



CURRENT AFFAIRS for UPSC

16TH TO 22ND JANUARY, 2022

DreamIAS



INTERNATIONAL

WILL THERE BE WAR IN UKRAINE?

1. Why is Putin threatening war with Ukraine?

The answer is that most diplomats and experts aren't entirely sure. "It's not clear what Russia's central demand is," Blinken told reporters in Kyiv. Even Putin's top advisers may not know what he is trying to accomplish and how seriously he is considering an invasion. "The expert opinion that I can authoritatively declare is: Who the heck knows?" said Fyodor Lukyanov, a Russian foreign-policy analyst.

2. Why is the US so alarmed?

A successful invasion would establish Russia as a dominant, expansionist power in Eastern Europe. It would make other democracies (like Taiwan) worry that they could be vulnerable to take over by nearby authoritarian countries (like China).

3. What does Putin say his rationale is?

Perhaps the best-known statement of Putin's 20-plus years as Russia's dominant political figure came from an annual state-of-the-nation speech in 2005 at the Kremlin. The collapse of the Soviet Union, he said, was the "greatest geopolitical catastrophe". Ukraine was arguably the most painful loss for Moscow. Putin often cites their deep ties. But Ukraine has drifted toward the West in recent years.

4. What isn't Putin saying?

Some observers believe that the troop build up is a mixture of bluff and distraction. A full-scale invasion of Ukraine could be bloody and expensive, experts wrote, potentially damaging Russia's economy and Putin's political standing. So far, Putin does not appear to be preparing to go to war. By making an invasion seem possible, Putin can try to win other concessions, such as a freer hand in Eastern Europe, experts argued.

5. So the risk of war is low?

Not necessarily. Even sceptics acknowledge it is possible, given the lack of transparency about Putin's thinking. Analysts believe war is the most likely outcome. Putin has lost patience with Ukraine and believes the US would not go to war over it. He also craves a historical legacy that a territorial expansion could ensure, by helping reverse the catastrophe of the Soviet collapse.

HOUTHIS AND THE WAR IN YEMEN, IN WHICH INDIAN LIVES HAVE NOW BEEN LOST

Two Indians and a Pakistani were killed and six other people including two Indians were injured in an attack by suspected drones on three petroleum tankers at an oil facility in Abu Dhabi, United Arab Emirates (UAE) on Monday. The attack was claimed by the Iran-backed Houthi rebels of Yemen. Indians were not the target of the attack. Yemen is located at the junction of the Red Sea and Gulf of Aden, its coastline commanding the strategic strait of Bab al-Mandab. The country has been wracked by civil war for more than seven years now, and the Houthis control the western part of the country, including the capital Sana'a. The war involves several nations directly or



indirectly, and the attack in Abu Dhabi spotlights the multiple conflicts that are playing out in Yemen and the wider region as a whole.

Who are the Houthis, and why is there a war in Yemen?

The Houthis are a large clan belonging to the Zaidi Shia sect, with roots in Yemen's north-western Saada province. Zaidis make up around 35 per cent of Yemen's population. The Zaidis ruled over Yemen for over a thousand years until 1962, when they were overthrown and a civil war followed, which lasted until 1970. The Houthi clan began to revive the Zaidi tradition from the 1980s, resisting the increasing influence of the Salafists, who were funded by the state. In 2004, the Houthis began an insurgent movement against the Yemeni government, naming themselves after the political, military, and religious leader Hussein Badreddin al-Houthi, who was assassinated by Yemeni security forces in September of that year. Several years of conflict between the Houthis and Yemen's Sunni majority government followed. In 2012, Ali Abdullah Saleh, who had been Yemen's president since 1990 (and before that, president of the pre-unification country of North Yemen from 1978 onward), was forced to step down in the wake of the Arab Spring protests. He was succeeded by his vice-president, Abd Rabbu Mansour Hadi. In 2015, Saleh aligned himself with the Houthis against Hadi, and the insurgency — which at the time had the support of many ordinary Yemenis including Sunnis — captured Sana'a. The president fled to Aden and subsequently to Saudi Arabia, where he continues to spend most of his time. In 2017, however, Saleh broke his alliance with the Houthis, and crossed over to the side of their enemies — the Saudis, the UAE, and President Hadi. That December, Saleh was assassinated.

How did Saudi and UAE get involved in the war?

In March 2015, soon after Hadi was forced from power, a nine-nation coalition led by Saudi Arabia, which received logistic and intelligence support from the United States, began a bombing campaign against the Houthis. The air attacks were in support of Hadi's forces, who were seeking to take back Sana'a from Houthi control. At the heart of the intervention, however, lay the region's fundamental power struggle — between Saudi Arabia and Iran. Riyadh and the west believe that the Houthis are backed militarily and financially by the regime in Tehran. Saudi Arabia shares an over 1,300-km border with Yemen. In the beginning, Riyadh claimed that the war would be over in just a few months. However, the coalition has made only limited progress since then, the war is stalemated, the Houthis remain in power in Sana'a, and a humanitarian catastrophe has unfolded in Yemen. Since 2015, the battle has constantly shifted shape, with the participants switching sides among the Saudi-backed forces known as Popular Resistance Committees, the Iran-backed groups, and various shades of Islamist militants including those linked with al-Qaeda and the Islamic State.

Is that why the Houthis targeted the UAE?

Brig Gen Sare'e told the Houthi-controlled Al Masirah TV that five ballistic missiles and a large number of drones were used in "Operation Hurricane Yemen" that targeted the Dubai and Abu Dhabi airports, the Musaffah oil refinery in Abu Dhabi, and other facilities. The UAE had since 2019 dialled down its involvement in directly attacking Houthi groups inside Yemen; however, in the past few months, some of the UAE-backed groups have launched an offensive against the Houthis. The Houthis have sought to take credit for attacks inside UAE earlier too — the most recent of these claims was made in 2018. While the Emirati authorities had denied those earlier claims, the country's foreign ministry blamed "the Houthi militia" for Monday's "targeting of civilian areas and facilities on UAE soil". More than the UAE, it is Saudi Arabia that has been in the crosshairs of



the Houthis. Since 2015, they have repeatedly fired missiles and mortar at Saudi military and civilian facilities including airports and oil facilities, and killed many Saudi soldiers. Over the last year, the two sides have been engaged in a tense battle to capture the Marib province, which is the government's only remaining stronghold in northern Yemen, and houses vast oil and gas infrastructure. Following Monday's attack, the Saudi coalition announced that it had launched air strikes targeting Sana'a and Marib, and killed hundreds of Houthi fighters.

FRIEND IN NEED

External Affairs Minister S. Jaishankar's virtual meeting with Sri Lanka's Finance Minister Basil Rajapaksa on Saturday, with an assurance that India will support Sri Lanka "in all possible ways for overcoming the economic and other challenges posed by COVID-19 pandemic", was significant and timely. A crucial week lies ahead for the Sri Lankan economy, when President Gotabaya Rajapaksa must make a decision on whether to service debts to bonds with an instalment of \$500 million due on January 18, or to default for the first time ever, given the island's precarious finances. Mr. Gotabaya is expected to address Parliament this week on how he will deal with the economic crisis. This includes a credit crunch, a slump in GDP spurred by COVID-19 losses to tourism, exports and remittances, foreign reserves that dwindled from \$7.5 bn in 2019 to \$1.6 bn in November 2021, and pending debt repayments of more than \$7 bn expected in 2022. The most immediate problems come from rising unrest. In the preceding weeks, the Rajapaksa government reached out to India and China, which are most likely to help given their respective interests in the island. Mr. Gotabaya even received a visit from Chinese Foreign Minister Wang Yi, who discussed a full debt restructure of Sri Lankan borrowings. Beijing has also extended a currency swap arrangement of \$1.5 billion. It was to India, however, that Mr. Rajapaksa turned with a humanitarian appeal and SOS. Mr. Jaishankar, Finance Minister Nirmala Sitharaman and Mr. Basil decided on a "four-pronged" initiative, that included Lines of Credit (LoC) towards the import of fuel, food and medicines, currency swap and debt deferrals from India to Sri Lanka, as well as the conclusion of the Trinco-oil farms project. Matters have moved swiftly since Mr. Basil's visit and it is heartening that the Trincomalee project MoU was signed earlier this month after decades of delays. Subsequently, India has extended \$400 million under the "SAARC currency swap" arrangement and agreed to a partial deferral of a \$500 million settlement from Sri Lanka by two months; the \$1.5 bn LoC for essential imports is reportedly under way. It would be naive to assume that New Delhi's assistance will paper over other problems in the complex relations between India and Sri Lanka. Amongst other issues, the friction over fishermen's rights and pending political solution for war-torn Tamil areas remain sticking points, while concerns over Colombo's strategic ties with China have often led to open disagreements. It is important to note, however, that in times of peril, New Delhi and Colombo have established a robust channel of communication and demonstrated an ability to act on promises quickly, proving that adage about friends (and neighbours) in need.

BAD START

In recent times, the season-opening Australian Open has been played against sobering backdrops. If in 2020 the unprecedented bushfires marred the build-up, in 2021 it was the turn of COVID-19 lockdown restrictions to suffocate players. Nothing however compares to the saga that unfolded for 10 long days leading into the 2022 edition, which began on Monday. World No.1 Novak Djokovic, a nine-time winner in Melbourne, had his visa cancelled and was jettisoned over his decision to remain unvaccinated. Australia's high inoculation rates have been credited for keeping its death rate low despite an ongoing surge in cases. In such a setting, the presence of an



unvaccinated star, who has also not displayed COVID-appropriate behaviour in the past, was a tough sell. With Roger Federer also absent, the main drawcard is now Rafael Nadal, the only former Australian Open men's singles champion in the fray. The Spaniard is locked with Federer and Djokovic on 20 Majors and can take sole possession of the record for most Grand Slam men's singles titles with his second trophy Down Under. But by his own admission, Nadal is not in Slam-winning form, though he won a tournament last week in his first competitive appearance since last August. If the 35-year-old rediscovers his mojo to erase the pain of having lost four finals in Australia, it will be an achievement befitting his storied career. The favourites for the men's title are thus Daniil Medvedev, the World No.2 and reigning US Open champion, and the third-ranked German Alexander Zverev, Olympic gold-medallist and the ATP Tour Finals winner last year. Closely following them are Wimbledon finalist Matteo Berrettini and French Open finalist Stefanos Tsitsipas. The women's field on the other hand, despite the absence of Serena Williams, boasts of incredible depth, with no less than 10 Major champions still in the draw (Sofia Kenin, Angelique Kerber, Petra Kvitova and Sloane Stephens the ones to exit so far). Ferocious ball-strikers and consummate shot-makers abound, so do solid counter-punchers and crafty all-courtiers blessed with magic hands. Where men's tennis has of late birthed a string of 'Big Game' players — armed with a cannonball serve and a crushing groundstroke — the women's game has an eclectic feel, leading to suggestions that currently women's tennis is the best tennis there is. The leaders of this pack are World No.1 Ashleigh Barty, the home favourite, and defending champion Naomi Osaka, who also wore the crown in 2019. There are also Garbine Muguruza, Victoria Azarenka and Simona Halep, all multiple Major winners with proven credentials. Closer home, Indians will again look to veteran doubles specialists Sania Mirza and Rohan Bopanna, as the nation goes a fourth straight Slam without a singles player in the main draw.

RED LINES

The European Union (EU) has found itself caught in a bind over the worsening tensions between Lithuania and China. Last week, top EU diplomats met to find a way to de-escalate tensions before a planned EU-China summit, expected in the coming weeks. After a two-day meet of Foreign Ministers in France, the EU's Foreign Policy Chief, Josep Borrell, said the grouping expressed "solidarity" with Lithuania, which is a member of the EU and NATO. He, however, stopped short of announcing any concrete actions. The EU has watched nervously as one of its members faces the full weight of coercive Chinese diplomacy, even as the grouping keeps one eye on its substantial \$828 billion annual trade with Beijing. The tensions began last year after Lithuania announced the setting up of a Taiwanese Representative Office. Such offices are hardly unusual across Europe, or in much of the world. The difference, however, was in the naming. The offices elsewhere are not called Taiwanese but are named, as in New Delhi, Taipei Economic and Cultural Centres because of the "one China policy" followed by most countries, including India, that do not have formal diplomatic relations with Taiwan. Lithuania has said the name did not change its "one China policy", but for Beijing, the move crossed one of its most sensitive red lines. The opening of the office followed a number of developments that strained relations after the election of a coalition government that has underlined the importance of "democratic values" in the foreign policy of the first former Soviet republic that declared independence, as well as pushed closer ties with Washington. If the rest of Europe is unlikely to similarly test Beijing's Taiwan red lines, what has alarmed the EU is the forcefulness of China's response, which has ranged from downgrading ties, recalling its ambassador, an effective trade blockade, and especially the moves to pressure European companies to stop sourcing from Lithuania should they wish to continue exporting to China. China's response suggests an attempt to, as Chinese strategists like to say, "kill the chicken to scare the monkeys", and ensure other countries do not contemplate a similar move. Beyond the



Lithuania-China tensions, of particular salience to India is how the EU, as a major power, will take forward ties with China as it similarly weighs strategic considerations against a booming trading relationship. China's use of trade as leverage and as a method of coercion, which stands in stark contrast to its declaration in October, on the 50th anniversary of its UN membership, that it eschews "power politics" and "hegemony", is another matter of concern. Lithuania is an exception in having both a trade surplus with China and no pressing need to access the China market. How the EU assesses the benefits and costs of taking on China on a core concern — the Taiwan issue — will be closely watched in New Delhi as it continues to recalibrate its own *modus vivendi* with China.

CHINA'S XI REJECTS 'COLD WAR MENTALITY,' PUSHES COOPERATION

Chinese President Xi Jinping said Monday that his country will send an additional 1 billion doses of COVID-19 vaccine to other countries, calling for global cooperation to tackle the pandemic and other challenges while urging other powers to discard a "Cold-War mentality" — a veiled swipe at the United States. Xi touted China's efforts to share vaccines, fight climate change and promote development in the opening speech of a virtual gathering hosted by the World Economic Forum. The online event is being held after the group put off its annual meeting in Davos, Switzerland, because of the coronavirus pandemic. Efforts to battle the global outbreak that has claimed over 5.5 million lives and upended the world economy and climate change were prominent themes Monday. In a panel session on the virus, Moderna's CEO said the vaccine maker was working on a single-shot booster for both COVID-19 and the flu, while U.S. infectious diseases expert Dr. Anthony Fauci lamented as "very disturbing" the reluctance of many Americans to follow basic measures like mask-wearing and getting vaccinated. Xi, who hasn't left China since the coronavirus emerged in early 2020, said his country has exported more than 2 billion doses of its COVID-19 vaccines to over 120 countries and international institutions. He announced plans to provide an additional 1 billion, including a donation of 600 million doses to Africa and an extra 150 million to Southeast Asia. By comparison, managers of the U.N.-backed COVAX program to ship vaccines to developing countries announced over the weekend that it has now delivered 1 billion vaccine doses. Xi touched on standard themes from previous international addresses, including responding to trading partners' complaints by promising to open China's state-dominated economy wider to private and foreign competition. His comments come as tensions between the United States and China have simmered on topics like Taiwan, intellectual property, trade, human rights and the South China Sea. "We need to discard Cold War mentality and seek peaceful coexistence and win-win outcomes," Xi said through a translator. "Protectionism and unilateralism can protect no one. ... Even worse are the practices of hegemony and bullying, which run counter to the tide of history" — terms Beijing has used to describe U.S. policy and actions. "A zero-sum approach that enlarges one's own gain at the expense of others will not help," he added. He said it was up to developed countries to provide money and technology. Indian Prime Minister Narendra Modi also took up the environment in his address, pledging his country's commitment to achieving net-zero emissions by 2070. India's growth in the next 25 years will be "green and clean, and also sustainable and reliable," he said, stressing its commitment to solar power. While Xi and Modi touted environmental efforts, U.N. Secretary-General Antonio Guterres ratcheted up his concerns about the use of coal — both China and India are big users — in his call for "real climate action in developing countries." "Emissions must fall, but they continue to rise," Guterres said in his address, appealing for debt relief for developing countries needing help weaning off coal. Guterres pointed to his call for "coalitions" to help foster a clean energy transition, highlighting U.S.-Chinese efforts to provide China with "adequate technologies" to accelerate that shift. "India doesn't like the coalition, but India has accepted several bilateral forms of support,

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and I've been in close contact with the U.S., U.K. and several other countries to make sure that there's a strong project to support India," he said. Guterres said the past two years had shown that the world needs to cooperate to halt climate change, achieve global economic recovery and beat the pandemic. During a session on COVID-19's future, Moderna CEO Stephane Bancel said he hoped the U.S.-based company would have a combined vaccine booster ready to test in advanced research in the second quarter, saying a best-case scenario would be if the single shot covering both flu and COVID-19 would be ready for use next year. "I don't think it would happen in every country, but we believe it's possible to happen in some countries next year," Bancel said. Moderna has been criticized for prioritizing distribution of its COVID-19 vaccines to rich countries; only a fraction of its supply has gone to poor countries via COVAX. He said the company aimed to make about 2 to 3 billion doses this year and hopes to have data from a new vaccine tweaked to address the omicron variant in March. The annual Davos gathering usually takes place in person in the Alpine snows of eastern Switzerland, drawing hundreds of business leaders, cultural elites, academics and government leaders. Leaders of countries like Germany, Colombia and Japan were set to address the gathering that runs through Friday.

CHALLENGE NEXT DOOR

The case for major reform to get Pakistan out of the multiple crises confronting it has been articulated by its Chief of Army Staff, General Qamar Javed Bajwa, in recent years. The "Bajwa Doctrine" emphasises the importance of restoring peace within by putting down various internal insurgencies, reviving economic growth, reconciling with the neighbours, rebuilding ties with the US without abandoning the strategic partnership with China, and regaining its traditional political goodwill in the Gulf. General Bajwa tied together many of these ideas in a well-received speech last March. The National Security Policy document issued by Islamabad last week is an effort to codify the Bajwa Doctrine into an actionable statement of purpose and a strategy for its realisation. The document identifies a wide range of unexceptionable goals; what stands out is the ambition to integrate economic development into the traditional military conception of national security. The external complement to this is the emphasis on "geo-economics" in contrast to the traditional obsession of the Pakistan Army with "geopolitics". The former focuses on trade and connectivity while the latter is about power and its projection. No one has a higher stake than India in the success of the Bajwa doctrine that calls for a Pakistan at peace with itself and the region. Does Pakistan, however, have the will and capability to implement it? One reason development took a back seat to security in Pakistan is the political dominance of the army that cornered most of the economic resources, in the name of protecting the nation from the "Indian threat". Even if the army cedes some ground, can it crack the economic stranglehold of the small but entrenched rentier classes? Pakistan has gone to the IMF more than twenty times but has been unable to forge long overdue structural changes in the economy. If the NSP is about modernising Pakistan, Imran Khan is looking to the past for political survival amidst growing unpopularity of his government whose economic incompetence imposed huge costs on the people. Barely two days after releasing the National Security Policy, Imran Khan published an op-ed outlining his vision for "Riyasat-e-Madina" in Pakistan based on the order that Prophet Mohammed had created in Madina after leading his followers out of Mecca in the early seventh century. That Imran Khan may not be in sync with the army is also borne out by India's recent engagement with Pakistan. Delhi negotiated a ceasefire agreement with the Pakistan Army last February that was to be followed by a series of confidence-building measures, including trade. The decision to resume limited overland commerce was quickly overturned by Imran Khan, who insisted there can be no engagement with India until Delhi reversed the 2019 constitutional changes in Kashmir. Pakistan's geoeconomic transition can't succeed without a fundamental shift in its India policy.

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Discarding the many impossible goals that Islamabad has set for itself against Delhi and coming to terms with Pakistan's relative economic decline in relation to India will be immensely painful. If Pakistan can get its act together on "burying the past" — as Gen Bajwa said last March — India should be ready to extend a hand.

RISING SEA LEVELS PROMPT INDONESIA TO RELOCATE CAPITAL

Indonesia's parliament on Tuesday passed a law approving the relocation of its capital from slowly sinking Jakarta to a site 2,000 kilometres away on the jungle-clad Borneo island that will be named "Nusantara". The House of Representatives vote provides the legal framework for the move, which was first tipped by President Joko Widodo in April 2019, citing rising sea levels and severe congestion on densely populated Java island. Home to more than 30 million people in its greater metro area, Jakarta has long been plagued by serious infrastructure problems and flooding exacerbated by climate change. The new capital will cover about 56,180 hectares in East Kalimantan province on the Indonesian part of Borneo. Early plans for the new capital depict a utopian design aimed at creating an environmentally friendly "smart" city, but few details have been confirmed. Environmentalist critics of the capital's move have warned it could damage ecosystems in the region. Budget details have not yet been revealed in a presidential decree, though previous reports have pegged the project's costs at \$33 billion.

VOLCANO CAUSED 'SIGNIFICANT DAMAGE'

A massive volcanic eruption in Tonga that triggered tsunami waves around the Pacific caused "significant damage" to the island nation's capital and smothered it in dust, but the full extent was not apparent with communications still cut off on Sunday. The eruption on Saturday was so powerful it was recorded around the world, triggering a tsunami that flooded Pacific coastlines from Japan to the United States. The capital Nuku'alofa suffered "significant" damage, New Zealand Prime Minister Jacinda Ardern said, adding there had been no reports of injury or death but a full assessment was not yet possible with communication lines down. There has been no word on damage in the outer islands and New Zealand will send an air force reconnaissance aircraft "as soon as atmospheric conditions allow", the country's Defence Force tweeted. Tonga has also accepted Canberra's offer to send a surveillance flight, Australia's foreign office said, adding it is also immediately prepared to supply "critical humanitarian supplies". The United States was "deeply concerned for the people of Tonga", Secretary of State Antony Blinken said, pledging support for the island nation. In California, the city of Santa Cruz was hit by flooding due to a tidal surge by the tsunami. Peru closed 22 ports as a precaution while waves of around 1.2 metres hit along Japan's Pacific coast.

PREVENTING GENOCIDE

In the last few weeks, incendiary speeches by Yati Narsinghanand at a religious assembly have reignited discussion regarding hate speech, and the limits of the law. The speeches made include calls for the genocide of Muslims in India and can be seen as part of an ongoing pattern of targeting minorities. In discussions regarding the applicable law, a fundamental point must not be missed – the international legal obligations that are incumbent upon India, by virtue of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, which India has signed and ratified.



Objective of the Convention

Raphael Lemkin is credited with the use of the term 'genocide' and campaigned relentlessly for it to become an international treaty. In 1946, Cuba, India and Panama co-sponsored General Assembly Resolution 96(I), which affirmed genocide as a 'crime under international law'. As a result of this resolution, a convention on the prohibition of genocide was drafted, which was passed by the General Assembly in 1948 and came into effect in 1951, with more than 150 states party to the convention presently. The Genocide Convention has as its objective the prevention of genocide as well as the punishment of the crime. Legal obligations on states that are party to the convention include the obligation not to commit genocide, to prevent genocide, and to punish genocide (Article I), to enact legislation to give effect to the provisions of the convention (Article V); to provide for effective penalties for those found guilty of criminal conduct (Article V); and the obligation to try those charged with genocide in a competent tribunal (Article VI). It is no small irony that India was an early and key sponsor of the General Assembly resolution condemning genocide and confirming its status as an international crime. However, since signing the Genocide Convention and ratifying it, to date India has not enacted any legislation in accordance with Article VI of the Genocide Convention. At the outset, India is in violation of its international obligation to criminalise genocide within its domestic law per Articles V, VI and VII, and to take all means to ensure the prevention of genocide. An examination of Indian domestic law shows that there are no comparable provisions for the prosecution of any mass crimes, least of all genocide. Indian Penal Code provisions relating to rioting, unlawful assembly and 'promoting enmity between different groups' do not embody the basic elements of the crime of genocide, which is against a collectivity or a group, with the specific intent to cause its destruction. These also do not pertain to another key aspect of the Genocide Convention – that of prevention, and creating the conditions in which such hate speech and other associated acts are not allowed to flourish, which may facilitate the commission of genocide.

Significant legal development

It is also worth noting a significant and recent international legal development relating to the Genocide Convention. The Gambia has initiated proceedings before the International Court of Justice (ICJ) against Myanmar on the basis of the Convention. While the case is still in the early stages, it is noteworthy for a key point – that the court seems to have, in its ruling, taken note of a key argument of The Gambia – that the Genocide Convention embodies such a key concern that even a state that may not be specially affected can still raise a legal claim on the basis of being part of the community of states. This is a significant legal development and will have implications for the future. The ICJ, relying on a previous case of *Belgium v. Senegal*, stated, "It follows that any State party to the Genocide Convention, and not only a specially affected State, may invoke the responsibility of another State party with a view to ascertaining the alleged failure to comply with its obligations *erga omnes partes*, and to bring that failure to an end." The ICJ previously addressed the question of violation of the Genocide Convention in the *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*. In its final judgment in 2007 the court found a failure to prevent genocide by Serbia. The breaches of the Genocide Convention related to the obligations to prevent and the lack of cooperation, but not for the commission of genocide. In the overall analysis, it is more imperative than ever that international legal protections against genocide are incorporated in domestic legislation. Furthermore, the fact that India has international legal obligations under the Genocide Convention which it is not adhering to must be rectified.



NATION

INDIA'S WATCHWORDS IN A NOT SO BRIGHT 2022 ✓

An intense debate is on among political strategists and commentators about what is in store in 2022. Most hew to the view that a rules based international order is a remote possibility. Instead, uncertainty and impermanence are likely to be the dominant aspect in world affairs. Risks in 2022 could be both domestic and geopolitical, with many precepts that the world has been accustomed to being at risk. Democracy itself could face serious headwinds this year. A paramount issue as 2022 begins, is the future of democracy. Admittedly, the world has recently seen the rise of authoritarian rulers in many countries — though by itself this can hardly be viewed as a new phenomenon. What is worrisome is that democratic tenets which have been under attack in recent years appear set to face more onslaughts this year. Adding grist to concerns about democracy's future, is that the United States, which was widely viewed as a major bulwark for democracy, appears to have developed certain pathological infirmities. This situation does not augur well for the future of democracy worldwide.

China as disruptor

Equally daunting as we enter 2022 are the geopolitical challenges and risks. The role of China is possibly the most disrupting one, given the challenge it poses to the existing international order. With a GDP of \$15.66 trillion in 2020, its net worth today is estimated to be higher than that of the U.S.; and, hence, it demands to be recognised as much. Militarily, China is openly challenging U.S. supremacy in many areas, including 'state-of-the-art weaponry' such as hyper-sonic technology. China has abandoned the 'one country two systems' policy, stripping Hong Kong of its freedom and inviting international opprobrium. It is now threatening Taiwan, which could well become one of the flash points of conflict in 2022. The West meanwhile does not realise what could happen if the stakes of 'cross-strait relations' between China and Taiwan get higher in 2022. It might well be that in order to 'save face' with regard to Taiwan (which China regards as its territory), China could provoke a serious conflict. The dip in China's economic profile in the past year and more (which China hardly acknowledges) could also lead to new tensions in the Asia-Pacific region in 2022. To outsiders, the Chinese economy has entered a period of relative uncertainty and is looking more vulnerable. Under Chinese President Xi Jinping, however, China is unlikely to acknowledge that this would entail any reduction in its military capabilities, at least as far the Asia-Pacific is concerned. Instead, it might well be tempted to demonstrate that it still has the ability to get the better of the U.S. in the Pacific region — where it holds more cards than the U.S. — and also demonstrate that it has the ability to ramp up its military capabilities, while the U.S. is reducing its forces in the Indo-Pacific region. Uncertainty per se, could constitute a serious risk.

Russia-Ukraine conflict

The other major risk of a war in 2022, stems from the ongoing conflict between Russia and Ukraine — the latter being backed by the U.S. and North Atlantic Treaty Organization (NATO) forces. It is difficult to discern as to which side is indulging in provocation, but what is not contested is that during the past three decades, NATO has expanded its reach almost a 1,000 miles to the east in violation of an earlier tacit understanding. Russian President Vladimir Putin appears determined that Ukraine should be the 'last frontier' and, if need be, ensure this through military force. The situation has grave possibilities and could result in a series of cyclical outcomes with considerable damage potential. Apart from the grave risk of a possible war or conflict, what is also



evident is that 'peace is not at hand' across vast regions of the globe in 2022. The current unrest in Kazakhstan, which till recently was one of the more stable Central Asian nations, is perhaps symptomatic of what is in store. Whether recent events in Kazakhstan reflect a new round of 'colour revolutions' or not, it demonstrates a sharper cleavage between the U.S.-led West and its principal opponents, Russia and China. This bodes ill for a world already wracked by a series of coups or internecine strife as in Ethiopia, Libya and certain regions of West Asia and North Africa.

Return of the Taliban

Of particular significance to India is that the Taliban's return to power in Afghanistan has led to a material shift in the balance of power in an already troubled region on India's periphery. Notwithstanding the general belief that the Taliban's return to power represents a significant victory for Pakistan, it has become evident, more lately, that this comes with a great deal of baggage — both for Pakistan and much of Asia. Developments in Afghanistan have fuelled the ambitions of quite a few 'anti-state militant groups' across the region. Even in Pakistan, the Tehrik-e-Taliban Pakistan (TTP) has become energised and is enlarging its sphere of action to other parts of Asia, notably Kazakhstan. More important is that it is well known that the TTP is a by-product of al Qaeda jihadi politics and still has covert links with the al Qaeda. This will have an unsettling effect across large parts of Asia. Adding to such concerns is new evidence that on India's eastern flank, viz. Indonesia, a resurgence of radical Islamist activities is taking place. The Jemaah Islamiyah has reportedly become more active in Indonesia. All this provides fertile ground for other radical Islamist terror groups to enlarge their activities across the Asian region, providing a fillip to groups like the Islamic State, specially the Islamic State of Khorasan.

Border issues for India

As 2022 dawns, India's problems are only likely to intensify. The most serious issue that India confronts today is how to deal with a China that has become more confrontational. The transgressions across the Line of Actual Control in different sectors in Ladakh — which were till now seen as merely an attempt by China to restrict and limit India's options — could well be expanded in 2022. India's membership of the four nation Quad (the U.S., Japan, Australia and India) still rankles as far as China's psyche is concerned, and during 2022, may well result in China embarking on new adventurist actions at many more points on the Sino-Indian border compelling India to react. Hence, 2022 is unlikely to see any reduction in tensions across Ladakh, Arunachal Pradesh and the Middle Sector. Additionally, India will need to determine how best to respond to China's sabre-rattling. India will need to develop a strategy on how to counter the publicity given by China to its low-yield nuclear weapons meant for battlefield use even during conventional military operations and against conventional targets. India would need to strengthen its military posture, both as a means to deter China and also to convince India's neighbours that it can stand up to China. Simultaneously, India cannot avoid, in 2022, suitably positioning itself on how best to deter China's naval force projection in the Indian Ocean Region and the publicity it has given to the additions made of new type nuclear power ballistic missile submarines to their existing fleet. In the battle of wits and strength, much will depend on how India responds to the situation. Diplomatically, in 2022, India may find itself vulnerable in dealing with the turmoils which have occurred in two areas of strategic interest to it, viz. Central Asia and West Asia. Both areas are undergoing a churn — not all of it to India's liking. In Central Asia, India will be challenged on how best to manage its traditional friendship with Russia with the pronounced tilt seen more recently in India-U.S. relations. In West Asia, the challenge for India is how to manage its membership of the Second Quad (India, Israel, the United Arab Emirates and the U.S.) with the conflicting interests of different players in the region. Membership of the Quad makes India a key player in a region



which has become a quagmire of intense rivalries notwithstanding the 2020 Abraham Accords. Indian diplomacy will be under severe test to manage the extant situation in both regions.

Path to tread

It is easy to say that what India and India's foreign policy need to do is to demonstrate more flexibility to manage the contradictions that exist. However, this is hardly feasible in practical terms, in most instances. There is a limit to the kind of balancing act that India can perform, whether it be with regard to buying S-400 missile systems from Russia, risking potential sanctions from Washington under Countering America's Adversaries Through Sanctions Act (CAATSA) or manoeuvring between the Arab States, Israel, Iran and the U.S. in West Asia. For India, the outlook is, hence, not particularly bright in 2022. No grand strategy is evident as of now but it is important that India finds rational answers to a rash of problems that it cannot keep on the back burner for much longer. What India must do is avoid blind spots that arise due to cognitive bias and take care to read the signals properly. Facing a host of unprecedented challenges, India's leaders and diplomats must not only take stock of the dangers that exist but also be ready on how to manage the risks that are well evident.

STRATEGIC SIGNIFICANCE OF BRIDGE CHINA IS BUILDING ON PANGONG TSO

The ongoing standoff in eastern Ladakh has led to construction of infrastructure on both sides of the India-China border. One of the latest constructions is a bridge being built by China on the Pangong Tso. The new bridge has been spotted in satellite images.

Where is the bridge being built?

China is building the bridge, about 400 m long and 8 m wide, close to the friction points on the north bank of the Pangong Tso, and the Chushul sub-sector on the south bank. It will help China mobilise troops quicker, if needed. The bridge is around 20 km east (35 km by road) of Finger 8 on the north bank. In India's perception, the Line of Actual Control lies at Finger 8. The site of the bridge is within India's claim line, although the area has been under Chinese control since 1958. The site is east of an old ruin named Khurnak Fort. China, which calls the area Rutong County, has a frontier defence company at Khurnak Fort, and a water squadron deployed farther east at Banmozhang. Pangong Tso is a 135-km-long landlocked lake. More than two-thirds are under Chinese control. The bridge is near the halfway mark.

Why is this area important?

The Fingers on the north bank have seen frequent clashes. Finger 4 was one of the first friction areas in the current standoff. Second, the banks of the lake were among the most sensitive friction points in May 2020. Troops and tanks faced each other just a few hundred metres apart in some places, until the disengagement in February 2021. At the end of August 2020, India outmanoeuvred China to capture the previously unoccupied heights of the Kailash Range on the south bank. Indian troops positioned themselves atop Magar Hill, Gurung Hill, Mukhpari, Rezang La, and Rechin La, dominating the Spanggur Gap — which can be used for launching an offensive, as China did in 1962— and also gaining a view of China's Moldo Garrison. Subsequently, Indian troops positioned themselves above the Chinese in the Finger area on the north bank too.



How does the bridge help China?

Its main objective appears to be quick mobilisation of PLA troops between the two banks at one of the lake's narrowest points. The Kailash range is around 35 km west of the bridge site. According to security establishment sources, when India carried out this operation, Chinese troops could not mobilise as quickly as they might have wanted; they had to go around difficult terrain on the north bank and double back on even tougher terrain on the southern bank to get to Chushul. The bridge will enable Chinese troops to simply cross over, slashing travel time to the Kailash range from about 12 hours to about four hours. Damien Symon, a geospatial intelligence expert with The Intel Lab, a collaboration of intelligence experts, tweeted on Tuesday that the "development of this bridge" appears to "strengthen the idea of permanency being established by Beijing in the region, committing to its territorial claims with India by modifying the unforgiving landscape in its favor". Symon reported in November 2020 that after India took the Kailash heights, China began making a new road to Spangur lake. Now, "the construction of this bridge hence appears to be a lesson learnt by PLA planners looking to provide seamless connectivity & rapid mobility for elements responding in the future, to the frontline with India".

What is India's response?

External Affairs Ministry spokesperson Arindam Bagchi said on January 6 that the "government has been monitoring" the bridge construction activity "closely". "This bridge is being constructed in areas that have been under the illegal occupation by China for around 60 years now." The government, he said, "has been taking all necessary steps to ensure that our security interests are fully protected" and as a part of these efforts the budget for development of border infrastructure has been significantly increased and more roads and bridges have been completed than ever before. Army Chief General M M Naravane said last week that like China, India too is upgrading and developing infrastructure along the northern border in a holistic manner including "roads, tunnels, all weather connectivity, strategic railway lines, additional bridges, storage facilities" for supplies. "Major efforts have also been undertaken to what all dual use infrastructure is there which can be made use of, which is available in the civil domain". Additional troops have been inducted, and infrastructure and billeting facilities created for 25,000 additional troops who had gone into these areas. "Because of all that that we have done, I think we are in a much better position than where we were a year and a half ago, and also much better prepared to meet any challenge that is thrown up in the future," he said. In 2021, over 100 projects were completed by the Border Roads Organisation in the border areas, most of which were closer to the border with China. India is also improving surveillance along the border, along with building new airstrips and landing areas.

What is the status of the standoff?

While several friction points have been resolved, with both sides disengaging from Patrolling Point (PP) 14 in Galwan Valley, north and south banks of Pangong Tso and PP17A near Gogra Post, the recent meeting between senior military commanders last week was inconclusive in achieving a breakthrough for the remaining areas. The talks have been stuck in a stalemate since July. As of now, there is a platoon-sized strength of soldiers from either side at PP15 in Hot Springs. China has been blocking Indian troops from accessing its five traditional patrolling points in Depsang Plains — PP10, PP11, PP11A, PP12 and PP13. In Demchok, some so-called civilians have pitched tents on the Indian side of the LAC, and have refused to vacate. Each side has over 50,000 troops in the region, along with additional air defence assets, artillery, tanks and other weapons.



HOW THE CENTRE CHOOSES THE TABLEAUX FOR THE REPUBLIC DAY PARADE

West Bengal Chief Minister Mamata Banerjee wrote to Prime Minister Narendra Modi on Sunday saying that she was “profoundly shocked” as West Bengal’s tableau for the Republic Day parade “was rejected without assigning any reasons or justifications.” She mentioned in her letter that the tableau was set to commemorate the contributions of Netaji Subhas Chandra Bose and his INA on his 125th birth anniversary year. While the government is yet to announce publicly the final selected tableaux for the parade, according to sources there will be 21 tableaux in the parade, with 12 from states and Union Territories and nine departments under the Central Government or independent institutions have made the cut. West Bengal is not the only state whose tableau has been rejected, Kerala’s proposed tableau featuring Sree Narayan Guru is not among the selected ones, according to state officials. Officials of the Defence Ministry, which is responsible for the parade and is the coordinating body for the tableaux, say that the selection is done by an expert committee, and asserted that there is no political involvement in it. As the political row escalates, Krishn Kaushik explains how these tableaux are designed and selected.

When does the process to decide the tableaux start and who can participate?

Around September every year the Defence Ministry, which is responsible for the Republic Day parade and the celebrations, invites all the states, the Union Territories, Central Government departments, and a few constitutional authorities to participate in the parade through tableaux. The Defence Ministry wrote letters to the 80 Union Ministries and departments, all 36 states and Union Territories through their secretaries, and the Election Commission and the Niti Aayog on September 16, inviting them to participate. The letter mentioned that it “initiates the process of inviting tableau proposals for participation” in the Republic Day parade. The proposals had to be submitted by September 27, and the shortlisting of the proposals began in the second week of October.

Can the participating states or central government departments depict anything through their tableaux?

The participants have to showcase elements relevant to their state/ UT/ department, within the overarching theme. The theme given to participants this year was around 75 years of India’s Independence. The theme, the government told willing participants is India@75 – Freedom struggle, Ideas @ 75, Achievements @ 75, Actions @ 75 and Resolve @ 75. The Defence Ministry also shares the basic guidelines about what all the tableaux can or should include. The participating entities must engage “young qualified designers from renowned institutions”, electronic display walls for bright display of images or content, moving elements using robotics or mechatronics, 3D printing could be used for certain elements, use of augmented or virtual reality, and special effects to improve the optics and visual effects of the tableau. The tableaux of two different states/ UTs cannot be too similar, as the tableaux, together, should showcase the diversity of the country. The tableaux cannot have any writing or use of logos, except for the name of the state/ UT/ department, which should be written in Hindi on the front, English on the back, and a regional language on the sides. The Defence Ministry also asked the participants to use eco-friendly material for the tableaux, and avoid the use of plastic or plastic-based products.

How are the tableaux selected?

The selection process is elaborate and time-consuming. The Defence Ministry constitutes an expert committee of distinguished persons from fields like art, culture, painting, sculpture, music, architecture, choreography, etc, who help in shortlisting the tableaux from the proposals. First,



the submitted sketches or designs of the proposals are scrutinised by this committee, which can make suggestions for any modifications in the sketch or design. The sketch should be simple, colourful, easy to comprehend and should avoid unnecessary detail. It should be self-explanatory, and should not need any written elaboration. If there is a traditional dance involved with the tableau, it should be a folk dance, and the costumes and musical instruments should be traditional and authentic. The proposal should include a video clipping of the dance. Once approved, the next stage is for the participants to come up with three dimensional models for their proposals, which are again examined by the expert committee for final selection, taking in view several criteria. In making the final selection the committee looks at a combination of factors, looking at the visual appeal, impact on the masses, idea/ theme of the tableaux, degree of detail involved, accompanying music, among other factors. The committee meets for around half a dozen rounds over a number of days, eliminating and shortlisting the proposals as they go along. Only those who are shortlisted, are informed about the next round. The letter inviting participation stressed: "Final selection does not guarantee movement on Rajpath in the final parade, if it has not been created in terms of the final approved version during selection round." The Defence Ministry recommends the participants to try and not engage any firm or fabricator that are involved in creation of two tableaux, including their own.

Do they have to be of a particular size?

The Defence Ministry provides each participant with one tractor and one trailer, and the tableau should fit on that. The ministry prohibits use of any additional tractor or trailer, or even any other vehicle to be part of it. However, the participant can replace their ministry-provided tractor or trailer with other vehicles, but the total number should not be more than two vehicles. The tractor has to be camouflaged in harmony with the tableau's theme, and the ministry stipulates a distance of around six feet between the tractor and the trailer for turning and manoeuvring. The participants can add ground elements on some tableaux, considering the theme. The dimensions of the trailer on which the tableau will be placed is 24 feet, 8 inches long; eight feet wide; four feet two inches high; with a load bearing capacity of 10 tonnes. The tableaux should not be more than 45 feet long, 14 feet wide and 16 feet high from the ground.

NO FOREIGN DIGNITARY AS CHIEF GUEST AT REPUBLIC DAY EVENT

Prime Minister Narendra Modi will host a meeting with five Central Asian leaders virtually next week, the Ministry of External Affairs (MEA) announced on Wednesday, formally indicating that they will not travel to Delhi, as planned, as chief guests at the Republic Day celebrations. An official also confirmed that there will be no foreign dignitary as chief guest during the events around January 26. This is the second year in a row the government has had to cancel invitations to chief guests due to the COVID-19 pandemic after U.K. Prime Minister Boris Johnson was unable to attend the celebrations in 2021. The MEA had not officially confirmed their presence, but sources said the Presidents of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan had in December accepted an invitation to jointly attend the parade and Republic Day reception. They were due to also participate in the first India-Central Asia summit meeting during their visit to Delhi. Sources said proposals to this effect had been sent out to Presidents Kassym-Jomart Tokayev (Kazakhstan), Sadyr Japarov (Kyrgyzstan), Emomali Rahmon (Tajikistan), Gurbanguly Berdimuhamedov (Turkmenistan) and Shavkat Mirziyoyev (Uzbekistan), suggesting changing the summit to the virtual format. The size of the marching contingents at Republic Day is down by about a third this year and the route taken by them has also been reduced to a few kilometres



from Vijay Chowk to National Stadium, and the size of the audience is down from the usual 1.5 lakh to only about 5,000 special invitees including officials and diplomats this year.

Boosting ties

Announcing that the summit would be held via videoconference, the MEA called the India-Central Asia leaders' meeting a "reflection of India's growing engagement with Central Asian countries", which will follow meetings of the National Security Adviser Ajit Doval with his counterparts in November to discuss Afghanistan, and the India-Central Asia dialogue hosted by External Affairs Minister S. Jaishankar in December. "During the first India-Central Asia Summit, the leaders are expected to discuss steps to take forward India-Central Asia relations to newer heights," the statement issued by the MEA said.

NATION'S ETERNAL FLAME OF GRATITUDE TO THE WAR DEAD *✓*

The government has put out the eternal flame of the Amar Jawan Jyoti underneath India Gate and merged it with the one instituted at the National War Memorial in 2019 a few hundred meters away. The decision kicked off a political row, with Opposition leaders claiming that it was a disrespect to the soldiers who have laid down their lives fighting for the country.

What was the Amar Jawan Jyoti and why was it constructed? *✓*

The eternal flame at the Amar Jawan Jyoti underneath India Gate in central Delhi was an iconic symbol of the nation's tributes to the soldiers who have died for the country in various wars and conflicts since Independence. Established in 1972, it was to mark India's victory over Pakistan in the 1971 War, which resulted in the creation of Bangladesh. The then Prime Minister Indira Gandhi had inaugurated it on Republic Day 1972, after India defeated Pakistan in December 1971. The key elements of the Amar Jawan Jyoti included a black marble plinth, a cenotaph, which acted as a tomb of the unknown soldier. The plinth had an inverted L1A1 self-loading rifle with a bayonet, on top of which was a soldier's war helmet. The installation had four urns on it, with four burners. On normal days one of the four burners were kept alive, but on important days like the Republic Day, all four burners were lit. These burners were what is called the eternal flame, and it was never allowed to be extinguished.

How was the eternal flame kept burning? *National War Memorial*

For 50 years the eternal flame had been burning underneath India Gate, without being extinguished. But on Friday, the flame was finally put off, as it was merged with another eternal flame at the National War Memorial. Since 1972, when it was inaugurated, it used to be kept alive with the help of cylinders of liquified petroleum gas, or LPG. One cylinder could keep one burner alive for a day and a half. In 2006 that was changed. Though a project that cost around Rs 6 lakh the fuel for the flames was changed from LPG to piped natural gas, or PNG. It is through this piped gas that the flame marking the tribute to Indian soldiers had been kept alive eternally.

Why was it placed at India Gate?

The India Gate, All India War Memorial, as it was known earlier, was built by the British in 1931. It was erected as a memorial to around 90,000 Indian soldiers of the British Indian Army, who had died in several wars and campaigns till then. The inscription on the monument reads:



“TO THE DEAD OF THE INDIAN ARMIES WHO FELL AND ARE HONOURED IN FRANCE AND FLANDERS MESOPOTAMIA AND PERSIA EAST AFRICA GALLIPOLI AND ELSEWHERE IN THE NEAR AND THE FAR-EAST AND IN SACRED MEMORY ALSO OF THOSE WHOSE NAMES ARE HERE RECORDED AND WHO FELL IN INDIA OR THE NORTH-WEST FRONTIER AND DURING THE THIRD AFGHAN WAR.”

Names of more than 13,000 dead soldiers are mentioned on the memorial commemorating them. As it was a memorial for the Indian soldiers killed in wars, the Amar Jawan Jyoti was established underneath it by the government in 1972.

Why was the eternal flame extinguished from there?

There are several reasons that have been mentioned by officials. Since the political controversy broke out government sources have claimed, giving a “correct perspective” that the flame will not be extinguished, but just moved to be merged with the one at the National War Memorial. Sources said that the eternal flame paid homage to the soldiers killed in the 1971 War, but does not mention their name, and the India Gate is a “symbol of our colonial past”. “The names of all Indian martyrs from all the wars, including 1971 and wars before and after it are housed at the National War Memorial. Hence it is a true tribute to have the flame paying tribute to martyrs there.” Defence establishment officials said that once the National War Memorial came up in 2019, Indian political and military leaders and foreign dignitaries pay their tributes to the fallen soldiers at the National War Memorial, which used to happen at the Amar Jawan Jyoti earlier. With this change it was felt that two flames were not needed, even though when the National War Memorial was built officials had categorically stated that both the flames will be kept alive. But another reason is that the Amar Jawan Jyoti was etched so strongly in the emotional psyche of the country that the new war memorial did not get the attention as the government had expected, and the government wants to promote the new memorial it built in 2019. Further, it can also be seen as part of the government’s redevelopment of the entire Central Vista, of which India Gate, the Amar Jawan Jyoti and the National War Memorial are parts of. Along with moving the flame, Prime Minister Narendra Modi announced on Friday morning that the canopy next to the India Gate will get a statue of the Netaji Subhash Chandra Bose. The new statue will be 28 feet high. Till the statue is completed, Modi said that a hologram statue of Bose will be placed under the canopy, which he will unveil on January 23. The canopy used to have a statue of King George V, which was removed in 1968.

What is the National War Memorial and when was it made?

The National War Memorial, which is around 400 meters from India Gate was inaugurated by Modi in February 2019, in an area of around 40 acres. It was built to commemorate all the soldiers who have laid down their lives in the various battles, wars, operations and conflicts of Independent India. There are many independent memorials for such soldiers, but no memorial existed commemorating them all at the national level. Discussions to build such a memorial had been ongoing since 1961, but it did not come up. In 2015, the Modi-led government approved its construction, and the location east of the India Gate at C Hexagon was finalised. The final design of the memorial was selected through a competition. The architecture of the memorial is based on four concentric circles. Largest is the Raksha Chakra or the Circle of Protection which is marked by a row of trees, each of which represent soldiers, who protect the country. The Tyag Chakra, the Circle of Sacrifice, has circular concentric walls of honour based on the Chakravyuh. The walls have independent granite tablets for each of the soldiers who have died for the country since Independence. As of today, there are 26,466 names of such soldiers on these granite tablets etched



in golden letters. A tablet is added every time a soldier is killed in the line of duty. This Veerta Chakra, the Circle of Bravery, has a covered gallery with six bronze crafted murals depicting the battles and actions of our Armed Forces. The final is the Amar Chakra, the Circle of Immortality, which has an obelisk, and the Eternal Flame. The flame from the Amar Jawan Jyoti at the India Gate will be merged with this flame, which has been kept burning since 2019 when the memorial was unveiled. The flame is a symbol of the immortality of the spirit of the fallen soldiers, and a mark that the country will not forget their sacrifice. Busts of the 21 soldiers who have been conferred with the highest gallantry award of the country, Param Vir Chakra, are also installed at the memorial.

WHY NETAJI'S STATUE IS BEING INSTALLED AT INDIA GATE

Prime Minister Narendra Modi on Friday announced that a statue of Netaji Subhash Chandra Bose will be installed at India Gate to honour his contribution to the independence movement. Until the installation is completed, a hologram of Netaji will be projected at the site of the statue. The prime minister tweeted: "At a time when the entire nation is marking the 125th birth anniversary of Netaji Subhas Chandra Bose, I am glad to share that his grand statue, made of granite, will be installed at India Gate. This would be a symbol of India's indebtedness to him." He added: "Till the grand statue of Netaji Bose is completed, a hologram statue of his would be present at the same place. I will unveil the hologram statue on 23rd January, Netaji's birth anniversary."

The spot

The statue will be installed under the grand canopy near which the Amar Jawan Jyoti flickered in remembrance of soldiers who have died for the country in various wars and conflicts since Independence. Just a day earlier, it was announced that the Amar Jawan Jyoti, the eternal flame located at India Gate, which has not been extinguished for 50 years, will be put off and merged with the flame at the nearby National War Memorial. The flame was inaugurated by then Prime Minister Indira Gandhi on the Republic Day in 1972, and was partly merged with the flame at the National War Memorial on Friday afternoon. The National War Memorial, situated in the vicinity – on the India Gate circle – was constructed by the Modi government in 2019. So, this Republic Day, as the celebrations are held at the redeveloped Central Vista Avenue, its character would have changed – with the flame moving to the war memorial, and the hologrammed Bose statue making its presence felt from under the canopy.

Its history

The canopy, where the Bose statue will be installed, was built along with the rest of the grand monument in the 1930s by Sir Edwin Lutyens. It once housed a statue of the former king of England George V, which was moved to Coronation Park in the 1960s. Coronation Park is located on Burari Road in northwest Delhi, and was the venue of the first Delhi Durbar of 1877 when Queen Victoria was proclaimed the Empress of India. Later, the same place was used to celebrate the accession of King Edward VII in 1903, and, finally, it was here that the Durbar commemorating the coronation of King George V as Emperor of India took place on 12 December 1911. Following the independence of India on August 15, 1947, some of the statues of former British kings (including the 49-foot marble statue of George V at Rajpath), governors and officials were moved to Coronation Park from various locations across Delhi.



Why Bose

January 23 this year marks his 125th birth anniversary. Last week, the government had announced that from this year onwards, Republic Day celebrations will start on January 23, as opposed to the usual practice of starting it on January 24, to mark the birth anniversary of Netaji Subhash Chandra Bose. It will end on January 30, the day Mahatma Gandhi was assassinated. On the day, as the PM inaugurates the hologram statue at the spot, a special programme will be held to honour the winners of Netaji Subhash Chandra Bose Apada Prabandhan Award – to recognise the contributions in the area of disaster management. The Modi government had earlier announced that Bose's birth anniversary would be celebrated as Parakram Divas.

ESCAPING JUNTA, MORE MYANMAR REFUGEES CROSS OVER INTO MIZORAM ✓

Over 2,000 people from Myanmar's Chin state have crossed over into the border villages of Mizoram since January 5, according to government sources in the North-Eastern state and NGOs providing assistance to the displaced persons. Among those who arrived in the last two weeks were four persons with shrapnel wounds. They took admission in a private hospital in Aizawl, where one succumbed to his injuries. His body had to be taken back across the border to Myanmar. Since the military coup in Myanmar in February 2021, Chin state has been in the forefront of the armed resistance to the junta and has, therefore, faced the brunt of the Myanmar army's wrath. Some 15,000 people from Chin state crossed into Mizoram last July-August during the fighting that broke out between a pro-democracy civilian resistance group called Chin Defence Force (CDF), backed and trained by the Chin National Army. Mizoram shares a 510-km border with Myanmar at Chin state, and people of common ethnicities live on both sides of the border. The junta tried unsuccessfully to break the Chin resistance late last year with a new offensive in the areas of Falam and Thantlang. The entire state is now in ferment with frequent clashes as the CDF and a network of People's Defence Force groups allied to the civilian National Unity Government, which describes itself as Myanmar's government in exile, battle the junta. According to reports in the news portal Frontier Myanmar, entire villages in Chin state have been burnt down, and more troops have been arriving steadily, giving rise to fears of a new offensive. Earlier this month, there were deadly clashes in Matupi in the south and Tiddim in the north between the civilian armed groups and the junta. A few days ago, clashes were reported in Falam area. "These days, every day refugees are arriving in the border villages. We are trying to ascertain the number, but it is quite difficult," said a government source. Unofficial estimates place the number of arrivals from January 5 to January 20 at over 2,000. The highest influx was in Hnahthial, where over 1,000 people are said to have crossed over to escape the violence. Hnahthial is located right across the Chin township of Falam. Lunglei and Lwangtlai, located opposite Thantlang, Falam and Hakha, have together seen some 1300 people cross over this time. Over 100 people crossed over into Saiha. Over 800 people arrived in Mamit near the Tripura border. According to M C Lalramenga, president of the Young Mizo Association of Tuipuiral in Champhai district, some 50 people crossed in the last two weeks after renewed violence. Champhai is opposite Tiddim. Among those who crossed over were four people with injuries apparently caused by a bomb explosion. One of the four succumbed to the injuries, while three remain in the ICU of a private hospital in Aizawl, said Lalramenga. It is not clear where they were injured. The government source said NGOs, church groups and village officials had formed "refugee caretaker committees" and were looking after the displaced persons, with the local administration also assisting them. The NGOs are also mobilising donations of funds and relief such as clothes and food for the refugees. Last year, the Centre had instructed the governments of the North-East states and Assam Rifles not to provide shelter to



any of the displaced people and to deport them. But Mizoram Chief Minister Zoramthanga had declined to abide by that order and said it was the duty of the Mizo people to care for the refugees.

THE DEBATE OVER MARITAL RAPE ✓ 375

The Delhi High Court is hearing a challenge to the constitutional validity of the 'marital rape immunity' provided for in the Indian Penal Code. The case has put the spotlight on crucial issues concerning consent, the extent of state control on female sexual autonomy, and correcting historical prejudices in law.

What is the case about?

A two-judge Bench of Justices Rajiv Shakder and C Hari Shankar is hearing a clutch of four petitions challenging the constitutionality of the exception to Section 375 of the Indian Penal Code that deals with rape. Apart from the petitioners, who include the All India Democratic Women's Association, the court will also be hearing amicus curiae Raajshekhar Rao and Rebecca John, senior advocates. IPC Section 375 defines rape and lists seven notions of consent that, if vitiated, would constitute the offence of rape by a man. The crucial exemption: "Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape." This exemption essentially allows a marital right to a "husband", who can with legal sanction exercise his right to consensual or non-consensual sex with his "wife". This exemption is being challenged as unconstitutional as it undermines consent of a woman based on her marital status.

Why is this provision in place?

Marital rape immunity is known to several post-colonial common law countries. It is premised on broadly two assumptions:

CONSENT IN PERPETUITY: This is the assumption that on marriage a woman gives consent held by her husband in perpetuity which she cannot retract. This concept in the colonial-era law has roots in the antiquated idea that a woman is the property of her man.

EXPECTATION OF SEX: This is the assumption that a woman is duty-bound or is obligated to fulfil sexual responsibilities in a marriage since the aim of marriage is procreation. Since the husband has a reasonable expectation of sex in a marriage, the provision implies that a woman cannot deny it. The reasons for not outlawing the provision so far, too, are crucial. In a 2010 paper ('Rape Within Marriage in India: Revisited'), Prof (Dr) K I Vibhute observed that the "preservation of the institution of the family" is what mainly allows the provision to gain legitimacy. "... the preservation of the family institution by ruling out the possibility of false, fabricated and motivated complaints of 'rape' by 'wife' against her 'husband' and the pragmatic procedural difficulties that might arise in such a legal proceeding".

Does the law exist in the UK?

The marital rape exception was overturned by the House of Lords in 1991. Canada (1983), South Africa (1993), Australia (1981 onwards) enacted laws that criminalise marital rape.

What are the arguments before the court?

The challenge to marital rape has been possible because of a slew of Supreme Court rulings — the 2017 Aadhaar ruling that cemented the right to privacy; the 2017 ruling that struck down the practice of instant triple talaq as unconstitutional and held that laws cannot be "manifestly



arbitrary”; the 2018 ruling that held IPC Section 377 unconstitutional to the extent that it criminalised homosexuality; the 2018 decision decriminalising adultery; and the 2018 Sabarimala temple entry verdict that religious or social practices that are gender-discriminatory are unconstitutional. Marital rape immunity stands against the light of the right to equality, the right to life with dignity, personhood, sexual, and personal autonomy — all fundamental rights protected under Articles 14, 19 and 21 of the Constitution respectively. The question before the court is, in fact, to what end or reason the law can validate the encroachment of these rights. The petitioners have also argued that it creates an unreasonable classification between married and unmarried women and, by corollary, takes away the right of a married woman to give consent to a sexual activity. The petitioners have argued that since courts have recognised that consent can be withdrawn even during/in-between a sexual act, the assumption of “consent in perpetuity” cannot be legally valid. On the “reasonable expectation of sex” reasoning, the petitioners have argued that even though there is a reasonable expectation of sex from a sex worker or other domestic relationships as well, consent is not irrevocable. The judges sought to distinguish between sex in a marriage and sex with a sex worker. This distinction is based on the idea that marriage must lead to procreation. This again prompts the question as to whether the law can delegitimise sexual consent of women in favour of procreation while also recognising an exception — the right to abortion. Another crucial aspect for the court to consider will be whether the protection of marriage and family can be a compelling or even legitimate interest for the state to the extent that it can make laws that violate fundamental rights. Courts apply a balancing test on violation of fundamental rights when the state has a legitimate or compelling interest on the issue: for example, national security, public health and order.

What is the government’s stand?

In an affidavit, the Centre defended marital rape immunity. The government’s arguments spanned from protecting men from possible misuse of the law by wives, to protecting the institution of marriage. However, Solicitor General Tushar Mehta also told the court that wider deliberations are required on the issue. He brought to the court’s notice a 2019 committee set up by the Ministry of Home Affairs to review criminal laws in the country. The Delhi government too has defended the law on the ground that married women who might be subjected to rape by their husbands have other legal recourses such as filing for divorce or a case of domestic violence. The government has also said that since the law on restitution of conjugal rights, a provision in the Hindu Marriage Act that allows a court to compel a spouse to cohabit with the husband, is valid, so is the exception to marital rape, by extension. However, restitution of conjugal rights is a provision in personal laws and not in penal laws and even that provision is currently under challenge before the Supreme Court. In the past, as in the cases challenging homosexuality under Section 377, governments have preferred continuity and showed reluctance in doing away with such provisions. In 2013, the J S Verma Committee, set up to look into criminal law reforms following the brutal gangrape and murder of a 23-year-old paramedic in Delhi in 2012, had recommended removing the marital rape exception. Although it implemented several key progressive recommendations by the committee, the Congress-led government did not change the law on marital rape. Recently, Congress leader Rahul Gandhi tweeted in favour of striking down marital rape immunity. The petitioners have argued that since the provision was inserted before the Constitution came into force, the provision cannot be presumed to be constitutional.

What about apprehensions on ‘fake cases’ against men?

While it is crucial to ensure that any law is not misused, the court will have to look into whether the only way to prevent misuse is by giving a blanket legal immunity for married men against



marital rape. Legal experts also cite the “false acquittal” phenomenon — where a person accused of rape might be acquitted by courts for lack of evidence — to counter the narrative of “false convictions” cited as misuse of the law. Experts have routinely flagged massive underreporting of sexual crimes in India, suggesting that the misuse argument might be exaggerated. A 2010 South African case suggested that even though 18.8% of women were raped by their partners on one or more occasions, rates of reporting and conviction remain low and that judges regarded it as a “less serious” form of rape. South Africa, in fact, passed a special legislation in 2007 that clarified the relationship between the accused and the complainant. The J S Verma committee had quoted the response of Prof Sandra Fredman of the University of Oxford to the committee, that it would take “training and awareness programmes should be provided to ensure that all levels of the criminal justice system and ordinary people are aware that marriage should not be regarded as extinguishing the legal or sexual autonomy of the wife”.

SC TO MAHARASHTRA: SUBMIT OBC DATA TO COMMISSION

Reiterating that the triple test laid down by it to provide quota to Other Backward Classes (OBCs) has to be followed, Supreme Court on Wednesday asked the Maharashtra government to submit data available with it on OBCs to the state-appointed commission. This, the court said, is to enable the commission to assess correctness of the data and make recommendations for representation of members of these classes in the state’s local bodies. The court was hearing an application filed by Maharashtra in view of its order staying election to seats reserved for OBC category in local body polls in the state, and directing that they be renotified as general category seats. On Wednesday, a bench headed by Justice A M Khanwilkar ordered that the triple test will have to be followed by states and Union Territories if they intend to conduct local body polls providing reservation for OBC category. “In case, the State or Union Territory is not in a position to fulfill the triple test requirement and the election to any of its local body cannot be postponed beyond the statutory period, the (State) Election Commission (concerned) ought to notify proportionate seats as open category seats, and proceed with the elections of the local bodies,” the bench, also comprising Justices Dinesh Maheshwari and C T Ravikumar, ruled. In December 2021, the SC had stayed elections to 27 per cent seats reserved for OBC category in local bodies in Maharashtra, concluding that the state government had not followed the mandatory triple test laid down by it before deciding to earmark the quota. The triple test requirement is a three-pronged criterion set up by the top court in previous judgments to mandate OBC reservation. It requires the state to first set up a commission to conduct rigorous empirical inquiry into the nature and implications of backwardness qua local bodies, within the State. Second, to specify the proportion of reservation required to be provisioned per local body in light of recommendations of the panel, so as not to fall foul of overbreadth; and, third, that such reservation should not exceed aggregate 50 per cent of the total seats reserved in favour of SCs/STs/OBCs taken together. On December 15 last year, the court asked Maharashtra government and State Election Commission (SEC) to renotify 27 per cent seats reserved for OBCs as general category and hold elections to them along with those for the remaining 73 per cent. On Wednesday, the SEC submitted a compliance report to the court, indicating that pursuant to its directions, election programmes in respect of seats, which were earlier notified as OBC category, have since been conducted as open seats and the results are likely to be notified by Thursday. Meanwhile, Maharashtra also moved an application urging the SC to permit it to conduct the remaining elections on the basis of information/data already available with it on OBC category. Hearing it Wednesday, a bench headed by Justice A M Khanwilkar said, “Instead of examining the correctness of the data furnished by the State along with the application, the appropriate course for the State is to produce this data and further information as may be available before the State-appointed dedicated Commission.” This panel,

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the court said, can in turn examine the “correctness thereof” and, if required, make recommendation to the State.

COURT AND COMPENSATION

It took much persuasion by the Supreme Court and all its assertiveness to get the Union government to agree last year to pay a token compensation of ₹50,000 to the families of each of those who were claimed by COVID-19. The time has now come for the Court to assert its authority once again to ensure that neither tardiness on the part of the States nor incorrect rejection of claims deprives genuine victims of their right to the ex gratia amount. In the latest hearing, the Court had to pull up a couple of States for not disbursing the amount fast enough and express concern about the high number of rejected claims. In the backdrop of reports that there has been significant under-reporting of deaths due to the novel coronavirus pandemic, the Bench had passed orders some months ago to the effect that no person’s family shall be denied the benefit on the ground that the death certificate did not specify the cause of death as due to COVID-19. Early experience since the outbreak showed that many deaths were attributed to co-morbidities rather than to the infection itself. Also, many died after testing negative during hospitalisation or after their discharge. To address this situation, the Court directed that any death occurring within 30 days of a person testing positive, or being clinically determined to suffer from the infection, will be eligible for the ex gratia payment. In addition, the Court devised an appeal mechanism in the form of grievance redress committees at the district level. In the latest order, the Bench, comprising Justice M.R. Shah and Justice Sanjiv Khanna, has directed that if a claim has been rejected due to defects in application, the family must be given an opportunity to rectify the shortcoming and then be paid the compensation. Noting that in some cases, the number of claims is lower than the number of registered deaths, the Court has directed that officials reach out to the families on their own. It has extracted assurances from some States that claims that had been cleared but yet to be disbursed would be cleared as early as possible. Significantly, it has also mandated the disclosure of the reasons for rejection to the applicants so that they could either rectify errors or go on appeal to the committee to redress such grievances. In yet another bid to ensure that eligible families are not denied the benefit, the Court has roped in the legal services authority in each State and district to ascertain whether compensation has been paid to the kin of everyone recorded as dead due to the pandemic in official records, and facilitate the payment if it is yet to be made. The Supreme Court has done much to grant some succor, low though the quantum may be in the light of the staggering impact the pandemic has had on lives and livelihoods, to millions of people.

SC UPHOLDS OBC QUOTA IN NEET

(Read very carefully)

The Supreme Court on Thursday upheld the constitutional validity of reservation for Other Backward Classes (OBC) candidates in the All India Quota seats for the National Eligibility-cum-Entrance Test (NEET) for undergraduate and postgraduate medical and dental courses, noting that “reservation is not at odds with merit” in open competitive examinations. “If open examinations present equality of opportunity to candidates to compete, reservations ensure that the opportunities are distributed in such a way that backward classes are equally able to benefit from such opportunities which typically evade them because of structural barriers. This is the only manner in which merit can be a democratising force that equalises inherited disadvantages and privileges. Otherwise claims of individual merit are nothing but tools of obscuring inheritances that underlie achievements,” a Bench of Justices D.Y. Chandrachud and A.S. Bopanna observed in a 106-page judgment. The court said an open competitive exam only ensures formal equality and

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does not end widespread ingrained inequalities in the availability of, and access to, educational facilities to certain classes of people, including the OBC.

Multiple privileges

The privileges that accrue to forward classes are not limited to having access to quality schooling and access to tutorials and coaching centres to prepare for a competitive examination but also includes their social networks and cultural capital (communication skills, accent, books or academic accomplishments) that they inherit from their family, Justice Chandrachud said. The cultural capital ensures that a child from the forward classes is trained unconsciously by the familial environment to take up higher education or high posts commensurate with their family's standing. This works to the disadvantage of individuals from social backward classes who are first-generation learners and come from communities whose traditional occupations do not result in the transmission of necessary skills required to perform well in open examination. Thus, merit is not solely of one's own making. "The rhetoric surrounding merit obscures the way in which family, schooling, fortune and a gift of talents that the society currently values aids in one's advancement. Thus, the exclusionary standard of merit serves to denigrate the dignity of those who face barriers in their advancement which are not of their own making," Justice Chandrachud explained.

'Not the best gauge'

The court said the "idea of merit" based on scores in an exam requires "deeper scrutiny". "While examinations are a necessary and convenient method of distributing educational opportunities, marks may not always be the best gauge of individual merit. If a high-scoring candidate does not use their talent to perform good actions, it would be difficult to call them meritorious merely because they scored high marks," Justice Chandrachud reasoned. The fortitude and resilience required to uplift oneself from conditions of deprivation are equally reflective of individual calibre and merit, the court said. The apex court held it was the Centre's prerogative to provide reservation in All India Quota (AIQ) seats. Granting reservation in the AIQ seats was a policy decision of the government, though subject to the contours of judicial review. similar to every reservation policy. Justice Chandrachud said the power of the government to provide reservations under Article 15 (4) and (5) of the Constitution is not an "exception" to Article 15 (1), which enshrines the mandate that "the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them". The court held that the power of the government to craft reservation for the OBC amplified the principle of "substantive equality" manifested through Article 15 (1).

Parliament support

The Parliament had backed the cause by enacting the Central Educational Institutions (Reservation in Admission) Act 2006 to enable 15% reservation for Scheduled Castes, 7.5% for the Scheduled Tribes, and 27% for the OBC category. The Constitution Bench in Ashoka Kumar Thakur v. Union of India had also upheld the constitutional validity of 27% reservation for the OBC category provided under the 2006 Act. "Though the Act of 2006 would not be applicable to the seats earmarked for AIQ in State-run institutions since it would not fall within the definition of a Central educational institution under the Act, the Union, in view of Article 15(5), has the power to provide reservations for OBCs in the AIQ seats. It is not tenable for the States to provide reservation in the AIQ seats since these seats have been 'surrendered' to the Centre," Justice Chandrachud noted. The judgment was based on petitions filed by doctors in August 2021 against



a July 29, 2021, notification issued by the Directorate General of Health Services of the Ministry of Health implementing 27% and 10% reservation for OBC and Economically Weaker Sections (EWS), respectively, while filling up 15% undergraduate and 50% postgraduate AIQ seats under NEET.

A MANDATE FOR GOVERNORS

The demand to constitutionally mandate Governors to act within a time frame on files including legislations sent to Raj Bhavan by an elected government is being given a consistent push by Tamil Nadu in recent months. Flagging the issue at the 82nd All India Presiding Officers Conference in Shimla last November, Legislative Assembly Speaker M. Appavu, pointed out that Governors sometimes sit on Bills without giving assent or returning it “for an indefinite period”. The underlying context was clear. The ruling DMK has been unable to fulfil its electoral promise of abolishing NEET. The T.N. Admission to Undergraduate Medical Degree Courses Bill, adopted by the Assembly in September 2021 to dispense with NEET and facilitate admissions based on Plus Two marks, remains under the consideration of Governor R.N. Ravi. As NEET comes under the Centre’s purview, it is required that the Governor forward the Bill for Presidential assent. This delay has upset Chief Minister M.K. Stalin, who has argued that it was the basic principle of a democracy that when the Assembly invoked its right and enacted a law, the Governor “should respect it and give it his approval”. Governors, though heads of the State Executive, are appointed by the Union Government. “Therefore, when they stall the assent to a Bill, they are virtually overruling the will of the people of the State,” Mr. Appavu said. He called for setting a “binding time frame” within which Bills must receive assent, be returned, or reserved for the consideration of the President by the Governors. The issue echoed in the Rajya Sabha last month when DMK MP P. Wilson called for amending the Constitution to fix time limits for Governors to act on Bills. He said it should be inferred that the Constitution places a “fiduciary duty” on the Governor “to act within a reasonable time frame”. Undue delay in performance of constitutional functions is ex-facie unconstitutional. “The Governor ultimately owes a responsibility to the people on whose behalf, and for whose welfare, the Legislatures, which carry the people’s mandate, enact laws.” The NEET exemption Bill being held up is not an isolated one. The previous AIADMK government, despite being a BJP ally, could not get then Governor Banwarilal Purohit to do its bidding. For nearly 45 days, he did not grant assent to a 2020 Bill providing for 7.5% horizontal reservation for NEET-qualified government school students in medical colleges. Pushed to a corner by the DMK, the erstwhile Edappadi K. Palaniswami government hastily took the executive route to issue a G.O. giving effect to its decision. Mr. Purohit granted assent to the Bill the next day but justified the delay saying he was awaiting the Solicitor General’s opinion. Curiously, Mr. Purohit did not adopt the same legal yardstick for another legislation of a sensitive nature. He almost instantly granted assent to a Bill providing for 10.5% internal reservation for Vanniakula Kshatriyas within the quota for the MBCs, which was adopted by the House hours before the Election Commission notified the Assembly election schedule. The quota has been quashed by the Madras High Court and is under appeal before the Supreme Court. A related aspect of this conundrum flagged by Mr. Appavu is of significance. If the President withholds the assent and returns any Bill, should he not give reasons, Mr. Appavu asked. This would enable the Assembly to enact another Bill, correcting the shortcomings. In 2017, the President had withheld consent for two NEET exemption Bills passed by the Assembly, the reasons for which remain unknown. There is a need to take T.N.’s demand forward to ensure Governors and Presidents act on legislative actions.



NEW HARYANA LAW MAY HIT JOBS, GROWTH: STAKEHOLDERS

With the law guaranteeing 75% reservation to locals in private sector jobs in Haryana coming into force earlier this month, the reigning sentiment among various stakeholders is one of “disruption”. Industrialists, migrant workers and contractors remain wary of its repercussions on businesses and employment prospects. The law was one of the major poll promises of Jannayak Janta Party (JJP), the junior partner in the coalition government in Haryana.

Matter in court

Three industry associations from Gurugram, Faridabad and Rewari have sought judicial recourse. In a petition filed before the Punjab and Haryana High Court, they contended that the new law goes against constitutional provisions and the basic principle of merit underpinning private sector growth. The court has issued notice to the State government and scheduled the next hearing for February 2. “It is very, very myopic of the political class,” said Manmohan Gaiind, general secretary, Manesar Industries Welfare Association, one of the petitioners in the case. “Almost 99% employees in a Micro, Small and Medium Enterprise (MSME) earn less than ₹30,000 and fall under the purview of the new law. MSMEs hire and lay off workers based on the demand. Finding locals with requisite skills every time would not be possible,” he said. Mr. Gaiind rued that a political decision was taken and implemented without any data or research. “If the migrants don’t find jobs in Haryana, they will straight away head to Noida. It is the industry that will suffer, not the politicians,” he said.

Survey findings

An internal survey by the Garments Exporters and Manufacturers Association last year had revealed that more than 82% may not consider Haryana for expansion in case the new law was not repealed or the industry not exempted from its provisions. An equal number believed that they would not be able to source adequate skilled workers from Haryana only. Though the law allows relaxation to hire non-locals in certain conditions, the industrialists are sceptical. “If I need people today, I cannot wait for three months for the DC office to grant me permission,” said one. Three-fourth reservation in jobs would also skew the workforce balance between locals and migrants and disrupt the smooth running of the businesses, feel industry insiders — the locals are by definition more entrenched vis-a-vis the migrants and “difficult to control”. The migrants too fear rampant job losses. Though the residency condition for a domicile certificate under the new law has been reduced to five years from 15, Jalauddin Ansari, member, Gurgaon Shramik Sangathan, said “it is a distant dream for a migrant who cannot even get a ration card or a voter identity card after staying here for years”. JJP’s chief media co-ordinator, Deep Kamal Saharan, however, said the law has enough caveats in place. “On exemptions, the authorities need to respond in a time-bound manner and pass the order within 15 days,” Mr. Saharan said. New start-ups and IT/ITES companies are exempted for two years under the new law and short-term works, extending up to 45 days, have been kept out of its purview. “The fears of the industry are unfounded,” said Mr. Saharan, justifying the law.

DEMOCRATISE AND EMPOWER CITY GOVERNMENTS

The Reserve Bank of India (RBI) in a report, “State Finances, Study of Budgets of 2021-22”, released in November 2021 (<https://bit.ly/3rskeFv>), wrote: “With the third-tier governments in India playing a frontline role in combating the pandemic by implementing containment strategies, healthcare,... their finances have come under severe strain, forcing them to cut down expenditures



and mobilise funding from various sources.” The RBI further commented that the functional autonomy of civic bodies must increase and their governance structure strengthened. This could happen by ‘empowering them financially through higher resource availability’. It is interesting that the RBI did echo the recommendations of the 15th Finance Commission report on local bodies that emphasised city governance structures and financial empowerment. The addition in the RBI report is from the praxis and the objective reality from during the novel coronavirus pandemic — which continues even now. However, there is only partial truth in the report. The emphasis is on resource availability, but how this will happen is not highlighted. At the most, it speaks only about generating more resources at the local level.

The essence

While correctly identifying the role of the city governments in meeting the challenges the pandemic has thrown up, the report also points to the draining of resources. An RBI survey of 221 municipal corporations (2020-21) revealed that more than 70% saw a decline in revenues; in contrast, their expenditure rose by almost 71.2%. The RBI report also highlights the limited coverage of property tax and its failure in shoring up municipal corporation revenues. Organisation for Economic Co-operation and Development (OECD) data show that India has the lowest property tax collection rate in the world — i.e., property tax to GDP ratio. But this explains only one part of the story.

An old problem continues

During the pandemic, while leaders from the Prime Minister to Chief Ministers to District Magistrate were seen taking a call on disaster mitigation strategies, city mayors were found missing. Why? Because under the disaster management plan of action, cities are at the forefront to fight the pandemic; however, the elected leadership finds no place in them. It is not just in disaster mitigation. The old approach of treating cities as adjuncts of State governments continues to dominate the policy paradigm. The general approach towards urban empowerment has remained piecemeal in India. Urban development is a state subject, which is more linked to political and democratic movements in States. The first intervention to understand ‘the urban’ (though there are references in the Five Year plans) and plan with a pan-Indian vision took place in the 1980s when the National Commission On Urbanisation was formed with Charles Correa as its chairperson. Another important intervention was in the first half of the 1990s with the Constitution 73rd and 74th Amendments. The latter refers to urban reforms — empowering urban local bodies to perform 18 functions listed in the 12th Schedule. But this was also the period of neo-liberal reforms, so the generation of own resources and a slow withdrawal of the state could be witnessed. Though the democratic transfer of 18 subjects was an important element, and necessary, there was, however, no mention of financial empowerment. It was linked more to the idea of “competitive cities” to attract investments in the urban centres by making their structures and land laws flexible. We now know that not much investment has happened, and cities have not really been able to enhance their financial capabilities. The only exception to the rule has been the people’s plan model of Kerala where 40% of the State’s plan budget was for local bodies (directly) with a transfer of important subjects such as planning, etc. This paved the way for a new dimension to urban governance.

Functional autonomy

The RBI report has been right in highlighting that functional autonomy of city governments must be allowed. But this should happen with three F’s: the transfer of ‘functions, finances and



functionaries' to city governments. Without these, functional autonomy would be empty rhetoric. There are nearly 5,000 statutory towns and an equal number of census towns in India. Nearly 35% of the population lives in urban centres. And, nearly two-thirds of the country's GDP stems from cities and almost 90% of government revenue flows from urban centres. Before value added tax and other centralised taxation systems, one of the major earnings of cities used to be from octroi. In fact, Pimpri-Chinchwad and Pune are examples of two very high revenue-earning municipalities dependent on octroi, as both cities have strong bases of industrial production. But this source of revenue collection was taken away by the State and the central governments. Instead, finance commissions recommended grants to urban local bodies based on a formula of demographic profile. Previously, while almost 55% of the total revenue expenditure of urban centres was met by octroi (e.g., Shimla), now, the grant covers only 15% of expenditure. In such a situation, it is difficult for the towns to sustain their ability to perform their bare minimum functions, especially with the latest Pay Commission recommendations. This has resulted in a vicious circle of burdening people more with taxes and further privatisation/outsourcing of the services of the municipalities. This is a pan-India phenomenon and the grading of cities and urban policies are linked to this. Now with Goods and Services Tax, the ability to tax has been 'completely robbed'; cities find themselves in a worse state than States. The often-cited example is how cities in the Scandinavian countries manage their functions well — from city planning to mobility to waste management. But the truth is that a chunk of the income-tax from citizens is given to city governments. Imagine cities such as large urban agglomerates in India getting a percentage of income tax for managing the affairs of urban places. It would be phenomenal! A committee formed under the United Progressive Alliance (under the Ministry of Housing and Urban Development to review the 74th constitutional amendment), recommended that 10% of income-tax collected from the cities was to be given back to them as a direct revenue grant from the central government. Alas, it was never taken into consideration. What needs to be done? Cities must be treated as important centres of governance, where democratic decentralisation can bring in amazing results (as seen in Kerala). There will be transparency and adequate participation of the people. Second, cities should not be considered as entrepreneurship spaces where the sole driving force is to make them competitive to attract investments. We have seen how fallacious this argument is. They must be considered as spaces for planned development by giving adequate attention to resources. Our cities are hardly prepared for the impact of climate change; nor do they have adaptive strategies. The resources required for quantitative and qualitative data must be immediately provided to the cities to ensure a disaster risk reduction plan keeping vulnerable communities in mind.

Nothing 'smart'

Fourth, a piecemeal approach such as the concept of 'smart cities' must be shunned altogether. This approach further widens the gap between different sets of people. Rather, the grants from the Centre must be enhanced and cities asked to draw up their plans themselves based on priority seeking from city residents. Cities are people, as they say, and people must be a part of the decision-making process. Fifth, leadership in the cities must be elected for a term of five years. In some cities, the term of the mayor is for a year! Likewise, the third F, i.e., functionaries, must be transferred to the cities with a permanent cadre. Thus, in this exercise by the RBI, the good part is that there has least been a mention of cities, with local bodies as important centres of governance.



IAS OFFICERS AND CENTRAL POSTING ✓

The Centre has proposed amendments to the IAS (Cadre) Rules in order to exercise greater control in central deputation of IAS officials, which has often been at the centre of tussles between the Centre and the states.

What is current rule on deputation?

Central deputation in the Indian Administrative Service is covered under Rule-6 (1) of the IAS (Cadre) Rules-1954, inserted in May 1969. It states: "A cadre officer may, with the concurrence of the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or by another State Government. Provided that in case of any disagreement, the matter shall be decided by the Central Government and the State Government or State Governments concerned shall give effect to the decision of the Central Government." As on January 1, 2021, out of around 5,200 IAS officers in the country, 458 were on central deputation.

What are the proposed amendments?

On December 20, the Department of Personnel and Training (DoPT) wrote to various state governments that "... various state/joint cadres are not sponsoring adequate number of officers for central deputation, as part of the Central Deputation Reserve. As a result of this, the number of officers available for central deputation is not sufficient to meet the requirement at Centre." The letter proposed to insert an additional condition in Rule 6(1): "Provided that each State Government shall make available for deputation to the Central Government, such number of eligible officers of various levels to the extent of the Central Deputation Reserve prescribed under Regulations referred to in Rule 4(1), adjusted proportionately by the number of officers available with the State Government concerned vis-à-vis the total authorized strength of the State cadre at a given point of time. The actual number of officers to be deputed to the Central Government shall be decided by the Central Government in consultation with State Government concerned." To the existing condition that "in case of any disagreement... the State Government or State Governments concerned shall give effect to the decision of the Central Government", the proposed amendment adds the words "within a specified time". The Centre has sought comments within January 25, and sent reminders to state governments. It has written that "in specific situations, where services of cadre officers are required by the Central Government in public interest, the Central Government may seek the services of such officers for posting under the Central Government." A few states have responded, including West Bengal, which has raised objections.

What are West Bengal's objections?

Chief Minister Mamata Banerjee has written to Prime Minister Narendra Modi, who is the Minister for DoPT, that the proposals are "against the spirit of cooperative federalism" and "will affect administration of the state". "By insisting on officers to be made available for deputation through the proposed amendment, not only will the administration of States be affected but also it would become impossible to assess and plan the administration of a State – by engaging such officers who form part of the Central Deputation Reserve, fraught with the uncertainty of their sudden deputation by the Centre," she has written.



How are officers sent on central deputation today, and how could the amendments affect it?

The Centre asks every year for an “offer list” of officers of the All India Services (IAS, IPS and Indian Forest Service) willing to go on central deputation, from which it selects officers. While Rule 6(1) says that in case of disagreement, the state shall give effect to the decision of the Centre, this has not been possible in several cases of conflict. Even the proposed amendment leaves the state with an escape route by stating that the number of officers to be sent on deputation shall be decided by the central government “in consultation with the State Government concerned”. And while the Centre mandates the state governments to provide a list of officers, the officer too must be willing, with Rule 6(2) stating: “no cadre officer shall be deputed to any organisation or body of the type referred to in item (ii), except with his consent”. Item (ii) covers certain kinds of organisations. In January 2021, a West Bengal-based lawyer, Abu Sohail, filed a PIL in the Supreme Court seeking Rule 6(1) be struck down. He contended that because of the rule, states have to bear the brunt of arbitrary actions taken by the Centre, while the rule makes it difficult for the Centre to enforce its will on a state that refuses to back down. The court, ruling on March 1, did not find any merit in the petition.

In cases of tussle, how often has the Centre has its way?

Usually, the states have had their way. Among the latest examples was a tussle involving Alapan Bandyopadhyay, an IAS officer of the 1987 batch, now retired and serving as Chief Adviser to West Bengal CM Banerjee. Last year, when he was due to begin an extension of three months after retiring as Chief Secretary, the Centre asked him to report on the day of his retirement. Bandyopadhyay did not do so, and the Chief Minister did not relieve him either. In December 2020, the Centre asked that three IPS officers, who were in charge of security when BJP president J P Nadda’s motorcade was attacked outside Kolkata on December 10, allegedly by supporters of the Trinamool Congress, be sent on deputation to the Centre. The state refused, citing a shortage of IPS officers, and the Centre did not insist either. Prominent examples in other states include a tussle between the Centre and the J Jayalalithaa government in 2001. On June 29, 2001, a month after Jayalalithaa took oath, the state police’s CB-CID raided former chief minister M Karunanidhi’s home and arrested him along with his DMK colleagues Murasoli Maran and T R Baalu, then ministers in the NDA government of A B Vajpayee. The following month, the Centre asked the state government to send three IPS officers on central deputation. Jayalalithaa refused, and wrote to other Chief Ministers for their support to protect the rights of the states. In another tussle involving Tamil Nadu, IPS officer Archana Ramasundaram was deputed to the CBI in 2014, but the state government refused to release her, and suspended her when she defied the state’s order and joined the CBI. She is today one of the members of the Lokpal.

PARENTS ASKED TO SUPERVISE ‘DESH KE MENTOR’ PHONE CALLS

Following the National Commission for Protection of Child Rights’ (NCPCR) notice on safety issues with the Delhi government’s ‘Desh ke Mentor’ programme, the education department has advised that parents be present whenever children speak to their mentors. The NCPCR had written to the Delhi government last week asking it to suspend this flagship programme until “all the loopholes pertaining to the safety of the children are overhauled”. It had raised concerns over the possibility of children being exposed to abuse by people designated as mentors to them, who they are supposed to speak with regularly on the phone. It had raised concerns over the lack of police verification of the mentors, and questioned the ‘psychometric test’ that applicants are supposed to take before being enrolled as mentors. Launched in October 2021, the programme aims at providing voluntary mentors to students in classes IX to XII in these schools. People between the

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



ages of 18 and 35 can sign up to be mentors through an app created by a team at Delhi Technological University and will be connected with students based on mutual interests. The mentorship entails regular phone calls for a minimum of two months, which can be carried on for four more months optionally. The idea is for the young mentors to guide students through higher education and career options, preparation for higher education entrances, and dealing with the pressure of it all. According to Deputy Chief Minister Manish Sisodia, 44,000 people have signed up as mentors so far. He said that of these, 500 are IIT graduates, 500 are IIM graduates, 15,600 are studying – from graduation to PhDs – and 15,600 are working. They have been working with 1.76 lakh children. The education department has not suspended the programme but has now asked that parents supervise these calls. “To make the existing programme of mentoring more secure and safe for the children enrolled as mentees under ‘Desh ke Mentor’ program, all parents of such members are hereby advised to ensure the presence of any adult member of the family during the conversation between mentors and mentees, done time to time through App under ‘Desh ke Mentor’ programme,” read a circular issued to all heads of government schools by the education department. Earlier, the Delhi government had lashed out against the Centre and the NCPDR for asking that the programme be suspended, saying that safeguards had been kept in mind when it was designed. The Deputy CM had said mentors of the same gender were assigned to students and consent was taken from parents before the programme was started.

A SHABBY MOVE

Since August 5, 2019, the Jammu & Kashmir administration has invited accusations that it was attempting to subdue the media in the Valley by various methods, including the use of harsh laws such as the Unlawful Activities Prevention Act and the Public Security Act against individual journalists. Now, as revealed by a shabby sequence of events last weekend, it would seem the government also wants to handpick its own nominees to run the Kashmir Press Club, the largest association of journalists in the Valley — or else, the chilling message is, the club would not be allowed to function. On January 15, a group of Valley journalists “took over” the KPC premises, and declared itself the interim committee that would henceforth manage the affairs of the KPC. This came two days after the KPC’s outgoing committee had announced that it would hold elections for new office-bearers in mid-February. The government re-registered the club in December 2021 under the new laws that took effect in 2019, paving the way for holding the election. However, the day after the election date was announced, it abruptly withdrew the club’s registration certificate, saying it was being kept in abeyance “on the basis of a report on the antecedents” of the managing committee received from the state CID. It has sought to project the fracas as the result of factionalism, and has taken back the premises allotted to the club, declaring the interim body as “infructuous”. Press clubs are places where journalists gather and expect to be helped and supported by colleagues, especially when they come under attack for carrying out their professional duties. The KPC was a place where young journalists gathered to find solidarity in what has been a trying period for the media in the Valley. It was also perhaps the rare journalists’ association in J&K that gave voice to concerns about the attempts to muzzle the media in Kashmir. As with any club, there were those who supported the committee and others who opposed it. If this was a faction war, the government is yet to explain what its own stakes were in it that impelled it to send already stretched security forces to assist one group against the other. If the government is in possession of “adverse” reports against members of the outgoing committee, it must make clear what they say, instead of smearing by innuendo. Till then, it must restore the premises to the KPC and allow fresh elections to be held as planned.



THE RAVIDASSIAS OF PUNJAB ✓

The postponement of the Assembly elections in Punjab to February 20 underlines the importance of the Ravidassia community in the state. Several political parties had urged the Election Commission for a postponement as the earlier date of February 14 would have clashed with Guru Ravidas Jayanti, an annual occasion during which Ravidassias travel to Varanasi in large numbers. Many of them take a special train organised by the Dera Sachkhand Ballan in Jalandhar, the largest dera of the Ravidassias. In every election over the last two decades, political parties have made mindful of the large numbers of the Ravidassia community and the influence of the Dera Sachkhand Ballan, and have made an effort to woo them.

Who are the Ravidassias?

The Ravidassias are a Dalit community of whom the bulk — nearly 12 lakh — live in the Doaba region. The Dera Sachkhand Ballan, their largest dera with 20 lakh followers worldwide, was founded in the early 20th century by Baba Sant Pipal Das. Once closely connected with Sikhism, the dera severed these decades-old ties in 2010, and announced they would follow the Ravidassia religion. The dera made the announcement on Guru Ravidas Jayanti in Varanasi. Guru Ravidas was a mystic poet saint of the Bhakti Movement from the 15th and 16th centuries, and founded the Ravidassia religion. From 2010, the Dera Sachkhand Ballan started replacing the Guru Granth Sahib with its own Granth, Amritbani, carrying 200 hymns of Guru Ravidas, in Ravidassia temples and gurdwaras.

How was the Dera Sachkhand Ballan established?

Its founder, Baba Sant Pipal Das, was originally Harnam Das from Gill Patti village in Bathinda. When his wife died, he left home along with his son Sarwan Das. They reached Sarmastpur near Jalandhar, and then Ballan village, where they settled in 1895. Dera officials said Baba Pipal Das and his son started living under a dry pipal tree. As they watered it, it gradually bloomed, earning the Baba the name Sant Pipal Das. Dera members said he was well versed in Guru Granth Sahib bani, and began to win followers, including those who followed the teachings of Guru Ravidas. He went on to establish the Dera Ballan. After the death of Sant Pipal Das, his son Sant Sarwan Das headed the dera from 1928 to 1972. There have been three more heads since, none chosen by heredity. The third leader, Sant Hari Das, born at Garha village of Jalandhar, spent his entire life at Dera Ballan. The next dera head (1982-94), Sant Garib Das from Jalbhe village in Jalandhar, also spent his life at the dera, where he impressed Sant Sarwan Das. The current head, Sant Niranjana Das, born on January 5, 1942 at Ramdaspur village in Jalandhar, is the son of a couple who were devotees of Sant Pipal Das and who offered their son to Sant Sarwan Das, who gave him the name "Hawaigar" for the speed at which he performed his duties.

What is the significance of Guru Ravidas Jayanti?

During his tenure, Sant Sarwan Das undertook the work of establishing a memorial temple in Varanasi. After identifying the birthplace of Guru Ravidas at Seer Goverdhanpur village near Banaras Hindu University, the dera bought land there. The foundation stone for a temple was laid in 1965, and its first phase completed in 1970. NRI followers too contributed funds. Several followers from Ballan started visiting the temple and, over time, it became a practice to observe Guru Ravidas Jayanti in Varanasi. Gradually, the dera in Ballan became the largest dera of the Ravidassias. Since 2000, the Dera Sachkhand Ballan has been taking followers on the Begampura Train from Jalandhar to Varanasi on Guru Ravidas Jayanti every year.



How significant is the dera politically?

Punjab has thousands of deras, small and big. Because of the numbers these command, political leaders have been visiting them for the last several elections. These include the Dera Sachkhand Ballan, where party leaders have visited and met its head. The Dera Sachkhand Ballan has never openly supported any political party, but welcomed every visiting political leader. Visitors this time have included Punjab Chief Minister Charanjit Singh Channi (Congress), Delhi CM Arvind Kejriwal (AAP), Punjab Congress president Navjot Singh Sidhu, Akali Dal chief Sukhbir Badal, and senior BJP leaders. Of the dera's 20 lakh followers worldwide, around 15 lakh live in Punjab, mostly in the Doaba region that has 23 Assembly seats (out of Punjab's 117). Around 32% of Punjab's population comprises Dalits, whose concentration is highest in Doaba at 37% (19.48 lakh Dalits out of a regional population of 52.08 lakh). And 61% (11.88 lakh) of Doaba's Dalits belong to the Ravidassia community. Doaba has hundreds of deras, besides Dera Sachkhand Ballan. That explains representations made to the Election Commission by several political parties seeking a postponement of the elections on account of Guru Ravidas Jayanti. CM Channi, who had written to the ECI seeking postponement, is a Dalit Sikh from the Ramdassia community, and his elevation had lifted all Dalit groups including Ravidassias.

How assertive are the Ravidassias?

They have been very assertive since 2009, following a deadly attack by fundamentalists on Shri Guru Ravidas Temple in Vienna on May 24 that year. Around 400 devotees had gathered for a religious service when the attackers struck, killing the Dera Sachkhand Ballan's then second-in-command, Sant Ramanand, and injuring 30 including dera head Niranjan Das. The alleged attackers were reportedly affiliated to a gurdwara in Vienna. The Vienna attack triggered riots in Doaba, mainly in Jalandhar, where curfew was clamped for 15 days. The fissure it caused in relations between Sikhs and Ravidassias led to the dera severing its ties with Sikhism and announcing they would follow the Ravidassia religion. Ravidassias have demanded a separate column for their religion in the 2021 Census. After the Vienna attack, Ravidassia singers composed special songs centred on their community and religion so that people of the community could play them at their events instead of playing songs composed by upper caste Jat Sikhs. Last year, Jat Sikhs for the first time observed Guru Ravidas Jayanti together with Ravidassias, because it was important for both communities to stick together during the protest against the Centre's three farm laws.

THE SILVERLINE PROJECT IS ANTI-DEVELOPMENT ✓

Six months after I first proposed in these pages that the Kerala government review its SilverLine rail project, critical voices have only grown in strength. The Chief Minister, however, has publicly affirmed his intention to proceed with it nevertheless, alleging that its opponents are against 'development'. This response is no different from that of the Narendra Modi government when its economic policies are queried, and which nurtures its own vanity project, a superfast train between Mumbai and Ahmedabad. The stance is hardly credible though.

Concerned voices

Dissenters on the SilverLine project include ecologists, engineers, lawyers and activists to reckon with. Madhav Gadgil, E. Sreedharan, Prashant Bhushan and Medha Patkar are perhaps the best known among them but the list also has on it concerned citizens, who all want the best for their country. It also includes the Kerala Sasthra Sahithya Parishad, which is significant, as the body is



perceived as a fellow-traveller of the Left parties now in power. Recently, Mr. Sreedharan, perhaps India's most famous railway engineer, has described the proposed project as an invitation to environmental disaster, mainly through flooding. He had also expressed surprise that the Government has not yet made public the detailed project report, a standard practice, which brings transparency to large-scale public infrastructure projects. (Since then the Kerala government has hurriedly uploaded a related document on a restricted site), Professor Gadgil, India's pre-eminent ecologist, has spoken of SilverLine being against the interests of the people of the State, on grounds of the ecological damage it is likely to cause. Based on his unmatched knowledge of Kerala's topography, he has both explained how this could happen and pointed to the experience with the railways elsewhere in India, suggesting that the prediction is not mere speculation.

A distant government

The response of the Pinarayi Vijayan government to calls to reason on SilverLine has been disappointing. By stonewalling the concern expressed by citizens, a government shows itself to be distant and authoritarian. The dissenters are, after all, equal stakeholders in Kerala as anyone else, with the moral right to be heard on a matter with a bearing upon the ecological future of the State. In a democracy, the government must be guided by public opinion rather than attempting to manufacture consent on its schemes, as Kerala's present government is doing. There are several instances of the state in India changing its mind when public opinion is arrayed against some grand project of its, but one stands out. In the 1970s, Indira Gandhi, a charismatic and strong leader, responding to a long-drawn agitation against a hydel project in Palakkad district, declared that the Silent Valley threatened by it will be protected. It took a little longer for the project proposal to be dropped altogether, but it finally was.

A high cost

While it is the threat to ecological security from it that has been flagged by our scientists and engineers, there is also the concern that the SilverLine project may end up as a white elephant. It is always difficult to figure out how much people are willing to pay for a new service to be publicly provided, in this case faster transportation. Even if a survey were to be conducted, the truthfulness of the stated willingness to pay would remain moot, undermining the reliability of the numbers in any project report. It is perhaps for this reason that light rail projects in many parts of the world have ended up making a loss. Even if break-even does materialise, the rate of return could end up being lower than anticipated. This often happens due to the cost overrun observed in such projects. A reason for this is that rather than padding costs, governments, determined to have their high visibility, technological marvels, manage to somehow ensure that the project cost is pitched unreasonably low. In the case of SilverLine, it has been hinted that the cost of the complementary infrastructure, such as underpasses, may not have been incorporated, and that they may be substantial. It is for this reason that independent external scrutiny of the detailed project report is essential. Global accountancy giants have in the past proved to be unreliable as a source of disinterested advice when high fees are at stake, but we are fortunate that there is available in India financial expertise of the highest class. It is hoped that advice from this source is sought, with the Kerala government having shown a surprising dependence on international management consultancy firms for advice in the past. With a public sector that still receives budgetary support, a State already strapped with high per capita public debt cannot afford to be saddled with another white elephant. Yet, financial viability cannot be taken as the sole criterion in investment planning. There is no universally accepted method for imputing a monetary value to the environmental threat posed by a project with so great a geographic reach as SilverLine,



spanning as it will do the entire length of the State. It is essential that our judgment be deployed in this case.

What Kerala does need

When a proposed project meets pushback, its purveyors often respond with the challenge “So, what is the alternative?” In the present case, though, this would only beg a deeper question, which is whether Kerala needs another railway line at all. As the two extremities of the State are already connected by road and rail, a light rail built at an astronomical cost is hardly necessary, even when it promises to save some travel time. The State already has the highest road density in the country. It is odd, then, that the Government sees a second railway as the priority for the State today. On the other hand, there are several projects deserving of public investment. Among them would be the transition to a steady power supply based on green energy, the provision of safe drinking water and urban sewerage, and building infrastructure for the scientific disposal of waste. These projects would address our most pressing needs today, yield high social returns and contain progressive environmental degradation in the State. They are the ‘alternative’.

DATA PROTECTION BILL: US FLAGS STORAGE, CROSS-BORDER FLOW AT ICT GROUP MEET

A government delegation of the United States — led by Matt Murray, Senior Bureau Official in the Bureau of Economic and Business Affairs of the Department of State — has raised concerns on certain aspects on cross-border flow of data in the Data Protection Bill proposed by India, sources in know of the matter said. At the annual meeting of the India-US working group on information and communication technology (ICT), the US delegation highlighted that the proposed Bill had some limiting factors when it came to cross-border flow of personal and non-personal data as well as storage of data located in servers outside Indian borders, the sources said. The working group also discussed aspects of standardisation of 5G technology, an industry official who attended the meeting said. The Indian government delegation was led by Ministry of Electronics and Information Technology Secretary Ajay Sawhney. The working group on ICT, which was started in 2005 after a summit between former Prime Minister Manmohan Singh and former US President George Bush, meets on an annual basis in India or the US to discuss various aspects of co-operation in the space of information and communication. This is the second time the US delegation has raised this issue. At the working group’s last meeting, held in October 2020, a senior delegate from the US government had suggested that the two nations should discuss critical issues such as how a company could safely move personal as well as non-personal data across borders without it being compromised in any manner. “This year some of the delegates from India suggested establishment of a bilateral platform in which industry voices can also participate so that the mechanism is updated regularly,” a source said. Industry officials from the US too raised the issue and requested the Indian government to hold wider consultations before the Data Protection Bill is introduced in Parliament. “Building on this dialogue, we ask the government to hold a wider stakeholder consultation before the revised Data Protection Bill is introduced in parliament. There are several novel proposals which have been suggested by the Joint Parliamentary Committee which require further deliberation and input from impacted stakeholders,” said Kumar Deep, India country manager for Information Technology Industry (ITI) Council. Last December, the Joint Parliamentary Committee on Personal Data Protection Bill tabled its final report in Parliament. The Bill, which now includes non-personal data in its ambit, will simply be known as Data Protection Bill. It was first introduced by former Telecom Minister Ravi Shankar Prasad on December 11, 2019, in Lok Sabha and immediately referred to the standing committee



on December 16 the same year. The committee's report was presented in the Lok Sabha by its chairperson PP Chaudhary and laid in the Rajya Sabha by Congress MP Jairam Ramesh.

THE MANY PROBLEMS OF ONLINE ANONYMITY

How do you behave when no one's watching you? All of us would be able to recall a classroom scene from our childhood. While the teacher would be busy writing something on the board, someone would throw a paper plane at the board. The livid teacher would turn back and ask who did that and the class would remain silent. Similarly, in a crowded auditorium, sometimes someone shouts a sarcastic remark and the people on stage have no idea who disturbed the peace.

Reasons for being anonymous

That is more or less how anonymity works on social media. The most common type of anonymity involves the use of a pseudonym, a fake photo or the lack of one, and nothing specific in the bio. The opposite of this is when someone uses their actual first name and last name, provides their designation and company name, and mentions their interests. In such cases, anyone can Google that combination to identify that real person on, say, LinkedIn. Security researchers define anonymity as being 'unidentifiable within a set of subjects'. But identity is not that linear. Some may use only the first name and nothing else – they are still anonymous. Some may use pseudonyms and mask their identity but leave traces of identifiable information through their content. Identity is also tied to behavioral patterns that may emerge from what is shared over a period of time. The deeper question is this: why do people want to be anonymous on social media? The most famous reason for anonymity is to be able to speak the truth against vindictive governments. But no matter how someone tries, governments these days, with enormous resources, may be able to trace the person. Another reason for seeking anonymity is a keenness to participate in online conversations without being judged for past experiences (victim of harassment, for instance) or for choosing non-heteronormative identities or for documenting deeply personal experiences that could be subject to sweeping judgments by others. Yet another common reason for seeking online anonymity is to not let the views be tagged to the real person being spoken about, in the offline world. And this is where the problem begins. When the anonymity-seeker knows that their real-world self (at home, workplace, neighborhood, immediate social setting) will not get impacted, they seem less inhibited and bolder about what they share and how they frame such opinions. This is the online equivalent of 'How would you behave when you know no one is watching you?' When such views are being shared by people who mask their identity, and particularly when these views are about others who have not chosen to be anonymous online, there is a conversational imbalance that harks back to the crowded room setting I had referred to earlier. We can argue that ideally, we only look at the opinion of the anonymous handles; that the person's decision to remain anonymous should have no bearing on the conversation. And it's true that not all anonymous handles tend to be abusive or hold extreme views. But it is equally true that the most angry, abusive, abrasive, and obfuscatory conversations/replies seem to come from anonymous handles. And more importantly, even if someone gets to know the identity of the person who is being vile or abusive, they have absolutely no way of using that information in any meaningful manner beyond simply judging that person. They can perhaps tag the person's employer or family members (if available/traceable). Even then, the tagged entities may decide to not do anything about it, and simply leave the opinion as it is, for it is that person's 'freedom of expression'.



Encouragement by platforms

All of the above examples refer to anonymity by choice. But what happens when platforms actively encourage participants to remain anonymous? The platforms know who the real person is (as part of sign up), but they hide any identifiable information when allowing such people to participate in online conversations. Consider a platform like Glassdoor where anonymous reviews are the norm. Glassdoor mentions in its community guidelines that “to safeguard privacy, we do not allow you to identify yourself or include any contact information (about yourself or others) in your posts”. Similarly, another online community, Fishbowl, thrives on anonymity. The platform says, “Your posts can be made privately using only your Company name or Professional title if you choose, but your presence on Fishbowl is public.” Then there’s Reddit, a platform famous for anonymity. Steve Huffman, Reddit’s co-founder, said, “When people detach from their real-world identities, they can be more authentic, more true to themselves”.

Sharing fake news

The issue is not only about abuse or extreme opinions here but also of misinformation and disinformation. These are already massive problems. And anonymity, either by choice or enforced by platforms, gives the power to a person to evade judgment by public opinion. Only a legal mandate can hold them accountable for spreading lies, should the need arise. In simpler terms, if a person who chooses to be anonymous on Twitter shares some fake information about you that affects your reputation in varying degrees, your only option is to go to the police and then get the platform to take action. The platform itself won’t be able to verify if you are right or the anonymous handle is right, and won’t take a stand unless it is legally forced to. Since the other person is anonymous, you cannot use a less tedious approach, such as appealing to their employer, family or friends, to make them accountable for the disinformation. Given the tendency of people to behave in undesirable ways when their real-world reputation is not affected by what they say online, the proliferation of both pseudonymous social media handles and platforms that encourage pseudonymous profiles may amplify already existing issues around online disinformation and fake news. In an online confrontation, it’s almost as though one side has their eyes covered by a cloth and their hands tied to the back, while the other side has a bazooka in hand. You cannot rationally or emotionally appeal to a pseudonymous online entity. You cannot shame them into backtracking their disinformation. You need to convince someone else (either in a social media platform company or in a law enforcement agency) to take action.

HAS THE PROCESS TO MEASURE TRP IMPROVED?

The Information and Broadcasting Ministry has asked the Broadcast Audience Research Council to resume the release of television rating point (TVR), also known as target rating points, data. It had been suspended in late 2020 after the police unearthed a ratings scandal, acting on a complaint made by the BARC. To begin with, BARC has been asked to release data of the last three months in a monthly format for a “fair and equitable representation of true trends.”

Why were the ratings suspended?

Acting on a complaint by the BARC, the viewership measurement body for television, and one of its contractors, Hansa Services Pvt Ltd., the Mumbai police on October 8, 2020, said it had busted a TRP racket run by three news channels who were manipulating viewership ratings by bribing panel homes where measurement meters had been placed. The police had named three television news channels in the case which led to the arrest of senior-level functionaries of the named



channels and the former chief executive officer of BARC. BARC suspended the ratings for all news channels soon thereafter. The measurement company had then said the exercise to improve their statistical robustness and reduce the potential of infiltrating panel homes could take anywhere between 8-12 weeks.

Why are ratings important?

The resumption of viewership data after over a year is crucial as TV ratings are the measure on the basis of which advertising revenue is benchmarked. The Indian TV advertising is worth over ₹32,000 crore. Both advertisers and broadcasters pay a hefty fee to subscribe to the viewership findings which come out every week. Rigging meant faulty calculations for advertisers and loss of revenue for stakeholders running into crores. It is not the first time it has been reported that ratings are being rigged. In 2002-2003, former director general of Doordarshan S.Y. Quraishi wondered how the national broadcaster with a news share of 92% did not figure at the top of the TRP list brought out by the Television Audience Measurement (TAM). Households where meters were installed were being bribed, Mr. Quraishi claimed. A couple of years later, news channel NDTV sued TAM's parent companies in New York, accusing them of publishing data which was suspect. Eventually, TAM bowed out and BARC was founded in 2010 by the Indian Broadcasting Foundation (IBF), the Advertising Agencies Association of India (AAAI), and the Indian Society of Advertisers — representative of the media industry with all its stakeholders.

How was BARC viewership an improvement over TAM?

For one, the sample size was scaled up to more than 30,000 households compared to the 9,600 under TAM, considered grossly inadequate for an industry of this size. Second, with multiple stakeholders on its rolls, BARC was taken as representing the media industry. For a while, things worked smoothly till the scam of 2020, mirroring the exact allegations levelled against TAM of data being rigged to help a few.

What happens now?

With the I&B Ministry directing BARC to roll out the data, officials explained that BARC has undergone a course correction following the recommendations of a TRP committee set up in the wake of the scam. In line with the recommendations, BARC has appointed an oversight mechanism and has made allowances for the induction of independent members to its fold. Meanwhile, the I&B Ministry constituted a committee under the Prasar Bharati Corporation CEO, Shashi Shekhar Vempati, to review the existing guidelines for TV ratings and come out with recommendations. The committee is expected to submit its report soon.

AT THE HELM OF INDIA'S SPACE RESEARCH

He grew up in an era when, kindling the imagination of an entire nation, the first sounding rockets were smartly lifting off from what was once a nondescript beach in southern Kerala. So it should come as no surprise when S. Somanath, the new chief of the Indian Space Research Organisation (ISRO), says his interest in space technology was first piqued as a young student; an interest which would quickly evolve into a lifelong passion. Armed with a degree in engineering, he joined the Vikram Sarabhai Space Centre (VSSC) — the leading unit of ISRO for launch vehicles — in 1985. The eclectic eighties was a happening decade on many counts for fledgling space scientists such as Mr. Somanath. More so because the space agency was right in the middle of one of its biggest undertakings; building the Polar Satellite Launch Vehicle (PSLV), an elegant, 44-metre tall rocket



that would eventually come to be dubbed the “reliable workhorse” of ISRO. The young engineer from a small village near Cherthala in Alappuzha district was assigned to the PSLV project, where he quickly honed his skills. It was also at this time when he was first noted by his immediate bosses as “one of the bright boys” who was destined for bigger things. Time, it appears, has proved them right. In 2015, ISRO chose him to head its Liquid Propulsion Systems Centre (LPSC), Valiamala, and in 2018, the VSSC. On Friday, he once again proved his mentors right when he took over as the new Chairman of ISRO. New Delhi had issued orders appointing him as Secretary, Department of Space, and the Chairman, Space Commission, on January 12, Wednesday, for a “combined tenure of three years”. At 58, Mr. Somanath comes across as a smiling, outspoken man who is quite at ease in a crowd. Younger colleagues at Thumba (VSSC) describe him as someone who is confident about his craft and willing to adapt and innovate. They also draw attention to his aptitude for learning new things, a trademark trait of many of the leading ISRO lights. Senior scientists of the space agency, many of them now retired, say he is “the right person” to lead the agency which is at a crossroads. He is also lauded for his management and diplomatic skills. What is obvious is that Mr. Somanath, who succeeds K. Sivan as Chairman, would have to draw extensively on all these qualities to address the formidable challenges that await the country's space sector, which, poised for reforms on the one hand, also wants to see its pandemic-hit mission schedules back on track. Born in July 1963 — incidentally the same year the first sounding rocket, an American-made Nike-Apache, made its way into the blue skies from Thumba — Mr. Somanath grew up in Thuravoor, a village near Cherthala. The son of Sreedhara Panicker, a teacher of Hindi, and Thankamma, Mr. Somanath was a bright student, excelling in the science subjects. He obtained his BTech degree in Mechanical Engineering from the TKM College of Engineering, Kollam. After joining the VSSC, he also took his Masters in Aerospace Engineering from the Indian Institute of Science (IISc), Bengaluru, with specialisation in Dynamics and Control. Mr. Somanath joined the PSLV team at the VSSC when G. Madhavan Nair, who would go on to become Chairman, ISRO, was the project director. “Developing the PSLV was one of the important projects of ISRO at the time. We had noticed the spark in him even in those days,” recalls Mr. Nair, who led the space agency from 2003 to 2009. Later, as project manager of PSLV, Mr. Somanath handled mechanisms, pyro systems, integration and satellite launch service management.

GSLV project

In 2003, he joined the Geosynchronous Satellite Launch Vehicle Mk-III (GSLV Mk-III) project, serving as the deputy project director responsible for overall design of the vehicle, mission design, structural design and integration, according to an ISRO profile on him. From 2010 to 2014, he was project director of GSLV Mk-III. “His contributions in PSLV and GSLV Mk-III were in their overall architecture, propulsion stages design, structural and structural dynamics designs, separation systems, vehicle integration and integration procedures development,” says ISRO. After a stint as deputy director, VSSC, he moved to the LPSC as director in June 2015. He played a key role in the development and qualification of the CE-20 cryogenic engine and the C25 cryogenic upper stage of the GSLV. Mr. Somanath has had a role in all the major missions undertaken by ISRO in recent decades, but which one is the most memorable for him personally? “I would say the LVM3-X/CARE mission,” he said on Saturday. This first, suborbital, experimental flight of the GSLV Mk-III took place at Sriharikota on December 18, 2014. On January 22, 2018, he was back at the VSSC, this time as the director. Mr. Somanath has taken over as the Chairman, ISRO, at a time when the Central government is pushing for sweeping space sector reforms. From a decades-old, purely government-run affair, the sector is set to see a larger role played by the private sector and start-ups. The prevailing philosophy is that production should be left to the industry, and ISRO should focus on research. With this in mind, NewSpace India Ltd, responsible for enabling Indian



industries to take up space-related activities and promote and commercially exploit products and services arising from the space programme, was incorporated in 2019. A year later, the Indian National Space Promotion and Authorisation Centre was announced as “an independent nodal agency under the Department of Space (DoS) for allowing space activities and usage of DoS-owned facilities by non-government private entities.”

List of priorities

Mr. Somanath has made it clear that space sector reforms and spurring the growth of India’s space economy find top billing in his list of priorities. Forging a lasting and meaningful collaboration between ISRO and the relatively younger private players in India’s space sector is one of the challenges awaiting the new chairman, point out ISRO veterans. On another, equally important front, the space agency would also want to get on with ongoing projects which have been delayed by the outbreak of COVID-19. The pandemic hit the day-to-day operations of ISRO, forcing critical facilities such as VSSC, LPSC and the Satish Dhawan Space Centre, Sriharikota, to adapt to the new normal. Under Mr. Somanath, the VSSC was actively engaged in combating the virus by producing hand sanitisers and developing mechanical ventilator models for COVID-19 care. In December 2019, speaking to The Hindu ahead of the 50th mission of the PSLV, Mr. Somanath had commented that the first 50 missions had taken 26 years, but the next 50 would not take even half as long. It reflected the bubbling enthusiasm in ISRO circles in the immediate months preceding the pandemic as the space agency was gradually pushing up the frequency of launches. But as he shoulders the task of helming the organisation, the challenge of putting aright a schedule that has skittered off the tracks awaits Mr. Somanath. One of his top priorities will be the ‘Gaganyaan’, India’s ambitious push to put a human crew in space. ISRO hopes that the mission would help lay the robust foundation for a sustainable human space flight programme in the long run. Development of a Reusable Launch Vehicle, the semi-cryogenic engine and the keenly-awaited Chandrayaan-3 and Aditya-L1 missions are some of the projects awaiting his immediate attention. In September 2019, giving away prizes at a function in Thiruvananthapuram, Mr. Somanath had opined that finding solutions to problems is the essence of engineering. On the occasion, he has also emphasised that for a country like India, the solutions also need to be cost-effective besides being efficient. Mr. Somanath is now at the helm of one organisation which the nation has traditionally looked up to for such solutions.

A VIRAT CAPTAINCY

The chaos over the successor in the immediate aftermath of Virat Kohli’s resignation from Test captaincy tells a story. Suddenly, no one seems to make the right fit. Rohit Sharma doesn’t have the required fitness, KL Rahul seems too mute to be a leader, Ajinkya Rahane can’t hold his spot, Rishabh Pant isn’t tactically dependable enough, and R Ashwin might not be temperamentally suitable for the role. History will not only be kinder to Kohli but will also show that he possessed all that is missing from the candidates who could potentially replace him. A passion for fitness, a love for Test cricket, self-confidence that puts any captain of any team in the shade, strength of temperament for a fight in the middle, and an aura to drag his team, with or without their approval, along with him. He took hard decisions, set the bar high, did what he expected of others, and led from the front. He also had the courage to break an oppressive silence when his teammate, Mohammed Shami, was targetted because of his religious identity in the wake of India’s loss to Pakistan in the T20 World Cup. To appreciate Kohli’s achievements, look at where India was before him. It was a far cry from the lacklustre days of the Test captaincy of MS Dhoni, whose success in white-ball created a halo but couldn’t hide his weakness as a captain in the longer and



tougher format of Tests. India was languishing at No 7 in Tests, had a strange reluctance to even talk about overseas goals let alone pursuing them, and displayed an alarming tendency to meander along in key moments which would unsurprisingly lead to meek surrenders. The bouncebackability and refusal to give up the fight, that has been the hallmark of Kohli's era, was conspicuous by its absence before him. Under Kohli, the team shed their defensiveness about overseas records, and actively pursued the goal to become No 1. Kohli would say that a "special madness is needed", a trait he successfully inculcated in his team. Inspired by his vision, fast bowlers started to break down self-limiting boundaries. Barring Jasprit Bumrah, the previous regime had all the other pacers at their disposal but weren't able to inspire them to heights they have achieved under Kohli. Mohammed Shami found venom, Ishant Sharma was rejuvenated to kickstart a profitable second innings, Umesh Yadav tweaked his game to constantly hover around, and though Bhuvaneshwar Kumar couldn't push his body to desired standards of the management, younger men like Mohammad Siraj and Shardul Thakur came along. Rohit Sharma discovered his true mettle as an opener, so did KL Rahul, and Ravindra Jadeja and Rishabh Pant started to spread their wings. Kohli's way was to set the standards, draw the line on the sand, and then watch others scramble over or fall beside it. It was hard and old school but unarguably efficient in achieving results. In the process, he would at times come across as non-empathetic, but he wasn't too flustered by the criticism. A sense of ruthlessness on and off the field was Kohli's way, and no one can argue with its great success.

KATHAK LEGEND PAINTED A DIVINE ROMANCE ON STAGE ✓

A complete artist who lived music in its entirety, Kathak legend Pandit Birju Maharaj transcended to a heavenly stage on Monday, leaving behind a rich legacy. Inspired by the rhythm of nature, every time he took the stage, it seemed the Almighty was dancing through him. Be it the movement of ants, a river in spate, a bird feeding its young or the Earth's motion on its axis, there was nothing that escaped the Kathak maestro's dancing eyes. Pandit Birju Maharaj's eloquent facial expressions remained unmatched. For the Padma Vibhushan, Kathak was not limited to the parans and chakkars. The stage was a canvas for Maharajji, as he was popularly called, where he would etch paintings of Krishna and Radha's divine romance that would dissolve in space only to be replaced by a new one. Blessed with the gift of communication, a poetic heart, and a taste for the finer aspects of life, his magnetic personality kept both the discerning connoisseur and the layman hooked. Yet he wore fame and honour lightly, the key to his immense popularity among the lay public and his stature in the art and culture fraternity. Like his favourite deity, he could be mischievous and philosophical simultaneously. Old-timers fondly remember his ethereal performances with Odissi legend Kelucharan Mohapatra where Maharajji would become the playful Krishna and Kelubabu would essay the coy Radha. Trained by his father Acchan Maharaj and uncles Lachchu Maharaj and Shambhu Maharaj, the journey from Brijmohan Nath Sharma to Birju Maharaj was not easy but he relentlessly worked to refine the dance form and took it out of the narrow lanes of Aminabad to the international proscenium. His father passed away when he was just 13 and he grew up under the watchful eyes of his uncles. He would often cycle to teach at Sangeet Bharti and perform for hours in private gatherings since Delhi was yet to get its big performance spaces. Always humble, always positive, he would say Kathak exponents are actually kathaakars (storytellers) and that they should tell the tales of their times. He would find rhythm in the most mundane of things and weave it into his expansive vocabulary.



JUST WHAT THE DOCTOR ORDERED FOR THE LIVESTOCK FARMER

The twentieth livestock census indicated that India today has a livestock population of approximately 537 million; of this, 95.8% is concentrated in rural areas. Given the fact that most of the country's livestock is in rural and remote areas, access to veterinary services is a major challenge. Livestock farmers are often compelled to travel far from their villages whenever their animals need treatment — a scenario that adversely impacts the longevity and the productivity of their livestock.

The focus now

To mitigate this problem, the Government has identified a slew of measures within the revised provisions of the Livestock Health and Disease Control (LH&DC) programme; here, a major focus has been on the 'Establishment and Strengthening of Veterinary Services – Mobile Veterinary Units (MVUs)'. Until now, the Government has been providing doorstep services related to artificial insemination and vaccination for livestock. The MVUs will build on the doorstep delivery model, as stationary hospitals cannot be easily accessed by most livestock farmers. The Parliamentary Standing Committee of the Union Ministry of Fisheries, Animal Husbandry and Dairying has observed that inadequate testing and treatment facilities for veterinary diseases pose a major challenge, especially now where there is a drastic rise in cases of zoonotic diseases. Most villages in the country lack testing facilities, and even when samples are collected, they need to be sent to blocks/districts nearby for test results. So, MVUs can play a major role in plugging the gap in this regard.

Antibiotic resistance

Quacks or untrained animal health workers have been popular in rural India as they charge less for consultations and are easily accessible. This has led to the inappropriate administration of antibiotics because of flawed prescriptions especially in cases of mastitis (inflammation of the udder in cattle). So, problems pertaining to antimicrobial resistance occur when the animal no longer responds to a drug to which it was originally responsive. And antimicrobial resistance can be caused because of factors such as high or low dosages, incorrect duration of medication, and overprescription. The World Health Organization (WHO) has listed antibiotic-resistant "priority pathogens" — a catalogue of 12 species/families of bacteria that pose the greatest threat to human health. The MVU model will mitigate the issue of antimicrobial resistance and is in alignment with the 'One Health vision' laid down by the Global Action Plan of WHO.

A comparison

The M.K. Jain Committee Report has highlighted that livestock farmers face greater challenges in comparison to traditional agricultural farmers especially while accessing credit and livestock insurance. Since a majority of livestock farmers have two to four animals per household, enhancing the longevity and the productivity of their livestock will go a long way towards alleviating rural poverty. Presently, there are an estimated 66,000 veterinary hospitals, polyclinics, dispensaries, aid centres across the country. And the LH&DC scheme seeks to plug the challenges posed by the limitations of stationary hospitals by providing veterinary diagnostic and treatment facilities at a farmer's doorstep for ailments, diseases or any other emergency veterinary conditions by MVUs. Now, a typical MVU is a four-wheeler van, with working space for one veterinarian, one para-veterinarian and a driver-cum-attendant. It also has space for essentials such as equipment for diagnosis, treatment and minor surgery, other basic



requirements for the treatment of animals, audio-visual aids for awareness creation and GPS tracking of vehicle. The LH&DC scheme envisages one MVU for one lakh animals; however, the number of vans in use could be higher in regions with difficult terrain.

Milk loss

As approximately 70% of India's milk supply is sourced from farmers who own less than five animals, losses due to mastitis alone amount to a milk loss of approximately 10 litres per day per farm (this translates into approximately ₹300-₹350 per day. So for most farmers, death of or disease in livestock could mean the difference between sustenance and starvation. The animal health issue is compounded by the growing presence of salesmen of drug distributors in rural communities. MVUs have been successfully running either on hire or on State ownership basis in several States (Andhra Pradesh, Gujarat, Madhya Pradesh, Odisha, Telangana, West Bengal, etc.) with positive results and increased outreach, especially in geographically difficult terrains. The main thrust for the near future will be on focused upgradation of veterinary health-care services, disease surveillance and training (CVE), and disease reporting in real time.

As a job creator

Additionally, the increasing adoption of MVUs across the country will lead to a surge in employment opportunities for veterinarians and assistants. In the lockdown/s during the novel coronavirus pandemic, we witnessed innovations by start-ups that provided video consultation sessions between livestock farmers and veterinarians, along with apps that provide detailed information to farmers on livestock health and nutrition. Thus, there is a great deal of scope for innovations and intervention by the private sector in the context of animal health and MVUs. Further, with the growing prevalence of the Public-Private Partnership (PPP) model, the MVU model is poised to generate higher returns on investment.

RIGOUR, NOT JUST SPEED

The Centre's decision to rank states according to the speed at which they issue environmental clearances is ill judged and short sighted. It undermines the role of regulatory oversight in environmental protection — recognised in several Supreme Court verdicts as one of the key instruments to ensure the right to life — by incentivising state environment impact assessment authorities (SEIAA) to seek "fewer details" from project developers. There is no denying that clearance procedures are often riddled with red tapism. And that environmental protection must be balanced with developmental priorities. These are complex tasks that require strengthening of institutions and making regulatory procedures foolproof. Experts have rightly pointed out that the ranking exercise will compromise the SEIAAs' mandate to assess the impact of industrial, real estate and mining schemes on the environment and lead to an unhealthy competition amongst these agencies to swiftly clear projects without due diligence. In recent times, the MoEF has laid much store on speedy clearances of projects. In a statement issued in December last year, it pointed out that the average time taken to issue environmental clearances had reduced from 150 days to 90 days in the past two years and that the clearance time is as low as 60 days in some sectors. But the ministry has not clarified if this reduction in time has improved the level of scrutiny of projects on critical environmental yardsticks. The MoEF's self-congratulatory tone about the rate of approval has been rightly criticised because it has coincided with moves to chip away at key environmental regulation. Last year, for instance, it weakened the public hearing provision for Environment Impact Assessment (EIA), extended the deadline for compliance with emission norms for most thermal power plants from 2022 to 2025 and planned to reduce the



ecological protection accorded to the Andaman and Nicobar Islands. It has also diluted the Coastal Zone Notification and proposed to amend the Forest Conservation Act to allow the use of forests for infrastructural projects in areas of “strategic importance”. The new grading system will further weaken the country’s environmental protection regime. At a time when climate change is driving home the ecological fragility of large parts of India and pollution and water scarcity are taking a serious toll on the well-being of people in cities, towns, and villages, regulatory bodies require enabling policies to perform their tasks with rigour. The grading exercise, instead, reduces them to clearing houses. The Centre must rethink its move.

RP-2041 CAN SPELL DOOM FOR ARAVALIS, FEAR ENVIRONMENTALISTS

Large chunks of forests and the Aravalis in Gurugram and Faridabad could lose protection from construction under the National Conservation Zone as defined in the Regional Plan-2021, if the provisions in the Draft Regional Plan-2041 are implemented, fear environmentalists, urban planners and analysts. According to the DRP- 2041, the ‘Natural Zone’ (NZ) “is a zone comprising any natural features such as mountains, hills, rivers, waterbodies created by the action of nature.” In the previous Plan, this was defined as the Natural Conservation Zone (NCZ). In the new draft, the definition of the natural features has been tweaked and restricted to only those that are notified under certain acts and recognised in land records. Environmentalists are worried that this new definition would leave large sections of the forest land in Gurugram and Faridabad out of the ambit of protected zone for not meeting the criteria proposed in DRP. Most Aravali hill areas in Haryana are not notified but find a mention in the revenue records as ‘gair mumkin pahar’ (uncultivable wasteland), and ‘bhoad’ (sandy foothills), while the forest cover is neither notified nor mentioned as forest in the revenue record. Also, it is not clear whether rivers such as the Yamuna and Hindon are notified and included in revenue records. Environmentalist Chetan Agarwal told The Hindu, such restrictive eligibility criterion would lead to the exclusion of natural features from the Natural Zone to the detriment of the region’s biodiversity. “This is in total contradiction to the objective of the Regional Plan and the National Capital Region Planning Board Act,” he said. If the Haryana government succeeds in its plan to implement the amendments in the Punjab Land Preservation Act (PLPA), already passed by the State Legislative Assembly and ratified by the Haryana Governor, then both Gurugram and Faridabad would suffer irretrievably. “Of 74,000 hectares in Faridabad, only 11,700 hectares are presently under the NCZ. If the PLPA amendment is cleared, only 178 hectares under the Reserve Forest category would qualify to be placed under the Natural Zone. It will be a similar situation in Gurugram,” Mr. Agarwal warned. In an email to the NCRPB, five urban planners and environment activists have raised objections to the Draft RP-2041, questioning the rationale behind it and the lack of clarity on the term “action of nature”. “What is meant by ‘action of nature’ and what is the time period set for denotification?” asked Mr. Manoj Misra, retired Indian Forest Service officer. He said there were several examples of natural ecosystems created by the direct intervention of people or government, including wetlands under the Wetland Rules (such as Keoladeo National Park), greening and restoration of areas (the Aravalli biodiversity Park, Gurugram) and other afforestation zones. According to him, many natural areas are still in the process of being notified in land records, as per observations of the Supreme Court in M.K. Balakrishnan versus Union of India in 2017.

Floodplains excluded

The RP-2021 included rivers such as Yamuna, Ganga, Kali, Hindon and Sahibi; their tributaries, floodplains and flood-prone areas in the NCZ but the draft RP-2041 excluded tributaries and floodplains from the newly defined NZ. The rivers, the tributaries and their floodplains are crucial



for the water security and protection of the riverine floodplain habitat, which in turn is critical for protection of riverine biodiversity. The environmentalists are also shocked by the replacement of the term NCZ, exclusion of terms “Aravali” and “forest areas” from NZ and the removal of 0.5% limit imposed on construction and land use under it. “The deletion of Aravali from the new draft will facilitate construction of real estate in the Aravalis and destroy the natural ecosystem of the Aravalis in Delhi, Haryana and Rajasthan that shelter a critical wildlife habitat and corridor,” said Stalin Dayanand, director of Mumbai-based NGO Vanashakti and one of the signatories to the e-mail. The environmentalists want the RP-2041 to declare the 500-metre Mangar Bani sacred grove hill in Faridabad as “no construction zone” for its wildlife presence. Located on a narrow ridge, it is part of an important inter-state wildlife corridor with animals including leopards, hyenas, and foxes moving between the Asola Wildlife Sanctuary in Delhi and Damdama lake catchment area in Gurugram.

Another point of worry

Yet another point of worry is Section 6.3.3 of DRP-2041 which seeks “the interlinking of all green trails of the Aravali range and river Yamuna running in the region to become a part of integrated cycle trails and drive corridors in the region”. It is feared that the provision of ‘drive corridors’ in the Aravalis will lead to motorised traffic and adversely impact the wildlife habitat. It could also open up the proposed construction of a road cutting through the bio-diversity park in Gurugram, which citizens are opposing.

STORM WARNINGS OF A MEGACITY COLLAPSE

The unpredicted spell of staggering rain over Chennai on December 30, 2021 capped a season of repeated monsoon inundation and urban paralysis, coming as a stark reminder to political leaders that they are underestimating the risk of urban collapse due to extreme weather events. Tamil Nadu’s capital, with an international airport and a major seaport, was gridlocked after heavy rain at the tail end of the northeast monsoon, presenting a dystopian picture of ambulance sirens wailing in still traffic, people deserting vehicles to walk to rail terminals in blinding rain and workers unable to return home until late in the night. The nightmare revived memories of the great deluge of 2015, although the death toll was not comparable. Suburban gated communities on the city’s IT corridor and inner city residents alike were affected, and COVID-19 was momentarily forgotten, as rail and Metro lines were quickly overwhelmed.

A non-starter

The catastrophic 2015 flood, an unprecedented event, raised expectations of a major shift in priorities for urban development. That deluge was akin to the great flood of 2005 in Mumbai, which too raised hopes that policies would be redrawn. In spite of immense community support and active mobilisation for change, both cities witnessed a regression, as informality remained dominant, laws were just on paper, and unsustainable changes were made to the urban environment. Permanent, elite constructions were favoured at the cost of ecology. The monsoon of 2021 in Chennai, with its black swan evening of 24 cm rain, raises a question: would urban development be more sustainable and equitable if the guiding principle is climate change? This new approach would prioritise ecological and sustainability concerns over aesthetics, and reject market-oriented ‘fantasy plans’, as some scholars describe an increasingly flashy vision of urbanisation. While green roofs, electric vehicles and solar power would be welcome, they would not replace conservation of natural flood plains, rivers, mangroves, marshes and gardens. It would



be the future-proofing that India's cities need, to avert sudden dysfunction caused by climate events.

Report's inputs

In its report (<https://bit.ly/3frSEIV>) on 'Reforms in Urban Planning Capacity in India' (September 2021), NITI Aayog cites the COVID-19 pandemic as a revelatory moment that underscores the dire need for all cities to become healthy cities by 2030. Climate impacts are certain to affect cities even more fundamentally and permanently. Consistent with the approach of the present Central government, NITI Aayog recommends 500 priority cities to be included in a competitive framework, adopting participatory planning tools, surveys and focus group discussions to assess the needs and aspirations of citizens. There is considerable importance given to technological tools, private sector talent and mapping strategies to identify a city's assets and to plan spatially. What is needed is a central role for democratically-elected local governments, to ensure greater inclusion and a sense of community. In Tamil Nadu, urban local bodies have not had elections for a decade, while the long coastline of the State has been hit by cyclones that have crippled Chennai and other towns.

It is multidimensional

All dimensions of a city's growth, starting with affordable housing, play a central role in adapting to future climate change. They can lower carbon emissions growth even during infrastructure creation if biophilic design and green materials are used. A large volume of new housing stock is being created in the 7,933 urban settlements in the country today, of which the bulk is in a small number of million-plus cities. Less than half of all cities have master plans, and even these are ruled by informality, since both influential elites and the poor encroach upon commons such as wetlands and river banks, as Chennai and Mumbai have witnessed. After a catastrophic flood, the emphasis is on encroachment removal directed almost entirely at the less affluent. A top-level department for climate change adaptation is best suited to serve as a unifier, bringing all relevant departments in a State, such as housing and urban development, transport, water supply, energy, land use, public works and irrigation to work with elected local governments that set priorities and become accountable. Neglect of municipal councils, lack of empowerment and failure to build capacity among municipal authorities have produced frequent urban paralysis in extreme weather. In Chennai, the focus after every flood has been on the storm water drain network, while commercial encroachment of the vast marshland in Pallikaranai, a natural sponge for the city, gets insufficient attention. This experience echoes the fate of encroachments along Mumbai's Mithi river, where the Mithi River Development and Protection Authority, after the 2005 flood, favoured removal of dwellings, while sparing 'permanent structures' that were too big to touch.

Leaning on market forces

The encroachment of important commons reflects the extreme dependence on market forces to supply affordable urban houses. In Chennai, speculative values have outpriced the middle class and young workers aspiring for their first home, sending them out of the city to relatively cheaper suburbs. Most of these suburban investments do not reflect their true value, even if they are layouts 'approved' by the Chennai Metropolitan Development Authority, because outlying town panchayats have little capacity or funds to create even basic infrastructure such as water supply, sanitation and roads. For many residents, monsoon 2021 was no different from others before it. They may live in gated towers along the IT corridor but they struggled to stay afloat, using boats or trucks to get supplies and to travel. Such images rarely get media play, as they represent the



unflattering reality of high house prices. Suburban home buyers would gladly transfer some part of the price for infrastructure building, rather than let it be cornered solely by speculators. Now that Chennai is working on a new master plan and a climate action plan, with planned investments in infrastructure including Metro rail links to the western and southern suburbs, it should introduce regulation to ensure value capture.

A familiar story

Loose metropolitan boundaries with little control over neighbouring local governments produce amorphous building regulations. In Chennai's case, unplanned densification is occurring in three neighbouring districts which are linked to the core city by local transport and are hence part of a larger metropolitan area. Here, traditional natural assets such as wetlands, reservoirs and watercourses are being lost rapidly. This is typical of other major Indian cities as well, where population growth at the peripheries has been accelerated by anomalous land and housing price increases at the core and absence of adequate good rental housing. India's cities will continue to be drivers of economic growth with significant production and consumption, but that sunrise story is threatened by unsustainable urban development in the era of climate change. The experiences of Mumbai earlier and Chennai recently are storm warnings, and greater centralisation of governance can do little to address this. The need today is not for flashy retrofitted 'smart' urban enclaves but sound, functional metropolitan cities that can handle floods, heat waves, pollution and mass mobility to keep the engines of the economy running. Urban India would otherwise turn into a subprime investment.

HIMALAYAN QUESTIONS

In the run-up to the February 14 Uttarakhand Assembly elections, temples and development are among the issues raised by politicians. Former Uttarakhand Chief Minister Trivendra Singh Rawat's attempt to bring the four shrines of Badrinath, Kedarnath, Gangotri and Yamunotri as well as other temples under one board ended with the 2019 Act being withdrawn in November 2021, after continued opposition from priests. The new Chief Minister, Pushkar Singh Dhami, who in July 2021 replaced Tirath Singh Rawat, who had replaced Mr. Trivendra Singh Rawat in March of the same year, carried out a review. Mr. Dhami said while the decision to constitute the board may have been taken with good intentions, it had been rolled back after discussion within the Government. Going into the elections, everyone from Prime Minister Narendra Modi to local leaders in the BJP have touted the redevelopment of Kedarnath as among the achievements of what they call the "double engine" government in the Centre and Uttarakhand. In December, Mr. Modi inaugurated the start of the Lakhwar multipurpose project and ₹8,700 crore-worth of road projects. With the Government backing major infrastructure projects, Mr. Modi termed this the decade of Uttarakhand. While environmentalists have raised concerns over rules being broken for the large infrastructure projects, major parties have not yet raised the environmental concerns. Issues of national security and the welfare of ex-service members are also dominating the campaign. With a large population of retired soldiers, Uttarakhand politics has always witnessed some grandstanding on issues that appeal to them. The brother of the late Chief of Defence Staff, General Bipin Rawat, Col. (retd.) Vijay Rawat, joined the BJP this week. The Aam Aadmi Party (AAP) has projected another retired colonel, Ajay Kothiyal, as its chief ministerial candidate and promised government jobs to all ex-service members in the State. Mr. Dhami has spoken as the "son of a soldier" and said the BJP alone respects the forces. The BJP is trying to fight anti-incumbency and the impression that it is a divided house, having changed two Chief Ministers within months in 2021. The Congress is hoping to wrest back power, after having lost it in 2017.



Infighting and tussles over ticket distribution within the party have come out into the open, with former Chief Minister Harish Rawat being one of the claimants to the leadership position. AAP has joined the race with the promise of development, replicating the Delhi model, and an end to the “power sharing” between the BJP and the Congress. A raft of promises, from free water and electricity to better schools, is being made. What is lacking is an informed debate on a development model that is suitable to the ecologically fragile place that Uttarakhand is.

MISS KERALA NOT ENDANGERED: AQUARISTS

A section of aquarists and ornamental fish breeders are surprised that the Denison barb (Miss Kerala), a native freshwater fish species commonly found in parts of Karnataka and Kerala, has been included in Schedule I of the Wild Life (Protection) Amendment Bill, 2021. The Bill was introduced in the Lok Sabha in December last. Aquarium enthusiast Beta Mahatvaraj of Chennai, who has been documenting the native Indian fish species for years, points out two issues in the Bill.

‘A ban, literally’

He says the scientific name *Puntius denisonii*, given against the common name Denison barb, is wrong; it should have been *Sahyadria denisonii*. Even then, the species is found in the States of Kerala and Karnataka. He doubts whether the species can be considered endangered based on the available data. “Inclusion in Schedule I is literally a ban. It is like how you cannot keep a tiger at home,” he argues. Ornamental fish breeder and exporter Nikhil Sood of Bengaluru contends that the trade of ornamental fish is being vilified unnecessarily, though it has contributed immensely to the discovery of many species of native fish over the past 25 years. *Denisonii* itself is a re-discovery because of the ornamental aquatic trade. “This campaign to ban *Sahyadria denisonii* is old and sadly outdated. This rule would have been applicable around 10-12 years ago when the fish was discovered,” Mr. Sood says. *Sahyadria denisonii* is found in almost 11 rivers of Kerala and Karnataka with some of the highest endemic aquatic fauna in the country. The income from the collection of *denisonii* for the ornamental fish trade acts as an incentive for fishermen to protect habitats, he contends. “It would have been preferable to better regulate the trade in wild collected fishes and promote captive bred fish perhaps by including the species in Schedule IV instead of Schedule I.”

COLLARWALI BREATHES HER LAST, MP’S PENCH TIGER RESERVE LOSES ITS ‘SUPERMOM’

“SHE CAME to the stream and was so weak that she could barely walk. She lay down near the water and did not move for two hours, with only her ears twitching. At that point, there were 42 vehicles inside Pench, and all of them spotted her.” This moving sequence on Friday, according to an eyewitness, was the last public appearance of T-15. Or simply “Collarwali”, as she was known in Madhya Pradesh’s Pench Tiger Reserve. Within hours of that sighting at “her usual spot” near the Bhura Dev “nallah” by Om Veer, a naturalist and wildlife photographer, Forest officials reached the site, closed the roads and took her in for treatment. The next evening, around 6.15 pm, the first ever tigress to be collared at Pench — hence the name — and one of the stars of the BBC documentary ‘Spy in the Jungle’, breathed her last. Speaking to The Indian Express, Ashok Kumar Mishra, Field Director, Pench Tiger Reserve, said the post mortem revealed the cause of death as multiple organ failure due to intestine blockage resulting from old age. “Her intestine was blocked with mud and hair,” he said. According to officials, T-15 was born on September 22, 2005, to T-1, also known as “Charger”, and T-7 or “Badi mata”, another famous tigress of Pench. She was the



first-born of four cubs, and all of them were featured, along with the mother, in the documentary. Dr Aniruddha Majumdar, a scientist with the State Forest Research Institute who had Collarwali breathes her last, MP's Pench tiger reserve loses its 'Supermom' tracked Collarwali for seven years to study breeding and cub-raising among tigers, described her as "the pride of entire Madhya Pradesh". "She was the first one to move out, and lived with her father T-1 who was one of the most dominating tigers of Pench. Much like him, Collarwali dominated the prey-rich area of the reserve and held the distinguished record of giving birth to five cubs in a litter in October 2010. It is rare for a tigress to give birth to five cubs in one go," he said. Majumdar says he was part of the team that collared T-15 inside Pench on March 11, 2008, when he was a researcher with Wildlife Institute of India (WII). "On May 20, 2008, we spotted her with three cubs, her first litter, but none survived. The autopsy found her cubs had died of pneumonia. But then, on October 25 the same year, she gave birth to four cubs and raised all of them successfully," he said. Two years later, Collarwali surprised everyone by delivering five cubs in a litter. "There is hardly any record of a tigress giving birth to five cubs at one go. She raised all of them. Over the years, she gave birth to 29 cubs...25 survived," Majumdar said. According to officials, it is also rare for a tigress to give birth to 29 cubs — in eight litters — and successfully raise 25. This, they said, earned her the title of "Supermom" among wildlife lovers. It's a tag that Chief Minister Shivraj Singh Chouhan underlined in his tribute on Twitter. "Collarwali tigress, also known as the queen of Pench and a Super Mom who birthed 29 cubs, played an important role in getting MP the tag of a tiger state. Pench Tiger Reserve will keep echoing with the roars of the queen's cubs," he wrote. But that's not the only reason why Collarwali was popular. "She would walk out on the kaccha road when she heard jeeps coming, as if she wanted to be seen. We called her a tourist lover," said Sanjay Tiwari, a local social activist. On Sunday, Collarwali was cremated. But according to Majumdar, her "glory still lives on". "One of her cubs, a tigress who was relocated to Panna, has also given birth to five cubs in one litter. The male cubs of Collarwali now dominate Pench and its adjoining territory in Maharashtra as well," he said. Forest officials say another cub, T-4 or "Pat Dev", has five more cubs of its own and lives in Pench. "We are hoping that Pat Dev will take after the mother," said an official. Collarwali's end, says Field Director Mishra, "was a befitting tribute to her indomitable spirit". "She was a legendary mother and she was cremated (on Sunday) at the hands of Shanta Bai, a local tribal leader who heads the Ecovikas Samiti and has played an important role in improving living conditions among tribals."

DIP IN EASTERN SWAMP DEER NUMBERS

The population of the vulnerable eastern swamp deer, extinct elsewhere in South Asia, has dipped in the Kaziranga National Park and Tiger Reserve. Officials attributed the decrease from 907 individuals in 2018 to 868 during the Eastern Swamp Deer Estimation on January 10 and 11 to two high floods in 2019 and 2020. On the brighter side, they said the animal is now distributed to areas beyond the park known as the world's best address of the one-horned rhinoceros. "The eastern swamp deer is endemic to Kaziranga and is not the primary prey of the park's carnivores, primarily the tiger. But its population is crucial for the ecological health of the tiger reserve and the encouraging sign is the animal has now moved to other areas such as Orang National Park and Laokhowa-Burachapori wildlife sanctuaries," Kaziranga's field director P. Sivakumar told The Hindu. The eastern swamp deer was once concentrated in the central Kohora and Bagori ranges of Kaziranga. The animal had numbered 1,161 in 2011 while the lowest of 213 individuals was recorded in 1966. In the last survey, the female eastern swamp deer outnumbered the males by more than three times. The female of the species recorded 557 individuals compared to 173 males. The 1,302 sq. km Kaziranga had an uptick in the number of waterfowl species from 112 counted a year ago to 126 during the fourth Wetland Bird Estimation carried out from December 21-27.

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



The birds were counted in 211 different points in 157 waterbodies involving 35 enumeration teams, including volunteers from local educational institutes, NGOs and officers and frontline staff of the Forest Department. “The bar-headed goose topped the list with 16,552 birds followed by the northern pintail at 9,493 and the common teal at 5,631. Ferruginous duck, an important species with a count of 2,236, may be regarded as a highlight of this estimation,” Mr. Sivakumar said.

THE TALE OF TWO CATS

Feline fatale (Clockwise from above) Cheetahs belonging to Maharaja of Baroda, Sayajirao Gaekwad III, with their handlers, 1890s; a cheetah trained to hunt black-buck, once a widely prevalent sport in Deccan and western India; an African cheetah and its cub; and lionesses at the Lucknow zoo, 2018. Curzon Collection, Special Arrangement, Kalyan Varma & Rajeev Bhatt

Ravi Chellam

For centuries, four charismatic big cats co-existed in India. This is the story of two felines that are now, probably inadvertently, pitted against each other: the Asiatic lion and the African cheetah. Both lions and cheetahs came to the country through a process of natural dispersal from Africa thousands of years ago and roamed its drier and more open habitats. Cheetahs had a more extensive distribution than lions — there are no records of lions occurring south of the Narmada River, but Asiatic cheetahs roamed most of India until they were hunted to extinction by 1947. Now, plans are afoot to introduce the African cheetah in India: in five years, 12-14 adult cheetahs (8-10 males and 4-6 females) from countries in southern Africa will be released in Madhya Pradesh’s Kuno National Park, the same site that scientists have already identified to reintroduce the Asiatic lion, which had a close brush with extinction in the late 1800s and early 1900s, to mitigate risks and enhance the conservation status of the species that is now restricted to a single population in and around Gir forest in Gujarat. The proposal to introduce the African cheetah — a controversial one — is not new. The idea was first floated in 2009. Then in 2013, a judgment of the Forest Bench of the Supreme Court on lion translocation found massive flaws with the proposed introduction of African cheetahs to Kuno. “... the decision to introduce African Cheetahs into the same proposed habitat chosen for re-introduction of Asiatic lion has not been either placed before the Standing Committee of the National Board for Wild Life, nor has there been a consistent decision,” the judgment said. “MoEF [the Ministry of Environment and Forest], in our view, has not conducted any detailed study before passing the order of introducing foreign cheetah to Kuno. Kuno is not a historical habitat for African cheetahs, no materials have been placed before us to establish that fact... We may indicate that our top priority is to protect Asiatic lions, an endangered species and to provide [them] a second home... Crores of rupees have been spent by the Government of India and the State of Madhya Pradesh for reintroduction of Asiatic lion to Kuno. At this stage, in our view, the decision taken by MoEF for introduction of African cheetahs first to Kuno and then Asiatic lion, is arbitrary and illegal and a clear violation of the statutory requirements provided under the Wild Life Protection Act. The order of MoEF to introduce African Cheetahs into Kuno cannot stand in the eye of Law and the same is quashed.” As is evident, the Supreme Court was very clear in its reasoning and categorical in its order with respect to introducing African cheetahs into India. Unfortunately, the reality of how conservation is practised in India is that it often flouts the law and at times even lacks a scientific foundation and conservation logic.



No tangible action

Nine years since the 2013 order, the reality is stark. The lions have not yet been translocated and the plans to introduce African cheetahs have not ceased. The Expert Committee appointed by the Supreme Court in 2013 to advise the government on lion translocation, of which I am a member, hasn't met since December 2016. In our last meeting in Kuno, everyone, apart from the representatives of the Gujarat State government, strongly stated that Kuno was ready to receive the lions. But neither the Centre nor the government of Gujarat have taken any tangible action to translocate the lions. On the contrary, the National Tiger Conservation Authority (NTCA), a statutory body of the Ministry of Environment, Forest and Climate Change (MoEFCC), has filed affidavits in the Supreme Court stating that the cheetah introduction will not impact the reintroduction of lions in any adverse manner. NTCA's application states that the 2013 order of the Supreme Court does not impose a blanket ban on introduction of cheetahs in India and by implication has sought the court's permission to explore the introduction of African cheetahs to sites other than Kuno. The Supreme Court in its order of 2020 had stated: "It is submitted that African Cheetahs would be introduced on an experimental basis in a careful chosen habitat and nurtured and watched to see whether it can adapt to the Indian conditions. In case there are some difficulties noticed about the location in which it is introduced, we are informed that the location would be changed to another forest which is more habitable for the animals." The order went on to appoint an expert committee to guide the NTCA to conduct field surveys to choose the best location for African cheetahs in India and to take a careful decision about the viability of introducing this animal on a larger scale. It ordered the expert committee to submit reports to the court every four months.

Rushed assessments

I am not aware if the expert committee submitted reports every four months to the Supreme Court in 2020. The Assessment of Cheetah Introduction Sites and Proposed Actions — Technical Note, published in January 2021 by the Wildlife Institute of India and the forest departments of Rajasthan and Madhya Pradesh, gives details of the site visits that were undertaken in 2020 to assess the potential sites in the two States for cheetah introduction. They were Mukundara Hills Tiger Reserve, Shergarh Wildlife Sanctuary, Gandhi Sagar Wildlife Sanctuary, Kuno National Park, Madhav National Park, and Nauradehi Wildlife Sanctuary. In a period of 12 days, the field assessments of six sites were conducted, with some sites assessed for less than a day. Kuno, the best studied site, was surveyed for the longest period of four days. It denotes a rushed approach that does not inspire much confidence in the field surveys. In fact, it seems very much as if the expert committee had already decided that Kuno would be the site for cheetah introduction even prior to these field surveys. The technical note merely says that due to delays in lion reintroduction, Kuno was considered for cheetah introduction in 2010, and the NTCA affidavits assert that cheetah introduction will not impact lion reintroduction. On January 5 this year, the MoEFCC unveiled an action plan to introduce cheetahs in India. The plan states: "Once a cheetah population is established in Kuno National Park, reintroduction of the lion or colonization by tigers would not be detrimental for cheetah persistence." This by implication could further delay the reintroduction of lions to Kuno by at least a decade if not more as the cheetahs have to establish themselves as a viable population first, an argument for delaying lion translocation that was posed by the Gujarat government and summarily rejected by the Supreme Court in 2013.



Action plan

The action plan says that the cheetah, as a flagship species, could evoke a greater focus on the predicament of the much-abused dry, open forest/ savanna ecosystems and the need to restore and manage them. This is a laudable objective but there are far more direct, faster and less expensive ways to achieve it. For starters, if the central government is serious about protecting these habitats, it should immediately abolish the land category of 'wasteland' that much of the country's dry, open forest/ savanna ecosystems are currently categorised as. It should also ensure that no further fragmentation, degradation or change in land use is allowed in these habitats. This could have an almost immediate on-ground conservation outcome. This could be more efficient than embarking on cheetah introduction, which, in its first phase of five years, will cost ₹39 crore. Instead, we are adopting a lop-sided and illogical approach to conserve these neglected ecosystems and their native fauna and flora. I am convinced that the sites in which the cheetah would be introduced would largely end up as glorified fenced safari parks rather than wild landscapes with self-sustaining populations. According to the estimates in the action plan, even Kuno, which has been chosen as the first site for the cheetah introduction (since it is ready with the required level of protection, prey, and habitat), can sustain only 21 cheetahs. Once a cheetah population establishes itself in about 15 years, the predicted scenario is that the dispersers will colonise the landscape and potentially hold 36 individuals in 30-40 years. This begs the question: is this a truly science-based conservation initiative or an expensive vanity project that will further delay the translocation of the endangered lions? Since 2018, dozens of lions have died from diseases, including canine distemper, opening up a frightening possibility of loss when confined to a single location. Establishing an additional free-ranging wild lion population in Kuno is of paramount importance and roadblocks, if any, must be transparently addressed. Clearly, the introduction of African cheetahs cannot take precedence over translocating Asiatic lions from Gujarat to Kuno National Park as ordered by none other than the apex court in 2013.

ALL SET FOR TIGER COUNT AT BANDIPUR, NAGARAHOLE

Tiger census will commence at Bandipur on Saturday and at Nagarahole on Sunday as part of the All-India Tiger and Mega Herbivore Estimation. This is part of the nation-wide enumeration that is held once in four years and is the fifth such exercise being taken up — the earlier ones being held in 2006, 2010, 2014, 2018. The authorities at Bandipur have divided the 912.04 sq km national park into three blocks to carry out the enumeration. While the enumeration exercise will be held in block 1 from January 22 to 27, it will be held in block 2 from January 28 to February 2 and the tiger count exercise in block 3 will be taken up from February 3 to 8. This year's enumeration exercise entails the use of MSTRIPES (Monitoring System for Tigers Intensive Protection and Ecological Status) app and apart from the tiger counts, the exercise will also throw up data on mega herbivores, including elephants and gaurs. The use of apps ensures that the data is not only digitised but is uploaded on a real-time basis and is robust. The training was imparted by experts from Wildlife Institute of India and the enumeration is being held as per the protocols stipulated by the National Tiger Conservation Authority. The authorities have deployed only the department officials and frontline field staff apart from members of the Special Tiger Force squad for the exercise. While nearly 300 people will be on duty at Bandipur, around 350 will take part in the exercise at Nagarahole. The enumeration in Nagarahole will be held from January 23 to February 1. Sign survey will be held in all the 91 beats and line transects will be conducted in two phases, according to Nagarahole Tiger Reserve Director Mahesh Kumar. He said they would do the sign survey, including tiger scat, pug marks etc., for carnivores. The enumeration would also throw up data of the tiger numbers in non-protected areas. In view of the census, the safari has



been affected, including cancellation of a few trips at Nagarahole. In the 2018 census, there were 125 tigers in Nagarahole whereas there were 72 tigers in the 2014 exercise which was a big jump. But experts believe the tiger numbers at both Bandipur and Nagarahole may have reached their optimum levels and could have stabilised or shown a marginal increase this year.

FEWER BIRD NUMBERS, SPECIES AT NAJAFGARH LAKE THIS YEAR

The Najafgarh jheel, a transboundary wetland lying in Delhi and Haryana, has recorded fewer species of water birds this year as compared to the last, the Asian Waterbird Census (AWC) conducted at the jheel on Tuesday has found. The AWC is an annual count of waterbirds that takes place in January, and is coordinated by the Wetlands International South Asia and the Bombay Natural History Society. It is conducted in seven wetlands across Delhi-NCR. A total of 71 species of waterbirds were counted on Tuesday, while the bird population was estimated to be 10,592. Last year, as many as 81 species of waterbirds were recorded at the jheel, along with a significantly higher number of birds at 27,673. The Najafgarh jheel is an important site for large numbers of winter migratory birds, the census affirmed. Among the winter migratory waterbird species recorded were the greylag goose and the bar-headed goose, which migrate from central Asia, and the Eurasian coot, which migrates from north Asia. The greater spotted eagle, a migratory bird that flies in from Siberia or Russia, and is listed as 'vulnerable' in the IUCN Red List of threatened species was found at the jheel, along with the northern lapwing, another winter migratory species. A few resident species at the jheel include the sarus crane, which was also marked as vulnerable by the IUCN, the woolly-necked stork, the painted stork and the oriental darter. Over the past two years, the jheel has recorded a fluctuating number of bird species. In 2020, for instance, only 54 species were recorded, lower than the number spotted last year. Only 9,453 birds were counted in 2020, even lower than the numbers recorded this year. T K Roy, AWC Delhi coordinator for Wetlands International, pegs the lower numbers on local factors like large-scale, excessive fishing in the jheel which disturbs the birds, along with a possible change in migratory patterns due to climate change. Manu Bhatnagar of the Indian National Trust for Art and Cultural Heritage (INTACH) said fishing is one of the issues since depletion of the fish population leaves fewer resources for the birds, and the fish tend to attract birds to the wetland. "The quality of water coming from the Haryana side is very bad. There's untreated industrial effluent coming from Manesar, and under-treated sewage, which leaves low oxygen and poor quality of water. These are factors that affect bird populations," he said. INTACH first approached the National Green Tribunal (NGT) in 2014 regarding the rejuvenation of the Najafgarh lake, and filed another application in 2019 saying that both the Delhi and Haryana governments had not taken any measures, and asked the tribunal to direct both governments to declare the jheel a "wetland/waterbody". The two governments were then directed to form environment management plans for the lake. The two plans were prepared, and a joint management plan was submitted to the NGT in December last year, Bhatnagar said. The matter is slated to be heard next on January 21.

**BUSINESS & ECONOMICS****BRENT AT 7-YEAR HIGH: HOW ARE ECONOMY, MARKETS AND INVESTORS IMPACTED?**

Oil prices are at their highest levels since 2014 — Brent crude hit \$88.3 per barrel on Thursday, up 27% since December 1, when it was trading at \$69.5. Brent has spiked 8 per cent over the past week, rocking stock markets that were otherwise relatively steady in spite of the third wave of Covid-19 across the country. Over the last six trading sessions, the benchmark Sensex at the BSE has lost 1,771 points (2.9%) over fresh concerns around inflation, current account deficit, fiscal deficit, and even the currency.

Why is crude rising?

The spike has been driven primarily by fears of supply side disruptions. The attack by Yemen's Houthis on fuel trucks in Abu Dhabi, in which three people including two Indians were killed, and the tensions between Russia, the world's second-largest oil producer, and Ukraine have raised concerns. The outage on an Iraq-Turkey pipeline on Wednesday heightened worries. There is also concern over the growing imbalance between demand and supply — the former did not see the moderation that was initially expected as the Omicron wave began. Further, the key oil producing countries have kept supply on a gradually increasing schedule in spite of the sharp increase in global crude prices. Earlier this month, OPEC decided to increase overall daily production by only 400,000 barrels in February, even though its own prediction is for demand to rise by 4.15 million barrels per day in 2022.

How will it impact the Indian economy?

The rise in crude prices poses inflationary, fiscal, and external sector risks. Crude oil-related products have a direct share of over 9% in the WPI basket and, according to a report by Bank of Baroda chief economist Madan Sabnavis, a 10% increase in crude would lead to an increase of around 0.9% in WPI inflation. "Our baseline forecast for WPI is 11.5-12% for FY22 and 6% in FY23, which might increase by around ~0.9-1% because of increase in crude prices," says the report. India imports more than 80% of its oil requirement, but the share of oil imports in its total imports is around 25%. Rising oil prices will impact the current account deficit — the difference between the values of goods and services imported and exported. "In FY22, the share of oil imports in India's total imports has increased to 25.8% (Apr-Dec'21) as oil prices inched up. With oil prices on an uptrend again, the oil import bill is likely to swell further. This will have an impact on India's external position. We estimate that a 10% hike in oil prices will lead to an increase of India's CAD by US\$ 15bn or 0.4% of GDP. This will have a negative impact on INR," Sabnavis said in his report. The rise in crude oil prices is also expected to increase the subsidy on LPG and kerosene, pushing up the subsidy bill.

How do high oil prices impact consumers?

High crude oil prices contributed to the increase in petrol and diesel prices that hit record highs across the country in 2021. Pump prices fell in November as the central government cut excise on petrol and diesel by Rs 5 and Rs 10 per litre respectively, and most states followed by cutting Value Added Tax. Petrol and diesel are currently Rs 95.41 and Rs 86.7 per litre in the national capital. Since the tax cuts in November, oil marketing companies have not revised prices, even as Brent crude fell from about \$84.7 per barrel at the beginning of November to under \$70 at the



beginning of December. Higher crude prices now could result in higher fuel prices for consumers, even though they did not get the full benefit of the fall in crude prices in November and December.

What can be the impact on investor sentiment and markets?

Investor sentiment has taken a beating over the last few days in line with rising crude prices. Foreign portfolio investors who had invested a net of Rs 3,950 crore until January 11, have turned net sellers over the last seven trading sessions, pulling out a net of Rs 12,825 crore from Indian equities, leading to a fall of nearly 3% in the Sensex. Even domestic institutional investors who invested a net of Rs 6,919 crore between January 1 and 14, have turned cautious, and invested a net of only Rs 239 crore over the last four trading sessions. The rupee has fallen nearly 1% against the dollar over the last week, and was trading at 74.45 on Thursday. "While the rise in crude oil prices is a concern for the Indian economy, I think the market is more worried about its impact on US inflation and the subsequent reaction by the Federal Reserve. The Fed may further advance plans to hike interest rates," Mrinal Singh, CEO and CIO, InCred Asset Management, said. Fund managers say markets are likely to remain volatile in the near term, and investors should not react to daily news flows in regard to their investments.

IMPORTERS, GOVT. DUEL IN SC OVER GST ON OCEAN FREIGHT

The government is engaged in a pitched legal battle in the Supreme Court against importers over its decision to levy Integrated Goods and Services Tax (IGST) on ocean freight on a reverse charge basis. With tax authorities reportedly raising fresh queries even while the dispute is pending before a Bench led by Justice D.Y. Chandrachud, importers are miffed. A hearing set for January 11 was postponed after two Judges on the Bench took ill. At the centre of the spat are two notifications issued on June 28, 2017, levying IGST on ocean freight. The Gujarat High Court, which had in January 2020 declared the levy ultra vires to the IGST Act, concluded that IGST on ocean freight under the provisions of the notifications was "not permissible in law". 'Ocean freight' is the cost of moving goods internationally over sea to India. An agreement is entered into between two foreign parties, usually between an exporter, and a shipping line to transport goods to India. In its appeal, the government, represented by Additional Solicitor General N. Venkataraman, has argued that the ultimate beneficiary of the transaction is however the recipient of the goods in India, who is importing the goods on a cost, insurance and freight (CIF) basis. The government contends that companies importing goods on the CIF basis are paying the freight directly or indirectly. "Transport of goods which is carried out by a person other than the importer himself is an activity, which gives rise to the aspect of providing transportation and as such gives rise to a taxing incident distinct from tax on import of goods," the government says. "The eventual recipient and beneficiary of the transportation service is the 'importer' of the goods."

'Being taxed twice'

Importers, represented by advocate Malak Manish Bhatt, have countered that: "for the purposes of taxability, the service has to be rendered in India, to be provided to an Indian. The service rendered by a non-Indian to a non-Indian cannot be taxed merely due to the fact that ultimate benefit was reaped by an Indian as the goods had arrived in India". The importers have complained that IGST was being levied on them twice on the very same transaction by segregating portions of it. "Importers... in addition to the customs duty, also pay IGST under IGST Act on the imported goods on the value as determined under the Customs Tariff Act. This value includes the value of ocean freight," they argue.



INFLATION CONUNDRUM

While North Block mandarins seek to conjure up policy levers in the upcoming Budget to spur India's fragmented economic recovery along, the latest official data suggest industrial output is stuttering with a meagre 1.4% growth in November. More worryingly, inflation is re-emerging as a threat — retail prices surged to a five-month high of 5.6% in December from 4.9% in November. While urban India continued to record a higher incidence of price rise at over 5.8%, inflation faced by rural consumers was at 5.36% — the steepest pace since July 2021. A dozen States clocked higher inflation than the headline 5.6% level, with half of them recording well over India's stated inflation tolerance threshold of 6%, led by Haryana and Tamil Nadu with an over 6.6% print. While the CPI cooled month on month by about 0.35%, this was offset by low base effects that pushed up inflation in food and beverages, and higher clothing and footwear prices. The deferral of a higher GST on textiles, and softening food and vegetable prices this month, may help rein in some of these pressures, but there are other headwinds. Fuel prices moderated after excise duty cuts in November, but this may not sustain for long as average prices for India's crude oil basket are now at around \$84. For now, retail fuel prices have remained static, but this may have more to do with the unstated tendency of not effecting such hikes in the poll season. By Monday, yields on government bonds had hit a two-year high which could upset the fiscal math over time. Inflation in wholesale prices offered little comfort in December even as it came off a record high of 14.2% in November to touch 13.6%, staying above double digits for the ninth successive month. Economists believe that the persistent gap between wholesale and retail inflation, now at eight percentage points, does not augur well for price stability ahead. Producers coping with high commodity prices and input costs will have to find ways to pass them on to consumers, feeding into retail inflation and squeezing household budgets further. For industry, inflation is as critical an obstacle to higher consumption and growth impulses as the new virus mutations and the third wave — which by itself is expected to further stoke retail prices. Consistently high inflation, as witnessed since the pandemic onset, constitutes not just a tax on the poor and the middle classes, but is also a potentially permanent wrecking ball for future spending capacity (and growth) amid a damaged job market. The Government, through its statement of intent in the Budget, and the RBI, which has noted that the waning of inflation spiralling across geographies may 'take longer' than expected and will review its monetary policy stance next month, need to communicate their inflation game plan to soothe the expectations.

PARITY WITH ELSS FUNDS: IBA BATS FOR CUTTING TAX-FREE FD TENURE TO 3 YEARS

Ahead of the Union Budget, banks have pushed for lowering fixed deposit (FD) tenure from five years to three years for availing tax benefits as applicable in the case of mutual fund products like equity-linked savings scheme (ELSS). On the other hand, the Association of Mutual Funds in India (AMFI) has asked the government to allow the introduction of debt-linked saving scheme (DLSS) with tax benefits on the lines of five-year bank deposits. In its pre-Budget proposal to the government, the Indian Banks' Association (IBA), the apex body of banks in India, said the five-year FD has become less attractive. As of now, the tax break is available on 5-year tax-saving FD schemes of banks. A depositor can claim income tax deduction by investing money in a five-year FD scheme under Section 80C of the IT Act, 1961. "As compared to other financial products (such as ELSS) available in the market, the tax-saver fixed deposit (FD) has become less attractive and if the lock-in period is reduced, this would make the product more attractive and provide more funds to the banks," the IBA said in a pre-Budget proposal submitted to the government. The lock-in period should be reduced to three years from the existing five years, the IBA said. ELSS funds



come with a lock-in period of 3 years. Meanwhile, the AMFI has proposed that mutual funds should be allowed to introduce low-cost, lower risk tax-exemption-linked DLSS on the lines of ELSS. In its Budget proposals for 2022-23 to the Finance Ministry, AMFI said investment of up to Rs 1.5 lakh under DLSS should be eligible for tax benefit, subject to a lock-in period of five years, as in the case of tax saving bank fixed deposits. It also asked the government to bring uniformity in taxation on listed debt securities and debt MFs and bring parity in tax treatment between MFs and unit-linked insurance plans (ULIPs). Both MFs and ULIPs invest in securities. Currently, ELSS qualify for tax benefits under Section 80 CCC of the Income Tax Act for an investment limit of up to Rs 1.5 lakh in a fiscal year. It has proposed to lower the minimum holding period for LTCG purposes in the case of gold and silver ETFs from three years to one year.

PREDATORY PRICING IS PRISING INDIAN LIVELIHOODS APART

Last week, and all of a sudden, people in the small town of Talode in Nandurbar district in Maharashtra could not buy Colgate toothpaste from their only local store. It was because Nandurbar's distributor had decided to boycott Colgate's products and not supply them to the kirana store in Talode. Further, all consumer goods distributors in Maharashtra were protesting against Colgate's alleged unfair treatment of traditional distributors vis-à-vis B2B technology companies such as Reliance's JioMart, Udaan and others.

Breaking the flow

Nearly half-a-million of India's distributors pick up goods from consumer companies such as Colgate and deliver them to 13 million small local stores located in 7,00,000 villages and towns across the country through a web of millions of traders and other intermediaries. A vast majority of these distributors and traders are small family businesses that have developed relationships with their local stores over many decades. The kirana store in Talode sells a 100g tube of Colgate toothpaste to the consumer for ₹55, the maximum retail price (MRP). The Nandurbar distributor sells Colgate toothpaste to the Talode store for ₹45 and the manufacturer, Colgate, sells it to the distributor for ₹40. This is an illustrative but typical example of the current supply chain for consumer goods products in India. Enter the new age technology B2B companies. They have developed technologies to connect directly to the kirana store in Talode through a mobile phone app, bypassing the intermediaries. They supply Colgate toothpaste to the local store for ₹35, lower than the ₹45 charged by the distributor. Ostensibly, the people of Talode will also benefit from these lower prices at their local store. Unable to match such prices and facing the peril of losing business, India's distributors claim these are unfair practices and want manufacturers such as Colgate to stop supplying goods to the technology companies. Colgate has refused to do so and, hence, the distributors have decided to boycott its products.

Hardly 'creative disruption'

New innovations disrupting an existing process and rendering incumbents futile is generally a healthy process of 'creative destruction', as the Austrian economist, Joseph Schumpeter, postulated. But if this disruption is driven not entirely by technology innovation but also through pricing power, would it still be healthy? These technology companies bear a 15%-20% loss on every Colgate toothpaste they sell to the local store. They deliberately offer their product at a price lower than what it costs them, to lure local stores away from the traditional distributors. Further, they offer extensive credit terms and working capital to the local stores. In other words, these technology companies rely not just on their mobile phone app innovation but also steep price discounting and cheaper financing to win customers. Udaan has suffered total losses of more than



₹5,000 crore in just five years and JioMart reports even greater losses. Indian companies are able to absorb such heavy losses because they have access to copious amounts of money. These companies are flush with funds from foreign venture capital firms, which in turn are largely funded by American pension funds and university endowments. To put it cheekily, an American senior citizen is discounting Colgate toothpaste for a Talode villager while displacing the Nandurbar distributor, thanks to what economists call global capital flows. Such capital flows foster innovation and yield enormous consumer benefits is the neo-classical economic doctrine. The flip side is that India's millions of distributors and intermediaries have no access to such finance. They are typically small businesses built over many decades by pledging their personal assets as collateral in return for meagre bank loans. These small companies are cut off from the endless stream of free foreign money that gushes into new age 'startups' and established large corporates. Evidently, these companies use the money to not only build new technologies but also to undercut competitors and steal market share. They are able to sustain huge losses for several years until they destroy incumbents and gain dominant market share. After which, they will presumably raise their prices to turn profitable. It is similar to what India experienced in the telecom sector with Jio. This practice, called predatory pricing, is illegal in most countries including India. Behind the veil of technology innovation of these startups lies a murky abuse of pricing power. If this was true 'creative destruction', then these technology companies would lure the Talode store owner only with their innovative app and efficiency than also suffering losses on every sale and offering cheaper finance. While consumers may benefit from lower prices, should the livelihoods of millions of distributors, traders and their families suffer only because they do not have equal access to easy money as these technology companies? The distributor and trader in Nandurbar and the kirana store owner in Talode belong to the same local community. Surely, there will be social ramifications within that community for some of these families being thrown in disarray?

A global problem

To be sure, this is not just an India problem but a global one. The conventional economic notion that lower prices, regardless of the means adopted, are a sole and worthy pursuit is under severe challenge. Social media companies such as Facebook give away their products for free and e-commerce companies such as Amazon sell at lower prices, benefiting consumers enormously, but also causing immense social strife and disharmony. The new Chairperson of the Federal Trade Commission in America, Lina Khan, who is a fierce critic of abuse of pricing power by technology companies, is seeking to frame new rules to check such anti-competitive behaviour.

What India faces

But in India's case, there is an added complexity of foreign capital flows. Large sums of free money printed in America are finding their way to India's stock and start-up markets. Access to this capital is only available to a tiny proportion of Indian businesses but threatens the livelihoods of millions of Indian families, as in the case of distributors, causing massive income and social disparities. Even erstwhile champions of free capital flows are now cautious about their social implications. To be clear, this is not a Luddite argument against e-commerce or technological innovations. The issue is about illegal predatory pricing and abuse of pricing power by startups and big corporates through preferential access to easy foreign money. By some estimates, there are more than 20 million families (100 million people) in India whose livelihoods depend on intermediary roles in the consumer goods supply chain. If suddenly these families are displaced and left stranded, it can cause enormous social unrest in the nation. Perhaps, the residents of



Talode may even be willing to pay slightly more for their tube of toothpaste if they realise that some families in their community are being put to misery by free American money.

LOOK IN, AND OUT

On Monday, the Supreme Court upheld the National Company Law Tribunal's order to wind up Devas Multimedia, noting that "it is a case of fraud of a huge magnitude". The government may well be within its rights to use the Court's ruling to argue against the seizure of its properties internationally by Devas and its investors who are trying to enforce the awards by international tribunals. But every time the Indian government chooses not to accept international arbitration awards, or questions their validity, or challenges them in hope of a reversal, the country's reputation as an attractive investment destination takes a beating. If the rationale for international arbitration and investment treaties is to provide safety and certainty to investors, then repeatedly seeking to contest arbitration awards — the government has in the past questioned the arbitration awards in favour of Cairn Energy and Vodafone — will only send the wrong signal to the global investor community. For a capital deficit country that is actively trying to woo foreign capital, moves such these are best avoided.

The Court's verdict has provoked the BJP-led government to accuse the then UPA government of undertaking a "fraud deal". Clearly, those in power during that period have much to answer for. The failure to conduct adequate due diligence on the deal, the apparent absence of checks and balances, the conflict of interest, are all too glaring to be ignored. As such, the probes by the CBI and Enforcement Directorate must continue unhindered, and be taken to their logical conclusion, despite any political linkages of the accused. It is also true that the current government has been left to face the consequences of the manner in which natural resources were distributed by the previous government. But, keeping aside the political posturing meant for a domestic audience, the government should also be mindful of the implications of not abiding by international norms. Not honouring global awards will have consequences. After all, foreign investors look for predictability in policies. Any policy or regulatory uncertainty creates apprehensions. In future dealings, both the government and the space agency need to be more careful. The government must also tighten the regulatory architecture that governs such agreements — space, after all, is an increasingly attractive business opportunity.

THE DEVAS-ANTRIX DEAL AND ITS AFTERMATH

A 2005 satellite deal between Antrix Corporation — the commercial arm of the Indian Space Research Organisation (ISRO) — and Devas Multimedia Pvt Ltd, a start-up headquartered in Bengaluru, is at the heart of a global legal tussle between the Indian government and foreign investors in Devas. The tussle is a fallout of the cancellation of the deal in 2011 by the then UPA government citing requirement of satellite spectrum allotted to Devas for security purposes. On Monday, the Supreme Court upheld a May 25, 2021 order of the National Company Law Tribunal (NCLT) to liquidate Devas on the ground that the firm was created under fraudulent circumstances. The order came even as three Mauritius-based investors and a German telecom major have approached federal courts in the United States to seize assets linked to the Indian government such as those of Air India. The investors have won separate compensation awards in international tribunals, including \$1.2 billion awarded by an International Chamber of Commerce (ICC) tribunal on September 14, 2015. The Supreme Court has kept the \$1.2 billion award in abeyance.



What was the Devas-Antrix deal?

They signed an “Agreement for the Lease of Space Segment Capacity on ISRO/Antrix S-band spacecraft by Devas Multimedia Pvt Ltd” on January 28, 2005, a month after Devas was incorporated in Bengaluru in December 2004 by two former ISRO employees. Under the deal, ISRO would lease to Devas two communication satellites (GSAT-6 and 6A) for 12 years for Rs 167 crore. Devas would provide multimedia services to mobile platforms in India using S-band transponders on the satellites, with ISRO leasing 70 MHz of S-band spectrum. The deal progressed smoothly for six years before it was annulled by the UPA government on February 25, 2011, following a Cabinet Committee on Security decision of February 17 to terminate the agreement to use the S-band for security purposes. The government decision was taken in the midst of the 2G scam and allegations that the Devas deal involved the handing over of communication spectrum valued at nearly Rs 2 lakh crore for a pittance.

How was Devas formed?

At the turn of the century, the telecom revolution threw open the possibility of satellite-based systems providing Internet services to remote areas, and top experts from ISRO began consulting global satellite communication experts in 2002-03. According to ISRO officials from the period, the International Telecommunication Union granted India S-band spectrum in the 1970s and some of this was with ISRO. By 2003, there was a fear that the spectrum would be lost if not used effectively; 40 MHz of S-band was given to the DoT terrestrial used and 70 Mhz was to be put to efficient use by the DoS. Some of the initial consultations that eventually led to the creation of Devas took place in the US between top ISRO officials and a US consultancy, Forge Advisors, which had satellite communication experts like Ramachandran Vishwanathan, and ex-ISRO employees D Venugopal and M G Chandrashekhar. Initially an MoU was signed by Forge and Antrix in July 2003 for use of the satellite spectrum for growth of communication systems in India, but later a start-up was envisaged, and Devas Multimedia was floated. In end-2005, the Cabinet approved the creation of GSAT-6 by ISRO for providing satellite-based video and audio services. Following this, Devas was able to attract foreign investors. Mauritius based Columbia Capital/Devas and Telcom/Devas picked up stakes for \$15 million initially in 2006 and 2007, followed by an investment of \$99.2 million in 2008-09 by the German firm Deutsche Telekom through a Singapore arm. Devas got a total of Rs 579 crore foreign investment with clearances from the Foreign Investment Promotion Board. Deutsche Telekom held 20.7% of the stake while three Mauritius investors held 37.5% when the deal was annulled in 2011.

What happened after the scrapping?

Devas and its foreign investors approached various international tribunals and courts seeking compensation. Devas was awarded compensation of \$1.2 billion by an International Chamber of Commerce tribunal on September 14, 2015, Deutsche Telekom was awarded \$ 101 million plus interest by the Permanent Court of Arbitration in Geneva on May 27, 2020, and the Mauritius investors were awarded \$111 million by the UN Commission on International Trade Law tribunal on October 13, 2020. The German investors claimed compensation for violation of an India-Germany bilateral investment treaty and the Mauritius investors for an India-Mauritius BIT. The \$1.2 billion award was confirmed by the US federal court for the western district of Washington on October 27, 2020. Antrix has gone in appeal to a US court against this order and the Supreme Court has asked for the tribunal award to be kept in abeyance through a November 4, 2020 order. In 2013, the Enforcement Directorate was asked to look at finances of Devas after a high level team headed by former Central Vigilance Commissioner Pratyush Sinha stated that “the



shareholding pattern of the company and of the Mauritius based entities needs to be looked into by an appropriate investigative agency". After the NDA government came to power in 2014, the CBI was asked to investigate the 2005 deal. In August 2016, the CBI filed a chargesheet against eight officials from Devas, ISRO and Antrix linked to the deal for "being party to a criminal conspiracy with an intent to cause undue gain to themselves or others by abusing official positions". Among the eight is former ISRO chairman G Madhavan Nair and former Antrix executive director K R Sridharamurthi. The CBI has charged the accused of causing a loss of approximately Rs 578 crore to the government through the deal. The ED filed a chargesheet in 2018 under the Prevention of Money Laundering Act against a former managing director of Antrix and five Devas officials, stating that Devas transferred 85% of its Rs 579 crore foreign funding to the US under various claims.

What led to the liquidation?

Antrix filed a plea in the National Company Law Tribunal in January 2021 for liquidation of Devas in India, which it said was incorporated in a fraudulent manner. On May 25, the NCLT ordered the liquidation, which was upheld by the National Company Law Appellate Tribunal on September 8, 2021 and by the Supreme Court on Monday. The NCLT order held that the start-up was "incorporated in a fraudulent manner and for unlawful purposes". It said the deal with Antrix was signed on behalf of Devas by a clerk from the office of an ex-ISRO employee, M Umesh, who registered Devas Multimedia along with another ex-ISRO employee, D Venugopal.

WHY IS INDIA CHALLENGING WTO VERDICT ON SUGAR?

India this week filed an appeal with the Appellate Body of the World Trade Organization (WTO) disputing a verdict by the WTO's dispute settlement panel last month on sugar subsidies. The WTO's dispute settlement panel had ruled that India, by subsidising sugar producers, was breaking rules framed under the General Agreement on Tariffs and Trade (GATT) which govern international trade.

What is it?

In 2019, Australia, Brazil, and Guatemala complained against India at the WTO arguing that subsidies offered by the Indian government to sugar producers were against the rules governing international trade. They argued that these subsidies, which include both domestic subsidies as well as export subsidies, exceed the limits imposed by WTO trade rules. According to WTO rules, subsidies cannot exceed 10% of the total value of sugar production. These countries believe that subsidies offered by India have led to increased production of sugar and caused the price of sugar to drop significantly in the global market. After two years, the WTO ruled in December that India's sugar policy was favouring domestic producers through subsidies to the detriment of foreign producers. The panel recommended that India withdraws its alleged prohibited subsidies under the Production Assistance, the Buffer Stock, and the Marketing and Transportation Schemes within 120 days from the adoption of this report. India has stated that the WTO's dispute panel ruling has made certain "erroneous" findings about domestic schemes to support sugarcane producers and exports and the findings of the panel are completely "unacceptable" to it. India is the second-largest sugar producer in the world after Brazil and it is estimated that more than 5 crore people depend on the cultivation of sugarcane alone for their livelihood.



What is India's stand?

India has argued at the WTO that it does not offer direct subsidies to sugarcane farmers and thus doesn't break any international trade rule. This argument, however, has not convinced other countries who point out that, among other things, the Centre and the State governments in India mandate the minimum price (the Fair and Remunerative Price, or FRP) at which sugar mills can buy sugarcane from farmers. In fact, in August last year, the Centre set the FRP at ₹290 per quintal and called it the "highest ever" FRP for sugarcane procurement. Individual States also set minimum procurement prices that may be higher than the Centre's price to adjust for conditions at the local level. The high procurement price for sugarcane set by the Government is believed to have led to a supply glut that in turn has caused sugar prices to drop. In fact, several sugar mills are caught in a debt trap as consumer demand for sugar has remained stagnant. The low price of sugar has affected the revenues of mills, their ability to pay farmers and also forced many mills to shut down. To help the sugar sector, the Centre has even mandated the compulsory blending of ethanol derived from sugarcane with fuels such as petrol and diesel. According to the Food Ministry, the country's sugar production is likely to remain flat at 30.5 million tonnes in the next 2021-22 season as more sugarcane will be diverted for ethanol making. State governments and the Centre have also regularly intervened to reduce the debt burden on sugar mills. Earlier this month, the Centre decided to restructure loans worth over ₹3,000 crore offered to sugar mills by the Sugar Development Fund. Without such assistance, it may not be possible for sugar mills to procure sugarcane from farmers at the minimum prices dictated by the government. Further, the Centre also regularly sanctions funds to encourage sugar mills to export sugar depending on sugar prices in the global market. In the budget last year, the Centre allocated a total of ₹3,500 crore to fund the export of 6 million tonnes of sugar.

What lies ahead?

The WTO Appellate Body's decision will be considered final on the dispute. In case India refuses to comply with the decision, it might have to face retaliatory action from other countries. This could be in the form of additional tariffs on Indian exports and other stringent measures. Incidentally, the appellate body of the WTO is not functioning because of differences among member countries to appoint members, and disputes are already pending with it. The U.S. had blocked the appointment of members.

BBNL TO SOON OFFER SATELLITE NET IN N-E, WRAPS UP ARUNACHAL PILOT

State-owned Bharat Broadband Network Limited (BBNL) has completed a pilot project offering satellite-based internet services in hilly and difficult-to-access areas in Arunachal Pradesh. The pilot project is now likely to be rolled out in other states of the northeast, a senior telecom ministry official said. A decision on the commercial roll-out of the project and the tariffs of the packages for the customer is likely to be taken after the test project is completed in more states, the official said. "The costs are likely to be very reasonable, keeping in mind the government's aim of extending the reach of internet to as many people as possible. The revenue shortfall for the implementing agencies, whether government or private, is likely to be met from the USOF (universal service obligation fund)." USOF, which is raised from a Universal Access Levy (UAL), is applicable on 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. Of the 8 per cent adjusted gross revenue, 5 per cent goes into the USOF, while the rest goes into the Central exchequer. At present, the USOF is roughly Rs 60,000 crore. BBNL, which is the implementing agency for BharatNet, has planned to provide satellite-based internet connectivity to 7,000 gram

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



panchayats and sites that are remote and inaccessible or where it is not feasible to lay and maintain optical fibre cables. Of these, about 4,000 have been commissioned in various parts of the country, the official said. In order to cover all the 7,000 sites planned for satellite-based internet service, four satellite gateways with two high throughput satellites have been planned under the BharatNet project. The satellite-based internet service offering by BBNL is likely to compete directly with the offerings planned by Bharti Group's One Web, Amazon's Project Kuiper and Elon Musk's Starlink Internet Services. Though these companies are yet to launch either pilot projects or commercial services in India, they have been launching a constellation of low-earth orbit satellites, which will be used to provide internet connectivity in rural and remote areas. SpaceX founder Elon Musk had earlier this year, in a tweet, said the Starlink internet service, being offered by his company, would soon complete its set-up and start offering commercial internet services to users as early as 2022, while OneWeb also plans to launch high-speed internet services in the country by mid-2022. The Bharti group-backed company plans to have a constellation of 648 low-earth-orbit satellites as part of its global plan to deliver high speed internet services with low latency. "OneWeb has secured global priority spectrum rights and now successfully completed four launches and aims to offer high-speed internet from OneWeb satellites in India by mid-2022," it had said in a statement this year. In November this year, Starlink had registered its business in India under a 100 per cent-owned subsidiary, Starlink Satellite Communications Private Limited. The SpaceX division had, in a presentation, said it aims to have 2,00,000 Starlink devices in India by December 2022, of which 80 per cent will be in rural districts. It had also started taking pre-orders for its services in India. However, following an order of the Department of Telecommunications, the company has refunded all pre-orders and is said to be now working on getting the requisite approvals and licences.

BOOST TO FOREIGN REINSURERS: OBLIGATORY CESSION TO GIC RE CUT TO 4% FROM FY23

In a move that will further boost the business of foreign reinsurers in India, insurance regulator IRDAI has reduced the percentage of obligatory cession from the domestic general insurance industry for state-owned GIC Re to four per cent from five per cent. Obligatory cession refers to the part of the business that general insurance companies have to mandatorily cede to the national reinsurer GIC Re. The size of the Indian general insurance market was over Rs 2 lakh crore in 2020-21. It has been growing at over 15 per cent in recent years except for the last two years when it has faced many challenges due to Covid-19 pandemic and has grown within 10 per cent single digit. The approximate size of the Indian reinsurance market is around Rs 55,000 crore in FY2020-21. The new quantum of obligatory cession, that will be effective from April 1, 2022 has been notified by the government on Monday. Domestic general insurers will have to cede 4 per cent of their premium to GIC Re on every general insurance policy they sell during next financial year. "The percentage cession of the sum insured on each general insurance policy to be reinsured with the Indian reinsurer(s) shall be 4 per cent in respect of insurance attaching during the financial year starting April 1, 2022, till March 31, 2023, except the terrorism premium and premium ceded to Nuclear Pool, wherein it would be made 'nil'," the IRDAI said. The entire obligatory cession has to be reinsured with GIC Re, IRDAI said. The reduction of just one per cent obligatory cession would not make any difference to GIC Re as the overall general industry pie is growing every year. "Despite GIC Re having a mandatory obligatory cession, foreign reinsurers including Munich Re, Swiss Re, SCOR and Allianz have been growing their market shares in India efficiently," said an analyst. To begin with, obligatory cession was 10 per cent which was reduced to five per cent afterwards and the foreign reinsurers which are having branches in India are demanding the total removal of the obligatory cession for GIC Re to create a level playing field in the Indian reinsurance



market. There are currently 10 global reinsurers which have set up branch operations in India for the last three years. There would be no limit on sum insured applicable for the cessions made during the period from April 1, 2022 to March 31, 2023. GIC Re may require the ceding insurer to give immediate notice of underwriting information of any cession exceeding an amount as specified by the former. The ceding insurer has to inform the GIC Re at all times whenever the cession exceeds such specified limits, IRDAI said. The percentage of commission on obligatory cession for different classes of business will be: minimum five per cent for motor third party and oil & energy insurance, minimum 10 per cent for group health insurance, minimum 7.50 per cent for crop insurance and average terms for aviation insurance, minimum 15 per cent for all other classes of insurance business.

TAXING CRYPTOCURRENCY TRANSACTIONS

Notwithstanding the eventual introduction of the Cryptocurrency and Regulation of Official Digital Currency Bill in Parliament, cryptocurrencies continue to proliferate. In fact, a liberal estimate suggests that as many as 10 crore Indians may already have investments exceeding a total of \$10 million in them. This not only creates an avenue for generation of tax revenue for the nation but also puts forth a Herculean challenge for the tax authorities who have to track and tax transactions involving cryptocurrencies. Although the Income Tax Act, 1961 ("IT Act") does not specifically mention cryptocurrencies, it does cast a wide enough net to bring crypto transactions under its ambit. Trading in cryptocurrency may be classified as transfer of a 'capital asset', taxable under the head 'capital gains'. However, if such cryptocurrencies are held as stock-in-trade and the taxpayer is trading in them frequently, the same will attract tax under the head 'business income'. Even if one argues that crypto transactions do not fall under the above heads, Section 56 of the IT Act shall come into play, making them taxable under the head 'Other sources of income'. However, this in itself is not sufficient in order to put in place a simple yet effective taxation regime for cryptocurrencies. Since cryptocurrencies are unlike any other asset class, stored and traded virtually, there are varied challenges which need to be addressed in order to streamline the process of taxing crypto transactions.

Varied interpretations



First, the absence of explicit tax provisions has led to uncertainty and varied interpretations being adopted in relation to mode of computation, applicable tax head and tax rates, loss and carry forward, etc. For instance, the head of income under which trading of self-generated cryptocurrency (currencies which are created by mining, acquired by air drop, etc.) is to be taxed is unclear. If these are taxed under capital gains, what should be taken as the cost of acquisition for the purpose of computation? If the acquisition cost is to be taken as the fair market value of the said cryptocurrency as on date of generation, how does one arrive at this value? Since there is no consistency in the rates provided by the crypto-exchanges, it is difficult to arrive at a fair market value. Conversely, there are divergent views in the market treating such an income as 'business income' or 'other sources of income', which are taxable at individual tax rate slabs (which may be higher than those applicable to capital gains). Similarly, when a person receives cryptocurrency as payment for rendering goods or services, how should one arrive at the value of the said currency and how should such a transaction be taxed? Second, it is often tricky to identify the tax jurisdiction for crypto transactions as taxpayers may have engaged in multiple transfers across various countries and the cryptocurrencies may have been stored in online wallets, on servers outside India. In such cases, it becomes difficult to pinpoint which jurisdiction's tax laws would become applicable and what kind of tax treatment would be effected especially in light of



various nations having differing tax treatment for crypto assets including imposition of a general ban on them. Third, the identities of taxpayers who transact with cryptocurrencies remain anonymous. Each crypto address comprises a string of alphanumeric characters and not the person's real identity, giving tax evaders a cloak of invisibility. Exploiting this, tax evaders have been using crypto transactions to park their black money abroad and fund criminal activities, terrorism, etc. Fourth, the lack of third party information on crypto transactions makes it difficult to scrutinise and identify instances of tax evasion. One of the most efficient enforcement tools in the hands of Income Tax Department is CASS or 'computer aided scrutiny selection' of assessments, where returns of taxpayers are selected inter alia based on information gathered from third party intermediaries such as banks. However, crypto-market intermediaries like the exchanges, wallet providers, network operators, miners, administrators are unregulated and collecting information from them is very difficult. Another consequence of this lack of information is that the tax authorities are left with hardly any tools to verify any crypto transactions which do get reported. They are instead forced to fully depend on the data provided by the taxpayers. Fifth, even if the crypto-market intermediaries are regulated and follow Know Your Customer (KYC) norms, there remains a scenario, where physical cash or other goods/services may change hands in return for cryptocurrencies. Such transactions are hard to trace and only voluntary disclosures from the parties involved or a search/survey operation may reveal the tax evaders. While the aforementioned challenges provide enough food for thought to policymakers, certain steps can be taken to provide a robust mechanism for taxing crypto transactions going forward. To begin with, the income-tax laws pertaining to the crypto transactions need to be made clear by incorporating detailed statutory provisions. These could include provision of a definition for crypto assets for tax purposes and guidelines addressing the major taxable events and income forms associated with virtual currencies. This should be followed by extensive awareness generation among the taxpayers regarding the same. The practice of having separate mandatory disclosure requirements in tax returns (as is the case in the United States) should be placed on the taxpayers as well as all the intermediaries involved, so that crypto transactions do not go unreported. Additionally, the existing international legal framework for exchange of information should be strengthened to enable collecting and sharing of information on crypto-transactions. This will go a long way in linking the digital profiles of cryptocurrency holders with their real identities.

Training is important

Furthermore, the Government must impart training to its officers in blockchain technology. In this regard, it may be noted that the United Nations Office on Drugs and Crime's 'Cybercrime and Anti-Money Laundering' Section (UNODC CMLS) has developed a unique cryptocurrency training module, which can aid in equipping tax officers with requisite understanding of the underlying technologies. Tax authorities should also equip themselves with the latest forensic software (such as Elliptic Forensics Software is being used by the USA Internal Revenue Service and GraphSense used in the European Union) which can analyse a high volume of crypto transactions at a time and raise red flags in cases of suspicious transactions. It is certain that cryptocurrencies are here to stay. A streamlined tax regime will be essential in the formulation of a clear, constructive and adaptive regulatory environment for cryptocurrencies.

SIX AIRBAGS COULD BE MANDATORY IN YOUR CAR SOON, HERE'S WHY THAT'S A GREAT THING

The government has approved a draft notification to make a minimum of six airbags compulsory for vehicles carrying up to eight passengers. "In order to enhance the safety of the occupants in



motor vehicles carrying upto 8 passengers, I have now approved a Draft GSR Notification to make a minimum of 6 Airbags compulsory,” Road Transport and Highways Minister Nitin Gadkari tweeted on Thursday (January 14). While no specific timeline has been mentioned, Gadkari had, in August last year, urged all automakers in India to offer at least six airbags as standard equipment on all variants of each model they produce. Incidentally, dual airbags (driver and passenger) became mandatory on all vehicles this January. A driver airbag has been compulsory for all passenger vehicles since July 1, 2019.

Which vehicles are covered by the proposed mandate on six airbags?

The proposal for additional airbags is to be mandated in the ‘M1’ vehicle category, with the aim of minimising the impact of “frontal and lateral collisions” to the occupants seated in both the front and rear compartments. As per the proposal, airbags will be made mandatory for two side or side torso airbags, and two side curtain or tube airbags, covering all outboard passengers.

What is an ‘M1’ vehicle?

Under the government’s homologation rules, vehicles are bucketed into broad categories. ‘Category M’ covers motor vehicles with at least four wheels, used for carrying passengers. And the sub-category ‘M1’ defines “a motor vehicle used for the carriage of passengers, comprising not more than eight seats in addition to the driver’s seat”. This categorically, therefore, effectively subsumes the bulk of the passenger vehicles on India’s roads — starting with entry-level hatchbacks such as the Suzuki Alto or Hyundai Santro to multi-utility vehicles such as the Toyota Innova or Kia Carnival. These vehicles are employed mostly for private use, alongside some commercial use by fleet operators.

And what exactly is homologation?

Homologation is the process of certifying that a particular vehicle is roadworthy, and matches certain specified criteria laid down by the government for all vehicles that are built or imported into the country. Tests are carried out to ensure that the vehicle matches the requirements of the Indian market in terms of emissions, and safety and roadworthiness, as laid down by the Central Motor Vehicle Rules.

But why do vehicles need more airbags?

Airbags soften the impact of collisions by keeping occupants from coming into contact with the steering wheel, dashboard, front glass, and other parts of the automobile. Airbags are literally a question of life and death: from 1987 to 2017, the US National Highway Traffic Safety Administration (NHTSA) estimated that just frontal airbags saved 50,457 lives in that country. India’s record on road security is among the poorest in the world, and Indian cars are famously behind the curve when it comes to offering safety features. This is especially glaring when comparisons are made with car models offered by manufacturers in other global markets, including those made by carmakers operating in India. Companies that sell the same car model in global markets choose to cut down on some key security features when they launch in India’s price-sensitive market.

What could be the challenges in implementing the proposed airbags mandate?

One of the key challenges will be pricing: more airbags as standard will inevitably drive up the cost of vehicles, including those on the budget end of the market. A frontal airbag in an entry-level car typically costs between Rs 5,000 and Rs 10,000, and side and curtain airbags could cost more



than double that. Most carmakers in India that do offer six airbags only do so in top end models, and in variants that cost upward of Rs 10 lakh. Another concern flagged by manufacturers is that a number of entry-level models are specifically designed for markets such as India, and that installing additional airbags will involve considerable re-engineering, including making modifications to the body shell and the inside compartment. The other issue flagged by manufacturers pertains to timing. The Indian auto industry is currently transitioning to stricter BS6 emission norms, and implementing the new Corporate Average Fuel Economy or CAFE norms, both of which have cost implications.

So what is the argument being made here?

Manufacturers argue that consumers get what they pay for, and very few buyers in the budget category want to shell out more for a safer car. Safety experts differ. They say that safety features such as twin airbags, ABS and rear wipers would only add up to Rs 25,000 to the cost of the car.

What are the rules on airbags elsewhere in the world?

In the United States, front airbags are required by law in all cars. But most carmakers offer between six and 10 airbags, depending on the model, primarily to score higher in crash test results from agencies like the government's National Highway Traffic Administration and the private Insurance Institute for Highway Safety. No vehicle without head-protecting side airbags has ever earned a top rating in the Insurance Institute's side crash test.



DreamIAS

**LIFE & SCIENCE****PIG-TO-HUMAN HEART****Will this science lead to a new approach to organ transplantation?**

On January 7, David Bennett, a 57-year-old from Baltimore, Maryland, U.S. became the first person to receive a heart transplant from a genetically-modified pig. Surgeons at the University of Maryland Medical Center transplanted the porcine heart into Mr. Bennett suffering from terminal heart failure. Since transplantation of a pig heart into a human, called xenotransplantation, is an experimental procedure, doctors had to seek an emergency authorisation from the U.S. FDA (Food and Drug Administration). Approval was granted as Mr. Bennett was facing near-certain death due to his condition and was too ill to qualify for a routine human heart transplantor, an artificial ventricular assist device.

Is David Bennett the first person to be transplanted with a porcine organ?

In late September last year, surgeons at the New York University Langone Health medical centre transplanted a kidney of a genetically modified pig into a brain-dead person. The second such pig kidney experiment at the same university was carried out on November 22, 2021 on a person maintained on a ventilator. The genetic modification was to deceive the human immune system from recognising the kidney as foreign and reject it. Since the recipients were already brain-dead, the purpose of the transplantation was not to save the patient; it was purely an experiment to find out if an organ from a genetically modified pig would be compatible, function normally and not be rejected.

What vital genetic modifications were done to make the pig heart transplantation possible?

Since the human immune system rejects anything that is foreign, whether from another person who is immunologically matched to the recipient or from a different species such as a pig, scientists had to tweak the pig genome to make the organ less likely to be rejected. According to the New Scientist, Revivicor, a U.S.-based company, is raising a small herd of genetically engineered pigs. These pigs have 10 of their genes genetically modified to reduce the possibility of rejection. Of the 10 genes, four were inactivated, including one that causes an aggressive immune response and another that causes the heart to grow after transplantation. In addition, six human genes were inserted into the pig genome to further reduce the risk of rejection. The recipient is also on an experimental drug to suppress the immune system so that the transplanted pig heart is not rejected. In the early 1990s, it became clear that all human immune reaction were directed at one pig antigen — a sugar molecule present on cell surfaces. Knocking out the gene that produces an enzyme, which in turn, produces the sugar molecule, helps in reducing the risk of an immune reaction leading to rejection. The DNA of pigs also contains many retroviruses that can infect human cells. The presence of such a virus in the transplanted organ raises the risk of infection in human recipients. Dozens of retroviruses have been removed from the organ to make it safer when transplanted. Unlike the traditional breeding techniques to know both copies of a gene, the advent of genome-editing tools such as CRISPR/Cas9, which allows precise removal of specific genes has made gene modification simpler, fast and accurate. A genetically modified pig cell is fused with a pig ovum that has its DNA removed. The ova that contain only the genetically engineered genome start dividing to become pig fetuses. This is the same technique that was used to clone Dolly, the sheep. The embryos are then implanted into surrogate mothers. The gestation period is just 114 days, unlike in the case of humans. Pigs have been preferred as ideal



candidates for xenotransplantation despite their immune system being different from humans for the simple reason that the porcine organs are anatomically similar to those of humans.

What are the reasons for xenotransplantation becoming more acceptable?

Last year, nearly 4,000 people in the U.S. received human donor hearts, but the need is far more. The highest demand is for kidneys. According to the health ministry, around 0.18 million people in India are estimated to suffer from renal failure every year, but only about 6,000 renal transplants are carried out in the country. About 25,000-30,000 liver transplants are needed annually in India but only about 1,500 are being performed. In the case of the heart, 50,000 people suffer from heart failure and are in need of a heart transplant. Yet, only 10-15 heart transplants are carried out in India each year. Harvesting organs from genetically engineered pigs is seen as a viable alternative to meet organs shortage. Besides scientific challenges, there are several ethical challenges to overcome before xenotransplantation of porcine organs become a reality.

A 'LIFELINE', ANIMAL FARMED

A few days ago, from the midst of the daily gloom of COVID-19, came uplifting news of a pathbreaking surgical procedure in a New York hospital. A pig's heart was successfully transplanted into a 57-year-old man dying of heart failure. The 'xenotransplant', as interspecies transplants are called, was a reminder of the endless possibilities to treat otherwise untreatable diseases. Transplantation to replace failing organs is one of the spectacular achievements of medicine in the last century. The number of transplants has increased, the list of organs transplanted has grown and outcomes have got better. But the field is also a victim of its own success as the numbers of those needing transplants now far outnumber the availability of human organs. Both living and dead humans are being sourced as donors but because of scientific, ethical and social challenges, the number of human donors remains restricted. The desperation for organs also creates a fertile ground to lure the vulnerable to sell their organs as we witnessed in the recent kidney scandal in Assam. Given organ shortage, it is intuitive that scientists would turn to animals. It also overcomes another hurdle in human to human transplant; one does not have to seek consent from an animal which can be sacrificed for the organ. Of course not all agree with such a narrow utilitarian approach.

Brief history

The use of animal organs to replace diseased human ones is a very old idea. Some of the earliest blood transfusions were from animals. Early kidney and liver transplants were attempted from baboons and chimpanzees as these primates were considered closest to humans. In the early 1960s, a surgeon called Reemtsma in New Orleans performed 13 chimpanzee to human kidney transplants. One of the recipients, a schoolteacher, went back to work and lived for 90 days. However, most of these transplants failed and were gradually given up. The interest in pigs as a source of human organs is recent. There are several reasons why scientists have now zoomed in on these otherwise shunned creatures as a source. One interesting reason is that in the western world, it is socially more acceptable to breed pigs for this purpose. From a scientific viewpoint, pigs are genetically modifiable to reduce the chances of rejection by the human body. There are concerns about the transmission of pig viruses through the transplant but this barrier has also been partly overcome by bio protection and genetic manipulation. But COVID-19 will reignite this debate. In what sounds somewhat dystopian, there are now companies breeding genetically modified pigs in special farms for the express purpose of transplantation. One such U.S.-based company Revivicor supplied the pig heart for the New York transplant. Will this transplant boost



xenotransplantation? Will this mean the end of organ shortage? Even the most optimistic scientists will agree that these are still open questions but the developed world is inching in this direction. It is a matter of time before more xenotransplants are attempted. When this happens, there will be the question of whether the organ will function in the long term. And, whether it will transmit hitherto unknown diseases to humans. A dying individual offered a xenotransplant as the only life-saving option may not care for such questions. The animal rights movement is not impressed. PETA has decried the pig heart transplant. It said: "Animals aren't tool-sheds to be raided but complex, intelligent beings. It would be better for them and healthier for humans to leave them alone and seek cures using modern science." Coming from meat-eating countries, this sounds somewhat paradoxical. The easy public acceptance of the pig compared to other animals as a source says something about our double standards. There was a curious fallout of the New York case in India. The local media suddenly remembered the bizarre story of a heart transplant attempted by a surgeon called Baruah in the 1990s. Some went on to describe this as the world's first attempt. Baruah, working out of his Guwahati clinic, had transplanted the lung and heart of a pig into 32-year-old Purno Saikia. It was clearly a premature experiment using an unsuspecting poor Indian as a guinea pig. It ended in disaster for the patient and Baruah who was struck off his medical degree. Though somewhat shaken by COVID-19, humanity's desire to prolong life at all costs is a given. An increasingly common cause of death and suffering is end stage failure of critical organs (heart and liver). And since new organs replace failing ones successfully, we will continue to widen the net for sourcing them. But in our quest towards immortality, recent events show that in good and bad ways, our lives depend not only on other humans but also on other species cohabiting the planet; all creatures big and small.

GAME OF WORDS

Guess a five-letter word in six tries. That simply is what Wordle, the latest craze for puzzle lovers across the world, is about. Josh Wardle, a Brooklyn-based coder, reportedly created this in order to play with his puzzle-loving partner. On that basis alone, Wordle has been wildly successful. A few million play it during the weekends now, according to media reports, a big leap from the 90 who solved it on November 1. For many who haven't attempted it yet, their first touch point is usually a proud Wordle solver who shares a green-grey-yellow grid — a "spoiler-free emoji grid", as Wardle puts it — on social media. On the site, though, a clean 5*6 matrix (meaning, availability of six attempts to guess a five-letter word) stares at the solver. There are no letters, no prompts. The first guess is a blind guess, or so one thinks initially. The colours that the Wordle grid produces for the individual letters of the word so guessed are essentially the only clues one gets in this puzzle. A letter in green means it is in the word and is in the correct spot. A letter in grey means it is not in the word. And a letter in yellow means it is in the word but in the wrong spot. You have five more chances to figure this out. Mr. Wardle hadn't designed Wordle with worldly success in mind. In a digital world, awash with content, puzzles, and games, and marketed with an eye on holding on to the user as long as possible, Wordle has come across as an exception. Once you are done with a day's puzzle, you have no option but to wait till the next day for the next puzzle. It is simple and scarce. Mr. Wardle told The Guardian, "It going viral doesn't feel great, to be honest." He added: "I feel a sense of responsibility for the players. I feel I really owe it to them to keep things running and make sure everything's working correctly."

The Wordle popularity has rubbed off on others. Someone has made a sequencer that turns results into music. Congress leader Rahul Gandhi used the Wordle format to hit out at Prime Minister Narendra Modi. Brands have done the same to market themselves. And there have been plenty of



rip offs on app stores to take advantage of the original's success. And that's why The New York Times' latest article on it is titled 'Everyone Wants to Be Wordle.'

THE GLOBAL TOLL OF BACTERIAL RESISTANCE TO DRUGS

Hundreds of thousands of deaths occur today due to previously treatable infections — such as lower respiratory and bloodstream infections — because the bacteria that cause them have become resistant to treatment. A comprehensive estimate of the global impact of antimicrobial resistance (AMR), covering 204 countries and territories and published in The Lancet, has found that 1.27 million people died in 2019 as a direct result of AMR, which is now a leading cause of death worldwide, higher than HIV/AIDS or malaria.

The analysis

The Global Research on Antimicrobial Resistance (GRAM) report used statistical modelling to estimate deaths linked to 23 pathogens and 88 pathogen-drug combinations. Apart from 12.7 lakh deaths caused directly by AMR (these would not have occurred had the infections been drug-susceptible), another 49.5 lakh deaths were associated with AMR (a drug-resistant infection was implicated, but resistance itself may or may not have been the direct cause of death). HIV/AIDS and malaria were estimated to have caused 8.6 lakh and 6.4 lakh deaths respectively in 2019. Of the 23 pathogens studied, drug resistance in six (*E coli*, *S aureus*, *K pneumoniae*, *S pneumoniae*, *A baumannii*, and *P aeruginosa*) led directly to 9.29 lakh deaths and was associated with 3.57 million. One pathogen-drug combination – methicillin-resistant *S aureus*, or MRSA – directly caused more than 1 lakh deaths. Resistance to two classes of antibiotics often considered the first line of defence against severe infections – fluoroquinolones and beta-lactam antibiotics – accounted for more than 70% of deaths caused by AMR.

WHAT IS THE GREAT RESIGNATION AND WHAT CAN BE DONE TO ARREST IT

In 2020, resignation rates across the US plummeted due to the fear and uncertainty caused by the pandemic. However, one year later, as the workforce experienced a collective burnout, individuals left their jobs at unprecedented rates, leading some to describe the phenomenon as the Great Resignation. In November 2021, 4.5 million workers left their jobs according to the US Labor Department. This matched record numbers observed in September and accounted for 3 per cent of the workforce quitting their jobs each month. Estimates indicate that in total, 75.5 million people in America resigned in 2021. Furthermore, according to a ResumeBuilder.com poll, around 23 per cent of the workforce will seek new jobs in 2022. Low-wage workers were more likely to resign than their higher-paid counterparts with the sectors most affected including hospitality, healthcare and social assistance, and transportation, warehousing, and utilities. Around 4.4 per cent of all positions in education are open, over 6 per cent in retail, and more than 8 per cent in healthcare. This amounts to almost a million and a half vacant positions. In India, the situation is not as dire but still cause for concern. Following the Great Resignation, the IT and technology sector is hiring at unprecedented rates with the top five IT companies hiring around 1.7 lakh people in 2021. Not only are people in the workforce changing jobs, but according to a September 2021 survey by Amazon India, nearly 51 per cent of job seekers are looking for opportunities in industries where they have little to no experience. The Great Resignation has largely been fuelled by burnout, but other factors also include the shift to working from home and the desire to move into a more stable profession. An MIT Sloan study found that more innovative companies suffer from a higher turnover as they demand more from their employees and project a sense of



instability due to their cutting-edge nature. Unsurprisingly, companies that report higher employee satisfaction are better at retaining their employees. The MIT analysis found that a toxic corporate culture is the higher predictor of attrition and over ten times more important than salary in predicting turnover.

Impact

In light of these resignations, the labour market has incentivised companies to offer better benefits and higher salaries. Economists predict that the race to attract top talent will continue with larger companies who can offer better salaries winning out. A recent report from the Conference Board found that the share of job postings that include a hiring bonus more than doubled between March 2020 and October 2021. According to research from the WFH Project, while higher pay can be a big factor, people value the flexibility to work from home as much as they would, a ten per cent pay rise. Consequently, companies across the board are offering employees shorter and more flexible work weeks with several shifting permanently to work from home. The work from home culture has also impacted the housing market. For what one would pay to rent a small apartment in a city like New York or San Francisco, they could afford to buy a house in a city like Greenville, South Carolina. This in turn has attracted big employers like BMW and Michelin to move to smaller cities, while also nurturing small businesses and start-ups. Bleeding workforces have also fuelled more automation. In 2020, the World Economic Forum surveyed 300 global companies and found that 43 per cent of business expect to reduce their workforce with new technology. As companies struggle to hire in the US, companies are increasingly turning towards automation and outsourcing to combat labour shortages.

What can be done?

According to the same MIT study, there are a number of ways that companies can retain top talent. The first is to provide opportunities for lateral job moves. The study found that people experience burnout due to a lack of new challenges and the opportunity to try something new. When employees are offered new jobs at their companies, they are almost 12 per cent less likely to resign. International postings are also a big incentive as they come with new experiences. The study also found that companies that have a healthy work culture are less likely to lose employees. Creating a better workplace includes hosting more cooperate social events, providing employees with benefits like happy hours and organising more excursions outside the office. This has the dual benefit of creating fun experiences and strengthening connections between team members. The paper notes that when blue-collar employees describe their schedules as predictable, they are less likely to quit. It, therefore, advises companies that higher low-wage workers to make schedules more predictable by establishing concrete time slots and putting in place measures like mandatory mask wearing and social distancing. Lastly, companies should offer employees more remote working opportunities. While not all industries would benefit from work from home policies, high wage earners, who tend to have more comfortable housing arrangements, tend to prefer working from home.

IS VACCINATION LIMITING OMICRON'S VIRULENCE?

Omicron, the latest SARS-CoV-2 variant of concern, may be pushing up COVID numbers across the world but it is also reporting a lower rate of hospitalisation and deaths compared to the previous Delta waves so far. This, despite the fact, that mutations on Omicron spikes are associated with higher transmissibility and immune evasion. Since its emergence, the SARS-CoV-2 virus has continued to evolve and the World Health Organization (WHO) has designated five of them as

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



variants of concern – Alpha, Beta, Gamma, Delta and Omicron – due to their impact on transmission, disease severity, or capacity for immune escape. While the Omicron variant is spreading rapidly across the world, the evolution of SARS-CoV-2 is expected to continue and Omicron is unlikely to be the last variant of concern.

What is the impact of the current vaccines on Omicron?

According to WHO, the threat posed by Omicron largely depends on four key questions -- how transmissible the variant is, how well vaccines and prior infection protect against infection, transmission, clinical disease and death, how virulent the variant is compared to other variants and how populations understand these dynamics, perceive risk and follow control measures, including public health and social measures. "Vaccines are not disease-modifying but they have a positive impact in controlling severity of the disease, reducing the rate of hospitalisation and possible adverse outcome," said Balram Bhargava, director general, Indian Council of Medical Research, at the Health Ministry's weekly press conference. This comes close on the heels of experts also cautioning against trivialising the impact of Omicron. "Deaths are a delayed estimate; the impact of COVID-19 impacting care is not usually quantified," tweeted Vinod Scaria, scientist at CSIR Institute of Genomics and Integrative Biology. With available COVID-19 vaccines, the current focus remains on reducing severe disease and death, as well as protecting health systems. The WHO states that for the Omicron variant, the mutational profile and preliminary data indicate that vaccine effectiveness will be reduced against symptomatic disease caused by it, but protection against severe disease is more likely to be preserved. "However, more data on vaccine effectiveness, particularly against hospitalisation, severe disease, and death are needed, including for each vaccine platform and for various vaccine dosing and product regimens," it added. Earlier in the week, as cases surged across India, vaccine manufacturer Bharat Biotech announced that its booster dose has now shown to neutralise both Omicron and the Delta variant of SARS-CoV-2. "100 % of the test serum samples showed neutralisation of the Delta variant and more than 90% of serum samples showed neutralisation of the Omicron variant," it said in a statement.

Why do vaccine manufacturers need to provide data?

Experts across the globe agree that COVID-19 vaccines impact the spread of infection and transmission, in addition to the prevention of severe disease and death. In the interim, WHO has encouraged COVID-19 vaccine manufacturers to generate and provide data on performance of current and Omicron-specific COVID-19 vaccines. "COVID-19 vaccines need to be based on strains that are genetically and antigenically close to the circulating SARS-CoV-2 variant(s) and in addition to protection against severe disease and death, be more effective in protection," noted WHO. "The challenge of continuing to ensure the production of the best possible vaccines in a timely manner requires a continuous exchange of information and collaboration," it said.

Is the hospitalisation rate during the Omicron led-wave low so far?

Studies from South Africa and the U.K. indicate that people infected with Omicron were 50-70% less likely to be admitted to hospital than those infected with Delta. According to V.K. Paul, NITI Aayog member (health), in India the hospitalisation rate due to Omicron is at 5-10%, compared to 20% during the Delta wave. But a health official cautioned that it is still early days and Omicron cannot be labelled mild, moderate or severe as yet. "We may have less hospitalisation now but the virus is spreading fast and we need to be careful. We are currently seeing less severity of symptoms in the vaccinated so it is extremely important to get the vaccine," he said. Over the last



24 hours, over 2 lakh new cases of COVID-19 have been reported. According to the Health Ministry, in all, 6,041 Omicron cases have been detected so far.



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