Civil's IAS
Empowering Nation

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IMPORTANT EDITORIALS

Topic 1. THE RIGHT TO INFORMATION (AMENDMENT) BILL, 2019

In NEWS:

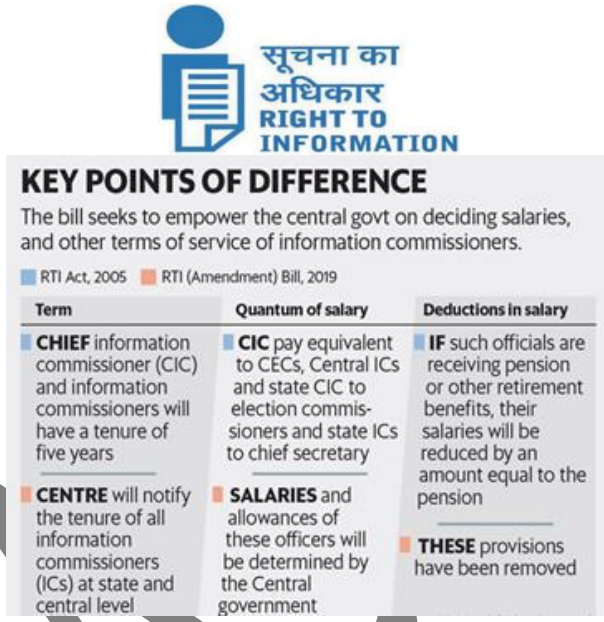
The Right to Information (Amendment) Bill, 2019 that amends the Right to Information Act, 2005 was passed in Lok Sabha and Rajya Sabha.

What does the RTI Act do?

Under the RTI Act, 2005, Public Authorities are required to make disclosures on various aspects of their structure and functioning.

This includes:

(i) disclosure on their organization, functions, and structure.
(ii) powers and duties of its officers and employees.
(iii) financial information.



- The intent of such suo moto disclosures is that the public should need minimum recourse through the Act to obtain such information.
- If such information is not made available, citizens have the right to request for it from the Authorities.
- This may include information in the form of documents, files, or electronic records under the control of the Public Authority.
- The intent behind the enactment of the Act is to promote transparency and accountability in the working of Public Authorities.

Who is included in the ambit of 'Public Authorities'?

- 'Public Authorities' include bodies of self-government established under the Constitution, or under any law or government notification.
- For instance, these include Ministries, public sector undertakings, and regulators.
- It also includes any entities owned, controlled or substantially financed and non-government organizations substantially financed directly or indirectly by funds provided by the government.

What does the Right to Information (Amendment) Bill, 2019 propose?

The Bill changes the terms and conditions of service of the Chief Information Commissioner (CIC) and Information Commissioners at the centre and in states.

Comparison of the provisions of the Right to Information Act, 2005 and the Right to Information (Amendment) Bill, 2019

Provision	RTI Act, 2005	RTI (Amendment) Bill, 2019
Term	The Chief Information Commissioner (CIC) and Information Commissioners (ICs) (at the central and state level) will hold office for a term of five years.	The Bill removes this provision and states that the central government will notify the term of office for the CIC and ICs.
Quantum of Salary	• The salary of the CIC and ICs (at the central level) will be equivalent to the salary paid to the Chief Election Commissioner and Election Commissioners, respectively. • The salary of the CIC and ICs (at the state level) will be equivalent to the salary paid to the Election Commissioners and the Chief Secretary to the state government, respectively.	The Bill removes these provisions and states that the salaries, allowances, and other terms and conditions of service of the central and state CIC and ICs will be determined by the central government.
Deductions in Salary	• The Act states that at the time of the appointment of the CIC and ICs (at the central and state level), if they are receiving pension or any other retirement benefits for previous government service, their salaries will be reduced by an amount equal to the pension. • Previous government service includes service under: (i) the central government (ii) state government (iii) corporation established under a central or state law (iv) company owned or controlled by the central or state government.	The Bill removes these provisions.

References:

http://pib.nic.in/newsite/PrintRelease.aspx?relid=192264

https://www.prsindia.org/theprsblog/understanding-aera-amendment-bill-2019

Topic 2. PROTECTION OF HUMAN RIGHTS (AMENDMENT) BILL, 2019

In NEWS:

- The Protection of Human Rights (Amendment) Bill 2019 passed in Lok Sabha.
- The Bill amends the Protection of Human Rights Act, 1993.

Salient Features of the Bill:

The Act provides the following:

i. National Human Rights Commission (NHRC)
ii. State Human Rights Commissions (SHRC)
iii. Human Rights Courts

Provisions of the Act:

1. **Composition of NHRC:**
   - Under the Act, the chairperson of the NHRC is a person who has been a Chief Justice of the Supreme Court.
   - The Act provides for two persons having knowledge of human rights to be appointed as members of the NHRC.
   - Under the Act, chairpersons of various commissions such as the National Commission for Scheduled Castes, National Commission for Scheduled Tribes, and National Commission for Women are members of the NHRC.

   Amendment:
   - The Bill amends this to provide that a person who has been Chief Justice of the Supreme Court, or a Judge of the Supreme Court will be the chairperson of the NHRC.
   - The Bill amends this to allow three members to be appointed, of which at least one will be a woman.
   - The Bill provides for including the chairpersons of the National Commission for Backward Classes, the National Commission for the Protection of Child Rights, and the Chief Commissioner for Persons with Disabilities as members of the NHRC.
2. **Chairperson of SHRC:**
   Under the Act, the chairperson of a SHRC is a person who has been a Chief Justice of a High Court.
   Amendment:
   The Bill amends this to provide that a person who has been Chief Justice or Judge of a High Court will be chairperson of a SHRC.
3. **Term of office:**
   The Act states that the chairperson and members of the NHRC and SHRC will hold office for five years or till the age of seventy years, whichever is earlier.
   Amendment:
   - The Bill reduces the term of office to three years or till the age of seventy years, whichever is earlier.
   - Further, the Act allows for the reappointment of members of the NHRC and SHRCs for a period of five years.
   - The Bill removes the five-year limit for reappointment.

4. **Powers of Secretary-General:**
   The Act provides for a Secretary-General of the NHRC and a Secretary of a SHRC, who exercise powers as may be delegated to them.
   Amendment:
   The Bill amends this and allows the Secretary-General and Secretary to exercise all administrative and financial powers (except judicial functions), subject to the respective chairperson's control.

5. **Union Territories:**
   The Bill provides that the central government may confer on a SHRC human rights functions being discharged by Union Territories. Functions relating to human rights in the case of Delhi will be dealt with by the NHRC.

References:

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https://www.thehindu.com/news/national/parliament-proceedings-live-updates-budget-session-july-18-2019/article28633774.ece

https://www.prsindia.org/billtrack/protection-human-rights-amendment-bill-2019

Topic 3. INSOLVENCY AND BANKRUPTCY BOARD OF INDIA REGULATIONS, 2016

In NEWS:

IBBI has amended the IBBI (Insolvency Professionals) Regulations, 2016 and the IBBI (Model Byelaws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 with effect from 23rd July 2019.

About:

- The Insolvency and Bankruptcy Board India (IBBI) notified regulations related to the IBBI (Insolvency Professionals) (Amendment) Regulations, 2019, and the IBBI (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2019.

Amendments made by the IBBI (Insolvency Professionals) (Amendment) Regulations, 2019 are:

i. An insolvency professional shall not accept any assignment as resolution professional, liquidator, bankruptcy trustee, authorised representative under the Insolvency and bankruptcy Code, 2016 unless he holds an 'Authorisation for Assignment' issued by his Insolvency Professional Agency. This is effective from 1st January 2020.
ii. An insolvency professional shall not engage in any employment when he holds an Authorisation for Assignment or when he is undertaking an assignment.

Amendments made by the IBBI (Model Bye-laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2019:

i. An Insolvency Professional Agency shall issue/renew an Authorisation for Assignment to insolvency professionals in accordance with its Bye-laws.
ii. An insolvency professional shall be eligible to obtain an Authorisation of Assignment if he has not attained the age of seventy years.
iii. An individual may serve as an independent director on the Governing Board of an Insolvency Professional Agency up to the age of 75 years.

The following categories of individuals are eligible for registration as an insolvency professional:

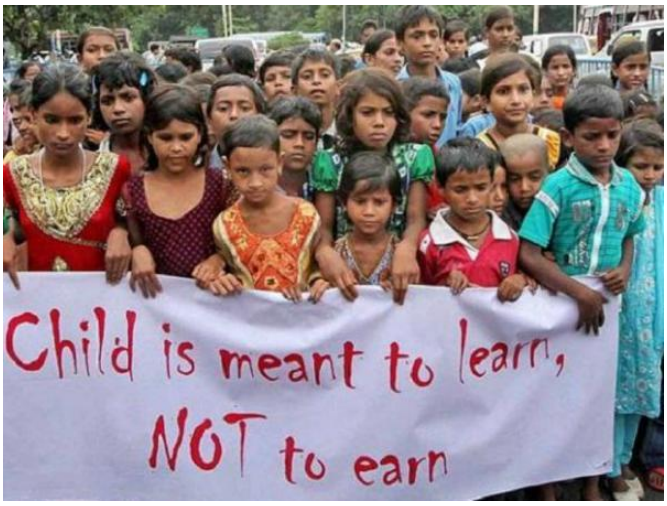
- Advocates, Chartered Accountants, Company Secretaries and Cost Accountants with 10 years of post-membership experience (practice or employment) or a Graduate with 15 years of post-qualification managerial experience, on passing the Limited Insolvency Examination.
- Any other individual on passing the National Insolvency Examination.

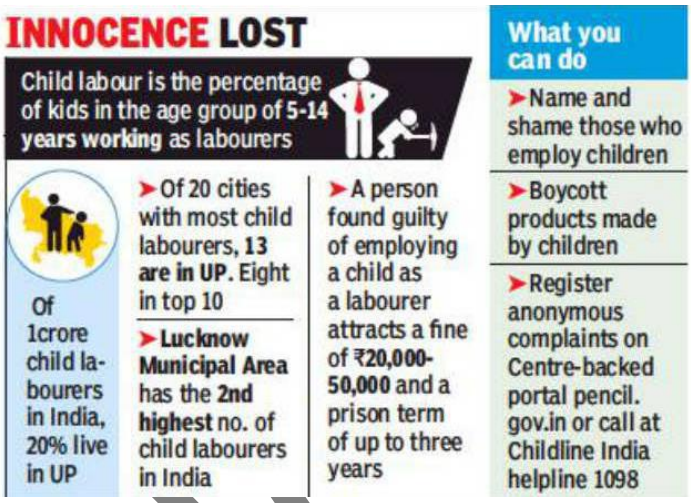
http://pib.nic.in/newsite/PrintRelease.aspx?relid=154184

Topic 4. PENCIL PORTAL

In NEWS:

- To ensure effective enforcement of the provisions of the Child Labour Act and smooth implementation of the National Child Labour Project (NCLP) Scheme a separate online portal **Platform for Effective Enforcement for No Child Labour (PENCIL) has been launched**.
- The Government of India is implementing the National Child Labour Project (NCLP) Scheme for rehabilitation of child labour.





About:

- The Portal connects Central Government to State Government(s), District(s), all Project Societies and the General public.
- Further, online complaints regarding child labour can also be filed by anybody on the Pencil Portal.
- The complaint gets assigned to the concerned Nodal Officer automatically by the system for further necessary action.

Aim of the platform

- PENCIL is an electronic platform that **aims at involving Centre, State, District, Governments, civil society and the general public** in achieving the target of child labour free society.
- It is a separate online portal to ensure effective enforcement of the provisions of the Child Labour Act and smooth implementation of the National Child Labour Project (NCLP) Scheme.

Components of the platform

i. Child Tracking System
ii. Complaint Corner
iii. State Government
iv. National Child Labour Project
v. Convergence

Implementation

- The Districts will nominate District Nodal Officers (DNOs) who will receive the complaints and within 48 hours of receiving, they will check the genuineness of the complaint and take the rescue measures in coordination with police, if the complaint is found to be genuine.
- Till date, 7 states/UTs have appointed the DNOs.

References:

http://pib.nic.in/newsite/PrintRelease.aspx?relid=192049
http://vikaspedia.in/social-welfare/women-and-child-development/child-development-1/platform-for-effective-enforcement-for-no-child-labour

Topic 5. FAIR AND REMUNERATIVE PRICE (FRP)

In NEWS:

- Cabinet approves Determination of 'Fair and Remunerative Price' of sugarcane payable by sugar mills for 2019-20 sugar season.
- The FRP is based on the recommendation of the Commission of Agricultural Costs & Prices (CACP) as per its report of August 2018 on the price policy for sugarcane for the 2019-20 season.

Background:

Price of sugarcane is fixed by the centre/State, while the price of sugar is market determined.

What is it?

- Fair and remunerative price (FRP) is the minimum price at which rate sugarcane is to be purchased by sugar mills from farmers.
- The 'FRP' of sugarcane is determined under Sugarcane (Control) Order, 1966.

Benefits:

The approval will ensure a guaranteed price to cane growers. The 'FRP' of sugarcane is determined under Sugarcane (Control) Order, 1966. This will be uniformly applicable all over the country. Determination of FRP will be in the interest of sugarcane growers keeping in view their entitlement to a fair and remunerative price for their produce.

References:

http://pib.nic.in/newsite/PrintRelease.aspx?relid=192184

Topic 6. SANGEETHA KALANIDHI AWARD

In NEWS:

Noted vocalist S. Sowmya has been chosen for the Sangita Kalanidhi award of the Music Academy and she will preside over 93rd annual conference of the Academy to be held between December 12, 2019, and January 1, 2020.

Sangeetha Kalanidhi Award:

- Awarded to one person who has contributed to the field of Carnatic music.
- Considered as the highest accolade in the field of Carnatic music.
- The award comprising a gold medal and a birudu patra (citation).

Other awards by Music Academy:

1. **Sangita Kala Acharya**: This award is given to those who have contributed by bringing several disciples to the concert platform.
   Two senior musicians/preceptors are given this award each year.
2. **Special Lifetime Achievement awards:** This award has thus far been conferred only on three great artistes. It has been given to them in recognition of their outstanding contribution to the arts.
3. **TTK Award:**
   - This is given to two senior musicians who had made a mark in the field as icons and gurus.
   - This was named the TTK Award in memory of TT Krishnamachari, former Union Minister and industrialist, who was a great patron of the arts.
4. **Natya Kala Acharya:** Awarded to a senior dancer at the inauguration of the annual dance festival.
5. **Papa KS Venkataramiah award**:
   - Awarded to a Violinist of merit.
   - This award is named after Papa KS Venkataramiah (a great violinist of the past).
6. **Musicologist Award:**
   - Awarded to a musicologist.
   - A scholar who participates in musical research is a musicologist.
7. **Indira Sivasailam endowment concert and medal**:
   Awarded during Navaratri each year, it is given to the top-ranking performing artist in the concert organized at that time.

References:

https://www.thehindu.com/news/cities/chennai/carnatic-vocalist-s-sowmya-chosen-for-sangita-kalanidhi-award/article28626165.ece

Topic 7. INDIA'S FIRST DRAGON BLOOD-OOZING TREE

In NEWS:

Researchers discover Dracaena cambodiana in Assam's West Karbi Anglong dist.

About:

- Researchers have discovered **Dracaena cambodiana, a dragon tree species** in the Dongka Sarpo area of West Karbi Anglong **in Assam**.
- This plant yields dragon's blood — a bright red resin.
- The resin is being used since ancient times as **medicine, body oil, varnish, incense and dye**.
- Sap of this plant turns bright red after coming in contact with air.
- This is for the first time that a dragon tree species has been reported from India.
- In India, the Dracaena genus belonging to the family Asparagaceae is represented by nine species and two varieties in the Himalayan region, the northeast and Andaman and Nicobar Islands.
- **Dracaena cambodiana** is an important medicinal plant as well as an ornamental tree.
- It is a major source of dragon's blood, a precious traditional medicine in China.
- Several **antifungal and antibacterial compounds, antioxidants, flavonoids**, etc., have been extracted from various parts of the plant.

Threat:

- Recent overexploitation to meet the increasing demand for dragon's blood has resulted in rapid depletion of the plant.
- For this reason, the species is already listed in the inventory of Rare and Endangered Plants of China.
- The Dracaena **seeds are usually dispersed by birds**. But **due to the large fruit size, only a few species of birds are able to swallow the fruits, thus limiting the scope of its natural conservation**.

References:

https://www.thehindu.com/sci-tech/science/indias-first-dragon-blood-oozing-tree/article28701517.ece

Topic 8. MERCK'S VACCINE (VSV-EBOV) FOR EBOLA PREVENTION

In NEWS:

- **Recombinant vesicular stomatitis virus–Zaire Ebola virus** (rVSV-ZEBOV) is an experimental vaccine for protection against Ebola virus disease.
- According to the WHO, preliminary data suggest that the **Merck's vaccine** (VSV-EBOV) used during the current outbreaks in Congo was 97.5% efficacious in preventing Ebola infection.

Working:

- The vaccine is based on a virus found in animals called vesicular stomatitis virus (VSV) that is combined with a portion of the protein covering of the Ebola virus.
- When administered, it induces an immune response against the Ebola virus.
- It does not contain a live Ebola virus.

Effectiveness:

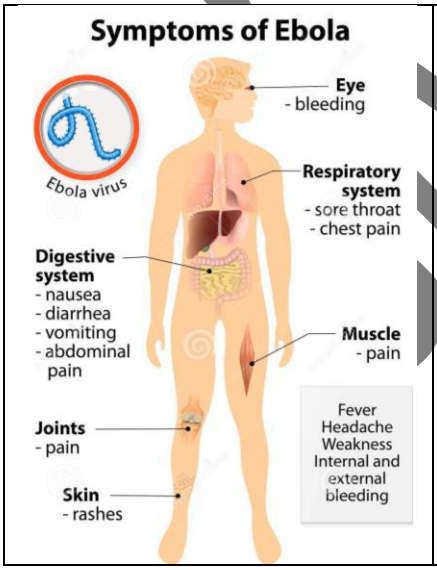
Preliminary data from vaccination in Congo suggest the vaccine has 97.5% efficacy in preventing Ebola.

Adverse effects:

Adverse effects have occurred in around half the people given the vaccine, were generally mild to moderate, and included headache, fatigue, and muscle pain.

Key facts about Ebola virus disease

- Ebola virus disease (EVD), formerly known as Ebola haemorrhagic fever, is a rare but severe, often fatal illness in humans.
- The virus is transmitted to people from wild animals and spreads in the human population through human-to-human transmission.
- Early supportive care with rehydration, symptomatic treatment improves survival.



Prevention and control

i. Reducing the risk of wildlife-to-human transmission
ii. Reducing the risk of human-to-human transmission
iii. Outbreak containment measures
iv. Reducing the risk of possible sexual transmission

References:

https://www.thehindu.com/sci-tech/science/ebola-vaccine-tested-during-epidemic-saves-lives-in-congo/article28620893.ece
https://en.wikipedia.org/wiki/RVSV-ZEBOV_vaccine

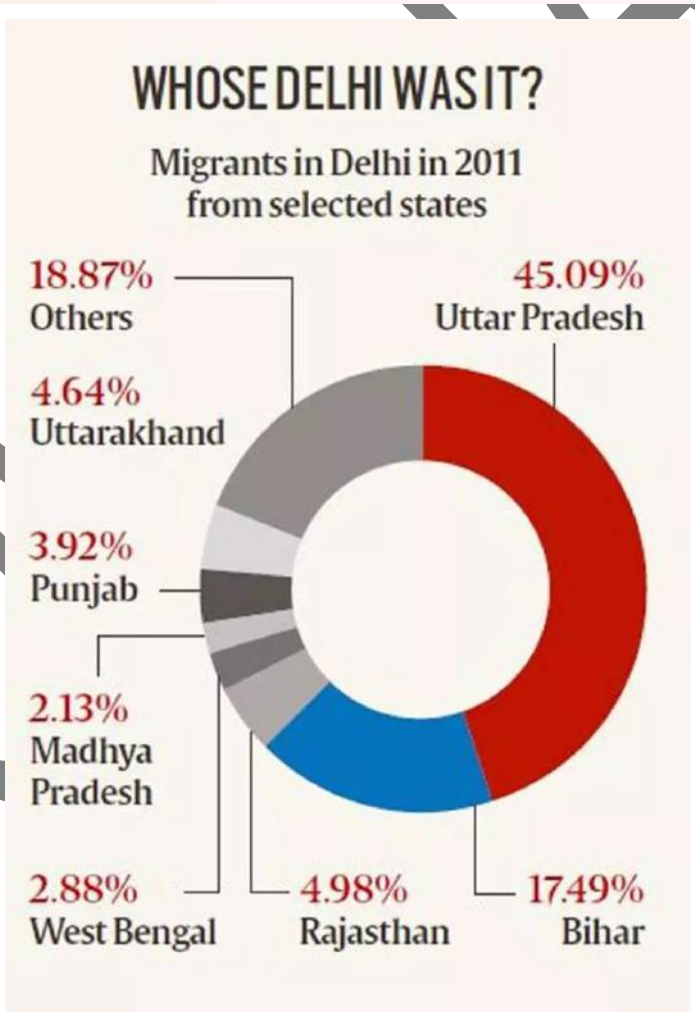
Topic 9. MIGRATION IN INDIA

MIGRATIONS TO, FROM SELECTED STATES (2011)

STATE	TOTAL MIGRANTS*	MIGRANTS FROM OTHER STATES							
		UP	BIHAR	RAJASTHAN	ODISHA	WEST BENGAL	MP	PUNJAB	TOTAL
Maharashtra	5.74 cr	27.55 L	5.68L	5.17 L	1.24 L	3.10 L	8.24 L	73,951	90.87 L
Uttar Pradesh	5.65 cr	–	10.73 L	2.84 L	35,269	2.34L	6.68 L	1.42 L	40.62 L
West Bengal**	3.34 cr	2.39 L	11.04 L	57,668	1.42 L	–	15,815	18,154	23.81 L
Gujarat	2.69 cr	9.29 L	3.61 L	7.47 L	1.76 L	89,040	2.75 L	27,549	39.16 L
Kerala***	1.79 cr	12,203	9,904	8,893	12,223	30,470	8,345	3,402	6.54 L
Punjab	1.37 cr	6.50 L	3.53 L	2.02 L	11,717	46,958	32,869	–	24.88 L
Assam***	1.06 cr	35,441	1.47 L	27,778	5,153	94,724	2,478	3,617	4.96 L
All India*	45.58 cr								5.43 cr

*Total Migrants includes intra-state migration, migrants from other states, and migrants from outside India.
**West Bengal: Last residence of 20,05,945 individuals shown as outside India; 18,96,585 in Bangladesh
**Kerala: Last residence of 1,53,454 individuals shown as outside India; mostly in Saudi Arabia, UAE, Kenya
***Last residence of 1,10,314 individuals shown as outside India; 64,117 in Bangladesh

Source: Census of India, 2011



1. The data come at a time when migration is a major phenomenon across the world, and "illegal Bangladeshis" is a hot-button political issue in India.
2. Census 2011 data on migration released last week show Maharashtra had more migrants from Madhya Pradesh than from Bihar, and Gujarat had almost double the number of migrants from Rajasthan than from Bihar.
3. Data from Delhi show only 2,321 persons declared Bangladesh as their last place of residence. Over 1.17 lakh said Pakistan — not surprising given the history of Partition.
4. The data come at a time when migration is a major phenomenon across the world, and "illegal Bangladeshis" is a hot-button political issue in India. The data are also very late — it's almost time for Census 2021 — and do not reflect the current situation.
5. Over 45.58 crore Indians were found to be "migrants" for various reasons during the enumeration exercises of Census 2011. The previous Census (2001) had recorded the number of migrants at 31.45 crore — more than 30% lower than the 2011 figure.
6. According to the website of the Registrar General & Census Commissioner, India, "When a person is enumerated in Census at a different place than his/her place of birth, she/he is considered a 'migrant'." Migration data began to be collected with the Census of 1872 but was not very detailed until 1961. Changes introduced in 1961 continued until 2001; in the Census of 2011, a more detailed format for collecting information on migrants was adopted.
7. Marriage and employment are the major reasons for migration, Census data show. The bulk of the migration takes place within individual states — out of the total number of persons registered as "migrants" in the 2011 Census, only 11.91% (5.43 crore) had moved to one state from another, while nearly 39.57 crore had moved within their states.
8. Migration data to and from some major states are given in the table above. Some key highlights of the Census numbers:
9. Of the 5.74 crore migrants in Maharashtra, 27.55 lakh reported their last place of residence to be Uttar Pradesh; 5.68 lakh said Bihar. Internal migration from within Maharashtra had the lion's share of migrants: 4.79 crore.
10. UP, from where people travel to all over India in search of work, itself was host to 5.65 crore migrants. As many as 5.20 crore were, however, internal migrants; among the 40.62 lakh from other Indian states, 10.73 lakh were from Bihar.
11. The number of migrants in Punjab from other states was 24.88 lakh, a relatively large percentage of its total 1.37 crore migrant population. Of these, 6.50 lakh reported their previous residence to be in UP; 3.53 lakh said Bihar.
12. Over 42% of the 39.16 lakh 'outsiders' (from other states) in Gujarat (out of the total migrant population of 2.69 crore) were made up by migrants from UP (9.29 lakh) and Rajasthan (7.47 lakh), the data show.
13. In Assam, where illegal migrations from Bangladesh has long been an issue, Census 2011 recorded 64,117 people who said their last place of residence was in the neighbouring country. This was a little more than half of the total number of migrants (1,10,314) from outside India in the state. Among the 4.96 lakh migrants from other Indian states in Assam, those from Bihar had the largest stare (1.47 lakh, or nearly 30%).
14. Migrants from Bihar were the largest group from other Indian states in West Bengal as well (11.04 lakh out of 23.81 lakh). Over 20 lakh declared that their last place of residence was outside India; nearly 19 lakh among them said Bangladesh.
15. In Kerala, where Bihari migrants have recently been in the news, Census 2011 recorded only 9,904 migrants from Bihar. As many as 1.53 lakh declared their previous residence to have been outside India.

Topic 10. R & D EXPENDITURE

'Target R&D expenditure of 2% of GDP by 2022'

The growth in R&D expenditure should be commensurate with the economy's growth and must be targeted to reach at least 2% of GDP by 2022, as per a report by the Economic Advisory Council to Prime Minister

ALLOCATE FROM BUDGET: The line ministries at the Centre could be mandated to allocate certain percentage of their budget for research and innovation for developing and deploying technologies as per the priorities of the respective ministries

STAGNANT GROWTH: India's public investment in R&D as a fraction of GDP has remained stagnant over last two decades, the report said

UP TO 0.7%: Investment in R&D has remained constant at around 0.6% to 0.7% of GDP and this is well below the major countries such as the US (2.8%), China (2.1%), Israel (4.3%) and Korea (4.2%)

FOR LEADERSHIP ROLE: Need to ensure a leap into a leadership role in innovation by stimulating private sector's investment in R&D from current 0.35% of GDP

INVESTMENT IN RESEARCH: A minimum percentage of turn-over of the company may be invested in R&D by medium and large enterprises registered in India, the report said

TO KEEP ENTHUSED: To help and keep the industry enthused to invest in R&D, there is case for not enforcing the complete withdrawal of weighted deduction provisions on R&D investment by April 1, 2020

STATE-CENTRE: It will be appropriate that states partner with the Centre to jointly fund research and innovation programmes through socially designed Central Sponsored Schemes(CSS)

₹5K cr corpus

The report also pitched for creating 30 dedicated R&D Exports Hub and a corpus of Rs 5,000 crore for funding mega projects

Topic 11. SOVEREIGN BONDS

1. **What exactly are sovereign bonds?**
    a. A bond is like an IOU.
    b. The issuer of a bond promises to pay back a fixed amount of money every year until the expiry of the term, at which point the issuer returns the principal amount to the buyer.
    c. When a government issues such a bond it is called a sovereign bond.
    d. Typically, the more financially strong a country, the more well respected is its sovereign bond. Some of the best known sovereign bonds are the Treasuries (of the United States), the Gilts (of Britain), the OATS (of France), the Bundesanleihen or Bunds (of Germany) and the JGBs (of Japan).

2. **And what is the controversial part?**
    a. The current controversy relates to India's sovereign bonds that will be floated in foreign countries and will be denominated in foreign currencies. In other words, both the initial loan amount and the final payment will be in either US dollars or some other comparable currency. This would differentiate these proposed bonds from either government securities (or G-secs, wherein the Indian government raises loans within India and in Indian rupee) or Masala bonds (wherein Indian entities — not the government — raise money overseas in rupee terms).
    b. The difference between issuing a bond denominated in rupees and issuing it in a foreign currency (say US dollar) is the incidence of exchange rate risk. If the loan is in terms of dollars, and the rupee weakens against the dollar during the bond's tenure, the government would have to return more rupees to pay back the same amount of dollars. If, however, the initial loan is denominated in rupee terms, then the negative fallout would be on the foreign investor.
    c. For example, imagine two 10-year sovereign bond issues by India: one for $100 in the US, and the other for Rs 7,000 in India. For the sake of simplicity, suppose the exchange rate is Rs 70 to a dollar. As such, at the time of issue, both values are the same. Now suppose the exchange rate worsens for India and falls to Rs 80 a dollar at the end of the tenure. In the first case, the Indian government would have to pay Rs 8,000 (instead of Rs 7,000 that it got initially) to meet its dollar-denominated obligation. In the second case, it would pay Rs 7,000 and the lender would be short-changed as these Rs 7,000 will be equal to just $87.5 at the end of tenure. That is why, if the exchange rate is expected to worsen, sovereign bonds denominated in domestic currency are preferable.

3. **So, why is India borrowing in external markets in external currency?**
    a. Possibly the biggest of these is that the Indian government's domestic borrowing is crowding out private investment and preventing the interest rates from falling even when inflation has cooled off and the RBI is cutting policy rates.
    b. If the government was to borrow some of its loans from outside India, there will be investable money left for private companies to borrow; not to mention that interest rates could start coming down. In fact, the significant decline in 10-year G-sec yields in the recent past is partially a result of this announcement.
    c. Moreover, at less than 5%, India's sovereign external debt to GDP is among the lowest globally. In other words, there is scope for the Indian government to raise funds this way without worrying too much about the possible negative effects.
    d. sovereign bond issue will provide a yield curve — a benchmark — for Indian corporates who wish to raise loans in foreign markets. This will help Indian businesses that have increasingly looked towards foreign economies to borrow money.

e. Globally, and especially in the advanced economies where the government is likely to go to borrow, the interest rates are low and, thanks to the easy monetary policies of foreign central banks, there are a lot of surplus funds waiting for a product that pays more.
f. Indian government raises loans at interest rates much cheaper than domestic interest rates, while foreign investors get a much higher return than is available in their own markets.

4. <u>Then why are so many cautioning against this move?</u>

a. The biggest potential fly in the ointment is the element of risk that comes into the picture when a government borrows in foreign markets and in foreign currency.
b. As N R Bhanumurthy and Kanika Gupta (both of NIPFP) have shown recently, the volatility in India's exchange rate is far more than the volatility in the yields of India's G-secs (the yields are the interest rate that the government pays when it borrows domestically).
c. This means that although the government would be borrowing at "cheaper" rates than domestically, the eventual rates (after incorporating the possible weakening of rupee against the dollar) might make the deal costlier.
d. Rajan has also questioned the assumption that borrowing outside would necessarily reduce the number of government bonds the domestic market will have to absorb.
e. That's because if fresh foreign currency comes into the economy, the RBI would have to "neutralise" it by sucking the exact amount out of the money supply.
f. This, in turn, will require selling more bonds. If the RBI doesn't do it then the excess money supply will create inflation and push up the interest rates, thus disincentivising private investments.
g. Lastly, based on the unpleasant experience of other emerging economies, many argue that a small initial borrowing is the thin end of the wedge. It is quite likely that the government will be tempted to dip into the foreign markets for more loans every time it runs out of money. At some point, especially if India does not take care of its fiscal health, the foreign investors will pull the plug on fresh investments, creating dire consequences for India.

Topic 12. P - NOTES

Investments via P-notes fall to ₹81,913 cr in June

Investments through participatory notes (P-notes) in the Indian capital market slipped to Rs 81,913 crore in June after posting growth for the previous four months, as per data from Securities and Exchange Board of India (Sebi)

₹ 81,913 cr:
Total value of P-note investments in Indian markets – equity, debt, and derivatives – till June-end

0.85%:
Decline in total value of June P-notes investment from previous month

$1,000
fee to check misuse: In July 2017, Sebi had notified stricter norms stipulating a fee of $1,000 on each instrument to check any misuse for channelising black money

WHAT ARE P-NOTES:
P-notes are issued by registered Foreign Portfolio Investors (FPIs) to overseas investors who wish to be part of the Indian stock market without registering themselves directly after going through a due diligence process

CUMULATIVE INVESTMENT MADE IN LAST 4 MONTHS:

Rs 73,428 crore: Till February-end
Rs 78,110 crore: Till March-end
Rs 81,220 crore: Till April-end
Rs 82,619 crore: Till May-end

SHARE OF TOTAL JUNE P-NOTE INVESTMENTS:

- Rs 56,664 crore: In equities
- Rs 24,428 crore: In debt
- Rs 821 crore: In derivatives market

Topic 13. FOREST RIGHTS ACT

1. **What is the FRA case before the Supreme Court?**
    a. On February 13 this year, the Supreme Court ordered the eviction of lakhs of tribals and other traditional forest dwellers whose claims under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (or FRA), 2006, had been rejected following a three-tier process. Later, the SC temporarily put on hold the eviction by an order on February 28, giving state governments time to file affidavits on whether due process was followed before claims were rejected.
    b. On July 24, the Centre and states are expected to file affidavits regarding the implementation of the FRA.
2. **Who are the petitioners, and what is their contention?**
    a. The petitioners are Wildlife First, Nature Conservation Society, and Tiger Research and Conservation Trust. They contend that the protection of forests has been severely affected due to bogus claims under the FRA, and that the bogus claimants continue to occupy large areas of forest lands, including inside national parks and sanctuaries, despite their applications being rejected under the appeals process of the FRA.
3. **What are the proposed amendments to the IFA?**
    a. The FRA, enacted in 2006, envisions the forest rights committee of a village as the central unit in managing forest resources. The proposed IFA amendments will revert to giving overriding powers to Forest Department officials. The greater policing powers to the Forest Department include the use of firearms, and veto power to override the FRA. Further, if rights under FRA are seen as hampering forest conservation efforts, the state may commute such rights through compensation to the tribals. The changes also propose to open up forest land specifically for commercial exploitation of timber or non-timber forest produce.
    b. Across India, tribal rights activists are of the view that the proposed IFA amendments will divest tribals and other forest-dwelling communities of their rights over forest land and resources.
4. What are the demands of those holding agitations ahead of the SC hearing?
    a. SC seeks response from Centre, States on steps to curb mob lynching
    b. When the apex court passed its order on February 13, the central government had not represented itself in court. These agitations are primarily targeted at exhorting the Centre and state governments to present a defence of the FRA in court.
    c. Other demands include shelving the proposed IFA amendments, which activists have called more draconian than the original colonial-era law.

Topic 14. NATIONAL MEDICAL COMMISSION (NMC) BILL

1. **Why is Medical Council of India being replaced?**
    a. The Parliamentary Standing Committee on Health and Family Welfare examined the functioning of the MCI in its 92nd report (in 2016) and was scathing in its criticism: "The Medical Council of India, when tested on the above touchstone (of producing competent doctors, ensure adherence to quality standards etc) has repeatedly been found short of fulfilling its mandated responsibilities. Quality of medical education is at its lowest ebb; the current model of medical education is not producing the right type of health professionals that meet the basic health needs of the country because medical education and curricula are not integrated with the needs of our health system; many of the products coming out of medical colleges are ill-prepared to serve in poor resource settings like Primary Health Centre and even at the district level; medical graduates lack competence in performing basic health care tasks like conducting normal deliveries; instances of unethical practice continue to grow due to which respect for the profession has dwindled."
    b. The Committee also said it was "shocked to find that compromised individuals have been able to make it to the MCI, but the Ministry is not empowered to remove or sanction a Member of the Council even if he has been proved corrupt. In a day and age when the need for sturdy systems and enhanced transparency based regimes are being increasingly emphasized, such state of affairs indicate that the MCI has not evolved with the times. Such state of affairs are also symptomatic of the rot within and point to a deep systemic malice".

2. **How will the proposed National Medical Commission (NMC) function?**
    a. The NMC Bill provides for the constitution of a 25-member NMC selected by a search committee, headed by the Cabinet Secretary, to replace the MCI. The Bill provides for just one medical entrance test across the country, single exit exam (the final MBBS exam, which will work as a licentiate examination), a screening test for foreign medical graduates, and an entrance test for admission in postgraduate programmes.
    b. The Bill proposes to regulate the fees and other charges of 50 per cent of the total seats in private medical colleges and deemed universities. A medical advisory council — which will include one member representing each state and Union Territory (vice-chancellors in both cases), chairman of the University Grants Commission, and the director of the National Accreditation and Assessment Council — will advise and make recommendations to the NMC.
    c. Four boards — dealing with undergraduate and postgraduate medical education, medical assessment and rating board, and the ethics and medical registration board — will regulate the sector. The structure is in accordance with the recommendations of the Group of Experts headed by Ranjit Roy Chaudhury, set up by the Union Health Ministry to study the norms for the establishment of medical colleges.
    d. The Bill marks a radical change in regulatory philosophy; under the NMC regime, medical colleges will need permission only once — for establishment and recognition. There will be no need for annual renewal, and colleges would be free to increase the number of seats on their own, subject to the present cap of 250. They would also be able start postgraduate courses on their own. Fines for violations, however, are steep — 1.5 times to 10 times the total annual fee charged.

3. **What are the changes in the 2019 Bill?**
    a. There are two crucial changes, following the recommendations of the Parliamentary Standing Committee on Health and Family Welfare (109th report in 2018). One, it has dropped a separate exit examination. Two, it has dropped the provision that allowed

practitioners of homoeopathy and Indian systems of medicine to prescribe allopathy medicines after a bridge course.

4. **What is the so-called "bridge" course?**
    a. On the bridge course, the Committee (in 2018) had said it was of the view that the "bridge course should not be made a mandatory provision… However, the Committee appreciates the need to build the capacity of the existing human resources in the healthcare sector, to address the shortage of healthcare professionals so as to achieve the objectives of the National Health Policy, 2017. The Committee feels that every State has its own specific healthcare issues and challenges. The Committee, therefore, recommends that the State Governments may implement measures to enhance the capacity of the existing healthcare professionals including AYUSH practitioners, B.Sc (Nursing), BDS, B.Pharma etc to address their State specific primary healthcare issues in the rural areas."

5. **What did the panel say about exit exam?**
    a. On the National Licentiate Examination, the Committee (in 2018) recommended that the relevant clause be redrafted "so as to make the final year MBBS examination as the licentiate examination".

Topic 15. JUVENILE JUSTICE ACT

1. The Act defines a child as someone who is under age 18. For a CCL, age on the date of the offence is the basis for determining whether he or she was a child or an adult.
2. In 2016, a 17-year-old was booked for the murder of his three-year-old neighbour in Mumbai. The Mumbai city Juvenile Justice Board as well as a children's court directed that he be tried as an adult under the Juvenile Justice (Care and Protection) Act, 2015. Last week, the Bombay High Court set aside these orders and directed that the accused be tried as a minor, saying the Act is reformative and not retributive.

3. **When is a child tried as an adult?**
    a. The Juvenile Justice Act of 2000 was amended in 2015 with a provision allowing for Children in Conflict with Law (CCL) to be tried as adults under certain circumstances. The Act defines a child as someone who is under age 18. For a CCL, age on the date of the offence is the basis for determining whether he or she was a child or an adult.
    b. The amended Act distinguishes children in the age group 16-18 as a category which can be tried as adults if they are alleged to have committed a heinous offence — one that attracts a minimum punishment of seven years. The Act does not, however, make it mandatory for all children in this age group to be tried as adults.

4. **Why was this distinction made?**
    a. The amendment was proposed by the Ministry of Women and Child Development in 2014. This was in the backdrop of the gang-rape of a woman inside a bus in Delhi in 2012, leading to her death. One of the offenders was a 17-year-old, which led to the Ministry proposing the amendment (although it could not have retrospectively applied to him). The then Minister, Maneka Gandhi, cited an increase in cases of offenders in that age group; child rights activists objected to the amendment. The J S Verma Committee constituted to recommend amendments also stated that it was not inclined to reduce the age of a juvenile from 18 to 16. The amendment was made in 2015.
5. **In the case that went to the Bombay High Court, what was the basis for the order that the accused (a juvenile at the time of the offence) be tried as a minor?**
    a. The Bombay High Court observed: "It [trial as an adult] is not a default choice; a conscious, calibrated one. And for that, all the statutory criteria must be fulfilled."
    b. As per Section 15 of the JJ Act, there are three criteria that the Juvenile Justice Board in the concerned district should consider while conducting a preliminary assessment to determine whether the child should be tried as an adult or under the juvenile justice system, which prescribes a maximum term of three years in a special home. The criteria are whether the child has the mental and physical capacity to commit such an offence; whether the child has the ability to understand its consequences; and the circumstances in which the offence was committed. If the Board finds that the child can be tried as an adult, the case is transferred to a designated children's court, which again decides whether the Board's decision is correct.

6. **How do these criteria relate to this case?**
    a. Both the Juvenile Justice Board and the children's court had relied on the probation officer's social investigation report and a government hospital's mental health report. The High Court said that neither report brought out "any exceptional circumstances" to compel the juvenile to face trial as an adult. The probation officer's report, submitted in 2018, had stated the child or his family did not have a criminal record, and called the juvenile "highly manipulative" while also noting that he had "confessed" that the victim was killed

"accidentally". It also noted that the juvenile was counselled on focusing on his studies, and that he had taken and passed his exams while lodged in the observation home. The mental health report said the juvenile had "no psychiatric complaints at present", was "normal", and "suffers from no mental incapacity" to commit the offence.

b. The court said that while the Board had relied on these two reports, it had undertaken no independent assessment. It said that if the Board's criteria of evaluation were followed, "then every case becomes an open-and-shut case". It said that only because the statute permits a child of 16 years and above to stand trial as an adult in case of heinous offence, it did not mean that all those children should be subjected to adult punishment.
c. One of the court's key observations was that "essentially, the trial in the regular court is offence-oriented; in the juvenile court, it is offender-oriented. In other words, in the children's court, societal safety and the child's future are balanced. For an adult offender, prison is the default opinion; for a juvenile it is the last resort".

Topic 16. COST OVERRUN IN INFRASTRUCTURE PROJECTS

Cost overruns of ₹3.28 lakh cr in 345 infra projects

As many as 345 infrastructure projects have shown cost overruns to the tune of over Rs 3.28 lakh crore, the Ministry of Statistics and Programme Implementation's (MoSPI) latest report for April 2019 said

₹18,32,579.17 cr
Total original cost of implementation of the 1453 projects

₹21,61,313.18 cr
Anticipated cost of implementation of these projects

₹3,28,734.01 cr
Overall cost overruns, i.e. 17.94 per cent of original cost

₹8,84,906.88 cr
Expenditure incurred on these projects till April, i.e. 40.94 per cent of anticipated cost

1453
Projects monitored by MoSPI, each worth Rs 150 crore and above

345: Projects that reported cost overruns

388: Projects that reported time escalation

- **121:** Projects delayed by one to 12 months
- **78:** by 13 to 24 months
- **98:** by 25 to 60 months
- **91:** Projects delayed 61 months or more

REASONS FOR REPORTING TIME OVERRUNS

- Delays in land acquisition
- Forest clearance
- Supply of equipment
- Fund constraints
- Geological surprises
- Geo-mining conditions
- Slow progress in civil works
- Shortage of labour
- Inadequate mobilisation by contractor

Topic 17. POSCO ACT

1. The Supreme Court on Thursday directed the setting up of special courts in districts that have over 100 cases of child abuse and sexual assault pending trial under the Protection of Children from Sexual Offences (POCSO) Act.
2. A Bench, led by the Chief Justice of India, ordered that the courts be set up within 60 days. They will be established under a Central government scheme.
3. This means that the Centre will fund everything from the payment of the presiding officers, staff and support persons to the court's child-friendly infrastructure.
4. Solicitor-General Tushar Mehta was asked to file a progress report in four weeks. The court said it would take up the matter again on September 26.
5. The order came on a suo motu PIL petition registered by the court after being concerned with the "alarming rise" in child abuse cases, and their long pendency. The CJI said there was no excuse for a long delay in justice for the victims.
6. The Supreme Court on Thursday asked the Centre to ensure that money was made available to set up special courts in districts that recorded more than 100 cases pending under Protection of Children from Sexual Offences (POCSO) Act.
7. Citing the delay in ensuring justice, a Bench, led by the Chief Justice of India, said the traumatised children needed to be treated with compassion. In short, a completely different approach was required for the investigation and trial of the POCSO cases, Chief Justice Ranjan Gogoi said.
8. Addressing the courtroom, the CJI said, "We are concerned about States where there is hardly any infrastructure; where the magistrate has hardly any room... ... yet are snowed under by cases under new laws... New law means new responsibility and additional burden for them...These are the real issues which affect the judiciary and not the Supreme Court Collegium."
9. The CJI then turned to the Solicitor General and told him, "Mr. Mehta, ask your government to make the money available [for the establishment of special courts]."
10. The court said the support persons in these special courts, who performed the crucial role of a bridge between the child victim and the court's officers and investigators, should be dedicated people who had excellent academic qualifications and were devoted to child rights.

Important Editorials

1. TERRORISM

The terrorist tag

India needs tough laws to combat terror, but the proposed amendments could be misused

The idea of designating an individual as a terrorist, as the latest amendments to the Unlawful Activities (Prevention) Act propose to do, may appear innocuous. However, designating an individual as a terrorist raises serious constitutional questions and has the potential for misuse. The practice of designating individuals under anti-terrorism laws, prevalent in several countries, is seen as being necessary because banned groups tend to change their names and continue to operate. However, there is no set procedure for designating an individual a terrorist. Parliament must consider whether an individual can be called a 'terrorist' prior to conviction in a court of law. The absence of a judicial determination may render the provision vulnerable to invalidation. There ought to be a distinction between an individual and an organisation, as the former enjoys the right to life and liberty. The likely adverse consequences of a terrorist tag may be worse for individuals than for organisations. Further, individuals may be subjected to arrest and detention; even after obtaining bail from the courts, they may have their travel and movements restricted, besides carrying the taint. This makes it vital that individuals have a faster means of redress than groups. Unfortunately, there is no change in the process of getting an entity removed from the list. Just as any organisation getting the tag, individuals, too, will have to apply to the Centre to get their names removed.

A wrongful designation will cause irreparable damage to a person's reputation, career and livelihood. Union Home Minister Amit Shah's warning that his government would not spare terrorists or their sympathisers, and his reference to 'urban Maoists', are portentous about the possibility of misuse. It has been argued by some members in Parliament that the Bill contains anti-federal features. The provision to empower the head of the National Investigation Agency to approve the forfeiture of property of those involved in terrorism cases obviously overrides a function of the State government. At present, the approval has to be given by the State police head. Also, there will be a section allowing NIA Inspectors to investigate terrorism cases, as against a Deputy Superintendent of Police or an Assistant Commissioner. This significantly enhances the scope for misuse. The 2004 amendments to the Unlawful Activities (Prevention) Act, 1967, made it a comprehensive anti-terror law that provided for punishing acts of terrorism, as well as for designating groups as 'terrorist organisations'. Parliament further amended it in 2008 and 2013 to strengthen the legal framework to combat terror. While none will question the need for stringent laws that show 'zero tolerance' towards terrorism, the government should be mindful of its obligations to preserve fundamental rights while enacting legislation on the subject.

2. INDIA – US – PAKISTAN and KASHMIR

U.S. President Donald Trump's claim on Monday, during a press conference with Pakistan's Prime Minister Imran Khan in Washington, that Prime Minister Narendra Modi had told him at the G-20 summit in Japan in June, in so many words, that he wanted the American President's help, either through mediation or arbitration, in resolving the Kashmir dispute is a claim that has understandably raised hackles in India and jubilation in Pakistan. The Indian External Affairs Minister has denied that Mr. Modi had made any such request to Mr. Trump.

The Opposition is not satisfied with the Minister's denial and wants Mr. Modi personally to clarify the situation, which he seems reluctant to do; it is very difficult for the Prime Minister to call Mr. Trump a liar because that in effect is what he would be saying if he contested the latter's claim.

It hardly needs stating that Mr. Modi did not make any such request to Mr. Trump. The President's love for truthfulness in his own country is suspect. It is entirely possible that he thought of making such a statement, which he must have known was not true, to please his guest; perhaps he was confident that he would be able to placate the Indian leader on some subsequent occasion, by for example, extending the deadline for reducing import of Iranian oil to zero.

The bottom line

The main lesson for us in India in all this is not that we cannot trust the American President — we should not trust any foreign leader in such matters. It is an object lesson how other governments pursue their national interests single-mindedly without allowing sentiment to influence their judgment. At this point in time, the U.S. is desperate for Pakistan's help in 'extricating' the American military from Afghanistan.

The use of the word 'extricate' was most suggestive; it indicates that the U.S. feels itself in a quagmire in that unfortunate country and is eager to pull out with some face-saving formula. Mr. Trump is thinking only of his country's interest; he is not bothered about India's reaction. If India feels offended, so be it. He knows that Pakistan is the only country with clout with the Taliban that can help him in reaching this objective. If Pakistan does manage to persuade the Taliban to engage in direct talks with the Afghan government, it can expect substantial dividends from Mr. Trump — beyond the $1.3 billion that was mentioned at the presser.

Imran Khan too has played his cards well. He did not allow himself to act hurt or annoyed at Mr. Trump's pungent criticism of Pakistan's 'lying and cheating' just days before his visit. On the other hand, he took some steps, including lifting the ban on overflights through Pakistan's airspace to create an impression of reasonableness in time for his Washington visit.

We Indians do not take kindly to such strong words from foreign leaders. We feel hurt and show our hurt publicly. In the old days, what Mr. Trump said would have led to demonstrations in front of the American embassy. We also get carried away by flattery. As they say, even god loves flattery, but governments cannot afford to take praise at face value. Thus, our ego gets inflated when we are told that India has a major role to play in the Indo-Pacific.

The concept of the Indo-Pacific is nothing but containment of China by another name. The Japanese Prime Minister takes credit for coining the phrase, suggesting that the name implies the importance of India in this region. He has his own problems with China, and Japan is a close ally of America. The two no doubt work closely with each other and coordinate their actions in this area. But India has its own interests and

concerns about China which are not shared by others. All 'strategic' experts are of one view, namely, in the event of a major crisis with China, we shall have to depend solely on ourselves; no other country will come to our help in any meaningful way. This calls for a certain amount of distancing ourselves from the game that other powers are playing. Surely, the experts in the government are conscious of these factors, especially now that we have a seasoned diplomat at the helm of Foreign Office.

The 'K' word

To come back to Kashmir, we are justified in our position that there can be no talks with Pakistan unless and until Islamabad effectively stops cross-border terrorism emanating from its territory. The question is: does either country really want to resolve the issue? It is not enough for either country to say that it wants to solve the problem.

When Pakistan says this, it means withdrawal of all Indian forces from the whole of Jammu and Kashmir, followed by a referendum. When India says it wants to resolve the problem, it means the vacation by Pakistan of its presence from the whole of Jammu and Kashmir. Pakistan's interpretation of the UN resolution is patently wrong; the resolution calls for withdrawal of all forces under Pakistan's control first. But it has managed to create a narrative of self-determination for the Kashmiri people which is largely swallowed by other countries.

It makes sense for the Pakistan military not being keen on resolving the conflict, because it will lose its relevance and pre-eminent position in society once the Kashmir problem is out of the way. Surely that is not the case with the Indian military. India's military is highly disciplined and apolitical and will follow whatever the civilian government decides.

If each country wants to solve the problem only on its terms, it will never be solved. In any negotiation, both sides have to compromise, which means neither side will get all it demands. The only realistic and practical way out is the conversion of the Line of Control into an international boundary, with suitable, minor adjustments.

We did make this offer during the Bhutto-Swaran Singh talks in 1962-63. We even offered an extra 1,500 sq.km to Pakistan, but the latter wanted the whole State, except for the district of Kathua. It is obvious that neither country has the political courage or the mandate to officially put forward this proposal now or ever. Thus, the issue will not be solved bilaterally and will remain with us for a long, long time. And some might say 'so be it'.

3. GENDER EQUALITY

The Global Gender Gap report for 2018 said that the widest gender disparity is in the field of political empowerment. To cite the Inter-Parliamentary Union 2018 report, women legislators account for barely 24% of all MPs across the world.

However, the experience of the top-ranked countries in the IPU list does give an indication of how women's presence in political spaces took an upward turn in those nations.

Rwanda, a landlocked nation with a population of 11.2 million, tops the list, with 61.3% seats in the Lower House and 38.5% in the Upper House occupied by women. Since 2003, the country has implemented a legislated quota of 30% in all elected positions, which has enabled a steady inflow of women parliamentarians after successive elections. Its Constitution has also set a quota of 30% in all elected offices. However, some believe that the higher representation of women in the country cannot be attributed solely to quotas — women were thrust into the political limelight due to the huge vacuum that emerged in the aftermath of the 1994 genocide, which resulted in a large chunk of the country's male population getting killed.

Leader in the Caribbean

Cuba, the largest Caribbean island nation with a population of about 11.1 million, holds the second rank, with 53.2 % seats of its 605-member single House being occupied by women representatives. The Communist dispensation in Cuba did not opt for legislated gender quotas, but does follow a practice akin to voluntary quota systems. However, Cuban women are less represented at the local level, where candidates are selected by the local communities that often overlook women candidates.

Sweden, the fifth-rank holder in the IPU, has a professedly feminist government and has maintained a women's parliamentary representation of at least 40% since 90s. The 349-member single House, Swedish Parliament, now has 161 women with 46.1% representation. Sweden does not have any constitutional clause or electoral law earmarking representation for women in elected bodies. The issue of compulsory gender quota didn't find favour in Sweden as it was believed that such a quota will create reverse discrimination and violate the principles of equal opportunities. Almost all political parties there have adopted measures to ensure a fair representation for women at all levels. In 1993, the Social Democratic Party adopted the 'zipper system', described as "a gender quota system whereby women and men are placed alternately on all party lists." This further boosted women's seat share.

Nepal's example

Closer home, Nepal occupies the 36th position in the IPU and its 275-member Lower House has 90 women, about 32.7% of the total strength. The Nepal Constitution stole a march over many others in the South Asia by earmarking 33% seats for women in all state institutions, including the legislature.

India, at 149 among the 192 countries in the IPU list, had barely 11.8% women's representation in the 16th Lok Sabha, which improved to 14.5% in the current Lower House. At least seven out of the 29 States have not sent a single woman MP. The 108th Constitutional Amendment Bill stipulating 33% quota for women in the Parliament and in State Assemblies remains in political cold storage. The system of voluntary party quotas, which has worked well in many countries, is not likely to cut much ice in India's deeply embedded patriarchal society. As has happened in the case of panchayats and municipalities, only a legally mandated quota could perhaps ensure a large-scale entry of Indian women into the higher echelons of political power.

4. POPULATION CONTROL

On July 11, World Population Day, a Union Minister expressed alarm, in a Tweet, over what he called the "population explosion" in the country, wanting all political parties to enact population control laws and annulling the voting rights of those having more than two children. Just a month earlier, a prominent businessman-yoga guru wanted the government to enact a law where "the third child should not be allowed to vote and enjoy facilities provided by the government". This, according to him, would ensure that people would not give birth to more children.

Both these demands are wayward and represent a warped thinking which has been rebutted rather well in the Economic Survey 2018-19. The Survey notes that India is set to witness a "sharp slowdown in population growth in the next two decades". The fact is that by the 2030s, some States will start transitioning to an ageing society as part of a well-studied process of "demographic transition" which sees nations slowly move toward a stable population as fertility rates fall with an improvement in social and economic development indices over time.

Dangerous imagery

The demand for state controls on the number of children a couple can have is not a new one. It feeds on the perception that a large and growing population is at the root of a nation's problems as more and more people chase fewer and fewer resources. This image is so ingrained in the minds of people that it does not take much to whip up public sentiment which in turn can quickly degenerate into a deep class or religious conflict that pits the poor, the weak, the downtrodden and the minorities against the more privileged sections. From this point to naming, targeting and attacking is a dangerous and short slide. The implications of such an approach are deep and wide but not easily understood because the argument is couched in sterile numbers and a rule that, it would seem, applies to all sections equally. On the contrary, what is suggested is the ugliest kind of discrimination, worse than physical attacks or social prejudice because it breaks the poor and the weak bit by bit, and in a very insidious way.

Policy of choice

The fig leaf of population control allows for the outrageous argument to be made that a family will be virtually ostracised and a citizen will be denied his or her basic rights if he or she is born as the third child. This has of course never been public policy in India.

In fact, a far-sighted and forward-looking National Population Policy (NPP) was introduced in 2000 when Atal Bihari Vajpayee was the Prime Minister. The essence of the policy was the government's commitment to "voluntary and informed choice and consent of citizens while availing of reproductive health care services" along with a "target free approach in administering family planning services". This is a position reiterated by various governments, including the present government on the floor of both Houses of Parliament. For example, in March 2017, the then Minister of State (Health and Family Welfare), Anupriya Patel, in a written reply in the Lok Sabha noted that the "family Planning programme in India is target free and voluntary in nature and it is the prerogative of the clients to choose a family planning method best suited to them as per their reproductive right".

The then Health Minister, J.P. Nadda, has said pretty much the same thing. About a year ago, he articulated the "lifecycle framework" which looks to the health and nutrition needs of mother and child not merely during pregnancy and child birth but "right from the time of conception till the child grows…

carrying on till the adolescent stage and further". This argument is not about denying services but about offering choices and a range of services to mother and child on the clear understanding that the demographic dividend can work to support growth and drive opportunity for ordinary people only when the population is healthy.

Crucial connections

Thus, family health, child survival and the number of children a woman has are closely tied to the levels of health and education of the parents, and in particular the woman; so the poorer the couple, the more the children they tend to have. This is a relation that has little to do with religion and everything to do with opportunities, choices and services that are available to the people. The poor tend to have more children because child survival is low, son preference remains high, children lend a helping hand in economic activity for poorer households and so support the economic as well as emotional needs of the family. This is well known, well understood and well established.

As the National Family Health Survey-4 (2015-16) notes, women in the lowest wealth quintile have an average of 1.6 more children than women in the highest wealth quintile, translating to a total fertility rate of 3.2 children versus 1.5 children moving from the wealthiest to the poorest. Similarly, the number of children per woman declines with a woman's level of schooling. Women with no schooling have an average 3.1 children, compared with 1.7 children for women with 12 or more years of schooling. This reveals the depth of the connections between health, education and inequality, with those having little access to health and education being caught in a cycle of poverty, leading to more and more children, and the burden that state control on number of children could impose on the weakest. As the latest Economic Survey points out, States with high population growth are also the ones with the lowest per capita availability of hospital beds.

In fact, demographers are careful not to use the word "population control" or "excess population". The NPP 2000 uses the world "control" just thrice: in references to the National AIDS Control Organisation; to prevent and control communicable diseases, and control of childhood diarrhoea. This is the spirit in which India has looked at population so that it truly becomes a thriving resource; the life blood of a growing economy. Turning this into a problem that needs to be controlled is exactly the kind of phraseology, mindset and possibly action that will spell doom for the nation. It will undo all the good work that has been done and set the stage for a weaker and poorer health delivery system — exactly the opposite of what a scheme such as Ayushman Bharat seeks to achieve. Today, as many as 23 States and Union Territories, including all the States in the south region, already have fertility below the replacement level of 2.1 children per woman. So, support rather than control works.

Scars of the past

The damage done when mishandling issues of population growth is long lasting. Let us not forget that the scars of the Emergency are still with us. Men used to be part of the family planning initiatives then but after the excesses of forced sterilisations, they continue to remain completely out of family planning programmes even today. The government now mostly works with woman and child health programmes. Mistakes of the Emergency-kind are not what a new government with a robust electoral mandate might like to repeat. So it is time to ask some of the prejudiced voices within the government and ruling party not to venture into terrain they may not fully understand.

5. US – CHINA - INDIA

The U.S. President Donald Trump's latest gaffe has introduced another thorn in what is now clearly an unsettled India-U.S. relationship. His claim, on Monday, that India sought U.S. mediation in Kashmir will pinch the Narendra Modi government more because it strikes at a vital interest: India's territorial integrity. But if we had been more attuned to international shifts, we would have noticed that structural trends in South Asia have been changing over the past several years. While India's hand is not as strong as we sometimes believe it to be, there might be opportunities to leverage the international situation further down the road.

Perceived advantage

If we step back and evaluate the India-Pakistan equation over the past five years, what stands out is that both sides proceeded from a perception that each holds an advantageous position. India's confidence emanated from Mr. Modi's electoral victory in 2014 that yielded a strong Central government and expectations of stable ties with all the major powers. Mostly overlooked in India, Pakistani leaders too have displayed confidence that the international environment was moving in a direction that opened options for Pakistan that were unavailable in the previous decade. This included the renewed patterns of Pakistan's ties with the U.S. and China, with the latter reassuring Pakistan and, most importantly, the Army on their respective strategic commitments and bilateral partnerships. In the U.S.'s case, this appears to have been undertaken discreetly to avoid ruffling India's feathers, with the result that the enduring aspects of U.S.-Pakistan ties remained obscure, but still very real. In the past few days, the resilience of that relationship has come out into the open. Let us not ever forget that this is a military alliance forged in the 1950s. Historically, U.S. policymakers have always sought to restore the alliance with Pakistan whenever Islamabad's ties with China became stronger. India has borne the brunt of this recurring geopolitical dynamic.

Much of Pakistan's contemporary leverage can of course also be traced to the ongoing phase of the Afghan conflict. It fended off the most dangerous phase when U.S. policy might have shifted in an adversarial direction, or instability in the tribal frontier areas might have completely exploded. Thus, the Pakistan Army perceives itself in a position of strength where Washington, Beijing, and even Moscow have recognised Pakistan's role in a future settlement on the conflict in Afghanistan. So, both India and Pakistan perceive themselves to be in a comfortable strategic position. At any rate, the evolving roles and interests of third parties are becoming significant again, and how Delhi leverages the international environment will determine the success of its overall policy.

Pakistan's benefactors

Both the U.S. and China have overlapping interests in regional stability and avoidance of a major subcontinental conflict. While each maintains deep ties with Pakistan for different reasons, it is unclear to what extent their longer term interests coincide with India, which seeks a structural transformation in Pakistan's domestic politics and external behaviour. The U.S. and China appear content with, or probably prefer, a Pakistan with a strong Rawalpindi, along with competent civilian governance structures and an elite with a wider world view. A Pakistan that looks beyond South Asia could be a useful potential partner in burden sharing, ironically for both the U.S. and China. For Washington, the Pakistan Army is an insurance card for persisting security challenges such as regime survival for U.S. client states in West Asia as well as for the containment of Iran. For China, a stable Pakistan can be a partner in the Belt and Road

initiative and future continental industrial and energy corridors. As the writer Andrew Small underlines, Beijing's large economic investments "come with some clear expectations about the choices that Pakistan's political and military leadership make about their country's future".

In sum, both the U.S. and China seek a strong, stable and secure Pakistan that controls its destabilising behaviour because that undermines their wider regional interests. For the U.S., a revisionist Pakistan pulls India inward and away from potential India-U.S. cooperation on Asian geopolitics. For China, it undermines its industrial and connectivity projects in Pakistan, while negatively impacting India-China ties. Hence, evolving interests of the great powers in South Asia might not necessarily portend an adverse geopolitical setting for India in the medium term. This is even more plausible if the widening comprehensive national power gap between a rising India and an unstable Pakistan make the latter's traditional role as a balancer or spoiler unattractive in the eyes of the great powers. As Pakistani scholar Hussain Haqqani predicts, "You can try to leverage your strategic location as much as you like, but there will come a time... when strategic concerns change."

So, while it is reasonable to forecast that both the U.S. and China benefit from a more normalised Pakistan, India's policymakers should also remain clear-eyed that neither country would be willing to expend much strategic capital in an ambitious policy to reorder the domestic scene or civil-military relations in Pakistan. In any case, Indian statecraft is essential to reorient perceptions of the great powers. Maintaining that India has the right and the capacity to adopt an active defence posture — that is, blocking the flow of cross-border terror by proactive operations on the Line of Control (LoC) along with reserving the option for more ambitious punitive strikes in response to major terrorist attacks on Indian military targets — would play an important part in shaping how third parties view Indian interests and thereby assume constructive roles in managing Pakistani behaviour.

If India ever asks third parties to assist in the region, it should be for a cessation of Pakistan's proxy war in Kashmir, and, once an atmosphere of peace has been established, to persuade Pakistan to accept the LoC as part of a final territorial settlement similar to the offer by Indira Gandhi in the 1972 Shimla negotiations.

6. RIGHT TO INFORMATION

Amendments should not downgrade the status of information panels

Any amendment to a law is bound to be viewed with suspicion if no fundamental need is seen for the changes it proposes. Amendments passed by the Lok Sabha to the Right to Information Act are so obviously unnecessary that naturally many see an ulterior motive. It is difficult not to concur with activists who contend that the amendments pose a threat to the freedom and autonomy of Information Commissions at the Central and State levels. The Central Information Commissioner, the corresponding authorities in the States (State Information Commissioners) and other Information Commissioners at both levels are statutory functionaries vested with the power to review the decisions of public information officers in government departments, institutions and bodies. The amendments propose to modify the status, tenure and conditions of appointment of these Commissioners and empower the Union government to set their tenure and remuneration. While the original law assured incumbents of a fixed five-year term, with 65 as the retirement age, the amendments say the Centre would decide their tenure. In one stroke, the security of tenure of an adjudicating authority, whose mandate is to intervene in favour of information-seekers against powerful regimes and bureaucrats, has been undermined. The original legislation says the salary and terms and conditions of service of the CIC are the same as those of the Chief Election Commissioner, equal in status to a Supreme Court judge. Similarly, the other Information Commissioners at the Central level have the same conditions of service as Election Commissioners. At the State level, the SIC has the same terms and conditions of service as Election Commissioners, while other Information Commissioners are equated with the Chief Secretary of a State.

The government claims its aim is to 'rationalise' the status of the authorities. It argues that while the Chief Election Commissioner is a constitutional functionary, the CIC is only a statutory authority. And while the CEC is equal in status to a Supreme Court judge, it would be incongruous for the CIC to enjoy the same status as the CIC's orders are subject to judicial review by the high courts. This is a fallacious argument as even the Election Commission's decisions can be reviewed by high courts. Protecting citizens' right to information is a cause important enough for adjudicating authorities to be vested with high status and security of tenure. Given the extent to which the RTI Act has empowered citizens and helped break the hold of vested interests over the administration, the law has always faced a threat from many in power. The RTI Act was a consensus law and a product of public consultation. The present amendments have not been put to any debate. The government would do well to drop the Bill or at least send it to a parliamentary select committee for deeper scrutiny.

7. CHENNAI WATER CRISES

The public discourse on Chennai's ongoing water crisis has been along predictable lines. Source augmentation, deepening of waterbodies and giving rainwater harvesting a renewed emphasis are among the suggestions being made, apart from demand-side management. But these ideas, however well-meaning they may be, have their limitations. There is a compelling need for a paradigm shift in the way the water crisis is being viewed.

When it comes to source augmentation, in the last 40 years, a couple of major projects were taken up for Chennai to tap both fresh water and sea water.

The Krishna Water Supply Scheme or Telugu Ganga Project (1996) and the New Veeranam Project (2004) were implemented using two important inter-State rivers — the Krishna and the Cauvery, both of which depend on the southwest monsoon (June-September).

Though the Krishna Water Supply Scheme, if realised fully, can take care of at least half of the Chennai Metropolitan Area (CMA)'s projected water demand of 1,721 million litres a day (MLD) for 2020, Tamil Nadu has not received the assured quantum from Andhra Pradesh even once in the last 20+ years. As regards the Cauvery project, the 'upper-riparian attitude' of Karnataka determines the flow to Tamil Nadu. In effect, realisation of water by Chennai hinges on nature and inter-State ties, both of which are, more often than not, unpredictable.

Tapping stone quarries

Another source since 2017 for the city has been the abandoned stone quarries located on the outskirts, from where water is drawn for public water supply after treatment.

Further, two desalination plants of 100 MLD each were commissioned in 2010 and 2013. Work has begun on another desalination plant of 150 MLD while steps are on to set up another 400 MLD unit. However, given the costs and environmental concerns, it is unlikely that Chennai can afford to stretch this option beyond a point.

Deepening of tanks and lakes, a popular option, is easier said than done. Issues such as the costs involved in removing and transporting the silt and inadequate disposal arrangements have bothered the authorities to such an extent that nothing much has been done.

As regards rainwater harvesting (RWH), it cannot be a panacea and site-specific requirements will have to be kept in mind while putting up RWH structures. The model of storing rainwater and reusing it may demonstrate the efficacy of RWH.

Many of the options being suggested to overcome the distress situation faced by Chennai have been tried out in the past. Yet, just one bad monsoon has pushed the city to yet another water crisis. This scenario may get repeated in the future too.

Even if there are bountiful monsoon years, the prospects of Chennai becoming a water-surplus city are remote. An official document prepared a few years ago estimated that the CMA, which covers not only Chennai Corporation but also nearby municipalities, town panchayats and village panchayats, will have a shortfall of 1,089 MLD in 2020. Even assuming that the southern peninsula experiences good southwest and northeast monsoons this year, the gap can come down only by a maximum of 400 MLD.

A note available on the website of The Energy and Resources Institute states, quoting the Central Public Health and Environmental Engineering Organisation, that the average water supply in urban local bodies of the country is 69.25 litres per capita per day (LPCD) against the service level benchmark of 135 LPCD. For a metropolitan city like Chennai, the benchmark goes up to 150 LPCD. If one were to go by the admission of Chennai Metrowater, the service level achieved in March 2018 was 112 LPCD. This is why the need for a paradigm shift becomes all the more important.

Waste-water recycling

Just as in many other Indian cities, the concept of waste-water recycling and re-use has not yet caught the imagination of either the authorities or the public in a big way. The demand-supply gap will be a permanent feature of urban India unless society realises the critical importance of recycling and re-use of water. It needs to be noted here that on an average, 85 litres of water goes waste for every 100 litres utilised.

There is also another reason why the concept ought to be popularised. According to information furnished by the Centre, while urban areas of the country generate 61,948 MLD of sewage on a daily basis, the installed capacity of sewage treatment plants (STPs) is just 23,277 MLD. This means that only 37.5% of sewage generated can be treated. As per a conservative estimate, Chennai generates about 930 MLD of sewage, whereas its STPs can handle 727 MLD. With rapid urbanisation, the space for new plants is hardly available in peri-urban areas of Chennai, a scenario applicable to any other city in India. As a result, the city's rivers and canals have been reduced to carriers of raw sewage. Over and above these reasons, one of the targets set under the 2030 Agenda for Sustainable Development, adopted by UN member-countries in 2015, is to halve the proportion of untreated waste water.

Non-consumptive use

There are numerous ways through which waste water can be treated at the point of generation. Several Information Technology companies, located outside the city limits, have adopted the concept as they have their own STPs and use the treated water for non-consumptive purposes such as gardening and flushing toilets. Some high-end residential apartments too have begun implementing the idea.

Realising the potential benefits, Chennai Metrowater has at last launched work on establishing two tertiary treated reverse osmosis plants of 45 MLD each. The process will involve sewage treatment in three stages and will use reverse osmosis system through which most of the dissolved solids and bacteria will be removed from the treated sewage.

Besides, projects are on to experiment with the idea of conjunctive use of fresh water and treated sewage — mixing treated sewage with fresh water by letting it into the lakes of Porur and Perungudi. These are only some modes of water treatment, the scope for which is enormous and still untapped.

All said, a wise society cannot allow itself to become complacent once the rainy season starts. The present debate needs to be taken forward so that waste water is reused and recycled in an imaginative and optimal way. This way, Chennai can take pride in being a water-wise society.

8. AIDS

The Joint UN programme on AIDS, commonly known as UNAIDS, is facing one of the worst challenges afflicting the global AIDS response — this time an existential threat questioning its very relevance. The UN Secretary-General, António Guterres, is expected to appoint a new executive director after the departure of Michel Sidibé in May 2019 on the recommendation of the programme coordinating board which manages the organisation. There are strong contenders from Africa and the U.S. in the reckoning among those who have been shortlisted.

A pivotal role

At such a crucial time, it is disturbing to hear voices again questioning the relevance of UNAIDS for the global response.

There are suggestions that AIDS should go back to the World Health Organisation (WHO) where it originally belonged to some 25 years ago. And that the new executive director should be equipped with an exit strategy to wind up the organisation.

Since its establishment in 1994, UNAIDS has been able to successfully mobilise world opinion to mount an exceptional response to an epidemic which has consumed over 20 million lives with still no effective treatment or cure. The UN General Assembly Special Session (UNGASS) 2001 was a game changer with the adoption of a political resolution that itself was exceptional in many ways. The creation of a Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) and the slashing of prices of AIDS drugs by Indian generics have brought treatment within the reach of many countries. Today some 22 million people are under antiretroviral therapy (ART) and preventing mother-to-child transmission of HIV has become an achievable goal by 2020. The organisation has provided leadership to many countries which in 10 years (2001-2010) could halt the epidemic and reverse the trend.

The epidemic is still alive

However, at a time when it should be leading the global response to end AIDS as a public health threat, the organisation has started to falter in its strategy. First came the extremely optimistic messaging blitz that the world was going to see the end of AIDS very soon. This is far from true. Regions such as eastern Europe and Central Asia and West Asia are nowhere near reaching that goal, with many countries such as Russia witnessing a raging epidemic among drug users and men who have sex with men (MSM) communities. With the top leadership in UNAIDS exhorting countries to bring AIDS “out of isolation” and integrate with health systems, the political leadership in many countries have thought that AIDS is no more a challenge.

Second has been the thinking that the AIDS epidemic can simply be treated away by saturating anti retroviral (ARV) coverage. Nothing could be farther from the truth. It is forgotten that AIDS affects the poor, the marginalised and criminalised communities disproportionately as they face challenges in accessing the ‘test and treat’ programmes. The ever increasing number of young people who are joining the ranks of vulnerable populations do not get prevention messages like in the past. National programmes do not any more consider condoms, sexual education and drug harm reduction as central to the prevention of HIV transmission that results from unprotected sex and drug use. Funding for non-governmental organisations and community-based organisations working on prevention has virtually dried up.

Third has been the weakening of country leadership of UNAIDS in many high-prevalence countries. Senior country-level positions are, in many instances, held by people who do not possess the core competence to constructively engage political leadership to undertake legal reforms and provide access to services to marginalised populations.

Weakening activism

But the biggest setback has been the lost voice of vulnerable communities which was the main driving force of AIDS response in the decade after UNGASS. Activism surrounding AIDS has suddenly fizzled out emboldening many countries, especially in Africa, to further stigmatise and discriminate by enacting new laws that criminalise vulnerable sections of society.

To add to its woes, the charges against one of the senior most staff and his exit from the organisation have seriously compromised UNAIDS at a time when the global response needs its leadership the most. The new executive director will have an unenviable task of not just restoring the credibility and relevance of the organisation but strengthening its presence at country level and making it more meaningful to the communities which look to it for leadership. The new executive director has to work relentlessly to place prevention of the epidemic and empowering communities at the centre of global response.

With 1.7 million new infections and one million deaths occurring every year, we can't afford to drop the ball half way. The commitment to end AIDS by 2030 is ambitious but not impossible to achieve. What we need is a re-energised UNAIDS with a strong and fearless leadership from a person of high integrity and commitment along with a sincere effort to remove the deadwood from the organisation. Any thought of winding it up or giving the mandate back to WHO would be suicidal at this moment.

9. NAGALAND

The Nagaland government's move to compile a Register of Indigenous Inhabitants of Nagaland (RIIN) opens up possibilities in the context of the decision to link the register to the Inner Line Permit (ILP) system without a consensus on the definition of an 'indigenous inhabitant'.

One such possibility is of RIIN pushing the negotiators engaged in the ongoing Naga peace talks to articulate new and hardened positions on the contentious issue of integration of contiguous Naga-inhabited areas.

Though the official notification on RIIN has not mentioned a cut-off date to compile the proposed register, the authorities in Nagaland have till date issued indigenous inhabitant certificates using December 1, 1963 as the cut-off date. Nagaland was inaugurated as India's 16th State on this date following the '16-point agreement' between the government of India and the Naga People's Convention on July 26, 1960.

Opposition from NSCN (I-M)

The National Socialist Council of Nagalim (Isak-Muivah), which has been engaged in peace talks with the government of India since 1997, has opposed the compilation of RIIN asserting that "all Nagas, wherever they are, are indigenous in their land by virtue of their common history".

A statement issued by the 'Ministry of Information and Publicity' of the self-styled Government of the People's Republic of Nagalim reads: "The present move of the State government to implement [the] Register of Indigenous Inhabitants of Nagaland (RIIN) is contradictory to the inherent rights of the Nagas. It is politically motivated to suit the interest of the groups advocating for the '16-Point Agreement'. The 'Nagaland State' does not and will not represent the national decision of the Naga people. It was formed purely to divide the Nagas." The self-styled government of the People's Republic of Nagalim is the parallel government run by the NSCN(I-M).

On June 29, the Nagaland government notified that RIIN "will be the master-list of all indigenous inhabitants" of the State. All those to be included will be issued "barcoded and numbered indigenous inhabitant certificates". It added that all existing indigenous inhabitant certificates would become invalid once the process of compiling RIIN is completed and fresh certificates issued.

RIIN is different from Assam's National Register of Citizens (NRC) as exclusion or inclusion in RIIN is not going to determine the Indian citizenship of anyone in Nagaland.

Three conditions

Since 1977, a person, in order to be eligible to obtain a certificate of indigenous inhabitants of Nagaland, has to fulfil either of these three conditions: a) the person settled permanently in Nagaland prior to December 1, 1963; b) his or her parents or legitimate guardians were paying house tax prior to this cut-off date; and c) the applicant, or his/her parents or legitimate guardians, acquired property and a patta (land certificate) prior to this cut-off date.

The compilation of RIIN also involves the complexities of deciding claims in respect of children of non-Naga fathers as well as non-Naga children adopted by Naga parents.

If the Nagaland government goes ahead with a compilation of RIIN with this cut-off date, then all Naga people who have migrated to the State from the neighbouring States of Assam, Manipur and Arunachal Pradesh and elsewhere in India after this day will have to be excluded.

The NSCN(I-M) statement adds, "Nothing is conclusive on the Naga issue, until and unless a mutually agreed honourable political solution is signed between the two entities. Therefore, any attempt to dilute the final political settlement by justifying any past accord of treasons should be seriously viewed by all Nagas."

This clearly indicates the opposition the Nagaland government may have to face if it goes ahead with the move to compile RIIN. The Centre and the NSCN (I-M), which is the largest among all armed Naga rebel groups, signed a Framework Agreement in 2015, the content of which has still not been made public, in turn leaving room for speculation on the contentious issue of integration of all contiguous Naga-inhabited areas of Assam, Nagaland, Manipur and Arunachal Pradesh.

Unless otherwise clarified through an official notification, the proposed linking of RIIN with the ILP system may require large numbers of non-indigenous inhabitants of Dimapur district, more particularly the commercial hub (Dimapur town), to obtain an ILP to carry out day-to-day activities. Most of them migrated from other States and have been carrying out trade, business and other activities for decades. Migration also explains the higher density of population in Dimapur district (409 persons per sq. km) when compared to all the other districts in the State. The ILP is a travel document issued by the government of India to allow a 'domestic tourist' to enter Nagaland, and is valid for 30 days.

Streamlining ILP

The Supreme Court, on July 2, dismissed a Public Interest Litigation seeking a directive against the Nagaland government's move to implement the ILP in the entire State including Dimapur district, which had so far been kept out of the purview of the ILP system.

A report prepared by the government, in collaboration with the UNDP in 2009, gave information on migration patterns in Nagaland. Titled 'Rural-Urban Migration: A Thematic Report', it said that in 2001, Assam was the State with the highest number of migrants to Nagaland (19,176 people), followed by Bihar (7,249 people) and Manipur (4,569 people). A large section of people (about 45% of them in the case of Assam, 59% in the case of Bihar and 25% in the case of Manipur) had migrated for better employment and business opportunities.

While the move to streamline the ILP system to curb the influx of "illegal migration" to Nagaland has been welcomed by civil society, public opinion is still divided on compiling RIIN without a consensus on the cut-off date.

As the Nagaland government has begun a consultation process on RIIN, it will be under pressure to de-link the work of streamlining the ILP mechanism from the proposed register and put it on hold till the ongoing peace process concludes and the final solution is worked out.

Besides this, the complexities that may arise in streamlining the ILP mechanism due to non-issuance of domicile certificates or permanent residence certificates to a large number of non-Naga, non-indigenous inhabitants could also make the task even more difficult for the Neiphiu Rio-led Nagaland government.

10. Chandrayaan-2

A decade after the first successful mission to the moon with Chandrayaan-1, the Indian Space Research Organisation successfully launched its sequel, Chandrayaan-2, to further explore the earth's natural satellite. Earlier this year, China landed a robotic spacecraft on the far side of the moon, in a first-ever attempt. Now India is attempting a similar feat — to land its rover Pragyan in the moon's South Polar region, attempted so far by none. The equatorial region has been the only one where rovers have landed and explored. The launch by itself is a huge achievement considering that it is the first operational flight of the indigenously developed Geosynchronous Satellite Launch Vehicle Mark-III (GSLV Mark-III) to send up satellites weighing up to four tonnes. The orbiter, the lander (Vikram) and the rover (Pragyan) together weigh 3.87 tonnes. Having reached the earth parking orbit, the orbit of the Chandrayaan-2 spacecraft will be raised in five steps or manoeuvres in the coming 23 days before it reaches the final orbit of 150 x 1,41,000 km. It is in this orbit that Chandrayaan-2 will attain the velocity to escape from the earth's gravitational pull and start the long journey towards the moon. A week later, on August 20, the spacecraft will come under the influence of the moon's gravitational pull, and in a series of steps the altitude of the orbit will be reduced in 13 days to reach the final circular orbit at a height of 100 km. The next crucial step will be the decoupling of the lander (Vikram) and the rover (Pragyan) from the orbiter, followed by the soft-landing of the lander-rover in the early hours of September 7. Despite the postponement of the launch from July 16 owing to a technical snag, the tweaked flight plan has ensured that the Pragyan robotic vehicle will have 14 earth days, or one moon day, to explore.

Unlike the crash-landing of the Moon Impact Probe on the Chandrayaan-1 mission in November 2008, this will be the first time that ISRO is attempting to soft-land a lander on the earth's natural satellite. A series of braking mechanisms will be needed to drastically reduce the velocity of the Vikram lander from nearly 6,000 km an hour, to ensure that the touchdown is soft. The presence of water on the moon was first indicated by the Moon Impact Probe and NASA's Moon Mineralogy Mapper on Chandrayaan-1 a decade ago. The imaging infrared spectrometer instrument on board the orbiter will enable ISRO to look for signatures indicating the presence of water. Though the Terrain Mapping Camera on board Chandrayaan-1 had mapped the moon three-dimensionally at 5-km resolution, Chandrayaan-2 too has such a camera to produce a 3-D map. But it will be for the first time that the vertical temperature gradient and thermal conductivity of the lunar surface, and lunar seismicity, will be studied. While ISRO gained much with the success of Chandrayaan-1 and Mangalyaan, the success of Chandrayaan-2 will go a long way in testing the technologies for deep-space missions.

11. What's NEXT?

National Exit Test should overcome legal and political opposition and avoid the NEET way

In its second iteration, the National Medical Commission (NMC) Bill seems to have gained from its time in the bottle, like ageing wine. The new version has some sharp divergences from the original. Presented in Parliament in 2017, it proposed to replace the Medical Council Act, 1956, but it lapsed with the dissolution of the Lok Sabha. The NMC will have authority over medical education — approvals for colleges, admissions, tests and fee-fixation. The provisions of interest are in the core area of medical education. The Bill proposes to unify testing for exit from the MBBS course, and entry into postgraduate medical courses. A single National Exit Test (NEXT) will be conducted across the country replacing the final year MBBS exam, and the scores used to allot PG seats as well. It will allow medical graduates to start medical practice, seek admission to PG courses, and screen foreign medical graduates who want to practise in India. Per se, it offers a definite benefit for students who invest much time and energy in five years of training in classrooms, labs and the bedside, by reducing the number of tests they would have to take in case they aim to study further. There are detractors, many of them from Tamil Nadu — which is still politically opposing the National Eligibility-cum-Entrance Test (NEET) — who believe that NEXT will undermine the federal system, and ask whether a test at the MBBS level would suffice as an entry criterion for PG courses.

The Bill has also removed the exemption hitherto given to Central institutions, the AIIMS and JIPMER, from NEET for admission to MBBS and allied courses. In doing so, the government has moved in the right direction, as there was resentment and a charge of elitism at the exclusion of some institutions from an exam that aimed at standardising testing for entry into MBBS. The government also decided to scrap a proposal in the original Bill to conduct an additional licentiate exam that all medical graduates would have to take in order to practise, in the face of virulent opposition. It also removed, rightly, a proposal in the older Bill for a bridge course for AYUSH practitioners to make a lateral entry into allopathy. It is crucial now for the Centre to work amicably with States, and the Indian Medical Association, which is opposed to the Bill, taking them along to ease the process of implementation. At any cost, it must avoid the creation of inflexible roadblocks as happened with NEET in some States. The clearance of these hurdles, then, as recalled from experience, become fraught with legal and political battles, leaving behind much bitterness. NEXT will have to be a lot neater.

12. SEBI

Sucking up surplus

SEBI needs financial autonomy to remain effective as the chief markets regulator

The Centre's decision to clip the wings of the Securities and Exchange Board of India has not gone down too well with its members. Yet, the Centre is refusing to budge. In a letter dated July 10, SEBI Chairman Ajay Tyagi said the Centre's decision to suck out SEBI's surplus funds will affect its autonomy. SEBI employees had also written to the government with the same concern. As part of the Finance Bill introduced in Parliament, the Centre had proposed amendments to the Securities and Exchange Board of India Act, 1992 that were seen as affecting SEBI's financial autonomy. To be specific, the amendments required that after 25% of its surplus cash in any year is transferred to its reserve fund, SEBI will have to transfer the remaining 75% to the government. On Friday, the government rejected the plea from SEBI's officials asking the government to reconsider its decision, thus paving the way for further conflict. Prima facie, there seems to be very little rationale in the government's decision to confiscate funds from the chief markets regulator. For one, it is highly unlikely that the quantum of funds that the government is likely to receive from SEBI will make much of a difference to the government's overall fiscal situation. So the amendment to the SEBI Act seems to be clearly motivated by the desire to increase control over the regulator rather than by financial considerations. This is particularly so given that the recent amendments require SEBI to seek approval from the government to go ahead with its capital expenditure plans.

A regulatory agency that is at the government's mercy to run its financial and administrative operations cannot be expected to be independent. Further, the lack of financial autonomy can affect SEBI's plans to improve the quality of its operations by investing in new technologies and other requirements to upgrade market infrastructure. This can affect the health of India's financial markets in the long run. In the larger picture, this is not the first time that the government at the Centre has gone after independent agencies. The Reserve Bank of India and the National Sample Survey Office have come under pressure in recent months, and the latest move on SEBI adds to this worrisome trend of independent agencies being subordinated by the government. The Centre perhaps believes it can do a better job of regulating the economy by consolidating all existing powers under the Finance Ministry. But such centralisation of powers will be risky. Regulatory agencies such as SEBI need to be given full powers over their assets and be made accountable to Parliament. Stripping them of their powers by subsuming them under the wings of the government will affect their credibility.

13. SUDAN

new beginning

The pact between the military and civilian protesters may help Sudan turn a democracy

Sudan's ruling military council and representatives of the pro-democracy movement have signed a power-sharing agreement, signalling that its disputed transition to civilian rule is on track. Ever since President Omar al-Bashir's fall in April amid anti-regime protests, the military leaders who seized power and the protesters have been on a confrontational path. The protesters' demand for an immediate transfer of power to a civilian transitional government to be followed by free and fair elections was resisted by the powerful, deeply entrenched military. As the stand-off continued, a paramilitary unit attacked protesters in Khartoum on June 3, killing at least 128 people. But protesters still didn't give up. This, along with pressure from the African Union and foreign countries, appears to have convinced the generals they could not anymore amass absolute power, as they did under Mr. Bashir's three-decade-long rule. Ethiopian and African Union mediators brought both sides for talks and they reached the power-sharing agreement. Under the deal, a sovereign council of 11 members — five military and five civilian members and one to be selected based on consensus — will rule for over three years. A general will lead it for the first 21 months and a civilian leader for 18 months. The security apparatus will be controlled by the military; the ministries will get civilian leaders.

While this agreement clearly charts a new course for the crisis-hit country, it doesn't guarantee a smooth transition from military to civilian rule. There still exists deep distrust between the generals and the pro-democracy movement. When protests erupted in December over soaring food prices, Mr. Bashir used multiple tactics, from oppression to introducing changes in the Cabinet, to control the situation. But he had to go as the generals turned against him in April. The military council then had an opportunity, like the military in Tunisia after the fall of the dictator Zine El Abidine Ben Ali in January 2011, to return to the barracks and let the civilian leadership assume power and shape the country's future. But Sudan's military not only refused to give up its powers but also massacred the protesters who challenged them. Even though both sides have now agreed to share power, the finer details of the agreement are yet to be hammered out. It is to be seen how the transitional government would find a balance between the military's quest to retain its privileges and the revolutionaries' demand for change. It is still not clear whether the military is ready to support a full democratic transition. The framing of a new Constitution will be another challenge as there are different power centres with conflicting interests. More important, there has to be an independent investigation into the June 3 violence, and whoever is responsible should be brought to justice. Then it will at least be a good beginning for a long journey to democracy and accountability.

14. RAPE CASE

Ignoring the proportionality principle

The High Court's verdict in the Shakti Mills rape case disregards several judicial standards & precedents

The Bombay High Court last month handed down a judgment upholding the validity of Section 376E of the Indian Penal Code, which authorises the award of either a life sentence or the death penalty to perpetrators upon a second rape conviction.

The Section had been challenged by three of the accused in the Shakti Mills rape case, who had been sentenced to death by a trial court in 2014. Section 376E is among a slew of recent laws that have expanded the scope of death penalty to beyond cases of homicide, and primarily to incidents of rape. Its constitutionality has been challenged on multiple grounds, primarily due to disproportionality of the punishment.

The High Court's reasoning in upholding the law, however, is open to criticism. The constitutional standard that courts must apply when testing laws on the touchstone of Articles 14 (right to equality) and 21 (right to life) of the Constitution is that of "proportionality". In the context of criminal law and sentencing, proportionality asks whether a particular punishment strikes an adequate balance between the gravity of the crime, the interests of the victim and of society, and the purposes of criminal law. Further, the principle of proportionality calls for a striking down of laws that are excessively harsh or disproportionate.

Violation of rights

In 2015, the Supreme Court in the Vikram Singh case limited the application of the proportionality standard to situations where the punishment was "outrageously barbaric". Subsequent judgments of larger benches — such as in the Modern Dental College case and the Aadhaar case — have made it clear that where the question of rights violations is concerned, the proportionality test has to be more detailed, and has four prongs: first, there must be a legitimate state aim being pursued by the provision; second, there needs to be a rational nexus between the impugned provision and the aim; third, the impugned measure must be the least restrictive method of achieving the aim; and fourth, there must be a balance between the extent to which rights are infringed, and public benefit to be attained from the legislation. In particular, the third prong asks whether there exists an alternative method of achieving the same goal that does not infringe rights to the same degree.

In the Shakti Mills case, given the permanent and irrevocable nature of the death penalty, there arose a fundamental question. This pertained to whether the legislative objective, of increasing the punishment for a certain category of offences to demonstrate social abhorrence towards such offenders, and to create deterrence, could be adequately fulfilled by a sentence of life imprisonment. However, instead of addressing this issue, the Court relied entirely on the fact that the law had been passed with the intention of deterring rapes.

While it is true, in general, that in questions of criminal sentencing, there is a broad presumption in favour of the state, simply stopping at that is not adequate for a court. Proportionality by its very nature precludes a complete deference to the state when it comes to adjudicating on the violations of fundamental rights. However, the Court did not at any point scrutinise the reasons that would have potentially justified the state's decision to go for death penalty in the case of a non-homicidal crime. Had it applied the proportionality standard in this way, the outcome may have been different.

Another striking aspect of the judgment is the Court's discussion of the severe effect of rape on women and society. The court declaimed that rape is far worse than murder, and used that notion to hold that the death penalty was proportionate.

A regressive paradigm

Such reasoning is steeped in regressive stereotypes of shame and stigma. This represents vestiges of the notion that a woman is a man's property, as argued by American jurist Ruth Bader Ginsburg in her amicus brief before the U.S. Supreme Court in Coker v. Georgia case (1977).

The Justice Verma Committee, which was set up to suggest amendments to criminal law after the Delhi gang-rape incident, specifically argued that the state and civil society need to deconstruct and change the 'shame-honour paradigm' with relation to rapes, and treat them as an offence against the body. It is troubling that the Bombay High Court conceded to this regressive paradigm.

While non-homicidal crimes might be devastating in the harm that they cause, they cannot, as stated by the U.S. Supreme Court in the Kennedy v. Louisiana case (2008), compare to murder in their "severity and irrevocability". The petitioner in the Shakti Mills case had also relied on judgments of the United States Supreme Court such as Coker v. Georgia and Kennedy v. Louisiana, in which provisions that stipulated death penalty for non-homicidal offences were struck down. However, the Bombay High Court refused to even engage with the arguments on the basis that "the U.S. Courts treat crimes of rape as crimes against individuals, unlike Indian law, which treats an offence of rape not only as a crime against the victim but, as a crime against the entire society."

The Court, however, provided no source for this odd claim. It is in the very nature of 'criminalising' an offence, instead of treating it as a civil wrong, that the act is deemed to be an offence against society, whether in India, or in the U.S.

Ignoring the American parallels

The American judgments specifically dealt with intricate issues, such as proportionality and harm principle, and the manner in which a court must probe the aims and objectives achieved by such a provision. It would have been a beneficial exercise for the Bombay High Court to deal with those arguments.

As courts around the world, including the Indian Supreme Court, have recognised, death penalty is a form of punishment qualitatively different from any other. It is permanent and irrevocable, rules out any possibility of correcting an error if found later, and denies the possibility of reform and rehabilitation. It is for this reason that the Supreme Court has repeated many times that the death penalty must only be imposed in the "rarest of rare" cases, and this is also why the recent proliferation of statutes expanding the scope of the death penalty, often as knee-jerk responses to public outrage, is a cause for concern.

In this situation, it is of utmost importance for courts to scrutinise such laws carefully, and on the touchstone of constitutional standards. In this regard, the Bombay High Court's judgment falls short. It engages in excessive deference to the 'will' of the state and does not enter into any judicial analysis of whether the death penalty in these circumstances was at all justified under the doctrine of proportionality, and whether any other lesser form of punishment would have sufficed. The judgment also repeats gendered stereotypes about the nature of rape to substantiate the Court's conclusions, and dismisses, without engagement, insights from other courts grappling with similar issues.