



CHROME IAS

MUST READ

FOR

IAS INTERVIEWS - 2019

ADDRESS

53/5, First Floor, Old Rajinder Nagar

Contact: 011-49789720, 9990356664, 7840048445

(E-mail-info@chromeias.com, Website- <http://chromeias.com>)

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THE DREAM OF BEING AN AI POWERHOUSE

Why has this issue cropped up?

- In a recent discussion paper, NITI Aayog has chalked out an ambitious strategy for India to become an artificial intelligence (AI) powerhouse.

What is AI?

- AI is the use of computers to make decisions that are normally made by humans.

How can AI be helpful to India?

- Many forms of AI surround Indians already, including chatbots on retail websites and programs that flag fraudulent bank activity.
- But NITI Aayog envisions AI solutions for India on a scale not seen anywhere in the world today, especially in five key sectors — agriculture, healthcare, education, smart cities and infrastructure, and transport.
- In agriculture, for example, machines will provide information to farmers on the quality of soil, when to sow, where to spray herbicide, and when to expect pest infestations. It's an idea with great potential: India has 30 million farmers with smartphones, but poor extension services. If computers help agricultural universities advise farmers on best practices, India could see a farming revolution.

Obstacles to AI in India

- The first problem is data. Machine learning, the set of technologies used to create AI, is a data-guzzling monster. It takes reams of historical data as input, identifies the relationships among data elements, and makes predictions. Unfortunately, India has sparse data in sectors like agriculture, and this is already hampering AI-based businesses today.
- Another problem for AI firms today is finding the right people. Only about 50 Indian scientists carry out "serious research" and they are concentrated in elite institutions such as the Indian Institutes of Technology and the Indian Institutes of Science. Meanwhile, only about 4% of AI professionals have worked in emerging technologies like deep learning.

Way forward

- First, if the government is serious about AI solutions powering agriculture or healthcare, it must collect and digitise data better under its existing programs.
- Second, to close the skill gap, NITI Aayog suggests setting up a network of basic and applied AI research institutes. But if these institutes are to fulfil their mandate, they must collaborate closely with agricultural universities, medical colleges and infrastructure

planners.

- Third, NITI Aayog's ambitious road map does not mention deadlines or funding. Without these, it lacks accountability.

Conclusion

- The government must make haste and specify its commitments on the above fronts.

GEARING UP FOR SPACE WARS

Why has this issue cropped up?

- Recently, the U.S. President made announcement about the creation of a "space force" or a sixth branch of the American armed forces.

China's response

- While China has reiterated its response to the Trump Administration's announcement with its oft-repeated statement that it opposes the weaponisation of space, it knows that it is the prime target of this incipient force.
- With a range of terrestrial interests in direct conflict with the Americans, Beijing will be in no mood to allow U.S. space dominance.
- China's space military programme has been dedicated to building "Assassin Mace" technologies (an array of kinetic and non-kinetic means of attack) — capabilities that are geared to help win wars rapidly.

Russia's response

- Russia for its part has been shriller in its response, making it clear that it will vigorously take on the U.S..
- However, given its lack of the resources for competition, it will in all probability, for tactical reasons, align itself with China.

Implications for India

- While India is officially committed to PAROS, or the prevention of an arms race in outer space, it is yet to formulate a credible official response to the Trump plan.
- India has yet to establish a credible space command of its own. And, its inter-services rivalries will have to be resolved about the command and control.
- India also has to be concerned about Mr. Trump's move for another reason — China. Beijing's reaction could be much stronger than its seemingly muted official response and

it does possess a formidable space military programme that far exceeds current Indian capabilities.

- For its part, New Delhi would do well to come out with an official white paper on space weapons.
- The government needs to engage with multiple stakeholders directly about the role space weapons will play in India's grand strategy.

FUEL: GETTING THE MIX RIGHT

Introduction

- The government's priorities in implementing the National Policy on Biofuel were to find a solution to air pollution, maintain affordable transportation fuel prices, promote clean and sustainable fuels, move towards energy self-sufficiency, and reduce dependence on crude oil imports. Unfortunately, precious little has been done so far.

Fuel blending in India

- In the past, the government has dithered several times on the National Policy on Biofuels (NPB).
- In 2003, the Ethanol Blended Petrol Programme (EBP) focussed on 5% blending of molasses-based ethanol with petrol.
- By 2008, it pushed for the blending target to be 10%.
- Thereafter, the National Biodiesel Mission proposed a two-phase strategy for biodiesel production from Jatropha seeds to achieve a 10% blending mandate with diesel by 2012. These targets were not met.
- Yet, in 2009, the NPB proposed a revised target of 20% blending for ethanol and biodiesel by 2017. This is yet to be realised.
- Fuel blending with ethanol varies from 85% in Australia to vehicles run on 100% ethanol in Brazil, where the ethanol blending mandate is 27%. In contrast, India has an abysmal 2-4% blending rate and is woefully short of the original target of 5% due to the inconsistent supply of domestically produced ethanol.
- Many States like Odisha have not even started their innings on fuel blending.

Issues with the National Policy on Biofuels (NPB) 2018

- Against this backdrop of poor performance, the National Policy on Biofuels 2018 repeats the pattern of promising the moon and delivering little. There is no defined future road map for India in it.

- At a time when the World Health Organisation has already declared 14 Indian cities as among the most polluted in the world, it is surprising that the government is looking at sourcing untested technologies like the production of 2G ethanol.
- The policy is totally silent on octane, which has direct consequences on air quality and pollution as it assists in proper combustion of fuels, thereby affecting vehicular emissions.
- In the present-day scenario, petrol is blended with cancer-causing imported aromatics to boost octane rating. This has negative consequences on health.
- Like the NPB 2009, the NPB 2018 is overly ambitious. This is in light of the fact that the capability of 2G has not been realised till today. Therefore, completely relying on a mechanism which has not been proven commercially is flawed.
- Excessive expenditure from the exchequer is sought to be made by the NPB for a technology (production of 2G) which is untested and has not taken off commercially internationally. Why can we not exercise the option of 1G, which is a tried and tested mechanism and is available?
- Further, the ways in which companies are selected for driving the NPB agenda forward is odd. So far, there's an investment of Rs. 10,000 crore to set up 12 2G biorefineries across 11 States. Apart from laying the foundation stone of one biorefinery in Bathinda, Punjab, nothing more has developed on this front.
- The government has signed six MoUs with oil marketing companies, of which three have been awarded to Praj Industries without any transparent process of selection.
- The burning issues of vehicular emission, fuel octane efficiency, rising fuel prices and air pollution remain largely unaddressed.

Advantages of blending with ethanol

- Appropriate blending of consistently available ethanol throughout the country will prevent octane savings to the tune of approximately Rs. 3,000 crore.
- Further, a consistent supply of ethanol will serve as a substitute for expensive and harmful imported aromatics like BTX. This will additionally contribute to foreign exchange savings worth approximately Rs. 1,500 crore since ethanol has an octane rating of 113, while the mandated octane rating for fuel is 91.

The way forward

- Merely increasing the price of ethanol by Rs. 3 and reducing fuel prices by a few paise will not help the current scenario. The government needs to roll back the increase of Central government taxes on fuel, which have doubled after 2014.
- The government also needs to demonstrate a clear thinking for increasing ethanol production to reduce oil imports and the current account deficit.
- If necessary, the government should look at importing ethanol in the interim, thereby creating consistency of supply, and providing relief from the pollution created by fossil fuel burning.

- Facilitating import of ethanol will make up for the inconsistency in the availability of domestic ethanol, thereby ensuring the accomplishment of the present blending mandate of 10% (E10).

Conclusion

- The above corrections in policy will lead to lower fuel prices, cleaner air, foreign currency savings and efficiency in the oil economy.

OPENING UP TO THE WORLD

Since Independence, the challenges of building a mass higher education system with inadequate government funding has meant poor quality, increasing privatisation and politicisation. Excellence is possible, as the IITs and IIMs show, although it is limited to a tiny segment of a system that enrolls 35 million students. In the past several years, there are indications that things are changing, at least at the Central government level and at the top of the higher education system. Towards innovation

The National Institutional Ranking Framework (NIRF)

- The National Institutional Ranking Framework (NIRF), implemented in 2016, is India's first government-supported ranking of colleges and universities.
- It may in the future guide government financial support for higher education.
- It also provides the basis for differentiating among colleges and universities, and forces participating institutions to submit data on critical areas, permitting government to make key decisions.

Institutions of Eminence (IoE) project and the Graded Autonomy project

- Two additional initiatives build on the idea of creating elite, globally competitive world-class universities in India are: the Institutions of Eminence (IoE) project and the Graded Autonomy project.
- The IoE project will recognise 20 universities, 10 public and 10 private, and provide significant government funds to the public institutions (no extra money to the privates) and give enhanced autonomy for them. It is similar to many of the "excellence initiatives" common worldwide in providing extra funding in return for innovative ideas to the winners. The Graded
- Autonomy programme provides considerable freedom for academic, financial and administrative innovation to the colleges and universities participating. Given the often

stifling bureaucracy of higher education, it will be a significant stimulus for innovation. Both public and private institutions are involved.

- The Graded Autonomy programme makes it easier to hire international faculty, traditionally very difficult to do.

The new Study in India initiative

- The new Study in India initiative seeks to attract international students mainly from a group of African and Asian countries, and is aimed at doubling India's tiny share of global student mobility from 1% to 2%.
- India is moving towards signing a pact on mutual recognition of academic qualifications with 30 countries.

Challenges

- Upgrading 20 or more Indian universities to world-class quality will be complex.
- It will also take time and consistent funding, probably at a scale beyond what is envisaged in current plans.
- Further, greatly increased autonomy will be needed — and freedom from the bureaucratic shackles of government is not easy to attain.
- India has shown academic innovations over the years, but on a limited scale and never in the comprehensive universities.
- Internationalisation is central to academic success in the 21st century — and India has been notably weak. The inability in recent years to pass legislation relating to foreign branch campuses and other relationships with overseas universities is an indication of the problem.

Way forward

- Just as important as autonomy are innovative ideas from the top universities themselves, of which there has been little evidence. Releasing the imagination of Indian professors is necessary. Ensuring that universities have imaginative leadership is also a key necessity.
- Carefully studying what has worked abroad may also provide useful ideas.
- The national ranking initiative needs to be extended throughout the higher education system and requires simplification.
- Overly complex arrangements must not get in the way of practical solutions.
- The Study in India initiative and proposals relating to relationships between Indian and foreign institutions are useful beginnings. But more thinking must go into these ideas. For example, it is not enough to focus on Asia and Africa and full degree programmes. Students and post-docs from Western countries for shorter-term study are necessary to provide new ideas.

Conclusion

- India has the advantage of using English as the main language of higher education. Are

Indian universities finally awakening to the challenges of the 21st century? At least several innovative programmes, backed by government, are in the works. Implementing them effectively remains the key challenge.

HOW TO RULE DELHI

Introduction

- In ruling that the Lieutenant Governor of Delhi has no independent decision-making power, and has to act mainly on the aid and advice of the Council of Ministers, the Supreme Court has restored the primary role played by the “representative government” in the National Capital Territory.

The case of Delhi

- Though seen as a Union Territory, Delhi was created as a separate category, with an elected Assembly with powers to enact laws in all matters falling under the State and Concurrent lists, with the exception of public order, police and land. This gave it a status higher than other UTs.

Changing power equation in Delhi

- Until now, the situation was tilted in favour of the Centre because of the Lt. Governor’s claim that he had the authority to refer any matter to the President. The proviso that allowed him to make such a reference was used to block major decisions of the elected govt.
- The Delhi High Court agreed with this two years ago, giving the impression that administrative decisions needed the Lt. Governor’s concurrence.
- In a judgment that essentially reaffirms the constitutional position, the Supreme Court has ruled that the Lt. Governor has to ordinarily act on the aid and advice of the Council of Ministers. At the same time, it has retained the Lt. Governor’s powers to refer matters to the President for a decision. However it has significantly circumscribed this power.
 - The power to refer “any matter” to the President no longer means “every matter”.
 - Further, there is no requirement of the Lt. Governor’s concurrence for any proposal.

What lies ahead of the SC judgement ?

- The ‘reference’ clause may give rise to conflict even now. However, the court has significantly limited its potential for mischief. It has not given an exhaustive list of matters that can be referred.

- But Justice D.Y. Chandrachud, in a separate but concurring opinion, has indicated that it could “encompass substantial issues of finance and policy which impact upon the status of the national capital or implicate vital interests of the Union.” Every trivial difference of opinion will not fall under the proviso.
- Overall, the verdict is an appeal to a sense of constitutional morality and constitutional trust among high functionaries. It has ruled out Mr. Kejriwal’s demand of full statehood, and the critical powers — over police, land and public order — still remain vested with the Centre.
- However, the court having stressed that the elected government is the main authority in Delhi’s administration, the controversies over the arbitrary withholding of Cabinet decisions may end, or at least diminish.

Conclusion

- The basic message is that an elected government cannot be undermined by an unelected administrator. The larger one is that the Union and its units should embrace a collaborative federal architecture for co-existence and inter-dependence.

STOPPING THE RUPEE’S FREE FALL

Why has this issue cropped up?

- The rupee last week fell to an all-time low of 69.09 against the U.S dollar. The currency has fallen about 7.5% since the beginning of the year, making it the worst-performing currency in Asia.

Why is it falling?

- The tightening of monetary policy by the U.S. Federal Reserve has caused the price of American debt to fall and yields to rise (bond prices and yields move in opposite directions). This, in turn, has pushed investors to pull money out of India and other emerging market economies in order to invest in the U.S., where they can get higher returns. The dollar has benefited immensely as a result.
- Meanwhile, Indian importers have rushed to purchase oil which is in short supply. This has caused the value of the rupee, which is used to purchase the dollars required to buy oil in the international market, to fall.
- Moreover, investors have also been worried about the government’s rising fiscal deficit. A burgeoning fiscal deficit raises the risk of the Reserve Bank of India (RBI) printing rupees to fund the expenses of the government, thus weakening the rupee.

What lies ahead?

- The RBI, which raised interest rates for the first time in more than four years last month, is likely to tighten the supply of money. This may help contain dollar outflows from investors seeking higher yields in the U.S., thus shoring up the value of the rupee.
- The RBI might also look to intervene directly in the foreign exchange market to prop up the value of the rupee.

ALLIES, INTERRUPTED

Why has this issue cropped up?

- There are enough signs that relations between India and the United States have suffered, with officials in both capitals now freely conceding that their interests are diverging.

How the relations have suffered?

- U.S. decision to walk out of the multilateral nuclear deal with Iran, and the U.S. Congress's CAATSA law sanctioning Iran and Russia have set up an inevitable conflict. It's insistence on tough sanctions against all those continuing to engage with Iran and Russia limits India's options on energy security and defence procurement.
- India has taken a policy turn away from four years of a pro-U.S. tilt. PM's speech at the Shangri-La Dialogue, in which he invoked the long-lapsed phrase "strategic autonomy", set at rest any doubt that there is a reset in his foreign policy. Since January, he has personally reached out to the Chinese and Russian Presidents in informal summits, and invited the Iranian President to Delhi.
- At variance with the U.S. position on limiting engagement with these very countries, India promised to raise oil imports from Iran this year, committed to far greater engagement on the Chabahar port project and oilfields in Iran, while negotiating a \$5.5 billion deal with Russia for the S-400 Triumph missile systems. These will trigger U.S. sanctions unless the two countries reach a compromise.
- Now, the postponement of the Indian Foreign and Defence Ministers' "2+2" dialogue with their U.S. counterparts has denied the governments a chance to gather together the fraying bilateral threads.

Conclusion

- India must now decide how best to deal with the ultimatums, with U.S. sanctions kicking in by November. The clock is ticking on the relationship. It is imperative that the dialogue be quickly rescheduled.

EVOLVING SAFETY PROTOCOLS FOR DAMS

Why has this issue cropped up?

- The Dam Safety Bill of 2018 addresses the concerns raised about the safety of over 5,200 large dams in India and about 450 which are under construction.

Need of Dam Safety Bill

- A lack of legal and institutional architecture for dam safety raises fears about unsafe dams, and the possibility of consequent disasters and loss of life and property.

Proposals of the Bill

- The Bill proposes uniform dam safety procedures. It provides for surveillance, inspection, operation and maintenance of specified dams and the constitution of a National Committee on Dam Safety to evolve safety policies and recommend necessary regulations.
- Also envisaged is the establishment of a National Dam Safety Authority as a regulatory body to implement the policy, guidelines and standards for dam safety.
- The Bill proposes the constitution of State-level committees on dam safety.
- The legislation addresses procedures concerning dam safety, including regular inspection of dams, emergency action plan, comprehensive dam safety review, adequate repair and maintenance funds for dam safety, instrumentation and safety manuals. In fact, it lays the onus of dam safety on the dam owner and provides for penal provisions.
- The National Dam Safety Authority is to liaison with the State Dam Safety Organisations and the owners of dams for standardisation of safety-related data and practices. This authority shall provide technical and managerial assistance to the States and State Dam Safety Organisations, and maintain a national level database of dams and the records of major dam failures. It shall examine the cause of any major dam failure and publish and update the standard guidelines and check-lists for the routine inspection and detailed investigations of dams and appurtenances.
- The National Authority is empowered to examine unresolved points of issue between the State Dam Safety Organisations of two States, or between the State Dam Safety Organisation of a State and the owner of a dam in that State.
- At the level of the States, State Committees on Dam Safety will ensure proper surveillance, inspection, operation and maintenance of all specified dams in that State and ensure their safe functioning.
- These State Dam Safety Organisations are to be manned by officers from the field, preferably with expertise in dam-designs, hydro-mechanical engineering, hydrology, geo-technical investigation, instrumentation and dam rehabilitation.

DON'T BLAME IT ON WHATSAPP

Why has this issue cropped up?

- Rumours on WhatsApp that there are child kidnappers and cattle traders roaming around have led to mob lynchings.

The debate

- Consequently, a debate has been framed around the growing use of technology by the “ignorant” masses and the responsibilities of a technology platform.

Is this debate justified?

- This is a shallow understanding that distracts us from the harder, vexing questions on the deepening divide that is damaging fraternity within society, and the structural reforms necessary to restore law and order.
- The first fact is that the government maintains no central data on public lynchings. The legal framework in India does not have any anti-lynching offences either.
- The second fact is that in the absence of official data or a substantive law, media reports which quote the police become the principal source to build a public narrative. In the lynching cases this year, it is claimed that the common factor is the use of WhatsApp to spread rumours relating to the abduction of children, ostensibly for the purpose of forcible organ harvesting. These grotesque details underplay and ignore the fact that the victims of mob lynchings are quite often members of nomadic tribes and religious minorities.
- The third fact is that these lynchings are not removed from the trend of mob lynchings spurred by cattle preservation laws.
- Taken together, these three facts indicate our willingness to reach for quick and easy fixes which are harmful public policy prescriptions.
- This is not to say that WhatsApp does not need to act with greater responsibility in supporting fact-checking or making technical, product choices which would stem the tide of misinformation without compromising on digital rights. But WhatsApp cannot and should not perform the duties of our democratically elected government.
- Our problematic framing is leading to public officials and police departments escaping accountability as they continue to place the onus of governance on a private corporation for maintaining an ordered and democratic society.

Conclusion

- As Paul Brass notes, it is the duty of public commentary to “fix responsibility and penetrate the clouds of deception, rhetoric, mystification, obscurity and indeterminacy”.

THE PROBLEMS WITH THE HECI DRAFT

BILL

Introduction

- The draft Higher Education Commission of India Bill, 2018 (HECI), aims to replace a historical statutory body, the UGC; push for more government control; and stifle critical thinking on campuses.

Why a new bill?

- As the education system is the most potent instrument for shaping a country's future, and given India's massive youth population, reframing the education system in a manner that will reflect the government's agenda is clearly imperative for it.

Why replace UGC?

- The UGC, it is argued, is preoccupied with disbursing funds and is unable to concentrate on mentoring higher education institutes, focus on research, and implement other quality measures required in the education sector. So, the HECI will focus solely on academic matters while grants will be issued by the Ministry.

Is replacing UGC justified?

- The argument is perplexing as what is expected of the higher education system as envisaged by the govt. can very well be done by the UGC.
- To do so, the UGC needs to be restructured in a manner that will ensure that its autonomy is strengthened without any scope for patronage politics and political interference.
- However, no such restructuring has been attempted, taking into account the UGC's founding goals, achievements, shortcomings and the reasons for such shortcomings.

Concerns with HECI

- One, the govt maintains that the transformation of the regulatory set-up is based on the principles of minimum government and maximum governance. However, the nature of the structure of the commission and its advisory council shows that they are bound to have more "government" in decision-making processes rather than academics.
- Two, sweeping powers render the HECI more authoritative than the collective strength of campus authorities. The powers and functions of the HECI trivialise the concept of autonomy, not the least because "non-compliance (of directions of the HECI) could result in fines or jail sentence." This means that the authority of the HRD Ministry will be strengthened. Also, under the new terms of engagement, universities will have to take the concurrence of the HECI before offering a course. This restricts the freedom of a university's Board of Studies.
- Three, with its mandate of improving academic standards with a specific focus on learning outcomes, evaluation of academic performance by institutions, and training of

teachers, the HECI is likely to overregulate and micromanage universities.

- Four, the proposal to empower the Centre to remove the HECI's chairperson and vice-chairperson for reasons including "moral turpitude" will again curtail the regulator's autonomy, which in turn will impact the autonomy of universities.
- Five, instead of allowing institutions to evolve over time based on their specific needs, focussing on homogeneous, one-size-fits-all administrative models will go against the ethos of academic freedom, diversity, and knowledge production, and will help attempts to corporatise the education sector.
- Six, the move to replace the UGC with the HECI points to the Centre's aim to restrict the role of the States in matters relating to education.

Obstacles in way of higher education in India

- Despite being a country with a huge young population, higher education remains a privilege; many do not yet have access to it, mainly because it is not affordable. Also, those who do have access attend universities to further their life chances; aiming to get their university in the world's top 500 list is not their priority.
- Education is a continuum from lower to higher. The quality of higher education is determined by the quality of lower education, which is extremely poor.
- The number of Scheduled Castes, Scheduled Tribes, and Muslims who have access to even basic education, let alone higher education, remains abysmal.

Conclusion

- Even the poorest child in India should have access to the best education that will benefit and improve his or her future. Education must serve as ladder for those in the lower rungs of society.

A CLEAN COOKING STRATEGY

Energy use is a key indicator of living standards across the world.. Affordable, reliable and clean energy for cooking is essential not only for reducing health and environmental impacts but also helping women to do more productive work and developing the rural economy.

Comparing the options

- Among the various fuel options available, biogas accounts for the lowest effective greenhouse gas emission; PNG and then LPG are next.
- Further, a comparison of the levelised cost of various fuels, annual life cycle emission per household (kg/CO₂ equivalent) and extent of in-house air pollution for various cooking fuels suggests that biogas and PNG are the best cooking energy options.

- Cooking fuels emit substantial amounts of toxic pollutants which contribute to indoor air pollution. In households with limited ventilation these pollutants could lead to severe health problems. Among the various options available for cooking fuel, biogas and natural gas are cleaner fuels for combustion.

Govt initiatives towards cleaner fuel

- National level programmes to ensure that most switch to clean cooking fuels have been initiated since the 1980s, the National Project on Biogas Development (NPBD) being an example.
- Once again, in order to ensure access to clean energy —a key focus area for poverty alleviation —the government launched a flagship programme, Pradhan Mantri Ujjwala Yojana in May 2016. with a cumulative target of providing LPG connections to more than eight crore families.
- Further, the Petroleum and Natural Gas Regulatory Board (PNGRB) has been holding auctions across cities for distribution of gas for cooking through PNG.

Obstacles to clean energy

- The National Project on Biogas Development (NPBD) has been hampered by mala fide practices, poor construction material, a lack of maintenance, misrepresentation of achievements and a lack of accountability and follow-up services.
- Since conventionally, governments have been subsidising LPG and as such a consumption-based subsidy is not available for biogas and PNG, it has led to a preference for LPG over other cleaner, safer, more cost effective and locally available options (biogas in rural areas).

What can work

- To promote biogas in rural and semi-urban areas, adopting the service-based enterprise model with suitable resource availability offers a sustainable approach. It will also help self-drive the programme. The model is being successfully implemented in Hoshiarpur, Punjab.
- There is a need to provide financial support and facilitate capacity building in order to promote enterprise-based models for community-level plants.
- The cost-competitiveness of natural gas (including imported re-gasified LNG) calls for scaling its penetration in urban and semi-urban/rural areas.
- PNG needs to be promoted in urban areas beginning with the densely populated Tier-I and Tier-II/III cities, making LPG just one of the options to choose from rather than it having an edge over others.
- To further enable a consumer to freely make cooking fuel choices, consumption-based subsidies need to be replaced with a functional subsidy that is provided on the basis of household income levels and local variables.
- Possibility of leakages must also be eliminated by ensuring that subsidies of any kind

are provided only through direct benefit transfer.

Conclusion

- As India takes a long-term view on sustainability and energy security, it is important to create an environment where its citizens are aware of the options and make their energy choices based on the nature of the fuel and not because of socio-economic constraints.

Relevance: GS 3

MERCENARY CONSERVATION

Why has this issue cropped up?

- Karnataka recently drafted Private Conservancy Rules in a bid to increase forest area through private land.

What do these rules provide?

- Under the rules, anyone who has a minimum of 100 acres of land bordering a national park can convert it to a "Wildlife Private Conservancy".
- Of this land, 5% can be used to construct buildings for ecotourism; the rest has to be kept for flora and fauna.

Criticism of these rules

- The move has received criticism, with activists and retired forest officers concerned that this could lead to illegal activities in private spaces.

The Africa way

- Though policies are different in India and South Africa, there has been much talk about how we are going down the Africa way with this new approach.
- In South Africa, agricultural land can be converted into wildlife reserves. The government specifies how much land is required for each animal, purchases are then made, and wildlife is introduced. Some game reserves allow hunting, which is legal.
- Though these wildlife spaces are massive, they are private and hence fenced. This constantly challenges and changes the natural behaviour of wildlife. Some reserves have two sections: one with lions and one without.
- However, predators ensure survival of the fittest, and as a corollary, their absence leads to overgrazing and excess population.
- There is also a territorial issue: in enclosed spaces, an alpha cannot be established easily

as the non-alphas are unable to find new ground. This leads to more infighting and behavioural disturbances.

- Also, the rules for poaching are still in the grey. Rhinos are regularly poached for their horns. Reserves urge people not to geo-tag their location, for example on social media, in fear of poachers noticing.
- Even though South African game reserves claim to respect wildlife, it is a business for them as their animals are bred and gunned down for money. If money weren't a motivating factor, the spaces would have continued being agricultural lands.

STAYING VIGILANT ON NIPAH

What are the latest Nipah-related developments?

- A swift and unexpected outbreak of the Nipah virus in Kerala has finally ended. Also, last week, the National Institute of Virology found the Nipah virus in Kozhikode's fruit bats, suggesting that the virus had travelled to humans from bats.

Will such outbreaks happen again?

- Even though West Bengal and Kerala are the only States that have seen Nipah outbreaks, the virus and antibodies have been detected in bats in Assam and Haryana too. So, yes, it could.
- Bats in other places have not been tested, which means we do not know if the virus is circulating in these locations.

Which countries faced the outbreak?

- The virus was found in countries which never saw an outbreak, such as Thailand, and the only known outbreaks so far have been in Malaysia, Bangladesh and India.

If the virus was always in Kerala's bats, why didn't an outbreak happen earlier?

- The transmission of a virus to humans, or zoonotic spillover, is a rare event for Nipah.
- A number of factors must come together for spillover to occur.
 - First, the bats must carry a lot of the virus.
 - Second, bats must come in close contact with humans. This is happening more frequently with deforestation and urbanization.

Two modes of spread

Two modes of spillover have been identified so far.

- In Malaysia, the virus moved to humans from pigs that had consumed bat-bitten fruit.
- In Bangladesh, patients drank palm sap in which bats had urinated.

Why the global interest in a local outbreak?

- Nipah virus can potentially trigger global pandemics.
- At present, the virus transmits inefficiently, through respiratory droplets, to people within a metre of sick patients.
- If the microbe mutates to become airborne, or evolves to transmit via patients who are asymptomatic, it will be hard to control. Sadly, every outbreak gives the virus the chance to mutate.
- With a fatality rate of over 80%, the virus could become a big killer.

RHETORIC AND REALITY

Why has this issue cropped up?

- The withdrawal of the U.S. from the Human Rights Council (HRC) of the United Nations in June this year sent shock waves through the international community, foreign-policy think-tanks and human rights non-governmental organisations.

Origin of HRC

- The HRC was established in 2006, as part of the UN's reform process, replacing the United Nations Commission on Human Rights.

Functioning of HRC

- Council members are elected by the General Assembly with three-year terms, with a maximum of two consecutive terms.
- It was to serve as a forum for all states to examine and 'peer review' the record on human rights.
- The 'Universal Periodic Review' process, where all states are scrutinised, is currently in its third cycle (2017-2021). No state is exempt from this process, including Security Council members

Criticisms against HRC

- The main criticism against it is that it is made up of states not known for their human

rights records; that many are in fact egregious violators of human rights.

- Current members include Saudi Arabia, the Philippines, Pakistan, and the United Kingdom.

So why is the HRC still important despite this crisis?

- What gets lost in all the rhetoric regarding the HRC is the actual track record — the overt manner in which a human rights agenda and the evolution of human rights norms are facilitated — and also less tangible gains from having such a body composed of states and actually engaging with them.
- Resolutions adopted have highlighted egregious violations despite efforts to the contrary by some members of the HRC. The situation in Syria, Yemen, Myanmar, and North Korea are but a few.
- Subject areas that have been the source of much controversy have been addressed at the HRC, including LGBTIQ rights and discrimination on the basis of religion.
- The HRC is also a forum to monitor international obligations of a state based on international law that states themselves have undertaken. Engagement on their track record, in defence of rights is critical. This forum for advocacy and scrutiny, with its pitfalls, is an important component of the UN rights system.
- Another aspect overseen by the HRC is the appointment of special rapporteurs — independent mandate holders — on issues including internal displacement, torture, racial discrimination, as well as country specific mandates. In addition, there are distinct international commissions of inquiry and fact-finding missions into particular violations.

OHCHR and HRC

- It is also worth pointing out that the role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) is often confused with the HRC. It is a separate institution which presents reports independent of the HRC, the recent report on Kashmir being an example.
- The conflation of the HRC and the OHCHR is incorrect and confuses their separate mandate and functions. Hence, there are multiple strands in the monitoring functions of human rights by UN institutions, one of which is the HRC. In the promotion of human rights, all these play a critical role.

Why US withdrew from HRC?

- The factor that precipitated its withdrawal is the alleged targeting of Israel by the HRC.
- While ostensibly committing to reform, the impatience of the current U.S. administration and its disdain for multilateralism has resulted in the impetuous decision to withdraw.

Is it worth withdrawing from HRC?

- By ceding a role at the HRC, a state reduces its ability to influence the agenda, and if it is so inclined, a genuine engagement in the monitoring of human rights.

- Invoking sovereignty as the basis to disengage is specious at best and malafide at worst.
- Not just states but also individuals who are in need of a more robust defence of their rights stand to lose much.
- It is worth instead contemplating the need to reduce rhetoric and, rather, increase substantive engagement with issues concerning the rights of individuals.

A LIST OF QUESTIONABLE EMINENCE

Why has this issue cropped up?

- The govt. has released a list of “Institutes of Eminence(IoEs)”.

Significance of IoEs

- The government’s list of ‘Institutes of Eminence’ (IoEs) was awaited for the simple reason that finding a place in it would help an educational institution avoid the clutches of a dreaded regulator.

The IoEs

- The government has chosen a total of six institutions — three public and three private — for the IOE status.

The regulator: UGC

The University Grants Commission (UGC) has, over more than half a century, micromanaged this space, leading to a large number of publicly funded universities, producing low-level ‘knowledge’, which have shattered the aspirations of our youth.

The reform: HECI

- The governments in the past decade have tried to revamp the regulatory environment for higher education. The latest offering is in the form of a proposed Higher Education Commission of India (HECI).
- The intention is to leave the HECI to focus on quality while leaving funding of public institutions to the Ministry of Human Resource Development (MHRD).

The concern with HECI

- It has raised the issue of the possibility of bias, leading to concerns that the government may use its discretion to reward institutions according to its ideological predilections.

- While this is an ever-present hazard in a democracy, one cannot in principle object to an institutional arrangement whereby an elected government exercises its right to allocate funds. One can only pressure it to be impartial and accountable in its actions.

Conclusion

- In this episode of drawing up a list of IoEs, we are able to see what will determine whether the HECI can make a difference. Its membership will matter more than the institutional architecture governing higher education in India.

MOON SHINE

Why has this issue cropped up?

- Recently, the South Korean President Moon undertook a four-day visit to India. This speaks of his commitment to improving bilateral ties.

Relations with South Korea

- Despite the personal touch, and ambitions to align India's Act East policy with Korea's New Southern Policy, ties have drifted for lack of focus.
- Trade, at \$20 billion, is a fraction of the potential, given that India and South Korea are Asia's third and fourth largest economies.
- The Korean companies cite problems in doing business in India, despite a special "Korea Plus" desk set up by the Prime Minister's Office in 2015.
- Tourism between the two countries has always been low, and strategically both New Delhi and Seoul are preoccupied with tensions in their immediate neighbourhoods and ties with the big world powers than with each other.

Initiatives to improve relations

- Agreement to invoke the "early harvest" clause in the 2010 CEPA will allow both to do away with tariffs in 11 areas, benefiting Indian seafood exporters and food processing units, as well as South Korean petrochemical companies.
- The inauguration of Samsung's biggest mobile factory in Noida will bring investment and create jobs in India.
- More Korean companies should be persuaded to invest, by projecting a counter-narrative to the failed bid by the steel company Posco to set up its plant in Odisha.
- Much will depend on negotiations on the regional free trade agreement, the Regional Comprehensive Economic Partnership.

- India has asserted its place as a “stakeholder” in the Korean peace process, while South Korea has for the first time shown an interest in talking about an Indo-Pacific policy.
- In the short term, a symbolic token towards shared interests will be seen in a joint “capacity-building” programme in Afghanistan.

Conclusion

- At a time when U.S. foreign policy is capricious and unpredictable, and China’s is making purposeful moves towards global domination, it is important that the South Korea-India partnership grows and consolidates, to contribute to stability in the region.

A WELCOME MOVE

Why has this issue cropped up?

- In a vital decision that will help secure the rights of Internet users in the country, the Telecom Commission has approved the recommendations of the Telecom Regulatory Authority of India (TRAI) on net neutrality.

What is net neutrality?

- Net neutrality is the basic principle of an open Internet that does not allow for content discrimination by ISPs.
- The user is free to access any web location at the same paid-for speed without any discrimination by the ISP. This proviso has helped democratize the Internet.

Comparison with other nations

- Internet pioneers have consistently maintained that the principle of net neutrality is built into the structure of the Internet itself.
- It is to the credit of the Telecom Commission and TRAI that this principle has been upheld in India — in contrast, in the U.S., on President Donald Trump’s watch, the Federal Communications Commission repealed net neutrality regulations that had been put in place by the Barack Obama administration.

Conclusion

- In India the steep growth in Internet access and use has allowed for newer services to thrive. The government should now ensure that net neutrality is followed in practice.

THE WUHAN BREAKTHROUGH

Introduction

- The Nepalese have quickly grasped that playing the India versus China card to further their cause is history. The Wuhan summit in April between Prime Minister Narendra Modi and Chinese President Xi Jinping has been a game changer.

How the Wuhan summit changed India-China equation?

- Lines of “strategic communications” have opened up between Indian and Chinese establishments.
- The arterial flow of information exchange has meant that India and China can be joint custodians rather than rivals in managing their neighbourhood of shared interests.

The ‘two plus one’ dialogue

- Chinese leaders proposed during their talks with Mr. Oli, a ‘two plus one’ dialogue mechanism.
- China and India will comprise the ‘two’, while the ‘plus one’ would be Nepal.
- The new arrangement would prop up an integrated approach towards trilateral development.
- While the ‘two’ would be the constants, the ‘plus one’ would be the variable. Instead of being a Nepal-specific formulation, Beijing and New Delhi could engage with any third country in the region, and arguably even beyond, wherever unruly competition between the two is to be avoided.
- The ball is now in India’s court to respond to China’s two-plus one formulation. Nepal offers the perfect opening to test whether Beijing and New Delhi can dock their collective rise and uplift their neighbours based on their genuine consent.
- By grasping the two plus one opening, India will have the opportunity to join and shape the conversation of co-developing Nepal in a trust-building partnership with China.

Conclusion

- If the Nepal pilot project works, the ‘two plus one’ formula can become the template for the peaceful rise of South Asia, synergised by India and China as the twin engines of regional growth.

SHOULD WHATSAPP BE HELD ACCOUNTABLE FOR LYNCHINGS?

YES

- Misinformation and propaganda have flooded our messaging apps and little is being done by WhatsApp to fix this.
- WhatsApp needs to change its platform to enable messages to be either public or private. Messages between individuals should remain private and not be those that can be forwarded.
- However, if a message creator wants to enable the forward ability of that message, the chat should be treated as public, and attributed with a unique ID linked to the original creator. This will allow WhatsApp to shut down such a message across its network once it is reported, and identify the creator when a court-directed request is made by law enforcement agencies. This will ensure accountability, allow the platform to remain neutral, and ensure that illegal speech is addressed.

NO

- The government must educate the public and law enforcement agencies should do their job.
- Messaging platforms are only one actor in the chain of malafide content that is being spread.
- The chain of malafide content being spread includes people who are creating such content, people who are forwarding such content, people who are organising the mobs, and authorities who are responsible for maintaining law and order.
- Would it help if we only forced one mobile messaging platform to take steps to stop the spread of malicious videos? Yes, it may help for now, but the forces that seem to be getting better at social media-led attacks will use an alternative platform.
- We must also keep in mind that India is perhaps the only place in the world where mobile messaging has led to such a widespread mass exodus and lynchings. Why hasn't the same happened in other countries?
 - Clearly, one of the reasons is that such behaviour is being engineered by powers with vested interests that are detrimental to India.
 - But there is also the fact that we have some uneducated, underexposed and gullible citizens who are living in a society with deep fissures and mistrust.
- It is necessary for the government to urgently educate the public.
- Similarly, enforcement agencies need to develop standard operating protocols to tackle such situations.
- Such a step needs to be reinforced by appropriate regulatory changes that make it

mandatory for entities in the chain of information dissemination to share appropriate alerts with the law enforcement authorities, in a real-time electronic format.

IT'S COMPLICATED

- The demands to hold WhatsApp as the sole responsible party for the lynchings underscores a classic response from our society: blame the messenger and avoid looking into the mirror.
- This problem actually has multiple facets.
 - First, if people sometimes take the law into their own hands, it is because they believe that the government is unable to prevent violations of public order, that the government cannot investigate or prosecute those responsible and secure justice. Investigating those responsible for the crime that occurred in real life, not online, should not be complicated. If the perpetrators are brought swiftly to justice, the message that there is no impunity for mob justice will ring loud and clear. The demands for action should be directed at law enforcement agencies which have the responsibility of maintaining law and order.
 - Second, the responsibility of WhatsApp should be assessed with appreciation for how the platform actually works. This should not be used as an excuse to break encryption and deprive secure communications to users.
 - Third, WhatsApp is responsible, as any business must be, for assessing the social risks it creates and for helping manage those risks. A system that broadcasts intense emotional signals must take account of its effects. That doesn't mean regulating it out of existence, but we as a civil society have a right to expect careful analysis not only of business opportunities, but also of social needs.

INDIA NEEDS SMART URBANISATION

Why has this issue cropped up?

- Over 34% of India's current population lives in urban areas rising 3% since 2011.

India's urban problem

- Cities look and feel downtrodden, riven with poverty and poor infrastructure, with little semblance of urban planning.
- While over 90 'Smart Cities' have identified 2,864 projects, India lags on implementation.
- There is still an outstanding shortage of over 10 million affordable houses.
- The annually recurring instances of floods in Mumbai, dengue in Delhi and lakes on fire in

Bengaluru paint a grim picture.

- One primary problem is that of the definition of what's urban. Urban development comes under State governments, with the Governor notifying an area as urban based on parameters such as population, density, revenue generated for the local administration, etc. With such a vague definition, discretionary decisions yield a wide variance in what is considered an urban area.
- Another issue is the low level of urban infrastructure investment and capacity building. India spends about \$17 per capita annually on urban infrastructure projects, against a global benchmark of \$100 and China's \$116.
- Governments have announced a variety of schemes, the Jawaharlal Nehru National Urban Renewal Mission included, but implementation has been mostly inadequate, with exploration of financing options limited as well.
- Urban institutions also suffer from a shortage of skilled people.

Historical context of our urban development

- Our cities have been witness to multiple transitions over the last century, with barely any time to recover and adapt — the British creation of three metropolitan port cities, combined with the rollout of the railway network, transformed India's urban landscape, relegating erstwhile prominent Mughal-era towns such as Surat and Patna into provincial backwaters.
- The creation of hill stations in northern India and the advent of the plantation economy, along with industrial townships (such as Jamshedpur) transformed trading networks.

Way forward

- There needs to be a systemic policy to deal with urban migration. Preventing such migration can be counterproductive. Lowering the cost of migration, along with eliminating discrimination against migrants, while protecting their rights will help raise development across the board.
- The creation of cantonments and civil lines areas, along with railway stations, in our major cities led to the haphazard growth of urban areas away from bazaars and towards railway terminals. Transforming them into neatly organised urban spaces is needed.
- Perhaps we need a different model of urbanisation. The announcement of a new urbanisation policy that seeks to rebuild Indian cities around clusters of human capital, instead of considering them simply as an agglomeration of land use, is a welcome transition.
- We need to empower our cities, with a focus on land policy reforms, granting urban local bodies the freedom to raise financing and enforce local land usage norms.

Conclusion

- For an India to shine, the transformation of its cities is necessary.

DIFFERENT MESSAGES, DIFFERENT METHODS

Why has this issue cropped up?

- As the recent visits to Africa by Prime Minister Narendra Modi and Chinese President Xi Jinping underscore, both India and China are shaping new narratives of engaging with Africa.

Africa's changing engagement with the world

- Africa's global outreach was once driven by its engagement with the developed world. But this is changing as not only are African countries seeking other partners but emerging powers in Asia are also growing in self-confidence and seeing this as an opportunity to tap into.

Importance of Africa for India and China

- For both China and India, bolstering economic ties are of paramount importance though Africa's trading patterns with the Asian giants still remain rather traditional; Africa exports raw materials and imports manufactured goods.
- While India-Africa trade grew from \$11.9 billion (2005-2006) to \$62.66 billion (2017-2018), it is still no match to China, which is now Africa's largest trading partner (\$166 billion in 2011).
- The Indian private sector has yet to take full advantage of the investment climate in Africa.
- Indian engagement with Africa lays emphasis on the long term — enhancing Africa's productive capacities, diversifying skills and knowledge, and investing in small- and medium-sized enterprises. China's approach is more traditional — resource-extraction, infrastructure development and elite-level wealth creation.
- Both India and China are laying emphasis on infrastructure and connectivity projects in priority regions of the world as the next phase of economic globalization.
- In China's ambitious Belt and Road Initiative (BRI), East Africa and the Indian Ocean Region are key focus areas.
- India's cross-border connectivity with Eastern African countries and Indian Ocean island countries is a natural extension of New Delhi's desire to foster more robust people-to-people connections, increase investment-led trade and business opportunities, and strengthen bilateral partnerships.
- India is also seeking to reinvigorate its cultural links with East Africa under the rubric of Project 'Mausam', an initiative of the Ministry of Culture, which seeks to revive lost linkages with the Indian Ocean 'world' (East Africa, the Arabian Peninsula, the Indian subcontinent and Southeast Asia).

- India's African cross-border connectivity has three primary forms:
 - maritime-port connectivity under the government's Security and Growth for All in the Region (SAGAR) and the SagarMala initiative;
 - digital connectivity under the Pan African e-Network project on tele-education and tele-medicine (launched in 2004), and
 - air connectivity in the form of direct flights from Indian cities to African destinations.
- India, Japan and many African nations have also launched a trilateral initiative, the Asia Africa Growth Corridor (AAGC), to develop 'industrial corridors', 'institutional networks' for the growth of Asia and Africa, and to promote development cooperation.
- Where the AAGC is a consultative initiative between three equal partners (India, Japan and Africa), the BRI is more of a top-down, unilateral approach to secure Chinese interests, which would eventually traverse continental Asia to reach Europe.
- Africa features significantly in the security and geo-strategic considerations of both India and China.
 - India's security and defence cooperation with Africa is mainly limited to maritime cooperation in the form of anti-piracy operations off the coast of Somalia, deployment of Indian forces to UN peacekeeping missions in Africa, regular shipping visits, and joint-naval patrolling in the Western Indian Ocean Region.
 - China supports Africa's military transformation by providing equipment, advanced technology, and independent capacity-building in security — and the China-Africa Defence and Security Forum is an important development.

Conclusion

- It is inevitable that as the centre of gravity of global politics and economics shifts to the Indo-Pacific region, emerging powers like India and China will begin to play a larger role in Africa. There are significant differences in their approaches, and the challenge for them would be to develop partnerships with African nations in a way that makes Africa a part of their growth stories to.

MUZZLING INFORMATION

Significance of RTI Act

- The Right to Information (RTI) Act, 2005, has empowered millions of Indians to question governments and hold public functionaries accountable.
- Of the nearly six million RTI applications filed every year in the country, a large proportion are by the poorest and the most marginalised who seek information about their basic rights and entitlements, like rations, pensions and health facilities.
- The use of the law has not been limited to accessing information about delivery of basic services, however. The RTI Act has been used extensively by citizens to question the highest offices in the country — from the educational qualifications of the Prime Minister and assets of public servants to human rights violations and false claims made by government functionaries — and seek answers from them.

Attack on the RTI Act

- The RTI law has frequently faced a backlash from powerful vested interests. The latest attack on the legislation is the proposal of the government to amend it.

Why amend it?

- The proposed amendment bill seeks to destroy the independence of Information Commissions — the final adjudicators under the law. The RTI Act fixes the tenure of information commissioners at five years, subject to the retirement age of 65 years.
- The amendments seek to empower the Central government to decide the tenure, salaries, allowances and other terms of service of all Information Commissioners in the country.

Constitutional vs statutory body

- The rationale provided for undertaking the above step is that treating Information Commissioners on par with functionaries of the Election Commission is incorrect, as the latter is a constitutional body while Information Commissions are statutory bodies.
- This contention is inherently flawed. The principle of statutorily securing tenure, and protecting the terms of service by equating it to functionaries of constitutional bodies, is routinely adopted to ensure independent functioning of statutory oversight institutions like the Central Vigilance Commission and the Lokpal.
- The fixed tenure and high status conferred on Commissioners under the RTI Act is to empower them to carry out their functions autonomously, without fear or favour, and direct even the highest offices to comply with the provisions of the law. Empowering the Central government to decide the tenure and salaries of Information Commissioners is a clear attempt to undermine their independence and to effectively make Commissions function like regular government departments.

Status of Information Commission under the present govt

The last four years, however, have witnessed repeated attempts to undermine the RTI Act.

- The selection committee for the appointment of Central Information Commissioners is headed by the Prime Minister.
- Since May 2014, not a single Commissioner of the Central Information Commission has been appointed without citizens having to approach courts.
- It was without a chief for 10 months.
- Failure to make timely appointment of Commissioners is leading to huge backlogs of appeals and complaints resulting in inordinate delays in the Commission, which render the law meaningless for citizens.

Conclusion

- Whether the will of the people prevails and the RTI law, which safeguards peoples' fundamental right to information, is immunised this time from legislative challenge remains to be seen.

SANCTIONS RELIEF

Why has this cropped up?

- The U.S. Congress has allowed the introduction of a presidential waiver of its controversial Countering America's Adversaries Through Sanctions Act (CAATSA).

What is CAATSA?

- CAATSA, signed reluctantly by President Donald Trump last August would have forced his administration to impose sanctions on any country carrying out significant defence and energy trade with sanctioned entities in Russia, Iran and North Korea.

Why Trump was reluctant on CAATSA?

- Mr. Trump had objected, arguing that the law took away his powers to decide on such matters.

Why CAATSA against India?

- India made it clear it would go ahead with the S-400 Triumph missile system deal with Russia regardless of the U.S. law and the threat of sanctions.

How India argued against imposition of CAATSA?

India made a three-fold case for the waiver:

- that no weapons India bought would be used against the U.S.;
- that the U.S., which wants to partner with India in the Indo-Pacific, would hamper India's military abilities by applying the sanctions or denying the country crucial technology; and
- that India has significantly reduced its dependence on Russian military hardware while increasing defence purchases from the U.S., and it would be unfair if the U.S. rewarded the effort with punitive measures.

CAATSA modified

- The "modified waiver authority", or amendment to Section 231 of CAATSA proposed by Congress, allows the President to waive sanctions in certain circumstances, for six months at a time, as long as he certifies that it is in the U.S.'s national security interests and does not "endanger" ongoing operations.

Deteriorating India-US relation

- While the resolution of CAATSA-related sanctions is welcome, it isn't the only irritant in the U.S.-India relationship that needs the attention.
- The sanctions proposed by the Trump administration for energy trade with Iran still loom,
- Punitive measures at the World Trade Organisation over tariffs and counter-tariffs the two countries have imposed on each other is possible as well.

Conclusion

- Given the capricious and unpredictable policy swings Mr. Trump has shown, it will be prudent for New Delhi not to presume that the problems over CAATSA have fully blown over.

DETENTION NO CURE

Introduction

- The legislation to amend the Right to Education Act to give States the power to detain students who fail an examination in Class 5 or 8 is a negative measure.

Why detention is undesirable?

- It would weaken one of the progressive features of the RTE Act, which is to guarantee the continued presence of the child in school during the formative learning phase.
- The proposed change will allow State Boards to declare a student failed and detain her on

the basis of an examination, although Section 30(1) of the RTE Act holds out the assurance that no child shall be required to face any Board examination till completion of elementary education.

- There are genuine concerns on learning outcomes produced by India's schooling system. But these are determined not only by a student's effort but also by the number and quality of teachers, processes for continuous assessment and, crucially, active engagement of parents and the community in encouraging excellence.
- Detaining already disadvantaged children can only break it further, and render the RTE Act a dead letter.
- In 2016 the NITI Aayog found, based on a study in Punjab, that bringing back detention in elementary schooling would increase the dropout rate, impacting the poor and Dalits the most as they depended on government institutions.
- It may make another problem worse: when parents are unable to ensure regular attendance of children due to social circumstances, it is inconceivable that detaining them for non-performance will act as an incentive to attend school regularly.

Conclusion

- The move to introduce examinations as filters has not been fully thought through, and may be a hasty response to demands from State governments which want to be seen as acting firmly in favour of quality. Tinkering with the RTE Act without sufficient thought will erode a major constitutional achievement.

LAYERS OF PROTECTION

The amendments to the Prevention of Corruption Act, 1988, has been adopted recently by both Houses of Parliament.

Why amendments?

- Moves to make changes in this law, aimed at combating corruption in government, were largely centred on the misuse of one provision — Section 13 (1)d.
- This resulted in many honest officials being prosecuted even when they gained nothing and merely exercised their power or discretion in favour of someone.
- It had a chilling effect on governance and deterred bold decision-making, the amended form may have a liberating effect on honest officials.
- Besides, it is more concise and restricts criminal misconduct to two offences:
 - misappropriating or converting to one's own use property entrusted

to a public servant or is in his control, and

- amassing unexplained wealth.
- By making citizens liable for offering a bribe to a public servant, the anti-corruption law has been brought in line with the UN Convention Against Corruption. The only exception to this rule is when one is forced to give a bribe. The penal provision can empower people by allowing them to cite it to refuse to pay a bribe.

Problems with the amendments

- What happens when the police or any other agency refuses to register a complaint? People may be left in the lurch with no redress.
- Further, it may render them vulnerable to threats from unscrupulous public servants who collect money to speed up public services but do not deliver.
- The most unacceptable change is the introduction of a prior approval norm to start an investigation. When a prior sanction requirement exists in law for prosecution, it is incomprehensible that the legislature should create another layer of protection in the initial stage of a probe.

Way forward

- Public servants need to be protected against unfair prosecution, but a genuine drive against corruption needs a package of legislative measures.
- These should contain
 - penal provisions,
 - create an ombudsman in the form of a Lokpal or Lokayukta, as well as
 - assure citizens of time-bound services and whistle-blower protection.

A BALANCING ACT

Introduction

- It is unfortunate that India has not been able to shed the image of a highly corrupt nation even after seven decades of Independence. The average Indian believes that he cannot get even the basic services to which he is entitled under the law without greasing the palms of one or more officials at the ground level.

Significant changes

It is against this backdrop that Parliament has passed the Prevention of Corruption

(Amendment) Bill.

- The bill mandates prior government approval of the Central or State government to initiate investigation into corruption charges. Protection to government servants from arbitrary and unilateral action by anti-corruption agencies without prior permission from the government was earlier available only to the higher echelons, from the rank of Joint Secretary and above, before the Supreme Court struck down the so-called 'Single Directive'. The latest tweak extends this protection to all public servants.
- Another major change is the deletion of the whole of clause (d) of sub-section (1) of Section 13, which defines 'criminal misconduct' as the acquisition of a 'valuable thing' or 'pecuniary advantage' in a dishonest manner.
- One of the welcome amendments widens the definition of criminal misconduct to include the bribe giver too. In the past, the bribe giver had enjoyed immunity and that helped perpetuate corruption. There is, of course, the proviso that a person who had been coerced into giving a bribe cannot be proceeded against. It is incumbent on his part to report such coercion to the authorities within a week of the incident.

Are these amendments justified?

- The primary objective of these amendments is to tone down law enforcement excesses without diluting the authority of agencies like the CBI; or, in other words, to strike a balance between enforcement overzealousness and the need for stringent action against corrupt public servants.
- With some civil servants complaining that they had been wronged for discharging their lawful duties, such a balance is the need of the hour.

Problems with the bill

- The new directive that requires prior approval at the preliminary inquiry stage as well as before the registration of a regular case carries many imponderables, especially the risks involved in delegating authority to order commencement of investigations under the Act. The exercise involved here is enormous, given the size of India's bureaucracy and the entrenched sophistication of dishonest practices. If the sanctioning authority is itself dishonest, can you expect an objective application of mind
- The deleted clause was the sole effective weapon against a misbehaving senior official. This deletion (without substituting it with any other clause) is disappointing because corruption in high places is sophisticated and takes place in a highly clandestine manner.
- The amendments include a stipulation for a day-to-day trial and completion of court proceedings within two years in case of complaints by bribe giver. Where this is not possible, the judge concerned will have to record reasons for prolongation of the trial and give himself an initial extension of six months. Given the overburdening of the judiciary, even fast-track courts may be unable to stick to this deadline.

Conclusion

- These amendments do not answer the fundamental question of how to cleanse our public

administration. Is there a flaw in the psyche of the average Indian which pushes him to pay a price for securing a service without having to wait for it? If yes, we are fighting a never-ending battle which has earned us painful ignominy in world forums.

THE BIG FIVE AT 10

Why has this issue cropped up?

- Recently, BRICS, or the grouping of Brazil, Russia, India, China and South Africa, has produced Johannesburg Declaration. , One of the longest in recent years in its 10th summit.

Far from achieving goals

- There is little doubt that BRICS has grown in influence, expanded the arc of its interests, and established new institutions and partnerships in its first decade.
- Yet, the fact remains that BRICS is still far from achieving its initial goals:
 - reform of global financial governance,
 - democratisation of the United Nations, and
 - expansion of the Security Council — partially because two of its members (China and Russia) do not want the other three members (India, South Africa and Brazil) to obtain parity in the global pecking order.

Summit highlights

- In this backdrop, the 10th summit framed its deliberations against U.S. President Donald Trump's unconventional approach on world affairs, particularly the looming trade wars.
- BRICS leaders, therefore, stressed "the centrality of the rules-based, transparent, non-discriminatory, open and inclusive multilateral trading", based on the World Trade Organisation.
- This stemmed from their broader commitment to cooperate for strengthening multilateralism, the rule of law and an equitable international order.
- The other big idea emanating from the summit is to help nations to prepare for the Fourth Industrial Revolution. Participants embraced it, articulating the need for a new strategy on employment, education and skill development as the digital revolution unfolds.
- The summit saw further consolidation of the business pillar. The BRICS Business Council has been actively enhancing trade and economic cooperation in diverse sectors ranging from manufacturing and energy to financial services and regional aviation.

- Besides, the leaders renewed their commitment to an inclusive and “people-centred approach” on development.
- To Delhi’s satisfaction, four paragraphs in the summit declaration were devoted to the problem of international terrorism.
- But no decision was taken to set up the BRICS credit rating agency that India favours.
- The India-South Africa partnership helped to ensure that the Johannesburg Declaration was balanced and well-rounded in its orientation.

Way forward

- BRICS Partnership on New Industrial Revolution (PartNIR), however, will make a meaningful contribution only if it goes beyond the five ministries of industry. It should engage with the private sector and young innovators working at the cutting edge of technology today.

Africa, BRICS Plus

- The BRICS outreach to Africa began at the last summit hosted by South Africa, in 2013; it has picked up momentum now.
- But African leaders want more. They need big loans from the New Development Bank (NDB) for their infrastructure projects.
- China introduced the “BRICS Plus” format at the Xiamen summit last year by inviting a few countries from different regions. South Africa emulated it, arranging the attendance of top-level representation of five nations of its choice: Argentina, Jamaica, Turkey, Indonesia and Egypt.
- The precise role of “BRICS Plus” countries will take time to evolve. An immediate benefit is the immense opportunities it provides for networking among leaders.

Prospects of BRICS

- As a partnership that represents over 40% of the world’s population and accounts for 22% of global GDP, BRICS will continue to be an influential voice as long as its convergences prevail over its divergences.
- Changing power equations within BRICS are being watched closely. China’s dominance is a reality even as the grouping asserts the sovereign equality of all members.
- China-Russia proximity has been a continuing factor.

Conclusion

- The critical question is whether BRICS’s exertions will have appreciable impact on G-7, the grouping of the developed countries, which is in disarray, and particularly on the U.S. administration.

THE CASE FOR INCREASING THE RETIREMENT AGE OF JUDGES

Proposals to increase age of retirement of judges

- The issue of increasing the age of retirement for judges featured in the Venkatachaliah Report as early as 2002.
- A half-hearted attempt was made in 2010 to bring in the Constitution (114th Amendment) Bill to raise the retirement age of High Court judges to 65 from 62 years. The amendment never came through.
- The idea of increasing the age of retirement, which has gained traction in recent times, has now been brought into sharp focus by Justice Kurian Joseph of the Supreme Court.

The case in Western democracies

- A retirement age of around 70 for judges is commonplace in most Western liberal democracies.
- Some of them even opt for tenures for life. In the Supreme Court of the United States, and in constitutional courts in Austria and Greece, judges are appointed for life.
- In Belgium, Denmark, Ireland, the Netherlands, Norway and Australia, the retirement age for judges is 70 years. Judges in Canada and Germany retire at 75 and 68, respectively.

Why increasing the age of retirement?

- One, it will ensure the continued presence of a strong talent pool of experienced judges.
- Two, new judges can be appointed without displacing existing judges.
- Three, it will address the problem of mounting arrears.
- Four, it will be a buffer against impending litigation explosion.
- Five, it will render post-retirement assignments unattractive and, as a consequence, strengthen the rule of law and the independence of the judiciary, both of which are crucial to sustain democracy.

A GOOD BEGINNING

Introduction

- Given the vast amounts of personal data being collected by private companies and state agencies, and their flow across national jurisdictions, the absence of a data protection legal framework in India has been a cause for deep concern.

Legislation on data

- The need for legislation was underlined last year with the landmark judgment in Justice K.S Puttaswamy v. Union of India that held the right to privacy to be a fundamental right.
- Against this backdrop, the draft legislation on data protection submitted by a committee of experts chaired by Justice B.N. Srikrishna provides a sound foundation on which to speedily build India's legal framework.
- It seeks to codify the relationship between individuals and firms/state institutions as one between "data principals" (whose information is collected) and "data fiduciaries" (those processing the data) so that privacy is safeguarded by design. This is akin to a contractual relationship that places obligations on the entities entrusted with data and who are obligated to seek the consent of the "principal" for the use of personal information.
- The draft legislation puts the onus on the "data fiduciary" to seek clear, informed, specific and free consent, with the possibility of withdrawal of data of the "principal" to allow for the use and processing of "sensitive personal data".
- In many ways, the draft legislation mirrors the General Data Protection Regulation, the framework on data protection implemented in the European Union this May, in providing for "data principals" the rights to confirmation, correction of data, portability and "to be forgotten", subject to procedure.
- It envisages the creation of a regulatory Data Protection Authority of India to protect the interests of "principals" and to monitor the implementation of the provisions of the enabling data protection legislation.

The grey areas in the bill

Taken together, the draft bill and the report mark a welcome step forward, but there are some grey areas.

- The exemptions granted to state institutions from acquiring informed consent from principals or processing personal data in many cases appear to be too blanket, such as those pertaining to the "security of the state". These are hold-all phrases, and checks are vital.
- The report recommends a law to provide for "parliamentary oversight and judicial approval of non-consensual access to personal data". Without such an enabling law, the exemptions provided in the bill will fall short of securing accountability from the state for activities such as dragnet surveillance.

Conclusion

- The grey areas must spark public and parliamentary debate before a final legislation comes to fruition.

A FUNDAMENTAL ERROR

Why has this issue cropped up?

- August 24 will mark the first anniversary of the affirmation of the right to privacy the Supreme Court. Hence, few days before it i.e., today, this article has been published.

What had court said in its judgement?

- The court imposed upon the government an obligation to make a law safeguarding a person's informational privacy, commonly referred to as data protection.

What were the main provisions of the Supreme Court judgement?

- It stated the primacy of the individual as the beneficiary of fundamental rights.
- It rejected the argument that the right to privacy dissolves in the face of collective notions of economic development.

The Personal Data Protection Bill, 2018

- The Union government had tasked a committee headed by Justice B.N. Srikrishna to formulate such a law in July last year. This committee has made recommendations and produced a draft law titled the "The Personal Data Protection Bill, 2018"

Problem with Srikrishna Committee recommendations

- The recommendations do not only undermine the legal principles within it but also re-interpret them.

How the Srikrishna Committee recommendations do not comply with Supreme Court judgement and hence with the Constitution?

- The committee gives primacy to Directive Principles over the Fundamental Rights. This ignores the very structure of the Constitution in which the chapter guaranteeing enforceable Fundamental Rights precedes the Directive Principles of State Policy. In doing so, the report allows the state the most convenient means by which it can realise its regulatory agenda but this is not an objective laid out by the right to privacy judgment.
- The report says that to see the individual as an atomised unit, standing apart from the collective, does not flow from our constitutional framework. This again goes against the

historical consensus of what Constitutions and rights exist to do: protect every citizen of the republic against incursions into the freedoms that exist naturally.

- By re-framing and re-interpreting the right to privacy, the report entrenches the positions of the two entities which already wield the most power over ordinary Indians: corporations and the government.

Conclusion

- Our fundamental rights, whether to speech, equality or practice our religion or profession, are all essential facets that make life worth living and are held up by the right to privacy with regard to information about us. In stating that rights are not things which are essential in themselves is an unacceptable position to take under our Constitution.

FRIENDS OR SEOUL-MATES?

Why was this article published?

- South Korean President visited India in July. Hence, this article was published few days after it i.e. today. Seoul is the capital of South Korea.

Why did he visit India?

- This is because South Korea is seeking to improve India-South Korea relations.
- During his visit, South Korean President pointed out that his government wished to elevate relations with India to the same level as with other major powers in the world — namely, the U.S., China, Japan and Russia.

Recent significant steps taken by South Korea to improve the relations:

- South Korea launched an initiative called New Southern Policy last year to step up its engagement with India and the ASEAN countries.
- That step was a first in South Korea's diplomatic history, and it demonstrated its desire to shape a new paradigm of Seoul-New Delhi relations.
- Additionally, this year, South Korea set up a state-run research centre on India and ASEAN under the Korea National Diplomacy Academy.

What lies behind South Korea's new posture towards India?

- In recent times, South Korea has been heavily impacted by power politics between the U.S. and China.
- The clash between the two countries over the deployment of the U.S. Thaad missile

defence system in the Korean Peninsula set off an economic retaliation by China against South Korea, whose economy is highly dependent on the Chinese market.

- Further, the ongoing U.S.-China trade war has heightened uncertainty surrounding South Korea's core economic interests.
- To escape the power politics in Northeast Asia, South Korea believes that it should diversify its relations with other major powers in the region, including India which they see as a viable alternative partner.

Areas in which India-South Korea relations can be improved:

- Working together on ensuring freedom of navigation,
- Overflight and unimpeded lawful commerce in the Indo-Pacific region;
- South Korea backing India's bid for Nuclear Suppliers Group membership, especially when New Delhi has faced sustained opposition from China; and
- both nations working with third countries on a tripartite basis for regional development, exemplified by plans for capacity-building programmes in Afghanistan.

Conclusion

- Given the immense potential for cooperation to bring about real change that could benefit India, South Korea and the broader region, South Korean President's visit signals a deepening of bilateral ties driven by mutual strategic interest.

NO EASY HEAD COUNTS

Why has this issue cropped up?

- The differences in the size and share of population across States in India in 2011 as against that in 1971 have raised widespread apprehension regarding the disadvantage of States that have performed better in population stabilisation efforts in allocation of funds.

Why are states apprehensive?

- A particular demographic divide has been observed between States with an attained replacement level of fertility and those yet to attain the same. Hence, raw population size or share being considered in determining the allocation of funds will make those States with moderate or low population stabilisation efforts winners, while those States that have done extremely well in achieving the national goals set in the Five-Year Plans to reach replacement level of fertility will be losers.

Is such a shift from 1971 to 2011 benchmark sensible?

- The shift in benchmark for reference population from 1971 to 2011 makes sense on account of the transformation of the population composition of States owing to attained increase in longevity and lowering levels of fertility.
- Moreover, as a third of India's population is mobile, changes in population structures due to mobility would be also considered as a result of this shift. For instance, as in the 2011 Census, 37.46% of the population is reported as migrants.

What factors should be taken into account for allocation of funds to states?

- The allocation of resources should necessarily recognise the needs of a State based not merely on the count of its people but also on the composition that may be varied depending on the stages of demographic transition that it has experienced over the last 40 years.
- When the Centre transfers financial resources to States, it is possible to adjust the transfer based on State in-migration and out-migration rates. For instance, inter-State migrants from West Bengal and Assam to Kerala need attention from the State of Kerala and would thus require additional resources to accommodate its in-migrants with support services.
- It would be wise to avoid using raw population size or shares in the calculus of determining these weights. The solution lies in looking at it in terms of measures that moderate such distances through the recognition of differential needs of different States, keeping at par with their population structures.
- States vary considerably in terms of the characteristic composition that requires determining equivalence in population size and their share for eligible comparison. In computing such equivalence, the least we can consider are the levels of dependency and longevity. While levels of dependency need to be recognised by the State towards human capital formation, longevity differences need to be taken into account for their bearing on social protection.
- For instance, on an average, a Keralite lives 23 years after completing 60 years due to low mortality and high life expectancy. Of course, Kerala has the lowest rate of population growth in India among the States. Should we reduce the financial allocation because the State has slowed the rate of growth of population? Absolutely not. This is because the elderly need to be looked after by providing health care and social security, in addition to facilitating dignity at death. We should add quality to the added years in Kerala and this requires financial resources for the State of Kerala.
- Apart from these two aspects — dependency and longevity — India's population has become increasingly mobile with the magnitude of internal migration now amounting to a third of the entire population. Such mobility has resulted in 'losing and gaining' States, with negative and positive net migration. This aspect cannot be overlooked as migrants often form a significant share of the economically active population at the destination. Similarly, their absence in the State of origin makes space for substitutions in the workforce.
- In addition, it is also time to examine the demographic dividend. States such as Bihar, Rajasthan, Madhya Pradesh and Uttar Pradesh are in their peak in demographic dividend

and offer windows of economic opportunities for their youth, both in internal and international migration. The evidence is clear from the data available from the Ministry of External Affairs which indicate that Uttar Pradesh is the leading State in terms of sending emigrants to the Gulf in low-skilled and unskilled occupations. This leading position was held for several years by States such as Kerala and Tamil Nadu. Now they are 'losing States' in terms of demographic dividend and entering into the second demographic transition — population ageing.

- Given the seven criteria for transfer of resources to States (income distance, tax effort, index of infrastructure, population, area, fiscal capacity distance and fiscal discipline) to design a weighing structure, five of them involve 'population' in their computation. Hence, population equivalence needs to be computed and should replace the raw population figures which have become more divergent than what they were during in 1971.

MISADVENTURES IN EDUCATION

Why has this article been published?

- The Ministry of Human Resource Development (MHRD) has put out for public consultation the draft Higher Education Commission of India (HECI) Bill, which seeks to replace the University Grants Commission. Second, the Right to Education (Amendment) Bill, 2018, was passed by the Lok Sabha on July 18 and is now before the Rajya Sabha. It seeks to eliminate the no-detention policy and reintroduce testing for Classes V and VIII.

Aim of the above initiatives

- Such initiatives in education are triggered by a long-standing concern that we need a thorough policy shift in our systems of education.

Concerns on the HECI Bill

- It makes the problem worse through over-centralisation and enhanced political interference. The move to entrust all grant-giving powers to the Ministry can lead to politicisation of grant allocation and more interference by the bureaucracy.
- Further, instead of preserving autonomy, the Bill allows the Chairperson of the new Commission to be a member of the Central government, something expressly prohibited in the UGC Act.
- The bill also transgresses the autonomy of higher educational institutions by allowing micromanagement, for instance, on syllabi.
- The new over-arching body does not involve the States sufficiently and or accommodate

the diverse needs of the country.

Detention policy

- The Right to Education (RTE) Bill 2018 does away with the policy that children cannot be detained till they complete elementary education in Class VIII.
- This would potentially push out many children who are unable to meet standards because they have been deprived of quality education.
- The no-detention policy was to be implemented together with continuous assessment, which would help identify learning deficiencies and correct them. However, the education system has failed to provide continuous assessment and so the government is falling back on examinations and detention, which can lead to students becoming discouraged and higher dropout rates.
- Nine years since the launch of the RTE we have achieved near universalisation of enrolment of children at the elementary level. The no-detention policy is successful in that sense. However, if the aim is to improve learning outcomes, the policy alone is unhelpful. To improve learning outcomes in children, there are other specific provisions in the RTE that need attention. Besides maintaining a good pupil-teacher ratio (PTR), proper infrastructure like all-weather buildings, barrier-free access in schools, separate toilets for boys and girls are pertinent measures to improve qualitative standards enshrined in the RTE.
- Declining funds is another reason why the RTE has not been implemented in letter and spirit. Allocations for the Sarva Shiksha Abhiyan, the main vehicle to drive RTE implementation, have remained much below the resource estimates made by the MHRD.
- No-detention can work only if there is improved quality, which the current amendment to RTE does not ensure.

DATA LOCALISATION IS NO SOLUTION

Why has this article been published?

- On July 27, the Justice Srikrishna Committee released its report accompanying the draft Personal Data Protection Bill. In its report, it mentioned that that eight of the top 10 most accessed websites in India are owned by U.S. entities. The committee seeks to correct this.

How US-owned websites impact us?

- This has often hindered Indian law enforcement agencies when investigating routine crimes or crimes with a cyber element.

- Police officials are forced to rely on a long and arduous bilateral process with the U.S. government to obtain electronic evidence from U.S. communication providers.

Thus, there has been calls for data localisation by Indian policymakers' from foreign technology companies.

Recent demands of localization of data

- The last few months have witnessed an amplification in data localisation demands, with the Reserve Bank of India, to take one example, calling for local storage of financial data.

How do Indian agencies get access to data now?

- Indian law enforcement relies on an outdated Mutual Legal Assistance Treaty (MLAT) process to obtain data stored by U.S. companies because the U.S. law effectively bars these companies from disclosing user data to foreign law enforcement authorities.

Demand by Personal Data Protection Bill

- The Bill calls for a copy of user data to be mandatorily localised in India, believing that it will "boost" law enforcement efforts to access data necessary for investigation and prosecution of crimes.

Is data localization the solution?

- A fundamental error that the Srikrishna Committee seems to have made is in its belief that the location of data should determine who has access to it.
- Technology companies are allowed to share data such as content of an email or message only upon receiving a federal warrant from U.S. authorities.
- This scenario will not change even after technology companies relocate Indian data to India.
- The committee too acknowledges that data localisation is not a perfect solution.
- Its decision is borne out of hope that when questions of data access are determined, their storage here will give rise to a strong Indian claim. This is not an unreasonable expectation, albeit a weak one.
- Even if Indian authorities force compliance from U.S. companies, it will only solve a part of the problem as the draft bill mandates local storage of data relating to Indian citizens only. Localisation can provide data only for crimes that have been committed in India, where both the perpetrator and victim are situated in India.
- Prevalent concerns around transnational terrorism, cyber crimes and money laundering that the committee rightly highlights will often involve individuals and accounts that are not Indian, and therefore will not be stored in India. For investigations into such crimes, Indian law enforcement will have to continue relying on cooperative models like the MLAT process.

The CLOUD Act

- The Clarifying Lawful Overseas Use of Data (CLOUD) Act, passed by the U.S. Congress

earlier this year, seeks to de-monopolise control over data from U.S. authorities.

- The law will for the first time allow tech companies to share data directly with certain foreign governments. This, however, requires an executive agreement between the U.S. and the foreign country certifying that the state has robust privacy protections, and respect for due process and the rule of law.
- The CLOUD Act creates a potential mechanism through which countries such as India can request data not just for crimes committed within their borders but also for transnational crimes involving their state interests. Access to data would be determined by where the user is located and the reasonableness of claim that a country has in seeking her data.

Shortcomings in the draft bill

- On procedural questions of law enforcement access, the draft Bill falls very short. The Committee, while imposing data localisation, should have necessarily tackled how this data will be obtained by police authorities.
- The draft Bill was an opportunity to update India's data protection regime to qualify for the CLOUD Act.
- The Bill, while recognising principles of legality, "necessity and proportionality" for data processing in the interest of national security and investigation of crimes, fails to etch out the procedural rules necessary for actualising these principles.
- Even rudimentary requirements such as a time limit for which data can be stored by law enforcement are missing from the Bill.
- The Committee has sought to localise data for law enforcement but categorically refused to afford this data any procedural protection. The Committee has instead placed the onus on Parliament to enact another comprehensive legislation for surveillance reform.

Conclusion

- With the highest number of users of American technology offerings and a high number of user data requests, second only to the U.S., India is a clear contender for a partnership under the CLOUD Act. If New Delhi recognises this opportunity and reforms laws around government access to data, both the Indian user and law enforcement will be better served in the long run.

DRAFTING A DATA PROTECTION BILL

Why has this article been released?

- Recently, a draft Personal Data Protection Bill, 2018 has been released. This bill is the outcome of Srikrishna Committee report.

What is the objective of the bill?

The objective of the Bill is to balance the growth of the digital economy and use of data as a means of communication between persons with a statutory regime that will protect the autonomy of individuals from encroachments by the state and private entities.

How does the bill define 'personal data'?

- The bill defines personal data as information relating to a natural person.

Important features of the bill

- The draft Personal Data Protection Bill, 2018, recognises privacy as a fundamental right.
- It has provisions to protect personal data as an essential facet of information privacy.
- The Bill applies to the processing of personal data where such data have been collected, disclosed, shared or otherwise processed within India.
- It includes the processing of personal data by the state, any Indian company, any Indian citizen, or any person or body of persons incorporated or created under Indian law.
- The Bill also brings within its ambit the processing of personal data by data fiduciaries or data processors located abroad in connection with business, systematic activity of offering goods or services to data principals, or profiling of data principals within the territory of India.
- Breach of personal data involves unauthorised or accidental disclosure, acquisition, sharing, use, alteration, destruction, loss of access to personal data that compromises the confidentiality, integrity or availability of personal data to a data principal.
- The Srikrishna Committee has complied with the Supreme Court's suggestion that collection, processing and storage of personal data should be limited to the stated purpose, which has to be clear, specific and lawful.
- The Bill mandates that data fiduciaries should retain personal data "only as long as may be reasonably necessary to satisfy the purpose for which it is processed". There should be a periodic review done to check if continued storage of data is necessary.
- The Bill allows processing of personal data for "prompt action" only if it is necessary for any function of Parliament; or any State Legislature to render service or benefit to citizens; or in response to any medical emergency to the data principal; or in cases of epidemic, outbreak of disease, disaster or breakdown of public order.
- The Bill includes the 'right to be forgotten', which is the right of a data principal to restrict or prevent continuing disclosure of personal data by a data fiduciary.

CHECKING THE NEW ABNORMAL

Why has this article been published?

- Dismayed by the increasing number of cases of lynching across the country, the Supreme Court gave some directions last month.

Observations made by the court

- The court took note that what may have started out as isolated acts by fundamentalist right-wing groups has now become a widespread malaise.
- When any core group with some kind of idea take the law into their own hands, it ushers in anarchy, chaos, disorder and, eventually, there is an emergence of a violent society.

Directions given by the court

- It is the responsibility of the States to prevent untoward incidents and to prevent crime.
- The preventive guidelines require every State to designate a senior police officer, not below the rank of Superintendent of Police, as the Nodal Officer in each district.
- This officer will constitute a special task force to collect intelligence on persons likely to commit such crimes or who are involved in spreading hate speech, provocative statements and fake news.
- Nodal Officers, upon being designated, have been directed to take steps to prohibit instances of dissemination of offensive material through different social media platforms or any other means.
- Additionally, both the Central and State governments have been directed to broadcast public notifications on radio, television and other media platforms informing the public of the consequences of taking the law into their hands.
- Amongst the remedial measures, the Supreme Court has directed that in case of an incident of lynching or mob violence, the jurisdictional police station shall immediately lodge a first information report (FIR).
- The Station House Officer, in whose police station such an FIR is registered, shall intimate the Nodal Officer whose duty it will be to ensure that the victim's family members are not further harassed.
- Nodal Officers have been made duty-bound to ensure that investigation and prosecution of such cases is strictly carried out, the charge sheet filed within the prescribed time period, and the trial concluded through fast-track courts within six months.
- The court has also directed that upon conviction, the maximum sentences provided for various offences be awarded, and this should hopefully act as a deterrent.

Way forward

- The executive must immediately implement the directions of the Supreme Court.
- It is not just the attackers who must be brought to justice; the role of the police must be

investigated.

- We need more than just laws to deal with the deep-rooted hate which appears to have set in below the surface and is corroding our moral fibre.

Conclusion

- Deep-seated insecurities are being stoked, especially among young people frustrated by the lack of employment opportunities, to spread a fundamentalist agenda. This agenda cannot be fought by court directives, legislation and police procedures alone. It must be fought politically.

CHANGE GEARS

Why has this article been published?

- India's law governing motor vehicles and transport is archaic, lacking the provisions necessary to manage fast motorisation.

The Motor Vehicles Act, 1988

- The lacunae in the Motor Vehicles Act, 1988, require to be addressed to improve road safety, ensure orderly use of vehicles and expand public transport.
- The Motor Vehicles (Amendment) Bill, passed by the Lok Sabha last year, seeks to do this, but it has now run into opposition in the Rajya Sabha.

Why has the amendment bill been opposed in the Rajya Sabha?

- It has been opposed because of its perceived shift of power from the States to the Centre.
- Some State governments are concerned about the new provisions, Sections 66A and 88A, which will empower the Centre to form a National Transportation Policy through a process of consultation, and not concurrence.
- The changes will also enable Centrally-drafted schemes to be issued for national, multi-modal and inter-State movement of goods and passengers, for rural mobility and even last-mile connectivity.
- Since all this represents a new paradigm that would shake up the sector, several States have opposed the provisions as being anti-federal.

Way forward

- The passenger transport sector operating within cities and providing inter-city services has grown amorphyously, with vested interests exploiting the lack of transparency and regulatory bottlenecks. With a transparent system, professional new entrants can enter the sector.

- State-run services have not kept pace with the times. Major investments made in the urban metro rail systems are yielding poor results in the absence of last-mile connectivity services. Creating an equitable regulatory framework for the orderly growth of services is critical. This could be achieved through changes to the MV Act that set benchmarks for States.
- Enabling well-run bus services to operate across States with suitable permit charges is an imperative to meet the needs of a growing economy. Regulatory changes introduced in Europe over the past few years for bus services have fostered competition, reduced fares and increased services operating across European Union member-states.
- The proposed amendments to deal with road safety are likely to achieve little without strong enforcement by the States.
- The effort to curb institutionalised corruption at Regional Transport Offices by making it possible for dealers to directly register new vehicles, and enabling online applications for driving licences is welcome.
- Care is needed to see that other measures, such as sharply enhancing fines for rule violations, do not only result in greater harassment.
- It is the certainty of enforcement, zero tolerance and escalating penalties that will really work.
- There are some new provisions to harness technology, including CCTV monitoring, to improve road safety, but these cannot produce results when there is no professional accident investigation agency to determine best practices.

REFORMING THE CIVIL SERVICES

Why has this article been published?

- A recent move by the Centre seeking applications from ‘outstanding individuals’ to fill in 10 posts of Joint Secretary has caused consternation. A petition has been filed in the Supreme Court against the decision of lateral entry.

Apprehensions regarding this move of the govt

- Many serving Indian Administrative Service (IAS) officers see this move as threatening their hegemony.
- Some retired officers and political opponents consider this as the beginning of the end of a “neutral and impartial” civil service with the likely induction of loyalists to the current dispensation.

- It has also been argued that this marks the “privatisation of the IAS”. Doubts have been expressed if private business houses would “plant” their people in order to influence government policies.
- One perceived fear is that the number of such lateral entrants may be increased with time and that the political leadership, by creating a ‘divide and rule’ mechanism, would further demoralise the ‘steel frame of governance’.
- The second related fear is that in the garb of recruiting outstanding individuals, politically indoctrinated persons will be inducted into the system.

Need of lateral entry

- Higher bureaucracy in the secretariat often has to examine proposals received from specialised departments/corporations.
- However, question has often been raised, in this context, is whether the higher bureaucracy is equipped to comprehend complex economic and technical issues in order to properly aid and advise the Minister.
- Can a career civil servant, recruited through a tough competitive examination, cope with the increasingly complex matrix of decision-making at the senior levels of government?
- Can an IAS officer, however brilliant and diligent she might be, based on her experience at the sub-district and district levels, handle diverse portfolios from civil aviation to power to defence?

Is it the first instance of lateral entry?

- Specialists like engineers, doctors, agricultural scientists, lawyers have always had a substantial say in the decision-making process as also in its implementation. Lateral entry at the level of Secretary has met with some success.
- Besides, Secretaries to the Departments of Atomic Energy, Science & Technology, Scientific and Industrial Research, Health Research, and Agricultural Research have always been scientists of eminence.
- Similarly, in departments like the Railways, Posts, etc., all senior positions are manned by Indian Railway or Postal Service officers. Therefore, there is nothing very original in the new initiative to allow entry at the level of Joint Secretary.

Way forward

- Concerted efforts should be made to help IAS officers, after their first decade of “immersion” in districts, acquire specialisation in broad sectors like social, infrastructure and financial, based on their qualification, aptitude and preference.
- These fears could have been allayed by letting the Union Public Service Commission (UPSC) handle the recruitment process, after defining the job requirements more explicitly.
- The government must ensure that only candidates, the likes of whom are not available in the existing system, are appointed. If they turn out to be truly outstanding, there should

be provisions to induct them permanently in the government, with approval of the UPSC, and consider them for higher postings.

- Ideas have also been advanced for IAS and other officers to gain work experience, for a limited period, in the private sector.
- The automatic mode of every member of the higher services reaching the top echelons requires a hard look. In view of this recent move, it is hoped that IAS and other officers will introspect why many of them turn out to be indulgent, self-serving and subservient to the political executive and how the system can be shaken to discourage such officers from ceaselessly moving upward, even after retirement.
- This move to reform the services should have come from within than from without.
- The government should have the best people at the helm of affairs and if there is a need to supplement the existing stock of talent by attracting fresh blood into the system, the IAS, in fact, should welcome such an inclusionary move.

Conclusion

- The lateral entry scheme, if implemented properly, may foster more competitive spirit, break the complacency of the higher civil servants and eventually prove to be a pioneering initiative in public interest.

DECODING THE DNA BILL

Why has this article been published?

- The DNA Technology (Use and Application) Regulation Bill, 2018 has been introduced in Parliament with a view to creating a national DNA database for solving crimes and identifying missing persons.

Ways to improve the bill

- Although DNA can be an important tool here, it is important that there are safeguards to protect human rights and prevent miscarriages of justice.
- Further, creating large databases is often not a cost-effective way to solve more crimes, and limited resources must be targeted effectively.
- Using DNA effectively during criminal investigations requires proper crime scene examination, trained and reliable policing, a trusted chain of custody of samples, reliable analysis, and proper use of expert evidence in court. Without these prerequisites, a DNA database will exacerbate rather than solve problems in the criminal justice system.
- The Home Ministry circulated a set of guidelines to States on how to search crime scenes

and collect, store and transport DNA samples in criminal cases. However, it is not yet clear whether these guidelines will be effective. Because many errors occur before samples get to the laboratory, the requirement for laboratory accreditation in the Bill should include quality assurance for crime scene examination.

- Consideration should be given to an independent forensic science regulator.
- There is also a need for elimination databases for police, crime scene examiners and laboratory workers, whose DNA may contaminate the evidence they touch.
- The Bill's proposed DNA Regulatory Board is still too powerful and insufficiently transparent or accountable. An independent ethics board should be set up. Provisions which give the government or the Board the power to amend aspects of the safeguards in the Bill, and to avoid accountability in court, should be deleted.
- The Board's responsibilities for privacy protections need an independent regulator: the easiest way would be prior adoption of a privacy or data protection bill (with a role for a data protection officer). This would allow individuals some recourse if their rights were not protected, important, especially following the Supreme Court's Right to Privacy judgment.
- A number of other privacy protections are also missing — the need to restrict DNA profiling so that it uses only non-coding DNA, a commonly used international standard for one.
- Rightly, the Bill includes provisions for the destruction of DNA samples and removal of innocent people's DNA profiles from the database. However, these provisions are inadequate: currently, the removal of innocent people's records is not automatic.
- Any international sharing of DNA profiles should also be covered by a privacy or data protection law and meet international human rights standards.
- Further, it is a best practice to separate the databases for missing persons and for criminals set up by the Bill, so that people who volunteer their DNA to help find their missing relatives are not treated as suspects for criminal offences. Provisions allowing the use of these databases for civil cases, for example to test paternity, should be deleted from the Bill.
- More detail is also needed to specify that volunteers must be fully informed about future storage and uses of their genetic information before they give consent.
- International evidence shows that the success of a DNA database is driven primarily by the number of crime scene DNA profiles loaded on to it, not by the number of DNA profiles from individuals, so proper crime scene analysis should be the top priority.

Conclusion

- Important safeguards and a cost-benefit analysis are still lacking for this Bill, which needs full parliamentary scrutiny.

DOES THE ANTI TRAFFICKING BILL ADDRESS TRAFFICKING?

Why has this article been published?

- India took a giant step towards the protection of its women and children when the Criminal Law (Amendment) Act was passed by the Lok Sabha in 2013.

What amendment was made in this bill?

- Section 370 of the Indian Penal Code (IPC) was substituted with Sections 370 and 370A, which defined trafficking and laid out the punishment for it.

Need of this amendment bill

Mere criminalisation of trafficking is not enough — several laws have not been implemented in letter and spirit in the absence of a comprehensive legislative framework.

Despite the 2013 law on trafficking, there has been an increase in the number of victims of human trafficking.

It is to tackle this menace that the comprehensive Trafficking of Persons Bill, 2018, was passed.

New forms of trafficking

There are aggravated forms of trafficking which have been introduced, such as

- trafficking for the purpose of begging, or
- bearing a child, or
- for the purpose of marriage or
- under the pretext of marriage by administering narcotic drugs, hormones, or chemical substances for the purposes of early sexual maturity, and so on.

Provisions of the bill

- Instead of mere criminalization, the Bill seeks to systematically combat the organized nature of trafficking. Multipronged approach
- The Bill ties together the approaches of prevention, rescue and rehabilitation to create a robust policy framework against trafficking.
- It places at its core the rights and welfare of victims of human trafficking.

- Under the Bill, prosecution under these offences will be made timely and efficient by special public prosecutors.
- The Bill provides protection to witnesses.
- It also seeks to maintain the confidentiality of victims by recording their statements through video conferencing and by in camera proceedings.
- It states that there will be time-bound trials and repatriation of victims.
- A rehabilitation fund has been introduced for the first time. This will be used for the physical, psychological and social well-being of victims.
- The Bill seeks to build the capacity of victims by providing capital, infrastructure, education and skill development to empower them to access justice and to prevent further trafficking.
- For the first time, the National Anti-Trafficking Bureau will coordinate with authorities in foreign countries and international organisations, and facilitate inter-State and trans-border transfer of evidence and materials.
- There will be State and District Anti-Trafficking Committees which will arrange for appropriate training and sensitisation of functionaries of all personnel.
- It is crucial to note that trafficking is an organised crime. In order to break the organised nexus, at the national and international levels, the Bill proposes attachment and forfeiture of property and to remit the proceeds of crime in the rehabilitation fund.
- It will also freeze bank accounts of those whose funds have been utilised to facilitate trafficking. By doing this, the Bill handicaps the organised trafficking networks.
- The Bureau will also develop and monitor a database on every crime under this Act. Such systematic surveillance of offenders will, in about three years, not only help prevent trafficking but pre-empt it

Conclusion

- The Bill does its bit. Now we must all come together to use it to deliver justice.

UNDOING A LEGACY OF INJUSTICE

Why has this issue cropped up?

- The Bombay Prevention of Begging Act was passed in 1959 by the State of Bombay, and has continued to exist in as many as 20 States and two Union Territories. But last week, in a remarkable, landmark and long overdue judgment, the Delhi High Court struck it down as inconsistent with the Constitution.

What does the Begging Act do?

- It criminalises begging. It gives the police the power to arrest individuals without a warrant.
- It gives magistrates the power to commit them to a “certified institution” (read: a detention centre) for up to three years on the commission of the first “offence”, and up to 10 years upon the second “offence”.
- Before that, it strips them of their privacy and dignity by compelling them to allow themselves to be fingerprinted.
- The Act also authorises the detention of people “dependant” upon the “beggar” (read: family), and the separation of children over the age of five.
- Certified institutions have absolute power over detainees, including the power of punishment, and the power to exact “manual work”. Disobeying the rules of the institution can land an individual in jail.

Problems with the Begging Act

- First, there is a definition of “begging”. The Act defines it to include “soliciting or receiving alms, in a public place whether or not under any pretence such as singing, dancing, fortune telling, performing or offering any article for sale” and “having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exist soliciting or receiving alms.” Not only do these vague definitions give unchecked power to the police to harass citizens but they also reveal the prejudices underlying the law.
- The pointed reference to “singing, dancing, fortune telling, performing or offering any article for sale” makes it clear that the purpose of the Act is not simply to criminalise the act of begging (as commonly understood), but to target groups and communities whose itinerant patterns of life do not fit within mainstream stereotypes of the sedentary, law-abiding citizen with a settled job.
- And the reference to “no visible means of subsistence and wandering about” punishes people for the crime of looking poor — but it also reflects the lawmakers’ desire to erase from public spaces people who look or act differently, and whose presence is perceived to be a bother and a nuisance.
- The Begging Act encodes into law the vicious prejudice that recently saw a prominent institution putting up spikes outside its Mumbai branch, to deter rough sleeping (they

were removed after public outrage).

- Once individuals fall within its clutches, the Begging Act effectively renders them invisible, by confining them to “certified institutions” after a truncated, summary judicial procedure.
- Like the poorhouses of 19th century Europe, it is based on a philosophy of first criminalising poverty, and then making it invisible by physically removing “offenders” from public spaces. Effectively, it places a cordon sanitaire around the poor and the “undesirable”, keeping them from accessing spaces reserved for the use of “respectable” citizens. For these people, the constitutional guarantees of pluralism and inclusiveness do not exist.
- The authorities have not hesitated to use the Begging Act as a weapon. Just before the 2010 Commonwealth Games, the Delhi government was engaged in combing operations to take beggars off the street, lest their presence embarrass the nation in the eyes of foreigners. Such operations are also a regular part of preparing for national events, such as Independence Day and Republic Day.

The details of the Delhi High Court’s judgement

- In its judgment delivered last week, the Delhi High Court held that the Begging Act violated Article 14 (equality before law) and Article 21 (right to life and personal liberty) of the Constitution.
- The government conceded that it did not intend to criminalise “involuntary” begging. The High Court noted, however, that the definition of begging under the Act made no such distinction, and was therefore entirely arbitrary.
- More importantly, it also held that under Article 21 of the Constitution, it was the state’s responsibility to provide the basic necessities for survival — food, clothing, shelter — to all its citizens.
- Poverty was the result of the state’s inability — or unwillingness — to discharge these obligations. Therefore, the state could not turn around and criminalise the most visible and public manifestation of its own failures — and indeed, penalise people who were doing nothing more than communicating the reality of their situation to the public.

Conclusion

- Poverty is a systemic and structural problem. The Delhi High Court has done its job in striking down a vicious law that criminalised poverty. But it is the task of the Legislative Assembly and the government to replace the punitive structure of the (now defunct) Begging Act with a new set of measures that genuinely focusses on the rehabilitation and integration of the most vulnerable and marginalised members of our society.

THE INEXORABLE WHEELS OF JUSTICE

Why has this cropped up?

- The recent hearings in the Supreme Court relating to the Sabarimala case have turned the spotlight on the status of religious faith in a system governed by the rule of law and the Constitution.

Faith vs Constitution

- A person of faith and belief feels that from the time of the advent of the Constitution, no religious practice has been safe in a system of Constitution-controlled governance.
- However, the clash between religious faith and the law is not of recent origin and it would be unfair to lay the blame at the doorstep of the Constitution. On the other contrary, it is an inevitable consequence of human evolution.
- For centuries, religious faith and the principles it enunciated were the “law” that regulated society. But in a democracy with the Constitution as a guiding force, it is natural that the new order would challenge the old, and the litigative battles that we see in court today are the struggles between that old order and the new in the path of human evolution.
- This is, however, not to say that the struggle between the law and religious faith did not exist before the Constitution came into existence. There were people who asserted the supremacy of the law over religious belief even in the pre-Constitution days. One such example was the “Tirupathi Mahant case” in the Madras High Court.

The Tirupathi case

- The East India Company, till the middle of the 19th century, oversaw the management and administration of the properties of the deity, Venkateswara or Srinivasa (or Balaji).
- After the Madras Regulation of 1817 was passed, the temple came under the Board of Revenue which supervised it through the District Collector.
- However, a movement in England (around 1840) disapproved a Christian company (the East India Company) administering Hindu and Muslim religious institutions.
- Consequently, the administrative reform management of the temple was handed over to a mahant who, as the head of that mutt, had his headquarters in Tirupathi. He was also commonly referred to as the Mahant of Tirupathi.
- When a flagstaff for the temple was erected, devotees donated large sums of money to acquire gold coins. These were to be placed in a vessel which was then buried at the base of the flagstaff.
- But soon a charge of criminal breach of trust and misappropriation was made against the mahant, with the allegation that the coins had been substituted with copper coins.
- Such a charge could have been proved or disapproved only by digging up the base of the flagstaff. But religious faith proved to be an obstacle. The mahant pleaded that the

flagstaff could not be dug up after it had been sanctified and installed and such a course would prove calamitous to the sentiments of worshippers.

- Interestingly, the high priest, much against public sentiment, persevered and filed an application to have the vessel produced. The Magistrate ordered the application as prayed for. Against the order of the Magistrate, a revision petition was filed before the Madras High Court which in turn led to one of the most sensational cases in its history.
- The court upheld the Magistrate's order. It was a revelation. The vessel had no gold, just base metals.

Conclusion

- Therefore, even before the adoption of the Constitution, our legal history is replete with interesting cases of religious faith versus the law. If for any reason the Sabarimala case were to induce heartburn among its ardent devotees, whatever be their sentiments, they must bear in mind that the Constitution cannot be blamed.

MAKING 'LATERAL ENTRY' WORK

Why has this article been published?

- The Indian government has taken the initiative to invite executives from beyond the ranks of the civil service to apply for certain Joint Secretary posts known as lateral entry.

How can lateral entry be successful?

The following elements can increase the chances of success:

- Establish objective criteria: The key decision makers involved in making a senior appointment should agree on what skills, qualities and experiences the role requires and the requirements agreed to should be the actually needed to be successful.

Having objective criteria also gives decision makers confidence that their appointments will be able to stand up to public scrutiny without fear of seeming biased towards or against candidates for caste, geography, political affiliation or other considerations.

- Target the talent you need: Top talent has many options outside of public service. Government, therefore, cannot sit back and wait for these candidates to present themselves. It must proactively identify and approach executives with the desired skills and experience.

- Look for potential to succeed in this environment: There are three key personal traits

that predict success of lateral hires in such roles.

- The first is resilience. Government bureaucracy can be tough on outsiders; it is essential to have the ability to persevere in the face of constant pulls and pressures and aligning multiple stakeholders.
- Successful lateral hires also have a high level of curiosity. They acknowledge that they don't have all the answers, are eager to learn and model their behaviour accordingly. These candidates know that while they may have many useful new ideas, they also have much to learn from career civil servants.
- Finally, they have the ability to engage others. The ability to build consensus among stakeholders is essential.
- Less is more when it comes to selection panels: The government screening process traditionally includes appearing before a section panel of three to five interviewers, who each take their turn investigating topics they have divided between themselves. Unfortunately, this approach often results in only a surface-level understanding of the candidate. One-on-one or two-on-one interviews allow for a much more meaningful exploration of key points of a candidate's career, their mindset and approach.
- Accelerate the new hire's integration: Successful recruiting is only part of the equation; the selected lateral hire must also be primed for success in his or her new organisation. Cultural differences between the executive's old and new environments should be identified and strategies should be developed so that the executive could use to navigate this change.

Conclusion

- India's lateral entry programme has the potential to introduce new thinking and new expertise into key ministries. Leveraging on lessons learned elsewhere will allow India to more completely draw from the country's rich array of talent while maintaining the objectivity necessary to preserve the public trust.

KEEPING DRY

Why has this article been published?

- The catastrophic impact of monsoon rainfall on several districts of Kerala has come as a grim reminder that the vigil against unpredictable natural disasters must never be relaxed.

What should be done?

Kerala's unusually heavy monsoon this year is in contrast to the long-period trend of rainfall. Between 1954 and 2003, Kerala had become drier in summer, but with an emerging frequency of destructive flash floods in rare events. This trend is expected to become stronger. This points to the need for governments to strengthen their resilience planning.

- It should begin with a programme to relocate people away from hazard zones along the rivers that were in spate in Kerala over the past week after the shutters of more than two dozen dams were opened.
- Finding suitable land is, of course, a challenge in a populous, forested State, but it is an absolute necessity to prepare for the future.
- It is reasonable to expect that with its efficient primary health care network, Kerala will take all measures necessary to avoid epidemics in the wake of the floods.
- The spectacular disaster this year also underscores the role of the government as the insurer of last resort for the average citizen. In Mumbai last year, for instance, those who had private household insurance cover against disasters discovered the limitations of such policies, since the companies were unwilling to pay many home owners for a key risk such as costly displacement from homes since the houses were not structurally damaged.

Conclusion

- All States naturally look to Kerala, with its record of social development, for evolving best practices to handle such natural disasters.

MAKING NHPM WORK

Why has this issue cropped up?

- Prime Minister Narendra Modi announced on Independence Day that Ayushman Bharat, or the National Health Protection Mission, will be launched formally on September 25.

Significance of this announcement

- It sends out the signal that the government is finally recognising the linkages between health care and economic development.

Hurdles in accomplishing the health goals?

- Political parties have not yet made the right to health a campaign issue.
- The National Health Policy does not recommend such a right.

- Since a majority of the families will be rural, and the secondary and tertiary public hospital infrastructure suffers from severe efficiency and accountability problems.
- The NHPM has a problem with the distribution of hospitals, the capacity of human resources, and the finances available for cost-sharing.
- Addressing the hurdles through the planned increase in public health spending to touch 2.5% of GDP, and 8% of State budgets, is the immediate challenge.

The origin of NHPM

- It originated from increasing awareness that it is unsustainable for a country of 1.3 billion people to rely on household savings to pay for health care.

What does NHPM offer?

- The NHPM is an ambitious initiative, providing a coverage of Rs. 5 lakh per family a year to 10 crore families chosen through the Socio-Economic Caste Census, mainly rural poor and identified urban workers.
- State governments, which will administer it through their own agency, will have to purchase care from a variety of players, including in the private sector, at pre-determined rates.

Ways to make NHPM effective?

- Reaching a consensus on treatment costs through a transparent consultative process is vital for a smooth and steady rollout.
- A large-scale Information Technology network for cashless treatment should be set up and validated.
- State governments should upgrade the administrative systems. National schemes on health provide an overarching framework, but the responsibility of executing them falls on the State governments.
- Reducing the cost of universal health coverage is imperative, and it requires parallel investments in the neglected public sector. Private insurance can only be a short-term option, and it clearly has limitations.
- Less ethical institutions have been found ordering unnecessary treatments to claim insurance compensation. An ombudsman to deal with complaints from NHPM users should, therefore, be a priority.
- The Centre should extend the scheme to all children and senior citizens, and cover out-patient consultation and essential drugs to sharply reduce out-of-pocket spending.

NO CHILD LEFT BEHIND

Why has this issue cropped up?

- There is an urgency to address poor nutrition in India, especially among children, adolescent girls and women. This has been re-confirmed in virtually every survey — from NFHS to the Global Nutrition Report and the Global Hunger Index (GHI).

Extent of malnutrition/hunger in India

- 25% of India's children less than 5 years old are still malnourished.
- More than 190 million people in India sleep hungry every night, and over half of adolescent girls and women are anaemic.
- Despite a 7% compound annual growth rate over the last decade and the various programmes to improve nutrition, levels of under-nutrition are unacceptably high.

Recent govt's initiatives towards hunger and malnutrition

- The recently announced flagship program of the Ministry of Women and Child Development will be anchored through the National Nutrition Mission (NNM), or Poshan Abhiyaan, with its own specific budget of Rs. 9,046 crore and a proposed World Bank loan of \$200 million, to ensure convergence among the various programmes of the government.
- Additionally, NITI Aayog has worked on a National Nutrition Strategy (NNS), isolated the 100 most backward districts for stunting and prioritised those for interventions.
- The National Nutrition Strategy (NNS) has set very ambitious targets for 2022 and the Poshan Abhiyaan has also specified three-year targets to reduce stunting, under-nutrition and low birth weight by 2% each year, and to reduce anaemia by 3% each year.

Way forward

- Exploring new models to address the structural and systemic issues on a priority basis, learning from what has worked or not, and single-minded focus on implementation will be critical to delivering better nutritional outcomes and meeting the Sustainable Development Goals, to which India is a signatory.
- Additionally, initiatives like Swachh Bharat Abhiyan, where implemented, will contribute positively to nutrition outcomes, and well-structured public-private partnerships could be the catalyst.
- The overhaul of capacity and capability in three existing programmes, designed to reach populations most at risk, should be the first priority — namely, the Integrated Child Development Services (ICDS); mid-day meals (MDM); and the Public Distribution System (PDS).
- For purposeful action, it is imperative to have common goals and metrics for improving nutrition, which can then be disaggregated by year, State, district, etc., into a nutrition dashboard, with metrics that are clear and measurable and a real-time tracking mechanism, much like we track economic data.

- The private sector, development agencies and civil society can and must play constructive role in realising these ambitious goals.
- Altering the fundamentals of poor nutrition requires multiple and sustained interventions over a period of time — increased availability and accessibility of nutritious food, potable water, hygiene and sanitation, primary health care, etc.
- The approach, commitment and resources have to be inter-generational, multi-sector, multi-dimensional and multi-year.
- To simplify a complex issue, the challenge for India is to simultaneously address insufficient and poor diets, inadequate hygiene and sanitation and better management of disease and infections.
- Success in this domain will be driven by coordinated action on multiple fronts, but there are at least three urgent priorities. Three priorities
 - One, to adequately re-engineer the ICDS, MDM and PDS for greater effectiveness. This is an ideal initiative for public-private partnerships. For example, involving the best nutritionists to work with local communities using easily available local ingredients. The key advantages of this supply model are that it engages local communities, generates employment and ensures minimal leakage. This will also ensure that space and other constraints of lack of hygiene at Anganwadi Centres do not become impediments in the supply of nutritious food.
 - Two, to mandate and scale staple food fortification comprising edible oil, wheat, rice and dairy products, in addition to salt. There is persuasive evidence from several countries of the efficacy and cost-effectiveness of large-scale staple food fortification to address “hidden hunger” or micro-nutrient deficiencies.
 - Three, multiple campaigns designed to inform, communicate and educate on nutrition-specific and nutrition-sensitive behaviours like breast feeding, diet diversity, hand-washing, de-worming, safe drinking water, hygiene and sanitation. Nutrition has to be “marketed” and made interesting, engaging, simple and personally relevant — this is an expertise where the private sector can meaningfully contribute.
- Nutrition is complex, and therefore its delivery must be simplified through greater awareness and actions. The delivery models must be collaborative across domains, with clear decision rights and hard-wired processes, enabled by technology and a significant investment in strengthening people competencies.

Conclusion

- Unless economic growth improves social and human development, it cannot be sustained. Equally, economic growth itself is impeded by low levels of productivity in an under-nourished and malnourished population.

SOVEREIGNTY AND SENSITIVITY

Why has this article cropped up?

The Border Roads Organisation, which helps build Bhutanese roads under Project Dantak, when decided in July to make the highway markers - the reflective stickers on railings that guide traffic on Bhutan's steep mountain roads - in shades of the Indian tricolour, it raised red flags among the Bhutanese.

Citizens were worried that this was an attempt by India to impose its flag on their countryside.

This incident is a clear indicator of heightened sensitivities in the Himalayan kingdom.

Third general election in Bhutan

- Bhutan will conduct its third general elections, which will be completed by October-end, marking 10 years of democracy in Bhutan.
- Some of the parties have taken an-India stand advocating self-reliant Bhutan devoid of any Indian interference.

India's perception in Bhutan

- The UPA government's decision to cut cooking gas subsidy just before the 2013 elections in Bhutan has often been shown as proof of Indian interference.
- The NDA gov't's actions, indicating a preference for one party (for example, Sheikh Hasina's Awami League in Bangladesh) or antipathy for another (such as for Mahinda Rajapaksa's Sri Lanka Freedom Party), have been noted closely in Bhutan.

What should India do in such circumstances?

- India must step lightly and thoughtfully around the upcoming election.
- The government would be best advised to keep high-profile visits at an arms length from the election process.
- The ensuing months may be a useful interlude to revise India's Bhutan policy and address several issues that have come up in the past few years — for example, the hydropower projects where delays in constructing and commissioning in Bhutan by Indian companies have led to the country's burgeoning national debt.
- India's power-surplus status and the advent of other renewable energies like wind and solar power will make it more difficult for Bhutan to ensure that its hydropower sector becomes profitable. And unless India finds ways to help, it will be accused of the same sort of "debt-trapping" that China is accused of today.
- India also needs to focus on policing cross-border trade better. The goods and services tax still hurts Bhutanese exporters, and demonetisation has left lasting scars on the banking system.
 - The biggest issue between India and Bhutan will remain how to deal with China. The Doklam crisis has brought home many realities for the Bhutanese establishment.

REALITY CHECK

Why has this issue cropped up?

- Chief Election Commissioner O.P. Rawat has aired his view that it is not possible to hold simultaneous elections to the Lok Sabha and the State Assemblies.

Views in favour of simultaneous polls

- The country is perpetually in election mode, resulting in a lack of adequate focus on governance.
- The second contention is that scattered polling results in extra expenditure.

Hurdles in holding simultaneous elections

- Requirement of amendment to the Constitution under which the extension or curtailment of the term of any Assembly is constitutionally permissible.
- Simultaneous elections would demand a massive increase in the number of electronic voting machines (EVMs) and voter-verifiable paper audit trail (VVPAT) units.
- A wide political consensus, as well as legislative cooperation from various parties at the Centre and in the States, is required for holding simultaneous elections.
- It is natural that parties that control legislatures constituted in recent months or years would resist any curtailment of their tenures, while those in the Opposition may prefer simultaneous polls if it means Assembly elections being advanced.
- Can legislature terms be curtailed without undermining representative democracy and federalism?

Conclusion

- Given the procedural and logistical challenges that holding of simultaneous elections pose, it would be far more productive for political parties to focus on basic electoral reforms and find ways to curb excessive election expenditure.

EDUCATING PEOPLE ABOUT CLIMATE CHANGE

Introduction

Climate change has the potential to disrupt and reshape lives.

Impacts of climate change

There are several alarming predictions about its impact.

- The UN Sustainable Goals Report, 2018 notes that climate change is among the key factors in rising hunger and human displacement.
- The World Health Organisation estimates that climate change will cause an additional 250,000 deaths per year between 2030 and 2050, due to malnutrition, malaria, diarrhoea and heat stress.
- Much of this loss will be accounted for by low-income groups in developing nations, including India.
- The World Bank projects that climate change could cost India 2.8% of its GDP, and diminish living standards for nearly half the country's population, in the next 30-odd years.

Questions that arise

These bleak scenarios raise questions.

- Do those most at risk know about climate change?
- Is there sufficient awareness about its causes, especially about anthropogenic contributions?
- Do vulnerable groups know the manifestations of climate change, and are they aware that it could potentially affect the health, livelihoods and lives of their families and communities, of present and future generations?

Initiatives to deal with climate change

Several initiatives have been implemented to create awareness about climate change — about how to mitigate it and adapt to it.

- In 1991, the Supreme Court directed the Central government and all State governments to provide compulsory environmental education to all students in schools and colleges. This directive was reiterated in 2003 (M.C Mehta v. Union of India).
- Corporate organisations, research and education institutes, NGOs and foundations have committed themselves to educating people about climate change and providing the know-how for mitigation, adaptation and resilience building. These initiatives target urban and rural populations including schoolgoing children.
- Their thrust ranges from inculcating the concept of environmental sustainability to driving home the impact of climate change on food, water, nutrition and health.

Have these initiatives been successful?

- However, despite these efforts, and the reach of the court's order, climate change seems to find low salience in everyday lives and conversations.
- Most of the country's plans for vulnerable populations are directed towards poverty alleviation, improving living standards, enhancing access to education, sanitation, healthcare and ensuring human rights. Climate change finds little mention.

What can be done?

- Climate change must receive greater prominence because the lives of a large number of the population is at risk.
- It is important that they know how to address and minimise the risks they face.
- At present, climate change does not find specific mention in Schedule VII of the Companies Act, 2013. However, if it were to be articulated and specified as an activity for corporate social responsibility (CSR), organisations may be encouraged to view it with increased importance and clarity and lend more weight to creating awareness, mitigation and resilience-building.
- Scaling up current initiatives of the corporate and social sectors to regional or national levels would be an early, albeit challenging, solution. Efforts on this front could be facilitated and amplified by companies' CSR activities.
- Similarly, the film industry could consider ways to incorporate key aspects of climate change in films, writers could introduce climate change in adult and children's literature, and gaming companies could develop games on this theme.

Conclusion

- Given the startling forecasts about the impact of climate change, it is the need of the hour to educate and equip both rural and urban communities to build resilience against natural disasters, adapt to environmental changes, and manage potential risk.

STRENGTHENING THE FEDERAL LINK

Introduction

- The State Finance Commission (SFC) is a unique institution created by the 73rd and 74th Constitutional Amendments (CAs) to rationalise and systematise State/sub-State-level fiscal relations in India. It has few parallels in other federal systems.

Primary task of SFC

- Its primary task is to rectify growing horizontal imbalances in the delivery of essential public services to citizens. But there has been inadequate appreciation of the significance of this institution by the Union, States as well as the professional community.

The concern

- Article 243I of the Constitution mandated the State Governor to constitute a Finance Commission within one year of the CAs (before April 24, 1994) and thereafter every five years.
- This means fifth generation SFCs ought to have submitted reports by now, with around 140 reports available in the public domain.
- Till date, only Assam, Himachal Pradesh, Tamil Nadu and Kerala have submitted their fifth SFC reports. Many States are yet to cross the third SFC stage. The large majority has violated the mandate of the Constitution with impunity.
- The seriousness, regularity, acceptance of recommendations and their implementation which characterise the Union Finance Commissions (UFCs) are conspicuously absent when it comes to SFCs.

Comparing UFC and SFC

- One, UFCs, have chosen a restrictive role of staying away from plan and investment allocations. SFCs normally could not do this although some have chosen the UFC path.
- Two, the notion that SFCs have an inferior constitutional status when compared to the UFC is wrong. The SFC is modelled on the UFC created under Article 280. While the UFC is tasked with rectifying vertical and horizontal imbalances at the Union-State level, the SFC has to perform the same with reference to State/sub-State-level institutions. The Constitution treats a local government on a par with a State government, especially when it comes to sharing of financial resources.
- Three, the task of the SFC to correct horizontal imbalances is extremely onerous when compared with the UFC as SFCs have to consider nearly 2.5 lakh local governments to promote minimum essential services in rural and urban areas. By implication, an SFC is the institutional agency to implement the golden rule of cooperative federalism that every citizen should be assured minimum public goods irrespective of her choice of residence.
- Four, It is only when inter-State disparities are reduced by the UFCs through their inter-se distribution criteria and intra-State disparities are reduced by SFCs through the horizontal distribution criteria, that the Indian federation becomes a sustainable and inclusive nation-state.
- Five, UFCs had no data problem in reviewing the finances of the Union and States. The financial reporting system of the Union and States is well laid down. On the other hand, local governments with no proper budgetary system are in deep disarray and, because of that, SFCs face a crucial problem of reliable data. In short, several sufficient conditions remain unfulfilled in the case of SFCs.
- Six, unlike the UFC, no SFC can easily ignore Articles 243G and 243W (which speak of planning “for economic development and social justice”) and Article 243ZD (which

mandates that every State constitute a district planning committee for spatial planning and environmental conservation at the sub-State level).

- Seven, UFCs have failed to play a hand-holding role in placing decentralised governance properly in the cooperative federal map of India. The hard truth is that no UFC has done its homework in reading and analysing SFC reports. Without presenting a consolidated account of the reality at the sub-State level or highlighting which report went wrong, where and how, no UFC can legitimately guide States or contribute to improving the goals of constitutional amendments.

Conclusion

- SFCs have not been provided with the necessary environment to play their rightful role in Indian fiscal federalism. A great opportunity to build regional equity in India has been undermined.

CLEARING THE PATH

Why has this article surfaced?

- The Supreme Court's order to seal and close 27 resorts operating in corridors used by elephants in the Nilgiris is a necessary step to restore the ecology of these spaces.

Importance of Supreme Court's order

- Weak regulation of ecotourism is severely impacting important habitats, and affecting animals that have large home ranges, like elephants.
- Fragmentation of forests makes it all the more important to preserve migratory corridors.

The elephant pathways

- The movement of elephants is essential to ensure that their populations are genetically viable, and help regenerate forests on which other species, including tigers, depend.
- Ending human interference in the pathways of elephants is a conservation imperative, more so because the animals are then not forced to seek alternative routes that bring them into conflict with people.
- Forests that have turned into farms and unbridled tourism are blocking their paths, resulting in growing incidents of elephant-human conflict. These encounters claim the lives of about 450 people and lead to the death of nearly 100 elephants in retaliatory actions every year on average.
- Nearly three-quarters of the elephant corridors are evenly divided among southern,

central and northeastern forests, while the rest are found in northwest Bengal and the northwestern region. Some of these passages are precariously narrow, at only a hundred metres wide.

Way forward

- There should be complete protection of the routes they regularly use.
- The grey area of mushrooming home- stay structures, which are just hotels on forest fringes, also deserves scrutiny.
- The effort should be to expand elephant corridors, using the successful models within the country, including acquisition of lands using private funds and their transfer to the government.
- Among the major factors affecting conservation, two need quick remedies: about 40% of elephant reserves are vulnerable, as they are not within protected parks and sanctuaries; and the corridors have no specific legal protection.
- Illegal structures in these pathways should be removed without delay.

GET OVER THE SUPERPOWER SYNDROME

Why has this issue cropped up?

- There has been a debate on whether foreign assistance should be accepted for relief and reconstruction work following the devastating floods in Kerala.

Should foreign aid be accepted?

- The need now is to use all assistance, Indian and foreign, to rebuild Kerala.
- The figures being bandied about will not meet even a fraction of the cost of rebuilding the infrastructure and bringing the State to normalcy.
- Bilateral and multilateral assistance will take a long time in coming, and the sooner we make up our mind the better.

Why foreign aid is not being accepted?

- It was the UPA government that decided not to seek external assistance for disaster relief — from foreign countries or even the United Nations and the International Committee of the Red Cross.

- The context of that decision was India's superpower dream. It was felt that India should demonstrate that it had the strength to withstand and counter calamities and also help its neighbours, as it did in the case of the December 2004 tsunami and piracy attacks in the Indian Ocean.
- India had felt that this would strengthen its case for seeking to be a permanent member of the United Nations Security Council and also hasten the prospect of superpower status by 2020.
- Since permanent membership of the Security Council entails additional financial commitment on its part, India's low level of mandatory contribution to the UN, calculated based on its capacity to pay, was also a matter of concern at that time.
- India thought it would be beneficial for it if it were to show that it was spending money abroad over and above the mandatory contribution.
- The other concern was the old fear of the foreign hand, the spies who would come with the package, interfere in the country's internal affairs, and also take away valuable information.

Is India's policy of not accepting foreign aid justified?

- The policy of not accepting foreign assistance has not taken India even one step towards fulfilling its ambitions. It has been given admission into the Australia Group and the Wassenaar Arrangement it did not want, and the Missile Technology Control Regime because its system of missile control was unmatchable, but not membership of the Nuclear Suppliers Group or even the Asia-Pacific Economic Cooperation.
- The development of technology is such that foreigners do not need to come in hordes to India to know what is happening or to influence decision-making here. Google and Facebook know more about us than we do, and are capable of manipulating our national priorities and plans.
- The assistance from the UN and Red Cross are of less concern. India has been the biggest contributor to the UN Development Programme and the biggest recipient of assistance. It is a party to the regulations of the UN and its conditionalities for assistance. It is true that India does not want foreigners with huge UN salaries to come and destroy the morale of its relief workers. But its needs for technology and best practices can be obtained from the UN by careful planning and consultations. India will also be able to choose the nationalities of the people it deploys.
- This may also have a negative impact on India's relations with the UAE, whose authorities were directly involved in raising the funds and in conveying the offer to the Prime Minister.

Way forward

- India should not be mixing up its 20th century fears with the realities of the 21st century.
- Nothing should stop it from getting what it needs from the UN, as they can raise the funds and source them from anywhere.
- In the case of bilateral assistance, India needs to examine offers case by case. The UAE

authorities genuinely felt grieved over the calamity that hit Keralites, who have served their country well over the years. They felt obliged to help Kerala at a time of distress in accordance with the Islamic faith. Similar is the case of Qatar.

- India should also hold discussions with the UN and the Red Cross with a view to formulating plans for reconstruction using the latest technology and international best practices.

Conclusion

- India should set aside its superpower syndrome at a time of national emergency.

ARTICLE 35A AND THE BASIC STRUCTURE

Why has this issue cropped up?

- Can Article 35A of the Constitution be struck down? If yes, should it be? These questions have been re-raised in a petition filed in the Supreme Court.

Understanding article 35 A

- Article 35A was inserted into the Constitution as part of a raft of amendments made through a 1954 presidential order, imposed under Article 370.
- Broadly, it empowers Jammu and Kashmir (J&K) to not only define a class of persons as constituting “permanent residents” of the State but also allows the government to confer on these persons special rights and privileges with respect to matters of public employment, acquisition of immovable property in the State, settlement in different parts of the State, and access to scholarships or other such aids that the State government might provide.
- The Article further exempts such legislation from being annulled on the ground that they infringe one or the other of the fundamental rights guaranteed by the Constitution.
- According to the petition filed in the Supreme Court, this immunity granted to J&K’s laws is discriminatory, and, therefore, Article 35A should be declared unconstitutional.

Understanding Article 370

- A proper reading of the text of Article 35A, and its constitutional history, will establish that the present petition is meritless; that Article 35A is not amenable to a conventional basic structure challenge.
- India’s Constitution establishes a form of asymmetric federalism, in which some States enjoy greater autonomy over governance than others. This asymmetry is typified by

Article 370. Article 370 accorded to J&K a set of special privileges, including an exemption from constitutional provisions governing other States.

- In accord with J&K's Instrument of Accession, Article 370 restricted Parliament's powers to legislate over the State to three core subjects: defence, foreign affairs and communications .
- Parliament could legislate on other areas only through an express presidential order, made with the prior concurrence of the State government. Where those subjects went beyond the Instrument of Accession, the further sanction of the State's Constituent Assembly was also mandated.
- Finally, the Article also granted the President the power to make orders declaring the provision inoperative, but subject to the condition that this authority could be exercised only on the prior recommendation of the State's Constituent Assembly. However, with the disbanding of J&K's Constituent Assembly in 1956, the question of suspending Article 370 was rendered moot. In the process, the asymmetry in India's federalism was fortified.
- That this is the case can also be gleaned from a reading of Article 368, which contains the ordinary powers of constitutional amendment as applicable to other parts of India. One of the provisos to the clause makes it clear that changes made to the Constitution under Article 368 will not mechanically apply to J&K. For such amendments to apply to the State, specific orders must be made under Article 370, after securing the J&K government's prior assent. Such amendments will also need to be ratified by the State's Constituent Assembly.

Arguments given by the petitioner

The petitioner in the Supreme Court now makes two basic arguments.

- Article 35A, it claims, could not have been introduced through a process outside the ordinary amending procedure prescribed under Article 368.
- Even assuming that the President possessed this power, the petitioner asserts, Article 35A infringes the Constitution's basic structure

Can Article 35A be declared unconstitutional?

- The claims, however, suffer from fundamental flaws. As we have already seen, Article 370 is as much a part of the Constitution as Article 368.
- That the presidential order incorporating Article 35A, is without legal authority is an argument that is destined to fail.
- It is equally fallacious to suggest that Article 35A can somehow be subject to a basic structure challenge. The canonical rule established in 1973, in *Kesavananda Bharati v. State of Kerala* , that the powers of amendment under Article 368 are not plenary and that the Constitution's basic features cannot be abrogated, was based expressly on an interpretation of the text of Article 368. Its logic doesn't extend reflexively to amendments made under Article 370, a provision, which in and of itself, is essential to maintaining India's federal structure.

- Besides, more than six decades have elapsed since Article 35A was inserted, and by now vast tracts of properties would have doubtless changed hands. In such cases, where constitutional amendments create vested rights in persons, as the Supreme Court held in *Waman Rao v. Union of India*, an amendment made prior to the decision in *Kesavananda* cannot be susceptible to a basic structure challenge. To hold otherwise would have consequences far more devastating than might immediately be apparent.

Conclusion

- Kashmir's conditions are special and require special treatment. *Gulzari Lal Nanda* aptly said that Article 370 represents the only way of taking the Indian Constitution into J&K. It is a tunnel and it is through this tunnel that a good deal of traffic has already passed and more will.

UNTIL DAMS DO US PART

Why has this issue cropped up?

- The tragedy in Kerala has highlighted the dangers of excess water accumulation in dams. More than 20 dams released water that cascaded down the hills, leaving behind a trail of destruction.

How important are dams?

- The argument for dams — that they provide drinking water and water for agriculture — is today scientifically discredited.
- For independent geologists and hydrologists, dams represent a nightmare, an ephemeral triumph of engineering over common sense and the natural sciences.
- Increasingly, it is evident that dam proponents are ignoring crucial decision-making data now available on patterns of rainfall, geology and climate change.
- Dams store millions of tonnes of fresh water in large reservoirs, submerging prime forests, villages, farms and livelihoods. The 4,700 large dams built since 1947 have cumulatively displaced 4.4 million people. This makes dams the single largest cause for displacement post-Partition.
- Solving the drinking water crisis does not require giant storage structures; these dams take decades to come up and only a fraction of their output is for the household sector. Over 85% of them are used in agriculture for producing cash crops such as sugarcane.
- Dams have displaced the poorest of India's people in favour of richer farmers and urban residents, often with little or no compensation.

- Worryingly, dams are far more hazardous than any other infrastructure project, except nuclear plants. Even as Kerala and Tamil Nadu have battled over the safety of the 116-year-old Mullaperiyar dam, there are over 100 dams in India which are over a century old, and more than 500 large dams which are 50-100 years old, many of which have major defects and need urgent repair.
- It is also accepted today that dams can trigger seismic events. The reservoir-induced seismicity (RIS) from the weight of the reservoir has resulted in earthquakes in various parts of the country.

Way forward

- There is a great urgency
 - to review India's policy on dams and
 - to act on decentralised alternatives that involve water recycling and reuse.
- The immediate task is to
 - critically review every dam in the country,
 - decommission those that are at end-of-life,
 - stop building new ones and
 - establish sound safety protocols.

COUNCIL CONUNDRUM

Why has this issue cropped up?

- Odisha wants to join the group of States that have an Upper House. The State Cabinet has approved a 49-member Legislative Council.

Are legislative councils of great importance?

- If there was any real benefit in having a Legislative Council, all States in the country should, and arguably would, have a second chamber. The fact that there are only seven such Councils suggests the lack of any real advantage, apart from the absence of a broad political consensus on the issue.

Process of formation of legislative council

- The process of creating an Upper House is lengthy. The State Assembly has to pass a resolution for the creation of the Council by a majority of its total membership. Thereafter, Parliament has to enact a law to create it.

The pending councils

Two Bills introduced in the Rajya Sabha in 2013 for establishing Legislative Councils in Assam and Rajasthan are still pending, indicating the lack of support for such a move.

The recommendations on legislative councils

- A parliamentary committee that went into these Bills wanted a national policy on having an Upper House in State legislatures to be framed by the Union government, so that a subsequent government doesn't abolish it.
- It also favoured a review of the provision in the law for Councils to have seats for graduates and teachers.

Advantages of legislative councils

- An Upper House provides a forum for academicians and intellectuals, who are arguably not suited for the rough and tumble of electoral politics.
- At least on paper, it provides a mechanism for a more sober and considered appraisal of legislation that a State may pass.

Disadvantages of legislative councils

- Rather than fulfilling the lofty objective of getting intellectuals into the legislature, the forum is likely to be used to accommodate party functionaries who fail to get elected.
- It is also an unnecessary drain on the exchequer.
- Another issue is that graduates are no longer a rare breed; also, with dipping educational standards, a graduate degree is no guarantee of any real intellectual heft.
- And then again, why should graduates be privileged as people's representatives in a democracy?

Comparison between state legislative councils and Rajya Sabha

- The Rajya Sabha's case is different as it represents the States rather than electoral constituencies.
- It is also a restraining force against the dominance of elected majorities in legislative matters.

Are legislative councils needed in present circumstances?

- Today, legislatures draw their talent both from the grassroots level and the higher echelons of learning. There are enough numbers of doctors, teachers and other professionals in most political parties today.

Conclusion

- Legislative Councils are subject to varied and inconclusive discussions around their creation, revival and abolishment. Given all this, Odisha's proposal may give the country at large an opportunity to evolve a national consensus on Legislative Councils.

Relevance: GS 2

HOW DAMS CAN CONTROL FLOODS

Why has this issue cropped up?

- With the floodwaters finally receding in Kerala, a number of experts and politicians have stated various possible reasons for the tragedy. Some have blamed dams, which were all opened when they were nearly full, causing heavy floods downstream and greatly affecting the lives of the people there.

The purpose of dams

- The world over, dams are constructed mainly for the purposes of irrigation, power generation, and flood control.
- While the first two roles are acknowledged, the role of dams in flood control has always been underestimated.
- It is unfortunate that in both irrigation and hydel projects, flood control is completely ignored.
- Authorities always look to store the maximum amount of water in reservoirs during the monsoon season, which is then used for irrigation and generation of electricity during the summer months.

Dams and monsoon

- It is an internationally accepted practice that the water level of a reservoir should be kept below a certain level before the onset of the monsoon season.
- This is so that when the monsoon rains come, there is space to store the excess rainwater and also so that water can be released in a regulated manner, thus preventing floods downstream when there is heavy inflow to the dams.
- In May, Thailand, for instance, wisely brought down the water level in the dams in the country to below 60% of the storing capacity before the rainy season.
- However, it is unfortunate that the maximum amount of water is stored in reservoirs even before the close of the monsoon, only to ensure greater electricity generation and irrigation.
- How the reservoir water was managed in the dams prior to the Kerala floods requires no explanation. While earlier too there was no practice of keeping space for greater storage of water, rainfall has never been as torrential as it was this year. Hence, there were no floods either.

How can dams be regulated to avoid floods?

- To ensure that the flood control purpose of dams is met, it is important that at least 30% of the storage capacity of dams be kept free before the monsoon.
- While simultaneously allowing discharge of water, it is possible to increase storage slowly as the monsoon progresses.
- The meteorological department can predict rains or cyclones only a few days in advance. Therefore, keeping space in reservoirs before the monsoon begins must be done whether or not there are heavy rains.

Way forward

- It is time for the government and the public to formulate water management policies for reservoirs in such a manner that dams are used to control floods, not cause them.
- The tendency to hold the maximum amount of water in our reservoirs while ignoring the high risk involved in doing so can be attributed to our over-dependence on hydel projects to produce electricity. Therefore, it is time to think of non-conventional sources for electricity generation such as solar, wind and tidal power.
- The practice of solar power generation in Kochi airport can be copied in similar large-scale projects by other government agencies. The public too should be encouraged to adopt the practice of solar power generation. This will greatly reduce our dependence on dams for power generation.
- It is also crucial to follow good reservoir water management policies. At present, the task of dam and water management is vested with the Public Works Department, the Electricity Board, and the Irrigation Department. Even in normal conditions, given contradictory opinions from various departments, it is difficult to implement decisions. Hence, the State Dam Security Authority, if competent, should be entrusted with the task of water management in reservoirs and with taking decisions in emergency situations.
- The State government, the State Dam Security Authority and the National Water Commission should all be prepared to take bold decisions together on water management so that there are no such devastating floods in the future.

Conclusion

- If the above steps are taken, we hopefully won't see another day where we rue decisions of the past that are causing untold suffering to millions in the present.

PIECES OF THE ASIAN DREAM

Why has this issue cropped up?

- This has so far been the year of the India-China reset. From the informal summit at Wuhan to Prime Minister Modi's keynote speech at the Shangri-La Dialogue in Singapore, to the Shanghai Cooperation Organisation (SCO) Summit at the Chinese port city of Qingdao, all have sparked a lot of analysis as to what kind of strategic positioning India is gearing itself into at a time when the U.S. and China are caught up in geopolitical rivalry in the Asia-Pacific.

PM's speech at Singapore

In Singapore, Mr. Modi's speech proclaimed India's ambitions to garner influence in the Indo-

Pacific region by

- increasing engagement with the Association of Southeast Asian Nations (ASEAN), developing friendship with China,
- maintaining cordial ties with Russia,
- pursuing interests with Australia and
- engaging more with the U.S.

Tug of power between India and China

- The reality is that the tug of power between India and China continues to impact sea lanes and chokepoints, with these two Asian giants pursuing interests in the littoral states spread across the Indo-Pacific.
- While India pursues influence through heightened diplomatic, bilateral and military engagement, China has started to garner influence through hard investments in cash-strapped littoral nations suffering from massive infrastructural deficits.
- China's heavy investments in ASEAN nations have brought these nations closer into its orbit of influence.
- Although India enjoys cordial relationship with all ASEAN nations, it is unlikely that diplomatic hobnobbing alone will help garner the grouping's support for its Indo-Pacific strategy against China's raw cash power and growing military presence. ASEAN's trade with China far surpasses that with India, and Chinese foreign direct investment in ASEAN is nine times higher than India's.
- India also has so far failed to provide any concrete plans for its immediate neighbourhood in South Asia, with countries like Nepal and Sri Lanka demonstrating interest in partnering with China. Souring of relations with Nepal due to the 2015 fuel blockade and failed strategic interventions in Sri Lanka have both undermined India's regional leadership. On the other hand, China's multibillion dollar investments in Sri Lankan ports and cities have inched the country much closer to China, and last year Sri Lanka handed over its Hambantota port to China on a 99-year lease.
- Under its Belt and Road Initiative (BRI), China has over the years promised billions to littoral states in the Indian Ocean Region to build a series of ports, something resource-constrained India will find difficult to match.
- However, the overt-assertiveness of China has driven many countries in East and Southeast Asia to seek friendship with India, and today Indonesia and Singapore are looking to bolster relations with India.

India and the East Asia/Pacific

- ASEAN has a cultural affinity with India with its shared religious diversity, ancient ties and a sizeable Indian diaspora in countries like Singapore and Malaysia.
- After the U.S., India enjoys global soft power through its art, literature, music, dance and cinema. India is perceived by many in East Asia as a friendly democracy, making the country a safe ally to have in the long run.

- Japan has significantly increased its engagement with India and the two countries enjoy robust military ties.
- India and Australia have initiated the '2+2' dialogue signalling Canberra's interest in deepening a maritime security partnership with India.
- However, India still has to develop a strategy to leverage its soft power and optimise its military power to effectively counter China's cash and hard power.

Way forward for India vis-à-vis China

- With China, India can strike a better strategic bargain compared to the smaller states in the region. For example, it would be difficult for China to take forward the BRI without participation from India, which has reservations on the China-Pakistan Economic Corridor (CPEC).
- By demonstrating a willingness to join the BRI, India can positively influence China to reevaluate the details of the CPEC.
- With a strategic partnership with China, India can better pursue its own regional groupings like the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) and Bangladesh, Bhutan, India and Nepal (BBIN) initiative.
- Since India can't match China's resource spending, strategic understanding with China can help streamline regional connectivity projects and help India gain influence in the region.

Conclusion

- India is clearly seeking its rightful place in the league of nations by outlining its geopolitical role, particularly in the Indo-Pacific region. What remains to be seen is how, with limited resources, India's ambitions will play out against a resourceful and assertive China.

A PEOPLE'S CAMPAIGN TO REBUILD KERALA

Why has this article surfaced?

- The material loss due to the Kerala floods has been estimated at Rs. 26,000 crore, but beyond this there has been an immense loss of natural, human, and social capital for which no estimates are available.

The root cause of disaster

- There is no doubt that the short-sighted attempts in building man-made capital

(buildings in hilly forests, encroachments on wetlands and rivers, and stone quarries) while ignoring the attendant degradation of natural, human and social capital have played a significant role in exacerbating the problem.

The immediate task in the State is relief and rehabilitation, but it is crucial to simultaneously identify the root causes of the havoc. These root causes prevail throughout the Western Ghats and, indeed, the rest of the country.

- The first is the flouting of laws that have been established to safeguard natural capital. The Shah Commission inquiring into illegal mining in Goa observes that mining beyond permissible limits has caused serious damage to water resources, agriculture and biodiversity.
- Second, we have been ignoring serious degradation of human capital in terms of health and employment. For example, , overuse and pollution of water resources by the Coca Cola factory.
- Third, scientific knowledge and advice has been continually disregarded. For example, in the case of the proposed Athirappilly hydroelectric project, the likely power production in no way justified the costs of construction and running of the project.
- Fourth, there has been serious erosion of social capital. For instance a staunch anti-quarry activist engaging in a peaceful demonstration, was killed when he was pelted with stones by those allegedly employed by quarry owners.

Therefore, it is imperative that we abandon business as usual. We cannot just focus on man-made capital; we must enhance the sum total of man-made, natural, human and social capital.

The right of local communities

- The current system of protecting natural resources through negative incentives in the hands of a coercive and corrupt bureaucracy must give way to positive incentives that can be monitored in a transparent fashion by all concerned citizens.
- The Western Ghats panel proposes several such incentives — for example, payment of conservation service charges for protecting important elements of biodiversity such as sacred groves and payment towards soil carbon enrichment by switching to organic farming.
- The Kerala government must reassure its people that it will no longer continue the policies of development and conservation by exclusion, and that it will respect the right of local communities to decide what kind of development they want and what kind of conservation measures they would like to see put in place.
- To accomplish this, the government must implement the 73rd and 74th constitutional amendments in letter and spirit. It must empower local bodies at the ward, gram panchayat, and town and city levels to prepare reports on the status of the environment and to decide on how a substantial portion of the budget should be spent on the basis of these reports.
- It must set up Biodiversity Management Committees of citizens and empower them to document the status of the local ecosystems and biodiversity resources, and regulate

their use. They must be given powers to levy collection charges for access to biodiversity as well as to intellectual property relating to community knowledge. In particular, it must accord the Biodiversity Management Committees a central place in the preparation of environmental impact assessments and ensure that these assessments begin to reflect the true state of affairs instead of being the uniformly fraudulent documents that are being submitted today.

- It must fully implement the Forest Rights Act and empower not only tribals, but all traditional forest dwellers to control, manage and market non-timber forest produce.
- It must stop distortion and suppression of all environment and development-related information and begin uploading information suo moto on websites, as the Right to Information Act demands.
- It must initiate building a public and transparent database on environmental parameters drawing on the environment status reports, People's Biodiversity Registers, community forest management working schemes, and environmental education projects undertaken by students.
- Equipped with this information and all pertinent documents such as from the Western Ghats Ecology Expert Panel, the Kasturirangan Committee, the State government should ask local bodies about the levels of ecological sensitivity in different parts of the landscape on the basis of topography, hydrology, land use and vegetation, regardless of ownership of the land.
- The local bodies should provide suggestions on appropriate management regimes for regions of different levels of sensitivity. The government should begin to proactively use modern technologies, including smartphones, in a user-friendly manner so that all the inputs from the various local bodies are transparently available to all citizens.
- Citizens can then assist in the task of integrating all this information and come up with appropriate conservation and development plans that are properly fine-tuned to locality- and time-specific ecological and social conditions.

Conclusion

- The above actions, if taken, will be a broad-based inclusive approach to conservation and development. Only then can the people of Kerala rebuild nature and society and assure for themselves a sustainable and safe future.

CHALLENGES AT BIMSTEC

Why has this issue cropped up?

- The Bay of Bengal Initiative for Multisectoral Technical and Economic Cooperation (BIMSTEC) summit is to be held in Kathmandu.

India's renewed interest in BIMSTEC

- A key reason for India to reach out to its BIMSTEC neighbours has been the stagnation of the South Asian Association for Regional Cooperation (SAARC). This limited both the scope of India's growing economic aspirations as well as the role it could play in improving regional governance.
- The main motivation for India to push BIMSTEC is in the country's interest to ensure that the region does not lag behind and that an unstable neighbourhood does not drag its growth.
- India's desire to link South Asia to the economically dynamic Southeast Asia is also part of this strategy.
- The rationale behind making the BIMSTEC mechanism work is to reassure South Asia that the region can work together to achieve common goals with India playing its due role.

Challenges' ahead

- With the BIMSTEC secretariat planning to strengthen its capacity by increasing human resources and the number of officials representing each member state, India may need to consider allocating more resources. India's generosity would be a key test of its commitment to the subregional grouping.
- Another issue would be for India to counter the impression that BIMSTEC is an India-dominated bloc, a problem that it faced for a long time in SAARC. The suspicion was mutual in SAARC — while India was wary of the smaller neighbours 'ganging up' against it, the smaller neighbours were worried that closer integration might lead to India's domination. To moderate such suspicions, India will need to show sensitivity to the concerns of smaller neighbours.
- Another strategic challenge for India is that China has long desired to be part of the SAARC grouping. Some SAARC members also have their own interests in bringing China into the equation: they want it to balance India's dominance. China has observer status in SAARC. When this was given, it only increased the demand to make China a full member of SAARC.

Conclusion

- India will have to carefully navigate the emerging regional geopolitics, as many of the elements that made SAARC hostage to political rivalry and turned it into a defunct mechanism can re-emerge in BIMSTEC.

THE CRACKDOWN ON CIVIL SOCIETY

Introduction

- The modern democratic state, armed with technologies of surveillance and control, possesses the kind of power that has occluded the sphere that stands between the individual and the omnipresent and omnipotent state is civil society.

Role of civil society

- In a civil society, individuals come together in webs of associational life.
- Associations have the capacity to challenge the brute power of the state through petitions, protests, dharnas and ultimately judicial activism.
- Given unresponsive political parties, citizens can access centres of power and privilege only through a vibrant civil society.
- Civil society is, of course, a plural sphere, and all manners of associations find space for themselves here, from football clubs to reading groups to film fan societies.
- Civil liberty and/or human rights activists are lawyers, academics, journalists and public minded citizens of India.
- What matters is their very human concern for the poor and the disadvantaged, the dispossessed and the vulnerable. What matters is that civil society activists protect the moral conscience of our society.

Emergence of civil society in India

- Civil liberty and human rights groups are an essential precondition for human well-being.
- Some Indian citizens were randomly and arbitrarily imprisoned during the Emergency (1975-77) and the fundamental rights of others were truncated.
- It is, therefore, not surprising that in the aftermath of the Emergency, the civil liberties movement made a dramatic appearance on to the scene of Indian politics.
- The movement which developed into, or acted in concert with, the human rights movement took on an extremely significant task, that of protecting the fundamental right to life and liberty granted by the Indian Constitution.
- These organisations have carefully documented the causes and the triggers of communal and caste violence, and established an excellent archive on the abuse of power by governments.
- And above all, they have protected the rights of vulnerable sections of our own people, the Adivasis, the Dalits and Muslims.

Importance of civil society in democracy

- Their role is crucial for democracy because sometimes governments openly defy ethics

and morality or become indifferent to the plight of millions of its citizens.

- Today there are few organisations that articulate the right not to be lynched, or who struggle for the right to life and liberty. Human rights activists are among these few organisations.
- They have courageously taken on the challenge posed by corporates, a ruthless state and its venal police, and the cadres of right-wing organisations that specialise in violence.

Conclusion

- Revolutions only happen when the government directly and unashamedly exercises brute power. They do not happen in countries which possess civil societies, for here projects of domination and resistance can be played out. Citizens just do not need to revolt. Is there a lesson our rulers need to learn from this piece of profound wisdom?

INDIA AND THE U.S. - IT 'S COMPLICATED

Why has this issue cropped up?

- The first round of the India-U.S. 2+2 talks at the level of External Affairs and Defence Ministry and their US counterparts is to take place in September.

Emergence of 2+2 dialogue

The following factors have contributed to the emerging strategic convergence and hence the 2+2 dialogue:

- **COLD WAR:** The end of the Cold War provided an opportunity to both countries to review their relationship in the light of changing global and regional realities.
- **ECONOMY:** Second, with the opening of the Indian economy, the American private sector began to look at India with greater interest. Trade and FDI grew continuously reflecting a sustained mutual interest.
- **DIASPORA:** The third factor is the political coming of age of the three-million-strong Indian diaspora.
- **DEFENCE:** Today, the U.S. is the country with which India undertakes the largest number of military exercises. In 2016, India was designated as a 'Major Defence Partner' country.
- **LOGISTICS:** India and US signed the logistics support agreement in 2016. It facilitates logistics supplies during port visits and joint exercises.
- **COMCASA:** Now the India-specific Communications Compatibility and Security Agreement (COMCASA) is likely to be signed. It makes it possible to install high-end secure communication equipment on U.S. platforms that we have been acquiring.

Difficult issues that 2+2 dialogue can address

Two difficult issues loom large and the 2+2 offers an opportunity for addressing these.

- **CAATSA:** The first is the Countering America's Adversaries Through Sanctions Act (CAATSA) enacted last year which enables the U.S. government to sanction countries that engage in 'significant transactions' with Russian military and intelligence entities. Indian concerns on this need to be addressed. About Chabahar
- **SANCTIONS ON IRAN:** The second relates to U.S. sanctions on Iran after its unilateral withdrawal from the nuclear deal. Iranian crude imports have grown significantly in recent years and India also stepped up its involvement in developing Chabahar port.

Conclusion

- Creative thinking will be needed in the 2+2 dialogue to overcome the challenges. In order to realise the Joint Strategic Vision for the Asia-Pacific and Indian Ocean Region, both countries will have to nurture the habit of talking and working together to diminish some of the prickliness in the partnership.

THE SEDITION DEBATE

Introduction

- Rulers everywhere tend to treat trenchant criticism as attempts to excite disaffection and disloyalty. That is perhaps the only reason that Section 124-A of the Indian Penal Code, enacted under colonial rule, remains on the statute book.

Misuse of Section 124-A

- There have been repeated instances of its misuse. The Centre and the States have invoked the section against activists, detractors, writers and even cartoonists.
- The Law Commission, for the third time in five decades, is now in the process of revisiting the section.

Should Section-124 A be repealed?

- How far is it justified for India to retain an offence introduced by the British to suppress the freedom struggle, when Britain itself abolished it 10 years ago?

Objection against Section-124 A i.e. sedition

- The foremost objection to the provision on sedition is that its definition remains too wide. 'Overbroad' definitions typically cover both what is innocuous and what is harmful.

What is considered 'sedition' under the present law?

- Under the present law, strong criticism against government policies and personalities, slogans voicing disapprobation of leaders and stinging depictions of an unresponsive or

insensitive regime are all likely to be treated as 'seditious', and not merely those that overtly threaten public order or constitute actual incitement to violence.

- In fact, so mindless have some prosecutions been in recent years that the core principle enunciated by the Supreme Court — that the incitement to violence or tendency to create public disorder are the essential ingredients of the offence — has been forgotten.

Way forward

- As long as sedition is seen as a reasonable restriction on free speech on the ground of preserving public order, it will be difficult to contain its mischief.
- There can only be two ways of undoing the harm it does to citizens' fundamental rights:
 - it can be amended so that there is a much narrower definition of what constitutes sedition,
 - but the far better course is to do away with it altogether.

FOR A SHIFT IN GEAR

Why has this issue cropped up?

- In the massive flooding that Kerala faced recently, more than a million people were displaced and had to be housed in relief camps. The conservative estimate of losses has been put at Rs. 21,000 crore.

Vulnerable country

- India is prone to disasters. About 70% of its coastal areas are prone to tsunamis and cyclones, about 60% of its landmass vulnerable to earthquakes, and 12% of its land to floods.

Factors that make India vulnerable to disasters

- Most Indian houses are made of brick masonry walls, with fire/unfired bricks and stones, and yet few if any undergraduate civil engineering courses consider these materials, focussing instead on reinforced cement and concrete.
- Earthquake engineering is taught as a specialisation at just a few universities, leading to a serious shortage of retrofitting-trained civil engineering manpower.
- Risk management is still in its infancy. We are far behind even in forecasting disasters that occur annually. Even now, after the Kedarnath floods in 2013, Uttarakhand still has few Doppler radars to provide early alerts about cloudbursts and heavy rain.
- There are few guidelines on construction in flood-prone regions, or even a map of safe zones.
- Few States have prepared emergency action plans for the over 5,000 large dams in India, with reports of just 200 dams having been covered so far.

- The effectiveness of the National Disaster Response Force (NDRF) has been hampered by a shortage of trained manpower, training, infrastructure and equipment”.

Way forward

- Multi-storied housing is booming in urban India, built on a framework of beams, pillars and brick walls. With parking spaces prioritised at the ground level over structural stability, retrofitting is urgently needed, despite the significant costs.
- We need to revise the norms for disaster relief in India. Each State and district has different costs for labour and construction, making the idea of a uniform amount for relief redundant.
- Current disaster norms do not differentiate between States, offering, for example, the same amount per unit for disaster relief in Bundelkhand as in Goa. Such practices are bound to lead to an inadequate recovery. Disaster norms are also skewed more towards rural areas, focussing on agriculture, fisheries, livestock and handicrafts from a relief perspective. This must change.
- Finally, unlisted disasters which are not neatly bucketed in the specifications under the Calamity Relief Fund are restricted to a relief of 10% of the fund’s annual allocation. This needs to be enhanced.
- Planned urbanisation can withstand disasters, a shining example being Japan which faces earthquakes at regular intervals.
- The India Disaster Resource Network should be institutionalised as a repository for organised information and equipment gathering.
- India needs a strong disaster management agency. Disaster preparedness should be focussed on meeting the immediate contingency, implementing a conceptual, long-term rehabilitation strategy while maintaining an ethnographic understanding. It must be built on anticipatory governance, emphasising studies that embed foresight and foster citizen awareness.
- The NDRF must fill its vacant specialist positions while being given better control over transfers and deployment of its personnel. Without such reforms, only the Indian Army and paramilitary forces can remain first responders, and States will continue to cry out for relief.

Conclusion

- Perhaps, it’s time to move on from being focussed only on managing natural disaster emergencies to improving resilience.

STILL TOO MANY CHILDREN OUT OF SCHOOL

Introduction

- According to an estimate, out-of-school children in the 6-18 age group are more than 4.5 crore in the country, which is 16% of the children in this age group.

The concern

- It is a matter of serious concern that nearly 10 years after the enactment of the RTE Act, and 16 years after the right to education was elevated to a fundamental right, such a large number of children are out of school.

Data on out-of-school children

- In big States such as Odisha, Uttar Pradesh, Gujarat, Bihar, Madhya Pradesh, Rajasthan and West Bengal, about one-fifth of the children in this age group are out of school.
- In Kerala, Goa, Sikkim, Himachal Pradesh and Tamil Nadu, the proportion of out-of-school children was lower than the national average.
- The proportion of out-of-school children is higher in rural India than in urban India.
- In rural areas, the proportion of out-of-school girls is higher than of boys.
- The proportion of children from Scheduled Castes and Scheduled Tribes (SC/ST) was the highest, followed by Other Backward Classes (OBCs).
- Among religious groups, the proportion of Muslims was as high as 24.1% in rural areas and 24.7% in urban areas.
- On the whole, the data show that out-of-school children came mostly from the rural areas, and a high proportion of them are SCs, STs, Muslims and from other economically backward communities.

Reasons for drop outs

- The most important reason for boys to drop out of school was to take up jobs to supplement the family earning.
- For girls, it was the compulsion to participate in household work.
- We would not have been confronted with this high proportion of drop-outs if all the provisions of the RTE Act had been implemented within the time limit prescribed in the Act (latest by April 2015).
- For example, the Act provided for the availability of a school at a distance of 1 km from the residence of the child at the primary level and 3 km at the upper primary level. If these provisions had been implemented, a major reason for drop-out (distance of school) would have been eliminated.

- If all the infrastructure facilities prescribed in the Act had been put in place during the period of implementation, another reason for drop-out (environment not friendly) would have disappeared.

Way forward

- The most important reason for drop-out (socio-economic conditions of the parents of the children) calls for a more comprehensive approach that is not reflected in the RTE Act.
- Until an adequate number of schools at the prescribed distances from the children's homes becomes available, it would be necessary to provide secure modes of subsidised travel to schools, particularly for girls.
- Another important provision which ought to have been included in the RTE is financial support to poor parents, adequate to enable them to send their children to school. There is incontrovertible evidence of a positive correlation between economic incentives and a lower drop-out.

Conclusion

- The most important social reason for drop-out is lack of awareness of the importance of school education and of the fact that education is now a legal right. Ironically, education is the most important instrument for creating this awareness. Thus education is a quintessential example of being vested with intrinsic as well as instrumental value — being both the means and the end.

GREEN SHOOTS OF REVIVAL

Why has this issue cropped up?

- Recently, the fourth summit of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) was held in Kathmandu, Nepal.

The outcomes of the summit

- Work begins now on drafting a charter for BIMSTEC, which has functioned so far on the basis of the Bangkok Declaration of 1997, and outcomes of the past three summits and the Leaders' Retreat in 2016.
- A Permanent Working Committee will be set up to provide direction during the period between two summits and also to prepare the Rules of Procedure.
- The Secretariat has been promised additional financial and human resources and enhancement of its role to coordinate, monitor and facilitate the grouping's activities.
- As the institution has been handicapped due to lack of financial muscle, the leaders took the bold decision to establish the BIMSTEC Development Fund.

- A push to increase its visibility and stature in the international fora will also be made.
- Recognising that 16 areas of cooperation represent too wide a spectrum, the BIMSTEC governments will make a serious endeavour to review, restructure and rationalise various sectors, identifying a few core areas.

Concerns

- Fourteen years after signing the framework agreement on Free Trade Area (FTA), the leaders could only renew, rather lamely, their “commitment to an early conclusion” of FTA negotiations.
- The Thai Prime Minister bravely urged participants to accept making BIMSTEC a Free Trade Zone by 2021 as “our common goal”, but this did not find a place in the summit declaration.
- The Myanmar President pointed out that the grouping had established its Energy Centre in 2009, but it was still struggling for the “early operationalisation” of the Centre.
- The Motor Vehicle Agreement and the Coastal Shipping Agreement would still need more time for finalisation. Hopes were pinned on the leaders agreeing to make the BIMSTEC summit an annual affair.

Other facets

- Plans to revitalise the Business Forum and the Economic Forum should be welcome if they help in fully engaging business and industry.
- Cooperation in the security domain has been progressing satisfactorily, with a new instrument added to the arsenal: a meeting of home ministers. This will be in addition to annual meetings of national security advisers and the first meeting of army chiefs, which is due to take place in Pune this month.
- Also envisaged is a sound plan to establish forums for parliamentarians, universities, cultural organisations and the media community.
- The summit articulated a vision for the Bay of Bengal Region heading towards a peaceful, prosperous and sustainable future. The region is now widely viewed as a common space for security, connectivity and development.

Conclusion

- The Nepalese Prime Minister asserted: “Now is the time not just to deliberate, but also to deliver. Now is the time to translate promises into performance.” If this prescription is followed by all, BIMSTEC can become a dynamic, effective and result-oriented organisation. The coming year will be crucial in its further development.

BEYOND UNIFORMITY

Introduction

- The Law Commission's consultation paper on reform of family laws is a progressive document that avoids the advocacy of a uniform civil code merely for the sake of uniformity.

Approach of the Law Commission

- It adopts an approach that would facilitate movement towards establishing a body of civil law that promotes equality within the law governing each community.
- In other words, it advocates the removal of discriminatory provisions in the law relating to aspects such as marriage, divorce, succession and adoption in all religions — and the adoption of certain universal principles that would address gender bias and other forms of existing discrimination.

Moving towards a common marriage law

- A simple way of moving towards a common marriage law is to make 18 the marriageable age for all communities and genders.
- When the age of majority and the age of voting, among other indicators of adulthood, stand at 18, there is no reason for differential treatment on this score.
- The Commission rightly points out that the present age of 21 for men merely affirms the stereotype that the wife should be younger.

Suggestion made by the commission

- Decriminalising adultery and making it a common ground for divorce, simplifying the 'no-fault' divorce procedure and introducing 'irretrievable breakdown' as a ground for dissolving any marriage are other measures it throws open for discussion.
- The panel suggests abolition of the 30-day notice period for civil marriages to prevent its misuse by those against inter-caste and inter-religious marriages.
- It also suggests division of property equally after divorce, and removal of illnesses that can be cured or controlled from possible grounds of divorce.
- Changes have been mooted to give equal treatment to children and parents of any gender in guardianship and adoption matters.

Uniform civil code

- While calling for a wider public debate on its views, the Law Commission has framed the issue in the most reasonable way possible when it says it has "dealt with laws that are discriminatory rather than providing a uniform civil code which is neither necessary nor desirable at this stage."
- In a strict and narrow reading, this goes against the Directive Principles of State Policy that favour a uniform civil code; also, some court judgments have questioned why such a code was not yet in place.

- However, in a world that increasingly heeds cultural diversity, it is unnecessary that every aspect of personal law should be dealt with in exactly the same manner.
- A just code is one in which universal principles of equality, non-discrimination and avoidance of taboos and social assumptions are applicable in equal measure within every community's set of laws.

ALL FOR ONE, ONE FOR ALL?

Why has this issue cropped up?

- There has been much discussion in the media recently on the integrated military theatre commands.

Opposition to integrated command

- Most of the opposition to such a restructuring has been led by Air Force officers who have voiced the view that the creation of integrated commands would seriously hamper the effective application of air power, particularly because of the limited resources available with the Air Force.

How far is the opposition justified?

- There is justification in the argument that moving ahead towards integrated commands without any meaningful restructuring in the higher defence organisation is premature. The initial steps should have been an integration of the Ministry of Defence and the appointment of a Chief of the Defence Staff. This would have put in place structures and practices that would encourage a jointness among the three services and perhaps pave the way in future towards integrated organisations.
- What is more debatable is the somewhat simplistic view on the character of future wars. The real problem lies in the fact that all three services have their own vision of how future conflicts could unfold and the primacy of their own arm in winning wars. The start point is therefore a common understanding between the services on the nature and character of wars that India could fight in the future.
- Political purpose will decide the start and termination of wars, and the manner in which they will be fought. The services have made their operational plans based on a proactive (cold start) strategy, with the assumption that the war will be short and swift. Maximum combat power is to be harnessed and applied across the border in a series of strikes that will rapidly degrade the military potential of the enemy. The weakness with this strategy is that it seldom takes political objectives into consideration.

How military is used by the govt

Let us take a few examples of the recent past where military force was used or contemplated to be used by the Indian state.

- During the the Kargil conflict in 1999, while the complete military was poised to strike Pakistan by land, sea and air, the political leadership decided to restrict the conflict to only the Kargil sector and to our own side of the LoC.
- After the attack on the Indian Parliament in December 2001, Operation Parakram was launched and the Indian Army mobilised for an impending war against Pakistan. The Army remained deployed along the borders for almost one year.
- The Mumbai attack in November 2008 was the biggest terror strike launched from Pakistan. There was outrage in the country and calls for retaliation against Pakistan. However, the use of force was ruled out.

Way forward

- The importance of a military force lies in its utility to achieve the national aims, and not in the numbers of divisions, ships and aircraft squadrons. The dominance of America's military power has not resulted in the achievement of its political objectives in Afghanistan.
- We must also debate the character of future wars. A number of questions need to be answered. For instance, what will be the contours of a war between nuclear armed adversaries, and how will victory be defined if we want to remain below the nuclear threshold?
- It is necessary for the three services to sit together and find realistic answers. We must be prepared for a whole range of options from non-contact warfare to a full-scale war.
- It is only after these discussions crystallise that we will be able to arrive at a common understanding of how future wars could possibly play out and the kind of joint structures that are required to best fight this conflict.

Conclusion

- We may not get everything right but each service extolling its own importance is not helping our ability to prepare for the future.

WHAT'S IN A NAME?

Why has this issue cropped up?

- The Union Information and Broadcasting Ministry has issued an advisory to the media saying they "may" refrain from using the term 'Dalit' while referring to members of Scheduled Castes.

Issues with this advisory

- The I&B Ministry's advisory is confusing as it uses the words "for all official transactions, matters", though the media's references to the community are usually beyond official contexts.
- The advisory must be withdrawn as there is no reason to tell the media how to do their job, even if it is couched in the form of gratuitous advice.

Should the term 'dalit' not be used?

- A decade ago, the National Commission for Scheduled Castes disfavoured the use of 'Dalit', which it felt was unconstitutional. This is because belonging to a 'Scheduled Caste' is a legal status conferred on members of castes named in a list notified by the President under Article 341 of the Constitution. Therefore, arguably, 'Scheduled Caste' is the appropriate way to refer to this class of people in official communications and documents.
- However, it is inexplicable to oppose the use of the term 'Dalit' in the media and in non-official contexts — a nomenclature chosen and used by the community itself. Doing so lends itself to the charge that there is an attempt to deny the powerful and emotive meaning of the word Dalit.
- 'Dalit' literally means 'downtrodden' or 'broken', but it is a word pregnant with meaning, reflecting the struggle of a community to reassert its identity and lay claim to the rights that were denied to them for centuries.

ENDING TB

Introduction

- After decades spent battling the scourge of tuberculosis (TB) in developing countries, 2018 might be the year that it is finally accorded the gravitas it deserves.

How TB is being accorded enhanced seriousness?

- On September 26, the UN General Assembly will, for the first time, address TB in a High-Level Meeting and likely release a Political Declaration, endorsed by all member nations, to galvanise investment and action to meet the global target of eliminating TB worldwide by 2035.

Elimination of TB

- Elimination, which means reducing the number to one case per million people per year, will be impossible without universal, equitable access to affordable, quality TB diagnostics and treatment for anyone who needs it.

Issues with the Declaration

- Issues around access to diagnostics and drugs have been considerably diluted in the most recent draft of the Political Declaration.
- A critical omission is that countries may avail of the various flexibilities under the Trade-Related Aspects of Intellectual Property Rights; another is that countries may invoke the Doha Declaration to compulsorily license drugs for use in public health emergencies. Yet another is the option to de-link the pricing of new TB drugs from the costs incurred in their research and development.

India's TB burden

- India not only accounts for a fifth of the world's TB burden, it also has the largest number of people living with multidrug-resistant TB.

Is TB difficult to cure?

- TB is, by and large, easily diagnosable and curable. It is unacceptable that it nevertheless remains the leading causes of death from any single infectious agent worldwide. Each day, thousands of people with TB die, often because of inequitable access to quality diagnosis and treatment.

India's effort towards elimination of TB

- India has fought to retain its status as a maker and distributor of generic medicines, thereby protecting the right to health of people in developing countries.
- Indian patent law contains important provisions that help protect and promote public health goals — for example,
 - by overcoming bids by big pharma to evergreen patents of old drugs,
 - through compulsorily licensing for certain drugs, and
 - by permitting pre- and post-grant opposition to patents to challenge unfair patenting practices by big pharma.

Conclusion

- In March, Prime Minister Narendra Modi said India would eliminate TB by 2025, ahead of the global targets. These targets cannot be achieved without access to affordable, quality diagnostics/ drugs. Unless India assumes a leadership role to restore every possible option to protect universal access to TB drugs in the Political Declaration, 2018 may end up being just another brick in the wall.

POST OFFICE SOLUTIONS

Introduction

- Prime Minister Narendra Modi launched the India Post Payments Bank (IPPB), a financial service provider that will operate under the country's age-old postal department.

About IPPB

- It will be able to accept deposits of up to Rs. 1 lakh from customers but without the rights to use these funds to advance risky loans at higher interest rates.
- It, however, plans to offer a variety of other financial services to people, including the holders of postal savings accounts that are worth over Rs. 85,000 crore.

Need of IPPB

- The primary rationale behind the public payments bank idea is to help in the government's goal of achieving financial inclusion by providing savings, remittance, and payments services to the rural and unorganised sectors of the economy.
- It is also hoped that the payments bank idea will help reinvigorate the postal system, which has a wide network of branches across India. All the 155,000 post offices in the country are expected to be linked to the IPPB system soon.
- The payments bank will also have a digital platform that is expected to make financial services more accessible even from remote locations.

Challenge to IPPB

- A big challenge facing the new public payments bank is whether it can manage to earn the profits required to survive as a standalone business entity.
- Given the severe restrictions imposed by the Reserve Bank of India on how payments banks in general can employ their funds, the odds seem to be stacked against the IPPB at the moment.
- The first wave of new payments banks that commenced business last year — Airtel, Paytm and Fino — have not exactly set the market on fire.
- Banks have traditionally stayed away from the business of pure deposit banking, unless customers have been willing to pay for these services, for a good reason.
- To generate revenues, it plans to charge fees on money transfers and other financial services while investing idle customer deposits in safe government securities in order to earn interest. Whether this will be sufficient to cover interest and operational costs remains to be seen.
- Meanwhile, the IPPB is also likely to face stiff competition from private companies, which are generally more nimble in adapting to business realities and far more customer-friendly compared to the government-owned behemoths.
- And with increasing competition, the IPPB's revenues and margins are also likely to come under pressure.

Conclusion

- If it succeeds, the new payments bank could usher in a new era of rapid financial inclusion across rural India.

2+2 =?

Introduction

- The 2+2 discussions, held after two previous cancellations this year, brought much-needed focus on the India-U.S. relationship after months of drift and occasional discord.

Boost to defence

The India-U.S. defence relationship has been given a significant boost with the three agreements signed after the inaugural 2+2 Dialogue in Delhi:

- the Communications Compatibility and Security Agreement (COMCASA),
- “hotlines” between the Defence and Foreign Ministers of both countries, and
- the first tri-services military exercises between the two countries.

COMCASA

- COMCASA is the third of four “foundational”, or enabling, agreements signed by India after more than a decade of negotiations, and is perceived as an inevitable consequence of the large amount of U.S. defence hardware it has been purchasing.
- This will increase, going forward, given the U.S. decision to include India in the top tier of countries entitled to Strategic Trade Authorisation (STA-1).

Unreasonable demands made at 2+2 discussions

- U.S. officials said clearly that they expect India to increase imports of American oil and gas as well as aircraft in order to wipe out the trade surplus India enjoys.
- The U.S.’s other demand, to “zero out” oil imports from Iran by November, is simply unreasonable. It would hurt India dearly not only because of costs at a time when the dollar is strengthening and fuel prices are going up, but also in terms of its substantial engagement with Iran.

What was missing at 2+2 discussions ?

- While trade was addressed, India did not receive a clear-cut assurance of its GSP (Generalised System of Preferences) status being restored, or of waivers on steel and aluminium tariffs imposed by Washington.
- No public statement was made on what the U.S. will do on India’s investment in the Chabahar port once its full sanctions kick in on November 4.

- American officials also gave no firm commitment in their statements that India will receive a waiver to purchase Russian hardware, beginning with the S-400 missile system.

Conclusion

- Delhi must work with Washington in the next few months to ensure that the benefits from the 2+2 dialogue don't add up only on the other side.

A GREATER TRANSFORMATION

Why has this issue cropped up?

- In its decision in Navtej Singh Johar v. Union of India last week, the Supreme Court has finally struck down the colonial-era law criminalising homosexuality and the lives of LGBTQ persons.

Why did the court decriminalise homosexuality?

- The provision violated the rights of LGBTQ persons to dignity, equality, privacy and expression.
- Section 377 of the Indian Penal Code intruded into a zone of intimate decision which is entitled to constitutional protection.
- The guarantee of equality at its heart was the guarantee of equal citizenship. The criminalising ambit of Section 377 violated this guarantee as it "singles out people, by their private choices" and "marks them as less than citizens — or less than human".
- Section 377 encoded a stereotypical morality which has deep-ranging social effects. The right not to be discriminated against on grounds of one's sexual orientation is violated by the prejudicial stereotypes about the LGBTQ community fostered by Section 377.
- The denial to LGBT persons of the right to dignity is incompatible with the morality of the Constitution.
- The idea that majority opinion should prevail over the right to dignity and liberty of the minority was explicitly rejected.

Transformative Constitution

- The logic of this case is anchored within what is called "a transformative Constitution".
- The purpose of having a constitution is to transform society to embrace therein the ideals of justice, liberty, equality and fraternity.
- The mandate to transform society in allegiance to the Constitution is a task vested in the state, the judiciary and the citizen.

- The implications of a transformative Constitution are wide ranging and its power can be harnessed by inter-caste, inter-religious and same sex couples, all of whom are battling a form of social morality which is at odds with the Constitution.

Way forward

- If a law has taken root in the social, cultural and legal consciousness, the challenge of extirpating the prejudice which the law has fostered is still immense. Denotified Tribes still face prejudice and violence at the hands of the state and society even after the colonial-era Criminal Tribes Act was repealed in the late 1940s. It is this immense task of combating the prejudicial attitudes encoded in Section 377 which has to continue.
- SC was cognisant of this challenge and mandated the Union of India to give “wide publicity to the judgment” and conduct “sensitisation and awareness training for government officials and in particular police officials in the light of observations contained in the judgment”.

Conclusion

- The court, through this decision, has harnessed the transformative power of the Constitution and amplified a way of thinking rooted in the values of respect for dignity, equality and fraternity. If this way of thinking, rooted as it is in the struggle against forms of discrimination perpetrated by a conservative social morality, becomes more widely accepted, India will be less of a majoritarian democracy and more of a form of constitutional democracy.

LOUDY FORECAST

Why has this issue cropped up?

- The conference of the UN Framework Convention on Climate Change in Bangkok last week ran into predictable difficulties over the issue of raising funds to help poorer nations.

Why did the difficulties rise ?

- Under the pact concluded in Paris, rich countries pledged to raise \$100 billion a year by 2020 to help developing countries reduce their greenhouse gas (GHG) emissions and aid populations to cope with extreme events such as floods, droughts and storms.
- However, some developed countries led by the U.S. — which, under the Trump administration, has rejected the agreement — are unwilling to commit to sound rules on raising climate finance.

Is obstruction by developed countries justified?

- Obstructing the transition to a carbon-neutral pathway and preserving the status quo is short-sighted, simply because the losses caused by weather events are proving severely detrimental to all economies.
- By trying to stall climate justice to millions of poor people in vulnerable countries, the developed nations are refusing to accept their responsibility for historical emissions of GHGs.

India and China

- There is international pressure on China and India to cut GHG emissions.
- Both countries have committed themselves to a cleaner growth path.
- As members committed to the Paris Agreement, China and India have the responsibility of climate leadership in the developing world, and have to green their growth.

Way forward

- What developing countries need is a supportive framework in the form of a rulebook that binds the developed countries to their funding pledges, provides support for capacity building and transfer of green technologies on liberal terms.
- This is the time for the world's leaders to demonstrate that they are ready to go beyond expediency and take the actions needed to avert long-term catastrophe.

CLEMENCY QUESTION

Why has this issue cropped up?

- After failing to get the seven convicts in the Rajiv Gandhi assassination case released by exercising its statutory power to remit life sentences, the Tamil Nadu govt has taken recourse to a possible constitutional remedy. It has decided to invoke the Governor's clemency power under Article 161 of the Constitution.

Why the statutory power to release the convicts could not work?

- The earlier attempt in 2014 to remit the sentences under the provisions of the Code of Criminal Procedure was stayed by the Supreme Court, which ultimately held that the Centre had primacy in according remission to life convicts in a case that involves consultation between the Centre and the State.
- The Centre formally declined to concur with the State's proposal in April 2018, saying it would "set a very dangerous precedent and lead to international ramifications".

The power of clemency

- There is no doubt that the sovereign clemency power vested in the President and the Governor is quite wide, but the Supreme Court has in the past cautioned against its use for political considerations.
- Tamil Nadu Governor will now have to take a call on the advice of the State's Council of Ministers and decide whether he is bound by it.
- The moot question is whether he will pause to consider the Centre's opinion against releasing those involved and either reject the proposal or seek its reconsideration. In either case, his decision will be subject to judicial review.

Article 161

- The Tamil Nadu government believes there is no legal bar on the convicts getting the benefit of Article 161, even though the mercy petitions of some of them have been rejected by both the Governor and the President.

Should the convicts be released ?

- In principle, the idea that convicts who have suffered prolonged incarceration require compassion cannot be faulted.
- The idea of locking away a person for life, without so much as a sliver of hope of freedom, is not in keeping with the ideals of a truly modern society.
- However, it is impossible to ignore the impact of such a decision on capital punishment. When lifelong imprisonment is regarded as a humane alternative to capital punishment, releasing life convicts may only strengthen the demand for the imposition of the death penalty — which would be retrograde.

Conclusion

- Although there are many political considerations behind the move to release the convicts, this case must be decided on the basis of legal principles alone.

RECONNECTING WITH EUROPE

Why has this issue cropped up?

- President Ram Nath Kovind's visited three European states — Cyprus, Bulgaria and the Czech Republic— last week .

Significance of this trip

- His trip is part of an effort by the government to put Europe back at the centre of India's global consciousness.
- India's diplomatic mind space is occupied mostly by Pakistan, China, and the United States. India's relations with the ASEAN have become a part of the foreign policy discourse. Further, Japan has become an important element of India's international relations.
- But Europe as a collective has drawn little attention.
- Unresolved issues with key countries in Europe had injected much negativity to India's relations with key European countries.

India's engagement with Europe

- The case of the detained Italian marines was sorted out. This led to Rome's support for India's membership of the export control groups and its lifting the political hold on the India-EU annual summit in 2016.
- In what could turn out to be a potential game-changer, India has laid the foundation for a strong strategic partnership with France. Apart from Rafale, the ambit of the relationship with France now includes maritime and naval collaboration.
- Beyond the bilateral, the government sought to intensify engagement with the European Union. Although the two sides had unveiled a strategic partnership way back in 2004, the movement was too slow. That is changing now.
- The EU is currently mapping out an "India Strategy" that is expected to lay out an ambitious new agenda for the relationship. India, on its part, is attaching a new strategic salience to the relationship with Europe.
- As the world's second-largest economic entity and a major source of capital, Europe is a natural partner in India's economic transformation.
- India has a lot of catching up to do with Europe — from trade liberalisation to educational exchanges and climate change to security cooperation.
- The government's boldest move lies in a conscious effort to break out of the anti-colonial and Cold War attitudes that crimped India's engagement with Europe.
- The PM's enthusiastic outreach to Britain and participation in the Commonwealth summit, much against the grain of conventional thinking in the foreign policy community, opened up new opportunities with London. So is the unfolding Indian Ocean partnership with France.

- As it deepens engagement with Europe today, India is learning to appreciate the multiple forces — religious, ethnic, economic and political — that are reshaping the continent.
- As it reaches out to Central Europe, India has begun to acknowledge the region's complex relations with its large neighbours — Germany and Russia.
- In deepening ties with the Nordic and Baltic states, Delhi recognises their deep-seated fears about an assertive Moscow.

Conclusion

- As Europe steps out from America's protective shell, it will need partners in promoting stability in Eurasia and the Indo-Pacific. That opens up one of the most productive and exciting lines of strategic advance for India in the coming years

NEPAL RESET

Why has this issue cropped up?

- Nepal's decision to pull out of the first joint military drill by member countries of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (Bimstec) stands in sharp contrast to Nepal army's slated participation in a 12-day long military exercise with China later this month.

What this pull out indicates?

- At the very least, the cancellation indicates Nepal's reluctance to see Bimstec take on a significant security role.
- At worst, it underlines Nepal's strategic drift away from India and towards China.

The deteriorating India-Nepal relation

- Notwithstanding many issues with its economic policies, the Indian government has largely done well on the foreign policy front. But relations with Nepal appear to be an exception to the latter.
- From India's response to the 2015 adoption of a new Nepali constitution to the subsequent Madhesi blockade that was seen to have an Indian hand, New Delhi has got its Nepal calculations wrong.
- This in turn has given China an opening to increase its footprint in Nepal. And with deeper pockets, Beijing can offer big-ticket projects that New Delhi won't be able to match.

What should India do to improve relations with Nepal?

- Against this backdrop, India should warn Nepal about the dangers of falling into China's debt trap in the pursuit of infrastructure development. After all, countries from Malaysia to Pakistan are having second thoughts about China's marquee Belt and Road Initiative of transnational connectivity.
- But this by itself won't be enough to dissuade Nepal from being lured by Chinese promises unless India delivers on its own promises to Nepal and in the region.
- A slew of Indian projects in Nepal have been hanging fire for years. These include big hydro-power projects like Pancheshwar, Arun III and Upper Karnali.
- Demonstrating similar lethargy, the motor vehicle agreement inked under the Bangladesh-Bhutan-India-Nepal framework too has hit a roadblock.
- One way out could be to involve the Indian private sector in delivering on projects in the neighbourhood, rather than depending on Indian public sector undertakings which are notoriously lethargic. Speed is of the essence if India is to offer Nepal alternatives to Chinese projects.

Conclusion

- India needs a sophisticated Nepal policy that combines reliability with subtlety.

AT YOUR DOORSTEP

Why has this issue cropped up?

- The AAP government has decided to make home delivery of public services. This is an important innovation if it works out successfully.

About this scheme of AAP

- It plans to deliver 40 public services at the doorstep of citizens.
- The exercise spans a wide range of primary public services such as getting a driving license, water connection or ration card.
- Launched in association with a private agency, it envisages a mobile 'sahayak' visiting homes for a nominal fee to help people avail of these services.

Significance of this scheme

- As the current dispensation of public services in India is a source of harassment and petty corruption, this is an important step towards ease of living if it succeeds.
- Lower levels of government engaged in providing essential public services are notorious for corruption. Opacity of processes and low levels of accountability, which result in long queues and uncertainty, make things worse.

- The CMS-India Corruption Study 2018 identifies attempts to access primary public services as the most common reason why people pay bribes.
- In this context, the Delhi government scheme is an encouraging experiment in not only making life easier but also partially neutralising situations which encourage corruption.
- One hopes the AAP government can make this experiment succeed, which will lead to replication by other state governments.
- The experiment also comes on the heels of governments thinking about how to use technology to reduce direct interface between citizens and babus. For instance, direct benefits transfer can substantially minimise corruption when it comes to delivery of welfare benefits.
- Curbing this kind of corruption can render patronage politics of one kind irrelevant. This, in turn, will benefit the political system by reducing the need for strongmen who are often criminals but nevertheless derive importance from being able to offset poor delivery of services and governance failures.

THE SEVEN CONVICTS HAVE SUFFERED ENOUGH

Why has this issue cropped up?

- Following the order of the Supreme Court in the mercy petition by A.G. Perarivalan, one of the seven convicts in the Rajiv Gandhi assassination case, the Tamil Nadu government has recommended to the Governor to pardon and release all the seven.

What is the option before the Governor?

- The Governor has no option but to act in accordance with the State government's recommendation and release them. Whose discretion.

Why Governor is bound to do so?

- In our system of parliamentary democracy, which we have borrowed from the U.K., the Governor is much like the King of the U.K., a constitutional head who has to act not at his or her own discretion, but on the advice of the Council of Ministers.
- This was the law declared by the seven-judge Bench of the Supreme Court in *Shamsher Singh v. State of Punjab* (1974), which came even before the 42nd Constitution Amendment which only expressed what was earlier implicit in the Constitution.
- Following this decision, in two more decisions of the Constitution Bench — *Maru Ram v. Union of India* (1980) and *Kehar Singh v. Union of India* (1988) — the Supreme Court held that in exercising the power under Article 72 (the power of the President to grant

pardons, and to suspend, remit or commute sentences in certain cases) or Article 161 (the power of the Governor to do the same) of the Constitution, the President or the Governor has to act on the advice of the Council of Ministers and not at his or her own discretion.

- Thus, the Governor of Tamil Nadu has no option but to release the seven convicts.

Two apprehensions

Those who doubt that the seven convicts can still be released after the Tamil Nadu government's recommendation have two apprehensions, but both are unfounded.

- The first apprehension is on the basis of the Supreme Court judgment in *Union of India v. V. Sriharan alias Murugan* (2015). A careful perusal of this decision shows that it only relates to the statutory power of the State government under the Code of Criminal Procedure (CrPC) and has nothing to do with the constitutional power of the Governor under Article 161 of the Constitution. The constitutional power to grant pardon in Article 161 is different from the statutory power under the CrPC. Hence, the aforementioned decision does not come in the way of the Governor granting pardon, without the concurrence of the Central government.
- The second apprehension is that if the Governor grants pardon, his action may be struck down by the court as arbitrary. No doubt it has been held in *Maru Ram's* case and other subsequent judgments of the Supreme Court that the Governor's act of granting pardon is subject to judicial review and can be struck down if it is arbitrary or mala fide. But can it be said that if the Tamil Nadu Governor grants pardon to the seven convicts on the basis of the recommendation of the State government, he will be acting in an arbitrary or mala fide manner? The answer is clearly in the negative. In *Maru Ram*, the Supreme Court had observed that the "considerations for exercise of power under Articles 72/161 may be myriad and their occasions protean". Among such myriad considerations can surely be that the convicts have spent 27 years in jail and have suffered enough.

Conclusion

- As Portia said in Shakespeare's *Merchant of Venice*, justice should be tempered with mercy. The Governor must now act quickly and pardon and release the seven convicts without any ado.

END SWEET DEAL

Why has this issue cropped up?

- India is likely to overtake Brazil as the world's leading sugar producer next year.

How will India overtake Brazil?

- Thanks to good monsoons, India's sugar output will scale to 350-355 lakh tonnes in sugar year 2018-19, surpassing Brazil's output of about 300 lakh tonnes.

Is it a good news for India?

- This would saddle the domestic market with a supply of 450 lakh tonnes against demand of just 255 lakh tonnes.
- This supply glut may well push mills presently teetering on the brink of bankruptcy.
- It will also aggravate distress for beleaguered cane growers who are staring at dues of over ₹18,000 crore from the mills this year.

The sugarcane sector crisis

- The Centre and States have only their own short-sighted policies to blame for this enduring crisis.
- While Brazil's sugar economy has acquired both resilience and global competitiveness by being extremely responsive to the fluid demand-supply dynamics of the global sugar trade, the Indian sugar sector is sinking deeper into a quagmire, thanks to policies that try to cosset growers and the industry from inexorable market forces.
- By now, it is quite well understood why India's farmers, despite the stagnating sugar demand, have continued to ratchet up sugarcane acreage at the expense of most other food crops.
- Rising Fair and Remunerative Prices (FRP) for cane irrespective of sugar prices, giveaways by State governments in the form of 'advised' prices and loan waivers, and the onus placed on the industry rather than the Government to guarantee minimum procurement prices, have all combined to make sugarcane a lucrative crop at a time when the MSP promise is ringing hollow for most other produce.
- While these policies actively encourage higher cane output, they don't offer any solutions for liquidation of the resulting sugar surplus.
- While the Centre has devised solutions like production subsidies and minimum export quotas, exports are all but ruled out by global sugar prices ruling a good 40 per cent below Indian production costs.
- Ethanol blending has been an oft-prescribed solution that has been hamstrung by State policies actively favouring the alcohol lobby.
- While dismantling the Central and State-imposed shackles on the sector presents a patently obvious solution, the nexus between State politics and the sugar economy has effectively scuttled reform attempts.

Way forward

- With a water crisis now looming large over India, it has become imperative to de-link politics from sugar so that that the growers' fatal attraction to this water-guzzling crop can be ended.
- Both the Centre and States must bite the bullet on ending the special treatment for sugar by letting market signals dictate crop prospects and prices.

- Treating sugarcane on a par with other food crops and moving from price support to income support for the farmer across crops, is the only way forward to deal with this bitter harvest.

NOT BY MSPS

Why has this issue cropped up?

- The Union Cabinet has approved a new initiative called PM-AASHA.

What is PM-AASHA?

Short for Pradhan Mantri Annadata Aay Sanrakshan Abhiyan, it basically combines three schemes —

- one existing (Price Support Scheme, in which MSP-based procurement of pulses and oilseeds is done by central agencies such as Nafed),
- one tried out by Madhya Pradesh and Haryana with limited success (Price Deficiency Payment Scheme), and
- one new (Pilot of Private Procurement and Stockist Scheme, in which private players have also been enlisted for MSP operations).

The problem

The question arises with regard to implementability of AASHA.

- When market prices today are consistently ruling below MSPs, it only means that the latter do not reflect supply-demand fundamentals. That being so, the responsibility for making purchases at MSP and incurring both sale as well as storage losses would be solely on government agencies. How much can these agencies buy and store?
- Moreover, how will they dispose of these stocks? Nafed is now struggling with the roughly 6.5 million tonnes of pulses and oilseeds it bought in 2017-18 — and which is currently being offloaded back into the market at below MSPs. Even if private corporates are entrusted with procuring on the government's behalf, they will have to be compensated for losses and not merely paid a service charge of up to 15 per cent on the MSP.

Way forward

- If farmers are to be paid remunerative rates, the best way to do it is not through distorting but by liberating the markets. Let the farmer grow any crop based on market signals and sell anytime at the going price that traders are willing to pay.
- Simultaneously, introduce competition by allowing anybody from anywhere to buy from any mandi within India, while doing away with all storage and movement restrictions.

- A truly national market for agricultural produce, coupled with a flat per-acre government payment independent of the crop being grown, is the need of the hour.

INDIA'S FLOOD-DROUGHT REALITY

The man-made disaster in Kerala

- Kerala's was undoubtedly a man-made tragedy—the inability to store and drain water efficiently and the assault on the Western Ghats ecology over the years, among other factors, had devastating consequences.
- Kerala's disaster was a result of “decimation” its drainage systems, including forests, hills, flood plains, paddy fields, ponds, etc, that could have helped store the excess water or recharge ground water levels.
- This was compounded by the fact that Kerala received over 2,500 mm of rainfall this year—the second highest rainfall in nearly a century—of which more than a third fell over just 20 days. But, with climate change, extreme and erratic monsoon is becoming the new normal for India.

The drought-flood duopoly

- Over the past few years, flood-drought cycles are becoming both more common and pronounced in the country.
- This year, 86 districts in the country are facing >40% rainfall deficit—50 are experiencing a 40-50% deficit, 23 face a 51-60% deficit, 10 a 61-70% deficit and three face a >70% deficit. Of these 86 districts, 10 have also seen floods this year.
- A look at rainfall statistics across the nation confirms an extreme/erratic rains duopoly. While the country saw a 6% deficiency over the long period average, over 20% of the 718 districts in the country were flooded and nearly 40% are facing droughts with deficits of over 20%.
- What's worse, many states have some districts flooded and some districts experiencing drought.

Way forward for India

- India must adopt resilience and adaptation strategies. No longer can it afford to have a storage capacity of just 253 billion cubic metres (bcm)—against 2,600 bcm of rainfall received in even a bad year and a usage demand of 1,110 bcm.
- The country has just 91 large reservoirs, storing just 158 bcm. New reservoirs must be built and at the right places.

- A network of connected water storage structures should be built to drain off excess water in case of floods and act as storehouses for droughts.
- Others, flooded or facing droughts or reeling under both, must take a cue from Kerala's tragedy and focus on developing optimal storage and drainage capacity.

PERFORMING MODERATELY

Why has this issue cropped up?

- Today (15th Sep), the world celebrates the 11th International Day of Democracy in pursuance of a UN resolution. This is an appropriate occasion to have a look at the state of democracy in South Asia, especially India.

The democratisation of the world

- The world saw a huge wave of democratisation after World War II. The newly-liberated states in Latin America, Africa and Asia adopted democratic forms of government after centuries of colonial subjugation.
- Today more people live under various forms of democracy than ever before. More than 120 of the 192 countries in the world have some form of democracy — only 11 parliamentary democracies existed in 1941. This indicates the appeal of democratic ideas and systems.
- South Asia is home to 3 per cent of the world's area and 21 per cent of the world's population. It's significant that 50 per cent of the world's population living under some form of democratic rule resides in this region.

Real meaning of democracy

- Democracy does not merely mean voting rights for people, it means empowering people by granting them equality.
- It also means the creation of mechanisms to resolve differences through dialogue and with mutual respect and understanding.

Factors that make democracy popular

Some factors contribute to the popularity of democracies. These include

- transparency in political processes,
- accountability of elected representatives,
- basic freedoms for all citizens,
- equal rights for women and minorities and
- high rates of voter participation

The challenges

- Despite the democratic upsurge, there are significant challenges like poverty, inequality, gender injustice, nepotism and corruption.
- Elected despots and authoritarian leaders are weakening democracies across the world.
- Political experts have argued that democratic values are on the decline, especially in the West.
- One of the major challenges to democracy is people losing faith in it. There are many reasons for such disillusionment, including corruption, nepotism and unemployment. This often leads to people disengaging with key public policy issues which, in turn, makes those in power less accountable.

Democracy in South Asia

- When it comes to representative government, India and Sri Lanka have maintained relatively high scores.
- Afghanistan, Bangladesh, Nepal and Pakistan have had periods of non-elected regimes.
- The general trend in South Asia in this respect has, however, been positive.
- With respect to ensuring fundamental rights, the region's score matches that of Asia Pacific but it is slightly below the global average.
- At the country level, Afghanistan and Nepal have seen the most improvement. Sri Lanka and Pakistan saw a slight decline in the 1970s and 1980s. India's score has been stable since the late 1970s. However, a decline has been observed since 2015.
- The region has the lowest scores in the world despite a slight improvement between 2012 and 2015.

Democracy in India

- On yardsticks such as elected government, effective parliament and impartial administration, the country's scores hover around the world average.
- However, in the last decade, there has been a significant dip in the country's record on civil liberties, personal integrity and security, freedom of association, media integrity, gender equality and basic welfare.
- In fact, India's performance on the yardstick to measure media integrity was better than the global and South Asian average between 1994 and 2012. However, the country's score has fallen below the global and Asia-Pacific average in 2017. Given that a free and fair media is crucial to a meaningful democracy, this is a worrying tendency.
- The Election Commission has played an important role in conducting free and fair elections in the country.
- An independent judiciary is another reason for the resilience of democracy in India. The apex court has given judgments that keep a check on the government and ensure a transparent and accountable system.

Conclusion

- India does have the highest rating among South Asian democracies. But its performances on several yardsticks makes it a flawed democracy. If we want the largest democracy to count among the world's greatest, there must be serious introspection among all stakeholders.

LEAN, MEAN MILITARY?

Why has this issue cropped up?

- Gen Bipin Rawat has called for plan to modernise army to prepare the army for 21st century conflict.

What does this modernisation consist of?

- The army envisages a cut of some 1,50,000 troops, beginning with a cut of one-third within two years.
- The army hopes for a saving of Rs 5,000 crore to Rs 7,000 crore that could be used to boost its capital budget to buy new equipment.

Previous such modernisation ideas

- In 1998, the army reduced its recruitment so as to cut its numbers by 50,000, with the hope that the expected saving of Rs 600 crore would help to buy new equipment. But, to its chagrin, it found that the government simply pocketed the money and there was no bonus in the 1999 budget.
- As for restructuring, in the early 2000s, when the army formulated its Cold Start Doctrine, it envisaged the reconfiguring of its divisions and corps into agile integrated battle groups (IBGs) which would be roughly the strength of a brigade.
- In 2017 the defence ministry had announced it was “redeploying” 57,000 personnel following recommendations of the Shekatkar Committee, set up to suggest measures to enhance the army's combat potential and constrain its revenue expenditure.

Issues with the ideas of modernization

- The suggestions that cuts will take place in Signals and Supply units actually goes against the grain of modern warfare, which emphasises quick moving forces and long range precision strikes enabled by specialised ISTR, EW and logistics units.
- There is no guarantee that the army's savings will be given back to them. In India money is retained in the Consolidated Fund, and whatever is saved or left over, goes back into it. It's not as though the money “belonged” to the army. The government would have to re-

appropriate the alleged savings through the Union Budget process. Going by past experience, that is unlikely to happen.

- Reducing numbers does not necessarily translate into reducing expenditure. Indeed, in the short run, it will be the other way around. The reason is that there is need to invest in getting higher quality personnel, pay to train them into their new jobs and re-equip the army with an entire new range of weapons and systems.

Conclusion

- It is worthwhile recalling the testimony of the army to Parliament's Standing Committee on Defence earlier this year, that some 68% of the army's equipment holdings belong to the "vintage" category, 24% current and 8% state of the art. A modern, war winning military needs to be state of the art in every dimension – doctrine, organisation, equipment and quality of its personnel.

THE RUPEE PROBLEM

Why has this issue cropped up?

- The rupee is currently the worst-performing currency in Asia. It has lost about 12% of its value since the beginning of the year.

Some reasons for decline of rupee

- India has been unable to boost exports over the years for various reasons.
- At the same time, it has been unsuccessful in finding sustainable domestic sources of energy to address the over-reliance on oil imports. This has meant that the rise in the price of oil has traditionally exerted tremendous stress on the current account deficit and the currency, as is happening now.
- The depreciating rupee is also a symptom of persistently higher domestic inflation in India over many decades.

Steps taken to check decline of rupee

- The rupee is finally receiving some help from the authorities. The government has announced a list of measures to arrest the sharp decline in the currency.
- These include steps to curb the import of non-essential goods and encourage the export of domestic goods, which will help in addressing the country's burgeoning current account deficit that hit a five-year high in July.

- Other steps such as removing restrictions on foreign portfolio investments and encouraging Indian borrowers to issue rupee-denominated 'masala bonds' were also announced to facilitate the inflow of dollars and de-risk the economy from fluctuations in the exchange rate.
- Further, the term limit imposed on borrowings of manufacturing companies is to be shortened further in order to curb dollar demand.

Way forward

- The response to the move from the markets will need to be carefully tracked.
- These steps to strengthen the rupee in the short term are welcome. However, they should not deflect attention from the more fundamental reasons behind the decline of the rupee.
- The government needs to think of a long-term plan to boost exports, preferably through steps that remove policy barriers that are impeding the growth of export-oriented sectors, in order to find a sustainable solution to the problem of the weakening rupee.
- The inflation problem cannot be addressed without drastic changes in the style of monetary policy conducted by the RBI, which is an unlikely proposition. Until then, the best that can be hoped for is a steady drop in the value of the rupee without any drastic shocks to the economy.

LETHAL FILTH

Why has this issue cropped up?

- Recently, five young men died in Delhi who were employed to clean a septic tank. It is a shocking reminder that India's sanitation campaign has done little to alter some basic ground realities.

Why does manual scavenging still continue?

- The law is not being enforced, and there is no fear of penalties. The workers in Delhi were apparently asked to perform the task in violation of Section 7 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.
- In spite of a well-funded programme such as the Swachh Bharat Abhiyan in operation, little attention is devoted to this aspect of sanitation.
- The requirements of worker safety and provision of safety gear for rare instances when human intervention is unavoidable are often ignored.
- Mere assertions by the Centre that it is pressing State governments to prosecute violators, therefore, ring hollow. More and more incidents are being reported of workers dying in septic tanks.

Way forward

- In the absence of political will and social pressure, more lives could be lost because more tanks are being built in rural and urban areas as part of the drive to construct toilets. If the law on manual scavenging is to be effective, the penalties must be uniformly and visibly enforced.
- The Ministry of Drinking Water and Sanitation in its manual of 2016 on toilet design acknowledges that in rural areas, mechanical pumps to clear septic tanks are not available. It is equally important for State governments to address the lack of adequate machinery to clean septic tanks.
- Toilet designs proposed by the government include those in which fully composted waste must be removed from pits every two years. The Centre must ensure that this does not become a fresh avenue to oppress members of some communities who are expected to perform such work, reflecting social inequalities.
- The Swachh Bharat Abhiyan should make expansion of the sewer network a top priority and come up with a scheme for scientific maintenance that will end manual cleaning of septic tanks.
- The law should be enforced vigorously to eliminate manual scavenging in its entirety.

WHERE GOES THE RUPEE?

Why has this cropped up?

- The value of rupee has fallen precipitously against the dollar, and is now hovering around the 72 level; it was just under 64 at the beginning of the year.

Is only the Indian currency falling?

- The dollar has appreciated sharply against practically all other currencies too. For instance, it has moved up against both the euro and the pound.
- Countries such as Turkey and South Africa have experienced significantly higher rates of devaluation than India.

Main reason for fall of rupee

- External factors are the cause. In particular, global capital and perhaps currency speculators have been flocking to the American economy.
- This is not really surprising because the U.S. economy has become a very attractive option.

- Some months ago, U.S. President Donald Trump announced a massive decrease in corporate tax rates. More recently, the U.S. Federal Reserve has also increased interest rates.
- The icing on the global investors' cake is the booming U.S. economy. and so provides a boost to exports by making them more competitive.

Is devaluation of rupee beneficial?

- A long time ago, the 'standard' or textbook prescription for countries with severe balance of payments deficits was to devalue their currencies.
- The underlying rationale was that devaluation decreases the price of exports in foreign countries and so provides a boost to exports by making them more competitive.
- Correspondingly, imports become more expensive in the domestic economy, in turn reducing the volume of imports.
- Unfortunately, this seemingly plausible reasoning does not always work. For instance, if several countries are devaluing at the same time — as it seems to be happening now — then none of these countries benefit from their exports being cheaper abroad
- In other words, there may not be any surge in Indian exports following the current round of devaluation. Neither will there be a huge fall in imports.

Corrective options

- Both the Central and State governments earn huge revenues from excise duties and value-added tax (VAT) on petrol and diesel. Now that the rupee cost of crude has shot through the roof, the Centre should certainly lower duties. Rates of VAT should also be lowered by State governments.
- The RBI could take the most direct route — of offloading large amounts of dollars. This would increase the supply of dollars and so check the appreciation of the dollar, but at the cost of decreased liquidity.
- The Central bank now has an explicit inflation target of 4%, a level that is almost certain to be breached if the rupee remains at its current level. This is very likely to induce the Monetary Policy Committee (MPC) of the RBI to raise interest rates again in order to dampen inflationary tendencies. But, the MPC must moderate any rate increase. Any sharp increase in interest rates can have an adverse effect on growth.
- Perhaps the best option for the government would be to borrow from non-resident Indians (NRIs) by floating special NRI bonds that have to be purchased with foreign exchange, and with maturity periods of at least three years.

Conclusion

- Hopefully, the storm will pass over and the rupee will soon find an equilibrium. In the near future, the rupee is unlikely to return to anything below 70 to the dollar. This should not be cause for much concern because the economy will adjust to the lower value of the

rupee. What must be avoided is any sharp fluctuation in the exchange rate — in either direction.

COVERING THE LAST FIELD

Why has this issue cropped up?

- Excess rains and floods in Kerala, deficit rainfall in eastern and north-eastern India, and associated large-scale crop losses have again highlighted the need for providing social protection to poor farmers.

PMFBY

- A highly subsidised Pradhan Mantri Fasal Bima Yojana (PMFBY) was launched in 2016 to provide insurance to farmers from all risks.
- Aiming to reduce basis risk and premium burden of the farmers, the scheme's total expenses today are almost ₹30,000 crore.
- In comparison to earlier schemes, the PMFBY is more farmer friendly, with sums insured being closer to the cost of production.
- The scheme's linkage with parallel programmes like the 'Jan Dhan Yojana' and 'Digital India' makes it a truly inclusive and welfare-based scheme.
- The scheme therefore led to increased coverage of 5.7 crore farmers in 2016 and the sum insured crossed ₹200,000 crore.
- However, notwithstanding its ambition and intent, the scheme since its operation has been scrutinised more for its misses than its hits.
- Some handicaps of the scheme are:
 - outmoded method of crop loss assessment;
 - inadequate and delayed claim payment;
 - high premium rates; and
 - poor execution.
- Consequently, in 2017, the expansive coverage of the scheme suffered some setback as seen in a drop of nearly one crore farmers in enrolment (about 17%).
- Such shortcomings have inspired recent announcements such as that of Bihar to start its own scheme, the "Bihar Rajya Fasal Sahayata Yojna".

Giving PMFBY teeth

In order to make the PMFBY a sustained developmental action for a comprehensive climate risk protection for every Indian farmer, the following action points are suggested.

- Faster and appropriate claim settlement:
 - Timely estimate of loss assessment is the biggest challenge before the PMFBY.
 - The Achilles heel of the PMFBY is the methodology deployed for crop loss assessment: the crop cutting experiments (CCEs).
 - They have large errors. To improve the efficacy of the PMFBY, technology use such as detailed weather data, remote sensing, modelling and big data analytics must be intensified.
- Universal and free coverage for all smallholders:
 - Farmers' awareness about the scheme and crop insurance literacy remain low in most States, especially among smallholders in climatically challenged areas in most need of insurance.
 - The complicated enrolment process further discourages farmers.
 - To increase insurance coverage we should think of a system whereby farmers do not need to enrol themselves and every farmer automatically gets insured by the state.
- Improved and transparent insurance scheme design:
 - Insurance companies are supposed to calculate actuarial rates, and based on tenders, the company quoting the lowest rate is awarded the contract.
 - We have seen rates quoted by companies for the same region and for the same crop varying from 3% to more than 50%. Such large variations are irrational.
 - One reason for such inflated premiums is lack of historical time series of crop yields at the insured unit level. To minimise their risks caused by missing data and to account for other unforeseen hazards, insurance companies build several additional charges on pure premium.
 - Science has the capacity today to characterise risks and reconstruct reasonably long-time series of yields. The premium rates, and hence subsidy load on the government, can come down significantly if we make greater use of such proxies and appropriate sum insured levels.

Conclusion

- The government today spends more than ₹50,000 crore annually on various climate risk management schemes in agriculture, including insurance. This includes drought relief, disaster response funds, and various other subsidies. Climate-risk triggered farm-loan waivers are an additional expense. All these resources can be better utilised to propel farm growth.

UNFINISHED STORY

Why has this issue cropped up?

- India's ranking in UN's Human Development Index (HDI) went up by just one from last year, to 130th.

India's strides in HDI

- The country has made appreciable strides on its HDI value since 1990.
- India's HDI value was only 0.43 in 1990. In 2017, this grew to 0.64 – an increase of around 50%.
- India's life expectancy in 1990 was 57.9 years. In 2017, it went up to 68.8 years.
- Over the same period, India's per capita income in PPP terms saw an increase of a whopping 267% from \$1,733 to \$6,353.
- Similarly, expected years of schooling went up from 7.6 years to 12.3 years.

Main reason for India's improvements in HDI

- In 1991, India initiated economic liberalisation. The HDI improvement over this period essentially captures the benefits that accrued to Indian society from that historic decision. That India's HDI value is higher than the South Asian average of 0.638 exemplifies this point.

Reasons for the recent slow place of improvement in HDI

- The fact that India went up just one spot from its 2016 HDI ranking shows that improvement has been part of a larger global trend where other countries too have made considerable achievements in bettering their citizens' lives.
- Plus, development hasn't been spread evenly, with India's income inequality the highest at 18.8%. Most of the improvements have flowed to the top of the social pyramid while those at the base have only just been lifted out of poverty.
- The middle class hasn't grown as much as it should have, while small and medium enterprises have failed to transfer the agrarian workforce to manufacturing.
- Add to this gender inequality which glaringly shows up in the per capita income parameter.

Way forward

- India's economic liberalisation is an unfinished story as we have failed create a more equal society. Thus, it's high time that the existing development paradigm is challenged and economic reforms undertaken on a war footing.
- In fact, it's by really opening up the economy and further improving ease of doing business that all sections of society can grow.
- Socialist interventions like reservations and archaic labour laws only hold India back from realising its true potential

2+2 IS LESS THAN THE SUM OF ITS PARTS?

Why has this issue cropped up?

- The much heralded 2+2 Dialogue between the U.S. and India finally fructified on September 6.

Purpose of 2+2

- The 2+2 format is a tactic employed by the U.S., intended to align the military, strategic and diplomatic policies of the involved countries.
- It is often intended to signify a 'special relationship' between the U.S. and the concerned nation.

India's earlier stand on 2+2

- In the past, India was chary of endorsing the 2+2 formula, considering it alien to traditional diplomatic and strategic intercourse between nations.
- However, the U.S. succeeded in overcoming the inhibitions of India's political, diplomatic and strategic community. It went out of its way to assuage many of India's concerns.

Lop-sided outcome of 2+2

- It seems that the U.S. has been the main beneficiary. With this Dialogue, the U.S. also seems to have succeeded in co-opting India into the U.S. strategic framework aimed at the containment of China.

The main takeaway of 2+2 : COMCASA

- The principal takeaway from the 2+2 Dialogue was the signing of the Communications, Compatibility and Security Agreement (COMCASA) .
- COMCASA is expected to facilitate India's access to advanced U.S. defence systems, and "enable India to optimally utilise existing U.S. origin platforms".
- It is also expected to help the armed forces of both countries to enhance interoperability.
- COMCASA is part of four foundational agreements the U.S. believes are critical to establish a foolproof security relationship. The other three are:
 - The General Security of Military Information Agreement (GSOMIA), signed in 2002.
 - The Logistic Exchange Memorandum of Agreement (LEMOA), signed in 2016.
 - Basic Exchange and Cooperation Agreement for Geo-Spatial Cooperation (BECA), yet to be signed.

The impact of COMCASA

- Far more than the other two foundational agreements, COMCASA entails greater integration with the U.S. military. The implications of this can be far-reaching.
- Having been earlier accorded the status of a major defence partner, and with COMCASA now affording access to advanced defence systems and U.S. origin platforms, India risks going down the 'slippery slope' of becoming a U.S. acolyte in conflicts not of its choosing.

What benefit does India derive from this 2+2 exercise?

- The U.S. seeks to become the principal defence supplier to India, and in the process displace Russia from this perch. Russia is not likely to take kindly to its displacement as India's No.1 defence supplier. Any counter moves by Russia, such as seeking out Pakistan as an outlet for its defence items, will not be to India's benefit.
- Our tilt towards the U.S. is also taking place at a time when the world sees the U.S. as a 'declining power'. This is not 1991, when the Soviet Union had collapsed, China was not a dominant economic power, the U.S. had just demonstrated its unassailable military strength in Iraq, etc. At this time, for India to be tagged with the label of an U.S. acolyte is hardly the best option.
- China is a matter of concern, but not an imminent threat as far as India is concerned. The entire 2+2 Dialogue, on the other hand, seemed to centre on the threat posed by China. Pakistan is the more immediate threat for India. But this does not seem to fall within U.S. purview at present.

Conclusion

- U.S. blandishments should not blind us to current realities. There can never be any compromise with our strategic autonomy or the strategic direction that we have chosen to follow all these years.

THE PROGRESSIVE WAY

Why has this issue cropped up?

- Recently, the Law Commission of India has said that a uniform civil code (UCC) is neither feasible nor necessary at this stage.

Pluralistic system of law

- State is not the only source of law. History has many instances of pluralistic legal systems where multiple sources of law existed. Therefore, the Law Commission has rightly recognised the plurality of diverse personal laws and proposed internal reforms in personal laws to make them compatible with the constitutional provisions of equality and non-discrimination.

Should there be an UCC?

- The Supreme Court has been advocating the enactment of a UCC, perhaps without fully appreciating the ground realities. For instance, Justice Vikramajit Sen in *ABC v. State* (2015) observed: “Our Directive Principles envision the existence of a uniform civil code, but this remains an unaddressed constitutional expectation.” Here, the court was not dealing with some religious or personal law but with a statutory provision of the Guardians and Wards Act, 1890. Thus the reference to a UCC was unwarranted.
- In *Sarla Mudgal* (2015), the Supreme Court made observations that those who stayed back after Partition knew that India believes in one nation and therefore no community can claim separate religious laws. Loyalty to the nation and uniformity in laws are not related to each other.
- Even in the Constituent Assembly, there was division on the issue of putting a UCC in the fundamental rights chapter. The sub-committee on this was so sharply divided that the matter was eventually settled by vote. It finally held that the provision was outside the scope of fundamental rights and thus non-justiciable.
- We need to appreciate the distinction between justiciable and non-justiciable rights. B.R. Ambedkar explicitly said in the Assembly, “No government can use its provisions in a way that would force the Muslims to revolt.”
- In Article 44, the framers of the Constitution have used the term ‘uniform’ and not ‘common’ because ‘common’ means one and same in all circumstances whatsoever and ‘uniform’ means ‘same in similar conditions’.
- It seems the framers of the Constitution did not intend total uniformity in the sense of one law for the whole country because ‘personal laws’ were included in the Concurrent List, with power to legislate being given to Parliament and State Assemblies. Preservation of legal diversity seems to be the reason of inclusion of Personal Law in the Concurrent list.
- It is a myth that we have uniform criminal laws. States have made amendments to the Indian Penal Code (IPC), 1860, and the Code of Criminal Procedure, 1973. For example, Punjab recently introduced Section 295AA to the IPC — life term in all sacrilege cases.
- Another myth is that Hindus are governed by one homogenous law after the enactment of the Hindu Code Bill. It is also true of Muslims and Christians. The Constitution itself protects the local customs of Nagaland.
- It is repeatedly mentioned that Goa already has a uniform code. But Hindus there are still governed by the Portuguese Family and Succession Laws. The reformed Hindu Law of 1955-56 is still not applicable to them. The Special Marriage Act has not been extended to Goa.
- Even in Jammu and Kashmir, local Hindu law statutes do differ with the Central enactments. The Shariat Act is also not applicable and Muslims continue to be governed by customary law which is at variance with the Muslim personal law in the rest of the country.

Forgotten issues

- It is distressing that no one talks about the non-implementation of other Directive Principles which are far more important than the enactment of a uniform code.
- What about the right to work, living wages, distribution of community resources to subserve the common good, avoidance of concentration of wealth in few hands and the protection of monuments?

Conclusion

- Amendments to a community's personal law with a view to bringing about changes for its betterment is one thing; but to tinker with the enactment with the sole purpose of introducing 'uniformity' is quite another. Just laws are far more important than uniform law. Piecemeal reforms should be the way forward.

HIMALAYAN DIVIDE

Why has this issue cropped up?

- Despite several attempts at a reset, ties between India and Nepal continue to be a cause for concern.

The recent incidents of disconnect

- The disconnect between the two governments was most visible at the BIMSTEC military exercises concluded recently. After confirming its participation in June, the Nepalese Army withdrew from the exercise.
- Nepal's decision to join China for a 12-day Mt Everest Friendship Exercise in Sichuan province, also focussed on anti-terrorism drills, drives the wedge in further.
- Despite New Delhi signalling its discomfiture with the volume of Chinese investment in hydropower and infrastructure and transport projects, Nepal went ahead recently and finalised an ambitious connectivity proposal that will eventually link Kathmandu to Shigatse by rail.

Way forward

- New Delhi and Kathmandu must put an end to the unseemly controversy by renewing diplomatic efforts over the issue.
- India and Nepal don't just share an open border; they have shared the deepest military links. Such unique ties must not be undermined due to lack of communication. The larger geopolitical context of the discord over the military exercises must not be ignored.

- India is still blamed for the 2015 economic blockade against Nepal. It is also held responsible for attempts to destabilise Mr. Oli's previous tenure as Prime Minister during 2015-2016. New Delhi cannot turn a blind eye to the rebuffs, and must address them.
- At such a time, the Army chief, General Bipin Rawat's statement on BIMSTEC, that "geography" will ensure that countries like Bhutan and Nepal "cannot delink themselves" from India, could have been avoided; such comments unnerve India's smaller neighbours and are misleading. Modern technology and connectivity projects could well take away geography's role as a guarantor of good relations.

SAVING RIVERS

Why has this issue cropped up?

- The Central Pollution Control Board has recently found that the number of critically polluted segments of India's rivers has risen to 351 from 302 two years ago.

Implications of this finding

- The data show that the plethora of laws enacted to regulate waste management and protect water quality are simply not working.
- The study also underscores the failure of many national programmes run by the Centre for river conservation, preservation of wetlands, and water quality monitoring.
- The failed efforts to control pollution are all too evident in Maharashtra, Gujarat and Assam, which account for a third of the degraded river segments. Their problems are worsened by the poor infrastructure available in a large number of cities and towns located near rivers.

Way forward

- The CPCB should be reporting more frequently on pollution, and carrying out intensive measures through State Pollution Control Boards to eliminate pollutants, starting with sewage and industrial effluents.
- Managing sewage requires steady funding of treatment plants for all urban agglomerations that discharge their waste into rivers, and also reliable power supply.
- With low priority accorded to enforcement of laws by the SPCBs and Pollution Control Committees — something that is unlikely to change quickly — the immediate plan should be to expand the supply of treatment plants.
- Sustained civil society pressure on governments is vital to ensure that this is done in a time-bound manner.

- On the industrial side, the plan to bring all liquid effluent discharge from textile units and tanneries to zero has to be pursued vigorously, giving industries the assistance to help them choose the best technologies for the recovery of waste water for reuse.

Conclusion

- The above measures are urgently needed to revive India's many dying rivers, protect its agriculture, and prevent serious harm to public health from contaminated water.

UPPING THE ANTE

Why has this issue cropped up?

- The rules-based world order for international trade appears to be in for a rougher ride after the US announced this week that it would be slapping \$200-billion worth of Chinese exports with 10% tariff, ratcheting it up to 25% by the year-end.

China's response

- Less than 24 hours after the U.S. announcement, China said it would apply retaliatory taxes to the tune of \$60 billion.

Implications of the trade war

There are two questions that this escalation raises.

- First, what is the likely trajectory of this conflict?
 - Economists concur that in the near term the trade war will cause a shrinkage in bilateral trade volumes.
 - Businesses in the U.S., China and nations with close trade and investment links to the two countries, such as those in Europe, will find themselves in considerable economic trouble.
 - Over the longer term, a reversal of the globalisation of supply chains may take place — perhaps that is the very aim of the Trump administration.
- Second, what impact will this trade war have on the future of the hyper-connected world that we live in today?
 - China, and indeed any other nation that trades with the U.S., may seek alternative markets and trading partners if the American government persists with its retreat into economic isolationism.
 - Yet, even if countries can avoid some of the punitive costs of this battle, global institutions such as the WTO and a myriad other multilateral rule-making bodies will wither away, losing their authority.

- This would, in the much-longer term, be a loss for the world community of nations, many of whom have worked hard to establish and credentialise the post-World War order precisely in order to stave off the dark forces of parochialism that engendered the horrors of that period.

Conclusion

- The U.S. could have gone about this by applying its resources through bodies such as the World Trade Organisation to penalise China for overproduction, dumping overseas and excessive restrictions on market access.

LISTEN TO SUPREME COURT

Introduction

- As far back as 1902-03, the Fraser Commission recorded that “the police force is far from efficient, it is defective in training and organisation, it is inadequately supervised, it is generally regarded as corrupt and oppressive, and it has utterly failed to secure the confidence and cordial cooperation of the people.” Tragically, the observations are as true even today – after a lapse of 115 years! Time seems to have stood still for the Indian police.

Futile efforts made towards police reforms

- State Commissions were appointed by the governments of Kerala (1959), Bengal (1960), Punjab (1961), Maharashtra (1964), Madhya Pradesh (1964), Uttar Pradesh (1970), Assam (1971) and Tamil Nadu (1971), but unfortunately the core recommendation of these commissions to insulate the police from extraneous pressures was not implemented by any state government.
- In 1977, the Centre appointed a National Police Commission (NPC). The NPC submitted eight detailed reports between 1979-81 which contained comprehensive recommendations covering the entire gamut of police working. Its recommendations, however, received no more than cosmetic treatment at the hands of the Indian government.
- The Supreme Court gave a landmark judgment on police reforms in, 2006. Today, twelve years down the line, the apex court’s directions have yet to be implemented in letter and spirit.

The Supreme Court judgement

- The Supreme Court gave seven comprehensive directions out of which six were for state governments and one for the central government.
- The states were asked to set up three institutions:
 - State Security Commission to insulate the police from extraneous pressures,
 - Police Establishment Board to give autonomy to police officers in personnel matters,
 - Police Complaints Authority to ensure greater accountability of policemen.
- Besides, the procedure was prescribed for selection of DGP which would ensure that only the best officer was chosen and he, along with other officers performing operational assignments, was given a minimum tenure of two years.
- The states were also asked to separate investigation from law and order work to improve the quality of investigations.
- The Union government was asked to set up a National Security Commission.

How far the Court's directions have been implemented?

- Seventeen states have passed Acts purportedly in compliance of the court's directions but essentially to circumvent them.
- The remaining states have passed executive orders which are in violation of the judicial directions.
- Even where the mandated institutions – State Security Commission, Police Establishment Board and Complaints Authority – have been set up, their composition has been subverted, their charter diluted or their powers curtailed.
- There is arbitrariness in the appointment of DGP, and police officers on operational assignments are shunted out for various administrative reasons before the completion of two years.
- There is tardiness in the separation of investigative and law and order functions of the police.
- Justice Thomas Committee, which was appointed by the Supreme Court to monitor the implementation of directions in various states, in its report (2010) expressed “dismay over the total indifference to the issue of reforms in the functioning of police being exhibited by the states.”
- Justice JS Verma Committee, which was constituted in the wake of the brutal gang rape in Delhi on December 16, 2012, urged “all states to fully comply with all six Supreme Court directives in order to tackle systemic problems in policing which exist today.” The states remain adamant.

Why Supreme directions are not being followed?

- The colonial structure suits the political class because it enables them to use, misuse and abuse the police in a partisan manner.

- The bureaucracy has become addicted to hegemonistic control over the police and is not prepared to let that control be diluted in any manner.
- Politician-bureaucrat combination is the most powerful in India. It is capable of frustrating any plan or scheme. And so, efforts to reform the police are making very slow progress.
- Prime Minister Narendra Modi's dream of a SMART police – sensitive, mobile, accountable, responsive and techno-savvy – remains unrealised, thanks to the indifference of the state governments and the absence of any push from the Union home ministry

Why police reform are necessary ?

- Reforms in the police are directly linked with economic progress and political stability in the country.
- No one would like to invest in a state or country where law and order is fragile.
- The increasing number of persons of questionable background entering the legislatures and Parliament is a dangerous trend which may one day lead to the death of democracy in the country. The police are not able to deal with these elements effectively and are, on the other hand, subjected to the indignity of having to protect them.

Conclusion

- Police reforms, it needs to be emphasised, are not to cover the police with glory. They are to give better security and protection to the people of the country, uphold rule of law and improve governance. What we have today is Rulers' Police, what we need to and must have is People's Police.

IS THE NITI AAYOG RELEVANT TODAY?

Understanding NITI Aayog

- The NITI Aayog was formed to bring fresh ideas to the government.
- Its first mandate is to act as a think tank.
- It can be visualised as a funnel through which new and innovative ideas come from all possible sources — industry, academia, civil society or foreign specialists — and flow into the government system for implementation.

- It has regular brainstorming sessions with stakeholders from various industries and sectors.

Significance of NITI Aayog

- By collecting fresh ideas and sharing them with the Central and State governments, it pushes frontiers and ensures that there is no inertia, which is quite natural in any organisation or institution.
- If it succeeds, NITI Aayog could emerge as an agent of change over time and contribute to the Prime Minister's agenda of improving governance and implementing innovative measures for better delivery of public services.
- It also works to cut across the silos within the government. For example, India still has the largest number of malnourished children in the world. To reduce this number vastly, it requires a huge degree of convergence across a number of Ministries, and between Central and State governments. NITI Aayog is best placed to achieve this convergence and push the agenda forward.
- NITI Aayog is also bringing about a greater level of accountability in the system. Earlier, we had 12 Five-Year Plans, but they were mostly evaluated long after the plan period had ended. Hence, there was no real accountability. NITI Aayog has established a Development Monitoring and Evaluation Office which collects data on the performance of various Ministries on a real-time basis..
- Using such data, it comes up with performance-based rankings of States across various verticals to foster a spirit of competitive federalism. That is another big mandate of NITI Aayog.
- It tries to identify the best practices in different States in various sectors and then try to replicate them in other States.
- It also plays an important role of being the States' representative in Delhi, and facilitate direct interactions with the line ministries, which can address issues in a relatively shorter time. Improving innovation
- Initiatives like Ayushman Bharat, approach towards artificial intelligence and water conservation measures, and the draft bill to establish the National Medical Commission to replace the Medical Council of India have all been conceptualised in NITI Aayog, and are being taken forward by the respective Ministries.
- The Atal Innovation Mission, which is also established under NITI Aayog, has already done commendable work in improving the innovation ecosystem in India.
- With its current mandate that is spread across a range of sectors and activities, and with its unique and vibrant work culture, NITI Aayog remains an integral and relevant component of the government's plans to put in place an efficient, transparent, innovative and accountable governance system in the country.

Criticism of NITI Aayog

- It has no role in influencing, let alone directing, public or private investment.

- It does not seem to have any influence in policymaking with long-term consequences (for instance, demonetisation and the Goods and Services Tax).
- NITI Aayog is supposed to be a think tank. This implies that while generating new ideas, it maintains a respectable intellectual distance from the government of the day. Instead, what we see is uncritical praise of government-sponsored, acronym-infested schemes.
- It sings paeans to the virtues of the private corporate sector as the saviour of the Indian economy without realising, let alone appreciating, the foundational and socially oriented contribution of India's vast public sector.
- Planning for a developing economy can be abandoned, but only at its own peril. The implication for a complex country like India that became an industrial economy late is that planning would, and should, remain a central function of the state in the medium run.
- NITI Aayog will need to evolve into a much stronger organisation than it is.

Lessons from other countries: Need of Planning institutions

- The Chinese state ensured that after its market-oriented economic reforms began, its State Planning Commission became more powerful in the state apparatus. The result was growth and poverty reduction on a scale unprecedented in history.
- Similarly, in all East Asian and Southeast Asian countries, industrial policy was planned and executed as part of five-year or longer-term plans. It was precisely because these countries had planning institutions which went hand in hand with industrial policy that they managed to steer policies through turbulent times in the global economy, thus sustaining growth.
- In most of Latin America/Caribbean (LAC) countries and in Sub-Saharan Africa (SSA), two full decades of potential economic growth and human development were lost when per capita income barely rose even as populations continued to grow. These countries abandoned planning and became captives of the Washington Consensus.
- On the other hand, the important identifier of East Asian and Southeast Asian countries, which did not experience such "lost decades" in the 1980s and 1990s, were their planning structures, backed by an industrial policy and implemented by learning bureaucracies. That is how they were able to ride the wave of their demographic dividend, which comes but once in the life of a nation.

Way forward for India

- India cannot risk going the LAC/ SSA way, since it is already past the midpoint of its dividend.
- While East Asian and Southeast Asian countries still had, and have, five-year plans, what was also integral to their planning was productive use of labour, their most abundant factor, through an export-oriented manufacturing strategy. It was this strategy that was lacking in India's planning. Giving 'planning' per se a bad name for poor policy is indicative of an ahistorical understanding of planning.
- Two changes are required and NITI Aayog should spell out how these reforms will be implemented:

- First, planning will have to become more decentralised, but within a five-year plan framework.
- Second, bureaucracy will need to change from generalist to specialist, and its accountability will have to be based on outcomes achieved, not inputs or funds spent.

DUTY TO DEFEND

Why has this issue cropped up?

- The Rewari and Kosli Bar Associations in Haryana have passed resolutions that none of their members will defend the accused in the recent case of gang-rape of a teenage girl from Rewari district.

Is this resolution on justified?

- This resolution is wholly illegal, and goes against the decision of the Supreme Court in *A.S. Mohammed Rafi v. State of Tamil Nadu* (2010). That decision declared null and void a resolution of the Coimbatore Bar Association that none of its members will defend policemen who had allegedly assaulted some lawyers.
- Several Bar Associations in India have passed resolutions that their members would not defend persons accused of heinous crimes. The Supreme Court declared all such resolutions to be wholly illegal, against all traditions of the Bar, and against professional ethics.
- The court observed, "Every person, however wicked, depraved, vile, degenerate, perverted, loathsome, execrable, vicious or repulsive he may be regarded by society has a right to be defended in a court of law, and correspondingly it is the duty of the lawyer to defend him."

The tradition

- Indian lawyers have defended the revolutionaries of Bengal during British rule, the Indian communists charged with waging war against the British King in the Meerut Conspiracy Case, the Razakars of Hyderabad, Sheikh Abdullah, the Indian National Army accused, the assassins of Mahatma Gandhi and Indira Gandhi, and in recent times Binayak Sen and Ajmal Kasab.
- No Indian lawyer of repute has shirked his duty to defend someone claiming that it would make him unpopular or that it was personally dangerous for him to do so.

Conclusion

- The right-minded lawyers of Rewari and Kosli should defy the resolutions of their Bar Associations.

HASTY STEP

Why has this issue cropped up?

- The government decided to short-circuit the legislative process and took the route of an ordinance to criminalise triple talaq.

Main provision of the new law

- The ordinance makes “triple talaq null and void” and will land the offending husband in jail for three years.

The basis of the new law

- The government has wielded the argument of gender justice to make a case for the ordinance.

Changes brought about in the bill

Last month, the government introduced a slew of changes to the Muslim Women (Protection of Rights on Marriage) Bill.

- It removed the clause that allowed anyone to file an FIR about a triple talaq case, and made the offence cognisable only if the complaint was filed by the victim or her relatives.
- A magistrate was also allowed to compound the offence if the husband and wife arrived at a compromise.
- These changes watered down the Bill’s most contentious provision, its criminality clause.

Criticism of the new law

- It puts the onus of proving the pronouncement of triple talaq on the wife.
- It’s wrong to make the practice a penal offence.

Implications of this law

- The political environment in the country has given rise to fears that the triple talaq issue is a ruse to stamp majoritarianism. With Muslims becoming vulnerable and targets of violence, such fears are not unfounded.

Conclusion

- The complexity of the triple talaq issue demanded thorough legislative scrutiny. By rushing through with the ordinance, the government has lost the chance to give the law the nuance such a process would have afforded.

NEW HEALTH PARADIGM

Introduction

- Ayushman Bharat is a far-reaching initiative aimed at ensuring holistic healthcare services.

Components of Ayushman Bharat

- It's first component involves expansion of services with elements of promotive and preventive healthcare under comprehensive primary health through health and wellness centres.
- It's second component is the health assurance mission addressing concerns of catastrophic expenditure by vulnerable families for secondary and tertiary care, the Pradhan Mantri Jan Arogya Yojana (PMJAY). It will provide a cover of Rs 5 lakh per family per year for inpatient care to 10.74 crore families at the bottom of the pyramid.

Features of Ayushman Bharat

- The services will be provided by empanelled public and private hospitals.
- Unlike private insurance schemes, PMJAY does not exclude a person on account of pre-existing illnesses.
- The size of the family is no bar.
- There is also no need for formal enrolment; families that are listed with defined deprivation criteria on the Socio Economic and Caste Census database are automatically enrolled.
- All that is required is a proof of identity, which could be Aadhaar or any other government-issued identity card.
- All but a few states have agreed to be a part of the PMJAY.
- A strong fraud control mechanism has been conceived.
- An audit system has been put in place.
- Thousands of Ayushman Mitras are being trained. At each facility, one of them will receive the beneficiary, check her eligibility and facilitate in-patient care.
- A system for patient feedback and grievance redressal is also in place.
- The system will be cashless and largely paperless.
- The Yojana will be implemented in concord with state-level schemes, if they exist.
- An autonomous and empowered National Health Agency (NHA) has been established with corresponding state level health agencies (SHAs).
- A robust IT system has been put in place.
- An efficient claims management system is functional with payments to be made within two weeks.

- One unique feature of the PMJAY is its national portability once fully operational. If a beneficiary from Jharkhand falls sick in Uttar Pradesh (UP), she is entitled to receive treatment in any of the empanelled hospitals in UP. Her home state will make the requisite payment for the services availed.

A new era

PMJAY will herald a new era in healthcare for four reasons.

- First, it will dramatically improve provision of healthcare for the poor. For instance, it is now possible for a construction worker with an injured knee to have an implant for free..
- Second, the PMAJAY will be a catalyst for transformation. It will be an enabler of quality, affordability and accountability in the health system. Another impact of the PMJAY will be rationalisation of the cost of care in the private sector.
- Third, the PMJAY is a poverty-reducing measure. Each year, six to seven crore people, above the poverty line, fall below it because of health-related expenses. PMJAY would reduce this number significantly.
- Fourth, the scheme will create lakhs of jobs for professionals and non-professionals — especially women. It will give a boost to the health technology industry.

Way forward

- The implementation of a mission of this size, ambition and complexity is hugely challenging. High uptake, quality care, beneficiary satisfaction, efficient operations and fraud-controlled systems are the key metrics of its success.

Conclusion

- With highly competent and dedicated teams at the NHA and SHAs, backed by the highest political will and the goodwill of the people, the PMJAY is poised to deliver on its promise.

THE LAW OF HAPPINESS

Introduction

- Happiness has come to be accepted as a goal of public policy. And this discourse has given a fillip to a new narrative where the interconnections between law, governance and happiness are being searched.

Why do these connections matter?

- Experiences from several nations confirm that the countries with higher GDP and higher per capita income are not necessarily the happiest countries and there exists a link between the state of happiness and rule of law.
- The World Happiness Report (WHRs), over the years, confirmed that people tend to have poor mental health, a low score of subjective well-being and poor perception about the governance and law and order, despite high income levels.

Link between law and happiness

- Jeremy Bentham said the object of the law should be the maximum happiness of the maximum number.
- Going by popular perceptions, laws and legal regimes are the distributors of unhappiness in many ways.

Happiness in India

- The World Happiness Report (WHR) 2018, which ranked 156 countries, placed India at the 133rd place on the index of global happiness.
- While India's performance on this can be attributed to several factors, there's no denying the fact that there is an intrinsic relationship between law and people's happiness.
- We have about 3.3 crore cases pending in various courts in the country. How does unhappiness emanate from these cases? Each case is not a mere number — it involves tension, anxiety and deprivation to all those associated with it. Inevitably, the criminal justice administration for these people is a source of unhappiness.
- Moreover, not more than 30 per cent people approach the courts in India. There is a visible decline in civil litigation, which suggests that a large number of people in the country are living with unresolved conflicts. This too dents the state of happiness in general.
- Besides poverty, unemployment and other issues of sustenance, the outlook on religion, gender, sexuality, etc. also determine the contentment of the governed. For example, in India, increasing incidents of cow vigilantism, communal and gender bigotry, ultimately make the society intolerant and dissatisfied.

Crime and happiness

- Criminal justice has far-reaching consequences for the lives of people — it brings difficulties when it does not act, it causes turbulence when it does.
- Millions of accused, victims, suspects, witnesses and others have poignant tales about the actions and inactions of the criminal justice administration.
- The satisfaction level of people is far too low in this country when it comes to the police and courts.
- Vesna Nikolic, a noted victimologist, says that making people happy is the best crime prevention.
- The connection between crime and happiness is understandable from the experience of Bhutan, which introduced Gross National Happiness (GNH) as a measure of good

governance. The data show that a great majority of the Bhutanese population are happy. Further, the crime rate in Bhutan is extremely low.

- A negative correlation between crime/victimisation and happiness is observed. Individuals living in nations with high crime rates are less happy and satisfied than individuals living in nations with a comparatively lower crime rate.

Rule of law and happiness

- The countries scoring high on the Rule of Law Index, a measure used by the World Justice Project, are those who are higher on the index of happiness as well. Among these countries are Denmark, Sweden, Finland, Norway, the Netherlands and Austria.
- The fact that happiness ought to be part of the agenda to improve rule of law, and vice versa, is a new thrust in the emerging policy discourse in many jurisdictions.
- The institutionalisation of a happiness framework as a measure of achievement for policy goals is now being debated. Madhya Pradesh has set up a Happiness Department to achieve such objectives.

Conclusion

- It is probably time to change the narrative — to shift the discourse of policy making towards the larger satisfaction of the people with the public institutions they have to regularly approach for various purposes. It is, perhaps, time to turn the narrative of law, policy and development, towards building a happier society.

LONG ROAD AHEAD

Why has this issue cropped up?

- Ayushman Bharat has been rolled out as a health protection scheme.

Features of Ayushman Bharat

- It will provide guaranteed access to treatment that is free at the point of delivery to about 40% of the population selected on the basis of censused socio-economic indicators.
- It is the essential first step on the road to universal health coverage.
- More than 10 crore families identified through Socio-Economic Caste Census data will be given an annual ₹5 lakh cover under the Pradhan Mantri Jan Arogya Yojana (the insurance component of the scheme).

The hurdles in the way of Ayushman Bharat

- The late start makes it virtually impossible for all those who are technically insured to avail of the services that state agencies must make available, within a reasonable time-frame.
- The allocation of just ₹2,000 crore during the current year to the PMJAY cannot provide the promised cover to the large population sought to be included.
- Not all States and Union Territories are in a position to raise their own share, and a few have not even joined the scheme. The challenge of funding, therefore, remains.
- Without adequate budgetary commitments, the implications of pooling the financial risk for such a large segment of the population through insurers or state-run trusts or societies make the outcomes uncertain.
- Guaranteeing health-care access using private or public facilities presumes tight cost control. In the case of the PMJAY, this is to be achieved using defined treatment packages for which rates are prescribed. Costs are a contested area between the care-providers and the Centre, and many for-profit hospitals see the government's proposals as unviable.
- A lot of time has been lost in the government's tenure, when State governments should have been persuaded to regulate the hospital sector under the Clinical Establishments (Registration and Regulation) Act, which dates back to 2010.
- Apprehensions of fraud have prompted Ayushman Bharat administrators to announce that some key treatments should be availed through public sector institutions. But public facilities have been neglected for long.

Conclusion

- It is essential to reduce the pressure on secondary and tertiary hospitals for expensive treatments by investing in preventive and primary care facilities. Here, the 150,000 health and wellness centres of the National Health Protection Mission can play a valuable role. The first-order priority should be to draw up a road map for universal health coverage, through continuous upgradation of the public sector infrastructure.

EDITING OUR GENES

Why has this issue cropped up?

- Bioethicists fear abuse of gene editing by governments and the private sector

Crispr

- Crispr, an acronym for Clustered Regularly Interspaced Short Palindromic Repeats, harnesses the natural defence mechanisms of bacteria to alter an organism's genetic code.
- It's likened to a pair of molecular scissors, a cut-and-paste technology, that can snip the two DNA strands at a specific location and modify gene function.

- The cutting is done by enzymes like Cas9, guided by pre-designed RNA sequences, which ensure that the targeted section of the genome is edited out.

The question raised by the gene editing

- The elegance of this editing tool has transformed medical research and gives rise to the question: can a faulty gene be deleted or corrected at the embryonic stage?
- Last month, researchers in China used Crispr. It was done on 18 viable human embryos through in-vitro. Two of the embryos, however, exhibited unintended changes.
- The findings are the focus of an ongoing debate, with several scientists sceptical of whether the gene was corrected. Can accuracy be guaranteed in early stage embryos?

The ethical concern

Bioethicists expressed concern over the clinical application of such research.

- Can we — and should we — control or dictate evolution?
- Bioethicists fear abuse of gene editing, not just by misguided governments hoping to create a 'superior' race, but also by the private sector preying on a parent's desire to create a perfect child.

Way forward

- These are still early days in genome engineering. As our understanding grows, we will have the potential to edit out genes that cause fatal diseases.
- We will perhaps one day have the potential to use the very same mechanisms to edit out undesirable traits in human beings.

Conclusion

- The burden of this knowledge cannot be borne by science alone.

CLEANING THE HOUSE

Why has this issue cropped up?

- Recently, a five-judge bench of Supreme Court refused to disqualify candidates with criminal cases pending against them from contesting elections.

Political responsibility

- While showing an inclination to not step out of its domain, the SC has asked Parliament to come up with a law to check the criminalisation of politics.

- It has also issued a slew of directives to ensure that the voters are aware of the antecedents of candidates.
- Political parties will have to upload details of criminal cases pending against their candidates on their websites.
- The candidates will have to furnish such information in their election affidavit and also publish it in a “widely-circulated newspaper”.

The RPA

- The Representation of the People Act (RPA) does not bar individuals who have criminal cases pending against them from contesting elections.
- It does state that an individual punished with a jail term of more than two years cannot stand in an election for six years after the jail term has ended. But the fact that cases drag on in courts for years makes this provision virtually ineffective.

Ineffectiveness of the RPA

- A 2014 report of the Law Commission pointed out that “disqualification upon conviction has proved to be incapable of curbing the growing criminalisation of politics, owing to long delays in trials and rare convictions.”
- An affidavit submitted to the Supreme Court in March by the Centre also testifies to the shortcomings of the RPA’s disqualification clause. There are more than 3,800 criminal cases against 1,765 MPs and MLAs across the country, of which 3,045 cases are pending, the affidavit noted.

The SC’s restricted activism

- Notwithstanding the compelling urgency to decriminalise politics, the SC has always been steadfast that its interventions in the matter should not transgress the principles of separation of powers enshrined in the Constitution.
- At the same time, it has been unequivocal that “voters have a right to know about the candidates contesting elections”.
- In 2002, in Union of India Vs. Association for Democratic Reforms and Another, the court noted that such information should comprise, “antecedents of the candidate’s life including whether he was involved in a criminal case and if the case is decided”.
- The court’s recent ruling not only affirms such observations, it also underscores its dissatisfaction with the RP Act.

Conclusion

- The time has come for a law against criminalisation of politics. The nation eagerly waits for such legislation. The ball is now in the executive’s court.

DOABLE AND DAUNTING

Why has this issue cropped up?

- According to statistics released by the WTO in July, the share of India in total world merchandise exports was 1.68 per cent in 2017, a level it has more or less maintained since 2011. The preceding decade was better when India more than doubled its share from only 0.7 per cent in 2001 to 1.67 per cent in 2011.

What led to doubling of share of trade in last decade?

- This was a time when international trade grew rapidly all around. This was reflected, for example, in our imports more than trebling its share in world merchandise — imports from 0.77 per cent in 2001 to 2.51 per cent in 2011.
- The foreign content in our exports also doubled from a little over 10 per cent to 24 per cent during this period, aided by items like refined petroleum products joining our export basket.

Pushing the exports

- India's imports are fast increasing as can be expected from the demands of a large population with rising expectations. Exports are direly needed to pay for them.
- Prime Minister Narendra Modi set a clear target of doubling India's share of world exports to 3.4 per cent in June.
- More importantly, he recognised that this was important if India was to move towards double-digit growth.
- He emphasised the need for moderating the dependence on imports by at least 10 per cent by reducing imports in sectors such as energy, electronic goods, defence equipment and medical devices.

Hurdles in expansion of exports

- Notwithstanding the importance of pushing exports to boost economic growth, its exhortation has rarely received high-level political attention in India beyond the commerce ministry.
- There is the paradox that while export was a strategic priority for India, it was not a priority sector for lending.
- While the share of manufacturing in GDP has improved slightly, the international competitiveness of manufacturing has not made great strides.
- Existing exports are barely able to hold on to their market shares and new products or markets have not burst forth.
- Segments of exports continue to go substantially in primary form and not in a value-added mode.
- We face the prospect in the WTO of having to give up some of our export subsidies.

The positive signs

- What may appear to give some hope is perhaps the progress we are making in a few areas with respect to import reduction. Neem coating of fertilisers coupled with their increased production has led to a decline in imports and may even lead to zero imports by 2022.
- Smartphone manufacture is another item that is seeing a higher level of domestic processing and assembly.
- Imports of raw silk from China have come down with a rise in production of bivoltine silk in India.
- There is also a determined effort to produce more defence items.

Way forward

- If the target of expansion of export has to be achieved, it will need a coordinated effort from the entire government, not just the commerce ministry.
- To be exportable in sizeable volumes, value-added products demand capacity, quality, consistency and competitiveness.
- There is a need of a greater focus for it in our draft industrial policy under consideration and for speeding up the establishment of product-specific industrial clusters and enacting labour reform, at least in export zones.
- It will also require a sound export infrastructure by energising the Bharatmala Pariyojana to improve the efficiency of movement of goods and to cut logistics costs.
- The Sagarmala programme with its emphasis on port modernisation, capacity augmentation and port-led industrialisation will need an export orientation.
- Trade facilitation and export finance will also have to acquire high priority.
- Establishment of sector-level standards, compliance and certification mechanisms will be essential.
- Raising some select import duties to spur domestic production could work temporarily. But if this leads to complacency and results in pressures for higher tariffs to be permanent, it will be retrograde and have economy-wide implications.
- The trade deficit continues to show a widening trend. Working to sharply increase merchandise exports, particularly when the earlier double-digit buoyancy in services exports has diminished, seems the only viable option.

Conclusion

- All this is a tall order but it can certainly be achieved if there is political will and thrust to ensure not only the success of Make in India in 2025 but that it gets embedded with doubling export share. What is needed is a time-bound missionary zeal from the government, the states and industry.

AADHAAR SURVIVES

Why has this issue cropped up?

- The Supreme Court has found a pragmatic middle path between the Aadhaar scheme's excesses and its benefits to the marginalised.

The issues with Aadhaar

- It was projected as an intrusion on citizens' privacy.
- It was conceived as a grand project to harvest personal data for commercial exploitation by private parties and profiling by the state.
- Further, Aadhaar acquired the shape of a basic identity document that was required to access more and more services, such as birth and death certificates, SIM cards, school admissions, property registrations and vehicle purchases.

The govt's stand

- The government argued that Aadhaar is essentially a transformative scheme primarily aimed at reaching benefits and subsidies to the poor and the marginalised.

The Supreme Court's stand

- The Supreme Court ruled that the law enabling the implementation of the programme does not violate the right to privacy of citizens; instead, the project empowers marginalised sections and procures dignity for them along with services, benefits and subsidies by leveraging the power of technology.
- In upholding the constitutional validity of Aadhaar and clarifying areas in which it cannot be made mandatory, the Supreme Court has restored the original intent of the programme: to plug leakages in subsidy schemes and to have better targeting of welfare benefits.
- The Court favoured the scheme's continuance for the sake of the 99.76% of people included under it, rather than fret over the 0.24% who were excluded because of authentication failure. "The remedy is to plug the loopholes rather than axe the project," the court said.
- It accepted the technical arguments on the safety of the Aadhaar architecture and the end-to-end encryption that underlies the transmission of captured biometric data to the Unique Identification Authority of India. It has looked at the larger picture beyond the merits or demerits of the Aadhaar programme.
- The judgment narrows the scope of Aadhaar. For example,
 - Rules making it mandatory to link mobile phone numbers and bank accounts to Aadhaar numbers have been declared unconstitutional.
 - Section 57 of the Aadhaar (Targeted Delivery Of Financial And Other Subsidies, Benefits And Services) Act, 2016, has been struck down.

- Schools have been barred from making the submission of the Aadhaar number mandatory to enrol children.

The dissent in the Court's verdict

- In his dissent, Justice D.Y. Chandrachud argued that the Rajya Sabha's authority has been superseded and that this "constitutes a fraud on the Constitution". As a result of this "debasement of a democratic institution", he held the Aadhaar Act unconstitutional.
- He also expressed his displeasure at the government passing a series of orders making Aadhaar compulsory for various reasons, in defiance of interim orders from the Supreme Court.
- He highlighted the biometric authentication failures that have led to denial of rights and legal entitlements, and located the reason for such failures in the project's inability to account for and remedy flaws in its network and design.
- He ruled that denial of benefits arising out of any social security rights is "violative of human dignity and impermissible under our constitutional scheme".

Aadhaar and Money Bill

- With enrolment saturation reaching 1.2 billion people, the programme had acquired a scale and momentum that was irreversible. It was perhaps this pragmatic imperative that led the Court to conclude that the government was justified in the passage of the Aadhaar Act as a 'money bill', even though under a strict interpretation this is a difficult position to defend.
- The Court has addressed this issue by accepting the government's argument that Section 7, which enables the use of Aadhaar to avail of any government subsidy, benefit or service for which expenditure is incurred out of the Consolidated Fund of India, is the core provision in the law, and that this makes it a 'money bill'.

Conclusion

- It was the arguments in favour of benefits to the poor and the practical consequences of abandoning the scheme that won the day. Aadhaar possibly was simply too big to fail.

OPACITY IN THE NAME OF PRIVACY

Why has this issue cropped up?

- In August 2017, the Supreme Court declared the right to privacy a fundamental right.

The concern raised by this ruling of the Court

- This judgement made many transparency advocates apprehensive, fearing that the right to privacy — meant to protect citizens from arbitrary state and corporate surveillance — might be deployed first and foremost to shield authorities from scrutiny by citizens.
- The Personal Data Protection Bill, 2018, drafted by the Srikrishna Committee, confirms these concerns.

The Personal Data Protection Bill

- The Bill identifies “personal data” as any data that directly or indirectly identifies a person.
- It then calls for amending clause 8.1.j of the Right to Information (RTI) Act, 2005 to authorise public information officers, or PIOs, to deny information containing ‘personal data’, if they feel that such disclosure is likely to cause harm to ‘the data principal’, and if such harm outweighs public interest.
- The RTI Act’s core aim is to bring accountability by making available public records that disclose the actions and decisions of specific, identifiable members of the political class and the bureaucracy. The Data Protection Bill extends the cloak of ‘personal data’ over all such information.

Major issues with this bill

- When nine judges of the Supreme Court are unable to frame the bounds of privacy, can we expect PIOs to assess which information is private, and then weigh the potential harm to individuals due to disclosure, guided all the while by public interest and the cause of accountability?
- The amended clause will chill the RTI Act, as PIOs will now have a strong legal ground to play safe, and toss out RTI requests deploying an amended clause 8.1.j.
- The widespread abuse by PIOs need to be corrected, to reaffirm the fundamental right to information. Instead, the government is embarking on a project to legalise such ‘abuse’, by diluting transparency in the guise of an amendment furthering privacy.

Conclusion

- If the Bill is passed as is, and the RTI Act amended, it will deal a body blow to India’s hard-won right to information. The Ministry of Information Technology is accepting public feedback on the Data Privacy Bill until the end of September. Citizens should use this window to urge the government not to amend the RTI Act.

NOT A CRIME

Why has this issue cropped up?

- The Supreme Court has struck down a colonial-era law -Section 497 of the IPC- that made adultery punishable with a jail term and a fine. Now, it is only a ground for divorce.

The gender inequal laws

- According to Section 497 of the IPC, which now stands struck down, a man had the right to initiate criminal proceedings against his wife's lover.
- In treating women as their husband's property, as individuals bereft of agency, the law was blatantly gender-discriminatory; aptly, the Court also struck down Section 198(2) of the CrPC under which the husband alone could complain against adultery.
- Till now, only an adulterous woman's husband could prosecute her lover, though she could not be punished; an adulterous man's wife had no such right.
- Further, due to her lack of sexual freedom and her commodification under the 158-year-old law, her affair with another would not amount to adultery if it had the consent of her husband.
- The history of Section 497 reveals that the law on adultery was for the benefit of the husband, for him to secure ownership over the sexuality of his wife. It was aimed at preventing the woman from exercising her sexual agency.

A welcome move

- It is a progressive step that individual rights flourish — and with the decriminalisation of adultery India has taken another step towards rights-based social relations, instead of a state-imposed moral order.

Failure of legislature

- However, it is a matter of concern that refreshing the statute books is being left to the judiciary, without any proactive role of Parliament in amending regressive laws.
- The shocking message here is not merely that provisions such as Section 497 or 377 remained so long in the IPC, it is also that Parliament failed in its legislative responsibility to address them.

SHOULD THE CONVICTS IN THE RAJIV GANDHI CASE BE RELEASED?

Why they should be released?

- Any further delay in ordering the release of the seven convicts in the Rajiv Gandhi assassination case will run the risk of the state falling foul of Article 14 of the Constitution which says that it “shall not deny to any person equality before the law or the equal protection of the laws”.
- Hundreds of prisoners who have been convicted of similar crimes have had their sentences pardoned under Article 161.
- Equality has never been a notional or abstract concept. It must be extended to the convicts regardless of the crime or punishment or any other consideration.
- These prisoners in question must be dealt with under the Rules in the same manner as would any other prisoner serving a sentence in a prison in Tamil Nadu.
- Our prisons must stay loyal to the theory of reformatory justice. Under this theory, a crime is committed on account of a set of peculiar circumstances, and it is highly probable that these circumstances may never repeat again. Therefore, the focus of our prison system should be in bringing about reform in the moral character of each prisoner and enabling him to restart his life outside the jail complex after serving his sentence.
- Remission is necessary; otherwise overcrowded prisons will overflow with old and ailing prisoners who have no hope of release.

Is the state govt empowered to release them?

- The Governor, as the repository of the executive powers of the state, is bound to take a decision “in harmony” with the Council of Ministers, which has already recommended their release.
- The division of powers places “public order” under Entry 1 of List II (State List) of the Seventh Schedule of the Constitution. Therefore, the matter must lie within the exclusive remit of the State government.
- The commutation of sentence vide *V. Sriharan v. Union of India* (2014) automatically brings the Tamil Nadu Prison Rules into play. Rule 341 states that the Advisory Board of the prison shall deem life imprisonment to be “imprisonment for twenty years” for consideration for premature release or parole. Any divergence from this principle would be ultra vires on the ground of arbitrariness.

Why they should not be released?

- There cannot be any compromise on the question of national security or national sovereignty.

- The kind of danger that is apprehended from these convicts, and keeping in mind the kind of conspiracy and crime that they have committed, there appears to be no reason to exercise pardon in their favour.
- Pardon is not a right. Pardon is an act of discretion exercised in specific circumstances where an individual deserving of clemency is examined in the context of his family background. The dependence of his family on him, a critical emergency or a serious health issue necessitates his release. Pardon is not meant to be exercised without justifiable grounds.
- These are political convicts. The Supreme Court has cautioned against their release. Even otherwise, given the large political conspiracy involved in the assassination of Rajiv Gandhi, there does not appear to be any justification for exercising the extraordinary powers of pardon in their case.
- Let us understand that the punishment prescribed was death. In India, the death sentence, though present in statute books, is rare. The rare instances when death sentences have been awarded have been strictly followed. In the present instance, the death sentence was commuted to life imprisonment, which itself is an act of clemency.
- Security has become a key issue not only locally but globally. It is not only our right but our duty as a part of the nation and the world to deal effectively with any attack or infringement or breach of security, and that too in a conspired, concerted manner.

Way forward

- This case involves not only the assassination of a former Prime Minister, but also the deaths of several others in the incident, including policemen and bystanders. It may well be that the family of Rajiv Gandhi may have no objection. But equally, the families of the other victims need to express their preferences.
- Many of those who are currently imprisoned were imprisoned when they were barely in their 20s. They still have a long life ahead of them. The question is, should they be spending their remaining years in prison?
- A case may be made to say that the perpetrator and the principal conspirator are dead, and that those who were imprisoned were mere pawns, some of whom may not have known the entirety of the enterprise. In these circumstances, to routinely deny the benefit of remission may not always be appropriate.
- Another factor that may need to be taken into account is the social impact of a remission order, in the event that it is passed in this case. If people can be freed even after being convicted for the murder of a former Prime Minister in a terror incident, questions could be asked whether India is a soft state on matters of terrorism.
- A release order in this case may be cited as a precedent in other cases where terrorists and their co-conspirators are serving sentences of imprisonment for life.

Conclusion

- There is no straight answer. Complicated questions of law and policy are involved, which may have to be resolved before a final call is taken.

A MORAL JOURNEY

Why has this issue cropped up?

- The Supreme Court has struck down as unconstitutional Section 497 of the Indian Penal Code that had criminalised adultery for 158 years.

The basis of Supreme Court's verdict

- Equality before the law does not only signify equal access to the law, but also equal exposure to the law. This is one of the principles followed by the Supreme Court.
- Section 198(2) of the Code of Criminal Procedure is also struck down. In both cases, the court has found that the woman was robbed of agency and reduced to a chattel.
- Law which allows only men to have agency and the right to be aggrieved is unacceptable at a time when sexual relations are understood to be between equals.
- One gender was granted ownership of the other, which was deemed to be too innocent to look after itself.

Constitutional morality

- This reform is part of a process of change in constitutional morality, which has acquired an inexorable momentum.
- The striking down of Section 377, which had decriminalised gay sex, may be the most celebrated legal reform, but the trail goes back to 2015, when the Supreme Court found a long-term live-in relationship to be indistinguishable from marriage, even for inheritance.
- In recent times, the triple talaq ruling and the right to privacy have maintained the trend.
- It would not be unreasonable now to look forward to the criminalisation of marital rape, which is the next milestone on a road being rapidly travelled.

COURT'S LOST CHANCE

Why has this issue covered up?

- Recently, the Supreme Court delivered its pronouncement on the petitions asking it to bar politicians facing heinous criminal charges — like rape, murder and kidnapping — from contesting elections. The Court held that it cannot play the role of Parliament.

The responsibility of Parliament

- Parliament is obliged to make a law on the matter according to Article 102 (1) of the Constitution, but if history is anything to go by, that is unlikely to happen.

The Supreme Court directions

The bench pronounced that it is not in a position to enable disqualification of candidates who face criminal charges. It has, however, provided a slew of directions to curb the criminalisation of politics.

- First, while filing their nominations, the candidates must declare if there are pending criminal cases against them in courts.
- Second, political parties are also responsible for putting up details of criminal cases filed against their candidates on their websites.
- Third, Parliament must legislate on the matter to ensure that candidates with criminal antecedents do not enter public life or become lawmakers.
- Fourth, while filling the nomination forms, candidates must declare their criminal past and the cases pending against them in bold letters.
- Lastly, political parties should publicise the background of their candidates via the electronic media and issue declarations.

Issues with Supreme Court directions

The recommendations, though welcome, have practical issues:

- Parliament, regardless of who is in power, has always been reluctant to legislate on the issue.
- Voters do not generally read the websites of political parties.
- The recommendation regarding publicity campaigns about the criminal background of candidates by political parties sounds counter-intuitive. Why would they actively publicise anything that goes against their interests?
- Section 8 of the Representation of People Act, 1951, bans convicted politicians. But those facing trial, no matter how serious the charges, are free to contest elections. A law to bar candidates charged for heinous crimes will require a broad consensus across the party lines; that seems highly unlikely.
- The fielding of candidates is a function of their “winnability”, and not moral considerations. At present, far from denying tickets to criminals, all parties seem to compete in the number of criminals they field. The past three Lok Sabhas have seen an increasing number of legislators with criminal background or pending cases against them.

Stand of political parties

- The political parties are united in their opposition to any law, which debar perpetrators of heinous offences during the pendency of cases. They hold that this could lead to wrong cases being filed against candidates.

Safeguards proposed by EC

The above assertion is partly valid. However, the EC’s proposal has safeguards against this.

- First, all criminal cases will not invite a ban, only the heinous offences will do.

- Second, the case should be registered at least six months before the elections.
- Third, the court must have framed the charges.

Politicians vs common undertrials

- The opponents of the EC proposal have time and again stated that the candidates and the legislators are deemed “innocent until proven guilty”.
- One wonders what they have to say about the 2.7 lakh undertrials, not yet convicted and hence innocent, but locked up in jails.
- Four of their fundamental rights stand suspended — liberty, freedom of movement, freedom of occupation and right to dignity.
- If the rights of those undertrials can be suspended within the ambit of the law, what is the sanctity of the candidates’ right to contest elections — only a statutory right, and not a fundamental one?

The fast track solution

- Attorney General K K Venugopal had submitted that fast track courts to try the charges against the candidates were “the only solution”. It is surprising that the Court has not said a word on this though the issue is entirely in its domain.
- Fast-tracking has been the accepted norm. Many categories of special courts such as the CBI courts, consumer courts and, more recently, fast track courts for rape cases do create special categories for the purpose of adjudication, and nobody has dubbed them as discriminatory.
- The Representation of People Act also recognises this in principle, requiring the high courts to decide on election petitions within six months. The conventional courts take many years to decide on election petitions.

Is Supreme Court’s stand justified?

- Judicial activism has been at the root of some of the most groundbreaking reforms in India’s democratic history. In this case, crossing the lakshman rekha would have been both welcome and justified.
- The doctrine of separation of powers has to be seen in light of the need for checks and balances. When the executive and legislature are unwilling to do their job, the judiciary must step in on behalf of the citizens.

Conclusion

- This verdict seems a missed opportunity by the Supreme Court, especially when seen in the light of the nation’s fight for free, fair and clean elections.

It remains to be seen whether the parliamentarians show political will to heed the apex court’s advice and aid the fulfillment of the nation’s dream for a corruption-free India.

FREEDOM TO PRAY

Why has this issue cropped up?

- With its Sabarimala verdict, the SC has underlined the Constitution's transformative power.

Religious freedom

The Constitution protects religious freedom in two ways.

- It protects an individual's right to profess, practise and propagate a religion, and
- it also assures similar protection to every religious denomination to manage its own affairs.

The Sabarimala case

- The legal challenge to the exclusion of women in the 10-50 age group from the Sabarimala temple in Kerala represented a conflict between the group rights of the temple authorities in enforcing the presiding deity's strict celibate status and the individual rights of women to offer worship there.

The Supreme Court's ruling: Religious freedom

- The Supreme Court's ruling that the exclusionary practice violates the rights of women devotees establishes the legal principle that individual freedom prevails over purported group rights, even in matters of religion.
- The ruling has demolished the principal defences of the practice — that Sabarimala devotees have constitutionally protected denominational rights, that they are entitled to prevent the entry of women to preserve the strict celibate nature of the deity, and that allowing women would interfere with an essential religious practice.
- The majority held that devotees of Lord Ayyappa do not constitute a separate religious denomination and that the prohibition on women is not an essential part of Hindu religion.

The Supreme Court's ruling : The gender issue

- Beyond a tussle between two aspects of religious freedom, the court has also sought to grapple with the stigmatisation of women devotees based on a medieval view of menstruation as symbolising impurity and pollution.
- According to the Court, any rule based on segregation of women pertaining to biological characteristics is indefensible and unconstitutional. Devotion cannot be subjected to the stereotypes of gender.
- Justice D.Y. Chandrachud said stigma built around traditional notions of impurity has no place in the constitutional order, and exclusion based on the notion of impurity is a form of untouchability.
- Justice Rohinton F. Nariman said the fundamental rights claimed by worshippers based on 'custom and usage' must yield to the fundamental right of women to practise religion

The dissent

- In a dissenting opinion, Justice Indu Malhotra chose not to review the religious practice on the touchstone of gender equality or individual freedom.
- Her view that the court “cannot impose its morality or rationality with respect to the form of worship of a deity” accorded greater importance to the idea of religious freedom as being mainly the preserve of an institution rather than an individual’s right.

Conclusion

- The decision reaffirms the Constitution’s transformative character and derives strength from the centrality it accords to fundamental right .

AN ONGOING QUEST FOR EQUALITY

Why has this issue cropped up?

- On September 28, the Supreme Court delivered a 4:1 verdict throwing open the doors of the Sabarimala temple to women of all ages.

The questions at stake

At stake were several thorny questions:

- How deep must the judiciary’s inquiry go in deciding whether to intervene in matters of religion?
- Should the court disturb ethical choices made by a community of believers?
- How must the integrity behind these practices be judged?
- Are religious exercises susceptible to conventional constitutional standards of justice and equality?

The scope of Article 26

The ban on entry of women was justified chiefly at two levels.

- First, the temple, they argued, enjoyed denominational status under Article 26 of the Constitution, which allowed it to determine for itself the manner in which it managed its religious affairs.
- Second, prohibiting women of menstruating age from entering Sabarimala, they contended, is supported by the temple’s long-honoured custom: since Lord Ayyappan is a “Naishtika Brahmachari”, allowing women aged between 10 and 50 years to enter the temple, it was claimed, would affect the deity’s “celibacy”.

Refutation of above arguments

- The Court found no doctrinal or factual support for the temple's claim for denominational status. The devotees of the Sabarimala temple, it found, were in no way distinct from the larger community of Hindu believers.

The dissent

- Justice Malhotra ruled that the Sabarimala temple constitutes a separate religious denomination, and, therefore, the temple's

administrators were at liberty to make customary exceptions in matters of religious practice. This freedom, in her opinion, extended power to the temple to proscribe women from entering its precincts.

Essential practices doctrine.

- Ordinarily, in determining whether a purportedly religious command is constitutionally protected, the courts have sought to test whether such a belief is essential to that religion.
- Here, for instance, the Court found that the practice of excluding women aged between 10 and 50 years from the Sabarimala temple is dispensable, in that the "nature" of the Hindu religion would not be "fundamentally altered" by allowing women to enter the temple.
- Although an examination of this kind is strongly backed by precedent, Justice Malhotra was especially critical of the approach. In her belief, the power of judicial review ought not to accord to courts the authority to judge the rationality of a matter of faith. "The issue of what constitutes an essential religious practice," she wrote, "is for the religious community to decide."
- Further, she noted that there may well be practices that are so pernicious and oppressive which might well demand the court's interference. These, in her words, would include a "social evil, like Sati".

The questions raised

- The dissenting opinion begs a question. It leaves us wondering how far the right to freedom of religion can really extend. And to what extent a group's collective liberty can trump an individual's equal right to freedom of religion. Would, for example, denial to women of the right to serve as priests, or to be ordained as bishops, be considered oppressive?

The solution

- It has been suggested that the court must look beyond the essential practices doctrine and examine claims by applying a principle of "anti-exclusion". Or, in other words, "where a religious practice causes the exclusion of individuals in a manner which impairs their dignity or hampers their access to basic goods, the freedom of religion must give way to the over-arching values of a liberal Constitution."

- The Constitution must be seen as a document that seeks to bring about a transformed society. When a religious practice goes so far as to deny women equal status in society, when notions of purity and pollution are employed to perpetuate discrimination, the Constitution ought to mandate a shattering of the conventional divides between the private and the public.
- The real test is to assess whether an exclusion founded on religious belief, essential or otherwise, encroaches on a person's basic right to dignity. Or in other words, discrimination couched as plurality cannot be allowed to undermine the Constitution's basic "quest for equality".

Constitution

- The Constitution exists not only to disenable entrenched structures of discrimination and prejudice, but to empower those who traditionally have been deprived of an equal citizenship.

IN PARLIAMENT'S COURT

Why has this issue cropped up?

- One had hoped that the judiciary would show the way forward with regard to preventing candidates facing criminal charges from contesting elections, but in a recent judgment, the Supreme Court has left it to Parliament to legislate on the subject.

Basis of such an expectation from judiciary

The expectation was not unreasonable, as some important changes in the electoral laws were made mandatory by the judiciary. For example,

- making it mandatory for candidates to submit an affidavit with full disclosure of criminal cases, if any, and details of their asset and income.
- providing an option to voters to exercise None of the Above (NOTA) in case they do not want to vote for any of the candidate contesting an election

Stand of the Court

- The court mentioned that it was not within its powers to disqualify politicians facing criminal cases from contesting election, but recommended that Parliament enact a strong law.

- However, the court made it mandatory for political parties and candidates themselves to make public disclosure through print and electronic media.

Probable outcome of the court's stand

- There is serious doubt whether this judgment would in any way help in making our politics cleaner than before. The chances of Parliament acting fast on this issue are dim.
- The reasons are simple and obvious. No political party is free of this problem. The use of muscle power along with money power is a weapon used by all political parties to maximise electoral gains.
- In such a scenario, any move to ban candidates with a criminal record from contesting elections would mean political parties inflicting self-harm.

The extent of criminalisation of politics

- Data indicate that 179 out of the 543 elected Members of Parliament in the present Lok Sabha have some kind of criminal case pending against them.
- While it is true that some of these may be of a frivolous nature, it is also true that many of these cases concern allegations of their involvement in serious crimes.
- In the case of over 100 MPs, the cases were of a very serious nature such as crimes against women and kidnapping.
- There seems to be very little improvement in this regard in the last five years. In the previous Lok Sabha (2009), 163 had criminal cases pending against them, many of which were of a serious nature.
- The profile of members of the Upper House is no better; of 228 members of the Rajya Sabha for whom data could be analysed, 20 have cases of serious crimes pending against them.

No effort by political parties

- While political parties raise concern about candidates with a tainted background contesting elections and getting elected, none of them come forward to set an example for others when it is time to act. There is hardly any difference between the national and regional parties in this regard.

The gravity of the issue

- The issue is far more important and serious than the attention being paid to it by the policy makers.
- While the Election Commission has limited powers to legislate on such laws, it is only Parliament which can legislate to bring about the desired change.
- Public opinion too is not firm on this. For example, a survey found that opinion was divided when people were asked whether they would be willing to vote for a honest candidate who may not get their work done, or a tainted candidate who could get their work done.

THE GULF IN FOREIGN POLICY

Why has this issue cropped up?

- Recently, External Affairs Minister Sushma Swaraj has had a productive diplomatic sojourn in New York. She met a larger number of foreign leaders on the margins of the UN General Assembly. There was one big missing link though. It was the annual engagement at the UN with the leaders of the Gulf Cooperation Council.

Recent developments related to Gulf region

- The confrontation between the Gulf Arabs and Iran is one of the top international security issues on the table at the UN this year. It is also, arguably, the most important emerging regional security challenge for India.
- The 2015 nuclear agreement between US and Iran, which has been discarded by President Donald Trump, had been hotly debated at the first week of the annual UNGA session this year. It was also part of the main theme of this year's UN Security Council summit.
- The differences between US and its most important allies in Europe on Iran were sharp and out in the open.
- There is a deep opposition in the Arab countries of the Gulf to President Barack Obama's nuclear agreement with Iran and key sections of the region have welcomed Trump's decision to discard the deal.
- There was a meeting between the US Secretary of State and ministers from eight Arab nations. All participants agreed on the need to confront threats from Iran directed at the region and the United States.
- It added that the ministers had "productive discussions" on setting up what is to be known as the Middle East Strategic Alliance to promote security and stability in the region. Critics have billed the putative alliance as the "Arab NATO". Some call it the "Sunni challenge" to confront the fears about the emergence of a "Shiite Crescent" in the Middle East, backed by Iran. This new organisation, likely to be launched in January, is expected to reinforce the expansive new regime of US sanctions against Iran that are to go into effect next month.

India and the Gulf region?

- The foreign policy question is about how Delhi must deal with the rapidly changing situation in the Gulf region, whose economic and political salience for India is not matched by any other sub-region in the world.
- But here is the problem. India deals with one part of it (the American question), but ducks the other (Arab question).
- Over the last two decades, India has had to manage the Iran factor in its quest to build a closer partnership with the US. India's approach to Iran's nuclear proliferation had become a major issue between Delhi and Washington.

- Traditionalists in Delhi argued that India must stand up for Iran against the US. The small group of realists prevailed by insisting that India must take care of its own nuclear interests rather than those of Iran.
- US is confident that Iran will come back to renegotiate the nuclear deal with Washington. In the interim, Delhi is practical enough to find ways to avoid the effect of America's Iran sanctions on the Indian economy.

The questions raised by India' approach towards Iran

- But India's approach appears bereft of realism when it comes to dealing with the conflict between Gulf Arabs and Iran. Many in the Middle East ask why Delhi tilts towards Tehran, when so many of India's interests — including trade, energy, expatriate remittances, and counter-terror cooperation — are so heavily tied to the Gulf Arabs.
- They are also frustrated that Delhi, which denounces Pakistan's destabilisation of the Subcontinent at every opportunity, never utters a word about Iran's effort to undermine the regional political order in the Arab world.

Conclusion

- As storm clouds gather in the Gulf, Delhi can't afford to ignore the deepening Arab fears about Iran and their expectations for a measure of political understanding from India.

WHAT AILS THE INDIAN ECONOMY?

How to make economic growth sustainable?

- There is the need of investment whether in people, knowledge bases, institutional capacity or, most obviously, physical capital.
- The efficiency of the process whereby savings are generated and channelled into productive investment is at the heart of successful and sustained economic growth.

India's economic reforms

- Over the more than two decades of reform, India has made considerable progress in removing unnecessary and inefficient controls on international and domestic trade and investment.
- It has slowly improved the functioning of its tax system, management of public finances, and monetary policy.

Biggest problem of Indian economy

- India's biggest economic problem is in the efficient allocation of capital.
- Bad loans in the banking sector have been one symptom of this problem.
- The latest example is the crisis at Infrastructure Leasing and Financial Services (IL&FS), which has defaulted on some of its debt obligations.
- What these cases have in common is long-term lending for large projects, which are subject to high risks, because of their scale and their length of gestation.
- Banks were pushed by government in the direction of longer-term loans for fixed capital investment, and away from working capital and household loans, but without the development of the needed internal expertise required for assessing the most challenging type of lending.

The IL&FS fiasco

- There has been failure of India's government to create a regulatory framework that would be sufficiently comprehensive to detect incipient problems in systemically important firms such as IL&FS.
- But there are other contributors as well, to this mess. Clearly, poor corporate governance is a major culprit. This includes financial intermediaries such as banks and non-bank financial companies, but also the firms that do the borrowing.

Way forward

As the economy has liberalised, and the financial sums at stake have grown dramatically, the problem has mushroomed. There are several fixes needed for this problem:

- Indian banks be given more freedom to tap bond markets for funding longer-term loans. This will allow markets to send better price signals about bank portfolios.
- There is a desperate need for a corporate bond market in India that will allow firms to borrow more directly from savers.
- As financial markets are broadened and deepened, the demands on regulators increase, and India needs to step up here as well.
- India's financial system regulatory architecture also needs to be broadened and deepened. This involves not just external oversight by regulators, but insistence on strong corporate governance, with greater disclosure and transparency.
- Auditors and rating agencies also need to step up and do their jobs better. The government can help this along by raising and enforcing standards for these private sector monitoring institutions, as well as encouraging greater competition in these arenas.
- At India's stage of economic and institutional development, kleptocracy in the private and public sector, which is most lucrative for large-scale, long-term investments, needs to be eradicated.

Conclusion

- Short-term fluctuations in the exchange rate, or blips in the current account deficit are a diversion from the important and difficult task of improving the allocation of long-run capital.

FROM PLATE TO PLOUGH: GET SMARTER ON THE FARM

Why has this issue cropped up?

- Recently Union Finance Minister Arun Jaitley remarked that India needs a good blend of investments and subsidies in its agriculture policy.

Policy followed by India to support farmers

The main policy instruments to support farmers in India include

- subsidised fertilisers,
- power,
- agri-credit,
- crop insurance, and
- minimum support prices for major crops

Negative price burden

- A recent study, conducted jointly by the OECD and ICRIER, estimated that India's trade and marketing policies have inflicted a huge negative price burden upon the country's farmers.
- The Producer Support Estimate (PSE) for India works out to be minus (-) 14 per cent of the gross farm receipts for the period 2000-01 to 2016-17. This is primarily because of restrictive export policies (minimum export prices, export bans or export duties) and domestic marketing policies (due to the Essential Commodities Act, APMC, etc).

The wrong way to support agriculture

- Public capital formation in agriculture has been declining from 3.9 per cent of agri-GDP in 1980-81 to 2.2 per cent in 2014-15 — it recovered to 2.6 per cent in 2016-17 — while input subsidies on fertilisers, water, power, crop insurance and agri-credit have risen from 2.8 per cent to 8 per cent of the agricultural GDP during the same period. This is the “dumb” way of supporting agriculture, as the marginal returns on subsidies are far below those from investments.

Impacts of excessive subsidies in agriculture

- Excessive input subsidies have caused large-scale inefficiencies in the agriculture system. For example, fertiliser subsidies, especially on urea, have led to the imbalanced use of soil nutrients.

- The subsidy on irrigation water has resulted in an inefficient use of scarce water.
- Highly subsidised power has led to over-exploitation of groundwater.
- Subsidy on the interest rates on crop loans has diverted substantial amounts of agri-credit to non-agricultural use.

The right way to support agriculture

- The results show that expenditure incurred on Agri-R&E (Research and Education), roads or education are five to 10 times more powerful in alleviating poverty or increasing agri-GDP than a similar expenditure made on input subsidies.
- The rapid increase in input subsidies has squeezed public investments in agriculture. The results of the analysis, therefore, point out that India has not got the biggest bang for its buck being spent in the agriculture space. The smarter way to support agriculture and alleviate rural poverty would have been to increase investment in agriculture at a rate much faster than subsidies.

Way forward

- Although the new crop insurance scheme, PMFBY, has dramatically reduced the burden of premium paid by farmers, its effective implementation and the quick settlement of claims into farmers' accounts remains a challenge.
- The best blend of subsidies and investments must now give more weightage to the latter, as the finance minister indicated.
- Investment in public irrigation is very expensive, as it involves long lags, and the gap between the potential created and potential utilised has increased over time. To give higher returns, this leaky system must be fixed, it should be made more transparent and the gap between potential created and utilised bridged.
- The present system of delivering subsidies through the pricing policy needs to be shifted to an income policy, which could be well-targeted, and leakages minimised— on the lines of JAM trinity. Many OECD countries, as well as emerging countries such as China, are moving in that direction. Indian farms can also benefit from this move where input subsidies at least are given as DBT on a per hectare (ha) basis.
- Investments need to be prioritised towards agricultural research and development, roads and education. If India needs to access that technology, it needs to develop a proper IPR regime, which is in the interest of farmers as well as investors.

Conclusion

- Can India make bold moves to give its farmers access to the best technologies in the world, which in turn can augment their productivity and incomes and give the nation long-term food security? Only time will tell whether India follows smart or dumb policies in its agri-space.

NO SWEEPING CHANGE

Why has this issue cropped up?

- India's Swachh Bharat Mission is receiving global praise for attempting to close the sanitation gap of nearly 60% of the rural population not having access to a toilet at home in 2014.

Origin of Swachh movement

- The government invoked Mahatma Gandhi's vision of a clean and healthy country when it launched the ambitious programme.
- On the eve of Independence, Gandhi saw the lack of a "sense of national or social sanitation" as the root of all diseases among Indians.
- The govt. announced a Swachh movement in 2014 to change that, and four years later the outcomes show that achieving social change is far from easy.

Hurdles in the way of a Swachh Bharat

- In some States, such as Rajasthan, MP and UP, the social change that the SBM hopes to achieve remains elusive, and traditionally oppressed communities continue to manually remove filth from dry latrines used by the upper castes.
- The Centre asserts that urban toilet coverage is now 87% of the target, and nearly three-fourths of the wards in the country have door-to-door collection of municipal waste, but the lived experience of the city-dweller, especially in the bigger metros, is different.
- Waste volumes continue to grow as economic growth spurs consumption.
- The laws on municipal solid waste, protection of water sources and pollution control are just not being enforced.
- The official machinery required to enforce legal provisions vigorously, and the infrastructure to manage waste scientifically are inadequate, making it unlikely that there will be significant public health outcomes flowing from high-profile cleaning campaigns.

Way forward

- There is a need for a close audit of the outcomes.
- Besides making sanitation a movement through the provision of well-designed toilets and behaviour change in rural India, the SBM should have a broader vision of what constitutes cleanliness.
- Besides ending manual scavenging, the Swachh Bharat Mission must ensure that the manual cleaning of septic tanks, which is killing so many workers each year, is stopped and that funds for rehabilitation reach them.

Conclusion

- Without full commitment to the above aspects of development, there is little chance of meaningfully achieving the Sustainable Development Goals on water and sanitation anytime soon.

IN HARMONY WITH MOTHER NATURE

Why has this issue cropped up?

- The United Nations honoured Prime Minister Narendra Modi with the Champions of the Earth Award.

Why was this award given?

- It was given in recognition of India's proactive role in mitigating climate change.

Relationship between Human beings and nature

- Human beings and nature have a very special relationship. Mother Nature has nurtured and nourished us. The first civilisations were established on the banks of rivers.

The present situation

- Societies that live in harmony with nature flourish and prosper. Today, human society stands at an important crossroads. The imbalances between our greed and necessities have led to grave ecological imbalances.

Way forward

- The path that we take hereon will not only determine our well-being but also that of the generations who will inhabit our planet after us. We can either accept this, go ahead with things as if it is business as usual, or we can take corrective actions. Three things will determine how we as a society can bring a positive change.
- **GLORIOUS PAST:**
 - Respect for nature is at the core of India's traditions. The Atharvaveda contains the Prithvi Sukta, which contains unparalleled knowledge about nature and the environment.
 - The ancients write about the Panch Tatvas – Prithvi (Earth), Vayu (Air), Jal (Water), Agni (Fire), Akash (Sky) – and how our life systems are based on the harmonious functioning of these elements.
 - Mahatma Gandhi wrote extensively on the environment and even practised a lifestyle where compassion towards the environment was essential. He propounded the Doctrine of Trusteeship, which places the onus on us, the present generation, to ensure that our coming generations inherit a clean planet. He called for sustainable consumption so that the world does not face a resource crunch.
 - Leading lifestyles that are harmonious and sustainable are a part of our ethos. Once we realise how we are flag bearers of a rich tradition, it will automatically have a positive impact on our actions.
- **PUBLIC AWARENESS :**
 - We need to talk, write, debate, discuss and deliberate as much as possible on questions relating to the environment.

- At the same time, it is vital to encourage research and innovation on subjects relating to the environment. This is when more people will know about the pressing challenges of our times and ways to mitigate them.
- When we as a society are aware of our strong links with environmental conservation and talk about it regularly, we will automatically be proactive in working towards a sustainable environment.
- **PROACTIVENESS :**
 - We see this proactiveness in the Swachh Bharat Mission, which is directly linked to a sustainable future. Over 85 million households now have access to toilets for the first time. Over 400 million Indians no longer have to defecate in the open.
 - We see this proactiveness in the success of the Ujjwala Yojana, which has significantly reduced indoor air pollution due to unhealthy cooking practices that were causing respiratory diseases.
 - India is moving at a quick pace in cleaning its rivers. The Ganga, which is India's lifeline, had become polluted in several parts. The Namami Gange Mission is changing this historical wrong.
 - At the core of our urban development initiatives such as AMRUT and the Smart Cities Mission is the need to balance urban growth with environmental care.
 - The over 13 crore soil health cards distributed to farmers are helping them make informed decisions that will boost their productivity and improve the health of our land, which helps the coming generations.
 - We have integrated objectives of Skill India in the environment sector and launched the schemes, including Green Skill Development Programme for skilling about seven million youth in environment, forestry, wildlife and climate change sectors by 2021. This will go a long way in creating numerous opportunities for skilled jobs and entrepreneurs in the environment sector.
 - Our country is devoting unparalleled attention to new and renewable sources of energy. Over the last four years, this sector has become more accessible and affordable. The Ujala Yojana has led to the distribution of nearly 31 crore LED bulbs. The costs of LED bulbs have reduced and so have the electricity bills and the CO2 emissions.
 - India's proactiveness is seen internationally. India remained at the forefront of the COP-21 negotiations in Paris in 2015. In March 2018, world leaders of several countries converged in New Delhi to mark the start of the International Solar Alliance, an endeavour to harness the rich potential of solar energy and bring together all nations that are blessed with solar power.

Climate justice

- While the world is talking about climate change, the call for climate justice has also reverberated from India.
- Climate justice is about safeguarding the rights and interests of the poor and marginalised sections of society, who are often the biggest sufferers from the menace of climate change.

Way forward

- Our actions today will have an impact on human civilisation much beyond our time. It is up to us to take on the mantle of global responsibility towards a sustainable future.
- The world needs to shift to a paradigm of environmental philosophy that is anchored in environmental consciousness rather than merely in government regulations.

Conclusion

- Together, we will create a clean environment that will be the cornerstone of human empowerment!

NEXT STEPS AT GIR

Why has this issue cropped up?

- The magnificent Asiatic lion is under threat. Twenty-three lions have died in as many days in the eastern part of Gujarat's Gir sanctuary. While mass mortalities in wildlife are always a cause for concern, this case is even more worrisome as the big cat population in Gujarat is the last of the Asiatic lions in the wild.

Supreme Court order

- In 2013, the Supreme Court had issued an order that lions from Gujarat be relocated to the Kuno sanctuary in Madhya Pradesh as a check against the threat of epidemic.
- But Gujarat has been unwilling to part with its lions, calling them "its pride" in an affidavit.
- On October 3, the Supreme Court, noting that the death of so many lions was a serious matter, asked the Central government to look into it.

The problem

- Asiatic lion been restricted to only one single habitat, i.e. the Gir National Forest and its surrounding areas and an outbreak of possible epidemic or natural calamity might wipe off the entire species.
- A smaller population with limited genetic strength are more vulnerable to diseases and other catastrophes in comparison to large and widespread population. For instance, 30% of the lion population in Tanzania's Serengeti was killed due to an outbreak of canine distemper, a viral disease that affects animals.
- Wildlife conservation concerns itself with maintaining ecological processes and reducing threats to endangered species. It does not entail treating wild animals for disease (in the way domestic animals are) as this can go against the processes of natural selection.

Metapopulation

- Gujarat submitted before the Supreme Court that one of the reasons it did not want to part with the lions was because there are metapopulations in the State.
- By metapopulation is meant that current Asiatic lion population is not a single population confined to one place; rather it consists of a population spread over several locations within the greater region. These areas are connected to each other.
- Metapopulations may be geographically separate but have interactions and an exchange of individuals.

Way forward

- After the lion deaths, Gujarat should work towards colonising new habitats outside the Gir landscape within the State. An option is the Barda wildlife sanctuary.
- A geographically separate population of Asiatic lions needs to be created.
- While Gujarat has done a good job of conserving its lions, it should also turn its attention to reducing the drivers of disease, which includes controlling feral dog populations.
- A good track record for lion conservation does not in any way preclude a good long-term strategy.

EYES ON INDIA

Why has this cropped up?

- Japan, South Korea, Taiwan and Australia have unveiled strategies to forge closer economic ties with India.

The flux in Asia

- Asia is in a state of flux. China's Belt and Road Initiative is reshaping the region's geography, with roads and railways traversing Eurasia and new ports dotting the Indian Ocean basin. Beijing's militarisation of the South China Sea continues, despite negotiations towards a code of conduct.
- Japan has found itself in an unexpected leadership position, resuscitating the Trans-Pacific Partnership and concluding a trade agreement with the European Union. Tokyo is now contemplating constitutional revisions that would enable it to play a more overt military role.
- Japan, South Korea, Taiwan, and Australia have all unveiled strategies to diversify their economic interdependence, away from mainland China and towards Southeast Asia and India.

- The most recent is the ongoing trade and tariff war between the U.S. and China.
- A longer-term concern is Beijing's use of its economic muscle for political purposes, whether in suspending rare earth metal exports to Japan in 2010 or punishing a major South Korean corporation for Seoul's decision to install a missile defence system in 2017.
- China's limited market growth potential and questions of access and reciprocity are additional considerations. To this end, Japan's Free and Open Indo-Pacific strategy is meant to diversify investments to more promising markets in Southeast Asia, India, and Africa.
- South Korea has unveiled a New Southern Policy. While the policy is focussed on Southeast Asia, it also "makes India Korea's key partner for cooperation".
- Similarly, Taiwan, a G20-sized economy whose political status is disputed, has announced a New Southbound Policy with significant accompanying investments in India by Taiwanese electronics manufacturers.
- Finally, Australia's government has commissioned an ambitious India Economic Strategy with the goal of making India its third-largest investment destination and export destination by 2035.

Conclusion

- The stars are aligning in Asia for the acceleration of India's economic growth. Investors, increasingly backed by their governments, are increasingly focussed on the Indian market. But with more protectionist sentiments taking root, a legacy of poorly-negotiated trade deals, and uneven economic liberalisation, the likelihood of India taking full advantage of these opportunities remains slim.

AVOIDING THE CURRENCY BASKET CASE

History of Indian rupee

- The Indian rupee was once a multilateral currency, its usage prevalent across the Indian Ocean in places as varied as Java, Borneo, Macau, Muscat, Basra and Zanzibar.
- The Gulf had a familiarity with the rupee for over five centuries, with Oman utilising the 'Gulf rupee' till 1970.
- The colonial rupee leveraged the Mughal rupee's popularity, facilitated by trading communities, migration and the Raj's hegemony.
- The annexation of Sindh, Ceylon and Burma further encouraged the primacy of the rupee in these areas.

- Meanwhile, a number of Indian merchant communities had established themselves in such regions, aiding in its convertibility.
- Even after Independence, Dubai and other Gulf states were using RBI-minted Gulf rupees until 1966.
- Between the 1950s and 1970s, gold smuggling was rampant on the Konkan coast, with a number of Gulf businesses buying gold cheaper in the Gulf in rupees and smuggling it to India.
- Only the devaluation of the Indian rupee in 1966, after the 1965 war, led to such nations switching to their own currencies.
- Now, only Nepal and Bhutan regularly conduct bilateral trade with India in rupees.

Variation of Indian rupee

- In 1947, the rupee-dollar rate was at ₹3.30.
- The devaluation in 1966 raised it to ₹7.50, reaching ₹32.4 by 1995. This decline was precipitated by a variety of factors –
 - wars with Pakistan and China,
 - the adoption of Five Year Plans requiring foreign loans,
 - political instability and
 - the Oil Price Shock of 1973.
- Of late, the rupee has been declining given higher oil prices and FII outflows from stocks and bonds.
- The ongoing U.S.-China trade war, Iran sanctions and further upward movement in oil prices will continue to test the rupee's valuation.

How to stabilise rupee?

- Intervening in the forex market
- Selling non-resident Indian bonds
- Conducting a sovereign bond issuance
- The rupee's dependency on the U.S. dollar must be reduced
- India should consider formalising the rupee payment mechanism with friendly countries such as Russia, with a focus on reducing its overall current account deficit.
- We must continue to guard against fiscal profligacy, with any slippage viewed negatively by the currency markets, further encouraging investors to flee Indian markets.
- Industrial growth should be a priority; without having goods to sell, rupee swaps (say with Iran) will be difficult to institutionalise.
- The formalisation of the Indian economy, by deterring black money transactions in the rupee, is also much needed.

- India's black money strategy should consider four pillars —
 - it should encourage tax rate rationalisation,
 - reform vulnerable sectors,
 - support a cashless economy and
 - create effective and credible deterrence.
- Tax rate rationalisation, with lower tax rates as an end goal, would increase the tax base and increase compliance with tax returns.
- Administrative agreements with countries like the U.K. and Switzerland which can offer mutual tax sharing should be encouraged.
- It is important to create a remittance database detailing company transfers out and NGO transfers into India, all reporting to the Financial Intelligence Unit (FIU).
- The Direct Tax Administration's Directorate of Criminal Investigation should be provided the right IT training, infrastructure and funding to become an effective deterrent, while the audit cycles for income tax, service tax and excise tax departments should be aligned, helping the Large Taxpayer Unit (LTU) become more effective, increasing the scope of simultaneous scrutiny and examination.
- Finally, looking ahead, the internationalisation of the rupee is a worthwhile goal to aim for. While the Chinese yuan is increasingly being positioned for an alternative reserve currency through a variety of multilateral trades, institutions and swaps, the Indian rupee remains woefully behind in internationalisation.
- The RBI, meanwhile, has adopted a gradualist approach – allowing companies to raise rupee debt offshore, enabling the creation of “masala bonds” and allowing foreigners to invest in rupee debt onshore; the rupee has transformed from a largely non-convertible pegged currency before 1991 to a managed float.

Conclusion

- The rupee is currently not even in the top 10 traded currencies. There is no magic wand to making the rupee appreciate. But institutional resistance against rupee convertibility should be overturned. To restore the rupee's multilateral nature, we must unshackle its usage.

THE PRICE IS WRONG

Why has this issue cropped up?

- The farmer and his income is an important theme of discussion these days. A lot is being discussed on ways to increasing, and doubling, the farmers' incomes by the year 2022.

The farmer's income

- The income of a farmer is a function of three things —
 - the cost of cultivation,
 - production and
 - sale proceeds of the produce.
- **COST OF CULTIVATION:** The cost of cultivation can be influenced by the farmer in a limited manner. Farmers can reduce the consumption of inputs per unit of land by using a better package of practices. However, the rising cost of inputs like seeds, phosphatic and potassic fertilisers, pesticides, etc is not in the hands of farmers. That is why subsidy for inputs remains important.
- **PRODUCTION:** By using high-yielding variety seeds, mechanisation, fertilisers, irrigation facilities, micro-nutrients and the correct package of practices, it is possible to increase productivity and production. Areas where the yields are substantially less than the national average are the low hanging fruits where, with some concentrated effort and use of technology, it should be possible to enhance the yields quickly.
- **PRICE:** Getting the right price for their produce is the most critical issue for farmers today. The point of discussion has shifted from a shortage of seeds and fertilisers 10 years ago to securing remunerative prices for the produce. The challenge for the farmers is that when production goes up, the price tends to fall. This results in zero or very little net gain for the farmers. The government procures wheat and paddy for the public distribution system. Hence, a large number of farmers sowing these are able to obtain the minimum support price. The government's intervention in these commodities serves to shore up their price in the open market as well.

The solutions

- **INTERVENTION:** For a large number of crops including oilseeds and pulses, farmers are not able to get remunerative prices. This makes a strong case for governmental intervention by providing an enabling

policy environment, a robust institutional framework and a vibrant regulatory regime.

- **INFRASTRUCTURE:** The government has increased the MSP of kharif crops substantially for this season, which has come as a shot in the arm for the farmers. But to increase their income substantially, marketing infrastructure and institutions need to be strengthened.
- **PM-AASHA:** The recently announced Pradhan Mantri Annadata Aay Sanrakshan Abhiyan (PM-AASHA) is an important step towards securing remunerative price (read MSP) for the farmers.

This provides for three methods of procurement: Price Support Scheme (PSS), Price Deficiency Payment Scheme (PDPS), and Private Procurement and Stockist Scheme (PPSS). PDPS and PPSS have been allowed only for the procurement of oilseeds whereas for all other MSP crops, PSS will be the main instrument. That brings us to the age-old Price Support Scheme, which can help the states provide remunerative price to the farmers for MSP crops other than wheat and paddy.

- **PSS:** The mechanism under PSS needs to be strengthened. Currently, the procurement takes place through state government agencies on behalf of NAFED, which itself is a weak organisation. Farmers are not able to get the sale proceeds in time and so prefer to sell their produce at a lower rate in the open market. The states and Centre will have to come together and put a robust system in place in order to provide the real benefit of the MSP increase to the farmers.
- **PDS:** The inclusion of pulses and millets in the PDS will result in the quick disposal of accumulated stocks. This will also lead to health gains for the population and monetary gains for the farmers.
- **VALUE ADDITION:** Efforts to add value to the agricultural produce at the village level will have to be made. Even if primary processing like cleaning, sorting and grading of produce can be done at the farm-gate level, this will increase returns.
- **STORAGE:** Storage and negotiable warehouse receipt facility for farmers will have to be expanded so that they are not forced to undertake distress sales.
- **EXPORTS:** Incentives for exports of surplus produce will expand the market for farmers.
- **ACREAGE:** There has to be a strategy to ensure appropriate acreage for crops so that the production is dictated by the market demand. Most farmers tend to go by the herd mentality and whichever crop gives good returns this year sees a jump in the acreage the very next year. This leads to overproduction and the price tends to crash leading to distress in the farming community.

UNJOINED DOTS OF A SCHEME

Why has this issue cropped up?

- The Pradhan Mantri Jan Arogya Yojana (PMJAY) has now been launched. As the focus shifts from policy guidelines to implementation, sceptics may wonder if this time will be truly different.

Lesson from past experience

- India has wide experience with running large health insurance programmes like the Rashtriya Swasthya Bima Yojana (RSBY) and state-specific insurance schemes.
- The one key lesson from these previous avatars was that even though the public sector has failed to provide quality healthcare, public funding for the private sector will be no panacea.

Way forward

- A functioning health insurance system must ensure that patients neither under-treated nor over-treated nor over-charged. Ensuring this requires adaptive price setting, third-party monitoring, strict regulation, and, quality improvements in public sector hospitals. All of which requires massive investments in state capacity.
- **PRICING:**
 - Prices need to fulfill the dual function of ensuring “neither too much, nor too little”. But costs for the same procedure are likely to differ across hospitals because of quality, location and capacity. Therefore, a single price can never ensure that both constraints are effectively met.
 - Price a service too low and the hospital will either choose not to enroll in the scheme or will deny services. Price too high and the hospital makes additional profits, or worse, provides additional services that patients don’t need.
 - The fact that a stent will be reimbursed at Rs 40,000 but a heart bypass at Rs 1.2 lakh immediately highlights the problem. Even if administrators can perfectly determine what operation the patient received, there is nothing stopping a hospital from choosing the operation that grants higher profits. Why stop at a stent if the bypass nets additional profits?
 - To get the prices right, they have to be frequently negotiated and updated based on the data. This is a job for specialised teams of hundreds in each state.
- **THIRD-PARTY MONITORING :**
 - Given the pricing dilemma, hospitals will almost certainly under-treat and over-charge.
 - Grievance redress and call centres, as envisaged in PMJAY, may prove useful but only if they can immediately influence the outcome for the patient. This problem requires an ecosystem of mediators and facilitators that will serve as a link between the scheme, third party insurers and the hospital.
 - The proposed “Ayushman Mitras” are a step in the right direction, but will require both the authority and ability to guide patients through hospital care, occasionally in opposition to the hospitals’ own objectives. That the Mitras will be hired by the private hospitals themselves in several states sets up a direct conflict of interest and undermines their potential to be vigilant observers.
- **REGULATION AND INSURANCE FRAUD:**
 - PMJAY will require creating a strong regulatory framework for fraud control.

- India's current regulatory environment is worryingly weak. All 17 insurance ombudsman offices in India are currently vacant with a backlog of 9,000 complaints.
- The current regulatory framework has no established procedure for settlement of claims, redress of consumer behaviour against the rejection of claims or even penalties for rejecting claims in violation of existing regulations. This, in turn, creates incentives for regular violation of norms by insurance companies.
- The success of PMJAY is now intrinsically tied not only to the functioning of the health department, but also the criminal justice and court systems. The implementation of a stronger legislative framework for regulation and insurance fraud is urgently needed.
- **IMPROVING GOVERNMENT HOSPITALS:**
 - There is no getting around the critical need to strengthen government hospitals. In the long run, well-functioning public hospitals will provide a much-needed backstop against predatory practices, denial of service and overcharging in the private sector.
 - Especially in districts where competition is limited, public hospitals will limit the monopoly power of the private sector, flush with the new money from the scheme. Making sure that the scheme's resources can be used in government as well as private hospitals to improve quality is crucial.
- **SKILLED WORK FORCE :**
 - The only way to ensure that these conditions for implementation success are met is through massive investments in a skilled workforce.
 - A scheme as complex as this requires people. Since the expertise currently does not exist (at least at this scale), PMJAY will have to both allow for this massive workforce and develop the necessary institutions to train an enormous number of professionals.

Conclusion

- It would be a huge mistake to think that we can deliver care by devolving responsibilities to the private sector without improving state functioning. We can't. In fact, with a scheme like PMJAY, our state capacity now needs to go far beyond the health sector to complex regulation, industry practices, the police and the courts. This is a challenge for the entire country. And this is the metric against which the PMJAY should be monitored and the government should be held accountable for.

GOING GREEN, BOTTOM UP

Introduction

- Globally, climate change has started to take a heavy toll. The California fires, the heat wave in Europe and Asia, and the droughts in East Africa bear testimony to this. In India, severe floods and random variations in weather have caused significant loss of life and property.

Global Climate Action Summit

- The Global Climate Action Summit (GCAS) 2018, in San Francisco, was a crucial exercise in mobilising key stakeholders and urging them to go “further and faster”. It sent out an unequivocal message that a lot more remains to be done on this front.
- While the Paris Agreement laid down the marker, GCAS 2018 challenged us to “step up” a level higher.
- Let us see some of the distinct features that made it stand apart amidst a glut of climate action events.
 - The Summit could not have come at a more opportune time, roughly at the half-way mark between the Paris Agreement and the 2020 timeline to recalibrate National Contributions (NDCs). It provided a perfect opportunity to review the progress achieved thus far, recognise the roadblocks and gear up for increased commitments. The positive momentum from this summit should generate a fresh wave of action globally to help pull down the emissions curve by 2020.
 - The summit was unique in that it secured participation of leaders from cities, states, environmentalists, corporates, investors and NGOs, that is “non-state actors”, on a mass scale, for the very first time. Traditionally, climate conferences have focused on heads of state and national governments. GCAS 2018 saw a major departure from this trend with private institutions and civil society coming forward to supplement the state’s efforts.
 - An equally refreshing change was the focus on how climate change has impacted women and the steps needed for their empowerment. It was even more heartening to note that women themselves were leading this agenda, as evident from my panel on Innovative Finance for Climate, Resilience and Energy, which had three women out of the four participants.
 - “Walk the talk” dominated the agenda with the summit showcasing real people and their achievements — people who have successfully implemented plans to reduce carbon footprint. This sharing of success stories, technological innovations and creative policies was highly educational and impactful, and should inspire all stakeholders to do that extra bit in the days to come.
- President Donald Trump’s sudden decision to withdraw from the Paris Agreement had created a lot of uncertainty, with the US being a major carbon emitter. A successful GCAS 2018 will now help reassure the international community that this will not decelerate the “decarbonisation” movement.

- The summit points towards the emergence of “bottom up” climate action that is rooted firmly enough to ward off any conflicting individual or belief.
- Last but not the least, GCAS 2018 also helped cement India’s credentials as a climate action leader. It showcased some great work happening in India, by both industries as well as local governments. Innovations such as Heat Action Plans, energy conservation building codes, electric vehicles and solar pumps for farmers also bear testimony to India’s efforts to cut down carbon dioxide levels.

Conclusion

- The start-up community and investors at the event also acknowledged growing contributions from private renewable energy providers. I see GCAS 2018 heralding a new phase in climate action, marked by bolder commitments and speedier implementation, with wider participation. The movement against climate change is now clearly beyond individuals and countries.

INNOVATION, NOT EMINENCE, IS KEY

Introduction

- Higher education in India is in need of reform. In fact, higher education across the globe is failing to keep up with the changing demands of an unpredictable world.

A new world requiring new education

- Now, humans and machines are coming together at a cognitive level. The boundaries between the two are getting blurred.
- Our progress over the centuries has been driven by the human desire to conquer the environment, but we may now have gone too far. Indeed, more people are living in the world today than have lived and died since the dawn of humanity until well into the 20th century.
- We have one of the youngest, fastest growing, and largest workforces. That leaves us with a massive job creation challenge — an exercise further complicated by the fact that machines are replacing human jobs.
- There is also the matter of environmental sustainability of our activities. The quality of air, water and soil is teetering at the edge of habitability. These inflexion points are deeply interconnected and constantly changing.
- How might we prepare future generations for this new world? By necessity, a new vision for education would have to represent the coming together of technology, humanities and ethics. This model of interwoven learning would represent a departure from other models of education anywhere in the world today.

Improvements needed in Indian higher education

- In India, the better institutions of higher education tend to prepare graduates for their first job or vocation. But this is of limited merit in a world where a person is expected to change vocations and re-skill herself six times over a career. The recent trend towards liberal arts education is a step in the right direction, but falls short on many counts. It does not build comfort with technology, nor does it develop resilience.
- Higher education should prepare students for life, not just a career. In a world of shortening attention spans and transactional relationships, students need to be given an opportunity to look deep inside to discover their sense of purpose.
- At the same time, individuals need to be cognisant of the role they play in society, and how their thoughts and actions impact the world.
- Finally, and most significantly, students need to learn to deal with the inevitable ethical challenges they will face.
- To be able to deliver all this, an institution would need to build porous boundaries between itself and the real world, where theoretical learnings from coursework are woven together with real-life situations and problems.
- Finally, rigorous research needs to bring together the cutting edge from various disciplines and connect them to form a holistic view. This would continuously feed learning, and connect research with teaching in a continuous loop to stay relevant.

Can Indian higher education truly leapfrog the world?

- Interwoven learning has to be implemented at an institutional level. The Government of India's initiative to select Institutes of Eminence (IoE) is a step in the right direction. But India needs hundreds of institutes of eminence, not just six.
- And these IoEs need to think beyond the current mandate of breaking into the top 500 global rankings within 10 years. This is an ambitious goal in itself, but one of incremental improvements. Leapfrogging will require a shift to innovative models of higher education.
- Further, the intent must be to provide a flexible regulatory environment so that, with or without the tag of "eminence", institutes are encouraged to experiment.
- While only a few institutes may establish proof-of-concept, the idea must be to have a constantly expanding pool. Scaling up will require time and government funding at a scale substantially higher than currently envisaged for the Institutes of Eminence initiative.

THE 1.5°C CHALLENGE

Why has this issue cropped up?

- The latest report of the Intergovernmental Panel on Climate Change (IPCC) has found that a more than 1.5°C warming will be precarious, and a 2°C rise would be catastrophic.

What's alarming about this finding?

- The 2015 Paris agreement, which has become the cornerstone of climate change mitigation efforts worldwide, proposed to keep the increase in global average temperature to below 2°C above pre-industrial levels. But the IPCC report has found this threshold to be inadequate. Thus, checking global warming will require major changes in the Paris Climate Pact's targets.

Scaling up of efforts needed

- The world, already 1°C hotter than what it was 150 years ago, could witness greater frequency of droughts and floods, more intense tropical cyclones and increased ocean acidification and salinity if the planet heats by a further 0.5°C.
- That could happen anytime between 2030 and 2050, the report cautions. This means that current mitigation efforts — calibrated to stave off calamitous events by 2075 — will require drastic up-scaling.
- What is worrying is that the world is not even on course to meet the comparatively conservative demands of a 2°C-rise-in-temperature scenario.
- In fact, one of the criticisms of the Paris Accord-mandated Nationally Determined Contributions (NDCs) is that they are insufficient to meet these demands.

What IPCC suggests?

- In a break from its tradition of not recommending policy prescriptions, the global body has called for up-scaling low-carbon technologies and increased energy efficiency. But such interventions will not be enough and investments will have to move towards afforestation and technology-centred approaches, including ones that involve sucking the greenhouse gas before it reaches the atmosphere.
- The report also emphasises adaptation methods. The imperative of making communities resilient in the face of global warming and the focus on novel technologies require that urgency is accorded to shoring up climate finances.

The main roadblock

- Unfortunately, funding has been the Achilles' heel of global climate change negotiations. As of December 2017, the Green Climate Fund (GCF) had disbursed less than 10 per cent of its commitment. And in July, a meeting of the fund's board ended without a decision on how to bolster the agency's pool.

Conclusion

- The rulebook of the Paris Climate Accord, that is slated to be finalised by the end of the year, is mandated to take care of these concerns. It will now also need to factor in the challenges laid out by the IPCC report.

STORAGE NOT SAME AS CONTROL

Why has this issue cropped up?

- Amongst a host of recommendations concerning aspects of privacy and consent definitions, the report of the Justice Srikrishna Committee (JSKC) appears to be generating considerable debate and views around its Clause 40 on data ownership.

What is Clause 40?

- It deals with Restrictions on Cross-Border Transfer of Personal Data, which states that:
- Every data fiduciary shall ensure the storage, on a server or data centre located in India, of at least one serving copy of personal data to which this Act applies;
- (2) The Central Government shall notify categories of personal data as critical personal data that shall only be processed in a server or data centre located in India.
- This clause has sparked heated discussions on what constitutes critical, personal and who decides, this article does not deal with these aspects.

Storing data

- A host of governance initiatives like eMudhra and also several private applications are currently being developed on ultramodern distributed ledger (popularly known as blockchains) and edge-computing technologies.
- By their very definition, such technologies work on global chains of storage where data can reside in any part of the world but access is granted only to those with requisite permissions.
- These cutting-edge fields could place India on par or even ahead of other advanced countries in delivering efficiencies to its citizens and its economy.
- However, implementing the JSKC data storage recommendation is tough as law could negate these beneficial possibilities and, in fact, cause serious consequences, as Indian companies working on such technologies (including the government) would be disadvantaged

significantly since they would need to create India-specific private blockchains.

- Not only would such private chains add onerous costs and huge time delays but would also be unnecessary due to the technologies prevalent today.

The example of Estonia

- It is interesting to note the example of the tiny nation of Estonia, which has rolled out a technology called Keyless Signature Infrastructure (KSI) to safeguard all its citizenry data.
- Essentially, KSI encrypts all the data and stores the encryption keys in a blockchain distributed across across a national network of government computers. Actual storage of the data can thus be anywhere in the world, as per efficiency dictates.
- Estonian government officials can monitor changes within various databases, such as who has made changes to a record, what kind of changes are made, and when they were made.
- The electronic health records of all its citizens are currently managed using this technology, and the country is planning to make it available to all government agencies and private sector companies in the country.
- The example of Estonia and KSI shows that the place of storage of data does not automatically guarantee access, control or security.

Implications of JSKC'S recommendations

- The implications of JSKC's technologically-challenged recommendations could be significantly disadvantageous to India's data ambitions. For example, the economics of data centres and storage has power and land accounting for greater than 75% of the costs. Countries that are more efficient in these aspects will hold the competitive edge in storage.
- Mandating companies to store data in India-specific data centres or country-specific blockchain would affect efficiencies across sectors. Be it the long-suffering agriculture sector where the NITI Aayog plans to use blockchain to track soil-testing data or the beleaguered banking sector that is forced to store information on India-based data centres, transaction costs will go up across the board and inefficiencies will consequently get passed on to the common man.

Data protection initiatives

- The NITI Aayog is expected to shortly release its paper on IndiaChain. It will clarify the advances made in technologies like blockchain and provide a mechanism for secure storage of encryption keys in a country-specific set of servers.
- Adding this to the IndiaStack like eKYC and UPI will not only protect the privacy concerns of our citizenry including Aadhaar, but also encourage rapid adoption of blockchain-related projects at scale.
- IndiaChain, developed and run cooperatively by technical institutions, government and relevant independent organisations, can also federate the responsibility and accountability of maintaining privacy and security of personal information of data subjects, which is one of the serious concerns of the Data Protection Bill.
- Such in-country stored encryption keys not only "protect" but also "control" insofar as data can be retrieved should there be a legal need to do so.

- These structural initiatives will do away with the ill-conceived notions of assuming locations of data storage being the only way to control and protect data privacy.

Conclusion

- There is a clear potential for public policy to position India at the forefront of blockchain advancement, while European nations are still at a nascent stage of signing declaration of cooperation of European partnership. A structural approach is needed to make the Indian elephant dance to the tunes of innovation and new technologies.

SALVAGING A STRATEGIC PARTNERSHIP

Why has this issue cropped up?

- At their meeting in Goa at the India-Russia annual summit, in October 2016, Prime Minister Narendra Modi quoted a Russian proverb to Russian President Vladimir Putin: “An old friend is better than two new ones.” It was a reassurance that India’s growing proximity to the U.S. would not affect India-Russia relations. As Mr. Putin came calling two years on in October 2018, the shadow of America again loomed over the summit, in New Delhi.

The S-400 issue and the assertion of autonomy

- The question that dominated the meet was whether or not the deal for the Russian air defence missile system, the S-400, would go through.
- The U.S. has been publicly warning for months that this purchase could attract provisions under the Countering America’s Adversaries Through Sanctions Act (CAATSA), which authorises the U.S. government to impose sanctions on entities for “significant” defence transactions with Russia.
- The India-U.S. 2+2 meeting (of Foreign and Defence Ministers) in September did not resolve this issue.
- The contract for the S-400 was signed at the Delhi summit in a low-key manner. Neither leader mentioned it in his press statement and it was not signed in their presence.
- Mr Modi did not mention defence cooperation in his press statement, though it has been the centrepiece of India-Russia relations over decades.
- There was no mention also of other defence projects under discussion.
- Though understated, it was a clear assertion of autonomy of Indian decision-making on Russia.

Outlook on neighbourhood

- There is a general perception that Indian and Russian perspectives today differ on key issues in India's neighbourhood — Pakistan, Afghanistan and China — and on India's strategic linkages with the U.S., including on the Indo-Pacific.
- On Pakistan, one might note the nuance that the Joint Statement mentions cross-border terrorism, which some earlier Joint Statements did not.
- On Afghanistan, India expressed support for the "Moscow format", in which Russia involves regional countries and major powers in an effort to draw the Taliban into negotiations with the Afghan leadership. The U.S. has boycotted this initiative, but has initiated its own dialogue with the Taliban.

Business despite sanctions

- There are obvious opportunities for cooperation between Russia, which is natural resources-rich, and India, which is resource-hungry.
- The economic engagement of major European countries with Russia has actually grown in 2017 and 2018, despite the sanctions. European and American corporate lawyers with expertise on sanctions have enabled this. Indian business needs to tap into this expertise.

Conclusion

- Given the political dynamics in the U.S. today, a systemic solution to this problem is not evident. However, it has to be on the India-U.S. dialogue agenda. The India-U.S. strategic partnership is based on a strong mutuality of interests, but it was not intended to have the exclusivity of an alliance. India should not have to choose between one strategic partnership and another. The India-Russia dialogue should not get inextricably entangled in the India-U.S. dialogue.

ANOTHER WARNING ON WARMING

Why has this issue cropped up?

- The Intergovernmental Panel on Climate Change (IPCC) has just released a special report on global warming of 1.5°C over pre-industrial temperatures.

What does the report say?

- It provides details on how the global response to climate change needs to be strengthened within the broader context of sustainable development and continuing efforts to eradicate poverty.
- The impacts of 1.5°C of warming and the possible development pathways by which the world could get there are its main focus.

2 degrees and 1.5 degrees

- It was in 2015, at the Paris climate conference, that the global community made a pact to pursue efforts to limit warming to within 1.5°C — half a degree below the previous target of 2°C.
- With the increase in extreme events and the very survival of small islands at stake, the lower limit was greeted then with surprise and enthusiasm.
- For most people, the difference between 1.5°C and 2°C may seem trivial when daily temperatures fluctuate much more widely. However, the reference here is to global average temperatures. Different regions of the earth will warm at different rates. For instance, the Arctic is already experiencing warming that is many times higher than the global average.
- If nations do not mount a strenuous response against climate change, average global temperatures, which have already crossed 1°C, are likely to cross the 1.5°C mark around 2040. The window of opportunity to take action is very small and closing fast.

The effects of half degree

- Half a degree of warming makes a world of difference to many species whose chance of survival is significantly reduced at the higher temperature.
- At 1.5°C warming, ocean acidification will be reduced (compared to 2°C warming), with better prospects for marine ecosystems.
- There will likely be less intense and frequent hurricanes, not as intense droughts and heat waves with smaller effects on crops, and the reduced likelihood of an ice-free Arctic in summers.
- Studies conservatively estimate sea levels to rise on average by about 50 cm by 2100 in a 2°C warmer world, 10 cm more than for 1.5°C warming. But beyond 2100, the overall assurance of much higher sea level rise is greater in a 2°C world.
- The risks to food security, health, fresh water, human security, livelihoods and economic growth are already on the rise and will be worse in a 2°C world.
- The number of people exposed to the complex and compounded risks from warming will also increase and the poorest — mostly in Asia and Africa — will suffer the worst impacts.
- Adaptation, or the changes required to withstand the temperature rise, will also be lower at the lower temperature limit.
- The danger of crossing tipping points, or thresholds beyond which the earth's systems are no longer able to stabilise, becomes higher with more warming. Such tipping points include melting of Greenland ice, collapse of Antarctic glaciers (which would lead to several metres of sea level rise), destruction of Amazon forests, melting of all the permafrost and so on.

The roadblocks

- How is the remaining carbon budget, that is the room available in the atmosphere to safely contain more CO₂, going to be shared among different countries? This is a difficult question to address, given the contentious nature of the negotiations.

- It has been reported, for instance, that the U.S. has been obstructionist in the deliberations in Incheon, South Korea, at the recent meeting to determine the final text of the report.
- The U.S. also reiterated its intent to pull out of the Paris Agreement.
- Even if all the NDCs are implemented, the world is expected to warm by over 3°C.
- Disputes over the implementation of the Paris Agreement at numerous meetings depict the deep divides among rich countries, emerging economies and least developed countries.

Way forward

- The IPCC report identifies two main strategies. The first stabilises global temperature around the 1.5°C mark with limited overshoot and the second permits temperatures to exceed 1.5°C temporarily before coming back down. The consequences of the temporary overshoot would cause worse impacts than the first approach.
- To limit warming to around 1.5°C with no or limited overshoot, global net carbon dioxide (CO₂) emissions need to decline by about 45% from 2010 levels by 2030 and reach net zero around mid-century.
- In comparison, to limit warming to just below 2°C, the reductions needed are about 20% by 2030 and reach net zero around 2075.
- To stay below 1.5°C, the transitions required by energy systems and human societies, in land use, transport, and infrastructure, would have to be rapid and on an unprecedented scale with deep emission reductions.
- Contributions from the U.S. and other rich countries to the Green Climate Fund and other funding mechanisms for the purpose of mitigation and adaptation are vital even to reach the goals of the Nationally Determined Contributions (NDCs) — commitments that each country made prior to the Paris conference.

Conclusion

- This special report poses options for the global community of nations, which they will have to contend with in Poland — the next Conference of the Parties. Each will have to decide whether to play politics on a global scale for one's own interests or to collaborate to protect the world and its ecosystems as a whole. The path forward offers no simple or easy solutions.

ON BLOCKCHAIN, INDIA MUST TREAD CAUTIOUSLY

Why has this issue cropped up?

- India is abuzz with reports on the potential uses of Blockchain technology. There is growing support from the central and state governments for it.

The initiatives on blockchain

- Andhra Pradesh and Telangana are planning to use the technology for land registry records, education certificates and vehicle records.
- NITI Aayog has tied up with Oracle, Apollo Hospitals and Strides Pharma Sciences for a pilot on supply chain management of drugs.

Major attraction of blockchain

- One of the crucial attractions of the technology is its immutability — that is, once some data has been entered, it can't be altered or deleted.

Problems with blockchain

- The cost of transactions via Blockchain are high; currently it is \$20 per transaction.
- The pace of the transactions (seven transactions per second) and the response time to each transaction (10 minutes) is slow. So scaling up the system can slow down the process. The power requirements are huge.
- Also, as the size of Blockchain increases and more transactions are cached, the performance will decrease, and transactions will become increasingly difficult to manage due to storage, bandwidth, and processing power requirements.
- Absence of standards or interoperability between various Blockchain platforms could be another drawback.
- Blockchains are also vulnerable to network attacks as they were not originally designed for network protocols.
- There are challenges of insertion of malware files and objectionable content as Blockchain services continue to grow. This raises issues of privacy violation, potentially illegal files, copyright violations, malware, insertion of politically sensitive content, and insertion of illegal and condemned content.
- The inability to alter data can be a double-edged sword when someone inserts false data or any objectionable or illegal content. Deletion of such unwanted content is impossible, which means the Blockchain operators can be sued for hosting illegal or objectionable or politically sensitive content, or violation of privacy and copyright.
- In Germany, Blockchains hosting illegal content can be charged under a specific clause in the country's criminal laws. It is not clear whether Indian laws have addressed potential loopholes in emerging Blockchain technologies.

Conclusion

- India needs to examine all aspects of the technology before it joins the bandwagon. American Internet pioneer Vincent Cerf correctly cautions: "Blockchain technology is supposed to be the aspirin of the computing world. Please do not believe it. It is not true."

MALDIVES: INDIA SHOULD NOT REST ON ITS

OARS

Why has this issue cropped up?

- Following President Abdulla Yameen's surprise defeat in the Maldivian election, the air of self-congratulation in New Delhi risks obscuring the challenges.

Importance of Maldives for India

- The Maldivian archipelago, despite its tiny population, is of key importance to Indian security, given that it sits astride critical sea lanes through which much of India's shipping passes.
- From the Indian naval station on the Lakshadweep island of Minicoy, the Maldives' northernmost Thuraakunu Island is just 100 km away.

Is India's stand on Maldives justified?

- The election victory of opposition candidate, Ibrahim Mohamed Solih, against an increasingly autocratic Yameen represents a triumph of Indian patience.
- Had India militarily intervened in the Maldives, it could have provoked a nationalistic backlash and strengthened Islamist forces in a country that has supplied the world's highest per capita number of foreign fighters to terrorist groups in Syria and Iraq.
- After Yameen in February declared a state of emergency and jailed Supreme Court justices and political opponents, India came under pressure, including from the Maldivian opposition, to intervene militarily, as it did once before — in 1988 when it foiled an attempted coup. But unlike in 1988, no legitimate authority was inviting India to send in forces. By erring on the side of caution and holding out an intervention threat if the voting were not free and fair, India aided the electoral outcome.
- Contrast this with Indian missteps in Nepal, where India woke up belatedly to the political machinations in Kathmandu that led to a flawed new Constitution being promulgated. India then backed the Madhesi movement for constitutional amendments — an agitation that triggered a five-month border blockade of essential supplies to Nepal. The resulting Nepalese grassroots backlash against India eventually

contributed to the China-aided communists sweeping Nepal's 2017 elections.

- The restoration of full democracy in the Maldives after, hopefully, a smooth transfer of power on November 17, will be a diplomatic boost for India.

The China factor

- In Maldives, China may be down, but it's not out and could, as in Sri Lanka, re-establish its clout through debt-trap diplomacy. Thus, in India's larger strategic backyard, China continues to systematically erode Indian clout.

- Yameen, who signed major financing and investment deals with Beijing, will be departing after pushing the Maldives to the brink of a Chinese debt trap.
- Nearly 80% of the Maldives' external debt — equivalent to about one-quarter of its GDP — is owed to China.
- Even without any new contracts, the Maldivian debt to China will rise because of the Chinese projects already completed or initiated, thus allowing Beijing to retain its favourite source of leverage.

Option before Maldives

- The post-Yameen Maldives — like Nepal, Bangladesh and Sri Lanka — would likely seek to balance relations with India and China, thus reinforcing how Beijing has fundamentally altered geopolitics in a subregion New Delhi long considered its natural sphere of influence.

What should India do?

- As Maldives' closest partner, a proactive India must leverage its ties.
- India should assist in infrastructure development and be willing to refinance Maldives' Chinese debt so as to achieve lower costs and a longer-term maturity profile.
- India will have to closely watch China's activities in the unpopulated Maldivian islands it managed to lease during Yameen's reign.

Conclusion

- China is muscling its way into India's maritime backyard, including sending warships to the Maldives and signing an accord for an ocean observatory there that could provide critical data for deploying nuclear

submarines. The new Maldivian government should be left in no doubt about India's "red lines".

DRACONIAN MOVE

Why has this issue cropped up?

- Journalists have been hauled up in the past for writing allegedly objectionable articles. But the arrest of R.R. Gopal, Editor of the Tamil magazine Nakkheeran, Chennai, on a trumped-up charge under a rarely used section of the Indian Penal Code is an extraordinary instance of abuse of power.

Section 124

- The Tamil Nadu Governor's office had complained to the police, seeking to book Mr. Gopal under Section 124 of the IPC, citing some articles published in the magazine.
- This section, seldom used even in colonial times, applies to assaulting high constitutional functionaries such as the President and the Governor with "an intent to compel or restrain the use of any lawful power".
- It is quite clear that this section was never intended to cover writing articles but rather cases where these functionaries are prevented from exercising their power through criminal force, attempts to overawe, or wrongful restraint.
- Whether the articles in question were in bad taste is the subject for a separate debate. The point is that, however offensive or derogatory, they did not attract Section 124.

Conclusion

- By citing them to seek registration of a Section 124 case against the magazine's Editor, journalists and employees, the Governor's office has only turned the spotlight on itself unnecessarily. He would do himself a favour by withdrawing the complaint; it is unlikely the Tamil Nadu police will take such a decision on its own.

DEADLY ROADS

Why has this issue cropped up?

- The Road Accidents in India report of the Ministry of Road Transport and Highways for 2017 comes as a disappointment.

Issues with the report

- By reiterating poorly performing policies and programmes, it has failed to signal the quantum shift necessary to reduce death and disability on the roads.
- It expresses concern at the large number of people who die every year and the thousands who are crippled in accidents, but the remedies it highlights are weak, incremental and unlikely to bring about a transformation.
- The lack of progress in reducing traffic injuries is glaring, given that the Supreme Court is seized of the issue and has been issuing periodic directions in a public interest petition with the assistance of the Justice K.S. Radhakrishnan Committee constituted by the Centre.
- Little has been done to fulfil what the Road Transport Ministry promises: that the Centre and the States will work to improve safety as a joint responsibility, although enforcement of rules is a State issue.

- That nothing much has changed is reflected by the death of 1,47,913 people in accidents in 2017. To claim a 1.9% reduction over the previous year is statistically insignificant, more so when the data on the rate of people who die per 100 accidents show no decline.
- Even more shocking is the finding that green commuters — cyclists/pedestrians — now face greater danger on India's roads, with a rise in fatalities for these categories of users of 37% and 29% over 2016, respectively.

The hurdles in the way of road safety

- It is welcome that greater attention is being paid to the design and safety standards of vehicles, but such professionalism should extend to public infrastructure: the design of roads, their quality and maintenance, and the safety of public transport, among others.
- The Centre has watered down the national bus body standards code in spite of a commitment given to the Supreme Court, by requiring only self-certification by the builders.
- Valuable time has been lost in creating institutions for road safety with a legal mandate, starting with an effective national agency.
- The Road Safety Councils at the all-India and State levels have simply not been able to change the dismal record.
- The police forces lack the training and motivation for professional enforcement.

Conclusion

- Data on fatalities and injuries due to road accidents must jolt the government into action. The urgent need is to fix accountability in government.

TEAMING UP WITH TOKYO

Why has this issue cropped up?

- Ahead of the PM's visit to Japan, hopes are high for a greater synergy on security and connectivity issues. Prime Minister Narendra Modi's visit to Tokyo later this month will be keenly watched by India's strategic community.

India and Japan getting closer

- Since he assumed office in 2014, Mr. Modi has made India-Japan relations a key priority area of his foreign policy. Now, in the last year of his term, Indian analysts are looking for tangible signs of a transformation in economic and security ties.
- Fortunately for India, Mr. Modi's Japanese counterpart Shinzo Abe is a keen advocate of closer bilateral relations. Mr. Abe views India as the pivotal state in the Indian Ocean. A strong India, he candidly professes, is in Japan's interest, just like a strong Japan is beneficial for India.

- The Abe administration is focusing attention on two critical areas — maritime security and strategic connectivity.
- On the security front, Japan is keen to strengthen the trilateral Malabar exercises with India and the U.S.
- Tokyo is keen that its military exchanges with India also include Army and Air Force exchanges.
- An Acquisition and Cross-Servicing Agreement — on the lines of the Logistics Exchange Memorandum of Agreement with the U.S. — is in the offing, and there is also talk of joint collaboration in unmanned armoured vehicles and robotic systems.
- Further, Japan also wants to assist India in improving the state of maritime domain awareness in the Indian Ocean, where India is keen to set up an ‘information fusion centre’.
- Notwithstanding the excitement over security relations, it is strategic connectivity that presents the bigger opportunity.
- Tokyo and New Delhi have been working together on infrastructure projects in the Northeast.
- They are also building the Asia-Africa Growth Corridor, whose four pillars — developmental projects, quality infrastructure, capacity building, and people-to-people partnership — make it an effective counterpoint to China’s Belt and Road Initiative.

A reliable partner

- What makes Japan a reliable partner in the connectivity arena is its emphasis on ‘quality’.
- Unlike China’s Belt and Road projects, Japanese infrastructure initiatives are environmentally friendly and financially sustainable, with project managers laying particular stress on life cycle costs and asset resilience.
- Not only has Japanese development aid produced demonstrable results on the ground, Tokyo’s insistence on transparency has generated enormous trust.
- The Modi government’s economic and security outlook — often articulated in terms of its ‘Act-East’ outreach — fits well with Mr. Abe’s vision for a ‘Free and Open Indo-Pacific’.

The China angle

- Both countries want a regional order based on rules. However, neither country is keen to antagonise China.
- While Tokyo is willing to work with Beijing on overseas infrastructure projects, New Delhi has expressed reservations about its ‘Quadrilateral’ partners (the U.S., Japan and Australia) resorting to China-containment tactics.
- Even so, Japanese and Indian policymakers recognise the importance of balancing Chinese power in the Indo-Pacific. To deter China’s maritime aggression in their strategic backwaters, Japan and India have upped their defence engagement.

The US-2i issue

- Despite repeated attempts, talks for the sale of the US-2i amphibious aircraft have been deadlocked over issues of price and technology transfer.
- The deal has been hanging fire since 2014 when Indian officials raised objections over the platform's high cost.
- Of greater concern has been Japan's unwillingness to let India license produce the US-2i, insisting on delivering all aircraft in flyaway condition.
- India's foreign policy establishment knows the deal has come to be seen a symbol of India-Japan defence cooperation. A failure to procure it would be deemed as a setback

Conclusion

- Indo-Japan partnership is increasingly vital for the security of littoral Asia. In the wake of growing challenges in the maritime domain, New Delhi knows that operational synergy with Tokyo is a strategic imperative. Striking a deal on the US-2i would be a good start point.

THE GREAT INDIAN ABDICATION

Why has this issue cropped up?

- India, at present, is going through a deep crisis in which the mission of deepening democracy, and protecting and advancing social freedoms is placed solely upon the judiciary.

How the judiciary is acquiring the most important role in democracy?

- If the judiciary has assumed the role of the single most important pillar of India's parliamentary democracy, built on separation of powers, it is mainly because of the degradation and abuse of the roles of the legislature and the executive.
- Here, is an example. Earlier this year, the government amended the Foreign Contribution Regulation Act to retrospectively legalise political donations from foreign companies and individuals since 1976.
- This move — with potentially catastrophic ramifications for Indian democracy — was pushed through without discussion in Parliament and hardly any debate in the public sphere.

Parliament's erosion

- Parliament, the supreme venue representing the people, has become a shadow of what it should be.
- The Prime Minister rarely attends parliamentary debates, affecting the sanctity of the forum.
- If the Lok Sabha met for an average of 127 days in the 1950s, in 2017 it met for a shocking 57.
- If 72 Bills were passed in a year in the first Lok Sabha, the number was 40 in the 15th Lok Sabha (2009-14).
- The Budget session for this fiscal year saw a scarcely believable usage of 1% of its allotted time in the Lok Sabha, and the Budget, the most vital cog of a national's material basis, itself passed without discussion through the guillotine process.
- Parliament, instead of representing the highest democratic ethos, panders to electoral majorities, leaving it incapable of challenging barbaric social/religious practices enforced by dominant interests. That is why it took 70 years for Section 377 to be partially struck down.
- Is it then surprising that the Supreme Court steps into this dangerous void left by the executive and the legislature?

Can the task of democratising be left to judiciary?

- The task of democratising society cannot be left to the judiciary, an unelected body, the higher echelons of which self-appoint their members through the collegium system.
- Instead, it must be through social and political struggles from the bottom, and not through judicial diktats from above.

State of the judiciary

- The judiciary does not exist in a vacuum. Even when it attempts to correct regressive social practices, it is still a reflection of our society.
- Nothing could be more illustrative of this than the serious lack of diversity and representation, especially in the higher judiciary.
- In 1993, Justice S.R. Pandian estimated that less than 4% of judges in the higher judiciary were from Dalit and tribal communities, and less than 3% were women.
- Since Independence, only four Dalits have become Supreme Court judges, including one Chief Justice of India.
- Even in the lower judiciary, the story is not starkly different. Data from 11 States show that the representation of Other Backward Classes, Scheduled Castes and Scheduled Tribes judges ranged from 12% to 14%.
- It took 42 years for a woman judge to be appointed to the Supreme Court, and there have been only eight women judges in the Supreme Court so far.
- While representation can become tokenistic and essentialist, democracy is absolutely hollow without it.

Case backlog

- The abdication of responsibility by the legislature is even more damaging considering that the judiciary is groaning under the weight of a mammoth 3.3 crore pending cases.
- What could be more unjust in a democracy than thousands of innocent undertrials languishing in jails for a lifetime awaiting justice?
- A staggering 67% of India's prison population awaits trial; 55% of these undertrials are Dalits, tribals, and Muslims.
- In this context, should the valuable time of the judiciary be spent in entertaining and delivering verdicts on Public Interest Litigations (PILs), seeking, to take a couple of instances, a ban on pornography or making the national anthem mandatory in cinema halls?
- The PIL, a unique and powerful tool to seek justice for the weakest sections, has now degenerated.
- Overworked courts cannot become a one-stop solution for performing legislative/executive tasks such as banning fire crackers/loud speakers, enforcing seat belt/helmet wearing rules, or solving theological/civil society questions such as what the essence of Hinduism is or whether a mosque is integral for namaz.

Conclusion

- The task of completing the world's largest democracy's political and social revolution cannot be laid only at the doorstep of the judiciary.

#UsToo

Why has this issue cropped up?

- In what has been called India's MeToo moment, the social media is thick with women coming forth with stories of sexual harassment.

The movement in India

- The testimonies so far have mostly concerned the film world and the mainstream media, and cover both the workplace and private spaces.
- They range from stories of assault to propositioning, suggestiveness to stalking.
- In the vast majority of cases, the naming is a result of the failure to receive a just response from the system, a signal that it is no longer possible for such behaviour to be breezily dismissed or excused because boys, after all, will be boys.

Origin of the MeToo movement

- The MeToo hashtag gained currency a year ago in the U.S. when women came out one after another to first corroborate allegations of sexual assault against Hollywood mogul Harvey Weinstein.

The concern

- It is not only that many of the allegations are extremely grave — for instance, against M.J. Akbar, a star editor who left journalism for government, to become a Minister of State for External Affairs.
- What is perhaps of even greater disquiet is that for so very long an official silence was kept around what were, in many instances, open secrets.

Way forward

- Now that women are speaking up there can be no looking away.
- It is important to identify the exact transgression in the various cases that are being outed, and to ensure that action is taken with due process.
- No one can be deemed guilty only because he had been named and any punishment must be proportionate to the misdemeanour. But the larger issue perhaps is the message sent out by the outpouring — namely, that there has been a systemic disregard for making workplaces and common spaces free of harassment.
- Many women thought that their words and feelings would be dismissed, their careers would suffer, or their families would pull them back into the safety of home. This fear of making a complaint needs to be overcome in all workspaces, not only the media and the film industry.

Conclusion

- All of society needs to internalise a new normal that protects a woman's autonomy and her freedom from discrimination at the workplace.

RESISTING RESISTANCE

Why has this issue cropped up?

- India needs to strengthen and implement regulations on antibiotic misuse. In a recent investigation, it was found that the world's largest veterinary drug-maker, Zoetis, was selling antibiotics as growth promoters to poultry farmers in India, even though it had stopped the practice in the U.S.

The antibiotic regulation in India

- India is yet to regulate antibiotic-use in poultry, while the U.S. banned the use of antibiotics as growth-promoters in early 2017. So, technically, the drug-maker was doing nothing illegal and complying with local regulations in both countries.

Loss due to antibiotic resistance

- India stands to lose the most from antibiotic resistance given that its burden of infectious disease is among the world's highest.
- 416 of every 100,000 Indians die of infectious diseases each year. This is more than twice the U.S.'s crude infectious-disease mortality-rate in the 1940s, when antibiotics were first used there.
- If these miracle drugs stop working, no one will be hit harder than India. This is why the country's progress towards a tighter regulatory regime must pick up pace.

Major sources of antibiotic resistance

- There are three major sources of resistance:
 - overuse of antibiotics by human beings;
 - overuse in the veterinary sector; and
 - environmental antibiotic contamination due to pharmaceutical and hospital discharge.

Has India been able to control antibiotic resistance

- To tackle the first source, India classified important antibiotics under Schedule H1 of the Drugs and Cosmetics Rules 1945, so that they couldn't be sold without prescriptions. Still, Schedule H1 drugs are freely available in pharmacies, with state drug-controllers unable to enforce the law widely.
- As far as veterinary use goes, India's 2017 National Action Plan on Antimicrobial Resistance did talk about restricting antibiotic use as growth promoters. Sadly, no progress has been made on this front yet, allowing companies to sell last-resort drugs to farmers over the counter.
- The 2017 document also spoke about regulating antibiotics levels in discharge from pharmaceutical firms. For instance, Hyderabad's pharmaceutical industry has been pumping massive amounts of antibiotics into local lakes, rivers and sewers. This has led to an explosion in resistance genes in these waterbodies. Still, India is yet to introduce standards for

antibiotics in waste water, which means antibiotic discharge in sewage is not even being monitored regularly

Conclusion

- As the country takes its time to formulate regulations, the toll from antibiotic-misuse is growing at an alarming rate. According to a 2013 estimate, around 58,000 newborns die in India each year due to sepsis from resistant bacteria. When these numbers mount, India will have no one to blame but itself.

HELPING THE INVISIBLE HANDS OF AGRICULTURE

The theme of this issue

- With the 'feminisation of agriculture' picking up pace, the challenges women farmers face can no longer be ignored.

Why has this issue cropped up?

- The govt. has proposed to discuss the challenges that women farmers face in crop cultivation, animal husbandry, dairying and fisheries. The aim is to work towards an action plan using better access to credit, skill development and entrepreneurial opportunities.

Data and reality

- The Agriculture Census (2010-11) shows that out of an estimated 118.7 million cultivators, 30.3% were females
- Women are responsible for about 60-80% of food and 90% of dairy production, respectively.
- The work by women farmers, in crop cultivation, livestock management or at home, often goes unnoticed.
- Attempts by the government to impart them training in poultry, apiculture and rural handicrafts is trivial given their large numbers.

Problems that women farmers face

- The biggest challenge is the powerlessness of women in terms of claiming ownership of the land they have been cultivating.
- In Census 2015, almost 86% of women farmers are devoid of this property right in land perhaps on account of the patriarchal set up in our society.

- A lack of ownership of land does not allow women farmers to approach banks for institutional loans as banks usually consider land as collateral.
- As of now, women farmers have hardly any representation in society and are nowhere discernible in farmers' organisations or in occasional protests. They are the invisible workers without which the agricultural economy is hard to grow.
- Land holdings have doubled over the years with the result that the average size of farms has shrunk. Therefore, a majority of farmers fall under the small and marginal category, having less than 2 ha of land — a category that, undisputedly, includes women farmers.
- Female cultivators and labourers generally perform labour-intensive tasks. In addition to working on the farm, they have household and familial responsibilities. An increased work burden with lower compensation is a key factor responsible for their marginalisation
- When compared to men, women generally have less access to resources and modern inputs (seeds, fertilizers, pesticides) to make farming more productive.

Way forward

- In order to sustain women's interest in farming and also their uplift, there must be a vision backed by an appropriate policy and doable action plans.
- Women with access to secure land, formal credit and access to market have greater propensity in making investments in improving harvest, increasing productivity, and improving household food security and nutrition. Provision of credit without collateral under the micro-finance initiative of the National Bank for Agriculture and Rural Development should be encouraged.
- Better access to credit, technology, and provision of entrepreneurship abilities will further boost women's confidence and help them gain recognition as farmers.
- A declining size of land holdings may act as a deterrent due to lower net returns earned and technology adoption. The possibility of collective farming can be encouraged to make women self-reliant.
- Training and skills imparted to women as has been done by some self-help groups and cooperative-based dairy activities (Saras in Rajasthan and Amul in Gujarat). These can be explored further through farmer producer organisations.
- Government flagship schemes such as the National Food Security Mission, Sub-mission on Seed and Planting Material and the Rashtriya Krishi Vikas Yojana must include women-centric strategies and dedicated expenditure.
- Most farm machinery is difficult for women to operate. Manufacturers should be incentivised to come up with better solutions. It is important to have gender-friendly tools and machinery for various farm operations.
- Farm machinery banks and custom hiring centres promoted by many State governments can be roped in to provide subsidised rental services to women farmers.

- The Food and Agriculture Organisation says that equalising access to productive resources for female and male farmers could increase agricultural output in developing countries by as much as 2.5% to 4%.
- Krishi Vigyan Kendras in every district can be assigned an additional task to educate and train women farmers about innovative technology along with extension services.
- As more women are getting into farming, the foremost task for their sustenance is to assign property rights in land. Once women farmers are listed as primary earners and owners of land assets, acceptance will ensue and their activities will expand to acquiring loans, deciding the crops to be grown using appropriate technology and machines, and disposing of produce to village traders or in wholesale markets, thus elevating their place as real and visible farmers.

Conclusion

- While the “feminisation of agriculture” is taking place at a fast pace, the government has yet to gear up to address the challenges that women farmers and labourers face.

BONDING WITH AFRICA, IN PARTNERSHIP

Theme of this article

- India and China need to link their development plans for the continent.

Why has this article cropped up?

- Chinese President Xi Jinping grabbed headlines last month after announcing a hefty \$60 billion package for Africa.

India's position in Africa

- Like China, India also hosts its own triennial conclave with African leaders, which was last held in 2015.
- Though headline numbers show that in dollar throughput, it is distant from China, India's contribution to Africa's development is nonetheless significant.

India-China cooperation in Africa

- If China and India are serious about the rise of Africa, the key is to co-link their development strategies on a continental scale.
- The good news is that both countries seem to have done some spadework, in finding an imaginative coordinating mechanism that could benefit them, as well as Africa.

- Ahead of the BRICS summit in Johannesburg in July, when Mr. Xi and Prime Minister Narendra Modi visited Rwanda almost at the same time, Chinese Foreign Ministry put out the message that New Delhi and Beijing should vigorously pursue the 'China-India Plus One' or 'China-India Plus X' model in engaging with Africa.
- In the Wuhan informal summit in April between Mr. Xi and Mr. Modi, it was decided that China and India would coordinate their approaches for engaging a third country or set of countries in South Asia and beyond.
- The Chinese also described Beijing and New Delhi as "like-minded partners" in Africa.

Conclusion

India must pick up the threads and weave a potent emerging economy narrative for bonding with Africa, triggering a structural shift of global

significance. The Chinese Goliath, inching towards global domination, must be stopped in its tracks, before it is too late.

HAMSTRINGING THE RTI ACT

Theme of the article

- Instead of holding a public debate on making the Act more effective, the government is seeking to dilute its provisions

Significant role played by the RTI Act

- The Right to Information (RTI) Act, operationalised in October 2005, was seen as a powerful tool for citizen empowerment. It showed an early promise by exposing wrongdoings at high places, such as in the organisation of the Commonwealth Games, and the allocation of 2G spectrum and coal blocks.

Challenges faced by the RTI Act

- The Act did not give adequate authority to the Information Commissions to enforce their decisions. Besides awarding compensation to an applicant for any loss suffered, the commissions can direct public authorities to take the steps necessary to comply with the Act, but are helpless if such directions are ignored.
- If an officer fails to fulfil his duty, the commission can either impose a maximum penalty of ₹25,000 or recommend disciplinary action against him. However, this deterrent works only when the piece of information lies at the lower levels; it is ineffective in many cases where information relates to higher levels of government. Implementation of decisions taken by the commissions, therefore, remains a weak link.

- The Central and State Information Commissions have been functioning with less than their prescribed maximum strength of eleven because governments have dragged their feet on appointing commissioners. This leads to delay in disposal of cases, which is compounded by the backlog in the High Courts, where a number of decisions of the commission are challenged.
- The RTI system is clogged because a number of applicants, usually disgruntled employees of public institutions, ask frivolous queries. Their applications have unfortunately continued to exist alongside those of numerous RTI activists who have done commendable work, often risking their life and limb.
- Section 4 of the RTI Act requires suo motu disclosure of a lot of information by each public authority. However, such disclosures have remained less than satisfactory.

Proposed amendments to the RTI Act

- The recently proposed amendments to the Act would, instead of strengthening the hands of commissions, weaken them.
- The government proposes to do away with the equivalence of the Central Information Commissioners with the Election Commissioners on the ground that the two have different mandates. The underlying assumption that transparency is less important for a democracy than holding of free and fair elections is preposterous.
- The government also proposes to replace the existing fixed five-year tenure of the Information Commissioners with a tenure as may be prescribed by it. This would make the tenure a largesse to be bestowed by the government. This would be detrimental to the independence and authority of the Information Commissions.
- The Act struck a balance between privacy and transparency by barring the disclosure of personal information if it has no relationship to any public activity or would cause unwarranted invasion of privacy. However, the Justice Srikrishna Committee has proposed an amendment that would broaden the definition of 'harm', restricting disclosure of personal information even where it may be clearly linked to some public activity.

Conclusion

- The RTI Act continues to render yeoman service in providing information to citizens. Though its aim is not to create a grievance redressal mechanism, the notices from Information Commissions often spur the public authorities to redress grievances. Thirteen years of the Act's functioning have given us enough experience to hold a public debate on making it more effective.

A SECURITY ARCHITECTURE WITHOUT THE MORTAR

Theme of the article

- Many of India's national security inadequacies stem from the absence of a national security vision.

Why has this article cropped up?

- In April this year, the government set up a Defence Planning Committee (DPC). Earlier this month, it also decided to revive the Strategic Policy Group (SPG) within the overall National Security Council (NSC) system.

Issues with the national security

- India's national security environment has steadily deteriorated since 2014.
- Both the overall violence in Jammu and Kashmir and ceasefire violations on the Line of Control reached a 14-year high in 2017, a trend that refuses to subside in 2018.
- The pressure from China is on the rise. The Chinese forces are back in the Doklam plateau with more force.
- India's neighbourhood policy continues to be in the doldrums and there is a clear absence of vision on how to balance, engage and work with the many great powers in the regional and the broader international scene.

Absence of defence reforms

- There is little conversation between the armed forces and the political class, and even lesser conversation among the various arms of the forces. This will soon become unsustainable for a country that aspires to be a modern great power.
- One of the most serious lacunas in our defence management is the absence of jointness in the Indian armed forces. Our doctrines, command structures, force deployments and defence acquisition continue as though each arm is going to fight a future war on its own.
- Not only do the various arms of the Indian armed forces plan their strategies in silos but even their rhetoric is partisan (consider the Army Chief, Gen. Bipin Rawat's statement about the Army, not the armed forces as a whole, being prepared for a "two-and-a-half front war").
- In the neighbourhood China has progressed a great deal in military jointmanship, and Pakistan is doing a lot better than India. In India, talk of appointing a Chief of Defence Staff (CDS) has all but died down.
- Leave alone appointing a CDS, even the key post of military adviser in the National Security Council Secretariat (NSCS) remains vacant.

- Under the present system, where the ratio of revenue to capital expenditure in defence is roughly 65:35%, any serious attempt at modernisation would be impossible.
- Many of India's national security inadequacies stem from the absence of a national security/defence vision.

Way forward

- Ideally, the country should have an overall national security document from which the various agencies and the arms of the armed forces draw their mandate and create their own respective and joint doctrines which would then translate into operational doctrines for tactical engagement. In the absence of this, as is the case in India today, national strategy is broadly a function of ad hocism and personal preferences.

Conclusion

- The state of India's national security and defence is worse off today compared to when it took office in May 2014. And in the meantime, we are becoming a country without a coherent national security purpose

SLIPPERY SLOPE

Theme of the article

- India must diversify its energy basket more proactively.

Why has this issue cropped up?

- India's economic fortunes continue to be tied to the sharply fluctuating price of oil.

Call to oil producing nations

- Recently, Prime Minister urged oil-producing countries to reduce the cost of energy in order to aid the global economy in its path towards recovery.
- He also called for a review of payment terms, demanding the partial use of the rupee instead of the U.S. dollar to pay for oil, in order to ease the burden on oil-importing countries in the wake of the strengthening of the dollar.

The concern with rising oil prices

- With well over 80% of its oil demand being met through imports, India clearly has a lot at stake as oil prices have risen by as much as 70% in rupee terms in the last one year.
- Saudi Arabia Energy refused to openly commit to lower oil prices. This is not surprising given the absence of significant rival suppliers in the global oil market willing to help out India.

- The current account deficit widened to 2.4% of gross domestic product in the first quarter of 2018-19 and is expected to reach 3% for the full year.
- The rupee, which is down about 16% since the beginning of the year, doesn't seem to be showing any signs of recovery either.
- Further, the growth in the sales of petrol and diesel has already been affected adversely as their prices have shot through the roof.
- All this will likely weigh negatively on the prospects of the Indian economy, the world's fastest-growing, in the coming quarters.

Way forward

- In this scenario, the decision to marginally cut taxes imposed on domestic fuels is unlikely to be of any significant help to consumers.
- What is required is a steep cut in Central and State taxes for the benefit to carry through to the consumers, which, of course, is unlikely given the government's fiscal needs.
- Another long-term solution to the oil problem will be to increasingly tap into domestic sources of energy supply while simultaneously encouraging consumers to switch to green alternatives. This will require a stronger policy framework and implementation.
- In the short term, the government could look to diversifying its international supplier base to manage shocks better. But such a choice carries geopolitical risks, such as in the case of Iran.

A VERY DELICATE BALANCING ACT

Theme of the article

- India must not be seen as an overbearing presence in Bhutan

Why has this article cropped up?

- The victory of the DNT party in Bhutan's third parliamentary election is being seen as a vote for change in Bhutan.

Significance of Bhutan for India

- India had stepped in to defend Bhutan's territorial claims during last year's military standoff with China at Doklam, an area currently controlled by Beijing but claimed by Thimphu. This

strategic region is located close to the “chicken’s neck” or the tiny sliver of land that connects the Indian mainland to the northeastern states.

- Many years earlier, Bhutan had cooperated with India for a major military operation to drive out hundreds of members of militant groups such as the United Liberation Front of Asom who were sheltering in the neighbouring country.
- Both these episodes reflect how closely Bhutan is linked to the security of India’s northeastern states.

The recent perspective in Bhutan with respect to India

- The Doklam standoff led some in Bhutan to call for the country to adopt an independent foreign policy, one that is not too closely aligned with India, so that it could resolve its dragging border dispute with China.
- There is a growing debate within the country on the position it should adopt vis-à-vis its two powerful neighbours, India and China.

Conclusion

- As India takes steps connected to its legitimate security concerns in the region, it must ensure that it is not perceived as an overbearing presence but one that has the best interests of the Bhutanese people at heart

INDIA’S NEIGHBOURHOOD FIRST POLICY **NEEDS A PUSH**

Theme of the article

- With ties with Pakistan in a limbo, Delhi can’t afford the fraying of ties with others.

Why has this issue cropped up?

- The controversy over a purported bid to assassinate President Maithripala Sirisena blew over after the Sri Lankan leader rejected reports about alleged Indian involvement in the plot.

Significance of this episode

- Ideally, such a controversy should never have arisen, given the long-standing ties between the two countries. The reports about the alleged plot hint at some sort of lack of communication between the leadership of the two countries, especially at a time when India’s relations with some of its key neighbours appear to have been affected by various irritants.

India's deteriorating relations with its neighbours

- China has established a foothold in Sri Lanka, having taken over the strategic Hambantota port and 15,000 acres of land around it.
- In Nepal, despite the scrapping of several big ticket infrastructure projects involving Chinese firms, Prime Minister KP Sharma Oli has indicated he expects both China and India to play a role in development projects.
- In the Maldives, former president Abdulla Yameen was able to defy pressure from India and other countries opposed to his autocratic ways because he believed the Chinese had his back.
- In Bangladesh, there is growing disquiet among the political leadership over threats by Indian politicians to push back people excluded from the National Register of Citizens to the neighbouring country.

Global leader losing strength in neighbourhood

- While India has been able to take the lead on global issues such as climate change, trade and building a multipolar order and defy pressure from powers such as the US on strategic matters, somehow the country's neighbourhood has slipped from the radar of policy planners and decision makers. This is all the more surprising in view of the government's stated "neighbourhood first" policy.

Conclusion

- At a time when India's relations with its largest neighbour, Pakistan, are completely in a deep freeze and there has been an uptick in the violence in war-torn Afghanistan, New Delhi can ill afford the fraying of ties with any of the other countries in the region.

JUSTICE MUST BE OPEN, NOT OPAQUE

Theme of this article

- The jurisprudence of the sealed cover threatens constitutional values and infantilises the public

Why has this issue cropped up?

- Recently, the Supreme Court asked the government to produce the details of the Rafale deal's decision-making process in "a sealed cover".

Not the first time

- This is not the first time that the Supreme Court has asked for material in a sealed cover: in the ongoing case about the updation of the National Register of Citizens (NRC) in Assam, reports of the state coordinator have been shared “confidentially” with the court, with neither the government nor the affected parties being allowed to look at them.
- The “sealed cover” was also at play in the recent, high-profile hearings involving the Judge Loya investigation, as well as the challenge against the Bhima-Koregaon arrests.

Judiciary needs to be open

- The growth of the jurisprudence of the “sealed cover” — which effectively involves the court in a secret dialogue with (in most cases) the State — is a disturbing trend.
- In a democracy, there is a small set of acts that the State must undertake in secrecy: military strategy, correspondence involving negotiating positions in international trade talks, and diplomatic relations, all fall within this set.
- The character of the judiciary, however, is very different from the character of the executive. Alone among the three wings of State, the judiciary is bound by the requirement that for every judgment or order that it passes, it must give reasons — reasons that are open to public scrutiny.
- The work of the courts is the work of public reason. This is what gives the phrase “open justice” its resonance: the dealing of justice must, at all times, be transparent and subject to public scrutiny. That is what separates justice under the Constitution from the ‘firmans’ of an emperor.

Situations which require secrecy

- It does not mean that there can never be secrecy in the courts. The names of sexual assault survivors are often redacted to protect their privacy, and in-camera trials perform the same function. In those cases, however, there are powerful, countervailing individual rights at stake: the rights to privacy and a fair trial.
- There might also be cases of necessity: for example, when the outcome of an election is challenged, the court often asks the parties to hand over the results of the election in a sealed cover, until the final judgment. This, too, is uncontroversial.

Secrecy unjustified in several cases

- The logic of the sealed cover in cases such as the National Register of Citizens, however, is different: here, the court seems to be operating on the presumption that certain information is too “sensitive” for public scrutiny, and that therefore, it is only the court that is entitled to see it, and to decide.
- This is deeply problematic: not only does it violate the principles of open justice described above, but it also infantilises the public.

- Here, the court assumes the role of a universal guardian, the only entity that is capable of wisely and maturely processing the “sensitive” information, which cannot be revealed to the public — and taking a decision on it.
- When, as in the NRC case, this directly affects peoples’ rights (such as, for example, a decision on which documents can be used to prove citizenship), it is even more problematic: individual rights are effectively being made subject to a court-driven secret and opaque process.

Faith in the people required

- That Indians are too immature to exercise their own rights, and must be governed from above by wiser and benevolent rulers, was the logic of the old colonial regime. This logic was repudiated when India attained independence, and the Constitution came into being.
- The framers of the Constitution reposed their faith in the people of India: not only did they recognise a right of universal adult suffrage (thus making the people the guardians of their own destiny), but the Constitution as a whole replaced a culture of authority with a culture of justification, where every exercise of public power must be justified to its citizens.

Conclusion

- The jurisprudence of the sealed cover — especially when it is utilised in crucial constitutional cases such as the National Register of Citizens , where the basic rights of millions are at stake — threatens the constitutional values of open justice and the culture of justification.

UNCLOGGING OUR OCEANS

Theme of the article

- India can emulate innovative solutions from across the world to tackle the problem of ghost gear (any fishing equipment that has been lost, discarded or abandoned in water bodies).

Why has this article cropped up?

- In March 2018, fishermen hauled 400 kg of fishing nets out of the sea in a few locations off Kerala’s south coast. There are many such reports of divers regularly making underwater trips just to extract nets that have sunk to the ocean floor off India’s coasts, ranging from Tamil Nadu to Maharashtra.

Consequences of marine debris

- Recently around 600 Sea turtles got entangled in ghost gear near the Maldives, of which 528 were Olive Ridges — the same species that come in thousands to Odisha’s coasts to nest.

- Other casualties worldwide include whales, dolphins, sharks and even pelagic birds.
- Findings on ghost gear from across the world reveal that over 5,400 marine animals belonging to 40 different species entangled in ghost gear.
- Nets also spillover into other countries and oceans. Ocean currents carry them for thousands of km across the ocean floor, ensnaring, injuring and drowning marine life and damaging live corals along the way. Discarded Indian and Thai fishing nets, for instance, have been fished out of Maldivian coasts.

Tackling the problem

- The government is currently preparing a national ghost net management policy.
- While a national policy would be an extremely welcome and timely move to tackle the growing ghost gear phenomenon, a larger question remains. When bigger violations, such as large vessels fishing where they are not supposed to, are not checked, would a policy on the management of ghost nets be implemented.
- There are numerous innovative solutions to tackle it, if we can learn from projects across the world. In countries like Canada and Thailand, fishermen retain their used nets; these are recycled into yarn to craft socks and even carpet tiles.
- For the first time in a developing country, a gear-marking programme is being tested in Indonesia so that the trajectory of gear, if it drifts away, can be studied better.
- Outreach and education among fishing communities would be crucial along with policy-level changes. In one instance in India, ghost nets hauled from Kerala's Kollam have been used to pave roads.

Conclusion

- Transformation is possible, though more efforts to make the process more organised across the over 7,500 km of India's coasts, as well as inland water bodies, are the need of the hour.

INDIA HAS TO BALANCE PRESSURES FROM U.S., CHINA AND RUSSIA

Theme of this article

- At a time when India's relationships with big powers like the U.S., Russia, China and Europe are increasingly being complicated by their rivalries with each other, the country needs to follow its traditional policy of strategic autonomy, focussing on its own vital interests.

Why has this article cropped up?

- During President Vladimir Putin's recent visit, India and Russia concluded a big \$5 billion deal.

The Defence dimension of India-Russia relations

- The most important peg for the relationship continues to be defence purchases and technology.
- Russia is willing to share things that are not available from other sources — for example, submarine technologies.
- It was a very well-considered decision for India to go ahead with the S-400 deal, which is one of the most effective missile defence systems.

Importance of Russia other than defence

- Something that could have also been a more important part of the relationship — energy — has not really taken off, apart from a few licences for explorations.
- But the bigger substance of the relationship is strategic. India's main challenge is going to be China and how it is reshaping the region and global landscape, then Russia will always be an important partner. It is China which is expanding into Russia's near neighbourhood in Eastern Europe and Central Asia.

What will be the impact on ties with the U.S.?

- The U.S. hasn't formally given India a waiver under CAATSA, but given that India is a major purchaser of U.S. military hardware, and that those [the purchases] are expanding, the U.S. won't want to undercut its relationship.

Balancing U.S., China and Russia

- Whether it is the U.S., China or Russia, each one will try to push India in a direction it likes and it is for us to make our decision on how to balance these contrary pressures, and it is possible to do so.
- India will be an important component of the reshaping of the world, and we have room for manoeuvre and to expand our strategic space.
- India is, in fact, working with all world powers: the U.S., the European Union, Russia and China.

- We have faced these pulls and pressures all along, and India now has more economic and military power than in the past and can play a more strategic game.
- It makes no sense for the U.S. and the EU to isolate Russia in the long term, as China is likely to be the bigger challenge. In fact, there seems to be a lowering of Russia's profile in the "rogues' gallery", and a greater focus on China in the last few months. One cannot discount the close trade engagement between the U.S. and China, but this is a trend that bears watching, which also has a positive impact on India-China ties.

Lowering of India-China tensions

- Whenever there is a rise in U.S.-China tensions, we have seen a lowering of tensions between India and China.
- The last year has seen a lowering of tensions, especially after the Wuhan summit. India has conceded to China on several issues:
 - a lower profile for the Tibetan movement and the Dalai Lama;
 - backing away from the 'Quad' concept; and,
 - at Doklam, turning a blind eye while the People's Liberation Army (PLA) builds up infrastructure and stations more troops.
- There is an expanding asymmetry of power between China and India. Where India sees its interests undermined by Chinese actions it must react, but not necessarily provoke a situation of conflict.

What about the Quad?

- India appears to be shying away from the formation in which it was seen earlier as a countervailing balance to China in the Indo-Pacific.
- Even when we first spoke about the Quad (in 2005), India was cautious about the idea, because we didn't want to give the sense that we were setting up a military alliance against China in the Indo-Pacific.
- This time around we are once again interested in the Quad as a consultative forum but not in taking it past the military threshold.

Conclusion

- The stronger and more diversified relations India has with all the major powers, the more it will help us deal with our challenges. There is continuity today in our foreign policy with how it has always been.

OUTCOMES VERSUS PROMISES

Theme of this article

- While Russia is seeking to cement its relationship with India, the U.S. wants India to make strategic choices.

Why has this article cropped up?

- Recently, Russian President Vladimir Putin's visited India. This visit came just a month after the India-US 2+2 Ministerial Dialogue.

India coming closer to US?

- The 2+2 Dialogue has given the impression that India has come within the U.S. orbit of influence, detaching itself further from Russia.
- This impression is further heightened by India signing on to the Communications Compatibility and Security Agreement (COMCASA) recently.

Indo-US vs Indo-Russia

- India still fancies a close relationship with Russia, one of its and most dependable allies.
- The India – Russia summit's mega missile defence deal clearly took the shine off any promises made at the 2+2 Dialogue regarding future defence acquisitions from the U.S.
- Russia's S-400 Triumf, possibly the best missile defence system in the world, comes with no strings attached.
- There is no Russian equivalent of the Countering America's Adversaries Through Sanctions Act (CAATSA) in place.
- The S-400 Triumf can be deployed against all enemies, irrespective of any other defence choices that India might have.
- Differences in the outcomes of the Putin-Modi summit and the promises made in 2+2 dialogue are thus quite apparent.
 - Russia was essentially seeking to cement a relationship with India that has existed for several years. It was not insisting on any exclusivity as far as relationships go.
 - The U.S. wanted India to view foreign policy perspectives largely through a U.S. prism, and thereafter make a choice.

Other outcomes of India – Russia summit

- There were several other concrete outcomes from the Putin-Modi summit. India and Russia signed on to a document to expand civil nuclear energy cooperation and agreed on a second site for Russian nuclear reactors.
- They signed a memorandum of understanding on a joint programme in the field of human space-flight, enabling Indian astronauts to be trained in Russia.
- They also agreed on the virtues of a regional security architecture to provide security to all countries in Asia and in the regions of the Pacific and Indian Oceans. This seemed to demonstrate a clear 'mutuality of interests'.

US wooing India

- The 2+2 Dialogue marks a paradigmatic change in the nature of India-U.S. relations. It hence needs to be viewed, more appropriately, as the culmination of a long-standing attempt by the U.S. to woo India, something that has been in the works for some time.
- As a prelude to this, the U.S. had renamed the Asia-Pacific as the Indo-Pacific.
- It had blocked more than \$1.5 billion in U.S. security aid to Pakistan, allotting a mere \$150 million in 2019.
- U.S.-India economic cooperation was stated to have grown exponentially within two decades, with the total goods and services trade between India and U.S. increasing from \$11.2 billion in 1995 to \$126.2 billion in 2017. U.S. foreign direct investment into India substantially increased during this period.
- The most important bait was India being accorded the status of a 'major defence partner'.
- The underlying theme of the 2+2 Dialogue seems aimed at forging a possible containment of China strategy, with India partnering the U.S. in this effort.

India vs China

- Undoubtedly, India and China have differences on several issues, including problems at several points along the border between the two countries.
- Many points of divergence with regard to the current world situation also exist.
- There is also a subliminal struggle between them for the leadership of Asia.
- Nevertheless, neither India nor China appears ready for an open conflict as it would cost both countries dearly.

- India is also not unaware of a U.S. lack of resolve to actively resist China's territorial expansion in the South China Sea, and in preventing China from expanding its naval activities in the IOR.
- The abortive U.S. "pivot to Asia" is a stark reminder of the limitation of U.S. capabilities today.

Way forward for India

- India needs to ponder deeply on what is in its best interests. Its decision needs to be dictated by the cold logic of circumstances. Strategic ambivalence is not an answer to the situation that India faces today. Strategic integrity and autonomy, and mature strategic judgment are required in a world where disruption is the order of the day.

IN THE NET

Theme of the article

- A wider direct tax base is good news — but the share of direct taxes in the total is still low.

Why has this article cropped up?

- The steps taken by the Union government over the last few years to widen its tax base may finally be yielding some rewards.

Positive developments in tax compliance

- The total number of tax returns filed in the country increased by over 80% over the last four financial years, from 3.79 crores in 2013-14 to 6.85 crores in 2017-18.
- Further, the direct tax to GDP ratio rose to 5.98% in 2017-18, the highest it has been in the last 10 years.
- The average income reported by individual and corporate taxpayers also witnessed a significant rise in the last three years.
- With tax growth rate surpassing the growth in GDP, the tax buoyancy factor rose to 1.81.

Factors responsible for increased tax compliance

This rise in tax compliance has been attributed to the various measures taken by the Union government to increase compliance, including:

- better gathering of information about sources of income,
- ease of getting refunds, and
- lowering of various other tax compliance costs.

The direct tax problem

- The total direct tax collection is estimated to be over ₹10 lakh crore in 2017-18, an increase of about 18% from the previous year. But the contribution of direct taxes to the total amount of taxes collected by the government, which is currently 52.29%, is still below what it was in 2013.
- In fact, the share of direct taxes has fallen every single year since 2013-14, except this year.
- It is also far too low when compared to its peak of over 60% in 2009-10.
- In other words, most of the rise in the total tax collection in the last few years has come from indirect tax collections.

Importance of direct taxes

- A further increase in the share of direct taxes will help the government to lower regressive indirect taxes that impose a significant burden on the poor.
- Direct taxes are also a better choice from the standpoint of economic efficiency as they help avoid the severe distortionary effects of indirect taxes such as the Goods and Services Tax.

Conclusion

- Amidst increasing global tax competition, India is likely to face pressure to bring down corporate tax rates if it wants to maintain its stature as an attractive investment destination. Efforts to draft a new direct tax code will do well to address this issue.

GULF IN STRATEGIC PRECEPTS

Theme of the article

- Japan must adopt an independent approach in the Indo-Pacific that is more amenable to partners like India.

Introduction

- Twenty years after exchanging bitter words following New Delhi's nuclear tests, India-Japan ties exude exceptional warmth. From development assistance to maritime cooperation, both countries view each other as "special strategic and global partners."

The roadblocks in Indo-Japan ties

- In 2011, India and Japan began implementing the Comprehensive Economic Partnership Agreement; yet seven years later, bilateral trade has yet to hit even the \$20 billion mark.
- India's exports to Japan have contracted in four of the past six years.
- Since early 2010, Japan and India have discussed joint infrastructure projects in third countries, including announcing an Asia-Africa Growth Corridor. But not a single project has taken off.
- The largest gap between form and substance is evident in the area of defence cooperation. The two sides have failed to realise the sale of a single defence article and there exists no conventional threat-specific contingency scenario in which the two militaries can practicably cooperate.

Way forward

- India and Japan must grapple with the gulf that separates their guiding strategic precepts if they are to transcend the hollow institutionalisation that infects strategic ties.
- Japan has never been able to successfully postulate an order beyond a Western-led alliance framework. It must adopt a more independent-minded approach in the Indo-Pacific that is less attached to the West and more amenable to partners like India.

The roadblocks

- How is the remaining carbon budget, that is the room available in the atmosphere to safely contain more CO₂, going to be shared among different countries? This is a difficult question to address, given the contentious nature of the negotiations.
- It has been reported, for instance, that the U.S. has been obstructionist in the deliberations in Incheon, South Korea, at the recent meeting to determine the final text of the report.
- The U.S. also reiterated its intent to pull out of the Paris Agreement.
- Even if all the NDCs are implemented, the world is expected to warm by over 3°C.
- Disputes over the implementation of the Paris Agreement at numerous meetings depict the deep divides among rich countries, emerging economies and least developed countries.

Way forward

- The IPCC report identifies two main strategies. The first stabilises global temperature around the 1.5°C mark with limited overshoot and the second permits temperatures to exceed 1.5°C temporarily before coming back down. The consequences of the temporary overshoot would cause worse impacts than the first approach.
- To limit warming to around 1.5°C with no or limited overshoot, global net carbon dioxide (CO₂) emissions need to decline by about 45% from 2010 levels by 2030 and reach net zero around mid-century.
- In comparison, to limit warming to just below 2°C, the reductions needed are about 20% by 2030 and reach net zero around 2075.
- To stay below 1.5°C, the transitions required by energy systems and human societies, in land use, transport, and infrastructure, would have to be rapid and on an unprecedented scale with deep emission reductions.
- Contributions from the U.S. and other rich countries to the Green Climate Fund and other funding mechanisms for the purpose of mitigation and adaptation are vital even to reach the goals of the Nationally Determined Contributions (NDCs) — commitments that each country made prior to the Paris conference.

Conclusion

- This special report poses options for the global community of nations, which they will have to contend with in Poland — the next Conference of the Parties. Each will have to decide whether to play politics on a global scale for one's own interests or to collaborate to protect the world and its ecosystems as a whole. The path forward offers no simple or easy solutions.

UNIVERSITIES AND PATENTS

Theme of the article

- The ambitious goal set by India's IPR Policy rests on how universities embrace patents.

Why has this article cropped up?

- In its biggest push to create entrepreneurial universities, the University Grants Commission (UGC) has now asked all universities in India to set up Intellectual Property (IP) Centres.

Universities and patents

- Universities and patents benefit each other. Patents help universities to improve their ranking, establish an innovation ecosystem, incubate knowledge-based start-ups, earn additional revenue and measure research activity.
- The UGC's call to universities has come after a series of policy directives to introduce awareness about IP in higher educational institutions.
- The number of patents applied for, granted and commercialised by universities and institutes is factored in in the National Institutional Ranking Framework (NIRF) rankings: the top ranked engineering institutes in India are also the leading filers of patents.
- The All India Council for Technical Education (AICTE) model curriculum for its member institutions lays emphasis on the need for IPR education in technical institutes.

Evolution of the intellectual property culture in India

- India witnessed significant changes in IPRs since the introduction of the National IPR Policy in 2016.
- The grants rates at the Patent Office have increased: in 2017-2018, there was a 32% increase in the number of patents granted compared to the earlier year.
- The Patent Office increased its workforce with the inclusion of 459 new examiners and is on the lookout for more.
- The timeline for filing responses to official objections for patents has been reduced by half.
- While the disposal rate has increased, the filing rate for patents has not changed significantly.

The roadblocks

- As universities line up to set up these centres, they will face a strange human resources problem: despite the policy push to have more IP, we simply do not have enough IP professionals in the country.
- The dearth of IP professionals is a problem related to the field of intellectual property itself. Law schools and colleges are the only institutions which mandate teaching subjects like intellectual property. This is the reason why the supply of IP professionals is not keeping pace with demand.

- India has a poor patent agent density, with only about 2,000 registered patent agents currently in practice.

Way forward to strengthen the IP culture

- Online courses on IPR are available on the National Programme on Technology Enhanced Learning platform, which must be popularised.
- Though thousands register every year, much needs to be done to build capacity on IP in universities.
- The Central government conducts the only competitive examination in the country to check a person's proficiency in IP. Fine-tuning the patent agent examination to cater to the growing IP needs of the country can be a successful way to build a band of professionals and create career opportunities.
- We need to focus on careers rather than courses. The ambitious goal set by India's IPR Policy will be realised only when the examination becomes the foundation for making a career in IPR.
- In order to create a band of qualified IP professionals there should be a push towards post-qualification continuous education as well. To achieve this, the format, membership, syllabus and the frequency of the patent agent examination will need to be addressed.

DEFINE 'STRATEGIC PARTNERS'

Theme of the article

- The Indian and U.S. conceptions are different. This needs to be addressed.

Why has this article cropped up?

- U.S. President Donald Trump has turned down an invitation from India to attend next year's Republic Day parade as the chief guest.

Changing Indo-US relations

- Former U.S. President Barack Obama had shifted the date of his State of the Union address so that he could come to India in January 2015.
- But the U.S.'s relationship with India is drastically different now, amid the revolution in its foreign policy since Mr. Trump's arrival in the White House.
- For more than a decade, US had supported India's entry into an exclusive club of the U.S.'s strategic partners. Today, U.S. pays only lip service to notions of a strategic partnership with India.

- The Trump administration is transactional to the core. There's nothing wrong with transactional relationships. Indeed, Mr. Trump's emphasis on deal-making has helped move the needle forward on U.S.-India security cooperation, as evidenced by the recent inking of the Communications Compatibility and Security Agreement. Additionally, the emphasis on the transactional hasn't harmed bilateral ties.
- On the contrary, the fact that U.S.-India relations have remained relatively robust despite a flurry of new tension points — from U.S. tariffs and sanction policies to controversial statements by Mr. Trump about India — attests to the partnership's overall strength.
- Still, what's missing from the relationship in the Trump era is a commitment from the U.S. side to go deeper than deal-making. For example, Washington and New Delhi need to resolve critical definitional issues to make the relationship truly strategic.

What does "strategic partnership" mean for each side?

- Indian conceptions emphasise technology transfers and intelligence-sharing, while U.S. conceptions envision deep levels of operational cooperation to which New Delhi hasn't assented.

Conclusion

- To fully take advantage of the relationship's repositories of trust and goodwill, and of its enduring shared interests — from China's rise to terrorism — the fundamental questions must be addressed.

TIME TO TALK

Theme of the article

- The Centre-RBI face-off is not healthy. They must resolve their differences in private.

Why has this article cropped up?

- There has been simmering tensions over the last few months between the Reserve Bank of India and the Centre.

The reasons for conflict

- Disagreements between RBI and the Finance Ministry over setting benchmark interest rates have been common over the years.
- What is different this time, though, is that the disagreements appear to be over regulation per se.
- There are three issues on which the Centre seems to have irked the RBI.

- It has refused to accept Governor Urjit Patel's point that the RBI is hobbled by lack of adequate powers in regulating public sector banks.
- The second is the tussle over the RBI's burgeoning reserves, a piece of which the Centre is eyeing to bridge its fiscal gap. The RBI resents this.
- The last is the attempt by the Centre to set up an independent payments regulator, which the RBI sees as encroachment of its turf.
- For its part, the Centre has several grouses, the chief among them being over an RBI circular of February 12 which redefined NPAs and revised the framework for resolution.
- It is also upset that the central bank is not doing enough to ease the ongoing liquidity squeeze through extraordinary measures.
- These are issues that could be easily addressed by sitting around a table, but the fact that they haven't done so points to a complete breakdown of communication between the RBI and the government.

Is such a conflict justified?

- A certain amount of creative tension is systemically in-built given their different perspectives: one is short-term and political; the other is long-term and technical. Such tension is good for the economy.
- Yet, that is no excuse to spar over turf or make statements aimed at pressuring the other side into acting in a particular manner.
- The current row is definitely worrying given the backdrop of economic turmoil, globally and domestically.

Conclusion

- The Centre and the central bank must talk behind closed doors and resolve their differences as mature entities, as they have done so many times in the past.

WHO PAYS TAXES AND WHO DOESN'T

Theme of the article

- The number of tax returns filed has gone up but collections have not shown a commensurate increase.

Why has this article cropped up?

- The Central Board of Direct Taxes has released the latest data on income tax collections.

Important data about taxation

- The number of taxpayers has increased drastically over the last four years.
- The number of tax returns filed has surged to 6.85 crore in FY 2017-18, an 80% growth since FY 2013-14.
- Also, the number of taxpayers reporting income greater than ₹1 crore has reached 1,40,139, an increase of 60% between assessment year (AY) 2014-15 and 2017-18.
- However, the tax collections have not shown commensurate increase. Collections have grown at a decent compound rate of about 13% per annum.
- More surprisingly, the average income reported by rich Indians (those in the highest tax slab) has decreased.
- In contrast, relatively low income groups are paying a larger proportion of the tax collected.
- Apparently, a number of high-income individuals (HIIs) grossly under-report their income.
- The tax base has not deepened among professionals such as lawyers, doctors, accountants and those running private educational institutes, who continue to under-report their income.
- Tax avoidance/ evasion by companies also remains an area of serious concern.
- The problem of under-reporting is serious with professional and the other service sector entities, which account for more than

one-third of all corporates. As a consequence, the share of direct taxes in the total tax collection has remained low.

Govt's proactive step towards taxation

- The tax collection figures for this year look better. Some of the apparent improvements will be due to cooking of the books by companies, facilitated by schemes like the Presumptive Taxation s Scheme. This allows an assessee to take full benefit of past evasion and escape without scrutiny, simply by paying a turnover tax.
- By increasing the threshold from ₹1 crore to ₹2 crore, the government has made the scheme even more attractive.
- Things are expected to improve with proper implementation of the Goods and Services Tax (GST).

Reforms in tax law needed

- The extant tax law does not require filing of returns if the income is below the taxable threshold (₹2.5 lakh). This means that many professionals who can easily manipulate their accounts never appear on the radar of the taxman. The law should mandate filing of returns by all professionals and proprietorship businesses regardless of their profit.
- There is also a case for the wealth tax. Compared to income, the wealth level is harder to manipulate; therefore, the tax is harder to evade. The tax provisions are widely misused by

corporates by claiming bogus expenses, to artificially reduce their profit and hence their tax liability.

- A large number of companies showing negligible or no profit points to a continued prevalence of shell companies and other dubious structures which require systematic investigation.
- The numerous tax exemptions also come in handy for tax avoidance. Big corporates benefit more from these exemptions. Consequently, smaller companies face a higher effective tax rate compared to larger corporates. This makes the tax regime regressive.
- There is also a need to enhance the deterrence power of the law, which depends on the likelihood of punishing tax evaders along with imposing a fine.
- At present, the Income Tax Department has a very poor win rate before the appellate tribunal and the higher judiciary. As a result, the law does not bite enough to hurt the tax offender. The odds of punishing the

offenders can be increased by integrating the GST, the income tax and the Ministry of Corporate Affairs' databases.

Conclusion

- The above measures will go a long way in deepening the tax base among high-income groups and professionals.

TOUCHING BASE

Theme of the article

- India and Japan should clarify the shared reading of a changing world order.

Why has this article cropped up?

- Prime Minister Narendra Modi now heads to Japan for meetings with his Japanese counterpart, Shinzo Abe, and they are expected to take stock of all the challenges they face, notably with regard to the U.S. and China

Common Indo-Japan concerns

- Ever since they institutionalised annual summit-level meetings in 2006, India and Japan have held a closely aligned world-view.
- US' recent actions on trade tariffs, sanctions against Iran and Russia, as well as the U.S.'s exit from several multilateral and security regimes are impacting both countries in different ways.

- For India, the impact is more direct, as the economy has been hurt by new American tariffs, review of its GSP (trading) status, and restrictions on visas for professionals. Moreover, possible U.S. sanctions over Indian engagement with Iran as well as defence purchases from Russia pose a looming challenge.
- For Japan too, U.S. trade tariffs are a concern and Washington's exit from the Trans-Pacific Partnership is corralling Southeast Asian countries into a free trade regime under Chinese domination. In addition, the U.S.'s on-again, off-again nuclear negotiations with North Korea are keeping Tokyo on tenterhooks.
- Another common concern is managing an increasingly influential China.

Way forward for India and Japan

- India and Japan must closely cooperate on how to manage these challenges from the U.S. while maintaining their growing security ties with Washington, as members of the trilateral and quadrilateral formations in the Indo-Pacific.
- India and Japan are bound to compare notes on the way forward with their common neighbour, especially on building and financing alternatives to China's Belt and Road projects for countries along the "Asia-Africa growth corridor".
- On the bilateral front, there are several loose ends that India and Japan need to work to tie up.
 - The Shinkansen bullet train project has gathered speed, with the Japan International Cooperation Agency releasing the first tranche of ₹5,500 crore recently. But it could still run into delays over land acquisition issues.
 - India and Japan have stepped up military exchanges, and will begin negotiations on a landmark acquisition and cross-servicing logistics agreement. However, there has been little movement on the pending purchase of ShinMaywa US-2 amphibian aircraft.
 - And while Japanese investment has grown several-fold in India, trade figures are lower than levels five years ago.

Conclusion

- The larger concerns of how to navigate uncharted and stormy geopolitical terrain, while maintaining strong positions on the international rules-based order, are likely to dominate India-Japan relations.

SUPPORT FOR LIVES ON THE MOVE

Why has this issue cropped up?

A national policy for internal migration is needed to improve earnings and enable an exit from poverty.

Issues with migration

Though migration is expected to enhance consumption and lift families out of absolute poverty at the origin, it is not free from distress —

- distress due to unemployment or underemployment in agriculture,
- natural calamities, and
- input/output market imperfections.

Drivers of internal migration

- Internal migration can be driven by push and/or pull factors. In India, over the recent decades, agrarian distress (a push factor) and an increase in better-paying jobs in urban areas (a pull factor) have been drivers of internal migration.
- Data show that employment-seeking is the principal reason for migration in regions without conflict.

The costs of migration

- However, at the destination, a migrant's lack of skills presents a major hindrance in entering the labour market.
- Further, the modern formal urban sector has often not been able to absorb the large number of rural workers entering the urban labour market. This has led to the growth of the 'urban informal' economy, which is marked by high poverty and vulnerabilities.
- Most jobs in the urban informal sector pay poorly and involve self-employed workers who turn to petty production because of their inability to find wage labour.
- Then there are various forms of discrimination which do not allow migrants to graduate to better-paying jobs. Migrant workers earn only two-thirds of what is earned by non-migrant workers.
- Further, migrant workers have to incur a large cost of migration which includes the 'search cost' and the hazard of being cheated.
- Often these costs escalate which forces them to borrow from employers in order to meet these expenses. And frequent borrowing forces them to sell assets towards repayment of their loans.

The benefits of migration

- Despite the above issues, internal migration has resulted in the increased well-being of households, especially for people with higher skills, social connections and assets.

- Migrants belonging to lower castes and tribes have also brought in enough income to improve the economic condition of their households in rural areas and lift them out of poverty.
- Circular migrant's earnings account for a higher proportion of household income among the lower castes and tribes. This has helped to improve the creditworthiness of the family members left behind — they can now obtain loans more easily.

Way forward

- There exists a need to scale-up interventions aimed at enhancing the benefits from circular or temporary migration.
- Interventions targeting short-term migrants also need to recognise the fact that short-term migration to urban areas and its role in improving rural livelihoods is an ongoing part of a long-term economic strategy of the households.
- Local interventions by NGOs and private entrepreneurs also need to consider cultural dimensions reinforced by caste hierarchies and social consequences while targeting migrants.
- There is a need of national policy on internal migration. Policies on this could be twofold. The first kind could aim at reducing distress-induced migration and the second in addressing conditions of work, terms of employment and access to basic necessities.
- We also need independent interventions aimed specifically at addressing the needs of individual and household migrants because household migration necessitates access to infrastructure such as housing, sanitation and health care more than individual migration does.
- As remittances from migrants are increasingly becoming the lifeline of rural households, improved financial infrastructure to enable the smooth flow of remittances and their effective use require more attention from India's growing financial sector.

CHOKED BY SMOG

Theme of the article

Urgent correctives are needed, or lethal winter pollution will become the new normal.

Why has this issue cropped up?

Air pollution is choking several cities in the northern States once again, as changes in temperature and slowing winds trap soot, dust and fine particulate matter.

Pollution in the NCR

- The National Capital Region is badly hit, as the burning of agricultural residue in Punjab and Haryana is releasing large volumes of smoke containing, among other pollutants, highly damaging fine particulates, or PM2.5.
- The problem is aggravated by the burning of urban waste, diesel soot, vehicular exhaust, road and construction dust, and power generation.

Has India taken consistent corrective action?

- Although India has nine of the 10 most polluted cities in the world, it has not taken consistent action on pollution.
- Tens of millions live with ambient air quality that is well short of even the relaxed parameters the country has set for fine particulates, compared with those of the World Health Organisation.

Way forward

- India should at least now give high importance to the WHO warning about air pollution being the new tobacco.
- This year's 'severe' air quality rating for Delhi and poor conditions prevailing in other cities in the Indo-Gangetic Plain should compel a decisive shift in policy.
- The Centre and the State governments need to get into crisis mode to dramatically reduce emissions.
- They must address the burning of carbon, which is a direct source, and emissions with oxides of nitrogen and sulphur from vehicles that turn into fine particulates through atmospheric reactions.
- An innovative approach could be to use climate change funds to turn farm residues into a resource, using technological options such as converting them into biofuels and fertilizers.
- From an urban development perspective, large cities should reorient their investments to prioritise public transport, favouring electric mobility.
- Governments should make the use of personal vehicles in cities less attractive through strict road pricing mechanisms.
- Sharply escalated, deterrent parking fees can be implemented.

Conclusion

If governments delay action on the critical issue of pollution control, public pressure must force them to act.

HOW NOT TO CHOOSE AMONG ALLIES

Introduction

Washington has exempted India and seven other countries from the sanctions on oil imports from Iran.

Will exemption/waiver solve India's problems?

For India, the impact of the American sanctions plan would be manifold, regardless of the waiver.

- There is the shock that sanctions would deal to the oil import bill, given that Iran is India's third largest supplier. There are not only rising costs of oil to contend with, but also the added cost of having to recalibrate Indian fuel refineries that are used to process Iran's special crude.
- There would be impact would be on India's investment in the Chabahar port, which would face both direct and indirect sanctions: as shippers, port suppliers and trading companies refuse to participate in the project.
- There would be the impact on India's regional security situation, which could see the Iranian-Arab divide deepen, Afghanistan's choices dwindle and an angry Iran pitched closer into the China-Russia corner.
- The U.S. has said that it is only issuing temporary waivers, and the waivers are strictly linked to the condition that countries receiving them keep cutting down their purchases from Iran.
- Along with the nuclear deal sanction, India continues to face sanctions linked to the Countering America's Adversaries Through Sanctions Act, which puts more strictures on dealings with Iran, Russia and North Korea.

Iran's options

- With trade levels receding, the Iranian regime may well lose interest in the Chabahar option, and focus on its main port of Bandar Abbas instead, derailing India's grander plans for regional connectivity.
- There is also the worry that all of India's sacrifices may come to naught, as US may well use the pressure placed on Iran to his own advantage, and possibly open talks with Tehran at a later date.

Conclusion

If the U.S. presses on with sanctions, it would be a marked failure of Indian diplomacy. And if the waiver does come through, as is indicated, it will be no victory, but signify an abject submission to the sanctions themselves. With no gains in the offing from a policy of 'pragmatism', India may have been better off sticking to principle instead.

NOT SO EASY BUSINESS

Why has this issue cropped up?

Recently, there has been an improvement in India's "Doing Business" rankings..

Recent improvements in 'doing business' rankings

This is the second year that India has seen a massive jump. This year the jump in the ranking has been from 100 to 77. In two years, therefore, India's position has improved from 130 to 77.

Areas where we lag

- The ease of doing business survey indicates that little has changed over the last year in some areas where India historically performs poorly — enforcement of contracts, paying taxes, and registering property stand out, in my mind.
- Each of these are multi-sectoral issues where improvements would require coordinated efforts across multiple layers of the government and, therefore, legal and procedural changes would be more complex.

Do such rankings reflect the reality of business in India?

- There has been a significant improvement in the paperwork associated with business in many areas of the government. Permissions and form submissions of various types have become much easier.
- Significant improvements are happening, and many of those are through improved use of information technology, particularly, many government departments both at the central and state level.
- However, there is much that this ranking does not capture.
 - First, they do not capture the out-of-the process issues related to the daily running of a business, the various investigations conducted by the revenue department, or company law matters, or labour-related issues, or, for that matter, the various demands of the inspectors of quality and processes.
 - Second, the reality of business in India requires the entrepreneur to focus on a whole range of aspects not covered adequately in such ratings. For instance, businesses have a problem of employability, poor skills, corruption, and controls on internal trade, avenues for accessing capital for small and micro-businesses being some examples.
 - Third, input costs demand factors and infrastructure issues are another class of factors that ease of doing business does not intend to capture. While that enables it to retain its focus, these are important factors that impact both global and domestic investment.

Way forward

- Dependence on IT has perversely made things more difficult for those entrepreneurs who are less digitally able. This would require the government to constantly keep on working at making its IT-enabled interfaces more user-friendly for the small and micro-business entrepreneur.
- The objective of improving India's economic climate, however, requires the government to take on far tougher tasks, some of which are included in the ratings, but many are not.
- While we can and should celebrate the improvement, the focus and prioritisation need to remain on issues relevant for India, which may or may not be, captured in the ratings.

Conclusion

To sum up, the ease of doing business ratings' improvements are very welcome and are an affirmation of the changes occurring within both the state and central governments.

BANK AND ITS CRITICS

Why has this issue cropped up?

Recent weeks have seen an explosion of commentary on the RBI by government sources, members of policy advisory groups, academics and others. The issues revolve around the capital base, performance and autonomy of the RBI.

RBI's capital base

- Central banks need to be adequately capitalised in order to perform their core functions which include being the lender of last resort for the banking system.
- As per the latest available figures, total RBI capital is around 27 per cent of its total assets. This, as some observers have pointed out, is more than in most central banks in the world.
- The problem with this conclusion is the composition of the RBI capital base. Only a third of RBI capital is actually contingency funds that can be deployed when needed. The remaining two-thirds of its capital is primarily revaluation funds. This is an accounting entry which rises and falls as the value of the assets of the RBI rises and falls.
- Thus, the deployable capital base of the RBI is just about 7 per cent of total assets. This makes the RBI one of the most under-capitalised central banks in the world.

RBI's performance

- The recent uproar has been over two overlapping concerns — the Prompt Corrective Action (PCA) norms and the liquidity management of the RBI since the IL&FS crisis broke in September 2018.
- The PCA norms were introduced as a way of getting scheduled commercial banks to begin a prompt recognition and clean-up of their asset base before they acquired any new risky assets.

- Have the PCA norms worked? A simple examination of credit growth in the Indian economy this year would suggest that the measures most certainly have worked. Credit has been consistently growing at double digit rates since December 2017.
- The other criticism of the RBI is with regards to its post-IL&FS liquidity management, especially for NBFCs. The available evidence certainly doesn't suggest an ongoing liquidity crisis. NBFCs had typically been funding their investments with debt and bank loans with an increasing reliance on shorter and shorter commercial paper (CP) over the past year. There is no sustained independent effect of the IL&FS crisis on market rates. There is certainly no evidence of any aggregate liquidity crunch.

RBI's independence

- A sovereign government finances itself from two sources: Taxes on its citizens and printing of money. The taxes go directly to the government while revenues from money printing accrue to the central bank.
- Governments face various political constraints that may induce them to take actions that create economic uncertainty.
- One way for citizens to exercise control over the government is to hand over part of the revenues to the central bank and make it institutionally independent of the government. Central bank performance depends on independence.

A PASSAGE TO CLEAN AIR

Why has this issue cropped up?

Globally, rapid economic and social development has resulted in severe air pollution that kills around 7 million people every year, and India is home to 14 of the world's 20 most polluted cities.

Lessons from other countries

- In 2013, the Chinese government announced an Air Pollution Action Plan with a PM 2.5 reduction target of 33 per cent in Beijing by 2017.
- Along similar lines, in 2017, the South Korean government also set a target of PM 2.5 reduction by 30 per cent by 2022.
- In China, air pollution prevention and control is the responsibility of the central environmental protection inspector, and special inspections are carried out to strengthen the accountability of inspectors.
- Further, in China, the main leaders of the local governments are the first responsible persons in their administrative regions for the implementation of their pollution reduction plan in a powerful and orderly manner.

What options does India have?

India needs three action measures to begin its journey towards clean air.

- The first is a comprehensive plan and setting of goals.
 - The government in had announced a draft of the “National Clean Air Programme (NCAP)”.
 - The government finally announced time-bound air pollution reduction targets at the first global conference on air pollution and health in Geneva.
- The second corresponds to another perennial insight from all major programmes and projects: Designating an in-charge, empowered with the due mandate. For example, with air quality goals clearly in place, Delhi now needs an “Air Quality Manager” with a clearly defined mandate and powers.
- There is a need of driving a change in perspective. A view often touted about pollution reduction plans is that they are economically and politically difficult. However, clean air
- programmes can actually provide significant economic opportunity in areas of technology, business, innovation, and enterprise while addressing the challenges of air pollution.

How pollution reduction plans can provide economic opportunities?

- Both India and China are focusing on renewable energy sources (especially solar photovoltaic) to reduce the air pollution problem. This can provide jobs.
- Further, according to the NITI Aayog report on “Zero Emission Vehicles (ZEVs): Towards a Policy Framework”, electric vehicles could launch new business opportunities in areas such as battery charging and swapping infrastructure, service, or integrated transport.
- The Bluetech Clean Air Alliance (China) estimates that by 2030, China’s key areas of clean air will usher in more than 3 trillion US dollar market opportunities, and China will continue to be the world’s largest demand market for clean air technology.
- There are several studies globally that suggest an overall positive impact on the GDP, society and political economy upon introduction of EVs in fuel importing service dominated economies.
- The European Climate Foundation has estimated that through reducing oil demand by more efficient electric cars, employment will increase by 5,00,000 to 8,50,000 by 2030.
- In the Indian context, coupled with the generation of renewable power, the battery manufacturing industry in India can become bigger than the total amount spent on import of crude oil, thus providing a huge boost to the Indian economy.
- Even the loss in tax revenue corresponding to the oil sector can be potentially compensated by the tax revenue from other economic sectors.
- So clean air, apart from better health and quality of life, can also bring in higher GDP, more jobs, more business, social benefits and higher tax revenues. It certainly doesn’t look like an economically or politically difficult proposition.

Conclusion

To win the battle against air pollution, India needs a comprehensive action plan for the whole year and not just Diwali.

FILLING THE GAP

Why has this issue cropped up?

It is an accepted fact that micro, small and medium enterprises (MSMEs) have been impacted adversely by the twin shocks of demonetisation and goods and services tax (GST).

Significance of MSMEs

MSME sector accounts for an estimated 30 per cent of the country's GDP, 45 per cent of its manufacturing output and 40 per cent of merchandise exports.

How demonetisation and GST impacted MSMEs?

- Demonetisation made it difficult for these units to pay their contractual labour in cash and access credit, which is again largely through informal channels.
- GST similarly led to an increase in compliance costs, apart from depriving them of the inherent advantages of doing business in cash without leaving a paper trail.

Financial crunch of MSMEs

The fact that outstanding gross bank credit to MSMEs has actually shrunk despite refinancing schemes such as Pradhan Mantri Mudra Yojana is proof of formal lending institutions being unable to fill the void.

Recent initiatives to support MSMEs

- The government announced a 2 per cent interest subvention on both fresh and incremental loans taken by MSMEs having GST registration, besides launch of a portal enabling credit sanctions of up to Rs 1 crore "in just 59 minutes".
- GST, along with digitisation, allows for creation of a database of transactions, bank account statements and tax returns of all firms. That should make it possible for assessing the creditworthiness of any applicant in a reasonably short period.
- The government has also promised that factory inspectors will be permitted to conduct visits through random computerised allotment, with compulsory publication of reports within 48 hours.
- In addition, there would be only a single environmental approval for both air and water pollution.

Reasons to worry about

- Implementation of the provisions announced is dependent mainly on the states concerned.

- The other thing that should be worrying is the state of non-banking finance companies (NBFCs), whose share in total formal credit to MSMEs has almost doubled. With these institutions themselves now facing a liquidity squeeze, the danger of credit flows to MSMEs being further affected cannot be ruled out.

GETTING THE ECONOMY BACK ON TRACK

Why has this issue cropped up?

The Indian economy is headed for a serious crisis.

Can this crisis lead to collapse of Indian economy?

- Economic crisis can lead to collapse of the economy. However, it is a myth that any or every crisis necessarily means an imminent collapse of the economy. The Indian economy is not near a collapse yet.
- The situation today in the Indian economy is therefore still retrievable and a turnaround can be commenced

Present situation of the Indian economy

- One, the growth rate of the economy with proper index number-based GDP has declined over the last two financial years.
- Two, household savings, which are the bulk of India's national investment, dropped from a high of 34% of GDP to about 24% of GDP in 2017. Non-household savings are about 5% of GDP.
- Three, non-performing assets of the public sector banks (PSBs) have also risen sharply, in fact at a rate of growth much higher than the rate of new advances of these banks, making many large PSBs financially unviable and likely to collapse. This could cause financial contagion in 2019 in all sectors.
- Four, the Ministry of Finance has brutally cut allocations of the investments in infrastructure despite the urgent need for such infrastructure. The economy needs about \$1 trillion investment in infrastructure to render "Make in India" a reality, but the actual investment in sanctioned projects is valued even less in real terms than the amount invested in the pre-2014 years.
- Five, the manufacturing sector, especially MSMEs (micro, small and medium enterprises) which provide the bulk of the employment for the skilled and semi-skilled in the labour force, has been growing at abysmally low rates of between 2% and 5%.
- Six, India's agricultural products are among the cheapest in the world, and despite a low yield per hectare, we are not able to increase the yield to its potential maximum and at least double the production and export the agricultural products abroad commensurately.

- Seven, when crude oil prices had steeply fallen over the four years since 2014, and despite the dollar value of the rupee till mid-2018 having been steady at around Rs.65 per dollar, nevertheless both exports and imports simultaneously declined over 2014-17.
- Now in 2018, the Indian economy is facing an adverse situation: a rise in the rupee-dollar rate to 75, and crude oil prices rising to \$85 per barrel, although they are lower now. This is causing a massive crunch for our foreign exchange reserves.

Can India bounce back ?

- In the last 71 years, India has always come out successfully in all crises — once this is acknowledged as such by policy makers, it can then be dealt with squarely with reforms that incentivise the people.
- On each occasion, such as the food crisis of 1965, the foreign exchange crisis of 1990-91, thereafter growth renewed on to a higher accelerating path.

Way forward

- First, the individual has to be persuaded by the government by incentives — for example, by abolishing the income tax — and not by coercion, such as harsh levies and taxes.
- Second, India can make rapid economic progress to become a developed country only through a globally competitive economy, which requires assured access to the markets and technological innovations of the U.S. and some of its allies such as Israel.
- The decline in the level of household savings thus had caused a sharp decline in the GDP growth rate. It is imperative therefore that to accelerate the GDP growth rate, government policy should be to incentivise the saving habit to increase the savings rate to 35% of the GDP.
- To seriously address these priority problems, it is essential to implement a new menu of measures:
 - dramatic incentives for the household expectation and sentiment to save; and
 - lowering the cost of capital via reducing the prime lending interest rates of banks to 9%, by shifting to a fixed exchange rate regime of Rs.50 per dollar for the financial year 2019 and then gradually lowering the exchange rate for subsequent years.
- The Indian economy, however, needs to grow at 10%-plus per year for the next 10 years to achieve full employment and for India's GDP to overtake China's GDP and pave the way to form a global economic triumvirate with the U.S. and China

Conclusion

We can no more be satisfied with 7-9% growth rate if we want to become an economically developed country by 2040.

A CRIPPLING SHORTAGE

Theme of the article

Lower courts, performing critical functions, must not be bogged down by vacancies.

Why has this issue cropped up?

At present, there are more than 5,000 vacancies in the subordinate courts. This amounts to nearly a quarter of the total number of posts in the subordinate courts remained vacant.

State wise figures of vacancies

- Uttar Pradesh having a vacancy percentage of 42 and Bihar 37.
- Among the smaller States, Meghalaya has a vacancy level of 60 %.

Reasons for vacancies

- tardiness in the process of calling for applications, holding recruitment examinations and declaring the results,
- the recruitment cycle in most States far exceeded the time limit prescribed by the Supreme Court
- lack of funds to pay and accommodate the newly appointed judges.

Impact of vacancies

- Any failure to allocate the required human and financial resources may lead to the crippling of judicial work in the subordinate courts.
- It will also amount to letting down poor litigants and undertrials, who stand to suffer the most due to judicial delay.

Significance of sub-ordinate courts

Subordinate courts perform the most critical judicial functions that affect the life of the common man: conducting trials, settling civil disputes, and implementing the bare bones of the law.

Way forward

- Public Service Commissions should recruit the staff to assist these judges.
- State governments should build courts or identify space for them.
- A smooth and time-bound process of making appointments would require close coordination between the High Courts and the State.

- Public Service Commissions.

Conclusion

The situation demands a massive infusion of both manpower and resources.

BALANCE OF POWER, IN THE BALANCE

Theme of the article

Any attempt by the Centre to override the RBI Governor using the RBI Act would be ill-advised.

Why has this issue cropped up?

The role of the Board of Directors of the Reserve Bank of India (RBI) and its powers vis-à-vis the RBI Governor have come into focus in the ongoing tussle between the Centre and the central bank. The Centre has hinted that it is examining the option of using the powers of the RBI Board to override the Governor.

Questions that arise

There are several questions that arise from this unprecedented attempt by the Centre to use powers under the Reserve Bank of India Act, 1934. The most important of these are:

- Where does the balance of power lie between the Governor and the board?
- What is the legal position of the board in relation to the Governor?
- Does the latter draw his powers from the board as in a corporate set-up?
- Can the board give directions to the Governor on issues of policy and management of the central bank?

RBI Governor vs Managing Director

- The relationship between the board and the Governor is not comparable to a corporate set-up where the managing director (the corporate equivalent of the Governor) reports to the board and draws his powers from it.
- While a managing director is an agent of the board in a company, in the RBI, the Governor is not.
- He draws his powers from the RBI Act and not from the Board of Directors. He is appointed by the Prime Minister in consultation with the Finance Minister. The RBI Board has no say whatsoever in his appointment.
- In a company, the board of directors chooses one of its own to be appointed as the managing director. In the RBI, the Governor secures board membership only after he is appointed to the post.
- It is, thus, wrong to compare a corporate board to the RBI's and
- suggest that the Governor is subservient to it.

Constitution of the board

- As per the RBI Act, the board is made up of the following members:
 - the Governor and four Deputy Governors,
 - four directors (one each from the four regional boards of the RBI),
 - 10 directors to be nominated by the Centre, and
 - one government official who is also to be nominated by the Centre.
- The present board is made up of 18 members.

Balance of power between the Governor and the board

- The Governor draws his powers from Section 7(3) of the Act. He can exercise all powers and do all things that may be exercised and done by the RBI. This is subject to a caveat though.
- The board, under Section 58, can make regulations that will give it the powers to override those of the Governor's. But this is subject to two important conditions.
 - First, the regulations have to be consistent with the provisions of the RBI Act, which essentially means that the board has to act within the framework of the Act.
 - Second, these regulations have to go through an elaborate approval process before they become law (Section 58(4)). The board has to forward the regulations to the Centre, which will have to table them in both Houses of Parliament.
- And then, there is the brahmastra of Section 7(1) which confers powers on the Centre to issue directions to the RBI "from time to time" in the public interest after consultations with the Governor.

The Convention

- According to convention, the RBI Board has always functioned in an advisory role with the understanding that the Governor would consider its advice while making policy decisions. In other words, there was mutual respect between the board
- The fact is that neither Section 7(1) nor Section 7(3) has been unleashed in the 83-year existence of the RBI. Not even when the RBI was privately owned between 1935 and 1949.
- It is not as if there have not been any disagreements between RBI Governors and governments before this. Yet, things did not reach the brink and were sorted out quietly behind the scenes.

What's the difference between then and now?

The spirit of accommodation, which flows out of mutual respect and understanding of each other's compulsions between the RBI and the Centre, and which was evident then, is absent now.

What if the government overrides the Governor?

Such a move will not only set a bad precedent but also lead to several ticklish situations.

- The RBI Board has several representatives from industry. There will be a conflict of interest if industrialists are members of committees that run the affairs of the monetary authority of the country.
- Second, the Centre is the spender and the RBI is the creator of money, and there has to be a natural separation between the two. The Centre arming itself with powers to run the RBI runs afoul of this precept. Such a move by the Centre will take its relations with the monetary authority into uncharted territory.

Conclusion

It is time for the Centre and the RBI to behave like the mature entities that they are, uphold time-tested conventions, and act with mutual respect and a spirit of accommodation.

BATTLE FOR ISLANDS

Why has this issue cropped up?

Simultaneous developments last week in different corners of the Indo-Pacific — from the Maldives to Papua New Guinea — remind us of the renewed geopolitical importance of the island states.

Historical significance of islands

- At the dawn of the modern maritime age four centuries ago, control of critically-located islands became an important part of the rivalry between European powers in the Atlantic and the Indo-Pacific.
- Islands helped the replenishment of supplies, positioning of troops and ammunition as well as for the host ship to do repair and maintenance.
- Island dominance was the key to securing the sea lines of communication.

Renewed interest in islands

- The Anglo-American maritime dominance over the last two centuries helped limit the contestation for the islands.
- Today, the rise of China has pitchforked the island states back to the centre stage of major power politics.

Contest for influence in islands

- MALDIVES : India's relations with the Maldives rapidly deteriorated even as China's influence began to rise. However, Prime Minister's presence at the swearing-in of the new president of the Maldives underlined the renewed warmth in the relations between the two countries.
- SRILANKA: The intersection of Sino-Indian rivalry with domestic politics has also come to the fore in neighbouring Sri Lanka.
- PAPUA NEW GUINEA: Recently, the island state of Papua New Guinea hosted the annual summit of the forum for Asia-Pacific Economic Cooperation. As in the Maldives and Sri Lanka, the last few years have seen a spectacular rise in Chinese commercial and political presence in Papua New Guinea. China is facing competition with Australia and US here.

Conclusion

Unlike the European colonial powers, which could easily prevail over natives of the strategic island territories, today's major powers have to deal with the more complex domestic politics of the island nations. The unfolding contestation for influence in the island states of the Indo-Pacific has just begun. It is unlikely to end any time soon.

FURTHER STRESSED BY THERMAL POWER

Theme of the article

The energy sector must be required to report its water consumption.

Why has this issue cropped up?

The Composite Water Management Index (CWMI) by the NITI Aayog, which was released this June, shows that 600 million people face high to extreme water stress in India.

Findings of the report

- The report places India at a dismal 120 among 122 countries in the water quality index.
- It predicts that a persistent water crisis will lead to an eventual 6% loss in the country's Gross Domestic Product by 2030.
- The sector-wise requirement of water (that is, for drinking and domestic use, industry and energy) will rise steeply between 2030 and 2050.

Water requirements of the energy sector

- The mounting rise in demand of water is starkly evident in the energy sector.
- The share of water consumed by this sector was 0.62% in 2010, which is pegged to rise up to 1.37% in 2030 and 8.98% in 2050.
- Thermal electricity accounts for more than 86% of India's total power generation. 77% of India's total electricity comes from thermal power plants that are dependent on freshwater sources.
- Of all the freshwater-cooled thermal plants, 38.9% of generation capacity is installed in areas with high or extremely high water-stress.
- By 2030, more than 70% of India's existing thermal power utilities are likely to experience an increased level of water competition from agricultural, urban, and other industrial demands.

Way forward

Daily water withdrawal and consumption reporting should be mandated. These can be measured with existing technology.

- Information about water stress, power plant siting (location) and so on must be shared seamlessly across departments — a service that the CWMI could perform.
- CWMI will help in monitoring performance, improving transparency, and encouraging competition, thereby boosting the country's water achievements by fostering the spirit of 'competitive and cooperative federalism' among the states.
- Further, the data can also be used by researchers, entrepreneurs, and policymakers to enable broader ecosystem innovation for water in India.
- Factoring in the water-energy nexus linkages, especially the metrics around power plant water withdrawal and consumption, will only help make the Index better and the States better prepared to manage their water and power resources.

Conclusion

CWMI will help in monitoring performance, improving transparency, and encouraging competition, thereby boosting the country's water achievements by fostering the spirit of 'competitive and cooperative federalism' among the states.

ONCE MORE, WITH MALE

Why has this issue cropped up?

Prime Minister Narendra Modi's presence at Maldives President Ibrahim Solih's swearing-in reflected the goodwill that seems to have been rekindled between Male and New Delhi.

Yameen's rule

- The government of Solih's predecessor, Abdulla Yameen, had turned increasingly dictatorial.
- Yameen's rule saw concerted efforts to trample the institutions of the state as well as a clamping down on the Opposition and voices of dissent.
- Yameen's years also saw the deepening alignment between the Maldives and China.

Maldives and China

- The Maldives' geopolitical location on the major east-west sea lines of communication in the Indian Ocean raised its strategic value for Beijing.
- China began to devote considerable political and economic resources to drawing the Maldives into its orbit. This involved directed tourist flows, investment in strategic infrastructure and political support for Yameen.

Opportunity for India

- As he fended off India's pressure for democracy, Yameen found Beijing to be a valuable ally. Now, with Solih at the helm, it is an opportune moment for Male to renew its ties with India.
- Solih sought India's assistance to develop his country's infrastructure and the two leaders discussed the modalities of deepening economic cooperation.
- On the other hand, Nasheed has suggested that the new government will pull out of the Free Trade Agreement with China.

Way forward for India

- While India has reasons to view the turn of events in the Maldives with satisfaction, it would be unwise to assume that the country has become "pro-India" and return to the old ways of doing business in Male.
- New Delhi needs to realise that its smaller neighbours are not willing to offer uncritical and unquestioning support for India. It must also recognise Beijing's ability to win favours.
- India must learn to engage the Maldives with sensitivity and devote sustained political attention and economic resources to transform the bilateral relationship into a genuine Indian Ocean partnership.

FROM PLATE TO PLOUGH

Introduction

The prime minister's promise to double farmers' real incomes by 2022-23 cannot be realised with loan waivers and higher MSPs.

Can freebies put Indian agriculture on sustainable high-growth path and augment farmers' incomes?

- The answer is “no”. In fact, they may worsen the condition of agriculturists over the medium to long run.
- These band-aid solutions will eat into the scarce resources of the sector, shrink public investments in agriculture and lower growth in this sector.
- Such promises of freebies take away the focus from structural reforms that are urgently required in the agriculture sector.
- Even the current MSPs of kharif crops that were announced on the formula of 50 per cent margin over cost A2+FL does not give much comfort to farmers as the market prices of most kharif crops are way below (10 to 40 per cent) these MSPs.

Way forward

- What Indian agriculture and farmers need from political parties is the promise to usher in structural reforms.
- These include getting the agri-markets right so that farmers get fair prices for their produce, ensuring that farmers have access to best technologies from the Indian Council of Agriculture research, CGIAR or the best private sector companies, local or global.
- This would require augmenting investments in agri-R&D, and fixing the weak Intellectual Property Rights (IPR) regime.
- This would also require massive investments in better water management technologies, fertiliser use management, improved organic culture and bio-technologies, including GM technologies.
- These have to be coupled with institutional reforms in land management by freeing up land-lease markets and reforms in agri-
- credit markets by increasing the reach of institutional credit to small
- and marginal farmers — rather than giving heavy interest subvention.
- Streamlining crop-insurance — the Pradhan Mantri Fasal Bima Yojana — and e-NAM would take time, and require a lot of perseverance.
- The Essential Commodities Act needs to be drastically pruned and reformed.
- Export and domestic marketing policies need to be liberalised.

- Doubling farmers' real incomes by 2022-23 over a base of 2015-16 requires a growth rate of more than 10 per cent per annum.

A PRESCRIPTION FOR THE FUTURE

Theme of the article

While using cutting-edge technology, we need to find ways to continuously lower the cost of healthcare.

Introduction

Healthcare in India has been transformed over the last three decades, and life expectancy, infant mortality, maternal deaths have improved.

Impact of technology on healthcare

Information technology and biotechnology are twin engines, with immense potential to transform the mechanics of care delivery. There are several examples of the kinds of impact technology and biotechnology can make on healthcare.

- Telemedicine has already brought healthcare to the remotest corners of the country.
- The use of artificial intelligence for preventive and predictive health analytics can strongly support clinical diagnosis with evidence-based guidance, and also prevent disease.
- From the virtual reality (VR) of 3D-printing, we are now moving towards augmented reality (AR), by which, for example, every piece of node in a malignant melanoma can be completely removed, thereby eliminating the risk of the cancer spreading to any other part of the body.
- Biotechnology, cell biology and genetics are opening up whole new paradigms of understanding of human life and disease, and have made personalised medicine a way of life.

The case of India

- India needs to rapidly adapt to, embrace and drive change if it wishes to stay relevant in the global healthcare order.
- India's change imperative has become even more pronounced with the launch of the National Health Protection Mission (NHPM), under the ambit of Ayushman Bharat.
- The vast scale of the programme requires reimagining an innovative model which will transform healthcare delivery in the country.
- By leapfrogging through smart adoption of technology and using emerging platforms such as Blockchain, significant improvements are
- possible in healthcare operations and costs.
- For India to grow, healthcare as an engine of the economy needs to flourish. And the private sector needs to earn healthy rates of return on investment to continue capital investment in infrastructure and technology.
- In our quest to achieve low-cost healthcare, we must not inhibit our potential for growth, nor isolate ourselves from exciting global developments.

- We need to achieve a balance between staying at the cutting edge of clinical protocols, technology and innovation and continue to deliver world-class care, while finding increasingly efficient ways of operating to continuously lower the cost of care and bring it within the reach of those who cannot afford it. This is a difficult balance to achieve, but not impossible.

Conclusion

We have it in our hands to shape the winds of change we face today into the aero-dynamics that will definitively propel our collective destinies forward. India can be an example for the rest of the world to emulate.

IN A SPIRIT OF ACCOMMODATION

Theme of the article

The RBI, the RBI board and the government must understand the limits to which they can push each other.

Why has this issue cropped up?

Recently, there has been a spat between the Reserve Bank of India (RBI) and the government.

Section 7 of RBI act

- Section 7 of the RBI Act sets out the relationship between the government and the RBI.
- This section gives the government the right to issue directions to the RBI in public interest.
- In context of the current spat, it would have been unwise for government to use Section 7 to issue instructions.

Recent step to give autonomy to RBI

The recent change in the monetary policy framework setting up the Monetary Policy Committee and giving it full freedom to determine the policy rate is a giant step forward in terms of giving the RBI autonomy.

Different aspects of autonomy

- There is a distinction between autonomy as a monetary authority and autonomy as a regulator.
- In the first case, autonomy has to be full once the mandate is given. In the second case, autonomy is somewhat blurred because the mandate is broad and vague..

RBI and board

- There has been a debate about the relationship between the RBI management headed by the Governor and the board.
- The right way of interpretation is that both the board and the Governor have concurrent powers in almost all matters.

- The board has members nominated by the Central government from various walks of life, including industry. This can result in a conflict of interest. Therefore, the tradition that had evolved is that the board
- has largely functioned as an adviser.
- Section 7 is a mix of things. First, it gives powers to the board, and second, it gives powers to the Governor as well. The way the relationship between the board and the Governor has evolved over time in India is a good one. The board by and large has played an advisory role.

Way forward

- Section 7 hangs like a sword. It is important to have continuous and sustained dialogue, and an atmosphere of give and take is much needed.
- While the Governor can act on his own, he must listen to what the members feel and the sense of the board must be fully reflected in his actions.

Conclusion

The RBI, the board and the government must understand the limits to which they can push. A spirit of accommodation must prevail.

PROTECT INDIGENOUS PEOPLE

Theme of the article

Implementation of the various provisions to protect the tribals of the Andaman and Nicobar Islands has been poor.

Why has this issue cropped up?

The debates following the recent alleged killing of an American national, John Allen Chau, by the Sentinelese have put the spotlight on the vulnerability of an indigenous community that has lived for thousands of years with little contact with outsiders.

Tribes in Andaman

- There are four ancient Negrito tribal communities in the Andaman Islands (the Great Andamanese, Onge, Jarawa and Sentinelese) and two Mongoloid tribal communities in the Nicobar Islands (the Shompen and Nicobarese).
- Except the Nicobarese, the populations of the other tribes have reduced drastically over the decades.
- The Andaman Trunk Road, among other projects, has cut into the heart of the Jarawa reserve, which has not only disturbed their ecological environment but also changed their lifestyle and dietary habits and endangered them.
- The Sentinelese have been more fortunate than the Jarawas, though.

India's policy towards these tribes

- The Andaman and Nicobar Islands Regulation (ANPATR), 1956 protected the tribals from outside interference, specified the limits of reserved areas and said no land in a reserved area shall be allotted for agricultural purposes or sold or mortgaged to outsiders..
- A policy of non-intervention was also proposed by an expert committee on the directions of the Supreme Court. The committee recommended protecting the Jarawas from harmful contact with outsiders, preserving their cultural and social identity, conserving their land and advocated sensitising settlers about the Jarawas.
- In 2005, the ANPATR was amended. The term of imprisonment as well as the fine were increased.
- A policy for protecting the Shompen tribes was released only in 2015.
- The government amended the ANPATR yet again in 2012, creating a buffer zone contiguous to the Jarawa tribal reserve where commercial establishments were prohibited, and regulating tourist operators.
- In August 2018 the government relaxed the restricted area permit (RAP) for 29 islands in the Andaman and Nicobar, including North Sentinel Island.

International conventions

- The Indigenous and Tribal Populations Convention, 1957, of the International Labour Organisation (ILO) insisted on an integrationist approach towards tribal communities. The 1989 convention insisted on a policy of non-intervention.
- India ratified the 1957 convention but has not ratified the 1989 convention. However, despite not signing it, India tried to tread the path of non-interference.

Has government policies been successful?

- The Andaman Trunk Road had ensured increased interaction with the tribals. In the case of the Jarawas, this had led to the spread of diseases, sexual exploitation, and begging.
- Despite all these amendments and provisions, there continue to be numerous reports of civilian intrusion into the Jarawa tribal reserve.
- If the government has decided to ease the restrictions in a phased manner, this could adversely affect the indigenous population in the long run.
- Such commercialisation of tribal spaces could lead to encroachment of land, as we see in other parts of the country

Way forward

- Considering the significance of the indigenous tribes of the Andaman and Nicobar Islands, the government needs to reorient its priorities towards protecting them from outside influence.
- India needs to sign the 1989 convention of the ILO, and implement its various policies to protect the rights of the indigenous population.
- India should also make efforts to sensitise settlers and outsiders about them.

Conclusion

That Chau was helped in his journey shows a lack of understanding about the Sentinelese. Only concrete efforts can prevent such an incident from happening again.