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Weekly Editorial Analysis (WEA)

12th June 2021

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Note -

- **The Newspaper clippings pasted in PDF are important from Mains point of view as it contains the fodder material for Mains Answer Writing.**
- **Also watch DND video lectures everyday @ 4 PM on Sleepy's YouTube channel in order to understand how to get the most out of everyday's Newspaper .**

Click here to watch the following topics on YouTube

1. The dream of a borderless world

Issue

- Migrants being turned back by xenophobic immigration policies at the Mexican border, of vulnerable hungry people moving from Somalia to Jordan, or Bangladesh to India, or of a white policeman suffocating an African-American with his knee pressed into his neck, the more I am compelled to think that the world needs to rise above the frenzy of labels of race, gender, caste, religion and political bias, and begin, instead, to address as one people the issues that are far more crucial to humanity

Possible	Not possible
Globalization is here to stay	Rise of Nationalism
COVID 19 Pandemic	Income Inequality
Digitalization	population distribution
Climate change	Limited resources

2. The promise and perils of digital justice delivery

Current Challenges	
Limited resources	fewer prosecutors, clerks, judges, and employees Huge pending cases
Overuse of paper	huge costs and inefficiencies in producing, transporting, and storing such quantities of paper requires significant staff time
Transparency.	paper-based procedures create opportunities for corruption

The e-Courts Project: Background

- The e-Committee of the Supreme Court of India recently released its draft vision document for Phase III of the e-Courts project.
- Phases I and II had dealt with digitisation of the judiciary, i.e., e-filing, tracking cases online, uploading judgments online, etc. This has helped in easing justice delivery procedures.
- Phase III of the e-Courts project, reaffirms its commitment to the digitisation of court processes, and plans to upgrade the electronic infrastructure of the lower judiciary and enable access to lawyers and litigants.

Need for e-Courts project: Delay in Justice

- As per the National Judicial Data Grid:

  ✓Around 17% of all cases in district and Taluka Courts are three to 5 years old;

  ✓More than 20% of all cases in High Courts are 5-10 years old, and over 17% are 10-20 years old.

  ✓Over 57 lakh cases are pending before various HCs

  ✓Over 66,000 cases are pending before the Supreme Court

✓Over 3 crore cases are pending before various District and Subordinate courts

Live streaming	
Issues	**Benefits**
security concerns	uniformity and standardisation of data
Infrastructure	Efficient and time saving
Housing of Data With Home Ministry- No clarity	Accessible to distant states
Fear of Surveillance	Transparency and access to justice.

3. South Asia's healthcare burden

Current situation

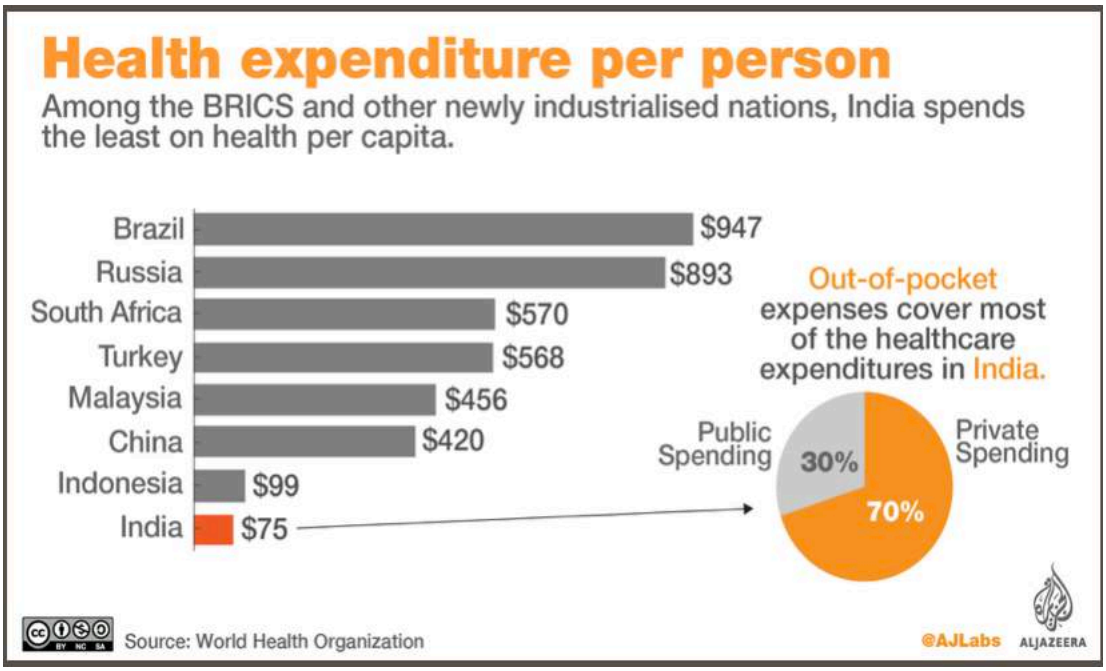
- On May 18 this year, India recorded 4,529 deaths from COVID-19, the highest daily death toll recorded in the world after the United States in January saw 4,468 deaths.

Neighbours

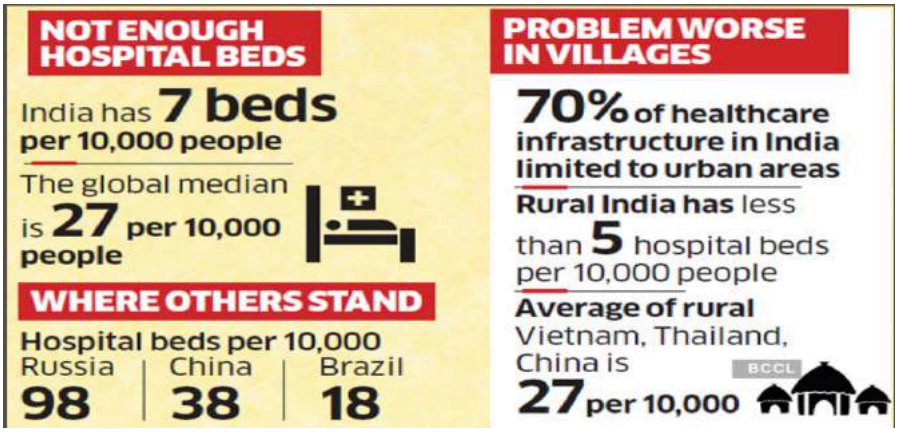
- The virus has swept through Nepal, while Sri Lanka added as many as 78,218 cases in May.
- Pakistan crossed over 200 daily deaths in April, its highest since the pandemic started.
- The situation in Bangladesh is precarious, given the recent detection of the highly contagious Delta variant.

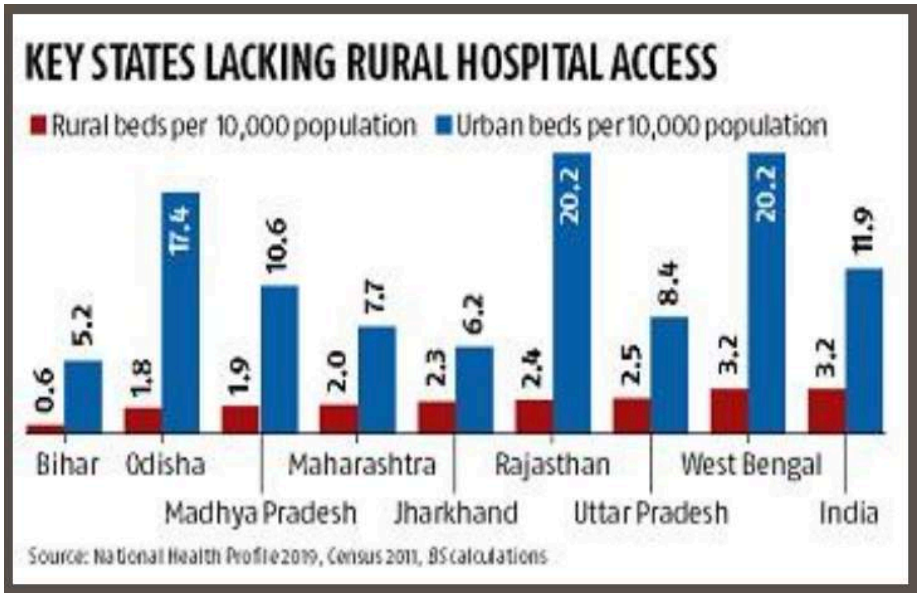
Bhutan

- Bhutan is the only exception, with only one death and 1,724 cases so far.
- The country's success stems from a well-funded and prepared public health system with stringent measures, responsible citizenship, and an accountable government.



COVID-19 PANDEMIC
HOW PREPARED ARE WE?
India vs some other OECD countries
India 0.8
China 2.0
US 2.6
UK 2.9
Germany 4.3
Doctors per 1,000 people
LATEST DATA AVAILABLE (BETWEEN 2015-2018); SOURCE: OECD
creative


NOT ENOUGH HOSPITAL BEDS
India has 7 beds per 10,000 people
The global median is 27 per 10,000 people
WHERE OTHERS STAND
Hospital beds per 10,000
Russia 98
China 38
Brazil 18
PROBLEM WORSE IN VILLAGES
70% of healthcare infrastructure in India limited to urban areas
Rural India has less than 5 hospital beds per 10,000 people
Average of rural Vietnam, Thailand, China is 27 per 10,000
BCCL


KEY STATES LACKING RURAL HOSPITAL ACCESS
Rural beds per 10,000 population
Urban beds per 10,000 population
0.6
5.2
1.8
17.4
1.9
10.6
2.0
7.7
2.3
6.2
2.4
20.2
2.5
8.4
3.2
20.2
3.2
11.9
Bihar
Odisha
Madhya Pradesh
Maharashtra
Jharkhand
Rajasthan
Uttar Pradesh
West Bengal
India
Source: National Health Profile 2019, Census 2011, BS calculations

India Vs Bangladesh Vs Pakistan

- Bangladesh and Pakistan fare no better, with a bed to patient ratio of 0.8 and 0.6, respectively, and a doctor availability of less than one for every 1,000 people
- While ideally, out-of-pocket expenditure should not surpass 15% to 20% of the total health expenditure, for India, Bangladesh and Pakistan, this figure stands at an appalling 62.67%, 73.87% and 56.24%, respectively.
- In Pakistan, even amidst the pandemic, the defence budget was increased by 12% in the fiscal year 2020-21, to $7.85 billion, while the spending on health remained around $151 million.
  Bangladesh, with decades of underfunding culminating in a crumbling public healthcare system, pushing people to opt for private medical care even if it means exorbitant health payments.
- Major public sector investments by the 'big three' of South Asia, i.e., India, Pakistan, and Bangladesh, are towards infrastructure and defence, with health taking a backseat.

Learning from Southeast Asia

- Prioritised investments in healthcare systems while broadening equitable access through universal health coverage schemes.
- From **Vietnam's** preventive measures focused on investments in disease surveillance and emergency response mechanisms, to even countries like **Laos and Cambodia** making a constant effort towards improving the healthcare ecosystem, all have done much better than their South Asian peers.

Need

- Learning from the devastation unleashed by the pandemic, South Asian countries must step up investment in their public healthcare sectors to make them sustainable, up to date and **pro-poor; most importantly, the system should not turn its back on citizens**.
- Given the high chances of another wave or even the impending crisis of climate change, stopgap measures ought to be replaced by a well- thought-out **vision and political commitment** for long-term healing.

4. Bring genomic sequencing into the pandemic fight

- If there is one tool in the COVID-19 pandemic response, which India has been slow in adoption and has used sub-optimally, it is genomic sequencing.
- An effective COVID-19 pandemic response requires, inter alia, keeping track of emerging variants (total 10 till now including variants of interest and concern) and then conducting further studies about their transmissibility, immune escape and potential to cause severe disease.
- Therefore, genomic sequencing becomes one of the first steps in this important process.
- When the success of the United States and the United Kingdom in containing the virus is discussed, a lot of credit is being given to the increasing vaccination coverage; however, it is often forgotten that alongside, these countries have scaled up genomic sequencing, tracked the emerging variants and used that evidence for timely actions.
- India seems to be faltering on both expanding vaccination coverage and genomic sequencing. Unfortunately, there is not enough attention to scale up genomic sequencing, which as per the original plan was supposed to cover 5% of confirmed COVID-19 cases

insufficient genomic sequencing

- Though the procedural steps such as setting up the Indian SARS-CoV2 Genomic Consortia, or INSACOG have been taken, the sequencing has remained at a very low level of a few thousand cases only.
- It is no surprise that we understand the Delta variant (B.1.617.2, the original lineage B.1.617 was first reported from Maharashtra, India in October 2020) far less than the Alpha variant (B.1.1.7, first reported from Kent, England in September 2020) reported just a month before Delta.
- The challenge of insufficient genomic sequencing is further compounded by the pace at which data is being shared, especially when the emergence of strains is so vital in tracking and responding to a pandemic.
- Reportedly, the Indian government took two weeks, from early March — when research scientists submitted information on new variants — to issue a public announcement on the variants on March 24, 2021

The Delta strain

- By April 2021, the Delta variant became the most circulating variant in Delhi and was found in nearly 60% of the samples analysed
- is 50% more transmissible than the Alpha variant (which already had 70% higher transmissibility over the ancestral virus)
- is likely to be associated with high viral load, as reflected by the declining Ct value (for RT-PCR) over the study period and resulted in a higher proportion of breakthrough infection (people already vaccinated getting infected). the Delta variant responsible for the pandemic wave (which was fourth for the city state) in Delhi in April-May 2021.
- However, studies did not find any difference in severity of disease or case fatality rate due to the Delta variant and suggested the need for further studies.

Importance of understanding of Variants

- Our scientific knowledge and understanding about emerging strains is going to be the key to deploy public health interventions (vaccines included) to fight the pandemic.

Steps needed	
scale up genomic sequencing	track state and district-level trends in circulating variants large urban agglomerations Make National level analysis
scientific and operational research	needs to invest and support more scientific and operational research on vaccine effectiveness
Behaviour	early indications of immune escape and reduced vaccine effectiveness against the Delta variant (especially after one shot).
Use evidence for actions	Continuation of many unproven and ineffective therapies in COVID-19 treatment guidelines is proof that India is not quick in adopting evidence to the practice to use scientific evidence to decide policies, modify strategies and take corrective actions

- The emerging variants — with early evidence of higher transmissibility, immune escape and breakthrough infections — demand continuous re- thinking and re-strategising of the pandemic response by every country.
- Scientific research would make a difference only if it results in informed policy decisions. There are a few steps Indian policy makers should consider as urgent.

5. A necessary reversion

- Prime Minister Narendra Modi taking the podium to announce that the month-old decision to leave States to procure vaccines on their own for their 18-44 population would be ending in two weeks.

Supreme court

- States were allowed to procure 25% of the vaccines manufactured and the Centre 50%, a policy that the Supreme Court termed "irrational and arbitrary".

New policy

- From June 21, the Centre will be procuring 75% and States will no longer have to pay vaccine companies for the same. Vaccines will continue to be free for all those who choose to get their shot at government centres.
- The 25% vaccines that were allotted to private hospitals will continue too, though the service charges that they charge will be capped at ₹150. This ceiling price on vaccines in hospitals will bring predictability and be hugely beneficial to citizens.

6. Behavioural change can reduce transmission

- Most of us in India will agree that there are two large parts to this pandemic: medical science and human behaviour. Universal vaccination will reduce infections, but with vaccine availability currently challenging, 'herd immunity' is still many months, if not years, away.

Role of in behavioural science, that we can employ to improve mask wearing and other COVID-19 prevention measures.	
Need basic information	• why masks are effective in preventing COVID-19 transmission. We also need to know who should wear them, when and where • The COVID-19 KAP survey shows that scientists and health experts are the most trusted sources of information on COVID-19, followed by the World Health Organization, television, newspapers, radio, and local health workers • Infographics and statistics that explain how masks have prevented infection transmission is important.
Not everyone has the same information needs	• Some don't believe that masks prevent COVID-19 infection whereas some know and agree that masks do prevent infection but don't wear them consistently or correctly
Communicate the benefits of mask wearing	• Highlight stories that show how COVID-19 infections are low among communities where mask wearing is high
Create a positive social norm around mask wearing	• Use Advertisements, messages and visuals all positively reinforce mask wearing.
Enforce correct and consistent mask wearing	• Police & each individual should influence the people around us
Need compassionate leadership	• At every level ,head of a family to the head of a country, leaders have to lead with empathy, and build and hold the trust of the people they lead
Responsible media	• Many channels sow more panic than positivity • Need brave and honest reporting

- Data from a global survey of COVID-19 knowledge, attitudes and practices (KAP) produced by the Johns Hopkins Center for Communication Programs show that from July 2020 to March 2021, India saw a 5% drop in mask wearing. In the two-week period starting on March 15, 84% reportedly wore masks. However, the number varied sub-nationally and it was not measured whether the mask wearing was correct or consistent.

7. The red flags on the trail of the virus

Role of biotechnology

- With advances in biotechnology, it is now possible to genetically engineer existing pathogens to make them more lethal and difficult to treat.
- Higher mortality and ethnic specificity could be the other features of such new, synthesised organisms or viruses. A possible antidote or vaccine would only be accessible to those conducting such research.

Wuhan Institute of Virology (WIV).

- Dr. Peter Daszak of the EcoHealth Alliance obtained grants from the U.S. National Institutes of Health and subcontracted research to a group headed by Dr. Shi Zhengli at the WIV.
- Dr. Daszak claimed in a 2019 interview that after six or years of research, over 100 new SARS-related coronaviruses, some of which were introduced into human cells in the lab, caused SARS disease in humanised mice and were untreatable. The research carried out involved the creation of novel, life-threatening and pandemic-creating viruses.
- The WIV operates a Biosafety level-4 (BSL-4) facility.
- Its deficient safety had been flagged by U.S. inspectors, but there is no record of any remedial action.
- A 2018 inspection report stated that the facility did not have appropriately trained professionals to safely operate the BSL-4 laboratory .
- A former Israeli intelligence official and visiting fellow at the Institute for Defence Studies and Analyses, Dany Shoham, now with the Bar Ilan University, Israel, has linked the WIV to China's biological weapons programme
- Why were American funds made available to a Chinese laboratory to conduct sensitive research? No doubt because it was less expensive and dangerous to carry out the experiments in China. Besides, U.S. funding ensured it would have access to the experiments conducted at the WIV. In a recently released email
- Dr. Daszak thanked the Director of the U.S. National Institute of Allergy and Infectious Diseases, Dr. Anthony S. Fauci, for publicly stating that scientific evidence supported a natural origin for the coronavirus and not a lab release.

China's reactions

- Admittedly, it is difficult to distinguish between a naturally occurring event, an accidental release of a genetically modified pathogen, or its deliberate use. Because of this and the lingering suspicions, it is the responsibility of the institution and the country where the first outbreak occurred to establish the facts.

- China has done the opposite. It has covered up facts and impeded the investigation.
- The WIV head of coronavirus research, Shi Zhengli's database on SARS-like viruses went offline just before the virus outbreak in Wuhan. Countries demanding greater transparency and accountability have been either denounced or 'punished' by China.
- China's vehement opposition to further investigations, actions to suppress facts from getting out, and reluctance to share data only fuel the suspicion that China has something to hide.
- The release of the findings of the World Health Organization (WHO) dismissed the lab- leak as "extremely unlikely" actually energised the controversy instead of laying it to rest.
- Subsequently, the WHO called for further studies on the virus origins and said that all hypotheses remained on the table, dismissing the earlier findings as non-definitive.

Present and future dangers

- Whether this was a negligent or wilful act can never be proven, but it is evident that the research at the WIV — bioengineering more lethal coronavirus variants — crossed ethical boundaries.

Biological and Toxin Weapons Convention (BWC)

- The 1972 Biological and Toxin Weapons Convention (BWC) — formerly known as the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction — has no systems to verify compliance with its prohibitions, nor any enforcement mechanisms to penalise infringement of its provisions.
- These shortcomings have been repeatedly highlighted in the five-yearly Review Conferences of the BWC, but the state parties to the BWC have been unable to agree on any measures to address them, thus compromising on biosecurity and wilful breaches of the Convention.
- Smallpox and other viruses have escaped from secure laboratories before.
- The coronavirus research conducted in the WIV for years is an example of science that has run amok, without ethical restraints or any code of conduct for the scientists, who appear to be bereft of any accountability.
- Such action threatens the very existence of humankind.
- This is why China's role requires closer scrutiny.

8. Towards a stronger mental health strategy

- Mental health issues are a major health challenge in the world today. According to the World Health Organization (WHO), there is a 10-25-year life expectancy reduction in patients with severe mental disorders

India

- India introduced the National Mental Health Policy (NMHP) in 2014, and a rights-based Mental Healthcare Act in 2017, which replaced the Mental Healthcare Act of 1987.
- The NMHP, National Health Mission, National Adolescent Health Programme, and Ayushman Bharat have the necessary components to address the mental health issues of all sections of the population. But more needs to be done in the context of COVID-19, which has exacerbated mental illnesses everywhere.

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Mental health indicators

- Studies in The Lancet Public Health (2019) revealed that median mental health spending across the world was around 2% of the total government health expenditure in 2015.
- In the case of low-income countries, it was around 0.5% of their health budget; for lower- middle-income countries, it was 1.9%; for upper-middle-income countries, 2.4%; and for high-income countries, 5.1%. There was higher allocation in developed countries than in developing countries.
- Government expenditure on hospitals dealing with mental health issues as a percentage of total government expenditure on mental health is 1.3% in India; in developed countries, it ranges from 3% to 15%.
- In India, the share of mental hospitals per 1,00,000 population is as low as 0.01 in line with developing countries, according to the WHO.
- This may possibly be due to the lack of focussed attention given to mental health compared to other major diseases in India.
- In the distribution of mental health units in general hospitals (per 1,00,000 population) globally, in 2016, India was ranked 114 with just 0.03 units per 1,00,000 population.
- India was at the 99th position in the distribution of mental health outpatient facilities (per 1,00,000 population), with 0.18 units per 1,00,000 population. India was also at the 64th position in the distribution of mental health day treatment facilities (per 1,00,000 population).
- Residential mental health services, particularly community ones, are an important component for good quality mental health care.
- In most industrialised economies, there has been a growth of community healthcare facilities in line with the increase in patients with mental health issues.
- Research also shows that long-term patients with mental health issues are usually admitted to residential facilities.
- The distribution of community residential facilities globally for the median year 2016 showed India at the 58th position, with 0.017 units per 1,00,000 population among the WHO member countries.
- The people working in the mental health sector help us understand mental health issues better.
- Here, India was ranked 107 with 0.292 per 1,00,000 population. Nurses, social workers and psychologists working in the mental health sector (per 1,00,000 population) in India are 0.796, 0.065, and 0.069, respectively.
- The leading countries in each of these three areas have 150.3, 145.4, and 222.6 per 1,00,000 population.
- India's ranking in this context among the WHO member countries was 97, 79 and 104, respectively.

Mental illnesses

- Mental illnesses include anxiety disorders, psychotic disorders, mood disorders, substance use disorders, personality disorders and eating disorders.
- The majority of suicides in the world are related to psychiatric problems or to the illnesses listed above.

- Death by suicide is a complex phenomenon and not fully reported.
- Globally, the suicide rate was 10.6 per 1,00,000 population whereas in India, it was 16.3 per 1,00,000 in 2016. The suicide rate was higher among males compared to females.
- Mental health may not be the primary concern in developing economies like India as there may be other communicable and non-communicable diseases which may be more prevalent.
- There are also challenges regarding funding, delivery of mental health packages, lack of trained staff, etc.
- However, these challenges need to be considered more seriously in the wake of COVID-19 as mental health issues are widely prevalent among the Indian population due to lockdowns and related issues.
- Recent reports published in Lancet revealed that one in seven people in India had a mental disorder ranging from mild to severe in 2017. Also, the proportional contribution of mental disorders to the total disease burden had doubled between 1990 and 2017.
- Mental disorders include depressive and anxiety disorders, schizophrenia and bipolar disorder. This situation was generally worse in the southern States compared to the northern States due to the nature of development, modernisation, urbanisation and other factors not understood yet.
- Depressive disorders were more prevalent among females than males which could be due to sexual abuse, gender discrimination, stress due to antenatal and postnatal issues and other reasons.

Measures needed

- India could reduce the treatment gap for mental disorders, increase the number of personnel in the mental health sector, work towards reducing discriminatory attitudes, and devise an integrated approach for detecting, treating, and managing patient needs.
- More counselling facilities, especially in rural areas, with special support for women through the provision of women doctors are needed.
- More telemedicine, telephone-based helpline numbers, and mental health apps could help. Communities and families have an important role in this regard and so do community-based programmes.
- School-based programmes on mental health can improve the mental health of children.
- More fund allocation for treatment of mental health, especially to those States in need of funds, could do wonders.
- The pandemic may be the best time to explore various policy options including creating online mental health awareness.
- There needs to be a road map for mental health awareness.
- This should include the traditional media, government programmes, the education system, industry, and social media. Media awareness and government involvement is already happening in India but both can improve.
- It is high time that industry and private sector companies set up counselling facilities. The application of big data and crowd sourcing ideas may help us in informed decision- making.

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9. State interventions, Lakshadweep's future

- Four controversial proposals — the Lakshadweep Development Authority Regulation, Prevention of Anti-Social Activities Regulation, Lakshadweep Panchayat Regulation and Lakshadweep Animal Preservation Regulation — as "regulations of peace, progress and good government", has apparently not even been able to convince the Union Home Minister.
- For the local people, and across the political spectrum, these changes are arbitrary, authoritarian and will destroy the way of life. The Administrator's fresh response is reliance on the power of government or 'public purpose' for acquiring private land, unnecessarily opening the door to conflict and the Supreme Court.

Lakshadweep Development Authority Regulation, 2021	• To oversee the development of towns on the islands, with sweeping changes in the way land can be acquired and utilized. • It defines development as the carrying out of building, engineering, mining, quarrying or other operations in, on, over or under land, the cutting of a hill or any portion thereof or the making of any material change in any building or land or in the use of any building or land
Lakshadweep Prevention of Anti-Social Activities Regulation	• It allows for detention for anti-social activities from six months to a year without legal representation.
Panchayat Regulation 2021	• Aims to bar people with more than two children from becoming a member of the gram panchayat.
Lakshadweep Animal Preservation Regulation	• Seeks to ban the slaughter of cow, calf, bull, and buffalo without a certificate from a competent authority. • It prohibits the sale, transport, and storage of beef and beef products. Penalties include a jail term of up to one year and a fine of Rs 10,000
Serving liquor to tourists	• The Administration has decided to allow liquor to be served at resorts on inhabited islands. • Currently, prohibition is in place on all inhabited islands, with liquor served only at resorts on the uninhabited Bangaram Island. • The Dist Collector clarified that liquor permits would be given only to resorts for tourists, not for locals

Dev Sharan vs State of Uttar Pradesh, in 2011

- The Supreme Court pointed out that, "Any attempt by the State to acquire land by promoting a public purpose to benefit a particular group of people or to serve any particular interest at the cost of the interest of a large section of people especially of the common people defeats the very concept of public purpose...."

Uniqueness of Lakshadweep

- It is an egalitarian coconut tree owning society, with little economic inequality, a very high level of both literacy and unemployment.
- The Muslim community is designated as Scheduled Tribes.
- The land area is fully covered with coconut trees, the main agricultural crop, and fisheries is the main economic activity employing a quarter of the working population.
- Electricity generation is mainly through diesel generators and is expensive and solar electricity has limitations as it requires a large land area.

- They need employment in the mainland.

Lakshadweep Vs Maldives

- The Lakshadweep Administration has framed the development issue as the development of the islands on the lines of the Maldives, whereas the fact is that it is adopting a very different strategy without any real consultation.
- First in Maldives, tourism since the 1970s is centred on water villas in uninhabited islands, ensuring that very few coconut trees are cut with limited home stays introduced in 2015, and few cultural and other conflicts.
- Second, a 'one island, one resort' policy has kept pressure on reefs low due to a wide distribution of the tourist population.
- Third, the business model is about giving coral reefs economic significance where rich and healthy reefs are essential for private capital's economic returns.
- Fourth, tourists come because of the natural beauty and the sheer amount of marine life; resort owners commit to conserve the reefs and divers at the resorts are quick to report illegal activities.
- Fifth, regulation is limited to ban on reef fishing and collection of corals, having no centrality to land acquisition.
- In Lakshadweep, the separation of resorts from villages, including for drinking water, sewage disposal and electricity, gives priority to the fragile ecosystem, socio-economic conditions and well-being of the inhabitants.
- Groundwater occurs as a thin lens floating over the seawater and is tapped by open wells replenished by the monsoon; all the inhabited islands have a scarcity of drinking water supply.
- The conventional method of sewage treatment is not feasible because of the coral sandy strata and high water table.
- The existing water balance is already under stress and inhabited villages cannot accommodate tourism. Why the Ministry of Environment is quiet about this is not clear.

Political insensitivity

- Meanwhile, public interest is being re-defined, shifting the debate from private tourism to urbanisation, both inappropriate for inhabited islands.
- Despite inhabited islands being defined as 'cities' in the Census, they do not need to be developed as 'smart cities' with a focus on infrastructure requiring large-scale construction and land acquisition.
- The irony is that the Administration has anticipated public opposition and, despite there being no case of murder, robbery or local involvement in smuggling, the new draft legislation seeks preventive detention for 'anti-social activities', and covers "cruel person" and "depredator of environment".
- The relation between state and society is being arbitrarily changed, despite the constitutional protection.
- The powers of the panchayats have been withdrawn on grounds of corruption, an unusual step.
- The two-child policy for those seeking election to panchayats does not exist in other Union Territories or States. A ban on beef has been instituted, contrary to the practice in Northeast India.

- Liquor is being permitted for tourists in inhabited islands.

Innovation needed

- Lakshadweep is a uni-district Union Territory with a top-heavy administrative system of more than half-a-dozen All-India Service officers essentially creating work for themselves.
- Interventions should be limited to setting boundary conditions for both resorts and development institutions, with income from taxing resorts given to the inhabitants.
- Active state intervention should be limited to generation of electricity in partnership with public sector units, and water, sewage and health as well as education, technology- enabled employment in call centres and future employment in the mainland.

10.The proportionality principle

- Every war is tragic. Every civilian death is a world lost. Nevertheless, when legal discourse is applied to a war, legal terminology, concepts, and resulting conclusions should be accurately implemented. One common misconception concerns the term 'proportionality'. Particularly, it is the argument that proportional use of force is a numbers game; that one only needs to compare the number of casualties on each side of the conflict in order to deduce which side used force disproportionately. From a legal standpoint, this notion is flawed. Had this been true, many NATO operations would have been guilty of being disproportionate and unlawful.

What proportionality means

- The principle of proportionality is defined as the obligation to refrain from "any attack which may be expected to cause incidental loss or injuries to civilians, or damage to civilian objects, which would be excessive in relation to the concrete and direct military advantage anticipated".

What does this mean in practice?

- At the outset, it may be useful to stress what 'proportionality' does not mean: clearly, it does not address casualties in a collective manner pertaining to the whole conflict, but rather, refers to particular attacks; it does not address only civilian casualties and damage, but also the intended military advantage; and it is not examined in hindsight, but before the attack takes place.
- The proportionality principle means that before every military strike, military commanders must assess two factors.

First

- They must examine the concrete and direct military advantage anticipated from an attack, when naturally, the neutralisation of some targets would have a higher advantage than others.
- In order to offer such advantage, the target must be a military target, such as a weapons depot.
- Importantly, a seemingly civilian object, used by the adversary for military purposes (for example, a residential building used to store weapons) may be considered a lawful target.

Second

- The commanders must assess, based on reasonably available information at the time of the attack, what the expected collateral damage would be.

- They must assess how many civilians, if any, will be present in the area of the planned attack.
- Then they must assess the extent of expected damage to civilian property, including indirect damage that is to be accounted for, such as infrastructure.
- Lastly, they must implement all feasible precautions to mitigate harm to civilians and civilian objects.
- If the assessment of the two factors leads to the conclusion that the expected damage to civilians or civilian objects is deemed excessive in relation to the anticipated military advantage, carrying out an attack would be unlawful.
- It follows that not every civilian death in armed conflict necessarily testifies to a breach of international law.
- This principle of proportionality is the way that the law, created by states, saw fit to balance the military needs of states, who fight to protect civilians, with humanitarian imperatives.

Wrongfully blamed

- How is the principle of proportionality affected when instead of protecting its civilians, Hamas intentionally conducts its military activity from within densely populated areas? How is Israel expected to protect its major cities from Hamas rockets, when these rockets are developed, built and launched from within Gazan civilian population? Hamas is committing a double war crime – endangering Israeli civilians by targeting them and endangering Gazan civilians by using them as human shields. What does international law require Israel, a law-abiding state, to do, when facing Hamas' unlawful tactics?
- The law of armed conflict states that when civilian presence is used to shield military objectives from attacks, that presence does not grant the target immunity. When Hamas commits the double war crime of attacking Israeli children, schools and airports from within its own civilian population, the analysis of the situation would be distorted if its criminal behaviour is not taken into account.
- Despite Hamas's blatant disregard for the law or its citizens' well-being, Israel does everything feasible in order to prevent or at least minimise harm to the Palestinian civilian population, often at the cost of operational advantage.
- • In doing so, Israel employs precautions that exceed the requirements of international law, as well as the practices commonly employed by advanced militaries of western states.
- Fighting an enemy that deliberately abuses the law of armed conflict raises grave challenges for Israeli soldiers. Nevertheless, Israeli commanders apply international law, including the principle of proportionality, in every military action.

Why is Hamas using its own population as human shields?

- This brings us back to the misconception of the principle of proportionality, and the knee-jerk reaction that ignores the question, who put Gazan civilians in danger in the first place?
- In other words, Hamas pays no price for its war crimes and often it is Israel that is wrongfully blamed. This situation provides an incentive to Hamas to continue with its heinous practices.

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11.The murky space of 'social audio'

Clubhouse app

- Clubhouse is a social networking app in its most basic sense, but the way people interact is considerably different.
- After opening the Clubhouse app, users are presented with a list of virtual rooms to join.
- Each room features a small group of speakers talking about any topic imaginable.
- In contrast, the rest of the users are audience members that sit back and listen to the conversation at hand.
- The entire experience is audio-only, with users able to switch between rooms whenever they'd like, request to speak in one of these rooms, or create their own room for others to join.
- Users can never turn on their camera to stream video or use text to say something.
- As noted in a blog post, the company says, "Clubhouse is voice-only, and we think voice is a very special medium. With no camera on, you don't have to worry about eye contact, what you're wearing, or where you are

Issues

- Traditional methods of content moderation may not work here-Audio- based interactions are faster and in real time, mirroring real-life far closely than text-based interactions
- Cyberbullying and trolling, driven by sexism, racism and communalism, can be even more damaging.
- Lack of end-to-end encryption
- According to a report by the Stanford Internet Observatory, the back- end infrastructure of Clubhouse is supplied by a Chinese start-up called Agora. The report also mentions a possibility of the Chinese government accessing raw audio, as well as other security flaws
- Experts opine, the platform's practices are violative of numerous provisions of Europe's General Data Protection Regulation (GDPR), including rules on security, proportionality and necessity principles and confidentiality of communications.
- Clubhouse also seeks permission to access users' contacts, which is a significant privacy concern, as it gives the app information about people who might never even join it in the first place.
- Even if the company isn't interested in espionage, Clubhouse sessions could be used to develop user profiles and associated marketing messages. Gartner's Henein said that audio files of freeform conversations may seem to have little value on the surface, but the data could be used for sentiment analysis.
- Any regret from errant words in email, chat messages, social media commentary, ephemeral message services, Tweets or similar will be amplified to roaring levels through voice. "We speak more quickly than we can think, and voices are infinitely and indelibly more attributable to people and personalities than typed words

- It is important to note that India still lacks a stringent data protection law, and thus, its users are far more susceptible to data breaches and privacy violations.
- Currently, the Central government and WhatsApp are locked in a legal battle over the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which require breaching encrypted channels to trace the originator of messages.
- The lack of end-to-end encryption in Clubhouse could thus make it an easy tool for government surveillance

The big picture

- The rise of Clubhouse cannot be studied in isolation. It is one of the several apps that have grown popular during the COVID-19 pandemic, as millions of people stuck in their homes look for new methods to communicate with each other.
- But its flaws aside, Clubhouse, with its promise of revolutionising social media and communication through audio rooms, represents an attempt to innovate and provide an alternative to traditional platforms.
- In competition law terms, one way through which powerful firms like Facebook and Twitter can be challenged is by exploiting opportunities in spaces that are adjacent to the market where these firms reign supreme.
- This is what upstarts like Clubhouse are trying to do, as 'social audio' is one such adjacent market that has opened up only recently.
- However, as has been observed over time, the Big Tech will strive to protect their dominant positions in one of two ways — either by simply acquiring the potential competitor, known as a 'killer acquisition', or by copying the unique features of their competitor apps and adding them to their own platforms.
- When Snapchat introduced stories, mainstream platforms also came up with the feature a few years later. Similar trends were noticed when Zoom shot to fame and Google introduced Google Meet, or when TikTok became popular and Instagram launched 'reels'. With Clubhouse's growing popularity now, Twitter has introduced 'Spaces', and Facebook is working on a similar feature as well.
- But this time, LinkedIn, Discord, Reddit and Spotify have also joined the bandwagon. One wonders what this means for innovation in the world of tech.
- However, it remains to be seen whether such moves will affect Clubhouse, which was valued at $4 billion as of April 2021.