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INTERNATIONAL

IRAN MPS SET CONDITIONS FOR N-DEAL

Iranian lawmakers have laid out six conditions for the revival of the 2015 Iran nuclear deal with global powers in a letter to President Ebrahim Raisi published on Sunday, the country's official IRNA news agency reported.

The letter, signed by 250 out of 290 parliamentarians, stated that U.S. and European parties should guarantee that they would not exit a restored agreement, nor trigger the "snapback mechanism" under which sanctions on Iran would be immediately reinstated if it violates nuclear compliance.

The Parliament has not voted on the proposed conditions and Supreme Leader Ayatollah Ali Khamenei, who enjoys the support of hardliners, has the final say on Iran's nuclear policy and all other matters of state.

"We have to learn a lesson from past experiences and put a red line on the national interest by not committing to any agreement without obtaining necessary guarantees first," lawmakers said in the letter.

The statement comes in the midst of final steps to revive a 2015 nuclear agreement in Vienna, which could lead to an agreement "very soon", according to a senior European Union official.

Such conditions from lawmakers at a crucial time risk restricting Iranian negotiators' room for manoeuvre in Vienna and endanger a final agreement.

The letter also said a return to the deal should only go ahead if all sanctions were lifted, including those pertaining to terrorism, missile technology and human rights.

In addition, lawmakers first want to confirm that Iran receives money from its exports, before the government returns to nuclear compliance, the statement added.

After 10 months of talks in Vienna, one of the remaining differences is Iran's demand for a guarantee from the U.S. of no more sanctions or other punitive steps in the future, and also how and when to restore verifiable restrictions on Iran's nuclear activity.

AUSTRALIA CALLS FOR 'FULL PROBE' BY CHINA INTO LASER INCIDENT

Australia's Prime Minister said on Monday a Chinese naval vessel that pointed a laser at an Australian military aircraft was so close to Australia's coast that it possibly could have been seen from the shore, and he called for a full Chinese investigation.

Scott Morrison told media his government had not received an explanation from China over the incident last Thursday, which Australia considered "dangerous and reckless".

China said Australia's version of events did "not square up with facts" and was "disinformation".

The Chinese Navy vessel within Australia's Exclusive Economic Zone (EEZ) directed a laser at an Australian military aircraft over Australia's northern approaches, illuminating the plane and potentially endangering lives, Australia said on Saturday.



The P-8A Poseidon — a maritime patrol aircraft — detected a laser emanating from a People’s Liberation Army Navy (PLA-N) vessel, the Defence Department said.

A Chinese guided missile destroyer and an amphibious transport dock were sailing east through the Arafura Sea between New Guinea and Australia at the time of the incident, and later passed through the narrow Torres Strait. “It’s possible people could even see the vessel from our mainland, potentially,” Mr. Morrison told reporters in Tasmania on Monday.

UKRAINE: A SHORT HISTORY OF ITS CREATION

Ukraine is in the east of Europe, and is bound by Russia to its northeast, east, and southeast, and the Black Sea in the south. In the southwest, west, and north, Ukraine shares borders, in the clockwise direction, with Moldova, Romania, Hungary, Slovakia, Poland, and Belarus.

Three days before he invaded Ukraine, President Vladimir Putin described Russia’s southwestern neighbour as a bogus country with no history, identity, or “stable traditions of real statehood”.

According to Putin, modern Ukraine was “entirely and fully created by Russia, more specifically the Bolshevik, communist Russia... This process began practically immediately after the 1917 revolution, and moreover Lenin and his associates did it in the sloppiest way in relation to Russia — by dividing, tearing from her pieces of her own historical territory”.

Ukraine is in the east of Europe, and is bound by Russia to its northeast, east, and southeast, and the Black Sea in the south. In the southwest, west, and north, Ukraine shares borders, in the clockwise direction, with Moldova, Romania, Hungary, Slovakia, Poland, and Belarus.

It is the largest country in Europe after Russia itself, with an area of 603,550 sq km, or about 6% of the continent. Ukraine is, of course, dwarfed by Russia, which sprawls over almost 4 million sq km and 40% of Europe.

In July 2021, Ukraine’s population was estimated at 43.7 million. Of this, 77.8% was of Ukrainian ethnicity and 17.3% was Russian, and Ukrainian and Russian speakers made up 67.5% and 29.6% of the population respectively (2001 estimates, CIA World Factbook).

The Russian speakers live mostly in the east, close to the border with Russia, where the Russian government, after encouraging and sustaining an armed insurgency for eight years, this week recognised two independent republics, signalling the inevitable war that followed.

Ukraine is the poorest country in Europe in terms of gross domestic product and gross national income per capita. It has deposits of iron ore and coal, and exports corn, sunflower oil, iron and iron products, and wheat.

India is Ukraine’s largest export destination in the Asia Pacific region. The country’s major export to India is sunflower oil, followed by inorganic chemicals, iron and steel, plastics, and chemicals. Ukraine’s major import from India is pharmaceutical products.

Early history of Ukraine

A millennium ago, what is Ukraine today lay at the heart of the Kyivan Rus’ (Rus’ land), a federation of the East Slavic, Baltic, and Finnic peoples of eastern and northern Europe, with its capital in Kyiv. Modern Ukraine, Russia, and Belarus all trace their cultural ancestry to the Kyivan Rus’.



The Kyivan Rus' reached its greatest size and power in the 10th and 11th centuries. In 988 AD, the Grand Prince of Kyiv, Vladimir (Volodymyr) the Great, made

Christianity the state religion. The peak of the Kyivan Rus' came under Yaroslav the Wise, who ruled from 1019-54.

In the mid-13th century, the Kyivan Rus', weakened by the decline of trade as the Byzantine Empire collapsed, fell apart under the onslaught of the Mongol Golden Horde, who sacked Kyiv in 1240. After the Mongol khanate disintegrated in the early 15th century, however, large parts of the former Kyivan Rus' were incorporated into the multi-ethnic Grand Duchy of Lithuania.

By the Union of Lublin, Poland, in 1569, the Crown of the Kingdom of Poland and the Grand Duchy of Lithuania came together to form the Polish-Lithuanian Commonwealth, which was among Europe's biggest countries at the time. The beginnings of the modern Ukrainian national identity can be traced back to about a century after this event.

Incorporation into Russia

In 1648, Cossacks under Hetman Bohdan Khmelnytsky rose in revolt against the Poles, took control of Kyiv, and founded the Ukrainian state of Cossack Hetmanate in the area that is today's central Ukraine. After about a century, however, Empress Catherine the Great (1762-96) of Russia abolished the hetmanate, and absorbed the entire ethnic Ukrainian territory into the Russian Empire.

The Tsarist policy of Russification led to the suppression of ethnic identities and languages, including that of the Ukrainians. Within the Russian Empire though, many Ukrainians rose to positions of prosperity and importance, and significant numbers migrated to settle in other parts of Russia.

More than 3.5 million Ukrainians fought in World War I on the side of the Russian Empire, but a smaller number fought against the Tsar's army with the Austro-Hungarians.

Ukraine as part of USSR

The war led to the end of both the Tsarist and Ottoman empires. As a mainly communist-led Ukrainian national movement emerged, several small Ukrainian states sprang up. Months after the Bolsheviks took power in the October Revolution of 1917, an independent Ukrainian People's Republic was proclaimed, but a civil war continued between various claimants to power, including Ukrainian factions, anarchists, Tsarists, and Poland. In 1922, Ukraine became part of the Union of Soviet Socialist Republics (USSR).

After the Soviet collapse

In 1991, the USSR was dissolved. Demands for independence had been growing in Ukraine for a couple of years previously, and in 1990, over 300,000 Ukrainians created a human chain in support of freedom, and the so-called Granite Revolution of students sought to prevent the signing of a new agreement with the USSR.

On August 24, 1991, after the failure of the coup to remove President Mikhail Gorbachev and restore the communists to power, the parliament of Ukraine adopted the country's Act of Independence. Subsequently, Leonid Kravchuk, head of the parliament, was elected Ukraine's first President.



In December 1991, the leaders of Belarus, Russia, and Ukraine formally dissolved the Soviet Union and formed the Commonwealth of Independent States (CIS). However, Ukraine's parliament, the Verkhovna Rada, never ratified the accession, so Ukraine was legally never a member of the CIS.

WHAT DOES THE RECOGNITION MEAN FOR THE UKRAINE CRISIS?

The Minsk 1 and II accords, reached in 2014 and 2015, had brought a tenuous ceasefire between the Russian-backed rebels in Ukraine's Donbas region, comprising the Donetsk and Luhansk Oblasts, and put forward a formula for resolving the conflict. The civil strife in Donbas broke out after the 2014 Euromaidan protests brought down the pro-Russia regime of Viktor Yanukovich. Donbas, located on the Russian border adjoining Russia, has a majority Russian-speaking population, like Crimea, the Black Sea Peninsula which Russia annexed in 2014.

Donbas is no stranger to military conflicts. After the fall of the Russian empire, the region was incorporated into the newly created Ukrainian People's Republic in 1918. And then came the Bolsheviks, who were fighting a civil war against the remnants of the old regime. Donbas became part of the Ukrainian Soviet Socialist Republic, created under Lenin. (In his speech on Monday, Russian President Vladimir Putin said modern Ukraine was "entirely created by the Bolshevik, communist Russia" and that "Lenin and his associates did it in a way that was extremely harsh on Russia — by separating, severing what is historically Russian land").

During the Second World War, the Nazis took the region. Over 3,00,000 civilians were killed in Donbas alone during the Nazi occupation. In 1943, after defeating the Nazis in Stalingrad, the Red Army took Donbas back. In 1991, with the disintegration of the Soviet Union, the region became part of the newly-born Ukraine nation. It stayed so until the 2014 Euromaidan protests.

Minsk Accords

According to the Minsk II agreement, rebels were required to enforce a full ceasefire in the Donbas region, pull out heavy weapons and start talks on holding local elections. Ukraine was supposed to devolve more powers to the Donbas "republics", introduce constitutional reforms codifying the decentralisation of power and announce an amnesty to the rebel fighters. Rebels, in turn, should allow the Ukrainian troops to restore control of the border with Russia. These terms were never implemented, mainly because Kiev (backed by Washington) was not particularly supportive of it. But it had at least remained a path towards peace. That path was closed on Monday when Russia recognised the republics.

Right now, rebels control only parts of the two oblasts, but they have laid claims to the whole region. The conflict had been frozen since the 2015 ceasefire. But now that Russia has recognised the regions, Mr. Putin can move troops and heavy weaponry to Donbas openly. Moscow has already announced that it would send "peacekeepers" to the republics. With Russian help, the rebels could try to push the frontlines to take control of the whole of the two oblasts or even extend their reach further, as many have suggested, creating a land bridge from Donbas to the Russia-controlled Crimea.

SHAKING UP EUROPE'S SECURITY ARCHITECTURE

The commencement of Russian military action in Ukraine brings down the curtain on the first act of a bizarre drama that has been playing out over the past eight months. At the heart of it is the instability in the post-Cold War security order.



The first act began with a meeting between U.S. President Biden and Russia's President Vladimir Putin in June last year, promising to reverse seven years of relentless U.S.-Russia acrimony. Mr. Biden's decision to reach out to Mr. Putin signalled a U.S. geopolitical rebalancing, seeking a modus vivendi with Russia and disengagement from conflicts in Europe and West Asia, to enable a sharper U.S. focus on domestic challenges and the external challenge from its principal strategic adversary, China.

These were Putin's terms

Mr. Putin saw this reengagement as an opportunity to revive Russia's flagging economy and expand its freedom of political action globally.

However, he wanted this engagement on equal terms. Russia would cooperate in this geopolitical rebalancing if its concerns are met, so that it does not constantly have to counter moves to probe its territorial integrity and constrain its external influence — which is how Russia sees the strategic posture of the North Atlantic Treaty Organization (NATO) and U.S. policies.

Russia has repeatedly articulated its grievances: that NATO's expansion violated promises made prior to the breakup of the Soviet Union; that Ukraine's accession to NATO would cross Russia's red lines; and that NATO's strategic posture poses a continuing security threat to Russia.

NATO's expansion as a politico-military alliance, even after the dissolution of the Soviet Union and the Warsaw Pact, was at the U.S.'s initiative. It was intended to temper European ambitions for strategic autonomy from the sole superpower and to counter Russia's resurgence. Recent experience shows it may not be succeeding in either goal.

NATO's weakened glue

NATO countries today span a geography of uneven economic development and a diversity of political traditions and historical consciousness. Moreover, the original glue that held NATO together — ideological solidarity (free world against communist expansion) and an existential military threat — dissolved with the collapse of communism and the Warsaw Pact. There is no ideology to oppose and threat perceptions vary, depending on geographical location and historical experience. This heterogeneity means a diversity of interests. American leadership has normally succeeded in papering over differences, but the growing ambitions of countries is making this increasingly difficult.

The current crisis in Ukraine has illustrated the divisions, and exposed the limitations of the U.S.'s ability to bridge them. The irony is that the divisions are of the U.S.'s making. Its pressure on NATO in 2008 to recognise Ukraine's membership aspirations and its encouragement for a change of government in Kyiv in 2014, provoked the Russian annexation of Crimea. The subsequent armed separatist movement in eastern Ukraine (Donbas) led to the Minsk accords of 2014-15, which provided for a special status for this region within Ukraine.

Ukraine considers this an unfair outcome, and the U.S. has supported its efforts to reinterpret the accords to its advantage. While some European countries supported this line, France and Germany — which brokered these agreements — have periodically tried to progress implementation, in the effort to break the impasse and resume normal engagement with Russia, which serves their economic interests.

In recent months, the U.S. signalled that it would support the full implementation of the Minsk accords, but apparently found it difficult to shake the entrenched interests sufficiently to make it



happen. This may have finally convinced Mr. Putin that his concerns would not be met through negotiations.

Energy security

U.S. interests have also divided NATO on energy security. For Germany, the Nord Stream 2 (NS2) Russia-Germany gas pipeline is the cheapest source of gas for its industry. Others deem it a geopolitical project, increasing European dependence on Russian energy. This argument masks self-serving interests. Ukraine fears the diminution of gas transit revenues, and also that if its importance for gas transit declines, so will Europe's support in its disputes with Russia. The U.S.'s "geopolitical" argument against NS2 dovetails neatly with its commercial interest in exporting LNG to Europe, reinforced by U.S. legislation for sanctions against companies building gas pipelines from Russia. Increasing LNG exports to Europe is explicitly stated as a motivation for the sanctions. European countries that oppose NS2 are ramping up their LNG import infrastructure to increase imports from the U.S.

The manner in which NATO countries implement the promised harsh sanctions against Russia will demonstrate whether, how much and for how long, this crisis will keep them united.

It is too early to say what Mr. Putin's endgame is, and how costly this adventure will be, in terms of lives and destruction, as well as in its political and economic impact. Without justifying the manner in which Russia has chosen to "right" the perceived "wrongs", it has to be said that this crisis results from a broken security architecture in Europe. A sustainable security order has to reflect current realities: it cannot be simply an outgrowth of the Cold War order, and it has to be driven from within. Also, a European order that does not accommodate Russia's concerns through genuine negotiation cannot be stable in the long term. France's President Emmanuel Macron has been making this point forcefully, arguing for Europe to regain its strategic autonomy. He has called NATO "brain-dead" and said that Europe, as a "geopolitical power" should control its own destiny, regaining "military sovereignty" and re-opening a dialogue with Russia, managing the misgivings of post-Soviet countries.

Outlook for India

India has to brace itself for some immediate challenges flowing from the Russian actions. It will have to balance the pressure from one strategic partner to condemn the violation of international law, with that from another to understand its legitimate concerns. We were there in 2014, and managed the pressures. As Russia-West confrontation sharpens further, the U.S. Administration's intensified engagement in Europe will inevitably dilute its focus on the Indo-Pacific, causing India to make some tactical calibration of actions in its neighbourhood. Geopolitics, however, is a long game, and the larger context of the U.S.-China rivalry could, at some point in the not too distant future, reopen the question of how Russia fits into the European security order.

THE RUSSIAN AGGRESSION ON UKRAINE AND INTERNATIONAL LAW

The principle of non-intervention is enshrined in article 2(4) of the UN Charter. It requires states to refrain from using force or threat of using force against territorial integrity or political independence of any state. The Russian attack on Ukraine is violative of this principle, and amounts to aggression under international law. Russia's desire to keep Ukraine out of NATO is a prime reason for its use of force against Ukraine.



Russia has claimed it is acting in self-defence as Ukraine could acquire nuclear weapons with the help of its western allies. However, the International Court of Justice in the Legality of Threat of Nuclear Weapons case held that mere possession of nuclear weapons does not constitute a threat. Further, mere membership in a defence alliance like NATO can also not be considered a threat of aggression.

The story so far: The annexation of Crimea in 2014 by Russia, following the removal of Victor Yanukovich as the President, was the first major military flare-up in the Russo-Ukrainian relations. The Crimean annexation by Russia was met with imposition of sanctions. However, Russia is still in occupation of Crimea, and post 2014 its activities have centred around fomenting separatists in eastern Ukraine. In January 2021, the Ukrainian President Volodymyr Zelensky appealed the U.S. to let it join NATO, following which Russia started amassing troops near the borders of eastern Ukraine. Tensions escalated quickly from December 2021 when Russia demanded NATO to give up its military activities in eastern Europe and Ukraine, followed by a Russian cyberattack on the Ukrainian government website. On 22 February, Russia recognised the self-declared Donetsk and Luhansk republics in the Donbass region of eastern Ukraine, and sent Russian troops to these territories. Finally, yesterday Russia launched a full-scale invasion on Ukraine. The Russian actions have been condemned widely and raise several questions concerning violation of international law.

How is Russia violating the UN Charter?

The principle of non-intervention in domestic affairs is the foundational principle on which existing international order is based. The principle is enshrined in article 2(4) of the UN Charter requiring states to refrain from using force or threat of using force against territorial integrity or political independence of any state. It prohibits any kind of forcible trespassing in the territory of another state, even if it is for temporary or limited operations such as an 'in and out' operation. The Russian attack on Ukraine is violative of the non-intervention principle, and amounts to aggression under international law.

The UN General Assembly Resolution 3314 (1974) defines aggression as the use of armed force by a state against the sovereignty, territorial integrity or political independence of another state. Additionally, allowing one's territory to be used by another state for aggression against a third state, also qualifies as an act of aggression. Accordingly, Belarus can also be held responsible for aggression as it has allowed its territory to be used by Russia for attacking Ukraine. Aggression is also considered an international crime under customary international law and the Rome statute establishing the International Criminal Court.

Russia's desire to keep Ukraine out of NATO is a prime reason for its use of force against Ukraine. This is violative of Ukraine's political independence under article 2(4) as Ukraine being a sovereign state is free to decide which organisations it wants to join. Also, by resorting to use of force, Russia has violated article 2(3) which requires the states to settle their dispute by peaceful means in order to preserve international peace and security.

What about the principle of self-defence?

In face of the use of force by Russia, Ukraine has the right to self-defence under international law. The UN Charter under article 51 authorises a state to resort to individual or collective self-defence, until the Security Council take steps to ensure international peace and security. In this case, it seems implausible for the UNSC to arrive at a decision as Russia is a permanent member and has



veto power. However, Ukraine has a right under international law to request assistance from other states in form of military assistance, supply of weapons etc.

On the other hand, Russia has also claimed that it is acting in self-defence. This claim is questionable, as there has been no use of force, or such threats against Russia by Ukraine. It has been claimed by Russia that Ukraine may acquire nuclear weapons with the help of western allies. However, the International Court of Justice (ICJ) in the Legality of Threat of Nuclear Weapons case held that mere possession of nuclear weapons does not necessarily constitute a threat.

Thus, even if Ukraine has, or were to acquire nuclear weapons in the future, it does not become a ground for invoking self defence by Russia. Further, mere membership in a defence alliance such as NATO cannot necessarily be considered as a threat of aggression against Russia. Thus, here too Russia cannot invoke self-defence.

Russia can also not invoke anticipatory self defence as such invocation according to the Caroline test would require that the necessity of self defence was instant, overwhelming, leaving no choice of means, and no moment for deliberation. However, this is not the case with Russia.

EXAMINING THE RUSSIA-CHINA AXIS

Russia's Foreign Minister Sergey Lavrov described current relations between Russia and China as the "best in their entire history". The biggest factor behind their current closeness is their shared discomfort with the U.S. and its allies. This has been reflected in their growing military closeness as well as their two way trade. China in 2014 became the first foreign buyer of Russia's S-400 missile defence system. Their joint exercises have also grown in scope. Commercial trade was up 35% to \$147 billion, driven largely by Chinese energy imports. China has been Russia's biggest trading partner for 12 consecutive years and accounts for close to 20% of Russia's total foreign trade (Russia, on the other hand, accounts for 2% of China's trade).

On Ukraine, China's Foreign Minister Wang Yi on February 19, told the security conference in Munich that "the sovereignty, independence and territorial integrity of all countries should be respected and safeguarded." "It is also the consistent, principled position of China. And that applies equally to Ukraine," he added

In light of the growing Sino-Russian closeness, India should learn how to navigate the three-way dynamic amid the worst period in relations with China in more than three decades, even as Russia remains a key defence partner.

Ananth Krishnan

The story so far: Russian President Vladimir Putin's visit to China this month, as well as the Ukraine crisis, have turned the spotlight on Russia's relations with China. Many in the west have blamed the Russia-China axis for emboldening Moscow's recent moves and ensuring it will not be completely isolated in the face of western sanctions. At the same time, Beijing has found itself walking a tightrope in its response and has so far stopped short of endorsing Russia's actions. Does the Russia-China relationship, for all its undeniable closeness, have its limits?

What explains the current state of Russia-China relations?

Last year, Russia's Foreign Minister Sergey Lavrov described relations as the "best in their entire history". This wasn't hyperbole, he was keen to underline, but a "a well-deserved and fair



assessment.” Presidents Vladimir Putin and Xi Jinping have met 38 times (in person and virtually) since 2013. Their last meeting, in Beijing in early February where Mr. Putin was attending the opening of the Winter Olympics, produced an ambitious and sweeping joint statement, as well as a number of energy deals, that underlined the strategic, ideological, and commercial impulses driving the relationship.

On the strategic front, the statement said “new inter-State relations between Russia and China are superior to political and military alliances of the Cold War era.” It added that the relationship “has no limits” and “there are no forbidden areas of cooperation”. It underlined how far ties had come between two neighbours that have had, to put it mildly, up-and-downs. For the new People’s Republic of China, the Soviet Union was the most important source of financial and technological support. But the early honeymoon period was followed by the Sino-Soviet split over ideology as well as a border dispute. After the collapse of the Soviet Union — an event that China’s Communist Party leadership continues to study with great interest — both neighbours worked to settle their border. Booming trade ties then followed.

The biggest factor behind their current closeness is their shared discomfort with the U.S. and its allies. The joint statement this month emphasised that point, with China supporting Russia in “opposing further enlargement of NATO and calling on the North Atlantic Alliance to abandon its ideological cold war approaches” and Russia echoing China’s opposition to “the formation of closed bloc structures and opposing camps in the Asia-Pacific region and the negative impact of the United States’ Indo-Pacific strategy.” China, for its part, said it was “sympathetic to and supports the proposals put forward by the Russian Federation to create long-term legally binding security guarantees in Europe”. Russia returned the favour, saying it “reaffirms support for the One-China principle, confirms that Taiwan is an inalienable part of China, and opposes any forms of independence of Taiwan.” In short, both have the other’s backs on key strategic issues.

This has been reflected in growing military closeness. China in 2014 became the first foreign buyer of the S-400 missile defence system, which India has also purchased (although there have been reported delays in delivery for reasons unknown). Their joint exercises have also grown in scope. Last year, a third “joint strategic air patrol” over the East China Sea was described by Chinese military commentator Song Zhongping as “a practical action to warn some countries outside the region and some neighbouring countries, like AUKUS and Quad, not to stir up trouble.” There is also the ideological binding glue in shared opposition to what both countries described this month as the west’s “attempts to impose their own democratic standards on other countries” and “interference” by the west on human rights issues.

Commercial ties have also been growing. Two-way trade last year was up 35% to \$147 billion, driven largely by Chinese energy imports. Russia is China’s largest source of energy imports and second largest source of crude oil, the Communist Party-run Global Times reported in January, with energy set to account for 35% of trade in 2022. China has been Russia’s biggest trading partner for 12 consecutive years and accounts for close to 20% of Russia’s total foreign trade (Russia, on the other hand, accounts for 2% of China’s trade). But Russia is, for China, a key market for project contracts besides energy supplies.

Chinese companies signed construction project deals worth \$5 billion last year — for the third straight year — according to China’s Ministry of Commerce.



How has China responded to the Ukraine crisis?

Given these deep trade linkages, China does not want instability (or, for that matter, a spurt in energy prices). That was the message from Foreign Minister Wang Yi on February 19, when he told the security conference in Munich that “the sovereignty, independence and territorial integrity of all countries should be respected and safeguarded.” “This is a basic norm of international relations that embodies the purposes of the UN Charter,” he said. “It is also the consistent, principled position of China. And that applies equally to Ukraine.”

Mr. Wang also outlined China’s preferred resolution to the current crisis, which, he said, was a diplomatic solution and a return to the Minsk agreement. Only two days later, that agreement was left in tatters after President Putin ordered troops into two rebel-controlled areas (he called them “peacekeepers”) and decided to recognise the “people’s republics” of Donetsk and Luhansk. That, in of itself, showed China’s limited influence. Mr. Putin did, however, wait for the Winter Olympics to conclude on February 20 out of possible deference to Chinese sensitivities before making his move.

What are the implications for India and the rest of the world?

China has repeatedly underlined that it is sympathetic to Russia’s concerns on NATO, which mirror its own opposition to America’s allies in the Indo-Pacific (Chinese strategists have repeatedly called the Quad an “Asian NATO”, a label which its members reject).

On the possibility of Russia now coming under heavy sanctions, the Global Times said this week that “under this backdrop, close cooperation between China and Russia on energy, trade, finance and science and technology is all the more important.” “As strategic back-to-back fraternal partners, China is obliged to bolster Russia in time of need,” the newspaper said. “And, thanks to consistent support from China, the Russian economy has become increasingly resilient following years of sanctions imposed by the U.S. and other Western developed countries. A strong economy will back up Moscow to deflect ruthless economic coercion from the U.S..” Yet China’s capacities to do so, given its own domestic economic challenges, are in truth limited.

Strategists in the west and in India have often questioned the robustness of the relationship as well as Russia’s possible unease at being the “junior partner” and increasingly beholden to Chinese interests. But are there any signs of a divide that can be exploited (as Nixon did five decades ago)?

The evidence suggests no, and at least in the near-term, New Delhi should expect Sino-Russian closeness to continue, which poses its own challenges for India and how it navigates the three-way dynamic amid the worst period in relations with China in more than three decades, even as Russia remains a key defence partner.

This is not, however, an entirely new situation, as the historian Srinath Raghavan reminds us, on how the Soviet Union responded to China’s attack on India in 1962. “The Chinese had sounded out the Russians,” he writes in his book *The Most Dangerous Place: A History of the United States in South Asia*, “and got a wink and a nod from Nikita Khrushchev.”

EMERGING AXES, NEW EQUATIONS: PAK-RUSSIA DYNAMICS IN A CHANGING WORLD

Imran Khan is visiting Russia on the Kremlin's invitation, and Pakistani officials have said the visit was scheduled well ahead of current developments. In an interview to Russia's state-controlled RT channel on Tuesday, Imran said the visit would focus on Pakistan's relations with Russia.



The two-day visit to Moscow by Pakistan's Prime Minister Imran Khan beginning on Wednesday (February 23) comes at a time when President Vladimir Putin is the bad boy of the world for his actions against Ukraine. Imran will become the first foreign leader to visit Russia after Putin recognised two breakaway regions of Ukraine as independent republics, and the first Prime Minister of Pakistan to travel to that country since the landmark visit by Nawaz Sharif in 1999.

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"This [Ukraine crisis] does not concern us. We have a bilateral relationship with Russia, and we really want to strengthen it," Imran said, adding that Pakistan wanted trade relations with "all countries".

"I do not believe that military conflicts solve problems," he said. "... The developing world really wishes that there is not another Cold War. . . Now, what we want to do is not become part of any bloc."

While Imran's visit reflects the greatly improved ties between Pakistan and Russia, their mutual partnership with China that has grown in recent years signals the undeniable development of a new axis in South Asia and Central Asia. The relations of each of these countries with the United States have worsened over the last two years. This and their overlapping stakes and interests in Afghanistan and Central Asia, and the Belt and Road Initiative, have seen these three countries take the lead in projecting the Taliban as the rightful claimants to power in Kabul.

Cold War is history

Pakistan's relations with Russia have come along way since the time it was a willing ally and treaty partner of the US bloc against the Soviet Union. It had helped the US repair its relations with China, which sent Beijing and Moscow further apart. In response, India and the USSR solidified their ties with a defence pact, and increased economic and people-to-people exchanges.

Pakistan saw itself as a frontline state against the spread of communism, and actively assisted in the defeat of the Red Army in the first Afghan war, with the US and Saudi Arabia using the Pakistan Army to funnel funds and weapons to the mujahideen.

The collapse of the Soviet Union led to major shifts in international relations. From their vantage points, Pakistan and Russia watched the US and post-economic-reforms India draw closer.

Towards the end of Boris

Yeltsin's presidency, Sharif became the first Pakistani leader to visit Moscow. But it was only in the next decade that Putin's Russia, looking for new markets for its military hardware, as well as new international partners, began building ties with Pakistan. By then, serious rifts had emerged between the Obama Administration and Pakistan, with the killing of Osama bin Laden in a stealth raid by US marines in Pakistan's Abbottabad being the turning point.



Russia-Pakistan-China

In 2011, to New Delhi's shock, Russia lifted its four-decade-old arms embargo on Pakistan—and within four years, would sell Pakistan its first MiG attack helicopters. As a US defeat in Afghanistan began to look certain, the two countries made common cause on Afghanistan, again to India's dismay.

In September 2016, after the Jaish-e- Mohammed attack in Uri, Russia went ahead with a joint military exercise with Pakistan, ignoring New Delhi's appeal against it. In 2017, with Indo-Pak relations at their lowest, Russia sold more helicopters to Pakistan. And after its 2014 annexation of Crimea, Russia found a friend in China, Pakistan's long time friend, triangulating the relationship. Both Pakistan and Russia are participants in China's Belt and Road Initiative. After the Taliban takeover in Afghanistan, the world has seen the three take common positions and in tacit acknowledgment of each other's interests in that country.

New Delhi and Moscow

However, Russia is hardly starry-eyed about its relations with Pakistan. As its support for the designation of Pakistan-based terrorist groups, including those targeting India such as the Jaish and its leader, and the Lashkar-e-Taiba, have shown, Russia has clear views against Pakistan's patronage of terrorists.

And while it is supportive of the Taliban regime, Russia is concerned about Islamist extremism emanating from Afghanistan appearing in Central Asian republics and on the margins of its own territory.

Also, even though the Russia-India relationship is not what it used to be in the Soviet days, both sides recognise its continued mutual benefits. Russia remains India's biggest arms supplier, and India decided to buy the S400 missile system from Russia despite the risk of US sanctions. And New Delhi has not yet allowed its close ties with the US to tilt its delicate balance on the Ukraine issue.

Imran and Putin

Imran will meet Putin on Thursday. It will be an opportunity for the two sides to convey their own messages to the West about building partnerships in a changing world— even though they may steer clear of discussing the conflict directly, and focus more on economic ties. Imran is accompanied by a delegation of cabinet ministers and key advisers. Pakistan wants Russia to invest in, and construct a \$2.5 billion gas pipeline from the sea port in Karachi to Kasur in the Punjab hinterland, even though this pipeline is unlikely to transport Russian gas. Moscow, however, appears to be more interested in the possibility of building the 1,800-km Turkmenistan-Afghanistan-Pakistan-India (TAPI) pipeline — something that Russian Foreign Minister Sergei Lavrov said last July. Despite publicly stated opposition to normalising relations with India over Kashmir, Pakistani officials too have been talking about the potential of TAPI — while also pushing with the Russians another plan for a Kazakhstan-Pakistan pipeline.

TREASON OR POETRY

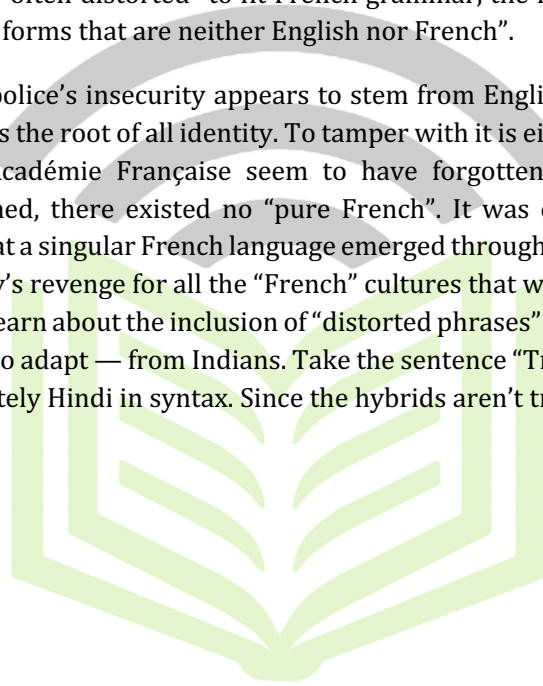
Since these words are “often distorted” to fit French grammar, the report says, they have led to “the creation of hybrid forms that are neither English nor French”.



Being a conservative, even of the most benign sort, can't be easy in the digital age. History, culture, religion and language traverse borders at the speed of thought, and even the proudest societies are subject to outside influences that force them to change and evolve. The Académie Française has a particularly difficult task in this regard. Formed in 1635 under King Louis XIII, its task is to guard "pure French" as a language. In a report released earlier this month, the organisation has flagged threats to "social cohesion" and the "degradation of language".

The Académie is particularly incensed by the growing use of English words in entertainment, fashion and even on announcements on government-run trains. "Californisms", a result of the fact that most tech companies originate on the US west coast, also drew its ire. The final straw has been the pandemic, thanks to which terms like "cluster" and "testing" have entered everyday use. Since these words are "often distorted" to fit French grammar, the report says, they have led to "the creation of hybrid forms that are neither English nor French".

The French language police's insecurity appears to stem from English theorist Terry Eagleton's statement: "Language is the root of all identity. To tamper with it is either poetry or treason." The good people at the Académie Française seem to have forgotten that around the time the organisation was formed, there existed no "pure French". It was only after decades of state-imposed uniformity that a singular French language emerged throughout France. Perhaps the new hybrids are just history's revenge for all the "French" cultures that were lost. Or, maybe, there's a lesson the French can learn about the inclusion of "distorted phrases" — as a sign of their language and culture's capacity to adapt — from Indians. Take the sentence "Train late hai" — a majority of English words, completely Hindi in syntax. Since the hybrids aren't treason, let's think of them as poetry.



DreamIAS



NATION

NEW INDIA LEADERS LESS FROM ENGLISH-SPEAKING WORLD, SO JUDGED HARSHLY: MEA PAPER

The MEA's information dockets sent to the Lok Sabha Secretariat, reviewed by The Indian Express, include a 33-slide power-point presentation on 'Indian Democracy' and a five-page document on 'India as a democracy.'

Critics of Indian democracy don't acknowledge that in India today there is a "much broader representation of people in politics, in leadership positions, and in civil society," and these people are "much more confident about their culture, about their language, about their beliefs." They are also "less from the English-speaking world, are less connected to other global centres," and this difference is "judged politically, harshly."

These are among the key "speaking notes" in a document on 'India as a democracy' prepared by the Policy Planning and Research Division of the Ministry of External Affairs shared with the Lok Sabha Secretariat after the down grade of Indian democracy by global watchdog institutions.

The MEA has also sought to highlight what it calls the country's "robust media (including presence of international media majors)", "growing space for dissent" and a "thriving civil society." Significantly, these are the very attributes which have come in for criticism: dramatic escalation of attacks on press freedom, numerous sedition cases against protesters, and threats and legal harassment of NGOs.

The MEA's information dockets sent to the Lok Sabha Secretariat, reviewed by The Indian Express, include a 33- slide power-point presentation on 'Indian Democracy' and a five page document on 'India as a democracy.' Taken together, these invoke the country's "civilisational ethos." Ironically, the presentation highlighted the structure of the Constitution where the "executive is accountable to Parliament." "India is a deeply pluralistic society, intuitively an international society. The term 'Vasudhaiv Kutumbakam' – the world as a family, is deeply entrenched in Indian thinking," the document says. Describing Indian democracy as a "human institution", the MEA attempts to place its practice in the "civilisational" context tracing it to "panchayats in Ramayana" and "Shanti Parva in Mahabharata," respectively, and through the birth of different religions – Buddhism, Hinduism, Jainism and Sikhism. And, eventually, to the ideas propounded by founding fathers Gandhi, Ambedkar, and Tagore.

Simultaneously, it is confident that India, given that it is the world's "largest democracy" and a "thriving economy," will influence international decision making. The paper talks about countering Western prejudices about India's democracy: "A large democratic world exists beyond the West, one that gives democracy and pluralism a more universal appeal. But for that to make itself felt in the current situation, the power of ideas and strength of beliefs need to be stronger than the prejudices of history.

Whether such convergences can overcome entrenched frameworks is still an open question. India holds the key to the answer." Describing India as a polity which through the spread of democracy is leading to the discovery of roots, heritage, and traditions, the MEA paper hopes it would add "an Indian imprint on to the world- 'an Indian way'." "As a civilisational power now making a comeback on the global stage, it will help create a different global cultural equilibrium," the paper states.



But in all of this and more, India has to demonstrate ‘an Indian Way’, the paper notes. “...one that deliver sat home, embraces the world, contributes its fullest and expresses comfortably what its people really are. That the world has much riding on its success in doing so,” it says.

BIDEN IS RISKING HIS INDO-PACIFIC STRATEGY

At a time when America’s global pre-eminence is being severely challenged by China, the future of the present U.S.-led international order and America’s own standing are likely to be settled in the Indo-Pacific region, especially Asia. This explains why Joe Biden is the third successive U.S. President to commit to shifting America’s primary strategic focus to the Indo-Pacific. Yet, it is far from certain that he will succeed where his two predecessors failed.

Strategy on the Indo-Pacific

If anything, Mr. Biden is getting increasingly distracted from the Indo-Pacific by Russian moves. The escalating U.S.-Russia tensions over NATO’s forward policy, with Ukraine as the flashpoint, threaten to become the defining crisis of the Biden presidency. The crisis, which has the makings of a drawn-out and dangerous confrontation, could deepen the involvement of an already overstretched U.S. in European security.

The White House released its long-delayed ‘Indo-Pacific Strategy’ document on February 11, the same day it publicly warned that Russia could launch an invasion of Ukraine within days. A Russian invasion into the Ukrainian heartland would leave Mr. Biden little time for the Indo-Pacific, which explains why the 19-page document was hurriedly released on a Friday afternoon, amid criticism that the President lacks clarity on an Indo-Pacific policy despite being in office for more than a year.

Mr. Biden’s Indo-Pacific strategy, as a bare-bones paper for public consumption, offers a bird’s-eye look at how his administration views the Indo-Pacific landscape. With its brief or nebulous references to key regional issues and challenges, the document does not provide adequate clarity on the thrust and direction of U.S. policy in the region.

In fact, it reads more like a watered-down version of the ‘United States Strategic Framework for the Indo-Pacific’ of former President Donald Trump’s administration. More significantly, it comes without the assumptions, objectives and actions that were distinctly defined under each topic in that strategic framework, which was declassified in the final days of the Trump presidency with just light redactions.

The fact is that Mr. Biden’s Indo-Pacific strategy document is essentially an exercise in public diplomacy, while the Trump administration’s once-secret strategic framework was formulated to advance its policy of a ‘free and open Indo-Pacific’ (FOIP) — a concept originally authored by then-Japanese Prime Minister Shinzo Abe. The strategic framework’s declassification was apparently aimed at underscoring that the successor administration was inheriting a coherent, comprehensive and realistic strategy on the Indo-Pacific.

The FOIP vision remains the centrepiece of Biden’s Indo-Pacific strategy. The document, however, confirms a Biden-initiated shift of the Quad toward geo-economic and other larger issues — from “global health security” and climate change (Mr. Biden’s pet concern) to “critical and emerging technologies, driving supply-chain cooperation, joint technology deployments and advancing common technology principles.” Such a broad and ambitious agenda threatens to dilute the Quad’s strategic focus on the Indo-Pacific.



A more conciliatory approach

Mr. Biden thus far has not made his long-anticipated China strategy speech to lay out the administration's approach to a country that is a military, economic and technological challenge on a scale that the U.S. has not seen before. While largely hewing to the China policy set by his predecessor, Mr. Biden's approach, however, appears more conciliatory.

While the Trump administration launched an ideological offensive against China as a predatory communist state without political legitimacy or the rule of law, Mr. Biden assured Chinese President Xi Jinping in a virtual summit meeting last November that the U.S. will not seek to change China's political system. That reassurance is embedded in the Indo-Pacific strategy paper, which unequivocally states that, "Our objective is not to change the PRC [People's Republic of China] but to shape the strategic environment in which it operates..."

The Indo-Pacific strategy document acknowledges that China "seeks to become the world's most influential power" and that "our allies and partners in the region bear much of the cost of the PRC's harmful behaviour". Yet it declares that the U.S. will seek to "manage competition with the PRC responsibly" and "work with the PRC in areas like climate change and nonproliferation".

The strategy paper, while supporting "India's continued rise", has couched its reference to China's military actions against India since 2020 not as "aggression" (a term that the White House uses almost every day to describe Russia's moves against Ukraine) but in neutral language — as "the conflict along the Line of Actual Control with India." And the background press briefing on the paper's release referred to "China's behaviour in the Line of Actual Control."

Since taking office, Mr. Biden has treated China with more respect than Russia. For example, last year he imposed two rounds of sanctions on Moscow and even called Russian President Vladimir Putin a "killer". While turning Russia's troop buildup against Ukraine into a major international crisis, Mr. Biden has not uttered a word on a bigger military buildup — by China along the Himalayas — that threatens to unleash war on America's strategic partner India.

Shifting focus

Today, Mr. Biden is pouring military resources into Europe and focusing on containing Russia's regional ambitions at the cost of countering China's drive to gain global pre-eminence. And although Mr. Biden has deserted Ukraine to its fate by ruling out coming to that beleaguered country's direct defence, Washington has been in the lead in sounding the drumbeats of war.

If the U.S. is to meaningfully pivot to the Indo-Pacific, it will have to exercise strategic restraint in Europe, not ratchet up tensions with Russia through NATO expansionism or military drills. Last autumn's U.S.-NATO military exercises near Russia's Black Sea coast incensed Moscow, foreshadowing the present crisis.

The U.S. should be addressing its strategic overstretch, not seeking to exacerbate it through greater entanglement in European security. With its relative power in decline, it must conserve its strength to focus on retaining its global pre-eminence, including by making the strategic trade-offs required to remain the leading power in the Indo-Pacific. Economically and strategically, the global centre of gravity is shifting to the Indo-Pacific. Building a stable balance of power in the Indo-Pacific has become more crucial than ever for international security. Yet, the U.S. still prioritises NATO so as to dominate European security, while the bulk of its economic aid and military assistance goes to West Asia and North Africa.



Unless Mr. Biden prudently recalibrates foreign policy objectives with available resources and capabilities so as to mitigate America's strategic overreach, he will not only sap U.S. strength to deal with the bigger challenges in Asia, including to American leadership, but also undermine his newly unveiled Indo-Pacific strategy that seeks to make the U.S. role in that most important region "more effective and enduring than ever".

AN EXPERT EXPLAINS: CHINA'S REVISIONISM ON 1962

Amid the Galwan standoff, the Chinese have claimed their 1962 aggression was a 'counter attack'. This is not borne out of facts of logic — but the opportunities India lost to settle the border issue are well documented.

The Chinese website Guancha has published an 8,000-word revised history of the 1962 War after six decades to justify the propaganda line of "Never Attack; Never Invade Another Country", and to present China as a peace-loving nation. The story, written by Zhang Xiaokang, daughter of the former military commander in Tibet General Zhang Gouhua, comes in the wake of the conflict in the western sector in the Galwan valley.

In recent years, China has evoked strong reactions from major countries for its claims on super power status through the aggressive use of economic and military sinews — with the UK on Hong Kong, with Australia on trade, with Japan over the ownership of the Senkaku Islands in the East China sea, with the US on its projection of military power, and with Southeast Asian countries over control of the South China Sea despite the verdict of the world court under the UNCLOS agreement. The recent attempts by China to stir up trouble on the India-China border in the Galwan river valley has added to the worries of not only India but the international community generally.

History on its head

One can understand Madam Zhang's desire to glorify her father, but to portray the 1962 War as a "self-defence counter attack" is a poor attempt to make history stand on its head. There is a contradiction in her story. A "counter attack" does not allow the attacked country the luxury of elaborate planning over a long period, as she herself points out quoting Mao:

"Over the years we have taken many measures to seek a peaceful solution to the Sino-Indian border problem, but India has refused to do so and deliberately provoked an armed conflict which has become more and more intense. Since Nehru must fight, we have no choice but to go along with it."

She recalls that Mao had called a meeting of his political and military brass and asked them, "perhaps if we counterattack, the border can be settled and a peaceful resolution of the border issue can be achieved?", and Gen Zhang Guo hua had assured him, "yes we can, please rest assured, Chairman, we can definitely win".

Facing an attack, the attacked party counter attacks with whatever force is available, win or lose. It cannot wait for a leisurely meeting to be called by the head of the government and plan for a counterattack after getting an assurance of victory.

In this context, a 2019 article by Chaowu Dai, distinguished professor at Yunnan University and director of the YNU Institute for Indian Studies in Kunming, China, is more honest. He has little hesitation in admitting that from 1960 to October 1962, judging that India was unwilling to negotiate a solution, China "made preparations for deployment of its military", creating



interlocking positions “for long-term armed coexistence on the border issue ultimately proceeding to the border conflict”. (‘China’s Strategy for Sino-Indian Boundary Disputes, 1950-1962’, Asian Perspective, Johns Hopkins University Press) This statement is nearest to the truth.

Analysing the circumstances, one has to see if India was actually prepared for an attack. On September 8, 1962, Nehru left for London to attend the Commonwealth Prime Ministers’ Conference. He returned on October 2, after visiting Paris, Lagos and Accra, and then left for Colombo on October 12, returning to New Delhi on October 16. Defence Minister V K Krishna Menon was in New York from September 17-30 for the UNGA session.

On October 2, the Chief of General Staff, Lt Gen B M Kaul, was holidaying in Kashmir. No country that is preparing for an attack would allow its Prime Minister or senior generals responsible for war planning to be away from its capital.

Nehru’s mistakes

The culprit was an avoidable statement of the Prime Minister to journalists on October 12 while leaving for Colombo that “he had instructed the Army to clear the Indian territory of Chinese intrusions and the date had been left to the army to decide”.

He was perhaps referring to a decision taken in the Defence Ministry to clear the recent intrusion in the Kemong Division of NEFA, a limited action. People’s Daily, the Chinese communist party mouthpiece, taking advantage of Nehru’s remarks, said on October 14, “so it seems Nehru had made up his mind to attack China on an even bigger scale”.

The above unfortunate statement of Nehru has been used by Madam Zhang to fabricate the theory of “self-defence counter attack”. While we can fault the Chinese for this fabrication, India cannot escape blame for not being serious in settling the border question, despite repeated Chinese pleas. Whatever the Indian stand, it had certain fissures that do not stand scrutiny.

Prime Minister Nehru, in explaining his reluctance to discuss the border question, had said in Rajya Sabha on December 8, 1959, that since we’re “sure of our borders the question was why invite discussions about a thing on which we had no doubt”.

Even this statement had problems. The western border, which created the major dispute, was “undefined” in the Survey of India maps that India inherited in 1947, and which were later reprinted. Similarly, Nehru was not unaware that China in the past had never accepted the Mc Mahon Line in the eastern sector, the outcome of the Simla Convention of 1914, and it was unlikely to accept it—and yet insisted this was non-negotiable.

Opportunities lost

In 1954, at the time of talks on Tibet, India had taken the stand that the border question would not be discussed. An opportunity to settle the border was allowed to slip. After the Tibet Agreement was signed on April 29, 1954, Nehru ordered in July that a line should be drawn to demarcate the Ladakh-Aksai Chin border, which would not be open for discussion—ignoring that this was an international border, and required consultations and agreement of the other stakeholder.

Having changed the status of the border unilaterally, he created a vacuum by not establishing a check post, or even unfurling a flag.



The area was neglected to the extent that India was unaware that China had constructed a 120-km highway through it. In his letter of January 23, 1959, the Chinese Premier had suggested talks since, as he said, historically no agreement on the boundary had ever been concluded, and the absence of formal delimitation created discrepancies which often led to “minor border incidents which are probably difficult to avoid”.

On March 22, Nehru noted that the sector from the trijunction of the Nepal, India, and Tibet boundary up to Ladakh (Ladakh-Aksai Chin sector) was traditional and known by custom, usage, by the application of the principle of watershed and old revenue records and maps, etc. These facts are important inputs when negotiating an agreement, but by themselves could not constitute an agreement.

Despite suffering from doubts, Nehru insisted in Rajya Sabha on December 9, 1959 that India should hold its position, hoping that “lapse of time and events would confirm it, and by the time challenge came, we would be in a much stronger position to face it”. There was an opportunity to clear the doubts at the summit talks in April 1960, but that too was allowed to slip because India insisted on China accepting its maximalist position — not realising that in a dispute, both sides have to make compromises to come to a settlement.

Even after the 1960 talks, China tried to bring India to the negotiable table many times, but Nehru’s rigidity did not help. Yet he did accept in Parliament the un-demarcated status of the border.

China continued to insist on the need for a well-defined demarcation of borders on scientific lines. Unfortunately, India remained in denial. The result was 1962.

USE INTERNATIONAL LAW, CALL OUT CHINA’S VIOLATIONS

During the recent meeting of the Foreign Ministers of the Quadrilateral Security Dialogue or the Quad, India’s External Affairs Minister, S. Jaishankar said that the situation at the India-China Line of Actual Control (LAC) has arisen due to the “disregard” by China of “written agreements”. But what China has been doing at the LAC is not a mere “disregard”. It is a blatant violation of international law as part of a larger game of Chinese expansionism. Let us understand how.

Breach of law

The India-China LAC engagement is guided by a series of bilateral agreements that the two sides have signed over the years. A central tenet of all these agreements is the complete proscription on the threat or use of force. For instance, a 1993 agreement between India and China provides that neither side shall use or threaten to use force against the other by any means. It further enunciates that the India-China boundary question shall be resolved through peaceful and friendly consultations. Likewise, Article I of the 1996 agreement on confidence-building measures between the two sides prohibits the use of military capability against the other side. The prohibition on the use of force is also enshrined in Article I and Article VIII of the 2005 and 2013 agreements, respectively. States being forbidden from using force in international relations is a cardinal rule of international law codified in Article 2(4) of the United Nations (UN) Charter. The UN Charter recognises two exceptions to this rule — self-defence under Article 51 and UN Security Council authorisation under Chapter VII of the Charter.

The June 15, 2020 military scuffle between India and China in Galwan, that led to the deaths of 20 Indian soldiers, was a clear case of China using military force against India. This Chinese



aggression not only violates all the bilateral treaties between India-China but also the UN Charter. Moreover, the Galwan military showdown was not an isolated incident. Since then, a muscular and assertive China and its belligerence toward India has continued unabated through multiple transgressions at the LAC. China has backed these transgressions by other developments such as implementing a new border law that renames several places in Arunachal Pradesh and aims to set up boundary markers on all its land borders. The LAC transgressions and the new border law violate Article IX of the 2005 agreement that mandates both sides to “strictly respect and observe” the LAC, pending a final solution to the boundary question.

Furthermore, there are disconcerting reports of a huge military build-up by China with heavy weaponry including missiles in the Eastern Ladakh Sector. This amassing of armed forces along the LAC unabashedly breaches another key tenet of both the 1993 and the 1996 agreements. This relates to both countries reducing or limiting military forces along the LAC. Article III of the 1996 agreement specifically requires the two sides to reduce armaments such as combat tanks and vehicles, missiles, and mortars and big mortar guns. China has not complied with these legal requirements, instigating India to beef up its military deployment.

Weaponising global law

China’s bellicosity towards India, exhibiting complete violation of international law, fits in the larger pattern of China’s conception of rule of law. Known as the ‘socialist rule of law with Chinese characteristics’, China views law as an instrument in the service of the state or, more precisely, the Chinese Communist Party (CCP). This is diametrically opposed to the rule of law theory in liberal democracies where law’s function is to constrain unbridled state power. Internationally, there are several examples of China weaponising international law to further the will of the CCP.

First, China fervently denounced a 2016 ruling in favour of the Philippines by an arbitration tribunal under the aegis of the UN Convention on the Law of the Sea (UNCLOS), in a maritime dispute between the two sides in the South China Sea.

Second, although China claims to be a defender of the international trade law regime at the World Trade Organization, the fact is that it has ingeniously exploited the system to pursue its policy of mercantilism by hiding behind a non-transparent and complex economic system. It is accused of providing illegal subsidies, manipulating currency to make exports competitive, stealing intellectual property, and forcing companies to transfer technology.

Third, as American scholar Orde F. Kittrie writes in his book, *Lawfare: Law as a Weapon of War*, China “has a long history of gaming the international legal system by entering into legally binding nuclear nonproliferation obligations with which its rivals (including the United States, Japan, and South Korea) tend to comply while [China] secretly violates these obligations by providing nuclear technology to its allies, often through proxies”.

In the case of India, China uses the sovereignty argument to cover up its barefaced illegalities. The Chinese unethical legal warfare or lawfare is aimed at hamstringing the opponents without actually fighting a war.

This practice of weaponising international law sours relations between countries, generating an atmosphere of distrust.



India's lawfare

New Delhi should develop its strategy of ethical lawfare by mainstreaming international law lexicon into its diplomatic toolkit to respond to Beijing's challenge. Rather than pussyfooting around, India should make a strong legal case by painstakingly marshalling all the international treaties, including the UN Charter and customary international law, at every forum to call out China's illegal actions. An unequivocal proclamation should be made at all international platforms that India reserves the right to act in self-defence under Article 51 of the UN Charter to counter any Chinese misadventure. Enacting a national security law aimed at imposing restrictions or sanctions of various kinds (trade, economic, military) on those countries with whom India shares a land border can be an option. The purpose of India's lawfare should be to ably demonstrate to the world that China's international law violations pose a threat to the entire international community — not just India.

There is no gainsaying that for India, a liberal global order dominated by American exceptionalism, notwithstanding its flaws, is a lesser evil than a world order subjugated by Chinese exceptionalism that strikes at the heart of cherished liberal democratic values.

TROUBLED WATERS

Fishermen from Tamil Nadu keep getting caught with alarming regularity in the territorial waters of Sri Lanka for "poaching". Yet, the stakeholders concerned have yet to demonstrate the alacrity required for well-known solutions. In the latest development, the Sri Lankan Navy arrested 22 fishermen who are from Nagapattinam and neighbouring Karaikal, on Wednesday. There are already 29 fishermen in custody in Sri Lanka, as pointed out by Tamil Nadu Chief Minister M.K. Stalin in his letter to External Affairs Minister S. Jaishankar a few days ago. As per an estimate, Sri Lankan authorities have also impounded 84 boats. The frequency with which Tamil Nadu's fishermen allegedly cross the International Maritime Boundary Line, despite being aware of the consequences, highlights their level of desperation driven by livelihood concerns. This is, however, not to absolve them of their culpability in endangering Sri Lanka's marine biodiversity, which is of vital importance to Tamil fishermen of the Northern Province, who suffered in the civil war. The vexatious problem has also been aggravated by events over the past month — the reported death of two Jaffna fishermen following "mid-sea clashes with their Tamil Nadu counterparts" on January 27 and 29, subsequent protests by northern Sri Lankan fishermen, and the reported auctioning by Sri Lanka of 140 impounded boats even before a Tamil Nadu government team and fishermen's representatives could visit Sri Lanka to finalise modalities on the disposal of unsalvageable boats. There has been no word from Colombo on permitting fishermen-devotees to attend, in March, the annual festival of St. Anthony's Church at Katchatheevu.

Apart from getting the arrested fishermen released, the governments of the two countries should fix a date for an early meeting of the Joint Working Group, last held in December 2020. They should also facilitate the resumption of talks at the level of fisherfolk, especially from Tamil Nadu and the Northern Province. Sri Lanka should be proactive as its citizens in the North bear the brunt of the alleged acts of transgression. Besides, its positive actions would be in tune with what the Prime Ministers of India and Sri Lanka agreed at the virtual summit in September 2020 — to "continue engagement to address the issues related to fishermen through regular consultation and bilateral channels". New Delhi should also consider providing additional incentives and concessions to fishermen of the Palk Bay districts of Tamil Nadu to elicit a better response from them for its deep sea fishing project. It could also propose assistance for the fishermen of the Northern Province as



a gesture of goodwill. There is no paucity of ideas in the area of the Palk Bay fisheries conflict, but adequate action on the part of the stakeholders is found wanting.

UNDERSTANDING THE INDUS WATERS TREATY

A delegation from India will visit Pakistan on February 28, to attend the 117th meeting of the Permanent Indus Commission, from March 1 to March 3.

Since both India and Pakistan were dependent on water from the Indus river basin for their irrigation, equitable distribution and infrastructure was needed. In 1951, the World Bank offered to mediate the water-sharing dispute. Finally in 1960, an agreement was reached between the two countries, leading to the signing of the IWT.

The Indus Water Treaty has been brought up several times during geo-political tensions. In the aftermath of the attack on J&K's Uri army camp in 2016, Mr. Modi had said, "Blood and water cannot flow simultaneously," Again in 2019, when the suicide attack was carried out in Pulwama, India threatened to cut off water supply to Pakistan from the Indus River System.

The story so far: A 10-member delegation from India will visit Pakistan on February 28, to attend the 117th meeting of the Permanent Indus Commission, from March 1 to 3. The Indian Commissioner of Indus Waters, Pradeep Saxena, will lead the delegation visiting Islamabad, while the Pakistan side will be led by its Commissioner, Syed Muhammad Mehar Ali Shah.

In the upcoming session, Pakistan is likely to bring up its objections to three Indian Hydropower projects in the Chenab basin in Jammu and Kashmir — the 1000 Megawatt (MW) Pakal Dul project, the 48 MW Lower Kalnai project and the 624 MW Kiru project, aside from other smaller Hydropower units of India in Ladakh. India has already said that all the projects are in full compliance with the Indus Waters treaty.

What is the Indus Waters Treaty?

The Indus river basin has six rivers -- Indus, Jhelum, Chenab, Ravi, Beas and Sutlej; originating from Tibet and flowing through the Himalayan ranges to enter Pakistan, ending in the south of Karachi.

In 1947, the line of partition, aside from delineating geographical boundaries for India and Pakistan, also cut the Indus river system into two. Both the sides were dependent on water from the Indus river basin for their irrigation. Therefore, infrastructure and equitable distribution was needed. Initially, the Inter-dominion accord of May, 1948 was adopted, under which India would supply water to Pakistan in exchange for an annual payment. This agreement, however, soon disintegrated as both the countries could not agree upon common interpretations.

In 1951, in the backdrop of the water-sharing dispute, both the countries applied to the World Bank for funding of their respective irrigation projects on Indus and its tributaries, which is when the Bank offered to mediate the conflict. Finally in 1960, after nearly a decade of negotiations, an agreement was reached between the two countries, leading to the signing of the Indus Waters Treaty (IWT) by former Prime Minister Jawaharlal Nehru and then



President of Pakistan, Ayub Khan. The former Vice President of the World Bank, W.A.B. Iliff, also signed the document.

What are some of its key provisions?

The treaty allocated the three western rivers— Indus, Chenab and Jhelum—to Pakistan for unrestricted use, barring certain non-consumptive, agricultural and domestic uses by India and the three Eastern rivers— Ravi, Beas and Sutlej — to India for unrestricted usage. This means that 80% of the share of water or about 135 Million Acre Feet (MAF) went to Pakistan, leaving the rest 33 MAF or 20% of water for use by India. Besides, India is also allowed a minimum storage level on the western rivers— it can store up to 3.75 MAF for conservation and flood storage purposes.

It also required both the countries to establish a Permanent Indus Commission constituted by permanent commissioners on both sides. The functions of the commission include serving as a forum for exchange of information on the rivers, for continued cooperation and as a first stop for resolution of conflicts.

While Pakistan has rights over the waters of Jhelum, Chenab and Indus, Annexure D of the treaty allows India to build 'run of the river' hydropower projects, meaning projects not requiring live storage of water. It also provides certain design specifications which India has to follow for such projects.

The treaty also allows Pakistan to raise objections over such projects being built by India, if it does not find them to be compliant with the specifications. India has to share information on the project design with Pakistan, which is required to respond with objections, if any, within three months.

The IWT also provides a three step dispute resolution mechanism, under which issues can first be resolved at the commission or inter-Government level. If that fails, either side can approach the World Bank to appoint a Neutral Expert (NE). And eventually, if either party is still not satisfied, matters can be referred to a Court of Arbitration.

What have been the past objections raised under the treaty?

While the treaty has been regarded internationally as a successful diplomatic effort, managing to withstand three wars and multiple military impasses between the two countries, the journey has been rocky.

The treaty, according to observers, became a source of dissatisfaction between the two countries with growing demand for water, the extensively technical nature of the document and the fact that the western rivers flow through the conflicted region of Jammu and Kashmir.

One of the longest conflicts that arose from Pakistan's objections to Indian projects was over the Kishanganga Hydro Electricity Project (KHEP). Kishanganga is a tributary of the Jhelum river. The work for KHEP was started in 2007, proposing to build a dam on the Kishanganga, diverting its water for a 330 MW hydropower plant in Kashmir's Bandipora. The work for the project was supposed to be completed by 2016, but before the construction started, Pakistan raised objections regarding the height of the dam, fearing it would mean increased water storage for India. Consequently, India agreed to lower its height from 97 metres to 37 metres.



In 2010, Pakistan took the matter to the International Court of Arbitration, this time, objecting to the diversion of water from Kishanganga. The Court gave its final ruling in December 2013, giving India a green signal for the project, subject to conditions. The conflict however, did not end here, with Pakistan approaching the World Bank three years later in 2016 and again in 2018, objecting to the design. It also tried to stop the construction of the dam in 2016 by firing shells near the dam site. The project was then inaugurated in 2018, despite continued protests from Pakistan.

Before that, Pakistan had objected to the Salal dam project in 1970 over design concerns, negotiations for which ended in 1978. This was followed by the neighbouring country's opposition to the Baglihar Hydropower project in the 2000s, which involved the construction of a 150m tall dam on Chenab. The matter was eventually referred to a Neutral Expert who upheld some of Pakistan's objections while denying others.

What about geopolitical conflicts?

In recent years, the Indus Water Treaty has been brought up a couple of times during geopolitical tensions between India and Pakistan. In the aftermath of the attack on J&K's Uri army camp in 2016, Prime Minister Narendra Modi had said, "Blood and water cannot flow simultaneously," soon after which, the Permanent Indus Commission talks were suspended for that year by the Indian side, which also at one point threatened to walk out of the treaty. Again in 2019, when the suicide attack was carried out in Pulwama, killing 40 CRPF personnel, India had for the first time threatened to cut off water supply to Pakistan from the Indus River System, which would essentially mean walking out of the treaty. The IWT does not have a unilateral exit provision, and is supposed to remain in force unless both the countries ratify another mutually agreed pact.

PROTECT THE MOTHER TONGUE

International Mother Language Day is observed every year on February 21 to honour those in Bangladesh who sacrificed their lives to protect their mother tongue, Bangla, against the then rulers of West Pakistan and to honour the ethno-linguistic rights of individuals across the world.

Language movement

The transition from East Pakistan to Bangladesh has a blood-stained story behind it. For the first time in world history, a mother tongue became the focal point for an independence movement. In March 1948, just months after the birth of Pakistan, Pakistani leader Mohammad Ali Jinnah declared that the state language of Pakistan would be Urdu. All official communication from then was to be in Urdu and the language was made compulsory in schools. Meanwhile, Bangla, which is a completely different language, was removed as a subject in schools and from stamps and currency.

Students of Dhaka University began their protest on February 21, 1952 against the 'Urdu only' policy. The police began indiscriminate firing on the students, killing many of them. Since then, February 21 is observed as 'Shaheed Dibosh (Martyrs' Day)' in Bangladesh to pay tribute to Shaheed Salam, Barkat, Rafiq, Abdul Jabbar, Shafiur Rahman, and many more. Their passion for their mother tongue and devotion towards their motherland forced the Pakistani leadership to make Bangla one of the official languages of Pakistan in 1954.



The language movement not only gave rise to the Bengali national identity in the then Pakistan, but also became the stepping stone for the Bengali nationalist movement, the six-point movement, the student movement in 1962, the uprising in 1969 and the 1971 Bangladesh Liberation War. This is perhaps the only movement in history that started with protecting linguistic and cultural rights and ultimately led to the birth of an independent nation, Bangladesh.

Language is one of the most important characteristics of the foundation of a culture. Cesar Chavez said, "A language is an exact reflection of the character and growth of its speakers." Language is the most powerful tool that forges social, economic, and cultural ties. Today, multilingualism and intercultural communication are growing phenomena. Due to globalisation and interconnectedness, vastly spoken languages have gained supremacy and indigenous languages have been increasingly localised. The haste to receive better job opportunities has led to people learning foreign languages and resulted in the disappearance of mother tongues. Linguistic diversity is increasingly threatened. According to the United Nations, at least 43% of the estimated 6,000 languages spoken in the world are endangered. The UN proclaimed the period between 2022-2032 as the International Decade of Indigenous Languages, "to draw global attention to the critical status of many indigenous languages around the world and to mobilize stakeholders and resources for their preservation, revitalization, and promotion."

The Internet is vastly dominated by English and a handful of other languages. The digital presence of most people who speak indigenous languages and dialects is nearly zero. Individuals often discredit their own language. Since it is not on the Internet, the validity of the language is questioned, and learning or practising it further is often discouraged. From keyboards to programming languages to incompatible hardware and software to website domains, social media and applications, the linguistic divide prevents a majority of local speakers from being a part of the rest of the online world.

Ray of hope

International Mother Language Day 2022 was celebrated across the world with the theme, 'Using technology for multilingual learning: Challenges and opportunities'. It highlighted the role of technology in developing multilingual education and in supporting the development of quality teaching and learning for all. The fight for local languages to be on the web has been supported by tech giants like Amazon and Facebook, as their products are available in a few local languages. Google Translate has brought numerous regional cultures closer together. The translations are undertaken by AI and native language experts who have experience and a solid academic background.

Hundreds of languages are spoken, written, and translated across the world. Linguistic diversity defines our socio-cultural identity, connects us with our heritage, and is the foundational pillar of civilizations. The blood-stained streets of Dhaka in 1952 remain a powerful reminder of the vitality of our mother languages even today.

PRESIDENTIAL FLEET REVIEW: WHAT NAVY DISPLAYS, AND ITS SIGNIFICANCE

President Ram Nath Kovind will Monday take part in the Indian Navy's 12th Presidential Fleet Review. What is the President's Fleet Review? What is its significance?

On Monday, President Ram Nath Kovind will take part in the Indian Navy's 12th Presidential Fleet Review.



What is the President's Fleet Review?

In simplest terms, it is the country's President taking stock of the Navy's capability. It showcases all types of ships and capabilities the Navy has. It takes place once under every President, who is the supreme commander of the armed forces.

The President is taken on one of the Naval ships, which is called the President's Yacht, to look at all the ships docked on one of the Naval ports. According to a statement by the Navy, the President's Yacht this year "is an indigenously built Naval Offshore Patrol Vessel, INS Sumitra, which will lead the Presidential Column. The yacht will be distinguished by the Ashoka Emblem on her side and will fly the President's Standard on the Mast".

The President will be given a 21-gun salute before embarking on the yacht.

Do all naval ships participate?

No. The idea is to showcase not all the Navy's ships, but every type of ship — and the kind of capabilities it has at that time. In Monday's fleet review, which will take place in Vishakhapatnam, Kovind will review over 60 ships and submarines, and 55 aircraft, from the Navy and the Coast Guard.

His yacht will sail past 44 ships lined up at anchorage off Visakhapatnam, and there will be a combination of ships from the Indian Navy as well the Coast Guard, along with some vessels from the Shipping Corporation of India and the Ministry of Earth Sciences.

The review also includes merchant ships.

What else happens in the fleet review?

"In this most formal of naval ceremonials, each ship dressed in full regalia will salute the President as he passes. The President will also be reviewing the Indian Naval Air Arm in a display of spectacular fly-past by several helicopters and fixed-wing aircraft. In the final stage of the review, a mobile column of warships and submarines will steam past the Presidential Yacht." The Navy said.

The vessels will include the Navy's latest acquisitions, and the events will include waterfront activities such as Parade of Sails, Search and Rescue Demonstration at Sea, Aerobatics by Hawk aircraft, and Water Para Jumps by the elite Marine Commandos.

All ships at anchorage will be dressed ceremoniously with various naval flags in full regalia. They have been illuminated from sunset to midnight on February 19 and 20.

As part of the Sail Parade activities, six ocean-going Indian Naval Sailing Vessels arrived at Visakhapatnam from Goa. These are part of Ocean Sailing Node at INS Mandovi at Goa.

How many of these reviews have been held?

There have been 11 President's Fleet Reviews since Independence. The first was conducted in 1953, under Dr Rajendra Prasad. The next one was done not by the President but by the then Defence Minister, Y B Chavan, in 1964. Since then, it has been the President reviewing the fleet.



The longest gap between reviews was of 12 years — between 1989 (President R Venkatraman) and when 2001 (President K R Narayanan). The last one was done in 2016, under President Pranab Mukherjee.

The reviews in 2001 and 2016 were International Fleet Reviews, in which some vessels from other countries also participated. The Indian Navy too has participated in international fleet reviews in other countries, including Australia, America, Malaysia, Indonesia, South Korea, and the UK.

In 1953, 25 warships, seven yard craft and one merchant ship had participated. In 1964, the number rose to 31 warships, nine merchant ships and 12 yard craft. Two years later, under President S Radhakrishnan, India's first aircraft carrier INS Vikrant was part of the review.

What is its significance?

It is one of the most important events for the Navy, which is essentially showing its allegiance and commitment to defending the country. It is a long-standing tradition followed by navies across the world, and according to Navy officials it is a strong bond that links seafarers of the world.

“Historically, a Fleet Review is an assembly of ships at a pre-designated place for the purpose of displaying loyalty and allegiance to the Sovereign and the state. In turn, the Sovereign, by reviewing the ships, reaffirms his faith in the fleet and its ability to defend the nation's maritime interest,” a senior Navy official said.

The official said the review “was perhaps conceived as a show of naval might. Though it still has the same connotation, assembling of warships without any belligerent intentions is now the norm in modern times”.

MILAN TO BE HELD IN VIZAG FROM FEB. 25

Amid escalating tensions between Ukraine and Russia, warships of Quad countries, France, Myanmar, South Korea and Vietnam and several others will come together at Visakhapatnam later this week for the largest multilateral exercise MILAN, hosted by the Indian Navy. Russia, Iran, Israel and Saudi Arabia among others are participating in the exercise without ships.

The exercise, scheduled from February 25 to March 4, will see participation of around 42 countries with ships from over 15 countries.

“The theme of the MILAN 2022 exercise is ‘Camaraderie - Cohesion – Collaboration’, which aims to project India as a responsible maritime power to the world at large,” the Navy said in a statement on Wednesday.

“The aim of the exercise is to hone operational skills, imbibe best practices and procedures, and enable doctrinal learning in the maritime domain through professional interaction between friendly navies,” the statement elaborated.

The opening ceremony on February 26 will see the inauguration of the MILAN village and an International City Parade is scheduled the next day with the participation of foreign contingents, the Navy said.



Activities include an international maritime seminar, professional and subject matter expert exchanges and deep submergence rescue vessel (DSRV) demonstration, it added.

The invitees include all Indian Ocean littoral states and countries from south-east Asia among others. The harbour phase is scheduled from February 25 to 28 and the sea phase from March 1 to 4.

Starting with the participation of four countries — Indonesia, Singapore, Sri Lanka and Thailand — in 1995, the exercise has since transitioned in terms of number of participants and complexity of exercises.

DRAFTING A NEW CONSTITUTION IS IMPOSSIBLE

Members of the Drafting Committee of the Constituent Assembly of India. (Sitting from left) N. Madhava Rao; Saiyid Muhammad Saadulla; B.R. Ambedkar; Alladi Krishnaswami Ayyar and Sir B.N. Rao. (Standing from left) S.N. Mukerjee, Jugal Kishore Khanna and Kewal Krishan, in New Delhi. The Hindu Archives The Hindu Archives

Recently, the Chief Minister of Telangana said India needs a new Constitution, as, according to him, governments at the Centre over the years have been suppressing the powers of the States. Being a citizen and a constitutional head of state, he was not wrong in exercising his fundamental right to express his views freely. Nor was what he said wrong: Central governments have indeed been suppressing the powers of the States in various ways. The Supreme Court, in judgments such as *S.R. Bommai v. Union of India* (1994) and *Govt. Of NCT of Delhi v. Union of India* (2018), has castigated governments at the Centre for this.

But the question is, can the people of India give themselves a new Constitution? Noted jurist Fali S. Nariman, in a lecture titled 'The Silences in Our Constitutional Law', delivered in 2005, rightly said, "We will never be able to piece together a new Constitution in the present day and age even if we tried: because innovative ideas — however brilliant, howsoever beautifully expressed in consultation papers and reports of commissions — cannot give us a better Constitution. In Constitution-making there are other forces that cannot and must never be ignored — the spirit of persuasion, of accommodation and of tolerance — all three are at a very low ebb today". We can add a few more forces which cannot be ignored today, such as casteism, nepotism and corruption.

Nation first

This article highlights a few events that took place while India's Constitution was drafted to argue how these events may never take place in the present scenario. The first is the appointment of B.R. Ambedkar as chairman of the Drafting Committee. Granville Austin, in his book *The Indian Constitution: Cornerstone of a Nation*, wrote that Ambedkar was originally elected to the Assembly as a member from Bengal, but lost his seat during Partition. He was subsequently elected from the Bombay Presidency at the behest of the Congress high command. This shows that the biggest party then had an accommodative spirit, which seems lacking today. Ambedkar was fighting to ensure rights for the depressed classes and, in his own words, he came to the Assembly to "safeguard the interests of the Scheduled Castes". But he was trusted for his passion and talent and elected chairman of the Drafting Committee by the Constituent Assembly, which was dominated by the Congress. The result is the Constitution we see today, which safeguards the rights of majority and minority communities. Today, when caste and nepotism play a pivotal role in electing even a ward member, consensus over a new Constitution would be impossible.



It took two years, 11 months and 18 days to draft the present Constitution. During this period, the members read the constitutions of other nations, consulted constitutional experts, drafted the Constitution, debated it, redrafted it and approved it. During Constituent Assembly debates, if five minutes were wasted one day, the House would assemble five minutes earlier the next day and sit until night to complete pending work. This showed value for time, and value for work done for the nation. Now, all we see is ruckus and noise in Parliament, with little debate or discussion taking place on Bills. During Constituent Assembly debates, dissenters and hard-core critics were tolerated and their suggestions, if found apt, were accommodated. If their suggestions were not found apt, there would be a healthy debate. Now, Bills are passed without allowing Opposition members to express their views completely, let alone accommodating their suggestions.

Third, the members of the Constituent Assembly emerged from the clutches of colonial rule. They knew the sufferings that they and the nation had undergone under foreign rule and were determined to frame a Constitution, and spelled out fundamental rights, which allow every individual a right to live their life with liberty and dignity and challenge the state's arbitrary decisions before an independent judiciary. Today's leaders seem to lack that spirit. Members of the Constituent Assembly chose the nation first; today's leaders tend to choose their party first.

Fourth, the Constitution states that India is a "Sovereign Socialist Secular Democratic Republic". It protects the rights of every section of society. On the other hand, today's leaders give priority to particular ideologies and castes. Given this, drafting a new Constitution will be a chaotic exercise and will shut the voices of some sections, especially the vulnerable.

Fifth, and most importantly, an unelected body was trusted by the Constitution framers to declare the law. The purpose behind choosing an unelected body was that, by its nature of being not answerable to anyone except the Constitution, the judiciary can adjudicate disputes in an independent, free, fair and impartial manner. Today, leaders may choose to become judges as well as rulers. For instance, through the Constitution (Thirty-Second Amendment) Act, 1973, a proviso to clause 5 of Article 371D was inserted which gave power to the Andhra Pradesh government to modify or annul any order passed by the Administrative Tribunal, constituted to deal with service matters in which the government is a party. This Tribunal replaced the High Court. When the government is party to the litigation and when the Tribunal is exercising the powers of the High Court, how can the government be given power to override the decisions of the Tribunal? Fortunately, the Supreme Court declared this proviso as unconstitutional in *P. Sambamurthy v. State of A.P.* (1986). There are other such examples.

A strong Centre

Before independence, India comprised over 550 princely States, suffered from the problems created by Partition and faced a looming economic crisis. Thus, the Constituent Assembly's members tilted towards a strong Centre with a blend of cooperative federalism. It is true that the governments at the Centre abuse their powers to cripple Opposition-ruled States, but that does not call for creating a new Constitution. It calls for seeking mandate from the people to elect regional parties in general elections so that States can have dominance in the Union, besides approaching the Supreme Court under Article 131 whenever the need arises to resolve conflicts between the Centre and State.

The Chief Minister should remember that if he could become the Chief Minister of Telangana, it is only because of the present Constitution, as despite the Assembly of united Andhra Pradesh



rejecting the resolution in 2013 to bifurcate Andhra Pradesh, it was Parliament, which by exercising powers conferred under Article 3 of the Constitution, carved out the two States.

UNDERSTANDING THE DRAFT INDIA DATA ACCESSIBILITY & USE POLICY, 2022

The MEITY on February 21 released a policy proposal titled as, “Draft India Data Accessibility & Use Policy, 2022”. The policy objectives mentioned in this draft are primarily commercial in nature. As the generation of citizen data is slated to increase exponentially in the next decade, the Government is looking to license and sell public data to the private sector.

The policy will be applicable to all data and information created and collected by the Central Government. It would also allow State governments to adopt its provisions. Its operationalisation will be achieved through the establishment of a India Data Office (IDO) for overall management. A India Data Council will also be formed as a consultative body. The policy strategy is to make Government data open by default and then maintain a negative list of datasets which cannot be shared.

There are privacy issues which need to be addressed. Apart from that, with the adoption of the language of open data the Government strays from its core principle of providing transparency towards its citizens. Other issues include questions of how the Centre and the State are going to share the proceeds from the sales.

Anushka Jain Apar Gupta

The story so far: The Ministry of Electronics and Information Technology (MEITY) on February 21, 2022 released a policy proposal titled as, “Draft India Data Accessibility & Use Policy, 2022”. The policy aims to, “radically transform India’s ability to harness public sector data”. The proposals of the Draft Data Accessibility Policy has been in the spotlight for permitting the licensing and sale of public data by the Government to the private sector.

Why has the Draft Data Accessibility Policy been proposed?

The generation of citizen data is slated to increase exponentially in the next decade and become a cornerstone of India’s \$5 trillion-dollar digital economy. The policy objectives and purpose drawn from this understanding are primarily commercial in nature following the rationale of the National Economic Survey, 2019 which at Chapter 4 noted the commercial benefits of Government data exploitation, notably, “The private sector may be granted access to select databases for commercial use...Given that the private sector has the potential to reap massive dividends from this data, it is only fair to charge them for its use.” It aims to harness the economic value of the generated data.

A background note that accompanies the policy outlines existing bottlenecks in data sharing and use which includes the absence of a body for policy monitoring and enforcement of data sharing efforts, absence of technical tools and standards for data sharing, identification of high value datasets and licensing and valuation frameworks. It indicates a way forward to unlock the high value of data across the economy, congruent and robust governance strategy, making Government data interoperable and instilling data skills and culture.

Beyond this, there is a lack of transparency with the absence of a consultation paper or a disclosure of the list of stakeholders who have been consulted which as per a public notice by MEITY include, “academia, industry, and Government”.



How does the Draft Data Accessibility Policy aim to achieve its goals?

The policy will be applicable to all data and information created, generated, collected and/or archived by the Central Government. It would also allow State governments to adopt its provisions. Its operationalisation will be achieved through the establishment of a India Data Office (IDO) under MEITY for overall management, with each government entity designating a Chief Data Officer. In addition to it, a India Data Council will be formed as a consultative body for tasks that include finalisation of standards. It is not indicated whether the India Data Council will have non-governmental participation from industry, civil society or technologists.

The policy strategy is to make Government data open by default and then maintain a negative list of datasets which cannot be shared. Definition of more sensitive categories which should have restricted access is left to the independent government ministries. In addition to this, existing data sets will be enriched or processed to attain greater value and termed as high-value datasets. Government datasets including high-value datasets will be shared freely within government departments and also licensed to the private sector. As a measure of privacy protection, there is a recommendation for anonymisation and privacy preservation.

What are the privacy issues with the Draft Data Accessibility Policy?

India does not have a data protection law that can provide accountability and remedy for privacy violations such as coercive and excessive data collection or data breaches. Here, inter-departmental data sharing poses concerns related to privacy since the open government data portal which contains data from all departments may result in the creation of 360 degree profiles and enable state-sponsored mass surveillance. Even though the policy considers anonymisation as a desired goal there is a lack of legal accountability and independent regulatory oversight. There is also a failure to consider scientific analysis and the availability of automated tools for the re-identification of anonymous data. This becomes important given the existing financial incentives of licensing to the private sector, where the Government is acting as a data broker. Here the commercial value of the data increases with greater amounts of personal data. The absence of an anchoring legislation further leads to the policy not being able to fulfill the threshold of legality for state intervention into privacy which was put in place by the Supreme Court of India in its landmark right to privacy decision.

Are there any other issues with the policy?

There are three additional issues with the policy document that merit consideration.

While adopting the language of open data it strays from its core principle of providing transparency of the Government towards its citizens. There is only one mention of transparency and little to no mention of how such data sharing will help ensure demands for accountability and redress.

The second issue is that the policy bypasses parliament as it contemplates large scale data sharing and enrichment that will be borne from public funds. Further, the constitution of offices, prescription of standards that may be applicable not only to the Central government, but even State governments and schemes administered by them require legislative deliberation.

This brings us to the third and final issue of federalism. The policy, even though it notes that State governments will be, "free to adopt portions of the policy," does not specify how such freedom will be achieved. It becomes relevant, if specific standards are prescribed by the Central



government for data sharing, or as a precondition to financial assistance. There is also the absence of any comment on whether data gathered from States may be sold by the Central government and whether the proceeds from it will be shared with the States.

How to participate and send in your views?

The draft data access policy accompanied by a background note is available on the website of MEITY and open for public consultation till March 18, 2022.

A CLASS FOR ITSELF

The Kerala Governor has stirred up a hornet's nest by demanding the discontinuation of a uniquely Kerala welfare scheme that covers around 1,200 people who served on the personal staff of Ministers, leaders of Opposition and government Chief Whips. The number of people who are eligible for lifetime pensions from the exchequer is set to swell to around 1,500 when the additional beneficiaries, who were recruited during the previous government, are added. Governor Arif Mohammad Khan has called for an end to this practice, terming it unconstitutional and against constitutional morality. The State spends around ₹8 crore every year on these pensions, according to estimates. The beneficiaries, mostly political activists, draw a minimum pension of ₹3,550 a month, and dearness allowance. In 1959, the State allowed Ministers to have 20 members on their personal staff; over the years that number has risen to the current 30. In 1994, when the Congress-led United Democratic Front was in power, pensions were sanctioned through an executive order, with retrospective effect from 1982. In the beginning, the eligibility for this cohort was three years in service as opposed to 10 years for regular government employees. As the pension scheme for its regular employees in general became tighter, the government made flagrant exceptions for this class. They are now eligible for pensions after two years. The CPI(M)-led ruling Left Democratic Front has said it would not heed the Governor's demand, and that the pension scheme would continue.

The pension scheme for the personal staff has become a safety net for the fortunate among the cavalry of political parties, but it is a cruel insult to the swelling ranks of the State's unemployed and underemployed youth. As the Governor has pointed out, there is also a pattern of replacing one set of staff with another after two years, in order to cover more people under the pension scheme. Some recent controversies in Kerala also brought to the fore other innovative modes of nepotism, such as arbitrary recruitment of consultants. Towards the end of the previous government, seven people were appointed to the CM's personal staff with retrospective effect, making them eligible for pensions. All parties in Kerala had agreed to this arrangement, a source of political patronage in the resource-starved State. The Governor has now disrupted that comfort zone by not merely challenging it but also launching a public campaign against it. The fact that Kerala is in a financial crisis only makes this pension scheme more unacceptable to the general public. All political parties must take note of the resentment that this preferential treatment to their protégés can create against the political class in general. They must work together for a wealth-creating consensus in the State rather than designing and defending such indefensible schemes.

UNTANGLING KERALA'S LOKAYUKTA CONTROVERSY

The controversy surrounding the amendment to the Lokayukta Act of Kerala — effected through an ordinance — has raised the political temperature in the State with the Opposition accusing the Government of trying to whittle away at the powers of the Lokpal. The Government, on the other

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



hand, claims that through the amendment, a provision in the Act which is unconstitutional has been excised as it gave power to the Lokpal to give directions to the Governor to remove a Chief Minister or a Minister on being found guilty of corruption. This issue has sparked off a noisy debate in the media in the State which has, in fact, generated more heat than light. The Lokayukta has indirectly expressed its resentment over the attempt to take away some of its powers.

The background

The Lokpal-Lokayukta issue has always generated intense debate in the country. In fact, this term was first used in a report of the Administrative Reforms Commission headed by Morarji Desai as far back as in 1966. Political corruption had become rampant by then and it was thought that a credible system of an ombudsman should be established to redress public grievances against public officials and Ministers of the government. The first Bill on Lokpal was introduced in the Lok Sabha in 1968 which lapsed with the dissolution of the House. The idea of a Lokpal has had a long journey; finally, after 45 years the Lokpal and Lokayuktas Bill was passed by Parliament in 2013. Anna Hazare's movement and the active involvement of civil society generated a lot of moral pressure on the Government which ultimately led to the passing of the Bill.

In order to get a clearer perspective on the Kerala Lokayukta controversy, it is necessary to understand the scheme of the Lokpal and Lokayuktas Act enacted by Parliament. The long title of the Act says: "An Act to provide for the establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries..." Thus, the Lokpal is conceived of as a body which will inquire into allegations of corruption. It is basically an investigative body whose task is to conduct prompt and fair investigation and the prosecution of cases of corruption.

A thread with the judiciary

However, the Lokpal is no ordinary investigative body. It is headed by the incumbent Chief Justice of India or a retired judge. It has eight members, four of whom are judicial members. Thus the whole system is studded with judges or judicial men. The Lokpal has an inquiry wing and a prosecution wing to deal with investigation and prosecution, respectively. The director of prosecution files the case in the special court based on the findings of the Lokpal.

The Lokpal has jurisdiction to inquire into allegations of corruption against the Prime Minister, Ministers, Members of Parliament, Group A, B, C and D officers and officials of the central government. After the conclusion of the investigation, the Lokpal may file a case in the special court in case the findings disclose the commission of offence under the Prevention of Corruption Act by the Prime Minister, Ministers or Members of Parliament. However, the Lokpal does not have the power to ask the President to remove the Prime Minister or a Minister from office.

The Lokpal and Lokayukta Act delegates the power to States to establish by law the Lokayukta to deal with complaints relating to corruption against public functionaries. Some States already have established Lokayuktas. For example, Maharashtra in 1971, and Kerala in 1999.

In Kerala, the implications

Now, in the background of the Lokpal Act let us examine the Lokayukta controversy in Kerala. Section 14 of the Act which has now been amended said that if the Lokayukta is satisfied on the complaint against the public servant being substantiated that he should not continue to hold the post held by him, he shall make a declaration to that effect in his report to the competent authority



who shall accept it and act upon it. In other words, if the public servant is the Chief Minister or a Minister, he shall forthwith resign his office. It may be noted here that such a provision does not exist in any of the State laws or the Lokpal Act of the Centre.

This provision in the State law has serious legal and constitutional implications. Two important points need to be made here. One, an investigative body does not have the legal authority to direct the public servant to resign his post on the basis of its findings. It can only submit its findings to the competent authority or, as is provided in the Lokpal Act, file a case in the special court. The Lokayukta is basically an investigative body with certain powers to carry out an investigation into cases relating to the Prevention of Corruption Act. The only special feature of this body is that it is headed by a retired judge of the Supreme Court or a retired Chief Justice of a High Court. But that does not alter the basic character of the Lokayukta as an investigative body. It does not and cannot enjoy the powers of the higher courts which alone can issue such directions in the nature of writs.

Two, the Chief Minister or a Minister holds office during the pleasure of the Governor (Article 164). The Constitution of India does not contemplate any external pressure on the Governor to withdraw his pleasure. The Sarkaria Commission had suggested that the Governor can dismiss a Chief Minister only when he loses his majority in the Assembly and refuses to step down. The Supreme Court has accepted this recommendation of the Sarkaria Commission. Another occasion when the Governor could withdraw his pleasure is when the Chief Minister is disqualified from being a member of the House on account of his having been convicted in a criminal case and sentenced to not less than two years of imprisonment. In other words, a Chief Minister cannot be asked to resign when he enjoys a majority in the House. The Governor, being a high constitutional authority, cannot be compelled by a law to act in a particular manner so far as his constitutional duties and functions are concerned. No agency created by a law made by the Assembly, particularly an investigative body, can declare that its decision be carried out by the Governor. It would amount to a violation of the Constitution.

Thus, Section 14 of the Kerala Lokayukta Act, 1999 suffered from serious legal infirmities and it is only proper that the government of the day revisited this provision. However, the Bill is yet to be brought before the Assembly to replace the ordinance.

Provisions that are moot

There are some other provisions as well which may not stand legal scrutiny. For example, this law includes the office bearers of political parties within its definition of 'public servant'. The Lokayukta law was enacted to inquire into cases of corruption of public functionaries such as Ministers, legislators, etc. who are covered by the Prevention of Corruption Act. This Act does not include office-bearers of political parties in its definition clause. Basically, the Prevention of Corruption Act deals with corruption in the government and allied agencies, statutory bodies, elected bodies, etc. The functionaries of political parties do not come within the mischief of this law. So, it is difficult to understand how they can be brought within the sweep of the Lokayukta Act.

Another problematic provision in this law is the one which deals with the reports of Lokayukta (Section 12). It says that the Lokayukta shall, on the allegation of corruption being substantiated, send the findings along with recommendation of action to the competent authority who is required to take action as recommended by the Lokayukta. It further says that if the Lokayukta is satisfied by the action taken by the competent authority, he shall close the case. The question is how the Lokayukta can close a corruption case which is a criminal case and which invites



imprisonment for three to seven years. The Lokpal files the case in the court after the investigation. There is no provision in the central law under which the Lokpal can close the case before it reaches the court. The Lokayukta not being a court does not have the legal capacity to close the corruption case under any circumstances.

In fact the whole controversy could have been avoided if an objective and dispassionate analysis of this law had been made by all the stakeholders. The ballyhoo by television channels has effectively clouded the issue. The target rating point of channels has definitely increased but the public has been left none the wiser. The Kerala Lokayukta Act should be re-examined by a committee of the Assembly and should be brought on a par with the Lokpal Act. A legislation which seeks to punish corrupt public functionaries should be placed above controversies.

TURNOUT INDICATIONS

If recent elections are anything to go by, turnout numbers are no indication of which way the mandate is swinging. Conventional wisdom has been that high turnout numbers correspond to an anti-incumbency effect, and indeed, a sudden spurt in voting numbers could indicate a wave in a particular direction. But with voter turnouts, especially among the poor, going up significantly in recent years across India, changes in turnout numbers offer little by way of explaining the outcome. The drop in voter turnout in Punjab from 77.4% in 2017 to 71.92% in 2022, however, indicates a certain frustration with the polity in the State. In the last few months, there have been drastic changes in the party system following the removal of Captain Amarinder Singh from the Chief Minister's post, his leaving the Congress and joining hands with his erstwhile arch-enemy, the BJP. The anger over the farm laws that were later repealed, was felt the most in rural Punjab and the farm agitations against the Centre's policies should have provided a viable path for the ruling Congress to succeed. But the infighting within the Congress and its belated but logical promotion of incumbent Charanjit Singh Channi as the "chief ministerial" candidate complicated matters for the ruling party. Reports from the ground suggested that the Aam Aadmi Party was also able to capitalise on the general resentment with the two national parties and the Shiromani Akali Dal, but the fragmentation of the polity and a general lack of clarity among them over the issues that have affected the electorate seems to have dampened voter enthusiasm in the State.

In the third phase of polling in 59 seats in central Uttar Pradesh, the voter turnout was 60.46%, marginally lower than the 62% voting in 2017 in the same seats. As with the earlier phases, there were a higher number of voters in rural areas compared to cities, a case in point being Kanpur city which registered only a 56.14% turnout. With identity politics, welfare and patronage dominating the narrative of the elections here, urban voters seemed less enthused compared to their rural brethren perhaps because of the lack of an adequate emphasis on civic issues in the political discourse. That said, ground reports from the three phases have indicated a closer contest in comparison to 2017 when the BJP had a field day sweeping district after district in the Assembly polls. Except in Bundelkhand, there has been enough of a wind behind the sails of the Opposition — the Samajwadi Party-led coalition in particular — and the high pitched third phase campaigns in the potato-growing areas are an indication that the election is not done and dusted. The relatively peaceful nature of the polls and the centering of socio-economic issues rather than religious identity bodes well for the next four phases of voting in India's most populous State.

SFJ: WHY ITS NAME KEEPS COMING UP



The brainchild of Gurpatwant Singh Pannu, a law graduate from Panjab University who is currently an attorney at law in the US, Sikhs for Justice (SFJ) claims to be “an international advocacy and human rights group”, “with the express intent of achieving self-determination for the Sikh people” and “establishing a sovereign state, popularly known as Khalistan”.

The beginnings

The SFJ ran its first campaign against leaders it alleged had links with the anti-Sikh riots in 1984. It urged courts in the US to prosecute Congress leaders Kamal Nath, Sonia Gandhi and (then Prime Minister) Manmohan Singh for “role” in the violence or in “supporting” the alleged culprits. In 2016, then Punjab Chief Minister Amarinder Singh had to cancel a visit to Canada following a case filed by the SFJ against him there. On the basis of the SFJ appeal, a Washington federal court had issued summons against Manmohan Singh during his September 2013 visit to the US. It did not amount to much.

Referendum 2020

In August 2018, the SFJ made a declaration in London for a ‘Referendum 2020’ “to liberate Punjab”. The so-called referendum was to be held in 2020 in Punjab along with major cities of North America, Europe, Australia, New Zealand, Malaysia, the Philippines, Singapore, Kenya and the Middle Eastern Countries. Voting was held in Britain in October 2021 and in Switzerland in December 2021.

Differences with pro-Khalistan outfits in India

Apart from the Indian government, pro-Khalistan groups such as the Dal Khalsa and Shiromani Akali Dal (Amritsar) expressed reservations about the referendum. The two outfits wrote a joint letter to the SFJ questioning the practicality and legal standing of such a move before the United Nations.

In 2019, the Home Ministry announced a ban on the SFJ under the UAPA. The government also alleged that the SFJ and ‘Referendum 2020’ were supported by Pakistan.

THE VICIOUS CYCLE

In a democracy, disrespect shown to the Opposition can end up becoming disrespect to the people's right to choose, to democracy itself. For a campaigner of the PM's stature to lose sight of these vital distinctions in the heat of electoral battle is dispiriting and disheartening.

The fact is this: In July 2008, 22 blasts took place within 70 minutes at various locations in Ahmedabad with explosives placed in buses, cars, parked cycles. In the rest of Prime Minister Narendra Modi's speech in Hardoi in poll-bound Uttar Pradesh, was more than a little spectre-mongering. Recalling the Ahmedabad blasts, days after 38 convicts were sentenced to death for them, the PM accused the Opposition of being soft on terror and joined dots that would otherwise appear to be impossible to connect. Linking the blasts to the SP's poll symbol, he said: “Cycle par bomb rakhe hue the (bombs were placed on cycles)”. And: “Main hairan hun yeh cycle ko unhone kyun pasand kiya (I am surprised why they preferred the bicycle)”. The cycle evokes many associations, it has several connotations, from simple mobility and balance to empowerment — the inexpensive and unsnazzy vehicle of the poor and middle class, the unlikely star of the Bihar government scheme for schoolgirls, which helped them to continue to study even when it meant pedalling to a school outside their village. It can no more be linked to the terror act than, say, the



Congress's symbol, hand, or the BSP's elephant, except by a similarly incredible semantic leap — the terrorist's "hand", or terror as the "elephant" in the room. That the PM sought to make the poll symbol of a political opponent look sinister ahead of elections, however, speaks not of words and meanings, but politics — a politics that revels in tarring the Opposition and labelling it.

The PM's accusation of softness on terror cases against the SP, when it is in power, was also political polemic, but could be said to have more of a leg to stand on — in 2013, for instance, the then Akhilesh Yadav government ordered the withdrawal of cases against 19 persons facing terror charges, including for blasts in Varanasi and Gorakhpur, Lucknow and Ayodhya, on the ground of insufficient evidence. The PM's portrayal of that decision is harsh, but it is in consonance with his party's muscular stands on terror, and its strenuous projection of these positions to demarcate itself from its rivals in the poll arena. The airstrike on Balakot dominated the BJP's winning 2019 campaign. The cycle-terror equation, however, goes an unbecoming step further. It is one thing to allege that the political opponent is weak on national security and quite another to suggest that it is, in any way, implicated in or associated with acts of terror. In the context of UP, it is also a communal dog whistle, which may not be surprising — the BJP campaign had spoken of kabristan vs shamshan, Ramzan vs Diwali, in the 2017 election in UP — but is nevertheless jarring.

In a democracy, disrespect shown to the Opposition can end up becoming disrespect to the people's right to choose, to democracy itself. For a campaigner of the PM's stature to lose sight of these vital distinctions in the heat of electoral battle is dispiriting and disheartening.

EXPLAINED: WHO GETS VIP SECURITY COVER, AND HOW?

Dera Sacha Sauda chief Gurmeet Ram Rahim has been provided Z plus category security. The decision has generated considerable interest as Ram Rahim is serving a 20-year sentence for raping two women

Dera Sacha Sauda chief Gurmeet Ram Rahim has been provided Z plus category security by the Haryana government. The decision of the state government has generated considerable interest as Ram Rahim is serving a 20-year sentence for raping two women, and was released on furlough days ahead of the elections in Punjab on February 20.

Also, the Centre recently provided central security cover to 25 BJP politicians from UP and Punjab until the end of the ongoing elections. Among the beneficiaries are the BJP candidate from Karhal constituency in UP's Mainpuri, SPS Baghel, who is up against Samajwadi Party chief Akhilesh Yadav, and several Congress turncoats in Punjab.

Earlier, after the West Bengal Assembly elections, the Centre had provided central security cover to all 77 BJP MLAs amid reports of political violence in the state.

So, who gets protection from the government, either at the Centre or in a state?

Protection is generally given to someone who holds a position of consequence either in the government or in civil society — hence the informal description "VIP security".

But the Centre is usually not keen to give protection to individuals — and therefore, a large number of even "important people" whose lives are deemed to be in danger, are provided security by state police forces based on assessments made by the state government.

Who decides the level of security protection an individual needs from the Centre or a state?



The level of security is decided by the Ministry of Home Affairs (MHA) in the case of the Centre, and by the state government in the case of states.

The assessment is based on inputs received from intelligence agencies, which include the Intelligence Bureau and the Research and Analysis Wing at the level of the Centre, and the state intelligence department in the case of the state government.

Agencies give a broad subjective assessment of the threat to life or injury to a person from terrorists or any other group based on information generated from their sources. This information can include intercepts of phone conversations, human intelligence, or a credible analysis of an open threat.

By reason of the positions they hold in the government, certain individuals are automatically entitled to security cover. Among them are the Prime Minister and his immediate family. The Home Minister, and officials such as the National Security Advisor, too, generally get security cover.

Is it odd that only BJP politicians have been assessed as facing a threat during elections?

There is no bar technically — at the same time, it might appear curious that only members of the ruling party are provided security cover by the state.

The granting of VIP protection is more often than not a political decision. In many parts of the country, VIP protection is a status symbol, and the security entourage is seen to add to the aura of a politician.

In the case of Punjab, many of the 22 BJP politicians who were given central protection ahead of the elections, had written to the Centre claiming there was a threat to their lives. In UP too, security cover is often seen as a reflection of a politician's stature.

At the same time, many politicians prefer not to move with a heavy security entourage because the disruption and inconvenience they cause to common people is seen as an annoyance. Often the public perceives such politicians to be distant and disconnected. Many of the BJP MLAs in West Bengal were said to have been uncomfortable after the Centre accorded them central security cover last year.

What about Ram Rahim? How is a rape convict found eligible?

Legally, there is no bar on the government providing protection to a convict if it is felt that his life may be in danger. In fact, it is the duty of the state to protect the lives of prisoners and convicts.

Haryana Home Minister Anil Vij said recently that he had no knowledge of any threat against Ram Rahim. The Dera chief was given security on the basis of a communication from a senior Haryana police officer who mentioned that he was facing a high-level threat from radical Sikh extremists in India and abroad. Chief Minister M L Khattar then accorded Ram Rahim security.

But isn't the assessment supposed to be based on credible intelligence?

While the state police directly reports to the state government, none of the intelligence agencies in India are accountable to any statutory body, barring the internal oversight of the MHA and the Ministry of External Affairs (MEA).



The intelligence input generated by the agencies, particularly in the case to justify VIP security, is neither put in public domain, nor is open to scrutiny by any other agency. There is practically no accountability, barring to the government in power. As a result, VIP security is often open to manipulation by the executive.

Some decisions taken with regard to even non-politicians have raised eyebrows. For example, Bollywood actor Kangana Ranaut had been accorded Y plus category of CRPF security by the MHA in September 2020 in the wake of her spat with Shiv Sena leader Sanjay Raut, and after she expressed fear for her life.

However, Deepika Padukone, who had faced similar threats after standing up in support of protesting JNU students who had come under attack from outsiders, was not given cover.

What are the various levels of protection extended to individuals by governments at the Centre and the states?

There are largely six types of security cover: X, Y, Y plus, Z, Z plus, and SPG (Special Protection Group). While the SPG is meant only for the PM and his immediate family, other protection categories can be provided to anyone about whom the Centre or state governments have inputs about a threat.

X category security usually entails one gunman protecting the individual; Y has one gunman for mobile security and one (plus four on rotation) for static security; Y plus has two policemen (plus four on rotation) for mobile security, and one (plus four on rotation) for residence security; Z has six gunmen for mobile security, and two (plus eight) for residence security; and Z plus has 10 security personnel for mobile security and two (plus eight) for residence security.

Even within these categories, there are various levels of cover. These include security of residence, mobile security, office security, and inter-state security.

Different VIPs are given different kinds of security cover, depending upon the threat perception. For example, if the Chhattisgarh CM is assessed to have a threat from Maoists only in his state, the Centre may choose to give him residence and mobile security only in his state. He may be given appropriate security by the concerned state police when he travels out.

Similarly, some may have a threat only when they travel, so they are given an escort force.

Also, different forces may be engaged for residence and mobile security. Many protectees get residence security by the state police but mobile security by a Central Armed Police Force (CAPF).

Which are the forces engaged in VIP security and who pays for the security?

For VIPs other than the PM, the government has mandated the National Security Guard (NSG), Central Reserve Police Force (CRPF) and the Central Industrial Security Force (CISF) to provide security cover. In case a state accords security, the state police provides protection.

The Centre has intended over the years to reduce the burden of VIP security on the NSG, which provides the most sought-after cover. It has been argued that the NSG's core function is counter-terrorism operations, and not VIP security. It is for this reason that Home Minister Amit Shah and NSA Ajit Doval have been given CRPF and CISF cover respectively.



For anyone whom the government provides security after assessment by intelligence agencies, the cost is borne by the state. However, those who have Z and Z plus security, with many personnel at their residence and as part of their mobile security, are sometimes required to factor in accommodation for these personnel.

Former Chief Justice of India P Sathasivam had in 2014 famously refused VIP security provided by the government after his retirement, as he had moved to his ancestral home which did not have space to accommodate so many personnel. Until the time he was CJI, he enjoyed Z plus security, which was downgraded to Z category security of the CRPF post-retirement.

Free cover is not a right, however. The government can choose to bill a private individual for security even after making a threat assessment. Industrialist Mukesh Ambani was provided Z category CRPF cover in 2013 after an assessment by the IB of a threat to his life. But in its order, the government asked the CRPF to charge Ambani Rs 15 lakh per month for the cover.

EXPLAINED: THE CASE IN WHICH ED HAS ARRESTED NCP'S NAWAB MALIK

The Maharashtra minister has been arrested for alleged money-laundering and involvement in terror funding. What is the ED's case against him, and what links with the underworld has it accused him of?

The Enforcement Directorate on Wednesday arrested NCP leader and Maharashtra minister Nawab Malik on charges of money-laundering and "active involvement in terror funding".

What are the charges against Malik?

The ED is investigating Malik for a property deal that he entered into with Haseena Parkar, sister of fugitive underworld don Dawood Ibrahim. There are allegations that Malik bought this property — 3 acres of land at Goawala Compound on LBS Marg in Kurla, Mumbai — for Rs 85 lakh, of which Rs 30 lakh was shown in sale agreement and the rest was paid in cash. The ED has alleged that the registered value of the property was much lower than the prevailing market rate.

According to the ED, Parkar transferred her interest in the property held through Salim Patel for the beneficial interest of Malik in 2005. The ED has claimed that Sardar Shah wali Khan, who has underworld links, played an important role in the sale.

According to the ED's remand application in the court, the land was originally owned by Munira Plumber and was "usurped" from her by Parkar and her front man, Mohammed Salim Ishaq Khan alias Salim Patel, who too has underworld links, through a forged power of attorney (POA) in the name of Patel.

The document gave Patel the rights to sell Plumber's land. Plumber has told the ED she had never approached Malik for the sale and got to know about it only last year, through media reports.

The ED has alleged that the total value of the land in the sale agreement is Rs 30 lakh. The agency said Malik introduced "fake tenants" for lowering the registry value of the land. Who are these two men linked with the underworld?

Shah awali Khan is serving a life term in the 1993 Mumbai blasts case. He is said to have been part of the team given firearms training by alleged mastermind Tiger Memon and to have done a recce of the Bombay Stock Exchange and BMC to decide where the bombs should be placed. He was



sentenced to rigorous imprisonment in June 2007 and is currently in Aurangabad jail. The property deal took place in September 2005.

The other man linked to the underworld, Salim Patel, was the bodyguard and driver of Parkar.

What is Malik's defence?

Senior counsel Amit Desai, who is representing Malik, said there is no connection shown between Malik and the "gang" (Dawood gang) in the remand application. Desai said a property transaction dating back to 1999, when the PMLA (Prevention of Money Laundering Act, 2002) was not even in force, is being used to create an impression that an elected representative of Maharashtra is involved in anti-national activities.

Desai said Malik is himself a victim in a case where a person who did not possess title to the property had sold it to him. "Ms Plumber claims misuse of her power of attorney by Patel. Where is Mr Malik in this?" said Desai.

Earlier too, when former chief minister Devendra Fadnavis had alleged that Malik had bought the land from people connected with the underworld, the NCP minister had denied the charges. Malik had said the Kurla land held a god own that his company Solidus Investments Pvt Ltd had leased from Plumber.

"She approached us and said that she wanted to sell the land to us. We took ownership of the land and got the registration done through one Salim Patel, who had the power of attorney. " On Fadnavis's claims about Shahawali Khan, Malik had said: "Khan's father was a watchman at this compound and the family had managed to get their names on the property records staking claim to 300 metres of land. When we came to know about it, we paid them money to surrender their rights. "

What is Solidus Investments, and what is its link with Malik?

Solidus Investments Pvt Ltd is a company set up in 1973. Malik's son Aamir Nawab Malik and wife Mehjbeen Nawab Malik are listed as its two directors.

According to the ED's remand application, Solidus Investments, owned by Kanu bhai M Patel until 2002-03, was one of the tenants at Plumber's Kurla property. Malik, who was then Maharashtra's revenue minister, approached Patel to sell the tenancy rights held by his company for rehabilitation of 360 families who would be affected by a proposed road project.

According to the ED, Patel agreed to sell Solidus to Nawab Malik for a philanthropic gesture. Subsequently, Malik's family became the owners of Solidus and had entry to the property as a tenant. Malik was on the Solidus board until he became a cabinet minister in the present government in 2019.

THE DESPOTIC NATURE OF THE PMLA

The draconian PMLA of 2002 has evolved as the Government's "hatchet" law in recent years, considering the series of raids and arrests of politicians, their relatives, and activists, most of them who are critical of the ruling regime. The unease about the law has become so rife that a bunch of petitions filed by people across the country have questioned the almost blanket powers given to the ED through this law.



The Act was enacted in a 2002 response to India's global commitment (including the Vienna Convention) to combat the menace of money laundering, stemming from the trade of drugs and narcotics and the organised crime that goes with it.

Lawyers argue that the PMLA is invoked against a political rival or a dissenter, because the "process is itself the punishment". They point out that the ECIR, an equivalent of the FIR, is considered an "internal document" and not given to the accused. Which means that, pursuant to the registration of the ECIR, as the ED begins to summon accused persons and seeks details of all their financial transactions and that of their family members, the accused does not even know facts of the allegation against him/her.

Krishnadas Rajagopal

The story so far: The draconian Prevention of Money Laundering Act (PMLA) of 2002 has evolved as the Government's "hatchet" law in recent years, considering the series of raids and arrests of politicians, their relatives, and activists. The frequency and timings of these raids and arrests have raised suspicions of whether the PMLA and its agency, the Enforcement Directorate (ED), are the tip of the spear used to strike rival camps with political embarrassment. The unease about the law has become so rife that a bunch of petitions filed by people across the country have questioned the almost blanket powers given to the ED for search, seizure, investigation and attachment of assets considered to be the proceeds of crimes listed under the PMLA.

What is the PMLA?

The Act was enacted in a 2002 response to India's global commitment (including the Vienna Convention) to combat the menace of money laundering. The statement of objects and reasons of the PMLA Bill of 1999 refers to various international conventions and instruments dealing primarily with money laundering related to crimes involving drugs and narcotics.

These include the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988; the Basle Statement of Principles, 1989; the Forty Recommendations of the Financial Action Task Force on Money Laundering, 1990; the Political Declaration and Global Program of Action adopted by the United Nations General Assembly in 1990; the Resolution passed at the UN Special Session on countering World Drug Problem Together, etc.

"PMLA was a comprehensive penal statute to counter the threat of money laundering, specifically stemming from trade in narcotics. Currently, the offences in the schedule of the Act are extremely overbroad, and in several cases, have absolutely no relation to either narcotics or organised crime," senior advocate Kapil Sibal said.

What are some of the recent cases where people have been booked under the PMLA?

Ahead of the Punjab polls, the ED has arrested Chief Minister Charanjit Singh Channi's nephew, Bhupinder Singh 'Honey', under money laundering charges in an illegal sand mining case. In 2021, the ED raided the residence and office premises of activist Harsh Mander, who has been a vocal critic of the Government. Former Maharashtra Home Minister Anil Deshmukh was arrested in a corruption and money laundering case in November 2021. The ED has also summoned Abhishek Banerjee, Trinamool Congress (TMC) leader and nephew of West Bengal Chief Minister Mamata Banerjee, for questioning in a money laundering case linked to an alleged coal pilferage scam.

What are the arguments raised in the Supreme Court?

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



Back-to-back hearings before a three-judge Bench led by Justice A. M. Khanwilkar has raised contesting points. That is, on one side, the gravity of the offence of money laundering. The court said the national economy is the ultimate victim of this crime. The offence affects every citizen. On the other side, senior advocates like Menaka Guruswamy have brought up convincing arguments to show the possibility of misuse of the law and subversion of constitutional guarantees. A Finance Ministry report, brought on record before the court, shows that the ED conducted 1,700 raids and launched special investigations in 1,569 cases between 2011 and 2020. However, it could secure conviction in only nine of these cases. Lawyers for the various petitioners argue that the PMLA is invoked in a case, say against a political rival or a dissenter, because the “process is itself the punishment”.

Senior advocate Amit Desai, for the petitioners, has argued that assets of genuine victims have been attached. The ED could just walk into anybody’s house. In all this, the fundamental purpose of the PMLA to investigate conversion of “illegitimate money into legitimate money” is lost. Petitioners point out that even the Enforcement Case Information Report (ECIR) — an equivalent of the first information report (FIR) — is considered an “internal document” and not given to the accused. They have argued that the ED treats itself as an exception to principles and practices of criminal procedure law and chooses to register an Enforcement Case Information Report (ECIR) on its “own whims and fancies”. The arguments in the court focussed on how, pursuant to the registration of the ECIR, the ED begins to summon accused persons and seeks details of all their financial transactions and that of their family members. The accused is called upon to make statements which are treated as admissible in evidence.

Throughout this whole procedure, the accused does not even know facts of the allegation against him, as the only document which contains the allegation is the ECIR, which is not supplied to the accused persons.

The court is also examining submissions that PMLA does not distinguish between an accused and a witness while summoning them.

They complain that the ED registers an ECIR immediately after an FIR is lodged. This is when the cause of action to commence an investigation under the PMLA can arise only if the commission of the alleged predicated offence has resulted in generation of “proceeds of crime” and such proceeds are “projected or claimed as untainted property”.

Petitioners have submitted that discretion exercised under the PMLA should be guided by rule of law. It must not be “arbitrary, vague and fanciful”.

EXPLAINED: MANIPUR’S TRADITION OF FLAG-HOISTING BY CANDIDATES

Before setting off on the campaign trail for the Manipur elections, being held on February 27 and March 3, candidates are holding a special ‘flag-hoisting ceremony’ in their respective constituencies. The practice, unique to Manipur, cuts across parties, ethnicities, religions and communities.

The ceremony

The ceremony is usually held in the courtyard of the candidate’s home on an auspicious date in the calendar. While the event simply involves the candidate hoisting the party flag, followed by a prayer by a priest and blessings by community elders, its scale and ceremony vary from candidate to candidate.



In the Meitei-dominated Imphal valley, a practice called the Athenpot Thinba is a key part of the flag-hoisting ceremony. In it, women from the community carry a variety of fruits and vegetables, rice, traditional snacks and flowers, and deposit them at the base of the party flagpole. Other gifts are also given to the candidate to wish him/her luck for the elections.

Dr Bedavati Laishram, Assistant Professor of history at Manipur University, said Athenpot Thinba is a ritualistic procession that marks the auspicious beginning of any event. "Athenpot usually refers to an offering, which includes a mix of items, such as food and flowers, and Thinba means to present/drop things," she said. The giving of Athenpot is common practice, and found in other traditional festivals such as Lai Haraoba, and even weddings.

In religious ceremonies, Athenpot is presented to appease the gods; in elections, it is done to show support to the candidate.

Following that, the candidate can interact with the people, or deliver a speech. Central leaders or star campaigners too attend flag hoisting ceremonies of some candidates. Defence Minister Rajnath Singh, who was in Manipur last week, attended the flag hoisting ceremony for BJP's Y Khemchand Singh, contesting from Singjamei.

The date of the ceremony is selected on the basis of astrological predictions in some areas. For example, a number of candidates held their flag-hoisting ceremony on February 14, as it was considered an auspicious day.

While the ceremony cuts across religions and faiths, there are variations on how it is done. The Meiteis, who follow Vaishnavism and Sanamahism, may have a puja in the ceremony. In the predominantly Christian hill districts, the ceremony is usually presided by a pastor who delivers a sermon, with blessings by elders, and may be followed up with singing of hymns.

The significance

Observers say the flag-hoisting ceremony, apart from being a public declaration that a candidate is standing from a particular constituency, is also an indicator of how strong or popular he/she is. "It is like a show of strength... if a lot of people show up at your flag hoisting, it means you are very popular, and have a better chance of winning," said a senior Congress leader from Manipur.

The ceremony is also a way to seek blessings from the voters before the campaigning starts.

It is not clear when the tradition started to become an important part of elections in Manipur. Observers say it has been happening for quite a while.

Imphal-based historian Wangam Somorjit points out that flags in general hold a place of importance in the political and religious life of Manipur's history, and this practice could be linked to that. "For Meiteis, before that go into the temple and pray to a deity/god, they first pray to a religious flag," he said, adding that the belief was that those who seek power, must especially keep the flag in reverence.

ROW OVER SUMMONING WEST BENGAL ASSEMBLY

West Bengal Governor Jagdeep Dhankhar on Saturday returned the recommendation of Chief Minister Mamata Banerjee to summon the Assembly on March 7.



Mr. Dhankhar took to social media and said that he had returned the recommendation for “constitutional compliance”. “Hon’ble CM Mamata Banerjee recommendation to summon Assembly on March 7 had to be returned for constitutional compliance as Guv [Governor] summons assembly on the recommendation made by the Cabinet after due compliance of Rules of Business under article 166(3) of constitution,” the Governor said in a tweet.

In the next tweet, Mr. Dhankhar said that “under article 163 (of the) Constitution Council of Ministers with CM as head is to aid & advise Governor in exercise of his functions.” “Rules of Business under article 166(3) spell out procedure in detail” and “only option was to remit file and for constitutional compliance”.

In a video message, Mr. Dhankar said the Constitution permitted the Governor to summon the House on recommendation of the Cabinet and the State government had sent him a file on February 17 to summon the Assembly on March 7.

“However, that (the file) had endorsement only of Hon’ble CM. There was no Cabinet decision. In this situation the only option I had was to send the file back to government so that they send back with constitutional compliance. When the file will come, the matter will be considered,” he added.

LOWERING THE BAR

New government guidelines that forbid students applying for the National Overseas Scholarship (NOS) from studying Indian history, culture and social sciences in foreign universities amount to irrational meddling. The scholarship provides crucial financial assistance to low-income candidates from Scheduled Castes, denotified nomadic and semi-nomadic tribes, and landless communities in pursuing a Master’s degree or PhD abroad. While the number of Indian students opting for education in foreign universities is significant and growing, only a tiny number of students from underprivileged communities manage to make that leap, given the formidable odds. To then suddenly put conditions on the span of knowledge available to them shrinks their opportunities, and puts a ceiling on their academic ambitions. This goes against the very purpose of the scheme. Second, it is not the business of governments to decide what students can — or cannot — study; the academic autonomy of scholars cannot be so casually disregarded. Third, the specific bar deprives a vast swathe of inquiry from the scholarship of people from the marginalised communities, whose lived experience and intellectual keenness can only illuminate blind spots of those fields.

The Ministry of Social Justice and Empowerment has justified these new guidelines by arguing that going “abroad was not needed to study Indian history, culture or heritage”; and that foreign universities are better suited for gaining other, presumably more technical, expertise. This is an incredibly short-sighted and narrow view of knowledge, which cannot be carved up into neat nationalistic silos. Some of the most enriching work on Indian history, politics and culture has been carried out by foreign scholars and in universities across the world — political scientists Paul Brass, Lloyd and Susanne Rudolph, international relations expert Stephen P Cohen; economist Amartya Sen and constitutional historian Granville Austin; literary scholars like Sheldon Pollock and Francesca Orsini, to name just a few. Not to discount the research being done in departments of Sanskrit and Indology in several European universities.

The illogic of the government’s argument has invited apprehensions that the new guidelines are a back-handed way of censoring contentious debates about the faultlines of contemporary Indian life. It is no secret that academics on foreign campuses have contributed to a strong, articulate



anti-caste movement as well as anti-Hindutva mobilisations. But the government's prickliness about Western critique must not be used to curb academic freedom and restrict academic careers of scholars from India's most marginalised communities. This bar on scholarship must go.

A NEXUS FOSTERING MUSLIM AUTHORITARIANISM

Democracy is rapidly declining across the globe. This is the finding of reports published in 2021 by some influential non-governmental research and advocacy organisations such as Freedom House, V-Dem, International Institute for Democracy and Electoral Assistance, and Cato Institute. Consequently, large democracies including the U.S. and India found themselves downgraded, among other things, on grounds of partisan pressure on the electoral process, bias in the criminal justice system, discriminatory policies, violence against Muslims, harassment of journalists and other government critics, and growing disparities in wealth, economic opportunity, and political influence.

The ulema-state alliance

If for most non-Muslim countries this sort of democratic recession is a recent phenomenon, Muslim nations have been scourged by it for a long time. In fact, the election of the first post-Prophetic Caliph, Hazrat Abu Bakr, was mired in controversy. According to a supposedly sahih (authentic) hadith in Bukhari, after the Prophet's death, the Ansar community in Medina wanted the Caliphate to be jointly headed by two ameers (leaders), one each from the Ansar and the Meccan tribe, Quraish. But Abu Bakr, a Quraishite, allegedly refused saying, "No, we will be the rulers and you will be the ministers, for they [the Quarish] are the best family amongst the Arabs and of best origin." He wanted the Ansar to elect Quraishites Hazrat Umar or Abu Ubaida bin Al-Jarrah. But Umar's refusal resulted in Abu Bakr himself being finally chosen as the first Caliph.

What is unbelievable about this whole episode is Abu Bakr's alleged tribal insularity. The Prophet in his famous farewell sermon had upheld human equality and categorically stated that every evil pre-Islamic practice including racism, ethnic superiority, and all forms of hereditary excellence stood abolished and lay trampled beneath his feet.

That Hazrat Abu Bakr being the Prophet's closest companion did not go against any of his teachings is proved by the fact that his caliphate was not marred by any kind of discrimination or partisanship. Therefore, the only other possibility is, such hadiths were fabricated as part of a collaborative venture between later rulers and pliable Muslim theologians to contain statements the Prophet or his companions did not make, with a view to justifying dynastic caliphates.

Ahmet T. Kuru, Professor of Political Science at San Diego State University, calls this caliph-cleric symbiosis the "ulema-state alliance". In his iconoclastic book *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*, he explains how this dodgy association began in 11th-century Baghdad and continued for centuries to leave behind a legacy of authoritarianism and underdevelopment in the 20th-century Muslim world.

The alliance was the egregious outcome of some Sunni caliphs' eagerness to unify Sunnis in the hope of creating an ideological bulwark against the rising Shii states in North Africa, Egypt, Syria, and Iraq. It resulted in the establishment of a "Sunni Creed" that branded Shiis, rationalist theologians, and philosophers as apostates liable to be executed.



However, as this unholy nexus did not exist in early Islamic history, Prof. Kuru argues, contemporary political and socioeconomic problems of Muslim countries cannot be simplistically attributed to Islam or Western colonialism.

The institutions that fostered the ulema-state alliance were the Nizamiya madrasas founded by Nizamul Mulk (d. 1092 CE), the vizier of the Seljuq Empire who served as its de facto ruler for two decades after the assassination of Sultan Alp Arslan in 1072. It was Nizamul Mulk who made the fateful decision of appointing the polymathic theologian Al-Ghazali (d.1111 CE) as a teacher in Baghdad's Nizamiya madrasa in 1091.

And it was Ghazali, writes Prof. Kuru, who helped legitimise the idea of declaring even self-avowed Muslims as apostates. He pronounced free-thinking philosophers who held unorthodox views on God and the nature of afterlife infidels whose life and property the Islamic state had the right to take. In short, Ghazali's influential theology, which considered religion and state to be interdependent twins, rendered extra-Quranic legalism almost unquestionable and ultimately paved the way for laws that created the capital offenses of blasphemy and apostasy.

This would not have been possible had the earlier bourgeoisie-ulema alliance not been wrecked by the ulema-state alliance. For before the latter dramatically emerged in the 11th-century it was the merchant class that was funding the ulema and philosophers, thus ensuring their independence. But the Seljuq policy of bringing the economy, especially agricultural revenues, under military control weakened the economic capacity and social position of merchants forcing the ulema to depend on the state for support which came at a huge cost.

The Seljuq model not only endured but spread to other Sunni states in the vicinity. Prof. Kuru points out that the Crusader and Mongol invasions accelerated the expansion because Muslim communities sought refuge from these onslaughts in military and religious authorities.

Later, around the 16th-century, three powerful Muslim states — the Sunni Ottoman, the Shii Safavid, and the Sunni Mughal Empire — established versions of the ulema-state alliance in territories extending from the Balkans to Bengal resulting in the socio-cognitive backwardness of the regions they ruled. In contrast, during this period the printing revolution had led the West out of the Dark Ages to the Age of Enlightenment.

Put differently, the Muslim world was in a state of intellectual stagnation long before Western colonisation economically impoverished it, a fact symbolised by the 16th-century Ottoman fatwa against the printing press.

Secularisation of Muslims states

Surprisingly, even the secularisation of some of the Muslim states established in the early 1900s (such as Turkey) did not free them from authoritarianism. Prof. Kuru gives three reasons for this. First, most 20th-century secularist leaders were former military officers and could not appreciate the importance of intellectuals and the bourgeoisie. Second, their authoritarian modernist ideas led them to impose state control over the economy by restricting the intellectual and bourgeois classes. Third, secularist rulers used Islam to legitimise their regimes by co-opting established ulema at the expense of independent Islamic scholars. Besides, secular Muslim states experienced Islamisation of public life as a result of policy failures and people harbouring an anti-intellectual attitude under the influence of the ulema. The ongoing hijab controversy in India shows that this can happen even in non-Muslim democratic states.



So, how does one undo the doctrinaire statism that prevails in most Muslim countries today, especially in Turkey and Pakistan? Prof. Kuru's advice is: the relationship between Islam and the state must be redesigned in a way that would promote intellectual and economic creativity. The ulema and authoritarians must pay heed.

A LETTER FROM MUMBAI: NOW OPEN IN DHARAVI, THE LARGEST PUBLIC TOILET IN THE COUNTRY

A two-storey building, with 111 toilet seats, shower rooms, washing machines, cold and hot water dispensers, sanitary napkin vending machines, and night-time facilities, the 6,000 sq ft 'Suvidha Centre' inaugurated by Maharashtra Tourism Minister Aaditya Thackeray in Dharavi on February 9 is being touted as one of the largest public toilet blocks in the country.

It's not that what impresses Soni, but two other crucial features – that the toilet block is “well-lit” and “secure”. Born, raised and married in this Mumbai slum, and now in her 20s, Soni knows the value of both, having spent a lifetime queuing up outside community toilets every morning, mostly drawing water for use from large drums.

She is “used to the hustle”, she says. But it's the fear that would follow every time she stepped out in the dark to use the public toilet that she could never handle. Soni, who now uses the new toilet block, says, “It is next to my lane, the walkthrough is well-lit. It is clean and has running water... The security doesn't allow men to linger, which is good.”

Harshada Doiphode, a Dharavi-based social worker, says, “Many pay-and-use toilets in the area are decrepit, with doors or ventilation panes broken. Girls and women would go in pairs or groups to use them. A few would use the toilet only once a day even if their bladder was bursting, causing infection and health problems.”

Among the facilities at the new block is a panic button in the women's toilets.

Like her neighbours, Soni and her family of five share a 10X10 ft shanty. Dharavi's maze of tiny alleys are home to nearly one million residents. Between them, the 10-lakh people have 339 pay-and-use or free community toilets, at least 19 added during the pandemic period. Hardly anyone has a private toilet.

The new multi-storey buildings built to house the slum residents also have a common toilet block per tower, with on an average four seats and two bathrooms.

Soon after the pandemic began, amidst the panic that Dharavi might become a virus hotspot, there was a drive to sanitise the public toilets. Soni recalls those days when the toilets were “cleaned properly, twice a day”.

For use of the new toilet block, one can avail passes, which allow a family of five access for Rs 150 a month (effectively meaning Rs 1 per person per day) — the same rate as in the pay-and-use public toilets in Dharavi. Without the pass, residents have to pay Rs 3 for using the toilets. Children are allowed free access.

Cold water is provided for Rs 1 a litre and hot water for Rs 2. For use of the shower cubicles, eight in all, the charge is Rs 5, and Rs 10 if you want a bar of soap.

Fourteen staffers are deployed to clean the toilets every hour. At the old pay-and-use toilets, cleaning was 'officially' done twice a day.

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



The representative of Hindustan Unilever Limited, which is managing the unit along with HSBC India and an NGO, says they have provided passes to 100 families.

Ten more Suvidha Centres are planned in slum areas across Mumbai, including one more in Dharavi.

Gathered around the Dharavi Suvidha Centre, a group of women including Zeenat Adam Kabri, a mother of five, hope there will be more such facilities. Kabri wishes though that instead of the 10 washing machines at the centre, charging Rs 50 for a bucket of clothes, the authorities had spent some of the “crores” to create community spaces for children like hers. “Do we have money to spend on washing clothes? We can wash clothes ourselves,” she says.

However, many of the Dharavi residents are migrants who live alone, away from their families, and they are happy about the washing services. Gyanchand Kantaprasad Jaiswal, who works with a local NGO, says, “At least 40% of the population are migrant labourers. The current laundry services charge Rs 30 for washing and ironing a pair of clothes. In comparison, at the Suvidha Centre, they can get at least four-six clothes washed for Rs 50.”

Sudhir Nimbalkar, assistant engineer and in-charge of the Dharavi Suvidha Centre, says he is aware of the residents’ issues, including the fact that some are intimidated by the “swanky building”. “But I am hopeful that with word of mouth and good-quality sanitation services, it will be used to its maximum capacity within months.”

Next to the shiny new community space, a dilapidated toilet unit lies almost unused now. Jaiswal says: “Before this new facility came up, some men used it, but no woman felt safe here. They preferred walking to the toilets on the main road.”

As two more women enter the Suvidha Centre to enquire about the monthly passes, Soni glances over at the dilapidated toilet and makes a wish: that the new facility remains accessible and clean. And that the lights don’t go out.

EXPLAINED: AHOM WARRIOR LACHIT BORPHUKAN AND THE BATTLES OF ALABOI & SARAIGHAT

Earlier this week, Chief Minister Himanta Biswa Sarma had announced a number of projects in connection with the 400th birth anniversary of Lachit Borphukan. Along with the Alaboi war memorial at Dadara, a Lachit Samadhi would be built this year over 22 bighas of land.

In Assam on a three-day visit, President Ram Nath Kovind on Friday inaugurated the year-long celebration of the 400th birth anniversary of Lachit Borphukan, commander of the Ahom forces and an icon of Assamese nationalism. He also laid the foundation stone for the Alaboi war memorial, a tribute to soldiers who had fought and suffered a setback against the Mughals at Alaboi, two years before Lachit’s decisive victory at the battle of Saraighat in 1671.

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Ahom kings ruled large parts of what is now Assam, and parts of what are neighbouring states today, for nearly 600 years between the 13th and 19th centuries.



Between 1615 and 1682, the Mughal Empire made a series of attempts, under Jahangir and then Aurangzeb, to annex the Ahom kingdom. In January 1662, Mughal Governor of Bengal Mir Jumla's forces engaged with the Ahom army and went on to occupy part of the territory under Ahom rule.

Between 1667 and 1682, the Ahoms under a series of rulers, starting with Chakradhwaj Singha, (reigned 1663-70) launched a counter-offensive to reclaim lost territories. This included the battles Lachit is remembered for.

Alaboi and Saraighat

In 1669, Aurangzeb dispatched the Rajput Raja Ram Singh I to recapture territories won back by the Ahoms.

The battle of Alaboi was fought on August 5, 1669 in the Alaboi Hills near Dadara in North Guwahati.

While the Mughals preferred an open battle, Borphukan relied on his knowledge of the territory and engaged in guerrilla warfare, carrying out assaults on the Mughals. After initial setbacks, Ram Singh sent his entire battery of Rajput soldiers and Mughal veterans and turned the tide of the battle. Ten thousand Ahoms died in the battle, according to a paper posted on the website of Assam's archaeology department.

Unlike in Alaboi, where he was forced to fight on land instead of a naval battle, Lachit in Saraighat enticed the Mughals into a naval battle. According to the historian H K Barpujari (The Comprehensive History of Assam), Ahom forces combined a frontal attack and a surprise attack from behind. They lured the Mughal fleet into moving ahead by feigning an attack with a few ships from the front. The Mughals vacated the waters behind them, from where the main Ahom fleet attacked and achieved a decisive victory.

Historians describe how Ram Singh wrote to Aurangzeb that every Assamese soldier had expertise in rowing boats, shooting arrows, digging trenches and wielding guns and cannons. "I have not seen such specimens of versatility in any other part of India. Glory to the King. Glory to the Commander. One single individual leads all the forces. Even I, Ram Singh, being personally on the spot, have not been able to find any loophole," historians quote his letter as saying.

Lachit, then and now

Arup Kumar Dutta, author of The Ahoms, told The Indian Express last year that Lachit Barphukan represented a time when the "Assamese race was united and able to fight an alien, formidable force such as the Mughals". Years later, the British reduced a brave race to an abject state, he said. "Even in free India, we had to fight for everything."

Dr Jahnabi Gogoi, a Dibrugarh University professor who specialises in medieval history, told The Indian Express last year: "He [Lachit] was an able commander and his courage is all the more lauded because he was terribly ill during the war."

Dr Gogoi said Lachit Divas has been celebrated on November 24, his birth anniversary, in Assam since the 1930s. He was "invoked under Congress too", Dr Gogoi said. In 2017, former Assam Chief Minister Sarbanananda Sonowal announced that Lachit Divas would be celebrated across the country.



The BJP, which frequently invokes Lachit's name to appeal to Assamese sentiments, has of late been describing him as a "Hindu" warrior. A professor from Assam told The Indian Express that this misses the fact that many Muslims fought in the Ahom forces, including navy general Bagh Hazarika (Ismail Siddique) in a decisive role. Moreover, the attack on the Ahoms was led by a Rajput ally of Aurangzeb.

Today, Lachit Barphukan's victory is honoured with a gold medal given every year to the best cadet graduating from the National Defence Academy (NDA). A bust of Lachit stands at the NDA's entrance.

ON HORSEBACK, FIGHTING AN OPPRESSIVE CUSTOM

Breaking barriers, Dalit youth in Rajasthan are challenging social customs and asserting their rights guaranteed by the Constitution. One of the oppressive customs forbade them from riding a horse on their big day during the procession to the bride's house. Not so now, as the police and the district administration stand behind them in support as young men in their wedding finery mount the horses.

The new social trend of Dalits riding a horse at their wedding, seen by the higher castes as an act of defiance, has instilled confidence among the underprivileged living on the margins. The baraatis (those in the wedding procession) and officials celebrate together with pomp and show at these celebrations.

Operation Samanta (equality), launched in Bundi, has enabled Dalit youth to tie the nuptial knot with dignity. Shriram Meghwal, 27, was the first Dalit bridegroom to perform the horse ride at Chadi village in January. His marriage procession, flanked by a group of policemen, went past the houses of dominant castes.

Superintendent of Police Jai Yadav told The Hindu that the campaign identified villages with a history of discrimination and appointed Samanta committees. The committees include the sarpanch, station house officer, and two elders from each community.

Mr. Yadav accompanied the baraatis at Neem Ka Kheda during the bindauri (supplication to deity) rites.

More than a dozen Dalit weddings have taken place in Bundi since Operation Samanta was launched.

Recently, the police gave protection to the bindauri procession of an IPS officer of the Manipur cadre, Sunil Dhanwanta, at Surajpura, which is in Jaipur district.

PUNE TELESCOPE HELPS IN MAJOR BREAKTHROUGH

Astronomers of National Centre of Radio Astrophysics (NCRA-TIFR) in Pune and the University of California in the U.S. have used the Giant Metrewave Radio Telescope (GMRT) to map the distribution of atomic hydrogen gas from the host galaxy of a fast radio burst (FRB) for the first time.

Fast radio bursts



Fast radio bursts are extremely bright radio pulses from distant galaxies that last for only a few milliseconds, and though they were first detected fifteen years ago and over a thousand have been found so far, researchers still don't know what kind of astronomical objects can produce so much energy in so little time.

The exercise has revealed exciting clues about the origin of the burst.

"The GMRT results indicate the FRB host galaxy has undergone a recent merger and that the FRB progenitor is most likely a massive star formed due to this merger event. This is the first case of direct evidence for a recent merger in an FRB host, a major step towards understanding the progenitors of FRBs," Balpreet Kaur, a PhD student at NCRA-TIFR and the lead author of the study, said.

"Observations of the gas and stars in the vicinity of FRBs and within their host galaxies are critical to understanding how the bursts were formed," Kaur said, adding that their target FRB (FRB20180916B) produces repeated, very short bursts, and these have been found to arise in the outskirts of a spiral galaxy half a billion light-years away.

She said FRB20180916B is thus one of the closest known FRBs, an ideal candidate to study the local burst environment.

Professor Nissim Kanekar, who is co-author in the research, said GMRT was apt for conducting such studies as one can use different combinations of the 30 GMRT antennas to map the atomic hydrogen within the FRB host galaxy in detail.

This is the first case of direct evidence for a recent merger in an FRB host, they said.

PLOUGHING A NEW CHANNEL FOR INDIA'S FOOD SYSTEMS

In an effort to spur national and regional action to deliver the United Nation's 17 Sustainable Development Goals (SDGs) through transforming food systems, the UN Food Systems Summit called for action by governments in five areas: nourish all people; boost nature-based solutions; advance equitable livelihoods, decent work and empowered communities; build resilience to vulnerabilities, shocks and stresses; and accelerate the means of implementation. Such a transformation in the Indian context would involve enhancing interfaces between the spheres of science, society and policy, focusing on sustainability, resource efficiency and circularity.

Mix of science and policy

An active science-society-policy interface negated the prevailing negative atmosphere of the 1960s when the inability to feed a growing population was propounded in two notable books: The Population Bomb by Paul Ehrlich, and Famine 1975! by brothers William and Paul Paddock. India's Green Revolution in the 1960s, enabling food security and addressing widespread hunger and poverty, was achieved not only through science and technology and the development of improved high-yielding varieties of rice and wheat but also through policy measures and development of institutional structure. It included a vast agricultural research and technology transfer system at the national, regional, State and local levels. The Training & Visit (T&V) system introduced in the 1970s with World Bank assistance was key to the science-society interface as it established a cadre of agriculture extension specialists at the local level.



Although India is now self-sufficient in food grains production in the macro sense, it has about a quarter of the world's food insecure people, a pointer to the amount of food necessary to allow all income groups to reach the caloric target (2,400 kcal in rural and 2,100 kcal in the urban set-up). Nutrition indicators have marginally improved over the years. However, macro- and micronutrient malnutrition is widespread, with 18.7% of women and 16.2% of men unable to access enough food to meet basic nutritional needs, and over 32% of children below five years still underweight as per the recently released fifth National Family Health Survey (2019-2021) phase 2 compendium.

India is ranked 101 out of 116 countries in the Global Hunger Index, 2021. Not surprisingly, widespread concerns about poverty, malnutrition and the need for a second Green Revolution are being made in tandem. The country faces the dual challenge of achieving nutrition security, as well as addressing declining land productivity, land degradation and loss of ecological services with change in land use.

Need for 'transition'

The siloed approach of 'agriculture' serving 'food security' needs must give way to 'food systems' for 'sustainability' and 'better nutrition' and embrace the range of activities and actors involved in food production, aggregation, processing, distribution and consumption embedded in their socio-economic and physical context.

An important takeaway from the Green Revolution-era is that for science to be relevant to societal outcomes, it has to be planned and executed within the theory of change. The necessary behavioural changes in adopting the improved seeds and practices brought about by the T&V system in the 1960s enabled science to steer the process of change. In the context of the intensifying economic, environmental and climate challenges and crisis, the need of the hour is a good theory of transition encompassing the spatial, social and scientific dimensions, supported by policy incentives and mechanisms for achieving a sustainable, resilient and food secure agriculture. Else Ehrlich's nuanced prediction, following the success of the Green Revolution, that humanity has postponed its tryst with disaster might come true. A theory of change ought to bring the focus back on sustainability, resource efficiency and circularity as the central pillars towards transforming food systems.

Enhancing sustainability

An agro-climatic approach to agricultural development is important for sustainability and better nutrition. Harnessing the spatial diversity of agricultural production systems adopting the principles of sustainability, resource efficiency and circularity could correct the limitations and unintended consequences of the Green Revolution. These are the loss of indigenous landraces, soil nutrients depletion, groundwater stress, excessive use of agrochemicals and its residual presence in foods and environment, income gap between large, marginal and small farmers, and the gap between irrigated and rain-fed areas.

Data compiled in the agro-climatic zones reports of the Indian Council of Agricultural Research and the erstwhile Planning Commission of India reveal enormous potential for crop diversification and precision for enhanced crop productivity based on soil type, climate (temperature and rainfall), and captive water resources. The livelihood of more than half of India's working population is linked to agriculture and allied activities; the sector has a direct influence on the health and nutrition status of dependent communities. Thus, the focus should be on improving farmers' competitiveness, supporting business growth in the rural economy, and



incentivising farmers to improve the environment. It is assumed that a meticulous review of agro-climatic zones could make smallholders farming a profitable business, enhancing agricultural efficiency and socio-economic development, as well as sustainability.

Keeping policy in mind

Strengthening and shortening food supply chains, reinforcing regional food systems, food processing, agricultural resilience and sustainability in a climate-changing world will require prioritising research and investments along these lines. A stress status of the natural resource base — soil and water in different agro-climatic zones — will help understand the micro as well as meso-level interventions needed with regard to technologies, extension activities and policies. Lastly, infrastructure and institutions supporting producers, agripreneurs and agri micro, small and medium enterprises (MSMEs) in their production value chain are central to the transition.

This should be aligned to the national and State policy priorities such as the National Policy guidelines 2012 of the Ministry of Agriculture for the promotion of farmer producer organisations, and the National Resource Efficiency Policy of 2019 of the Ministry of Environment, Forest and Climate Change. It would encourage a resource efficient and circular economy for production, processing and storage techniques of food products through renewable energy solutions, reduction of supply chains and inputs (materials, water, and energy). It would also ensure the efficient use of by-products, thereby creating value while using fewer inputs and generating less waste for long term and large-scale impact.

Evidence has to be generated not only on the effects of food systems on economic, environmental and social outcomes and their co-benefits and trade-offs but also on understanding the levers of change and how to operate them. Clearly, science, society and policy have a lot to gain from an effective interface encompassing the range of actors and institutions in the food value-chain and a multidisciplinary and holistic approach, along with a greater emphasis on policy design, management and behavioural change.

REMOVE TRUSCHKE'S TWEETS, SAYS DELHI HC

The Delhi High Court on Thursday directed Twitter to take down within 48 hours the tweets of historian Audrey Truschke, in which an allegation of plagiarism was made against historian Vikram Sampath in connection with his works on Vinayak Damodar Savarkar.

The court issued the order on a fresh application by Mr. Sampath, seeking that the defamatory tweets against him be removed from Twitter. It also issued notice to Facebook as the letter allegedly containing the prima facie defamatory material was posted on the social media platform. Mr. Sampath, who is a fellow of the Royal Historical Society in London and has written a two-volume biography of Savarkar, had earlier moved the court seeking ₹2 crore in damages from Ms. Truschke and two other authors of the letter, Ananya Chakravarti and Rohit Chopra, for defamation.

Sampath seeks injunction

He also sought a permanent injunction on the publication of the letter dated February 11, written by the three professors from U.S. universities, to the President of the Royal Historical Society. The letter alleged that some phrases and sentences in an essay by Mr. Sampath in 2017 were similar to those penned by historians Vinayak Chaturvedi and Janaki Bakhle, a charge refuted by him as libellous.



On February 18, the High Court passed an ad-interim order, restraining the three academics from posting the letter or any other defamatory material in respect of Mr. Sampath on Twitter as well as any other online or offline platforms, till the next date of hearing. "In my view, plaintiff has made a prima facie case for grant of ad interim injunction in his favour," the court had said.

EATING RIGHT

The story so far: In a first-of-its-kind initiative, four police stations in the national capital's New Delhi district have been designated as 'Eat Right Campus' by the Food Safety and Standards Authority of India (FSSAI) for providing nutritious and wholesome meals daily to police personnel at their canteens and mess. The four police stations, the first in the country which have met the benchmark for FSSAI's five-star category certificate, are Barakhamba Road Police Station, Tilak Marg Police Station, Connaught Place Police Station and Mandir Marg Police Station. The scheme is already in place since 2017 in several government institutions including colleges and hostels.

What is the initiative?

Eat Right India is a flagship mission of FSSAI, a statutory body under the Ministry of Health and Family Welfare (MoHFW). The mission aims at ensuring that citizens of the country are provided nutritious meals which help in reducing the burden of various lifestyle-related diseases. Delhi government's Department of Food Safety, which is the implementing body of the initiative in the capital, has launched a programme called 'Sehatmand Delhi' under which places that can be designated as 'Eat Right Campus' are identified.

The initiative works on three principles, i.e., to ensure that the food being served to officers, jawans, visitors and staff is safe to consume and in compliance with the Food Safety and Standards (FSS) Act, 2006. Secondly, it aims at promoting balanced meals and eliminating trans-fats or "bad fat" found in industrial food products, which has a negative health impact. In addition, it also ensures reduction in consumption of salt and sugar that increases the risk of cardiovascular diseases. The programme also aims at promoting local and seasonal vegetables and reducing the use of chemicals.

How does one get the 'eat right' tag?

In order to receive the 'Eat Right Campus' certificate, the programme mandates a preliminary audit of the campus and identifying any gaps in cooking and hygiene. Subsequently, a final audit by a third party is conducted before a certificate, which has a validity of two years, is handed out. Regular inspections will be carried out by the Food Safety Department or audit agencies in the two years to keep a check on the food quality, until the certification is renewed.

A team of Delhi Police's New Delhi district took up the task of incorporating the scheme in their police stations in order to provide healthy and nutritional diets to its personnel. An audit of several police stations across the New Delhi district had been carried out by the FSSAI. The Deputy Commissioner of Police (New Delhi) Deepak Yadav said there were certain shortcomings found in an earlier audit with regard to the food provided in the district's four police stations.

"We introduced a few changes in the procedure of cooking. Food ingredients and cooking oil were changed while filtered water was introduced; the cooks were also trained," the DCP said. Thereafter, in a recent audit, the four police stations fulfilled the criteria and were designated as 'Eat Right Campus'.



Why does it matter?

Police officials said the primary reason behind taking up the initiative was the welfare of all personnel. “Police personnel face difficult tasks during their duties and we have seen that they often fall sick after consuming unhygienic food from outside or from the police station’s mess. Kitchens inside police stations are usually ignored and hence it affects the cooking,” a senior police officer admitted.

An officer posted with the Connaught Place Police Station said that earlier, many police personnel ate from roadside eateries near the police station but after a new kitchen was constructed under the programme, things have changed. “Specific diet charts have been chalked out to ensure that all police staff and visitors are provided wholesome meals. They are budget-friendly too,” the officer said.

Some of the changes that have been introduced at the four police stations include a ban on the use of plastic or aluminium plates in favour of steel plates. An officer said: “Cooking oil has been changed and better quality lentils are now used for meals...cooks are directed to follow a dress code where they will have to wear gloves and caps, while the cooking process is recorded on CCTV cameras.”

What lies ahead?

DCP Yadav said the next objective is to get all police stations in his district designated as ‘Eat Right Campus’. “We want to implement the programme in all nine police stations in the New Delhi district and set an example for other police stations across Delhi and the country to provide hygienic meals to its personnel,” he said.

Neha Bansal, Commissioner of Food Safety, Delhi government, said: “Our aim was to provide safe, nutritious and sustainable meals to police personnel...we are in the process of formalising a tender to rope in other police stations across districts under the initiative.”

WEB OF OUTRAGE

Luckily for those who recently objected to the naming of a spider species after a community icon, arachnophiles are a peaceful lot. They won’t, for instance, beat their chests over the decision to rechristen the *Palpimanus narsihmehtai* after certain sections of the public objected to the name of the poet-saint Narsinh Mehta being associated with a mere arachnid. They might quite justifiably have asked: What is so bad about spiders? Instead, most, including the researchers at Bhakta Kavi Narsinh Mehta University in Junagadh who discovered and named the species, seem to have shrugged off the incident and continued with their good work of peering under leaves and rocks in search of more eight-legged specimens.

It is regrettable that creatures as useful — indeed, critical — as spiders should be embroiled in a needless controversy. Do those who are objecting to the naming of the species not know that spiders are responsible for keeping under control populations of insects, such as fleas, flies and cockroaches, which can cause actual harm to human beings? Or that they are a keystone species whose disappearance would cause the collapse of entire ecosystems? The problem is that when offended feelings are invoked, facts find few takers.

It is common practice around the world for researchers and scientists to name discoveries after someone they idolise or love — that is why we have examples such as *Shireplitis tolkienii* (a wasp



genus), *Scaptia beyonceae* (a rare horsefly) and *Agra katewinsletae* (a beetle). Indeed, many who are angry about the *Palpimanus narsihmehtai* have admitted that those responsible for the naming were probably motivated by their admiration for the seminal Gujarati poet. Alas, in the outrage economy, if facts have few takers, good intentions have even fewer.

NO SLACKING

If lack of data was an impediment to roll out action plans against antimicrobial resistance (AMR), now that excuse has been yanked off. The recent publication of The Lancet's global burden of bacterial antimicrobial resistance — an elaborate and studied estimate validated by using counterfactual analysis for the first time — comes at a time when the world, weary with battling COVID-19, seems to have lost steam to mount a robust AMR policy. But the report makes it clear that no slacking can be allowed on this front any longer; it estimated that 4.95 million deaths were associated with bacterial AMR in 2019 alone. It also identified the pathogens and pathogen-drug combinations that cause such resistance. Bacterial AMR occurs when the drugs used to treat infections become less effective, as a result of the pathogens becoming resistant to the drugs. This happens due to indiscriminate use of antibiotics, availability of antibiotics over the counter, poor hygiene and sanitation, antimicrobial use in the farming and poultry industry, lack of vaccines and newer antibiotics, and poor infection control practices in hospitals. While data on exact number of deaths might not have been available, there was no doubt about the alarming nature of associated mortality and morbidity. And yet, few nations have a policy to counter this pernicious problem.

In 2008, when the NDM1 enzyme that renders bacteria resistant to a range of antibiotics was traced back to India, it served as an urgent call for action. India released its own AMR action plan in 2017, and announced a task force for implementation. By 2019, Kerala and Madhya Pradesh had rolled out State action plans. Since then, little progress has ensued: 11 other States are still framing their action plans. The Chennai Declaration, a consortium of doctors and health-care institutions against AMR, was also formed in 2012 to draw up a road map. The ban on Colistin in the poultry, aqua farming and animal feeds supplements sectors, which India enforced from July 2019, was considered a strong strike in countering the AMR challenge. No doubt AMR offers humanity one of the most complex challenges that it has faced; but the recognition that solutions are not only in the realm of science is necessary. Scientific publications have established the correlation between AMR and poor hygiene, lax administrative governance and poor ratio of public-private expenditure. While the scientific community looks for solutions in its ken, governments must raise the standard of living for citizens, provide them accessible and affordable quality health care, besides regulating the sale and use of antibiotics. Not doing so in studied haste will only land up eroding the significant health-care gains India has proactively, and painfully at times, secured over the years.



BUSINESS & ECONOMICS

THE COMPREHENSIVE ECONOMIC PARTNERSHIP AGREEMENT BETWEEN INDIA AND THE UAE

Union Commerce and Industry Minister Piyush Goyal with UAE Economy Minister Abdulla bin Touq Al-Mari signing the agreement, in New Delhi, on February 18, 2022. PTI PTI

After a fast tracked three month negotiation between India and UAE, both countries on February 18 signed an FTA pact, during a virtual summit.

The CEPA is a bilateral trade pact that will cover over a period of time 90% of India's exports as well as services which is expected to boom by \$15 billion in the coming five years. The deal also has strong anti-dumping measures and rules of origin clauses.

The India-UAE economic relation at present is shaped by remittances. The remittances are expected to rise with full economic recovery of the UAE's post-pandemic economy. The FTA will also help in increasing remittances as Indian investments in UAE will bring more Indian employees into the Gulf country.

Kallol Bhattacharjee

The story so far: On February 18, 2022, India and the United Arab Emirates (UAE) inked a trade pact, Comprehensive Economic Partnership Agreement (CEPA) during a virtual summit led by Prime Minister Narendra Modi and Crown Prince of Abu Dhabi Sheikh Mohamed bin Zayed Al Nahyan. The agreement came after a fast tracked three month negotiation between the Indian and the UAE teams. India has been part of global trade organisations like the WTO but this latest trade pact is unique and has broader implications.

What is the India-UAE CEPA about?

The Comprehensive Economic Partnership Agreement is a bilateral trade pact that will cover over a period of time 90% of India's exports said Commerce Secretary B.V.R. Subrahmanyam introducing the scope of the deal. This will include leather, processed agriculture and dairy products, handicrafts, gems and jewellery, furniture, pharmaceuticals, food and beverages, engineering products and nearly the entire spectrum of items produced by the Indian economy. Apart from the goods sector, it will also include the services sector. Indian officials said that they expect the services sector to boom by \$15 billion in the coming five years.

Commerce and Industries Minister Piyush Goyal said that the deal has strong anti-dumping measures integrated into it which will prevent any country from dumping its products into the Indian market by using the route of the UAE. He also said that the document has very strong rules of origin clauses that will disallow any country to export goods to India taking advantage of relaxed tariff on the Indian side. An official source mentioned that India wants 40% value addition into a product from a third country before it could be exported to India through UAE.

How will the trade pact benefit India-UAE economic ties?

India-UAE economic ties are marked by the flow of remittances from the oil rich Gulf country to India. The country hosts at least 3 million Indians who work in diverse sectors of the economy of the Emirates and provides it with vital manpower support at all levels. According to a study, 82%



of India's total remittances originated from seven countries that included Gulf countries like the UAE, Saudi Arabia, Oman and Kuwait. In 2019, India received \$83 billion from the Gulf region. The figure was marginally affected in 2020 when large number of Indian workers returned home because of pandemic related economic distress. The India-UAE economic relation at present is shaped by the remittances that remain much greater than the \$60 billion bilateral trade. The remittances are expected to rise with full economic recovery of the UAE's post-pandemic economy. Commerce Secretary Mr. Subrahmanyam said the FTA will also increase remittances as Indian investments in UAE will bring Indian employees into the Gulf country.

Why did PM Modi refer to the western Quad?

The western Quad consisting of Israel, India, UAE and the United States has been a regional factor ever since it was convened last October which was followed by a ministerial meeting of the four countries. The western quad is marked by the diplomatic breakthroughs between Israel and the United Arab Emirates which recently hosted Israeli Prime Minister Naftali Bennett. It is understood that UAE as part of its post pandemic recovery plans is planning to revitalise its trade links with the region from the Mediterranean coast to Turkey on one hand and India and South Asia on the other. USA and the UAE are among the biggest trading partners of India, and Israel is among the top technology support providers for India. All four are connected by currents of security and trade.

What will be the immediate outputs of the FTA?

The FTA will allow goods from UAE, especially the famed dates of UAE to enter India. Most of the Indian exports similarly will benefit from the "zero tariff" that UAE is expected to grant. This move will allow increased visibility of Indian products in the UAE. The reduction in tariff for Indian jewellery and gems will allow it to enter the UAE in greater volume.

How is the CEPA different from other such trade agreements India is negotiating with countries like Australia?

Most of the other agreements are expected to be "early harvest agreements" or interim agreements till both sides conclude the final agreement in a comprehensive manner. The India-UAE FTA however is comprehensive in nature, announced Piyush Goyal to highlight the vast scope of items that will come under it. Early harvest agreements are expected to include goods and products. But the CEPA will have a greater spread of both goods as well as services.

When will the agreement come into effect?

Though the signing of the agreement took place on February 18, it is not likely to come into force immediately as the United Arab Emirates has not yet completed the necessary official procedures on its end.

This process will take 60 days at least and India has expressed hope that CEPA will be in the phase of implementation after May 1.

India has completed the entire official requirements, Mr. Subrahmanyam has said.



AFTER THE HARVEST

India's agriculture sector is all set to create an all-time high production record this year. According to the Second Advance Estimates of Production of Foodgrains for 2021-22, released by the Ministry of Agriculture and Farmers Welfare last week, India's total foodgrains production will cross 316 million tonnes. This is 1.7 per cent higher than the total production the year before. But what truly captures the remarkable growth in India's farm production is the stark trend in the past six years: Foodgrains production has gone up from 252 million tonnes in 2015-16 to 316 million tonnes now; rising every single year. Contrast this with the performance in the six years preceding 2016-17 — production fluctuated between 244 and 265 million tonnes.

While overall farm production has increased there are diverging trends. Among cereals, coarse grains such as jowar, bajra and ragi are expected to see a decline in output while maize is expected to buck the trend. Thanks to good monsoons, rice production, both in kharif and rabi seasons, is expected to increase by almost 3 per cent. Wheat production, too, is expected to go up by 2 per cent. Pulses are expected to see their output grow by almost 6 per cent with the exception of tur, which is likely to dip by 7 per cent. Oilseeds are expected to see a production growth of 3.3 per cent, thanks to significant increases in mustard and soybean, making up for the fall in groundnut production. Among the key cash crops, sugarcane is expected to see a jump of over 4 per cent while cotton production may decline by over 3 per cent.

There are two policy concerns emerging from this data. One, what happens to food inflation. For instance, wholesale inflation has been 10.5 per cent in wheat, 14.5 per cent in maize, over 23 per cent in oilseeds and 45 per cent in cotton. While domestic production is one big factor in influencing prices, the minimum support prices announced by the government (pulses) as well as the international prices (oilseeds) of these commodities also impact them. The combination of these factors will play out in the year ahead. For example, lower production in cotton when prices are already high will raise the raw material costs of the domestic textile industry, weakening its competitiveness. The other concern would be to ensure improved remuneration for farmers. The ironic — and troublesome — aspect of India's sustained increase in farm production in the past 5-6 years has been the concurrent rise in farmers' distress as the terms of trade have worsened.

THE BUDGET SPELLS GREEN SHOOTS FOR AGRI-SUBSECTORS

At the time it was presented, and in the context of the Assembly elections in five States — now underway in Uttar Pradesh, Punjab, Uttarakhand, Manipur and Goa — the Union Budget was expected to contain measures to boost consumption expenditure. But the Government chose instead to focus more on capital expenditure. There were no major announcements on agriculture or rural development. Given the recent turmoil as a result of the farmers' protests and the repeal of the farm laws, this was a little surprising. However, a closer look at the Budget presents a different picture.

Allotments, key subsectors

It is important to look at the budgetary allocations for agriculture from the perspective of agricultural growth and farmers' income. Agriculture has registered a robust performance during the COVID-19 pandemic and has clocked decent growth rates of 4.3% and 3.6% during 2019-20 and 2020-21. Growth is projected to be about 3.9% in 2021-22, which is a very satisfactory performance indeed! This performance may partly explain the lack of any extra focus on



agriculture. However, there is a different story. Within agriculture, livestock and fisheries are two subsectors that have shown an average annual growth rate of 8% or more in the last five years.

These two subsectors roughly contribute about 33% of the gross value added in agriculture. Also, as per the Situation Assessment Survey 2019, more than 15% of income is derived from livestock subsector. Thus, from a growth perspective as well as the viewpoint of farmers' income, livestock and fisheries are important. In keeping with this, these two subsectors have attracted decent allocations in the Budget.

An increase

The allocation for livestock health and disease control — a major concern for those working in the sector — has rightly been increased from ₹886 crore to ₹2,000 crore, a 126% increase. The allocation for the National Livestock Mission has also increased by more than ₹100 crore (42%). Similarly, the Pradhan Mantri Matsya Sampada Yojana, a flagship programme of fisheries, has received an increase of about ₹679 crore (57%). Value addition in agriculture has also got increased attention. The production-linked incentive scheme for food processing has received a huge increase, from ₹10 crore to ₹1,022 crore (a 10,000% jump). Similarly the allocation for micro food processing, which can help in really small enterprises such as pickle and jaggery making, has increased by 125% to ₹900 crore.

Within the crop subsector also major changes in allocations have been made. In keeping with the broad thrust on capital expenditure in the Budget, the allocation for the Rashtriya Krishi Vikas Yojana, or RKVY (a programme to “ensuring holistic development of agriculture and allied sectors”) has been increased by a whopping ₹8,000 crore, a 400% increase. This programme provides a lot of flexibility to States to devise and implement their own agricultural development programmes.

However, it needs to be mentioned here that various other programmes such as the Pradhan Mantri Krishi Sinchayee Yojana (PMKSY) — to improve farm productivity — the Paramparagat Krishi Vikas Yojana (a programme to “increase soil fertility and also the production of healthy food through organic practices” among other things), etc. have been brought under the RKVY fold this year.

Even after factoring in this inclusion, the allocation has gone up by more than 90%, which is substantial. Continuing the focus on agri-infrastructure, the allocation for the Agriculture Infrastructure Fund (AIF) has been increased by 150% to ₹500 crore. The central sector scheme called the “Formation and Promotion of 10,000 Farmer Produce Organisations (FPOs) has also received an allocation of ₹500 crore (100% increase).

But a decrease here

Turning to allocations for output price support, the policy appears to be a little unclear at present. For instance, the Pradhan Mantri Annadata Aay SanrakshAn Abhiyan (PM-AASHA), which is the flagship programme to provide enhanced Minimum Support Price (MSP) of 50% above the cost of production to farmers (started with a lot of expectation in 2018), has received an allocation of just ₹1 crore! The only conceivable reason for this could be the impending formation of the committee to address the issue of MSPs, which was announced by the Prime Minister while announcing the repeal of the farm laws. The allocation for the price support programme of pulses and oilseeds (the Market Intervention Scheme and Price Support Scheme, or MIS-PSS) has decreased by 58% to ₹1,500 crore. The allocation for price stabilisation fund, meant to address extreme volatility in



the prices of perishables, has declined by ₹750 crore (33%). The allocations for price support have declined; so too the budgeted allocation for important subsidies. The budgeted estimate of fertilizer subsidy has shown a decline of nearly ₹35,000 crore (25%). Similarly, the food subsidy has shown a decline of nearly ₹79,000 crore (28%). Such a large decline in fertilizer and food subsidies does not appear achievable.

Not much for NREGA

Agriculture is not a stand-alone activity but is intrinsically linked to overall rural development. With nearly 40% of income being derived from wages by agricultural households, it is imperative that rural development is looked at in conjunction with agriculture. Most major rural development programmes such as the Pradhan Mantri Gram Sadak Yojana (connectivity to unconnected habitations), the Pradhan Mantri Awas Yojana (housing for all in urban areas), and the National Rural Livelihood Mission have received small increases in allocations. One exception is the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). This flagship rural employment programme, which has been instrumental in reducing distress in the rural economy during the waves of the COVID-19 pandemic, has received lower allocation — by about ₹25,000 crore (25% decrease) from RE 2021-22 of ₹98,000 crore. This is a large decline indeed! A plausible reason is the possible reduction in the need for MGNREGS with the decline in the severity of the pandemic.

Transformative steps

The announcement of measures to promote kisan drones and encourage start-ups to improve value chains of farm produce are welcome steps. The adoption of modern technology in agriculture should not only help reinvigorate the rural economy but could also possibly encourage the younger generation to consider agriculture as a career option — generally perceived to be a laborious and drudgery-laden sector.

Finally, though there were no big ticket announcements on agriculture and rural development, the allocations appear to be in the right direction. The thrust seems to be on important subsectors such as livestock, fisheries and food processing and also on improving infrastructure in the crop sector. Although the allocations on MGNREGS and food and fertilizer subsidies are somewhat lower, there are positives in terms of adoption of technology. The Budget is in the right direction for agriculture. And now, implementation holds the key!

ON AN EQUAL FOOTING

The low-income States (LIS) are deprived on many fronts. They have low accessibility to credit, low investments, low power availability and accessibility, and high energy costs. The high-income States (HIS), on the other hand, have a big share in industry and commerce because they are not deprived on the same fronts. The six HIS (Maharashtra, Tamil Nadu, Gujarat, Karnataka, Andhra Pradesh and Telangana) together account for 56.4% of factories and 54.3% of the net value added to the country, while their share in population is only 32.3%. Among other reasons, this is because they have higher credit and financial accessibility (55% of total institutional credit and 56% of total industrial credit went to these five HIS) at the credit-deposit ratio. On the other hand, the six LIS (Bihar, Jharkhand, U.P., M.P., Odisha, and Rajasthan) access only 15% of total institutional credit and barely 5% of total industrial credit, while their share in population is 43%. These States together receive only 50% credit from their hard-earned savings. The maximum benefit of the Atmanirbhar package (₹20 lakh crore) also went to the HIS as they have a higher share in industry.



Does power play any role in the disparity? Among other reasons, the availability of adequate quality power at the cheapest rate attracts investments, either private or public, in a particular location. This is an important factor to start electricity-intensive industrial production. Of the total consumption of electricity, industry and commerce account for more than 50%. Energy India Outlook 2021 concludes: "Electricity prices vary not just among end users, but also between states, where a complex patchwork of different taxes and subsidy regimes can leave consumers in some states paying five times more for their electricity than their counterparts in neighbouring states." This article provides two solutions in the power sector to attain higher economic growth.

The first is to eliminate price discrimination in the power sector. The power-producing States have the advantage of power, especially hydel power, being available at lower prices. This problem can be addressed by synchronising all the regional grids. This will help the transfer of energy (without compromising quality). The idea is of 'One Nation, One Grid, One Frequency'. Further, this will pave the way for establishing a vibrant electricity market and facilitate the trading of power across regions through the adoption of the 'one tariff' policy. Without this policy, States with higher power purchasing costs face the difficulty of making energy traffic competitive by paying high subsidies from already scarce resources. Thus, they are unable to attract investments. The Central Electricity Regulatory Commission is in the process of implementing a framework of the Market-Based Economic Dispatch and moving towards 'One Nation, One Grid, One Frequency, One Price'.

The second is the inclusion of electricity duty under the Goods and Services Tax (GST). Apart from uniform cost, the power sector also needs uniformity in electricity duty charged by different States. In general, the association between income and electricity consumption is direct. The HIS consume a higher proportion of electricity. According to the the Central Electricity Authority, Ministry of Power, Government of India, in 2020-21, six States consumed 50% of the total installed capacity of power. Thus, only 32% of the population used 50% of power. Contrary to this, six backward States got only 25% of the power though their share of the population is 43%. Therefore, it is clear that the substantial proportion of the power cost incurred in HIS is also borne by the LIS which buy those industrial products, as the input cost of power has already been included in the product's price. Further, this situation justifies the fact that the final costs of power consumption are also borne by other States. Thus, the electricity duty should be redistributed among the States under the ambit of GST equally shared by the CGST and SGST. However, 100% CGST should be devolved among the States through the Fifteenth Finance Commission formula, without being shared with the Centre (as electricity duty is State subject).

In order to attain higher economic growth, the States should raise the issue of uniform energy tariff and inclusion of electricity duty under the ambit of GST. This decision will benefit the whole nation through rational tax devolution and, therefore, provide the opportunity to attain higher growth.

TRUST AND LOAN

In the Union budget 2022-23, Finance Minister Nirmala Sitharaman had provided for Rs 1 lakh crore in loans to state governments to enable them to increase their capital expenditure. These are to be interest-free, repayable after 50 years in a one-shot bullet payment. However, some states have expressed apprehensions, arguing that such an arrangement raises larger questions over the framework that governs Centre-state fiscal relations.



Much of the concern revolves around Article 293 (3) of the Constitution. According to this provision, without the consent of the government of India, states may not raise any loan, as long as “there is still outstanding any part of a loan which has been made to the state by the Government of India.” Thus state borrowings are circumscribed by the Centre’s approval. But, over the past decade or so, the Union government has done away with the loan component in the central plan assistance. States’ liabilities towards the Centre have in fact been declining as per the 15th Finance Commission. Thus, over time, states would perhaps not have any obligations towards the Centre, increasing their degrees of freedom. But this process is also interrupted by the treatment of loans from multilateral agencies to states being routed through the Centre, something that will not end in the foreseeable future. In this context, the budgetary proposal read along with the constitutional provision can be seen as endowing the Centre with greater sway over the states’ fiscal management at a time when it had been decreasing. Undoubtedly, greater leeway to states is necessary for more fiscal flexibility, especially during periods of crisis. It is also true, at the same time, that the Centre is responsible for the country’s overall macroeconomic stability. Some have also voiced concerns over the possibility of conditions being attached to these loans — will the Centre’s expenditure priorities match those of states? Further, there has also been criticism of this amount not being transferred to the states in the form of a grant — a grant is shown as part of revenue expenditure, while loans have been shown as capital expenditure.

Ultimately, the burden of execution will fall on the states. It is conceivable that states politically aligned with the Centre or those whose finances are in a precarious position may opt for this option. It is equally possible that some may not borrow — they are within their rights to deny the loan. Some may witness a degree of substitution — funds meant for capital expenditure may be shifted towards revenue expenditure, with the fall in capital spending being offset by these loans. Considering the current environment of distrust, where the faultlines in Centre-state relations have deepened, an arrangement that states view as impinging on their fiscal independence or as an attempt towards greater centralisation, may become a deeply contentious political issue.

EXPLAINED: ECONOMY IN TIME OF WAR

News of Russia’s invasion of Ukraine on Thursday morning triggered panic among investors everywhere. The Sensex at the BSE fell 2, 702 points or 4. 7% to close at a six-month low of 54, 529.

While markets will likely remain volatile in the near term in line with geopolitical developments, experts feel that since India is not party to this external event and is not impacted directly, its medium- to long-term economic prospects are not altered—and investors should not sell in panic. However, there are some concerns.

Inflation risks

Brent crude shot past the \$100 per barrel mark for the first time in eight years on concerns over supply. Russia is the world’s second largest oil producer. Rising oil prices could speed up already rising inflation. 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 also impact the current account deficit, which is the difference between the values of goods and services imported and exported. While increases in domestic fuel prices have been put on hold as five states vote in Assembly elections, the recent surge in global crude could intensify the pressure on the state owned oil retailers. Calibrating price hikes is now more complex, given the cascading inflation impact that could follow the increase.



Also, sanctions on Russia by the West could impact its trade with the world — and result in a rise in the prices of other commodities and products, including wheat, edible oil, and metals. India imports most of its requirement of sunflower oil from Ukraine, and the two countries now at war are also two of the world's biggest producers of wheat.

Economic recovery

The rise in crude prices poses inflationary, fiscal, and external sector risks. Oil-related products have a share of over 9% in the WPI basket — and according to Madan Sabnavis, chief economist at Bank of Baroda, a 10% increase in crude would lead to an increase of around 0.9% in WPI inflation. A larger oil import bill will impact India's external position; it is also likely to increase subsidies on LPG and kerosene, pushing up the overall subsidy bill.

Some experts, however, argue that India's economic fundamentals remain strong, and the war will not have a significant impact on the economy. There is a view that with the third wave of Covid close to its end and most restrictions having been withdrawn, there will be an uptick in consumption and domestic growth, quickening the pace of recovery.

FPI sentiment, rupee

Foreign portfolio investors have been selling their holdings in Indian equities over the last four months after the US Federal Reserve announced an increase in the pace of withdrawal of stimulus followed by a hike in interest rates beginning March 2022. Investors started pulling out funds from emerging economies to park them in US treasuries and benefit from the expected rise in bond yields. Geopolitical concerns have intensified the outflow of funds over the last two months.

Out of the total FPI pull out of Rs 82,745 crore beginning November 2021, Rs 57,774 crore was withdrawn between January and February 2022. This outflow is likely to continue over the coming days. On Thursday, FPIs pulled out a net of Rs 6,448 crore from Indian equities, leading to the fall in the markets.

DII behaviour

As FPIs pulled out on Thursday, domestic institutions emerged as net investors. According to provisional data released by the stock exchanges, DIIs invested a net of Rs 7,667 crore on Thursday, which is more than what the FPIs pulled out. Over the last two months, DIIs have invested a net of Rs 55,551 crore in equities. Experts say that the current geopolitical concerns will not impact long-term fundamentals and prospects of businesses, and investors should take the fall in markets as an opportunity to invest in mutual funds and high-quality blue chip companies.

Equity investors

While markets may remain volatile, retail investors should look at the DII investment pattern, investment advisors say. If DIIs are investing amid the sharp fall in markets, retail investors too should not panic — and should increase their investments if they are underweight in equities. On Thursday, while the Sensex fell 4.7%, mid and small cap indices at the BSE fell 5.5% and 5.8% respectively. In times of volatility, investors should avoid venturing into small cap stocks, and should invest through flexi cap and multi cap funds, as they invest a cross market capitalisations and would generate superior returns when the market recovers. Investors must also remember that while early in the pandemic, the Sensex fell 14,300 points or 35% in the one-month period between February 25 and March 23, 2020, it rose to new highs over the following one year.



the fundamentals strong and concerns restricted mostly to external factors, experts say the markets will likely bounce back once the situation eases. However, investors should not take unnecessary risks.

Gold outlook

In times of uncertainty and inflation, gold emerges as the asset class of choice for investors. It is important to note that at a time when equities have been falling, gold has risen sharply. The price of 10g of gold in Delhi has risen 8.7% from Rs 47,507 on January 31 to 51,627 on Thursday. Prices jumped 3.3 per cent on Thursday.

A report by Motilal Oswal Financial Services said gold prices are likely to rise further from current levels, as investors will move towards the safe haven following inflation-related concerns on higher crude prices and geopolitical tensions. "If the current situation further escalates, investors will cling on to safe haven asset or sit on cash, i.e. dollar. Along with geopolitical tensions, rising inflationary concerns has also been supporting precious metal prices on lower levels, hence supporting our view of buying on dips," the report said

A NEW MEASURE OF INFLATION IS BREWING ON THE HORIZON

About three decades ago, when I learned about the Consumer Price Index (CPI) — that reflects changes in the retail prices of selected goods and services on which a homogeneous group of consumers spends a major part of their income — my immediate query was about how the 'basket' of commodities and their weights are selected. Are they constructed in some objective way, say, by some well-defined survey on income and consumption? Or do they mostly depend on the 'wisdom' of a few experts?

Another important concern is that while the CPI corresponds to a "common man", nobody knows who that common man is. Should we put a piece of imported chocolate, say, in the basket in the perspective of today's India? And what should be its size? Well, as the consumption pattern widely varies across different economic classes, different CPIs may help understand how different economic layers of the society are affected by the increasing cost of commodities.

A series of CPIs

However, we still have a distinct series of CPIs — for industrial workers (IW), for agricultural labourers (AL), for urban non-manual employees (UNME). The CPI (IW), certainly, is the most popular one as the dearness allowance of Central government employees is calculated on the basis of movement in this index. The National Statistical Office (NSO) periodically releases the All India CPI and corresponding Consumer Food Price Index (CFPI) for Rural, Urban, and Combined. Of course, India has no income survey and the last publicly available Household Consumer Expenditure Surveys' data is a decade old. Hence, the choice of the 'basket' and fixing weights of its commodities are always tricky tasks.

Why it is skewed now

A radical shift in paradigm has recently been initiated in the United Kingdom, by the British journalist, cookbook author, and anti-poverty campaigner, Jack Monroe. This new index is intended to provide a third-party alternative to CPI, "provided by the U.K. Government's Office for National Statistics (ONS), charting the effect of inflation on consumer goods and services, and



highlighting the profound impact inflation has had on low-income families and supermarket value ranges of food and other basic goods”, as an article by James Whitbrook says.

Ms. Monroe was prompted “to create her index after the CPI measure for inflation in the U.K. rose to 5.4% in December 2021, the highest level for nearly 30 years”. Ms. Monroe was “infuriated” that the CPI “grossly underestimates the real cost of inflation as it happens to people with the least”, especially in the backdrop of the continuing economic effects of Brexit, the ongoing COVID-19 pandemic, prolonged lockdowns, and general supply chain issues, as the Whitbrook article highlights. She noticed, as a Guardian article highlights, that the price of rice, for example, in her local supermarket had increased from 45p a kilogram last year to £1 for 500g, a 344% increase! And the number of value products has also shrunk.

Ms. Monroe realised that the ONS reports a skewed and unfair version of the cost of living, which is not representative of millions of people’s experiences. In consultation with economists, charities, and analysts, she soon compiled her own index “that will document the disappearance of the budget lines and the insidiously creeping prices of the most basic versions of essential items at the supermarket” and “serve as an irrefutable snapshot of the reality experienced by millions of people”.

Ms. Monroe has been authorised by the Terry Pratchett estate to use the “Vimes Boots Index” as the name of a price index she planned to document inflation in prices of basic necessities.

An explanation

In the 1993 novel, *Men at Arms* in his book series ‘Discworld’, English fantasy writer Sir Terry Pratchett crisply explained the “Sam Vimes ‘Boots’ theory of socio-economic unfairness” in which Captain Samuel Vimes muses on the expensive nature of poverty! In reference to the captain, Sir Pratchett wrote: “A really good pair of leather boots cost \$50. But an affordable pair of boots, which were sort of OK for a season or two and then leaked like hell when the cardboard gave out, cost about \$10.” Good boots, however, last for years and years. Thus, “A man who could afford \$50 had a pair of boots that’d still be keeping his feet dry in 10 years’ time, while the poor man who could only afford cheap boots would have spent a hundred dollars on boots in the same time and would still have wet feet.” Sir Pratchett’s work in ‘Discworld’ consists of ‘an insightful, often furious, view of class dynamics and social injustice’. “The reason that the rich were so rich, Vimes reasoned, was because they managed to spend less money,” wrote Sir Pratchett. Worse, being poor traps you in a cycle of being poor.

Sir Pratchett’s ‘boots theory’ is not new though. The adage “buy cheap, buy twice” is dated long back. Then, writer Paul Jennings divulged exactly the same idea in his column in *The Observer*, ‘Oddly Enough’ in 1954. And the character, Owen, in Robert Tressell’s 1914 classic *The Ragged Trousered Philanthropists* illustrated how the working classes are robbed: “Everybody knows that good clothes, boots or furniture are really the cheapest in the end, although they cost more money at first; but the working classes can seldom or never afford to buy good things; they have to buy cheap rubbish which is dear at any price.”

At the core of the index

As Ms. Monroe observed, a collection of 700 pre-specified goods that are used to calculate CPI includes items such as “a leg of lamb, bedroom furniture, a television and champagne”, which are not applicable for millions of the U.K.’s poorest “who were forced by an array of desperate circumstances to use food banks in the last year”, as a Guardian article notes. The proposed Index



“aims to be a record of prices of the lowest-cost staple foods over time, to demonstrate the disproportionate impact of inflation on the poor”.

The index certainly gained prominence due to Ms. Monroe’s unorthodox name choice. The ONS is already been working on a radical overhaul of how it tracks prices, which “has the potential to kickstart an avalanche of change,” as Ms. Monroe believes. As the new price index is brewing, traditional statistical practices are getting redefined, for sure. And, who knows, the newly planned Boots index might eventually touch the horizon of societies of some other countries as well.

EARLY HICCUPS FOR COUNTRIES’ DIGITAL CURRENCIES

AT A time when the Reserve Bank of India is planning to launch its own central bank digital currency (CBDC) next fiscal, there may be lessons to draw from initial digital currency experiments in other countries. Some of these have run into hurdles: Recently, a digital currency being used by seven Caribbean nations experienced glitches that have kept it offline for more than a month.

What is a CBDC and what is the need for it?

CBDC is a legal tender issued by a central bank in a digital form. It is similar to a fiat currency issued in paper and is interchangeable with any other fiat currency. According to Investopedia, the goal of CBDCs is to provide users with convenience and security of digital as well as the regulated, reserve-backed circulation of the traditional banking system.

Which countries have launched CBDCs or plan to do so?

According to the Atlantic Council’s CBDC tracker, nine countries or currency unions have launched digital currencies, while 15 are in the pilot phase, 16 including India are in the development stage, and 40 are in the research stage. Seven are inactive and two have cancelled plans to launch it.

The nine that have launched are the Bahamas, the seven Caribbean nations and Nigeria. Those piloting include South Africa, Saudi Arabia, the UAE, China, Russia, Sweden, Malaysia, Singapore and Thailand. The Bahamas launched the world’s first CBDC in October 2020 called the “Sand Dollar”. China introduced thee-CNY, the digital form of the Chinese yuan, at the Winter Olympics.

What are the glitches being faced? Citing bank officials, Bloomberg reported that the digital version of the East Caribbean dollar — DCash — has been offline for over a month and could takes ever al more days to get restored.

The report quoted Josh Lipsky, director of Atlantic Council’s Geo Economics Centre, as saying: “This is an important case study in things that can go wrong in the rollout and expansion of a digital currency... Every country trying do a large rollout has had problems. ”

Such glitches have led financial sector experts to call for central banks to make necessary preparations to allow enough leeway to banks and other stake holders to make their systems ready to deal with digital currencies and develop solutions to problems as they develop.

Are countries facing other problems?

El Salvador last year adopted the Bitcoin as a legal tender along side the US dollar. In addition to facing technical glitches on its Chivo payment platform, the country also ran into macroeconomic



problems with the volatility of the Bitcoin. The Chivo system also reportedly failed to prevent identity fraud leading to unscrupulous use of the \$30 sign-up bonus being offered to users.

But the fiscal deficit problems that El Salvador's President Nayib Bukele hoped to resolve with the use of Bitcoin as legal tender remained even after the move. To fund the deficits pending, Bukele had asked for \$1 billion in loans from the International Monetary Fund, which refused, raising concerns about the country's Bitcoin scheme.

The volatility and the speculative nature of private cryptocurrencies such as Bitcoin, Ether, etc is what is pushing many central banks across the world to adopt their own digital currencies.

Where does India's plan stand?

During the Budget Speech, Finance Minister Nirmala Sitharaman announced that RBI would launch the CBDC in the upcoming fiscal. While the RBI is still working on the finalities, it is understood that the CBDC will be based on Blockchain technology.

Prime Minister Narendra Modi has said that with the launch of the revamped digital version of the Indian rupee, people could convert digital current cyto physical currency and vice-versa with ease, and this will strengthen India's digital economy and ecosystem.

Digital payments and online transfer of funds will be more secure with the launch of CBDC, he said, adding this will also streamline the global digital payment system.

THE RELATIONSHIP BETWEEN LIC AND IDBI BANK

In November 2018, the RBI granted approval to LIC for acquiring additional equity shares in the IDBI bank to initiate remedial measures and restore the bank's financial health. The insurance company infused a total of ₹4,743 crore and acquired around 82.8 crore equity shares in 2019 giving it 51% ownership.

In December 2020, IDBI Bank was reclassified as an associate company when the corporation opted to reduce its stake in the bank to 49.24%. Apart from LIC, the Government also has a 45.48% stake in the bank.

While the IDBI bank does not need further capital infusion at present, it would need funds in case it is unable to raise capital. This is why it is classified as a risk factor by the LIC.

The story so far: State-owned Life Insurance Corporation of India's (LIC) draft red-herring prospectus (DRHP) listed IDBI Bank under 'Risk Factors'. With the insurance company heading for an IPO, its approach in dealing with IDBI Bank would acquire more attention. Presently, the bank is an associate of LIC, with the latter owning 49.24% of the bank.

How are IDBI Bank and LIC related?

LIC acquired about 82.8 crore outstanding equity shares in IDBI Bank on January 21, 2019. The transaction resulted in the insurer gaining 51% ownership of the bank. In November 2018, the Reserve Bank of India (RBI) granted approval to LIC for acquiring additional equity shares to initiate remedial measures and restore the bank's financial health. The insurance company infused a total of ₹4,743 crore into the bank on October 23, 2019, using policyholders' fund. Further, LIC mentions in its DRHP, that the bank has raised approximately ₹1,435.1 crore by issuing shares to the public via Qualified Institutional Placement (QIP).



In December 2020, IDBI Bank was reclassified as an associate company when the corporation opted to reduce its stake in the bank to 49.24%. A subsidiary refers to a business where the parent company holds a majority stake. Associate refers to a business where the parent company holds a minority position.

LIC's DRHP stated that IDBI Bank had emerged out of the corrective framework, as put forth by regulations of the RBI, since March 10, 2021.

The Cabinet Committee on Economic Affairs, in May 2021, gave its in-principle approval for strategic disinvestment and transfer of management control of the bank. The committee expected the strategic buyers to infuse funds, new technology and best management practices for the growth of the IDBI Bank. Additionally, the committee expected the strategic buyer to reduce the bank's dependence on LIC.

The Government of India has a 45.48% stake in the IDBI Bank.

Why is IDBI seen as a 'risk factor'?

LIC has stated in the DRHP that IDBI Bank does not need further capital infusion at present. However, it would be required to infuse additional funds in case the bank requires additional capital prior to the expiry of the applicable five-year period and is unable to raise capital. The state-owned insurer stated this would have an adverse effect on its financial condition and results of operations.

Moreover, the RBI had stipulated while granting approval that either of its associates, i.e., IDBI Bank or LIC Housing Finance would have to cease their housing finance business within a period of five years from the date of approval. The norms stipulate that the housing finance business can only be conducted by one entity. This could potentially put the corporation in contravention of the provisions laid out under Regulation 7B of the SEBI Mutual Fund Regulations. It states that any shareholder holding 10% or more of the shareholding or voting rights in an asset management company or the trustee company of a mutual fund directly or indirectly cannot possess more than 10% shareholding or voting rights in any other asset management company or mutual fund.

What next?

Ratings agency ICRA (Investment Information and Credit Rating Agency) states that IDBI Bank has seen an improvement in its capital position. It adds that the current capitalisation of the bank is sufficient for regulatory and growth requirement. Therefore, ICRA expects that there won't be any material dependence on LIC for capital requirements. IDBI Bank had reported a 53% increase in net profit on a year-on-year basis at ₹578 crore in the third quarter of the current financial year.

"Further, as part of the strategic disinvestment, a new promoter group is likely to step in, which means that both the Govt. of India and LIC will have to substantially reduce their shareholding from the existing level of about 94%," ICRA says. It elaborates that the reduction in shareholding could be through a combination of fresh capital infusion by the new promoter group and also by way of a partial stake sale by both the Government and LIC.

"Subsequent to the disinvestment, it is expected that neither the Govt. of India nor LIC would remain a part of their promoter group of the bank and any capital requirement in future would be driven by plans of the new promoter group," according to ICRA.



A RED PEN MOMENT FOR CORPORATE GOVERNANCE

Over the past 10 days, the revelations about the functioning of the National Stock Exchange (NSE) during the tenure of Chitra Ramkrishna as Managing Director and Chief Executive Officer (CEO) have had people shaking their heads in disbelief. The savvy head of one of the world's largest bourses taking guidance on organisational matters from a Himalayan yogi?

The damage is huge

In his order, Securities and Exchange Board of India (SEBI) board member Ananta Barua makes short work of Ms. Ramkrishna's contention that there was no danger of any damage being caused to NSE as the yogi in question is a 'spiritual force'. He remarks with grim sarcasm, "I note that there is no exception in the Regulations or the SEBI Act or SCRA [Securities Contracts (Regulations) Act], that confidential information of the stock exchange may be shared with a spiritual force." It may be that, in this instance, the NSE did not suffer any financial costs through the leakage of confidential information. But the reputational damage caused to the NSE and to India's capital markets is huge.

Sharing confidential information was one serious lapse on the part of Ms. Ramkrishna. Mr. Barua's order highlights others. Ms. Ramkrishna appointed an individual, Anand Subramanian, first as chief strategic adviser and, next, as group operating officer without following due process.

Mr. Subramanian lacked the credentials for the job, the position was not advertised and Mr. Subramanian was interviewed solely by Ms. Ramkrishna. He was recruited on a salary that was more than 10 times what he last drew and his salary was frequently revised without any evaluation being recorded.

Mr. Subramanian was hired as a consultant and progressively given operational powers until he became virtual second-in-command in the NSE hierarchy. Ms. Ramkrishna ensured he was not designated as a key management person as that would have meant bringing Mr. Subramanian within the ambit of regulation.

Managerial wrongdoing

Clearly, there was managerial misconduct at NSE. That is no surprise; managerial misconduct is a global phenomenon. That is why we need checks on management such as an effective board of directors. The bigger problem is that the board of NSE has been found wanting.

Mr. Barua documents the board's lapses. After the board was informed about the irregularities in Mr. Subramanian's appointment, it discussed the matter but chose to keep the discussions out of the minutes on grounds of confidentiality and the sensitivity of the matter. Second, despite being aware of Ms. Ramkrishna's transgressions, it allowed her to resign and on generous terms instead of taking action against her. Third, the Public Interest Directors (PIDs) failed to keep SEBI informed about the goings-on at the NSE.

How did all this happen and how could it have gone on for so long? The answers lie in the culture of the corporate world and the board room.

In the corporate world, much is forgiven on grounds of performance. When a performing CEO chooses to unduly favour a particular individual or individuals, boards see that as a forgivable



infirmity. Considerations of equity or fairness do not trouble boards unduly — it is a mercy if breaches of regulation do.

The problem is structural

The NSE ushered in a revolution at India's stock exchanges. It rakes in enormous profits. In such a situation, boards would tend to think they can live with a degree of nepotism and other human failings in the CEO. 'She's doing a great job, she's entitled to pick her team.' Such an attitude may pass muster at your typical private sector company. Not so in a public institution which is a Market Infrastructure Institution (MII) because it amounts to a violation of regulations. The board of an MII must tell itself that there is little margin for error.

As for dysfunctional or ineffective boards, these remain the norm despite numerous regulations, seminars and papers over the past four decades. The issue is not the credentials of board members or their domain expertise. Few boards can match the set of luminaries who sat on the board of the NSE. The SEBI order says that these very luminaries failed to measure up.

The problem is structural. It has to do partly with the way board members are selected and partly with the absence of penalties where directors do not live up to their mandate. Board members are selected by top management (or, in India, by the promoter who is also top management). In leading companies and institutions, board memberships are lucrative, prestigious and carry attractive perks. Board members have every incentive to nod their heads to whatever the management wants done.

To challenge management is to ensure that one's term is not renewed. It also means antagonising one's colleagues on the board, not just the top management. The dissenting board member becomes an outcast on the board — he will find it difficult to make conversation over lunch. In the closed club from which board members are drawn, word spreads that the dissenter is a 'trouble maker'. Other boards will be reluctant to touch him.

As long as the top management selects all board members or can influence their selection, there is little hope of any active challenge to management. If we are to bring about meaningful change, we need to bring in diversity in the selection of board members.

The top management must be allowed to choose not more than 50% of the independent directors. The rest must be chosen by various other stakeholders — financial institutions, banks, small shareholders, employees, etc. Then, we will have independent directors who are not beholden to the top management for their jobs. They will be accountable, not to the top management, but to stakeholders who have appointed them.

Once that happens, the dynamics of the boardroom can be expected to change. Of course, we cannot be certain it will. At the NSE, there were five PIDs who were required to keep SEBI informed about any untoward happenings. They failed to do so. All we can say is that where independent directors are chosen by diverse stakeholders, there is at least the theoretical possibility of directors challenging the top management.

Issue of accountability

A second thing that needs to happen is holding board members accountable for lapses. In the NSE case, SEBI has penalised Ravi Narain who happened to be vice chairman. Mr. Narain has made the point that there is no reason why he should be singled out as the board of NSE was collectively responsible.



Regulators act against directors where there is financial malfeasance. They seldom act where there are breaches of regulation as in the present instance. This must change. Regulators must penalise errant directors through a whole range of instruments — strictures, financial penalties, removal from boards and a permanent ban from board membership.

Lastly, regulators themselves must be held to account. In the NSE affair, questions have been asked of SEBI. For instance, why did SEBI not seek the help of the cyber police to ascertain the identity of the yogi? SEBI needs to explain itself.

We need periodic independent audits of all regulators by a panel of eminent persons. The audits must evaluate the regulators' performance in relation to their objectives. The internal processes and governance mechanisms of regulators must be subjected to the glare of public scrutiny. It is vital to guard the guardians.

Convulsions of outrage after particular episodes will not take us very far. We need significant institutional reform if corporate governance is not to remain an illusion.

NSE EASES RULES FOR NIFTY INCLUSION, MAY ENABLE ENTRY OF LIC

The Index Maintenance Sub-Committee – Equity (IMSC) of NSE Indices Ltd has decided to relax the eligibility criteria of Nifty equity indices and for replacement of stocks in various indices, as part of its periodic review. It has reduced the minimum listing history of constituents from three months to one calendar month.

The changes will be effective from March 31. Market sources say the relaxation will pave the way for the inclusion of Life Insurance Corporation (LIC), which plans to list its shares in March, in the benchmark Nifty 50 Index.

The government and LIC are going ahead with the listing of the latter's shares, despite high volatility in the markets amid increasing global concerns over Russia's invasion of Ukraine.

Investment banking sources said once the Sebi approves the issue, the IPO will open for subscription in the second week of March and trading will commence by the third week.

The government expects to mobilise Rs 63,000-66,000 crore from the proposed offer for sale (OFS) to meet its disinvestment target of Rs 78,000 crore for FY22. While LIC is yet to announce the IPO price, market estimates are that the IPO is likely to be Rs 2,000-2,100 per share.

An Edelweiss Alternative Research report said, "Despite being a lower float name, there is a medium to high probability of the stock (LIC) getting fast entry in the MSCI Index. As in the case of bigger issuances, the index provider does not compulsorily require minimum length of trading requirement or foreign inclusion factor (FIF) of 0.15."

The key aspect to be kept on radar will be the issue size and the final listing market capitalisation, as anything below Rs 10.7 lakh crore valuation at listing can make the inclusion difficult. "Also, interim market size segment cut off will be an important level to watch out for," the report said.

LIC IPO: WHAT MUST INVESTORS KEEP AN EYE ON?

The story so far: The Life Insurance Corporation of India (LIC) filed its draft red herring prospectus with capital markets regulator SEBI last Sunday. Going by the importance of the



proceeds for the Centre to meet this fiscal's disinvestment targets and reports citing unnamed official sources, the IPO is likely to hit the market in the first half of March. With the Government planning to sell 5% of its 100% stake in the insurer, market participants expect the IPO to raise at least about ₹60,000 crore for the exchequer.

What are the risks that may impede returns?

A prospective investor must first take note of the fact that with an Offer for Sale of up to ₹31.62 crore equity shares by the Government, the IPO's main objective is to achieve the benefit of listing LIC's shares on stock exchanges. As the stake belongs to the promoter (Government), LIC will not receive any proceeds from the share sale. Instead, the Government will be entitled to the entire proceeds after deducting the offer expenses and relevant taxes. The main types of risks that could impact LIC and as a result shareholder returns relate to regulatory requirements, competition, the pandemic effect, the Government still retaining majority control, as well as specifics such as the segregation of its single consolidated 'Life Fund'.

What are the 'complex regulatory requirements' LIC says it needs to comply with?

The sole state-owned player and market leader in life insurance has pointed to the exhaustive and complex laws, regulations, rules and guidelines, issued from time to time by the Insurance Regulatory and Development Authority of India (IRDAI) and other regulatory/statutory/governmental authorities in India, that govern its operations. These include investment restrictions; issuance of capital; foreign investment restrictions; solvency ratio requirement; restrictions on place of business; approval for appointment and remuneration of certain key managerial personnel and the remuneration guidelines; limit on commission or remuneration to agents and insurance intermediaries; regulations for unit-linked and non-linked insurance products; as well as obligations to rural and social sectors. Also, LIC is a domestic systemically important insurer, in other words an insurer that is considered too big to fail, and hence subjected to enhanced regulatory supervision.

Though becoming a listed entity is bound to pave the way for more disclosures, LIC's management control would indirectly remain vested with the Government. This could prove both beneficial, especially in attracting prospective policyholders, as well as hurt the insurer since it would end up still lacking the operational flexibility that private competitors have.

LIC has also pointed to how the increase in the FDI limit in insurance to 74% (from 49%) could result in new entrants, better capitalisation of existing competitors and a general increase in the level of competition. While increased competition may lead to overall growth, it may also adversely impact its market share, margins, growth in new business premiums and customer acquisition.

How has competition impacted LIC?

A monopoly until India opened up insurance to private players at the turn of the millennium, LIC continues to be the largest insurer, with a vast network of offices, an army of agents, commanding a 66% market share in terms of new business premium, accounting for 75% of the number of individual policies issued, and having an 81% share in the number of group policies issued for fiscal 2021.

What this also reflects is that the private players —23 at present— have been nibbling away at the pie.



“Private sector insurance companies have been growing faster than us and gaining market share since their entry into the Indian insurance industry in 2001,” notes LIC. “From FY-2016 to FY-2021, the total premium for life insurance private sector players in the life insurance industry in India increased at a CAGR of 18% while our corporation’s total premium in India increased at a CAGR of 9% for the same period,” it adds.

What risk does the segregation of LIC’s single, 'consolidated Life Fund' pose?

The insurers's consolidated Life Fund has been segregated into two funds— participating policyholders’ fund and non-participating policyholders’ fund, from September 30, 2021. Prior to the segregation, the surplus was distributed among policyholders and shareholder in the ratio of 95:5. Post segregation, 100% of the surplus generated out of the non-participating business is available for distribution to all shareholders and the surplus from the participating business shall be distributed amongst policyholders and shareholder in the ratio of 95:5 for FY-2022. The resultant decrease in the surplus available to participating policyholders’ may reduce the attractiveness of LIC's products to certain categories of customers. In turn, it could have an adverse effect on the business, financial condition, results and cash flows, LIC says.

How has the COVID-19 pandemic impacted LIC?

Since the onset of the pandemic, the insurer has experienced an increase in death claims, including claims arising due to COVID-19. From ₹17,128.84 crore in the fiscal year ended March 2019, the insurance claims by death paid rose to ₹23,926.89 crore in FY21. For the six months ended September 30, 2021, the death claims paid amounted to ₹21,734.15 crore, on a consolidated basis.

The lockdowns and social distancing measures also limited LIC's insurance agents' ability to sell products. Without ruling out the possibility of similar challenges in the future, LIC said the ongoing pandemic could significantly increase expenses due to changes in laws and regulations.

What about LIC's stake acquisition in IDBI Bank?

IDBI Bank became a subsidiary in January 2019 after LIC acquired 51% stake and in October the insurer infused ₹4,743 crore in the bank using policyholders’ funds.

In December 2020, IDBI Bank raised ₹1,435.18 crore through a qualified institutional placement, which reduced LIC’s shareholding to 49.24%, and made the bank an associate.

While IDBI Bank exited the RBI's prompt corrective action framework in March 2021, reflecting its improved financial health, LIC observes, “While we believe that IDBI Bank does not need to raise further capital at the moment, we may be required to infuse additional funds into IDBI Bank in the future.”

EXPLAINED: PROPOSAL TO TWEAK PENSION SCHEME, AND WHAT IT MEANS FOR EPFO SUBSCRIBERS

The next EPFO Board meeting is likely to take up a proposal to tweak the pension scheme so as to expand it and bring in more subscribers. The meeting, scheduled for March 11-12, will also take up the interest rate proposal for FY22 and the sub-committee report on pension scheme.



What is being proposed?

Retirement fund body EPFO is weighing the option of tweaking the pension scheme for organised sector workers with monthly basic wages of over Rs 15, 000 and are not mandatorily covered under its Employees' Pension Scheme 1995 (EPS-95). At present, all those employees in the organised sector whose basic wage (basic pay plus dearness allowance) is up to Rs 15, 000 per month at the time of joining service are mandatorily covered under EPS-95.

The proposal on this new pension scheme is expected to come up for discussion in the meeting of EPFO's apex decision making body Central Board of Trustees (CBT) at the meeting in Guwahati.

During the meet, a sub-committee constituted by the CBT on pension related issues in November 2021 would also submit its report.

What does it mean for EPFO subscribers?

EPFO subscribers who are getting more than Rs 15, 000 monthly basic wages are forced to contribute lower (at the rate of 8.33 per cent of Rs 15, 000 per month into EPS-95) and thus, they get lower pension. The EPFO had amended the scheme in 2014 to cap monthly pensionable basic wages to Rs 15, 000. The threshold of Rs 15, 000 applies only at the time of joining service. It was revised upward from Rs 6, 500 from September 1, 2014 in view of price rise and pay revisions in the formal sector. EPFO members have been demanding higher pension on higher contributions. Raising pensionable pay could have brought more formal sector workers under the ambit of EPS-95. The proposal to hike pensionable salary limit by the EPFO was considered earlier but never acted upon.

Currently, the retirement fund body plans to include those formal sector workers who are excluded from the EPS-95 due to higher basic wages without raising the pensionable pay limit from Rs 15, 000.

BHARTI, JIO EMBARK ON UNDERSEA CABLE VOYAGE

Bharti Airtel on Monday announced it had joined the SEA-ME-WE-6 undersea cable consortium, participating as a major investor, while Reliance Jio said it would land its India-Asia-Xpress (IAX) undersea cable system in Maldives.

Bharti said it is participating as a "major investor" in the SEA-ME-WE-6 and is anchoring 20% of the overall investment in the cable system going live in 2025.

The 19,200 Rkm (route kilometres) SEA-ME-WE-6 will connect Singapore and France.

Bharti has acquired one fibre pair on the main SEA-ME-WE-6 system and will co-build four fiber pairs between Singapore – Chennai – Mumbai. Bharti will land the SEA-ME-WE-6 cable system in Mumbai and Chennai.

Reliance Jio Infocomm said it will land the multi-terabit India-Asia-Xpress (IAX) undersea cable system in Hulhumale, Maldives. The high capacity and high-speed IAX system will connect Hulhumale directly with world's major Internet hubs in India and Singapore. IAX is expected to be ready for service end-2023.

"These high capacity and high-speed systems will provide more than 200Tb/s of capacity at speeds of 100Gb/s, over 16,000 kilometers," Jio said.



IN THE PILOT'S SEAT

Ever since the official announcement of the Tata Group taking over Air India, there has been a lot of speculation about who would lead it. Some media reports had suggested that Fred Reid, the aviation industry veteran of 35 years, would be the chosen one. Others had speculated that the position would go to Alex Cruz, another veteran who until recently was with British Airways. And that's why the recent news of the appointment of Ilker Ayci as the Managing Director and CEO of Air India has left many industry observers and the media surprised.

Mr. Ayci, unlike Mr. Reid and Mr. Cruz, isn't an aviation industry veteran — Tata Group Chairman N. Chandrasekaran did remark that "Ilker is an aviation industry leader". This is also what differentiates him from other overseas chiefs who worked in Tatas' other aviation brands in the past. For instance, Phee Teik Yeoh and Leslie Thng, who were earlier at the helm of Vistara, Tatas' joint venture with Singapore Airlines, have had very long careers in the industry.

Mr. Ayci's identity with aviation is almost entirely tied to his stint at Turkish Airlines, which he led for almost seven years till the end of January this year. Prior to this, the Istanbul-born, 51-year-old Ayci was the chairman of the Republic of Turkey Investment Support and Promotion Agency. And prior to that, he had a stint with the insurance sector. Early in his career, he was an adviser to Recep Tayyip Erdogan, who was then Istanbul's Mayor. Mr. Erdogan is the country's President now. A picture that has been much shared ever since the news of Mr. Ayci's appointment is one from 2018, during his wedding, in which Mr. Erdogan is seen beside the couple.

The new chief has an academic background in political science and public administration. A research stay in political science at the Leeds University was followed by a master's in international relations from the Marmara University in Istanbul.

His background is seen as a strength in many quarters. A Gulf News article pointed to the significance of Mr. Ayci's appointment. It quoted Vinamra Longani, head of operations at Sarin & Co, which is a law firm specialising in aircraft leasing and finance, as saying: "Those familiar with Ayci's past know the Turkish aviation veteran's hiring is a no-brainer." Further, he is quoted as saying that Mr. Ayci "has worked in the insurance industry and has a finance background. In India, where the aviation sector is highly regulated, dealing with the government is a part and parcel of every airline C-level executive."

Success story

Mr. Ayci's success at Turkish Airlines is widely acknowledged. He is credited for everything from increasing the number of destinations that the airlines flies to to the number of aircraft it has. Not just that. Though Turkish Airlines incurred big losses like much of the industry during the first year of the pandemic, it returned to profitability the next year. This turnaround was ascribed to cost cutting. And yet, he said in an interview with the Haberturk news website during the pandemic that Turkish Airlines won't cut staff levels. He is quoted as saying, "We see 2020 and 2021 not as years of profitability, but as years to protect employment." Further, "Our job is to resist layoffs, as much as we can afford to."

In an interview to aviation vlogger Sam Chui, he said: "We had no lay-offs in the company, thanks to our own turnaround plan and by having good risk management. We made salary cuts but we told our staff that we will make no lay-offs during the entire pandemic, however long it takes."



Mr. Ayci now faces the challenge of turning around Air India, which under the Government has been bleeding money for a long time. According to the terms of the deal with the Government, for one year, it wouldn't be able to offload more than 51% stake in the carrier. Similarly, it also wouldn't be able to retrench any employee for one year.

Though things are improving with the threat of the pandemic easing, the Indian aviation industry is far away from profitability. An ICRA note in August last year, before the slowdown caused by the virality of the Omicron variant, said India's aviation industry could likely report a new loss of ₹25,000 crore-₹26,000 crore this financial year. That's the industry the new Air India and Mr. Ayci are trying to take off from.

HOW DID THE ABG SHIPYARD FRAUD HAPPEN?

The story so far: In early February, the Central Bureau of Investigation (CBI) filed a first information report (FIR) against the former top officials of ABG Shipyard in the biggest known case of bank fraud in the country. Former officials have been charged with causing "wrongful loss" of ₹22,842 crore to an ICICI Bank-led consortium of banks that also includes the State Bank of India. The Congress has accused the Bharatiya Janata Party government of a delay in filing the FIR, an allegation the BJP has dismissed. Earlier, in 2018, diamond merchants Nirav Modi and Mehul Choksi had committed fraud using unauthorised letters of undertaking that caused a loss of more than ₹11,000 crore to Punjab National Bank.

When did troubles at ABG Shipyard begin?

ABG Shipyard, which just about a decade ago called itself India's largest shipbuilding and ship repair company in the private sector, saw an accelerated fall in its financial well-being after 2011-12, the year in which it made its highest revenues. Within two years of that, it had slipped into losses. By 2014-15, its revenues were just one-sixth of its peak. In its heyday, ABG Shipyard regularly highlighted its ability to construct all types of quality ships, offshore rigs and specialised vessels. It also got orders from the Government.

The fall in its fortunes is linked to the global crisis that impacted the whole shipping industry. The SBI, recounting the history of this case in its complaint letter to the CBI, traces the crisis to a fall in commodity demand and prices and, subsequently, a fall in cargo demand. This, it says, led to order cancellations and an inventory pile-up, which then reflected in the books as a severe financial problem.

With the situation worsening, in March 2014, the high debt-laden ABG Shipyard undertook a Corporate Debt Restructuring scheme, according to which its lenders gave it a breather by allowing for a brief moratorium on interest rates, an extension of the repayment period, a reduction in interest rates, among other such measures. By the next year, when it incurred a huge loss of over ₹900 crore, its long-term borrowings, largely from banks, had crossed ₹4,300 crore.

The debt restructuring exercise failed, with the company itself admitting in a BSE notice that it had defaulted in loan payment as well as in the terms of the scheme. This was when the consortium of banks declared the ABG Shipyard accounts as a non-performing asset, but backdated with effect from November 30, 2013.

After such a declaration, in 2017, ICICI successfully introduced insolvency proceedings against ABG Shipyard at the National Company Law Tribunal, which in April 2019 ordered its liquidation. That process is still underway, the SBI in a statement said a few days ago. The claim amount for



ICICI Bank from ABG Shipyard is ₹7,089 crore; IDBI Bank comes next (₹3,639 crore), followed by SBI (₹2,925 crore). This is as per the data shared by the SBI in its complaint letter.

When did the scam take place?

The fraud came to light when Ernst&Young (EY), which was appointed as a forensic auditor in 2018, submitted its report in January 2019. The period studied was between April 2012 and July 2017. The report, the SBI letter says, reveals that the accused —Rishi Kamlesh Agarwal (who was the Chairman and MD), Santhanam Muthaswamy (Executive Director), Ashwini Kumar (Director), Sushil Kumar Agarwal (Director), and Ravi Vimal Nevetia (Director) — “have colluded together and committed illegal activities including diversion of funds, misappropriation and criminal breach of trust and for purposes other than for the purpose for which the funds are released by the bank.” However, the letter also said that “the involvement of unknown persons and public servants may also be examined during investigation.”

The Hindu reported that the “funds were allegedly used for unstated purposes, investments were made through a Singapore-based subsidiary and there were payouts running into hundreds of crores to related parties. Properties were also bought from the funds provided by ABG Shipyard.”

The SBI filed the first complaint in November 2019. Even though ICICI Bank led the consortium, it was SBI that filed a complaint, it being the largest public sector bank among ABG Shipyard bankers. A recent SBI statement says there was “continuous engagement” with the CBI after this.

The second complaint, which clarified some of the questions raised by the investigating agency, was filed in August 2020. This was the basis of the FIR that came about in the first week of February.

Almost all the banks in the consortium had reported the account as fraud within about a year of the EY forensic audit report.

The first to do so was Exim Bank (March 2019). This was followed by ICICI Bank (April 2019). SBI did so in June that year.

What were the clarifications sought by the CBI after the SBI’s first complaint?

In March 2020, the CBI had sought clarifications on the SBI’s initial complaint. The first of these pointed to the absence of any internal investigation. The SBI responded to this by pointing to the process by which it declared the account a fraud. This, notably, happened some months before its first complaint letter. The CBI follow-up also had a query on the timing and specific instances of the fraud. To this, the SBI has referred to the EY report, which again was the very basis of the first complaint. One other CBI query in the March 2020 follow-up raised the issue of consent of other consortium members in filing the complaint. This, the SBI responded to by saying it hadn’t received the mandate of the other members at the time of filing of the first complaint but that many of them had provided consent for the same in meetings thereon.

The SBI has claimed in a release that at no point was there any effort to delay the process to recover the dues. “Typically when fraud is declared, an initial complaint is preferred with the CBI, and based on their inquiries further information is gathered. In a few cases, when substantial additional information is gathered, a second complaint incorporating full and complete details is filed which forms the basis for the FIR,” it said in the release.

What is the Opposition saying?

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Telegram: http://t.me/DreamIAS_Jamshedpur



Congress general secretary Randeep Singh Surjewala has asked why an FIR wasn't lodged despite the liquidation process starting five years ago, and the account being declared a fraud in 2019.

Finance Minister Nirmala Sitharaman, in response, has said, "In fact November 2013 is when it was declared a non-performing asset (NPA). After that, because a consortium of banks have had business with them, they have all sat together to see how best any restructuring can be done, which is a due process done for any account under stress — more so because it's a big account and also was becoming an NPA." She said, "However, overall, not just for this account, in general, for any account it takes 52 to 54 months to scrutinise it. To the banks' credit they have taken lesser time than what is normally the average to detect this kind of fraud."

CENTRE MOOTS POLICY ON SYNTHETIC BIOLOGY

The 70-page 'compilation' document, as it is called, lays out the state of synthetic biology internationally with respect to research and development and the involvement of the private sector, globally, in dealing with synthetic biology.

"Though it is not customary to elaborate the principles of international law and policies, as presented in this compilation, it is important to consider these elements while developing the national policy, especially since the science and regulatory framework related to use of the science is driven by global considerations and decisions," the experts note.

As part of the 12th Five-Year Plan, India had set up a task force on systems biology and synthetic biology research in 2011.

This body underlined the potential benefits from synthetic biotechnology in biofuels, bioremediation, biosensors, food and health and made a strong case for a push for the technology and highlighted that India could be a world leader as a protector and supporter of "open source biological platforms".

However, Parliament is yet to clear the Biotechnology Regulatory Authority of India Bill, 2013, that had mooted the creation of an independent regulator to adjudicate research around genetic engineering that could have also encompassed synthetic biology. There's also a ban on commercial genetically modified brinjal and many States have restrictions on field trials on GM food crops.

Top technology

Synthetic biology, the report notes, is seen as one of the top 10 breakthrough technologies as part of the "new industrial revolution" that are "most likely to change the world", and the regulation of both the benefits and risks become important for the international community and the accelerating pace of scientific research and research irregularities about the specific benefits of synthetic biology created "complex challenges" for national regulation.

"The regulatory challenge is how to leverage its anticipated benefits while guarding against its potential risks. The laws and regulations framework governing traditional tools and products of biotechnology can be applicable to this relatively nascent field in some ways, but most often it fails to fully adapt to the evolving possibilities of synthetic biology," it notes.

Instances of application of synthetic biology include the use of gene editing systems such as CRISPR that allow defective genes in animals, plants and even people to be silenced, or changed, and control biological outcomes.



LOVE IN THE REAL WORLD

Now that rosy, cosy Valentine's Day gestures are behind us, let us have a look at action that really says 'I Love You' to your wife.

Buying a life insurance policy in itself shows the care a person has towards his family, wanting to protect them when he is gone.

When a family head dies, financial support and privation is not only the risk for those he leaves behind. Conflicting claims on his legacy can hamper or prevent the widow and children from reaping the benefits of a well-planned life insurance protection.

Challenges can come from other survivors in the family — parents-in-law against the widow or maybe even grown-up children against the widowed mother.

Business or other creditors of the husband could lay claim to the proceeds or the policy could have been assigned to a third party against a home loan, for example, or other liabilities.

So, is there a way to ensure that the wife, and no one else, gets the proceeds of a life insurance policy? Yes and, in fact, you can do it with strong legal backing by which courts will uphold the rights of your wife over the policy proceeds against others who may challenge it

Married Women's Property Act, 1874, a women's welfare-oriented legislation, ensures that a married woman has absolute ownership over her property, wages, earnings, investments and savings and her husband cannot acquire any interest in any of the above after getting married.

Offering protection

The objective was to protect her properties from in-laws, relatives and their creditors.

The Act has a specific provision relating to life insurance. Section 6 provides that when the husband purchases an insurance policy and makes his wife and/ or children the beneficiaries, the death/ maturity benefit or any other bonuses are to be awarded solely to his wife and/ or children. Widowers and divorcees can make their children beneficiaries. In all cases, the percentage of benefit for each beneficiary can be specified.

This is how Section 6 reads: "A policy of insurance effected by any married man on his own life and expressed on the face of it to be for the benefit of his wife, or of his wife and children, or any of them, shall ensure and be deemed to be a trust for the benefit of his wife, or of his wife and children, or any of them according to the interests so expressed, and shall not, so long as any object of the trust remains, be subject to the control of the husband, or to his creditors, or form part of his estate."

The policy has to be on the life of the husband, obviously, and has to state that it has been purchased under the MWP Act. This is achieved simply by filling in the appropriate column in the proposal form itself.

The option can be exercised only when you take the policy and not later. No alterations or cancellations can be done either.

Once done, here are the provisions/ constraints on the policy.

Irrevocable policy

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



A policy under the MWP acts as a trust for the beneficiaries and it is irrevocable, even by you, the life assured/ policyholder. It is not part of your estate when you die and nobody but the beneficiaries under the policy can lay claim on it.

A policy under the MWP Act cannot be attached by courts for repayment of your debts.

After taking the policy, should you divorce your wife, she will continue to be the beneficiary.

You cannot take a loan under the policy. If you want to surrender the policy, the beneficiaries have to sign the surrender application and the proceeds will be paid only to them.

Finances are fraught with ownership and inheritance expectations and human nature, rights and perception of rights can create exploitative and explosive situations. Joint families with or without business liabilities, many of which cannot be overtly discussed or specified, should not lead to family disputes and deprivation of widows and children.

This is a potent protective tool you can use to protect those most precious to you.



DreamIAS



LIFE & SCIENCE

NASA'S PLAN TO DECOMMISSION THE INTERNATIONAL SPACE STATION

NASA plans to decommission the International Space Station (ISS) by 2031. The ISS was launched in 1998 as part of joint efforts by the U.S., Russia, Japan, Canada and Europe. It operates in low-earth orbit.

The limitations on the life-cycle of the station are catching up. The ISS goes through 16 rotations of the earth per day, causing extreme temperature changes on the exterior. This orbital thermal cycling, coupled with dynamic loading, affects the longevity of the primary structure of the space station.

NASA plans to remove the ISS from its orbit around the earth and eventually plunge it into the ocean, leading it to Point Nemo over the South Pacific Oceanic Uninhabited Area (SPOUA).

Priyali Prakash

The story so far: The National Aeronautics and Space Administration (NASA) has announced plans to retire and decommission the International Space Station (ISS) by 2031. The U.S. space agency has detailed its goals for the next decade in the International Space Transition Report as it aims to hand over operations to commercial organisations. NASA has listed an elaborate outline of the plan to decommission the space station. Other international partners that operate the ISS are, however, yet to approve it.

What is the ISS?

The ISS was launched in 1998 as part of joint efforts by the U.S., Russia, Japan, Canada and Europe. The space station was assembled over many years, and it operates in low-earth orbit. Since its inception, the ISS has served as a laboratory suspended in space and has aided multiple scientific and technological developments.

The idea of a space station originated in the 1984 State of the Union address by former U.S. President Ronald Reagan. "A space station will permit quantum leaps in our research in science, communications, and in metals and lifesaving medicines which could be manufactured only in space. We want our friends to help us meet these challenges and share in their benefits. NASA will invite other countries to participate so we can strengthen peace, build prosperity, and expand freedom for all who share our goals," he had said.

ISS has consistently maintained human presence for the past 21 years, providing astronauts with sophisticated technologies for scientific research.

Why is NASA planning to decommission the ISS?

The ISS was originally built to operate for 15 years. The space station has already surpassed that checkpoint by being active for 21 years, with plans to continue operations till 2030. However, the limitations on the life-cycle of the station are catching up. The ISS goes through 16 rotations of the earth per day, causing extreme temperature changes on the exterior. The side facing the sun can get heated up to 121°C while the temperature on the opposite, darker side can fall to -157°C, causing intense expansion and contraction of the building material. This orbital thermal cycling, coupled with dynamic loading, affects the longevity of the primary structure of the space station.



The technical lifetime is also limited by parts like radiators, modules and truss structures that tend to degrade over time.

NASA is planning to transition operations in low-earth orbit to private players and focus energies on its missions to explore the moon and Mars.

What is the procedure to de-orbit the ISS?

NASA plans to remove the ISS from its orbit around the earth and eventually plunge it into the ocean at a point farthest from human civilisation. The space agency will use the dual method of natural orbit decay and a re-entry manoeuvre to bring an end to the ISS as we know it.

According to the plan, the earth's natural atmospheric drag will be used in lowering the altitude of the ISS while setting up the de-orbit. The space station operators will then provide the final push to it to lower the structure to the maximum possible height and ensure safe re-entry into the earth's atmosphere, leading it to Point Nemo over the South Pacific Oceanic Uninhabited Area (SPOUA). The exterior of the modules is expected to melt when the debris re-enters the earth's atmosphere. The exposed internal hardware is also expected to burn or vaporise during the process. It is believed that denser components like the truss sections will survive the re-entry and fall into the SPOUA. Alternative options like disassembly and return to the earth, boost to a higher orbit, and random re-entry were also considered.

The ISS is a huge structure — almost the size of a football field — and it was not designed to be disassembled easily in space. This process would have posed huge logistical and financial challenges. ISS cannot be decommissioned by boosting to a higher orbit because of its large mass and low operational altitude. The station currently operates in low-earth orbit above 400 km in altitude, at a point where it still experiences atmospheric drag and requires re-boosts to continue in its orbit. The station also has a mass of over 4,30,000 kg. Existing propulsion systems do not have the capacity to raise the station's altitude to a high target and escape low-earth orbit. The random re-entry method was discarded since it carries a huge risk for the human population on the ground.

Are there any environmental hazards associated with the plan?

NASA claims that the debris of the ISS that survives the re-entry will settle on the ocean floor and not cause any substantial long-term impact.

What is the future of space stations?

As the ISS plans to end operations in space, new players are already lining up to replace it. In January 2022, China announced that its space station will be ready for operations this year. Blue Origin, the aerospace company founded by Jeff Bezos, has also announced its plans to build Orbital Reef, a commercially developed, owned, and operated space station in low-earth orbit. Blue Origin is working alongside Sierra Space on the project.

NEW OBSERVATIONS HELP EXPLAIN THE UNIVERSE'S MOST ENERGETIC OBJECTS

Observations showing a roughly dough-nut-shaped cloud of cosmic dust and gas shrouding a huge black hole at the heart of a galaxy similar in size to our Milky Way are providing scientists with new clarity about the universe's most energetic objects.



Scientists said on Wednesday that their observations involving the supermassive black hole at the centre of galaxy Messier 77 and its surrounding cloud lend support to predictions made three decades ago about what are called “active galactic nuclei.”

Centres of activity

These are places at the centres of many large galaxies that have tremendous luminosity – sometimes outshining all of a galaxy's billions of stars combined – and produce the universe's most energetic outbursts seen since the Big Bang event 13.8 billion years ago. The energy arises from gas violently falling into a supermassive black hole that is surrounded by a cloud of tiny particles of rock and soot along with mostly hydrogen gas.

Black holes are extraordinarily dense objects possessing gravitational pulls so powerful even light cannot escape them. Supermassive black holes, which reside at the centre of many galaxies, including our own, are the largest of them.

Messier 77, also called NGC 1068 or the Squid Galaxy, is located 47 million light years – the distance light travels in a year, 9.5 trillion km – from the Earth in the constellation Cetus. Its supermassive black hole has a mass roughly 10 million times greater than our sun.

Unified model

The observations, using the European Southern Observatory's Very Large Telescope in Chile's Atacama Desert, provided strong support for what is called the “unified model” of active galactic nuclei. This model holds that all active galactic nuclei are basically the same but that some appear from the vantage point of Earth to have different properties.

Some look intensely bright because the position of their ring-like cloud does not obscure the gas plummeting into the black hole from our viewing angle. Others look dark because the cloud blocks our view of what is truly happening.

Messier 77's active galactic nucleus is one of the dark ones, but the new observations indicate that it actually possesses the same qualities as the bright ones.

Strong attraction

"The dust and gas in these clouds are probably blown out of the atmospheres of stars at a larger distance – hundreds of light years – from the black hole, and are falling in towards the centre under the influence of the black hole gravity," said Violeta Gamez Rosas, an astronomy doctoral student at Leiden University in the Netherlands and lead author of the research published in the journal Nature.

"Some clouds spiral in towards the black hole while others are pushed up into a 'fountain' that falls back onto the galaxy. Because of the dust, it is very difficult to see with telescopes what is going on in this region, but it is easier at infrared wavelengths than at normal visible wavelengths because the dust does not absorb infrared light as much," said study co-author Walter Jaffe, a Leiden University astronomy professor.

The Milky Way's supermassive black hole, which has a mass 4 million times greater than the Sun, is currently "fairly quiet," Gamez Rosas said, but previously may have been more active like Messier 77's.



Gamez Rosas expressed satisfaction at studying active galactic nuclei.

"A lot of it is pure fascination with explosions on such gigantic scales, and the challenge of trying to explain them with what we think we know about physics," Gamez Rosas said.

"There is also the challenge of trying to build and operate telescopes to make these images of things so far away," Gamez Rosas added. "And there is the peace of mind that results from the knowledge that there is a large, complex, varied universe that goes its own way whatever we do on Earth."

CAN DARK MATTER BE COMPOSED, EVEN PARTLY, OF BLACK HOLES?

Astronomical observations suggest that a significant part of the universe is made up of dark matter which interacts with the rest of the universe only through the gravitational pull. Many large lab experiments have tried to detect elementary particles that could be candidates for dark matter. However, such dark matter particles have not been detected until now. So, the question arises – could dark matter be composed, at least partly, of compact objects such as black holes? New research by an international team of scientists, presents a new way of addressing this question. The paper has been accepted for publication in The Astrophysical Journal Letters.

Several astronomical observations suggest that all galaxies are embedded in a “halo” of dark matter. The “visible” galaxy is like a disc embedded in a dark matter halo that is much larger in size. “One hypothesis is that dark matter comprises a large number of compact objects such as primordial black holes,” says P. Ajith from International Centre for Theoretical Sciences, Bengaluru, in an email to The Hindu.

He is the senior author of the paper and an expert on gravitational waves.

Primordial black holes

When the universe was very young, hot and dense – soon after the Big Bang, it must have had quantum fluctuations of its density. This, in turn, would have caused some regions to become extremely dense, and therefore, to collapse under their own gravity to form the primordial black holes.

“While we have no conclusive evidence of spotting these objects, some of the binary black hole mergers detected by the LIGO gravitational wave detectors might be primordial black holes. The question is open,” says Prof. Ajith. From a theoretical standpoint, there is good reason to believe that primordial black holes did form in the young universe.

Gravitational lensing

The paper explores what happens when such objects get in the way of gravitational waves travelling towards the Earth from the distance. They invoke a phenomenon called gravitational lensing that is used regularly in astronomy. When light travels through space and passes near a massive or compact body – a star, a galaxy or a black hole, for example, the intense gravity of that body may attract the light towards it, bending it from its rectilinear (straight line) path.

This phenomenon is known as gravitational lensing and was first observed by Arthur Eddington in 1919. Massive objects like galaxies can bend light significantly, producing multiple images, this is called strong lensing. Lighter objects like stars or black holes bend light less, and this is called microlensing. A similar lensing can happen to gravitational waves travelling towards the Earth,



and this would leave signatures in the detected gravitational waves. This can be used to detect the presence, or the existence, of primordial black holes.

Assessing dark matter

Until now, individual black holes have not marked out these signatures on gravitational waves detected by the LIGO-VIRGO detectors. However, if all of the dark matter is made of primordial black holes, they should have produced detectable signatures on the gravitational wave signals. The researchers use the non-observation of the lensing signatures to assess what fraction of the dark matter could be made of black holes.

New avenue

“This provides a new way of constraining the nature of dark matter,” says Prof Ajith. He adds, “Our study concludes that black holes in the mass range from a hundred to a million solar masses can contribute only up to 50-80% of the dark matter in the universe.” This is an upper limit and the actual fraction can be much smaller. “These upper limits will get better and better with more and more observations.”

The work is significant in being the first to use this method, which presents a new avenue for probing dark matter.

9,000-YEAR-OLD SHRINE FOUND IN JORDAN

A team of Jordanian and French archaeologists said on Tuesday that it had found a roughly 9,000-year-old shrine at a remote Neolithic site in Jordan’s eastern desert. The ritual complex was found in a Neolithic campsite near large structures known as “desert kites,” or mass traps that are believed to have been used to corral wild gazelles for slaughter.

Such traps consist of two or more long stone walls converging toward an enclosure and are found scattered across the deserts of the West Asia. “The site is unique, first because of its preservation state,” said Jordanian archaeologist Wael Abu-Azziza, co-director of the project. “It’s 9,000 years old and everything was almost intact.” Within the shrine were two carved standing stones bearing anthropomorphic figures.

A REDUCTIONIST APPROACH

Population health is more than just the health of all individuals. Suicide rates are an example of the distinction between population and individual health, as Johan Mackenbach discusses. While every individual case of suicide has its own unique aetiology, population rates of suicides tend to display remarkable stability over time, *ceteris paribus*. While individual and population health are inexorably linked, the causes, and thus the interventions required to address them, tend to be different. Trying to improve population health with merely individualistic strategies is foredoomed to failure and inefficiency.

Individualistic policy measures

In the previous decade, the government acknowledged that the focus of Indian public health remained near-exclusively on maternal and child health and infectious diseases for too long. The peg was proposed to be moved over to non-communicable diseases (NCD) and chronic illnesses, whose rising prevalence portends huge economic and productivity losses. What followed were a



set of essentially individualistic policy measures in the form of enhanced NCD screening and management infrastructure, wellness and lifestyle interventions, patient referral mechanisms, and so on. The question is, what becomes of the array of population-level determinants of NCDs that are deeply intertwined with social, economic, and political dimensions? To reflect the enhanced policy attention to NCDs in contemporary times, population-level representative surveys seem to be embracing an expanded set of indicators including blood pressure and blood sugar. But where are the true population-level interventions?

A case from the Netherlands can help draw an apt analogy. In 2007, the Minister of Health of the Netherlands expounded their ideas on improving population health by exploring the inter-relationships between health and other related sectors such as economy, housing, social cohesion and environment. Soon, however, the reductionist tendencies of organised medicine came into play, turning it into a paradigm of personalised preventive medical care, backed by health insurance and dominated by healthcare professionals. A natural extension of this has characterised the Indian approach to NCDs too. With Health and Wellness centres, publicly financed health insurance schemes, and vertical NCD control programmes, the entire initiative to address NCDs has been subsumed into a largely biomedical paradigm with scarce vestiges of the social sciences. The private sector has come to complement this with a large array of self-tests, over-the-counter products, and lifestyle-change gimmicks. This is while overarching public interventions, which could also help raise much-needed revenue for health, such as sin taxes, attract hesitancy.

This reductionist approach rides the crest of an undue reliance on medical and healthcare professionals for all public health solutions, and a policy myopia that fails to appreciate that tackling NCDs warrants action across a range of sectors besides health. The bigger menace is that this approach is entrenched in political and public health tradition. This even reflects in the way it impacts our research priorities for NCDs, which remain concentrated on lifestyle and individual-level NCD determinants and solutions.

A flawed perception

In under-resourced systems in particular, what is readily actionable gets actioned and what isn't so is softly swept under the rug. The elusive nature of social determinants has traditionally drawn funders and policymakers towards the better defined, easily actionable, albeit short-lived and inefficient technocratic solutions to mass issues. These technocratic approaches have resulted in a flawed perception that social action for health is a high-order initiative reserved for affluent countries. The reverse is only true. Developing settings like India can gain far greater health for every rupee spent, by investing in social determinants. The same makes for a strong ethical case as well, by ensuring equitable distribution of such gains.

For India, NCDs will be a long-drawn challenge. With projected losses due to NCDs in the order of multiple trillions by 2030, the case for investing in inter-sectoral, population-based, socially embedded approaches is ripe. This requires a total galvanisation of different departments and sectors to the importance of population health. The push for digitisation must be mobilised to generate enough evidence for resolute action on social health determinants. Government policy pronouncements will need to enshrine actionable points and explicit mandates to address social health determinants. And political circles will have to outgrow the predominantly biomedical paradigm of health.



SMELLY TRUTHS

Variations in the genes for the newly discovered scent receptors for musk and underarm odour add to a growing body of research suggesting that humans' sense of smell is gradually becoming less sensitive (PLOS Genetics).

Scientists can combine differences in scent perception with a person's genetics to discover the role of various scent receptors. In a new study, a team of researchers from the University of Chinese Academy of Sciences, Shanghai, China, screened genomes of 1,000 Han Chinese people to find genetic variations linked to how the participants perceived 10 different scents. Then they repeated the experiment for six odours in an ethnically diverse population of 364 people to confirm their results. The team identified two new receptors, one that detects a synthetic musk used in fragrances and another for a compound in human underarm odour, says release from PLOS.

Degraded ability

In combination with previously published results, the researchers find that people with the ancestral versions (the version shared with other non-human primates) of the scent receptors tend to rate the corresponding odour as more intense. This supports the hypothesis that the sensitivity to smells of humans and other primates has degraded over time due to changes in the genes that code for our smell receptors.

NIGHT POLLINATORS: HOW MOTHS HELP THE

Moths are vital to pollination in the Himalayan ecosystem of northeast India, reveals a recent study. The study establishes 91 species of moths as potential pollinators of 21 plant families in Sikkim and Arunachal Pradesh in the north-eastern Himalayas.

The results assume significance as a majority of the pollination-related studies are based on diurnal pollinators (bees and butterflies) and the role of nocturnal pollinators have so far received less scientific attention.

The details of the study were recently published in Scientific Reports, a publication from the Nature group of journals.

"In the present study about 65% moths (91 species) carried sufficient quantities of pollen grains to be considered as potential pollinators. *Teliphasa* sp. (Crambidae) and *Cuculia* sp. (Noctuidae) are found to carry the highest quantity of pollen," the paper reads.

Navneet Singh, lead author of the study, said that Geometridae (geometer moths) and Erebidae (erebid moths, tiger moths, lichen moths, among others) turned out to be the most important moth families for pollen transportation in the Himalayan region.

"We also found frequent interaction of moths with Betulaceae, Fabaceae, Rosaceae and Ericaceae. Though the Betulaceae is predominantly a wind-pollinated plant family, some recent studies indicate that wind-pollinated plant families also benefit from enhanced dispersal by insects," Dr. Singh, who is associated with the Zoological Survey of India (ZSI), added.



Mutual benefit

Another interesting outcome of the study is that the moth species *Achaea janata* (a well-known pest of various economically important plants) was identified as a potential pollinator of three plant families, indicating that moths can provide net benefits as pollinators even when acting as larval herbivores of the same species.

According to Dr. Singh and his fellow authors, the research, which is part of a project funded by the Ministry of Environment, Forest and Climate Change, was among very few large scale studies at a global level where the research team studied the effect of various seasons and different altitudes on the pollination ecology of moths.

The research is based on the field work conducted in the Himalayan terrains, from the foot hills to elevations up to 3,000 m. Along with Navneet Singh, the other contributors to the publication are Rajesh Lenka, Pallab Chatterjee and Dipayan Mitra.

Dhriti Banerjee, Director of ZSI, said that generally moths are considered mysterious denizens of nights, and for a long time they were better known as pest species. "This study revealed the importance of moths in nature. When we are sleeping in our bedrooms, they are tirelessly working for the ecosystems to work, on which our survival is invariably dependent, and are helping in a great way towards food security," Dr. Banerjee said.

META'S AI SUPERCOMPUTER

Meta announced in January last week that it is building an AI supercomputer, the AI Research SuperCluster (RSC). The RSC is a powerful supercomputer which can perform tasks like translating text between languages and help identify potentially harmful content on Meta's platform. It can run computer vision workflows up to 20 times faster, and train large-scale natural language processing models three times faster.

Meta said that the RSC will help its researchers build better AI models that can work across hundreds of different languages, seamlessly analyse text, images and video together, power real-time voice translations to large groups of people speaking different languages so that they can collaborate on a research project or play an AR game together, and develop new augmented reality tools.

With the pandemic, the demand for data centres of AI and ML among Government and educational entities is witnessing exponential growth which in turn is boosting the demand for supercomputers. Mordor Intelligence estimates the supercomputers market to grow around 9.5% during the 2022 to 2027 period.

Abhishek Chatterjee

The story so far: Facebook-parent Meta announced in January last week that it is building an AI supercomputer, the AI Research SuperCluster (RSC). The company said that this will be the fastest supercomputer in the world once fully built by mid-2022. The device is said to accelerate AI research and help in building the metaverse, the next major computing platform.

What are supercomputers and how are they different from normal computers?

A supercomputer can perform high-level processing at a faster rate when compared to a normal computer. Supercomputers are made up of hundreds or thousands of powerful machines which



use better artificial intelligence (AI) models to improve operations that process huge amounts of data in less time than normal computers. They work together to perform complex operations that are not possible with normal computing systems, Sanjay Gupta, Vice President, and India Managing Director, NXP India, a global semiconductor company said to The Hindu. Supercomputers require high-speed and specialised chip architectures. The chip performs 660 operations per cycle and thus run up to 230 gigaflops at 350 MHz, Gupta said.

AI supercomputers are built by combining multiple graphic processing units (GPUs) into compute nodes, which are then connected by a high-performance network fabric to allow fast communication between those GPUs, Meta said in their blog.

Is the supercomputer market growing?

The supercomputers market is limited to a few major players holding a greater share of the market. According to Mordor Intelligence, a market intelligence firm, some of the key players include HPE, Atos SE, Dell Inc., Fujitsu Corporation, IBM Corporation, Lenovo Inc., NEC Technologies India Private Limited etc.

The firm estimates the supercomputers market to grow around 9.5% during the 2022 to 2027 period. The firm also considers the increasing use of cloud technology as one of the significant supercomputer market trends with supercomputing centres adopting the cloud, due to the growing workload.

The demand for data centres, AI, and ML (machine learning) among enterprises such as Government and educational entities, is witnessing exponential growth due to the COVID-19 pandemic boosting the demand for supercomputers, Mordor Intelligence said in a report.

"Today's increase in the quantity and complexity of data means that there is an exponential need in terms of computing power," Arnaud Bertrand, Head of Strategy and Innovation, Big Data & Cybersecurity, Atos, a global technology company, said to The Hindu.

Fast processing of large scale complex data, weather forecast, studying the impact of climate change, predicting and managing natural disasters, advance research on genomes to prevent, diagnose and treat diseases, simulating car crash tests are some of the major areas where supercomputers are used, Bertrand said to The Hindu.

What is the RSC?

Meta considers the RSC as a powerful supercomputer capable of quintillions of operations per second. It can perform tasks like translating text between languages and help identify potentially harmful content on Meta's platform.

The RSC, compared with Meta's legacy production and research infrastructure, can run computer vision workflows up to 20 times faster, and train large-scale natural language processing (NLP) models three times faster. Meta estimates that a model with billions of parameters can finish training in three weeks, compared to the nine weeks it was before.

RSC today comprises a total of 760 NVIDIA DGX A100 systems as its compute nodes, for a total of 6,080 GPUs. RSC's storage tier has 175 petabytes of Pure Storage FlashArray, 46 petabytes of cache storage in Penguin Computing Altus systems, and 10 petabytes of Pure Storage FlashBlade, Meta said.



What are the current challenges?

Since 2013, we have been making significant strides in AI, including self-supervised learning, where algorithms can learn from vast numbers of examples, Meta said in the blog. The company however reckons that to fully realise the benefits of advanced AI— self-supervised learning of various domains whether vision, speech, language —will require training large and complex models for critical use cases like identifying harmful content on Meta's platform.

Computer vision, for example, needs to process larger, longer videos with higher data sampling rates. Speech recognition needs to work well even in challenging conditions with a lot of background noise and needs to understand more languages, dialects, and accents, Meta said. The company therefore decided that the best way to accelerate progress was to design a new computing infrastructure, RSC.

There are very large-scale scientific problems that need the right level of depth, accuracy and speed, like modelling all the climate change phenomena, which cannot be handled with the current generation of supercomputers, Bertrand said.

What changes can the RSC bring about?

Meta said that RSC will help its researchers build better AI models that can learn from trillions of examples, work across hundreds of different languages, seamlessly analyse text, images and video together, power real-time voice translations to large groups of people speaking different languages so that they can collaborate on a research project or play an AR game together, and develop new augmented reality tools.

Researchers will be able to train the largest models needed to develop advanced AI for computer vision, speech recognition, Meta said.

What is the role of supercomputers and RSC in the metaverse?

"The AI supercomputers will help build the foundation of metaverse to create artificial-intelligence agents in that environment for rich user interaction mimicking the real world and provide high-performance computing to specific tasks," Gupta said to The Hindu.

Meta reckons that RSC will pave the way toward building technologies for the metaverse where AI-driven applications and products will play an important role.

RSC can keep people safe in the metaverse through its training models that can detect harmful content faster than earlier systems, Meta said in the blog.

APPLE, GOOGLE PRIVACY MOVES: BOOST TO USER AGENCY, DATA CONCENTRATION

Decisions made recently by Apple and Google to give users greater control over the use of the data they generate online can be seen both as a boost to user privacy and as a step towards consolidating further the position of these companies.

For years, the business model of Internet giants that provided “free” services hinged on collecting user data and monetising the information in the form of advertisements. The global spotlighting of data privacy issues has, however, forced the companies to change their ways of working. At the same time, the big tech firms — Facebook, Apple, Google, Amazon — have come under increasingly intense antitrust scrutiny for attempts to monopolise their businesses.



Decisions made recently by Apple and Google to give users greater control over the use of the data they generate online can be seen both as a boost to user privacy and as a step towards consolidating further the position of these companies.

What have Apple and Google done?

Last year, Apple added the app tracking transparency (ATT) feature to iPhones and iPads, which requires apps to seek users' permission to track their activity across other apps and websites. This impacted companies who were dependent on advertising as a revenue model, because the ATT feature cut their access to the data of iPhone users, which they harvested and used for targeted advertising. Meta, Facebook's parent, said the financial hit from Apple's move could be "in the order of \$10 billion" for 2022.

Earlier this month, Google announced that it would bring the Privacy Sandbox — the privacy solution that it is building for the web — to Android devices. The new solution would "limit" the sharing of user data with third parties, and operate without cross-app identifiers, including advertising IDs. The advertising ID is a unique, user-resettable ID for advertising provided by Google Play services.

The Privacy Sandbox on Android could go live in two years.

But what is the Privacy Sandbox?

In the context of the web, Google has said that the Privacy Sandbox will phase out third-party cookies and limit covert tracking. A 'cookie' is a small piece of data stored in the browser when a user visits a website.

Third-party cookies are stored by a service that operates across multiple sites. For example, an ad platform might store a cookie when you visit a news site. First-party cookies are stored by the website itself.

So, if the news site is storing a cookie, it will use it to offer curated news items the user is more likely to read. But if an ad platform like Facebook stores a cookie when one visits a news site, it is likely to use that information and categorise the user in certain buckets based on preferences, and will offer advertisers the ability to target the user with specific ads. This can also be used for political advertisements.

How do cookies work, in plain terms?

Imagine you are flying with a friend, and you have a check-in bag each. Imagine that before putting the bags in the aircraft belly, airline personnel go through their contents. They find a bottle of Chanel perfume and Tommy Hilfiger clothes in your bag, and put a red sticker on it. In your friend's bag they find a camera tripod and books on photography, and put a blue sticker. (These stickers are cookies.)

At the destination, the driver of your cab notes the stickers, and hands you separate advertisement flyers: to you for Hermes bags, and to your friend for Canon DSLRs. Brands and local businesses have paid the cab company to hand over pamphlets to passengers, and your ride is now free.



How has Meta been hurt?

Having got the choice to opt out of app tracking, many iPhone users have done so for apps such as Facebook, stymieing the primary channel for the company's online advertising business, according to a report in The New York Times.

With the reduction in the volume of data gathered from users' online activity such as e-commerce and search engine queries, and other social media activity, it has become more difficult for Facebook to target specific ads, potentially cutting the incentive for advertisers to run promotions on the platform. Online ads targeted at iPhone users typically have higher conversion rates than Android, so these users opting out of app tracking is especially damaging.

While Privacy Sandbox on Android could have a deeper impact on Meta given the larger global market share of Android devices, even the implementation of the solution on the web could hurt Meta. Unlike Google and Amazon, Facebook depends heavily on tracking the third-party activity of users to generate data. In the case of Google or Amazon on the other hand, users help generate first-hand data through their queries.

Solutions such as the Privacy Sandbox mean the phasing out of cookies, currently the go-to tech for online advertisers.

Google had proposed that cookies should be replaced with FLoC (Federated Learning of Cohorts) — which meant that instead of interest-based advertising that was enabled by cookies, users would be bunched into groups with comparable interests. But privacy advocates argued that rather than stopping the tracking of users' online activity, FLoC put the tracking directly into Google's hands. Antitrust investigations were opened in the UK and the European Union.

Google gave up the FLoC project, and last month announced 'Topics', through which the company's Chrome browser would curate a user's top interests in a week based on browsing history. A key difference between FLoC and Topics is that the latter will exclude categorisation based on sensitive categories such as race, religion, sexual orientation, etc. A developer trial will launch soon, Google said.

While Topics would give users greater choice to limit the gathering and use of their data by third-party apps, it would still continue to track these users through its bouquet of apps such as Search, Gmail, Google Maps, GPay, YouTube, etc.

Additionally, Apple's move to limit tracking by apps has tipped the scales in favour of Google as far as online advertising is concerned. Notably, online advertising is Google's core business, unlike Apple.

A report in The Wall Street Journal has pointed out that after Apple introduced its privacy feature last year, the cost of acquiring customers for small businesses advertising on Meta's platforms Facebook and Instagram went up — and some of these small businesses moved their "whole ad budget" to search ads on Google.

SECOND WAVE TOO SAW PENURY: STUDY

The second wave of the pandemic in India, when a national-level lockdown was not imposed as during the first, failed to significantly alleviate economic distress and hunger among the poor, according to a survey of 6,500 respondents in 14 States.



The survey, Hunger Watch-2, was commissioned by the Right to Food Campaign and the Centre for Equity Studies during December 2021 and January 2022 to evaluate economic distress following the second wave. The two organisations conducted Hunger Watch-1 from October to December in 2020 to measure the fallout of the first wave.

As much as 66% of the respondents of the second survey said their incomes had decreased from the pre-pandemic level. This proportion was larger among urban households, families earning less than ₹3,000 a month and Muslim households.

EXPLAINED: WHAT IS ENDEMIC STAGE OF A PANDEMIC, AND HOW FAR IS INDIA FROM GETTING THERE?

The UK has eased restrictions while new measures in California approach Covid-19 as being endemic. What does endemic stage mean, how far is India from getting there, and what changes in control measures?

People with Covid-19 will no longer legally need to isolate in United Kingdom and the tests are likely to be scaled back as part of a plan to live with Covid-19. California too has announced a shift to an endemic approach to Covid-19 that will focus on watching out for new variants and reacting quickly to outbreaks rather than issuing mandates for masking indoors.

A look at what an endemic stage of Covid-19 will look like, how the world will reach there, and what it will mean for control measures such as masking, social distancing in India and vaccination globally:

What does endemic stage mean, and are we there yet?

An infection becomes endemic when the rates become static in a given geographical location, meaning that the pathogen causing the disease — SARS-CoV-2 in this case — is likely to remain in circulation without causing large outbreaks as witnessed over the last two years.

Although the number of infections in India is consistently declining, experts say they cannot give a deadline on when the disease will become endemic. It will depend on the number of susceptible people in the population, vaccination rates, and emergence of new variants that are able to evade the immune response.

“Endemic means that the virus will continue circulating in the population and there will be periodic ups and downs when the conditions are favourable to the virus and less favourable to humans. Take, for example, flu which goes up in the winters and when the season is changing because of lower immunity in people or dengue which goes up after monsoons because of the availability of vectors. Covid-19 also may become seasonal and cause disease in the vulnerable,” said Dr Pramod Garg, director, Translational Health Science and Technology Institute (THSTI)-Faridabad.

An important determinant for whether we can “technically” say that the disease is endemic would be a representative sero-survey (population-level survey of antibodies against SARS-CoV-2) and laboratory susceptibility studies, said Dr Amit Singh, associate professor, Centre for Infectious Disease at the Indian Institute of Science-Bangalore.

“We can say that the disease is endemic only after we see that a majority of the people have immunity against the infection either through previous exposure or vaccination. If a



representative sero-survey shows over 90% positivity, we can assume that. But we also need to see whether these antibodies can effectively protect against the current variants and a neutralisation study would tell us that," Dr Singh said.

Does it mean we are safer?

A disease becoming endemic does not mean it is harmless. In an editorial in Nature, Oxford University professor on viral evolution Dr Aris Katzourakis argued, "A disease can be endemic and both widespread and deadly. Malaria killed more than 600,000 people in 2020. Ten million fell ill with tuberculosis that same year and 1.5 million died. Endemic certainly does not mean that evolution has somehow tamed a pathogen so that life simply returns to normal."

He added, "Nor does it suggest guaranteed stability: there can still be disruptive waves from endemic infections, as seen with the US measles outbreak in 2019."

Researchers are also wary of new variants emerging. Another Nature article on the virus's future course said, "The sky-high circulation of the Delta variant and the rise of Omicron — aided by inequitable vaccine roll-outs to lower-income countries and minimal control measures in some wealthy countries such as the United States and the United Kingdom — offer fertile ground for SARS-CoV-2 to take additional surprising evolutionary leaps."

How will control measures change if the disease becomes endemic?

Although experts have pushed for easing of restrictions, they say that there is a need to maintain high levels of testing and good genomic surveillance.

"We need to maintain high levels of testing and ensure that the cases get reported. Testing is quite less in smaller cities and villages and with home testing becoming available even in bigger cities like Delhi, people are not reporting if they test positive. Testing can tell us whether infections are going up or down," said Dr Singh. He also insisted on good genomic surveillance.

Talking about genomic surveillance when the disease becomes endemic, Dr Rakesh Mishra, former director of Centre For Cellular And Molecular Biology-Hyderabad which is one of the ten central labs of India's genomic surveillance consortium, said, "It is not always about the numbers. During the peak of a wave, a lot of sequencing makes no sense. It is more important in a period of lull. That is the time to not relax."

The best way to find new variants, he said, was to "One, conduct a general survey; sequence probably 1% or 2% of the positive cases. Two, wherever there are more cases from an area, we should sequence immediately. Third, we need to keep a very close eye on hospitalised cases. The sample of any person admitted to the hospital with positive Covid-19 should be certainly sequenced. If they needed to come to the hospital with severe symptoms, it may be because of a new variant."

Should we continue to mask up?

"There is no real benefit in declaring that the disease is now endemic," Dr Mishra said. "What is the hurry to remove restrictions? If we live with the new normal, we will be protecting the economy as well. We don't know when a new variant might emerge. If we look at omicron, it did not cause severe disease in India but in the US it led to high rates of hospitalisations and deaths. US is a smaller country, it is a richer country. We cannot afford to do what they did. We have all suffered, let us not fall into the ditch of a new variant," he said.



Other experts agreed that the precautions should remain in place.

Another concern with officially declaring Covid-19 endemic would be fewer resources being made available for measures such as vaccination. “There is a vaccine inequity; not all countries are vaccinated. If the disease is declared endemic, then the 10% vaccination rate in some countries will remain 10%’ nobody will take care of that,” said Dr Singh.

“The more a virus replicates, the greater the chance that problematic variants will arise, most probably where spread is highest. The Alpha variant was first identified in the United Kingdom, Delta was first found in India and Omicron in southern Africa — all places where spread was rampant,” Dr Katzourakis wrote in the Nature editorial.

PROTECTING CHILDREN

The Drugs Controller General of India’s emergency-use approval (EUA) to Biological-E’s Corbevax vaccine should pave the way for bringing more children under the ambit of the country’s Covid inoculation drive. On Monday, the drug regulator approved the use of the vaccine in the 12-18 age group. Corbevax is the third vaccine approved by the DCGI for children’s use after Covaxin and Zydus Cadila’s ZyCoV-D. But currently, only Covaxin is used in the inoculation drive for children in the 15-18 age group. The project that began on January 3 has, by all accounts, progressed in fits and starts with states often complaining of shortages. Less than a third of those eligible for the vaccine have received both shots. Corbevax, which is being touted as a game-changer in the global fight against Covid, could also help upscale India’s inoculation programme for children.

The latest addition to the country’s vaccine basket has been developed by Biological E in collaboration with two institutions in the US: The Texas Children’s Hospital Centre for Vaccine Development and Baylor College of Medicine in Houston. It uses a harmless piece of the spike protein of the SARS-Cov-2 virus to prepare the immune system for future encounters with the virus. This is a tried-and-tested platform that has been used against the hepatitis virus for decades. Vaccines based on this technique do require longer to develop in contrast to the non-replicating viral vector vaccines such as Covishield or the mRNA shots such as the ones developed by Moderna and Pfizer. But their production can be scaled up much more easily than the vaccines that have been used against the virus so far. Initial reports also suggest that Corbevax is far cheaper than Covaxin.

With the Omicron-driven third wave on the wane, schools and educational institutions have begun unlocking classrooms. Fears that the children could infect the elderly at home have been assuaged to a large extent with more than 80 per cent of the country’s adult population inoculated against the virus. However, given the contagion’s unpredictable ways, the need to strengthen the defences of the people cannot be overstressed. More than 6 crore doses of Corbevax have reportedly been cleared by the Central Drugs Laboratory in Kasauli. In January, the National Technical Advisory Group on Immunisation had talked of extending the children’s vaccination programme in March. The EUA to Corbevax should help it keep this commitment.