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INTERNATIONAL

MAYA ANGELOU QUARTER

It seems fitting that the first quarter minted under the American Women quarters programme — to commemorate notable women in US history — should feature Maya Angelou, the globally loved writer, poet and memoirist who died in 2014. In her long and astonishingly creative life, Angelou was many things. Apart from building a prolific career in letters, she had also been, at different times, a singer, actor, dancer, composer, journalist and teacher, as well as Hollywood's first black female director. With the new commemorative quarter, she's also become the first black woman to feature on a US coin. Many Americans view the development as one that has been a long time coming. It was in the Obama era that the proposal to put a black woman on US currency was first mooted — the $20 bill, which currently features the seventh US president, Andrew Jackson, was to be redesigned to feature the abolitionist and political activist Harriet Tubman. The project fell by the wayside during the Trump presidency, although the current president, Joe Biden, announced last January that the proposal for the Tubman $20 bill will be revived and the process "speeded up". The demand for more diverse representation in official iconography as well as in public art, street names etc — especially of women and people of colour — has been growing louder in the US and elsewhere in the world. It comes on the back of movements, such as Black Lives Matter and #MeToo, that seek to remake the world, not only in its essence — through the politics of empowerment — but also in its visual iconography and symbolism. This was what lay behind the scene, a few years ago, when BLM protestors toppled a slave trader's statue into the sea at Bristol, UK. While there has been a conservative resistance to this impulse, which is sometimes (mis)characterised as a part of "cancel culture", the inclusion of Angelou on official currency has elicited little backlash. This is a welcome development in a hopefully more inclusive world.

U.S. DENOUNCES CHINA'S MARITIME CLAIMS

The U.S. on Wednesday laid out its most detailed case yet against Beijing's "unlawful" claims in the South China Sea, rejecting both the geographic and historic bases for its vast, divisive map. In a 47-page research paper, the State Department's Bureau of Oceans and International Environmental and Scientific Affairs said China had no basis under international law for claims that have put Beijing on a collision course with the Philippines, Vietnam and other Southeast Asian nations. "The overall effect of these maritime claims is that the PRC unlawfully claims sovereignty or some form of exclusive jurisdiction over most of the South China Sea," the paper said, referring to the People's Republic of China. "These claims gravely undermine the rule of law in the oceans and numerous universally recognized provisions of international law reflected in the Convention," it said, referring to a 1982 UN treaty on the law of the sea ratified by China — but not the U.S. Releasing the study, a State Department statement called again on Beijing "to cease its unlawful and coercive activities in the South China Sea." China hit back on Thursday, claiming the report "distorts international law and misleads the public." "The U.S. refuses to sign the treaty but portrays itself as a judge and wantonly distorts the treaty," said Foreign Ministry spokesman Wang Wenbin at a briefing. "In seeking its own selfish interests it uses multiple standards to carry out political manipulation." The paper is an update of a 2014 study that similarly disputed the so-called "nine-dash line" that forms the basis for much of Beijing's stance.

International ruling

In 2016, an international court sided with the Philippines in its complaints over China's claims. Beijing replied by offering new justifications, including saying that China had "historic rights" over the area. The State Department paper said that such historical-based claims had "no legal basis" and that China had not offered specifics. It also took issue with geographic justifications for China's claims, saying that more than 100 features Beijing highlights in the South China Sea are submerged by water during high tide and therefore are "beyond the lawful limits of any state's territorial sea." Beijing cites such geographic features to claim four "island groups," which the State Department study said did not meet criteria for baselines under the UN convention. The report was issued as the U.S. increasingly challenges China on the global stage, identifying the rising communist power as its chief long-term threat. The South China Sea is home to valuable oil and gas deposits and shipping lanes, and Beijing's neighbours have frequently voiced concern that their giant neighbour was seeking to expand its reach.

KIM URGES MORE 'MILITARY MUSCLE'

Kim Jong Un personally oversaw the successful test of a hypersonic missile, state media said on Wednesday, and urged North Korea to press ahead with building more "strategic military muscle" despite international sanctions over its nuclear weapons programme. Pictures in state media showed Mr. Kim using binoculars to observe the second missile launch by the nuclear-armed nation in less than a week. Hypersonic missiles are listed among the "top priority" tasks for strategic weapons development in North Korea's five-year plan. After the launch, Mr. Kim said North Korea must "further accelerate the efforts to steadily build up the country's strategic military muscle both in quality and quantity and further modernise the army", according to KCNA. The Tuesday test, which came as the UN Security Council met in New York to discuss Pyongyang's weapons programme, sparked swift condemnation, with the U.S. State Department branding it a "threat... to the international community."

Third test

It was the third reported North Korean test of a hypersonic gliding missile. North Korea's state news agency KCNA said the most recent test demonstrated "the superior manoeuverability of the hypersonic glide vehicle". It also claimed it accurately hit a target some 1,000 kilometers (620 miles) away. South Korea's military, which had cast doubt on Pyongyang's initial claims, said the missile launched on Tuesday had reached hypersonic speeds and showed clear signs of "progress" from last week's test. The missile flew 700 kilometres (435 miles) at an altitude of about 60 kilometres (37 miles) at Mach 10 speed, Seoul's Joint Chiefs of Staff said. Hypersonic missiles travel at speeds of at least Mach 5 — five times the speed of sound — and can manoeuvre mid-flight, making them harder to track and intercept.

'Bid to modernisation'

"Everything about this test is a reminder that North Korea is all-in on a new military modernisation campaign," Ankit Panda of the Carnegie Endowment for International Peace said. Meanwhile, the U.S. imposed sanctions on Wednesday on five North Koreans linked to the country's ballistic missile program. said. The Treasury Department said the five were "responsible for procuring goods for the DPRK's (North Korea's) weapons of mass destruction and ballistic missile-related programs."

HONG KONG TO LIST OUT MORE NATIONAL SECURITY OFFENCES

Hong Kong will draw up a host of new national security crimes, the city's leader said on Wednesday, as she presided over the first session of a new "patriots only" legislature scrubbed of political opposition. The current national security law defines four crimes — secession, subversion, terrorism and colluding with foreign forces — and offenders can face up to life in prison. But on Wednesday, Chief Executive Carrie Lam confirmed that her government would create new "local legislation" that meets Article 23 of Hong Kong's mini-constitution, which calls for the city to pass its own national security laws.

Constitutional duty

"Article 23 legislative work is part of Hong Kong's constitutional duty and cannot be further delayed," Ms. Lam told lawmakers, adding that the government aimed to publish a draft by June. Ms. Lam did not outline what the new crimes would be. But the specific offences Article 23 lists are treason, secession, sedition, subversion and theft of state secrets. It also includes prohibiting any foreign political organisations from conducting activities in Hong Kong or local political organisations establishing ties with similar overseas bodies. It is unlikely the city government will face much opposition in passing the new law. On Wednesday, Ms. Lam said it would be difficult for the new national security Bill to be completed by the end of her first term, meaning the legislation will probably fall to her successor. Addressing a chamber, Ms. Lam praised Beijing's security law. "Its function now is to act as an anchor to guarantee stability, to let people know there are consequences," she told lawmakers, adding the new legislation would be similarly "well written".

TALKING TO RUSSIA

The Geneva talks between the United States and Russia were, not surprisingly, inconclusive. It was practically impossible for the former Cold War rivals to iron out their differences in the first round at a time when tensions are running high in Europe, especially over Ukraine. But the fact that hurried talks were held between the two powers and they agreed to continue the negotiations to discuss both the North Atlantic Treaty Organization's expansion and Russia's troop mobilisation is itself a welcome step. The U.S. was actually forced to come to the table by President Vladimir Putin, who has amassed about 100,000 troops along Russia's border with Ukraine. The Kremlin has also issued a host of demands to the West that sought to stop NATO's further expansion into Eastern Europe and roll back the alliance's military presence to 1990 levels. Now, the deadlock is that the U.S. has publicly said that it will not shut NATO's door on potential future members. And nobody knows what Mr. Putin would do if the talks collapse. By forcing the U.S. to come to the table to discuss NATO's expansion — an issue which Moscow has been complaining about for years — Mr. Putin has scored the first victory. But it would be naive of him to believe that the Russian demands would be accepted by the West without any resistance. So, the challenge for both sides is to find common ground. The source of Russia's staunch opposition to NATO is its deep insecurity. After the disintegration of the Soviet Union, a substantially weakened Russian Federation saw NATO's continued expansion into Eastern Europe as a violation of the post-Cold War consensus. Russia responded militarily in 2008 when Georgia was considering joining NATO, and in 2014, it took Crimea from Ukraine after the pro-Russian regime in Kiev was toppled by protests. On the other side, the West sees Russia as an aggressive, abrasive and destabilising giant that breathes down the neck of Europe. In hindsight, both NATO's expansions and Russia's military responses are driving instability in Eastern Europe. Finding a solution to the crisis will

not be easy. It depends on whether both sides are able to get out of their Cold War mentality and build mutual confidence in bilateral relations. For all practical purposes, Ukraine and Georgia, both faced with separatist conflicts, cannot join NATO in the foreseeable future. NATO could use this reality as a policy promise to calm Russian nerves. Mr. Putin, on the other hand, is also in a tough spot. Russia is still battling with the economic costs of his Crimea annexation, which has left a wide chasm in Russia's ties with Europe. Further aggression against Ukraine might serve his tactical interests but could deal a deadly blow to any plan to bring the Russia-Europe ties back on track. A war is in nobody's interests. Russia and the West should keep that in mind when they sit down for the next round of talks.

KEEPER OF RUSSIA'S MEMORIES

In a setback for civil rights in Russia, its Supreme Court has ordered the closure of the International Memorial Society, one of the country's oldest and most reputed human rights groups. In a ruling on December 28, the court said the NGO, known as Memorial, was in violation of the 'foreign agent' law and must, therefore, cease operations. A day later, a Moscow city court also granted a request to shut down Memorial Human Rights Center, a sister organisation. Started in 1987 in the Soviet years of glasnost under Mikhail Gorbachev, one of Memorial's early organisers was Andrei Sakharov, the dissident physicist who was awarded the Nobel Peace prize. Starting off as a movement to uncover information about victims of repression in Stalinist Russia, Memorial grew into a web of civil society groups that ran a museum, a library, an archive, and support centres that together sought to preserve the collective memory of Soviet-era repression and help the victims and their family members. Memorial's databases, for instance, contain the names and details of more than 3 million victims and thousands of perpetrators who worked for the Soviet state. The NGO operates on the principle that the most effective bulwark against the return of mass repression is preserving the memory of people's suffering in the nation's totalitarian past. Unlike other former totalitarian states such as East Germany, for instance, where it is the state that has taken on the responsibility of archiving the past, in post-Soviet Russia, the task fell on independent organisations, the foremost among them being Memorial. Apart from the documentation of the past, Memorial has also been, through its human rights wing, tracking abuses in the present. Some months ago, it published a list of 419 political prisoners kept in jail by the regime of Vladimir Putin. It has also been helping hundreds of Russians file cases against government agencies at the European Court of Human Rights. For Mr. Putin, who in 2020, in the middle of the pandemic, pushed through constitutional amendments paving the way for him to potentially serve as President till 2036, NGOs such as Memorial are both an irritant (insofar as they generate material that the West could use to embarrass him) and a threat (by punching holes in the narrative of democratic legitimacy that undergirds his hold on power). Also, Mr. Putin has publicly maintained that the collapse of the Soviet Union was the biggest geopolitical catastrophe of the 20th century. A core element of his nationalist propaganda is that the Russian state is, and has always been, a force for good. His regime, therefore, has always sought to play down the abuses of the Soviet state while playing up its glorious geopolitical successes.

Authoritarian cast

Russian democracy under Mr. Putin, a former KGB agent from the Communist era who made a successful switch to politics under Boris Yeltsin, has taken on an authoritarian cast. Opposition leaders have been jailed, investigative journalists have been assassinated, and civil society groups harassed relentlessly. Reminiscent of the ongoing crackdown on NGOs in India through amendments to the Foreign Contribution (Regulation) Act, Russia's 'foreign agent' law requires

NGOs who get funding from abroad to register themselves as a 'foreign agent'. In Russia, the term 'foreign agent' — a carryover from the Soviet era — tends to denote a 'spy' or 'traitor'. Apart from the suspicion and stigma that automatically attaches to such labelling, the law, through a byzantine array of reporting requirements, raises the compliance barrier to impossible levels. It thus makes it relatively easy for the authorities to initiate prosecutions and/or liquidation of entities deemed to have violated the 'foreign agent' law. The case against Memorial exemplifies this tactic. By getting the state prosecutor to go after Memorial using the 'foreign agent' law, Mr. Putin, some believe, hopes to both erase records of past abuses and escape scrutiny for current ones. Human rights groups around the world have condemned the Russian court's decision, with the U.S. Ambassador to Russia describing it as "a blatant and tragic attempt to suppress freedom of expression and erase history." As for Memorial, its spokespersons have vowed to seek legal remedies to continue their work.

SUDAN TALKS AIM AT SALVAGING POLITICAL TRANSITION: UN

The United Nations said on Saturday it would hold talks in Sudan aimed at salvaging a fragile democratic transition amid a grinding stalemate following an October coup and the prime minister's resignation last week. Volker Perthes, the UN envoy for Sudan, said in a statement the UN-facilitated political process would seek a "sustainable path forward towards democracy and peace" in the country. It wasn't immediately clear when discussions might begin. "It is time to end the violence and enter into a constructive process. This process will be inclusive," he said. Mr. Perthes said key players in Sudan, including the military, rebel groups, political parties and protest movements will be invited to take part in the process as well as civil society and women's groups. There was no immediate comment from the pro-democracy movement or the military on the UN statement. The October 25 coup scuttled hopes of a peaceful transition to democracy in Sudan more than two years after a popular uprising forced the military overthrow of longtime autocrat Omar al-Bashir and his Islamist government in April 2019. Prime Minister Abdallah Hamdok resigned from office on January 2 citing a failure to reach a compromise between the generals and the country's pro-democracy movement. He had been ousted in the coup only to be reinstated a month later following a deal with the military meant to calm tensions and anti-coup protests. But Mr. Hamdok resigned, plunging the country further into turmoil amid political deadlock and relentless street protests that have claimed the lives of at least 60 people since the coup. Mr. Perthes said repeated violence since the coup has deepened the mistrust of the military among political parties. He warned that the deadlock could push the country into further instability and "squander the important political, social and economic gains" since the uprising against al-Bashir. The protest movement insists that a civilian government lead the transition, a demand rejected by the generals who say power will be handed over only to an elected government. Elections are planned in July 2023.

WITH MORE GIRLS PREGNANT, ZIMBABWE PUSHES A RETURN TO SCHOOL

Inside a sparsely furnished two-room home in rural Zimbabwe, a 3-month-old baby cries. His mother, Virginia Mavhunga, spends her days making trips to the well with a bucket on her head, selling fruits and vegetables at the roadside, cooking, cleaning, washing clothes — she has too much on her hands to offer her child, Tawananyasha, much comfort. "That's my life now, every day," the new mother said. Between the chores of her strict routine, Virginia prepares her four younger siblings for school and helps them with homework when they return. It's these tasks that hit Virginia the hardest — because, at age 13, she, too, would rather be in school. Virginia is part of a steep increase in pregnancies among girls and teenagers reported in Zimbabwe and other

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southern African countries during the pandemic. Zimbabwe has long struggled with such pregnancies and child marriages. Before COVID-19 hit, one of every three girls in the country was wed before age 18, many with unplanned pregnancies, because of lax enforcement of laws, widespread poverty, and cultural and religious practices. The spread of coronavirus intensified the situation. The country of 15 million people imposed a strict lockdown in March 2020, closing schools for six months and reopening them only intermittently. Girls in particular were left idle and shut out from access to contraceptives and clinics; the troubles of impoverished families worsened. Many girls became victims of sexual abuse or looked to marriage and pregnancy as a way out of poverty, advocates and officials said. Before the pandemic, many such girls were "relegated as a lost cause," said Taungana Ndoro, an education official in Zimbabwe. But faced with the rising numbers, the government in August 2020 changed a law that had long banned pregnant students from schools. Activists and authorities hailed the move as a significant step in the developing nation, but so far the new policy has largely failed. Most girls haven't returned to school, with authorities and families citing economic hardship, deep-seated cultural norms, and stigma and bullying in class. Virginia tried to return to school while pregnant under the policy change. Officials encouraged her and her parents. But she was the butt of jokes and the subject of gossip in a community not accustomed to seeing a pregnant girl in a school uniform. "People would laugh at me. Some would point and ask in ridicule; 'What's up with that belly?'" she said, looking at a photo of herself in the purple uniform. She has since sold it for $2 to pay for the baby's clothing and other needs. Zimbabwe does have figures on pregnancies in girls who drop out of school — and while they show an alarming increase, officials say they, too, likely reflect an undercount, as many girls simply leave without giving a reason. In 2018, about 3,000 girls dropped out of school nationwide because of pregnancies. In 2019, that number remained relatively steady. In 2020, the number rose: 4,770 pregnant students left school. And in 2021, it skyrocketed: About 5,000 students got pregnant in just the first two months of the year, according to women's affairs minister Sithembiso Nyoni. Across Africa, Zimbabwe isn't alone: During the pandemic, Botswana, Namibia, Lesotho, Malawi, Madagascar, South Africa and Zambia "all recorded a steep rise in cases of sexual and gender-based violence, which has contributed to a reported increase in pregnancies among young and adolescent girls," according to an Amnesty International report. Virginia vows to return to school someday, though. She misses her classes, her peers. She wants to graduate and be accepted to a university, so she can get a degree and repay her parents' faith in her by building them a bigger home. "I would rather return to school than get married," she said. "I am not afraid of going back to school once my child is older. They may laugh at me now, but I am dedicating all my spare time and weekends to reading and catching up. "This is not the end of the road, just a forced break."

INDIA EXTENDS $900 MN AID TO SRI LANKA

India on Thursday confirmed a $400 million currency swap with Sri Lanka while deferring another $500 million due for settlement to the Asian Clearing Union (ACU), in a move aimed at helping the island nation witnessing an unprecedented economic crisis. In a tweet on Thursday, the Indian mission in Colombo said High Commissioner Gopal Baglay met Central Bank Governor Ajith Nivard Cabraal and expressed "India's strong support to Sri Lanka" in the wake of the Reserve Bank of India extending facilities of $900 million over the last week. "Had an excellent discussion with Indian High Commissioner to #SriLanka HE Gopal Baglay at my office this morning where he confirmed the #SAARC #SWAP by RBI and other forms of bilateral cooperation," Mr. Cabraal said in a tweet. India's assistance follows a request from Sri Lanka during Finance Minister Basil Rajapaksa's visit to New Delhi in December, for emergency financial assistance, including Lines of Credit for importing essentials and a currency swap to boost Sri

Lanka's draining foreign reserves. Sri Lanka is facing a severe dollar crunch that economists say might lead to a default on external debt and create a food shortage in the imports-reliant nation. Colombo must service over $7 billion outstanding debt in 2022, including bond repayments of $500 million in January and $1 billion in July. The Central Bank of Sri Lanka has expressed confidence about paying off the foreign debt. Ruling out an IMF bailout, Governor Cabraal on Wednesday said Colombo is in talks with Beijing for a new loan, in addition to the $500 million loan and $1.5 billion currency swap extended by Beijing as pandemic-time support. The request, according to local media reports, was also discussed during Chinese Foreign Minister Wang Yi's visit to Colombo last week. Sri Lanka owes China over $5 billion already, and Colombo has requested Beijing to restructure it to provide some relief. The developments have prompted political commentators in Sri Lanka to pit India and China against each other, in providing timely assistance to the island nation. In July 2020, the RBI extended a similar swap facility — of $400 million — to help Sri Lanka cope with the impact of the first wave of the pandemic, and later provided a three-month roll over until February 2021, when the Central Bank of Sri Lanka settled it. Thursday's announcement on RBI assistance includes deferring the payment of $500 that Sri Lanka owes to the ACU, a regional initiative with the Central Banks and Monetary Authorities of Bangladesh, Bhutan, India, Iran, Maldives, Myanmar, Nepal, Pakistan and Sri Lanka. Significantly, India's confirmation of the swap comes a week after the two countries signed a long-pending agreement on jointly developing the strategically located Trincomalee oil tank farm along the north-eastern coast of the island. Diplomatic sources had earlier indicated that any financial support from New Delhi to Colombo would have to follow the signing of the deal.

NO ONE SHOULD INTERFERE IN CHINA-LANKA TIES

No "third party" should interfere in China-Sri Lanka ties, Chinese Foreign Minister Wang Yi has said, during his recent visit to Colombo, while also proposing a forum for Indian Ocean island nations. During his nearly 24-hour visit to Colombo, where he met the Sri Lankan leadership, Mr. Wang spoke of the "friendly relationship" between China and Sri Lanka that "benefits the development of both countries and serves the fundamental interest" of both peoples, a statement issued by the Chinese Foreign Ministry said on Monday. "It does not target any third party and should not be interfered with by any third party. The all-round cooperation and strategic mutual trust between the two countries have injected positive energy into regional peace and stability," according to the readout from Beijing. In December 2021, the Colombo-based Chinese Embassy tweeted about a Chinese company shifting its solar energy project from northern Sri Lanka to the Maldives, in the wake of "security concerns from a third party". While the Embassy did not name the party, it was clearly alluding to India that objected to the Chinese project in three islands off Jaffna peninsula.

Rubber-rice pact

Mr. Wang was on a brief official visit to Sri Lanka — as part of a five-nation tour in the New Year — to launch celebrations marking the 70th anniversary of the historic Rubber-Rice Pact, and the 65th anniversary of establishment of diplomatic relations between Sri Lanka and China. His visit came at a time when Sri Lanka is battling a severe economic crisis of a persisting dollar crunch, soaring living costs and a shortage of essentials in the import-reliant island nation. Sri Lankan President Gotabaya Rajapaksa urged China to restructure Sri Lanka's debt, and help the country cope with the economic strain.

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FTA talks

According to the Chinese Foreign Ministry, Mr. Wang said the two sides should make good use of "the two engines", referring to the $1.4 billion China-backed Colombo Port City in Colombo, and the Hambantota Port in the island's Southern Province. He urged Sri Lanka to "tap the opportunities" of the Regional Comprehensive Economic Partnership (RCEP) and China's "vast market", and restart talks on a free trade agreement between China and Sri Lanka "to send more positive signals to the world and contribute to Sri Lanka's economic recovery and development", the Ministry's statement on his meeting with Mr. Gotabaya said. The resident Chinese envoy also conveyed the same to a select group of Sri Lankan journalists following the visit, although official statements from the Sri Lankan side made no mention of either "third party" interference, or resuming FTA talks. During Mr. Wang's visit, China and agreed to extend Yuan 800 million for partnerships in the health sector, for technical cooperation, besides supporting construction of low-cost housing in capital Colombo. Another aspect of Mr. Wang's bilateral discussions in Colombo, which was not captured in local statements or media, was his proposal for a "forum on the development of Indian Ocean island countries" to build consensus and synergy, and promote common development. Mr. Wang, according to the Chinese Foreign Ministry, told the Sri Lankan leadership: "During my visit to several Indian Ocean island countries this time, I feel that all island countries share similar experiences and common needs, with similar natural endowment and development goals, and have favorable conditions and full potential for strengthening mutually beneficial cooperation," while proposing the forum that sounded similar to Prime Minister Narendra Modi's SAGAR (Security and Growth for All in the Region) initiative. New Delhi would watch any regional forum with interest, amid its own efforts. Last year, a Secretariat for Trilateral National Security Advisers (NSA) on Maritime Security Cooperation among India, Maldives and Sri Lanka was set up in Colombo.

MALDIVES INKS KEY DEALS WITH CHINA

Maldives and Chinaon Saturday signed key bilateral agreements during Chinese Foreign Minister Wang Yi's visit, on developing and maintaining infrastructure in the Indian Ocean archipelago, besides agreeing on a visa-free travel arrangement for Maldivians intending to travel to China. Mr. Wang arrived in Male on Friday, as part of his five-nation trip to Eritrea, Kenya, the island nation of Comoros, the Maldives and Sri Lanka. Maldivian Foreign Minister Abdulla Shahid and his Chinese counterpart unveiled a special official logo to mark 50 years of diplomatic relations between the countries. "For the past five decades, China has been an important partner in the socio-economic development of the Maldives, contributing immensely towards social housing, capacity building, infrastructure development, and tourism. I have no doubt that Maldives-China relations will rise to new heights under the able leadership of both President Ibrahim Mohamed Solih, and President Xi Jinping," Mr. Shahid said, at a press conference. A statement issued by the Maldivian Foreign Ministry said the visa-waiver agreement would allow Maldivians to travel to China on 30-day visa free basis once the pandemic restrictions are lifted. The two governments signed an agreement of 'Economic and Technical Cooperation' on grant aid, focusing on social, livelihood, and infrastructure projects. Further, the Government of Maldives signed a 'Letter of Exchange' on a 'Feasibility Study of Management and Maintenance of China-Maldives Friendship Bridge', for Chinese assistance in maintaining the 1.4-km bridge connecting capital Male with the island of Hulhumale. It was built with $200 million Chinese assistance during the term of former President Abdulla Yameen, whose government was close to Beijing. The bridge is considered China's flagship project in the Maldives. Male owes Beijing about $1.4 billion from past loans, which President Ibrahim Mohamed Solih's government has sought to "restructure". China also

agreed to back a sea-water desalination project and cooperate in the health sector, the Foreign Ministry said. Minister Wang's visit would be one of "great significance to the future development of our bilateral relations", Chinese Ambassador in Male Wang Lixin said in a tweet. Mr. Wang's visit will be watched closely by New Delhi, which has maintained frequent contact with the Solih government that openly pursues an 'India First' foreign policy. Following regime change in Male in 2018, New Delhi committed $1.4 billion to development in the island nation that is home to about 5.5 lakh people. Mr. Wang's visit also coincides with a growing 'India Out' campaign among sections within the Maldives that oppose "Indian military presence" in the country. The government has denied the allegation. The 'India Out' campaign has more recently intensified, with the backing of President Yameen, whose conviction in a money laundering case was recently overturned by the Supreme Court.

PAKISTAN'S FIRST SECURITY POLICY PUTS FOCUS ON INDIA, UNDERLINES TERROR

Unveiling what it calls its "first-ever" National Security Policy (NSP), the Pakistan Army-backed government of Prime Minister Imran Khan has acknowledged that the "employment of terrorism has become a preferred policy choice for hostile actors". In remarks that echo India's position on the issue, the document states: "The most acute form of efforts to undermine stability and national harmony of a society is terrorism." However, in a claim that has repeatedly been contested by India, which blames Pakistan for exporting terror across the border, the NSP states: "Pakistan pursues a policy of zero tolerance for any groups involved in terrorist activities on its soil." The document states: "The employment of terrorism has become a preferred policy choice for hostile actors in addition to soft intrusion through various non-kinetic means. Terrorism is also being used to disrupt and delay development initiatives." India is mentioned at least 16 times, more than any other nation, in the 62-page NSP for 2022-2026 with Jammu and Kashmir at the "core". "A just and peaceful resolution of the Jammu and Kashmir dispute remains at the core of our bilateral relationship," the NSP states. Pakistan National Security Adviser Moeed Yusuf, a former analyst at a US-based think tank, has helmed the preparation of the document, which will be reviewed every year as well as whenever a new government is formed. The policy, which is said to have been prepared after seven years of "strategic thought", was adopted in December last week, with a shorter public version released on Friday. On bilateral ties, the NSP says that Pakistan, under its "policy of peace" at home and abroad, "wishes to improve its relationship with India". But it flags issues that it has previously underscored: "The rise of Hindutva-driven politics in India is deeply concerning and impacts Pakistan's immediate security. The political exploitation of a policy of belligerence towards Pakistan by India's leadership has led to the threat of military adventurism and non-contact warfare to our immediate east." Accusing India of "hegemonic designs", the NSP states that "towards the immediate east" bilateral ties have also "been stymied as a consequence of the unresolved Kashmir dispute". And contrary to Delhi's assertions, the document blames India for "ceasefire violations" along the LoC. There is a separate section on J&K, which reiterates the country's position: "Pakistan remains steadfast in its moral, diplomatic, political, and legal support to the people of Kashmir until they achieve their right to self-determination guaranteed by the international community as per United Nations Security Council (UNSC) resolutions." From India's perspective, the document has a section on "terrorism", "extremism" and "sectarianism" in a chapter on "Internal Security". At a time when Pakistan continues to be on the "grey list" of the global Financial Action Task Force (FATF), the NSP lists several priorities "for continued improvement in our internal security environment". They include: "strengthening police forces and associated counter-terrorism agencies, undertaking intelligence-based operations against all terrorist groups, preventing any use of financial sources for terrorism, addressing structural deficiencies and sense of deprivation in recruitment areas, and promoting a pluralistic anti-terror

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narrative". Underlining that "extremism and radicalisation" on the basis of ethnicity or religion "pose a challenge to our society", it states that the "exploitation and manipulation of ethnic, religious, and sectarian lines through violent extremist ideologies" cannot be allowed. China occupies a relatively smaller section in the NSP. "Pakistan's deep-rooted historic ties with China are driven by shared interests and mutual understanding," it says. The document states that bilateral relations with Beijing continue to expand based on "trust and strategic convergence" — something that Delhi is keeping a close watch on. The NSP marks out the China Pakistan Economic Corridor as a "project of national importance", which "enjoys national consensus" and is "redefining regional connectivity and providing impetus to Pakistan's economy". About the US, it states that the two countries share a "long history of bilateral cooperation", and that "our continued cooperation...will remain critical for regional peace and stability". "Pakistan does not subscribe to 'camp politics'," it states, in an apparent reference to strained US-China ties. "Communicating Pakistan's concerns to policy makers in Washington while seeking to broaden our partnership beyond a narrow counter-terrorism focus will be a priority," it states.

GENDER JUSTICE

The nomination of Justice Ayesha Malik as the first woman judge of the Supreme Court of Pakistan has been welcomed across the world for being a progressive move in the male-dominated topmost appellate court of the country. However, the development has exposed, once again, the rift between the military establishment and its rivals, especially in the judiciary. Justice Malik has a stellar reputation to back her candidature to the top court. She has been associated with prestigious chambers in Pakistan and was educated at the Harvard Law School. That apart, she has consistently batted for women's rights as well as the rights of women judges in lower courts. The nomination comes a year after Justice Malik gave a landmark judgement in the Lahore High Court against the 'two-finger test', terming it scientifically unsound. Her legal pedigree is undoubtedly among the finest in Pakistan. However, a section of Pakistan's liberals are cautiously welcoming her nomination, citing that Justice Malik got support from the pro-government members in the JCP (Judicial Commission of Pakistan), who elected her with majority votes in the January 6 meeting. The bar councils of Pakistan that called for protest following the announcement pointed out that her elevation took place superseding four senior judges. They point out that the support from the pro-government sections in the JCP indicates that the government may be eager to appoint a woman judge to project its progressive face, but in deed, it is not an honest broker. The appointment saw a divided JCP with the Chief Justice, Gulzar Ahmed, senior Puisne Judge Umar Ata Bandial, former Judge Sarmad Jalal Osmany and Attorney-General Khalid Jawed supporting the elevation, while others, including Justice Qazi Faez Isa, opposing it.

Government support

The support from the Attorney-General is a clear indication that the government of Prime Minister Imran Khan favoured the elevation of Justice Malik, superseding other judges. Over the years, Pakistan's Supreme Court has clashed with the military establishment repeatedly. In a judgement in 2019, Justice Isa had directed the military not to be partial to any political party. While Justice Malik had taken on the patriarchal elements of society, Justice Isa had taken on the all-powerful military and therefore the doubts have risen if the good deed of elevating Justice Malik to the Supreme Court was indeed an outcome of the pursuit of gender justice or is it aimed at weakening the anti-military sentiment at the highest appellate body. The larger politics of the appointment has risen to the surface also because of the recent controversies over the appointment of the new chief of the Inter-Service Intelligence, the spy agency. The appointment of Lt. Gen. Nadeem Ahmed

Anjum, which came in the backdrop of tension between Prime Minister Imran Khan and the military, was a reminder of the unstable dynamics inside the Pakistani state. Following the appointment of the new ISI chief, Pakistan witnessed violent protests by the extremist Tehreek-e-Labbaik (TLP), which forced the government to release hundreds of its activists and its jailed leader, Saad Hussain. It has been reported that the establishment has been behind the TLP's move to harass the government. The role of the Supreme Court, in this backdrop, becomes important. The Supreme Court had famously clashed with the former dictator, General Pervez Musharraf, which led to the return of democracy in Pakistan. In 2007, Gen. Musharraf had asked Chief Justice Iftikhar Mohammad Chaudhry to resign from the post but the Justice defied the order, triggering a mass movement against Gen. Musharraf's rule. The resultant election of 2008 saw the overthrow of the Musharraf regime. The democratic movement was spearheaded by the lawyers of the Supreme Court. With growing economic turmoil in Pakistan, which has recently prompted some diplomats to express displeasure against their government through "hijacked social media handles", shows there is great deal of systemic tension building up inside the state organs. While Justice Malik is expected to deliver fairness in gender-related issues, her verdicts in cases involving the establishment will be her real test.

A SMALL HOPE

A pair of arms reaches upwards, passing a wailing baby over a barbed-wired wall into the hands of a US soldier. This photo was flashed around the world as a symbol of the desperate straits that the Afghan people found themselves in after the Taliban forces entered Kabul on August 15 last year. The arms belong to the infant's father, Mirza Ali Ahmadi who was at the airport of the Afghan capital on August 19 with his family — along with hundreds of others — hoping to get evacuated. In the tumult, he handed baby Sohail across the airport wall to a soldier, fully expecting to be reunited with his son almost immediately on the other side. What followed, however, was a five-month long separation, with the baby finally being returned on January 8 to members of his family who had stayed on in Kabul. His parents and siblings, who managed to get evacuated to the US, watched the reunion on video. Following the Taliban takeover of Kabul and the ensuing chaos, approximately 1,300 Afghan children were evacuated to the US without their parents or legal guardians, according to the US Department of Health and Services. Most are still waiting to be united with their families. Unlike in the case of Sohail, who was found in Kabul — where he had been "adopted" by a local taxi driver as his own son — the outlook for these children appears bleak due to the lack of a clear legal mechanism that can reunite them with families who are still stuck in Afghanistan. This is why Sohail's story is so rare and precious right now. At a time when Afghanistan grapples with a massive humanitarian crisis and an economic meltdown, in addition to the Covid pandemic, to know that a lost baby has been returned to his family is warming. From a symbol of desperation, Sohail's story has become one of hope.

NATION

BROTHERHOOD

Too many Partition stories are about the defeat of human ties by the power and whimsy of an invisible line drawn on a map. The story of Sikka Khan and Sadiq Khan, two brothers separated in 1947, is no different. In the chaos unleashed by Partition, Sikka and the boys' mother were left on this side of Punjab; Sadiq and their father in the new nation of Pakistan. It wasn't geography that forced them apart, but history. In these years, Sikka's mother, crazed by the grief of losing her family, took her own life. He was brought up by his grandparents in Phulewal village, which still remembers with pride that it had protected all its Muslim families during the insanity of Partition. The boy's letters to his brother, sent to a wrong address, remained unanswered. Finding the right address took 74 years — and the magic of the internet. It's hard to remember today, when it has been so completely hijacked by hate and partisanship, but the worldwide web was once envisioned as a space where borders would become irrelevant. And so, when a YouTuber in Pakistan, whose stories on Partition have a substantial following on either side of Punjab, heard of the brothers' tale, he used his platform to broadcast Sadiq's appeal: He was sure his brother was alive. Could someone help them meet? The internet obliged, and the brothers first met — on a screen, over a video call. It took two more years, and several negotiations with the bureaucracy of nation-states, for them to finally see each other. Earlier this week, the two brothers met and embraced — even if for an achingly short time — at Gurudwara Kartarpur Sahib. The journey of their respective nations — in many ways siblings too — appears to take them further and further away from togetherness. But even if realpolitik does not agree, India and Pakistan can do better. They must make an exception for Sikka and Sadiq and allow them to visit each other. For once, let brotherhood triumph over the intoxication of nationalism.

INDIA'S PASSPORT RANK IMPROVES TO 83 FROM 90

India's passport power has improved this quarter compared to 2021. It now ranks at 83rd position in the Henley Passport Index, climbing seven places from 90th rank last year. However, in 2020, its rank stood at 84 while in 2016, India was ranked 85th along with Mali and Uzbekistan. Japan and Singapore top the index. The current rankings are for first quarter of 2022 and India shares the position with Sao Tome and Principe in Central Africa, behind Rwanda and Uganda. Since 2005, Henley Passport Index ranks world's passports according to the number of destinations their holders can access without prior visa and is based on data from International Air Transport Association (IATA).

Growing disparity

India now has visa-free access to 60 destinations worldwide with Oman and Armenia being the latest additions. India has added 35 more destinations since 2006. A statement by Henley and Partners said that in 2006 an individual could, on average, visit 57 countries visa-free. "Today, that number has risen to 107, but this overall increase marks a growing disparity between countries in the global north and those in the global south," the statement said.

CONCERN IN DELHI OVER MYANMAR CONFLICT, PLA 'LINKS' WITH JUNTA

Almost a year since the February coup in Myanmar, as its army battles armed pro-democracy resistance groups across the country, including in regions bordering India, New Delhi is concerned

that the instability could impact security in the North-East. To secure India's "vital interests", officials are of the view that there is "no option but to engage with those in power in Naypidaw", and continue pressing for a return to democracy, as Foreign Secretary Harsh Shringla did on his December 22 visit to Myanmar, the first Indian official to visit since the coup. With many governments favouring engagement with the Taliban in Kabul, sources in Delhi said the same yardstick should be applied to the military regime in Myanmar, though in order to cover its bases, the government has also sought to convey that it "could not be business as usual" until a return to democracy. It was not just Delhi that sent a high-profile visitor to Myanmar – Bill Richardson, a former US Ambassador to Myanmar and, currently, the New Mexico Governor visited in November, as did Japanese special envoy Yohei Sasakawa. Like Shringla did after him, Sasakawa asked the junta for a meeting with the jailed Aung San Suu Kyi, and was denied it. Soon after the two visits, Naypidaw released a US journalist arrested by the junta after the coup. India had kept the US, ASEAN, Bangladesh informed ahead of the visit, The Indian Express has learnt. ASEAN itself is a divided house now over the visit last week of Cambodian Prime Minister Hun Sen — Cambodia is the current president of ASEAN — and his meeting with General Min Aung Hlaing, the head of the State Administrative Council, the junta-given name for the new government. Meanwhile, the National Unity Government (NUG) of Myanmar, set up weeks after the coup by groups opposed to the junta, has canvassed international recognition and opened offices in the US, UK, France, Czech Republic and Australia but no country has recognised it. Explaining the need to engage with the military regime in Naypidaw, an official said India was the only country with over a 1,600-km border with Myanmar, shared ethnicities and insurgent groups based in Myanmar, and any turmoil there was bound to be felt on this side. Moreover, at least one Manipur insurgent group, the People's Liberation Army (PLA), which took responsibility for the ambush killing of an Assam Rifles commander in November, is thought to be fighting alongside the junta against civilian resistance groups called People's Defence Force, which the NUG has owned as its armed wing. Last year, an estimated 30,000 persons from Chin state sought refuge in neighbouring Mizoram, which has the same ethnic group, as the Myanmar Army launched operations to take back Mindat from the armed resistance. Mindat, 100 km from the Indian border, had become an early symbol of popular resistance to the Myanmar Army, known as the Tatmadaw. With much support for Aung San Suu Kyi and her National League for Democracy, Chin state remains resistant to the Tatmadaw. The Chin Defense Force, a group of militias that sprang up last year in response to the coup, has taken the fight to the military backed by one of the many "ethnic armed organisations" (EAOs) in Myanmar, called Chin National Force (CNF) or the Chin National Army. The headquarters of the CNF, known as Camp Victoria, where thousands of volunteers have been trained for combat since the coup, is on the Indian border. In mid-November, the Myanmar army launched an offensive in Chin state and Camp Victoria was thought to be the target. But the soldiers, who pushed westward from a place called Falam and burnt hundreds of houses at another settlement called Thantlang sending the villagers fleeing, did not push up to the Indian border. Had they done so, there would have been thousands more displaced people crossing over into India and drawn Delhi's attention. Security analysts believe this might be a reason the Tatmadaw stayed away from the camp, though it could have also been the tough hilly terrain. In end December, the junta, facing ambushes and IED attacks, hit back with airstrikes, including in a village in Kalay township, 150 km south of Moreh. PDF groups have also been active in Tamu, the border town opposite Moreh, and the main crossing point between India and Myanmar. Earlier this week, a PDF group shot dead a prison warden and his wife in a village in Tamu. According to the news portal Frontier Myanmar, 11 people were killed in the clash. After the fighting, the junta raided the village. A more immediate concern for India is that the PLA appears to have been roped in by the Tatmadaw to fight the PDFs. Ahead of Shringla's visit, the Myanmar Army handed over to India five Manipuri militants of the Revolutionary People's Front, an organisation allied to the

PLA. Anthony Davis, a regional security analyst with Jane's told The Indian Express the Tatmadaw were desperate for manpower as they are battling ethnic armed organisations that have thrown in their lot with the PDFs in several parts of Myanmar. "The Tatmadaw are recruiting more or less anyone willing to pull a trigger on their behalf. And in some areas along the Indian border that appears to include IIGs (Indian Insurgent Groups), apparently Manipuris rather than Nagas," Davis said, adding that these groups were reportedly operating in the area around Tamu. The Irrawady news portal reported last September that a PDF called the Tamu Security Group issued a warning to Manipuri insurgents not to side with the junta against any civilian defence groups. It reported TSG claiming that five Manipuri militants fighting alongside the Myanmar army had been killed in two clashes in Tamu and Kalay, one in May, and the other in July. Among Indian security officials, there is a view that being in operations with the Myanmar army may be honing the PLA's military capabilities and better preparing it for attacks across the border.

NOT POSSIBLE TO DEMILITARISE SIACHEN

We are "not averse" to demilitarisation of the Siachen glacier but the pre-condition is Pakistan has to accept the Actual Ground Position Line (AGPL), Army chief General Manoj Naravane said on Wednesday, raising a fresh debate over the world's highest battlefield, with experts saying it may not be ideal in the backdrop of the stand-off in eastern ladakh and the Chinese build-up. In contrast to the present comments, the Army chief had two years ago termed Siachen as a point of "collusive threat" between Pakistan and China and so "we should keep control". However, with the stand-off in eastern Ladakh and massive build-up and expansion by the People's Liberation Army (PLA) in sub-sector north which is very close to the Karakoram range and Soltoro ridge, several serving officials and experts noted that it would not be possible for India to vacate the crucial positions on the glacier. At the annual press conference, Gen. Naravane said, "Pakistan has to accept what are their positions and has to accept what are our positions." He said the situation had occurred due to a unilateral attempt by Pakistan to change the status quo. The Line of Control (LoC) had been delineated to a point called NJ 9842, and thereafter, the understanding was that it will remain unoccupied. But Pakistan had made an attempt to occupy territory and "we were forced to take our countermeasures", Gen. Naravane said. Siachen and Sir Creek have long been termed "low hanging fruits" in the past for resolution between India and Pakistan and the two countries have held 13 rounds of Defence Secretary-level talks on Siachen, the last one in June 2012. Former Northern Army Commander Lt. Gen. D.S. Hooda said the Indian Army has not been averse to a disengagement at Siachen but it has not happened due to a reluctance by the Pakistan Army to accept the positions that are occupied by the Indian Army. "Now the situation has completely changed with the PLA aggression in the sub sector north in eastern Ladakh. With the Siachen sector facing threats from both west and east, there is perhaps no question of any disengagement from Siachen," he told The Hindu.

THE SAIL THAT INDIAN DIPLOMACY, STATECRAFT NEED

When Prime Minister Narendra Modi hosts the five Central Asia leaders at the Republic Day Parade on January 26, it will send a strong signal — of the new prominence of the Central Asian region in India's security calculations. In 2015, Mr. Modi visited all the five Central Asian states. Recently, National Security Adviser Ajit Doval and External Affairs Minister S. Jaishankar also hosted their Central Asian counterparts in Delhi. The collapse of American military power in Afghanistan, the subsequent takeover of Kabul by the Taliban and the consequent rise in the influence of Pakistan and China are developments of high concern for India's continental security interests. While the Republic Day invitation is significant symbolically, in substance, however,

hard work lies ahead. India's continental strategy, in which the Central Asian region is an indispensable link, has progressed intermittently over the past two decades — promoting connectivity, incipient defence and security cooperation, enhancing India's soft power and boosting trade and investment. It is laudable, but as is now apparent, it is insufficient to address the broader geopolitical challenges engulfing the region.

Focus on Eurasia

China's assertive rise, the precipitous withdrawal of forces of the United States/North Atlantic Treaty Organization (NATO) from Afghanistan, the rise of Islamic fundamentalist forces, the changing dynamics of the historic stabilising role of Russia (most recently in Kazakhstan) and related multilateral mechanisms — the Shanghai Cooperation Organization (SCO), the Collective Security Treaty Organisation, and the Eurasian Economic Union — have all set the stage for a sharpening of the geopolitical competition on the Eurasian landmass. This competition is marked by a weaponisation of resource and geographical access as a form of domination, practised by China and other big powers. To meet this challenge, evolving an effective continental strategy for India will be a complex and long-term exercise.

Some course correction

India's maritime vision and ambitions have grown dramatically during the past decade, symbolised by its National Maritime Strategy, the Security and Growth for All in the Region (SAGAR) initiative for the Indian Ocean Region and major initiatives relating to the Indo-Pacific and the Quad, in which maritime security figures prominently. This was perhaps an overdue correction to the historic neglect of India's maritime power. It was also a response to the dramatic rise of China as a military power. It may also be a by-product of the oversized influence over our think-tank community of Anglo-Saxon strategic thinking, which has tended to emphasise the maritime dimensions of China's military rise more than others. The U.S. is a pre-eminent naval power, even more so in the Indo-Pacific region, and defines its strategic preferences in the light of its own strengths. That said, maritime security is important to keeping sea lanes open for trade, commerce and freedom of navigation, resisting Chinese territorial aggrandisement in the South China Sea and elsewhere, and helping littoral states resist Chinese bullying tactics in interstate relations. However, maritime security and associated dimensions of naval power are not sufficient instruments of statecraft as India seeks diplomatic and security constructs to strengthen deterrence against Chinese unilateral actions and the emergence of a unipolar Asia. The Chinese willingness and capacity for military intervention and power projection are growing far beyond its immediate region. Its rise is not merely in the maritime domain. It is expanding on the Eurasian continent — its Belt and Road Initiative projects in Central Asia up to Central and Eastern Europe and the Caucasus, undercutting traditional Russian influence, its gaining access to energy and other natural resources, and its dependency-creating investments, cyber and digital penetration and expanding influence among political and economic elites across the continent. The American military footprint has shrunk dramatically on the core Eurasian landmass, though it has a substantial military presence on the continental peripheries. Bulwarks against Chinese maritime expansionist gains are relatively easier to build and its gains easier to reverse than the long-term strategic gains that China hopes to secure on continental Eurasia. Like Association of Southeast Asian Nations (ASEAN) centrality is key to the Indo-Pacific, centrality of the Central Asian states should be key for Eurasia.

Border, connectivity issues

India's partition and the emergence over the past six decades of a persistent two-front threat from Pakistan and China set the stage for a tough continental dimension of our security. There is increased militarisation of the borders with Pakistan and China, with the Ladakh sector now increasingly looking like it will see permanent deployment on the Siachen Glacier. India has been subject for over five decades to a land embargo by Pakistan that has few parallels in relations between two states that are technically not at war. Connectivity means nothing when access is denied through persistent neighbouring state hostility contrary to the canons of international law. Difficulties have arisen in operationalising an alternative route — the International North-South Transport Corridor on account of the U.S.'s hostile attitude towards Iran. It may appear strange that while we join the U.S. and others in supporting the right of freedom of navigation in the maritime domain, we do not demand with the same force the right of India to conduct interstate trade, commerce, and transit along continental routes — be it through the lifting of Pakistan's blockade on transit or the lifting of U.S. sanctions against transit through Iran into Eurasia. With the recent Afghan developments, India's physical connectivity challenges with Eurasia have only become starker. The marginalisation of India on the Eurasian continent in terms of connectivity must be reversed.

Where the U.S. stands

The ongoing U.S.-Russia confrontation relating to Ukraine, Russian opposition to future NATO expansion and the broader questions of European security including on the issue of new deployment of intermediate-range missiles, following the demise of the Intermediate-Range Nuclear Forces (INF) treaty will have profound consequences for Eurasian security. This comes against the background of an ongoing U.S. review of its global military commitments. While the U.S. had over 2,65,000 troops under its European command in 1992, it now has about 65,000. Even with the rise of China's military power, over the past decade, the U.S. which had about 1,00,000 troops in the early 1990s under what is now called the Indo-Pacific Command, currently has about 90,000 troops mostly committed to the territorial defence of Japan and South Korea. The U.S. Central Command (CENTCOM) has undergone a major transformation during the last decade; it had about 1,70,000 troops a decade ago (related to the wars in Iraq and Afghanistan), but has less than 10,000 personnel now. The bottom line is clear - the U.S. would be severely stretched if it wanted to simultaneously increase its force levels in Europe and the Indo-Pacific. Successive waves of post-Cold War NATO expansion only increased overall insecurity, with the potential to create for the U.S. the mother of all quagmires. A major conflict — if it erupts in Central Europe, pitting Russia, Ukraine and some European states — will stall any hopes of a substantial U.S. military pivot to the Indo-Pacific. Geopolitics may be fractured but always add up globally. Russia and China do not need to be alliance partners to allow for coordinated actions relating to Taiwan or Donbas, as such coordination would flow from the very logic of the strategic conundrum that the U.S. now finds itself in. In the same vein, European NATO powers dependent on the U.S. can do only so much for strengthening security in the Indo-Pacific. Their engagement with the Indo-Pacific is welcome but we should not only be cognisant of the limitations of geography, obvious gaps between strategic ambition and capacity but also the inherently different standpoints of how major maritime powers view critical questions of continental security. India is unique as no other peer country has the same severity of challenges on both the continental and maritime dimensions.

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Be assertive about rights

Going forward, it is clear India will not have the luxury of choosing one over the other; we would need to acquire strategic vision and deploy the necessary resources to pursue our continental interests without ignoring our interests in the maritime domain. This will require a more assertive push for our continental rights — namely that of transit and access, working with our partners in Central Asia, with Iran and Russia (not that we have many other options), and a more proactive engagement with economic and security agendas ranging from the SCO, Eurasian Economic Union (EAEU) and the Collective Security Treaty Organization (CSTO). Stabilising Afghanistan is a necessary but not a sufficient condition. Striking the right balance between continental and maritime security would be the best guarantor of our long-term security interests. But this will not be easy as we would need to work with different partners on different agendas even while their geopolitical contradictions play out in the open. India will need to define its own parameters of continental and maritime security consistent with its own interests. In doing so, at a time of major geopolitical change, maintaining our capacity for independent thought and action (namely strategic autonomy) will help our diplomacy and statecraft navigate the difficult landscape and the choppy waters that lie ahead.

A BILL THAT COULD ALTER THE MEDIATION LANDSCAPE

The Chief Justice of India (CJI), N.V. Ramana, while speaking at the India-Singapore Mediation Summit in July 2021 (https://bit.ly/3F972Kt) had said that mediation should be made mandatory as a first step in dispute resolution and that a law should be framed in this regard. The context was the huge pendency of cases in India. In his speech called "Mediation for everyone: Realizing mediation's potential in India", he emphasised the point that a movement needs to be launched to popularise mediation as it was a cheaper and faster dispute resolution mechanism. Months later in December 2021, the CJI, while addressing the Curtain Raiser and Stakeholders' Conclave of International Arbitration and Mediation Centre (IAMC) at the Hyderabad International Convention Centre, Hyderabad, said that courts should be the last resort for dispute resolution; therefore, one should explore the options of alternate dispute resolution.

Expressed in these laws

In India, though mediation finds legitimacy in some specific laws such as the Code of Civil Procedure, 1908, the Arbitration and Conciliation Act, 1996, the Companies Act, 2013, the Commercial Courts Act, 2015, and the Consumer Protection Act, 2019, there is no standalone legislation as yet. The Tamil Nadu Mediation and Conciliation Centre, an initiative of the Madras High Court and India's first court-annexed facility with a mediation centre in every district, which was inaugurated in 2005 has significantly reduced the pendency of referred cases.

Bill scope

The Mediation Bill, 2021 (https://bit.ly/3qZwEV8), introduced in Parliament in December 2021, seeks to 'promote mediation (including online), and provide for enforcement of settlement agreements resulting from mediation'. In case of civil or commercial disputes, a person must try to settle the dispute by mediation before approaching a court or tribunal. Disputes not fit for mediation inter alia include those relating to prosecution for criminal offences, disputes involving allegation of serious and specific fraud, fabrication of documents, forgery, impersonation and coercion. However, there are certain provisions in the Bill which may help in improving the law and order situation in a locality and/or encourage compounding of criminal offences. First, Section

7 of the Bill says that courts will be competent to refer any dispute to mediation relating to compoundable offences or matrimonial offences connected with or arising out of civil proceedings between the parties. Second, Section 44 of the Bill provides for 'any dispute likely to affect peace, harmony and tranquillity amongst the residents or families of any area or locality', to be settled through community mediation. Any settlement so arrived at, however, shall not be enforceable as a judgment or decree of a civil court. Third, the provisions of the Act shall not have overriding effect, inter alia, on the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. It implies that if any dispute (as referred above) is resolved through mediation, it may lead to a compounding of criminal offence arising out of that civil or commercial dispute. Similarly, if any local dispute has the potential to create a law and order situation, and result in the registration of a criminal case or cases, those could be avoided through community mediation. It is true that many serious offences are the outcome of minor disputes which are either not tackled properly or left unattended. Therefore, though the proposed law primarily intends to resolve civil and commercial disputes through mediation, it has ample scope to relieve some of the pressure on law enforcement agencies. The law to prevent the sexual harassment of women at the workplace has probably been kept out of its scope so that an internal or local complaint committee is able to take up conciliation and close the case locally without involving a third party and detailed procedure. The law on the maintenance and the welfare of parents and senior citizens has also been kept out of its scope as offences under it are cognisable offences. Section 320 in the Code Of Criminal Procedure (CrPC) provides for the compounding of certain criminal offences which shall have the effect of acquittal of the accused. There are about 43 criminal offences, from body offences to property offences, which can be compounded by the victim, and about 13 offences (of comparatively greater gravity) which can be compounded with the permission of the court. Here, the policy of the law is to promote friendliness between the parties so that peace between them is restored. A case may be compounded any time before the sentence is pronounced.

Court's view

The Supreme Court of India has held that if there is composition of an offence during investigation, the parties can either approach the court or the police. The police, on verification of the truth, genuineness and voluntariness of the composition, may record the statement of the victim and recommend to the Magistrate to accept the negative final report. The Magistrate after giving notice to the complainant can make an appropriate decision in the matter accepting the composition. In other cases, appropriate orders may be passed by the court, and leave granted to compound the offence. Thus, under both conditions, if a dispute is resolved amicably, including through mediation, it may result in its compounding under the CrPC. The number of offences which can be compounded may also be increased — particularly property offences. Keeping in view the recommendations of the Law Commission in its 243rd report, Section 498A of the Indian Penal Code, relating to cruelty by the husband or his relatives, can also be made compoundable. It may have far-reaching consequences in resolving matrimonial disputes.

The background

It is undisputed that many civil or commercial disputes are given the colour of a criminal offence and reported to the police so that they get resolved under the fear of arrest. Many criminal offences are a result of the fact that civil or commercial disputes could not be resolved amicably and in time. The police at times take minor cases lightly or reduce the seriousness of crime by converting a cognisable offence into a non-cognisable one. Some of these cases may become aggravated with time and assume serious consequences. Therefore, the proposed law of

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mediation, that has the mechanism of not only preventing the breakdown of law and order through community intervention but also the competence to smoothen the route to compounding of certain criminal offences, may ultimately relieve some of the pressure on the police also.

A WELCOME PROBE

An impartial inquiry into a politically contested incident is always welcome. Earlier this month, Prime Minister Narendra Modi's convoy was stranded on a flyover near Ferozepur in Punjab for about 20 minutes. Treating this as a serious security lapse, and taking note of the potential for partisan inquiries, the Supreme Court has appointed its former judge, Justice Indu Malhotra, to lead an inquiry. Other members of the probe committee comprise the DGP of Chandigarh, a senior officer of the National Investigation Agency, the additional DGP (security) of Punjab, and the Registrar-General of the Punjab and Haryana High Court. The court official has already secured the records related to the Prime Minister's tour programme on that day. One hopes the probe, which has been constituted only to avoid one-sided inquiries at the instance of either the Union government or the State government, will give a quietus to the raging political controversy. None will disagree that once the matter was taken to the apex court, only an inquiry of this nature will steer clear of partisan politics, especially in the backdrop of the incident emerging as an exploitable issue in the elections to five State Assemblies. The Union government's show-cause notice to the Chief Secretary and DGP of Punjab, demanding a response within 24 hours, evoked some resentment from the Bench. Initial inquiries ordered by both governments have been put on hold. However, there is something disquieting about the way an isolated lapse in the Prime Minister's security is being used to raise the political temperature and garner electoral dividends. It is unfortunate that the attempt on the part of the ruling BJP to fix the blame on the Punjab government, and the Congress which helms it, is continuing even after the Supreme Court appointed an independent committee to probe the incident. Assam Chief Minister Himanta Biswa Sarma has made some crude and unwarranted remarks on his Punjab counterpart, Charanjit Singh Channi, demanding Mr. Channi's arrest and alleging a conspiracy to kill the Prime Minister. It is clear that a divisive narrative is sought to be built by key functionaries of the BJP, as though they have been asked to milk the issue as much as possible in the run-up to the Assembly elections. The petition, which the Bench headed by the Chief Justice of India, N.V. Ramana, agreed to hear early, seemed to be an exercise to put the Punjab government in the dock. However, the Supreme Court has managed to emancipate the litigation from its political overtones and preserve the scope for a dispassionate inquiry. It would be in the fitness of things if the Court took note of the attempts to use the incident for electoral propaganda and restrained political parties from the resort to needless rhetoric.

6 CMS, 1 CONSPIRACY

The breach in the Prime Minister's security in Punjab on January 5 was grave. As this newspaper reported, in the run-up to the PM's visit, several letters were sent out to police officials on the field warning against disruption by protesters and urging them to make arrangements. The Supreme Court has set up a five-member committee headed by a former SC judge to probe the incident, observing that the matter cannot be left to "one-sided inquiries". At the same time, the court has also called out the "blame game" and "war of words" between the Centre and the state government — they stand in the way of a "robust mechanism to respond at such a critical juncture". In other words, instead of political point-scoring and grandstanding, what is needed is the sober pursuit of answers to serious questions about the breach, and what needs to be done to avoid a repeat. But the court's wise counsel may have fallen on ears that didn't hear. On Wednesday, at least six BJP

chief ministers, almost in concert, came out to accuse the Congress and its government in Punjab of a "pre-planned, well-orchestrated conspiracy", two of them alleged the involvement of "Khalistanis", one even called for the arrest of the Punjab CM. So far, the BJP has used party forums to accuse the Congress and its government of deliberately putting the PM in harm's way in Punjab. Even though senior BJP ministers at the Centre have echoed the allegations, the apparently synchronised attack of the BJP chief ministers is a disturbing escalation of intemperate rhetoric. As the ruling party at the Centre and in several states, the BJP needs to pause, and take stock. For one, as the court has pointed out, it is obscuring due process — by rushing to pronounce guilt, it is pre-empting a free and fair probe. Then, the accusation itself represents a new breakdown in a public discourse that is not always known to abide by standards of mutual civility or respect. After all, to accuse your political opponent of a conspiracy to do physical harm, to do so at the level of instant rhetoric, is to lead the political conversation into a very dark dead end. By invoking spectres of "Khalistan", BJP chief ministers are sending yet another disturbing signal — that the party which tried and failed to discredit the farmers' movement in Punjab is still looking for labels to tar and taint the state. Alongwith other states, Punjab is going to polls in a few weeks, and it may be that calculations of electoral gain lie behind the BJP's apocalyptic rhetoric. But there are enough issues to take up in a state that is battling crises on many fronts and where the ruling party is visibly divided within. The PM's security is an issue that concerns all, across the political divide. Regardless of who wins or loses in Punjab or elsewhere, that is also how it needs to be addressed. The CMs, by echoing each other's conspiracy allegations, may be loyal party workers but as heads of their state governments, they diminish themselves. Maybe the SC panel should call them just in case they can shed some light besides their heat.

SUGGESTIONS SOUGHT ON CRIMINALISING MARITAL RAPE

The Centre on Thursday told the Delhi High Court that it was considering a "constructive approach" to the issue of criminalising marital rape and had sought suggestions from the State governments, the Chief Justice of India, MPs and others on comprehensive amendments to the criminal law. Justice Rajiv Shakdher, who is heading the Bench dealing with a batch of petitions seeking criminalisation of marital rape, said during the hearing that Solicitor General Tushar Mehta mentioned the matter before him when certain other parties and Justice C. Hari Shankar, who forms part of the Bench, were not present. "The matter was mentioned by the learned SG and he was saying that the government was considering a constructive approach to the matter," said Justice Shakdher. Central government lawyer Monika Arora told the Bench that the Centre was undertaking a comprehensive task of amending the criminal law, which includes Section 375 (rape) of the IPC. "We have invited suggestions from all the Chief Ministers... the CJI, Chief Justices of all High Courts... judicial academies, national law universities, the Bar Council of India, Bar council of all courts and members of both Houses of Parliament regarding comprehensively amending the criminal laws," she said. The court said that overhaul of the law would take "a lot of time" and asked the Centre to state if it was dealing specifically with the issue of marital rape.

FIR CANNOT BE QUASHED ON THE BASIS OF SETTLEMENT BETWEEN PARTIES: HC

An FIR for rape cannot be quashed on the basis of settlement between the woman and the man and their subsequent marriage as the same does not waive the offence, the Delhi High Court has ruled. "Act of rape is not an act against individual but an offence against society," Justice Rajnish Bhatnagar said, while rejecting the plea of a man, an officer in the Customs here. The plea sought to quash an FIR for rape registered against him as he has now married the victim. "By simply entering into a compromise, charges cannot be said to have been mitigated or that the allegations

levelled by the respondent no. 2 [woman] regarding the alleged offence lost its gravity by any means," Justice Bhatnagar said. The case arises from a complaint filed by the woman in June last year at Patparganj police station in which she stated that she came in contact with the accused through a popular matrimonial website. She stated that the accused introduced himself as unmarried and an officer in the Customs, concealing the fact regarding his first love marriage and that his first wife ended her life for which a case was going on in the court. She also gave history of sexual assault in the form of intercourse without her consent by the accused. She said her request to the accused to meet her parents was turned down as he "asked for more time to understand each other". The woman said the accused also told her that he would marry her in Arya Samaj Mandir, but later on made excuses that the mandir was closed. Later, the accused asked for one month's time to solemnise the marriage, but then he stopped attending the phone calls, the woman had complained. On April 14 last year, the woman lodged a complaint against the accused at the National Commission for Women , which reached Mahila Thana in Faridabad. However, on June 21, 2021, the accused came to the police station and made a promise to marry her. Following this, she withdrew her complaint. Four days later, when the woman went to the office of the accused to talk to him, he allegedly molested her, prompting her to register the current FIR at the local police station here.

UNCHANGED

It is a matter of considerable relief that the Supreme Court has allowed the commencement of counselling for post-graduate medical admissions under the all-India quota at a time when the long delay has caused a shortage of junior residents in the midst of an ongoing public health crisis. The Court's decision to uphold the 27% quota for OBCs, with reasons to be adduced later, has also helped the cause of giving a push to the admission process, which was put on hold months ago. It is somewhat disappointing that despite several hearings and the deployment of an expert committee, the controversial criteria for the 10% Economically Weaker Sections (EWS) remain unchanged for admission for 2021-22. As early as October 25, the Union government offered to put on hold the admission process during the pendency of the challenge to the introduction of the OBC and EWS quotas by a July 29, 2021 notification. A month later, it informed the Court that it wanted to revisit the criteria for EWS. It was in response to the Court's questions about the rationale of keeping the annual income criterion for the EWS quota at ₹8 lakh, the same income ceiling for those belonging to the OBC category to be eligible for reservation benefits. The time taken by the committee to reconsider the criteria and submit a report seems to have been in vain, as it has returned a recommendation that the existing norms be retained for the current year's admissions. The Bench, taking into account the fact that the admission process cannot be further delayed, has chosen to allow the admission to proceed based on the norms spelt out in the July notification. However, the validity of the expert panel's recommendations will be decided when the Court takes up the matter in March. It makes one wonder why the Government postponed the counselling and took more than a month to get a panel to revisit the criteria, if it was ultimately going to press for the current year's admission to be allowed without any change. The Court, on its part, felt compelled to defer to the Government on this point, considering the urgency of the situation, as the alternative was staying the EWS quota for this year's admission. Its original point — that there cannot be a common income limit for those coming from a background of social and educational backwardness and those who are members of privileged classes, but with inadequate economic means — still stands. The outcome is that this year's batch may suffer from 'over-inclusion' if the norms are revised downwards from next year onwards. While the norms for EWS quota may get tweaked over time, the question whether there ought to be any reservation for the

advanced classes solely on the ground that they have insufficient means is still before the Constitution Bench. An early decision will be most welcome.

LET KIDS BE

Between the "new normal" of digital learning, prolonged isolation and an environment of constant uncertainty and stress, you'd think children are going through enough. Not according to the Vishwa Hindu Parishad (VHP), it seems, which wants the learning of the English alphabet to be "Indianised". To this end, the organisation has prepared a chart, which has, instead of "A for apple, B for ball…", religious and historical figures corresponding to each letter. The new alphabet speaks more of the VHP's ideological zeal than what 3-5-year-olds need. Pedagogy in India has long been a victim of politics. A change in government, or "hurt sentiments", has often led to texts being unceremoniously dropped from university syllabi or textbooks being changed ahead of crucial board exams. So far, though, the desire to control how the young think didn't start till at least middle school. The alphabet is among the first things children learn when they have barely emerged from toddler-hood. Even the most committed ideologue, one would have thought, would let little kids be. In its apparent eagerness to decolonise the coloniser's language, the VHP seems to have run out of Indian figures to correspond to letters. So, you get "Q for Queen Lakshmibai" (queen is an English word, and "rani" doesn't help matters) and "X for Laxman". The chart also betrays an old failing of the Hindu right — it puts together historical figures it is trying to appropriate (Ambedkar, Bhagat Singh) with mythological ones (Laxman and a misspelt "Walmiki"). However, beyond the fodder for humour — what teachers for generations have called "silly mistakes" — the chart is terribly problematic. It places on children the annoying burden of correcting the imagined wrongs of history. A for annoying, B for burden, on C for children.

HATE SPEECH: SC SEEKS RESPONSE FROM GOVT.

The Supreme Court on Wednesday asked the Ministry of Home Affairs (MHA) and the police chiefs of Delhi and Uttarakhand to respond to petitions that people accused of delivering hate speeches at a Dharam Sansad organised in Haridwar have not been arrested yet. A Bench led by Chief Justice N.V. Ramana issued notice even as petitioners contended that the declarations of communal hatred made by the speakers at Haridwar and in Delhi were unlike anything seen or heard before. They had made "open calls for the extermination of an entire religious community", senior advocates Kapil Sibal and Indira Jaising submitted. "There is no law for this kind of hate speech," Mr. Sibal said. He said the incident took a different colour from even the past instances of mob lynchings. The senior lawyer said more of these 'Dharam Sansads' had been organised. The next was on January 23 at Aligarh in Uttar Pradesh, he said. "If this court does not take quick steps, 'Dharam Sansads' would be held in Una, Kurukshetra, Dasna, Aligarh and in States where the process of election is going on. The atmosphere of the entire country will be vitiated. No arrests have taken place," Mr. Sibal submitted.

Appeal for early hearing

The senior lawyer asked the court to list the case on Monday, especially in light of the event to be held on January 23. However, the court said Monday would not be possible. The Bench advised the petitioners to make a representation to the local authorities, making their apprehensions clear that speeches in these 'Dharam Sansads' may run the risk of violating the penal law against hate and were against the judgments of the Supreme Court. The Bench, during the hearing, noted that hate speech had been the subject of several petitions already pending with another Bench of the

court. If that was so, this case ought to be tagged with the earlier ones before the other Bench. The CJI, however, said the Haridwar hate speech case would be listed 10 days later, either separately or with the earlier cases. The petitioners, former High Court judge Anjana Prakash and journalist Qurban Ali, had highlighted that "hate speeches consisted of open calls for genocide of Muslims in order to achieve ethnic cleansing. The speeches are not mere hate speeches but amount to an open call for murder of an entire community. The speeches thus pose a grave threat not just to the unity and integrity of our country but also endanger the lives of millions of Muslim citizens." On Monday, Mr. Sibal submitted that no investigation or arrests had been made despite the registration of FIRs. Video footage raised suspicions of the police being hand in glove with the orators of hate. The hate speeches were allegedly delivered between December 17 and 19 in Haridwar by Yati Narsinghanand and in Delhi by the Hindu Yuva Vahini.

ALARMED BY INTOLERANCE AGAINST MINORITIES

South Asians for Human Rights (SAHR), a regional network of human rights defenders, on Wednesday said it was "deeply alarmed and concerned" by the "rising explicit intolerance" against minorities, especially Muslims in India, and the ongoing crackdown on human rights organisations. In a statement, SAHR said, "In recent times India's vibrant democracy has been seeing an alarming process of dilution by the rise of xenophobic nationalism and threats to religious minorities who are being pushed steadily and deliberately into becoming second-class citizens in their own country." The statement from the Colombo-headquartered regional human rights network comes in the context of the hate speech at a conclave of Hindu religious leaders and political activists in Haridwar in December 2021. "Such vitriolic speeches instigating communal disharmony and caste-based violence are totally repugnant to the idea and image of India and is damaging its reputation as the world's largest democracy. The levels of impunity that perpetrators enjoy is especially noteworthy," SAHR said, adding: "The Hindutva ideology appears to have completely infiltrated politics and state governance, resulting in the disintegration of the rule of law and public institutions such as the law enforcement machinery, leading to relentless online and offline violence against minorities."

Offensive app

SAHR also referred to the controversial Bulli Bai app, which recently made news for targeted attacks on minorities. The app and the Haridwar event, SAHR observed, indicated "the undisguised visceral hatred unleashed openly and jointly by known political figures, sections of Hindutva ideologists, and the supporting public". Further, pointing to developments in regard to the Foreign Contribution (Regulation) Act registrations of non-governmental organisations in India, SAHR observed that authorities seemed to be "on a focused warpath to shut down" critical voices and groups working to promote, protect and uphold fundamental rights.

A QUEST FOR SOCIAL CONSENSUS AGAINST HATE SPEECH (GAUTAM BHATIA - A DELHI-BASED LAWYER)

On January 12, 2022 , the Supreme Court of India agreed to hear petitions asking for legal action to be taken against the organisers of, and speakers at, the 'Haridwar Dharm Sansad', held in Uttarakhand. During this 'Dharm Sansad' that had taken place between December 17 and 19, 2021, numerous speeches had been made. These speeches ranged from open calls to violence ("... waging a war that would be more gruesome than 1857" or "if you want to eliminate their [i.e., Muslim] population, then kill them"), to the economic and social boycott of Muslims ("... there is

no Muslim buyer here, so throw that [Muslim] vendor out"), and to dog whistles (such as drawing comparisons to the ethnic cleansing of Rohingya Muslims in Myanmar). Before the Supreme Court, it was argued that the reason why the Court needed to take up the issue was that despite first information reports having been registered in the aftermath of the event, no arrests had been made. Meanwhile, in the aftermath of a similar 'Dharm Sansad' in Chhattisgarh, the State police arrested one Kalicharan Maharaj, who had accused Gandhi of destroying India, and praised Nathuram Godse for assassinating him. While it may rightly be pointed out that political patronage and ideological complicity are responsible for this contrast, there remains a deeper problem: and that is, the absence of any legal or social consensus around what constitutes "hate speech". To start with, it is evident that the statements for which Kalicharan Maharaj has been arrested — no matter how personally distasteful they might be — do not, or at least should not, constitute illegal speech. The fact that Gandhi is a towering figure in Indian history does not preclude individuals from expressing repugnant views about him and the circumstances of his assassination. On the other end of the spectrum, it is clear that direct calls to violence — such as taking up arms and killing Muslims — are not, and ought not to be, protected under the right to free speech. No society can survive for long when incitement to violence is normalised, and enjoys legal impunity.

Strengthens and entrenches

However, there are a range of cases — many of them at the forefront in the 'Haridwar Dharm Sansad' — that present more difficult problems. As societies around the world have long understood, the harm in hate speech is not simply restricted to direct and proximate calls to violence. Hate speech works in more insidious ways, creating a climate that strengthens existing prejudices and entrenches already existing discrimination. A good example of this is the history of anti-Semitism in Europe. While anti-Semitism took its most ghastly form in frequent pogroms and — ultimately — the Holocaust, on a daily level, it took the form of inculcating in society a "cultural common sense" about the Jewish people. This "cultural common sense" traded on stereotypes and social prejudice, and justified ongoing discrimination, social and economic boycotts, and ghettoisation, on a day-to-day level. The end result of this — which is the continued subordination of a section of society — can be accomplished without direct calls to violence. This is why — with the exception of the United States of America — most societies define hate speech in terms of both inciting violence, but also, inciting discrimination. This is why, for example, calls to socially boycott a community (as advocated for at the 'Dharm Sansad') fall within most definitions of hate speech. This understanding of hate speech is informed by a long history where violence and discrimination have often blurred into each other, and where hate speech has not merely set the stage for future violence but has also been weaponised in its own right to further entrench and endorse inequality and subordination.

Key problems

It is here that three further problems arise. The first is specific to India. Our laws — as they stand — are unequipped to deal with the challenges of hate speech. The laws commonly invoked in such cases are Section 295A (blasphemy) and Section 153A of the Indian Penal Code (creating enmity between classes of people). Hate speech, however, is most certainly not the same as blasphemy; nor is it captured by a vague phrase, "enmity between classes". Hate speech is speech that targets people based on their identity, and calls for violence or discrimination against people because of their identity. The Supreme Court has gestured towards this understanding of hate speech, both in prior judgments, and in the ongoing case involving Sudarshan TV. More clarity, however, is needed. The second problem is that hate speech, by its very nature, will not always trumpet itself to be hate speech. Rather, it will often assume plausible deniability — as has been seen in the

Haridwar case, where statements, worded with the right degree of ambiguity, are now being defended as calls to self-defence rather than calls to violence. Here again, the history of anti-Semitism in Europe is instructive. Over a long time, a number of visual and verbal cues were developed that everyone knew referred to the Jewish community, to the point where it was no longer necessary to take the community by name. These included, for example, hooked noses and drooping eyelids, and a grasping nature, among others. Indirect hate speech of this kind is known as a "dog-whistle": while it may escape the attention of an external observer, both the speaker and the listener know what — and who — is being referred to. In the Haridwar case, for example, veiled references about what was done to the Rohingyas fall within the definition of dog whistling. Any comprehensive understanding of hate speech is a matter of judgment, and must take into account its ambiguous and slippery nature.

Court's gaze is important

The third problem is perhaps the most difficult and intractable. As we have seen above, no matter how precise and how definite we try to make our concept of hate speech, it will inevitably reflect individual judgment. If, therefore, social and legal norms against hate speech are to be implemented without descending into pure subjectivity, what is needed first is a social consensus about what kind of speech is beyond the pale. In Europe, for example, Holocaust denial is an offence and is enforced with a degree of success precisely because there is a pre-existing social consensus about the moral abhorrence of the Holocaust, and the determination not to see it repeated. Social consensus allows us to discount whataboutery, and also distinguish cases of hate speech from other forms of confrontational or agitational speech — that often comes from hitherto marginalised classes — which nonetheless deserves to belong to the marketplace of ideas. Achieving this social consensus is an immense task, and will require both consistent legal implementation over time, but also daily conversations that we, as a society (and especially, the socially privileged classes) need to have among ourselves. However, here, as in many other cases, circumstances have made it possible for the Supreme Court to initiate that much-needed conversation. For these reasons, its intervention in the 'Haridwar Dharm Sansad' case will be an important one.

MILLENNIUM CITY LOSING ITS SHEEN

Sectarian vigilantism in recent months has sullied Gurugram's reputation as one of the favoured Indian destinations for iconic global companies. The millennium city, known as Gurgaon until 2016, is changing, albeit not for everything good. Its rise as the fastest growing Information Technology and financial hub after Bengaluru and Mumbai with the third highest per capita income in the country and hosting 250 Fortune 500 companies was impressive as its rising skyline. But roving vigilantes and partisan governance may be chipping away at its glory now.

Right-wing vigilantism

Of late, Gurugram has been making headlines for all the wrong reasons that include right-wing groups opposing Friday Namaz in open public spaces and a lingering threat of confrontation between the two communities every week. Disruption of a Christmas carnival in a private school in Pataudi area on Christmas eve by a Hindu mob was another low for the cosmopolitan city. The right-wing Hindu outfits also held a mahapanchayat in Pataudi last year and openly called for violence against the religious minority. Based on a complaint by a BJP functionary last month and the back lash on social media, stand-up comedian Munawar Faruqui was dropped from a three-day event in December. During Navaratri, the vigilante mobs roam the city forcing the meat shop

owners to down their shutters. It has become an annual ritual while the civic authority has banned meat on Tuesdays . The local residents have accused the government of imposing its agenda on the citizens instead of taking appropriate action. "Any confrontation sets back the industry and such incidents defile the city's image and hurt business sentiments," said Animesh Saxena, general-secretary, Garments Exporters and Manufacturers Association. The apparel industry is the largest in Gurugram in terms of manpower and more than half of the employees are Muslims. Mr. Saxena said, the confrontations witnessed recently has created a sense of "unease and unrest". He added the business community was not too worried yet because there were no major incidents of violence and the administration and the police kept the situation more or less under control. However, he was apprehensive about "undercurrents". "It might not be visible now but could have an impact in the long run," he added.

Indifferent authorities

Gurugram is not just the new business capital for start-ups. The city is integral to the industrial and financial growth of Haryana and its contribution to the State's tax collection has increased by 200 times over the past two decades. According to the statistics of District Industries Centre, Gurugram is home to 30 shopping malls, contributes to 20 per cent of the State's revenue, provides 32 per cent of employment in factories and shares 62 per cent of total exports. "The auto sector, IT companies, apparel units and pharmaceutical have been generating employment both for the outsiders, and the state's youth. Businesses cannot be run based on caste, creed and religion. If Gurugram's reputation is tarnished, it will be a major financial loss for the State," said H P Yadav, president, NCR Chamber of Commerce and Industry. He rued the government had not taken enough measures to curb such unwarranted incidents. "Those in authority are only concerned about grabbing power and not bothered as much about the industry's growth," he remarked .

Police inaction

The role of the local administration and the police have been repeatedly questioned by the communities at the receiving end. They have accused the authorities of not initiating action against the organisers of "mahapanchayat" in Pataudi last year even though hate speech videos of the event went viral on social media. Only one speaker was arrested a few days after the event and appearing for him in the court, his advocate Kulbhushan Bhardwaj said his client was arrested because he was an "outsider" and had "no political connections in the state". He said the other orators gave inflammatory speeches but no action was taken against them. Haryana Police was biased against his client, he argued. Former Rajya Sabha MP Mohammad Adeeb recently moved the Supreme Court to initiate contempt action against Haryana authorities for not reining in "hooligans" who have created an atmosphere of communal hatred and terror for worshippers offering Friday prayers in Gurugram. Along with two other Muslim clerics, he was booked this week for provoking with intent to cause riots. A case was registered against Mr.Adeeb based on a complaint by Dinesh Bharti, founder, Bharat Mata Vahini. Whereas, the complainant himself has been at the forefront of protests against the Namaz in the open, and faces criminal charges. "We gave a complaint and submitted evidence against three right-wing leaders for creating communal tension but the police did not take any action. Instead, a case was registered against us without any evidence," said Mufti Mohammad Saleem Qasmi, president, Jamiat-Ulama-i-Hind, Gurugram.

BUGLE FOR RESTRAINT

The schedule for Assembly elections in five States announced by the Election Commission of India (ECI) on January 8 was along expected lines. Polling will begin in Uttar Pradesh on February 10

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR

Telegram: http://t.me/DreamIAS_Jamshedpur

and end on March 7, spanning seven phases. The Manipur polls would be held in two phases and the Goa, Punjab and Uttarakhand polls in one. Given the size of the States and deployment of paramilitary forces, the ECI has split the polling into seven phases this time, as in the 2017 Assembly polls. In the U.P. elections, the ECI has stuck to its earlier pattern of starting with constituencies in the western part of the State first and then moving towards the east. Dismissing reports of the Bharatiya Janata Party asking for the phases to be from east to west, Chief Election Commissioner Sushil Chandra said that the polls would be held from west to east and that no party had made a demand during the ECI's visit to U.P. in December to change this. The farm protests have had more of an impact in western U.P. The announcement of the poll schedule also came with a total ban on physical campaigning till January 15 due to the COVID-19 pandemic entering its third wave. The ECI plans on reviewing the situation, including prevailing positivity rates in the States, before deciding on allowing any rallies after January 15. Till then, candidates and parties have been encouraged to use online ways to reach out to voters, throwing a challenge to the election authorities on enforcing the Model Code of Conduct (MCC) and monitoring expenditure. Considering the fact that several emotive and controversial issues are at play, this is going to be a tough test for the ECI. It will have to reinforce its impartiality and rigour to ensure that the rules of the game are followed by all parties. Political parties must take special care to not only follow the MCC but also observe COVID-related additional restrictions on campaigning. Ruling parties both at the Centre and States have to bear an extra burden of ensuring that they do not misuse official machinery to influence the elections. Social media have made toxicity a low risk, high reward instrument of political campaigns, causing serious harm to social cohesion and national integrity. The breach of Prime Minister Narendra Modi's security in Punjab took a political colour, but the issue must now be left to the Supreme Court which has decided to appoint a judicial commission to inquire into it. The substance and rhetoric of the campaign will be adversarial in a multiparty democracy, but they need not, and must not, be socially divisive. The elections must be a celebration of democracy, and not a threat to it.

A LOOK INSIDE THE ELECTRONIC VOTING MACHINE

Checks and balances

The EVMs pass through many hoops before being placed in front of a voter A brief took at the steps involved

1. Functional Check: The machines are cleaned and earlier results are cleared, Switches, buttons, cables and latches are inspected for damage

2. Trial run: A mock poll is conducted One vote is caste against each of the 16 candidates buttons. If VVPATS are used, six votes are polled for every candidate button. Results are verified

3. Random Check: Another mock is conducted on 5% of the total number of EVMs to be used for a poll. About 1000 votes are polled and the result printouts are shared with representatives of various political parties

4. Throwing the dice: Two rounds of randomisation take place. During the first, EVMs allocated are random to a constituency, in the second round, they are randomized and allocated to a polling booth.

5. Candidate Listening: The candidate list with symbol, name and party of the candidate is inserted into the ballot paper screen and the ballot unit is closed

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6. Connecting the devices: The ballot unit is connected to the control unit. The control unit is opened and the "candidate set" button is pressed. Then the last candidate button on the balloting unit is pressed. This indicates that the EVM will have only this many candidates

7. A dry run: Before the start of the actual poll, a mock poll is conducted with at least 50 votes in the presence of candidates or their agents. The mock poll is then closed and the results are displayed

8. Final checks: On poll day, various checks are conducted by polling agents, observes and central paramilitary forces

9. End notes: The poll is closed by pressing the close button on the control unit. The total number of votes polled is noted. Serial number of the seals used are also noted

10. Safe and secure: EVMs are placed their carrying cases and sealed. The machines are transported back to the reception centres under armed escort and kept in the strong room

Evolution of the machine

With each iteration, new security features and in built mechanisms have been incorporated. A look at three models

M1

Manufactured: 1989-2006

Last Used: 2014 general elections

Not compatible with VVPAT

M2

Manufactured: 2006-2012

In use

Encryption, time stamping of key press

M3

Manufactured: 2013 onwards

In use: 9 lakh more will replace older models by end of 2018

Stops functioning if tampered with and has self-diagnostics.

Addressing common concerns

Is it technically possible of manipulate the EVM? A look at some frequently raised concerns

Can EVMs be hacked?

Unlike voting machines in some countries which are connected to a network, Indian EVMs are standalone. Tampering an EVM through the hardware port or through a Wi-Fi connection is not possible as there is no frequency receiver or wireless decoder in the EVM machine.

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What if the chip inside the EVM is replaced or a Bluetooth device is inserted within the EVM?

This would mean that the institutional safeguards to protect the EVM (sealing and hardware checks, among others) are breached to fit a device within the EVM and to manipulate it from outside. In M3 machines, this is also technology ruled out , as they shut down in the eventn of tampering.

Can EVMs be manipulated by chip manufacturers?

The EVMs are produced indigenously by two PSUs-Bharat Electronics Ltd. and Electronics Corporation of India Ltd. – where the software programme of the chip is written and converted into machine code before being given to the microchip manufacturer. The chips with digital signatures are subjected to functional tests on the embedded software. EVMs are randomly assigned to pooling booths across States and candidates are alphabetically listed on ballot sheets (inserted onto the EVMs ballot unit). For EVMs to be manipulated at the manufacturing level, It is assumed that there is some trojan present in the EVM already that will lead to votes being transferred to a particularly party. This is impossible as there is no prior way in which the order of the candidate can be known besides the location where the EVMs will be used. In addition , VVPAT machines now display the voters choice, there by bringing an extra layer of verification.

Why do we need an EVM over simple ballot paper?

EVMs have had several advantages over ballot paper – the foremost being the elimination of invalid votes, a statistical exercise by the Hindu found that more than 300 of the 36000-odd seats where electrons were held over the years, invalid votes were significant enough to have affected the mandate. The EVM has rendered the invalid vote moot. A paper by Brookings India also found that EVMs reduce electoral fraud and re-polling due to electoral rigging and made electrons a safe affair, thereby enhancing voter turnout.

What is the VVPAT and how does it function?

The Voter Verifiable paper audit trail device is an add-on connected to the electronic voting machine. It allows voters to verify if there vote has indeed gone to the intended candidate by living a paper trail of the vote cast. After the voter cast his or her mandate by pressing a button on the ballot machine (next to the symbol of the choosen party) , the VVPAT connected toit prints a slip containing the poll symbol and the name of the candidate. The slip is visible to the voter from a glass case in the VVPAT for a total of seven seconds and the voter can verify if the mandate that's he has cast has been registered correctly. After this time it is out and dropped into the drop box in the VVPAT and a beep is heard, indicating the vote has been recorded prior to voting, the VVPAT unit is calibrated to ensure that the button pressed on the ballot unit of the EVM is reflected correctly on the printed slips by the VVPAT. The presence of the slips that correspond to voter choice on the EVM helps retain a paper trail for the votes and makes it possible for the returning officer to corroborate machine readings of the vote. The VVPAT machines can be accessed only by polling officers. The units are sealed and can be open during counting by the returning officer if theres a contingency. VVPAT has been a universal presence in all EVMs in the assembly elections from mid- 2017. Only a few VVPAT machines are tallied to account for the accuracy of the EVM. Currently slips in one randomly chosen VVPAT machine per assembly constituency are counted manually to tally with the EVM generated count the EC has stated that VVPAT recounts has recorded 100% accuracy wherever it has been deployed in assembly elections.

Glitches and remedies

In the initial phase of VVPAT implementation in the Lok Sabha by – election in states such as Uttar Pradesh, Bihar and Maharashtra and the assembly election in Karnataka, there was a high rate of failure of VVPAT machines due to manufacturing glitches. In the Lok Sabha by elections in 2017. The rate of VVPAT replacement owing to glitches, was more than 15% higher than the acceptable rate of failure (1-2%). In Karnataka, the failure and replacement rate was 4.3% coincidentally. The failure rate of the EVM unit (excluding the VVPAT) was very low. These glitches also caused severe disruptions to polling. To account for failure rates, the EC has tried to provide back-up machines to allow for swift replacement. The EC admitted letter that the machines had high failure rates owings to hardware issues that occurred during the transport EVMs and their exposure to extreme weather conditions. It sought to correct these problems by repairing components related to printing spool of the VVPAT machines. The EC was relatively better placed to handle VVPAT-related glitches in forth coming elections with a reduced rate of glitches, after the component related issues were tackle. The other issue raised over the VVPAT is the number of paper ballots that will be sampled to established the accuracy of the EVM mandate. After a call for enhanced paper counting the supreme court mandated in April 2019 VVPATs in 5 booths (instead of one) in is assembly constituency will be counted to be matched with the EVM counts.

VVPAT related vulnerabilities

Ex-IAS officer Kannan Gopinath wrote in an article in The India Forum that the introduction of the VVPAT within the EVM unit has created a potential vulnerability that could render the checks for the EVM redundant, as the VVPAT machine is not standalone and is connected to an external device to download symbols etc. This Vulnerability could either be addressed by a more row bust final verification/vote tallying process which will involve a higher number of samples than what is currently mandated and/or a more robust verification process prior to VVPAT deployment.

ACT NOW, RECAST THE SELECTION PROCESS OF THE ECS

Reports of the Chief Election Commissioner (CEC) and his Election Commissioner colleagues 'attending' an 'informal' meeting with the Principal Secretary to the Prime Minister, late last year, has brought renewed focus on the independence and the impartiality of the Election Commission of India (ECI). The CEC's initial hesitation when 'summoned' was appropriate given that the ECI is a constitutionally mandated body that should maintain its distance from the Executive, in perception and reality.

Charges levelled

Over the last seven years, the ECI has faced multiple accusations of favouring the ruling Bharatiya Janata Party (BJP). For instance, the Citizens' Commission on Elections (CCE), chaired by the retired Supreme Court judge, Justice Madan B. Lokur, in its report titled "An Enquiry into India's Election System", has highlighted several instances of inaction on the part of the ECI while conducting the 2019 general election. The Government was also accused of hounding (now former) Election Commissioner Ashok Lavasa when he favoured taking action against the Prime Minister for violations of electoral codes of conduct. Given that the ECI is the institutional keystone holding up the edifice of Indian democracy, we suggest that changes in the appointment process for Election Commissioners can strengthen the ECI's independence, neutrality and transparency. The appointment of Election Commissioners falls within the purview of Article 324(2) of the Constitution, which establishes the institution. Pertinently, it contains a 'subject to' clause which

provides that both the number and tenure of the Election Commissioners shall be "subject to the provisions of any law made in that behalf by Parliament, be made by the President". This 'subject to' clause was introduced, in the words of Dr. B.R. Ambedkar, to "prevent either a fool or knave or a person who is likely to be under the thumb of the Executive". It was left to Parliament to enact legislation regarding the appointment of Election Commissioners. Apart from enacting a law in 1991, which was subsequently amended to enlarge the number of Election Commissioners from one to three, Parliament has so far not enacted any changes to the appointment process.

The judiciary could act

In the face of legislative inaction, there is now a possibility that the judiciary will force Parliament's hand. Three writ petitions, with one pending since 2015, are urging the Supreme Court to declare that the current practice of appointment of Election Commissioners by the Centre violates Articles 14, 324(2), and democracy as a basic feature of the Constitution. These petitions argue for an independent system for appointment of Election Commissioners, as recommended by previous Law Commission and various committee reports. In 1975, the Justice Tarkunde Committee recommended that Election Commissioners be appointed on the advice of a committee comprising the Prime Minister, the Lok Sabha Opposition Leader and the Chief Justice of India. This was reiterated by the Dinesh Goswami Committee in 1990 and the Law Commission in 2015. The Fourth Report (2007; https://bit.ly/3HYhS7P) of the Second Administrative Reforms Commission (https://bit.ly/3nkzwL1) additionally recommended that the Law Minister and the Deputy Chairman of the Rajya Sabha be included in such a Collegium.

The nature of the ECI

Precedent does exist in the case of Rojer Mathew vs South Indian Bank Ltd., to argue against the Executive being the sole appointer for a quasi-judicial body. The pending writ petitions, therefore, argue that the "Election Commission is not only responsible for conducting free and fair elections but it also renders a quasi-judicial function between the various political parties including the ruling government and other parties. Accordingly, the Executive cannot be a sole participant in the appointment of members of Election Commission as it gives unfettered discretion to the ruling party to choose someone whose loyalty to it is ensured and thereby renders the selection process vulnerable to manipulation". Hence, establishing a multi-institutional, bipartisan committee for the fair and transparent selection of Election Commissioners can enhance the perceived and actual independence of the ECI. Such a procedure is already followed with regard to other constitutional and statutory authorities such as the Chief Information Commissioner, the Lokpal, theCentral Vigilance Commissioner, and the Director of the Central Bureau of Investigation. The quasi-judicial nature of the ECI's functions makes it especially important that the appointments process conform to the strictest democratic principles. The Executive's role in the current appointment process has come under judicial scrutiny over its lack of transparency. Anoop Baranwal vs Union of India, Ministry of Law and Justice Secretary (WP (C) 104/2015) which has been pending since 2015, and referred to a Constitution Bench in 2018, has raised this very demand for a Collegium system for the ECI. Even though it was listed multiple times in 2020, it is yet to reach the hearing stage. A Bench comprising the then Chief Justice of India, J.S. Khehar and Justice D.Y. Chandrachud had also noted in 2017 that "The Election Commissioners supervise and hold elections across the Country, and this is the significance of their office, and their selection has to be made in the most transparent manner." The Bench referred to the mandate of Article 324(2) of the Constitution to state that, "it is expected from Parliament to make the law, but it has not been made."

Advice for Parliament

Parliament would do well to pre-empt judicial strictures by going ahead and formulating a law that establishes a multi-institutional, bipartisan Collegium to select Election Commissioners. Separation of powers is the gold standard for governments across the world. The ECI's constitutional responsibilities require a fair and transparent appointment process that is beyond reproach, which will reaffirm our faith in this vital pillar of our polity. The existing veil over the appointment process of Election Commissioners potentially undermines the very structure on which our democratic aspirations rest.

CENTRE YET TO NOTIFY RULES OF CITIZENSHIP AMENDMENT ACT

The Ministry of Home Affairs (MHA) did not notify the Citizenship (Amendment) Act, 2019 rules till Sunday, the third extended deadline after the Act was passed. January 9 was the last day of an extension it sought from the two parliamentary committees in the Lok Sabha and the Rajya Sabha to frame the rules. It was not imminently clear if the Ministry had sought more time from the committee on subordinate legislation in the two Houses of Parliament to notify rules that will govern the CAA. Without rules, the Act cannot be implemented. Earlier, it had sought time till April 9, 2021 and then July 9, 2021 from the committees to notify the rules which are to be published in the Gazette of India. The MHA did not respond if an extension has been sought from the committees. On November 30 last, Minister of State for Home Nityanand Rai informed the Lok Sabha: "The persons covered under the CAA may apply for citizenship after the rules are notified under the CAA." Earlier on August 4, the Minister had informed the Rajya Sabha that, "Eligible person covered by this Amendment Act may submit applications for grant of citizenship after appropriate rules are notified by the Central government." As per the Manual on Parliamentary Work, in case the ministries/departments are not able to frame the rules within the prescribed period of six months after legislation is passed, "they should seek extension of time from the committee stating reasons" which cannot be more than for a period of three months at a time. The CAA was passed by Parliament on December 11, 2019 and the Act was notified within 24 hours on December 12. In January 2020, the Ministry notified that the Act will come into force from January 10, 2020. The CAA provides citizenship on the basis of religion to six undocumented non-Muslim communities from Pakistan, Afghanistan and Bangladesh who entered India on or before December 31, 2014. It exempts the members of the six communities from any criminal case under the Foreigners Act, 1946 and the Passport Act, 1920. The two Acts specify punishment for entering the country illegally and staying here on expired visas and permits.

83 killed

As many as 83 persons were killed in protests and riots from December 2019-March 2020 in Assam, Uttar Pradesh, Karnataka, Meghalaya and Delhi after the CAA was passed. There are apprehensions that the CAA, followed by a country-wide compilation of the National Register of Citizens (NRC), will benefit non-Muslims excluded from the proposed citizens' register, while excluded Muslims will have to prove their citizenship. The government has informed Parliament that "till now it has not taken any decision to prepare the NRC at national level."

THE SUSPENSION OF MLAS

The Supreme Court has observed that the suspension of 12 BJP MLAs from the Maharashtra Assembly for a full year is prima facie unconstitutional, and "worse than expulsion". A

"constitutional void" and a "hiatus situation" has been created in these constituencies, and the "consequences are dreadful", the court said on Tuesday.

What was the plea before the Supreme Court?

On July 5, 2021, soon after the Assembly met for its two-day monsoon session, there was commotion as Leader of Opposition Devendra Fadnavis (BJP) objected to an attempt by state minister Chhagan Bhujbal (NCP) to table a resolution demanding that the Centre release data on Other Backward Classes (OBCs), so that seats could be reserved for them in local bodies in Maharashtra. Several BJP MLAs entered the well in protest, snatched the mace, and uprooted mics. Shiv Sena MLA Bhaskar Jadhav, who was in the chair, adjourned the House for 10 minutes, following which some BJP MLAs allegedly entered his chamber and threatened, abused, and misbehaved with him. The Maharashtra House has not had a Speaker since Nana Patole of the Congress resigned in February 2021, and Jadhav was one of four presiding officers named by Acting Speaker Narhari Zirwal the previous day. The data on the population of OBCs is a political hot button, and the Centre has told the Supreme Court that data on OBCs collected during the Socio-Economic Caste Census (SECC) of 2011 is erroneous and unusable. Maharashtra Parliamentary Affairs Minister Anil Parab subsequently moved a resolution to suspend 12 BJP MLAs — Sanjay Kute, Ashish Shelar, Abhimanyu Pawar, Girish Mahajan, Atul Bhatkhalkar, Parag Alavani, Harish Pimpale, Yogesh Sagar, Jaikumar Rawal, Narayan Kuche, Ram Satpute and Bunty Bhangdia — for a year. The MLAs filed a writ petition in the Supreme Court last year against the Maharashtra Legislative Assembly and the State of Maharashtra and asked for the suspension to be quashed. The matter has been posted for further hearing on January 18.

What have the suspended MLAs argued?

The petition has submitted that their suspension is "grossly arbitrary and disproportionate". The challenge relies mainly on grounds of denial of the principles of natural justice, and of violation of laid-down procedure. The 12 MLAs have said they were not given an opportunity to present their case, and that the suspension violated their fundamental right to equality before law under Article 14 of the Constitution. They have also submitted that they were not given access to video of the proceedings of the House, and it was not clear how they had been identified in the large crowd that had gathered in the chamber. The MLAs have also contended that under Rule 53 of the Maharashtra Legislative Assembly Rules, the power to suspend can only be exercised by the Speaker, and it cannot be put to vote in a resolution as was done in this case. Rule 53 states that the "Speaker may direct any member who refuses to obey his decision, or whose conduct is, in his opinion, grossly disorderly, to withdraw immediately from the Assembly". The member must "absent himself during the remainder of the day's meeting". Should any member be ordered to withdraw for a second time in the same session, the Speaker may direct the member to absent himself "for any period not longer than the remainder of the Session".

What has Maharashtra said in its defence?

A counter-affidavit filed by the in-charge secretary of the state's Parliamentary Affairs Department has pointed to the "undisciplined and unbecoming behaviour" of the 12 MLAs, and the fact that the Leader of Opposition had tendered an apology. There was, therefore, no question of hearing or furnishing of written explanations by the MLAs, who had committed contempt of the House, the affidavit says. It denies any violation of Article 14. Counsel for Maharashtra argued that the House had acted within its legislative competence, and that under Article 212, courts do not have jurisdiction to inquire into the proceedings of the legislature. Article 212 (1) states that "The

validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure". The next subsection says "no officer or member of the Legislature…in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers." The state has also referred to Article 194 on the powers and privileges of the House, and argued that any member who transgresses these privileges can be suspended through the inherent powers of the House. It has denied that the power to suspend a member can be exercised only through Rule 53 of the Assembly.

What about the length of the suspension?

This is the point that the bench of Justices A M Khanwilkar, Dinesh Maheshwari and C T Ravikumar took up during the hearing on Tuesday. The basic structure of the Constitution would be hit if the constituencies of the suspended MLAs remained unrepresented in the Assembly for a full year, the bench said. The bench referred to Article 190 (4) of the Constitution, which says, "If for a period of sixty days a member of a House of the Legislature of a State is without permission of the House absent from all meetings thereof, the House may declare his seat vacant." Under Section 151 (A) of The Representation of the People Act, 1951, "a bye-election for filling any vacancy… [in the House] shall be held within a period of six months from the date of the occurrence of the vacancy". This means that barring exceptions specified under this section, no constituency can remain without a representative for more than six months. The Supreme Court said that the one-year suspension was prima facie unconstitutional as it went beyond the six-month limit, and amounted to "not punishing the member but punishing the constituency as a whole".

What are the rules on the length of suspension of a Member of Parliament?

Rules 373, 374, and 374A of the Rules of Procedure and Conduct of Business in Lok Sabha provide for the withdrawal of a member whose conduct is "grossly disorderly", and suspension of one who abuses the rules of the House or willfully obstructs its business. The maximum suspension as per these Rules is "for five consecutive sittings or the remainder of the session, whichever is less". The maximum suspension for Rajya Sabha under Rules 255 and 256 also does not exceed the remainder of the session. Several recent suspensions of members have not continued beyond the session. Similar Rules also are in place for state legislative assemblies and councils which prescribe a maximum suspension not exceeding the remainder of the session. On the first day of Parliament's winter session last month, 12 Rajya Sabha members were suspended for the remainder of the session for alleged unruly conduct on the last day of the monsoon session on a motion moved by the government. The Opposition criticised the suspensions, arguing that action in regard to an incident from the previous session violated the Rules of Procedure. The Supreme Court is expected to rule on the question of whether the judiciary can intervene in the proceedings of the House. Constitutional experts, however, say that the court has clarified in previous rulings that the judiciary can intervene in case of an unconstitutional act done by the House.

SOME RAJ BHAVANS ARE ON THE WAR PATH

Recent media reports about the confrontation between the Governors and the State governments, in Maharashtra and Kerala, have turned the spotlight on the rather delicate relationship between the constitutional head of the State and the elected government. In Maharashtra, for example, the situation was indeed bizarre insomuch as the Governor refusing to accept the date of election of the Speaker recommended by the State government. Consequently, the Assembly could not elect

the Speaker. The situation in Kerala has been no less bizarre. The State Governor having reappointed the Vice Chancellor of Kannur University in accordance with the law, made an allegation against the Kerala government that he was under pressure from the Government to reappoint the Vice Chancellor. The Governor confessed that he had done the wrong thing by yielding to governmental pressure. He has added that he does not want to remain the Chancellor any more, though he holds this position in an ex-officio capacity which means that he would have to remain the Chancellor as long as he is the Governor. But the Governor remains adamant. The Governor levelling allegations against his own government is not a first-time development. In West Bengal this has been a regular feature. Similarly, non-acceptance of the advice of the Council of Ministers too has been witnessed in Rajasthan as well as Maharashtra again. Of course, there have been differences between Governors and Chief Ministers in the past too, but these have been rare occurrences. But the open confrontations now clearly cross the boundaries of what is constitutionally permissible behaviour.

With discretionary powers

The relationship between the Governor and Chief Minister has, even at the best of times, not been absolutely simple and tension free. It has something to do with the whole idea of the office of the Governor and its past history. In the colonial era, the Governor was the absolute ruler of the province who was answerable ultimately to His Majesty, the King. A closer look at the debates in the Constituent Assembly on the Governor would reveal that there were divergent views on the powers to be given to the Governor. In fact, there were members in the Assembly who wanted the Governor to be as powerful as the colonial-era Governors. Though B.R. Ambedkar was clear that the Governor should only be a constitutional head and the executive power should vest entirely in the elected government, he promoted the idea of vesting certain discretionary powers in the Governor. In this respect he was guided by the thinking that the State governments are in subordination to the Union government and, therefore, the Governor should be given discretionary powers to ensure that they act so. So, ultimately, the Governor who emerged from the Constituent Assembly was one with certain discretionary powers prescribed by or under the Constitution unlike the President of India who has not been given any such powers. Further, Article 163 (Article 143 in the draft Constitution) became a 'blind reproduction of Section 50 of the Government of India Act 1935' (H.V. Kamath). This exact reproduction of the provision in the Act of 1935 has, to a great extent, introduced a vagueness about the actual powers of the Governor vis-à-vis the elected government in democratic India which was corrected only with the Supreme Court of India stating the law in unambiguous terms in Shamsher Singh (1974). From Shamsher Singh to Nabam Rebia (2016) the top court declared that the Governor can, in the exercise of executive power of the state, act only on the aid and advice of the Council of Ministers "...save in a few well-known exceptional situations".

The Maharashtra case

The Maharashtra Governor's refusal to accept the date of election of the Speaker goes against the principles of constitutional government. It must be stated here that the Constitution has not assigned any role to the Governor in the election of the Speaker under Article 178, which is exclusively the job of the House. It is only the House rule which says that the Governor shall fix the date. The date as such has no great significance. Under the procedure followed in all Assemblies, the government fixes the date and conveys it to the Secretary of the Assembly who forwards it to the office of the Governor for his signature. After the date is formally approved by the Governor — which he is duty bound to do — the members are informed about it. Now the question is if the Governor does not approve the date, can the election be held? Fixing the date by

the Governor is not of any constitutional importance; election by the House is the important thing. So, if the Governor stands in the way of the election, the only way open to the House is to amend that particular rule which empowers the Governor to fix the date. It can provide that the Secretary on receiving the date from the government shall notify the members of the same. The election can be held either through secret ballot or through a motion in the House as is done by the Lok Sabha. But it must be said that it could be for the first time in the history of free India that a Governor has refused to fix the date of election of the Speaker and, consequently, the election could not be held. The Maharashtra Assembly is now without a Speaker being in office.

In Kerala

The Kerala situation is even more curious. There, the controversy surrounds the reappointment of the incumbent Vice Chancellor of Kannur University. There was a suggestion from the State government routed through the Pro Chancellor who is the Minister for Higher Education for the reappointment of the incumbent Vice Chancellor. The Governor being the ex-officio Chancellor of the university and the appointing authority, accepted the suggestion and reappointed him. After some time, the Governor went public with a serious allegation that he had signed the order of appointment under pressure from the Government and that he had done the wrong thing by reappointing the Vice Chancellor under pressure. It must be stated here that the Governor had acted perfectly in accordance with the law in reappointing the incumbent Vice Chancellor. Under the University Act, an incumbent Vice Chancellor is eligible for reappointment. Since the Act does not lay down any specific procedure for reappointment, the Chancellor was right in accepting the suggestion or the recommendation made from the Government. In fact, he or she can accept suggestions from any person including the Leader of the Opposition in the Assembly. The point worth noting here is that the Governor as Chancellor is not required to act on the advice of the Council of Ministers in the matter of appointment of Vice Chancellor and others in the university. He can act absolutely independently. He could also have rejected the suggestion from the Government. The Kerala High Court has clarified this legal point in Gopalakrishnan vs Chancellor, University of Kerala. So the Governor of Kerala needs to apply his mind independently to the case of reappointment, evaluate the performance of the Vice Chancellor and fully satisfy himself about the merit of the appointee before signing the appointment order. It is presumed that he had done this. Therefore, it is baffling why he chose to go public and level serious allegations against the Government and incriminate himself in the process. Adding to the confusion, the Governor has divested himself of the ex-officio charge of Chancellor and declared that he will not be functioning as Chancellor. Needless to say, one cannot relinquish a charge which he holds in an ex-officio capacity unless he leaves his substantive post.

Detachment is the essence

These are very bizarre situations indeed. The Governor is a high constitutional authority. He needs to function within the four walls of the Constitution and be a friend, philosopher and guide to his government. The Constitution does not allow him to be a parallel government; nor does it make him personally responsible for his actions as Governor. That such confrontations take place only in Opposition-ruled States shows that political expediency has overtaken constitutional propriety. Wading through the Constituent Assembly debates, one comes across these wise words of Pandit Thakur Das Bhargava, a conscientious member of the Assembly: "He (Governor) will be a man above party and he will look at the minister and government from a detached stand point". Detachment is the essence of India's ancient culture. But Pandit Thakur Das's voice has ended up as a voice in the wilderness.

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WHO SHOULD BE THE CHANCELLOR?

Tamil Nadu Chief Minister M.K. Stalin's announcement last week that his government was exploring options to empower itself to make the appointment of vice chancellors of universities, taking the powers away from the Governor-Chancellor, was not unexpected. Though no major issue has erupted in the area of higher education between the State government and Governor R.N. Ravi, the equations between the two have not been good. Even three months after the Assembly adopted a Bill to scrap the National Eligibility-cum-Entrance Test as the sole guiding factor for admission to undergraduate medical courses, Mr. Ravi has not yet forwarded it to the President. Mr. Stalin has complained that even after he met and requested Mr. Ravi to take this up, the Governor has not taken any action. It was against this backdrop that Mr. Stalin made the announcement. The move appears to be in line with developments in some other States. In December, the Maharashtra legislature adopted a Bill curtailing the powers of the Governor in the appointment of vice chancellors in State universities. Around the same time came a statement from the West Bengal government that it was considering a proposal to make the Chief Minister Chancellor of all State universities. In the light of a controversy over the selection of vice chancellors for two universities, Kerala Governor Arif Mohammed Khan had even suggested that a special session of the Assembly be held to divest him of the charge of Chancellor of universities in the State. In case the Tamil Nadu Assembly adopts a Bill replacing the Governor with the Chief Minister as Chancellor of universities, this will be the second such instance in the State. In January 1994, when the AIADMK was in power, the House passed the Universities Bill, making the Chief Minister Chancellor of universities. The immediate provocation for it was the souring of ties between the then Governor, M. Channa Reddy, and the then Chief Minister, Jayalalithaa, over the appointment of the Vice Chancellor of the Madras University. Though it was another matter that Reddy did not give his assent to the Bill till the end, it must have been amusing for him as he, in his second spell as Chief Minister of undivided Andhra Pradesh in 1989-90, himself got relieved of the post of Chancellor of the Telugu University and Health Sciences University, the position held by his immediate predecessor N.T. Rama Rao. Eventually, it was left to the DMK regime to withdraw the Bill. A former civil servant, who had served in a senior position in the Department of Higher Education at the Centre, points out that the President is the Visitor of a number of central institutions, including the National Institutes of Technology, and has got certain functions to perform, but no controversy arises between the occupant and the institutions. However, the situation is not the same when it comes to universities in States and Governor-Chancellors. Though there is nothing inherently superior in the arrangement of Governor being Chancellor vis à vis that of Chief Minister as Chancellor, a Governor is in a position to generally discharge the allotted functions as a Chancellor in a detached manner, uninfluenced by local and political considerations. Notwithstanding the merits and demerits of who should be Chancellor of universities, what public-spirited academicians expect Mr. Ravi to do as Governor-Chancellor immediately is to ensure transparency in the appointment of vice chancellors. All the details regarding applicants, composition of the jury panel, interviews, and the factors that guided him or his predecessor in the appointments made in the last four-five years should be hosted on the website of the Raj Bhavan.

INSECURE STATE

Counter-insurgency operations are usually understood to target weapon wielding militants, their organisations and their leaders. As reported in this newspaper, in Kashmir, where the sweeping changes of 2019 have failed to end the militancy, COIN operations appear to have changed tack to

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fold in an increasingly wider swathe of the population. They now cover funders and financiers, and "overground workers", a term that was recently used at an Army-organised seminar at Srinagar's Badami Bagh garrison, as a description that fit young and old, man or woman, scholars, doctors, teachers, businessmen, lawyers, and anyone else "from gunners to runners". Now it is not just the police, the army and the paramilitaries but a plethora of other organisations such as the Enforcement Directorate, and others included in the Terror Monitoring Group such as the two Central Boards dealing with direct and indirect taxes and customs. On the face of it, a case can be made that instead of focusing on the numbers of "kills" of militants, which may end up pushing more young people to take up arms and declare war against the Indian state, focusing on breaking their networks, whether financial, logistical or ideological, is a more intelligent way of dealing with an insurgency. Far too many recent encounters have led to the killings of barely adult teenagers with no training and armed with nothing more than a pistol. Instead, if a crackdown on those who give them money and shelter, and other types of support can lead to arrests and save lives, this new approach may even win community support. However, the danger in the ever-widening definition of overground workers is that it can end up profiling or labelling an entire population as such, and lead back to the same undesirable result — alienation and a simmering militancy. After thousands of arrests under draconian laws such as the Unlawful Activities and Prevention of Terrorism Act and the Public Security Act over the last three years, the government is no closer to making friends with the people in Kashmir. Add the new rules of conduct for government employees, and several dismissals under constitutional provisions that require no reason to be given, a muzzled press, the barring of dissent to the extent that even the police force says its actions must not be questioned, this feels more like the hatchet arm of a security state bent on othering the people of the Valley. This heavily securitised approach to bringing back "normalcy" and zero community outreach, the continuing absence of a political process with restrictions on the movement and activities of the former state's political leadership even as the rest of the country is forever in election mode has only served to emphasise the difference

REAPING INDIA'S DEMOGRAPHIC DIVIDEND

A nation's growth requires the productive contribution of all segments of society, particularly the children and the youth, who need to be provided opportunities for self-expression. Household and national investments in children and youth yield long-term returns in terms of high productivity of the economically active population till they enter the elderly cohort.

Fertility decline

As fertility declines, the share of the young population falls and that of the older, dependent population rises. If the fertility decline is rapid, the increase in the population of working ages is substantial yielding the 'demographic dividend'. The smaller share of children in the population enables higher investment per child. Therefore, the future entrants in the labour force can have better productivity and thus boost income. With the passage of time, the share of the older population rises and that of the working age population begins to fall and hence the dividend is available for a period of time, 'the window of demographic opportunity'. However, realisation of the benefits of potential demographic dividend is not automatic and thus presents many challenges. Without proper policies, the increase in the working-age population may lead to rising unemployment, fueling economic and social risks. This calls for forward-looking policies incorporating population dynamics, education and skills, healthcare, gender sensitivity, and providing rights and choices to the younger generation. With falling fertility (currently 2.0), rising median age (from 24 years in 2011, 29 years now and expected to be 36 years by 2036), a falling

dependency ratio (expected to decrease from 65% to 54% in the coming decade taking 15-59 years as the working age population), India is in the middle of a demographic transition. This provides a window of opportunity towards faster economic growth. India has already begun to get the dividend. In India, the benefit to the GDP from demographic transition has been lower than its peers in Asia and is already tapering. Hence, there is an urgency to take appropriate policy measures.

Forward-looking policies

Countries like Singapore, Taiwan and South Korea have already shown us how demographic dividend can be reaped to achieve incredible economic growth by adopting forward-looking policies and programmes to empower the youth in terms of their education, skills and health choices. There are important lessons from these countries for India. The first is to undertake an updated National Transfer Accounts (NTA) assessment. Using NTA methodologies by Lee and Chen (2011-12) and M.R. Narayana (2021), we find that India's per capita consumption pattern is way lower than that of other Asian countries. A child in India consumes around 60% of the consumption by an adult aged between 20 and 64, while a child in China consumes about 85% of a prime-age adult's consumption. The NTA data for India needs to be updated to capture the progress made on such investments since 2011-12. State-specific NTAs need to be calculated every year and States need to be ranked for investing in the youth. The second is to invest more in children and adolescents. India ranks poorly in Asia in terms of private and public human capital spending. It needs to invest more in children and adolescents, particularly in nutrition and learning during early childhood. Given that India's workforce starts at a younger age, a greater focus needs to be on transitioning from secondary education to universal skiling and entrepreneurship, as done in South Korea. The third is to make health investments. Health spending has not kept pace with India's economic growth. The public spending on health has remained flat at around 1% of GDP. Evidence suggests that better health facilitates improved economic production. Hence, it is important to draft policies to promote health during the demographic dividend. We need more finance for health as well as better health facilities from the available funding. The fourth is to make reproductive healthcare services accessible on a rights-based approach. We need to provide universal access to high-quality primary education and basic healthcare. The unmet need for family planning in India at 9.4% as per the latest National Family Health Survey-5 (2019-21) is high as compared to 3.3% in China and 6.6% in South Korea, which needs to be bridged. Fifth, education is an enabler to bridge gender differentials. The gender inequality of education is a concern. In India, boys are more likely to be enrolled in secondary and tertiary school than girls. In the Philippines, China and Thailand, it is the reverse. In Japan, South Korea, and Indonesia, the gender differences are rather minimal. This needs to be reversed. Sixth, India needs to increase female workforce participation in the economy. As of 2019, 20.3% of women were working or looking for work, down from 34.1% in 2003-04. New skills and opportunities for women and girls befitting their participation in a $3 trillion economy is urgently needed. For example, a girl who passes Class 10 needs more choices to learn skills that will help her find appropriate work. She will need safe transport to travel to work. Finding work will likely delay her age of marriage and make her participate in the economy more productively, as also exercise her rights and choices. South Korea's female workforce participation rate of 50% has been built on i) legally compulsory gender budgeting to analyse gender disaggregated data and its impact on policies, ii) increasing childcare benefits, and iii) boosting tax incentives for part-time work. It is predicted that if all women engaged in domestic duties in India who are willing to work had a job, female labour force participation would increase by about 20%. Seventh, India needs to address the diversity between States. While India is a young country, the status and pace of

population ageing vary among States. Southern States, which are advanced in demographic transition, already have a higher percentage of older people. These differences in age structure reflect differences in economic development and health – and remind us of States' very different starting points at the outset of the 2030 Sustainable Development Goals Agenda. But this also offers boundless opportunities for States to work together, especially on demographic transition, with the north-central region as the reservoir of India's workforce. Eight, a new federal approach to governance reforms for demographic dividend will need to be put in place for policy coordination between States on various emerging population issues such as migration, ageing, skiling, female workforce participation and urbanisation. Inter-ministerial coordination for strategic planning, investment, monitoring and course correction should be an important feature of this governance arrangement.

SALIL'S STORY

Every year, a little over a lakh people die in traffic accidents on India's roads. And so, it is not impossible to see 36-year-old Salil Tripathi's death — knocked down by an SUV driven by a police constable as he waited to pick up a food order — as one more addition to that grim statistic, the cruel result of a random roll of dice. But, in this moment, as a third wave sweeps across a country yet to recover from the battering from the earlier waves of Covid-19 infections, the life and death of this Delhi resident tell a larger story — of a pandemic of precariousness silently sweeping through families. It resonates with the immense loss, both financial and human, that millions of others have experienced. If it were not for Covid's many blows, Tripathi's would have been a story of aspiration and upward mobility. He was a hotel management graduate working his way up jobs in the restaurant industry when the pandemic struck. According to a study by the Azim Premji University, 15 million workers had lost jobs permanently by December 2020, forcing salaried workers into informal work. Tripathi was one of them: Without the job as a restaurant manager in north Delhi, he signed up as a gig worker, doing food deliveries for Zomato, to earn a living and support his wife and son. The second wave in 2021 took a greater toll, as his father died of Covid-19 — a sense of devastation and grief that the family shares with lakhs of Indians. Tripathi's sudden, senseless death leaves behind a grieving family with an uncertain future. It has led to an outpouring of sympathy from strangers and offers of financial aid. In this, too, Tripathi's story reflects the pandemic experience. For, whether during the exodus of migrant workers from hostile cities during the first wave, or the mortal crisis of oxygen and beds during the second, ordinary Indians have stepped in the breach left by an inept, sometimes uncaring, state. But while there might be some succour for one family, the shrinking of aspiration of a nascent middle-class is an unmistakable, untold Covid story. There is one more reason, perhaps, why, in his death, Tripathi stands in for other losses. If only for a moment, the stark story of a young life salvages the tragedies of the larger society from cold statistics — whether it is the debate over excess mortality or figures of unemployment — and makes space for an acknowledgement of a collective loss.

MAKING A CASE FOR SIDE HUSTLING

Piyush, 32, works in an IT start-up in Bengaluru. He teaches data science on an online platform on weekends, and is also independently working on an AI initiative with a team of developers. His typical workday involves going to office from 9 a.m. to 6 p.m., going to the gym to work out, and then working on his own initiative post dinner from 10 p.m to 12 a.m. He keeps what he does outside the work under wraps and talks about his life with a few friends at office in hushed tones. When a senior leader hears rumours, she avoids talking to Piyush because he is a good worker and she does not want to lose him. Like Piyush, there is a trend among employees to hold multiple

jobs in the form of moonlighting, i.e., take up freelance projects or work on a part-time basis or start an entrepreneurial venture while holding a full-time day job. In a survey we conducted, we found that more than 45% of the respondents either themselves engaged in side hustling or knew of someone close who was hustling. Leaders in traditional organisations, however, either turn a blind eye to this or have hushed conversations with the employees to conform to the contracts signed.

Assumptions and the reality

Organisations have typically assumed that activities outside work may deplete individual resources, which could result in poorer performance at work. Thus, they ban employees from side hustling. Engagement in another paid activity is seen as a distraction, breach of contract, and leading to likely conflict of interest. It is common for organisations to have clauses in their employment contracts which restrict or prohibit having secondary sources of income. Organisations assume that side hustling is an attempt to make more money. However, when we asked side hustlers about their motivations for holding multiple jobs, their reasons ranged from seeking creative outlets to escaping from the mundaneness of their day jobs to learning new skills. It would be safe to say that the major drivers are non-pecuniary benefits that their full-time job is unable to cater to. Most also saw the side job as something that helped them be more motivated in their main jobs. They saw their side hustle as an investment in their own careers and life, as a route to their next change in job, and as security in case the organisation ran into difficulty. Several spoke of other benefits: they said the side job was a stress buster, added to their self-esteem and confidence, and helped them make good use of their free time. The opposing perceptions of organisations and employees and acknowledgement of the current context, where organisations are unable to promise lifelong employment, and the ubiquity of gig work, when juxtaposed, highlight the need for organisations to not look at side hustles as a zero-sum game. Having multiple jobs could have the potential for positive spillovers from one domain to the other. For instance, enhanced skills through side projects could be transferred on the job, leading to better performance at work; or a happy employee is likely to be more productive than one who is feeling trapped in the restrictive work contracts. Rather than look the other way to what employees do outside the organisation or keep forcing archaic contracts and rules, it would perhaps be better for organisations to adapt to make the most of the current reality. It may thus be wiser for organisations and leaders to recognise their own limitations in satisfying the entire gamut of needs of an employee. Denying employees' requests for engaging in side activities might leave them disgruntled and unhappy, resulting in lesser commitment and engagement at work.

Individuals with diverse needs

Companies need to recognise that they don't own the employee. It is best to accept that employees are not just employees but individuals with diverse needs, motivations, aspirations, and interests. Rather than create a system where employees are forced to hide what they do in their free time, perhaps it may be more appropriate to create a psychologically safe environment. It would, then, be possible to acknowledge that while the organisation accepts their other parts of work, boundary conditions of the organisation need to be met. Organisations can set boundaries around no use of company resources and proprietary information and time committed to the organisation. Such companies will have an edge over the others. It is time to recognise that stifling opportunities for employees to pursue their passions or building diverse skill sets not only puts the onus back on the organisation to manage the whole individual and his/her career and life but also leaves the employee with little agency.

TWO LAKH MORE GOT JOBS IN 9 SECTORS: GOVT. SURVEY

Nine sectors that account for about 85% of total employment in establishments with 10 or more workers hired two lakh more people in July-September 2021 compared to April-June 2021, according to the second round of the Quarterly Employment Survey (QES) released by the Union Labour and Employment Ministry on Monday. "The estimated total employment in the nine selected sectors from the second round of QES (July-September, 2021) came out as 3.10 crore approximately, which is 2 lakh higher than the estimated employment (3.08 crore) from the first round of QES (April 1, 2021)," the report stated. The report, released by Union Labour Minister Bhupender Yadav, covers manufacturing, construction, trade, transport, education, health, accommodation and restaurants, IT/BPOs and financial services sectors. Speaking during the virtual launch event, Mr. Yadav said that the other three surveys launched by the Ministry last year were progressing well. The report of the survey on migrant labour should be out by July or August.

'Jobs rose amid pandemic'

The survey on domestic workers was in progress and quarterly reports under the area-based employment survey would be released soon, he said. The QES showed that employment had increased even during the pandemic. Meanwhile, the second QES report that covered 11,503 establishments said nearly 90% of the establishments had less than 100 workers, while 30% of the IT/BPO establishments had at least 100 workers. "The overall percentage of female workers stood at 32.1%, higher than 29.3% reported during the first round of QES. Regular workers constitute 87% of the estimated workforce in the nine selected sectors, with only 2% being casual workers. However, in the construction sector, 20% of the workers were contractual and 6.4% were casual workers," it noted.

4.3 lakh vacancies

It also said 5.6% of the total establishments had reported vacancies, a total of 4.3 lakh. While most of the vacancies (65.8%) were for unspecified reasons, 23% were due to resignation and 11.7% due to retirement of employees.

AMENDMENTS THAT ARE UNNECESSARY

The Central government had invited comments on the proposed amendments to the Registration of Births and Deaths Act, 1969 (RBD Act). One major proposal is to prepare a national database of registered births and deaths. This is intended to be used to update, for every birth and death, the databases created in accordance with many other laws, such as the National Population Register, voter list and Aadhaar database. Under the RBD Act, it is the responsibility of the States to register births and deaths. State governments have set up facilities for registering births and deaths and keeping records. A Chief Registrar appointed in every State is the executive authority for implementation of the Act. A hierarchy of officials at the district and lower levels do the work. The Registrar General of India (RGI), appointed under this Act, is responsible for coordinating and unifying the implementation of the RBD Act.

Unnecessary provisions

Information on registered births and deaths is now stored in State-level databases using a unified software in many States. This system enables citizens to easily obtain the required services. It also

helps prevent fake registrations and errors. Birth and death registers also include some personal information about the child born, the child's parents, and the deceased. In addition, some information required for demographic studies is also collected during registration. This information is not included in the register and is used only to collate vital statistics. On registration of a birth or death, the information can automatically go to the concerned authorities. However, one has to examine the need for each birth and death to be communicated to other databases. It may be important for a population register to get that information instantaneously. For other databases, it may be enough to get that information on a monthly or even annual basis. For example, the election authorities may require the list of deaths only once in six months or so for removing dead persons from the database. Cancellation of passports or driving licences on the death of the holder is not very important as they cannot be misused that easily. In all cases where instantaneous updating is not necessary, the concerned databases should collect the information from the best source. Whether it should be collected from the birth and death database is an important question. The address in the birth and death database may be different from the current or permanent address of the mother or deceased. The mother may have gone to her parent's place for delivery and that address may have been recorded while admitting her in a hospital. Similarly, many people are admitted to hospitals in the city where they may have a temporary contact address. It is this that gets recorded in the hospital and in the death register. So, some data item, like the Aadhaar number, is necessary to link the information with other databases. In an ideal situation, a birth and death database need not interact with any database other than a population database. This is because a population database will have all the information, like date and place of occurrence of the birth or death and names of the parents/deceased, that may be required by other databases. A proposal is to include the Aadhaar number, if available, as one piece of information to be reported while reporting a birth or death, by amending Section 8 of the Act. This is an unnecessary amendment as the Aadhaar number can be included in the forms used for reporting births or deaths. Having already directed the States to include the Aadhaar number of the deceased in the death reporting form, it is not clear why it is necessary to amend the Act for its inclusion. State governments maintain databases of births and deaths, some of which are manually done now. Information required for updating other databases for each birth and death can be directly given from the State-level database. Extracting part of the information therein to create a national database to be maintained by the RGI appears an unnecessary duplication and will only create an intermediate administrative layer without any value addition. The databases maintained by the States now may not follow the same structure for various data items. I am not sure whether they all follow the same standard even for writing the names of individuals. For example, the names of many people in Kerala and Tamil Nadu have the name of the family and father's name preceding the first name of the person while many databases use the first name/middle name/surname format. The Central government should prescribe standards for data items in the birth and death database maintained by the State governments. This is necessary even if a national database of births and deaths is to be created. These standards should be common for other databases. This would make it easier to communicate information automatically to other databases. The cultural diversity across the country should be kept in mind while prescribing standards so that the citizens are not hassled later on. There is a proposal that the RBD Act mention that information from the national database would be used to update the Population Register, Aadhaar database, passport database, etc. and that the birth and death certificates issued under this Act should be taken as evidence of date and place of birth for issuing Aadhaar cards, passports and driving licence, for enrolling in voter's list or for school admission. These are unnecessary provisions. The law for each of these databases can specify whether the information contained in the birth and death register should be used for a particular purpose. It may be noted that till recently, the instructions regarding application for a passport contained a

provision that only birth certificates issued by the Registrar of Births and Deaths would be accepted as proof of date and place of birth.

Need to look forward

Activities relating to the registration of births and deaths have undergone a sea change in the last decade with computerisation. However, the law has not been amended to take care of this reality. There is a need for updating the law to take care of these and future developments. The proposed amendments fall short of this. A bill was introduced in Parliament in 2012 to amend the RBD Act to include marriage registration in its purview and to make registration of marriages compulsory. It lapsed as it was not taken up by the Lok Sabha. The Law Commission examined the issue again and recommended in its Report No. 270 that the RBD Act may be amended for including marriage registration. Instead of going for another amendment for this purpose, it should have been taken care of within the current proposals.

THE RISE OF COLLABORATIVES FOR SOCIAL IMPACT

In early 2020, The Bridgespan Group released a report, "Philanthropic Collaboratives in India: The Power of Many" (https://bit.ly/3r72nU6), that examined alliances between development sector actors — funders, non-governmental organisations (NGOs) and governments. Those stakeholders bet that their combined funding, skills and assets would make the impact of collaboratives greater than the sum of their parts. And, yet, at the time, India had few philanthropic collaboratives. This is no longer the case. Co-created by three or more independent actors, including at least one funder, a philanthropic collaborative pursues a shared vision and strategy for social impact. In 2019, we studied 15 such collaboratives in India. Since then, at least 18 more collaboratives have come together. These include COVID ActionCollab, India Protectors Alliance, The Future of Impact Collaborative, and The Coalition for Women Empowerment. Sixteen of these operate across multiple States. Most focus on implementing social programmes and mobilising funding. Swasth, for instance, has created a one-stop tele-medicine portal, while ACT Grants pools financial resources for innovations in tackling COVID. Collaboratives are also mobilising greater funding. The annual budgets of the 13 collaboratives in 2019 ranged from ₹50 lakh to ₹50 crore. In comparison, multi-year financial commitments for eight of the new collaboratives range from ₹2 crore to ₹600 crore (budget data is not available for the other 10). At least three of them aim to raise about ₹100 crore. There is growing emphasis on inclusion, equity, and justice. The new generation of collaboratives increasingly focuses on marginalised communities such as informal waste pickers, front-line workers, and migrant labour.

Path to scaling

The devastation caused to lives and livelihoods by the novel coronavirus pandemic is clearly driving organisations to work collectively. Several partnerships now involve businesses, harnessing the power of private capital for social good. Consider the Migrants Resilience Collaborative (MRC). Soon after the nation-wide COVID-19 lockdown on March 24, 2020, the NGO Jan Sahas released the results of a survey that revealed the lockdown's disproportionate impact on migrant workers. Of the 3,196 migrant construction workers interviewed, a staggering 90% had lost their source of income and 62% were unaware of the Government's emergency assistance efforts. India has approximately 140 million migrant workers. Jan Sahas' founder, Ashif Shaikh, concluded that the scale of the problem far outstripped the capabilities of any single NGO and necessitated collaboration. Jan Sahas, in partnership with EdelGive Foundation, Global Development Network and other organisations, launched MRC, whose goal is to facilitate relief for

more than 10 million migrant workers across 13 States. More than 40 community-based organisations, 25 companies and industry associations, and three State governments have partnered with MRC. Although collaboratives can increase the odds of achieving outsize impact, collaboration is complicated. Building trust across multiple partners and balancing their priorities and the collaborative's goals can be challenging. In 2020, we found that it took several years for collaboratives to move from "coming together" — where they define their shared mission and strategy — to actually "working together" and delivering results. This new crop of collaboratives is forming relatively faster. Of the 18 we examined, 15 are already "working together". No doubt, the pandemic has spurred collaboratives to raise funds and evolve swiftly. Equally important for MRC has been its credibility and clarity. Since 2000, Jan Sahas has worked to end commercial sexual exploitation and forced labour, focusing on migrant workers from socially excluded communities; 90% of Jan Sahas' staff comes from the communities it serves. Jan Sahas could hence draw on a deep well of trust and relationships for MRC. To ensure alignment of MRC's stakeholders, Mr. Shaikh drew up a list of "non-negotiable" goals: such as securing a minimum wage for migrant workers and ending exploitation of female workers. While there were some disagreements among the partners, clarity on the "non-negotiables" ensured that they remained on the same page.

Here to stay

Mr. Shaikh identified another factor, besides the pandemic, that is driving collaboration. "Funding for NGOs, especially for community-based and grassroots organisations, has dropped significantly," he observed. "That is pushing small- and medium-sized organisations, particularly at the State and district level, to collaborate. They can then get strategic and financial support, and a platform to implement their programmes." To be sure, as more NGOs and funders pool their resources and expertise, some start-up collaboratives will struggle to partner effectively and achieve collective impact. Still, given the significant increase in philanthropic collaboratives over the past two years, it is likely that formal collaboration between multiple stakeholders — including private business — is set to become a distinctive and lasting feature of India's social sector.

CONTROL RATHER THAN PRIVACY

In India, where the personal data of citizens are at the mercy of companies and government and where is no privacy law, the Puttaswamy judgment and the Justice B.N. Srikrishna committee report that led to the Personal Data Protection Bill of 2019 came as a ray of hope. But the Joint Committee report on the Bill has failed to provide a robust draft legislation ensuring the privacy of citizens. Instead, it has carved out an architecture for a surveillance state.

Infallibility of state

Under the Constitution, fundamental rights are enforced against the state and its instrumentalities and not against private bodies. The Puttaswamy judgment held that the right to privacy is a fundamental right. However, the report has divided the digital world into two domains — government and private — and is based on the presumption that the question of right to privacy emerges only where operations and activities of private entities are concerned. Clause 12 of the Bill provides exemptions for the government and government agencies and Clause 35 exempts government agencies from the entire Act itself. Clause 12, which says personal data can be processed without consent for the performance of any function of the state, is an umbrella clause that does not specify which ministries or departments will be covered. Further, the Bill says,

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"harm includes any observation or surveillance that is not reasonably expected by the data principal". This means if you install any software in your computer and the software violates the principle of privacy and data get leaked, the complaint of the data principal will not be legally tenable as the defence will be that 'once you have installed the software, you should have reasonably expected this level of surveillance'. The government can use these provisions as a means of control and surveillance. If private entities can be given a transition time to comply with the Act, why should the same not be extended to government entities? Why should they be given blanket exemption instead? The Committee has failed to provide formidable firewalls to protect the privacy of individuals and has also carved out a mechanism for government control over personal data. The provisions are ultra vires of the judgment on privacy. For compliance with the provisions of the Act, a data protection authority (DPA) has to be appointed. The Bill elaborates on the functions and duties of the DPA. It is doubtful whether a single authority will be able to discharge so many functions in an efficient manner. The terms and conditions of appointment of the DPA also raise concerns. Unlike the Justice Srikrishna committee report which provided for a judicial overlook in the appointments of the DPA, the Bill entrusts the executive with the appointments. Although the report expanded the committee, the power to appoint the panelists vests with the Central government. While ensuring the protection of citizens' fundamental right, it is necessary that the authority entrusted with the responsibility should work independently. Clause 86 says, "Authority should be bound by the directions of the Central Government under all cases and not just on questions of policy". This makes the DPA duty-bound to follow the orders of the government. This weakens its independence and gives the government excessive control. Further, the appointment of the authority violates the principle of federalism. There is internal data flow and the States are key stakeholders in the process. Even if the proposed central authority issues directions to allow processing of data on the grounds of 'public order', it is important to note that 'public order' is an entry in the State List. If the pith and substance of the legislation are related to the State, then it has to be monitored by the State Data Protection Authority.

Economic cost of non-personal data

One of the objectives of the Bill is to promote the digital economy. But by including non-personal data within the ambit of the Bill, the Joint Committee has put a huge compliance burden on the economy. This will hit the MSME sector and small businesses harder as technical processes involving data-sharing are very expensive. The government-constituted panel headed by S. Gopalkrishnan also opposed the idea of including non-personal data in the Bill. Mandatory data localisation, it is estimated, will squeeze the economy by 0.7-1.7%. This may also invite similar measures by other sovereign countries which will hamper smooth cross-border flow of data. The report has raised more questions than it has solved. In its present avatar, the Bill is more about surveillance and control than privacy. At the time of passage of the Bill, loopholes must be plugged so that India can have a robust data protection law.

ISSUES WOMEN FACE IN KERALA CINEMA: WHAT NOW

The Left government in Kerala Wednesday formed a three-member panel to study and work out a plan to implement the recommendations of the Justice Hema Commission report which delves deep into the problems faced by women in the Malayalam film industry. The move came over two years after the report was submitted to the government in December, 2019.

Why was the Justice Hema Commission formed?

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On February 17, 2017, a prominent woman actor was abducted and sexually assaulted for nearly two hours in a moving car near Kochi. Weeks later, Dileep, a leading actor in the Malayalam film industry, was arrested and arraigned as the eighth accused in the case with charges of abduction, conspiracy, criminal intimidation among others. The SIT, which probed the case, argued that Dileep ordered the attack on the woman actor as he nursed a grudge against her. The incident was significant in throwing a spotlight on the safety of women in the state as well as the issues faced by women in the state's film industry, which is largely seen as a male-dominated space operating without a legal framework. In the aftermath of the sexual assault incident, the Women in Cinema Collective (WCC) was founded with the aim of propelling changes within the film industry to make it more gender-friendly. The WCC, consisting of female actors, producers, directors and technicians, appealed to the then Left government to appoint a panel to investigate the discrimination faced by women in the industry. In July, 2017, a three-member commission was formed by the government headed by Justice K Hema (retired) with former bureaucrat KB Valsalakumari and veteran actress Sharada as members. It was the first time a commission of this kind was formed anywhere in India to scrutinise the inner workings of a film industry.

What did the Justice Hema Commission do?

The Justice Hema Commission interviewed dozens of members of the Malayalam film fraternity including both male and female actors, producers, directors and technicians to probe the quality of the work environment and the nature of problems they face on a daily basis. According to reports, several women actors recounted to the commission horror stories of the harassment they faced on sets on the condition that their names be kept confidential. Issues of wage-gap on the basis of gender, absence of adequate facilities for women on sets and the lack of a proper forum for grievance redressal were also brought to the forefront.

When did the Commission submit its report?

The Commission submitted a 300-page-long report to Chief Minister Pinarayi Vijayan on December 31, 2019, accompanied by a large set of documents, screenshots and audio clips that substantiate the findings of the report. While the report was not made public, the Commission was learnt to confirm the existence of a 'casting couch' within the industry where actors were asked to perform sexual favors in exchange for opportunities. Testimonies from actors, both male and female, backed up the claim. The commission also found that the presence of alcohol and drugs was widespread on film sets. A tribunal must be formed to investigate all such lapses, the panel advised the government. On the submission of the report, an elated WCC said, "We hope that the implementation of the recommendations of this report will provide women with more opportunities, the courage to step into the field as well as bring our society closer to the dream of gender equality."

What's the status of the Commission report?

The constitution of a three-member panel on Wednesday to further study the Hema Commission report comes amid mounting criticism against the Vijayan-led government for sitting on it for over two years. Neither has the report been released in the public domain nor its recommendations implemented. The Commission is learnt to have indicated to the government that the full contents of the report were not be publicised as there are testimonies of sexual harassment in it. But there are calls from activists and members of the fraternity to redact such sensitive portions and reveal the core findings of the report. Since the Commission has not been appointed under the

Commissions of Inquiry Act, 1952, it does not need to be tabled before the state Assembly. There's no clarity so far from the government on the delay of action on the report's recommendations.

ASSAM POLICE HAS THE LAST LAUGH ON TWITTER

The serious job of policing has not stopped Assam Police from finding humour in routine cases. A burglary in Guwahati in the last 24 hours would hardly have made news but for the State police's take on the incident on Twitter. "The curious case of a cereal burglar! Despite its many health benefits, turns out, cooking khichdi during a burglary attempt can be injurious to your well-being," it tweeted on Tuesday. "The burglar has been arrested and @GuwahatiPol is serving him some hot meals," it added. Locals in the city's Hengerabari area were alerted by the sounds from the kitchen of a house whose occupants were away. They caught the burglar cooking and handed him over to the police. On Monday, the Guwahati traffic police tweaked the "hum do, hamaare do" slogan coined in 1952 for a family planning campaign. "Aami duta, amaar duta helmet (the two of us, our two helmets)," the tweet in Assamese read above the red inverted pyramid of the family planning campaign. "Ensure safety for yourself and people close to you… Don't be lax when your life matters," the tweet added. On December 30, the Assam Police let pun take over while cautioning New Year revellers. "This New Year's Eve, try not to be our guests. Free entry for rash drivers, drunk drivers, other eligible violators," it said in a tweet.

'On the menu: CopCake'

"Special performance by: DJ Lockup. On the menu: CopCake and other dessert items in our custard-y," the tweet added. A State police team under Harmeet Singh, now Guwahati's Commissioner of Police, had in 2018 begun adding fun to the force's campaign against crime in 2018. He was then the Additional Director-General of Police (Modernisation- Logistics). One of the first fun-tweets was: "Sharing rumours/hate messages online can enable you for a date with us in nearest police station this weekend." "Mobs may not follow the law, but the law will follow them. If you hit, the law won't miss," followed. These and scores of other such messages have been shared through the Assam Police's Facebook and Instagram accounts besides Twitter. They were under the 'Think' campaign in three hashtag segments – #ThinkBeforeYouPost, #ThinkBeforeYouHit and #ThinkBeforeYouStalk. On the ground, the Assam Police has been tough against criminals of all hues. Since May 2021, when Himanta Biswa Sarma took charge as the Chief Minister, the force has killed 33 alleged drug dealers, cattle smugglers, kidnappers and murder accused in "encounters".

CAN ONLINE BULLYING OF WOMEN BE PUNISHED?

Taking cognisance of multiple complaints that photographs of Muslim women had been posted on one "Bulli Bai" mobile app for fake auctions, the police in Delhi and Mumbai have registered separate cases. While the Mumbai police have so far arrested three persons, the Delhi police have arrested a B.Tech. student for allegedly creating the application on the GitHub platform, which has now blocked the app. This is the second such case reported since July 2021, when a similar application named "Sulli Deals" —in which images of Muslim women were uploaded in the same manner —was detected. Following complaints lodged by some victims, the Delhi police had then lodged a case.

What are the legal provisions invoked?

The police have invoked Sections 153A, 153B, 295A, 354D, 500 and 509 of the Indian Penal Code (IPC) and Section 67 of the Information Technology Act. Section 153A pertains to the offence of promoting enmity between different groups on grounds of religion, etc., and doing acts prejudicial to maintenance of harmony; while Section 153B relates to imputations, assertions prejudicial to national-integration. Section 295A provides punishment for deliberate and malicious acts, intended to outrage religious feelings. Section 354D provides that any man who monitors the use by a woman of the internet, email or any other form of electronic communication with malintent, commits the offence of stalking. Under this provision, the punishment may extend to five years of imprisonment with fine, in the case of second or subsequent conviction. While Section 500 defines the punishment for defamation, Section 509 of the IPC addresses the offence of word, gesture or act intended to insult the modesty of a woman. Section 67 of the IT Act lays down the punishment for publishing or transmitting obscene material in electronic form. The first conviction attracts imprisonment up to three years and fine up to ₹5 lakh and the second or subsequent conviction may lead to imprisonment up to five years and fine that may extend to ₹10 lakh.

What are the other provisions related to cybercrimes?

Section 66E of the IT Act prescribes punishment for violation of privacy. Also, sections 354A (sexual harassment and punishment for sexual harassment) and 354C (voyeurism) of the IPC, which were introduced along with sections 354B and 354D in 2013, may also be applied in conjunction with the relevant IT Act provisions, based on the nature of the offence.

What are the responsibilities of intermediaries like social media platforms?

Although the intermediaries are not liable for any third-party data or communication link hosted or stored by them, they are required to retain the requisite data for a duration as prescribed by the Government and supply the same to the authorities concerned, as and when sought. Any contravention attracts punishment as prescribed under the IT Act.

Have some additional steps been taken?

On February 25, 2021, the Ministry of Electronics and Information Technology notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Its provision —"Due diligence by intermediaries and grievance redressal mechanism" —requires them to inform their users not to host, display, upload, modify, publish, transmit, store, update or share any illegal information. They include contents that are defamatory, obscene, pornographic, paedophilic, invasive of another's privacy, insulting or harassing on the basis of gender, libellous, racially or ethnically objectionable, etc. The intermediaries, on the direction of the court or appropriate government agency, are prohibited from hosting, storing or publishing any information declared unlawful. Within 24 hours from the receipt of a complaint from, or on behalf of, an individual about any offensive content, they are required to take all reasonable and practicable measures to remove or disable access to it.

SPACE FOR DREAMS

Under a new leadership, ISRO will need to continue innovation

This year, the harvest festival brings a change at the helm for the Indian Space Research Organisation (ISRO), with S. Somanath who heads the Vikram Sarabhai Space Centre (VSSC) at Thiruvananthapuram taking over as its chairperson. He succeeds K. Sivan, who also came to head ISRO after having led the efforts at VSSC. Mr. Somanath is the third consecutive chairperson of

ISRO to have a master's degree in engineering from the Indian Institute of Science. The organisation thus sees a continuation of the recent trend of being led by engineers. It is to be seen if Mr. Somanath's specific expertise in leading innovations in rocket engines, the cryogenic engine, for instance, will shape future developments at ISRO. If earlier the Mars Orbiter Mission, which broke the records for expense by costing just ₹7 per kilometre, and Chandrayaan 2, had kept anticipation high, the new chairperson will oversee the unfurling of the human space flight programme — Gaganyaan. Another long-awaited mission is Aditya-L1. This has morphed and grown into what will be India's grandest investment in space dedicated to science, specifically, solar physics. The aim to take a space observatory to the Lagrangian point one (L-1) to study the Sun offers yet another frontier for ISRO to breach. Mr. Somanath will also lead a transition in the stance of ISRO towards privatisation. Until a few years ago, ISRO had remained largely preoccupied with deriving socio-economic benefits from space technology and applications that were used by the Government of India and some international collaborations. Of course, these ventures had a strong industry participation, but privatisation reforms have been pursued hard recently. The first announcement came in 2019, with the NewSpace India Limited (NSIL) being floated in March, and the commercial arm of ISRO was more firmly established. Apart from building and launching satellites, the company will provide launch services, build customised launch vehicles, provide services of Earth observation and communication through satellites and also transfer technology to Indian industry. As a sequel to the establishment of NSIL came the announcement of the creation of the Indian National Space Promotion and Authorization Center, in June 2020 — a channel through which non-governmental private enterprises can carry out space activities. The country's imagination to get up to speed with other competing nations would be put to the test under the new leadership. ISRO and its sister organisations have much to offer in the form of spin-offs and technology transfer. Underlying these questions is the anticipation which stems from the very nature of space science; it not only contributes to immense learning and perspective but also unfolds the very horizon, enhancing universal feelings of oneness.

PROBE INTO CDS CHOPPER CRASH BLAMES WEATHER, SAYS NO SABOTAGE

A tri-services Court of Inquiry into the December 8 helicopter crash which killed Chief of Defence Staff General Bipin Rawat has attributed the crash to unexpected change in weather, resulting in pilot disorientation and the helicopter hitting a surface. This is the main preliminary finding of the CoI which ruled out mechanical failure, sabotage and negligence. The CoI was instituted to probe the crash near Coonoor in Tamil Nadu that claimed the lives of General Rawat, the country's first CDS, his wife Madhulika and 12 armed forces personnel. On January 5, IAF chief Air Chief Marshal V K Chaudhari, along with Air Marshal Manvendra Singh, the head of the probe committee, had briefed Defence Minister Rajnath Singh on the findings. On Friday, the IAF said: "The Court of Inquiry has ruled out mechanical failure, sabotage or negligence as a cause of the accident. The accident was a result of entry into clouds due to unexpected change in weather conditions in the valley." It said this led "to spatial disorientation of the pilot resulting in Controlled Flight into Terrain" or CFIT. It is considered one of the primary causes of aircraft crashes globally — when an aircraft, in this case the helicopter, is considered airworthy, and there is no negligence on the part of the pilot, but due to disorientation, the pilot hits a surface unintentionally, causing a crash. The IAF said that based on its findings, "the Court of Inquiry has made certain recommendations which are being reviewed". The tri-services inquiry, including one-star officers from the Navy and the Army, headed by Air Marshal Manvendra Singh, who is the most senior helicopter pilot in the IAF, was instituted soon after the crash. "The inquiry team analysed the Flight Data Recorder and Cockpit Voice Recorder besides questioning all available witnesses to determine the most probable cause of the accident," the IAF said. The helicopter was descending to land when it ran

into sudden clouds which resulted in pilot disorientation. The Mi-17 V5 was carrying General Rawat, his wife Madhulika and 12 other armed forces personnel including Brigadier LS Lidder and Lt Col Harjinder Singh, Wing Commander Prithvi Singh Chauhan, Squadron Leader Kuldeep Singh. While 13 of the 14 on board died in the crash, Group Captain Varun Singh succumbed to injuries a week later. On December 9, Defence Minister Rajnath Singh informed Parliament that the helicopter had taken off from the Sulur Air Base at 11.48 am and was expected to land at Wellington by 12.15 pm. The Air Traffic Control at Sulur Air Base lost contact with the helicopter at approximately 12.08 pm. Local residents spotted a fire in the forest near Coonoor and rushed to the spot where they observed the wreckage of the helicopter engulfed in flames, Singh said. General Rawat was on his way to deliver a lecture at the Defence Services Staff College in Wellington. His replacement is yet to be appointed.

RAFALE-M COMPATIBILITY WITH AIRCRAFT CARRIER TO BE TESTED

Beginning Monday, French aircraft maker Dassault Aviation will fly its Rafale-M fighter jet from the Indian Navy's Shore Based Test Facility (SBTF) in Goa to demonstrate compatibility and suitability to operate from the Indigenous Aircraft Carrier Vikrant's deck. The Rafale-M arrived in Goa last Thursday and the demonstration starting from Monday is expected to go up to February 1, two Defence officials independently said. Boeing will also demonstrate the compatibility of its F/A-18 Super Hornet on the SBTF likely in March, it has been learnt. These trials are part of demonstrations by aircraft manufacturers to showcase the compatibility of their aircraft to fly from Indian Navy's aircraft carriers which use a ski-jump to launch aircraft, one official explained. Both the Rafale-M and F/A-18 are originally designed to operate from carriers with a catapult launch mechanism. The carrier would thus require minor modifications to operate the aircraft, officials said. A government-to-government agreement could be signed based on the aircraft selected to speed up the process, an official said. Boeing has taken a lead in the race having already demonstrated the ability of F/A-18 to take off from a similar shore based facility at Naval Air Station Patuxent river in Maryland, U.S. in December 2020. However, each fighter brings certain advantages while having some limitations. For instance, Rafale-M does not have a twin seater while its acquisition would mean commonality with the Indian Air Force which will soon complete inducting the 36 Rafale jets contracted in 2016. On the other hand, the F/A-18 is a much widely employed platform with a twin seater trainer and also has an electronic warfare version which might be of interest to the Navy. There is also the issue of the size of the aircraft and their fit on the carrier and its lifts which would also be factored in the final evaluation. In 2017, the Navy had floated Request For Information (RFI) to procure 57 twin-engine carrier fighters which is now set to downsized to around 26, including few twin-seater trainer variants. The revision is in the backdrop of a new indigenous Twin Engine Carrier Based Deck Fighter (TEBDF) being designed and developed by the DRDO and Aeronautical Development Agency (ADA). However, the procurement has now gained urgency as the Navy is short of aircraft to operate from both the carriers.

BRAHMOS ADVANCED VARIANT TEST FIRED

An extended range sea-to-sea variant of the BrahMos supersonic cruise missile was test fired on Tuesday from the recently commissioned stealth guided missile destroyer INSVisakhapatnam. "Advanced sea-to-sea variant of BrahMos supersonic cruise missile was tested from INSVisakhapatnam today. Missile hit the designated target ship precisely," the Defence Research and Development Organisation (DRDO) said. The successful test-firing certifies the accuracy of the ship's combat system and armament complex and also validates a new capability the missile

provides the Navy and the nation, the Navy said. "Augurs very well for Aatma Nirbhar Bharat and provides the Navy yet another shot in the arm," it added.

Mission readiness

Congratulating scientists on the successful test firing, Defence Minister Rajnath Singh said on social media, "The robustness of Indian Navy mission readiness is reconfirmed today after successful launch of the advanced version of BrahMos Missile from INSVishakhapatnam today." BrahMos is joint collaboration between India and Russia and is capable of being launched from land, sea, sub-sea and air against surface and sea-based targets, with a range capped at 290 km initially. The range of the missile was originally capped at 290 km as per obligations of the Missile Technology Control Regime (MTCR). Following India's entry into the club in June 2016, officials said the range would be extended to 450 km and to 600km at a later stage. An extended range missile had been tested earlier. INS Visakhapatnam, with a displacement of 7,400 tonnes, is the first of four ingenuously designed and built Project-15B class stealth guided missile destroyers and was commissioned in November 2021.

MARCH FOR MEKEDATU RESERVOIR HALTED: THE PROJECT, LEGAL ISSUES AND POLITICS

A march started on January 9 by the Congress, which was meant to cover 100 km in 10 days, was halted on Thursday, a day after the Karnataka High Court had raised questions on how it could be carried out amid rising Covid-19 cases in the state. The 'Mekedatu march' had been launched for implementation of a project to build a reservoir on the Cauvery at Mekedatu near the Tamil Nadu border. The proposed reservoir, which aims to supply drinking water to Bengaluru and surrounding regions, has been challenged in the Supreme Court by Tamil Nadu on the ground that it would eat into the state's share of Cauvery water as adjudicated by the court in 2018. The Karnataka Pradesh Congress Committee, which had labelled the march the 'Walk for Water', has temporarily suspended it citing rising Covid-19 cases, and saying it would resume when the crisis subsided.

The project

Proposed by Karnataka, the project envisages a reservoir near Ontigondlu, about 1.5 km from Mekedatu (which literally means goat's leap) in Ramanagara district of south Karnataka at the confluence of the Cauvery and Arkavathi rivers. It is 4 km from the Tamil Nadu border and 100 km from Bengaluru. In 2013, the Congress government in Karnataka headed by Siddaramaiah prepared a feasibility report for the reservoir project with a storage capacity of 67.16 thousand million cubic feet (TMCF) of water that would aim to supply 4.75 TMCF to Bengaluru and its surrounding areas, besides generating 400 megawatts of hydroelectric power. The project was estimated to cost Rs 5,000 crore at the time. It was proposed to be built across an area of 5,252 hectares, including 1,869 hectares of reserve forest land. The project will need multiple clearances from the Centre and courts as it involves the Cauvery water sharing dispute.

Current status

In January 2019, the then Congress-JD(S) state government headed by H D Kumaraswamy submitted a detailed project report (DPR) to the Central Water Commission and the Cauvery Water Management Authority (CWMA). The DPR is yet to be approved. The project also needs environmental clearances since large portions of forest land will be submerged if the reservoir is built. Environmentalists have raised concerns about this and about an elephant corridor that

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would be covered by the proposed reservoir. It can only be executed with the consent of Tamil Nadu, which has already challenged it.

The politics

With a year to go for the Assembly elections, the protest by the state Congress is being seen as an effort to attract voters in south Karnataka through the emotive issue. The Congress is hoping to displace the JD(S) as the most influential party in the Vokkaliga heartland. These are the two main rivals in the region where 80 of the state's 224 seats are at stake; the ruling BJP has a very small presence here. The Meketadu march or 'Walk for Water' is the brainchild of KPCC president D K Shivakumar who is seen as aspiring to become Chief Minister. The 10-day march sought to build a narrative that the BJP governments, both in the state and at the Centre, are not in a position to implement the project. To prevent the Congress from seizing the narrative, the JD(S) has announced its own programme to collect water from 15 rivers from January 26 to hold a Ganga puja. Kumaraswamy has said the Congress only proposed the Mekedatu project but it was the JD(S) that prepared the DPE.

Halt to the march

On Wednesday, the Karnataka High Court questioned the BJP government in the state as well as the Congress on how the march could be carried out when the government has imposed curbs on all gatherings due to the recent rise in Covid cases. The BJP has alleged that the protest march is a primary cause for the rise in Covid numbers. Congress leaders Shivakumar and Siddaramaiah, following consultations with other party leaders, announced on Thursday that the protest would be suspended temporarily. The state leaders had reportedly received a signal from the party central leadership to call off the march as it could damage the party outside of Karnataka. The 10-day march was supposed to traverse over 100 km and culminate in a massive rally in Bengaluru on January 19. When halted, it had traversed around 30 km over four days.

OMICRON EPIDEMIC: THIRD WAVE OR NEW PANDEMIC? (T JACOB JOHN AND M S SESHADRI - FORMER (RETIRED) PROFESSORS OF VIROLOGY AND ENDOCRINOLOGY, RESPECTIVELY, AT CHRISTIAN MEDICAL COLLEGE, VELLORE AND DHANYA DHARMAPALAN - A PEDIATRIC INFECTIOUS DISEASES SPECIALIST IN NAVI MUMBAI)

Both Delta and Omicron might co-exist, needing more vaccines in 2022

India is facing an epidemic wave of Omicron disease presenting mostly with sore throat, nasal discharge – without cough or high fever. Pneumonia is uncommon. Blood oxygen level remains normal. Some senior citizens and those with diseases or therapies that weaken the immune system do get severe disease requiring hospitalisation. Altogether, Omicron disease is a milder version of COVID-19 with Wuhan-D614G or Alpha, Beta, Gamma and Delta variants.

Mutational changes

All previous variants had few mutational changes of the spike protein, Omicron has many more, particularly in the 'receptor-binding domain' (RBD), the ligand that binds to host cell receptor, ACE-2. While earlier variants have 8-9 mutations on the S1 portion, Omicron has 32-37 in different studies. On RBD, Omicron has 15 mutations, while others have only 1 to 3. This many mutations have resulted in several alterations in the virus-host cell interactions. For example, the viral load in saliva is high, allowing high sensitivity in RT-PCR of saliva samples. Much virus is broadcast into

air even without cough. Obviously, the need for face masks cannot be overemphasised, to block virus shedding (by the infected) and to prevent inhaling air-borne virus (by others). Coronaviruses have two cell entry processes – the major one by fusion of virus envelope with the cell membrane and the minor one by fusion with the endosomes within the cytoplasm. Virus multiplication is far more efficient with major than minor process. All previous variants use the major cell entry process. Omicron uses the second process, as elucidated in laboratory experiments. After receptor-binding the receptor–virus complex is 'swallowed up' by the cell through 'endocytosis' without affecting the cell membrane. The endocytotic vesicle (invagination of cell membrane) then fuses with subcellular organelle called endosome, a normal process. The virus coat now fuses with endosome membrane, releasing the virus genome into the cytoplasm. In the first process with cell-surface fusion, all adjacent cells also fuse with the infected cell and form a 'syncytium' – giant cell with multiple nuclei. Syncytia are closely associated with disease severity, particularly with lung pathology. In laboratory experiments with Omicron, syncytium formation does not occur. This change presumably leads to less virus production in the body, less invasion of organs and tissues, lower severity and duration of symptoms, decreased need for hospitalisation and low case-fatality ratio – altogether a watered down 2021 version of COVID 2019. Omicron resembles influenza virus infection that remains mostly confined to upper respiratory tract.

Immunity evasion

Omicron has a propensity for immunity evasion. Virus neutralising antibodies induced by infection by all earlier variants or any of the available vaccines are far less effective against Omicron disease. Most monoclonal antibodies that were effective to treat COVID-19 are no longer effective to treat Omicron disease. However, the world over, high degree of protection against severe disease requiring hospitalisation by enhanced antibody levels achieved by a booster dose, is observed. Experience from the U.K. is instructive. Vaccine effectiveness against Omicron disease requiring hospitalisation was 72% during 2-24 weeks after second dose, but only 52% after 25 or more weeks – significantly increasing to 88% two weeks after a booster dose. Even when antibody fitness to the virus (affinity) is low, the sheer magnitude of antibody level enables antibody-binding to more viruses, thus enhancing functional effectiveness as shown in the U.K. Had India gone on a massive public education on the importance of two doses of vaccine to mitigate the impact of Omicron wave, and also on the value of booster doses to increase protection, we could have had a relatively normal life in India during January–February of 2022 – many scientific meetings and other events scheduled for these months could have proceeded unhindered, instead of getting postponed. These many changes – genetic, fundamental cell–virus interactions, pathology, virulence, disease characteristics, immunity evasion – set Omicron apart from all other variants. To emphasise its greater deviation than other variants, imagine the term 'deviant'. The term deviant indicates the high degree and abruptness (non-continuum) of change – in virology, the terms used to represent substantial genetic differences are: lineage, sub-type or serotype – depending on the degree of deviation. We expect the International Committee of Taxonomy of Viruses will address this question without delay, as we have already alerted the WHO and the International Society of Infectious Diseases. If we consider Omicron disease sufficiently different from Coronavirus disease of 2019 (COVID-19), perhaps it deserves the name COVID-21. If it is considered a deviant with antigenic shift, rather than drift, as is the case in all variants, the current upsurge of disease overcoming high population immunity can be considered a new pandemic, not simply a wave of the COVID-19 pandemic.

Influenza pandemic

Analogy with Influenza Type A virus epidemiology is interesting. The 1957 pandemic due to a subtype H2N2 emerged when the H1N1 of 1918 pandemic was still circulating as endemic/seasonal. H2N2 with antigenic shift not only spread globally, but it also displaced H1N1 from circulation – why? Immunity induced by H2N2 was sufficient to prevent H1N1 circulation. In 1968, the next pandemic started with H3N2 subtype; it displaced H2N2, presumably due to cross-immunity. The 2009 pandemic was with a new variant of H1N1, with borrowed genes from swine influenza, and named H1N1pdm09 to distinguish it from the earlier H1N1. Antigenic cross-reactivity with H3N2 was not strong – hence both H3N2 and H1N1pdm09 are in co-circulation globally as endemic/seasonal. While Delta variant overshadowed all earlier variants that are nowadays infrequently found anywhere, we anticipate that Omicron with antigenic shift and compromised cross-reactivity may not displace Delta. Omicron being more transmissible than Delta, we speculate: (1) In 2022, both Delta and Omicron might co-circulate, and (2) we may need vaccines against all variants of SARS-CoV-2 as well as against Omicron and its future variants, if any.

TREATING THE PLANET WELL CAN AID PROGRESS

The 2020 Human Development Report of the United Nations Development Programme (UNDP), titled "The Next Frontier – Human Development and the Anthropocene" (https://bit.ly/3qeEgE3) proposed a planetary pressure-adjusted Human Development Index (HDI). Ever since the UNDP took up computation of the HDI driven by the vision of Mahbub ul Haq and articulated by Amartya Sen in 1990, there have been adjustments such as inequality-adjusted HDI. Besides, there was computation of several other indices such as Gender Development Index, Gender Inequality Index, and Multidimensional Poverty Index to flag the issues that warranted the attention of policymakers.

Human-induced change

The environment is one such issue now considered to be an essential component to be factored in to measure human development. The concept of the planetary boundary was introduced by a group of scientists across the world, led by J. Rockström of the Stockholm Resilience Centre in 2009. This was to highlight that human-induced environmental change can irrevocably destabilise the long-term dynamics of the earth system, thereby disrupting the life-supporting system of the planet. Both global and local evidence indicate that biodiversity loss, climate change, land system/land-use change, disruption of biogeochemical cycles, and scarcity of freshwater availability are a threat and increase the vulnerability of society. The purpose of the planetary pressure adjusted HDI, or PHDI, is to communicate to the larger society the risk involved in continuing with existing practices in our resource use and environmental management, and the retarding effect that environmental stress can perpetuate on development.

Impact on country rankings

When planetary pressure is adjusted, the world average of HDI in 2019 came down from 0.737 to 0.683. This adjustment has been worked out by factoring per capita carbon dioxide (CO_2) emission (production), and per capita material footprint. The average per capita global CO_2 emission (production) is 4.6 tonnes and the per capita material footprint is 12.3 tonnes. The global ranking of several countries was altered, in a positive and negative sense, with adjustment of planetary pressure. Switzerland is the only country in the group of high human development countries whose world rank has not changed with adjustment of planetary pressure, although the HDI value of 0.955 has come down to 0.825 after the necessary adjustment. Among 66 very high

human development countries, 30 countries recorded a fall in rank values ranging from minus 1 for Germany and Montenegro to minus 131 for Luxembourg. It succinctly brings out the nature of planetary pressure generated by the developed countries and indirectly indicates their responsibility in combating the situation. In the case of India, the PHDI is 0.626 against an HDI of 0.645 with an average per capita CO2 emission (production) and material footprints of 2.0 tonnes and 4.6 tonnes, respectively. India gained in global rankings by eight points (131st rank under HDI and 123rd rank under PHDI), and its per capita carbon emission (production) and material footprint are well below the global average.

Challenges in India, SDGs

Nevertheless, India's natural resource use is far from efficient, environmental problems are growing, and the onslaught on nature goes on unabated with little concern about its fallout — as evident from a number of ongoing and proposed projects. At the same time, India has 27.9% people under the Multidimensional Poverty Index ranging from 1.10% in Kerala to 52.50% in Bihar, and a sizable section of them directly depend on natural resources for their sustenance. Kerala has an exemplary achievement in human development with an HDI value of 0.775, well above the all-India average. However, on the environmental front there are several challenges which warrant concrete actions; otherwise, the gains of human development may not be sustained. The twin challenges of poverty alleviation and environmental safeguarding that former Prime Minister Indira Gandhi first articulated in her lecture during the Stockholm conference on the human environment in 1972 still remain unattended. Fifty years have passed. There is little change in the scenario. In fact, the situation is much more complex now. Since the Stockholm conference was held, there have been several summits and initiatives by the United Nations, the latest being the adoption of 17 Sustainable Development Goals (SDG) with a specific target to meet by 2030. The SDGs have acquired high priority in the context of the issue of climate change and its impact on society. Human-induced climate change has emerged as an important issue of global deliberations. The Sixth Assessment Report (AR6) of the Intergovernmental Panel on Climate Change (IPCC) 2021 laid stress on limiting global temperature rise at the 1.5° C level and strengthening the global response to the threat of climate change,sustainable development, and efforts to eradicate poverty. This was reaffirmed in the Conference of Parties (COP) 26 at Glasgow in 2021. 'No poverty' and 'Zero hunger' are the first and second SDGs. According to NITI Aayog (2020-21), out of 100 points set for the grade of Achiever, India scored 60 (Performer grade, score 50-64) for no poverty and 47 (Aspirant grade, score 0-49) for zero hunger, with wide State-level variations. India's score in the SDGs of 8, 9, and 12 ('Decent work and economic growth'; 'Industry, Innovation and Infrastructure' and 'Responsible Consumption and Production', respectively) — considered for working out planetary pressure — are 61 (performer), 55 (performer) and 74 (front runner), respectively.

Better awareness now

There are wide gaps in managing the environment. The Chipko movement (1973) in Uttarakhand and the Silent Valley movement (the late 1970s) in Kerala are two of the most well-known modern-day people's movements for environmental protection in India that inspired several other environmental movements during the last five decades. Subsequently, there is now widespread awareness about the environment and several initiatives both at the level of the government and the community. However, standalone environmental safeguarding actions are not sufficient to navigate the Anthropocene (the "unofficial unit of geologic time to describe the most recent period in earth's history when human activity started to have a significant impact on the planet's climate and ecosystems"). It is now well established that there are interdependencies

of earth system processes including social processes, and their relationships are non-linear and dialectic. Therefore, the central challenge is to nest human development including social and economic systems into the ecosystem, and biosphere building on a systematic approach to nature-based solutions that put people at the core.

Local level involvement

It is now essential to consider people and the planet as being a part of an interconnected social-ecological system. Social and environmental problems cannot be addressed in isolation anymore; an integrated perspective is necessary. This can be conceived and addressed at the local level, for which India has constitutional provisions in the form of the 73rd and 74th Amendments. The remarkable advances in earth system science and sustainability research along with enabling technology of remote sensing and geographic information system have helped to document and explain the impact of human activities at the ground level and stimulate new interdisciplinary work encompassing the natural and social sciences. They also provide insights into how to mitigate these impacts and improve life. What is required is a reorientation of the planning process, adoption of a decentralised approach, a plan for proper institutional arrangements, and steps to enable political decisions.

TAKEAWAYS FROM FOREST REPORT

The Ministry of Environment, Forests and Climate Change (MoEFCC) on Thursday released the India State of Forest Report (ISFR) 2021. The report showed a continuing increase in forest cover across the country, but experts flagged some of its other aspects as causes for concern, such as a decline in forest cover in the Northeast, and a degradation of natural forests.

What is the India State of Forest Report?

It is an assessment of India's forest and tree cover, published every two years by the Forest Survey of India under the Ministry of Environment, Forests and Climate Change. The first survey was published in 1987, and ISFR 2021 is the 17th. India is one of the few countries in the world that brings out such an every two years, and this is widely considered comprehensive and robust. With data computed through wall-to-wall mapping of India's forest cover through remote sensing techniques, the ISFR is used in planning and formulation of policies in forest management as well as forestry and agroforestry sectors.

What are the key findings?

ISFR 2021 has found that the forest and tree cover in the country continues to increase with an additional cover of 1,540 square kilometres over the past two years.

* India's forest cover is now 7,13,789 square kilometres, 21.71% of the country's geographical area, an increase from 21.67% in 2019. Tree cover has increased by 721 sq km.

* The states that have shown the highest increase in forest cover are Telangana (3.07%), Andhra Pradesh (2.22%) and Odisha (1.04%).

* Five states in the Northeast – Arunachal Pradesh, Manipur, Meghalaya, Mizoram and Nagaland have all shown loss in forest cover.

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* Mangroves have shown an increase of 17 sq km. India's total mangrove cover is now 4,992 sq km.

* The survey has found that 35.46 % of the forest cover is prone to forest fires. Out of this, 2.81 % is extremely prone, 7.85% is very highly prone and 11.51 % is highly prone

* The total carbon stock in country's forests is estimated at 7,204 million tonnes, an increase of 79.4 million tonnes since 2019.

* Bamboo forests have grown from 13,882 million culms (stems) in 2019 to 53,336 million culms in 2021.

What kind of forests are growing?

While ISFR 2021 has shown an increasing trend in forest cover overall, the trend is not uniform across all kinds of forests. Three categories of forests are surveyed – very dense forests (canopy density over 70%), moderately dense forests (40-70%) and open forests (10-40%). Scrubs (canopy density less than 10%) are also surveyed but not categorised as forests. Very dense forests have increased by 501 sq km. This is a healthy sign but pertains to forests that are protected and reserve forests with active conservation activities. Experts say that was is worrying is a 1,582 sq km decline in moderately dense forests, or "natural forests". The decline, in conjunction with an increase of 2,621 sq km in open forest areas – shows a degradation of forests in the country, say experts, with natural forests degrading to less dense open forests. Also, scrub area has increased by 5,320 sq km – indicating the complete degradation of forests in these areas, they say.

What explains the decline in the Northeastern states?

The Northeast states account for 7.98% of total geographical area but 23.75% of total forest cover. The forest cover in the region has shown an overall decline of 1,020 sq km in forest cover. While states in the Northeast continue to have some of the largest forested areas, such as Mizoram (84.5% of its total geographical area is forests) or Arunachal Pradesh (79.3%), the two states have respectively lost 1.03% and 0.39% of their forest cover, while Manipur has lost 1.48 %, Meghalaya 0.43%, and Nagaland 1.88%. The report has attributed the decline in the Northeastern states to a spate of natural calamities, particularly landslides and heavy rains, in the region as well as to anthropogenic activities such as shifting agriculture, pressure of developmental activities and felling of trees. Experts say that this loss is of great concern as the Northeastern states are repositories of great biodiversity. While natural calamities may have led to much of the loss, the declining forests will in turn increase the impact of landslides, they say. It will also impact water catchment in the region, which is already seeing degradation of its water resources. Unlike other states, where forests are clearly managed by the forest department and state governments, the Northeastern states follow a different ownership pattern — community ownership and protected tribal land – which makes conservation activities challenging.

What else does the report cover?

ISFR 2021 has some new features. It has for the first time assessed forest cover in tiger reserves, tiger corridors and the Gir forest which houses the Asiatic lion. The forest cover in tiger corridors has increased by 37.15 sq km (0.32%) between 2011-2021, but decreased by 22.6 sq km (0.04%) in tiger reserves. Forest cover has increased in 20 tiger reserves in these 10 years, and decreased in 32. Buxa, Anamalai and Indravati reserves have shown an increase in forest cover while the

highest losses have been found in Kawal, Bhadra and the Sunderbans reserves. Pakke Tiger Reserve in Arunachal Pradesh has the highest forest cover, at nearly 97%.

What impact has climate change had?

The report estimates that by 2030, 45-64% of forests in India will experience the effects of climate change and rising temperatures, and forests in all states (except Assam, Meghalaya, Tripura and Nagaland) will be highly vulnerable climate hot spots. Ladakh (forest cover 0.1-0.2%) is likely to be the most affected. India's forests are already showing shifting trends of vegetation types, such as Sikkim which has shown a shift in its vegetation pattern for 124 endemic species. In 2019-20, 1.2 lakh forest fire hotspots were detected by the SNPP_VIIRS sensor, which increased to 3.4 lakh in 2020-21. The highest numbers of fires were detected in Odisha, Madhya Pradesh and Chhattisgarh.

How comprehensive a picture does the survey present?

Experts say the survey results could be misleading as it includes plantations – such as coffee, coconuts or mango and other orchards – under forest cover. These plantations are distinctly different from natural forests where one hectare would be home to hundreds of species of trees, plants and fauna, whereas such plantations house only one species of tree. The forest survey is carried out as an assessment of India's biodiversity, but such an overarching survey does not meet that objective, experts say.

FADING HUE OF MONKS' SAFFRON ROBE PUTS VILLAGE ON GREEN PATH

A creeper that once gave a monk's robe its saffron hue has made a Buddhist village in eastern Assam's Charaideo district adopt a forest. Five years ago, the bhikkhus of a Buddhist monastery in the 152-year-old Chalapather Shyamgaon had bemoaned the near-extinction of bhungloti, a creeper that in combination with the pith of the roots of a jackfruit tree yielded a saffron dye for their robes. The women of the village too lamented how getting vital ingredients from four indigenous plants for dyeing their mekhela, a traditional garment, indigo blue, was getting increasingly difficult. "The concern of the monks triggered a movement for conserving the adjoining Chala Reserve Forest, the traditional source of most of the colours in our lives. And in September 2018, the people of 10 villages in the vicinity converged to do something about it," Pyoseng Chowlu, secretary of Chala Village Sanctuary Conservation Society, told The Hindu. The society was formed a month after that meeting, where the 683.173-hectare reserve forest under the Sivasagar Forest Division was declared as the Chala Village Sanctuary. A forest protection party comprising 22 members from the villages was also constituted to help the understaffed Forest Department keep loggers and poachers off.

Forest protection party

"We have only three staff to manage Chala and only one of them is permanent. The village sanctuary initiative, albeit non-notified, has yielded some green soldiers who are helping us check tree felling," Dhimangshu Saikia, the Forest Division's Ranger, said. Each member of the forest protection party has been given an identity card to guard the green space that houses at least 1,000 types of trees, medicinal plants, and 67 species of orchids — down from 130 less than a decade ago — besides leopard, black panther, hog deer, and a range of birds and butterflies. Apart from guarding, the society has been re-greening some 30 hectares denuded by timber smugglers and a few oil rigs planted by the Oil and Natural Gas Corporation decades ago. "We are maintaining

more than 20,000 saplings the Forest Department gave us to plant. We have also established a 2.5-hectare biodiversity park in a part of the forest with an assortment of orchids and indigenous trees," Prachurjya Shyam, the society's executive member, said. The Chala Reserve Forest is about 100 metres above sea level. But it houses a few orchids that are usually found in higher altitudes.

Orchid altitude mystery

"We are documenting the plants and herbs of our village sanctuary. They include the now rare Gnetum gnemon, a nutrient-rich plant locals have consumed for ages," Mr. Chowlu said. But plant experts engaged by the society have found it intriguing that the sanctuary sustains the Tainia penangiana, an orchid found at altitudes beyond 500 metres. The society has been conducting periodic awareness campaigns to underscore the need for conserving such orchids and the plants that yielded the villagers' dyes. Their initiative has earned the sponsorship of organisations such as the World Wide Fund for Nature-India.

GHARIALS TO RETURN TO ORANG NATIONAL PARK

It is to be expanded to more than thrice its existing size; to include dolphins, turtles

The gharial, wiped out from the Brahmaputra River system in the 1950s, could be the prime beneficiary of a process to expand an Assam tiger reserve that shed its "Congress connection" five months ago. The Assam government had on January 3 issued a preliminary notification for adding 200.32 sq. km to the 78.82 sq. km Orang National Park, the State's oldest game reserve about 110 km northeast of Guwahati. Much of the area to be added comprises the Brahmaputra river and the sandbars or islands in it, some cultivated by locals or used as sheds for livestock. Forest officials said the administrative heads of the Darrang and Sonitpur districts have been asked to determine the "existence, nature and the right of any person in or over the proposed schedule of land". Orang, on the northern bank of the river, is strategic to the Kaziranga Orang Riverine Landscape. Tigers and rhinos are known to use the islands in this riverine landscape, about 180 km long, to hop between Orang and Kaziranga. But what has enthused wildlife experts is the prospect of reintroducing the gharial (Gavialis gangeticus) in the area to be added to Orang. "The government is pursuing a policy for the reintroduction of the gharial that became locally extinct more than six decades ago. With better protection, the stretch of Kaziranga-Orang landscape is ideal for sustaining the gharial," Pradipta Baruah, divisional forest officer of the Mangaldoi Wildlife Division, told The Hindu on Saturday. The Gangetic dolphin is also expected to be a beneficiary of the final notification of the addition to Orang, expected to take at least three months after the rights and claims are settled.

16 species of turtles

"There are a few points within the riverine landscape where the endangered dolphin thrives. The landscape has 16 species of turtles that need more conservation too," Mr. Baruah said. One of the four major rhino habitats in Assam, Orang was recognised as a tiger reserve in 2016. The Himanta Biswa Sarma government had in September 21 dropped the 'Rajiv Gandhi' prefix to Orang given by the Congress government in 1992. Other national parks in Assam are Kaziranga, Manas, Nameri, Dibru-Saikhowa, Raimona and Dehing Patkai.

THE VALOUR OF THE CHHOTE SAHIBZAADE, AND PM MODI'S POLITICAL OUTREACH TO PUNJAB

The nation would henceforth observe December 26 as 'Veer Baal Diwas', Prime Minister Narendra Modi announced on Sunday (December 9), the Parkash Purab (birth anniversary) of the tenth Sikh Guru Gobind Singh. What is the importance of December 26 in the history of Sikhism, and the political context of the Prime Minister's announcement a month ahead of Assembly elections in Punjab?

Unparalleled courage

Veer Baal Diwas — a tribute to the bravery of children — is dedicated to the Chhote Sahibzaade, Zorawar Singh and Fateh Singh, the two youngest sons of Guru Gobind Singh, who were bricked alive on the orders of Wazir Khan, the Mughal faujdar of Sirhind, for refusing to renounce their faith and become Muslim. Zorawar Singh was 9 years old at the time, and Fateh Singh only 7. Soon after they were walled up alive, their grandmother Mata Gujri (Guru Gobind Singh's mother) died of shock. Today, Gurdwara Sri Fatehgarh Sahib stands on the site where the two Sahibzaadas were executed on December 12, 1705, which translates to December 26 as per the current calendar. It is believed that after no one in Sirhind town agreed to spare land to cremate them, a rich Hindu trader named Diwan Todar Mal purchased a small piece of land by covering it with at least 7,800 gold coins, and performed the last rites after getting the Sahibzaadas' bodies released from the Mughals. Later, Gurdwara Jyoti Sarup was built on this site in Fatehgarh Sahib.

Supreme sacrifice

"Guru Gobind Singh had four sons, the Chaar Sahibzaade, all of whom four sacrificed their lives to uphold the identity and dignity of Khalsa Panth against the Mughals. The two elder ones, Ajit Singh and Jujhar Singh, died in the battle of Chamkaur Sahib. But the bravery and sacrifice of Zorawar Singh and Fateh Singh is considered unparalleled not just because of the tender age at which they chose death, but also for the cruel and barbaric conditions that the Mughals had created for the children and their grandmother before their execution," said Prof Paramvir Singh of the Department of Encyclopaedia of Sikhism at Punjabi University, Patiala. "Before the execution, the two children and their grandmother were held captive at the open-air Thanda Burj (Cold Tower) of the fort for days in the chilly weather, in which they shivered endlessly but refused to convert. For days, they were pressured and threatened with death if they did not accept Islam, but they did not fear the Mughals and refused to renounce their faith," Prof Singh said. Jujhar, Zorawar, and Fateh were the sons of the Guru's first wife Jito Ji, and were cared for by their grandmother after Jito Ji passed away.

Mughals and the Chhote Sahibzaade

The Encyclopedia of Sikhism published by Punjabi University, Patiala recounts the story of the final days of the Chhote Sahibzaade and Mata Gujri: "Guru Gobind Singh evacuated Anandpur on the night of 5-6 December, 1705... In the front ran Sarsa stream swollen with rain water. Under cover of quick rearguard action fought on the banks of the stream, he succeeded in crossing it but the members of his family got scattered in the tumult... Mata Gujri, and her two grandsons, Zorawar Singh and Fateh Singh, aged 9 and 7 years respectively, had nowhere to go until their cook, named Gangu, offered to take them to his own village Kheri. They accompanied him to his house. "But he proved deceitful and betrayed them to Jani Khan and Mani Khan of Morinda. The latter despatched them to Sirhind where they were consigned to the Cold Tower (Thanda Burj) of

the Fort. On December 9, 1705, Zorawar Singh and Fateh Singh were produced before Wazir Khan. He tried to lure them to embrace Islam with promises of riches and honours, but they spurned the offer. He threatened them with death as an alternative to Islam, but they remained firm. A death sentence was eventually awarded. "Nawab Sher Muhammad Khan of Malerkotla protested that it would be improper to harm the innocent children and was against the teachings of Islam. Wazir Khan, however, ordered them to be bricked alive in a wall, if they still refused conversion. They were kept in the Cold Tower in that severe winter for another two days with their grandmother. On December 11, they began to be paved with bricks standing on the ground. However, as the mason reached above chest height, it crumbled. They were again sent to Cold Tower for the night. "The next day, December 12, 1705, the alternative of conversion being again turned down, Zorawar Singh and Fateh Singh were put to death by execution. The aged Mata Gujri, who had all along been kept in the Cold Tower, only a little distance away, breathed her last as the news reached her ears."

A long-pending demand

For long, the Sikh community has asked that December 26 be marked as a special day in memory of the Chhote Sahibzaade. Some politicians and activists have even demanded that Children's Day be observed on this day rather than on November 14. Jor Mela, a religious fair, is organised from December 25-28 every year in memory of the children and their grandmother at Sri Fatehgarh Sahib, which is attended by lakhs of devotees, not just from Punjab but also from other states.

Current political context

The BJP is going into the election of February 14 without its old ally Shiromani Akali Dal (SAD), a panthic party that puts religious and gurdwara affairs as the top of its agenda, and believes that dharma (religion) and politics cannot be separated in Punjab. For the Modi government and the BJP, which have lost significant political capital during the year-long standoff with farmers protesting against the three farm laws that the Centre was ultimately forced to withdraw, the announcement is in the nature of a peace offering. It is seen as an effort to placate angry and upset Punjabis — not just Sikhs, but people from all communities who revere the sacrifice of the Chhote Sahibzaade. The SAD has, however, objected to the decision being taken without consultation with the Shiromani Gurdwara Parbandhak Committee (SGPC), which is responsible for the management of Sikh places of worship. SAD spokesperson Dr Daljit Singh Cheema said, "We appreciate the PM's move to honour the sacrifice of the Chhote Sahibzaade, but the name of the day should be decided after consultation with the SGPC to do justice to the history behind this unparalleled sacrifice. The Sikh religious literature and gurbani should be consulted to name this day." SGPC member Kiranjot Kaur tweeted, "I strongly oppose naming Shaheedi Diwas of Sahibzaade as Veer Bal Diwas. Babas are being reduced to children. Govt has no business reinterpreting our beliefs in a reductionist way." Prof Paramvir Singh said that even though Zorawar Singh and Fateh Singh were only 9 and 7 respectively at the time of their martyrdom, they are referred to as "Baba Zorawar Singh" and "Baba Fateh Singh" because according to Sikh faith, they were not merely 'children'.

BUSINESS & ECONOMICS

LIBERAL ECONOMICS CREATES ILLIBERAL SOCIETIES

A surging tide of nationalism and authoritarianism has imperilled democracy globally, and within presumptively democratic nations — the United States, India, the United Kingdom, and the European Union — too. Economies are not doing well. The benefits of growth are being sucked up to the 1% on the top; 'trickle down' to those below has diminished. With every global crisis — the financial crisis of 2007-08 and the ongoing COVID-19 crisis — the rich get richer while millions at the bottom fall off the ladder. Inequalities of wealth have increased around the world and India is becoming one of the world's most unequal countries.

Political, economic symptoms

Like the COVID-19 virus, whose origins scientists are struggling to understand, another disease has been crippling the well-being of nations for 30 years. Political symptoms of the disease are the weakening of democracy and secularism. Its economic symptoms are inequities within economies and an unsustainability of economic growth. The socio-political and economic pathologies are inter-related. Economic despair is feeding the rise of authoritarianism, nationalism, and identity politics. Liberals who continue to advocate for more liberal economics must understand how their ideas have caused the rise of anti-liberal societies and governments which they lament. They can no longer have their cake and eat it too. Opening national borders to free trade became an ideology in economics in the last 30 years. Taxes of incomes and wealth at the top were also reduced. The ideological justification was that the animal spirits of 'wealth creators' must not be dampened. Otherwise, the pie will not grow and there will not be enough to share. With higher taxes until the 1970s, the U.S. and many countries in Europe had built up their public health and education infrastructure and strengthened social security systems. The rich are now being taxed much less than they were. The pie has grown larger but the richest few have been eating, and hoarding, most of it themselves.

On 'privatisation'

Governments are hamstrung without resources to provide public goods. 'Privatisation' of everything became another ideological imperative in economics by the turn of the century. Selling off public enterprises raises resources for funds-starved governments. Another justification is efficiency in delivery of services, setting aside ethical questions of equity. When 'public' is converted to 'private', rich people can buy what they need. In fact, they can buy more with their higher incomes even if the services become more expensive — better health care as well as better education for their children at the world's best schools. The children of wealthier people with better education have greater access to opportunities in the future also. The gaps between the haves and the have-nots become larger.

Return of history

With not enough in the present, and receding hopes of better conditions in the future, people lose faith in their governments. History shows that whenever hopelessness spreads in societies, they are fertile grounds for messianic saviours who whip up pride in citizens' identities to distract them from their woes. History has not ended, even though Francis Fukuyama said it had when the Soviet Union collapsed. With it, he suggested, the idea of totalitarian governments as saviours of the people had been debunked; and the idea of public ownership of property, which the communists

had taken to an extreme by abolishing all private property, had failed. History has returned. Authoritarian governments are now being democratically elected by people seeking a way out of the morass. The U.S., the leader of the Cold War against the Soviets, built the "Washington Consensus" around a starkly "unsocialist", capitalist ideology which swept across erstwhile socialist countries of Europe and India too. Socialism seems to be back in U.S. politics now with Bernie Sanders, Elizabeth Warren, and young Democrats. Liberal economists, promoting free markets, free trade, and privatisation, are worried by nationalism and authoritarian governments. They rail against "populist" policies of governments that subsidise the poor and adopt industrial strategies for self-reliance and jobs for their citizens. Liberals must re-examine their ideas of economics, to understand their own culpability in creating authoritarian and identitarian politics.

The property problem

Thomas Piketty's Capital and Ideology traces the ideology of "property" rights and its encounters with evolving ideas of "human" rights over the last three centuries. In proprietarian societies, it is just that he who owns more must have a greater say in the governance of the enterprise. In truly democratic societies, human rights must prevail, and every person, billionaire or pauper, must have an equal right to determine the rules of the game. Democratic and capitalist principles were becoming reconciled with "socialist" ideas in Europe and the U.S. after the World Wars, and in developing countries such as India after the collapse of colonialism. The socialist era ended with the collapse of communism and the resurgence of neoliberal economics around the world afterwards. While communism had lifted living standards, and the health and education of masses of poorer people faster than capitalism could, communism's solution to the "property" question — that there should be no private property — was a failure. It deprived people of personal liberties. Capitalism's solution to the property problem — replacing all publicly owned enterprises with privately owned ones (and reducing taxes on wealth and high incomes) has not worked either. It has denied many of their basic human needs of health, education and social security, and equal opportunities for their children. The private property solution has also harmed the natural environment. The belief that private owners will husband natural resources sustainably for all has proven false. When natural resources, and knowledge converted into "intellectual property", become the property of business corporations, they will use them for the purpose for which a business corporation is created — which is to increase the wealth of its owners. The ecological commons are harmed, and social equity suffers. Communism and proprietarian capitalism carried too far have both failed. Climate change and political rumblings around the world are both warnings that capitalism needs reform. Economic policies must be based on new ideas. Thought leaders and policymakers in India must lead the world out of the rut of ideas in which it seems to be trapped. Principles of human rights must not be overpowered by property rights. A new form of "Gandhian" democratic socialism, powered by cooperative economic enterprises, is required in the 21st century, to create wealth at the bottom, not only at the top, and save humanity and the planet.

INDIA, UK KICK OFF FTA TALKS, WILL AVOID 'SENSITIVE ISSUES'

Looking to double the trade between India and the United Kingdom (UK) by 2030, the countries launched formal Free Trade Agreement (FTA) negotiations on Thursday, which they hope to conclude by the end of the year. Bilateral trade between the countries is worth about $50 billion per year. Commerce Minister Piyush Goyal said both countries had agreed to avoid "sensitive issues" and focus on areas where there is more complementarity. The agriculture and dairy sectors are considered sensitive sectors for India in trade talks. Goyal and UK Secretary of State

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for International Trade Anne-Marie Trevelyan said the countries will also look at concluding an interim or early harvest trade agreement over the next few months. He said a trade deal with the UK could boost exports for large job creating sectors such as textiles, leather goods, and footwear. "Through our commitment to a new and transformational comprehensive strategic partnership, and the 2030 roadmap for future UK India relations, we aim to double trade between our countries by the end of this decade," Trevelyan said. When asked if there were any key issues that India felt were necessary for a trade deal to materialise, he said, "Nothing is necessarily a deal-breaker in this agreement." Goyal added relaxation of visa restrictions, which has been a key issue for India to boost services trade, was not a "a pressing or an overriding demand" and that neither side had any demands that were deal breakers or considered to be "a must" for an agreement. Commerce Secretary B V R Subrahmanyam said the two countries would aim to conclude an early harvest trade agreement by Easter. "I would say in the interim (agreement), we'll reach about 60-65 per cent of coverage for goods. By the time we reach the final agreement, we will looking at 90 plus percentage coverage of goods," Subrahmanyam said, adding the interim agreement would also likely deal with trade in 50-60 services of a total of 160. Subrahmanyam noted that even though the UK imposed small tariffs on most goods, it made a major difference to the competitiveness of a number of Indian products including textiles. Interim agreements, which reduce tariffs on some products, can however in some cases lead to significant delays in achieving comprehensive FTAs. India, in 2004, signed an interim trade agreement with Thailand to reduce tariffs on 84 goods, but the agreement was never converted to a full-fledged FTA. Early harvest agreements that do not graduate into full FTAs can also face challenges from other countries at the World Trade Organization as WTO rules only permit members to give preferential terms to other countries if they have bilateral agreements that cover "substantially all the trade" between them.

FOOD PRICES PUSH RETAIL INFLATION TO 6-MONTH HIGH

The retail inflation rate rose to a six-month high of 5.59 per cent in December, primarily due to increase in food prices, according to data released by the National Statistical Office (NSO). Another set of data released by NSO Wednesday showed that industrial output grew by 1.4 per cent in November despite a low base of (-)1.6 per cent in the previous year, as manufacturing and mining outputs were subdued amid weak investment and consumption demand. The low base effect and higher food inflation pushed up the headline retail inflation, with core inflation — non-food, non-fuel — hovering near 6 per cent and the impending full pass-through effect of the telecom price hike yet to filter in. Also, with retail inflation inching closer to the upper tolerance level of the 4+/-2 per cent target of the RBI, economists expect only a negligible chance of a hike in rate, especially reverse repo, in the upcoming monetary policy review meeting in February. "While the CPI inflation has hardened sharply between November and December 2021, the uncertainty triggered by the third wave is sure to take precedence when the MPC meets next month. We now see a negligible likelihood of a change in stance or reverse repo hike in the February 2022 policy review," Aditi Nayar, Chief Economist, ICRA, said. "The duration of the current wave and the severity of restrictions will determine whether policy normalisation can commence in April 2022, or be delayed further to June 2022. With a higher inflation target, the MPC can choose to prioritise growth revival for much longer than other major Central Banks for many of whom inflation control has become a pressing policy focus," Nayar said. Food inflation climbed to a six-month high of 4.05 per cent in December. The rise was mainly due to milk (3.8 per cent) and cereals inflation (2.6 per cent), which rose to a 12-month and a 14-month high, respectively. Core inflation came in at 6.01 per cent in December, remaining above 6 per cent for three consecutive months. Clothing and footwear inflation now stands at an 89-month high of 8.30 per cent on the back of

higher cotton prices. "Passing on the input cost into output costs by various FMCG and telecom companies and rising health/ hospital costs are expected to keep core inflation high going forward," Sunil Kumar Sinha, Principal Economist, India Ratings, said. Weak consumption and investment weighed on the Index of Industrial Production. The manufacturing sector's output, which accounts for over three-fourth of the total weight of the index, grew 0.9 per cent in November as against a contraction of 1.6 per cent in the previous year. The mining output grew 5 per cent as against a contraction of 5.4 per cent, while electricity generation grew 2.1 per cent compared with 3.5 per cent growth a year ago. Mining and manufacturing outputs were below pre-Covid levels. Capital goods, which is an indicator of investment, contracted 3.7 per cent in November despite a contraction of 7.5 per cent a year ago while consumer durables output contracted 5.6 per cent and consumer non-durables output grew just 0.8 per cent. "Industrial growth is once again feeble at 1.4 per cent, which comes on a negative base of -1.6 per cent. Quite clearly, the momentum has been dissipated over time. Consumer goods have seen a pushback, which means that the pent-up demand witnessed earlier has not been sustained in November. Capital goods, including vehicles, have witnessed a setback again with a negative growth rate," Madan Sabnavis, Chief Economist, Bank of Baroda, said. Going ahead, the industrial output growth is seen as weak, given the risks from localised restrictions in view of new Covid variants. "The lockdown-like conditions which are in force from mid-December, which will continue till March, will keep production levels depressed and growth in the coming quarter would be in the region of not more than 3-5 per cent even on a low base," Sabnavis said. Risks for both inflation and industrial output remain elevated on account of the supply-side constraints and restrictions due to the Omicron wave.

EXTENDING GST COMPENSATION AS A REFORM CATALYST

It has been claimed that the implementation of the Goods and Services Tax (GST) in India was a grand experiment in cooperative federalism in which both the Union and the States joined hands to rationalise cascading domestic trade taxes and evolve a value-added tax on goods and services. Although the rate structure was presumed to be revenue neutral, the States agreed to forgo their revenue autonomy in favour of tax harmonisation. This was in the hope that it would turn out to be a money machine in the medium term due to improved compliance arising from the self-policing nature of the tax.

The calculation

To allay the fears of States of possible revenue loss by implementing GST in the short term, the Union government promised to pay compensation for any loss of revenue in the evolutionary phase of five years. The compensation was to be calculated as the shortfall in actual revenue collections in GST from the revenue the States would have got from the taxes merged in the GST. This was estimated by taking the revenue from the merged taxes in 2015-16 as the base and applying the growth rate of 14% every year. To finance the compensation requirements, a GST compensation cess was levied on certain items such as tobacco products, automobiles, coal and solid fuels manufactured from lignite, pan masala and aerated waters. Unfortunately, the compensation saga was not without controversy. In the first two years of its implementation, the amount of compensation to be paid to the States was modest and the compensation cess was sufficient to meet the requirements. In fact, the cess collections exceeded the compensation requirements by ₹21,466 crore in 2017-18 and ₹25,806 crore in 2018-19.

Reason for mistrust

In 2018-19, the shortfall in the payment requirement from the cess collections was ₹24,947 crore which could be met from the surpluses of the previous two years kept as balance in the compensation fund. However, in 2020-21, due to the most severe lockdown following the novel coronavirus pandemic, the loss of revenue to States was estimated at ₹3 lakh-crore of which ₹65,000 crore was expected to accrue from the compensation cess. Of the remaining ₹2.35 lakh-crore, the Union government decided to pay ₹1.1 lakh-crore by borrowing from the Reserve Bank of India under a special window and the interest and repayment were to be paid from the collections from compensation cess in the future. However, the entire compensation payment episode plunged the Union-State relationship to a new low, creating humongous mistrust. The agreement to pay compensation for the loss of revenue was for a period of five years which will come to an end by June 2022; and considering the uncertainty in revenue collections faced by the States, they are keen that the compensation scheme should continue for another five years.

Core issues

Although it was hoped that the tax structure would stabilise in the first five years, the reform is still in transition. First, the technology platform could not be firmed up for a long time due to which the initially planned returns could not be filed. This led to large-scale misuse of input tax credit using fake invoices. The adverse impact on revenue collections due to this was compounded by the pandemic-induced lockdowns. Second, this is the only major source of revenue for the States and considering their increased spending commitments to protect the lives and livelihoods of people, they would like to mitigate revenue uncertainty to the extent they can. They have no means to cushion this uncertainty for the Finance Commission which is supposed to take into account the States' capacities and needs in its recommendations has already submitted its recommendations; the next Commission's recommendations will be available only in 2026-27. More importantly, the structure of GST needs significant changes and the cooperation of States is necessary to carry out the required reforms.

A case for amendments

It is very well acknowledged that the structure of GST requires significant reforms. Notably, almost 50% of the consumption items included in the consumer price index are in the exemption list; broadening the base of the tax requires significant pruning of these items. Second, sooner or later, it is necessary to bring petroleum products, real estate, alcohol for human consumption and electricity into the GST fold. Third, the present structure is far too complicated with four main rates (5%, 12%, 18% and 28%). This is in addition to special rates on precious and semi-precious stones and metals and cess on 'demerit' and luxury items at rates varying from 15% to 96% of the tax rate applicable which have complicated the tax enormously. Multiple rates complicate the tax system, cause administrative and compliance problems, create inverted duty structure and lead to classification disputes. Reforming the structure to unify the rates is imperative and this cannot be done without the cooperation of States. They would be unwilling to agree to rationalise rates unless the compensation payment for the revenue loss is continued. Thus, extending the compensation payment for the loss of revenue for the next five years is necessary not only because the transition to GST is still underway but also to provide comfort to States to partake in the reform. GST is the most important source of revenue to States and any revenue uncertainty from that source will have a severe adverse effect on public service delivery. Similarly, reforming the structure to complete the process of transition to a reasonably well-structured GST is important not only to enhance the buoyancy of the tax in the medium term but also to reduce administrative and compliance costs to improve ease of doing business and minimise distortions. It has been pointed out by many including the Fifteenth Finance Commission that the compensation scheme

of applying 14% growth on the base year revenue provided for the first five years was far too generous. The issue can be revisited and the rate of growth of reference revenue for calculating compensation can be linked to the growth of GSDP in States to ensure the comfort of minimum certainty on the revenue. This will incentivise them to accomplish the reform in the true spirit of cooperative federalism.

BBNL-BSNL MERGER SCHEDULED FOR THIS FISCAL; TELCO MAY FINISH BHARATNET WORK

In a move to consolidate all its telecom operations under one umbrella, the government is likely to merge the operations and assets of Bharat Broadband Network Limited (BBNL) with Bharat Sanchar Nigam Limited (BSNL), sources in know of the development told The Sunday Express. The scheduled merger is likely to be completed by March 31 this year. A Cabinet note on the proposed merger is being prepared and it is likely to be placed before the Cabinet for its approval soon, the sources said. In response to queries seeking details of the merger, Department of Telecommunications (DoT) Secretary K Rajaraman said there was "no such decision as of now", while a spokesperson for BBNL said the organisation was "not aware of any such development and therefore would not like to comment" on the issue. Emails to Chairman and Managing Director of BSNL did not elicit any response. BBNL, a special purpose vehicle (SPV) of the Ministry of Communications, was incorporated in 2012 as public sector unit. It was handed over the task of implementing the BharatNet project, which was till then known as National Optical Fibre Network (NOFN). The SPV is funded by from the Universal Service Obligation Fund (USOF), which is raised from a Universal Access Levy (UAL) applicable to all telecom licence holders. It came into effect from April 1, 2002 and mandated that all telecom service providers must pay a percentage of their revenue into the USOF funds. Of the 8 per cent adjusted gross revenue, 5 per cent goes into the USOF, while the rest goes into the central exchequer. With the merger of BBNL and BSNL, this fund — which currently stands at close to Rs 60,000 crore — is likely to go to BSNL and help the state-run telco come out of its crunch. Sources also said the pending work on BharatNet, which aims to connect all the six lakh villages in the country with high speed internet, will now be completed by BSNL by creating a separate division inside the state-run telco. The initial aim of BharatNet, which was started as NOFN, was to connect 2.5 lakh gram panchayats (GPs) with high speed broadband internet by 2014. The initial phase one was supposed to connect 1.5 lakh GPs, while phase two was supposed to connect the remaining 1 lakh GPs. In 2020, the scope of the scheme was expanded when Prime Minister Narendra Modi announced on August 15 that over the next 1,000 days, BharatNet would connect all six lakh villages through high speed internet. Earlier in June 2021, the DoT had decided to change the implementation model of BharatNet by taking the public-private-partnership (PPP) route. As part of the revised plan under the PPP model, a concessionaire will be selected through a competitive international bidding process and will be responsible for creation, upgradation, operation, maintenance and utilisation of BharatNet. The revised strategy will be followed in 16 states for now. The implementation of BharatNet under the PPP model is estimated to cost Rs 29,432 crore, of which the government will spend Rs 19,041 crore as viability gap funding. The PPP model will initially be launched in Kerala, Karnataka, Rajasthan, Himachal Pradesh, Punjab, Haryana, Uttar Pradesh, Madhya Pradesh, West Bengal, Assam, Meghalaya, Manipur, Mizoram, Tripura, Nagaland, and Arunachal Pradesh.

BEHIND VI'S EQUITY CONVERSION MOVE: MOUNTING DEBT, EYE ON LONG RUN

Vodafone Idea on Tuesday informed the exchanges it would be opting for the government's offer of paying interest for the 4 years of deferment on the spectrum instalments and adjusted gross revenue dues by way of conversion into equity of the net present value of such interest amount. It

also said that on conversion of the said interest to equity, the government would own 35.8 per cent of the total outstanding shares of the company.

What is the government's offer on conversion of pending interest and dues to equity?

In the telecom reforms approved by the Union Cabinet in September last year, one of the major decisions that was aimed at providing immediate relief to debt-laden companies such as Vi, was the decision to provide a four-year moratorium on payment of all dues arising due to the Supreme Court's September 1, 2020, judgment on adjusted gross revenue (AGR). This meant that telecom companies could opt to pay the principal, the interest, and all other penalties, as decided by the top court, after four years, instead of paying it then. The government had also given all the telcos a one-time opportunity to convert the interest on this deferred payment into equity at the end of the four year period.

Why is Vi opting to convert the interest on deferred payment to equity?

Vi, which is reeling under debt in excess of Rs 2 lakh crore, has been looking to raise funds from investors for quite some time. The government's offer of deferred payment of adjusted gross revenue dues came as a major breather for Vi, which owed the Department of Telecommunications (DoT) more than Rs 58,000 crore just as AGR. Though the company has managed to raise some short term loans, it has so far not been able to get fresh long term funds, which may help the company sustain in the long run. By opting to convert the interest on deferred payment, the company will look to invest the freed funds into building long term capabilities and invest in newer technologies such as 5G.

Will Vi become a government-owned company now?

Vi has said the net present value of the interest related to spectrum auction dues and AGR would come to around Rs 16,000 as on date. Since the average price of Vi's shares on August 14, which the Supreme Court decided would be the cut off date, was below par value, the company would issue shares to the government at par value of Rs 10 per share. This would therefore mean that the DoT would become the largest shareholder with 35.8 per cent holding in the company, while the holding of the Vodafone Group would be reduced to 28.5 per cent and that of the Aditya Birla Group would be cut down to 17.8 per cent. This, however, does not mean that the government will be able to take any executive decisions about the company. By another resolution, the current promoters have also agreed to amend the shareholder agreement and have brought down the minimum qualifying shareholding threshold from 21 per cent to 13 per cent. This means that both Vodafone Group and Aditya Birla Group will continue to hold rights to make important decisions about the company, such as appointment of directors and other key officials, among others. The government will continue to remain the largest shareholder without the ability to exercise executive rights.

NCLAT TO HEAR PLEA CHALLENGING CCI ORDER: WHAT NEXT FOR AMAZON-FUTURE DEAL

The National Company Law Appellate Tribunal (NCLAT) has agreed to hear Amazon's plea challenging the Competition Commission of India's (CCI) decision to suspend the company's 2019 deal with Future Coupons. The NCLAT, on Thursday, while rejecting Amazon's plea to put on hold CCI's decision, asked both the regulator and Future Coupons to file their reply within the next 10 days.

Why does Amazon want the NCLAT to set aside the CCI decision on Future Coupons deal?

A primary argument that Amazon pleaded before the NCLAT was that since the deal with Future Coupons was signed in 2019, the CCI could not have gone back more than 12 months to review and subsequently suspend the deal. The counsel for Amazon also questioned how the competition regulator could have revisited its own order allowing the deal almost after two years. In its December 17 order staying the Amazon deal with Future Coupons, the CCI had also asked Amazon to seek a fresh approval for the deal by filing out the Form II. Amazon also took exception to this demand by the CCI and said that since the deal with Future Coupons was strategic, the regulator could not have reviewed the entire deal. "Form II is given when there is an activity. Here the investment was, in the event of the policy of the government of India changes or you obtain the government approval, there was a certain call option. Because we have referred it (deal) as strategic, the commission takes a view to reviewing the entire matter," counsel for Amazon Gopal Subramaniam said.

Why did the CCI stay Amazon's deal with Future Coupons two years after approving it?

In its December order suspending the deal, the CCI had said that Amazon had "misled" the regulator about its intentions regarding its investment in Future Coupons. In its order, the CCI had said that Amazon had "misled the Commission to believe, through false statements and material omissions, that the combination and its purpose were the interest of Amazon in the business of FCPL" . The regulator added Amazon had suppressed "the purpose of establishing strategic alignment and partnership between Amazon Group and FRL (Future Retail Ltd) as well as have a 'foot-in-the-door' in the India retail sector."

What will happen next in the Amazon-Future Coupons legal tussle?

So far, both Amazon and Future Group have filed more than a dozen cases against each other in various forums, such as the Delhi High Court, the National Company Law Appellate Tribunal and the Supreme Court. Apart from this, both these companies are also engaged in arbitration at the Singapore International Arbitration Centre (SIAC). On the next hearing in the NCLAT on February 2, Amazon will try to prove why the CCI could not have revisited its earlier order when it had granted its approval for the deal, while Future is likely to argue that since the deal has now been suspended, the NCLAT should not entertain the plea. Apart from the NCLAT, Amazon and Future Group are also battling the case out in the Supreme Court, where the Future Group has challenged the Delhi High Court's refusal to grant stay on an arbitration tribunal decision refusing to interfere with the Emergency Award (EA) of the SIAC.

PRIVATISATION CAN KICKED DOWN THE ROAD, PUSH IN HEALTH & PLI

Among the key reforms unveiled in Budget 2021-22, the privatisation of two state-owned banks and downstream oil major BPCL is now expected to stretch into next year, even as the Centre is fighting against time to bring in the Life Insurance Corporation IPO before this quarter is over. Depending upon the size of the offering, LIC's initial public offering could help the Centre partly meet its Rs 1.75-lakh-crore FY22 disinvestment target, of which only around 5.3 per cent or Rs 9,329.90 crore has been raised so far, as per official data. While the enabling framework for privatisation of one of the four general insurance companies — a key Budget announcement — has been wrapped up, with amendments to the General Insurance Business (Nationalisation) Act being cleared in the monsoon session of Parliament, the insurer targeted for the stake sale is yet to be finalised. Market participants expect the pending IDBI Bank stake sale to facedelays. The progress on a set of other proposals presents a mixed bag. Framed in the backdrop of a record contraction last year, Budget 2021-22 aimed to "support and facilitate the economy's reset" to

ensure sustainable growth. Privatisation and asset monetisation were the key components of this planned economic reset. While the government could sell Air India to the Tata Group and bring out a National Monetisation Pipeline, the privatisation of state-owned banks is yet to gain momentum. The Banking Laws (Amendment) Bill, 2021 "regarding privatisation of two Public Sector Banks" was listed for introduction in the just concluded winter session of Parliament. But it was not taken up by the Cabinet despite a draft being ready, an official said. Bank unions' opposition to privatisation, the Centre's pullback on the farm laws and the upcoming Assembly elections are said to have been factors behind the delay. Other companies in line for privatisation include: Shipping Corporation of India, BEML, Neelachal Ispat Nigam Limited, Container Corporation of India and Pawan Hans, among others. The government has received financial bids for Pawan Hans and Neelachal Ispat Nigam, and the privatisation process has moved to its concluding stage. On the economy reset plan, fresh buoyancy is seen in direct and indirect tax collections, and higher dividends from state-owned companies as well as the Reserve Bank of India, are seen as aiding government revenues. This would help bridge the gap making the fiscal deficit target of 6.8 per cent possible, despite higher than anticipated expenditure on vaccine procurement, fertiliser subsidy and clearing arrears of export incentives worth Rs 56,000 crore, sources said. As per India Ratings, the gross tax revenue collection in FY22 is estimated to be Rs 5.9 lakh crore higher than the budgeted figure. Substantial progress has, however, been made in other key budget announcements on the health sector: spending for better healthcare infrastructure, production-linked incentive schemes and mega parks for investment in textile sectors. Among other proposals, the National Bank for Financing Infrastructure and Development (NaBFID) has been set up as a development finance institution to provide long-term funding in infra sector. Among other financial sector proposals, deposit insurance cover has been raised to Rs 5 lakh per account from Rs 1 lakh earlier while Foreign Direct Investment (FDI) cap has been raised to 74 per cent from 49 per cent as proposed in the Budget. A pre-pack insolvency resolution framework has also been introduced for the MSMEs. Queries sent by The Indian Express to the Finance Ministry went unanswered. On the taxation front, the government had proposed making some changes in the faceless assessment scheme. Over the year, it has been easing norms for taxpayers wanting a personal hearing while appealing against a tax demand. The government had also proposed setting up a National Faceless Income Tax Appellate Tribunal with complete electronic communication, which is yet to be set up. As private investment and consumption nosedived in the wake of the pandemic, government capital spending has been enhanced. But its pace has been slower than what the budget had targeted. During April-November, the government has incurred 49.4% of ₹2.73 lakh crore of its total budget target of CapEx. The union budget 2021-22 has provided capital outlays of ₹5.54 lakh crore – a jump of 34.5% over 2020-21 Budget Estimates. The government had also made provision of over ₹2 Lakh core for States and autonomous bodies towards their capital expenditure, officials argued that CapEx spending would come close to the target due to lumpy expenditure in the last quarter. behind the less than anticipated capex is the delay in estate sales and the second and now the third kovid wave affecting project execution. Besides privatization, asset monetization is the other leg of the "Economic Reset" and the government has put out a 4 year National Monetization pipeline and NMP worth an estimated ₹6 lakh crore.

ESTABLISHING INDIA'S APPLE

This month, the U.S. tech company Apple reached the $3 trillion-mark in market capitalisation. This made it wealthier than most countries. The question is: can or will India be able to produce a company like Apple? The answer is 'no' — not until we turn our university campuses into powerful economic accelerators. But how? This will require an understanding of how innovation

works. For that, we need to get into how a research- and development-driven economy works and the universities' indispensable role in it.

The foundation

Innovation requires establishing ecosystems, which requires building institutional frameworks and research infrastructure. To build ecosystems, we should start by connecting institutions nearby. Facilitating easy access to tools and equipment for each others' students and faculty, creating an open, inclusive atmosphere, and encompassing each other's strengths should follow that. Building research infrastructure should be envisioned for an ecosystem rather than an institution. Such a system will use optimal resources. The initial funding to build large research infrastructures needs to come from the public exchequer. Government funding is the initiator of turning ideas into workable solutions in science and technology-led innovation. Once kick-started, the start-up companies need to be financed by private investors, like angel investors and venture capitalists. Fostering innovation goes beyond making the physical infrastructure and providing access. It includes having excellent tech transfer offices, access to legal counsel and law firms, funding opportunities outside the government, and most importantly, having world-class faculty members. Tech transfer offices and incubators play a vital role in commercialising technologies. Their part is to make sure that the universities are incentivised while providing a physical space with technical and legal help for individual faculty-driven innovations to get commercialised. To do this, they need to build independent mechanism(s) for their governance, funding, and a competitive process of licensing inventions to third parties. University incubators need the freedom to operate and to establish linkages with funders, both government and private, to raise funds to support start-up companies within their ecosystem. They need to draw mechanisms to be incentivised back too. Finally, the tech transfer offices need to formulate clear guidelines regarding ownership rights on inventions coming out from the universities. Proper legal frameworks are needed for university-driven innovation to mature . After consultations and modifications, Parliament needs to pass the Protection and Utilization of Public Funded Intellectual Property Bill (PUPFIP), 2008. Although there are other policies and guidelines, making PUPFIP a law will help formulate a clear and uniform set of rules and remove the universities' lack of clarity on intellectual property rights to commercialise inventions from government-funded research programmes. Apart from infrastructure, funding, and legal help, the innovation ecosystems need early adopters to risk their time and energy to take products and solutions to the broader masses.

A broader reach

While STEM (Science, Technology, Engineering, and Mathematics) subjects will lead innovation out of the university campuses, it is essential to broaden the reach to cover all streams within the liberal arts. Universities need to engage a broader group with integrated curricula incorporating all disciplines' best practices. Additionally, the university curricula need to get away from focusing exclusively on awarding degrees on broad subjects to providing vocational training towards developing students' skills for a specific task. Focusing on innovation must not take our minds away from problems in fundamental sciences or other streams. Funding for applied sciences should not be at the cost of fundamental sciences. With the market caps of many technology-driven companies ranking in the top 20 of global GDP alongside the nation-states, universities can play a significant role in fostering the economies of all nations. The time has come for the universities in India to provide value outside of their traditional niche of creating knowledge and teaching. Sustained public funding to build world-class research and development infrastructure and hiring the best faculty in our university system are the first steps to realising this dream.

Equally important is encouraging and providing the faculty the freedom to dive more into the space without sacrificing critical thinking. This will propel 'innovation quotient" to be used as a defining parameter for ranking universities rather than parameters like the size of the graduating class and faculty-to-student ratio.

THE DEVAS ARBITRATION

On Monday (January 3), Devas shareholders said they had won an order allowing seizure of $30 million worth of properties of Air India and the Airports Authority of India after a Canadian court's order in connection with the arbitration award it had won against the Indian government. Both Indian entities have sought quashing of this order and the court has reserved its decision.

What happened in Canada?

A court in Canada had ordered seizure of amounts collected by the International Air Transport Association (IATA) on behalf of Air India and AAI. Separate orders were passed on November 24 and December 21 on pleas by Devas's shareholders. This is the latest attempt by Devas shareholders to enforce the arbitration awards it won at international tribunals after India cancelled the Devas-Antrix deal in 2011. So far, Devas has moved to seize U.S. $17.3 million of ticketing fees collected on behalf of Air India and U.S. $12.76 million of air navigation and aerodrome charges international airlines owe to AAI. Air India and AAI have sought quashing of the seizure order and the Quebec Superior Court held hearings on January 4 and January 5. The court has reserved its decision.

What was the Antrix-Devas deal and why was it cancelled?

Telecommunications firm Devas Multimedia signed a contract with Antrix (ISRO's commercial arm) in 2005 under which the latter would build and launch two ISRO satellites and lease the corresponding S-band satellite spectrum to Devas, which in turn would use it to provide its Internet services. Following a leaked draft CAG audit report that pointed to a number of potential irregularities in the deal, including alleged financial mismanagement and violation of standard operating procedures the UPA government cancelled the Antrix-Devas deal in February 2011 citing "force majeure". However, the final CAG report and a number of other panel probes did not find any evidence of quid pro quo or bribery. Questions have also been raised about the calculation of losses by the CAG in the Antrix-Devas deal as it compared satellite spectrum with telecom spectrum.

Why has Devas sought to attach AAI and Air India assets overseas?

After the Devas-Antrix deal was cancelled in 2011, Devas Multimedia Private Limited and its shareholders won three arbitration awards at international tribunals. Despite the compensation awarded to Devas shareholders, India has not paid any money yet and challenged the awards multiple times. Devas says that in 2020 the BJP government agreed to a negotiated global financial settlement, but walked away from it and until India returns to the negotiating table, it has no alternative but to move against India's assets globally. The first award on September 14, 2015 by the International Chamber of Commerce (ICC) Tribunal, seated in New Delhi, unanimously rejected Antrix's defence of "force majeure" for cancelling the deal and held that it had wrongfully repudiated the agreement and awarded Devas U.S. $562.5 million in damages plus 18% interest per annum. ISRO's commercial arm, Antrix, has filed a petition to set aside the ICC award which is currently under adjudication before the Delhi High Court. In 2012, shareholders of a Devas arm

incorporated in Mauritius moved the Permanent Court of Arbitration (PCA) against India, alleging violation of the obligation to protect their interest as guaranteed under the India-Mauritius Bilateral Investment Treaty (BIT). The PCA Tribunal, seated at The Hague, on July 25, 2016 found India liable for breaching its obligations. On October 13, 2020 the PCA Tribunal awarded Devas shareholders over U.S. $111 million plus interest as compensation. A third arbitration by one of the other shareholders of Devas —Deutsche Telekom (DT)—under the India-Germany Bilateral Investment Treaty at the PCA, won DT more than $132 million plus interest (in December 2017 and May 2020). Meanwhile, in January 2021, after a plea from Antrix, the National Company Law Tribunal ordered winding up of Devas on grounds of being fraudulent, which was upheld by NCLAT in September, 2021. NCLAT has also held the Antrix-Devas agreement to be illegal. Devas has moved the Supreme Court and its appeals are pending.

What about Air India's sale to the Tatas?

Devas's move to seize Air India assets comes just weeks before Tata Sons is set to take over the airline. However, the events in Canada are unlikely to hamper the transfer of the airline as Tata Sons has been granted indemnity from past legal claims in the shareholder's agreement. "Expect a smooth transition by January-end," Kapil Kaul, CEO, CAPA India, said.

TRUST DEFICIT

The decision of India's competition watchdog to order investigations into Google, following allegations by the country's digital news publishers that it has broken antitrust laws, marks a significant moment in a country where the fortunes of the news media industry have been on a downward path. The development is not a total surprise. For, governments in many countries such as Australia and France have used their political capital in recent years to try and correct the enormous imbalance that exists between big technology companies that control news in the digital sphere today and the traditional journalism industry that keeps the wheels of news running, thereby also creating the basis for the conversations that are so important in a democracy. The investigations have been ordered on the basis of a complaint by India's Digital News Publishers Association, which has alleged that Google not only dominates the market for information but also abuses this dominance. It does so, the association has alleged, by not providing a fair share of the advertising monies and by not providing adequate information. It has also complained that it does not get paid for the news snippets that appear in 'search'. The association's broader point is that the terms of engagement are "unilaterally and arbitrarily" dictated by the tech platform, and there is nothing its members can do about it. The imbalance of power and the denial of a fair share of revenue will be questions that the watchdog will be interested in exploring. What was recognised by lawmakers in Australia, for instance, when they last year came up with a law that sought to level the playing field between big tech platforms and news publishers, is a condition that is true around the world. In India too, the power imbalance exists and has only gotten worse in recent years. The news media industry, which invests in journalists, has struggled to stay afloat while the big tech platforms have become more and more powerful. But the Australian case is one of a rare intervention by a government in publisher-platform relationships. The current investigations in India are more a case of the publishers finding an appropriate existing forum in search of relief. The sustainability of journalism in the digital era has far-reaching implications, especially in a democracy. It has been quite evident in recent years that the industry has ended up sacrificing quality in its quest for more eyeballs, and nuance in the quest for more emotional engagement. The cost of not being able to get a fair value for journalistic effort can never be overemphasised enough.

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LIFE & SCIENCE

IN FIRST, US SURGEONS TRANSPLANT PIG HEART INTO HUMAN PATIENT

In a medical first, doctors transplanted a pig heart into a patient in a last-ditch effort to save his life and a Maryland hospital said Monday that he's doing well three days after the highly experimental surgery. While it's too soon to know if the operation really will work, it marks a step in the decades-long quest to one day use animal organs for life-saving transplants. Doctors at the University of Maryland Medical Center say the transplant showed that a heart from a genetically modified animal can function in the human body without immediate rejection. The patient, David Bennett, a 57-year-old Maryland handyman, knew there was no guarantee the experiment would work but he was dying, ineligible for a human heart transplant and had no other option, his son said. There's a huge shortage of human organs donated for transplant, driving scientists to try to figure out how to use animal organs instead. Last year, there were just over 3,800 heart transplants in the US, a record number, according to the United Network for Organ Sharing, which oversees the nation's transplant system. ``If this works, there will be an endless supply of these organs for patients who are suffering,'' said Dr. Muhammad Mohiuddin, scientific director of the Maryland university's animal-to-human transplant program. But prior attempts at such transplants or xenotransplantation have failed, largely because patients' bodies rapidly rejected the animal organ. Notably, in 1984, Baby Fae, a dying infant, lived 21 days with a baboon heart. The difference this time: The Maryland surgeons used a heart from a pig that had undergone gene-editing to remove a sugar in its cells that's responsible for that hyper-fast organ rejection. Several biotech companies are developing pig organs for human transplant; the one used for Friday's operation came from Revivicor, a subsidiary of United Therapeutics. The Food and Drug Administration, which oversees such experiments, allowed the surgery under what's called a ``compassionate use'' emergency authorization, available when a patient with a life-threatening condition has no other options. It will be crucial to share the data gathered from this transplant before extending it to more patients, said Karen Maschke, a research scholar at the Hastings Center, who is helping develop ethics and policy recommendations for the first clinical trials under a grant from the National Institutes of Health. ``Rushing into animal-to-human transplants without this information would not be advisable,'' Maschke said. Over the years, scientists have turned from primates to pigs, tinkering with their genes. The Maryland transplant takes their experiment to the next level, said Dr. Robert Montgomery, who led that work at NYU Langone Health. ``This is a truly remarkable breakthrough,`` he said in a statement. ``As a heart transplant recipient, myself with a genetic heart disorder, I am thrilled by this news and the hope it gives to my family and other patients who will eventually be saved by this breakthrough.''

AMAZING AND RARE MICROBES

Scientists say there would be no oxygen on Earth were it not for sunlight: the key component in photosynthesis. Now researchers from University of Southern Denmark have discovered that oxygen is also produced without sunlight, possibly deep below the ocean surface. Researchers have discovered that some of the invisible microorganisms living in water columns produce oxygen in an unexpected way.

Nitrogen cycle

A few microbes are known to make oxygen without sunlight, but so far they have only been discovered in very limited quantities and in very specific habitats. But the ocean living microbe

Nitrosopumilus maritimus and its cousins, called ammonia oxidising archaea play an important role in the nitrogen cycle. For this, they need oxygen. So it has been a long-standing puzzle why they are also very abundant in waters where there is no oxygen. The researchers found that these micro-organisms make their own oxygen, according to a University of Southern Denmark press release.

Keeps it going

The researchers conducted tests in the lab and found that N. maritimus was using the oxygen present in water but the oxygen levels started increasing again in water. They micro-organisms were able to make oxygen even in a dark environment. Not sufficiently high to influence oxygen levels on Earth, but enough to keep itself going. N. maritimus couples the oxygen production to the production of gaseous nitrogen. By doing so they remove bioavailable nitrogen from the environment.

NCBS: ZEBRAFISH STUDY REVEALS HOW THE BRAIN MAKES ITS CONNECTIONS

Neurons, or nerve cells, in the brain connect by means of junctions known as synapses through which they transmit signals. Recent work by researchers at the National Centre of Biological Sciences, Bengaluru, has thrown light on what stimulates these synapses to form. There are two types of synapses – chemical and electrical. In chemical synapses, there is a space of about 20 nanometres between two neurons, and the way they communicate is this: One neuron converts electrical signal into chemical signals and this chemical is released into the synaptic space and the receiving neuron converts the chemical signal back into an electrical signal. As far as the electrical synapse goes, this is not the way it operates. In these synapses, the two neurons have a physical connection and the conversion of electrical to chemical need not occur, and they communicate directly. Electrical synapses are like a physical wire, communication is faster but they are also fewer in number.

Neuron handshake

It was shown that electrical synapses are formed before chemical synapses, they are like a blueprint in which neurons make a handshake. This results in the making of chemical synapses. Research on organisms such as leeches showed that if you remove electrical synapses, the chemical synapses do not form. However, the mechanism of how it happens in higher organisms such as vertebrates was not known. Researchers from TIFR-National Centre of Biological Sciences, Bengaluru, have chosen Zebrafish as a model organism to study this process. Zebrafish are transparent and neuron development in larval zebrafish can be observed from day to day by injecting a dye or by engineering the fish to express fluorescent proteins.

Purkinje neurons

The group observed that knocking out a particular protein known as the gap junction delta 2b (gjd2b) in the cerebellum of zebrafish affected levels of an enzyme CaMKII. Levels of CaMKII were seen to increase in the Purkinje neurons in the cerebellum. These neurons and the cerebellum itself control co-ordination of movements in the organism. In humans for example, excess abuse of alcohol leads to damage of these cells, which results in lack of co-ordination in movement. As Prof. Thirumalai explains, the cerebellum shows an evolutionary continuity in all vertebrates, so, too, the Purkinje neurons. Even though fish and humans diverged from a common ancestor about

500 million years ago, the cerebellum has been evolutionarily conserved. While zebrafish have about 300-400 Purkinje neurons, humans have thousands of these.

Dendrite arbours

"Normally, levels of CaMKII are low in developing (immature) neurons and high in mature neurons, and the increased level actually freezes the development of dendrite arbours," says Vatsala Thirumalai of NCBS, who led the work published in eLife. Dendrite arbours are branched ends of neurons, given this name because of their tree-like structure. "In the absence of gap junction protein, camk2 levels prematurely increase, preventing arbours from forming. Thus, chemical synapses do not form." The work uses advanced techniques such as time-lapse microscopy and confocal microscopy which allowed the group to observe how the neuronal cells grow in the fish brain day after day. Electron microscopy was used to view slices of the brain to count the number of synapses present. To make the mutant fish with gjd2b protein knocked out, the group used the genome editing tool TALEN (Transcription Activator-Like Effector Nuclease). "It is possible to do such exciting research using the latest and most advanced tools and techniques in India today. I hope this trend will encourage more students to take up a career in research," says Prof. Thirumalai.