



# CURRENT AFFAIRS FOR UPSC

2ND TO 8TH JANUARY 2022

DREAMIAS





## INTERNATIONAL

### PLAYERS IN THE GAME

The Reciprocal Access Agreement (RAA), the defence treaty between Australia and Japan, apart from its strategic significance for Asia and the Indo-Pacific, fortifies trends that are part of the changing security architecture in the region. For one, it marks the move away from a US-centric outlook towards a greater focus on bilateral ties and regional groupings. It is also a sign that Japan is willing to play a more proactive role in the region. The security order that emerged after the Second World War in Asia and the Indo-Pacific was marked by the US's bilateral ties with various players. This was in contrast to American strategy in Europe, where NATO played a key role. With the rise of an assertive, even belligerent, Beijing, that seems to be changing. The Quadrilateral Security Dialogue (or the Quad, with India, Japan, Australia and the US), the AUKUS, and now the RAA between Japan and Australia — two treaty allies of the US — all point towards a more empowered and committed regional strategic network. This has been enabled, among other factors, by Australia's willingness to stand up to China on the question of a free and open Indo-Pacific and rules-based global order, despite their deep economic ties. For Japan, this marks an even greater shift, of a piece with the recent evolution in its outlook and global image. Thus far, Japan's only major defence ally had been the US. This reticence in taking the lead in the strategic domain was driven by the legacy of the Second World War, and the fact that Japan had been an imperial power, which made many countries in the region wary of it. Yet, recently, both Vietnam and the Philippines have looked to Tokyo to provide a bulwark against Beijing, signalling a greater acceptance of Japan's role as a strategic player. And Tokyo is now expanding its ties further: Reports suggest it will seek RAA-like agreements with the UK and France as well. China's reaction to the RAA has been predictable, ranging from the ambivalent to the negative. The treaty underscores the thrust its aggressive stance has provided to middle powers to expand their cooperation and build on the momentum created by the Quad. New Delhi, for its part, has done much to expand bilateral, trilateral and regional cooperation in the security domain — it has "2+2" ministerial dialogues with both Tokyo and Canberra. It must step up this engagement, as well as reach out to other players in the region.

### ON THE BOIL

The protests that broke out in Kazakhstan on January 2 over a fuel price hike have snowballed into the biggest political crisis the oil-rich Central Asian country's leadership has faced in over three decades. Kazakhstan, which broke away from the Soviet Union to become an independent republic in 1991, has been tightly ruled by "strong men" ever since. Nursultan Nazarbayev, the country's powerful leader, stepped down as President in 2019, but retained an outsize influence over the government of his cherry-picked successor, Kassym-Jomart Tokayev. The capital city was named after Mr. Nazarbayev as Nur-Sultan and his statues erected across the country. Unsurprisingly, Mr. Nazarbayev, who embodies the old regime, was the centre of public anger. The protesters, chanting slogans, such as "old man out", burned his statues. Shaken by the mass gatherings and violence, Mr. Tokayev took a series of swift measures to quell the unrest. He reversed the fuel price hike, sacked his Cabinet and replaced Mr. Nazarbayev as the Security Council's chair with himself. He has also requested the Russia-led Collective Security Treaty Organization for help. A willing Vladimir Putin, the Russian President, quickly despatched troops. Not many had foreseen a crisis of this proportion coming. But Kazakhstan has witnessed growing labour and ethnic unrest in recent years. Despite its oil wealth, low salaries and poor working



conditions have always been issues. Many hoped that Mr. Tokayev would bring in change. But they saw Mr. Nazarbayev continuing to pull the strings. The pandemic-induced economic slowdown and soaring inflation made matters worse. Public resentment was building up against the ruling elite over the years, and the fuel price hike did just light the fuse, triggering protests first in Zhanaozen, a city in the western Mangystau Region that had seen unrest in the recent past. It spread to other parts of the country quickly, especially to Almaty, the largest city where the mob stormed the Mayor's office. The protesters, emboldened by the concessions the regime has made, now demand political reforms. For Mr. Tokayev, this is the biggest crisis of his presidency, but also an opportunity. It is a crisis because in a country where the public was taught to adulate their rulers, the violent clashes raise both political and security challenges to the ruling elite. On the other side, it is an opportunity for the President to come out of the shadows of the old regime. The outcome of the current crisis would largely depend on the choices he would make. Dealing with the protests only through force, including with help from Russia — the Belarus model — would not resolve the underlying issues. The other option, the most sensible one, is to reach out to the angry public, hold consultations and build consensus to enter a new social contract with the people of Kazakhstan.

## TRANSITION IN PERIL

The resignation of Sudan's civilian Prime Minister Abdalla Hamdok has pushed the country, already battered by political instability, anti-military protests and violence, into further chaos. Mr. Hamdok, who was ousted in a military coup in October and then reinstated as part of an agreement, failed to convince the protesters that he could form an independent technocratic government that would complete Sudan's democratic transition. As violent clashes continued, Mr. Hamdok, who was called a "traitor" by the protesters, was left with no other option but to go. The crisis is of the military's own making. Sudan was on a slow but steady transition towards democracy under the Sovereignty Council, which was formed as part of a power-sharing agreement between the Generals and the civilian leaders. But General Abdel Fattah al-Burhan disbanded the Council and ousted Mr. Hamdok. Ever since mass protests in late 2018, the Generals have tried everything to protect the military's privileges. They first removed long-time dictator Omar al-Bashir and took power in their hands. They agreed on power sharing only after direct military rule became unsustainable. And when the civilian leaders were consolidating power, the military struck again through the coup. But where they erred was in miscalculating the will of the protesters. The military now has power, but is in a difficult situation. When Gen. Burhan reinstated Mr. Hamdok sans the Sovereignty Council after the coup, he may have calculated that the military could exercise greater control over the civilian government and the transition process, which includes elections. But with Mr. Hamdok's resignation, this plan seems to have collapsed. A direct takeover of the government by the military would be extremely unpopular. Finding a legitimate Prime Minister would not be easy either. According to the constitutional declaration of 2019, the Prime Minister should be selected by a legislative council and then endorsed by the Sovereignty Council. The legislative council was never formed and the Sovereignty Council was disbanded. The military could appoint another technocrat. But if the protesters did not accept Mr. Hamdok, they are certainly not going to accept anyone the military appoints next. Weeks-long protests have also paralysed an already enfeebled economy. Inflation has soared to over 400%. The UN says at least a third of the country's nearly 43 million people will need humanitarian assistance in 2022. Sudan needs a stable, responsive government that can address the critical challenges. The military has the moral and political responsibility to resolve the crisis. It should immediately end the crackdown, respect the power-sharing agreement it signed with the civilian leaders in 2019, restore the Sovereignty Council and allow the country's full transition into democracy.

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



## WORLD POWERS VOW TO STOP SPREAD OF NUCLEAR WEAPONS

Five global nuclear powers pledged on Monday to prevent atomic weapons spreading and to avoid nuclear conflict, in a rare joint statement ahead of a review of a key nuclear treaty later this year. “We believe strongly that the further spread of such weapons must be prevented,” said permanent UN Security Council members China, France, Russia, the U.K. and U.S., adding: “A nuclear war cannot be won and must never be fought.” The statement was issued after the latest review of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) — which first came into force in 1970 — was postponed from its scheduled date of January 4 to later in the year due to the COVID-19 pandemic. Putting aside current differences that have caused major tensions between both China and Russia and their Western partners, the five world powers said they saw “the avoidance of war between nuclear-weapon states and the reduction of strategic risks as our foremost responsibilities.” “As nuclear use would have far-reaching consequences, we also affirm that nuclear weapons — for as long as they continue to exist — should serve defensive purposes, deter aggression, and prevent war,” they said according to the text released by the White House. They added: “We each intend to maintain and further strengthen our national measures to prevent unauthorised or unintended use of nuclear weapons.” The statement comes as tensions between Russia and the United States have reached heights rarely seen since the Cold War over a troop build-up by Moscow close to the Ukrainian border. That has raised fears that the Kremlin is planning a new attack on its pro-Western neighbour. The rise of China meanwhile has also raised concerns that tensions with Washington could lead to conflict, notably over the island of Taiwan. Beijing considers Taiwan part of its territory and has vowed to one day seize it, by force if necessary. Russia welcomed the declaration by the atomic powers and expressed hope it would reduce global tensions.

## THE BOTTOM LINE IN BLINKEN’S FORAY INTO SOUTHEAST ASIA

The visit by United States Secretary of State Antony J. Blinken to Southeast Asia in December 2021 — his first since becoming Secretary — underscores the importance that is being accorded to this region by the Joe Biden administration. While Mr. Blinken visited Indonesia and Malaysia, he could not go to Thailand after a COVID-19 case was detected in the press corps accompanying him (He landed there, spoke to the Thailand Deputy Prime Minister expressing regret, and then left for the U.S.). In his speech at Universitas Indonesia on December 14, Mr. Blinken laid out the five core principles shaping the American strategy of a free and open Indo-Pacific. Alongside, he also underlined the mechanisms that the U.S. is adopting to implement these core principles.

### **On being a reliable partner**

From Washington’s perspective, the aim of laying out the initiatives pertaining to the region was to drive home the message that America’s Indo-Pacific policy is not just aimed at deterring Chinese aggressiveness and rise. The idea was to present the U.S. as a reliable partner in meeting the challenges that the Indo-Pacific region is facing. For instance, completely aware that the Southeast Asian nations are averse to choosing or taking sides in this U.S.-China competition, Mr. Blinken made it a point to mention that “individual countries will be able to choose their own path and their own partners. He said: “It’s not about a contest between a U.S.-centric region or a China-centric region as the Indo-Pacific is its own region.”



### **China's shadow**

But the impending Chinese threat was always lurking in the background, reflected in the suggestion that “there is so much concern, from northeast Asia to southeast Asia, and from the Mekong River to the Pacific Islands, ... about Beijing’s aggressive actions, claiming open seas as their own, distorting open markets through subsidies to its state-run companies, denying the exports or revoking deals for countries whose policies it does not agree with, engaging in illegal, unreported, and unregulated fishing activities”. The competition between the U.S. and China in the Indo-Pacific is in full swing, and this competition is here to stay. Given how both China and the U.S. are trying to lure the Association of Southeast Asian Nation (ASEAN) countries to their side — China with its grand economic infrastructure investment deals and the U.S. through recent high profile official visits as well as the promise of investing more in this region under the Build Back Better World initiative and Blue Dot Network — there is evidence that Southeast Asia is the major theatre where this competition will play out. In Southeast Asia, the U.S.-China competition is most visible in two areas; one is the South China Sea and the second is the investment in fulfilling the infrastructure development needs of Southeast Asian countries. The U.S. has continued its Freedom of Navigation operations in the disputed waters of the South China Sea; these operations are meant to challenge “unlawful and sweeping maritime claims in the South China Sea [that] pose a serious threat to the freedom of the seas, including the freedoms of navigation and overflight”. In his remarks in Indonesia, Mr. Blinken stressed America’s determination “to ensure freedom of navigation in the South China Sea, where Beijing’s aggressive actions there threaten the movement of more than \$3 trillion worth of commerce every year”. He also brought up the 2016 international tribunal ruling which had rejected the Chinese nine-dash-line claims and asserted that the U.S. and the other South China Sea claimant countries will “continue to pushback on such behaviour”.

### **Beijing is invested here**

When it comes to investments in infrastructure development, Southeast Asia has been one of the top recipients of Chinese investments under its Belt and Road Initiative (BRI). How these investments have driven countries such as Cambodia and Laos to do China’s bidding in the ASEAN even at the cost of compromising ASEAN’s unity is a known fact. Besides this, China has been heavily investing in port and railway connectivity in countries such as Indonesia and Vietnam. Mr. Blinken reiterated that the U.S. remains committed to help close the gap on infrastructure. Recognising that “ports, roads, power grids, broadband — all are building blocks for global trade, for commerce, for connectivity, for opportunity, for prosperity. And they’re essential to the Indo-Pacific’s inclusive growth,” he pointed out that the members of the Quad (Australia, India, Japan and the U.S.) have provided more than \$48 billion in government-backed financing for infrastructure for the region. The infrastructure coordination group launched by the Quad members is seeking to catalyse even more investment and is looking to partner with Southeast Asia on infrastructure and many other shared priorities. Washington is promising to do more under the Build Back Better World initiative and the Blue Dot Network. The U.S. is trying to showcase a comprehensive economic framework in the Indo-Pacific focusing on ‘trade and the digital economy, technology, resilient supply chains, decarbonisation and clean energy, infrastructure, worker standards, and other areas of shared interest’.

### **Alternative models are key**

The alignment between the U.S.’s vision of a Free and Open Indo-Pacific and the ASEAN Outlook on the Indo-Pacific was underlined. The ASEAN countries, even after the release of the ASEAN





Outlook on the Indo-Pacific, do not have a uniform approach when it comes to dealing with the U.S. and China. These differing approaches are also challenging the much vaunted ASEAN centrality in the Indo-Pacific. Though external players will have a limited role in ensuring that the unity within ASEAN is restored, providing proper alternative models of investments for development in sectors such as infrastructure, digital economy, supply chain, and health for the Southeast Asian nations will be critical. The economic framework, investment plans and promises outlined by Mr. Blinken need to be made operational quickly if Washington is to show that it is indeed serious about sustained commitment toward the Indo-Pacific.

## INDIA'S RIGHTS RECORD, AMERICA'S BLINKERED VISION

Recent Indian foreign policy has a chequered record, the vacillations over the Taliban resuming control in Afghanistan being one instance. But it cannot be denied that Prime Minister Narendra Modi has been remarkably successful in maintaining cordial Indian relations with Washington under United States President Joe Biden despite overt wooing of former President Donald Trump.

### Accommodating view

India is considered a critical ally by the United States, the only designated Major Defence Partner, and Ambassador-Designate to India Eric Garcetti told the Senate, "Few nations are more vital to the future of American security and prosperity than India,." In Delhi last October, U.S. Deputy Secretary of State Wendy Sherman, said of India's purchase of Russian military equipment, "We've been quite public about any country that decides to use the S-400. We think that it is dangerous and not in anybody's security interest," but our authorities did not think it necessary to rebuke her for flagrant discourtesy on Indian soil. For what American Defence Minister Lloyd James Austin III called "shared values", Washington takes an accommodating view of widespread Indian downgrades in indices considered credible in assessing democratic norms and human rights. Like Israel, India finds that Washington's embrace provides a certain immunity from international criticism. The U.S. State Department's Country Report on Human Rights Practices itself last March recorded "significant human rights issues" in India, including extrajudicial killings, torture, arbitrary arrest and detention, violence against minorities, unjustified harassment of journalists, and censorship and blocking of websites. India is rated poorly by the U.S.-based Freedom House which called it 'partly free', Sweden's V-Dem Institute which dubbed it an 'electoral autocracy', The Economist's Democracy Index and the Stockholm Institute for Democracy which India had helped to establish. A year ago, India ranked 142 in the World Press Freedom Index of Reporters Without Borders. The U.S. Commission on International Religious Freedom has for successive years recommended that India be listed as a 'country of particular concern' due to its treatment of Muslims and Christians, and India is ranked in the Open Doors World Watch List for 'extreme' Christian persecution below Syria, Iraq and Saudi Arabia. The U.S. government has ignored all these findings to the dismay of non-governmental organisations (NGOs) and activists due to Narendra Modi's positioning India as an indispensable partner, and his government has no sympathy for NGOs, portraying their conclusions as biased and uninformed.

### The world media

Diplomacy does not proceed according to ethical standards; nor does the global media. Six dying in a gust of wind in Australia and six in an Illinois warehouse collapse make headlines, while reports that every 25 minutes an Indian woman commits suicide, 48 persons dying in a volcanic eruption in Java and 208 in a typhoon in Philippines are not newsworthy. Nor is the current heroic popular demand in Sudan for a democratic government. In past times, third world leaders in



countries such as India, Malaysia, Indonesia and Nigeria tried to create a rival media platform, and Qatar, China and Russia started 24-hour news channels but cannot match the resources and reach of the entrenched, West-dominated English-medium news ecosystem which includes soft power assets such as music, film and culture. Hence, the Central Intelligence Agency is portrayed as all-knowing, despite its abject failures in the Bay of Pigs Invasion, Iraq's nuclear weapons and the Afghan army's capabilities. World news is curated by a handful of western capitals, the 'read outs' being for the domestic audience, which can enjoy the U.S. and its allies forever fulminating against opponents who meekly submit to the diatribes. Threats of "massive consequences and severe economic cost" against Russia by G7 countries and the European Union are blandly announced without reference to what might be Russia's concerns for its own security. A boycott of the Winter Olympics in China by irrelevant western officials is heralded, but no boycott is threatened of the Football World Cup at Qatar, an absolute monarchy where there are scant civil and political rights, workers rights are negligible and homosexuality is deemed illegal. The West's instrument of choice for penalising political adversaries is this: unilateral sanctions of dubious legality in international law. No audit has ever been taken of the immense suffering these sanctions inflict on innocent civilians. The U.S. Treasury lists 36 groups of multiple sanctions, the latest of which is a typically insensitive measure against seven Bangladeshis, including the police chief, just before the 50th anniversary of that nation's liberation from American ally Pakistan.

#### On the U.S.

For the world's oldest democracy to arbitrate on fundamental rights of others is ironic for a country where in 12 months ending March 2021, its police murdered 37 African-American people per million against 15 per million whites, when African-Americans comprise only 13% of the population. The Summit For Democracy hosted by U.S. President Joe Biden was predictably confused about its participants because not every democracy is liberal and not every society considered liberal is fully democratic. Meaningful summits should be global in attendance and concentrate on pressing problems such as inequality, climate change and arms control on earth and in space.

### FROM SELECTIVE TO UNIVERSAL ENGAGEMENT

The remarkable hyper activism of Indian foreign policy will be the legacy of 2021, though the COVID-19 situation was not congenial for travel, high-level meetings on sensitive matters and protocol. Those who travelled ran the risk of falling sick in foreign lands. Every time I saw External Affairs Minister S. Jaishankar braving it all with a mask that covered much of his stern and unsmiling face, with the demeanor and stride of a determined crusader, I whispered a prayer for my former colleague's safety. At a time when diplomacy had retreated behind laptops, he unhesitatingly undertook extensive journeys, making him the most visible face of India last year. The activism was inevitable with geopolitics having turned topsy-turvy not only by the pandemic, but also by the events before and after it through periodical elections, which brought new dramatis personae to the centre stage, and the volatility of the economic and political changes across the world. The pandemic turned the wind of change into a whirlwind and it became necessary for nations to move fast even to stay in their positions. The paradigm shift in foreign policy was palpable and the field was open to nimble-footed and decisive governments, not to hesitant, doubting, calculating ones. A decisive Prime Minister and a seasoned diplomat as the External Affairs Minister (EAM) rose to the challenges of the times for India.

#### Priorities in 2021



Coping with the change from President Donald Trump to President Joe Biden and the consequent changes in U.S. policy were big enough to keep the world leaders on tenterhooks. But even that appeared small against the increased onslaught of the pandemic. India suddenly became the epicentre of the tragedy after a relatively easy period which gave it the honor of being the pharmacy of the world. The exposure of the inefficiency of India's health system and the panic caused by pictures of unattended funeral pyres put the country in the defensive and weakened its credibility as it tried to contribute to the resolution of global issues. Every global forum was compelled to find vaccines, medicines, masks and sanitisers when it met to deal with political and economic crises. For India, the biggest preoccupation of 2021 was the effort to get China to disengage in areas in Ladakh. Dialogue, military preparedness and economic pressure met with limited success. The sooner we achieve disengagement in the remaining sectors, the better it will be for India to be more effective in the other areas of concern. Much of the time for dialogue with others must have been spent on establishing the rationale of our position on the border. Afghanistan turned out to be a bigger crisis than expected, with the Taliban's walkover in Kabul. India appeared to be the sole defender of the Americans against Pakistan, China, Iran, Russia and others. Bringing some civility to the Taliban in Kabul became a high priority in the face of a Pakistan-China-Taliban axis with some support from Russia and Iran. Wherever the Prime Minister and EAM appeared either in person or on virtual platforms, priority was given to Afghanistan and anti-terrorism rather than Chinese expansionism. Climate change, United Nations reform, and charges of India being only a part-democracy also demanded attention, but the Indian interest in these areas did not appear as urgent and crucial as in the other areas. India threatened to stand out of the line on the matter of net-zero emission target years, but succumbed to the pressure to commit more on promoting renewable energy and phasing down of coal. UN reform was not going anywhere and there was no need to concede on our position on expansion of the Security Council. As for Indian democracy, the Prime Minister's assertion that India is the "mother of democracy" and the EAM's primacy of governance went uncontested at the political level. What made Indian diplomacy hectic during the year was a distinct change of style of openness and readiness to deal with friends and foes alike. From selective alignment, India moved to universal engagement, even to the extent of convening meetings with antagonists. Engagements with the U.S. went beyond familiarisation with the new government to increased commitment to Quad and acceptance of AUKUS and formation of the 'western Quad', with the U.S., Israel and the UAE. The engagement with China at the level of commanders and diplomats was intense, and ministerial interaction continued even when China tore up many fundamental agreements that sustained the dialogue for many years. Major agreements were signed with Russia, despite the American threat of CAATSA against S-400 missiles and the Russian inclination to align with China in the days to come. Patience, diligence and firmness rather than reaching conclusions through concessions were the ingredients of Indian strategy. India attended a Shanghai Cooperation Organisation meeting, where a sub-group led by China took its own decisions on Afghanistan. We also attended a meeting of Russia, China and India. Such an approach demanded high-level personal involvement at the senior levels. Perhaps because of the unique geopolitical situation, India gave particular importance to its presidency of the UN Security Council in August 2021. Unprecedented in the history of the UN, an event at the Security Council was chaired by the Prime Minister. India also brought global issues of particular importance to the agenda of the month. Significant inputs were provided during discussions on issues like maritime security, peacekeeping and anti-terrorism for active consideration in the future. Although it is illusory to believe that the way has been cleared for India's permanent membership of the Security Council, India's diplomatic capabilities and its commitment to the UN were demonstrated yet again. The Foreign Secretary's visit to Myanmar to engage the military junta at a time when Aung San Suu Kyi and other opposition leaders are in prison may raise eyebrows in many countries, but this is





another instance of India's readiness to engage those in power to explore possibilities of friendship and co-operation. The intention is to prevent China from having a field day in Myanmar.

### Two major challenges

Sadly, the extraordinary efforts made by India have not been fruitful in the cases of China and Afghanistan. China has not shown willingness to disengage in Ladakh and withdraw to the previous positions behind the Line of Actual Control. But the expectation is that China will take a more reasonable approach once the current convulsions end with the beginning of another term for President Xi Jinping. He cannot afford to show any sign of weakness in his external and internal policies at this critical time. As for Afghanistan, the haul may be longer, given the stubbornness of the Taliban and its proclivity to endanger its own people for the purity of faith. The international community is already moving in the direction of rescuing the regime by providing humanitarian assistance even without any change in the repressive regime. India has a formidable challenge in Afghanistan, regardless of its open and universal engagement with all concerned. But India's new style of diplomacy will have an impact in shaping the world of the future.

### PILGRIMS PRAY AT REBUILT PAK. TEMPLE

Over 200 Hindu pilgrims from India, the U.S. and the Middle East prayed at the 100-year-old renovated Maharaja Paramhans Ji temple in Pakistan on Saturday amidst tight security, a year after the temple was demolished by a mob belonging to a radical Islamist party. The delegation of Hindus consisted of nearly 200 people from India, 15 visitors from Dubai, and the rest from the United States and other Gulf states. The temple and samadhi of Paramhans Ji in Karak district's Teri village of Khyber Pakhtunkhwa underwent extensive repair last year after it was demolished by an angry mob in 2020, an incident that was condemned globally. The Indian pilgrims crossed over the Wagah border near Lahore and were escorted to the temple by armed personnel, officials said. The programme was organised by the Pakistani Hindu Council in collaboration with the country's national carrier, the Pakistan International Airlines. On the day of the visit, the funerary monument and Teri village at large was fortified with 600 men from the Rangers, with Intelligence and Airport Security Force keeping guard. Hujras or open-air reception rooms were converted into shelters for the pilgrims. The markets near the temple were seen buzzing with tourists and children from the Hindu contingent were photographed playing cricket with local kids. Rohit Kumar, in-charge of legal affairs with the Hindu community, commended the Pakistan government for the arrangements and the repair works. "Today's prayers at the mandir (temple) by yattris (pilgrims) from India is a positive message for India, for promoting peace and religious harmony," he said. Maharaja Paramhans Ji died at Teri village in 1919. Some members of the radical Jamiat Ulema-i-Islam-Fazl (JUI-F) vandalised the samadhi on December 30, 2020. The temple was also demolished in 1997. The provincial government renovated the shrine after ₹3.3 crore was recovered from the JUI-F mob.

### THIS NSP CANNOT CHANGE PAKISTAN'S DIRECTION

At its 36th meeting on December 27, 2021, Pakistan's National Security Committee (NSC) approved the country's "first ever" National Security Policy (NSP). Seven years in the making, the NSP is designed to be a "Comprehensive National Security Framework" and covers a five-year period from 2022-26. The NSP seeks to ensure the "safety, security and dignity of the citizen of Pakistan". To achieve this objective, it puts "economic security" at its "core". Apart from economic and military matters the NSP also covers issues relating to foreign policy, terrorism, water



security and demographics. Pakistan Prime Minister Imran Khan, who chaired the NSC meeting, called the NSP's approval a "historic moment". Pakistan's cabinet endorsed the NSP on December 28.

### **Marks a fundamental change**

Significantly, a public version of the NSP has not been released as yet. According to a press release by the office of the Pakistan Prime Minister it will be done "in due course". However, Pakistan's National Security Adviser, Moeed W. Yusuf said on December 28 that it will be done within a week to 10 days. Should it be released soon, it would show that a kind of consensus has been achieved between the elected government and the Pakistan Army on the NSP. A delay, however, could be indicative of remaining difficulties. But even if the army is ostensibly on board, the question is whether it is willing to turn Pakistan away, in the true sense, from being a hard military security state into a state where the military competes for resources with other state institutions and the final decision is taken by the political leadership. The logic of giving primacy to the economy is that national policies will be directed through resource allocation towards development. That would mark a fundamental change in Pakistan's direction, for it would reduce the army's demand for resources.

### **It's the Army first**

The Pakistan Army has always laid first claim on the country's revenues. It has never allowed light to fully shine on the defence expenditure. Nor, for that matter, does it allow scrutiny of its vast network of business enterprises and real estate for the benefit of its officers and men. From time to time, some officers have laid stress on the importance of "geo-economics" but seldom has the army shown any willingness to divert resources from defence to other areas. And, it has convinced the majority of the people that sacrifices have to be made for national defence because of enemies external, principally India, and internal. More than 40 years ago during Pakistan President Zia-ul-Haq's period, a Pakistani comparing India to his own country told me that his country's army controlled everything in the name of defence, but "what is it really defending but itself"? Despite the passage of time and the geo-political global and regional transformation, the veracity of my interlocutor's assertion holds true today too. Thus, if the NSP is to mark a substantial change in Pakistan's systems and governance, the first step has to be transparency in actual military expenditures and the dismantling of what the brave Pakistani scholar Ayesha Siddiqa terms as "Mil.Inc.". That does not seem to be on the horizon.

### **An 'India obsession'**

In the NSP's context, the question that Pakistan also needs to ask itself is this: can it ever achieve human security for its people and put the country on the path of normalcy and growth without radically changing its India policy? As the product of the two-nation theory, Pakistan has defined its very identity — to put it crudely but bluntly — thus: it is what India is not. Almost 75 years since its creation, Pakistan continues its search for a positive identity which will allow it to give up its India obsession. Its so-called commitment to the 'Kashmir cause' is a sub-set of its overall negative approach to India. This deep-seated hostility has prevented it from adopting rational policies towards India. Rational approaches would have enabled it to 'legally' adhere to its positions but 'practically' have ties with India in areas that would be in its national interest. An example of its irrational approach is the position it has taken on the Jammu and Kashmir (J&K) issue after the constitutional changes of August 5, 2019. Pakistan could have maintained its stand on J&K and yet traded with India as that was in its interest to do so. Instead, it decided to suspend



the abridged commercial relationship that existed. Countries can adopt selective approaches to register protests. A sacrifice of interests is especially futile where such sacrifice does not yield results as it obviously has not, from Pakistan's standpoint, on J&K developments, post 2019. While Pakistan's ideology and mindset prevents it from developing realistic ties with India, it also has a bearing on its social development and the economic management of the country apart from draining resources from development to defence. Pakistan aspires to become a society imbued with moderate Islamic faith. However, its security apparatus has actively sought to use Islamism against India. This has led it to pander to violent sectarian groups and marginalise progressive elements of civil society. The culture of Islamism is illustrated by the veneration of the grave of Mumtaz Qadri, the killer of Punjab Governor Salman Taseer. It is astonishing that Qadri who was executed for the crime of murdering one he was duty bound to protect was lauded by millions for serving the cause of Islam by killing Taseer who was perceived to be sympathising with a blasphemy accused. There is another aspect. Islamist forces are also allies of feudal elements in the Pakistani political elite, and together they support inimical and irrational policies towards India, including in economic and commercial sectors.

### China as anchor

The natural economic partner for a country such as Pakistan is a large neighbour. This is especially so in an era when economies are not barricaded as some were for several decades in the second half of the previous century. Stoutly refusing to open up trade with India, Pakistan has looked to other economic and commercial partners among whom China is by far the most important. The security relationship was the anchor of the China-Pakistan ties. Now, Pakistan hopes that China will offer its assistance to transform its economy. It looks to the mechanisms under the China-Pakistan Economic Corridor (CPEC) to play a crucial role through connectivity, port development, power production and other investments. All this may be of some help but they cannot be a substitute to be integrated with a large neighbouring economy. That can only come about with the opening of trade and connectivity with India. Over 25 years ago, Chinese President Jiang Zemin had, in an address to the Pakistani Senate, spoken of the need to temporarily shelve disputes so that they do not impact inter-state ties. He may have mentioned this in the context of Chinese-South Asian ties, but these comments applied to Pakistani approaches to its neighbours as well. But Jiang Zemin's words were simply ignored by the Pakistanis. Today, with the regional and international context entirely changed, it is unlikely that President Xi Jinping will give Pakistan the same advice. However, that does not erode the veracity of Jiang Zemin's views. Thus, irrespective of what the NSP may state, the Pakistan people can neither have human security nor a successful economy without cooperative ties with India. That the Pakistan Army and the political elite are unwilling to have. The NSP, therefore, cannot change Pakistan's unhappy direction.

## NEW CHAPTER IN JUDGE VS ARMY IN PAK

Ever since he delivered a landmark verdict in 2019 asking the Pakistan Army and the country's intelligence services to stay within their mandate, Justice Qazi Faez Isa of the Pakistan Supreme Court, who is in line to become the chief justice of Pakistan in September 2023, has had multiple run-ins with the all-powerful establishment. In the latest incident, Justice Isa's wife Sarina Isa has alleged that four men in civvies had walked into her parents' home in Karachi on December 29 and asked her to declare her political affiliations and other personal details in a detailed questionnaire. Two of the men had claimed to be from Military Intelligence, and the other two had said they were from the Intelligence Department, sent by the Interior Ministry, she wrote in a



three-page complaint to the Federal Defence and Interior secretaries, and to provincial authorities in Sindh.

#### **The Labbaik case**

In 2017, the far right Tehreek-e-Labbaik party had staged a weeklong protest at an important traffic junction that had paralysed the twin cities of Islamabad and Rawalpindi. The Pakistan Supreme Court had initiated a suo motu case in the “Faizabad sit-in” matter — and in a judgment passed in February 2019, a two-judge bench led by Justice Isa had raised questions about the role of the Army and the ISI in the protest, and in brokering a deal between the protesters and the government (then led by Shahid Khaqan Abbasi of the PML-N) that was an effective surrender by the latter. An ISI general was seen in video footage distributing cash to the protesters as they dispersed. “The constitution emphatically prohibits members of the armed forces from engaging in any kind of political activity, which includes supporting a political party, faction, or individual,” the ruling said. “The government of Pakistan through the Defence Ministry and respective chiefs of the army, the navy, and the air force are directed to initiate action against the personnel under their command who are found to have violated their oath.”

#### **Establishment reaction**

The Pakistan defence ministry filed a review petition, and Imran Khan’s Pakistan Tehreek-e-Insaf — whose election victory in 2018 was engineered in no small measure by the Army and ISI — asked the Supreme Court to overturn Justice Isa’s verdict. Also, a presidential reference was filed in Pakistan’s Supreme Judicial Council, an oversight body of the Supreme Court, making allegations of undeclared foreign assets against five judges including Justice Isa. Had the allegation been upheld, it would have potentially led to his removal. However, in June 2019, the Supreme Court, acting on a petition filed by Isa and by several bar associations in Pakistan, threw out the reference, calling it “invalid”, and quashed all proceedings against the judge in the Supreme Judicial Council.

#### **Background**

Justice Isa, whose father Qazi Muhammad Essa played a prominent role in the formation of Pakistan as an associate of Muhammad Ali Jinnah, belongs to Balochistan. He is a cousin of Ashraf Jehangir Qazi, who served as Pakistan’s high commissioner to India in the later 1990s. In 2016, Justice Isa headed a one-member judicial commission to inquire into the massacre of 90 people — most of them lawyers — in a suicide bombing at Quetta General Hospital in August that year. The lawyers had gathered at the hospital after the body of the president of the Quetta Bar Association, who had been killed in an attack that morning, was brought there. Justice Isa’s report was an all-round indictment of the security and political establishment, and their conduct in Balochistan. Justice Isa will have a 13-month term as chief justice, if he ascends to the position in September 2023.





## NATION

### WHAT WILL BE THE IMPACT OF CHINA'S BORDER LAW?

On December 30, China's Ministry of Civil Affairs said it had issued "standardised" names for 15 places in the Indian State of Arunachal Pradesh. The names are to be used henceforth on all official Chinese documents and maps, which show Arunachal as "south Tibet". India responded to the move saying that "assigning invented names" will not alter the facts on the ground or Arunachal Pradesh's status as an integral part of India. The issuing of the names came ahead of a new land border law taking into effect on January 1, 2022, which India has also voiced concern about.

#### **What is behind the move to issue 'standardised' names?**

In 2017, Chinese authorities first issued six "official" names for places in Arunachal Pradesh. That move was seen at the time as a retaliatory measure after the Dalai Lama visited the State. The new list is more extensive. It has 15 names, including eight towns, four mountains, two rivers and one mountain pass, covering 11 districts in Arunachal from Tawang in the west to Anjaw in the east. Following the issuing of the names, all official Chinese maps will have to mark the locations using the Ministry of Civil Affairs list. The naming is a largely symbolic gesture that will not change facts on the ground. It is, however, indicative of a broader new Chinese approach to territorial disputes. Zhang Yongpan, a leading Chinese expert on border issues at the official Chinese Academy of Social Sciences, told the official media that the renaming, coupled with a new land border law, were "important moves made by the country to safeguard national sovereignty, better maintain national security and manage border-related matters at the legal level amid regional tensions, including frictions with India."

#### **What is the significance of the new law?**

Proposed in March 2021, a year into the crisis along the Line of Actual Control, the border law, which took effect on January 1, 2022, lists various responsibilities for civilian and military authorities in China to take steps to "safeguard national sovereignty". The law has 62 articles in seven chapters, covering delineation and border defence to immigration, border management and trade. The issuing of new names is related to Article 7, which calls for promoting border education at all levels of government. Article 22 calls for the Chinese military to carry out border drills and to "resolutely prevent, stop and combat" what it calls "invasions, encroachments and provocations".

#### **How will it affect the India-China border dispute?**

The broader aim of the land border law, in the view of New Delhi, is to give legal cover and formalise the Chinese military's transgressions across the LAC in 2020. The border law also appears to give fresh impetus to civilian agencies in China to continue carrying out the construction of infrastructure, including "frontier villages", in border areas, including some in disputed territories along the border with India and Bhutan, the only two countries with which China has unsettled land boundaries. Under the border village construction plan, launched in 2017, China is building 628 "first line and second line villages" in border areas and moving residents, mainly herders, to live in the new dwellings along the borders with India, Bhutan and Nepal as well. In November 2021, satellite images surfaced showing a second Chinese cluster of 60 newly built dwellings on what India sees as its territory in Arunachal Pradesh, around 100 km east of another village built in late 2020. The territory in question has been under Chinese control



since 1959 and previously had Chinese military installations there, but the civilian constructions were seen as further bolstering Chinese claims and essentially a fait accompli with regard to land that is still disputed and under negotiation by the two sides. In October 2021, India expressed concern over the new law, saying that “China’s unilateral decision to bring out a legislation which can have implications on our existing bilateral arrangements on border management... is of concern to us”.

#### CHINA CONSTRUCTING BRIDGE ON PANGONG LAKE IN LADAKH

China is constructing a bridge in eastern Ladakh connecting the north and south banks of Pangong Tso (lake), which will significantly bring down the time for the People’s Liberation Army (PLA) to move troops and equipment between the two sectors, two official sources independently confirmed on Monday. “On the north bank, there is a PLA garrison at Kurnak fort and on the south bank at Moldo, and the distance between the two is around 200 km. The new bridge between the closest points on two banks, which is around 500 m, will bring down the movement time between the two sectors from around 12 hours to three or four hours,” one of the sources said. The bridge is located around 25 km ahead of the Line of Actual Control (LAC), the source stated. The construction had been going on for some time and it would reduce the overall distance by 140-150 km, the other source said. Earlier, the PLA had to take a roundabout crossing the Rudok county. But now the bridge would provide a direct axis, the first source said, adding that the biggest advantage with the new bridge was the inter-sector movement as the time would come down significantly. “They need to build piers for the bridge, which has been under way,” the source stated. The bridge is in China’s territory and the Indian Army would have to now factor this in its operational plans, the source noted. India holds one-third of the 135-km-long boomerang-shaped lake located at an altitude of over 14,000 feet. The lake, a glacial melt, has mountain spurs of the Chang Chenmo range jutting down, referred to as fingers. The north bank, which has much higher differences in perception of the LAC than the south bank, was the initial site of the clashes in early May 2020, while tensions on the south bank flared up later in August. The Indian Army got tactical advantage over the PLA on the south bank in August-end by occupying several peaks lying vacant since 1962, gaining a dominating view of the Moldo area. On the north bank too, the Indian troops set up posts facing PLA positions on the ridge-lines of Finger 4. In February 2020, as part of the first phase of disengagement, both sides agreed for complete disengagement on the north and south banks. The Indian Army has a permanent position near Finger 3, the Dhan Singh Thapa post, while the PLA has a base east of Finger 8. The south bank leads to the Kailash range and to the Chushul sector. Since the August action, China has taken up construction of alternate roads away from our line of sight, a defence official stated. As reported by The Hindu last June, China had intensified construction work behind the main confrontation points in Aksai Chin. A satellite image of the area put out by an open source intelligence analyst with Twitter handle @detresfa\_ shows a bridge like structure between the closest points of the two banks. In a separate incident of a video by Chinese media showing PLA soldiers with a map in Galwan on January 01, an Army source said it was not in the location of the clash last year or the buffer zone set up after the first phase of disengagement. “It appears to be propaganda. The place [clash site] doesn’t have any markings as shown in the video,” the source added.

#### THE CHINESE CHALLENGE UNCOVERS INDIA’S FRAGILITIES

Like Banquo’s ghost, the 1962 Sino-India war hangs like a shadow over the current state of bilateral ties between India and China. A military defeat close to six decades ago has no real bearing on the current border tensions, but is a constant reminder to Delhi, like Banquo’s ghost is

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



to Macbeth, of its own fears and insecurities. An outcome of India's choices since 2014, these weaknesses have been shown up by the prospect of a conflict with China, which may no longer be immediate but it does not feel as far-fetched and remote as it did just two years ago.

### China's diplomatic moves

Nearly 20 months after the border crisis began in Ladakh, China has pressed on with aggressive diplomatic and military gestures against India. Beijing recently renamed 15 places in Arunachal Pradesh, following the six it had done in 2017, weeks after the Dalai Lama visited Tawang. China justifies the renaming as being done on the basis of its historical, cultural and administrative jurisdiction over the area — these old names existed since ancient times which had been changed by India with its “illegal occupation”. The External Affairs Ministry said that the move by Beijing ‘does not alter’ the fact that Arunachal Pradesh — itself a Sanskritised rechristening of the North-East Frontier Agency in 1971 on being made a Union Territory — was an integral part of India. Possession is indeed nine-tenths of the law but China's renaming drive is one prong of its plan to assert its territorial claims in disputed border areas. On January 1, 2022, Beijing's new land border law came into force, which provides the People's Liberation Army (PLA) with full responsibility to take steps against “invasion, encroachment, infiltration, provocation” and safeguard Chinese territory. This law supports — and mutually reinforces — the construction of 628 Xiaokang border villages by China along its disputed border with India. As per available satellite imagery, at least two of these villages have been constructed on the Indian side of the Line of Actual Control (LAC) in Arunachal Pradesh. These villages will come in handy for Beijing when the principle of ‘settled areas’ is invoked to resolve the border dispute in the future. It is not just Beijing but even the diplomats posted at the Chinese Embassy in Delhi who have been emboldened by India's cautious response. Last month, Political Counsellor of the Chinese Embassy, Zhou Yongsheng wrote an angry letter to Indian Members of Parliament — including two Union Ministers, Rajeev Chandrasekhar and Ramdas Athawale — for attending a meet organised by the Tibetan government-in-exile. The letter asked them to not engage with “out-and-out separatist political group and an illegal organization”. This angry missive from an Embassy official to two Ministers has earned no reproach from the Government for the Chinese Ambassador. It did not even beget an official condemnation from the External Affairs Ministry.

### Submissive response

The reasons for such submissiveness by the Narendra Modi government towards the Chinese are not difficult to understand. Delhi has run out of proactive options against Beijing that will force the Chinese leadership to change course on its India policy. Tibet and the Dalai Lama were often projected as a trump card but evidently are not. Beijing does not care for its declining popularity among the Indian populace. The two countries have an increasingly lopsided trade relationship driven by Indian dependency on Chinese manufacturing, a situation further worsened by the Government's mishandling of the novel coronavirus pandemic. Delhi has little geopolitical or economic leverage over Beijing to boast of. There are no arrows left in Mr. Modi's quiver. The best Delhi can do is to prevent any further loss of territory to China with extensive military deployment on the LAC, while hoping that Beijing, either with Moscow's urging or otherwise, will give Mr. Modi an honourable diplomatic exit out of this crisis. If India was to give it back to the Chinese as good as it gets, Beijing may take it as an affront, further smothering Indian desire for a smooth end to the crisis. To restore the status quo ante on the LAC as of April 2020, India undertook internal balancing of its military from the Pakistan border to the China border and external rebalancing through a closer partnership with the United States in the Indo-Pacific. The Quad (Australia, India, Japan and the U.S.) has, however, remained a non-military grouping. The signing of the AUKUS (a



trilateral security pact between Australia, the United Kingdom and the U.S.) and the humiliating American exit from Afghanistan made it crystal clear that for all the intelligence sharing and logistics support from the U.S., India will have to deal with the Chinese challenge on the border on its own. In decline since 2017, India's economy is incapable of supporting such an endeavour. The Modi government has now placed its hopes on Moscow, which seems keen to play a mediator between India and China. Russian officials say that their offer of a Foreign Ministers meeting, if not a leaders' summit, of the Russia-India-China grouping is on the table but Delhi first wants to see some steps from China towards resolving the border crisis.

#### **Now revealed**

The Chinese challenge has laid bare globally India's political, economic and diplomatic fragilities under Mr. Modi, and this has grim portends of how challenges in future will be managed. Worried about its northern borders and the threat of a two-front collusive threat, the Modi government and the ruling party are no longer as vociferous on Pakistan. Even if viciously attacking Pakistan has been an electorally rewarding domestic agenda for Mr. Modi, he has been forced to stay away from even mentioning India's western neighbour in any of his recent electoral speeches. With 'development' and 'employment' no longer Mr. Modi's calling card, that vacuum is being filled by the most horrific attacks by Hindutva bigots on Christians and Muslims under the benign gaze of the Hindu majoritarian government. Because of the China factor, the U.S. is currently looking away even as India mistreats its minorities and its democracy stands diminished. That is unlikely to continue for long if India is to be the democratic counter in Asia to the rise of a one-party authoritarian state like China, one that is now keen to offer its own governance and growth model to the world. India's difficult diplomatic and military engagement with China is going to leave it more dependent on U.S. support, rendering the Modi government more vulnerable to American pressure on 'shared values'. A decade ago, many observers had warned that the emergence of an increasingly assertive and confident China under Xi is going to be to India's detriment. The signs were there when PLA soldiers walked into Chumar even as Mr. Modi hosted Mr. Xi in Ahmedabad in 2014. The Doklam crisis of 2017 only lulled the Government into thinking that the worst was over. It, instead, triggered the border crisis of 2020. With the loss in the 1962 war, India lost its pre-eminent position in Asia; with this display of weakness six decades later, India is in danger of losing its dominant influence even in South Asia. India's internal situation, from Nagaland to Kashmir, with the minorities under attack, is not going to help either. India made its choices after 2014, and the China border crisis has only shown them up.

#### **Onus on the leader**

With a rising China as its neighbour and a more self-centred U.S. – which is uncomfortable with India's reliable partner, Russia — as its friend, Delhi continues to face difficult choices. Not made from a position of strength, in future too, these choices will be as much domestic as they will be in the domain of foreign policy. A collegial and deliberative model of decision-making would work best but is unlikely to be followed if the track record of the current dispensation is any indicator. Pushing a domestic narrative through a compromised media is one thing but dealing with the geopolitical realities at a difficult time is a different ball game. Put under the harsh glare, a domestically divided, economically weak and diplomatically boastful India has been found wanting in its ability to deal with future challenges. The immediate challenge, however, remains China. It cannot be wished away and must be tackled. As the Chief Minister of Gujarat, when Mr. Modi was barred from most western capitals after the 2002 riots, he frequently travelled to China. He made a show of learning from China's remarkable and unique growth story, and applying it to the 'Gujarat Model' which he promised to India in 2014. After he became the Prime Minister, Mr.





Modi has met Mr. Xi at least 18 times, but has not had even one telephone call since the border crisis began. As a proponent and exemplar of personality-centric diplomacy, which included two informal summits with Mr. Xi, there has been a surprising lack of any personalised move from Mr. Modi so far. Now that his generals, advisers and Ministers have failed to deliver, it is time for Mr. Modi to step up and personally resolve the crisis. He has no excuse left. Allowing things to fester will only ensure that India pays a price far higher than it can afford.

## THE LADAKH BRIDGE ON THE WORLD'S HIGHEST ROAD

On Tuesday (December 28) Defence Minister Rajnath Singh inaugurated 27 projects built by the Border Roads Organisation (BRO), which included 24 bridges and three roads, most of which are in the border areas. One of the 24 bridges is on what has now become the world's highest motorable road, passing through a pass situated at an elevation of 19,000 feet.

### The Road

The road is in south Ladakh, connecting Chisumle and Demchok. It passes through a pass known as Umling La, which is at a height of over 19,000 feet. The height of the pass makes it the highest motorable road in the world, and was recently recognised as such by Guinness World Records. The 52-km road 'black-top' tarmac road from Chisumle to Demchok better the previous record of a road in Bolivia, which connects the volcano Uturuncu at 18,953 feet. The road in Ladakh was built under extremely challenging conditions, as temperatures in the region can fall to below minus 40 degrees Celsius, and oxygen levels go down to 50 per cent below normal. What the Defence Minister inaugurated on Tuesday, however, was not the entire road, but one of the bridges on the road, which completed the axis. The 60-metre bridge has been built at the point called Km 99.3 on the road.

### The Pass

According to officials in the defence establishment, vehicles had been crossing the Umling La pass for at least the last four years. However, the road at the pass has now been black-topped, making the journey easier, and qualifying it for the Guinness World Record honour. The BRO had mentioned in August that the road had been black-topped through Umling La at 19,300 feet. It had said that the road connected towns in the Chumar sector of eastern Ladakh, providing a direct route between Chisumle and Demchok from Leh.

### Top of the world

At the pass, the road is higher than both the base camps for the climb to Mount Everest, the world's highest mountain. The South Base Camp in Nepal is at a height of 17,598 ft, while North Base Camp in Tibet is at 16,900 ft. The Chisumle-Demchok road is also higher than the Siachen Glacier, which is situated at 17,700 feet. Khardung La in Leh, which at one time was among the highest roads in the world, is at an altitude of 17,582 feet.

### The significance

The project to build the road through the pass — a part of BRO's Project Himank — had been completed in 2017, after which vehicles had started plying on the route. However, the road has been black-topped only this year. The most important aspect of this new axis, however, comes with the completion of the bridge that was inaugurated by the Minister. As the axis is now complete, it provides a direct route from Chisumle, which lies on the major road coming from Leh,



Karu and Nyoma — all of which have important military stations — to Demchok, which is close to the Line of Actual Control.

#### **Why Demchok matters**

Demchok has been an India-China flashpoint earlier, the site of a standoff between the two armies in 2016. In the current standoff in eastern Ladakh, which began in May 2020, Demchok has come up as a point of contention. According to Indian officials, some “so called civilians” have erected tents on the Indian side of Charding Nala in the area, which means they are on the Indian side of the LAC. The issue is yet to be resolved.

#### **How the road helps**

The new axis will be helpful for the armed forces, making it easier to mobilise troops and equipment, including rations. However, since the road goes through such a high pass, road transport will be unfeasible during the winter, when the armed forces rely on air support. The road is expected to have other advantages too. Rajnath Singh said on Tuesday that it will “not only enable faster movement of armed forces to the region but will also boost tourism and improve the socio-economic condition of the local people in the region”.

#### **Other BRO projects**

With the inauguration of this bridge along with 26 other projects around the country, 2021 marked a record for BRO, which completed 102 projects in the year. Besides the Umling La road, one of the “most important of the roads being dedicated to the nation” Singh inaugurated another important bridge this week, also close to an area of conflict between India and China. This 140-foot double-lane modular Class 70 bridge built on Flag Hill on Dokala Road at a height of 11,000 feet, provides an alternative axis to the India-China-Bhutan trijunction near the Doklam Plateau, which was the site of the over-70-day standoff between India and China in 2017. Singh had inaugurated 75 projects of the BRO in June: 63 bridges across eight states and Union Territories, and 12 roads. Most of these projects are near India’s international borders, with a bulk of them in close proximity to the India-China border. China had, in fact, objected to India’s infrastructure build-up close to the Line of Actual Control (LAC) in 2019, before the current standoff began.

### **INADEQUATE RESPONSE**

The submission by a Government-appointed committee to the Supreme Court that the annual family income of ₹8 lakh is “a reasonable” threshold to determine if someone belongs to economically weaker sections to avail 10% reservations in admissions and jobs does not seem to hold water. The submission rejected the notion that the Government had “mechanically” adopted ₹8 lakh as the cut-off because it was used to identify the OBC creamy layer, by asserting that the income criterion was “more stringent” than the one for the OBC creamy layer. This justification, based on a few more criteria that exclude some income and occupational parameters from the OBC creamy layer, however, is not convincing as the Court’s key question remained unanswered satisfactorily. The Court had said that the OBC category is socially and educationally backward, and had therefore additional impediments to overcome, and had asked whether it “would... be arbitrary to provide the same income limit both for the OBC and EWS categories”. The submission does not adequately respond to this question. On whether at all differences in purchasing power across urban/rural regions and per capita income/GDP across States were considered to arrive at



this number, the submission suggests that this exercise would be infeasible and complex. But while asserting that an annual family income criterion of ₹8 lakh is the right approach, the committee does not present any data on the estimated number of EWS persons in the population based on this. If available consumer expenditure surveys such as the 2011-12 NSSO report, Key Indicators of Household Consumer Expenditure are any indication, a bulk of the population will be eligible for reservations under the “below ₹8 lakh” cut-off under the EWS category, rendering the limit irrational. The committee’s assertion that ₹ 8 lakh corresponds to the “effective income tax exemption limit” even as the only income slab exempt from paying taxes was for those earning below ₹2.5 lakh, also renders the criteria on “being economically weak” as less stringent. The submission lays emphasis on the fact that outcomes in the recent entrance and recruitment examinations (NEET, UPSC, JEE) showed an even bunching of eligible candidates in different income brackets (0-₹2.5 lakh, ₹2.5-₹5 lakh, ₹5-₹8 lakh), but it does not explain why marks cut-offs were even lower in recruitment exams than that of the socially and educationally backward OBCs. The validity of the 103rd Constitution Amendment, through which the EWS quota was introduced in 2019, is in any case still before a Constitution Bench. But the apex court must seek more clarity on the criteria adopted by the Government committee to set the income limit for identifying the EWS sections eligible for reservations.

#### A SERIOUS LAPSE

The lapse in Prime Minister Narendra Modi’s security arrangements, which left his convoy stranded on a flyover for around 20 minutes, near Ferozepur in Punjab on Wednesday is indeed a serious one as stated by the Union Home Ministry. But by quickly blaming the Punjab government and the State police, the Central functionaries triggered a blame game that has forestalled the possibility of a fair and credible inquiry into the incident. Two parallel inquiries have been announced, one by the Centre and another by the State, both of which are on hold until Monday when the Supreme Court of India will hear a plea on the issue. Discussions on national security are always surcharged in India but at least this one involving the personal security of the Prime Minister should have been more tempered. Union Ministers and Bharatiya Janata Party functionaries turned this into yet another loyalty test, and resorted to hyperbole. India takes the security of its Prime Minister very seriously. After all, a sitting Prime Minister, a former Prime Minister, and the leader revered as the father of the nation are among the list of the country’s assassinated leaders. The Special Protection Group (SPG), with an outlay of around ₹600 crore in 2020 and around 3,000 personnel has just one job — protect one person, the Prime Minister. The critical question that is to be probed is who made the decision that the Prime Minister could, and should, travel by road for more than 100 km, from Bathinda to Ferozepur and what inputs went into making that decision. Assuming that someone concluded that it was advisable for the Prime Minister to be on the road for nearly two hours, the process that preceded it must be probed. It was also decided that the Prime Minister should not be using a helicopter as was originally planned. The route was identified in advance as a contingency plan, but the decision to use it was made at the last moment — a version that both the State and Central governments agree on. Various scenarios involving miscommunication, misinformation and misjudgment are possible. Protesters who blocked the route were reportedly unaware of the Prime Minister’s travel. As the Union Home Minister said, accountability must be fixed, and loopholes must be plugged. Considering the mutual distrust the State and the Centre have now public, a Supreme Court-monitored probe could be a good way to get to the bottom of the matter in a credible manner. This episode must also lead to a more efficient protocol for the Prime Minister’s travel, and a repurposing of the SPG, if required. Meanwhile, loose talk, diatribe and electioneering on the issue must be shunned at all cost.



## A SOBERING REMINDER TO THE POWERS THAT BE

It was September 2003 and a leading English daily of India was celebrating its 125th anniversary in Chennai. Inaugurating the grand event, the Prime Minister of the day, the late Atal Bihari Vajpayee said: "... In spite of the unfortunate aberrations, whose recurrence must be prevented, India will always remain an open, inclusive and tolerant nation, with the freedom of faith guaranteed to all not only by the statute book but also by the living traditions of this ancient civilisation."

### **A leader, his assurance**

He was referring to some ghastly incidents of violence against the two largest minorities in the country witnessed during those days in various regions. The gentle Head of the Government, endowed with exemplary political wisdom, was assuring the nation with confidence that those were just aberrations not to last long, and that the country would soon return to its age-old traditions of pluralism and religious tolerance. Vajpayee's party had lost at the elections next year but, after a gap of a full decade, returned to power with a bang. Would anyone among the present masters of the nation's destiny remember the solemn assurance their tallest ever leader had graciously extended to the nation? Vajpayee did not live long enough to witness the "living traditions of this ancient civilisation" being thrown into the dustbin of history. Unfortunately, even his sad demise did not act as a sobering reminder to the powers that be for the need to translate his pious hope into the ground reality of the day. In retrospect, Vajpayee wanted the country to religiously continue treading the path it had chosen for itself while throwing away the yoke of colonial rule in 1947. In the year following the advent of independence in India, the United Nations had proclaimed a Universal Declaration of Human Rights, affirming in its preamble that all members of the world body that had been set up to strive for peace across the globe had "pledged themselves" to the "promotion ... and observance" of all the ideals enshrined in that so-called "Magna Carta of Humanity". The Universal Declaration of Human Rights had asserted at the outset that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." In the coming years, its implications and demands were spelt out in the minutest details in the two International Human Rights Covenants of 1966, later suffixed with several follow-up instruments like the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) and the Declaration on the Rights of Minorities (1992).

### **A masterpiece of wisdom**

When the celebrated Universal Declaration of Human Rights was proclaimed by the United Nations, the newly freed India was in the midst of writing its Constitution for the future. Its noble architects, all highly enlightened leaders of the day, infused the letter and spirit of that masterpiece of human wisdom into its preamble under which the people of India "solemnly resolved" to secure to all its citizens justice, equality and liberty of all kinds and to promote among them all "fraternity assuring the dignity of individual and unity of the nation". The details of these prefatory pledges were elaborated upon and fortified in Part III of the Constitution on people's Fundamental Rights. Before too long it was realised by experience that there was a pressing need to alert the people of the country, both the rulers and the ruled, also to their constitutional duties to the nation and the society. Part IVA was then added to spell out citizens' Fundamental Duties — joint and several. The foremost among these sacred obligations were, and remain, "to abide by the Constitution and respect its ideals and institutions" and "to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and





regional or sectional diversities.” Now, so many years after the beginning of the constitutional era, many deeply patriotic citizens of the country see the prevailing ground situation as an antithesis of the Constitution. They have begun wondering if that magnificent charter of governance “enacted, adopted and given to ourselves” two years after Independence was just an Interim Constitution to be replaced in the coming years with a brand new unwritten one drawn on diametrically opposite lines. Have we, they are asking, really decided to completely abandon our old commitments and allegiance to the international human rights instruments and to kick out our constitutional pledges to preserve religious pluralism and maintain the citizens’ dignity, equality and fraternity?

### **An inoperative IPC**

Long before the advent of Independence, India had enacted and given to all its inhabitants an Indian Penal Code with a full-fledged chapter on “Offences relating to Religion” laying down penalties for outraging religious feelings, insulting religion or beliefs, disturbing religious assemblies, wounding religious feelings, and other nefarious activities of the sort. Why are, one may ask, these provisions of the Code lying totally inoperative while many people are openly flouting them in broad daylight? Television and newspapers regularly report how some of them, masquerading as saints, keep throwing dirt on the founder of the second largest religion of the contemporary world seen by its over two billion followers across the globe as the most highly revered figure next only to God. Does not all this attract application of the IPC offence of outraging religious feelings? And when some of them cross the limits to incite people to commit atrocities against, and even mass-killing, of the second largest group among the nation’s citizenry, is their audacity not covered by any provision of our Penal Code or by any other law of the country? The election law of India laid down in the Representation of the People Act of 1951 declares “promoting or attempting to promote feelings of enmity or hatred” on grounds of religion, etc. between different classes of citizens “in connection with election” to be a punishable offence (Section 125). Referring to it, an eminent apex court judge of the past, the late V.R. Krishna Iyer, had once observed: “It is a matter for profound regret that political communalism is flourishing and flourishing largely because parties and politicians have not the will, professions apart, to give up the chase for power through politicizing communal identity.” It is indeed saddening that, while the election law with its aforementioned penal provision remains intact, this lament of a deeply concerned jurist-judge seems to have become a permanent feature of political discourse across the country.

### **‘Golden thread of unity’**

The top court of the nation has in fact been constantly spelling out for us, from the very beginning, the meaning and implications of the road map the Constitution of the country had laid for us soon after Independence. In the case of Ahmedabad St. Xavier’s College vs the State of Gujarat (1974), a large Bench of the Court had observed: “India is the second most populous country of the world. The people inhabiting this vast land profess different religions and speak different languages. It is a mosaic of different religions, languages and cultures. Each of them has made a mark on Indian polity and India today represents a synthesis of them all. Despite the diversity of religion and language there runs through the fabric of the nation the golden thread of a basic innate unity.” Twenty years later in the cause célèbres captioned S.R. Bommai vs Union of India (1994), an even larger Bench of the Court had proclaimed that “Constitutional provisions prohibit the establishment of a theocratic State and prevent the State from either identifying itself with or otherwise favouring any particular religion” and “secularism is more than a passive attitude of religious tolerance. It is a positive concept of equal treatment of all religions.”



### Fading 'light'

Announcing the tragic demise of the Father of the Nation on January 30, 1948, Jawaharlal Nehru had said: "The light has gone out of our lives; that light will be seen in this country and the world will see it for that light represented something more than the immediate present; it represented the living, the eternal truths, reminding us of the right path, drawing us from error, taking this ancient country to freedom." On that sad day, year after year since then, sirens have been blaring out in government offices and educational institutions alerting us to remember the teachings of that extraordinary leader who had played the key role in our struggle for Independence. But do we still have the will and the determination to let India remain what the Father of the Nation wanted it to be, then and always in future? Do we remember our first Prime Minister's optimism that the Mahatma's light "will be seen"? And, do we care for the solemn assurance given to the nation by another great Prime Minister of the country, Atal Bihari Vajpayee, in 2003 that "India will always remain an open, inclusive and tolerant nation"? Are there any answers?

### WHAT IS GITHUB, AT THE CENTRE OF ONLINE SEXUAL HARASSMENT PROBE?

The open-source software repository service GitHub is in the news after it was used to create and share an offensively named app that sexually harassed Muslim women in India. The app used pictures of the women stolen from their social media handles and invited "users" to bid for them. IT Minister Ashwini Vaishnaw has announced that GitHub has blocked the user, and the Indian Computer Emergency Response System (Cert-In), the nodal agency for monitoring cyber security incidents, has been asked to form "a high-level committee" to investigate. Delhi and Mumbai Police have registered FIRs on complaints by some of the women who were targeted. In June 2021, another app with a similar-sounding name, which too was hosted on GitHub, had been used to harass Muslim women in the same way. Police in Delhi and Noida had registered FIRs, but the probe has not progressed. Delhi Police have said GitHub is not cooperating.

#### What is GitHub?

GitHub is the world's largest open-source developer community platform where users upload their projects and code for others to view, edit, and tweak. The idea of GitHub is this: any developer can upload whatever software code or app code or software idea they have on the platform, and have others collaborate with them to help improve it, find errors, and fix problems. Any public project can be viewed by others on the platform. Most of the features of the platform are free for users. Organisations can use paid accounts to upload their software and projects for collaboration. The platform uses the software Git, which was created in 2005 by Linus Torvalds, the developer of the open-source operating system Linux, to track changes in a set of files and for coordination in software development.

#### What has it said on the complaints?

GitHub has taken down the app, but has not revealed who was responsible for it. "GitHub has longstanding policies against content and conduct involving harassment, discrimination, and inciting violence. We suspended a user account following the investigation of reports of such activity, all of which violate our policies," it said in a statement.

#### What is not allowed on GitHub?

GitHub's stated policies require content to be respectful and civil at all times. Threats of violence "towards others or using the site to organise, promote, or incite acts of real-world violence or



terrorism” are not allowed. Topics such as “age, body size, disability, ethnicity, gender identity and expression, level of experience, nationality, personal appearance, race, religion, or sexual identity and orientation” are not forbidden. But speech that attacks a person or group of persons on the basis of their identity or on any of these topics is not allowed. The platform claims it does not “tolerate bullying or harassment”, and “any habitual badgering or intimidation targeted at a specific person or group of people”. In the current case, however, Muslim women in India have been targeted twice in the space of six months, with the use of apps that are very similar. Some of the women have said they have been targeted by both apps. GitHub also says it does not allow doxxing — revealing personal information with malicious intent — and the invasion of privacy. It claims sexually obscene and pornographic content is not allowed on the platform, even though this does not mean “all nudity or all code and content related to sexuality is prohibited”. Posting gratuitously violent content, misinformation or fake news, active malware or exploits on the platform are prohibited.

#### **When can an account be suspended or removed?**

If a user is reported as violating the rules of the platform, GitHub can remove or block their content, and suspend or terminate the account. But it is not clear how long a suspension can last. The policy page states, “We’ll review each abuse report on a case-by-case basis. In each case, we will have a diverse team investigate the content and surrounding facts and respond as appropriate, using these guidelines to guide our decision.” Given the idea of GitHub, anyone can open an account and upload a code after providing just an email id. So even if an account is blocked or terminated, a new one can be created with another email id — and the offensive software code or apps can be uploaded again with perhaps a slightly different name. This is what seems to have happened in the two instances of harassment of Muslim women in India. A senior officer of Delhi Police’s cyber cell said GitHub is yet to supply investigators with details of “the users or accused persons” in the earlier case. “We wrote to them and sent them a legal notice. GitHub officials asked us to follow Mutual Legal Assistance Treaty guidelines... We again sent a request and they forwarded it to their legal cell. They said some documents were missing and we had to apply again. We have approached the Home Ministry to push for an investigation from their (the company’s) side,” the officer said.

#### **MESSAGE FROM MUMBAI**

Purveyors of hate, misogyny and xenophobia have been on a boundless revelry in India, online and offline, with near total impunity and often times with support from politicians and the police. In the midst of such pervasive police apathy, the swift action by the Mumbai police in tracing and arresting three persons linked to the latest incident involving a fake online ‘auction’ of Muslim women gives hope that all is not lost. The Mumbai police action also contrasts with the inaction of the Delhi police, who come under the Union Home Ministry, and the Noida police in Uttar Pradesh, a BJP-ruled State, in a similar case last year. Whether the three arrested were indeed the creators of the app remains a question of investigation and the limited police version at the moment is that they were promoting the platform, at a minimum. The Commissioner of the Mumbai Police has said the probe is continuing and anyone involved in the crime, directly or indirectly, will be arrested and prosecuted. It is delicious irony that the Mumbai police reports to the Maharashtra government led by the Shiv Sena, long accused of xenophobic politics. The Mumbai police were also quick to act in an earlier case involving threats to cricketer Virat Kohli for standing up for his Muslim teammate. It is indeed baffling that the Delhi police, that is expected to play a critical role in securing the lives of all important functionaries of the country, threw their hands up when faced



with the challenge of identifying some random imposters on social media. Such a level of incompetence or connivance is ominous. The Delhi police say they have written to GitHub, the U.S.-based platform that hosted the toxic apps. They are also seeking the Mutual Legal Assistance Treaty procedure to find information about the app from the U.S., after its Intelligence Fusion and Strategic Operations unit took over the case. All this is being revealed after a second FIR was filed this week. Sena MP Priyanka Chaturvedi had written to the Union IT Minister, in July and September, about several social media platforms or events that were being used to berate Muslim women. In November, the Minister replied that the Ministry was working on “identifying the gaps in current legislation to address contemporary issues of cyberspace including provisions to protect citizens, especially women, from any online harassment and cyber bullying”. While that is necessary, it cannot be an excuse to let online mobs roam free. The police must identify and arrest the original culprit, but if that process takes months on end, there have to be interim measures to enforce the rule of law. The Mumbai Police have done exactly that, in acting with the alacrity that this case deserves.

#### VP SPEAK

Speaking at the 150th death anniversary of Saint Kuriakose Elias Chavara, a seminal renaissance figure of 19th century Kerala on Monday, Vice President Venkaiah Naidu said that “hate speech and writings are against the (country’s) culture, heritage, tradition and constitutional rights and ethos”. And that “every person has the right to practise and preach his or her faith in the country”. Naidu also expressed disapproval of “attempts to ridicule other religions and create dissensions in society”. The Vice President’s intervention is welcome. It comes in the sobering backdrop of a series of incidents targeting religious minorities and their places of worship across the country. The vice president is the first person holding high office to speak out against the purveyors of hate, who have been freely and openly spewing anti-minority rhetoric, including calls for genocide. Last week, a group of public intellectuals including five retired chiefs of the armed forces wrote to the president, prime minister and others seeking action against a recent “Dharam Sansad” in Haridwar, where individuals in saffron robes goaded a gathering to take a pledge to do violence in order to establish a “Hindu rashtra”. Seventy-six lawyers have petitioned the Supreme Court to take suo motu action against those who poured venom on stage at the Haridwar conclave and pointed out that state authorities were failing to act against hate speech against Muslims. The Uttarakhand government has announced an SIT to probe the incident. Meanwhile, censure from civil society had forced BJP MP from Karnataka, Tejaswi Surya, to withdraw his inflammatory comments and minority-baiting — his statement was preceded by attacks on churches in Karnataka (and elsewhere) and the introduction of an anti-conversion law by the Bommai government. While several civil society actors and public intellectuals have criticised the open attempts to target Muslim and Christian minorities, the sepulchral silence in the higher echelons of the ruling establishment is disturbing. Vice President Naidu’s words should prod others holding high office to condemn the purveyors of hate and the vigilantes, and ensure that they are brought to book. Even as the law must take its due course, however, the problem needs to be addressed politically. The perception that anti-Muslim, anti-Christian campaigns and vigilantism have the sanction of the powerful needs to be broken. For that, those in power, those who hold high office, need to speak out — like the vice president did.

#### PUNISHING HATE SPEECH

A recent religious conclave held in Haridwar witnessed inflammatory and provocative speeches by proponents of Hindutva, many of them leaders of religious organisations. Reports say many of

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





the speakers called for organised violence against Muslims and hinted at a Myanmar-type 'cleansing campaign'. There was a threat that if the government resisted the formation of a 'Hindu Rashtra', there will be an '1857-like' revolt against the state. Political parties and concerned citizens have termed these as 'hate speech' and demanded legal action against those involved in the propagation of hate and violence.

### **What is 'hate speech'?**

There is no specific legal definition of 'hate speech'. Provisions in law criminalise speeches, writings, actions, signs and representations that foment violence and spread disharmony between communities and groups and these are understood to refer to 'hate speech'. The Law Commission of India, in its 267th Report, says: "Hate speech generally is an incitement to hatred primarily against a group of persons defined in terms of race, ethnicity, gender, sexual orientation, religious belief and the like ... Thus, hate speech is any word written or spoken, signs, visible representations within the hearing or sight of a person with the intention to cause fear or alarm, or incitement to violence." In general, hate speech is considered a limitation on free speech that seeks to prevent or bar speech that exposes a person or a group or section of society to hate, violence, ridicule or indignity.

### **How is it treated in Indian law?**

Sections 153A and 505 of the Indian Penal Code are generally taken to be the main penal provisions that deal with inflammatory speeches and expressions that seek to punish 'hate speech'. Under Section 153A, 'promotion of enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony', is an offence punishable with three years' imprisonment. It attracts a five-year term if committed in a place of worship, or an assembly engaged in religious worship or religious ceremonies. Section 505 of IPC makes it an offence to making "statements conducing to public mischief". The statement, publication, report or rumour that is penalised under Section 505(1) should be one that promotes mutiny by the armed forces, or causes such fear or alarm that people are induced to commit an offence against the state or public tranquillity; or is intended to incite or incites any class or community to commit an offence against another class or community. This attracts a jail term of up to three years. Under 505(2), it is an offence to make statements creating or promoting enmity, hatred or ill-will between classes. Under subsection (3), the same offence will attract up to a five-year jail term if it takes place in a place of worship, or in any assembly engaged in religious worship or religious ceremonies.

### **What has the Law Commission proposed?**

The Law Commission has proposed that separate offences be added to the IPC to criminalise hate speech quite specifically instead of being subsumed in the existing sections concerning inflammatory acts and speeches. It has proposed that two new sections, Section 153C and Section 505A, be added. Its draft says Section 153C should make it an offence if anyone (a) uses gravely threatening words, spoken or written or signs or visible representations, with the intention to cause fear or alarm; or (b) advocates hatred that causes incitement to violence, on grounds of religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, residence, language, disability or tribe. It proposes a two-year jail term for this and/or a fine of ₹5,000 or both. Its draft for Section 505A proposes to criminalise words, or display of writing or signs that are gravely threatening or derogatory, within the hearing or sight of a person, causing fear or alarm or, with intent to provoke the use of unlawful violence against that person or



another". It proposes a prison term of up to one year and/or a fine up to ₹5,000 or both. Similar proposals to add sections to the IPC to punish acts and statements that promote racial discrimination or amount to hate speech have been made by the M.P. Bezbaruah Committee and the T.K. Viswanathan Committee. At present, the Committee for Reforms in Criminal Laws, which is considering more comprehensive changes to criminal law, is examining the issue of having specific provisions to tackle hate speech.

## THE DEAFENING SILENCE OF SCIENTISTS

In December 1954, Meghnad Saha, one of India's foremost astrophysicists and an elected parliamentarian, wrote to Prime Minister Jawaharlal Nehru, "My request to you is that you do not smother your Desdemonas on the report of men like this particular Iago. I sometimes believe there are too many Iagos about you, as there have been in history about every person of power and prestige". By referring to the characters in Shakespeare's Othello, an aggrieved Saha was showing his displeasure at a situation that he perceived to be bad for Indian science wherein the courtship between the state and science was being ruined by the Machiavellian advisers of the then Prime Minister.

### A glorious tradition forgotten

We have come a long way from Nehruvian times when scientists could afford to be directly critical of the Prime Minister and still expect to get a pat on their shoulder in return. Over the past few years, a pernicious political landscape that encourages intolerance and superstition has been developed. This has proved to be non-conducive for the time-tested scientific model and freedom of inquiry. For the creation of knowledge, one should be able to think and express themselves freely. One also needs to have a space for dissent, which is a fundamental requirement for democracies to thrive. Are our scientists vocal enough to argue for the freedom of thought and are they able to stand up against pseudoscience? Their silence has given rise to the perception that they too are complicit in creating an unhealthy atmosphere of ultra-nationalism and jingoism, where the glorious tradition followed by socially committed scientists like Saha is forgotten. We have seen this lack of reactivity from Indian scientists and science academies on many occasions in the recent past, starting with the conduct of the 102nd Indian Science Congress in 2015. How did a session suffused with extreme nationalism and promoting junk science find its way into this prestigious meet? How was it vetted and approved by a high-profile committee containing the country's front-ranking scientists? Completely sidelining the real scientific contributions made in ancient and medieval times, ridiculous claims were made in that forum about ancient 'Bharat' being a repository of all modern knowledge. Except a few, like the late Pushpa Bhargava, who always fretted about the lack of scientific temper among Indian scientists, most of our leaders in science chose to ignore something that was patently wrong. Pseudo-scientific remarks by responsible political leaders have continued to hog the limelight ever since. Even when a former Union Minister insisted that Darwin's Theory of Evolution was scientifically wrong, leading scientists remained silent save a few. More recently, the Rashtriya Swayamsevak Sangh chief made a misinformed statement that the DNA of all the people in India has been the same for 40,000 years. His message clearly goes against the proven fact that Indians have mixed genetic lineages originating from Africa, the Mediterranean, and Eurasian steppes. As a part of revisionist history-writing, the Indian Institute of Technology Kharagpur has now issued a 2022 calendar. The purpose of it is to argue for a Vedic cultural foundation for the Indus Valley Civilisation — a theory that goes against all the available evidence; morphing an Indus Valley single-horned bull seal into a horse will not solve the evidentiary lacuna. A retinue of junk science propagators and



new-age 'gurus' have been flourishing in this anti-science environment, often marketing questionable concoctions including cow products to cure COVID-19 and even homosexuality, as though it is some sort of disease. Pseudoscience has provided a foundational base for a huge money-making industry that successfully peddles quackery by sustaining and exploiting the people's ignorance. Our social and political life resonates uncannily with the fascist era of the 1930s-40s when Adolf Hitler and Benito Mussolini argued that the "white race" was locked in a deadly demographic competition with races of "lesser purity" whose numbers were growing much faster. It can be instructive in our current political climate to reflect on how science failed as a bulwark against such regressive viewpoints. The science historian, Massimo Mazzotti, at the University of California, Berkeley, ably showed how the fascist regime in Italy, using various intimidation and surveillance tactics, made academic elites toe the official line. The faculties did so without making an actual anti-fascist choice. Instead, they entered the grey zone of cynical detachment. It was due to cynicism and careerism that the scientists of Italy derided racist policies as foolish in private but did not bother to question them publicly. Like Italy, racism and 'othering' was very much a part of the political landscape in Germany under the Nazi regime, which saw a big exodus of high-ranking scientists with Jewish tags.

### Reasons for toeing the line

As discussed by Naresh Dadhich, an Indian theoretical physicist, in an article, one of the reasons for this acquiescence is that scientific research relies almost entirely on funding from the government. So, a fear of retribution acts against the idea of engagement with society. Another equally valid reason is that our contemporary science researchers remain entirely cut off from liberal intellectual discourse, unlike in the initial years after Independence. For most scientists today, the idea of science as a form of argument remains foreign. For many of them, exposure to the social sciences is minimal at university. They also don't get trained in a broad range of social topics at the school level. Globally, STEM students downplay altruism and arguably demonstrate less social concern than students from other streams. The blame squarely lies with the pedagogy followed in our science education system. The leading science and technology institutes recruit students right after school and largely host one or two perfunctory social science courses. Students, thus, mostly remain oblivious to the general liberal intellectual discourse. This issue is of major concern, as the 21st century is witnessing a new rise of illiberal democracy with fascist tendencies that generate intolerance and exclusion in various parts of the world, including India. We are also living at a time when scientific advice is marginalised in public policy debates ranging from natural resource use to environmental impacts. In the early 20th century, many leading scientists were deeply engaged with philosophy and had developed a distinctive way of thinking about the implications of science on society. They were much more proactive about societal issues. The continuity of that legacy appears to have broken. A cowed-down scientific enterprise is not helpful in retaining the secular autonomy of academic pursuits. To regain this cultural space among younger practitioners, science education must include pedagogical inputs that help learners take a deliberative stand against false theories that could undermine civil society and democratic structures.

## THESE ISLANDS OF EXCELLENCE MUST NOT BE MAROONED

Recently, the Chief Justice of India (CJI), N.V. Ramana, made several comments concerning legal education through his addresses in various universities. He observed that the national law universities were being perceived as 'elitist and detached from social realities' because not enough students were joining the bar. He added that even among those who joined the bar, the trend was



to practise at the levels of the Supreme Court of India and High Courts while ignoring trial advocacy. Earlier in the year, the CJI had made the comment that law graduates were ill-equipped to handle the profession and that sub-standard legal educational institutions in the country were a worrying trend. Additionally, the CJI made a remark recently that the focus on legal education should be on the practice and not theory. The CJI's words are a welcome cause for introspection. As institutions capable of fundamentally altering the legal landscape of the country in the decades to come, such comments must not be brushed aside casually. So far, the experiment of national law universities has thrown up mixed results. While they have been celebrated as 'islands of excellence in a 'sea of mediocrity, as perceptible from the CJI's remarks, they are also deemed by many to be detached from society. But this is just one of the many contradictions that national law universities face today. The first contradiction is that even though national law universities are criticised for imparting pedagogy focused on securing placements in corporates and corporate firms, it is these placements that are taken to be a significant marker in judging the success of national law universities. Another contradiction is that even though they are referred to as 'National' Law Universities, they are established and partially funded by State governments. National law universities, therefore, have to operate in an increasingly fluid political environment. With state funding shrinking, most national law universities are facing a serious crisis. The 'national' character of these universities stems from their cosmopolitan demographic profile of students and faculty. Of late, this 'national' profile of the national law universities has had to increasingly navigate the pressures in many States which, by virtue of being the primary patron of a national law university, are able to exert influence on several key issues such as domicile-based reservations and pay scale choices.

#### **Research-driven academics**

The perceived disconnect between social realities and legal education can only be bridged if the research emerging from national law universities addresses social issues and provides workable and practicable solutions. Therefore, there is a need to focus on the promotion of research-driven academics. This requires us to move beyond the rigid framework created by the Bar Council of India and the University Grants Commission, which for example, needs the faculty to undertake a minimum number of lecture hours per week, etc. There is a need to have separate faculties for teaching and research. Research-driven academics must also be promoted through institutional arrangements and schemes incentivising the same. National law universities can no longer survive as mere teaching institutions.

#### **Internal issues**

The national law universities face stiff competition from upcoming private universities vis-à-vis quality faculties with exposure to best practices and these universities lose out on such faculty owing to many factors including rigid pay scales. While the hiring of faculty holding foreign degrees is not the only solution, the training of the existing faculty in traditional methods of knowledge delivery cannot be expected to satisfy the purpose for which the national law universities were created. The same results in a demand from students for better faculty, pedagogies and curricula. While the delivery of these demands differs from national law university to national law university, these issues have been at the centre of student protests in several universities. Another reason for student protests in national law universities has been the inability of the leadership to respond to the needs of the students, faculty and staff in an adequate manner. Day-to-day problems when left unaddressed lead to avoidable confrontations. Decisions resolving the issues must be taken firmly and in a timely manner without undue delays. This problem is going to multiply as the State withdraws its funding and national law universities are





left to generate their own resources. The same will require a display of ingenuity and entrepreneurship in raising adequate finances in the face of ever-increasing expenditures. It is equally important that the pedagogy must be focused on practical aspects of law, rather than just the theory. The courses must invigorate our classrooms with the experience of practitioners and arm our students with the practical understanding of the functioning of laws and the justice system. Our judges and advocates must be obligated to contribute to the classrooms. They must be encouraged to offer paid internships to students to incentivise their learning experiences. Finally, it must also be understood that the purpose of education at the graduate and postgraduate levels is fundamentally different. The focus of education at a graduate level must be practice-oriented with a focus on imparting students with the ability to learn and understand. On the other hand, the focus of pedagogy at the post-graduate level should be academic with a stress on imparting students with the ability to not only critically evaluate but also to apply the knowledge. This is crucial if we are to create well rounded and quality faculty which can contribute to the academic discourse meaningfully.

#### **For the long term**

Going by the National Education Policy, the shape and the content of a single discipline university is to change soon. The need, therefore, is to plan the future vision of national law universities in terms of becoming multi-universities to include subjects of crucial significance, including the awarding of degrees other than the law discipline. Also, there is a need to establish an independent regulator for legal education in India. National law universities can collaborate in a significant way to benefit each other by sharing human resources and expertise. With the exception of a few national law universities, most have a long way to go with respect to many of the points raised above. This article is not intended to be a justification or an explanation to the CJI's comments. Instead, its purpose is to introspect over and understand the problem areas which require rectification. As mentioned earlier, national law universities have the potential to transform the legal landscape of our country. But much is still required to be done before such a potential can be realised.

### HOW AMENDMENT MAKES ASSAM CATTLE ACT EVEN MORE STRINGENT

Last week, the Assam Cattle Preservation Act, 2021, was made more stringent through an amendment in the Winter Session of the Assam Assembly. The original legislation had been passed on August 13.

#### **The new law**

In August, the Assam Cattle Preservation Act, 2021 replaced the Assam Cattle Preservation Act, 1950, on the ground that the latter lacked sufficient legal provisions to regulate the slaughter, consumption and transportation of cattle. The Act bars sale and purchase of beef or beef products in areas “predominantly inhabited by Hindu, Jain, Sikh and other non beef-eating communities”, or “within a radius of 5 km” of any temple or sattrra (Vaishnavite monasteries). The Act — ostensibly passed to check cattle smuggling to Bangladesh — prohibits inter-state transport of cattle to and from Assam without valid documents. The legislation was initially meant to be applicable to all cattle (cows, bulls, bullocks, buffaloes). Before it became a law, buffaloes were removed from the definition. While it prohibits slaughter of a cow under any circumstances, other cattle can be slaughtered subject to a “fit for slaughter” certificate. The law gives authorities the power to “enter and inspect any premises” on the basis of suspicion. It provides for a minimum



jail term of three years (extendable up to eight years) and a Rs 3 lakh fine (with the upper limit Rs 5 lakh). For repeat offenders, the punishment will be doubled.

### **The amendments**

The main amendments include a change in the transport permissions to cattle within the state and two new provisions that provide more teeth to the police. The original legislation had prohibited inter-district movement of cattle within Assam without valid documents. The amendment now allows movement from one district to another, provided these do not border Bangladesh, and provided those transporting the cattle are registered under the Animal Husbandry and Veterinary Department, and have permits to transport the cattle for bonafide agricultural or animal husbandry purposes or for trade. The amendments empower the police to enter the house of an accused, search and seize properties if they have a “prima facie reason to believe” that the properties have been acquired in the last six years with money earned from illegal cattle trade. This provision also places the burden of proof on the accused, saying: “Provided that the burden of proving that the property so attached or seized has not been illegally acquired through sale or transportation of cattle in violation of any of the provision under this Act, shall be on the person affected”. Another amendment allows for the sale of seized vehicles, boats and vessels through “public auction” after being produced before the appropriate court.

### **Criticism**

The Act — as well as the amendments — has drawn criticism for the Opposition for being “unconstitutional”, with MLAs saying it places disproportionate power in the hands of the police. Independent MLA Akhil Gogoi argued it was a “regulatory Act”, not a “prohibitory Act”. “Regulatory Acts do not have such stringent provisions. But this one has provisions like placing the burden of proof on the accused, which acts like the Foreigners’ Act”. He said it was aimed at marginalising religious minorities. The Congress’s Kamalakhya Dey Purkayastha said few laws in India have such stringent provisions. “The police will definitely take advantage of this law... seizing properties, auctioning off vehicles... all this is nothing but harassment.” The AIUDF’s Aminul Islam said there should be no restriction on inter-district movement of cattle for agrarian purposes, including districts with an international border. “Why leave out border districts... do people living in the border districts not practise agriculture?” he said. Opposition MLAs had suggested several amendments in the Assembly but eventually they withdrew all, barring Gogoi, who refused to do so. Senior lawyers said some parts of the amendment may not withstand legal scrutiny. They said Article 301 of the Constitution allows for the freedom of trade and commerce throughout the territory of India, and restriction on such transport — as in this law — requires assent from the President of India. The law does not have that. Lawyers feel the most alarming amendment is placing the burden of proof on the accused. In the “rarest of rare” laws, like the Foreigners’ Act, the burden of proof is on the accused and not the state, which gives arbitrary power to the police, they said. “The police just need to bring in the allegation. The person against whom the allegation is brought has to prove that he is innocent. It has been done to show how strict the law is but will have far-reaching consequences,” said a Gauhati High Court lawyer.

### **Government stand**

In the Assembly, Chief Minister Himanta Biswa Sarma said the government would act as per the BJP’s election manifesto. On the argument that there could be no restriction of transport for trade, PTI quoted him as saying: “We can restrict movement of these cows if they are procured from illegal sources... If it is for farming, mining... we will allow it with a transit pass.” Sarma said they



wanted to only stop the slaughter of cows — not destroy the agrarian economy, as many critics have pointed out. “That is why we have now allowed intra-state transportation of cattle,” he said. On seizure of vehicles, he said it would help stop the cattle trade that was still going on. “Around 20-30 per cent illegal trade is still happening.” Since the Act was passed in August, Sarma said 406 cases were registered, 2,808 cattle rescued, 240 persons arrested and 68 vehicles seized; one person was killed in police action and five others were injured.

## THE HINT OF A ‘ONE NATION ONE NGO’ REGIME

On December 31, 2021, the Ministry of Home Affairs issued another public notice extending the validity of registration certificates that were expiring from September 29, 2020 to March 31, 2022 till the latter date, provided that the request for renewal had not been rejected. What should have been a routine activity of the Ministry has turned out to be a fairly detailed exercise of scrutiny, resulting in a paralysis in granting permissions. The levels of due diligence and the information sought on the one hand and the annual declarations to be given by the board members of civil society organisations on the other have increased significantly. The mandatory opening of bank accounts for foreign contributions has been centralised in one branch of the State Bank of India. The linking of Permanent Account Number (PAN), Aadhaar number and mapping it with the bank account/s of the individual board members are happening with gusto. All this has resulted in a chill settling over the people who are and have been associated with civil society organisations serving a social or cultural cause. The registrations under Foreign Contribution (Regulation) Act (FCRA) have been long necessitated in order to undertake due diligence of the causes for which the organisation is working for and also to have a handle on the traceability of funds.

### Data on cancellations

Recently, the Missionaries of Charity established by Nobel Laureate Mother Teresa, was in the news for the cancellation of its permission under the FCRA. A perusal of the statistics available on the website of the Ministry of Home Affairs (<https://bit.ly/32Kij6E>) reveals an interesting pattern. Of the 20,675 permissions under the FCRA that were cancelled from 2011 onwards, only 89 have been cancelled on request; the rest have been cancelled on violation. Of these 20,675 cancellations, 80% of the cancellations are after 2014, with a massive purge of around 10,003 permissions in the year 2015. The dashboard (<https://bit.ly/3sXf0su>) shows a little under 17,000 active organisations — which have either got permission or will know their fate by March 2022, while around 33,000 organisations have either lost their permission or it has expired. These cancellation numbers do not include the rejection of around 600 applications that have been in the news in the recent past, as the website shows only three cancellations in the year 2021 and none in 2020. There has been a pattern to the organised attack on civil society organisations and this looks like the final shot. In the past, the amendments in the FCRA that restricted the ability to sub-grant, killed many of the niche organisations working in very remote areas which had no direct access to international funding but were doing it through larger non-governmental organisations. The other amendment restricting the proportion of expenses on administration almost choked organisations that worked for the rights of the disposed. The increasing level of surveillance type of data sought has resulted in many organisations losing people on their governance structure and resulting in problems in funding. The level of the purge is alarming on two fronts. If this purge is because of violations that seem to threaten sovereignty because of evidence of money laundering, subversive activities and violation of the laws, then it is worrying that these organisations survived for all these years. This says a bit about the system of scrutiny that we have had in the past. Alternately, if these are organisations that have been purged on



xenophobic considerations — because they are activists usually questioning the Government and speaking for the marginalised — organisations working on issues such as human rights, and organisations serving the people whom the state is unable to reach, then it is even more alarming. That is because it is suppressing the concept of antyodaya — reaching the last person with rights, services and entitlements.

### **Organisations that are needed**

Why we need civil society organisations is a moot question. We need them because they usually work on what can be called an unreasonable agenda. This unreasonableness falls in three large verticals. The first is that they ask for greater efficiency, delivery and accountability from the state. Whether is it about rehabilitation and compensation in the case of land acquisition or setting up a great accountability framework as was done through the movement led by the Mazdoor Kisan Shakti Sangathan for the Right to Information. The second vertical is in correcting the extractive nature of markets. The groups asking for environmental accountability are looking at inter-generational justice on a matter that is not very precisely measurable but is palpable. The third is basically picking up causes that are so niche that it is beyond the capability of the state to come up with such initiatives such as a school of drama set up by NINASAM (Nilakanteshwara Natyaseva Samgha) in a village called Heggodu, Karnataka, or an idea of distributing clothing for work as done by Goonj. These initiatives cannot be put into specific business plans, spreadsheets or government schemes. They, therefore, need a grant-based, cause-based revenue stream model.

### **Issue of funding**

Why foreign funding? As we know, “causes” have no boundaries and funding for such socially desirable belief systems could come from beyond borders. Some causes carried out by organisations such as Doctors Without Borders, or Reporters Without Borders are by definition international in nature. Similar is the case with the Jaipur foot provided by the Bhagwan Mahaveer Viklang Sahayata Samiti. The humanitarian work by the Missionaries of Charity is beyond the capability of a state. Such causes do not have a rational basis to be explained in terms of a financial model; how do you put a price tag to press freedom? The niche funding will happen from agencies that may be beyond the borders. They need to be encouraged. In general, past regimes have been tolerant of all developmental and cultural causes; somewhat wary and tolerant of rights-based causes; and largely suspicious of civil society organisations working for human rights and environmental causes. Both human rights and environmental causes put these civil society organisations directly in confrontation with the job of policing/internal security and “development” or economic growth. That is a fight that the civil society organisations were used to.

### **Deeper study needed**

However, the current purge seems to be indiscriminate. The depth and the variety of the work of a civil society organisation cannot be captured in the annual returns filed on the FCRA portal, where there is no scope for explaining something beyond the binary. There needs to be a study on how many civil society organisations lost their permissions on “expiry” only because the pre-populated dropdowns given by the FCRA portal were unable to capture the work of the organisations. The duality of welcoming foreign investments (which takes away capital gains and dividends) while actively discouraging foreign aid to charities is staring us in the face. The definition of what is foreign in the case of electoral bonds and donations to political parties is dodgy at best. This duality is the signature of the current dispensation. Its appetite to collect data





is matched only by its reluctance to share data. If the hope, therefore, for civil society organisations is corporate social responsibility funding and funding from Indian philanthropists, watch this space. As cartoonist P. Mahamud indicated in a cartoon, we are moving towards a 'One Nation One NGO' regime. (The writer is on the boards of non-governmental organisations, or NGOs that have applied for FCRA permission. None of those NGOs is mentioned in the article.)

## AIDING IN GOVERNANCE

It is well known that the collaborative effort of markets and the Government leads to development of a country. We also know that engaging with communities and non-state informal institutions is as important as working with the Government machinery. Section 135 of the Companies Act mandates corporates who are beyond a certain level of profits and turnover to pay at least 2% of their net profits before tax to the development space. This law gives corporates the necessary impetus to collaborate with non-state actors like Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs). This strengthening of citizenry-private partnerships is a major component of development activities. Non-state actors, because of their depth of engagement with communities, bring patient capital to corporate board rooms and help the state, too, by engaging in welfare activities. This is a classic case of state-driven governance mechanism promoting collaboration among non-state actors. A key pillar of democratic governance is citizens' power to question the state. NGOs and voluntary groups/organisations have played a significant role in building capacities of citizens to hold governments accountable. With the Government taking the stand that any action by an NGO which is critical of the government is 'anti-national', more so when funded from abroad, the space for foreign grants has shrunk. Hence, Corporate Social Responsibility (CSR) grants, which wouldn't necessarily have flowed had it not been for the CSR law, have assumed importance to provide the much-needed sustenance to NGOs and CSOs as key players in non-state governance.

### Essential cogs in the wheel

State governance should be evolving in nature. However, the Indian bureaucratic elite have little appetite for risk-taking and innovation because of the constant changing goalposts of their politician-bosses or because the quantum of work is more than what they can efficiently handle. Bureaucrats, therefore, often take recourse to the status quo even if it is to at least get some work done and not stall everything by campaigning for change, especially in the realm of governance. There is also the fear of failure, with its deep-rooted consequence of non-risk-takers smoothly sailing to the top posts. In such contexts, it is the non-state actor who innovates and creates breakthrough models of community engagement. They also become the vehicle to carry the demands of people to formal institutions. We saw this in the case of the Right to Information (RTI) campaign, which became a law after decades-long efforts by NGOs. The law has brought a dramatic change in the degree of transparency in India, with most Government ministries falling under its ambit. Corporate houses, when implementing their CSR activities, and governments, when executing their flagship projects, especially in the years preceding elections, are aggressive in their targets. But that doesn't necessarily work in the development sector where change happens at a glacial pace. It is the non-state actors, who know the lay of the land, who bridge the gap between people and firms/state. It is common knowledge that the District Collector calls on vetted NGOs/CSOs to implement various schemes during the normal course of the day or to step in at short notice when calamities strike. NGOs and CSOs sometimes do the heavy lift and ensure that schemes reach the last person even in the face of disaster. When non-state actors take a large load off the state's shoulder, the state can focus more on governance. Research shows that it is the



synergy of NGOs, Government and corporates which is the holy grail of development. I have learnt from being on the field that NGOs and CSOs with their penetration are best suited for last-mile delivery of government schemes or implementation of a corporate house's CSR work, thus nudging one another in the path to a developmental state. The tension between the tenets of liberty and equality is balanced by fraternity provided by the empathetic NGOs and CSOs in the journey towards a development state. The CSR law has made the corporate world not only clean its own mess but has also created a legal framework for corporates to work with NGOs and CSOs. NGOs and CSOs in India, irrespective of the open hostility of the current dispensation, will play a major role in mobilising citizen action to right various wrongs. They can help contribute to better polity as well as better governance. Most importantly, they have the legitimacy to operate not just as actors who must ride into the sunset after their job is done but to be as integral cogs in the wheel of good governance.

#### ORDER ON CCTVS IN SPAS AGAINST SC VERDICT ON PRIVACY

Justice G.R. Swaminathan of the Madras High Court has said that a recent order passed by another judge of the same court, mandating the installation of CCTV cameras inside spas [massage and therapy centres], appears to run counter to the law laid down by the Supreme Court in the landmark Justice K.S. Puttaswamy case on the Right to Privacy. Justice Swaminathan observed that Article 21 of the Constitution guarantees the fundamental right to privacy to all. "Through a unanimous verdict, the Supreme Court declared that the right to life and personal liberty guaranteed in Article 21 also includes implicitly a right to privacy. This right to privacy is seen as possessing both inherent value, in that it is important for every person's basic dignity, and instrumental value, in that it furthers a person's ability to live life free of interference," the judge said.

#### Article 21

"The Court held that privacy as guaranteed in Article 21 takes several different forms — It includes a right to bodily autonomy, a right to informational privacy and a right to a privacy of choice. The installation of CCTV equipment inside premises such as a spa would unquestionably infract upon a person's bodily autonomy. These are inviolable spaces where the prying eye of the State cannot be allowed to enter," he said. He noted that the other judge's order directed the installation of CCTV cameras not in public spaces, but in "intimate, private spaces". In the first place, unless a legislature mandates by law that CCTV cameras ought to be installed in a certain space, to do so would violate Article 21, he said. No right can be absolute. But restrictions can be put in place only by the legislature or the executive. The reach of the fundamental rights cannot be curtailed by any judicial measure. The Supreme Court alone can do so in exercise of its power under Article 142, the judge said. Taking note of the fact that a notification was issued by the government that contemplates the installation of CCTV cameras only at entry and exit points, the judge said it consciously caveats that this would be without prejudice to the individual's privacy. "Thus, the executive, while enacting subordinate legislation, has been conscious of the privacy concerns of the citizens. Suspicion that immoral activities are taking place in massage centres cannot be a reason enough to intrude into an individual's right to relax, for it intrinsically is part and parcel of his fundamental right to privacy," he said. Justice Swaminathan observed, "Most of us view privacy as an individual right. Time has come to look beyond. Priscilla M Regan in her seminal work 'Legislating Privacy', highlights the importance of developing and understanding of the social importance of privacy. She conceptualises privacy as a value and as a goal of public policy". The court was hearing a petition filed by Payel Biswas, a spa owner from Tiruchi. The petitioner sought



a direction to the police to issue a no-objection certificate for running the spa. The court directed the Tiruchi Commissioner of Police to consider the representation within four weeks.

## SAFETY AT ALL COSTS

The death of four workers on New Year's Day in a blast at a fireworks unit in Kalathur village of Virudhunagar district, the hub of the firecrackers sector in Tamil Nadu, reiterates the need for relentless vigil to enforce safety protocols in an industry that deals with hazardous processes. The blast was said to have been triggered by friction caused by the mishandling of chemicals. Apparently, the workers had come to the unit for a pooja to usher in 2022. Even though the authorities have suspended the unit's licence and filed cases under the Indian Penal Code and Indian Explosive Substances Act, they have not cited violations such as the licence holder leasing out the unit to others and manufacturing products unauthorisedly. Over the years, the district has seen numerous blasts and successive State Governments had formed, at times, committees to study the factors that led to the blasts. There have been improvements in the way the firecracker industry has been functioning. For example, the extent of child labour has reduced considerably. But, with regard to adherence to and monitoring of safety protocols, the track record leaves much to be desired. There has to be a paradigm shift in the manner an event such as the Kalathur blast is viewed. Generally, any blast is called an accident but such usage unwittingly tends to gloss over the role of those who are responsible for the implementation and the enforcement of safety protocols. There can be no compromise on this count. At the same time, the contribution of the firecracker industry to the country's economy, especially that of Tamil Nadu, has to be acknowledged. The sector employs eight lakh people, directly and indirectly, in a backward region of the State with no assured irrigation. However, this does not absolve the industry of the responsibility to the life and the health of workers and the larger sections of society. In any investigation of the event, the authorities concerned should seriously consider translating into action some of the suggestions made by an eight-member committee constituted by the National Green Tribunal after a blast in the district that killed over 20 people in February 2021. Headed by former judge of the Punjab and Haryana, and Madras High Courts K. Kannan, the panel had suggested that the Explosives Act be amended to make punishments more stringent than now, employing only certified persons for operations including mixing, filling of chemicals and the making of colour pellets, and using drones for surveillance of various units. There is no dearth of ideas to improve the working of the industry but what is required is that the authorities, both at the levels of Central and State Governments, should ensure the enforcement of safety protocols.

## EXTINGUISHING THE TOBACCO INDUSTRY'S MAIN NARRATIVE

Tobacco is a product that kills more than 13 lakh Indians every year. The annual economic burden from tobacco use is estimated to be ₹177,340 crore which is more than 1% of India's GDP. About 27 crore people above the age of 15 years and 8.5% of school-going children in the age group 13-15 years use tobacco in some form in India. There is no doubt that tobacco use is highly detrimental to public health. We have to find the ways and the means to reduce the demand for tobacco among existing as well as aspiring users.

### Impact of tax

A large body of literature shows price and tax measures to be one of the most cost-effective measures to reduce demand for tobacco products. When tobacco products become more expensive, people either quit using them or use them less, and it incentivises many to not initiate



the habit. Because it hurts both revenue and profits, the tobacco industry, globally, is always devising tactics and narratives that will pre-empt any kind of tax increases on tobacco products. The narrative of “increasing illicit trade” is something the tobacco industry has historically used to pre-empt potential tax increases on tobacco products in most countries around the world. The story is no different in India. The tobacco industry, led by ITC Limited, has maintained that the illegal cigarette trade accounts for as much as 25% of the cigarette market in India. In a recent report by the Tobacco Institute of India, a representative body of the cigarette industry, it was said that the illicit cigarette volume in India has grown by 44% from 2011 to 2019 while adding that high and increasing tax rates provide a profitable opportunity for tax evasion and encourage growth in illegal trade.

### **Estimates by two studies**

In the interest of regulating tobacco use and protecting public health, it is important to examine whether there is any truth in these industry claims. When one takes a deeper look, however, it is easy to see that neither the estimates nor the methods used to derive them are backed by any transparent studies. On the other hand, there are two studies published in peer-reviewed scientific journals in recent years that estimate the percentage of illicit cigarettes in the Indian market using widely accepted best practice methodology to estimate the same. The first study (<https://bit.ly/3G3mzwq>) published in 2018 which used a survey of empty cigarette packs collected from retail outlets across different cities in India estimated that illicit cigarettes constitute 2.7% of the market. The second study (<https://bit.ly/3ETV33i>) published in 2020 used tax-gap analysis to estimate that the percentage of illicit cigarettes was 5.1% in 2009-10 and 6.6% in 2016-17. Both these studies used transparent and replicable methods and their estimates of the illicit market were nowhere near the 25% figure that the tobacco industry in India has been using to influence the public discourse on tobacco taxation. The economic burden from tobacco use in India has increased by 22% in real terms over the period 2011 to 2017. There has been a 3% real decline in Goods and Services Tax (GST) revenues from tobacco products in the past two financial years. On the other hand, the annual reports of ITC show their profits after tax in real terms have increased, on average, 3% every year for the past 10 years. One must also note that despite all the business diversification ITC has undertaken over the years, close to 85% of its profits still come from the cigarette business alone. Exaggerating both the scale and the extent of illicit trade has been a means the tobacco industry has used historically to advocate against tobacco tax increases. However, it is to be noted that taxes and prices are not the key determinants of illicit trade. There is sufficient evidence in the literature on illicit trade in cigarettes that shows tax increases only have a minimal impact, if at all, on illicit trade. There are several countries where tobacco taxes are quite high and yet have low levels of illicit trade, while there are also countries with high levels of illicit trade despite having relatively low tax rates. Several factors such as the quality of tax administration, the strength of the regulatory framework, government commitment to control illicit trade, the strength of governance, social acceptance, and the presence of informal distribution networks are known to play a larger role in determining the scale and the extent of an illicit market.

### **WHO protocol**

The estimated percentage of the illicit market for cigarettes in India is far lower than most countries out there and well below the world average at 11.2% as estimated in a recent study (<https://bit.ly/32SGhwI>) on the illicit cigarette market across 36 countries. Eliminating all forms of illicit trade in tobacco products through a package of measures is one of the major objectives of the Protocol to Eliminate Illicit Trade in Tobacco Products under the World Health Organization's





Framework Convention on Tobacco Control. The Protocol provides the tools and the measures to eliminate or minimise illicit trade which includes strong governance, establishing an international track and trace system, and securing supply chains. India has already ratified the World Health Organization Protocol and it should now show leadership in implementing these measures to effectively address even the relatively lower levels of illicit trade. India had no significant tax increases on any of the tobacco products for the past four years since the introduction of GST in 2017 because of which tobacco products have become more affordable as shown in recent studies. There is no scientific or public health rationale not to increase tax on tobacco products for unfounded fear of increasing illicit trade.

## WIDENING THE SAFETY NET

Nearly a year after the rollout of COVID-19 vaccines for health-care workers, the primary vaccination schedule to cover 75 million teenagers aged 15-17 years began across the country on January 3. Nearly 0.4 million children received the first dose on the first day. With all adults aged 18 years and above already being covered, the inclusion of teenagers has reduced the eligibility age group to 15 years. The decision to vaccinate teenagers, which was announced by Prime Minister Narendra Modi on December 25 last year, was based on the emergence of the highly transmissible Omicron variant, its spread to many countries in about a month after it was designated as a variant of concern, the global case surge, and the trend in many developed countries of vaccinating adolescents and children. While there is no clear consensus on whether healthy teenagers above 15 should be vaccinated particularly as severe disease and deaths in this age group are relatively low when infected by the virus and a significant percentage of teenagers and children have been already infected as indicated by a few sero surveys, vaccination does increase the level of protection. Unlike in the case of adults who were vaccinated with one of the two vaccines — Covishield or Covaxin — teenagers will be administered only Covaxin. It was found to be safe and immunogenic in teenagers during a phase-2/3 of the clinical trial; only 175 adolescents aged 12 to 18 years were studied. The data of the trial, yet to be peer-reviewed, were posted on a preprint server on December 29. As in the case of adults, the eligible teenagers will receive the second dose 28 days after the first. Besides providing teenagers with a primary vaccine, health-care and frontline workers and those above 60 years with co-morbidities will be provided with a precaution dose. Providing Covaxin as the precaution dose to all the people who have received the same vaccine as part of the primary vaccination schedule, scientifically called as homologous vaccine booster, will be the best approach at least till there is evidence on using a different vaccine as a booster shot. Though Covaxin accounts for only around 10% of all doses administered till date, the scientific bodies need to factor in vaccine availability too. This becomes particularly important as only Covaxin is used for vaccinating teenagers and its production is very limited in comparison to Covishield. The compulsion to test other vaccines that can be used in place of Covaxin as an additional dose in adults is therefore overwhelming. The approval of two additional vaccines, which are manufactured using different vaccine platforms, will further lessen the reliance on Covaxin for primary vaccination of adults, thus ensuring that the vaccination programme for teenagers does not suffer from shortages midway.

## WHEN WILL THE NEW VACCINES BE AVAILABLE?

India has approved two more vaccines, Corbevax and Covovax, under emergency use authorisation, as well as an antiviral drug, Molnupiravir, to fight against COVID-19. However, India's expanded vaccination drive from January 3 will not immediately benefit from them.



### **What do we know about Corbevax?**

Corbevax is a protein sub-unit vaccine co-developed by Hyderabad-based Biological E, Baylor College of Medicine in Houston, U.S., and American company Dynavax Technologies. A protein sub-unit vaccine is made by isolating a piece of the actual virus. As fragments are used, there is no danger that these will multiply within the body. These pieces are expected to trigger an immune response that, hopefully, will stymie future infection. As only a small part of the virus—in the case of Corbevax the spike protein is the piece—is exposed to the immune system, only antibodies specific to the spike protein are expected to be produced and is therefore, less likely to trigger adverse reactions. Biological E claims it will be able to produce 7.5 crore doses a month and scale up to 10 crore by February. The vaccine can be stored in ordinary refrigerators. The company expects to be a global manufacturing source. India is expected to reserve doses as per requirement.

### **Who is producing Covovax?**

Covovax is produced by the Serum Institute of India under licence from Novavax, a U.S.-based biotechnology company. Covovax has been approved by the World Health Organization under its Emergency Use Listing and therefore will also be available globally as part of the COVAX initiative. It is similar to protein sub-unit vaccines and differs from, say Corbevax, in how the spike protein is produced. In Corbevax, the spike protein is grown typically in yeast cells whereas in Covovax, spike proteins are grown in moth cells. A nanoparticle formula is used to make it resemble the structure of the coronavirus spike protein to stimulate the immune response. This also needs an adjuvant and booster shots. The vaccine has also been tested in children in India though results aren't available. In June, results from a Phase 3 clinical trial of Novavax enrolling 29,960 adult volunteers in the U.S. and Mexico showed that the vaccine demonstrated 90.4% efficacy in preventing symptomatic COVID-19 disease. It also showed 100% protection against moderate and severe disease.

### **How do these vaccines influence India's inoculation programme?**

Prime Minister Narendra Modi announced last Saturday that from January 3 those 15-17 years of age will be eligible for Covaxin. Healthcare workers, frontline workers and those above 60 with comorbidities who have already got two shots will be eligible for a third, "precaution" dose from January 10. For India's 15-17 year olds, the only option is Covaxin. So far around 14 crore Covaxin doses have been administered. The Health Ministry is yet to decide whether the "precaution" dose will be the same as the previous two doses. Given that Covishield accounts for about 90% of India's vaccination programme, most third doses are expected be Covishield. Covovax and Covishield are the only vaccines tested for booster doses as part of the COV-BOOST study in the U.K. that tested combinations of seven vaccines. However, trials in India, testing Covaxin, are underway. India's National Technical Advisory Group of Immunisation continues to weigh evidence on the optimal combination of vaccines.

### **What is the vaccine pipeline looking like?**

India has so far administered 151 crore doses of the vaccine and as of January 1, the Health Ministry says close to 19.5 crore doses of vaccine were lying "unutilised with States." It isn't clear how many of them are Covishield and how many are Covaxin. From January 3 there is likely to be an increased demand for Covaxin. Estimates of India's current population structure suggest that around 3 crore is between 14-17 years of age. Bharat Biotech says it made 5-6 crore doses in November and expects to make a billion annually by this year. These suggest that availability



should not be a problem. However, it will not be as simple for the other groups eligible for a third dose especially if the recommendation were to emerge that a vaccine different from the previous two would be better (and the bulk of global evidence suggests that such a ‘heterologous’ boost, as it’s called, raises antibody levels more than a homologous, repeat boost.) The production capacities of Corbevax and Covovax is untested and – as India’s experience over the past few months shows—it can take several weeks for the process to stabilise. If the Omicron surge fuels a panic demand for boosters as the Delta surge completely upended the Health Ministry’s calculations of vaccine supply and demand last summer, new challenges are likely to emerge.

#### **When will Molnupiravir be used?**

Molnupiravir is said to be a promising drug for those with mild and moderate disease and can also be easily administered as a pill. Thirteen companies in India are set to manufacture this drug. It has been approved for use under emergency use authorisation for treating adults with COVID-19 “who have high risk of progression to disease.”

### STATE SCHEMES CAN CAST A LIFELINE TO THIS WELFARE PLAN

India accounts for a fifth of the total childbirths in the world, with a maternal mortality rate of 113 per 1,00,000 live births. On January 1, 2017, the Government rolled out the Pradhan Mantri Matru Vandana Yojana (PMMVY), where a ‘cash incentive of ₹5,000 is provided directly to the bank/post office account of pregnant women and lactating mothers for the first living child of the family (subject to fulfilling specific conditions relating to maternal and child health)’. It is aimed at improving health-seeking behaviour and to compensate for wage loss for pregnant women, particularly in the unorganised sectors. However, the performance of the scheme has been deficient, necessitating urgent need for improvement especially when the novel coronavirus pandemic has resulted in economic shocks for 260 lakh women who deliver on an average a child each year in India.

#### **How the PMMVY fares**

Since its inception, the PMMVY has covered 2.01 crore women nationally, disbursing a total amount of ₹8,722 crore. But the annual estimate of the targeted beneficiaries by the Government of India has remained the same over the years. While the estimated eligible population of pregnant and lactating mothers in India was 128.7 lakh for 2017-18 (as in a report by the Centre for Policy Research 2019-20), the target set by the Government was 51.70 lakh beneficiaries, which is only 40% of the eligible population. This means that we have an exclusion error of at least 60% since 2017, as the target has remained unchanged over the years. Further, the enrolment and disbursements under the scheme have witnessed a downward fall in the last two years, as in the data provided by the Ministry of Women and Child Development (WCD) in response to my parliamentary questions. In 2020-21, more than 50% of registered beneficiaries did not receive all three instalments and there was a 9% drop in enrolment under the scheme. Despite the Government’s continued emphasis on maternal and child health, the overall budget for women and child development was reduced by 20% for 2021-22. Additionally, Budget allocation for the PMMVY has also been slashed as it has been clubbed under SAMARTHYA along with multiple other schemes such as Beti Bachao Beti Padhao, Mahila Shakti Kendra and Gender Budgeting/Research/Training. The overall budget of SAMARTHYA is ₹2,522 crore, which is nearly equivalent to the budget of PMMVY alone in the previous financial years.



### States show the way

While the Centre rolled out the PMMVY scheme at the national level, States such as Odisha, Telangana and Tamil Nadu, respectively, chose to implement State-specific schemes for maternity benefits in the form of MAMATA (2011) or the maternity entitlement scheme, the KCR Kit (2017), which has items such as baby oil, soaps, mosquito net and dresses, and the Dr. Muthulakshmi Reddy Maternity Benefit Scheme (MRMBS) with relatively increased coverage and higher maternity benefits. Odisha's MAMATA, for instance, has been offering a conditional cash transfer of ₹5,000 as maternity benefit for up to two live births for more than a decade now. In a comparative analysis between the PMMVY and MAMATA for 2020-21, the PMMVY shows poor performance with a 52% drop in the number of beneficiaries covered while MAMATA showcased a 57% increase in women who received all the instalments. The scheme stands as a testament to an inclusive and efficient implementation of the maternity benefit programme, thereby serving as promising evidence for the Centre to improve the PMMVY in line with the Odisha government Scheme.

### Steps to take

Here is the way forward for the PMMVY. Extend the maternity benefit under the PMMVY to the second live birth. The predecessor scheme, the Indira Gandhi Matritva Sahyog Yojana was applicable for two live births. Of the total live births in India, 49.5% comprises first-order births and 29.9% are second-order births, as per Sample Registration Survey 2018. It is imperative to include second live birth under the maternity benefit cover particularly for women in the unorganised sector who are more vulnerable to economic shocks and nutrition loss for all child births. There must be an increase in the maternity benefit amount. Since the primary objective of the PMMVY is to provide partial wage compensation, we need to revisit the maternity benefit amount offered under the scheme. Most women continue to work during and post-pregnancy since they cannot afford to lose wages; additionally, they also spend on out-of-pocket expenses during pregnancy. The current entitlement of ₹5,000 provided over one year amounts to one month's wage loss (as per the Mahatma Gandhi National Rural Employment Guarantee Act wage rate of ₹202). In line with the Maternity Benefit Act, 1961 which mandates 12 weeks of maternity leave for women with two or more children, pregnant and lactating mothers should receive 12 weeks of wage compensation amounting to ₹15,000.

### Simplify the process

Eliminate correction queues. Further, the implementation gaps in the PMMVY scheme lead to reduced coverage. These gaps stem from a lack of awareness within targeted beneficiaries and process level challenges. The current registration form requires a mother and child protection (MPC) card, husband's Aadhaar card, bank passbook and registration form for each of the three instalments, resulting in delayed, rejected or pending applications. A simplification of the process can result in increased registration of beneficiaries. To fulfill India's commitment towards the Sustainable Development Goal of improving maternal health, an ambitious Prime Minister's Overarching Scheme for Holistic Nourishment (POSHAN) Abhiyan and a national maternity benefit scheme are promising initiatives by the Centre. However, targets can be achieved only if we revisit the design and implementation of this scheme, drawing lessons from States such as Odisha which are successfully prioritising maternal health and nutrition in a pragmatic manner.





## THE POLITICS OF A MINIMUM SUPPORT PRICE

A new election season is around. Five States (Uttar Pradesh, Uttarakhand, Manipur, Goa and Punjab) will elect new Assemblies and Chief Ministers in the coming weeks. Parties are wooing voters with dazzling new promises. The Aam Aadmi Party leader, Arvind Kejriwal, is offering ₹1,000 a month to all adult women (above age 18); the Shiromani Akali Dal's offer is ₹2,000 for poor women, which is matched by the Congress, in Punjab. The Samajwadi Party is promising 300 units of free electricity in Uttar Pradesh, and the Centre has extended its free foodgrain programme (the Pradhan Mantri Garib Kalyan Anna Yojana, or PMGKAY), across the country, until March 2022. More such measures and promises can be expected as campaigning picks up. Campaigns are made of pageantry around big projects and enumeration of welfare schemes. This emphasis on redistribution corresponds with a de-emphasis on job creation in political rhetoric, the promises of which still exist but only as feeble addendums. There is a synchronous celebration of 'job creators,' often juxtaposed with 'job seekers,' by governments that subtly absolve themselves. If you cannot find a job, why not create a few?

### A new constituency

In fact, the current wave of competitive welfarism disconnects Indian politics from the middle class that believed in, and cheerfully ushered in, a majoritarianism-market compact. A section of them may be frustrated over stunted material progress as they were during the last years of the United Progressive Alliance government. But politics is now being litigated lower down in the social and economic ladder by those who are desperate to get by. The slew of welfare schemes, which often includes a few hundred rupees in cash doles, creates a massive political constituency. Politics seems less about aspiration and more about desperation. It is easy to blame individual leaders or natural disasters such as the COVID-19 pandemic for this knot. The mismanagement and the incompetence of individual leaders may aggravate it, but the fundamental puzzle is the friction between the dictates of democratic politics and market-driven development. The divergence between the principles of market economy and imperatives of a democratic society is the core dilemma of liberalism. The entrenched liberal notion that market and democracy are integral to each other is being questioned by leaders of both. For instance, in the United States, popular leader Bernie Sanders calls himself a 'democratic socialist', while Peter Thiel, one of its reigning capitalist moguls, fears that democracy will stall human progress and derail order. The trajectory of technological and economic progress is making this divergence increasingly stark.

### A conflict arises

More than the question of inequality, the conflict between the political and economic orders arises out of the shrinking ability of the latter to fulfil the basic aspirations of the masses through market mechanisms. The interests of the consumer and the investor conflicts with those of the citizen and the labour, Robert Reich points out in Supercapitalism. A politician facing the electorate has to create and protect jobs and build public amenities; incentives for job creation, if at all, are indirect and distant for the investor, who is ever looking for reducing the workforce or moving work to cheaper places and workers. Politicians are trying to restrict the mobility of capital through measures such as global minimum tax, etc. Capitalism, meanwhile, is trying to escape the planet itself, and in the interim, to free itself from state authority through technological routes such as cryptocurrencies.



### **'Jobless growth' is accepted**

As the composition of the economy shifts in favour of activities that require little labour, the same amount of growth creates fewer jobs. More than a decade ago, 'jobless growth' had become a talking point in Indian political debates. Nobody talks about it today — not because the problem has been resolved but because everyone has accepted it as the normal. The downward trickle has become feeble. Politicians respond to this reality. For instance, Mr. Kejriwal told a gathering in Uttarakhand on Monday that he would create lakhs of jobs once in power, but it could take time. "...in the interim, we will pay ₹5,000 to every unemployed person." A universal basic income is an idea that is now being discussed globally. Barons such as Elon Musk and Bill Gates support a universal basic income for the entire population in the days to come.

### **Welfarism, redistribution**

This is turning the 'there is no free lunch' bombast (which politicians and business leaders mouthed in unison in the early 1990s) on its head. Subsidies were then rolled back, and people were asked to compete for sustenance and success. Pushed to the wall, they revolted and voted out government after government. Welfarism returned, and how. Not only that, the Mahatma Gandhi Employment Guarantee Act — a rural employment scheme that provides 100 days of employment/jobs a year at a minimum wage to anyone who asks for it — survived, and grew by four times between 2014 and now. It was ridiculed as a monument to the failure of the predecessor regime but today, it is the lifeline of the current regime, alongside add-ons such as free cooking gas and cash incentives to farmers. Welfarism is secular — all parties, from the Bharatiya Janata Party to the CPI(M); and all leaders, from Pinarayi Vijayan (Kerala) to Mamata Banerjee (West Bengal) to Prime Minister Narendra Modi are looking for new opportunities for compassion signalling. In Kerala, the free ration kit, last Onam, came with a sweet and vermicelli among its items. In other places, free laptops, bicycles and smartphones seem to be a part of the welfare mix. Redistribution has become critical for the survival of democratic politics everywhere — the United States or India. Smarter politicians know that men do not live by bread alone. So, several State governments in India now offer free pilgrimages! Far from outraging over the Haj subsidy, voters now have a catalogue of free pilgrimages to choose from, suitable for a range of beliefs and superstitions. A politician's success is figuring out the minimum price to be paid to garner sufficient voter support to hold on to power, and the fundamentals of the social and the economic order intact. The threshold is not very high. Two-thirds of voters voted in India and the U.S. in their latest elections; 37% voted for the current regime in India; in the U.S., the regime has the support of more than half, which is more due to the country's two-party system than its popularity. Political stability in democratic societies is contingent on the continuing confidence of the threshold population in the system.

### **More generosity now**

Welfare schemes have created significant development outcomes in the long and short term, as experience from many Indian States over the decades shows. They were seen as the deepening of democracy. When welfare is weaponised to mute substantive political questions, its impact on democracy is less reassuring. The current generation of welfare schemes do not come as a right of citizens but as the generosity of the individual leader. Similarly, while promotion of entrepreneurship by the government is laudable, turning it into a call to the people to create jobs rather than seek them, redefines aspiration as an individual burden and responsibility. Facilitating a bargain between wealth accumulators and welfare seekers appears to have become the primary function of politics. But it is unclear whether this will remain an infinitely sustainable lubricant



that mitigates the fundamental friction, and whether the state might fall back on coercion. For now, there will be free lunches, and suppers for a song. Or a vote.

#### CENSUS FIRST PHASE, NPR DATA COLLECTION DEFERRED TILL SEPT.

The first phase of census and the collection of details to update the National Population Register (NPR) have been postponed at least till September. The Registrar-General of India (RGI) had in December informed the States that the freezing of boundaries of districts, sub-districts, tehsils, talukas and police stations had been postponed till June 2022, a senior official said on Sunday. Freezing of boundary limits of administrative units, at least three months prior to the exercise, is a pre-requisite for conducting the census. Even if the RGI issues an order in June to freeze the boundaries again, the exercise can take place only in September. The first phase of Census 2021 — the Houselisting and Housing Census along with updating the NPR — was scheduled to be held between April and September 2020 but was postponed due to the pandemic. The second and main phase of the decennial exercise — the population enumeration — was to be concluded by March 5, 2021. There was a ban on the States to create new administrative units from January 1, 2020 to March 31, 2021. The RGI informed the States in July 2020 that after the outbreak of the pandemic, the field work of the first phase of Census 2021 and the other related activities had been postponed until further orders. “Subsequent to the postponement of census activities, requests were received from several State/Union Territory governments seeking clarifications/permission for creation/extension/up-gradation of different administrative units. Hence, it was decided to extend the date of freezing of boundaries up to December 31, 2020,” an RGI order said. It said if any changes in the administrative boundaries are to be made, it may be effected latest by December 31, 2020. However, it was extended again till December 31, 2021. The fresh date is June 30, 2022. Finalisation of administrative units entails covering all jurisdictional changes in an administrative area between two consecutive censuses. According to provisional data compiled by the RGI till June 2021 and accessed by The Hindu, the number of districts has gone up from 640 in 2011 to 736. The sub-districts are up from 5,925 to 6,754, statutory towns from 4,041 to 4,657, census towns from 3,892 to 5,050, but villages have decreased from 6,40,934 in 2011 to 6,39,083 in 2021. For Census 2021, all the changes between January 1, 2010 i.e. after the date of freezing of boundaries for Census 2011 up to the date of freezing of boundaries for forthcoming exercise (presently up to June 30, 2022) are to be considered for finalising the administrative units. The preparation of an unambiguous list of administrative units is termed as “Census Frame” covering the entire area but without omission or duplication of any administrative unit at any level.

#### THE RULE OF GUNS THAT CONTINUES TO HAUNT INDIA

On December 26, for the first time since the Modi government came to power in 2014, the Union Home Ministry constituted a panel led by its officers to review the withdrawal of the Armed Forces (Special Powers) Act (AFSPA) in Nagaland. An exhaustive report prepared by a committee led by retired Supreme Court judge B.P. Jeevan Reddy under the Congress-led UPA government in 2005 has, however, gathered dust. The committee had recommended that the AFSPA be repealed. The Home Ministry’s decision to set up a new panel was necessitated after a botched operation by the Army led to the killing of more than a dozen civilians on December 4 in Nagaland’s Mon district. The region witnessed severe protests with the State Assembly, where the Bharatiya Janata Party (BJP) has 12 MLAs, unanimously passing a resolution to repeal the Act. The para commandos unit of the Army stationed in Jorhat, Assam, entered neighbouring Nagaland on receiving an intelligence input about the movement of insurgent groups, but killed the miners who were returning from a coal mine. The AFSPA gives unfettered powers to the armed forces and the

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



Central armed police forces deployed in “disturbed areas” to kill anyone acting in contravention of law and arrest and search any premises without a warrant and with protection from prosecution and legal suits. The civil administration or police in Nagaland was not informed of any such operation. The law first came into effect in 1958 to deal with the uprising in the Naga Hills, followed by the insurgency in Assam. A reincarnation of the British-era legislation that was enacted to quell the protests during the Quit India movement, the AFSPA was issued by way of four ordinances in 1947. The ordinances were replaced by an Act in 1948 and the present law effective in Northeast was introduced in Parliament in 1958 by the then Home Minister, G.B. Pant. It was known initially as the Armed Forces (Assam and Manipur) Special Powers Act, 1958. After the States of Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland came into being, the Act was adapted to apply to these States as well.

#### ‘Disturbed areas’

The Act was amended in 1972 and the powers to declare an area as “disturbed” were conferred concurrently upon the Central government along with the States. Currently, the MHA issues periodic “disturbed area” notification to extend AFSPA only for Nagaland and Arunachal Pradesh, where it is applicable in the districts of Tirap, Changlang, Longding and areas falling under Namsai and Mahadevpur police stations bordering Assam. The notification for Manipur and Assam is issued by the State governments. Tripura revoked the Act in 2015 and Meghalaya was under AFSPA for 27 years, until it was revoked by the MHA from April 1, 2018. The Act was implemented in a 20-km area along the border with Assam. Jammu and Kashmir has a separate J&K Armed Forces (Special Powers) Act, 1990. Though a committee was constituted on December 26 to study the withdrawal of AFSPA from Nagaland, the Ministry had taken incremental steps to reduce its applicability in the past. In 2017, however, it failed to convince the Assam and Manipur governments to begin a phased withdrawal. Both the States, governed by the BJP, resisted the move. This was despite North East reporting the lowest insurgency related incidents in two decades. According to the MHA, till August 31, 2021, the number of such incidents were down to 135 from 1,743 reported in 1999. On December 30, the MHA extended AFSPA in the whole of Nagaland for another six months, stating the area is in “such a disturbed and dangerous condition that the use of armed forces in aid of the civil power is necessary”. The order issued under Section 3 of the Act is reviewed every six months. Till a few years ago, the notification published in the Gazette of India used to specify detailed reasons such as the number of incidents, killings and insurgent groups operating in the area. It stopped post 2018 with the Ministry regurgitating the same text every six months that the use of armed forces in aid of civil powers is necessary. While for Nagaland, the same text is being repeated for the past several years, the reasons for extending the provisions of the Act in Arunachal Pradesh were specified till 2018, not any more. According to Vappalla Balachandran, former Special Secretary, Cabinet Secretariat, it is a typical bureaucratic practice to extend the notifications without any justification. “They have to give reasons, it is wrong. If they are called to court tomorrow, they (the Ministry) will have to justify the order, it seems there is no application of mind,” Mr. Balachandran said. Assam reported only 15 insurgency-related incidents in 2020 and till August 2021, it reported 17 incidents, from a high of 536 in 2000. However, the September 10 notification by Assam mentions “evil design hatched by foreign intelligence agencies” and that the State shares boundary with Bangladesh “and is surrounded by other countries like People’s Republic of China, Myanmar and Bhutan” among eight reasons to extend AFSPA in the State. Besides noting threat from United Liberation Front of Asom (I), the notification states that “the emergence of Islamic terrorists groups like HUM, JMB and HM (Hizbul Mujahideen) in Assam also pose threats to the security scenario.”





### ‘Violent activities’

A December 8 order by the Manipur government extending AFSPA in the State for a year said, “the Governor of Manipur is of the opinion that due to violent activities of various extremist/insurgent groups, the entire State of Manipur is in such a disturbed condition that the use of Armed Forces in aid of civil power is necessary.” While Manipur reported 740 incidents in 2008, in 2021, it only recorded 72 violent incidents. A senior government official said “the disturbed area” tag also facilitates more funds from the Centre and it is one of the reasons for States to continue its application. Since 1995, the Centre has been implementing the Security Related Expenditure (SRE) scheme for all North East States except Mizoram and Sikkim. Under the scheme, the Centre reimburses 90% of the expenditure incurred by States on various security related items, which include raising of the India Reserve Battalions, logistics to the Central Armed Police Forces and the Army, petrol, maintenance of designated camps of insurgent groups with which Suspension of Operations have been signed. In the past seven years, the SRE reimbursement in North East stood at ₹2,001 crore. The official stated that a blanket withdrawal of AFSPA may not be feasible but the option to remove it police station-wise, in phases, was on the table.

### NETWORK UNAVAILABLE

No satirist could have plotted it better. The residents of Bandhapari village, in Odisha’s Kalahandi district, invited their MLA, BJD leader Pradeep Kumar Dishari, to inaugurate a telecom tower. Only, the tower was a rickety bamboo structure, bearing a banner that read “BSNL 4G”. This was the angry villagers’ way of protesting against the lack of response to their repeated requests for a mobile tower — the absence of which makes it necessary for them to travel 4 km to another village in order to make a simple phone call. This is how India’s dream of zooming down the digital highway to arrive at some kind of technological utopia, where people buy groceries using payment apps, run entire businesses on their devices and children learn in virtual classrooms, stumbles against reality. While the hardship faced by the residents of Bandhapari is particularly unfortunate, the frustration they feel over being denied what has become a basic necessity to live and work in the 21st century would be familiar to many. Indians may have access to all the latest smartphones that hit the market, but none of the hype that accompanies a new launch can offset the discomfort of dangling precariously on a window ledge or off balcony railings to catch a signal. Or trying to make the Hobson’s choice between service providers who are technically different, but offer exactly the same patchy network connectivity and indifferent customer service (until one threatens to “port” to a trade rival, in which case the red carpet of undivided attention and special offers is suddenly rolled out). While Dishari said that he understood their frustrations, he couldn’t do much, as clearance for a new tower would have to come from the Centre. As for the Bandhapari villagers, they have threatened to boycott all elections until their demands are met. Perhaps they are hoping that will send a message even clearer than the bamboo “4G mobile tower”.

### CROSSING THE BORDER: VIEWING THROUGH ELEPHANTS’ LENS

Time was when forests covered most of the landmasses on the earth. With rising human populations, development and need for connectivity, many of these forests are now just either a big patch bordered by trenches, fences and human settlements, or scattered unconnected pockets. People visiting forests feel great about being in nature. They capture some memories and photographs, and write blogs about how splendid nature is. What they forget in the due course is the compromise some of the long-ranging animals must have gone through. One such animal that



needs a large roaming space and seasonal connectivity to different forests are elephants. Their movements are not just motivated for foraging, but for searching for mates, suitable habitats across seasons and resources. The boundary marked by us for forests as protected often goes unnoticed by the oblivious wanderers of the wild. Let us take elephants as an example. Amid the escalating interactions between elephants and humans lie our failed attempts of facilitating the movement of these giant animals through one of their abodes to another. From an animal perspective, the trench, wall, or fences can just be a set of hurdles that they attempt to cross to reach their destiny. For a taxon of proven complex cognition, everything around them could just be a conundrum that they seek or 'learn' to solve.

### **Learning elephants**

Elephants have been observed using such 'learned' skills to either cleverly cross electric fences using their non-conducting tusks or if no tusks, destroying the entire fence by hurling uprooted trees on the wire or pushing down the cemented poles to disconnect the wire. These are some testimonies suggesting how elephants perhaps may be learning to solve the conundrum based on their previous noxious experiences. In 2015, during the fieldwork in the southern forests of India, some field signs were collected of elephants crossing a trench (of depth around 2.5 to 3 metres, assuming with the rusty skill of estimation), supported by an almost 80-degree tilted retention wall on one side, protecting the proximal village from these behemoth 'trespassers'. It would baffle any onlooker's mind, how a group of elephants crossed such a hurdle. Upon cautiously inspecting footprints on the wall – which debossed all the way up and disappeared among the bushes and the trampled grasses on the forest floor, seeking another life, confirmed that elephants walked this trail. Amidst these footprints on the wall, there were some with smaller circumferences suggesting the group also had calves!

### **Stunned villagers**

How have they climbed down and then up? The village stood as stunned as most of the observers were. Furthermore, scrutiny of the piles of fresh dung at the base of the trench indicated that the presence of millet seeds as remnants excreted by elephants. As per the gut-retention time (the time needed for food swallowed by elephants to pass through their digestive tracts till excretion) of elephants, it was evident that they must have foraged on agricultural crops 30 to 48 hours ago. On their way up, they might have emptied their bowels!

### **Altered habitats**

This is just one opportunistic instance among many anecdotes and videos that we stumble over in social media, where we see elephants ingeniously crossing the electric fences, iron rails and even trenches. Most of these videos leave us with dropped jaw, hinting to us how elephants could alter their behaviours in response to the altered habitats! Crossing the border is not as painless as it is narrated here. It comes with the challenge of risking their lives. We hear of elephants encountering humans adversely, being electrocuted while crossing the electric fence, dying while crossing the iron rails, falling and dying in the trenches. Each hurdle they cross may psychologically influence their internal states, either preparing them with skills and anticipatory responses to learn to cross or leave them hurt. Our limited understanding of the purpose and patterns of elephants' movements blur our desperate trials of fostering coexistence. Elephants' successful attempts of crossing the boundary just muddle up many who are not just trying to understand the highly intelligent being, but also trying to seek a sustainable solution to retard the accelerating adverse interactions between them and us. Connecting habitats with the corridor devoid of human



presence and activities may reduce elephants' interactions with humans, lower their stress and favour their purpose of movement. Talking of conservation of animals' with complex cognitive ability, the need is, thus, the connectivity, perhaps not just the border!

#### 10.74 LAKH BIRDS FLOCK TO CHILIKA LAKE

Chilika Lake, the largest brackish water lake and wintering ground of birds in the Indian subcontinent, saw a million birds, including the uncommon Mongolian gull, visiting the waterbody this year. As per the Water Bird Status Survey-2022 conducted in the Chilika, 10,74,173 water birds (107 species) and 37,953 individuals (76 wetland dependent species) were counted in the entire lagoon. Last year, the count in the Chilika was over 12 lakh. Members who were part of the census also reported sighting the Mongolian gull. The census was undertaken jointly on Tuesday by the Odisha State Wildlife Organisation, the Chilika Development Authority (CDA) and the Bombay Natural History Society. A total of 106 personnel, including bird experts from government- and non-government organisations, were deployed. The lagoon was divided strategically into 21 segments for the census. A total of 3,58,889 birds (97 species) were counted in Nalabana Bird Sanctuary — a decrease by 65,899 from the previous year. The decrease is attributed to high water level and presence of water in cultivated fields in adjoining areas. Water birds love to flock to large mudflats. "Among the three pintail species of ducks, the northern pintail (1,72,285), gadwall (1,53,985), Eurasian wigeon (1,50,843) accounted for over one lakh in this year's count," the report said. However, the population of gadwall and Eurasian wigeon was less than that of the previous year. There was a marginal decrease in the number of species such as the northern shoveler, tufted duck and red crested pochard. An increase in the population of the northern pintail, common coot and common pochard was noticed.

##### 'Highest in last decade'

"The increase in numbers for the greater flamingo at Nalabana mudflat indicates that the restoration at Nalabana is effective. This year's greater flamingo count was the highest in the last decade. It is largely due to appropriate management of mudflats," a CDA official said. Overall, the local resident species such as purple swamp-hen, purple heron, Indian moorhen, and jacanas were found in higher numbers. Chilika Lake hosts birds migrating from thousands of miles away from the Caspian Sea, Lake Baikal, Aral Sea, remote parts of Russia, Mongolia, Central and Southeast Asia, Ladakh and the Himalayas. The winged guests find the vast mud-field and abundant fish stock suitable to congregate.

#### CLOUDED LEOPARD SIGHTED IN NAGALAND

A team of researchers have recorded photographic evidence of clouded leopards at an elevation of 3,700 metres in a community-owned forest along the Indo-Myanmar border in Nagaland — arguably one of the highest reported altitudes where the animal has been sighted in the world till date. The findings have been published in the Winter 2021 issue of the Cat News, the IUCN/Species Survival Commission (SSC) Cat Specialist Group's biannual newsletter. The tree-climbing clouded leopard (*Neofelis nebulosa*), a medium-sized felid (wild cat), is the smallest of the large wild cats and is categorised as 'Vulnerable' under the IUCN Red List of Threatened Species. Since they are largely known to inhabit low elevation evergreen rainforests, the sighting is significant, experts said. The researchers, led by the Delhi-based non profit Wildlife Protection Society of India (WPSI), recorded camera trap images of the clouded leopards at an elevation of 3,700m in the community forest of Thanamir village in eastern Nagaland's Kiphire district. The forest,



measuring 65 sq km, houses Nagaland's highest peak, Mount Saramati. The team, which includes five resident villagers from Thanamir, placed over 50 camera traps in the village community forest — first between January and June, 2020, and later between July and September, 2021.

## BAMBOO BALLADS

For the 12th edition of Assam's 'Under the Sal Tree' theatre festival, the group Badungduppa, which also organises this unique fest in the forests surrounding Rampur village of Goalpara district, was mounting a play called Bodaraja. The title means 'Python King' in the Rabha dialect. The Rabhas are a Tibeto-Burman community concentrated in Lower Assam, West Bengal's Dooars region and the Garo Hills. They are one of Assam's major plains tribes. Rampur and a sizeable part of Goalpara are inhabited by the Rongdani Rabhas, who speak the language in its purest form. However, certain sections among the Rabhas, such as the Pati Rabhas, hardly speak the dialect these days. Five months before the production, the Badungduppa troupe members picked the brains of village elders around Rampur for more inputs. The elders supplied details about various aspects of Rabha tribal culture — from music and motifs to hunting, fishing, farming and rituals — for this play inspired by a Rabha folktale describing how human greed transforms into a python that keeps growing bigger and stronger.

### Short and crisp

"The idea behind Badungduppa, named after a musical instrument made of bamboo, is to revive, preserve and promote our Rabha cultural heritage with emphasis on traditional theatre. We are driven by the need to document the cultural nuances that might vanish with the elders," says Madan Rabha, managing director of Badungduppa Kalakendra, the group's permanent workplace in Rampur. Bodaraja was the inaugural play of the 2021 edition of the three-day 'Under the Sal Tree' festival, held from from December 15 to 17. As the name suggests, the stage of the fest is a natural clearing of about 1.5 bighas in the forest, overshadowed by a thick canopy of sal trees. The theatre of the Rabhas is traditionally festival-oriented. It has two schools — one associated with hunting and the other designed to make people warier of the world around them, usually through humour. "During festivals such as the pre-harvest Baikho, our forefathers would organise impromptu plays for entertainment. These plays were invariably about hunters and their prey, with the actors impersonating a shikari, a deer, a bird or any other animal. They were short and crisp, relying more on body movements and sounds than dialogues," says Madan.

### Manipuri influence

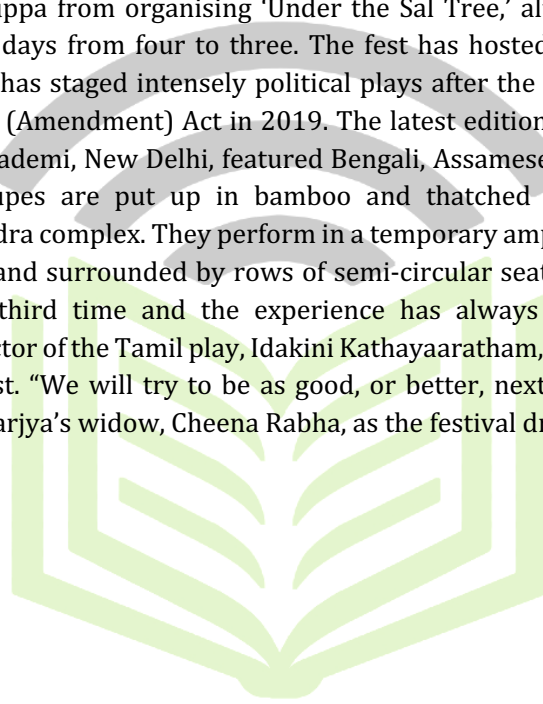
So when theatre practitioner Sukracharjya Rabha (1977-2018) established the Badungduppa group in 1998, giving a formal shape to traditional Rabha theatre, economy of words, vocal gymnastics and vigorous physical action became its defining characteristics. Sukracharjya's guru, Manipur's famous thespian Heisnam Kanhailal (1941-2016), had fine-tuned the form. It was he who conceived the idea of taking theatre to nature, staging plays in a sal forest. 'Under the Sal Tree' started in 2008, four years after Badungduppa was formally registered as a group. "There's a pronounced Manipuri influence in our theatre because of its association with Kanhailal. The movements we adopt are akin to the exercises typical of Manipuri theatre. But we have blended them with our traditional style," says Badungduppa's creative director, Dhananjay Rabha. No two plays staged by Badungduppa are exact copies because actors are given the licence to improvise the moves or sounds. "Our actors often make on-the-spot changes to raise the bar," says Madan.





### Silence and pauses

Lakhikanta Rabha, Badungduppa's secretary and music director, says it took the group several years to deviate from the jatra or the commercial bhramyoman (mobile theatre) style, especially in terms of background music. "When we staged our first play Rupalim across villages in the 1990s, we had an orchestra. We realised this would not work for us for long. We cut out on instruments alien to Rabha culture, stuck with four-five traditional instruments and learnt to weave silence and pauses into our music," he says. The emphasis on physical expressions and minimal use of words have made Rabha theatre fathomable to non-Rabhas. Although the festival's audience consists mostly of locals, theatre enthusiasts from Guwahati and different parts of India attend too. From financial difficulties to disruptions caused by social and political strife, nothing has stopped Badungduppa from organising 'Under the Sal Tree,' although they were forced to reduce the number of days from four to three. The fest has hosted groups from West Bengal, Odisha, Bangladesh. It has staged intensely political plays after the eruption of violent protests against the Citizenship (Amendment) Act in 2019. The latest edition, organised in collaboration with Sangeet Natak Akademi, New Delhi, featured Bengali, Assamese, Tamil and Manipuri plays. The participating troupes are put up in bamboo and thatched huts within the expansive Badungduppa Kalakendra complex. They perform in a temporary amphitheatre backgrounded by a bamboo mat screen and surrounded by rows of semi-circular seats for the audience. "We are coming here for the third time and the experience has always been refreshing," said S. Murugaboopathy, director of the Tamil play, Idakini Kathayaaratham, which was performed at the 2021 edition of the fest. "We will try to be as good, or better, next year," said Badungduppa's president and Sukracharjya's widow, Cheena Rabha, as the festival drew to an end.



# DreamIAS



## BUSINESS & ECONOMICS

### READING GDP EARLY ESTIMATES

The Ministry of Statistics and Programme Implementation (MoSPI) released the First Advance Estimates (FAE) for the current financial year (2021-22 or FY22). According to MoSPI, India's gross domestic product (GDP) — the total value of all final goods and services produced within the country in one financial year — will grow by 9.2 per cent in 2020-21. Last financial year, FY21, the GDP had contracted by 7.3%.

#### **What are the First Advance Estimates of GDP?**

The FAE, which were first introduced in 2016-17, are typically published at the end of the first week of January. They are the “first” official estimates of how GDP is expected to grow in that financial year. But they are also the “advance” estimates because they are published long before the financial year (April to March) is over. It is important to note that even though the FAE are published soon after the end of the third quarter (October, November, December), they do not include the formal Q3 GDP data, which is published at the end of February as part of the Second Advance Estimates (SAE).

#### **What is their significance?**

Since the SAE will be published next month, the main significance of FAE lies in the fact that they are the GDP estimates that the Union Finance Ministry uses to decide the next financial year's budget allocations. From the Budget-making perspective, it is important to note what has happened to nominal GDP — both absolute level and its growth rate. That's because nominal GDP is the actual observed variable. Real GDP, which is the GDP after taking away the effect of inflation, is a derived metric. All Budget calculations start with the nominal GDP.

Real GDP = Nominal GDP — Inflation Rate

However, from the perspective of the common people, real GDP is what matters. The difference between the real and nominal GDP shows the levels of inflation in the year.

#### **How are the FAE arrived at before the end of the concerned financial year?**

The FAE are derived by extrapolating the available data. According to the MoSPI, the approach for compiling the Advance Estimates is based on Benchmark-Indicator method i.e. “the estimates available for the previous year (2020-21 in this case) are extrapolated using relevant indicators reflecting the performance of sectors.” For instance, for these FAE, the MoSPI has extrapolated sector-wise estimates using indicators such as Index of Industrial Production (IIP) up to October, inflation — both retail and wholesale — data up to November, sale of commercial vehicles data up to September, so on and so forth.

#### **How are the data extrapolated?**

In the past, extrapolation for indicators such as the IIP was done by dividing the cumulative value for the first seven months of the current financial year by the average of the ratio of the cumulative value of the first seven months to the annual value of past years. So if the annual value of a variable was twice that of the value in the first seven months in the previous years then for the current year as well the annual value is assumed to be double that of the first seven months. However, the



pandemic has upset many such projections because of significant fluctuations during the past couple of years. That is why MoSPI has alerted that “these are early projections” which are liable for subsequent revisions depending on Covid, the impact on the economy and the government’s fiscal response.

#### What are the main takeaways?

**Real GDP Growth:** At 9.2%, the real GDP growth rate for FY22 is slightly lower than most expectations, including RBI’s, which pegged it at 9.5%. What’s more, these estimates are based on data before the rise of the Omicron variant. As such, there is a possibility that the final rate may be revised further downwards by May-end when the full financial year’s “provisional” estimates will be published. However, in times of such massive upheavals, it is always better to look at the absolute levels instead of growth rates. As things stand, aggregate GDP in FY22 is estimated to cross the pre-Covid level (see Chart 1). This also holds true for the absolute level of Gross Value Added (GVA). While the GDP maps the economy from the expenditure (or demand) side — that is by adding up all the expenditures, the GVA provides a picture of the economy from the supply side. GVA maps the “value-added” by different sectors of the economy such as agriculture, industry and services.

**Role of High Inflation:** For FY22, while real GDP (that is, GDP calculated using constant 2011-12 prices) will grow by 9.2%, nominal GDP (that is GDP calculated using current market prices) will grow by a whopping 17.6%. The difference between the two growth rates — about 8.5 percentage points — is essentially a marker of inflation (or the rate at which average prices have increased in this financial year).

**Low Private Consumption:** An analysis of the three main contributors to GDP — private consumption demand, investments in the economy, and government expenditures — shows that while the latter two are expected to claw back to the pre-Covid level, the first engine will continue to stay in a slump. Private consumption expenditures typically account for more than 55% of all GDP. As Chart 2 shows, its level is expected to stay substantially the 2019-20 level. Such weak levels of private demand will make it difficult to sustain economic growth in the months and years ahead.

**Average Indian is much worse off:** While aggregate GDP and GVA numbers may recover the same cannot be said about an average Indian. Two data points prove this. Chart 3 maps per capita GDP (a proxy for average income) and per capita Private Final Consumption Expenditure (a proxy for average spending). At the end of March 2022, while the average income is estimated to be below March 2020 level, the average spending will be lower than even the March 2019 levels, which marks the start of the second term of the BJP government. In other words, an average Indian has lost 2 years in terms of income levels and 3 years in terms of spending levels. What’s more, even these average numbers do not capture the acute pain because of the growing inequalities in the country. For the bulk of the Indian population, thus, aggregate data recovering to pre-Covid levels may be largely academic.

### THIRD TIME LUCKY?

India’s post-COVID economic recovery remains delicately poised at the turn of the new year — the third successive year under the shadow of the pandemic. With the Union Budget for 2022-23 less than four weeks away, the latest set of numbers capturing different aspects of the economy present a mixed picture with persistent pressure points. COVID-19 restrictions are already



denting India's services exporters' order books, even as merchandise exports have hit a record high in December. Worryingly though, imports grew even faster last month than exports, keeping the merchandise trade deficit at an elevated \$22 billion, just a tad less than the record \$22.9 billion in November. The eight core sectors had a disappointing November, but GST collections from that month were reasonably healthy at around ₹1.3-lakh crore, albeit a three-month low. GST compensation cess revenues touched a record high in November, but customs duty collections dipped to a five-month low. The Purchasing Managers' Indices (PMI) for manufacturing and services were robust for December, but have moderated from previous months even as input cost pressures remain a headache for businesses along with the prospect of the latest virus wave upending normalcy again. For the first time in four months, firms surveyed for the PMI by IHS Markit reported 'broad-based' job losses in manufacturing and services in December. Global headwinds are shifting after the surge of COVID cases and disruptions, even as inflationary forces have central bankers bracing for interest rate hikes from the U.S. Federal Reserve this year. It will be equally challenging for North Block mandarins to conjure up an appropriate mix of relief and support measures for businesses and jobs — preferably going beyond the credit guarantees that appear to have lost traction in sanctions and disbursements in recent months. This needs to be accompanied by a fresh ramp up in health-care spending, including on COVID inoculations and booster shots, as well as maintaining the bullish stance on public capital expenditure with a demonstrably greater purpose in getting actual projects off the ground. The prospect of more disruptions looms large, even though their extent and impact on GDP may be uncertain at this point. Preparing for the worst may be a good idea, even if it is accepted that manufacturing suffered less in the second wave than during the initial lockdowns in 2020, and may likely be even better prepared to cope with the ongoing third wave. Yet, there is a risk that damage to contact-intensive services sectors that have had another topsy-turvy year with lakhs of jobs at stake, and have barely struggled back from the first two waves, could be permanently debilitating this time around, if mobility restrictions spiral in tandem with cases. More effective interventions, with a stable and clear articulation of policy direction, could have a calming effect in 2022.

## PATCHWORK POLICY

On New Year's eve, nine hours before a new GST rate of 12% was to kick in for readymade garments and fabrics, Finance Minister Nirmala Sitharaman announced that the plan is off and the existing 5% rate will continue into 2022, or at least for its first quarter. The decision was made at an emergency meeting of the GST Council, which had approved the higher tax on textiles at its last meeting in September 2021 to correct the anomaly of an inverted duty structure. While the GST rate on manmade fibre is 18% and yarn made from the same is taxed at 12%, the rate on the final fabric was 5%, ostensibly creating a headache for textile producers which the Council had sought to alleviate. The move to raise that rate to 12%, along with that on footwear costing less than ₹1,000 a pair, had been on the Council's agenda for over a year but had been kept on hold due to the COVID-19 pandemic's adverse effects on households. Explaining the rethink to hold off the rate hikes that were to become effective January 1, the Finance Minister indicated that the original decision was arrived at after several parleys that explored, among other things, the likely impact on consumers. Yet, a letter from the Gujarat Finance Minister she had received on December 29, along with representations from industry, prompted a review. Although the rate hike was aimed at helping producers get easier credit for taxes paid on inputs, that is not how it was seen by several players in an industry that has historically been one of India's largest employment creators and contributes around 2% to the overall economy. Last month, many lathes in the textile industry were left idling for a day, in what may be the first ever strike that has not been triggered by industrial unrest in the sector that last witnessed debilitating strikes from labour unions in the





1980s. Those protests, along with some States' missives to the Centre, warning of significant factory closures and job losses, had failed to move the needle and the industry had resigned itself to the new rates. Perhaps, it was fortuitous that most State Finance Ministers, who are members of the Council, were already expected in the capital for a consultation on the Union Budget for 2022-23. A ministerial group already tasked with rationalising inverted duty structures across products and reviewing the multiple rate slabs of the GST regime, has now been assigned the additional task to suggest an appropriate structure for textile products; it has two more months to finalise its report. It is unlikely that these broader corrections will take place before the coming State Assembly polls conclude and this time could be used for wider consultations with industry, consumers and States before pencilling in new rates and avoiding such about-turns. The course correction needs to be navigated more deftly and with greater purpose, if India hopes to revive private investments.

### SBI, ICICI BANK, HDFC BANK ON 'TOO BIG TO FAIL' LIST

India's largest lender by market capitalisation HDFC Bank along with its private and public peers ICICI Bank and State Bank of India (SBI) continue to be Domestic Systemically Important Banks (D-SIBs) or institutions which are 'too big to fail' according to the Reserve Bank of India (RBI).

See Zee Business Live TV Streaming Below:

SIBs are perceived as banks that are 'too big to fail (TBTF)'. This perception of TBTF creates an expectation of government support for these banks in times of distress. Due to this perception, these lenders enjoy certain advantages in the funding markets. "SBI, ICICI Bank and HDFC Bank continue to be identified as Domestic Systemically Important Banks (D-SIBs), under the same bucketing structure as in the 2020 list of D-SIBs," the Reserve Bank said in a statement. The additional Common Equity Tier 1 (CET1) requirement for D-SIBs was phased-in from April 1, 2016 and became fully effective from April 1, 2019. The additional CET1 requirement will be in addition to the capital conservation buffer. The Reserve Bank of India (RBI) had announced SBI and ICICI Bank as D-SIBs in 2015 and 2016. Now, based on data collected from banks as on March 31, 2017, HDFC Bank was also classified as a D-SIB. The current update is based on data collected from banks as on March 31, 2021. The framework for dealing with D-SIBs was issued in July 2014.

### HOW YOU CAN BUY THINGS IN REMOTE AREAS WITH NO INTERNET AND CASH

If you happen to be in a remote village without any cash or no internet connectivity, you can still buy something or do any transaction up to a limit of Rs 200 using the mobile phone or wallet. This is possible now as the Reserve Bank of India (RBI) has allowed offline mode of small-value payments using any channel or instrument like cards, wallets or mobile devices with immediate effect

#### How is it done?

Offline transactions are subject to a limit of Rs 200 per transaction and an overall limit of Rs 2,000 for all transactions until balance in the account is replenished. Customers should store Rs 2,000 in the mobile device, wallet or card. An offline digital payment means a transaction which does not require internet or telecom connectivity. Under this new framework, such payments can be carried out face-to-face (proximity mode) using any channel or instrument like cards, wallets and mobile devices. Such transactions would not require an Additional Factor of Authentication (AFA). "While this is primarily for the acceptance of small value transactions only, it is a big move towards



achieving the overall financial inclusion objectives of the country,” said Deepak Chandnani, MD, South Asia & Middle East, Worldline.

#### **No immediate alerts**

Since the transactions are offline, alerts (by way of SMS or e-mail) will be received by the customer after a time lag. The offline mode of payment can be enabled only after obtaining specific consent of the customers. Customers will enjoy protection under the provisions of circulars limiting customer liability issued by the RBI, as amended from time to time. However, replenishment of the used limit should be allowed only in the online mode with AFA.

#### **Why offline mode?**

There has been a considerable growth in digital payments using mobile phones, cards and wallets. Lack of internet connectivity or low speed of internet, especially in remote areas, is a major impediment in adoption of digital payments. Against this backdrop, providing an option of off-line payments through cards, wallets and mobile devices is expected to further the adoption of digital payments. The Reserve Bank has been encouraging entities to develop offline payment solutions. “RBI’s new framework for retail digital payment in offline mode is much required as internet connectivity gets erratic in rural areas and hampers digital transactions,” said Nipun Jain, CEO, RapiPay Fintech.

#### **Pilot project successful**

The RBI said three pilots were successfully conducted under the scheme in different parts of the country during the period from September 2020 to June 2021 involving small-value transactions covering a volume of 2.41 lakh for value Rs 1.16 crore. The learnings indicated that there is a scope to introduce such solutions, especially in remote areas. Given the experience gained from the pilots and the encouraging feedback, the RBI has now introduced a framework for carrying out retail digital payments in offline mode across the country.

## THE CRYPTO ASSETS CONUNDRUM

The Indian Government appears convinced that cryptocurrency is a dangerous proposition. Cryptocurrency enables relatively invisible transactions, with serious implications for crime, terrorism, money laundering, tax evasion, etc. Another worry is that a crypto mania is getting built of purely speculative investments. The eventual bursting of such bubbles will badly hurt people. Further, crypto threatens the state’s macro-economic role. On the other hand, the Government wants to avoid any tech-unfriendly image. Caught in this dilemma, it proposes that cryptocurrencies be banned but crypto assets be legalised and strongly regulated. This way, the problem of invisible value transactions gets taken care of, the interests of investors are protected, and the tech industry’s demand is met halfway. This ‘solution’, however, is based on a flawed premise, rendering it unworkable in the medium to long term. The distinction between an asset and currency may not be so much legal as it is about the inherent characteristic of what is considered an asset or currency. Land, gold and stocks do not lend themselves to becoming common mediums of exchange because these assets are not easily divisible and portable. On the other hand, crypto is more divisible and portable than even physical currency. Once legalised, a crypto asset’s creep towards becoming a medium of exchange would be unstoppable.



### Underlying value

The same argument can also be made in another manner. Crypto assets are either 'purely speculative assets' or they have some underlying value, in which case such 'value' can consist only in their future as a medium of exchange. Both ways they are very problematic. A purely speculative asset has zero underlying value (unlike assets like land and gold). Regulators watch out for the purely speculative elements of any assets market, considering them dangerous. The 2008 financial crash happened largely because some 'assets' lost all connection to any kind of underlying value. When this happens, it is just a bubble waiting to burst, gravely hurting people. If the Government legalises a purely speculative asset, it provides a green signal to investors to invest in it and blow into the bubble. When the bubble bursts, there may be a heavy political price to pay for the ruling dispensation. Or crypto does have some 'underlying value'. This value can only be in terms of the expectation that crypto assets will eventually gain widespread acceptance as currency. Such an expectation indeed has a good basis in the fact that crypto is preferred as a currency by many powerful groups because it is very private and less amenable to regulatory oversight. It basically removes the state from its existing status at the heart of currency systems. The question then is: by legalising crypto assets, is the Government trying to promote this 'underlying value' of crypto as a future currency with these 'unique characteristics'? Evidently not, since it wants to ban crypto as a medium of exchange precisely because of these characteristics. So, in legally recognising crypto assets, the Government is either promoting a dangerous 'purely speculative asset', which, when the bubble bursts, will lead to all-around harm; or it is itself promoting the 'underlying value' of crypto assets in terms of their unstoppable eventual conversion to a currency.

### Not a tech decision

The argument that crypto assets need be legalised for promoting blockchain technologies and being pro-future is weak, if not bogus. Legalising crypto assets primarily to support blockchain technology is like signing on to the use of space as a new frontier of war just because it would promote India's space industry. Blockchain has thousands of applications other than crypto. Various innovations and services, including using blockchains and those in the realm of decentralised finance, are indeed possible over the top of a monopoly platform of a Central Bank Digital Currency, as an alternative to private cryptocurrencies. The real decision that the Government faces is not about supporting a new technology. Certain groups and people want the state to mostly be out of currency systems because that serves their interests. Since the society is now at a fork to decide whether the future of currency will be public or private, what the Government has to decide is the side it would throw its weight behind. The argument to let both public and private currencies co-exist, leaving it to 'people's choice', is also deceptive. The powerful resent the distributive potential contained in public currency systems. They will all immediately lap up and push private currencies. Their combined economic heft itself would ensure an overwhelming dominance of private currencies over the public currency. It is true that India's decision alone would not determine this issue. But with China having already banned crypto, what India decides at this stage would count for a lot.

## HOW WILL REVISED IPO RULES AFFECT THE MARKET?

The Securities and Exchange Board of India (SEBI) on Tuesday came out with some fresh rules for initial public offerings (IPOs). The new rules will oversee how companies price their shares, how they use the money that they receive from investors, how much of their stake promoters of a company can sell during an IPO, and how soon anchor investors can sell the stakes they picked up before the IPO.



### What is it?

According to the new SEBI rules, the price band of an IPO should be set in such a way that the ceiling price is at least 105% of the floor price. Secondly, companies will not be allowed to use more than 35% of the money that they collect through IPOs to fund the purchase of other businesses, unless they offer sufficient details. Thirdly, promoters with a stake of over 20% in a company cannot sell more than half of their stake in an IPO. And lastly, anchor investors will not be able to sell more than half their shares before 90 days from the date of the IPO, against the current time stipulation of 30 days.

### Why has SEBI come up with these new regulations?

Stock markets across the world have witnessed a boom in IPO offerings with a record amount of capital being raised by companies. In India alone, capital worth over ₹1 trillion has been mopped up through IPOs this year. It is natural for both the number and the size of IPOs to rise during a bull market. Companies see bull markets, in which usually a lot of investor money is chasing stocks and causing them to be overvalued, as an opportunity to collect the necessary funds for their growth. The owners of many companies may also see the IPO boom as an opportunity to sell their stake in the business at an attractive price. Notably, a lot of companies that raised funds through IPOs this year, such as Zomato, Paytm etc., are loss-making. This puts investors who have invested in these IPOs at the risk of huge losses if the prices of these shares witness a sharp correction. Paytm, for instance, has lost more than one-third of its value since it was listed for trading. SEBI believes that the new regulations will ensure that promoters of companies will have more skin in the game. Its price band rule, on the other hand, seems to be aimed to tackle the trend among companies of setting a narrow price band for their issues. SEBI believes that a narrow price band impedes the price discovery process.

### Will the new regulations help?

SEBI's new rules have been widely welcomed for trying to protect retail investors from risks in the booming IPO market. However, some fear that the new rules may hinder the raising of fresh capital by companies to fuel growth. For instance, mandating companies to be specific about how they will use the money that they collect through IPOs can affect flexibility as business conditions can change fast in the real world. Further, the restriction on anchor investors can affect liquidity in the market as many large investors may not be willing to hold their investments over 90 days and thus decide to completely abstain from participating in IPOs. Some critics also raise the question of whether SEBI should be trying to handhold investors at all when it comes to making investment decisions. They believe investors, who have the most to lose or gain from their investment decisions, are best equipped to conduct the necessary due diligence before investing in IPOs. The same goes for how companies decide to price their IPOs. Companies would generally avoid under-pricing or over-pricing their issues since it would affect how much capital they can raise. In fact, setting narrow price bands could be a way to avoid valuation uncertainties that can affect fundraising.

## 'UNFAIR TERMS' FOR DIGITAL NEWS PUBLISHERS: CCI TO PROBE GOOGLE

The country's antitrust regulator has ordered a probe into Alphabet Inc, the parent company of Google, over allegations that the search giant has indulged in "abuse of dominance in news aggregation" and forced unfair terms on digital news publishers. The complaint was filed by Digital News Publishers Association (DNPA), an organisation of leading Indian digital media





companies that promotes and protects the interest of digital news publishers. The Association had said a majority of the traffic on news websites comes from online search engines, wherein Google is the most dominant search engine and consequently gets to decide the share of ad revenues to be paid to digital news publishers. "In view of Google's market position in the online digital advertising intermediation services, the alleged unilateral and non-transparent determination and sharing of ad revenues appears to be an imposition of unfair conditions on publishers," the Competition Commission of India (CCI) noted in its order. The Commission also noted that the alleged unilateral decision by Google to not pay for the use of snippets of content produced by new publishers was also "a prima facie violation" of competition law. The competition regulator noted that news publishers seemed to be dependent on Google for the majority of online traffic making them dependent on the search giant. Accordingly, the CCI has directed the Director General (DG) to carry out an investigation into the matter under the provisions of Section 26(1) of the Act. The CCI will also examine allegations that Google gives content publishers no choice, but to implement Accelerated Mobile Pages (AMP) standard or lose critical placement in mobile search. The DG has been asked to complete the investigation within 60 days. In its submissions to the CCI, the DNPA noted that "more than 50 per cent of the total traffic on the news websites is routed through Google" and that the company determined, through its algorithms, which publishers receive traffic. The DNPA also said that publishers were forced to build mirror-image websites using this format, with Google caching (storing) all articles in the AMP format and serving the content directly to mobile users, and that paywall options for such articles were restricted unless publishers rebuild their paywall options for AMP. A number of countries including Australia, France and Spain have passed legislation to require tech companies to pay content producers for using their content on search results.

#### RIL MOPS UP AROUND RS.30,000 CR IN LARGEST BOND ISSUE FROM INDIA

Reliance Industries (RIL), the nation's most valuable company, on Thursday said it has raised \$4 billion (around Rs 30,000 cr) in debt through the largest ever foreign currency bond issuance by an Indian entity. The oil-to-telecom conglomerate plans to use the proceeds of the three tranche issues to retire existing borrowings. The issue was "nearly 3 times oversubscribed with a peak order book aggregating around \$11.5 billion," the company said in a statement. This is the largest-ever foreign currency bond transaction in India, eclipsing ONGC Videsh Ltd's \$2.2 billion US dollar bonds issue of 2014. Reliance raised \$1.5 billion in a 10-year issue at a coupon or interest rate of 2.875 per cent, \$1.75 billion in a 30-year deal at a 3.625 per cent rate and \$750 million in a 40-year issue at a 3.75 per cent coupon rate. This is the first time any BBB-rated Asian company outside of Japan has issued a 40-year dollar bond. The bonds in 10-year, 30-year and 40-year maturities are due to repayment between 2032 and 2062. Reliance plans to use the proceeds to retire some of the existing debt, including a \$1.5 billion loan that is due to mature in February. The company said the bonds carry coupons (interest rate) linked to US treasuries. The 10-year notes will carry a coupon rate that is 1.2 percentage points above the 10-year US treasury note, the 30-year bond will offer 160 basis points over the corresponding US government bond and the 40-year note will give 170 basis points over the respective US Treasury note. This, it said, represents the "tightest ever implied credit spread" over US Treasury notes by an Indian company. The Notes are rated BBB+ by S&P and Baa2 by Moody's. With this, it has joined a select group of issuers from Asia to have made jumbo bond issuances. Reliance said 53 pc of the money was raised from Asia, 14 per cent from Europe and 33 pc in the US.



## TCS BAGS PASSPORT SEVA II CONTRACT, LIKELY WORTH RS 6K CRORE

The Ministry of External Affairs (MEA) has selected Tata Consultancy Services (TCS) for the second phase of the Passport Seva Programme, the country's largest mission-critical e-governance programme till date. While the company didn't announce the financial details, the deal is expected to be over Rs 6,000 crore, according to market estimates. Launched in 2008, the Passport Seva Programme saw TCS transforming the delivery of passport-related services, digitising the processes, and setting global benchmarks in timeliness, transparency and reliability. The "world-class experience" delivered at the TCS-run Passport Seva Kendras (PSK) across the country made the service immensely popular and a source of national pride, TCS said. Accessibility was further enhanced by extending the service through designated post offices and through Indian missions and posts across the world, it added. "In the next phase of the programme, TCS will refresh existing facilities and systems, and develop innovative new solutions to enable the issuance of e-passports," the company said. It will further enhance the citizen experience using technologies such as biometrics, artificial intelligence, advance data analytics, chatbots, auto-response, natural language processing, and the cloud, it added. "TCS has been playing a vital role in building a Digital India, driving transformation programs of national importance. Our partnership with MEA over the last decade has become a benchmark in public-private partnership for citizen services," said Tej Bhatla, business unit head, public sector, TCS. "We are pleased to be selected for the next phase of the Passport Seva Programme and look forward to driving further innovations and improving citizen experiences using our contextual knowledge and digital technologies."

### TCS plans fourth buyback

TCS on Friday said in an exchange filing it will consider the fourth share buyback proposal to reward the shareholders, at its board meeting on January 12. While the company didn't indicate the size, market expectations are that it wouldn't be below the earlier buyback of Rs 16,000 crore. TCS shares rose 1.26 per cent to Rs 3,854.85 on the BSE on Friday. The company will also announce third quarter results on January 12.

## WHY DO MAKERS OF MOBILE PHONE HANDSETS WANT TO BUILD CARS NOW?

Apple, Huawei, and now Sony: three global electronics hardware majors who are all chasing the holy grail in the auto industry — electric vehicles (EVs) with potentially autonomous capabilities.

### Why self-driving EVs?

As against today's hardware-defined cars, the new lot of EVs are almost entirely software-infused transportation platforms. There are only around 20 moving parts in an electric engine, compared with 2,000-plus in what is called an ICE (internal combustion engine, or the regular petrol/diesel) car. At the same time, the software and specialised hardware functionalities in EVs are extremely augmented, especially self-driving cars. So, for strong, vertically integrated electronics players, EVs mark a natural progression of sorts.

**Sony's VISION-S EV:** The Japanese electronics major plans to launch a new company, Sony Mobility, during the first half of 2022 to explore a full-fledged entry into the EV market, by primarily leveraging its strengths in entertainment and sensors. These would be deployed for developing next-generation mobility solutions. The plan comes as the Japanese tech major, which manufactured handsets in partnership with Ericsson, is "exploring a commercial launch" of



electric vehicles, Sony chairman and president Kenichiro Yoshida told a news conference, ahead of the CES tech fair.

**Huawei's Aito M5:** Huawei, another handset and telecoms gear maker, had launched a plug-in EV last year — a range-extended crossover called the SF5. Its new vehicle is called the Aito M5, which is being pitched as a competitor to the Tesla Model Y: a big draw in the Chinese EV market.

**Apple's Car project:** Even by the standards of the secretive tech world, there are very few projects as closely guarded as Apple's Car project. Beyond the fact that Apple is working on an autonomous automotive project codenamed Project Titan, nothing is confirmed. Much of the speculation around the product has been focussed on partnership rumours or specialised auto-sector hirings done by the handset maker over the last eight years. The project kicked off in 2014 with Steve Zadesky, a former Ford engineer turned iPhone executive, at the helm. Several transitions have happened over the years, and Kevin Lynch, a pure software man who previously handled the Apple Watch project, is now in charge. Unlike his predecessors, Lynch has practically zero experience in the car world, other than him apparently driving a Tesla.

#### **Self driving tech**

According to McKinsey insights, a typical new-generation vehicle likely has “a software architecture composed of five or more domains, together comprising hundreds of functional components in the car and in the cloud. These cover everything from infotainment and ADAS (advanced driver assistance) to mapping, telematics, and third-party applications”. That's where gadget and hardware makers see potential for a natural progression.



# DreamIAS



## LIFE &amp; SCIENCE

## BREAKTHROUGH IN BATTERY TECH

Shareholders of California-based QuantumScape Corp, a battery startup backed by Volkswagen AG, have approved a multibillion-dollar pay package for Chief Executive Officer Jagdeep Singh, who could receive stock options potentially valued at \$2.3 billion, subject to the company meeting some performance milestones. The announcement triggered comparisons with the package that Tesla awarded Elon Musk in 2018, and spotlighted the potential of this nascent sector, some of whose flagbearers are yet to bring a product to market.

**A quantum leap**

QuantumScape's solid-state battery — lithium metal with a solid electrolyte separating the two electrodes — is seen as an exceptionally bright prospect in an increasingly crowded space. The company, which was co-founded by Singh a decade ago and received financial backing from Volkswagen and Bill Gates's venture fund, listed late last year and was valued at almost \$50 billion within a few months on the promise that its novel battery technology could offer a safer, cheaper alternative to lithium-ion batteries. Earlier efforts to build a solid-state separator (electrolyte) capable of working with lithium metal had to compromise on aspects such as the cycle life and operating temperature of the battery, and the issue of excess lithium deposits on the anode. QuantumScape claims to have circumvented this: its use of a solid state separator technology eliminates the side reaction between the liquid electrolyte and the carbon/graphite in the anode of conventional lithium-ion cells. Volkswagen plans to have production running for solid-state batteries by 2025 via the partnership with QuantumScape.

**Solid-state batteries**

The energy density of lithium-ion cells used in today's mobile phones and electric vehicles is nearly four times higher than that of older-generation nickel-cadmium batteries. Lithium-ion batteries use aqueous electrolyte solutions, where ions transfer to and fro between the anode (negative electrode generally made of graphite) and cathode (positive electrode made of lithium), triggering the recharge and discharge of electrons. Despite improvements in technology over the last decade, issues such as long charging times and weak energy density persist. While lithium-ion batteries are seen as sufficiently efficient for phones and laptops, they still lack the range that would make EVs a viable alternative to internal combustion engines. One major problem is that lithium metal is extremely reactive. The main form of lithium corrosion are dendrites, which are branched lithium structures that grow out from the electrode and can potentially pierce through the separator and on to the other end, short-circuiting the cell. In current lithium-ion batteries, in which the electrolyte is a flammable liquid, dendrite formation can trigger a fire. QuantumScape says its solid-state lithium-metal battery replaces the polymer separator used in conventional lithium-ion batteries with a solid-state separator. The replacement of the separator enables the use of a lithium-metal anode in place of the traditional carbon/graphite anode. The lithium metal anode is more energy-dense than conventional anodes, which allows the battery to store more energy in the same volume, according to the company. The QuantumScape design is supposed to be 'anode-free' in that the battery is manufactured in a discharged state, and the negative electrode forms in situ on the first charge.





### Key advantages

The advantages of the solid-state battery technology include higher cell energy density (by eliminating the carbon anode), lower charge time (by eliminating the need to have lithium diffuse into the carbon particles in conventional lithium-ion cells), ability to undertake more charging cycles and thereby a longer life, and improved safety. Lower cost could be a game-changer, given that at 30 per cent of the total cost, battery expenses are a key driver of the vehicle costs. A study by Deloitte showed the top three considerations for consumers buying an EV are price, reliability, and cost to charge. Lithium-ion battery costs are currently about \$137 per kWh, and are expected to reach \$101/kWh by 2023, according to BloombergNEF data. QuantumScape claims it is targeting to lower battery cost by 15-20% relative to the cost of lithium-ion batteries in several years.

### Others in the field

**FORM ENERGY'S IRON-AIR BATTERY:** In July, American company Form Energy Inc. announced a rechargeable iron-air battery capable of delivering electricity for 100 hours at a claimed system cost competitive with conventional power plants and at less than a tenth the cost of lithium-ion. The company said its front-of-the-meter battery — a utility scale or grid-scale battery storage that can be connected to a distribution or transmission network or power generation assets directly — can be used continuously to ensure round-the-clock operations of a renewable electricity grid. The battery leverages the concept of 'reversible rusting' — it uses oxygen from the air and converts iron metal to rust while discharging, and while charging, the application of an electrical current transforms the rust back to iron and the battery releases oxygen back into the air. However, the battery's size and weight — each unit is the size of a small refrigerator — makes its application impractical in EVs.

**TOYOTA'S SOLID-STATE BATTERY:** Toyota heads the list of the 1,000-odd global patents involving solid-state batteries. The Japanese automaker is attempting to wrest back the lead from the Chinese, who are current Li-ion battery pack leaders. Toyota plans to be the first company to sell an EV equipped with a solid-state battery and is in the process of unveiling a prototype. Nissan too is in the fray.

**APPLE BATTERY TECH:** In the last fortnight of 2020, Apple Inc said it was moving forward with self-driving car technology and was targeting 2024 to produce a passenger vehicle. Central to Apple's strategy is a "breakthrough" battery design that could "radically" reduce the cost of batteries and increase the vehicle's range, according to a person privy to Apple's battery design quoted by Reuters.

**TESLA'S TABLESS BATTERY:** In September last year, Tesla unveiled plans to develop a new "tabless" lithium-ion battery that could improve an electric car's range and power. A tab is the part of the battery that forms a connection between the cell and what it is powering. Tesla claims its tabless cells will give the company's EV batteries five times more energy capacity, make them six times more powerful, and enable a 16 per cent increase in the range of the vehicle.

## SHADOW LINES

At the recently concluded COP26 in Glasgow, India proclaimed on the global stage that by 2030, it would elevate its renewable power capacity to 500 GW from 150 GW today, and that it would meet 50% of its energy requirements from renewable energy. Even as energy analysts scratch



their heads about whether India's 50% pledge refers to capacity or generation (more on this later), one thing is clear: we are in the middle of an unprecedented expansion in the renewable energy sector. As for solar energy, between 2014 and 2021, India increased its capacity 15-fold. The government now aims to increase the 2020 installed solar capacity of 37 GW three-fold by 2022, to a staggering 270 GW — possibly even more — by 2030. India's noble ambitions for solar energy, clearly, are soaring. But under the sun's glare, even tall, noble ambitions can cast long, dark shadows on the land and its people. While India's intent of expanding solar energy is certainly laudable, the devil is in the detail. The scale of India's solar energy ambition, and the pace it has set to achieve this, certainly merit closer examination, particularly from an ecological standpoint, since the strongest argument in favour of these projects is environmental. We must therefore ask: how do we reconcile the putative benefits of power generation with potential ecological and human costs? To examine this, we need to descend from the sophisticated world of technology and economics into the mundane realm of the earth and its people. To begin with, the generation of gigawatt upon gigawatt of solar power requires vast stretches of open lands blessed with year-round sunshine. In this respect, India is rather lucky. Over half of India's terrain is sunny and semi-arid, receiving 1,000 mm of rainfall or less every year. In other words, these lands are too dry to support forests with a continuous canopy.

### **Staggeringly diverse**

Native vegetation in this zone is made up of grass, herbs and shrubs. When we recently mapped these Open Natural Ecosystems (ONEs), we discovered that they are staggeringly diverse, ranging from woodland savannas, scrublands and grasslands, to rocky outcrops, ravines and dunes. ONEs also have a remarkable assemblage of animal species, many of which, such as the black buck and the critically endangered great Indian bustard, occur only in the Indian subcontinent. Besides being home to unique life-forms, ONEs provide valuable ecological services. Research shows that under certain environmental conditions, ONEs can sequester more carbon than if trees were planted on them. ONEs also support grazing-based livelihoods of millions of pastoralist and agro-pastoralist communities across the country. These low-density communities, with their rich cultures, have also had a long history of coexistence with these ecosystems and their unique wildlife. Yet, India's ONEs continue to be misunderstood, misrepresented, and destroyed. Successive governments have carried forward a colonial legacy of terming ONEs as 'wastelands' and sought to make them 'productive'; they have tried to 'develop' them, thereby incentivising their erasure. Unlike with forests, there are no conservation laws that protect against diversion of biodiversity-rich ONEs. And so, these landscapes have become among the easiest kinds of lands to despoil and destroy. Renewable energy technologies — wind and solar power, in particular — are heavily reliant on open spaces. What better option for such 'development' than our 'wastelands'?

### **Extremely vulnerable**

"The unfortunate classification of our semi-arid and arid grassland-savanna ecosystems as wastelands has made them extremely vulnerable to co-option for a range of developmental projects, including large solar farms, which are projected as green and sustainable," says Jayashree Ratnam, Director of the Wildlife Biology and Conservation Program at the National Centre for Biological Sciences, and a global authority on savanna ecosystems. "Such labels hide the significant loss of unique biodiversity, ecosystem services and ancient livelihoods that have sustained people in these landscapes for thousands of years. When these ecological and social costs are considered, it is unlikely that such benign labels will remain applicable." The famous 17th century British philosopher, John Locke, has had a profound influence on a range of topics, from liberalism, epistemology, and political philosophy to British colonial policies on taxation and



land reform. According to anthropologist Judy Whitehead, Locke's "concept of wasteland, as opposed to value-producing land, constituted a founding binary opposition that constructed how landscapes were categorized. Associated with wildness, wilderness, and savagery in the 19th century, the category of wasteland also defined who would and who would not become most vulnerable to dispossession and/or enclosure." Thus, common village lands that were used for pastoralism and that were essentially untaxable, were deemed wastelands. India, in its 75th year of independence, gloriously holds on to this relic of colonialism. Every few years, the government commissions the Wasteland Atlas of India, to map areas that are currently not productive and can be 'developed' and made 'productive'. The Atlas has some logic-defying categories: waterlogged areas and marshes, which are essential for groundwater recharge; mountains under permanent snow, the source of our greatest rivers; savannah grasslands and pasturelands, on which depend the livelihoods of millions of pastoralists; deserts, sand dunes, ravines, rocky outcrops, inselbergs, and plateaus, rich geological features that are also home to unique fauna and flora.

### Mislabelled

The largest category of 'wastelands' in India fall under the ONEs. Most of these are savanna ecosystems that have been mislabelled as degraded scrub forest or degraded grazing lands. And these are the very same lands that are now being targeted for large-scale solar expansion. Just as the ecological and cultural values of ONEs are downplayed, the public benefit of India's renewable energy projects too are often heavily overstated. Figures from the Central Electricity Authority's General Review 2020 are revealing. While comprising nearly 19% of the installed capacity, renewable sources (excluding hydroelectricity) account for just 8% of the power generated. In contrast, hydro accounts for 11% of capacity and 9% of generation, while thermal power accounts for 69% of capacity, but 80% of generation. Capable of producing power only for parts of a day, solar and wind projects require additional power generation capability — or worse, grid-scale storage — built to buffer the cyclic or seasonal nature of power generation. The political economy of power generation makes this anomaly even more interesting. With the traditional lynchpin in the renewables sector, hydroelectricity, the public sector has controlled over 90% of both installed capacity and power generation. With the new entrants — solar, wind, biomass and waste — however, 95% of installed capacity and power generation is in the hands of the private sector. And so, nearly the entire gap between capacity and generation — or in other words, the gap between ambition and reality — is accounted for by private sector projects. Given that their promoters rack up sizable gains from incentives or concessions related to land, infrastructure and finance (while making rather modest contributions to energy) these projects deserve far higher standards of ecological, social, and even energy audits. Such calls for scrutiny often perplex the public, who support renewable energy unconditionally in the belief that they are 'green' technologies, and therefore always good. It bears repeating that it is not the technology of an energy option, but the scale and nature of its implementation that decides its ecological footprint. The photovoltaic panel, which might be downright benign at the rooftop scale, can be significantly less so when implemented at the gigawatt scale. With plans to generate hundreds of gigawatts of power at the grid-scale, we end up with ecological and social footprints of energy production — even with wind and solar technologies — that are just as massive and devastating as any large hydroelectric dam. As both ecology and society are overlooked, murmurs of discontent have spiralled into overt conflict. As one of India's most charismatic birds, the great Indian bustard, is being displaced by these projects and killed in collisions with overhead power lines, the Supreme Court has had to intervene, much to the chagrin of governments and energy companies. Elsewhere, in Kutch for instance, communities displaced from their traditional grazing lands by renewable energy projects have been protesting these projects.



### Roof-top alternative

An alternative solution to grid-scale solar on ONEs lies in the government's own policy on roof-top solar installations. Although there may be challenges in implementing grid-scale solar on residential roof-tops, there are enough large-scale 'grey' areas — places that have already been built-up or designated for industrial purposes — where largescale production of solar is possible. For example, the Maharashtra Industrial Development Corporation has a land bank of over 2.5 lakh acres. If even 20% of this area was used for solar power generation, it would generate nearly 16 gigawatt hour/year. Given that these industrial zones are major consumers of power, such localised generation and utilisation will cut transmission losses. Rooftops of public buildings can also offer a superb opportunity for solar installations, as has been done with railway stations in some cities. Another alternate scenario involves the use of agrivoltaics on degraded agricultural lands. Deploying solar panels in a manner that allows for cultivation below them has dual benefits. The shade from the solar panels reduces evapo-transpiration and saves water, and the panels themselves benefit from increased efficiency due to the cooling effect from the plants growing below them. The Alliance for Reversal of Ecosystem Service Threats has identified 11 million hectares of degraded agricultural lands in the semi-arid and sub-humid regions of India. If such areas were used for agrovoltaics, it could potentially transform the rural economy of these regions. While it is true that renewable energy projects are well-meaning and seek to reduce our reliance on an energy economy pivoted on fossil fuels, more attention needs to be paid to how and where these projects are established. Sadly, so far they have remained ill-conceived and poorly implemented efforts, paying little heed both to the ecological riches and diversity in the ONEs, and to the human livelihood and cultures that these lands support.

## THE BATON OF FOREST RESTORATION IN THE NET ZERO RACE

India's pledge to set a net zero target by 2070, at the COP26 summit, Glasgow, has again highlighted the importance of forests as an undisputed mechanism to help mitigate the challenges of climate change. Though, in more specific terms, this was already highlighted during the United Nations Framework Convention on Climate Change (UNFCCC) framework (2013) of REDD+ for Reducing Emissions from Deforestation and Forest Degradation, along with the 'sustainable management of forests for the conservation and enhancement of forest carbon stocks'. In a study by Griscom (2017), land-based sinks (natural climate solutions which also include forests) can provide up to 37% of emission reduction and help in keeping the global temperature below 2° C. Further, recent research has favoured a natural regeneration model of restoration over the existing much-hyped mode of tree planting as such forests are said to secure nearly 32% carbon storage, as per one report of the Intergovernmental Panel on Climate Change.

### Continued degradation

Though India is said to have increased its forest cover by 15,000 square kilometres in the last six years, the degradation of existing forests continues. As per the State of Forests Report (1989), the country had 2,57,409 sq.km (7.83% of its geographical area) under the open forest category, having a density of 10% to less than 40%. However, in 30 years (2019) this has been increased to 3,04,499 sq.km (9.26%). This means every year on average, nearly 1.57 lakh hectare of forests was degraded. This degradation highlights the presence of anthropogenic pressures including encroachment, grazing, fire, which our forests are subjected to. Having diverted nearly 1.5 million hectares of forests since 1980 for developmental activities and losing nearly 1.48 million hectares of forests to encroachers coupled with an intricate link between poverty and unemployment, India is witnessing enormous degradation of forests and deforestation. This warrants the participation

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





of people as an essential and effective route to achieve the desired target of carbon sequestration through the restoration of forests.

### **Terms of engagement**

In a historic departure from pursuing commercial objectives to supporting the needs of people in a participatory manner (as envisaged in National Forest Policy, 1988), India made its attempt, in 1990, to engage local communities in a partnership mode while protecting and managing forests and restoring wastelands with the concept of care and share. This concept of joint forest management spelt much hope for States and forest-fringe communities. Later, the concept of forest development agencies was introduced to consolidate the efforts in an autonomous model, which paved the way for fund flow from various other sources to joint forest management committees. The efforts to make this participatory approach operative resulted in the formation of nearly 1.18 lakh joint forest management committees managing over 25 million hectares of forest area. Most of these became active and operative while implementing various projects financed by external agencies such as the World Bank, the Overseas Economic Cooperation Fund (OECF) Japan, the Department for International Development (DFID) United Kingdom and the European Union (EU). The similar system of joint management in the case of national parks, sanctuaries and tiger reserves which existed in the name of eco-development committees initially proved effective as it could garner the support of these participating communities not only for the protection and development of biodiversity but also in the considerable reduction in man-animal conflicts and the protection of forests from fires and grazing. However, the completion of the project period and lack of subsequent funding affected their functionality and also the protection of forests due to a lack of support from participating local communities including associated non-governmental organisations. Except for the National Mission for Green India, in all other centrally sponsored programmes such as Project Tiger, fire management, Integrated Development of Wildlife Habitats (IDWH) including the Compensatory Afforestation Management and Planning Authority (CAMPA), the lack of priority and policy support to ensure the participation of local communities via the institutions of joint forest management committees slowly made their participation customary. This caused a gradual decline in their effectiveness.

### **Changed role now**

The role of local institutions of gram panchayat or joint forest management committees is now restricted to be a consultative institution instead of being partners in planning and implementation. This indifference and alienation from the participatory planning and implementation of various schemes further affects the harmony between Forest Departments and communities, endangering the protection of forests. This is more relevant while taking up restoration activities including tree planting outside the designated forest areas where motivation and encouragement of stakeholders (especially panchayats and urban local bodies) are crucial. As committed at Glasgow, India will have to 'focus much more on climate change and devise strategies and programmes to achieve the net zero target'. Besides reducing the quantum of emissions in a phased manner — itself full of challenges — the approaches for carbon storage and offsetting through natural sinks such as forests need to be given equal priority.

### **Replicate Telangana model**

To achieve net zero targets there is a need to revisit our existing legal and policy mechanisms, incentivise the local communities appropriately and ensure fund flow for restoration interventions, duly providing for the adequate participation of local people in planning and



implementation through local institutions. Political priority and appropriate policy interventions (as done recently in Telangana by amending the panchayat and municipal acts for environmental concerns and creating a provision for a Green Fund, or Telangana Haritha Nidhi, for tree planting and related activities) need replication in other States. These should be supported by enabling financial and institutional support mechanisms and negotiations with stakeholders to incentivise local communities to boost efforts to conserve and develop forest resources. Though India did not become a signatory of the Glasgow Leaders' Declaration on Forests and Land Use, the considerations of land tenure and the forest rights of participatory communities with accelerated finances will help aid steps in the race toward net zero. This inclusive approach with political prioritisation will not only help reduce emissions but also help to conserve and increase 'our forest cover' to 'a third of our total area'. It will also protect our once rich and precious biological diversity.

#### HEADLICE TO THE RESCUE

Scientists, for the first time, recovered DNA from cement on hairs taken from mummified remains that date back 1,500–2,000 years. This is possible because skin cells from the scalp become encased in the cement produced by female lice as they attach eggs, known as nits, to the hair. Analysis of this newly-recovered ancient DNA – which was of better quality than that recovered through other methods – has revealed clues about pre-Columbian human migration patterns within South America (Molecular Biology and Evolution). This method could allow many more unique samples to be studied from human remains where bone and tooth samples are unavailable. Dr. Alejandra Perotti at the University of Reading, who led the research, said in a release: “Like the fictional story of mosquitoes encased in amber in the film Jurassic Park, carrying the DNA of the dinosaur host, we have shown that our genetic information can be preserved by the sticky substance produced by headlice on our hair.” Until now, ancient DNA has preferably been extracted from dense bone from the skull or from inside teeth. However, skull and teeth remains are not always available. Recovering DNA from the cement delivered by lice is therefore a solution to the problem, especially as nits are commonly found on the hair and clothes of well-preserved and mummified humans.

#### PARACETAMOL AFTER COVID-19 VACCINE: ONLY IF DOCTOR ADVISES IT

Hyderabad-based manufacturer Bharat Biotech, whose vaccine Covaxin is being administered to adolescents, said no paracetamol or painkillers are recommended after being vaccinated with Covaxin. Like any vaccine, Covid-19 vaccines can cause side effects, most of which are mild or moderate and go away within a few days. While many may feel tempted to use a painkiller or paracetamol, experts advise against routine use of these.

##### **The statement**

In a tweet, Bharat Biotech said, “We have received feedback that certain immunisation centres are recommending taking three paracetamol 500 mg tablets along with Covaxin for children. No paracetamol or painkillers are recommended after being vaccinated with Covaxin.” It said that through its clinical trials on 30,000 individuals, about 10-20% reported side effects. “Most were mild and resolved within one or two days and do not require medication. Medication is only recommended in consultation with a physician,” it said. A company spokesperson quoted a study published in The Lancet in November 2021 which said that Covaxin has been well tolerated. “Unless specifically recommended by doctors for certain recipients, paracetamol is not required.”



The spokesperson said based on data available from studies in adults and trials in children (2-18 years), the measured adverse events were similar to other inactivated vaccines and much lower than vaccines using other platforms.

### **The reasoning**

“Basically, one can make better antibody responses if there is a bit of inflammation. If one gives an anti-inflammatory drug immediately after vaccination, then antibody response may be less. There are studies that have documented giving paracetamol or any other anti-inflammatory drug immediately after vaccination will suppress the immune response a little bit,” leading immunologist Dr Gagandeep Kang said. Dr Sanjay Pujari, member of the Indian Council of Medical Research (ICMR) national task force for Covid-19, said side effects from vaccines are not very frequent, and are mostly mild, resolving within 1-2 days. It is not known how drugs like paracetamol and other anti-inflammatories might affect how well the vaccine works. Hence routine use of these drugs either before or after taking vaccines is not advisable, he said.

### **Children and paracetamol**

Paediatrician Dr Umesh Vaidya, regional medical director (West) Cloudnine Hospitals, said: “Unless there is fever beyond a particular temperature, paracetamol is not routinely given.” He said children tolerate vaccines much better than adults. About paracetamol, he said: “This drug has been in use in children for more than 100 years. It is the safest medicine in paediatrics. So there is no harm in giving paracetamol for any local or systemic febrile reaction post vaccination.” According to infectious diseases consultant Dr Amit Dravid, in children there could be concern about hepatotoxicity of paracetamol. It is a liver toxic drug. Hence it should not be a blanket rule and the drug should only be administered if there are symptoms post vaccination.

### **Why side effects**

Side effects from the vaccine are a normal sign that the body is building protection. These may affect one’s ability to do daily activities but mostly go away in a few days. Some people have no side effects and allergic reactions are rare, according to a December 16, 2021 update from the US Centers for Disease Control and Prevention (CDC). Common side effects are pain, redness, swelling, headache, muscle pain, fever and nausea. The CDC says one needs to talk to a doctor for taking over-the-counter medicine such as ibuprofen, acetaminophen, aspirin (only for people age 18 and above) or antihistamines for any pain and discomfort experienced after getting vaccinated. It is not recommended to take medicines before vaccination hoping to avoid side effects. According to the CDC, it is not known how these medications might affect how well the vaccine works. However if the medications are regularly taken for other reasons they should be taken before vaccination.

## **MOLNUPIRAVIR: APPROVED, NOT RECOMMENDED**

Barely a week after it was approved for early-stage Covid-19 patients, molnupiravir, an anti-viral drug developed by US companies Merck and Ridgeback, has been kept out of the treatment protocol recommended by the Indian Council of Medical Research (ICMR). Dr Balram Bhargava, head of ICMR, said on Tuesday that the drug had “major safety concerns”. This has resulted in a awkward situation: The drug is approved for use, but not recommended.



### The drug

Molnupiravir is a repurposed Covid-19 drug, originally developed to treat influenza. It is meant for mild or moderately ill Covid-19 patients who are at risk of developing serious illness. The pill, if administered during the first five days after contracting the infection, has the potential to prevent serious illnesses. The pill is among the first few therapeutics now being deployed for treatment of Covid-19. Molnupiravir was first cleared for use in the UK in November, and more recently in the US.

### The concerns

There have been concerns on two counts — low effectiveness, and some potential side-effects. Both were taken into account by drug regulating agencies while approving them. Molnupiravir was found to be only 30% effective in trials, much lower than earlier indications. Besides, there have been worries over its mechanism: The drug molecule incorporates itself into the RNA of the virus, inducing mutations with the objective of hampering replication. But this carries the risk of introducing mutations that can make the virus stronger and more dangerous. A bigger worry is the risk of the drug creating mutations in the human DNA itself.

### Risk vs benefit

These risks, very low by all accounts, have been considered by the drug regulators while approving the drug, which means that these have not been assessed to be significant enough. The prescribed five-day dosage is not considered large enough to pose any serious health concern. Also, N K Ganguly, former head of ICMR, pointed out, there are several drugs for other diseases in the market that pose similar risks. “Those drugs are frequently prescribed in specific situations based on the clinical assessment of the patients, if the benefits from the drugs are considered by the doctor to be outweighing these risks,” he said. In the case of molnupiravir, it seems, going by the argument of Dr Bhargava, the benefits do not very clearly outweigh the risks, considering the low effectiveness of the drug.

### What now

It is now likely that doctors would still prescribe it in some situations based on the clinical assessment of the patient. In any case, it can be useful only in very specific situations, during the first five days of infection, and among mild or moderately sick patients. “We must not treat this as a wonder drug. Molnupiravir is known to have low effectiveness. It can still work in some cases, so I would not be surprised if some doctors prescribe it. But at the same time, patients and their families need not insist on getting this drug,” said Dr Raman Gangakhedkar, a former head of epidemiology at ICMR.

## MILD AND YET DANGEROUS

The heavily mutated Omicron variant is smashing daily case records, but hospitalisations and deaths are fewer compared to the peaks driven by Delta last year. The US and the world reported a record 5.85 lakh and 18.95 lakh new infections on January 5 (7-day rolling average), a 14-day change of almost 250% and 165% respectively. But the respective numbers of deaths that day were around 1,300 and 6,100 — down by about 3% and 9% from 14 days ago. Omicron, first isolated in South Africa on November 24, has 32 mutations on the spike protein. With several of





these associated with higher transmissibility and immune evasion, Omicron was swiftly declared a Variant of Concern by the World Health Organization (WHO). As South Africa braced for a tsunami of sick patients, however, hospitalisations dropped — even as Omicron cases picked up.

### Is Omicron really mild?

A study from South Africa published in JAMA Network reported that only 41.3% of Covid-positive people visiting hospital emergency required admission during the Omicron wave as compared to 68-69% during the Delta wave. The proportion requiring oxygen therapy was 17.6% in the Omicron wave, significantly lower than the 74% in the Delta wave. An analysis of a large volume of data from the UK Health Security Agency published in the BMJ said persons infected with Omicron were 50-70% less likely to be admitted to hospital than those infected with Delta. “The severity of disease with Omicron seems to be 66-80% less based on data from the UK and South Africa. South Africa’s experience also gives assurance that a country like India that has already seen high levels of infections and has vaccination comparable to countries in the west with very little vaccine hesitancy, is likely to fare better,” said Dr Anurag Agrawal, an expert in lung disease and director of the CSIR-Institute of Genomics and Integrative Biology, New Delhi. “That, however,” he cautioned, “does not mean that Omicron is harmless; people are still landing up in ICUs”.

### What has been India’s experience so far?

Even though cases are rising sharply — India reported almost 91,000 new cases on Thursday (previous 24 hours) compared to just 6,358 cases 10 days earlier — doctors across the country say almost all patients are coming in with mild symptoms: moderate fever, sore throat, headache, bodyache, and fatigue. Some patients have diarrhoea, nausea, and dizziness. At AIIMS in New Delhi — where, Delhi Health Minister Satyendar Jain said on Monday, 81% of sequenced samples were of Omicron — no patient has developed pneumonia due to Covid-19, and none has needed oxygen or ventilator support solely for the coronavirus infection. Doctors have also reported that symptoms are resolving in about four to five days at most — much sooner than the average infection with Delta. “There are 75 Covid-19 patients admitted in the hospital; however, nearly all of them are admitted either because they are suffering from some other condition that needs hospital care, or because they are staff members who did not have space for isolation at home. There are a couple of people on ventilators but again, they were already sick with other diseases when they contracted Covid-19,” Dr Anjan Trikha, head of the clinical management group at AIIMS trauma centre, which is a dedicated Covid-19 treatment centre, told The Indian Express on Wednesday. “I have not seen a single patient with pure Covid-19 pneumonia or damaged lungs as we saw during the Delta wave (of April-May 2021),” he said. He said that barring a couple of cases, almost all patients admitted to AIIMS have received at least one vaccine dose, and most are fully vaccinated. Doctors in Mumbai have reported a similar trend. Maharashtra has the highest number of Omicron cases in the country — 797, according to data released by the Union Health Ministry on Thursday. “Most hospitalisations are initially because of other conditions, and the patients then test positive for Covid-19,” said Dr Lancelot Pinto, epidemiologist and pulmonologist at P D Hinduja Hospital in Mumbai. “These are early days, but we haven’t seen severe cases yet. There is a very low possibility of a drop in oxygen saturation as the Omicron variant mainly affects the upper respiratory tract,” Dr Pinto said.



### Does this mean we need not worry about Omicron?

No, it does not. Omicron may cause less severe disease in most individuals, but because of its very high transmissibility, hospitals may get flooded with those who remain unimmunised, those living with comorbidities, or those with suppressed immune systems. Omicron is at least 1.5-2 times more transmissible than Delta, which has resulted in the very large numbers of infections around the world in a very short time. It is also 2-3 times more capable than Delta of infecting those who have been fully vaccinated, or those who have had a previous infection. “The risk of severe disease is less than Delta, but that is not saying much. I am not concerned about Delhi or Mumbai which have already seen huge Delta waves, and where health systems are fairly robust. The problem will be when Omicron spreads to places where the healthcare system is patchy, and there haven’t been Delta infections,” Dr Agrawal said. “Also, in the initial phase of a wave, younger people who are out and about are more likely to catch the infection, but the disease is also less severe in them. We will understand the problem only when it starts affecting the old and vulnerable,” he said. Dr G C Khilnani, a former head of pulmonology at AIIMS who is now the head of pulmonary, critical care, and sleep medicine at PSRI Hospital in New Delhi, said: “If the denominator gets big enough, then we will start seeing an increase in hospitalisation. It will target those who haven’t been vaccinated, those who haven’t had the infection, or those who have comorbidities in the community.” Also, the highly infectious and immune-evasive variant is affecting doctors and healthcare staff — at least 120 doctors have tested positive in Delhi and are isolating or quarantining at four major hospitals. If cases continue to rise sharply for an extended period, more healthcare personnel will be infected, and hospitals could see staff shortages.

### What is it about Omicron that makes it more transmissible but less dangerous for the patient?

Over the last one month, several major cell culture and animal model studies have suggested that Omicron is principally an upper airway disease — it prefers to replicate in the upper respiratory tract rather than deep in the lungs, which is where coronaviruses do the worst damage. Separate teams at the University of Cambridge and the University of Glasgow have concluded that TMPRSS-2, a protein found in many lung cells, which is used by coronaviruses for viral entry and spread, does not have much affinity with Omicron. “Indeed we showed that in lung cells expressing TMPRSS2, live Omicron virus demonstrated significantly lower replication in comparison to Delta,” said the Cambridge study, led by Dr Ravindra Gupta. But the higher replication rate of the virus in the upper respiratory tract also means that it is easier for it to be passed on to others when an infected person coughs, sneezes, or talks. Scientists are also studying factors such as whether the variant is more stable, or is better able to infect new people in air. Dr Agrawal cautioned that while Omicron is “less likely to infect deep in the lungs, it still can” — and “it is not a simple upper respiratory tract infection”. And this distinction becomes more important as the denominator increases, he said. “Omicron is not a risk-free natural vaccine.”

## THE SHELF LIFE OF COVID-19 VACCINES

More than 40 lakh teenagers in the 15-18 age group received their first dose of Covid-19 vaccines on Monday as India began its drive to vaccinate the younger population groups. Some concerns were raised about ‘expired’ Covaxin being administered to this younger group, leading to the Health Ministry issuing a clarification. The Ministry described these claims as “false and misleading” and said these were based on “incomplete information”. It pointed out that the shelf life of Covaxin, the only vaccine being given to the people below 18 years of age, had been extended in November after proper regulatory scrutiny, and as such these vaccine doses were as good as any.

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### **What led to the concerns?**

The anxiety arose after several people pointed out that vaccine batches that were supposed to expire in November were being administered to the younger people on Monday. The government later clarified that the shelf life of these vaccines had been extended from nine months to 12 months in November itself, and therefore there was nothing wrong with these batches. The Health Ministry said the shelf life of vaccines is extended by the national regulator, Central Drugs Standard Control Organisation, or CDSCO, based on a comprehensive analysis and examination of stability study data furnished by the vaccine manufacturers. It also pointed out that CDSCO has earlier approved the extension of shelf life of Covishield as well, and nothing special had been done to Covaxin.

### **Why was the date of expiry of Covaxin extended?**

In response to an application from Bharat Biotech, the manufacturer of Covaxin, the CDSCO on October 25, 2021 approved the extension of the shelf life of this indigenously developed vaccine from 9 to 12 months from the date of manufacture. This approval was based on the availability of additional “stability data” which was submitted by the firm to CDSCO. With the shelf-life extension, hospitals could utilise the stock that was nearing expiry and avoid vaccine wastage. An estimated 20 crore vaccine doses are required to fully vaccinate the nearly 10 crore people in the 15-18 age group. In a recent statement, Bharat Biotech had said that they had documented excellent safety and immunogenicity data readouts in children. More than 15 crore Covaxin doses have been administered in the country to adults since vaccination commenced last year.

### **What are ‘stability’ and ‘shelf life’ of a vaccine?**

Vaccines are complex mixtures of proteins, carbohydrates, lipids, inactivated virus, or adjuvants—which are substances that are intended to enhance immune response and subsequent clinical efficacy of the vaccine. These together contribute to overall vaccine efficacy and safety. Like other medicinal products, vaccines come with a date of expiry and shelf life determined by the manufacturer and approved by regulatory authorities. The constituents of a vaccine can go bad over time because of slow chemical reactions and lose efficacy. According to the World Health Organization (WHO), stability is the ability of a vaccine to retain its chemical, physical, microbiological and biological properties within specified limits throughout its shelf life. A series of tests are designed to obtain information on the stability of a vaccine in order to define its shelf life and utilisation period under specified packaging and storage conditions. And depending on the nature of the antigen and other components, and the manufacturing process, stability parameters are selected on a case-by-case basis, the WHO guidelines state. There are three specific objectives of stability studies, which differ throughout a vaccine’s lifetime. First, it is conducted to determine shelf life and storage conditions. Second, the stability studies, monitor vaccine stability in the post-licensure period, that is, when the vaccine is marketed commercially. Third, according to the WHO guidelines, stability studies are conducted to support manufacturing changes by demonstrating comparability of product manufactured by different processes.

### **How is shelf life calculated?**

Shelf life is calculated by storing the product at different temperatures for various lengths of time and then testing its effectiveness, leading virologist Dr Shahid Jameel said. By storing the particular product at various temperatures, and then periodically checking if there is any degradation of the product, an expiry date is arrived at. The duration over which the product is stable and effective in the specified conditions is considered its shelf life. There are various



biochemical ways in which the degradation can be estimated, said Dr Vineeta Bal, leading immunologist. According to the WHO guidelines, the shelf life of a vaccine is the period of time during which the vaccine, if stored correctly, is expected to comply with the specification, as determined by stability studies on a number of batches of the product. The shelf life is used to establish the expiry date of each batch. For vaccines, it is done by injecting into small animals (typically mice) to assess if the ability to make antibodies goes down with storage time and temperature, Dr Jameel said. An expiry date means that roughly beyond that, the vaccine won't raise immunity as well as earlier. It may still work but sub-optimally, he said. "The shelf life of a vaccine is a reflection of how long the vaccine retains its potency and stability at a given storage temperature and therefore its effectiveness. The shelf life is used to establish the expiry date of each batch of the vaccine product. Expiry dates do not affect the safety of the vaccine, rather are related to the potency or amount of protection the vaccine gives," the WHO regional office for Africa had said in a statement in May last year. The WHO had said that any extension in the shelf life will only apply to vaccines not yet labelled and distributed. Hence the expired or near-to-expire doses in distribution for use will not be affected by any future decision of shelf life extension.

**Is this extension of date a special favour given to Covaxin?**

No. As mentioned, the CDSCO had in February last year extended the shelf life of Covishield from nine months to 12 months, after a similar process. The manufacture of the vaccine has to submit data to show that its vaccine retains its stability for longer periods. If the regulator is satisfied with the data, it can extend the expiry period.



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