evaluate the cause of anaemia and prescribe treatment accordingly. Experience from Covid testing shows that India can do it!

#### EARLY SIGNS OF WORSENING AIR EMERGE IN NORTHEAST INDIA

Air quality in India's northeast States is worsening and while still much better than pollution hotspots in other parts of the country, appear to be under threat by the same sources — vehicles, industry and urbanisation — that have soiled the air elsewhere, according to an analysis of air quality by the Delhi-based Centre for Science and Environment. So far air pollution is largely seen as a crisis of the Indo Gangetic plains, particularly in winter when Delhi and several cities in Uttar Pradesh and Haryana find themselves in lists of the world's most polluted cities. Air in the northeast States, in the popular imagination, is less befouled due to the region's topography that is less conducive to fossil-fuel led industrialisation and geographical isolation. CSE analysed concentrations of PM 2.5, particulate matter sized 2.5 micron or less, from January 1, 2019 to December 7, 2021 in Assam, Meghalaya, Tripura, Nagaland, Mizoram, and Arunachal Pradesh over annual and seasonal periods. They relied on live data available from seven continuous ambient air quality monitoring stations (CAAQMS) spread across six cities in five States: two stations in Guwahati and one station each in Shillong (Meghalaya), Agartala (Tripura), Kohima (Nagaland), Aizawl (Mizoram) and Naharlagun (Arunachal Pradesh). The number of air quality monitors in the Northeast are few and have been installed in the last two years unlike those in many cities in India. This, therefore, gives only a limited picture of the variability and scale of air pollution. What CSE found was that the annual, average PM 2.5 levels of Guwahati in 2021 (as of November 30) was 60 microgram per cubic metre ( $\mu\text{g}/\text{m}^3$ ) which was less than that in 2020 (62  $\mu\text{g}/\text{m}^3$ ) but more than in 2019 (56  $\mu\text{g}/\text{m}^3$ ). India's upper limit for PM 2.5 is 40  $\mu\text{g}/\text{m}^3$ . Agartala, readings for which were available only for 2021, had an annual concentration of 45  $\mu\text{g}/\text{m}^3$  whereas Shillong, Kohima and Naharlagun were below the 40-mark. Shillong was the only other city in the region with a station generating data for over two years but "due to poor data availability its annual averages could not be considered credible," the researchers noted, "Aizawl and Naharlagun do not meet the minimum data availability requirement but the limited data available indicates that these two would most probably be meeting the annual standard." These air quality figures are a far cry from those recorded in cities in the Indo Gangetic Plains, where annual concentrations are in triple digits but Guwahati has increasingly been sending concerning signals. Until November end, the number of days with air quality in 'very poor' or 'severe' category stands at 54 days in Guwahati city which is "comparable to cities of North India" and in other cities 'good' and 'satisfactory' days dominate but poor and very poor days had begun to emerge. Agartala registered 10 'very poor' days while Kohima had two 'very poor' days. Good, satisfactory and very poor refer to degrees of PM 2.5 concentrations. Except Guwahati, rest of the cities in the States in the Northeast have low annual PM2.5 levels but during winter, episodes of high pollution were common, the study noted. Weekly PM2.5 levels could go as high as 189  $\mu\text{g}/\text{m}^3$  in Guwahati. This winter, so far, the highest weekly level has been reported from Agartala when it hit 91  $\mu\text{g}/\text{m}^3$ . Last winter it had gone up to 112  $\mu\text{g}/\text{m}^3$ . Similarly, high pollution has been recorded in Aizawl and Kohima. "The current obsession with high pollution concentration in the Indo-Gangetic Plain and in overall northern India overshadows and side-lines the early signs of the crisis in our north-eastern states in the national discourse on air pollution and public health. Weak and inadequate air quality monitoring and paucity of data do not allow proper assessment of the risk. But even the limited evidence shows several cities — especially the state capitals — are already vulnerable to poor air quality and winter smog," Anumita Roychowdhury, Executive director, Research and Advocacy, CSE, said in a statement. "Cities of north-eastern states need urgent attention...to cut pollution from growing motorisation and congestion, use of solid fuels and open burning, and

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



dispersed industrial sources at the early stages to prevent worsening of the public health crisis in this ecologically vulnerable region.”

#### AFTER 50 YEARS, GHARIALS ALIVE AND KICKING IN BEAS RESERVE

After successfully reintroducing the critically endangered gharial (*Gavialis gangeticus*) in the rivers of Punjab where it went extinct half a century ago, the State’s wildlife preservation wing is now keeping its fingers crossed, expecting the breeding of the crocodilians to start in the new few years as the released gharials are healthy and have adapted to the Beas Conservation Reserve as their home. “Since 2017, we have released 94 gharials in the Beas Conservation Reserve and there have been only two casualties. These gharials have been dispersed both upstream and downstream of the release sites in the reserve and they can be spotted any time depending on the water levels and season, indicating that the first step of their rehabilitation has been successful,” R.K. Mishra, Punjab’s Chief Wildlife Warden, told The Hindu. “The next big challenge is their breeding. Once natural breeding of gharials starts it would then be a real success. Normally, we expect the breeding to start after 10 years. The eldest of the reintroduced gharials is seven years old now, and we are hopeful that breeding could start in the coming three-four years. The habitat is conducive for egg-laying and hatching and we are taking all necessary steps to provide a safe environment predator,” he said.

#### **Ambitious project**

The gharial reintroduction in the Beas Conservation Reserve is an ambitious programme of the Punjab government. The reptiles were commonly sighted in the Beas River till the 1960s but later became extinct. The gharial can be found in north Indian rivers such as the Ganga, Yamuna and Chambal and their tributaries. Mr. Mishra said after the release of gharials, regular monitoring by the department is being done to understand the dispersal, behaviour, threats and other ecological aspects so that these juvenile and sub-adult gharials mature into adults and start breeding. “Regular patrolling and monitoring of the reserve by forming a gharial task force, rapid rescue unit and anti-poaching group is being undertaken. The monitoring teams have also been raising awareness of the farmers and riparian communities working in the close vicinity of the Beas river,” he said. While there is no documentation on the extinction of gharial from the Beas, experts believe there have been multiple reasons for the disappearance of the species. “After understanding the Beas river ecosystem, learning from other gharial habitats in the world and from interacting with numerous stakeholders residing or working around the Beas river, it is quite evident that change in the hydrology due to construction of dams and barrages, significantly reduced water flow, rapid land-use change of floodplains and rampant overfishing led slowly to the extinction of the gharial from the Beas,” said Gitanjali Kanwar, Coordinator, Rivers, Wetlands and Water Policy, WWF-India.

#### **Release in batches**

In the first phase of the reintroduction project, 47 gharials were released in 2017-18 in the river in Amritsar and Tarn Taran districts. Later, 23 gharials were released in February 2021 on an island near Saleempur and Tahli Forest in district Hoshiarpur. On December 5, another set of 24 gharials was released near the Kulla Fatta forests in the reserve in Hoshiarpur district. “As many as 40-50% of the released gharials are sighted during the field survey, and they are healthy and have adapted to the Beas Conservation Reserve. Like tigers are the topmost predators in a forest, gharials are the topmost predators in a river. They (gharial) balance the riverine food chain. Gharial keeps in check their prey (fish), which keep in check their prey and so on. The presence of



gharials indicates a healthy riverine ecosystem,” Ms. Kanwar said. “We are also focusing on meticulous documentation of this conservation programme, which will act as a reference and learning guide for the next generation. A coffee table book on the gharial was released earlier this month, documenting 22 years of work on the gharial conservation by Punjab,” she said.

#### TURTLE TRAIL TO GET A BOOST WITH MASS TAGGING MISSION

Scientists have resumed tagging of Olive Ridley turtles at Rushikulya rookery along the Odisha coast, which would help them identify the migration path and places visited by the marine reptiles after congregation and nesting. Researchers of the Zoological Survey of India (ZSI) are carrying out tagging of the Olive Ridleys at three mass nesting sites — Gahirmatha, Devi River mouth and Rushikulya. The exercise was undertaken in Odisha in January 2021 after a span of about 25 years and 1,556 turtles had been tagged. On Wednesday, the ZSI team tagged 22 turtles (11 male and 11 female) in association with the Odisha Forest and Environment Department along the Rushikulya coast. “We are studying the path taken by turtles in the sea, if they keep coming to one nesting site for laying eggs, and the number of sites they visit over the years. Besides, the growth of turtles could be measured during the current study,” said Anil Mohapatra, ZSI scientist, who leads the research team at Gopalpur, on Thursday. Dr. Mohapatra added, “The study would also reveal the inter-rookery movement of turtles in Odisha. The migration pattern to other countries would be recorded in detail.” The metal tags affixed to turtles are non-corrosive and they do not harm their body. It can be removed later. The tags are uniquely numbered containing details such as the name of the organisation, country-code and email address. “If researchers in other countries come across the tagged turtles, they will email their location in longitude and latitude to us. There is an established network working on turtles,” said the scientist. “We intend to tag 30,000 turtles over a period of 10 years,” he said. Meanwhile, mass congregation of Olive Ridleys has been found to be very encouraging along the Rushikulya coast.

#### A CHANCE ENCOUNTER WITH RARE SPECIES

On a routine birding trip to Sirnapalli forest in Telangana’s Nizamabad, Manoj Kumar Vittapu, and Shravan Kumar Poshetty, a mountaineer and an international forest forensic investigator, had a chance encounter with the rarely found species of Albino Indian Flapshell turtle a couple of months ago. And, to his delight, Mr. Vittapu got confirmation from the scientific authorities and also details about the species and habitat. “Yes, it was a thrilling experience for the simple reason that there were only two instances earlier of having ‘recorded’ the presence across India. And, finding them in our own Telangana is something we are really proud of,” says Mr. Vittapu, who is also engaged by the Forest Department often to indulge in census activities. “We first spotted this Albino Indian Flapshell turtle in August this year at Sirnapally after our routine trip for birding failed to generate the desired interest for want of activity,” he said. “After shooting a few shots of woodpecker and babblers, we chanced upon this gentle beauty. As the sun was setting on the horizon, we were on our way back home. Then, suddenly we did notice some activity in the pond. Then, Shravan and myself turned our attention to a white bug slipping into the pond swiftly. The mystery was slowly unfolding with the eyes staring out of the water and admitted our presence. In a blink, I could identify it as a baby turtle but was not sure of it for quite some time,” he said. “After a 45-minute wait, to our delight we could finally identify the species as Albino Indian Flapshell turtle. Remarkably, there were two, not one and our joy knew no bounds,” he said. “We took the pictures and videos. And, our research later suggested they were traced only twice before in 2020 — once in Odisha and then in West Bengal,” Mr. Manoj said.



## THE RAMNA KALI TEMPLE, DHAKA LANDMARK REBUILT FROM THE RUINS

President Ram Nath Kovind inaugurated the reconstructed Ramna Kali temple in Ramna, a part of the Bangladeshi capital Dhaka where the landmark Suhrawardy Udyan (the former Ramna Race Course) is located. The temple was destroyed by Pakistani forces during their Operation Searchlight in March 1971, the brutal crackdown that led to the genocide and the Bangladesh War of Liberation. “The historic Ramna Kali temple is a symbol of the spiritual and cultural bonding among the people of India and Bangladesh,” Kovind said on Friday.

### The Ramna Kali Temple

In the 17th century, Dhaka was a provincial capital of the Mughal Empire, and an important trading centre. The history of the area called Ramna (‘lawn’ in Persian) can be traced back to the early 1600s, when it was occupied by high officials of the Mughals. There was a Mughal garden, open green spaces, and garden houses. After Dhaka passed under British rule in 1858, the “jungle of Ramna” was cleared, and a race course and boulevard were built for the pleasure of the Raj elite. The temple in the area, dedicated to the Goddess Kali, is believed to have been built during the Mughal period. Professor Muntassir Mamoon, one of the most eminent historians of Bangladesh, told *The Indian Express* that the temple was around 400 years old, even though it is difficult to pinpoint a year in which it was built. “The temple was built by a Hindu sect, but it is difficult to identify exactly who built it. It is said that it was built by a certain Haricharan Giri who was a mahant in the temple, but we cannot be sure. It was not a very large temple, and was fairly ordinary in terms of its architecture. However, it is the second oldest Hindu temple in Bangladesh, the Dhakeshwari Temple being the oldest,” Prof Mamoon said.

### The Temple and the War

On March 27, 1971, the Pakistani army destroyed the temple and massacred 85 Hindus, including priests and devotees, according to ‘Minorities and the State: Changing Social and Political Landscape of Bengal’, an edited volume published in 2011. Prof Mamoon said the temple was close to the Dhaka University campus, and the Pakistanis attacked the campus before turning on the temple. “It was prominent since it was in the vicinity of the university. The other temples are in the old city,” he said. “The temple was small but it had a tall spire. So it was visible from far away as a Hindu temple.” Days before the temple was razed, Bangabandhu Sheikh Mujibur Rahman delivered his historic March 7, 1971 speech at the Ramna Race Course maidan, in which he exhorted Bengalis: “The struggle this time is for emancipation! The struggle this time is for independence!” In one of the photographs from that day (available on the Bangabandhu Museum website), the Bangabandhu can be seen amid a sea of people, with the pyramid-shaped peak of the Ramna Temple in the background. This is believed to be one of the last pictures of the temple available in the public domain. On January 10, 1972, with Pakistan defeated and Bangladesh liberated by the Indian Army, the triumphant Bangabandhu returned to the maidan. “My countrymen, rejoice. Bangladesh is now a sovereign, independent nation,” he said. This time, there was no temple as the backdrop, however.



## BUSINESS & ECONOMICS

### NEW GST PROVISIONS TO COME INTO EFFECT FROM JAN 1; CONCERNS AROUND THEM

Goods and Services Tax (GST) authorities are now empowered to initiate recovery proceedings directly for mismatch in sales return GSTR-1 and the monthly summary return GSTR-3B. The provision, which was introduced as part of the Finance Act passed by Parliament earlier this year, has now been notified to be implemented from January 1, 2022, and gives tax authorities way more powers to tackle alleged instances of mismatches in filings, amid concerns regarding the potential for misuse.

#### What does it imply for GST payers?

The Central Board of Indirect Taxes and Customs (CBIC), on December 21, notified January 1, 2022 as the date on which these provisions under the GST law would come into effect, allowing recovery to be made directly and without the issuance of a notice. So far, show cause notices were issued first and then the recovery process initiated in cases of mismatch in GSTR-1 and GSTR-3B. Through the Finance Act, an explanation to sub-section (12) of section 75 of the CGST Act is being inserted to clarify that “self-assessed tax” shall include the tax payable in respect of outward supplies, the details of which have been furnished under section 37 but not included in the return furnished under section 39. Section 75 of GST Act states where there is any self-assessed tax, it can be recovered without issuing show cause notice and the recovery proceedings under section 79 can be directly invoked. For businesses now, it will be crucial that GSTR -3B and GSTR-1 should match with each other, and no differences will be allowed irrespective of the reasons.

#### What does it mean for tax authorities?

The move is aimed at curbing the practice of fake billing, where sellers show higher sales in GSTR-1 to enable purchasers to claim input tax credit (ITC) and then report lower sales in GSTR-3B to reduce their GST liability. But tax experts said this also gives exclusive discretionary powers to the tax department. AMRG & Associates Senior Partner Rajat Mohan said, “This is a draconian provision giving exclusive powers to the GST department to initiate tax recovery proceedings...this new change may arrest one significant part of fake billers, but the misuse of such wide provisions by field officers could not be ruled out.”

### CURRENCY-IN-CIRCULATION GROWTH FALLS

A year after the Covid-19 pandemic led to a surge in demand for cash, the growth in currency in circulation (CiC) has declined as of November this year if the latest data from the Reserve Bank of India and the Finance Ministry is any indication. The growth in CiC has fallen to 7.9 per cent (Rs 2.14 lakh crore) in November 2021 as against 22.2 per cent (over Rs 5 lakh crore) growth in the same month a year ago. However, more than five years after demonetisation, CiC has risen steadily every year, with the CiC to GDP ratio having now surged to 14.5 per cent in 2020-21 from 8.7 per cent in 2016-17, as per data presented by the Finance Ministry in Parliament. CiC to GDP ratio is now ever higher than that in the pre-demonetisation period. Precautionary demand for currency during the pandemic times has been a key reason for rising currency with public, according to the Finance Ministry. Cash in the system has been steadily rising, even though the government and the RBI have pushed for a “less cash society”, digitisation of payments and imposed restrictions on the use of cash in various transactions. CiC rose to Rs 29.56 lakh crore as December 3, 2021





from Rs 27.58 lakh crore a year ago. The government had argued that demonetisation would lead to lesser cash with public, however, cash usage has only risen since then. “Demand for currency depends upon several macro-economic factors including economic growth and level of interest rate. Precautionary demand generated by public during financial year 2020-21 due to Covid-19 pandemic induced uncertainties is also an important factor in currency demand,” Minister of State for Finance Pankaj Chaudhary said in reply to a query on Rajya Sabha on Tuesday, “Combination of greater public demand for cash and a contraction in GDP has led to an increase in CiC as a percentage of GDP to 12 per cent and 14.5 per cent in FY 2019-20 and FY 2020-21, respectively,” he added. However, year on year growth in CiC has decelerated sharply to 7.9 per cent as on November 2021 from pandemic influenced surge to 22.2 per cent a year ago, he said. As per the RBI’s definition, currency with public is arrived at after deducting cash with banks from total CiC. CiC refers to cash or currency within a country that is physically used to conduct transactions between consumers and businesses. After Rs 500 and Rs 1,000 notes were withdrawn in November 2016, currency with the public — which stood at Rs 17.97 lakh crore on November 4, 2016 — declined to Rs 7.8 lakh crore in January 2017. The jump in currency with public last year was primarily driven by a rush for cash by the public, as the Centre announced stringent lockdown to tackle the spread of the Covid pandemic. The sudden withdrawal of notes in November 2016 had roiled the economy, with demand falling, businesses facing a crisis and gross domestic product growth declining nearly 1.5 per cent. Many small units were hit hard and shut shutters after the note ban. It also created a liquidity shortage. Although digital payments have been growing, both in value and volume terms across countries, data suggests that during the same time CiC to GDP ratio has increased in consonance with the overall economic growth, as per an RBI study on digital payments. Experts said cash continues to be the dominant medium of transactions in India, across regions and income groups. During the festival season, cash demand remains high as a large number of merchants still depend on cash payments for end-to-end transactions. Cash remains a major mode of transaction with about 15 crore people not having a bank account. Moreover, 90 per cent of e-commerce transactions use cash as payment mode in tier 4 cities compared to 50 per cent in tier 1 cities.

#### MONETARY POLICY IS FINANCIALLY INCLUSIVE

India’s monetary policy is by design financially inclusive, the evidence of which is still coalescing, and increased inclusion will over time enhance policy effectiveness by fostering societal intolerance to inflation, said Reserve Bank of India (RBI) Deputy Governor Michael D. Patra. “Although it is empirically observed that there is a two-way relationship between monetary policy and financial inclusion, it is unambiguous that financial inclusion is able to dampen inflation and output volatility,” he said, addressing a meet on financial inclusion on Friday. “This is achieved by smoothing consumption by enabling people to draw down financial savings in difficult times for everyday needs. In the process, it makes people interest-sensitive. Moreover, inflation targeting monetary policy ensures that even those at the fringe of financial inclusion are secured from adverse income shocks that hit them when prices rise unconscionably,” Dr. Patra added. Observing that financial inclusion appeared to have increased, with the level of the RBI’s financial inclusion index rising from 49.9 in March 2019, to 53.1 in March 2020, and further to 53.9 in March 2021, he said: “The evidence is still forming and strong conclusions from its analysis may be premature, but India’s monetary policy is by design” inclusive. Financial inclusion appeared to be the lowest in rural, agriculture-dependent areas where food was the main source of income. “Recent work in the tradition of dualistic models shows that in the presence of financial frictions – in this case, financially excluded or credit-constrained consumers existing alongside those that have full access to formal finance – flexibly determined food prices have a critical role to play in



influencing the real wages and incomes of the excluded and hence their aggregate demand,” he said. “Interest rate change don’t matter so much. When food prices rise, the extra income earned by the financially excluded is not saved but instead consumption is increased, leading to higher aggregate demand,” he said.

#### **Price stability target**

In this kind of a situation, the efficacy of monetary policy in achieving its stabilisation objective increases by targeting a measure of prices that includes food prices rather than one that excludes them such as core inflation, Dr. Patra noted. In India, food accounts for 46% of the CPI, among the highest shares globally. “The lower the level of financial inclusion, therefore, the stronger is the case for price stability being defined in terms of headline inflation rather than any measure of core inflation that strips out food and fuel,” the RBI Deputy Governor emphasised.

### **WHAT IS TOKENISATION AND WHY HAS RBI ISSUED NEW GUIDELINES?**

The Reserve Bank of India has extended the implementation date of card-on-file (CoF) tokenisation norms by six months to June 30, 2022. This follows a series of representations from several industry players and digital payment platforms who anticipated disruption in online transactions from January 1 when the new rules were to originally kick in. As per new guidelines, online players will have to delete any credit and debit card data stored on their platforms and replace them with token to secure card details of consumers. While most of the leading banks including SBI, HDFC Bank and ICICI Bank are ready for the switchover, other stakeholders — mostly merchants — argue that the systems at their backend are not yet ready to adopt the new regime and had sought further time in putting new norms into effect. While extending the guideline, the RBI said that in addition to tokenisation the “industry stakeholders may devise alternate mechanism(s) to handle any use case (including recurring e-mandates, EMI option, etc.) or post-transaction activity (including chargeback handling, dispute resolution, reward/ loyalty programme, etc.) that currently involves/requires storage of CoF data by entities other than card issuers and card networks.”

#### **What is tokenisation and why has RBI issued new guidelines?**

In September 2021, the RBI prohibited merchants from storing customer card details on their servers with effect from January 01, 2022, and mandated the adoption of card-on-file (CoF) tokenisation as an alternative to card storage. It applies to domestic, online purchases. Tokenisation refers to replacement of actual credit and debit card details with an alternate code called the “token”, which will be unique for a combination of card, token requestor and device. A tokenised card transaction is considered safer as the actual card details are not shared with the merchant during transaction processing. Customers who do not have the tokenisation facility will have to key in their name, 16-digit card number, expiry date and CVV each time they order something online. This could be cumbersome exercise and may impact transaction value, especially when done through stored cards. In case of multiple cards, each will have to be tokenised.

#### **What is the size of the industry and the impact of new guidelines?**

India has an estimated 100 crore debit and credit cards, which are used for about 1.5 crore daily transactions worth Rs 4000 crore, according to data shared by participants at a CII seminar on the subject this week. The value of the Indian digital payments industry in 2020-21, as per RBI’s



annual report, was Rs 14,14,85,173 crore. “Digital payments have triggered and sustained economic growth, especially through the trying times of the pandemic... While RBI’s intent is to protect consumer interest, the challenge on ground pertains to implementation,” as per the CII. Online merchants can lose up to 20-40% of their revenues post 31 December due to tokenisation norms, and for many of them, especially smaller ones, this would sound the death knell, causing them to shut shop, according to participants at the virtual session on Digital Payments and the India Media Consumer organised by the CII’s Media and Entertainment Committee.

#### **What’s the consumer impact?**

An estimated 5 million customers, who have stored their card details for online transactions on various platforms, could be impacted if the online players and merchants are not able to implement the changes at their backend. E-commerce platforms, online service providers and small merchants could be especially hit. Equated monthly instalments and subscription-based transactions that are paid through stored cards will also have to adhere to new rules. Now, with the latest extension, the RBI expects the systems to be ready for seamless launch in six months. While 90 per cent of banks are ready for tokens on the Visa platform, Mastercard is yet to catch up. The RBI had banned Mastercard from issuing any new cards on July 14 this year for not complying with data localisation requirements. Even as CoF conversion to a tokenised number is being done, the system is not geared up for processing the tokens as merchants are not ready at their end.

#### **Why did the stakeholders want an extension?**

Digital payment firms and merchant bodies had sought urgent intervention of the RBI to extend the deadline for implementation of the new credit and debit card data storage norms, or card-on-file tokenisation (CoF). They wrote to the central bank that if implemented in the present state of readiness, the new mandate could cause major disruptions and loss of revenue, especially for merchants. “Disruptions of this nature erode trust in digital payments and reverses consumer habits back towards cash-based payments,” Merchant Payments Alliance of India (MPAI) and the Alliance of Digital India Foundation (ADIF) said in a joint letter. Some banks had also written to the RBI seeking extension of implementation of the new norms, according to sources in the industry. Industry sources argue that all stakeholders – banks, card schemes, aggregators, gateways, processors, merchants, consumers and the regulator – in effect have to come together for successful implementation of the norms, which requires time and preparation. Specifically, the RBI policy change affects three major players: banks, intermediary payment systems and merchants. Stakeholders sought a phased implementation of the new mandate, a minimum time frame of six months for merchants to comply post readiness of banks, card networks, and payment aggregators/payment gateways.

#### **What is the preparedness of the banks?**

While industry bodies claimed in a letter to the Reserve Bank that RBI regulated entities were not prepared in the absence of a hard mandate to comply, banks say “they are seized with the matter” and merchants might require some more time for integration. HDFC Bank, ICICI and SBI Cards already have the card tokenisation system in place for online transactions, while few players have device-based tokenisation (SBI Cards with Samsung) for contactless NFC (near field communication) payments. Other banks have already initiated the process and many are ready with the new system. SBI Chairman Dinesh Khara had recently said, “It involves integration of the systems between banks and merchants. As far as banks are concerned, they have started working



on it. For our purposes, the operative part came in the month of September. As far as merchants are concerned, they might require some more time.” A report by Emkay Global Financial Services said, “Instead of creating own token generating engine, using the payment networks’ (Visa or Mastercard) engine will be far more cost-efficient and technologically advanced and will have merchant acceptability.” Mastercard and Google on Tuesday announced the rollout of tokenisation that will enable Google Pay users to transact using their Mastercard credit and debit cards. Many banks like SBI, HDFC and HSBC are using Mastercard for transactions. Three steps have to be completed for smooth implementation of tokenisation. Token provisioning: the consumer’s card number should be convertible into a token, which means the card networks have to be ready with the relevant infrastructure. Token processing: Consumers should be able to complete their transaction successfully through the tokens. Scale-up for multiple use cases: Consumer should be able to use the token for things like refunds, EMIs, recurring payments, offers, promotions, guest checkouts etc.

NEITHER BAN NOR REGULATE CRYPTO (PRAVEEN CHAKRAVARTY - A POLITICAL ECONOMIST AND CHAIRMAN OF DATA ANALYTICS OF THE CONGRESS PARTY)

“India has officially adopted bitcoin as legal tender,” tweeted the Prime Minister at 2 a.m. on December 12. The suddenness of the announcement, its timing and mode of communication would have shocked any nation. But he had made a similar announcement at 8 p.m. on November 8, 2016, declaring that all ₹500 and ₹1,000 notes would no longer be legal tender. So, introducing a new legal tender arbitrarily was not beyond the realm of possibilities. Fortunately, the tweet was deleted later citing “technical compromise”. Conspiracy theories aside, the nation’s currency is a very serious matter. Today, I can sell you my painting and accept cryptocurrency in return, just as I can also accept peacock feathers. It is a private transaction between consenting Indian adults and the government should not be involved. Nearly 15 million Indians are supposedly investing in and betting on cryptocurrencies, the value of which swings wildly, purportedly putting these investors and the financial system at risk. So, the government has to formulate a policy goes the argument.

#### **The question of trust**

But why are 15 million Indians gambling on cryptocurrencies? In the hope that its value will keep rising. This hope is based on the ultimate belief that they will be socially accepted as a valid medium of exchange. If I buy a cup of coffee, the shop will accept bitcoin only if they can use it to buy coffee seeds from the planter who in turn will accept bitcoins only if she can use it to buy fertilizer for her coffee plantation. Cryptocurrencies can become an acceptable medium of exchange only when each person in society trusts that the next person will accept it. Or if the government explicitly induces trust in them, as with paper currency. Currency essentially represents trust in society. Some ‘cool’ technology cannot manufacture social trust. If anything, social media companies have proven how if engineers are allowed to run amok, they can wreak havoc in society. As John Maynard Keynes said, “There is no subtler, no surer means of overturning society than to debauch the currency”. The government has to make it clear that India will not legitimise cryptocurrencies, which means they cannot be exchanged for rupees in a bank. This will dampen the enthusiasm for investment and speculation. After all, the value for cryptocurrency stems from the hope that it will eventually be a socially accepted medium of exchange or legal tender. It requires a global compact of all major nations to jointly resolve to not accept cryptocurrencies as currencies, which is where we seem to be headed. Inevitably there will be



some nation that will stay out and allow a loophole. For now, the Indian government must be explicit that India will never recognise cryptocurrencies as currency.

#### **Problem of regulation**

Some experts advocate regulation of cryptocurrencies. Implicit in this prescription is that the government should accord cryptocurrencies the status of a 'financial instrument' since only recognised instruments can be regulated. This can be a penny-wise and pound-foolish move. The argument for regulating cryptocurrencies is the notion that millions of investors indulge in risky cryptocurrency trading which can cause losses, increase volatility, spur shadow finance and pose a systemic risk. This advice is subconsciously triggered by the hangover of the 2008 financial crisis caused by mortgage trading. Fear of a systemic risk has already led the world down a dangerous path of excessive financialisation, reckless money supply and Wall Street control of economic policy, leading to huge disparities in societies. We cannot fall prey to it once again. If the government recognises cryptocurrencies as 'assets' and a regulator is established to supervise this, it runs the 'moral hazard' risk of signaling official sanction to speculators and implying government protection. This could perversely lead to more people trading in cryptocurrencies. India does not have the resources and governance capacity to set up a new regulatory infrastructure to oversee the interests of speculators gambling in cryptocurrencies today or peacock feathers tomorrow. By eschewing responsibility for cryptocurrencies, the government can send an unambiguous signal that those indulging in cryptocurrencies do so at their own risk. When it becomes very clear that the government will neither legalise nor regulate cryptocurrencies in India, speculative activity will reduce eventually, even if few investors lose in the process. Blockchain can be a powerful technology with many applications that must be encouraged; just not as a nation's currency. It is neither feasible nor wise to ban or regulate cryptocurrencies. Make it categorically clear that India will never permit cryptocurrencies to be currency and stop there.

### WHAT TO LOOK AT BEFORE INVESTING IN ESG FUNDS

Environment, social responsibility, and corporate governance have of late emerged as key themes for investors in India. The asset size of ESG funds has ballooned nearly five times to Rs 12,300 crore over the last couple of years. Earlier this week, the National Stock Exchange (NSE) launched NSE Prime, a framework that allows companies to submit to standards of corporate governance that are higher than those required by existing regulations. Market experts say investors in funds and companies would do well to keep the factors of environmental sustainability, social responsibility, and corporate governance in mind for long-term sustainability of investment returns. However, some are sceptical of the possibility of "greenwashing", and of fund managers over-weighting certain stocks once other options are deemed non-compliant with ESG investment parameters.

#### **ESG investing**

The expression is used synonymously with sustainable and socially responsible investing. While selecting a stock for investment, an ESG fund shortlists companies that score high on environment, social responsibility, and corporate governance, and then looks at financial factors. With the overall increase in awareness, and with regulations moving in this direction, investors are re-evaluating traditional approaches and considering the impact of their decisions on the planet. As ESG funds gain momentum in India, companies will be forced to improve governance and ethical practices, and act with greater social and environmental responsibility, fund managers say. As the



policy framework changes, companies that do not alter business models or become more environmentally sustainable, could have their revenue and profits impacted in the long term, they say. Globally, many pension funds and sovereign wealth funds do not invest in companies that are seen as polluting or socially not responsible.

### **NSE Prime**

While sign-up is voluntary, NSE is looking to create a bouquet of companies across market capitalisations that will follow a higher standard of corporate governance (as prescribed for NSE Prime) which is a notch above the Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) Regulations. Some key requirements for companies to qualify for NSE Prime are: a minimum 40 per cent public shareholding; mandatory segregation of the posts of chairman and CEO; independent directors as chairpersons of the risk management, stakeholder relationship, nomination remuneration, and audit committees. The idea is to nudge companies to raise levels of corporate governance practice on their own. The creation of such a group of companies will result in better decision-making and protection of shareholder interest, it is hoped. "It will send a message that these companies truly believe in higher standards of corporate governance and that they are ready to raise the bar on holding themselves accountable," NSE CEO Vikram Limaye said.

### **ESG MF offerings**

Most top fund houses, including SBI Magnum Equity, Aditya Birla Sun Life, ICICI Prudential, Quantum India, Kotak Mutual Fund, and Axis Mutual Fund offer ESG investment opportunities. Because this is a niche area, the fund houses have set the expense ratio of their ESG funds in the higher range. ESG funds use parameters such as greenhouse gas and carbon emissions, and employment generated to assess the ESG impact of the companies. Thus, companies with higher carbon outputs such as tobacco manufacturers, coal miners, oil and gas companies, and fossil fuel-based power generators typically do not feature in ESG fund portfolios. On the other hand, companies in the technology, renewable energy, healthcare, and FMCG space feature heavily in these portfolios.

### **Behind ESG growth**

Fund managers have pointed out that greater policy focus on aspects such as cleanliness, skill development, expanded healthcare coverage, and education indicates potential public investment in these social development and environmentally sensitive sectors of the economy. There is increasing awareness and understanding among younger investors about the impact of business on social development and environment. The 2021 Millennial and Gen Z Survey by Deloitte found: "During the pandemic, health care and unemployment topped millennials' list of concerns. But environment remained a priority (#3 for millennials and #1 for Gen Zs). ~40% believe that more people will commit to take action on environmental issues after the pandemic..." Experts say that companies that are part of the ESG or NSE Prime will not only be on the right side of regulations and benefit from it in the long term, but will also have a better reputation and potentially command a premium on valuation in the long run. They may also attract a better quality of retail and institutional investors, these experts argue.

### **An area of concern**

Alongside the greater attention on issues such as climate risk, emissions, supply chains, labour rights, anti-corruption, etc., certain concerns have been flagged as well. One of these is the



possibility of “greenwashing”, understood as an act of conveying a “false impression or providing misleading information about how a company’s products are more environmentally sound”. In an agenda note published on December 21 on ‘How to address sustainable investment backlash and improve ESG reporting’, the World Economic Forum noted that greenwashing is a top concern among global institutional investors, “cited by six in 10 respondents as an issue when selecting sustainable investments, according to a Schroders Institutional Investor study. It’s also been known to be a problem for retail investors, who especially struggle to decipher complex ESG investments”. Investment experts have also pointed to the tendency of fund managers to overweigh certain stocks and companies in a situation where most large investment-friendly companies have fallen short of the qualitative and quantitative parameters used for ESG investing.

## AMAZON SET TO BUY CATAMARAN STAKE IN PRIONE; WHAT THIS MEANS

E-commerce marketplace platform Amazon is set to acquire the stake of Catamaran Ventures — Infosys co-founder N R Naryana Murthy’s investment vehicle — in Prione Business Services Pvt Ltd, the company which houses one of the biggest sellers on Amazon India – Cloudfair.

### What does this mean?

Back in 2014, Amazon signed a joint-venture agreement with Catamaran Ventures to set up Prione Business Services. The arrangement was that Amazon would hold 49 per cent stake in Prione and Catamaran 51 per cent. Prione was the parent company of Cloudfair, which is one of the biggest sellers on Amazon India marketplace. Since then, various policy tweaks for foreign direct investment (FDI) in e-commerce made it increasingly tougher for Amazon to have a control over the inventory being sold on its platform. In August this year, Amazon and Catamaran announced that the joint venture would end in May 2022 at the completion of its term. Now, Amazon is purchasing Catamaran’s stake in Prione to hold 100 per cent of the Cloudfair parent.

### Which policy tweaks impacted this joint-venture?

India’s FDI rules for e-commerce mandate players with foreign funding to operate on a marketplace model, having virtually no control over the inventory sold on the platform. However, the operations of Cloudfair, especially with it becoming the largest seller, was deemed non-compliant with the rules. In 2016, the government clarified its existing FDI rules to say that no single seller can have more than 25 per cent of the total sales on an e-commerce platform. Shortly after this, in 2017, Amazon announced a new joint-venture with the Patni Group to create Appario Retail. Effective early 2019, the Indian government further tightened the screws on foreign funded e-commerce players, saying these entities or their group companies were disallowed from owning stake in seller firms. Following this, in the same year, Amazon reduced its stake in Prione to 24 per cent to comply with the new rules.

### What has Amazon said?

In a joint statement, Amazon and Catamaran said: “Prione Business Services Pvt Ltd, the joint venture between Catamaran and Amazon, will be acquired by Amazon subject to requisite regulatory approvals. On August 09, 2021, the Partners had announced their decision to not continue the JV beyond the end of its current term of May 2022. Amazon will acquire Catamaran’s shareholding in Prione in compliance with applicable laws including all assets and liabilities. The businesses of the Joint Venture shall continue under the leadership of the current management



and on receipt of regulatory approvals, the board of Prione & Cloudtail will take steps to complete the transaction in compliance with applicable laws.”

#### **Will Cloudtail shut down as a seller, and what happens with Appario?**

While it is unclear at this point whether Amazon will continue operating Cloudtail, indications are that Amazon has started looking for new vendor partners to carry on with the Prione Business Services venture. The firm is said to be looking for partners with experience in the e-commerce space. With regard to Appario, while the company hasn't formally announced any change to business, question marks linger over whether the joint-venture will be extended after its five-year term ends next year.

### WHY CCI WITHDREW APPROVAL FOR AMAZON'S INVESTMENT IN FUTURE GROUP

The Competition Commission of India (CCI) has withdrawn approval for Amazon's investment in Future Coupons Private Ltd. that was granted in 2019. The unprecedented move by the regulator could deal a blow to Amazon's attempts to thwart a takeover of the Future Group's retail assets by Reliance Industries Ltd (RIL). An explanation of the context of the order by the CCI and ongoing litigation between Amazon and the Future Group.

#### **Why did the CCI withdraw approval for Amazon's investment in FCPL?**

The CCI said it has concluded that Amazon "misled" the regulator about its intentions regarding its investment in FCPL. The CCI in its order noted that the company had "misled the Commission to believe, through false statements and material omissions, that the combination and its purpose were the interest of Amazon in the business of FCPL" and suppressed "the purpose of establishing strategic alignment and partnership between Amazon Group and FRL (Future Retail Ltd) as well as have a 'foot-in-the-door' in the India retail sector." Amazon's investment in FCPL gave the former a call option on acquiring the promoter stake of FCPL, Future Retail within 3-10 years. Amazon has relied on this aspect of the agreement in winning a stay on an acquisition of the Future Group's retail businesses by RIL from the Singapore International Arbitration Centre (SIAC). The CCI noted in its order that internal emails from Amazon revealed that the company intended to acquire Future Retail once foreign investment laws are relaxed and not just the investment opportunity in FCL. "When foreign investment laws are relaxed and higher stake or acquisition of multi-brand retail assets is permitted beyond today's possibilities, we would have a foot-in-the-door to acquire more in this strategic asset, should we so desire at the time," said an internal email from Amazon regarding the transaction. The CCI kept the approval it had granted for the investment in abeyance and directed Amazon to file information regarding the investment within 60 days which the CCI will examine afresh.

#### **How does this impact the potential sale of Future Group's retail assets to RIL?**

Amazon had approached the Singapore International Arbitration Centre (SIAC) and won a stay on the proposed sale of the Future Group's retail assets to RIL which was later upheld by the Supreme Court. Amazon had cited covenants in the FCPL shareholders agreement and share subscription agreement that gave it "special and material rights available with FCPL with respect to FRL's business and its Retail Assets." The order by the CCI could ease the path for RIL to acquire the Future Group's retail assets as it may void the investment made by Amazon in FCPL and its rights under the shareholders agreements and share subscription agreement. Experts noted however that the order was likely to be challenged. Amazon had argued in submissions before the CCI that





the regulator did not have the power to revoke approval for a combination under the Competition Act. “CCI order suspending its approval granted for Amazon’s strategic investments in the Future Group is a welcome, though belated, step, since the competition concerns ought to have been examined in the first place. However, its legal validity before higher courts will have to be tested for sure,” said MM Sharma, Head of competition law practice at Vaish Associates Advocates.

## WHAT RISING INEQUALITY MEANS

The COVID-19 pandemic has exposed the stark divide between the rich and the poor. At this juncture, evaluating the state of inequality serves as an eye-opener on the income/wealth divides prevailing across regions. Such divides are represented in terms of the share of income/wealth among the top 10% of the population against the bottom 50% of the population. With regard to income, the top 10% of the global population share 52% of the total income, while the bottom half survives with a mere 8.5% of it. This leaves the 40% in the middle with 40% of the income. This distribution shows the tendency of a rising middle class with lower disparity in income, but it also shows that the status of the poor is worsening day by day. In terms of wealth, the top 10% of the global population own 76% of the total wealth, while the bottom 50% share a mere 2%. The practice of unabated accumulation has been possible in the absence of effective measures of redistribution on the one hand and the absence of measures discouraging undue accumulation on the other.

### Levels of inequality

This inequality varies across regions. It is moderate in Europe and sharp in Africa. The top 10% have an income share of 36% in Europe vis-à-vis the top 10% with a share of 58% of the total income in West Asia and North Africa. This disparity shows that worsening inequalities are avoidable with appropriate measures in place. The share of income among the top 10% has been varying across regions indicating that the global picture is an aggregation of the most uneven distribution of income and wealth. While there is an argument in literature that inequalities are a manifestation of the average level of income, as explained by the Kuznets’ theory, the prevailing pattern across countries does not follow the same. The average income levels seem to be poor predictors of the levels of inequality, with high-income countries such as the U.S. having higher levels of inequality as against countries such as Sweden, which have moderate levels of inequality. Similar contradictions are also seen when we contrast middle-income nations such as Brazil, India and China as against Malaysia and Uruguay. Hence, emerging inequalities are not necessarily an outcome of rising levels of income in the post-liberalisation era, but a depiction of poor redistributive policies towards discouragement of accumulation by governments with due sensitivity towards inequalities. Such a contention is evidenced with the rise in inequalities in the U.S. and India as against a moderate rise in China. A reading across regions shows that global inequality is being largely contributed by South Asian, Southeast Asian and Latin American countries, Sub-Saharan Africa, West Asia and North Africa. This pattern is confirmed based on a ratio of average incomes of the top 10% to the bottom half which ranges in 5 to 50+ depicting the kind of disparity in income otherwise. The situation worsens further in the wealth domain. The top 10% own 76% of the total wealth compared with the bottom half which owns 2%. This means that we are keeping 50% of the population under-endowed to a degree of 15 to 20 times against the privileged. One wonders whether such a disproportionate distribution of wealth is sustainable in the long run.

### Rich nations, poor governments



This prevailing pattern of wealth concentration and differential levels of income around the world has also resulted in rich nations having poor governments. In fact, many governments are relatively poor with very limited resources, as resources are gradually moving into private hands. Such a situation has two underpinnings: one, governments have a limited capacity to act on inequality aversion measures and two, private interests overshadow the distributional fairness of wealth. The scenario is undoubtedly an outcome of the ineffectiveness of redistribution measures and also a complete absence of measures that discourage accumulation. Some additional features of this exposition of inequality also relate to imbalance of women's share in income as well as the ecological inequities indicated by the differential carbon emission levels. Focus also needs to be placed on reducing disparities in capability domains like education and differential endowments (tangible and intangible) that have the potential to sustain inequalities. The most unfortunate part of the prevailing inequality is the great homogeneity among the bottom half and the extreme disparity among the top 10%. This has led to an increase in the number of billionaires in the world while billions don't have the means for a decent life.

### HOW THE CODE ON WAGES 'LEGALISES' BONDED LABOUR

Debt bondage is a form of slavery that exists when a worker is induced to accept advances on wages, of a size, or at a level of interest, such that the advance will never be repaid. One of India's hastily-passed Labour Codes — the Code on Wages, 2019 — gives legal sanction to this horrifically repressive, inhuman practice, by allowing employers to extend limitless credit advances to their workers, and charge an unspecified (and hence, usurious) interest rate on them. Despite previously existing legal protections, vulnerable agricultural, informal sector and migrant workers were already becoming trapped in a vicious cycle of mounting debt and dwindling income, stripping them, their families and future generations, of their most basic rights. It remains one of the most pernicious sources of control and bondage in India, and is incompatible with democracy. What is shocking is that instead of preventing such enslavement of workers and protecting their fundamental rights, the present government appears to openly abet the practice, by undoing even the weakest safeguards earlier in place under the Minimum Wages Act, 1948 (now subsumed in the Code).

#### **A free pass to debt bondage**

Rule 21 of the Minimum Wages (Central) Rules, 1950 (corresponding to the Act) spelt out certain 'deductions' permissible from the wages of workers. The sub-rule (2)(vi) allowed for "deductions for recovery of advances or for adjustment of over payment of wages, provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person". Additionally, it stated, "in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month". Compare this with Section 18(2)(f)(i) of the Code on Wages, which introduces two major changes to the foregoing. This section allows deductions from wages for the recovery of "advances of whatever nature (including advances for travelling allowance or conveyance allowance), and the interest due in respect thereof, or for adjustment of overpayment of wages". The subtle manipulations introduced have huge implications. One, it has done away with the cap of 'not more than two months' of a worker's wages under the earlier Act, that an employer can give as advance. This allows employers to lend unlimited advances to their workers, tightening their grip. Two, it has legalised the charging of an interest rate by the employer on such advances, by adding the clause on interest, and with no details on what might be charged. The net impact is an open sanction for the bonded labour system to flourish. Moreover, the Code increases the permissible monthly deduction towards such recovery, up to one-half of the worker's monthly



wage, as compared with one-fourth under the earlier Act. Not that the presence of any law under our Constitution even before the Labour Codes — such as The Bonded Labour System (Abolition) Act, 1976 — or various Supreme Court judgments, have ever deterred the bonded labour system from being widespread across sectors, from agriculture to quarrying, spinning, and more.

### **Cases in Rajasthan**

In Baran district, Rajasthan (2011-12), a series of Sahariya (a primitive tribal group) families boldly came out one after the other and spoke of their harrowing experiences of violence and even rape at the hands of Sikh, caste Hindu, and Muslim landlords, for whom they had worked as ‘halis’ for generations. The mostly upper-caste government officials from the Collector onwards put up a wall of resistance in acknowledging them as bonded labourers as per the Act, thereby denying them any sort of relief or rehabilitation, till pressure was mounted. In a large-scale primary survey in a mining cluster of Nagaur district, Rajasthan for the Mine Labour Protection Campaign (2015), we found that one in three workers interviewed had taken advances from their employers ranging from ₹1,000-₹1,50,000 at the time of joining work. Of them, about 50% said they took the amount “to pay off the earlier employer or a moneylender”. But in Parliament, the existence of bonded labour has simply been denied among elected representatives, or grossly understated. Debt bondage and forced labour flourish because the Government has done nothing to ensure the economic security of labourers. And it is set to worsen if this labour code provision is allowed to take shape.

### **Need for state intervention**

It is no coincidence that the disproportionate effect of this huge regression in the Labour Code will fall on Dalits and the landless. In the Nagaur study, for instance, we found that 56% of the workers were Dalits, as contrasted with only 3% of the mine owners. The vast proportion of landless agricultural labourers in India, to date, are Dalits. Anand Teltumbde powerfully writes in Republic of Caste, “The dominant castes understood that if dalits came to own the means of survival, they would repudiate their servile status and its attendant social bondage... Economic independence is an aspect of liberty and its absence, as a corollary, spells slavery.” Indeed, this is exactly what B.R. Ambedkar feared would play out in India, and hoped to prevent, through his pamphlet, States and Minorities, released in the 1940s (see Article 2). In her Ambedkar Lecture, 2018 at the University of Edinburgh, Rupa Viswanath, Professor of Indian Religions at the Centre for Modern Indian Studies, University of Göttingen, expounds on Ambedkar’s later-age line of reasoning that “what makes the translation of ‘one-man-one vote’ to ‘one-man-one-value’ possible, is the worker’s economic freedom”. Ambedkar understood that economic enslavement was an extreme form of coercion that rendered political freedom meaningless, and that democracy itself required state intervention in the economic structure to prevent such practices, she says. While he proposed a complete recast of rural and agrarian land structures, and state ownership of land as crucial to this, she explains, he also defined democracy as resting on two premises that required the existence of economic rights. The first, relevant to the present discussion on Labour Codes, was that “an individual must not be required to relinquish his Constitutional rights as a condition precedent to the receipt of any privilege”. But that is exactly what the unemployed are forced to do — merely for the sake of securing the ‘privilege’ to work and to subsist, she notes.

### **Deepening inequality**

The larger picture we must keep in mind, therefore, is this. Government after government, under the garb of being pro-worker, has schemed to intervene in exactly the opposite direction as



desired — by maintaining and deepening economic inequality to the advantage of the privileged castes and classes, thereby keeping true political freedom out of the workers' reach. And it is this line that the Central government has pursued with even more gusto, in the recasting and passing of these retrogressive labour codes. If the farm laws could be repealed, then these anti-labour codes, with numerous other dilutions that snatch away the mostly non-existent rights of the far more vulnerable class of workers, must surely go.

## MULTISTATE COOPERATIVES: HOW THEY FUNCTION, WHY GOVT PLANS TO AMEND THE LAW

Union Home and Cooperation Minister Amit Shah announced that the Centre has decided to amend the Multi State Cooperative Societies (MSCS) Act, 2002 to “plug the loopholes in the Act”. He was speaking at the convocation of the Vaikunth Metha National Institute of Cooperative Management, Pune.

### What is the Act, and what are multistate cooperative societies?

Cooperatives are a state subject, but there are many societies such as those for sugar and milk, banks, milk unions etc whose members and areas of operation are spread across more than one state. The Act was passed to govern such cooperatives. For example, most sugar mills along the districts on the Karnataka-Maharashtra border procure cane from both states. They draw their membership from both states, and they are thus registered under the MSCS Act. Their board of directors has representation from all states they operate in. Administrative and financial control of these societies is with the central registrar, with the law making it clear that no state government official can wield any control on them. Since the law was enacted, 1,479 such societies have been registered, of which 9 have been deregistered since. Maharashtra has the highest number at 567, followed by Uttar Pradesh (147) and New Delhi (133). Credit societies constitute the bulk of registered societies at 610, followed by agro-based ones (which include sugar mills, spinning mills etc) at 244. There are 96 multistate cooperative dairies and 66 multistate cooperative banks.

### Why does the government plan to amend the Act?

Experts on cooperatives talk of loopholes in the Act. The exclusive control of the central registrar, who is also the Central Cooperative Commissioner, was meant to allow smooth functioning of these societies. The central Act cushions them from the interference of state authorities so that these societies are able to function in multiple states. What was supposed to facilitate smooth functioning, however, has created obstacles. Vijay Autade, an expert on cooperatives, pointed out for state-registered societies, financial and administrative control rests with state registrars who exercise it through district- and tehsil-level officers. “Thus if a sugar mill wishes to buy new machinery or go for expansion, they would first have to take permission from the sugar commissioner for both. Post this, the proposal would go to the state-level committee that would float tenders and carry out the process,” he said. While the system for state-registered societies includes checks and balances at multiple layers to ensure transparency in the process, these layers do not exist in the case of multistate societies. Instead, the board of directors has control of all finances and administration. For expenditure above a certain level, the annual general body meeting of the society has to be called. The annual report of these societies has to be submitted either online or offline to the central registrar before September every year. This year, 1,458 reports have been submitted.



### **What are the other issues with the Act?**

Many experts have noted there is an apparent lack of day-to-day government control on such societies. Unlike state cooperatives, which have to submit multiple reports to the state registrar, multistate cooperatives need not. The central registrar can only allow inspection of the societies under special conditions — a written request has to be sent to the office of the registrar by not less than one-third of the members of the board, or not less than one-fifth of the number of members of the society. Inspections can happen only after prior intimation to societies. The on-ground infrastructure for central registrar is thin — there are no officers or offices at state level, with most work being carried out either online or through correspondence. For members of the societies, the only office where they can seek justice is in Delhi, with state authorities expressing their inability to do anything more than forwarding their complaints to the central registrar. There have been instances across the country when credit societies have launched ponzi schemes taking advantage of these loopholes. Such schemes mostly target small and medium holders with the lure of high returns. Fly-by-night operators get people to invest and, after a few instalments, wind up their operations. In Maharashtra, the state commissioner used to get multiple complaints of this nature but could not take any action, given the lack of ground staff necessary for verifying the antecedents of such societies. Sugar industry experts spoke of a mill in Sangli, which was registered under the central Act and then privatised after the then board of directors passed a resolution. This mill was among the 68 sold off by the Maharashtra State Cooperative Bank for defaulting on loans. Taking advantage of the multistate status, the mill declared itself as a sick unit before it was auctioned off.

### **What kind of amendments can be expected?**

The Centre is holding extensive consultations with experts from various fields: bankers, sugar commissioners, cooperative commissioners, housing societies federations etc. Senior central government officials said they will also increase their manpower, first in Delhi and then in the states, to ensure better governance of the societies. Also, technology will be used to bring in transparency. Sanjiv Babar, former managing director of the Maharashtra State Cooperative Sugar Factories Federation, suggested that administrative control of such societies should be vested in the state commissioners. “This way, day-to-day control can be wielded to ward off cases of fraud,” he said.

## **WHAT WILL BE THE IMPACT OF PEPSICO VERDICT?**

The Protection of Plant Varieties and Farmers’ Rights Authority (PPV&FRA) revoked PepsiCo India’s registration of its potato variety used to make Lays chips earlier this month, more than two years after the multinational food giant sued Gujarati farmers for allegedly infringing its rights by growing and selling its registered variety. The wider implications of the verdict for intellectual property rights in the agricultural sector are being examined by farmers’ groups as well as seed developers and industrial agriculture companies, both international and Indian.

### **What does the verdict mean for farmers’ rights?**

Although the PPV&FRA verdict largely depended on procedural errors and shortcomings of PepsiCo and the registrar with regard to documentation and transfer of rights between the plant breeder and the production company, it does touch briefly on the protection of farmers’ rights and public interest. “[F]armers have been put to hardship including the looming possibility of having to pay huge penalty on the purported infringement they were supposed to have been committing,”



said the judgment, noting that PepsiCo had claimed damages of more than ₹1 crore each from small farmers. “This violates public interest,” it added, allowing farmers’ groups to claim that the verdict sent a strong signal to those who hold intellectual property rights for seeds that the unique rights that the PPV&FR Act provides Indian farmers are not to be transgressed. Kapil Shah of the Kisan Beej Adhikar Manch, one of the Gujarat activists who spearheaded the initial protests, also emphasised the difference in rights provided under law to farmers and breeders. ‘Producing from a variety’, including a farmer saving seed and using unbranded seed from a harvest, is very different to ‘producing a variety’, which involves breeders following complex technical procedures that farmers largely do not have the skills for. There is no risk of commercial competition for the IPR owner in the first case, when harvests are meant for consumption, processing and the grocery market, unlike in the latter case when harvests are meant for further planting and multiplication of the genome or to generate heterosis in hybrid varieties, he said.

#### **Does the PPV&FR Act encourage innovation and protect intellectual property rights of seed developers?**

The biggest problem with the law is the lack of proper enforcement, according to the seeds industry. “There must be a mechanism to catch and punish those who illegally sell the variety, but enforcement is left to States and is patchy at best,” said Federation of Seed Industry of India director general Ram Kaundinya to The Hindu, pointing to the rampant spread of unauthorised and genetically modified HTBt cotton seeds as an example of this. He added that the unique protections provided to farmers in India can act as an enforcement loophole given the grey area between farmers and aggregators. “A farmer is allowed to grow protected varieties, sell the produce, even sell the unbranded seeds under the law, and that intention is good. But what happens when many farmers sell registered seeds to an aggregator who collects it and then sells it in a branded fashion, or sells to a competitor? If the aggregator owns an acre of land somewhere, he may also call himself a farmer,” pointed out Mr. Kaundinya, adding that pilferage of the parent seed from farmers’ fields is also a concern. Other issues with PPV&FR implementation which obstruct innovation include the slow turnaround time for registration of varieties and the requirement that companies submit parent seeds when applying for registration. “Forget foreign investment, even domestic investment in innovation is low because of lack of protection of IPR. The Indian seed market has annual revenues of ₹20,000 crore, but less than 3% or about ₹500-600 crore is ploughed back into research, in contrast with 10-12% which is the global standard,” he noted.

#### **How does contract farming law impact the issue?**

With the first national contract farming law passed by Parliament last year being repealed last month under pressure from protesting farm unions, there is no uniformity among the few State laws that exist. The seed industry, which depends on farmers for seed production, prefers to deal with local contractors rather than sign direct contracts with farmers. “If a contract is violated, there is no way for us to enforce it at the village level, so it is better to deal with a local player and form tripartite agreements. It is inconceivable for any company to sue a farmer,” said Mr. Kaundinya, noting that PepsiCo and Monsanto have faced political and public backlash for doing so.

### **HOW TO READ THE WTO PANEL’S SUGAR REPORT AGAINST INDIA**

A panel set up by the Dispute Settlement Body (DSB) of the World Trade Organization (WTO) has ruled against India’s sugar subsidies, and asked it to “withdraw its prohibited subsidies under the Production Assistance, the Buffer Stock, and the Marketing and Transportation Schemes within



120 days from the adoption of [the] report”. The panel circulated its 115-page report, ‘India — Measures Concerning Sugar and Sugarcane’, on Tuesday (December 14). The report is yet to be adopted (or rejected) by the WTO’s full membership. The WTO describes itself as a “member-driven”, “consensus-based” organisation.

#### **How did the WTO process unfold?**

According to a timeline of the case provided by the WTO, on July 11, 2019, three countries, Australia, Brazil and Guatemala, complained about “support allegedly provided by India in favour of producers of sugarcane and sugar (domestic support measures), as well as all export subsidies that India allegedly provides for sugar and sugarcane (export subsidy measures)”. The countries had requested “consultations” with India in February-March 2019, but the talks, held separately in April-May 2019, had “failed to resolve the dispute”. As requested by the three countries, the DSB in its meeting of August 15, 2019, established three panels “to examine, in the light of the relevant provisions of the covered agreements cited by the parties to the dispute, the matter referred to the DSB...and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in those agreements”. The panel held an organisational meeting with the parties on November 22, 2019, but due to the Covid-19 pandemic, the first substantive meeting could be held only in December 2020. Another meeting and written submissions followed, after which the panel issued its final report to the parties on September 30, 2021.

#### **What was the complaint against India?**

Australia, Brazil, and Guatemala said India’s domestic support and export subsidy measures appeared to be inconsistent with various articles of the WTO’s Agreement on Agriculture and the Agreement on Subsidies and Countervailing Measures (SCM), and Article XVI (which concerns subsidies) of the General Agreement on Trade and Tariffs (GATT). All three countries complained that India provides domestic support to sugarcane producers that exceeds the de minimis level of 10% of the total value of sugarcane production, which they said was inconsistent with the Agreement on Agriculture. They also raised the issue of India’s alleged export subsidies, subsidies under the production assistance and buffer stock schemes, and the marketing and transportation scheme. Australia accused India of “failing” to notify its annual domestic support for sugarcane and sugar subsequent to 1995-96, and its export subsidies since 2009-10, which it said were inconsistent with the provisions of the SCM Agreement.

#### **What did India tell the WTO panel?**

According to the panel’s report, India said that the “complainants have failed to meet their burden of showing” that India’s market price support for sugarcane, and its various schemes violate the Agreement on Agriculture. It also argued that “the requirements of Article 3 of the SCM Agreement are not yet applicable to India and that India has a phase-out period of 8 years to eliminate export subsidies, if any, pursuant to Article 27 of the SCM Agreement”.

#### **What did the panel find?**

On the complaint regarding India’s domestic support to sugarcane producers, the panel found that for five consecutive sugar seasons from 2014-15 to 2018-19, India provided non-exempt product-specific domestic support to sugarcane producers in excess of the permitted level of 10% of the total value of sugarcane production. “Therefore, we find that India is acting inconsistently with its obligations under Article 7.2(b) of the Agreement on Agriculture,” the panel said. According to a



WTO summary of the panel's key findings, "the threshold issue...was whether 'market price support' within the meaning of the Agreement on Agriculture only exists when the government pays for or procures the relevant agricultural product." While India argued that its "mandatory minimum prices are not paid by the central or state governments but by sugar mills, and hence do not constitute market price support", the panel rejected this argument — saying "market price support does not require governments to purchase or procure the relevant agricultural product". On India's alleged export subsidies for sugar, "the panel found that the challenged schemes are export subsidies within the meaning of Article 9.1(a) of the Agreement on Agriculture," according to the summary. "Since India's WTO Schedule does not specify export subsidy reduction commitments with respect to sugar, the panel found that such export subsidies are inconsistent with Articles 3.3 and 8 of the Agreement on Agriculture." With respect to Australia's claims regarding India's notification obligations, the panel's report said that "by failing to notify to the Committee on Agriculture its domestic support to sugarcane producers subsequent to the 1995-96 marketing year, as well as its export subsidies for sugar subsequent to the 2009-10 marketing year", India had "violated its obligation under Article 18.2 of the Agreement on Agriculture". Also, "by failing to notify to the SCM Committee its export subsidies for sugar under the Production Assistance, the Buffer Stock, the Marketing and Transportation, and the DFIA Schemes, India has violated its obligations under Articles 25.1 and 25.2 of the SCM Agreement", the panel said in its report.

#### **What did the panel recommend?**

"We recommend that India bring its WTO-inconsistent measures into conformity with its obligations under the Agreement on Agriculture and the SCM Agreement," the panel said in its report. "We recommend that India withdraw its prohibited subsidies under the Production Assistance, the Buffer Stock, and the Marketing and Transportation Schemes within 120 days from the adoption of our Report."

#### **How has the government responded?**

Responding to the WTO panel's ruling, the Union Ministry of Commerce and Industry on Tuesday said that the findings of the panel were "completely unacceptable" to India. Australia, Brazil, and Guatemala "had wrongly claimed that domestic support provided by India to sugarcane producers is in excess of the limit allowed by the WTO and that India provides prohibited export subsidies to sugar mills", the Ministry said. The panel's findings were "erroneous", "unreasoned", and "not supported by the WTO rules", it said. "The Panel has also evaded key issues which it was obliged to determine. Similarly, the Panel's findings on alleged export subsidies undermines logic and rationale."

#### **Will India's sugar industry or sugarcane farmers be impacted by the panel's rulings?**

The Ministry said there would be "no impact" on any of India's "existing and ongoing policy measures" in the sugar sector. "India has initiated all measures necessary to protect its interest and file an appeal at the WTO against the report, to protect the interests of its farmers," it said in a statement. "India believes that its measures are consistent with its obligations under the WTO agreements."



**LIFE & SCIENCE****HOW WEBB TELESCOPE WILL SEEK TO UNLOCK UNIVERSE'S SECRETS**

The excitement in the scientific community is similar to what had accompanied news of detection of the gravitation waves in 2016, or the release of the first ever 'photograph' of a black hole in 2019. This time, no major scientific discovery is being announced. Rather, it is the potential for many such discoveries that is creating the buzz. Around 6 pm India time on Saturday, NASA's James Webb Space Telescope (JWST), the largest and most powerful space telescope ever built, will be launched from French Guiana, on the northeast coast of South America, on the European Ariane 5 rocket. It is the same space facility and the same rocket that the Indian Space Research Organisation uses to launch its heavier satellites. JWST is an engineering marvel comparable to the earth-based Event Horizon Telescope that produced the photograph of the black hole, or the LIGO that detected the gravitational waves. It is widely expected to unveil many secrets of the universe, particularly those related to the formation of stars and galaxies in the early period — the first few hundred million years — after the Big Bang.

**Time machine in space**

Powerful space telescopes, like JWST or the Hubble Telescope, are often called time-machines because of their ability to view very faraway objects. The light coming from those objects, stars or galaxies, which is captured by these telescopes, began its journey millions of years earlier. Essentially, what these telescopes see are images of these stars or galaxies as they were millions of years ago. The more distant the planet or star, the farther back in time are the telescopes able to see. Images and data sent by Hubble, which has been in operation since 1990, orbiting the Earth at 570 km, form the basis for much of our understanding of the early universe and the formation and destruction of planets, stars and galaxies. It has seen deeper into the universe than any other instrument and taken the most iconic photographs of stars and galaxies. JWST is much more powerful and has the ability to look in the infrared spectrum, which will allow it to peer through much deeper into the universe, and see through obstructions such as gas clouds. As electromagnetic waves travel for long distances, they lose energy, resulting in an increase in their wavelength. An ultraviolet wave, for example, can slowly move into the visible light spectrum and the infrared spectrum, and further weaken to microwaves or radio waves, as it loses energy. Hubble was designed to look mainly into the ultraviolet and visible regions of the electromagnetic spectrum. JWST is primarily an infrared telescope, the first of its kind.

**Engineering marvel**

Hubble orbits the Earth at an altitude of ~570 km. Webb will not orbit the Earth, instead it will sit at the Earth-Sun L2 Lagrange point, 1.5 million km away. It is one of the five points, known as Lagrange's points, in any revolving two-body system like Earth and Sun, where the gravitational forces of the two large bodies cancel each other out. Objects placed at these positions are relatively stable and require minimal external energy to keep themselves there. L2 is a position directly behind Earth in the line joining the Sun and the Earth. It would be shielded from the Sun by the Earth as it goes around the Sun, in sync with the Earth. JWST has one large mirror, with a diameter of 21 feet (the height of a typical two-storey building), that will capture the infra-red light coming in from the deep universe while facing away from the Sun. It will be shielded by a five-layer, tennis court-sized, kite-shaped sunscreen that is designed to block the heat from Sun and ensure the extremely cool temperatures that the instruments are built to operate at. Temperatures on the



sun-facing side can get as high as 110°C, while the other side would be maintained at -200° to -230°C. The extremely cold temperatures are needed to detect the extremely faint heat signals from the distant galaxies. The mirror as well as the sunscreen are so large they could not have fit into any rocket. They have been built as foldable items and would be unravelled in space.

### The job

At its heart, the instruments on board JWST have very simple functions — an infrared camera will take images of astronomical objects, while spectrometers would break the incoming infrared light into different colours for analysis. But with these seemingly simple operations, scientists are hoping to unlock information that would significantly improve mankind’s understanding of the universe and throw some light on at least a few of the never-ending mysteries of nature.

## JAW STRENGTHENING

Theropod dinosaurs evolved more robust jaws through time allowing them to consume tougher food, a new study (Current Biology) reveals. Theropod dinosaurs underwent some of the most remarkable dietary changes. They started off as carnivores and then shifted to more specialised carnivores, omnivores and herbivores, with some taxa eventually reverting to become carnivores. The mandible had to adapt to changing feeding modes and diets. A team led by University of Birmingham researchers uncovered a common trend of jaw strengthening in theropods lineages. Carnivores like tyrannosaurus had a relatively slender and straight jaw. But Tarbosaurus and Tyrannosaurus evolved deeper jaws with the front portion bending upward, which increased jaw strength. Having a strengthened jaw is important to herbivorous theropods, as their jaws experience considerable stress from repetitive plant cropping. Herbivores like Erlikosaurus and Caudipteryx have extremely downward-bending jaws that could help dissipate such stress. In effect, theropod dinosaurs evolved different strategies to increase jaw stability depending on their diet, and this was achieved through bone remodelling. Bone remodelling is a mechanism where bone is deposited in regions of the jaw that experience high stresses during feeding, Dr Stephan Lautenschlager of University of Birmingham and a senior author of the paper said in a release.

## WHY DID INDIA REJECT UNSC DRAFT ON CLIMATE?

### **What was the proposal? Why do some countries feel the UNSC should not be given a broader mandate?**

On December 13, India joined Russia in opposing a draft proposal at the United Nations Security Council which would effectively bring climate change in the Security Council’s purview, allowing it to enforce and hold countries accountable for their promises to mitigate global warming. The proposal was sponsored by Niger and Ireland, who claimed that 113 countries, which included permanent Security Council members U.S., the U.K., and France, backed their view to integrate climate-related security risks into the UNSC’s conflict prevention mandate. However, after a heated debate and a strong counter by Indian Permanent Representative T.S.Tirumurti, the proposal was vetoed by Russia, and the UNSC recorded 12 in favour, 2 against as well as an abstention from China.

### **Why are sponsors keen to introduce climate change into the UNSC mandate?**

Climate change has been discussed at the UNSC since 2007, and several UNSC statements reference the impact of global warming on conflicts. Both Niger and Ireland pointed out that



people in countries most vulnerable to climate change are also most vulnerable to terror groups and violence, attempting to connect both to the UNSC's mandate on peacekeeping. They said climate-related conflicts over arable land, food security, desertification and forced migration, the increase in climate refugees due to global warming would all eventually lead to conflicts that the UNSC needs to weigh in on. According to a report by Peace Research Institute SIPRI, 10 of 21 ongoing UN peacekeeping operations are located in countries ranked as most exposed to climate change. Some commentators in favour, said it was only after 2000 when the UNSC passed Resolution 1325 on women, peace and security that gender violence in conflict really entered the debate, and hoped they could do the same for climate. Niger's representative said if the Security Council could pass a resolution on the COVID-19 pandemic and health security (UNSCR 2565 (2021)), why could climate security not be addressed there?

#### **Why did India vote with Russia?**

Apart from close multilateral cooperation with Russia, reaffirmed during a summit between Russian President Vladimir Putin and Prime Minister Narendra Modi, and the Foreign and Defence Minister 2+2 on December 6, India's stand on the proposal is consistent with a desire not to allow the UNSC too broad a mandate to "intervene" and overreach on sovereign issues. While the UN Framework Convention on Climate Change (UNFCCC), which held the CoP conference in Glasgow last month collates the voluntary contributions of countries in order to battle climate change and promote sustainability, India believes these are not issues where the UNSC should interfere. Mr. Tirumurti said while India is "second to none" on keeping its climate commitments and fighting for climate justice, it would be "misleading" to view conflicts through the prism of climate change worldwide. India even suggested that it would support a more limited draft that focused exclusively on the Sahel region of North Africa, where desertification of arid areas is directly sparking water-related conflict, but this was not considered, and India then recorded its first negative vote in this term at the UNSC. The Chinese representative, also said that UNSC should only consider security risks driven by climate change, based on "country-by-country or situation-by-situation" analysis.

#### **Will the climate security proposal be reviewed and resubmitted?**

Given the strong support the proposal has received, and the numerically small opposition from Russia and India at the UNSC at present, it is unlikely that the issue will go away, and it is only a matter of time before American, European, African and Latin American countries come together with another proposal to introduce climate change to the Security Council's mandate. The current proposal is a revised version of a draft proposed by Germany that was opposed in the UNSC in 2020. According to its backers, the real objective is to ensure that the UNSC considers the impact of climate change along with other causes of conflicts it is debating. However, those opposed to it, which include about 80 countries, say that bringing climate change into an already polarised Security Council, torn between the U.S., the U.K. and France versus Russia and China will only deepen schisms over an issue that concerns the whole globe and requires an undivided approach. As one of the most populous countries in the UNSC at present, and representing a region that is itself highly exposed to the risks of climate change, India's voice will be important in deciding the debate between securitising climate change, and ensuring the global peacekeeping body doesn't overstep its mandate.



## KILLER ROBOTS AREN'T SCIENCE FICTION. A PUSH TO BAN THEM IS GROWING

It may have seemed like an obscure United Nations conclave, but a meeting this week in Geneva was followed intently by experts in artificial intelligence, military strategy, disarmament and humanitarian law. The reason for the interest? Killer robots — drones, guns and bombs that decide on their own, with artificial brains, whether to attack and kill — and what should be done, if anything, to regulate or ban them. Once the domain of science fiction films like the “Terminator” series and “RoboCop,” killer robots, more technically known as Lethal Autonomous Weapons Systems, have been invented and tested at an accelerated pace with little oversight. Some prototypes have even been used in actual conflicts. The evolution of these machines is considered a potentially seismic event in warfare, akin to the invention of gunpowder and nuclear bombs. This year, for the first time, a majority of the 125 nations that belong to an agreement called the Convention on Certain Conventional Weapons said they wanted curbs on killer robots. But they were opposed by members that are developing these weapons, most notably the United States and Russia. The group’s conference concluded Friday with only a vague statement about considering possible measures acceptable to all. The Campaign to Stop Killer Robots, a disarmament group, said the outcome fell “drastically short.”

### **What is the Convention on Certain Conventional Weapons?**

Sometimes known as the Inhumane Weapons Convention, it is a framework of rules that ban or restrict weapons considered to cause unnecessary, unjustifiable and indiscriminate suffering, such as incendiary explosives, blinding lasers and booby traps that don’t distinguish between fighters and civilians. The convention has no provisions for killer robots.

### **What exactly are killer robots?**

Opinions differ on an exact definition, but they are widely considered to be weapons that make decisions with little or no human involvement. Rapid improvements in robotics, AI and image recognition are making such armaments possible. The drones the United States has used extensively in Afghanistan, Iraq and elsewhere are not considered robots because they are operated remotely by people, who choose targets and decide whether to shoot.

### **Why are they considered attractive?**

To war planners, the weapons offer the promise of keeping soldiers out of harm’s way, and making faster decisions than a human would, by giving more battlefield responsibilities to autonomous systems like pilotless drones and driverless tanks that independently decide when to strike.

### **What are the objections?**

Critics argue it is morally repugnant to assign lethal decision making to machines, regardless of technological sophistication. How does a machine differentiate an adult from a child, a fighter with a bazooka from a civilian with a broom, a hostile combatant from a wounded or surrendering soldier? “Fundamentally, autonomous weapon systems raise ethical concerns for society about substituting human decisions about life and death with sensor, software and machine processes,” Peter Maurer, president of the International Committee of the Red Cross and an outspoken opponent of killer robots, told the Geneva conference.



### **Why was the Geneva conference important?**

The conference was widely considered by disarmament experts to be the best opportunity so far to devise ways to regulate, if not prohibit, the use of killer robots under the convention. It was the culmination of years of discussions by a group of experts who had been asked to identify the challenges and possible approaches to reducing the threats from killer robots. But the experts could not even reach agreement on basic questions.

### **What do opponents of a new treaty say?**

Some, like Russia, insist that any decisions on limits must be unanimous — in effect giving opponents a veto. The United States argues that existing international laws are sufficient and that banning autonomous weapons technology would be premature. The chief U.S. delegate to the conference, Joshua Dorosin, proposed a nonbinding “code of conduct” for use of killer robots — an idea that disarmament advocates dismissed as a delaying tactic. Franz-Stefan Gady, a research fellow at the International Institute for Strategic Studies, said the “arms race for autonomous weapons systems is already underway and won’t be called off anytime soon.”

### **Is there conflict in the defense establishment about killer robots?**

Yes. Even as the technology becomes more advanced, there has been reluctance to use autonomous weapons in combat because of fears of mistakes, Gady said.

“Can military commanders trust the judgment of autonomous weapon systems? Here the answer at the moment is clearly ‘no’ and will remain so for the near future,” he said.

The debate over autonomous weapons has spilled into Silicon Valley. In 2018, Google said it would not renew a contract with the Pentagon after thousands of its employees signed a letter protesting the company’s work on a program using AI to interpret images that could be used to choose drone targets. The company also created new ethical guidelines prohibiting the use of its technology for weapons and surveillance. Others believe the United States is not going far enough to compete with rivals. In October, the former chief software officer for the Air Force, Nicolas Chaillan, told the Financial Times that he had resigned because of what he saw as weak technological progress inside the U.S. military, particularly the use of AI. He said policymakers are slowed down by questions about ethics, while countries like China press ahead.

### **Where have autonomous weapons been used?**

There are not many verified battlefield examples, but critics point to a few incidents that show the technology’s potential. In March, UN investigators said a “lethal autonomous weapons system” had been used by government-backed forces in Libya against militia fighters. A drone called Kargu-2, made by a Turkish defense contractor, tracked and attacked the fighters as they fled a rocket attack, according to the report, which left unclear whether any human controlled the drones. In the 2020 war in Nagorno-Karabakh, Azerbaijan fought Armenia with attack drones and missiles that loiter in the air until detecting the signal of an assigned target.

### **What happens now?**

Many disarmament advocates said the outcome of the conference had hardened what they described as a resolve to push for a new treaty in the next few years, like those that prohibit land mines and cluster munitions. Daan Kayser, an autonomous weapons expert at PAX, a Netherlands-based peace advocacy group, said the conference’s failure to agree to even negotiate on killer



robots was “a really plain signal that the CCW isn’t up to the job.” Noel Sharkey, an AI expert and chair of the International Committee for Robot Arms Control, said the meeting had demonstrated that a new treaty was preferable to further convention deliberations. “There was a sense of urgency in the room,” he said, that “if there’s no movement, we’re not prepared to stay on this treadmill.”

## IMMUNITY TOP-UP

Amid a surge in infections caused by the Omicron variant of the coronavirus, the WHO has made a significant revision to its position on booster doses of the Covid vaccine. On Wednesday, it recommended an additional jab for “the most vulnerable and high-risk groups in a population, along with frontline workers”. While the global health agency has never denied outright the necessity of extending the two-shot protocol followed by the Covid inoculation programmes of most countries, it has rightly criticised the blanket booster drives in several western nations for exacerbating the vaccine crisis in parts of the Third World. The agency has, at times, advocated additional shots for “priority groups”, without specifying who should be prioritised. Wednesday’s statement is the WHO’s first advisory on additional doses. The guidelines are particularly significant for India, which has followed the global healthcare agency’s recommendations closely and should set the stage for the country to expand its inoculation drive. Conversations among experts in the country on booster doses began at almost the same time as in the West. However, even till as late as the first week of this month, the National Technical Advisory Group of Immunisation (NTGI) was talking of a wait-and-watch approach. The high transmissibility rate of the Omicron variant and the latest study by the WHO’s Strategic Advisory Group of Experts on Immunisation (SAGE) that warns of waning immunity from vaccines should be reasons enough for the NTGI to show greater urgency. The agency’s work is complicated because there is no unanimity on whether Covishield, which has driven the bulk of the country’s inoculation drive, is the best immunity top up for those who have received two doses of the vaccine. There is reason, however, for optimism. WHO has given an Emergency Use Approval to the Serum Institute of India manufactured Covavax and at least two homegrown vaccines are in different phases of clinical trials. The NTGI’s task now is to establish which of the jabs work the best as a booster. The government must also work out the economics of the booster doses with the vaccine manufacturers. Last year, the two parties were not always on the same page on pricing and production issues, leading to supply snags. Care should be taken at the outset to avoid such bottlenecks. Omicron is another sign that the virus is a moving target. However, we are also better positioned to shield people rather than resort to blunt instruments like lockdowns. It’s up to the government and its expert bodies to show both wisdom and alacrity.