8th to 14th May 2022

CURRENT AFFAIRS for UPSC

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INTERNATIONAL

RELENTLESS WAR

Over two months after Russia's invasion of Ukraine began, the UN Security Council finally managed to issue a statement calling for 'a peaceful solution' and backing the efforts of Secretary-General António Guterres in this direction. While the carefully drafted statement avoided any reference to 'war', 'invasion' or 'conflict', the fact that the 15 members of the Council, including Russia which has veto power, unanimously agreed to the call for peace shows that all sides are feeling the heat of the conflict. Going by the votes in the UN General Assembly, international public opinion is heavily against the war and the UNSC is expected to do more to bring the violence to an end. The statement was issued a week after Mr. Guterres held talks with Presidents Vladimir Putin and Volodymyr Zelensky, in Moscow and Kyiv, respectively. But his mission would be successful only if the parties concerned showed seriousness in ending the war. As of now, neither exists beyond statements. For example, Russia stepped up attacks in Ukraine after the UNSC statement was issued. On Sunday, 60 people were killed in Luhansk. On Monday, Mr. Putin, in his Victory Day address marking the Soviet triumph over German Nazis, claimed that the Russian troops were "defending the motherland", indicating that the war will grind on.

When he ordered the 'special military operation' for what he called the "demilitarisation and denazification' of Ukraine, Mr. Putin must have expected a quick victory. But Ukraine's resistance did not only deny the Russians this but also galvanised western support. When western financial and military aid hardened the Ukrainian resistance, the Russian troops, despite their incremental territorial gains in eastern and southern Ukraine, appeared to have got stuck in the battlefield. The stalemate has increased the risks of a wider conflict. The U.S. now seems determined to "weaken Russia", as Defence Secretary Lloyd Austin has said. Russia, with its back against the wall, is warning of a third world war with nuclear weapons. The possibility of a direct Russia-West confrontation makes it the most dangerous moment in global politics since the 1962 Cuban missile crisis. If both sides still believe in rational policymaking, they should immediately look for an offramp. Russia cannot ask for dialogue and peace when continuing to pound Ukrainian cities. Its war machine has slowed down and it is already facing economic and political isolation in Europe. Escalating this conflict, bringing the whole world into danger, does not serve anybody's interest. Instead, Moscow should immediately end the attacks and support the UN Secretary General's mission of finding a peaceful solution that could address the security concerns of both Ukraine and Russia.

EXPLAINED: RUSSIA'S VICTORY DAY, AND WHY IT MAY MARK A TURNING POINT IN UKRAINE WAR

One of Russia's most significant national holidays is merely days away. Celebrated annually on the 9th of May, Victory Day marks the Soviet Union's victory over Nazi Germany during World War 2. But this year, the country's celebrations are likely to take on a whole new meaning.

Over two months after Russia launched a crippling attack on Ukraine, some western critics believe this year's Victory Day will mark a turning point in the invasion, which has already cost thousands of Russians and Ukrainians lives. After so far insisting on calling the attack on Ukraine a "special military operation", some believe the Kremlin may officially declare a "war" on Ukraine on May 9, a symbolic day for the country.

While the Kremlin's press secretary has denied these allegations, calling them "nonsense", ordinary Ukrainians are bracing themselves for a fresh wave of attacks.

Why does Russia celebrate 'Victory Day'?

On May 9, Russia commemorates the defeat of the Nazis during World War II. Notably, while the allies observe "V-E Day", or Victory in Europe Day, on May 7 — the day Nazis surrendered in France — Soviet leader Joseph Stalin chose to celebrate the fall of the Nazis in Soviet-controlled Berlin the next day.

While Russia's first post-Soviet president Boris Yeltsin made Victory Day celebrations an annual affair, it was Soviet leader Leonid Brezhnev who declared May 9 a national holiday, Time Magazine reported. Victory Day celebrations usually include a massive military parade in Moscow. Russian leaders also traditionally stand on the tomb of revolutionary leader Vladimir Lenin in Red Square.

Over the last two decades, Putin has turned Victory Day into a near-sacred event. In Putin's Russia, millions of ordinary Russians are known to gather on the streets of Moscow to watch the parade and participate in the festivities. People often carry photographs and portraits of relatives who died during the Second World War.

Even when celebrations were disrupted during the coronavirus pandemic, the names of soldiers killed during the war were broadcasted on state television channels.

RISE OF THE SON

The landslide victory of Ferdinand Marcos Jr., the son of former dictator Ferdinand Marcos, in Monday's presidential election, is a testimony to the structural change the Philippines's politics has undergone in over three decades. The regime of the senior Marcos — he was President twice before declaring martial law — was known for thuggery and corruption, even accused of stealing billions from the state coffers. It took the years-long "People Power Revolution", which was triggered by the assassination of opposition leader Benigno Aquino Jr. in 1983, to overthrow the dictatorship in 1986. Thirty-six years later, Mr. Marcos Jr., who has never disowned the abuses of his father's regime, got 30.5 million votes out of 67 million votes polled (unofficial results), compared to 14.5 million votes secured by Vice-President Maria Leonor Robredo, his closest rival. However ironic it might seem, his victory is not surprising. The Marcos family, which returned to the country in 1991 after six years in exile, had immediately started to regain its lost glory. The dictator's wife, Imelda, contested in the 1992 presidential election and lost. Mr. Marcos Jr. has been active in politics since the late 1990s. Now, with his thumping victory in one of the most consequential elections in the post-dictatorship era, the once-disgraced family is set to determine the Southeast Asian nation's future once again.

Little is known about Mr. Marcos Jr.'s policy preferences. He skipped presidential debates and refused to give media interviews. Instead, he gave direct addresses to his supporters and his team ran a highly efficient online campaign focusing on repackaging the era of dictatorship as one of prosperity and opportunity. This appeared to have struck a chord with voters. He joined hands too with the outgoing President Rodrigo Duterte, whose daughter, Sara Duterte-Carpio, became his running mate. Six years ago, Mr. Duterte ran a similar campaign. He blamed pro-democracy establishment parties for the poverty and widening inequality. Once in power, he attacked the country's institutions, launched a "war on drugs" in which thousands of Filipinos were killed, and ordered the burial of the senior Marcos's body at a heroes' cemetery. Mr. Marcos Jr.'s refusal to

distance himself from his family's political legacy and his joining hands with the Dutertes have triggered concerns of a further erosion of democracy. Given the six years of Mr. Duterte's rule, such fears were not completely baseless. In his first remarks after the election, Mr. Marcos Jr. asked the public to "judge me by my actions and not by my ancestors". If he is serious, the presidency is his opportunity to prove his critics wrong. He can do so by recovering the billions looted during his father's regime, strengthening institutional democracy and restoring accountability among the political class.

WHAT DOES SINN FÉIN'S VICTORY MEAN FOR NORTHERN IRELAND?

The story so far: Northern Ireland came into existence in 1921 when Ireland was partitioned by the Government of Ireland Act, 1920 passed by the British parliament. Sectarian tensions between the Protestants and Catholics led to a 30-year period of militant strife, called The Troubles, which began in the late 1960s and continued until the signing of the Good Friday Agreement in 1998. Sinn Féin, since 1921, never won a decisive vote. This changed on May 7, 2022 as it was declared that Sinn Féin had won 27 seats out of 90 or 29% of the preference vote, while its closest unionist competitor, the Democratic Unionist Party (DUP), dropped its seat tally to 25. The right-wing DUP haemorrhaged voters that were mostly picked up by its hardline right-wing competitor, the Traditional Unionist Voice (TUV). These important shifts have raised concerns in Northern Ireland about the future of its union with the United Kingdom. How did Northern Ireland get to this point in history?

When did the Good Friday Agreement come into existence?

The Good Friday Agreement came into existence in April 1998. It was constructed in a manner that would be favourable to the rights and political representation of both Protestant and Catholic communities in Northern Ireland with the aim to eliminate violence. The Agreement recognised the legitimacy of both republican and loyalist demands and institutionalised a system of devolved government, power-sharing and elections to the unicameral local assembly (called Stormont) using the principle of Single Transferable Vote to ensure proportional representation. Any MLA elected to the Stormont has to declare themselves "unionist", "nationalist" or "other". Typically, the largest designations tend to be unionist or nationalist. For instance, the Democratic Unionist Party (DUP), the Ulster Unionist Party (UUP) and the Traditional Unionist Voice (TUV) are unionist parties. Similarly, Sinn Féin and the Social Democratic and Labour Party (SDLP) are considered nationalists.

The First Minister and Deputy First Minister in Northern Ireland have to be picked. Both have the same powers but are not supposed to be from the same party or same designated camp. This means that no government can be formed in Stormont without the mandatory combination of the two largest parties from across designations.

How did Brexit impact the electoral results in Northern Ireland?

Britain's messy divorce from the European Union (EU), better known as Brexit, impacted relations between Northern Ireland and the U.K. In 2019, the U.K. and the EU agreed to the Northern Irish Protocol wherein a trade-and-customs sea border was created between Northern Ireland and the rest of the U.K. Further, the rationale for the Protocol was that establishing a trade-and-customs border on the island between North and South was a sure way to stoke nationalist ire that could undermine the Good Friday Agreement's commitment to peace and consociationalism. While the Protocol is popular with nationalists, it proved to be immensely unpopular with unionist parties

in Northern Ireland as they felt that the U.K. was pacifying nationalist sentiments. In 2021, violence broke out in Belfast's Sandy Row loyalist neighbourhood and a loyalist paramilitary group withdrew support to the Good Friday Agreement. In February 2022, Paul Givan from the DUP resigned as First Minister, which meant that the Deputy First Minister from Sinn Féin, Michelle O'Neill, also lost her position.

In the assembly elections that have recently concluded, it is clear that the Protocol led to shifts in the voting patterns as it became one of the many points of polarisation in Northern Ireland. The parties in favour of the Protocol, like Sinn Féin, improved their vote counts. However, voters were also taking other factors into consideration. Northern Ireland's working-class voters are facing inflation and a cost-of-living crisis. The National Health Service (NHS) in Northern Ireland is struggling financially and is slow to provide healthcare with many waiting a year for critical medical procedures. A shift in traditional sectarian voting patterns is also rooted in these situations of uncertainty that voters are experiencing.

Will Northern Ireland have a new government?

As mentioned before, there can be no government in Northern Ireland unless each of the largest nationalist and unionist parties comes on board to form the government. The Sinn Féin cannot form a government unless the unionist DUP, which is the second-largest party in this election, agrees to do so as well. The requirement is for a First Minister from Sinn Féin and the Deputy First Minister from the DUP. The DUP, which has its own internal divisions, is unlikely to support a Sinn Féin-led government in protest against the Northern Irish Protocol. Jeffrey Donaldson, the DUP leader, has said that while he respects the results, his party will not participate in power-sharing until the issues with the Northern Irish Protocol are addressed by Boris Johnson's government. On the other hand, Sinn Féin has not talked down the possibility of a border poll that would be a precursor to Irish reunification. This has unsettled unionist voters.

In February 2022, the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 came into force to restore faith in the devolved government process in Northern Ireland. Under this, if a First Minister and a Deputy First Minister have not been appointed after four consecutive, six-week periods of negotiations, the Secretary of State for Northern Ireland has to propose a date for a new assembly election. It remains to be seen if it will come to this point.

BEIJING LOYALIST JOHN LEE ELECTED AS HONG KONG'S LEADER

John Lee, a hard-line security chief who oversaw a crackdown on Hong Kong's pro-democracy movement, was elected as the city's next leader on Sunday in a vote cast by a largely pro-Beijing committee.

Mr. Lee was the only candidate and won with over 99% of the vote, in which nearly all 1,500 committee members were carefully vetted by the Central government in Beijing.

He will replace current leader Carrie Lam on July 1. Her five-term was marked by huge pro-democracy protests calling for her resignation, a security crackdown that has quashed virtually all dissent, the recent COVID-19 wave — events that have undermined Hong Kong's reputation as an international business hub with Western-style freedoms.

The election followed major changes to Hong Kong's electoral laws last year to ensure that only "patriots" loyal to Beijing can hold office. The legislature was also reorganised to all but eliminate opposition voices.

The committee members voted in a secret ballot, and Mr. Lee's 1,416 votes were the highest support ever for the city's top position.

Without opposition, Mr. Lee would likely have easier time governing Hong Kong compared to Ms. Lam.

The European Union's foreign policy chief Josep Borrell said that Mr. Lee's election "violates democratic principles and political pluralism in Hong Kong."

THE END OF A BRAND

The resignation of Sri Lankan Prime Minister Mahinda Rajapaksa, amidst extraordinary scenes of violence as part of the widespread public uprising against his family's rule, marks the abrupt fall of a political brand that has been dominating the country for the better part of the last decade-and-a-half. Venerated by large sections of the majority Sinhalese as a national hero who defeated the Liberation Tigers, Mr. Mahinda could never have imagined that his teeming support base would be replaced by swarming protesters so vehemently opposed to him that he would have to leave 'Temple Trees', his Colombo residence, for safety. Thousands of protesters have been demanding the resignation of all the Rajapaksas occupying various posts, including President Gotabaya Rajapaksa, as the economic crisis became unbearable with a huge shortage of food and fuel, as well as the means to buy them. Until a few days ago, the Rajapaksas appeared heedless of the demand, as the country sought to overcome the crisis through overseas aid and bailout packages. However, as the protests spiralled, it appeared that the President wanted his elder brother to resign as Prime Minister. Amidst the political uncertainty, a violent attack on the protesters in Colombo, allegedly by supporters of the Prime Minister, set off a series of incidents that resulted in deaths and injuries, even as houses of political leaders, including the ancestral home of the Rajapaksas in Hambantota, were targeted by arsonists.

Mr. Mahinda's resignation may not be enough to assuage the protesters and the political instability may continue. Anyone taking up the post of Prime Minister now will have to command public trust as well as have the will to steer the country towards economic recovery. President Gotabaya will have to choose someone who can command a parliamentary majority, but the current mood of public anger may deter anyone who has been associated with the Rajapaksa regime. The Opposition leader, Sajith Premadasa, has already declined an offer to head a government under a Gotabaya Presidency. For India, which has responded to the crisis with financial and material aid worth $3.50 billion, the situation presents a unique dilemma: its continued support should not be seen as a means of keeping an unpopular regime going; nor can it look the other way as shortages persist, causing misery for the common folk. In its reaction to the situation, India has said it supports Sri Lanka's democracy, stability and economic recovery and that it "will always be guided by the best interests of the people of Sri Lanka expressed through democratic processes". This can only mean that it does not want to be seen as extending political support to the present regime, but prioritises the people's interests. A larger message from the demise of the Rajapaksa brand is that muscular nationalism and majoritarian mobilisation may not be an endless reservoir of support, and will be of no avail when the masses face economic hardship.

TALIBAN ORDER AFGHAN WOMEN TO COVER FULLY

The Taliban on Saturday imposed some of the harshest restrictions on Afghanistan's women since they seized power, ordering them to cover fully in public, ideally with the traditional burqa.

The militants took back control of the country in August last year, promising a softer rule than their previous stint in power between 1996 and 2001, which was marked by human rights abuses.

But they have already imposed a slew of restrictions on women — banning them from many government jobs, secondary education, and from travelling alone outside their cities.

On Saturday, Afghanistan's supreme leader and Taliban chief Hibatullah Akhundzada approved a strict dress code for women in public.

"Those women who are not too old or young must cover their face, except the eyes, as per sharia directives, in order to avoid provocation when meeting men who are not mahram (adult close male relatives)," said a decree approved by Akhundzada and released by Taliban authorities at a ceremony in Kabul.

It said the best way for a woman to cover her face and body was to wear the chadari, a traditional, blue, all-covering Afghan burqa.

"They should wear a chadari as it is traditional and respectful," it said.

Akhundzada's decree also said that if women had no important work outside then it was "better they stay at home".

The Ministry for Promotion of Virtue and Prevention of Vice, which released the new order, announced a slew of punishments if the dress code is not followed.

It said a woman's father or male guardian would be summoned and could even be imprisoned if the offence was committed repeatedly.

Women working in government institutions who did not follow the order "should be fired", the Ministry added.

Government employees whose wives and daughters do not comply will also be suspended from their jobs, the decree said. The new restrictions were expected to spark a flurry of condemnation abroad.

'Regressive step'

Many in the international community want humanitarian aid for Afghanistan and recognition of the Taliban government to be linked to the restoration of women's rights.

During their first regime, the Taliban made the burqa compulsory for women.

Since their return to power, the much-feared vice ministry has issued several "guidelines" on dress but Saturday's edict is one of the harshest restrictions on women.

"Islam never recommended chadari," said a women's rights activist. "I believe the Taliban are becoming regressive instead of being progressive. They are going back to the way they were in their previous regime."

Another women's rights activist, Muska Dastageer, said Taliban rule had triggered "too much rage and disbelief".

"We are a broken nation forced to endure assaults we cannot fathom. As a people we are being crushed," she said on Twitter.

The hardline Islamists triggered international outrage in March when they ordered secondary schools for girls to shut, just hours after they reopened for the first time since their seizure of power.

WITH PAKISTANI MBBS DEGREE MADE INVALID, KASHMIRI STUDENTS AT DEAD-END

For Kashmiri students who aspired to study in medical colleges in Pakistan, it had been a daunting journey — harassment at the border crossing, nagging questions on their ideology, and summons from the J&K police on their return. All that they would endure to become a doctor. Then in April, the National Medical Commission declared that the MBBS degree from the neighbouring country is invalid in India.

A notification issued by the National Medical Commission on April 28 said students from any medical college of Pakistan shall not be eligible for appearing in Foreign Medical Graduates Examination or seeking employment, "except those who had joined Pakistan degree colleges/institutions before December 2018 or later after obtaining security clearance from MHA till date".

Confidence building

According to an unofficial estimate, nearly 100 students used to travel every year to Pakistan, mainly for the MBBS course. Around 2002, during the Pervez Musharraf regime in that country, Pakistan's intake of Kashmiri students went up, and 100 scholarships were announced in different courses, including engineering, veterinary sciences, and pharmacology. The initiative was considered a major confidence-building measure between the two countries then. It was also in tune with a South Asian Association for Regional Cooperation agreement on student exchange.

Three medical colleges in Pakistan-occupied Kashmir (PoK) — Azad Jammu and Kashmir Medical College, Muzaffarabad; Mohtarma Benazir Bhutto Shaheed Medical College, Mirpur; and Poonch Medical College, Rawalakot — offered a 6% reservation for J&K students. However, a degree from those colleges was declared invalid in 2017 since India does not recognise PoK as part of Pakistan.

Security agencies say at least 17 youth, who had gone on student travel documents, joined militancy in Pakistan. The National Investigation Agency (NIA) and the State Investigation Agency (SIA) are probing the role of Kashmiri students in militancy and money laundering. According to the police, separatists were raising money through the "sale of MBBS seats" and pumping the funds into militancy in Kashmir. According to the students studying in Pakistan, there is not a single recorded instance yet of a medical student turning to militancy. They say those who picked up weapons on a student visa never joined a professional college in Pakistan.

Around 70-80% of the Kashmiri students at present studying in Pakistan are women. For example, Jinnah Medical and Dental College, Karachi, has 40 Kashmiri students, of whom 25 are women. Similarly, at Fatima Jinnah Medical University (FJMU), Lahore, 40 of 60 Kashmiri students are women.

Speaking to The Hindu from the FJMU, a student, on condition of anonymity, said she had opted for Pakistan only because her father could not afford to pay the high fees in India.

"I have three more sisters so I wasn't sure if I could pay ₹40-60 lakh for my Bachelor's degree, so I applied for Pakistan, Turkey and Bangladesh. I got selected in all, but as Pakistan's medical colleges are better than those of Bangladesh or Turkey, I came here," she said.

NATION

A DISSONANCE IN INDIA-GERMAN TIES

Prime Minister Narendra Modi's visit to Germany on May 2 came at a critical time, shaped by the ongoing Ukraine war. In recent times, New Delhi has been at its assertive best. Even as the United States and the European nations have applied sanctions on Moscow and provided military aid to Ukraine, New Delhi has refused to play ball. It has not only avoided condemning Moscow by abstaining in the United Nations (UN) on critical votes on the war but has also continued to engage with Moscow to increase its import of cheap crude. Its long-standing and traditional defence links with Russia remain intact. Such moves have raised eyebrows and attracted some amount of criticism from the West. New Delhi, however, insists that its position on the war is non-partisan and should be appreciated by its allies and friends.

For a nuanced stance

However, assertive media and conference statements by India's External Affairs Minister notwithstanding, there is growing recognition in India's strategic circles that New Delhi has to bring in more nuance to its approach with Europe. Given India's stature, being completely isolated by the West is certainly not a best-case scenario. However, with an assertive China on the world stage and in particular, at the border with India, New Delhi needs to manage a delicate balancing act while asserting its right to pursue its national interests and strategic autonomy in foreign policy. Mr. Modi's three-nation Europe tour (May 2-4) needs to be contextualised with these factors in the backdrop.

There is a clear, albeit delayed, move toward a unified response vis-à-vis Russia in Europe. Its significant reliance on Russian gas and crude notwithstanding, condemnation of Moscow's moves in Ukraine is near unanimous in Europe. Not surprisingly, India's abstention in the UN votes and its continuation of its relationship with Russia have raised quite a few hackles in Germany. In private as well as public discussions, India's role as a major power and largest democracy are being brought to the forefront and there is a growing expectation that India needs to make a shift from its position on Russia and join hands with the European countries and the U.S. in protecting democracy in need. Amidst these expectations and pressure tactics, whether the Prime Minister's visit to Germany helped change the perception and bridge the gap that has been growing, assumes critical importance.

Mr. Modi's visit took place during the first term of the German Chancellor, Olaf Scholz. Prior to Mr. Modi's visit, the Chancellor had visited Japan, in his first visit to Asia. This is construed as a sign of Germany reaching out to other Asian powers and building on democratic alliances as an outcome of its Indo-Pacific guidelines. These two meetings had raised, albeit mistakenly, expectations among some analysts here in Germany of a democratic dividend that may lead to a convergence of views and possibly policies on Russia between the two countries. As proved by the Ukraine war, however, New Delhi has chosen to prioritise its interests over pursuing a policy that is shaped by common democratic values that define Germany, Japan and India.

The China factor

In fact, for several years now, Indian policies have resisted promoting democracy in the neighbourhood and have instead opted to deal with de facto powers. Afghanistan, where India is still reluctant to do business with the Taliban, is probably an aberration. On the other hand, India's

policy towards Myanmar's junta is defined by this pragmatism. Therefore, the democratic rationale of a convergence of interests to protect democratic values is hardly a strong binding chord between India and Germany. The geopolitical convergence of countering the rise of China particularly in the Indo-Pacific seems to be a more compelling necessity rather than the ideational and normative aspects of protecting democratic norms and values.

OVERCOMING DIFFERENCES

Prime Minister Narendra Modi ended his tour to Europe this week by dropping in on French President Emmanuel Macron, who was re-elected recently. What was billed a simple "tete-a tete" during a "working visit" turned out to be a comprehensive discussion on bilateral, regional and international issues, with a 30 paragraph-long joint statement. As with his other stops in Germany and Denmark for the Nordic Summit, as well as the visit to India by European Commission President Ursula von der Leyen the week before, the Ukraine war remained at the top of the agenda. The joint statement records their differences on the issue. However, they also discussed mitigating the war's "knock-on" effects, and Mr. Macron invited India to cooperate with the Food and Agriculture Resilience Mission (FARM) initiative for food security in the most vulnerable countries, particularly in terms of wheat exports. However, as the severe heatwave has damaged India's crops, the Government will have to do some hard thinking on its promises of wheat supply to the rest of the world at a time when fears of shortages are sending wheat prices soaring. Climate change was another key issue during the stopovers in Berlin and Copenhagen. France and India, that worked closely for the success of the Paris climate accord, and co-founded the International Solar Alliance in 2015, are ready to take it to the next level — setting up industrial partnerships to build integrated supply chains in solar energy production for markets in Europe and Asia. There was also a bilateral strategic dialogue on space issues, which will build on their six-decade-long partnership in the field of space — a contested area now with China, Russia and the U.S. stepping up hostilities in this frontier.

India and France have decades of an unusually productive partnership given that neither has allowed other relationships to play a role in the bilateral. This has been the basis of their strong defence partnership. In 1998, France stood out as a western country that did not judge or impose sanctions on India for its nuclear tests; in 2008, it was the first country to conclude a civil nuclear deal with India after the NSG passed a waiver allowing India to access nuclear fuel and technology. It would be a fitting tribute to the consistency of the relationship if the French bid for six nuclear power plants in Maharashtra's Jaitapur makes some headway now, more than 12 years after the original MoU was signed and a year after the French company, EDF, last year submitted an offer to the Nuclear Power Corporation of India Ltd. It is however disappointing that Mr. Modi's visit did not give as much fillip to talks on the India-EU FTA (suspended since 2013) as seen in India's other FTA talks. This was the second such tour where Mr. Modi travelled to Germany and France on the same visit — a significant gesture that he recognises the importance of both in India's new push for stronger ties with Europe.

THE IMPORTANCE OF EMIGRANTS

Though the phenomenon of Indian-origin executives becoming CEOs of top U.S. companies highlights the contribution of Indian talent to the U.S. economy, the role played by Indian semi-skilled migrant labour in the global economy is no less illustrious. According to the Ministry of External Affairs, there are over 13.4 million Non-Resident Indians worldwide. Of them, 64% live in the Gulf Cooperation Council (GCC) countries, the highest being in the United Arab Emirates,

followed by Saudi Arabia and Kuwait. Almost 90% of the Indian migrants who live in GCC countries are low- and semi-skilled workers, as per International Labour Organization estimates. Other significant countries of destination for overseas Indians are the U.S., the U.K., Australia, and Canada.

High remittances

Every year, about 2.5 million workers from India move to different parts of the world on employment visas. Besides being involved in nation-building of their destination countries, Indian migrant workers also contribute to the homeland's socioeconomic development, through remittances. According to a report by the National Statistical Office, urban and rural households receiving remittances (both international and domestic) have approximately 23% and 8% better financial capacity, respectively, than non-remittance-receiving households.

As per a World Bank Group report (2021), annual remittances transferred to India are estimated to be $87 billion, which is the highest in the world, followed by China ($53 billion), Mexico ($53 billion), the Philippines ($36 billion) and Egypt ($33 billion). In 2021, remittances transferred to India had seen an increase of 4.6% compared to 2020. Remittances in India have been substantially higher than even Foreign Direct Investment (FDI) and the flow of remittances is much less fluctuating than that of FDI. Still, remittances' contribution of 3% in GDP is lower than that of countries such as Nepal (24.8%), Pakistan (12.6%), Sri Lanka (8.3%) and Bangladesh (6.5%), as per a World Bank report.

Besides being a win-win situation for both the destination and source country, labour migration is good hedging strategy against unsystematic risks for any economy. Human capital should also be invested in a diversified portfolio akin to financial capital. For many countries, remittances have been of vital support to the domestic economy after a shock. For example, after the 2015 earthquake in Nepal, overseas Nepalese increased remittances to an estimated 30% of GDP.

Can India increase remittances to say 10% of GDP? Can the Philippines' model of promoting labour mobility be replicated in India? Both the cost of recruitment of such workers and the cost of sending remittances back to India should come down. The safety and well-being of migrant labour is of top priority for the government. Reducing informal/undocumented migration and formalising all remittances is being given due focus. Recruitment agencies should also be regulated leveraging information technology for ensuring protection of migrant workers leaving India. An integrated grievance redressal portal, 'Madad', was launched by the government in 2015. Of the approximately 78,000 grievances registered so far by the Indian migrants, more than 95% have been resolved.

Provisions of the Emigration Bill

The Indian government proposed a new Emigration Bill in 2021 which aims to integrate emigration management and streamline the welfare of emigrant workers. It proposes to modify the system of Emigration Check Required (ECR) category of workers applying for migration to 18 notified countries. The ECR category mainly comprises those who have not passed Class 10 and face the challenge of risky informal emigration and subsequent hardships abroad. The Bill makes it mandatory for all category of workers to register before departure to any country in the world to ensure better protection for them, support and safeguard in case of vulnerabilities. The proposed Emigration Management Authority will be the overarching authority to provide policy guidance.

The number of migrant workers need not go up for remittances to increase if the skill sets of workers are improved. Provisions of the Bill such as registration of all emigrants, skill upgradation and training, and pre-departure orientation will enhance protection measures. Besides workers, as about 0.5 million students also migrate for education from India every year, the Bill also covers such students. This will provide a comprehensive data set for the efficient management of Indian migrants. Skilling of migrant workers has the potential to boost the domestic economy and low-cost interventions such as foreign language training can be of great help for such workers.

WHAT IS THE SEDITION LAW, AND WHY SUPREME COURT'S FRESH DIRECTIVE IS IMPORTANT

The Supreme Court Wednesday directed the Centre and states to keep in abeyance all pending trials, appeals, and proceedings with respect to the charge framed under Section 124A of the Indian Penal Code (IPC), which deals with the offence of sedition, till the central government completes the promised exercise to reconsider and re-examine the provision.

The central government had initially defended the colonial provision, but later told the apex court it was reviewing it.

What is the sedition law?

Section 124A defines sedition as: "Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government estab-lished by law shall be punished with im-prisonment for life, to which fine may be added…"

The provision also contains three explanations: 1- The expression "disaffection" includes disloyalty and all feelings of enmity; 2- Comments expressing disapprobation of the meas-ures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section; 3- Comments expressing disapprobation of the admin-istrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

What are the origins of the sedition law?

Although Thomas Macaulay, who drafted the Indian Penal Code, had included the law on sedition, it was not added in the code enacted in 1860. Legal experts believe this omission was accidental. In 1890, sedition was included as an offence under section 124A IPC through the Special Act XVII.

The punishment prescribed then, transportation "beyond the seas for the term of his or her natural life", was amended to life imprisonment in 1955.

The provision was extensively used to curb political dissent during the Independence movement. Several pre-independence cases involving Section 124A of the IPC are against celebrated freedom fighters, including Bal Gangadhar Tilak, Annie Besant, Shaukat and Mohammad Ali, Maulana Azad and Mahatma Gandhi. It is during this time that the most notable trial on sedition — Queen Empress v. Bal Gangadhar Tilak — took place in 1898.

ourts largely followed a literal interpretation of the provision holding that "… the disapprobation must be 'compatible' with a disposition to render obedience to the lawful authority of the

Government and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority."

The Constituent Assembly debated including sedition as an exception to the fundamental right to freedom of speech and expression, guaranteed in the Constitution, but several members vehemently disagreed and the word is not included in the document.

Legal challenges to IPC Section 124A

As early as 1950, the Supreme Court in Romesh Thapar v State of Madras held that "criticism of the government exciting disaffection or bad feelings towards it, is not to be regarded as a justifying ground for restricting the freedom of expression and of the press, unless it is such as to undermine the security of or tend to overthrow the state." Justice Patanjali Shastri cited the Constituent Assembly's deliberate omission of the word sedition from the Constitution for the liberal reading of the law.

Subsequently, two high courts — the Punjab and Haryana High Court in Tara Singh Gopi Chand v. The State (1951), and the Allahabad High Court in Ram Nandan v. State of Uttar Pradesh (1959) — declared that Section 124A of the IPC was primarily a tool for colonial masters to quell discontent in the country and declared the provision unconstitutional.

However, in 1962, the issue came up before the Supreme Court in Kedarnath Singh v State of Bihar.

The Kedar Nath ruling on sedition

A five-judge Constitution Bench overruled the earlier rulings of the high courts and upheld the constitutional validity of IPC Section 124A. However, the court attempted to restrict its scope for misuse. The court held that unless accompanied by an incitement or call for violence, criticism of the government cannot be labelled sedition. The ruling restricted sedition only insofar as seditious speech tended to incite "public disorder"- a phrase Section 124A itself does not contain but was read into it by the court.

The court also issued seven "guidelines", underlining when critical speech cannot be qualified as sedition. In its guidelines on using the new, restrictive definition of sedition law, the court said not all speech with "disaffection", "hatred," or "contempt" against the state, but only speech that is likely to incite "public disorder" would qualify as sedition.

following the Kedar Nath verdict, "public disorder" has been considered a necessary ingredient for the commission of sedition. The court has held that mere sloganeering unaccompanied by any threat to public order would not qualify as sedition.

This ruling in Balwant Singh v. State of Punjab (1995), reiterated that the real intent of the speech must be taken into account before labelling it seditious. The petitioners were accused of sedition for raising slogans of "Khalistan Zindabad, Raj Karega Khalsa, Hinduan Nun Punjab Chon Kadh Ke Chhadange, Hun Mauka Aya Hai Raj Kayam Kar" (Hindus will leave Punjab and we will rule) etc. in a public space.

In subsequent rulings — Dr. Vinayak Binayak Sen v. State of Chhattisgarh (2011), — the court also held that a person can be convicted for sedition even if she is not the author of the seditious speech but has merely circulated it.

In 2016, in Arun Jaitley v State of Uttar Pradesh, the Allahabad High Court held that criticism of the judiciary or a court ruling — former Union minister Arun Jaitley in a blog post had criticised the Supreme Court's 2016 ruling declaring the National Judicial Appointments Commission unconstitutional — would not amount to sedition.

Successive reports of the Law Commission of India and even the Supreme Court, have underlined the rampant misuse of the sedition law. The Kedar Nath guidelines and a textual deviation in law puts the onus on the police who register a case to distinguish between legitimate speech from seditious speech.

Just last year, in Vinod Dua v Union of India, the Supreme Court quashed FIRs with charges of sedition against the journalist for criticising Prime Minister Narendra Modi's handling of the Covid-19 crisis and cautioned against unlawful application of the provision.

What is the fresh challenge to sedition law?

The Supreme Court has agreed to hear a fresh challenge against the provision after a batch of petitions were filed by journalists, Kishorechandra Wangkhemcha, Kanhaiya Lal Shukla; and Trinamool Congress MP Mahua Moitra, among others. This would involve a seven-judge bench considering whether the Kedar Nath ruling was correctly decided.

Although the government initially defended the provision arguing that "isolated incidents of misuse" do not necessitate removal of the provision itself, it has now told the court that it is mulling a fresh review of the colonial law.

The petitioners have argued that the restricted Kedar Nath definition of sedition can be addressed through several other laws, including stringent anti-terror laws such as the Unlawful Activities Prevention Act.

The court's intervention is crucial because in case it strikes down the provision, it will have to overrule the Kedar Nath ruling and uphold the earlier rulings that were liberal on free speech. However, if the government decides to review the law, either by diluting the language or repealing it, it could still bring back the provision in a different form.

Sedition laws in other countries

In the United Kingdom, the sedition law was officially repealed under Section 73 of the Coroners and Justice Act, 2009, citing a chilling effect on freedom of speech and expression. The common law on sedition, which is traced to the Statute of Westminster, 1275, when the King was considered the holder of Divine right, was termed "arcane" and "from a bygone era when freedom of expression wasn't seen as the right it is today."

In the United States, sedition is a federal felony under the Federal Criminal Code, Section 2384, and is now being used against rioters involved in the January 6 attack on the Capitol. Despite the First Amendment that forbids any restrictions on free speech, "conspiracy to interfere directly with the operation of the government" and not just speech is considered sedition.

Australia repealed its sedition law in 2010, and last year, Singapore also repealed the law citing that several new legislations can sufficiently address the actual need for sedition law without its chilling effects.

The conviction rate in cases filed under the sedition law (IPC Section 124A), now the subject of an ongoing case in the Supreme Court, has fluctuated between 3% and 33% over the years, and the pendency of such cases in court reached a high of 95% in 2020.

Since 2014, when the National Crime Records Bureau (NCRB) started compiling data on sedition, 399 sedition cases have been filed across the country, including a high of 93 in 2019, and 73 in 2020.

incidentally, 2019 is also the year with the lowest conviction rate at 3.3%. According to the NCRB, of the 30 cases in which trial was completed that year, only one resulted in conviction.

The chargesheeting rate of police too has been low. Of 322 cases filed between 2016 and 2020, chargesheets were filed in only 144. As many as 23 cases were found to be false or a mistake of law, and 58 were closed for lack of evidence. Pendency of cases with police rose from 72% in 2016 to 82% in 2020.

There is no striking trend among states in terms of the number of sedition cases filed. States such as Assam, UP and J&K have registered high numbers of cases recently. States such as Manipur, Bihar, Jharkhand, Karnataka and UP too have registered a high number of cases in some years.

In 2019, when the highest number of sedition cases were registered in the country, Karnataka had the most at 22, followed by Assam (17), J&K (11), Uttar Pradesh (10) and Nagaland (8).

In 2018, Jharkhand witnessed the highest number of sedition cases at 18, followed by Assam (17), J&K (12) and Kerala (9).

In 2017, Assam had the highest number of cases at 19, followed by Haryana (13) and Himachal Pradesh (8). In 2016, Haryana registered the highest number of such cases at 12, followed by Uttar Pradesh at 6.

In 2015, Bihar had the country's highest with nine cases, followed by West Bengal (4). In 2014, Jharkhand had the highest number of such cases at 18, followed by Bihar (16)

ON THE QUESTION OF NOTIFYING MINORITIES

The story so far: A public interest litigation (PIL) under the consideration of the Supreme Court of India challenges the power of the Centre to notify minority communities at a national level.

Who is a minority and who decides that?

The PIL specifically questions the validity of Section 2(f) of the National Commission for Minority Educational Institutions or NCMEI Act 2004, terming it arbitrary and contrary to Articles 14, 15, 21, 29 and 30 of the Constitution. Section 2(f) says "minority ,"for the purpose of this Act, means a community notified as such by the Central Government." Section 2(c) of the of National Commission for Minorities (NCM) Act, 1992 also gives the Centre similar powers.

In 2005, the Congress-led United Progressive Alliance (UPA) at the Centre notified five communities — Muslims, Christians, Sikhs, Buddhists and Parsis — as minorities at the national level. In 2014, the Manmohan Singh government notified followers of Jainism as a minority community, making them the sixth on the national list.

What does the PIL argue?

The petitioner argues that the Centre's decision was arbitrary since the SC had held, in the T. M. A. Pai Foundation vs State Of Karnataka case of 2002 that, "for the purpose of determining minority, the unit will be State and not whole India." The petitioner argued that the Centre's notification has created an anomalous situation in which the communities declared as minorities by the Centre enjoy the status even in States/UTs where they are in majority (Muslims in Jammu and Kashmir and Christians in Nagaland for instance) while followers of Hinduism, Judaism and Bahaism who are minorities are not accorded the same status under the Act.

The petition seeks the SC to curtail the Centre's power to notify national minorities or direct the Centre to notify followers of Hinduism, Bahaism and Judaism as minorities in States/UTs where they are actually fewer in numbers; or direct that only those communities that are "socially, economically and politically non-dominant" besides being numerically smaller in States/UTs be allowed the status of minorities.

How has the Centre responded?

The Centre filed two affidavits in the case, the second one on May 9, suppressing its first affidavit that was filed on March 25. In both, the Centre said it had the power to notify minority communities. In the first, the Centre categorically defended the concept of minorities at the national level; in the second, it remains silent on that specific question. In other words, the Centre has not taken a position, one way or the other, about continuing the national list of minorities while it reiterated its power to notify communities as minorities under Central Acts. In the first affidavit, the Centre had pointed out that it had concurrent powers with States to take measures for the welfare of minorities. States could have minorities notified as such within their jurisdiction, and it even cited the examples of Maharashtra recognising Jews as a minority community and Karnataka recognising speakers of several languages as linguistic minorities. In the second affidavit there is no such elaboration. While it says the power is vested in it, the affidavit does not go as far as questioning the powers of the State on this question.

In the first affidavit, the Centre said the pleas made by the petitioner must be rejected; in the second, the Centre said the PIL dealt with 'vital' issues and sought time to consult with all stakeholders before it could take a position. In the first instance, the Centre went on to defend the constitution of the new Ministry of Minority Affairs and the Sachar Committee that studied the backwardness of Muslims in India — both UPA measures, criticised by the Opposition Bharatiya Janata Party then. In the second affidavit on May 9, the Centre did not defend these decisions of the previous Congress regime.

The May 9 affidavit, in fact, leaves all questions open, other than the emphatic claim that the Centre has the power to notify minorities under the two Acts.

What next?

The Centre's second affidavit leaves its own stand on the entire issue ambiguous, and perhaps it was intended that way. The Centre has said it would come back to the apex court "after consideration of several sociological and other aspects." It said "any stand without detailed deliberations with stakeholders may result in an unintended complication for the country." Though the power is vested with the Central government, it would consult the States and other stakeholders.

WHAT IS THE LAW ON MARITAL RAPE, AND WHAT HAS THE DELHI HIGH COURT RULED?

A two-judge Bench of the Delhi High Court on Wednesday (May 11) delivered a split verdict in a batch of petitions challenging the exception provided to marital rape in the Indian Penal Code (IPC).

Justice Rajiv Shakdher held that the exception under Section 375 (which deals with rape) of the IPC is unconstitutional, while Justice C Hari Shankar held that the provision is valid. Details of the judgment were awaited.

What happens next, and what does this verdict mean for the conversation on marital rape?

What was the case about?

The court was hearing a clutch of four petitions challenging the constitutionality of the exception to Section 375. Apart from the petitioners, who include the All India Democratic Women's Association (AIDWA), the court heard several intervenors, including a men's rights organisation and amicus curiae senior advocates Rajshekhar Rao and Rebecca John.

What is the marital rape exemption?

Section 375 defines rape and lists seven notions of consent which, if vitiated, would constitute the offence of rape by a man. However, the provision contains a crucial exemption: "Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape."

This exemption essentially allows a marital right to a husband who can with legal sanction exercise his right to consensual or non-consensual sex with his wife.

The exemption is also under challenge before the Gujarat High Court on the grounds that it undermines consent of a woman based on her marital status. Separately, the Karnataka HC has allowed the framing of marital rape charges against a man despite the exemption in law.

Headed to top court

The split verdict by the Delhi High Court paves the way for adjudication by the Supreme Court. It also provides breathing room to the Centre, possibly until the proposed reforms in criminal law come into force.

What was the government's stand?

Like in the ongoing case before the Supreme Court challenging the constitutionality of Section 124A IPC (sedition), the Centre initially defended the rape exception and later changed its stand and told the court that it was reviewing the law, and that "wider deliberations are required on the issue".

Solicitor General Tushar Mehta brought to the court's notice a 2019 committee set up by the Ministry of Home Affairs to review criminal laws in the country.

The Delhi government argued in favour of retaining the marital rape exception. The government's arguments spanned from protecting men from possible misuse of the law by wives, to protecting the institution of marriage.

What happens when a split verdict is delivered?

In case of a split verdict, the case is heard by a larger Bench. This is why judges usually sit in Benches of odd numbers (three, five, seven, etc.) for important cases, even though two-judge Benches or Division Benches are not uncommon.

The larger Bench to which a split verdict goes can be a three-judge Bench of the High Court, or an appeal can be preferred before the Supreme Court. The Delhi High Court has already granted a certificate of appeal to move the Supreme Court since the case involves substantial questions of law.

What is the broad takeaway from Wednesday's verdict?

Even though the court has delivered a split verdict, its intervention moves the needle in favour of doing away with the marital rape exemption in law. Justice Shakdher's opinion takes the conversation forward on the subject, and sets the stage for a larger constitutional intervention before the Supreme Court.

On May 10, the Supreme Court refused to stay the Karnataka High Court order that for the first time put a man on trial for marital rape. The SC's refusal to stay the order indicates that the higher judiciary is willing to carry out a serious examination of the colonial-era provision.

What was the Karnataka HC ruling?

The Karnataka High Court was hearing an appeal by a husband against a sessions court decision to frame rape charges brought against him by his wife. Along with charges under Section 376 of the Indian Penal Code that punishes rape, the man was charged with Sections 377 (unnatural offences), 506 (criminal intimidation), 498A (domestic cruelty), and 323 (assault) of the IPC, and Section 10 of the Protection of Children from Sexual Offences Act, 2012 for alleged sexual abuse against his minor daughter.

The man sought the quashing of the FIR, especially the charge of rape, since Section 375 specifically carves out an exception for marital rape. But the single-judge Bench of Justice M Nagaprasanna refused to interfere with the sessions court order.

While the High Court did not explicitly strike down the marital rape exception, it allowed the married man to be put on trial on rape charges brought by his wife. The husband had moved the High Court after the trial court took cognizance of the offence under Section 376 (punishment for rape).

What is the law on marital rape elsewhere?

The marital rape immunity is known to several post-colonial common law countries. Australia (1981), Canada (1983), and South Africa (1993) have enacted laws that criminalise marital rape.In the United Kingdom, the House of Lords overturned the exception in 1991. In their landmark decision in the case known as R v R, the Lords took the view that the time had "arrived when the law should declare that a rapist remains a rapist subject to the criminal law, irrespective of his relationship with his victim". They also said that the verdict was not creating a new offence, rather only removing a common law fiction that has its roots in ecclesiastical law.

It was argued that the House of Lords decision amounted to a retrospective change in criminal law, which would amount to a breach of the European Convention on Human Rights. The European Court of Justice reviewed the ruling and upheld the decision of the Lords as a "foreseeable evolution" of the law.

COWED DOWN

In yet another disturbing and dastardly act that is now part of a pattern in much of North India, two tribal men were beaten to death by alleged activists of the Bajrang Dal in Seoni, Madhya Pradesh, on the suspicion that they were slaughtering cows. Apart from tribal people, Muslims and Dalits in particular have borne the brunt of these senseless acts of mob violence and murders. Reminiscent of the murder of a dairy farmer, Pehlu Khan, after he and his sons were attacked by self-described "cow vigilantes" in April 2017 in Rajasthan, the two men, Sampatlal Vatti and Dhansai Invati, were attacked by nearly 20 men; both died of injuries. The police have arrested 13 people for their alleged involvement; at least six of them were members of the Bajrang Dal, according to the family members. An insinuation by the police that one of the dead men was involved in a "cow slaughter" case has shown yet again where the priorities of law enforcement lie in such cases. In another pattern, there has been a certain acuity in the implementation of cattle slaughter laws which is missing in trying and bringing those involved in lynch mobs to justice. Stricter cattle slaughter laws have been implemented with a fervour that has less to do with animal preservation and more to do with appeasement of majoritarian impulses to garner political support.

In 2005, the Supreme Court had justified the total ban on cattle slaughter by an expansive interpretation of the directive principles of state policy, and relying on Articles 48, 48A, and 51(A) of the Constitution, that seeks to preserve breeds used in agriculture and animal husbandry, explicitly prohibiting the slaughter of cows and calves and other milch and draught cattle, besides promoting compassion to animals. The judgment had overturned an earlier ruling in 1958 which had limited the ban only to "useful" cattle which are still engaged in agriculture and husbandry. This interpretation only laid the grounds for State governments — especially those led by the BJP and its alliance partners — to come up with stringent laws on cow slaughter, and in the public sphere, a stigmatisation of communities such as Dalits, Muslims and tribals for their dietary habits and their dependence on cattle products for a livelihood. Four States (Rajasthan, Jharkhand, West Bengal and Manipur) had passed laws against lynching after many such incidents but they were under various stages of implementation with the Union government taking the view that lynching is not a crime under the Indian Penal Code. While civil society in Madhya Pradesh must demand justice for the injured and dead tribal men and a return to the rule of law in which such murderous acts do not go unpunished, it is time for a judicial rethink on legislation around cattle slaughter.

JUSTICE PARDIWALA IS IN LINE TO BE CJI

In line to be the third Chief Justice of India from the community, Justice Pardiwala would be top judge for a little over two years and lead the court into the next decade.

Justice Pardiwala, in 2015, while hearing a plea by Patidar leader Hardik Patel, had initially observed that "reservation and corruption are two things that have not allowed the country to progress in the right direction", but later expunged the remark when 58 members of the Rajya Sabha petitioned Chairperson Hamid Ansari for his impeachment. He was critical of the steps taken by the Gujarat government during the COVID-19 crisis.

The first member of the Parsi community to serve on the Supreme Court was Justice Dinshah Pirosha Madon in the early 1980s. The two Chief Justices of India, Justices Sam Piroj Bharucha and Justice Sarosh Homi Kapadia, were appointed top judges almost 10 years apart. Justice Bharucha was appointed CJI in 2001 and Justice Kapadia in 2010.

Then there were the two "Narimans". Justice Sam Nariman Variava, once a part-time professor of law at Sydenham College in Bombay, was Supreme Court judge between 2000 and 2005.

A decade later, the court witnessed in Justice Rohinton Fali Nariman a brilliant spell and a flurry of judgments in fields of law as varied as death penalty review, free speech and insolvency laws.

Justice Bharucha was the 30th Chief Justice of India. Media reports of the time of his appointment as CJI showed Justice Bharucha described in the legal circles as a stern, fair judge who kept his distance from the political establishment. When the SC pulled up author Arundhati Roy for her writing on the Narmada dam issue, Justice Bharucha gave a dissenting opinion, saying the "court's shoulders are broad enough to shrug off their comments and focus should not shift from the rehabilitation of the oustees". His judgment led to the dismissal of Jayalalithaa as Tamil Nadu Chief Minister.

Justice Variava was a lawyer who practised in the Bombay High Court and appeared in the civil court. He was elevated to the Supreme Court as judge in March 2000.

A VICTORY FOR CRIME VICTIMS

In stating that the victim of a crime ought to be heard at all stages of a trial, the Supreme Court judgment, in Jagjeet Singh v. Ashish Mishra (2022), essentially becomes a cause for celebration for victim rights advocates. This is historic in many ways as the courts in India have never made such a fervent plea for victim justice. While denying bail to Ashish Mishra in the Lakhimpur Kheri case, the court made sharp remarks legitimising the claims of victim to participate in the criminal justice process. The court observed that international instruments and trends as well as the recommendations of the law reform reports were in favour of granting greater participation for victims of crime.

Impact on victims

The judgment has far-reaching victimological implications. On a principled note, the court observed that our criminal justice system conflates the presence of the state with the presence of the victim. Such conflation is attributable to the traditional understanding of the criminal process wherein the trial is a contest between the state and the accused only. In sociologist and criminologist Nils Christie's terminology, if we consider the conflict to be property, then the state claims ownership over the same. The conflict as property, however, must be restored to its rightful owner — the victim.

The court then goes on to observe that the victim cannot be asked to wait till the commencement of the trial to assert their right to participate in the proceeding. The victim has a legally vested right to be heard at every step post the occurrence of the offence. This court's observations have the potential to impact several important facets of the criminal process. First, the victim as defined in Section 2(wa) of the Code of Criminal Procedure (CrPC) becomes a victim only after an accused has been charged with the offence. The judgment, however, overcomes this bar to provide the victim with the right to be recognised as a victim immediately after the occurrence of the offence.

Second, a victim, not being a complainant, has been deterred from several substantive pre-trial rights under the CrPC including the right to approach the superior police officer in case of a refusal to register an FIR, the right to be informed about the progress of the investigation or the decision not to investigate, and the right to be informed on the filing of the final/closure report. Though the judgment clarifies that the complainant and victim are two different entities in the law, it

simultaneously states that the victim has 'unbridled participatory rights' right from the stage of the investigation. This translates to a pronouncement that the victim must have all rights that a complainant has, and much more.

Third, the court observed that the participatory rights of the victim extend all the way to the stage of appeal or revision. The Supreme Court has also observed that the rights of the victim must not be termed or construed restrictively.

If they are comprehensively applied, these observations have the effect of securing a gamut of rights for the victim at the trial stage including the right to be informed of the proceedings, the right to protection, the right to speedy justice, the right to present arguments and written submissions, the right to examine witnesses, the right to be heard at sentencing and the right to be compensated and restituted.

STILL A LONG WAY FOR TERMINATION AS AN UNCONDITIONAL RIGHT

The issue of abortion is in the news again, internationally. This, therefore, appears to be a good time to pen down a summary and analysis of the legal status of abortions in India.

Under the general criminal law of the country, i.e. the Indian Penal Code, voluntarily causing a woman with child to miscarry is an offence attracting a jail term of up to three years or fine or both, unless it was done in good faith where the purpose was to save the life of the pregnant woman. A pregnant woman causing herself to miscarry is also an offender under this provision apart from the person causing the miscarriage, which in most cases would be a medical practitioner.

Amendments and expansion

In 1971, after a lot of deliberation, the Medical Termination of Pregnancy (MTP) Act was enacted. This law is an exception to the IPC provisions above and sets out the rules — of when, who, where, why and by whom — for accessing an MTP. This law has been amended twice since, the most recent set of amendments being in the year 2021 which has, to some extent, expanded the scope of the law. However, the law does not recognise and/or acknowledge the right of a pregnant person to decide on the discontinuation of a pregnancy.

The law provides for a set of reasons based on which an MTP can be accessed: the continuation of the pregnancy would involve a risk to the life of the pregnant woman or result in grave injury to her physical or mental health. The law explains that if the pregnancy is as a result of rape or failure of contraceptive used by the pregnant woman or her partner to limit the number of children or to prevent a pregnancy, the anguish caused by the continuation of such a pregnancy would be considered to be a grave injury to the mental health of the pregnant woman. The other reason for seeking an MTP is the substantial risk that if the child was born, it would suffer from any serious physical or mental abnormality.

The existence of one of these circumstances (at least), along with the medical opinion of the medical practitioner registered under the MTP Act is required. A pregnant person cannot ask for a termination of pregnancy without fitting in one of the reasons set out in the law. The other set of limitations that the law provides is the gestational age of the pregnancy. The pregnancy can be terminated for any of the above reasons, on the opinion of a single registered medical practitioner up to 20 weeks of the gestational age. From 20 weeks up to 24 weeks, the opinion of two registered medical practitioners is required. This extended gestational limit is applicable to certain

categories of women which the rules define as either a survivor of sexual assault or rape or incest, minors, change of marital status during the ongoing pregnancy, i.e. either widowhood or divorce, women with major physical disabilities, mentally-ill women including mental retardation, the ground of foetal malformation incompatible with life or if the child is born it would be seriously handicapped, and women with pregnancy in humanitarian settings or disaster or emergency situations as declared by the government.

Any decision for termination of pregnancy beyond 24 weeks gestational age, only on the ground of foetal abnormalities can be taken by a Medical Board as set up in each State, as per the law. No termination of pregnancy can be done in the absence of the consent of the pregnant person, irrespective of age and/or mental health.

The law, as an exception to all that is stated above, also provides that where it is immediately necessary to save the life of the pregnant woman, the pregnancy can be terminated at any time by a single registered medical practitioner. This, as stated, is the exception and is understood to be resorted to only when the likelihood of the pregnant woman dying is immediate.

Seeking judicial permission

While India legalised access to abortion in certain circumstances much before most of the world did the same, unfortunately, even in 2020 we decided to remain in the logic of 1971. This, despite the fact that by the time the amendments to the MTP Act were tabled before the Lok Sabha in 2020, just before the lockdown following the novel coronavirus pandemic, courts across the country (over the preceding four years) had seen close to 500 cases of pregnant women seeking permission to terminate their pregnancy (broadly on reasons of either the pregnancy being as a result of sexual assault or there being foetal anomalies incompatible with life). In a number of these cases, the courts had articulated the right of a pregnant woman to decide on the continuation of her pregnancy as a part of her right to health and right to life, and therefore non-negotiable. Similarly, a number of courts had also viewed the cases at hand in the realm of the facts of the case and decided not to set the interpretation of the law straight.

This was also after the landmark right to privacy judgment of the Supreme Court of India in which it was held that the decision making by a pregnant person on whether to continue a pregnancy or not is part of such a person's right to privacy as well and, therefore, the right to life. The standards set out in this judgment were also not incorporated in the amendments being drafted. The new law is not in sync with other central laws such as the laws on persons with disabilities, on mental health and on transgender persons, to name a few. The amendments also did not make any attempts to iron out the conflations between the MTP Act and the Protection of Children from Sexual Offences (POCSO) Act or the Drugs and Cosmetics Act, to name a few.

While access to abortion has been available under the legal regime in the country, there is a long road ahead before it is recognised as a right of a person having the capacity to become pregnant to decide, unconditionally, whether a pregnancy is to be continued or not.

THIRD AND FINAL ROUND

The complexities of the law governing the National Capital Territory (NCT) of Delhi will once again be under elaborate judicial focus. In what will be the third round of litigation in the dispute between the Union government and the Government of the NCT of Delhi, a Constitution Bench will embark on interpreting a couple of phrases in Article 239AA, which confers a unique status for

Delhi. It would indeed seem unnecessary for another Constitution Bench after five judges had rendered an authoritative pronouncement in 2018 on various questions that arose from Article 239AA. However, the Chief Justice of India, Justice N.V. Ramana, has made it clear that the reference to a five-member Bench will be strictly limited to the interpretation of a couple of phrases that were not examined by the earlier Bench, and no other point will be reopened. Broadly, the 2018 verdict, through three concurring opinions, had ruled that Delhi was indeed a Union Territory, but the Lieutenant Governor, as the Administrator appointed by the President, should act as per the aid and advice of the Council of Ministers, in areas in which legislative power was conferred on Delhi's Legislative Assembly. Under Article 239AA, except for police, public order and land, the Delhi Assembly can make law on all other matters in the State and Concurrent Lists 'insofar as such matter is applicable to Union Territories'. The mandate of the hearing is to declare what this phrase means, and whether it is one more limitation on Delhi's legislative, and by extension, executive powers.

The 2018 ruling limited the Lieutenant Governor's domain by making it clear that not every decision required his concurrence. It had cautioned against the notion of representative democracy being negated, if legitimate decisions of the Council of Ministers were blocked merely because the Lieutenant Governor had a different view. The Lieutenant Governor's power to refer "any matter" on which he disagreed with the elected regime did not mean he could raise a dispute on "every matter". It is perhaps because of the underlying message that an unelected administrator should not undermine an elected administration that the Centre badly wanted a fresh reference to another Constitution Bench. It is indeed true that a split verdict by a two-judge Bench on the question whether 'services' fell under the Union government's domain or the NCT government has flagged the absence of a determination in the Constitution Bench verdict on the question whether Entry 41 of the State List (services) is within the NCT's executive and legislative domain. Entry 41 is not one of the excluded areas of legislation by the Delhi Assembly, but it has been argued that there are no services under the Delhi government and, therefore, it was not a matter applicable to the NCT at all. Settling this remaining question should give a quietus to the endless wrangling between the Modi government at the Centre and the Kejriwal regime in Delhi.

RAJIV KUMAR APPOINTED AS NEXT CHIEF ELECTION COMMISSIONER, TO TAKE CHARGE ON MAY 15

The Union Ministry of Law and Justice Thursday announced Rajiv Kumar, the current Election Commissioner, will take over as the next Chief Election Commissioner (CEC) from May 15. Kumar will take charge from CEC Sushil Chandra, who is due to retire.

"In pursuance of clause (2) of Article 324 of the Constitution, the President is pleased to appoint Shri Rajiv Kumar as the Chief Election Commissioner with effect from the 15th May, 2022. My best wishes to Shri Rajiv Kumar," said Union Law Minister Kiren Rijiju.

Kumar took charge as the Election Commissioner of the Election Commission of India (ECI) on September 1, 2020. Prior to assuming charge in the Election Commission, Kumar had been the chairman of the Public Enterprises Selection Board. He joined as the PESB chairman in April 2020.

Kumar, an officer of the 1984 batch of the Indian Administrative Service of the Bihar/Jharkhand cadre, superannuated from the IAS in February 2020.

Born on February 19, 1960, Kumar acquired a slew of academic degrees including BSc, LLB, PGDM, and a master's in Public Policy, and has over 37 years of experience working for the government

across ministries at the Centre and state cadre across the social sector, environment and forests, human resources, finance, and the banking sectors.

Kumar has also been the Director, Central Board of Reserve Bank of India (RBI), SBI, NABARD; Member, Economic Intelligence Council (EIC); Member, Financial Stability and Development Council (FSDC); Member, Bank Board Bureau (BBB); Member, Financial Sector Regulatory Appointments Search Committee (FSRASC), Civil services Board among many other such Boards and Committees.

Kumar has been credited for being instrumental in conceiving and implementing mergers and acquisitions in the financial sector. Streamlining of the National Pension System (NPS) was also effected under him benefitting approximately 18 lakh central government employees.

COURT ORDER ON KASHI VISHWANATH TEMPLE-GYANVAPI MOSQUE SITE IN VARANASI: HISTORY AND CONTEXT

A Varanasi court on Thursday ordered that the video survey of the Gyanvapi Mosque located next to the Kashi Vishwanath Temple be resumed and a report submitted by May 17. The court had ordered the inspection last month on a petition by five Hindu women seeking round-the-year access to pray at "a shrine behind the western wall of the mosque complex", but the exercise had been halted after allegations of bias were made against the official in charge.

The site is currently opened for Hindu prayers once a year — on the fourth day of the chaitra navratri in April. The petitioners have also sought permission to pray to other "visible and invisible deities within the old temple complex".

The mosque

The Gyanvapi Mosque is believed to have been built in 1669 during the reign of the Mughal emperor Aurangzeb, who ordered the demolition of the existing Vishweshwar temple and its replacement by a mosque. This is also mentioned in the 1937 book History of Benares: From the Earliest Times Down to 1937 by AS Altekar, who was head of the Department of Ancient Indian History and Culture at Banaras Hindu University.

The plinth of the temple was left untouched, and served as the courtyard of the mosque. One of the walls too was spared, and it became the qibla wall, the most ornate and important wall in a mosque that faces Mecca. Material from the destroyed temple was used to build the mosque.

The name of the mosque is said to have derived from an adjoining well, the Gyanvapi, or Well of Knowledge.

An old sculpture of the Nandi bull inside the compound of the present Kashi Vishwanath Temple faces the wall of the mosque instead of the sanctum sanctorum of the temple. It is believed that Nandi is in fact, facing the sanctum sanctorum of the original Vishweshwar temple.

The temple

For more than 100 years after the mosque was built, there was no temple at the site. The present Kashi Vishwanath Temple was built in the 18th century by Rani Ahilyabai Holkar of Indore, immediately to the south of the mosque. Over the decades it emerged as one of the most prominent and revered centres of the Hindu religion.

Many Hindus have long believed that the original lingam of the erstwhile Vishweshwar temple was hidden by the priests inside the Gyanvapi well during Aurangzeb's raid — which has fired the desire to conduct puja and rituals at the sacred place where the mosque now stands.

The claims

From time to time, petitioners have laid claim to the mosque, saying it remains the original sacred place of Hindu worship. The VHP's Ram Temple movement aimed to "liberate", apart from the Ramjanmabhoomi Temple-Babri Masjid site in Ayodhya, the Kashi-Vishwanath Temple-Gyanvapi mosque site and the Shri Krishna Janmabhoomi in Mathura as well.

The Places of Worship (Special Provisions) Act, 1991 — which mandates that the nature of all places of worship, except the one in Ayodhya that was then under litigation, shall be maintained as it was on August 15, 1947, and that no encroachment of any such place prior to the date can be challenged in courts — applies to the disputed complex in Varanasi.

In April 2021, Fast Track Court Civil Judge (Senior Division) Ashutosh Tiwari ordered the Director General of the Archaeological Survey of India to "get a comprehensive archaeological physical survey" done of the Kashi Vishwanath Temple-Gyanvapi Mosque complex to "find out as to whether the religious structure standing at present at the disputed site is a superimposition, alteration or addition or there is a structural overlapping of any kind, with or over, any religious structure".

The mosque is not an ASI-protected site, and the ASI has no role in its maintenance or upkeep.

THE JAMMU AND KASHMIR DELIMITATION REPORT

The story so far: After multiple objections and extensions, the J&K Delimitation Commission submitted its final report on May 5, 2022, two years after it was appointed to redraw the electoral boundaries in Jammu and Kashmir as per the mandate set by the Jammu & Kashmir Reorganisation Act, 2019. In its order, a notification of which was published in the Gazette of India, the three-member panel carved out additional six Assembly seats for the Jammu region and one for the Kashmir valley as per the Act. The final order of the Commission has set the stage for elections in the erstwhile State that last held Assembly polls in 2014.

What is delimitation?

Delimitation is the process of redrawing boundaries of the Lok Sabha or Assembly constituencies, the Election Commission of India states. The process is carried out in accordance with changes in the demographic status of a State or Union Territory. Delimitation is done by a Delimitation Commission or Boundary Commission.

The orders of the independent body cannot be questioned before any court. In the past, Delimitation Commissions were set up in 1952, 1963, 1973, and 2002. Before the abrogation of Article 370 that accorded a special status to J&K, delimitation of its Assembly seats was carried out by the Jammu and Kashmir Constitution and the Jammu and Kashmir Representation of the People Act, 1957. The delimitation of Lok Sabha constituencies, meanwhile, was governed by the Constitution.

What is the J&K Delimitation Commission?

The last time a delimitation exercise was carried out in Jammu and Kashmir was in 1995, based on the 1981 Census. Jammu and Kashmir was under President's rule at that time. There was no Census in 1991 in J&K due to the tense situation in the valley. In 2001, the Jammu and Kashmir Assembly passed a law to put the delimitation process on hold till 2026. The Centre set up a Delimitation Commission in March 2020, six months after the State of Jammu and Kashmir was bifurcated and reorganised as the Union Territories of Jammu and Kashmir and Ladakh. The Commission, headed by retired Supreme Court judge Ranjana Prakash Desai, was tasked with delimiting the Assembly and Lok Sabha constituencies in the UT of J&K based on the 2011 Census and in accordance with the provisions of the Jammu and Kashmir Reorganisation Act, 2019 and the Delimitation Act, 2002.

The panel was given a year to complete the delimitation plan but was given two extensions. After considering submissions and considering factors like "geographical features, communication means, public convenience and contiguity of areas", the Delimitation Commission released its final report on May 5.

What are the key takeaways from the final report?

First, J&K is split into two divisions, with Jammu having 37 Assembly seats and Kashmir 46. After the Commission's final draft, six additional Assembly seats are earmarked for Jammu (revised to 43) and one for Kashmir (revised to 47). The total number of Assembly seats in the UT will increase from 83 to 90.

Second, the Commission has recommended the Centre to nominate at least two Kashmiri Pandits to the Legislative Assembly.

Third, the panel has proposed nine seats for the Scheduled Tribes (STs). These will include six in Jammu (Budhal, Gulabgarh, Surankote, Rajouri, Mendhar, Thanamandi) and three in the valley (Gurez, Kangan, Kokernag). Seven seats have been reserved for the Scheduled Castes (SCs) in the Jammu region.

Fourth, the Commission has also recommended that the government consider giving displaced persons from Pakistan-occupied Jammu and Kashmir representation in the Assembly through nomination.

Fifth, in its final order, the Commission has noted that it has considered the "Jammu & Kashmir region as one single Union Territory", and merged Rajouri and Poonch (from Jammu division) with the Anantnag constituency in the Kashmir region. The new constituency has been renamed as Kishtwar-Rajouri.

Sixth, the Commission has said it renamed 13 constituencies considering public sentiment in the region. The order shows that in Kashmir, the names of Gulmarg (from Tangmarg), Hazratbal, Zadibal, Lal Chowk, Eidgah have been restored. In the Jammu region, the name of the Gulabgarh constituency has been restored.

The final order of the Delimitation Commission for Jammu and Kashmir holds a lot of political significance. The completion of the delimitation exercise will pave the way for Assembly elections — a crucial step in the possible restoration of statehood for Jammu and Kashmir. Union Home Minister Amit Shah had stated earlier this year that the statehood of Jammu and Kashmir will be restored "once the situation becomes normal".

The Commission has added seven more Assembly seats, keeping the 2011 census as the basis. With this, Jammu with a population of 53 lakh (43% of the total population of 122 crore) will have 47% seats, while Kashmir which has a population of 68 lakh (56%) will have 52% of the seats.

The new constituency has five ST Assembly segments from the Jammu region. In J&K, Gujjar and Bakarwals form the ST community which is 11.9% of the total population, as per the 2011 census. This restructuring is likely to have an electoral impact.

Who criticised the Commission?

Regional political parties in Jammu and Kashmir, barring the Bharatiya Janata Party (BJP), have slammed the Commission for acting as an "extension of the BJP". Rejecting the recommendations, former J&K Chief Minister Mehbooba Mufti termed the proposal as another means to disempower the people of J&K.

Ms. Mufti's Peoples Democratic Party had boycotted both visits of the Commission to the UT. Her party colleague, Naeem Akhtar, alleged that elections have been rigged even before voting. "It's another sad chapter of history written by the rulers sitting in New Delhi," he told The Hindu.

The National Conference (NC) claimed that the final order was an attempt to help the BJP get an advantage in elections. The NC has been critical of the Commission and had boycotted it before the intervention of the Prime Minister Narendra Modi.

The Peoples Conference and Communist Party of India-Marxist (CPI-M) have also expressed their disappointment. The Congress said the proposal of six additional seats to Jammu and one to Kashmir "smacks of pre-determined erroneous assessment". The BJP, meanwhile, has said it is happy with the panel for "doing a great job".

What lies ahead?

The Delimitation Commission for Jammu and Kashmir has issued a notification of its final order in the Gazette of India. As per rules, the report has been published in newspapers.

The Centre will now fix a date from which the delimitation order will come into effect. Chief Election Commissioner Sushil Chandra told The Hindu that the EC will then rationalise the polling stations and revise the electoral rolls. This will pave the way for the much-awaited first Assembly polls in Jammu and Kashmir after being stripped of its special status in 2019.

WHEN PRAYERS ARE ALLOWED, NOT ALLOWED AT PROTECTED ARCHAEOLOGICAL SITES

After prayers were held at the ruins of the eighth-century Martand Sun Temple in Jammu and Kashmir's Anantnag last week, the Archaeological Survey of India (ASI) has expressed its concern to the district administration while refraining from lodging a formal complaint.

The ASI, which functions under the Ministry of Culture, is the custodian of the protected monument. It deemed the incident to be a violation of its rules. A look at the ASI rules that disallow worship at some monuments under its purview, and why religious rituals are allowed at some other sites.

The rules

According to ASI officials, prayers are allowed at its protected sites only if they were "functioning places of worship" at the time it took charge of them. "No religious rituals can be conducted at non-living monuments where there has been no continuity of worship when it became an ASI-protected site," an ASI official said.

Of the 3,691 centrally-protected monuments and archaeological sites maintained by the ASI, a little less than a fourth (820) have places of worship, while the rest are considered non-living monuments where no new religious rituals can be started or conducted. The sites that have places of worship include temples, mosques, dargahs and churches; the highest numbers of such monuments are in Vadodara (77), followed by Chennai (75), Dharwad (73) and Bengaluru (69).

Although the Martand Sun Temple was once a thriving place of worship, commissioned by Lalitaditya Muktapida in the eighth century, it was destroyed by Sikandar Shah Miri in the 14th century. As such, at the time the ASI took over the temple ruins in the 20th century for conservation, no puja or Hindu ritual was being held there. So, when puja was conducted on the temple complex twice last week — first by a group of devotees and then in the presence of J&K Lieutenant-Governor Manoj Sinha — it was a violation of ASI norms since the temple is considered a non-living monument, ASI officials said.

The living monuments

The best-known example of a living ASI monument is the Taj Mahal in Agra, where namaz is held every Friday. Officials of ASI's Agra Circle officials said namaz is offered in the mosque on the Taj complex, but this is only by local Muslims who have to display an identity card, and who have been directed not to start any new ritual or tradition. "Namaz has been offered here for the last 400 years and this is not a new tradition," an official said.

Other notable living monuments include the remains of an old Hindu temple inside the Dayaram Fort in Hathras, three mosques in Kannauj, Roman Catholic Church in Meerut, Nila Mosque in Delhi's Hauz Khas Village, Bajreshwari Devi Temple in Himachal Pradesh's Chamba, and several Buddhish monasteries in Ladakh.

As per the ASI's Srinagar Circle, under which the Martand temple falls, there are only nine monuments in the region where worship can be allowed — such as Kathua's Billawar temple, Sankaracharya temple, Pathar Masjid in Srinagar.

Authorised and unauthorised

There are also several protected temples and mosques where worship is allowed on special occasions, ASI officials said. For instance, at the ancient Brick Temple in Kanpur's Nibia Khera, a maximum of 100-150 devotees are allowed during Shivaratri Mela every year.

Incidentally, many protected monuments are already witnessing "unauthorised worship", according to ASI records. These include Lal Gumbad, Sultan Ghari's tomb, and Ferozeshah Kotla, all in Delhi.

From time to time, there have also been attempts at holding prayers inside several other monuments. Just last week, Agra police stopped a seer from Ayodhya who wanted to visit the Taj Mahal to perform shudhikaran with mantras.

And in 2018, a controversy erupted after three women were caught on video offering prayers at the Taj Mahal, in the wake of a dispute over offering namaz on the premises of the monument.

Permission or not

Many have sought to defend the participation of the J&K L-G in the puja at the Martand Sun Temple, by citing the Ancient Monuments and Archaeological Sites and Remains Rules 1959. Rule 7(1) states: "No protected monument shall be used for the purpose of holding any meeting, reception, party, conference or entertainment except under and in accordance with a permission in writing granted by the Central Government."

The ASI has, however, clarified that no written permission was sought by the district administration for the puja.

The puja was conducted not inside what was once the sanctum sanctorum of the temple, but on an open platform on the complex.

DECISIONS IN HASTE

The M.K. Stalin-led DMK government's move into its second year in Tamil Nadu this month was marked by two controversial episodes. Within days of taking the decisions to punish the Madurai Medical College Dean following a row over an oath-taking ceremony and to ban the ancient palanquin-bearing ritual of the Dharmapuram Adheenam, the government had to revoke them. In hindsight, both decisions appeared to have been taken in haste; the latter case also called into question the DMK government's resolve in dealing with Hindu religious practices.

The government had removed the Dean and placed him on 'wait list' after first-year medical students were administered the Maharishi Charak Shapath instead of the conventional Hippocratic Oath during the white coat ceremony. The Charak Shapath was recommended by the National Medical Commission as early as February. While the recommendation was instantly opposed for its "regressive nature" by the Indian Medical Association and some political parties in Kerala, there were hardly any voices against it back then in Tamil Nadu. The government too did not issue any specific direction against the use of the Charak Shapath. In fact, had the State Finance Minister, a guest at the event, not flagged it, the new oath would have gone unnoticed. After the Dean was made a scapegoat, video evidence of the use of the oath, much earlier, in other government medical colleges, emerged. With the AIADMK questioning the action and the medical fraternity backing the Dean, the government had no option but to reinstate him citing his good work during the COVID-19 pandemic.

Parallel to this, another controversy played out when the Revenue Divisional Officer (RDO) of Mayiladuthurai district issued an order banning the 'Pattina Pravesham', a religious ceremony during which the seer of the Dharmapuram Adheenam, a Saivite mutt, is carried by devotees on a palanquin as part of a procession. Citing Article 23 of the Constitution, the order said the event was a "violation of human rights". Besides, the RDO foresaw a potential law-and-order disturbance as the Dravidar Kazhagam, the parent outfit of the ruling DMK, and fraternal organisations had objected to the practice of human beings carrying a fellow being on their shoulders.

However, the issue snowballed when seers from the Saivite and Vaishanavite mutts raised a banner of revolt and urged the State to keep off religious practices. The Madurai Adheenam Sri Harihara Sri Gnanasambanda Desika Swamigal and the State BJP president, K. Annamalai, warned they would defy the ban and lift the palanquin on their shoulders. Except for the support of the

DMK's allies, particularly the communists, the move evoked strong opposition from political parties including the AIADMK.

The government showed early signs of being on the back foot when Hindu Religious and Charitable Endowments Department Minister P.K. Sekar Babu said a smooth solution would be worked out. Eventually, a group of heads of mutts met Mr. Stalin and urged him to lift the ban. Within 24 hours, the Mayiladuthurai RDO lifted the ban on the 'Pattina Pravesham' citing a representation from the manager of the Adheenam. The mutt contended that the ceremony should not be construed as "men carrying man" and that the people bearing the palanquin are devotees. Mr. Sekarbabu argued that Saivism and Tamil were inseparable, and that Mr. Stalin did not want any section to be hurt, but did not explain why the ban order was issued in the first place.

Curiously, the revocation of both decisions was attributed to the intervention of Mr. Stalin, who stayed quiet on the issues in public throughout.

ALARM BELLS

Symbols of Sikh separatism that appeared at the Himachal Pradesh Assembly complex in Dharamshala on Sunday suggest that forces promoting it are active and capable of mischief. Purported flags of imaginary Khalistan were put up on the gate of the complex, and slogans scrawled on the walls. The State police chief has set up a special investigation team and ordered heightened vigil at the borders. On the same day, the police in Punjab said they had averted a terror attack after arresting two men, said to be Khalistani sympathisers, with explosives in Tarn Taran district. A U.S.-based Khalistani separatist has been charged in Himachal Pradesh under the UAPA and the Indian Penal Code. Opposition parties in the State, the Congress and AAP, have used the incident to make a case against the ruling BJP, months ahead of the Assembly election. Comparable rhetoric had shadowed the recent election in Punjab, where political opponents accused one another of being sympathetic to separatists. That was avoidable loose talk on a sensitive topic. Sikh separatism, and the accompanying terrorism supported by Pakistan, was snuffed out by the Indian state decades ago, but at a huge human and political cost. Prime Minister Indira Gandhi was assassinated and the sectarian violence against the Sikh community that followed in different places deepened the fault lines. Those wounds continue to fester, and care must be taken by the state, political actors and community leaders to ensure that history does not repeat itself as yet another tragedy.

A separatist plan to hold a referendum on Khalistan in Himachal Pradesh is laughable, but vigilance is essential. The groups that call for Khalistan are based abroad, and command little respect in the Sikh mainstream at the moment. They campaign among the Sikh diaspora, alleging mistreatment of the community by the Indian state. They have a favourable environment though. Domestic divisions in India, exacerbated by the politics and policy of the ruling BJP, are echoing among the diaspora in the U.S., Canada, Europe and Australia. Religious minorities and Dalits have been disconnected from the diaspora mobilisation of the Indian government. Hindutva affiliates helm Indian diaspora politics. This provides an opening for India's enemies to inflame passions. Fortunately for India, there are not many takers for such propaganda among the Sikh community. But thoughtless comments and campaigns against the community, particularly when they are led by powerful political actors, can trigger serious reactions. In its desperation to delegitimise the farm agitation, the BJP tacitly supported campaigns that portrayed Sikh protestors as anti-nationals inspired by foreign countries. Though isolated and feeble, Sikh separatism continues to flicker. It must serve as a constant reminder for social cohesion and impartial state policy.

DRIVING MR BAGGA

The pull-and-push on Friday over the arrest of Delhi BJP spokesperson Tajinder Pal Singh Bagga by the hyper-zealous police forces of three states, apparently acting at the behest of two dueling ruling parties, was a deeply unedifying spectacle. Of course, the violations of the rules of the game that it showcases are not startlingly new. The (mis)use of the police by the party in power, the weaponisation of the penal code to target a political opponent, or the crossing of state boundaries and federal norms in the course of vendetta campaigns, have been seen before. They are, unfortunately, stale news. And yet, no matter which version of Friday's sequence of events you choose to run with, the arrest of Bagga in Delhi in the morning hours, over comments he made against Delhi Chief Minister Arvind Kejriwal, by a police team that swooped in from AAP-ruled Punjab, followed by their attempt to spirit him away to Mohali in AAP-land, foiled en route by Haryana Police acting in tandem with Delhi Police, both reporting to BJP governments, points to a hijacking of due process that is vividly flagrant and a cause for serious concern

At the core of the drama lies freedom of speech, or rather its unfreedom. On this count, the BJP's playing of the victim card is a little too rich — BJP-ruled governments have rightly earned themselves a formidable reputation for prickliness and vengefulness. Be it the arrest of Disha Ravi for dissemination of a toolkit during the farm protests or of Jignesh Mevani most recently for a tweet against the PM, instances of BJP governments setting the police on their critics and political opponents are growing. But if that is the irony, the tragedy is that, increasingly, the BJP's Opposition is playing by the BJP's book. Bagga isn't exactly the paragon of political civility. Fom assaulting lawyer Prashant Bhushan in 2011 to vandalising his nameplate in 2017, only the terribly foolhardy would venture to defend his well-known incivilities. This time, his tweets against Kejriwal may be crude and offensive but the response of the AAP government to criticism of its leader is so disproportionate that it draws the spotlight squarely back on the party's own display of intolerance and flouting of federal restraints. It is not just its unabashed use of the police in the state it rules, it is also the disregard, in the process, of established norms that govern inter-state action by the police that is striking in the Bagga episode.

Last month, the newly elected AAP government in Punjab sent the Punjab Police to the doorsteps of at least three other critics of Kejriwal — former AAP leader Kumar Vishwas, Congress leader (also formerly AAP) Alka Lamba, and Delhi BJP's Naveen Jindal. It's as if newcomer AAP seems to be in a hurry to prove that it can outdo the dominant player at its own dismal game. That, if it doesn't have the Delhi Police, it can play political master with the Punjab Police. In doing so, however, it is surrendering precious possibilities and shrinking spaces for a political alternative — the role it fancies itself playing. The AAP is in power in more than one state now, it needs to grow a thicker skin and recognise that its me-too politics has a larger cost.

WHY, ACCORDING TO UIDAI, AADHAAR DATA CAN'T BE USED IN POLICE INVESTIGATIONS

The Unique Identification Authority of India (UIDAI) has opposed a petition by Delhi Police seeking directions from the High Court that would allow investigators to match a suspect's picture and chance prints (latent fingerprints) from the crime scene with the Aadhaar database to help identify the accused in a case of murder.

The UIDAI, which issues the unique Aadhaar number to residents of India, is prohibited by law from sharing any core biometric information with police. The statutory authority has also said it is not technologically feasible to accede to the request of the police.

The Delhi Police plea

In a first-of-its-kind case, Delhi Police approached Delhi High Court in February under Section 33(1) of The Aadhaar Act, according to which a judge of a High Court can order the disclosure of information on identity in certain cases. This section says "nothing contained in sub-section (2) or sub-section (5) of section 28 or sub-section (2) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a Judge of a High Court".

Sections 28(2) and 28(5) of The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 say that UIDAI "shall ensure confidentiality of identity information and authentication records of individuals", and that no UIDAI employee can, either during service or later, "reveal any information stored in the Central Identities Data Repository or authentication record to anyone".

The case at hand

The case under investigation dates to June 12, 2018, when a jeweller, Hemant Kumar Kaushik, was murdered by alleged robbers in his shop in Adarsh Nagar in northwest Delhi. While two suspects robbed the shop, a third waited on a stolen motorcycle. When Kaushik tried to grab one of the men, he was shot.

The police recovered 14 chance prints from the spot and footage from CCTV cameras in the area showing one of the suspects. The chance impressions and pictures did not match with any of the data already available with the police. Investigators now wants to cast the net wider, using Aadhaar's biometric database.

Data UIDAI collects

The authority collects demographic and biometric information of residents at the time of enrolment. Demographic information includes name, address, date of birth, gender, mobile phone number, and email address; biometric information includes 10 fingerprints, two iris scans, and the resident's photograph. The unique 12-digit Aadhaar issued after successful enrolment is a proof of identity to obtain a subsidy or service.

Confidentiality of data

The Aadhaar Act requires the UIDAI to ensure confidentiality and security of the identity information it collects. According to UIDAI, the Delhi Police's prayer is contrary to Section 29 of the Act, which prohibits it from sharing core biometric information — fingerprint, iris scan or any such biological attribute — with any agency "for any reason whatsoever".

The UIDAI has also said that no Aadhaar data can be shared by any individual or entity with anyone without the consent of the resident or holder of the Aadhaar.

Section 33, the provision under which Delhi Police has approached the court, allows the disclosure of only identification information including photograph or authentication records, but no core biometric information. Also, the court cannot pass the order "without giving an opportunity of hearing to the Authority [and the concerned Aadhaar number holder]".

There is also a national security exception — an officer not below the rank of the Secretary to the central government can order disclosure of information including identity information or authentication record in the interest of national security

Tech impediment

While opposing the Delhi Police petition in February, the UIDAI had told the court that no "1:N" sharing of data was possible, it had to be done on a 1:1 basis only. "The Aadhaar technology only permits biometric authentications which are done on a 1:1 basis for which it is necessary to have the Aadhaar number of an individual," the UIDAI has said in its written reply.

UIDAI has also said it does not collect biometric information — iris scans and fingerprints — based on technologies, standards or procedures suitable for forensic purposes. "Therefore using the biometric data for random matching purposes may not be technologically feasible and shall be beyond the purview of the Act," it told the court.

According to UIDAI, for Aadhaar based authentication, it was essential to have both "live biometrics" and the Aadhaar. The authority can establish the identity of an individual only through the Aadhaar number — if that is not possible, it is technically not feasible to even provide the photograph of an unknown accused, the authority has said.

"The technological architecture of UIDAI or its mandate for Aadhaar based authentication does not allow for any instance of 1:N matching wherein finger prints including latent and chance fingerprints are matched against the other finger prints in the UIDAI database, except for generation of Aadhaar number," the authority has said.

WHY VPN PROVIDERS BELIEVE NEW RULES WILL UNDERMINE USERS' PRIVACY

Citing objectives such as fighting cybercrime and invoking India's sovereignty, integrity and public order, an April 26 directive from Cert-In, a wing of the Ministry of Electronics and Information Technology, mandated that virtual private network (VPN) providers should keep for five years data including users' contact details, original and faux IP addresses, and their purpose behind using the services.

Virtual private network (VPN) service providers are up in arms against a new directive of The Indian Computer Emergency Response Team or Cert-In, a wing of the Ministry of Electronics and Information Technology, that mandates they must maintain all customer data for five years. VPN service providers have said the new directive would mean a total loss of privacy for the users–one of the most important unique selling points of such services.

What is a VPN and how do these networks function?

Any and all devices connected to the internet are a part of a large network of computers, servers and other devices spread across the world. To identify each device connected to the internet, service providers globally assign a unique address to each such device called the internet protocol address or IP address. It is this IP address that helps websites, law enforcement agencies and even companies track down individual users and their accurate location.

A virtual private network, when switched on, essentially creates a safe network within the larger global network of the internet and masks the IP address of the user by rerouting the data. Acting as a tunnel, a VPN takes data originating from one server and masks it in a different identity before

delivering it to the destination server. In essence, a VPN creates several proxy identities for your data and delivers it safely without disturbing the content of the data.

Why is anonymity or privacy so important for VPN providers and users?

The main reason why privacy or anonymity is important for both VPN service providers and users is that it helps to avoid being tracked, mostly by websites and cybercriminals. Since VPN masks the location of a device from everyone, it also prevents government and law enforcement agencies from accurately identifying the location.

VPN has also been of vital importance in countries that try to suppress dissent. By using VPNs, dissidents are able to spoof their location and stay safe.

What details does Cert-In want VPN service providers to keep and why?

As per the directive dated April 26, Cert-In has asked VPN service providers to maintain for five years or longer details such as the validated names of their customers, the period for which they hired the service, the IP addresses allotted to these users, the email addresses, the IP addresses and the time stamps used at the time of registration of the customers.

Cert-In also wants VPN service providers to maintain data such as the purpose for which the customers used their services, their validated addresses and contact numbers, and the ownership pattern of the customers.

One of the main reasons that Cert-In provided for seeking these details is that it will help to effectively trace anti-social elements and cybercriminals indulging in various nefarious activities online.

Cert-In has in its April 26 directive also said that these details are necessary to prevent incitement or commission of any "cognisable offence using computer resources or for handling of any cyber incident" which may lead to any disturbance in the "sovereignty or integrity of India, defence of India, security of the state, friendly relations with foreign states or public order".

THE COOLING-OFF PERIOD FOR RETIRED BUREAUCRATS BEFORE JOINING A NEW JOB

Archana Goyal Gulati, an 1989-batch official of the Indian Posts and Telecommunication Accounts and Finance Service (Indian P&TAFS), has joined Google as Chief of Public Policy after taking voluntary retirement from the civil service. Gulati, who served in NITI Aayog as Joint Secretary/Adviser (ICTs and Infrastructure), the Department of Telecommunications and the Competition Commission of India (CCI), told The Indian Express that she had completed the one-year cooling period that is necessary before taking up the post-retirement job.

What is the cooling-off period?

Post-retirement commercial employment for the three All India Services (IAS, Indian Police Service, and Indian Forest Service) is covered under the AIS Death-cum-Benefits Rules, and for the Central Civil Services under the CCS (Pension) Rules.

Rule 9 of the CCS (Pension) Rules states that "if a pensioner who, immediately before his retirement was a member of Central Service Group 'A' wishes to accept any commercial employment before the expiry of one year from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance".

Rule 26 of the AIS Death-cum-Benefits Rules similarly restricts a pensioner from commercial employment for one year after retirement, except with government sanction.

The cooling-off period was two years until January 2007, when the government reduced it to one year by an amendment.

Non-compliance with these rules can lead to the government declaring that the employee "shall not be entitled to the whole or such part of the pension and for such period as may be specified".

What does "post-retirement commercial employment" include?

The expression covers:

Employment in any capacity including that of an agent, under a company, co-operative society, firm or individual engaged in trading or business (this does not include "employment under a body corporate, wholly or substantially owned or controlled by the Central Government or a State Government)"; and

Setting up practice, either independently or as a partner of a firm, as adviser or consultant in certain matters specified under the rules, including matters that are relatable to the pensioner's official knowledge or experience.

When does a government allow or turn down such requests from pensioners?

The CCS (Pension) Rules specify several factors for the government to consider while granting or refusing permission, These include:

Whether a "no-objection" for the proposed employment has been obtained from the cadre controlling authority and from the office where the officer retired;

Whether the officer has been privy to sensitive or strategic information in the last three years of service that is directly related to the work of the organisation he proposes to join;

Whether there is conflict of interest between the policies of the office he has held in the last three years and the interests/work of this organisation;

Whether this organisation has been in conflict with or prejudicial to India's foreign relations, national security and domestic harmony; and

Whether the organisation he proposes to join is undertaking any activity for intelligence gathering.

According to these rules, "conflict of interest" does not include normal economic competition with the government or its undertakings".

MEASURING THE CHANGE

The fifth edition of the National Family Health Survey (NFHS) provides a valuable insight into changes underway in Indian society. It throws light on traditional parameters, for instance immunisation among children, births in registered hospital facilities, and nutritional levels. While there is a general improvement in these parameters, there were mixed signals in nutrition. Gains in childhood nutrition were minimal as were improvements in obesity levels. The prevalence of anaemia has actually worsened since the last survey in 2015-16. But the survey's major

contribution is its insight into behavioural and sociological churn. When highlights were made public last year, the focus was on India's declining total fertility rate that had, for the first time in the country's history, dipped to below the replacement level, or a TFR (Total Fertility Rate) of 2.1. If the trend were to persist, India's population was on the decline in line with what has been observed in developed countries, and theoretically means improved living standards per capita and greater gender equity. Because this TFR had been achieved across most States, two notable exceptions being most populous Uttar Pradesh and Bihar, it was also evidence that population decline could be achieved without coercive state policies and family planning has struck deep roots. The more detailed findings, made public last week, suggest that this decline is agnostic to religion.

The fertility rate among Muslims dipped to 2.3 in 2019-2021 from 2.6 in 2015-16, the sharpest among all religious communities when compared to the 4.4 in NFHS 1 in 1992-93. Another set of subjective questions that the NFHS attempts to answer using hard data is gender equity. Less than a third of married women are working and nearly 44% do not have the freedom to go to the market alone. However, a little over 80% have said that they can refuse demands for sex from their husband. This has implications for legal questions surrounding marital rape. Only 72% of Indian men think it is not right to coerce, threaten or use force on a woman if denied sex, which again points to the vast territory that needs to be covered in educating men about equality, choice and freedom in marriage. This question made it for the first time in the family health survey as did another question, about the number of registered births and deaths, in the family survey. Multiple surveys such as the NFHS, Sample Registration Surveys, the Census, labour, economic surveys and ways of interrogation are necessary for insights about a country as vast and complex as India; the Centre should invest more substantially in improving their reliability.

NFHS-5 DATA: TOTAL FERTILITY RATE DIPS, SHARPEST DECLINE AMONG MUSLIMS

Muslims' fertility rate has seen the sharpest decline among all religious communities over the past two decades, shows data from the National Family Health Survey (NFHS), conducted by the Ministry of Health and Family Welfare.

In keeping with the downward trend seen over the years, the community's fertility rate dipped to 2.3 in 2019-2021 from 2.6 in 2015-16. While all religious communities have shown a decline in fertility, contributing to a dip in the nation's total fertility rate, the fall has been sharpest in the Muslim community, from 4.4 in NFHS 1(1992-93) to 2.3 in NFHS 5(2019-2021).

In NFHS 5, the country's overall fertility fell below the replacement level of two children per woman, falling from 2.2 in NFHS 4.

The Muslim community's fertility rate, however, remains the highest among all religious communities, with the Hindu community following at 1.94 in NFHS 5, down from 2.1 in 2015-16. The Hindu community had a fertility rate of 3.3 in 1992-93. NFHS 5 has found that the Christian community has a fertility rate of 1.88, the Sikh community 1.61, the Jain community 1.6 and the Buddhist and neo-Buddhist community 1.39—the lowest rate in the country.

An accelerated decline in Muslims' fertility rate has taken place twice – between 1992-93 and 1998-99 as well as between 2005-6 and 2015-16, when it dropped by 0.8 points.

"The fertility gap between Hindus and Muslims is narrowing. High fertility is mostly a result of non-religious factors such as levels of literacy, employment, income and access to health services.

The current gap between the two communities is because of Muslims' disadvantage on these parameters. Over the past few decades, an emerging Muslim middle class has been realising the value of girls' education and family planning,'' said Poonam Muttreja,

executive director of the Population Foundation of India, a non-goverrnmental organisation.

The percentage of Muslim women who have had no schooling reduced from 32 per cent in NFHS 4 (2015-16) to 21.9 per cent in NFHS-5 (2019-21). In contrast, for Hindus, it saw marginal change—from 31.4 per cent in NFHS 4 to 28.5 per cent in NFHS 5.

The NFHS 5 report said the number of children per woman declined with women's level of schooling. Women with no schooling have an average of 2.8 children, compared with 1.8 children for women with 12 or more years of schooling. Women in the lowest wealth quintile have an average of 1.0 more children than women in the highest wealth quintile, and economic betterment organically leads to lower fertility rates, the report has found.

"The data also shows that Muslims are increasingly conscious of family planning. The use of modern contraception among Muslims increased from 37.9 per cent in NFHS 4 to 47.4 per cent in NFHS 5. The margin of increase was higher than in Hindus,'' said Muttreja.

Muslims have also increasingly adopted modern spacing methods of contraception—from 17 per cent in NFHS 4 to 25.5 in NFHS 5, which is the third highest after Sikhs (27.3 per cent) and Jains (26.3 per cent). Spacing refers to how soon after a pregnancy a woman gives birth again.

"A higher percentage of Muslim men showed a better attitude towards family planning. About 32 per cent of Muslim men feel contraception is women's business, which men should not worry about. This number was higher for Hindus—at about 36 per cent. As per NFHS 5, the use of contraceptive pills is highest among Muslims, while the use of condoms is third highest among Muslims, after Sikhs and Jains. Thus, it is important to recognise the community's adoption of family planning and acknowledge that Islam is not an impediment to family planning in any way. The

Muslim populations in Indonesia and Bangladesh have also seen lower fertility due to a greater number of spacing methods in their public health systems. India needs to do more and expand its basket of contraceptive choices and include implants as well in its family planning programme,'' Muttreja said.

The total fertility rate in rural areas has declined from 3.7 children per woman in 1992-93 to 2.1 children in 2019-21. The corresponding decline among women in urban areas was from 2.7 children in 1992-93 to 1.6 children in 2019-21. In all NFHS editions, irrespective of the place of residence, the fertility rate peaks at the age of 20-24, after which it declines steadily.

Thirty-one states and Union Territories, including all states in the south, west, and north regions, have fertility below the replacement level of 2.1 children per woman. Bihar and Meghalaya have the highest fertility rates in the country, while Sikkim and Andaman and Nicobar islands have the lowest.

OVER HALF OF INDIA'S POPULATION IS STILL UNDER AGE 30, SLIGHT DIP IN LAST 5 YEARS

India's population remains young, with more than one-fourth aged under 15 years and less than an eighth over 60. There has been only a slight dip in the young population's share in the last five

years: Between the National Family Health Survey-4 (2015-16) and NFHS-5 (2019-21), released last week, the under-15 population has declined by 2 percentage points, from 29% to 27%, while the over-60 population has increased by as many points, from 10% to 12%.

Over half the population (52%) is below 30, compared to 55.5% in NFHS-4. The NFHS divides the population into 5-year age groups from 0-4 years to 75-79, while those over 80 are counted in a single age group.

The age pyramid shows India's population is young, which, NFHS-5 notes, is typical of developing countries with low life expectancy. The pyramid also shows that fertility has decreased considerably in the last 5 years, it says.

NFHS-5 is based on 27,68,371 individuals in 6,36,699 sample households. The NFHS defines a household as a person or group of related or unrelated persons who live together in the same dwelling unit(s), who acknowledge one adult male or female as the head of the household, who share the same housekeeping arrangements, and who are considered a single unit.

The average household size has decreased slightly between 2015-16 and 2019-21 (from 4.6 persons to 4.4). Just over one-sixth of households (18%) have female heads, up from 15% in NFHS-4.

'FERTILITY RATE FALLS FURTHER, OBESITY RISES'

The Total Fertility Rate (TFR), an average number of children per woman, has further declined from 2.2 to 2.0 at the national level between National Family Health Survey (NFHS) 4 and 5.

There are only five States — Bihar (2.98), Meghalaya (2.91), Uttar Pradesh (2.35), Jharkhand (2.26) Manipur (2.17) — in India which are above replacement level of fertility of 2.1 as per the national report of the NFHS-5, released by the Union Health Ministry.

The main objective of successive rounds of the NFHS has been to provide reliable and comparable data relating to health and family welfare and other emerging areas in India. The NFHS-5 national report lists progress from NFHS-4 (2015-16) to NFHS-5 (2019-21).

The other key highlights of the survey include institutional births increased from 79% to 89% across India and in rural areas around 87% births being delivered in institutions and the same is 94% in urban areas.

As per results of the NFHS-5, more than three-fourths (77%) children aged between 12 and 23 months were fully immunised, compared with 62% in NFHS-4.

The level of stunting among children under five years has marginally declined from 38% to 36% in the country since the last four years. Stunting is higher among children in rural areas (37%) than urban areas (30%) in 2019-21.

Additionally, NFHS-5 shows an overall improvement in Sustainable Development Goals indicators in all States/Union Territories (UTs). The extent to which married women usually participate in three household decisions (about health care for herself; making major household purchases; visit to her family or relatives) indicates that their participation in decision-making is high, ranging from 80% in Ladakh to 99% in Nagaland and Mizoram. Rural (77%) and urban (81%) differences are found to be marginal. The prevalence of women having a bank or savings account has increased from 53% to 79% in the last four years.

Rise in obesity

Compared with NFHS-4, the prevalence of overweight or obesity has increased in most States/UTs in NFHS-5. At the national level, it increased from 21% to 24% among women and 19% to 23% among men. More than a third of women in Kerala, Andaman and Nicobar Islands, Andhra Pradesh, Goa, Sikkim, Manipur, Delhi, Tamil Nadu, Puducherry, Punjab, Chandigarh and Lakshadweep (34-46 %) are overweight or obese.

The NFHS-5 survey work has been conducted in and around 6.37 lakh sample households from 707 districts (as on March, 2017) of the country from 28 States and eight UTs, covering 7,24,115 women and 1,01,839 men to provide dis-aggregated estimates up to district level. The report also provides data by socio-economic and other background characteristics; useful for policy formulation and effective programme implementation.

FOOD LABELLING

The story so far: The Food Safety and Standards Authority of India (FSSAI) is expected to issue a draft regulation for labels on front of food packets that will inform consumers if a product is high in salt, sugar and fat. It is expected to propose a system under which stars will be assigned to a product, which has earned the ire of public health experts and consumer organisations who say it will be misleading and ineffective. Health experts are demanding that the FSSAI instead recommend the "warning label" system which has proven to have altered consumer behaviour.

Why do we need front-of-package labelling?

In the past three decades, the country's disease patterns have shifted. While mortality due to communicable, maternal, neonatal, and nutritional diseases has declined and India's population is living longer, non-communicable diseases (NCDs) and injuries are increasingly contributing to the overall disease burden. In 2016, NCDs accounted for 55% of premature death and disability in the country. Indians also have a disposition for excessive fat around the stomach and abdomen which leads to increased risk of cardiovascular disease and type 2 diabetes. According to the National Family Health Survey-5 (2019-2021), 47.7% of men and 56.7% of women have high risk waist-to-hip ratio. An increased consumption of packaged and junk food has also led to a double burden of undernutrition and overnutrition among children. Over half of the children and adolescents, whether under-nourished or with normal weight, are at risk of cardiovascular diseases, according to an analysis by the Comprehensive National Nutrition Survey in India (2016-2018).

Reducing sugar, salt, and fat is among the best ways to prevent and control non-communicable diseases. While the FSSAI requires mandatory disclosure of nutrition information on food packets, this is located on the back of a packet and is difficult to interpret.

What decision has FSSAI taken?

At a stakeholder's meeting on February 15, 2022, three important decisions were taken on what would be the content of the draft regulations on front-of-package labelling. These included threshold levels to be used to determine whether a food product was high in sugar, salt and fat; that the implementation will be voluntary for a period of four years before it is made mandatory; and that the health-star rating system would be used as labels on the basis of a study commissioned by the FSSAI and conducted by IIM-Ahmedabad. The food industry agreed with the FSSAI's decision on the issue of mandatory implementation and use of ratings, and sought more

time to study the issue of thresholds. The World Health Organization representative said the thresholds levels were lenient, while the consumer organisations opposed all three decisions.

The biggest contention is over the use of a health-star rating system that uses 1/2 a star to five stars to indicate the overall nutrition profile of a product. Despite objections, FSSAI CEO Arun Singhal told The Hindu that he stands by the IIM-A study as it is based on a survey of 20,500 people. He said stakeholders could share their comments once the draft regulations were made public. The FSSAI's scientific panel will then take that into consideration.

Why is there opposition to the rating system?

In a health-star rating system, introduced in 2014 in Australia and New Zealand, a product is assigned a certain number of stars using a calculator designed to assess positive (e.g., fruit, nut, protein content, etc) and risk nutrients in food (calories, saturated fat, total sugar, sodium). Scientists have said that such a system misrepresents nutrition science and the presence of fruit in a fruit drink juice does not offset the impact of added sugar. Experts say that so far there is no evidence of the rating system impacting consumer behaviour. The stars can also lead to a 'health halo' because of their positive connotation making it harder to identify harmful products. Over 40 global experts have also called the IIM-Ahmedabad study flawed in design and interpretation.

There are many other labelling systems in the world, such as "warning labels" in Chile (which uses black octagonal or stop symbols) and Israel (a red label) for products high in sugar, salt and fat. The 'NutriScore', used in France, presents a coloured scale of A to E, and the Multiple Traffic Light (MTL), used in the U.K. and other countries depict red (high), amber (medium) or green (low) lights to indicate the risk factors. Global studies have shown a warning label is the only format that has led to a positive impact on food and beverage purchases forcing the industry, for example in Chile, to reformulate their products to remove major amounts of sugar and salt.

KERALA HC DISMISSES PETITION SEEKING STAY ON RELEASE OF FILM 'EESHO'

The petition, filed by the Kochi-based Christian Association and Alliance for Social Action, pleaded for a stay on the film's release as it argued that the filmmakers were intending to hurt the sentiments of the Christian community through the title and tagline of the film.

'Eesho' is Malayalam for Jesus and the tagline of the film is 'Not from the Bible.'

The HC orally observed that the tagline itself makes it clear about the film's intentions and said that it cannot interfere just because the title is the name of the god. The tagline was later dropped by the filmmakers.

The Catholic Congress, a laymen association backed by the Church, ran protests in front of the state secretariat in Thiruvananthapuram earlier this week asking for a ban on the film. It also demanded a probe into the funding of the film.

Without directly naming the film, the Kerala Catholic Bishops Council said, "Even as giving due importance for freedom of expression, that right should not hurt religious sentiments...it (is) expected that persons concerned would make necessary corrections after realising the anxiety of the Christian community."However, Nadirshah, the director of the film, made it clear that he would not change the film's title. He said he was backed by the director's union and if the title were to be changed under pressure, it would be difficult in the future to name films in the industry.

SEEING THE PANDEMIC

The Pulitzer for Abidi, Mattoo, Dave and Siddiqui acknowledges what is so often forgotten — the power of a still image. This power is at its most potent when the lens is turned outward, to the world instead of inward, for the selfie.

The pictures of mass cremations and graves are a record of the suffering; the photos from the backs of cars, and ambulances of people gasping as panicked loved ones struggle to help them.

It doesn't take all that long for tragedy to become fodder for statistics, political one-upmanship and an endless stream of "content". It was, after all, just about a year ago that India was in the midst of the second wave of the pandemic. The deadly Delta variant effected millions — directly and indirectly — as India's health infrastructure, like much of the world's, struggled to cope with the crisis. The public conversation has moved on to statistical models of mortality, to apportioning blame. The Pulitzer Prize to Reuters photographers Adnan Abidi, Sanna Irshad Mattoo, Amit Dave and the late Danish Siddiqui for their images — haunting, tragic and even redemptive — is a reminder of both the scale of the devastation and the human stories that the numbers sometimes obfuscate.

The pictures of mass cremations and graves are a record of the suffering; the photos from the backs of cars, and ambulances of people gasping as panicked loved ones struggle to help them. But the catalogue of images is of more than suffering. From Ahmedabad to Anantnag, Indians got and took the vaccine, which held out the hope back then of a return to a life that goes beyond the fear of the virus. Individually, each image is a moving snapshot of one of the most trying times in India's recent history. Collectively, they tell the pandemic's story.

The Pulitzer for Abidi, Mattoo, Dave and Siddiqui acknowledges what is so often forgotten — the power of a still image. This power is at its most potent when the lens is turned outward, to the world instead of inward, for the selfie. In the age of Instagram, constant CCTV surveillance, a camera on every phone, the visual chroniclers of the pandemic have reminded us exactly why history must also be recorded through a professional lens.

WHY THE COVID-19 NUMBERS MATTER

The World Health Organization (WHO) has estimated the number of deaths in India directly or indirectly attributable to COVID-19 to be 4.74 million. This is the highest for any country and nine times the nation's official count of 5,24,000 as of May 2022. The WHO numbers are derived through robust statistical methods that consider "excess" deaths during the pandemic period. The WHO has models that India has objected to.

The WHO numbers come as an embarrassment for the government, as Prime Minister Narendra Modi claimed in Parliament on February 8, 2022 that "India's efforts (in tackling the pandemic) are being appreciated around the world". The Ministry of Health and Family Welfare has questioned the use of mathematical models when "authentic data" are available from India. As per this data, India's total reported deaths from all causes in 2020 were 4,75,000 more than the previous year. Surprisingly, the year-on-year increase in deaths was higher in the years immediately preceding the pandemic — about 6,95,000 in 2019 over 2018, and 4,87,000 in 2018 over 2017, according to official data.

There is a lot of scepticism over the Indian numbers given the irreconcilable and alarming discrepancy between India's count and the WHO estimates. The government has received a lot of flak for the way it handled the pandemic — starting from the sudden and total lockdown to the shortage of oxygen to the way many had to struggle to get admitted in hospitals and died waiting for a bed to the slowness with which vaccination was rolled out.

Inability to report accurately

But this should not blind us to the flaws in our ability to count deaths and determine the causes of deaths. This process requires systems, money and commitment. More than 75 years since it became free, India does not have a public health division which can systematically collect and analyse data on diseases. Such a governmental arm would mandate doctors to report infectious diseases, pick up the earliest signals of outbreaks in any part of the country and keep count of the number of cause-specific deaths. No one in power has publicly acknowledged this missing link or thought it fit to build such a system. The WHO, sometimes sanctimonious in its advice and at other times coercive in its prescriptions, has conveniently side-stepped any support or guidance on that critical front for the last several years.

It may be easy, even fair, to argue that the government is hiding the real numbers of deaths, or that image management is taking precedence over the truth, even though the official count has been widely thought to be lower than actual deaths. The only difference now is that the magnitude of the discrepancy is staggering, and it comes with the official stamp of the WHO.

Yet, the government needed to do little to hide the real numbers that just do not get documented. India's system simply stayed true to its time-tested tendency of reporting less. The internal drivers of data are geared to under-report for a host of reasons, governmental image being but one of them. In the absence of a robust reporting system and standard, hospitals, bureaucrats, civic bodies and even clerks under-report.

What needs to be stressed is that India's health management machinery could not have taken any other route to report the numbers than it did. This is how reporting deaths worked when no one was looking, and this is how it worked when everyone was looking. It also suits the government in this case.

The problems of counting are the same with malaria, typhoid, cholera, rabies, leptospirosis, scrub typhus or death by snake bite. Only with regard to tuberculosis (TB) is there some degree of caution in reporting numbers. This is because of heavy disease burden and an elaborate system of monitoring that includes a TB division in the Central Health Ministry, and State, district and local TB units that go down to the last mile, with the entire design endorsed by the WHO. Yet, reliable, locality-specific, real-time numbers are absent. Eventually statistics get compiled, but no one scrutinises the methods.

We must, therefore, hold the government accountable, but we must also look beyond the immediate blame game and see this as an opportunity for India to build a system that can fix this long-term problem. We need to urgently invest in a robust public health infrastructure that will have to be built from the ground up.

Health management has two parts: public health (with surveillance and prevention) and healthcare (for diagnosis, treatment). It hardly matters to the doctor (healthcare) if somebody died of typhoid fever, since that does not change anything for the diagnosis and treatment of the next patient with some other disease. But for a public health professional, the accuracy of typhoid

fever is important for detecting the transmission channel and source of the microbe, in order to prevent more cases. So, reporting every death with the accurate/verifiable cause of death is essential for public health, only if it exists. The demand for accuracy comes from public health, not from healthcare.

TB cannot be controlled by the healthcare protocols given by the WHO. TB control requires both public health and universal, primary and secondary healthcare.

Public health surveillance

Healthcare professionals must report all health events as required by public health in a process called public health surveillance. That must function as the early warning radar system that functions 24X7 in all parts of India. This is not challenging to build as an online platform or app with available bandwidth. This is essential for emerging threats to be noticed and acted upon and for auditing the outcome of budgets spent on disease control. We need diseases diagnosed according to protocols, information collected in real-time and acted upon immediately, and statistics that can be verified. Such a surveillance system was piloted by one of us (Dr. John) in the North Arcot district in the 1980s, sustained for a decade and replicated in the Kottayam district of Kerala in the 1990s, before it was dismantled as the Health Ministry did not grasp the significance of surveillance as information for action.

Births and deaths are demographic events and counting them has been an age-old tool for managing the wealth of the State. It did not evolve in our culture but was necessary for the colonial rulers for managing wealth. Counting must therefore be purposeful, and statistics should emerge as a by-product of that counting. The administrators may believe that counting is only for ex post facto statistics. In this, the significance of surveillance and numbers is lost, and any inaccuracy comes to be seen as unimportant.

In Europe, health managers figured out that microbial diseases had social and environmental determinants that allowed the governments to intervene and prevent infectious diseases; thus was born the concept and infrastructure called public health. We must seize the opportunity to create our own design of health management in our best interests. The WHO can advise, but is not accountable for outcomes. If the government takes that step, it will be a signal achievement towards making India a developed nation.

GAMES THEY PLAY

Two national-level Indian sprinters and two throwers who represented India at the Tokyo Olympics, have tested positive on the anti-doping regulations in the last few months — red flags that the country can ill afford to ignore. When Neeraj Chopra won a historic gold medal at the 2020 Games, the soaring javelin launched India into a dizzy orbit of unprecedented success in track & field, the absolute royalty of Olympic sports. Dope positives returned by elite athletes just a few months before the Commonwealth Games, casts a dark shadow on the credibility of the sport that Chopra so magnificently elevated into the stratosphere. The follow-up in development of this discipline in which India is throwing up enthusiastic jumpers, runners and throwers looking to compete with the best, threatens to turn into a minefield that will need to be carefully negotiated.

the dope positives are not terribly new in the country's sporting ecosystem. India has ranked notoriously in the Top 3 of the world's biggest dope cheats— alongside Russia, Kenya and recently, Italy, for a few years now. Inter-police and university meets, even district level athletics

competitions and junior races, are known for that shameful obligatory photograph of syringes lying about that emerges inevitably from across the country. It is fairly well-known that athletes dabble with banned substances seeking immediate results, and employment opportunities arising out of those tainted but uncaught, performances. If they make the international grade, it's not unheard of that either their timings drop at the biggest stage, or a positive turns up, like it did when international testers reached Kamalpreet Kaur, the discus-thrower, just as the qualification season is underway. India's domestic anti-doping mechanisms have failed to catch athletes at the base, and international embarrassments are almost routine now. Eyebrows have tired by now, being raised every time a suddenly explosive performance catapults new names into the big Games, where they underwhelm with forgettable numbers. Young athletes, sometimes misled by greedy coaches, at other times risking their bodies and future knowingly, are the ultimate tragedy of these cold anti-doping results.

But it remains contingent on the country as it tries to build upon the legacy of Neeraj Chopra's gold and pushes its own athletes to limits, to maintain zero-tolerance towards doping, and stay invested in the relentless fight against performance-enhancing substances. No medals are better than tainted ones in sport.

WHAT NEW FINDS AT HARAPPAN SITE COULD MEAN

he latest round of excavations at the 5,000-year-old Harappan site of Rakhigarhi in Haryana's Hisar has revealed the structure of some houses, lanes and a drainage system, and what could possibly be a jewellery-making unit, say Archaeological Survey of India (ASI) officials leading the project.

A look at these finds and what they mean for our knowledge of the site:

SKELETAL REMAINS: The skeletons of two women were found at Mound No. 7, believed to be nearly 5,000 years old. Pots and other artefacts were found buried next to the remains, part of funerary rituals back, ASI officials said. DNA samples have been sent for tests, whose outcome might provide clues about the ancestry and food habits of people who lived in the region thousands of years ago. The mound had yielded around 60 burials in previous excavations.

S K Manjul, who is leading the excavation team, said the DNA analysis will help answer a lot of questions, anthropological or otherwise. Preliminary scientific tests will be done by the Birbal Sahni Institute of Paleosciences, Lucknow, before the samples being sent elsewhere for further forensic analysis from an anthropological perspective.

SIGNS OF SETTLEMENT: This is the first time excavations have been done on Mound No. 3, which has revealed what appears to be "an aristocratic settlement"; ASI officials said more rounds of excavation will be needed to ascertain its structure and nature. In all Harappan sites excavated so far, there have been similar signs of three tiers of habitation — 'common settlements' with mud brick walls, 'elite settlement' with burnt brick walls alongside mud brick walls, and possible 'middle-rung settlements'.

Researchers are yet to determine whether these three levels were based on community or occupation. Clues may surface when excavations resume at Mound No. 3 in September.

ARTEFACTS: Other noteworthy finds include steatite seals, terracotta bangles, terracotta unbaked sealing with relief of elephants, and the Harappan script. Arvin Manjul, Regional Director (North), ASI, said the team also recovered some Harappan sealings (impression of a seal on a surface),

indicating that seals were used to mark objects belonging to a set of people or community, as they are today.

She said the 1,000-odd objects recovered this season come from the mature-Harappan period. Archaeologically, the span of the Harappan Civilisation is subdivided into three periods — early (3300 BC to 2600 BC), mature (2600 BC to 1900 BC), and late (1900 BC to 1700 BC). Five urban sites — Mohenjo-Daro, Harappa, Ganweriwala (now in Pakistan), and Rakhigarhi and Dholavira (India) — have been identified as centres of the Civilisation.

JEWELLERY UNIT: A large number of steatite beads, beads of semi-precious stones, shells, and objects made of agate and carnelian have been recovered, said Disha Ahluwalia, a PhD scholar at the Maharaja Sayajirao University of Baroda, who is part of the excavation team. The excavation, which has been going on at three of the seven mounds, has also unearthed pieces of copper and gold jewellery.

Possible remains of a 5,000-year-old jewellery making unit have been traced, which signifies that trading was also done from the city, ASI officials said. Manjul said that since there was no quarry of stones like lapis lazuli or shells in the region, the discovery shows extensive trade from areas as far away as Afghanistan, where lapis was found.

THE INDIA HYPERTENSION CONTROL INITIATIVE

The story so far: A project called the India Hypertension Control Initiative (IHCI) finds that nearly 23% out of 2.1 million Indians have uncontrolled blood pressure.

What is the IHCI?

Recognising that hypertension is a serious, and growing, health issue in India, the Health Ministry, the Indian Council of Medical Research, State Governments, and WHO-India began a five-year initiative to monitor and treat hypertension. Hypertension is defined as having systolic blood pressure level greater than or equal to 140 mmHg or diastolic blood pressure level greater than or equal to 90 mmHg or/and taking anti-hypertensive medication to lower his/her blood pressure.

India has committed to a "25 by 25" goal, which aims to reduce premature mortality due to non-communicable diseases (NCDs) by 25% by 2025. One of the nine voluntary targets includes reducing the prevalence of high blood pressure by 25% by 2025.

The programme was launched in November 2017. In the first year, IHCI covered 26 districts across five States — Punjab, Kerala, Madhya Pradesh, Telangana, and Maharashtra. By December 2020, IHCI was expanded to 52 districts across ten States — Andhra Pradesh (1), Chhattisgarh (2), Karnataka (2), Kerala (4), Madhya Pradesh (6), Maharashtra (13), Punjab (5), Tamil Nadu (1), Telangana (13) and West Bengal (5).

How prevalent is the problem of hypertension?

Southern States have a higher prevalence of hypertension than the national average, according to the latest edition of the National Family Health Survey. While 21.3% of women and 24% of men aged above 15 have hypertension in the country, the prevalence is the highest in Kerala where 32.8% men and 30.9% women have been diagnosed with hypertension.

Kerala is followed by Telangana where the prevalence is 31.4% in men and 26.1% in women.

About one-fourth of women and men aged 40 to 49 years have hypertension. Even at an earlier age, one in eight women and more than one in five men aged 30 to 39 years have hypertension. The prevalence of hypertension is higher among Sikhs (37% for men and 31% for women), Jains (30% for men and 25% for women), and Christians (29% for men and 26% for women) than the rest.

IS LA NINA A FAIR WEATHER FRIEND OF OUR COUNTRY?

In most years, meteorologists consider the La Nina to be a friend of India. The phenomenon associated with below normal sea surface temperatures in the eastern and central Pacific Ocean, makes the summer monsoon wetter and the winter colder unlike its evil twin, the El Nino, or a warming phenomenon that frequently dries up monsoon rains over India.

This year, however, the La Nina is being blamed for worsening perhaps the longest spell of heatwaves from March to April in north, west and Central India.

Periodic pattern

Formally known as the El Nino Southern Oscillation (ENSO), the La Nina-El Nino phenomenon follows a periodic pattern that roughly lasts three years.

During a La Nina winter, a north-south pressure pattern sets up over India and normally this influences the trade winds that bring rains to India. However, because the La Nina didn't peak, the sea surface temperatures continued to be cold and this drove hot westerly winds and blasts of hot air from the Middle East into Pakistan and India.

"The north-south pressure pattern has been persisting over India, with La Nina extending its stay over the Pacific. This has definitely impacted the weather over India, which has been seen even during 1998-2000 when La Nina had persisted for three years," Raghu Murtugudde, Professor, Department of Atmospheric and Oceanic Science, University of Maryland told Climate Trends, a communications firm that specialises in climate and environment.

While land temperatures over India begin rising in March, they are usually punctuated by western disturbances, or moisture from the Mediterranean region that fall as rain over north and western India. For these currents to make it as far as India, they need a significant difference in temperature between Europe and the latitudes over India. "Partly due to La Nina, this temperature difference was absent and so the western disturbances that came to India were weak with hardly any rain," M. Ravichandran, Secretary, Ministry of Earth Sciences and climate scientist, told The Hindu.

According to a 2021 report by the Ministry of Earth Sciences, 'Assessment of Climate Change over the Indian Region', all India averaged frequency of summer heatwaves is expected to rise to about 2.5 events per season by the mid-21st century, with a further slight rise to about 3.0 events by the end of 21st century under current trajectory of greenhouse gas emission.

INDIA HEATWAVES AND THE ROLE HUMIDITY PLAYS IN MAKING THEM DEADLY

The consecutive heatwaves over South Asia since March 2022 have continued the disturbing tradition of breaking historical temperature records. Mercifully, these record temperatures were not accompanied by the high mortality burden observed in previous heatwaves such as the one during 2015. Why those heatwaves were so deadly is a puzzle that we are yet to resolve.

The recent IPCC report AR6 has emphasised that humidity is also very important while estimating the physiological stress that extreme heat puts on the human body. Instead of the "dry bulb" temperature that is usually measured using a regular thermometer, an alternative metric known as the "wet bulb temperature" has been used to measure exposure to extreme heat. The report mentions that sustained exposures to wet bulb temperatures above 35°C are fatal, while sustained exposures to wet bulb temperatures above 32°C are dangerous for intense physical activity. The critical word here is "sustained", which we will come back to later.

These projections are very welcome and are the outcome of more than a decade of work put in by the climate science community. The public health community was, of course, aware of the implications of humidity for a much longer time. Furthermore, a number of recent articles in the media have helped make the public aware of this. However, there has been a growing concern about the 35°C threshold and whether parts of South Asia will become "unsurvivable" in the coming years.

Why is humidity such a critical factor while measuring heat exposure? Humans lose heat generated within their body by producing sweat that evaporates on the skin. The cooling effect of this evaporation is essential in maintaining a stable body temperature. As humidity rises, sweat does not evaporate —just like clothes take a long time to dry in humid locations – and makes it difficult to regulate body temperature. This is why we feel more discomfort in humid places.

The wet bulb temperature is usually lower than the dry bulb temperature, and the difference between the two increases dramatically as the air becomes dry.

The humidity required to reach wet bulb temperatures in excess of 35°C over land is exceedingly difficult to achieve for a variety of reasons, which this article will not go into. This is the reason the AR6 says that such conditions are rarely observed nowadays. Wet bulb temperatures in excess of 35°C have been observed in Sindh in Pakistan, but such conditions occur once every three to four years, and probably for a few hours. This fails to meet the criteria of "sustained exposure".

Just because we don't observe such conditions in the current climate does not mean that they will be as rare in future climates. However, the research that backs the AR6 also suggests we are unlikely to experience sustained exposure to wet bulb temperatures beyond the threshold of survivability.

The hype around survivability thresholds and wet bulb temperatures obscures deeper issues, both physiological and political. Firstly, the inability of the body to stabilise its core temperature can have multiple reasons. For instance, increased strain on the heart during periods of elevated temperature could be fatal for those with pre-existing cardiac conditions and is in fact the leading cause of deaths during heatwaves. Pre-existing respiratory problems and diabetes too are potential causes of death. Such conditions impair the body's ability to efficiently transfer heat to the environment.

A less obvious issue is that of dehydration. Many labourers, especially women, intentionally keep themselves dehydrated due to the lack of toilets in workplaces. Dehydration can lead to decreased sweat production and therefore increased vulnerability to heat stroke during heatwaves. Such public health factors can dramatically reduce the survivability thresholds and underestimate the actual vulnerability of the population.

Global and local

There is also a political issue here that often goes unnoticed. A singular focus on increasing wet bulb temperatures subtly shifts the responsibility of action from the local to the transnational arena. Increasing wet bulb temperatures are the byproduct of global climate change, and therefore keeping our population safe becomes the responsibility of international negotiators at conferences such as COP26. Very little can be done at the local level to keep wet bulb temperatures from rising if the factors controlling them are global. On the other hand, understanding the factors that increase vulnerability to heatwaves puts the onus on local actors, who have to provide better sanitation facilities, protect the elderly and those with cardiac conditions, and reduce the incidence of diabetes in the population. Such a focus will increase the pressure to improve our national health infrastructure, whose fragility has become increasingly clear to everyone over the past two years.

BUSINESS & ECONOMICS

WORRIED INDIA RATING MAY TURN JUNK, GOVT PUSHED 'NARRATIVE MANAGEMENT' STRATEGY

As the country fought the first wave of the Covid-19 pandemic in mid-2020, the Ministry of Finance's economic division was drafting a strategy to counter the "negative commentary" on India by global think-tanks, indices, and media, amidst worries that this could lead to downgrading of sovereign rating to "junk".

In June 2020, then Principal Economic Advisor in the Ministry of Finance, Sanjeev Sanyal, prepared a presentation — "Subjective Factors that impact India's Sovereign Ratings: What can we do about it?" — for internal circulation within the government. Sanyal is now a member of the Prime Minister's Economic Advisory Council.

The 36-page presentation, seen by The Indian Express, noted that 18-26 per cent of a country's sovereign rating is based on subjective factors such as assessments on governance, political stability, rule of law, corruption, press freedom, and so on.

"In most cases, India's ranking on these subjective factors is well below peers. This pulls down its sovereign ratings," it said. Rating agencies, according to Sanyal, used the World Bank's World Governance Indicators (WGI) as a proxy for these subjective factors. Highlighting WGI as the single-most important index, it said, the inputs that go into the making of the WGI were "arbitrary" and based on impressions from the Western press or small surveys of NGOs and a handful of academics.

"There is a danger that we may witness a drop in WGI scores due to the latest negative commentary on India by think tanks, survey agencies and international media. This could possibly downgrade our Sovereign Ratings to junk. Hence, it is of utmost importance to reach out to these think-tanks and survey agencies and set a positive narrative about India in general," Sanyal said in the presentation.

When contacted by The Indian Express, Sanyal declined to comment, and said: "We never comment on internal presentations."

Observing that most reports in 2019-20 projected a "negative commentary" on India, the presentation noted: "Specifically, Jammu and Kashmir Reorganisation Act of 2019, Citizenship Amendment Act, 2019, National Register of Citizens and construction of a Hindu temple at a disputed religious site by Prime Minister Narendra Modi and his 'Hindu nationalist' Bharatiya Janata Party are seen as an exercise 'targeting Muslims' and 'threatening secular nature' of our country."

In fact, Moody's had downgraded India on June 1, 2020, from Baa2 to Baa3 (the lowest investment grade of ratings) and maintained a negative outlook. Amongst other reasons, Moody's had said: "Governance is material to India's credit profile and a material factor in today's downgrade… Policymakers' limited success in achieving stated objectives in recent years – an important aspect of governance under Moody's definitions — together with Moody's expectation that policymaking will remain challenged is an important driver in both the downgrade to Baa3 and the assignment of a negative outlook."

Fitch Ratings too revised India's outlook to negative from stable on June 18, 2020, although it affirmed the rating at BBB-. In its explanation, among other aspects, Fitch said, "Relations with Pakistan are, moreover, negatively affected by the repeal of the special status for Kashmir and recent changes to the status of illegal immigrants based on their religion. A stronger focus by the ruling Bharatiya Janata Party on its Hindu-nationalist agenda since the government's re-election in May 2019 risks becoming a distraction for economic reform implementation and could further raise social tensions."

Sanyal said the "consistent" negative commentary about India was also becoming the opinion of sovereign rating agencies, and the finance ministry's protests on such opinion reaped no results. "Experience is that the rating agencies will usually go ahead and publish," his presentation said.

The government did reach out to sovereign rating agencies in the coming months. On October 5, 2021, Moody's Investors Service raised the outlook on India's sovereign rating to 'stable' from 'negative' in a revision after almost two years, minimising the chances of any rating downgrade.

The government felt that there was a need to keep continuous engagements with third party sources of WGI to set "positive narrative about India in general" adding that "last moment protests are of no use." Most of these sources seem to be swayed by general western media and NGO narratives rather than any in-depth objective analysis, it said, emphasising "consistent narrative management is important".

MAKING SENSE OF EXCHANGE RATE

On Monday, during intra-day trade, the Indian rupee hit an all-time low exchange rate of 77.6 against the US dollar. At the time of going to print, it was 77.20 to a dollar. The previous lowest was 76.9. It has been a sharp fall in a matter of days: The rupee was at 76 to a dollar on May 5, when the US Federal Reserve raised interest rates.

What does exchange rate signify?

The rupee's exchange rate vis-a-vis a particular currency, say the US dollar, tells us how many rupees are required to buy a US dollar. To buy (import) a US product or service, Indians need to first buy the dollars and then use those dollars to buy the product. The same holds true for Americans buying something from India.

If the rupee's exchange rate "falls", it implies that buying American goods would become costlier. At the same time, Indian exporters may benefit because their goods now are more attractive (read cheaper) to the American customers.

How is it determined?

In a free-market economy, the exchange rate is decided by the supply and demand for rupees and dollars.

Imagine that in the beginning, one rupee was equal to one dollar. After a year, Indians demand more dollars in comparison to Americans demanding the rupee. In such a case, the exchange rate will "fall" or "weaken" for rupee and "rise" or "strengthen" for dollar.

However, in India, the exchange rate is not fully determined by the market. From time to time, the RBI intervenes in the foreign exchange (forex) market to ensure that the rupee "price" does not fluctuate too much or that it doesn't rise or fall too much all at once.

What determines the rupee's demand and supply vis-a-vis other currencies?

This is best understood by looking at India's balance of payment (BoP). The BoP is essentially the overall ledger of how much rupee was demanded by the rest of the world and how much foreign currency (that is, currencies of all countries) was demanded by Indians.

The table shows the BoP for the period April-December in the last financial year.

The BoP is divided into two "accounts" — current and capital. Think of them as two buckets for two different types of transactions between Indians and foreign nationals. Current account refers to all transactions that are related to current consumption; capital account refers to transactions for investment purposes.

Each bucket is sub-divided into smaller buckets. This allows policymakers and analysts to better understand the dynamics of the relative demand for rupees (by foreigners) and forex (among Indians).

In any year, Indians (and/or Indian entities such as companies and governments) and foreign nationals (and/or entities) transact in several different ways. All such transactions generate demand for rupees (among foreigners) and forex (among Indians).

All transactions involving export or import of goods (cars, gadgets etc) are logged under the "trade account" within the current account.

But people also trade in "invisibles". Essentially, this refers to export and import of services (such as an Indian company selling software to an American firm, or a European bank providing financial services to some Indians, or simply Indians working abroad sending back money to their families in India).

The capital account, on the other hand involves investments (such as an Indian buying land in the US, or a Japanese firm investing in the Indian stock exchange) as well as exchange of loans between India and other countries.

How does the rupee's exchange rate fluctuate?

The trigger can come from several directions. For simplicity, consider two scenarios that are unfolding these days.

One, crude oil prices go up sharply. For India, which imports 80% of its oil, the fallout would be that it would need more dollars to buy crude oil in the international market. That, in turn, would weaken the rupee because India's demand for dollars would have gone up while the world's demand for the rupee stayed the same. This would show up as a trade deficit as well as the current account deficit in the BoP table. When more rupees/dollars go out of a BoP category than what comes in, it is shown with a "minus" mark.

Two, the US central bank raises its interest rates and looks set to raise them further in the future. Global investors who had been putting their money in India (for which they demanded rupees) would consider taking it out and investing in the US (for which they would demand dollars instead). Again, the rupee would weaken. Such a transaction would be recorded in the Capital Account.

Imagine that in the beginning, one rupee was equal to one dollar. After a year, Indians demand more dollars in comparison to Americans demanding the rupee. In such a case, the exchange rate will "fall" or "weaken" for rupee and "rise" or "strengthen" for dollar.

What is the RBI's role in this?

The most important thing about the BoP is that the balance of payment always balances. In other words, a deficit in the current account must be balanced by a surplus in the capital account, or vice versa.

If there was no RBI to intervene, then as money started flowing out of India on account of oil and US interest rates, the rupee's exchange rate would have fallen and continued to do so until buying from India and investing here became attractive again. This process might imply massive fluctuations.

This is where RBI comes in. To soften the rupee's fall, the RBI would sell in the market some of the dollars it has in its forex reserves. This will soak up a lot of rupees from the market, thus moderating the demand-supply gap between rupee and dollars. This is why the RBI's forex reserves have gone down sharply since the war in Ukraine started in February.

Between April and December, the situation was the opposite. There was a $90 billion surplus on the capital account — meaning net-net $90 billion came into the country on such transactions — and a $26.6 billion deficit in the current account — meaning net-net $26.6 went out of the country on such trades.

Left unaddressed, the excess $63.5 billion would have led to a rise in the rupee's exchange rate. To moderate, the RBI bought this excess amount of dollars (by paying rupees in the market) and added it to its forex reserves.

Is a fall in the exchange rate necessarily a bad thing?

Indeed, the exchange rate is often taken as a marker of the relative strength of an economy. Most developing economies tend to run deficits on their trade and current accounts.

The eventual impact of a fall depends on several factors. For instance, a fall can help India's exporters — unless they importing raw materials, which would become costlier.

THE GOVERNMENT IN BUSINESS

The Government of Singapore Investment Corporation (GIC) invests internationally in equities. It owned shares worth about ₹1.09 lakh crore at the end of March 2022 in India alone. Around the world, GIC investments amount to about ₹55 lakh crore. GIC is the eight largest wealth management fund in the world. The money doubled in real terms in the last 20 years. This money is also used by the government for public welfare. Another arm of the Singapore government, Temasek Holdings, has investments worth ₹22 lakh crore. Their investments dwarf some aspects of the Indian economy itself: the Indian government's budget expenditure for 2022-23 is ₹39.45 lakh crore. The Singapore government's investments are many times that.

China is doing the same. The Municipal Government of Hefei invested $787 million to acquire a 17% stake in Nio's core business and shortly after that exited making a profit of 5.5 times its investment. By 2017, Chinese government-owned companies had invested ₹67.5 lakh crore in overseas companies. This is about 27% of India's GDP.

Only disinvestment

Meanwhile, in India, we are disinvesting. The total market value of Indian government holdings is only ₹13 lakh crore, far less than China or even Singapore. Overseas holdings through these companies is negligible. The Navratna PSUs are performing well, but are being sold. Instead, can they invest overseas and increase their wealth as China is doing? In China, one company, the China National Petroleum Corporation, has assets of over $600 billion. There is no move there to disinvest. Perhaps the Chinese government wants to use the economic clout of its PSUs for its global ambitions. As China increases its global influence, India is bartering away one source of such influence – its ability to invest overseas and create greater economic clout.

The prevailing ideology that the government has no business to be in business is used to justify disinvestment. The real reason is the growing government deficit. Some key corporate investors are waiting in the wings to gain full control of India's natural resources through these disinvestments. It is like killing the goose that laid the golden eggs. For instance, the total dividend earned by the Indian government through PSUs is ₹50,000 crore. If India learns from the Chinese and Singapore governments, it can earn much more from government investments as well. India uses a western ideology about government-owned companies, but forgets that what the West preaches is for others and what it practices is in national self-interest. The world's list of top asset-holding PSUs includes the U.S., Israel and the European Union counties. But there are none from India.

India has allowed the baggage of inefficient PSUs to cloud its thinking. While the smaller and loss-making ones need to be disinvested, the profitable ones can be reformed. The only problem in India is archaic rules governing PSUs and political interference. There is excellent talent in the PSUs. Other talent from the private sector can also be brought in. Salaries for key top personnel should be in line with worldwide best practices, along with real accountability. The success of enterprises and startups shows that there is abundant managerial talent, which needs to be harnessed in national interest.

Learning lessons

If we avoid the smoke screen of ideology, there are many reasons for learning from other countries, notably Singapore. The first is national and public interest. The source of wealth has shifted from land to natural resources, to the industrial sector and now to the knowledge economy. Assets are largely in the financial markets today. There is enough and more wealth to be made there as wealth funds, well-known international investors and some other governments around the world are doing. If the Indian government invests like Singapore, that will give it much more funds than disinvestment ever can. Meanwhile, ownership remains intact. A few caveats are required. Singapore invests in long-term assets, and does not take risky decisions. Another powerful reason is managing government finances. India is raising taxes by the week, especially on diesel and petrol. The only avenue for revenue generation seems to be taxes. However, markets, wealth management and dividends are not explored. If markets create wealth, why can't the government create it and use it for creating prosperity for the public?

India is capable of doing this if we look for talent from our financial markets rather than from the government only. The example from the 1980s in telecom, recent examples of Aadhaar, and the creation of a government platform called ONDC to increase marketing power of ordinary kirana stores shows how private sector talent can be harnessed for public good. There are well-known

entrepreneurs and wealth managers in the stock markets. The government can surely use their talent for the greater public good.

WHAT IS FRONT RUNNING, WHICH LED AXIS AMC TO SUSPEND 2 FUND MANAGERS?

Axis Asset Management Company, which manages assets worth Rs 259,818 crore, suspended two fund managers on Friday for various irregularities, including front-running the AMC's transactions on their personal accounts.

What is front running?

Front-running, which is illegal in India, involves purchasing a stock based on advance non-public information regarding an expected large transaction that will affect the price of the share. When mutual funds make a big order, some fund managers buy the same shares in their personal accounts before executing the MFs' order. When MFs purchase in huge quantities, the price of the share is expected to go up.

Sebi has categorised front running as a form of market manipulation and insider trading because a person who commits a front running activity expects security's price movements based on the non-public information. Sebi has investigated and penalised several fund houses and fund managers in the past for front-runningation and insider trading.

Is it common in India?

According to market sources, front-running has been very common in mutual fund houses and foreign portfolio investors. In December 2021, a fund manager of Deutsche Mutual Fund and his parents paid nearly Rs 5 crore to settle with the Sebi, a case of alleged front running in the trades of the mutual fund. The amount remitted by them included settlement charges, wrongful gains and interest charged on the ill-gotten gains.

'INFORMAL PRESSURE FROM RBI': DAYS AFTER LAUNCH, COINBASE AXED UPI SERVICES

Global cryptocurrency exchange Coinbase disabled its Unified Payments Interface (UPI) services after "informal pressure" from the Reserve Bank of India, the Nasdaq-listed company's co-founder and chief executive Brian Armstrong said in an earnings call. He alleged that despite the March 2020 Supreme Court order overturning the RBI directive to banks that prohibited them from dealing with virual currencies, many "elements in the government", including the RBI, are not positively inclined on it.

"So a few days after launching, we ended up disabling UPI (Unified Payments Interface) because of an informal pressure from the Reserve Bank of India (RBI), which is kind of the Treasury equivalent there," Armstrong said in an earnings call for the first quarter of 2022 on Tuesday. He said that India is a "unique" market in that the Supreme Court has ruled that cryptocurrencies can not be banned. However, "there are elements in the government there, including at the Reserve Bank of India who don't seem to be as positive on it," Armstrong said.

Coinbase has earlier pointed out that India is "a key element" in its global expansion plans and that it is keen on ramping up investments in India, alongside plans to hire as many as 1,000 people in India this year. In April, the National Payments Corporation of India, which manages UPI, issued a statement saying that it was not aware of any cryptocurrency exchange using the UPI payments instrument. While the NPCI did not name Coinbase specifically, the statement had come just hours

after Coinbase announced its trading services in the country enabled by UPI payments support. Soon after NPCI's statement, Coinbase halted trading via UPI, which was later also followed by CoinSwitch Kuber.

During the investors' call, Armstrong said, "It's been called a shadow ban in the press. They're applying soft pressure behind the scenes to try to disable some of these payments which might be going through UPI". Trading in cryptocurrencies is not illegal in India after a favourable judgement by the Supreme Court. in 2020. The country recently imposed a 30 per cent tax on cryptocurrency gains with an additional TDS tax of 1% on all trading transactions.

In April 2018, the RBI, through a circular, prohibited all banks from dealing with virtual currencies effectively, cutting off the money supply of platforms facilitating access to these digital assets. The circular was challenged by the Internet and Mobile Association of India (IAMAI) in the SC, and in March 2020, the court overturned the ban paving the way for start-ups to operate exchanges and trading platforms.

In the 180-page judgement issued by a three-judge bench led by Justice Rohinton F Nariman, the court set aside the RBI circular on grounds of "proportionality". It pointed out that the 2019 bill had not become law, the position as on date was that virtual currencies (VCs) were not banned. "...but the trading in VCs and the functioning of VC exchanges are sent to comatose by the impugned Circular by disconnecting their lifeline namely, the interface with the regular banking sector," it said. "What is worse is that this has been done (i) despite RBI not finding anything wrong about the way in which these exchanges function and (ii) despite the fact that VCs are not banned". In the aftermath of the Supreme Court order, cryptocurrency exchanges and trading platforms started mushrooming across the country. This was despite several large banks and financial technology players not allowing the use of their infrastructure to such platforms.

However, according to Armstrong, Coinbase has a "concern" that the RBI might be "in violation of the Supreme Court ruling which would be interesting to find out if it were to go there". "But I think our preference is really just to work with them and focus on relaunching," he said. NPCI and RBI did not respond to requests for comment until publication.

"There (are) a number of paths that we have to relaunch with other payment methods (in India). My hope is that we will be back in India in relatively short order, along with a number of other countries where we're pursuing international expansion," he added.

LIFE & SCIENCE

EVENT HORIZON REVEALS TRUE COLOURS OF SGRA*

Scientists from the Event Horizon Telescope (EHT) facility, at press conferences held simultaneously at several centres around the world on Thursday, revealed the first image of the black hole at the centre of the Milky Way. The image of Sagittarius A* (SgrA*) gave further support to the idea that the compact object at the centre of our galaxy is indeed a black hole, strengthening Einstein's general theory of relativity.

In 2019, the Event Horizon Telescope facility, a collaboration of over 300 researchers, made history by releasing the first-ever image of a black hole, M87* — the black hole at the centre of a galaxy Messier 87, which is a supergiant elliptic galaxy.

The ring-shaped image of SgrA*, which looked a lot similar to the one of M87*, occupied 52 microarcseconds in the field of view, which is as big a span of our view as a doughnut on the moon.

The whole exercise was possible because of the enormous power of the Event Horizon Telescope, an ensemble of several telescopes around the world, which together were like a giant eye on the earth with a sight that is 3 million times sharper than the human eye. Sagittarius A* is 27,000 light years from us.

At the press conference, the researchers said that imaging Sagittarius A* (SgrA*) was much more difficult than imaging M87* for the following reasons: first, SgrA* is only one-thousandth the size of M87*; second, the line of sight is obscured by a lot of matter; and as SgrA* is much smaller than M87*, the gas swirling around it takes only minutes to complete an orbit around SgrA* as opposed to taking weeks to go around M87*. The last gives a variability that makes it difficult to image. A clear imaging requires long exposure of eight to 10 hours, where ideally the object should not change much.

MODERATING THE PUBLISHER-PLATFORM RELATIONSHIP

The story so far: On April 5, the Canadian government introduced a Bill that seeks to make Internet platforms such as Google and Facebook pay news publishers for use of their content. The logic and the intent of the Bill is similar to what Australia implemented last year. The development is of interest to governments across the world, some of which are said to be mulling such a law, as also the larger media industry.

What is the idea behind it?

The Bill seeks to regulate digital news intermediaries, its summary says, "to enhance fairness in the Canadian digital news marketplace and contribute to its sustainability." The government website lists four expected outcomes of the legislation. They include a framework that supports "fair business relationships between digital platforms and news outlets," sustainability in the news ecosystem, maintenance of press independence, and diversity within the news landscape.

The Canadian Bill is an acknowledgement of the lopsidedness of the news media industry. This is similar to what prompted Australia to pass a law last year to make platforms pay publishers. The genesis of this was a 2019 report by the Australian Competition and Consumer Commission, the country's regulator, which saw platforms such as Google and Facebook as having "substantial

bargaining power in relation to many news media businesses." The legacy media, which has seen enormous business challenges over the last two decades, was seen as no match for the mammoth platforms with billion-plus users that have grown and prospered in the digital era.

It is in a similar backdrop that such a Bill has been introduced in Canada. Public broadcaster CBC in an article, said, "According to government figures, more than 450 news outlets in Canada have closed since 2008 and at least one third of Canadian journalism jobs have disappeared over that same time period. News businesses have struggled to make money from their content after losing major revenue streams, such as classified ads and print subscriptions. In an era of cord-cutting, some private and public broadcasters also have struggled to monetise their airwaves and pay for local, regional and national radio and TV news. The dominance over advertising once enjoyed by legacy media is over. Google and Facebook have a combined 80% share of all online ad revenue in Canada and rake in an eye-popping $9.7 billion a year, according to government data."

How does the Canadian Bill propose to correct this imbalance?

It aims to correct the imbalance much in the same way the Australian law hoped to do — by ensuring platforms negotiate commercial deals with news publishers. If they can't agree on a deal and mediation fails, "a mandatory arbitration framework" will kick in as a last resort.

What is the nature of the publisher-platform relationship in the digital age?

In the digital world, platforms have become the most important gateways to journalistic content produced by legacy news media. Their relationship has till recently been largely about how publishers can use tools and strategies to better use the reach provided by these platforms. Google and Facebook provide much of the traffic for a lot of traditional news publishers. The platforms play a major role in news discovery. But it is now acknowledged all over the world that the platforms are able to make much of the money from this arrangement while publishers struggle. The publishers also have to contend with frequent changes to the platform algorithm, which comes with the real threat of them losing a large amount of readers all of a sudden.

The 'money' talk has come into being only lately, as a result of growing realisation in government and regulatory circles across the world about the increasing control that internet platforms have over news dissemination. France is another country which has forced internet platforms to enter into agreements with publishers. The enabling legislation is based on EU copyright rules, which according to a Reuters report, "allow publishers to demand a fee from online platforms showing extracts of their news."

The last few years have seen Google coming up on its own with a framework under the 'news showcase' programme to license content from publishers across the world. This, it says, is to "support quality journalism." Facebook had spoken of a similar programme last year.

How have platforms reacted to the Bill?

Ottawa Citizen quoted Google spokeswoman Lauren Skelly as saying that the company has "serious concerns about some unintended consequences the proposed Online News Act will have on news in Canada and the search experience that Canadians know and trust." The paper said Google "appears to be taking a different tack than Facebook's parent company Meta by reaching out to the government." It said, "Last week, a Meta representative told MPs the company hasn't ruled out blocking news in Canada" over the new Bill.

While the Australian Bill was being discussed, Google had threatened to shut down its search engine in that country while Facebook talked of banning news from being shared in its products there. But these proved to be just empty threats. They stayed on, striking deals with news publishers as per the new law.

What next?

The Bill is at the stage of a second reading at the House of Commons. Whatever final shape the Bill takes, it is clear that there is a growing debate across the world on the need to regulate internet platforms especially when it comes to news. The U.K. is said to be considering rules to correct the imbalance in the media industry. In India, early this year, the Competition Commission of India, the country's competition watchdog, ordered investigations into Google, the basis being "the bargaining power imbalance and denial of fair share in the advertising revenue," as alleged by the Digital News Publishers Association, a group of the digital arms of India's leading media companies. In the process of the order, the watchdog did take note of the legislations in Australia and France.

WHY APPLE DISCONTINUED IPOD, AND WHAT NEXT FOR ITS MUSIC ECOSYSTEM

After a run that lasted more than 20 years, Apple has pulled the plug on its portable music player iPod — a device that arguably revolutionised the music industry when it was launched in October 2001. Through its two-decade journey, the iPod came in various shapes and sizes starting with the pocket-sized iPod classic with a click wheel and the final iPod touch — which Apple said will be on sale till supplies last.

Why did Apple launch the iPod?

With the iPod, Apple initially had a goal to create a product that led people into buying more Macintosh computers. It was the first personal device launched by Apple outside of its Macintosh ecosystem, and the first step in the Cupertino, California-based company's journey to releasing a host of personal communication devices over the years that would eventually catapult Apple into becoming the most valuable company in the world.

"If we didn't do the iPod, the iPhone wouldn't have come out," Tony Fadell, former Apple senior vice president who is credited with inventing the iPod, was quoted by The Wall Street Journal as saying. "The iPod brought us confidence. It brought Steve (Jobs) confidence that we could do something outside of the map and that we could actually continue to innovate in new areas."

What journey did the iPod chart?

With an affordable handheld device that was available in different colours and models, the iPod became a product that introduced many people to the Apple ecosystem.

After the iPod classic — recognisable by its polished steel frame and the iconic click wheel — Apple launched the smaller iPod Mini, which was followed by an even smaller iPod Nano.

In 2005, Apple came out with the iPod shuffle — an entry-level device that used flash memory — and was the first iPod model without a screen.

In September 2007, just months after Apple unveiled the first iPhone, the company launched the iPod Touch — a multi-touch device that came with WiFi, Safari Browser, YouTube, etc. The model currently being sold is the seventh generation of iPod Touch.

While this was the iPod's journey on the hardware side, on the music side, the device helped make music portable in a way that was significantly different than the portable cassette players in that era. The ability to buy and download songs for 99 cents and store them in a pocket-sized device was considered cutting-edge for its time.

What led to the device's downfall?

In no small part, the device that was born in the aftermath of the iPod — the iPhone — played a role in the eventual discontinuation of portable music players. The increased functionalities on smartphones subjected the iPod to the diminishing utility principle.

In addition, the advent of fast, cheap internet, alongside music streaming services like Spotify, iTunes, Prime Music, etc meant substantially narrowing use for the iPod.

Since it was launched, Apple has sold an estimated 450 million iPod devices across models, but lately, sales have been sluggish.

Apple hasn't separated iPod sales for years, but unit sales fell by about 24 per cent in fiscal 2014 compared with the previous fiscal year, WSJ reported. The company stopped reporting iPod sales in 2015.

According to The New York Times, which cited data from Loup Ventures, a venture capital firm specialising in tech research, Apple sold an estimated 3 million iPods last year, compared to the 250 million iPhones it sold.

What happens next to Apple's music ecosystem?

The company will continue its music streaming services through Apple Music, which will be available on various other devices.

In a statement, Apple's senior vice president of Worldwide Marketing Greg Joswiak said: "Today, the spirit of iPod lives on. We've integrated an incredible music experience across all of our products, from the iPhone to the Apple Watch to HomePod mini, and across Mac, iPad, and Apple TV".

THE SEARCH ALGORITHM IN ACTION

The story so far: Algorithms play a crucial role for search engines as they process millions of web searches every day. With the quantity of information available on the internet growing steadily, search algorithms are becoming increasingly complex, raising privacy and other concerns and drawing the attention of regulators. Last month, U.K.'s digital watchdog said they will take a closer look at algorithms, seeking views on the benefits and risks of how sites and apps use algorithms, as well as inputs on auditing algorithms, the current landscape and the role of regulators.

How do search algorithms work?

An algorithm, essentially, is a series of instructions. It can be used to perform a calculation, find answers to a question or solve a problem. Search engines use a number of algorithms to perform different functions prior to displaying relevant results to an individual's search request.

Tech giant Alphabet Inc's Google, whose flagship product is the Google search engine, is the dominant player in the search market. Its search engine provides results to consumers with the

help of its ranking systems, which are composed of a broad set of algorithms, that sort through web pages in its search index to find the most appropriate results in quick time. Its search algorithms consider several factors, including the words and expressions of a user's query, relevance and usability of pages, expertise of sources, and the user's location and settings, according to the firm.

While Google captures a significant chunk of the general search market, there are alternative search engines such as Microsoft's Bing and DuckDuckGo available for users to explore. The latter, a privacy-focused search engine, claims it does not collect or share users' personal information.

In January, market leader Google generated 61.4% of all core search queries in the U.S., according to database company Statista. During the same period of time, Microsoft sites handled a quarter of all search queries in the U.S.

As the algorithms used to deliver results would vary from one search engine to another, when a user inputs a query, the results would also differ. Moreover, results from different users would be rarely similar, even when searching for the same things, since the algorithms take into account multiple factors, like their location.

How are they developed?

Algorithms are often built using historical data and for specific functions. Once developed, they go through frequent updates from the companies to enhance the quality of search engine results presented to users. Most large search engine providers also bank on machine learning to automatically improve their users' search experience, essentially by identifying patterns in previous decisions to make future ones.

Over the years, Google has developed search algorithms and updated them constantly, with some major updates like Panda, Penguin, Hummingbird, RankBrain, Medic, Pigeon, and Payday, meant to enhance some function or address some issue. In March, it introduced another update to improve the search engine's ability to identify high-quality product reviews.

Search engines exert huge control over which sites consumers can find. Any changes or updates in their algorithms could also mean that traffic is steered away from certain sites and businesses, which could have a negative effect on their revenue.

What are the concerns?

The search giant's trackers have allegedly been found on majority of the top million websites, as per a DuckDuckGo blog post. "This means they are not only tracking what you search for, [but] they're also tracking which websites you visit, and using all your data for ads that follow you around the internet," it added.

According to a Council of Europe study, the use of data from profiles, including those established based on data collected by search algorithms and search engines, directly affects the right to a person's informational self-determination. Most of Google's revenues stem from advertisements, such as those it shows consumers in response to a search query.

DuckDuckGo, in addition to providing an alternative to Google's search engine, offers mobile apps and desktop browser extensions to protect users' privacy while browsing the web. The privacy-focused firm, in a blog post, said that editorialised results, informed by the personal information

Google has on people (like their search, browsing, and purchase history), puts them in a "Filter Bubble" based on what Google's algorithms think they are most likely to click on.

What's the current state of these algorithms?

These search algorithms can be used to personalise services in ways that are difficult to detect, leading to search results that can be manipulated to reduce choice or artificially change consumers' perceptions.

Additionally, firms can also use these algorithms to change the way they rank products on websites, prioritising their own products and excluding competitors. Some of these concerns have caught the eye of regulators and as a result these search algorithms have come under their scrutiny.

The European Commission has fined Google €2.42 billion for abusing its market dominance as a search engine by giving an illegal advantage to another Google product, its comparison-shopping ervice.

Moreover, under the Commission's proposal on the Digital Services Act, transparency measures for online platforms on a variety of issues, including the algorithms used for recommending content or products to users are expected to come into force.

"Majority of algorithms used by private firms online are currently subject to little or no regulatory oversight," U.K.'s Competition and Markets Authority has said earlier in a statement, adding that "more monitoring and action is required by regulators."

THE GRIM FOREWARNINGS OF A GLOBAL STUDY ON BIRDS

The story so far: The State of the World's Birds, an annual review of environmental resources published on May 5 by nine natural sciences and avian specialists across the globe, has revealed that the population of 48% of the 10,994 surviving species of birds is declining. The report led by the Manchester Metropolitan University gives an overview of the changes in the knowledge of avian biodiversity and the extent to which it is imperilled.

What are the key findings of the study?

The study found that 5,245 or about 48% of the existing bird species worldwide are known or suspected to be undergoing population declines. While 4,295 or 39% of the species have stable trends, about 7% or 778 species have increasing population trends. The trend of 37 species was unknown. The study draws from BirdLife International's latest assessment of all birds for the International Union for Conservation of Nature's Red List that shows 1,481 or 13.5% species are currently threatened with global extinction. These include 798 species classified as vulnerable, 460 as endangered and 223 as critically endangered while 52 species were considered to be data deficient. About 73% species are estimated to have fewer than 10,000 mature individuals, 40% have fewer than 2,500 mature individuals, and almost 5% have fewer than 50 mature individuals. The bird species are non-randomly threatened across the avian tree of life, with richness of threatened species disproportionately high among families such as parrots, pheasants and allies, albatrosses and allies, rails, cranes, cracids, grebes, megapodes, and pigeons. The more threatened bird species (86.4%) are found in tropical than in temperate latitudes (31.7%), with hotspots for threatened species concentrated in the tropical Andes, southeast Brazil, eastern Himalayas, eastern Madagascar, and Southeast Asian islands.

What is the importance of birds to ecosystems and culture?

Birds are a truly global taxon, with one or more species occupying all habitats across the earth's terrestrial surface including urban environments with no natural analogues. Birds contribute toward many ecosystem services that either directly or indirectly benefit humanity. These include provisioning, regulating, cultural, and supporting services. The functional role of birds within ecosystems as pollinators, seed-dispersers, ecosystem engineers, scavengers and predators not only facilitate accrual and maintenance of biodiversity but also support human endeavours such as sustainable agriculture via pest control besides aiding other animals to multiply. For instance, coral reef fish productivity has been shown to increase as seabird colonies recovered following rat eradication in the Chagos archipelago. Wild birds and products derived from them are also economically important as food (meat, eggs). Approximately 45% of all extant bird species are used in some way by people, primarily as pets (37%) and for food (14%). The cultural role of birds is perhaps more important than any other taxonomic group, the study says. Beyond its symbolic and artistic values, birdwatching is a global pastime practised by millions of people. Garden bird-feeding is valued at $5-6 billion per year and growing by four per cent annually.

What are the threats contributing to avian biodiversity loss?

The study lists eight factors, topped by land cover and land-use change. The continued growth of human populations and of per capita rates of consumption lead directly to conversion and degradation of primary natural habitats and consequent loss of biodiversity, it says. Although global tree cover increased between 1982 and 2016, including by 95,000 sq. km in the tropical dry forest biome and by 84,000 sq. km in the tropical moist deciduous forest biome, this has been driven by afforestation with plantations (often of non-native species) plus land abandonment in parts of the global North, with net loss in the tropics. The other factors are habitat fragmentation and degradation, especially in the tropics; hunting and trapping with 11 to 36 million birds estimated to be killed or taken illegally in the Mediterranean region alone; the impact of invasive alien species and disease (971 alien bird species introduced accidentally or deliberately to 230 countries over the centuries have affected the native species); infrastructure, energy demands and pollution; agrochemical and pharmaceutical usage (pesticide ingestion kills an estimated 2.7 million birds annually in Canada alone); global trade teleconnections; and climate change.

Can the avian biodiversity loss be stemmed?

Yes. The study says ornithologists have a good understanding of the spatio-temporal patterns of avian diversity compared to many other taxa and the measures needed to slow down and ultimately reverse avian biodiversity loss. "The growing footprint of the human population represents the ultimate driver of most threats to avian biodiversity, so the success of solutions will depend on the degree to which they account for the social context in which they are implemented, and our ability to effect changes in individual and societal attitudes and behaviours. Emerging concepts of conservation social science can inform efforts to address biodiversity loss and to achieve more effective and sustainable conservation outcomes, linking birds to human well-being, sustainability, climate resilience, and environmental justice," it says.

WHAT IS MONKEYPOX, A SMALLPOX-LIKE DISEASE FROM AFRICA THAT HAS BEEN REPORTED IN THE UK?

Monkeypox virus

The monkeypox virus is an orthopoxvirus, which is a genus of viruses that also includes the variola virus, which causes smallpox, and vaccinia virus, which was used in the smallpox vaccine. Monkeypox causes symptoms similar to smallpox, although they are less severe.

While vaccination eradicated smallpox worldwide in 1980, monkeypox continues to occur in a swathe of countries in Central and West Africa, and has on occasion showed up elsewhere. According to the World Health Organisation (WHO), two distinct clade are identified: the West African clade and the Congo Basin clade, also known as the Central African clade.

Zoonotic disease

Monkeypox is a zoonosis, that is, a disease that is transmitted from infected animals to humans. According to the WHO, cases occur close to tropical rainforests inhabited by animals that carry the virus. Monkeypox virus infection has been detected in squirrels, Gambian poached rats, dormice, and some species of monkeys.

Human-to-human transmission is, however, limited — the longest documented chain of transmission is six generations, meaning the last person to be infected in this chain was six links away from the original sick person, the WHO says. “It is important to emphasise that monkeypox does not spread easily between people and the overall risk to the general public is very low,” Dr Colin Brown, Director of Clinical and Emerging Infections at the UK Health Security Agency (UKHSA) said on Saturday.

Transmission, when it occurs, can be through contact with bodily fluids, lesions on the skin or on internal mucosal surfaces, such as in the mouth or throat, respiratory droplets and contaminated objects, the WHO says.

While vaccination eradicated smallpox worldwide in 1980, monkeypox continues to occur in a swathe of countries in Central and West Africa, and has on occasion showed up elsewhere. Photo credit: WHO

Symptoms and treatment

According to the US Centres for Disease Control and Prevention (CDC), monkeypox begins with a fever, headache, muscle aches, back ache, and exhaustion. It also causes the lymph nodes to swell (lymphadenopathy), which smallpox does not. The WHO underlines that it is important to not confuse monkeypox with chickenpox, measles, bacterial skin infections, scabies, syphilis and medication-associated allergies.

The incubation period (time from infection to symptoms) for monkeypox is usually 7-14 days but can range from 5-21 days. Usually within a day to 3 days of the onset of fever, the patient develops a rash that begins on the face and spreads to other parts of the body. The skin eruption stage can last between 2 and 4 weeks, during which the lesions harden and become painful, fill up first with a clear fluid and then pus, and then develop scabs or crusts.

According to the WHO, the proportion of patients who die has varied between 0 and 11% in documented cases, and has been higher among young children.

There is no safe, proven treatment for monkeypox yet. The WHO recommends supportive treatment depending on the symptoms. Awareness is important for prevention and control of the infection.

Occurrence of disease

The CDC's monkeypox overview says the infection was first discovered in 1958 following two outbreaks of a pox-like disease in colonies of monkeys kept for research — which led to the name 'monkeypox'.

The first human case was recorded in 1970 in the Democratic Republic of the Congo (DRC) during a period of intensified effort to eliminate smallpox.

According to the WHO, 15 countries on four continents have so far reported confirmed cases of monkeypox in humans.

Locally acquired cases have been confirmed in the DRC (which has the largest incidence of the infection in the world), Central African Republic, Republic of the Congo, Gabon, Cameroon, Nigeria, Côte d'Ivoire, Liberia, and Sierra Leone.

Imported cases have been found in South Sudan and Benin in Africa, and in the United States, UK, Israel, and Singapore.

WILL BA.4, BA.5 OMICRON LINEAGES CAUSE THE NEXT WAVE?

Late in November 2021, World Health Organization (WHO) designated the B.1.1.529 lineage of SARS-CoV-2 as Variant of Concern (VOC) Omicron. The swift rise of Omicron and displacement of previous lineages of SARS-CoV-2 across the world, particularly Delta, was suggestive that Omicron not only had a fitness advantage over Delta but also had the ability to infect people who had prior immunity to Delta or any previous lineages of the virus.

Three sister lineages

During its designation in 2021, VOC Omicron initially comprised three sister lineages: BA.1, BA.2 and BA.3, although each lineage differs significantly from the other in terms of its mutations. While lineage BA.3 remained relatively rare, lineages BA.1 and BA.2 were primarily responsible for the upsurge in COVID-19 cases across different countries, and also causing infections in fully vaccinated individuals — otherwise known as vaccine breakthrough infections. Over the time, BA.2 became the predominant Omicron lineage worldwide.

As of today, over 100 sub lineages of Omicron have been detected and designated from different regions of the world.

In April 2022, genome sequencing efforts by researchers in South Africa helped identify two new Omicron lineages in the region, which have been later designated by the Phylogenetic Assignment of Named Global Outbreak (PANGO) network as BA.4 and BA.5. The detection of the two lineages also coincides with an upswing in the numbers of COVID-19 cases seen in South Africa, briefly after a decline in numbers since the previous Omicron wave.

The two lineages have been driving the new wave of cases in South Africa, now touching over 10,000 cases daily and a test positivity of over 26%. Further, researchers in South Africa suggest that the two lineages BA.4 and BA.5 can escape immunity acquired through BA.1 infection.

Although not yet detected in India, the BA.4 and BA.5 lineages have been detected in low numbers in over 15 other countries, including the United Kingdom, Austria, Germany and the USA.

Early studies from South Africa estimate that BA.4 and BA.5 have a significant growth advantage over the BA.1 as well as BA.2 lineage, which could either be because of an ability of the lineages to transmit better or an ability to escape immunity from previous infections or vaccination. While significantly different from the original BA.1 lineage, BA.4 and BA.5 have an identical spike protein. Compared to BA.2, both BA.4 and BA.5 differ from the dominant Omicron lineage by three mutations and one deletion. One of the three distinct mutations found in the BA.4 and BA.5 lineages is L452R in the spike protein of the virus.

L452R mutation

Mutations at position L452R was found in Delta along with Kappa and Epsilon, while variant Lambda had L452Q. These mutations have been previously reported to be associated with increased infectivity of the virus and also has the ability to evade neutralisation by monoclonal antibodies. Preliminary research shows that BA.4 and BA.5 lineages may be capable of escaping immunity gained by a previous BA.1 infection. Preliminary evidence emerging in a preprint from South Africa also suggests that vaccines are potentially better in protecting against infection as compared to previous infection with BA.1. More evidence is required to understand the clinical outcomes of the new lineages.

The L452 mutations in the spike protein are not unique to BA.4 and BA.5 Omicron lineages but have also emerged independently in other Omicron sublineages in different countries. This includes the mutation L452Q in lineage BA.2.12.1, a sublineage of BA.2, which is recently seen to dominate COVID-19 cases in New York. As the number of infections continues to surge in the USA, proportions of BA.2.12.1 have also been seen to slowly increase, although the cases in the country continue to be dominated by its parent lineage BA.2.

As the Omicron variant continues to dominate the pandemic across the world, it is expected that additional sub-lineages of the variant will emerge as the virus continues to accumulate mutations. As the wave of infections progress, in South Africa and elsewhere more granular data is expected in the coming weeks which would throw light into whether these lineages, including BA.4 and BA.5, are capable of causing waves of infections in different countries or if they are able to prolong the ongoing surges by replacing the currently dominant BA.2 lineage.

Current evidence is insufficient to ascertain what will be the impact of these new variants on vaccine efficacy and other clinical outcomes compared to previous variants. Enhanced genome sequencing efforts, rapid sharing of genomic and epidemiological data also remain essential for detecting and tracking the prevalence of Omicron lineages. Irrespective of emerging variants, controlling transmission of the virus through non-pharmacological interventions like masking and increasing ventilation should remain the priority, apart from protecting the vulnerable through precautionary doses of vaccines.