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# Weekly Editorial Analysis (WEA)

3rd July 2021

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## Table of Contents

1. Envisioning the post-pandemic smart city .....	1
2. A bubble burst is no figment of the imagination.....	4
3. Relief and recompense.....	5
4. What lies ahead for IBC and stressed assets resolution? .....	6
5. Small doses .....	8
6. An attempt to silence the film fraternity+Coming soon .....	9
7. India's 1991 liberalisation leap and lessons for today .....	10
8. Apt judicial reminder in era of over- criminalisation .....	13
9. Flying terror .....	15
10.The trouble with rankings.....	16
11.The law of sedition is unconstitutional .....	18
12.Keeping alive conversations about AIDS.....	19
13.Reopen the files, reconsider privatisation .....	21

### 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 .

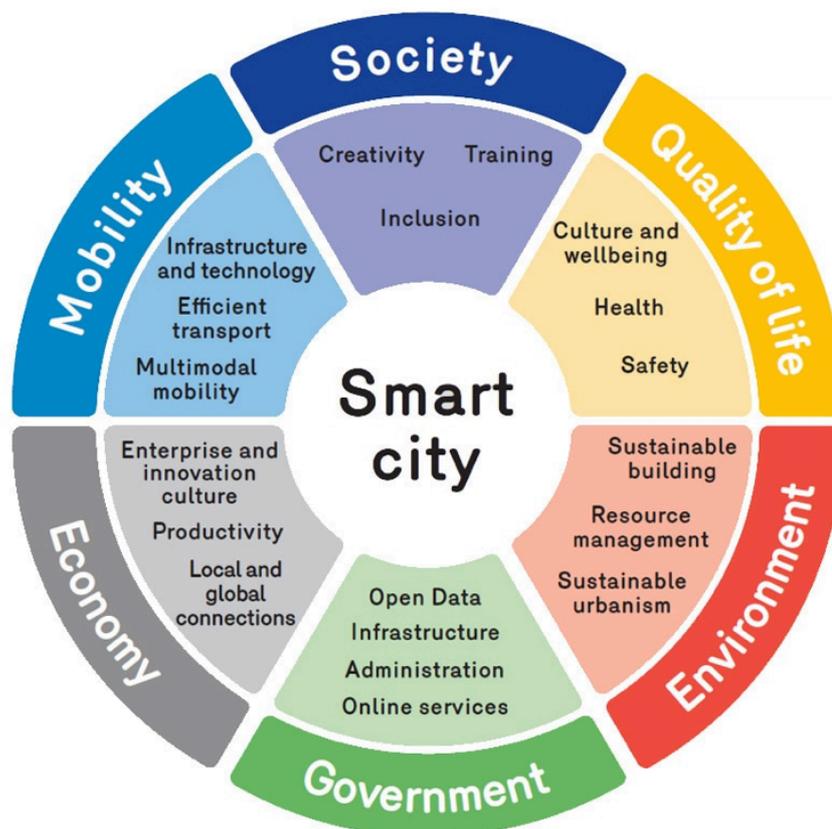
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## 1. Envisioning the post-pandemic smart city

- Six years ago, the government started a journey of urban development based on the belief that a select set of cities across the country could be 'transformed' and made smart, after they were chosen through a competition among the States. The Centre would support the chosen projects and others would learn from them.
- This racy vision laid the foundation for a programme to create **100 smart cities**.

### Concept of smart cities

- Globally, there is **no uniform definition of smart cities**, and the most common features of such urban spaces are derived from concepts in the global north.
- They generally have a technocentric vision, with sensors everywhere, **smart homes**, **high levels of connectivity**, massive and ubiquitous data collection by various agencies, and a continuous flow of useful information to citizens.



### Indian cities

- India's cities have well-known infrastructure deficits, inadequate water supply, waste management, sewerage and transport arrangements, high levels of pollution and, with climate change, frequent extremes of floods and drought.
- The answer to these, the Smart Cities Mission, has been fashioned as an amalgam of upgraded civic services and expensive showpiece projects in the chosen cities, with the investments heavily influenced by the Centre.

## COVID Impact

- COVID-19 **interrupted the lives of cities**, confining people indoors for long periods, disrupting economic processes and paralysing vibrant urban life.
- As the pandemic peaked, **thousands had to desperately look for emergency medical care** in scarce health facilities, while the flashy smart developments built for leisure and shopping remained shuttered.

## Integrated Command and Control Centres (ICCCs)

- Unsurprisingly, when the **Smart City Awards 2020** were declared recently, the Ministry of Housing and Urban Affairs gave one component of the scheme, the **Integrated Command and Control Centres (ICCCs), a health focus**.
- These centres, of which 70 are operational, functioned as war rooms for COVID-19, and, combined with other smart infrastructure developed under the mission, helped cities in fighting the pandemic through information dissemination, improving communication, predictive analysis and supporting effective management

## Awards

- This is a remarkable image of efficiency, but it would seem incongruous with the lived reality in several States and the national capital during the second wave of the pandemic, as people struggled for information and access to medical care.
- Yet, one of the States that **suffered severely, Uttar Pradesh**, shot to the top for implementation metrics of the smart cities projects, apparently because it achieved more than what was envisaged in the centrally-supported schemes.
- It added its own set of 'State smart cities'.
- The fact that U.P., a crucial BJP-ruled State scarred by the pandemic, is bound for elections next year must, of course, be treated as a coincidence.
- Indore and Surat jointly won top city-level awards, while Madhya Pradesh and Tamil Nadu also won State awards.

## Infrastructural convergence

- Over the years, Smart Cities Mission projects **converged** with other infrastructure programmes such as AMRUT, the Atal Mission for Rejuvenation and Urban Transformation, the PMAY (Urban), the Pradhan Mantri Awas Yojana, for housing.
- Some also get support from international agencies to adopt best practices on mobility and transport, energy and reducing carbon emissions.
- The latest official count shows that 5,924 Mission projects worth ₹1,78,500 crore have been tendered, indicating the scale of investments.
- This is in tune with some estimates that globally, 90% of urban development by mid-century will take place in developing countries.

- A focus on basic urban infrastructure prioritised by elected representatives was part of national policy since the Third Plan period (1961-66), although the focus shifted to smaller towns away from Bombay and Calcutta in the Fourth Plan (1969-74).
- After decades of slow experiments, the post-COVID-19 era will sharpen the question of how cities must evolve.

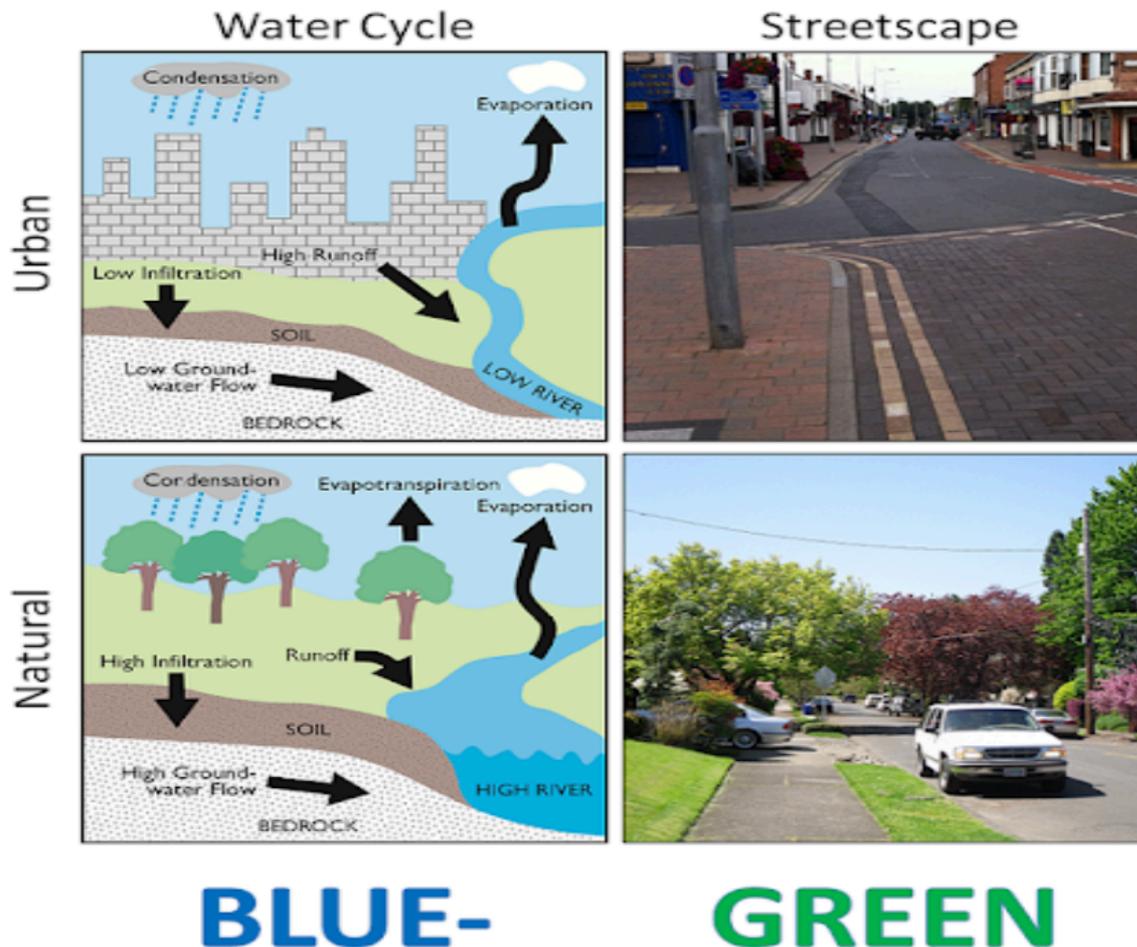
### Idea of smart city

- The Danish urban design expert, Jan Gehl, who is averse to the idea of smart cities and “silly gimmicks”, speaks of the **universal values of a city** as one that is a **meeting place of people, inviting them to spend time, walk, bike, and roam around public, semi- public or private gardens.** Pedestrianisation over motorisation is also a marker of a good city.
- **India’s smart city plans cannot really aspire** for a structural shift, in which the movement of people gets priority over vehicles.

### Building post pandemic cities

#### Freeze wetland diversion

- **Extending the green logic would imply a freeze** on all diversion of wetlands and creating new urban gardens and water bodies, and doing a climate change audit for every piece of infrastructure planned.
- A **green and blue city** would mean less destructive flooding, more water to harvest and lower peak temperatures – all of it at very little expense.



## Space for Bicycles

- Cities could be elegant, healthy and smart after the pandemic if they apportion the **available road space for bicycles**, which exemplify safe travel and can complement expanded public transport when commuters return in big numbers to bus and urban rail. This is **consistent with the pan-city goals** of the Smart City Mission, but requires **State governments to take resolute action**.
- Bicycles represent the ideal urban travel bubble and must be moved from the margins to the centre of policy.

## Electronic delivery

- **None of this detracts from essential modernisation**, such as deployment of multiple sensors to gauge air, noise and water pollution, provision of electronic delivery of citizen services, whether online or in a government office, intelligent public transport, expansion of renewable energy.
- **For citizens**, real time control rooms can be meaningful only if they can have a good public dashboard of information.
- In COVID-19 times, this means access to health alerts, vaccinations, hospital beds and topical advice, rounded off with data on pollution, rainfall, congestion and so on.

## Democratising smart cities

- Democratising smart cities planning has to ensure every section of society has a voice in the process, and not merely those who have digital access.
- Pressure to frame projects, however, often cuts out many, and even elected representatives get short shrift.

## Opportunity to review the paradigm of smart cities

- The Housing Ministry said last year that it had no plan to issue a report card for the 100 chosen smart cities, but was using the **Ease of Living Index** measured through a public perception survey.
- Such measurements **can be heavily biased** if they are not broad based.
- The pandemic has come as a remarkable opportunity to review the paradigm of smart cities, and to steer the course of **hundreds of other towns that are not on the map**.
- They should be helped to frame their plans around people and nature, to learn from mistakes and to avoid expensive technological solutionism.

## 2. A bubble burst is no figment of the imagination

### What influences investors' decision

- Investors may **not necessarily be always sensible** or even capable of perceiving the larger picture.
- Nobel laureate Daniel Kahneman argues that humans usually use the 'first system' of 'fast thinking' to hurriedly act and perceive their environment.
- Consequently, they are susceptible to the 'priming effect', 'framing bias', 'anchoring effect', 'overconfidence bias' and 'availability heuristic'.
- These phenomena, thus, play their part in pervading optimistic market conditions.

- As a result, investors often end up **ignoring or overlooking uncertainties** and risks involved in their decision.
- At the same time, investors' decision choices could be significantly influenced by '**nudging**', a deliberate tactics and method of behaviour modification by which it is the 'choice architect' that decides who does what and who does so, as argued by the Nobel laureate, Richard H. Thaler.
- The present surge in the Indian stock market is indeed nudging individual investors to trade more. But who is playing the role of the choice architect and what their intentions are, remain the moot questions.

### Vulnerability of individual investor

- National Stock Exchange data indicate that the share of the non-institutional individual investors in equity trading volume has risen to one half of the total turnover in 2021 as compared to around a third in 2016.
- In contrast, the share of Foreign Institutional Investors (FIIs) in the total trading volume has shrunk to just about a tenth making it half of what it used to be in 2016.
- Trading in the stock market, the sudden rise, the intraday moves, etc., are, thus, attributable largely to individual traders now

### The market today

- During the period under discussion, the fundamental, economic and environmental parameters look confused.
- GDP has shrunk by at least 7.5%, unemployment rate has been on the rise, and an overwhelming number of people are said to be sliding back into poverty or becoming poorer than a year before.
- At the same time, Centre for Monitoring Indian Economy Pvt. Ltd. data of the listed companies reveal a rise in their profit, due to rationalisation and cost-cutting.
- The stock market has been drawing available excess liquidity.

### But how long can this last?

- Established wisdom suggests that corporates cannot sustain contraction in the economy for long.
- Sustained decline in demand caused by waning disposable household income would catch them soon

## 3. Relief and recompense

### Supreme Court

- The Supreme Court has prodded the Union government to perform its statutory duty of fixing a compensation for the families of those who lost their kin to the COVID-19 pandemic.
- The order comes close on the heels of a slew of directions on registering the country's vast unorganised workforce and its army of inter-State labourers on a national database and ensuring that none of them went hungry.
- On the issue of making an ex gratia payment to those affected by the pandemic, a notified disaster **under the Disaster Management Act**, the Centre initially took the untenable stand that it lacked the financial resources to compensate for every COVID-19 death.

## Pandemic Vs Other disasters

- It is indeed true that unlike more frequent disasters such as cyclones, earthquakes and floods, a pandemic that has hit every country is not a one-time calamity, but an ongoing and prolonged phenomenon.
- However, the Court has rightly found that **this was not reason enough for the Government to evade its duty** to include ex gratia assistance on account of loss of life in its guidelines for “minimum standards of relief” to those hit by the disaster.
- The Court correctly did not fix a compensation amount for each death, leaving it to a policy decision by the National Disaster Management Authority and the Centre.

## 4. What lies ahead for IBC and stressed assets resolution?

- It has been five years since the IBC came into force. How has it fared and what are its biggest challenges?
- One basic difference between us and other countries is that our companies are mainly promoter-owned and owners run the companies.
- In most of the developed countries, companies are run by professionals and the ownership is widely spread.
- Here, because it is owned and controlled as well as managed by mostly the same people, that creates a problem in taking over the asset.
- Overall, over the last five years, it has done quite well. And Section 29A [of the IBC], which was introduced by the government later, also helped in resolving some of these problems.

### Recovery period

- Today, on average, one can see maybe about **three years** [for recoveries and resolutions] as compared to an **earlier timeline of five years, six years** or more.

### Infrastructural Issues

- We need more NCLTs and we need more members.
- There are a lot of vacancies, a lot of delays in appointments, NCLAT [National Company Law Appellate Tribunal] benches are few.

### Pendency of cases

- The second issue is that a lot of these are very old cases – what we call stock of NPAs [Non-Performing Assets].
- So, once this round is over, in future, perhaps, there will be fewer cases and we should be able to take care.
- The Act will do better actually, if not many cases go to the NCLT.
- Because the fear of losing the company under **Section 49A** will push the promoters to find a resolution.

## Delay in implementation

- There have been a lot of delays in implementation, whether it's in terms of approvals, having an application admitted itself.
- **Example**-The resolution plan that was approved for Jet Airways recently was actually approved by the Creditors' Committee in October 2020.
- The NCLT has a very limited role: it just needs to approve the resolution plan based on whether the plan complies with applicable law.
- But it [resolution plan for Jet Airways] was only approved in June 2021.

## Need to improve

- One thing is, of course, adherence to the timelines by all the stakeholders. • A wilful defaulter probably should not be allowed to submit a resolution plan

## Under the IBC

- But some of the other restrictions such as one on [a promoter] who has had NPAs for over a year, or who's had a personal guarantee that has been invoked... in those cases that would result in a lot of the promoters of most companies not being able to submit resolution plans.

## Bad bank

- The national ARC (Asset Reconstruction Company), or so called 'bad bank', should help. It's a good thing because it's a one-time exercise, a good clean-up exercise.
- Because a lot of these cases don't have a great resolution plan or they don't have great value left. So, many of these cases perhaps need to be warehoused for some time.
- The other point is that there are not many strategic investors.
- An asset will have interest or value only if there are more people who are ready to buy, like say the steel cases, where there were a number of suitors.
- But today in power, there's hardly one or two people in India who will be interested in buying power assets, and typically foreign players don't buy thermal power because of the coal issue and social issues.
- A national ARC will give the time to the banks to resolve these cases over a period of time.

## How else could resolution be expedited?

- We need to remember that the IBC is not the only solution for resolving stress.
- It's important to look at a range of **different options** both within and outside the IBC for resolving distress, and especially through these pre-IBC mechanisms, one-time settlements, restructuring packages.
- It's important to look at them all as part of the spectrum.
- Especially in cases where there is some consensus with the debtor and the debtor and the creditors, these pre-IBC resolutions may work very well as well.

## 5. Small doses

### Recently government unveiled a relief package

- The financial implications of the measures, such as the promise of easy small- ticket loans for 25 lakh micro-entrepreneurs and 11,000 tourist agents and free tourist visas, have been projected at about ₹6.29 lakh crore by the Finance Ministry.
- Nearly ₹2.68 lakh crore of this is in the form of credit guarantees.

### Concerns

- A further ₹1.5 lakh crore of guarantees has been promised to add to the ₹3 lakh crore emergency credit scheme, but the scheme's tenure hasn't been extended beyond September 30.
- Similar backing has been announced for loans worth ₹60,000 crore to COVID-affected sectors, **but only tourism has been publicly identified.**
- Enhancing loan guarantees will perhaps give risk-averse lenders more confidence in extending loans when the credit:deposit ratio has hit a multi-year low.
- But there is little to make such loans viable by stirring demand for goods and services.
- Free visas are a good idea but are unlikely to gain traction till India has a firmer grip on the pandemic by providing vaccines for all, including for those under 18.
- Loans of ₹1 lakh to ₹10 lakh for travel agents may help meet some liabilities or expenses but won't make people take holidays.
- Just like last year's ₹20 lakh crore package, the actual outgo from the exchequer this time is minimal and the direct stimulus to demand abysmal.

### Need

- **Weak demand** is a bigger concern for industry this year as **high inflation**, a propensity to save for future medical bills, and an uncertain job market have led to belt-tightening from consumers.
- If the government is hesitant about creating new doles for the fear of them becoming permanent features, it could have at least offered some immediate relief for all by addressing the elephant in the room – **high fuel prices.**
- This would dampen inflation, empower RBI to lend greater support to growth and leave a little more money in people's hands to spend.
- While the effort to maintain fiscal restraint may impress global rating agencies, they would be among the first to acknowledge that there's a tipping point where policy inaction risks hurting the economy's long-term prospects.

## 6. An attempt to silence the film fraternity+Coming soon

- The draft Cinematograph (Amendment) Bill proposes to add a proviso to sub-section (1) of Section 6 of the Cinematograph Act to **grant revisionary powers to the Central government to direct re-examination of films that** have already been certified for public exhibition.
- This is done predominantly with a view to **empower the government to interfere and influence the independence of the Central Board of Film Certification (CBFC)** in certifying films and, more dangerously, to reopen records of already certified films

The **Ministry of Information and Broadcasting** has recently sought public comments on its **draft Cinematograph (Amendment) Bill, 2021**

<b>Granting Revisionary Powers</b>	<ul style="list-style-type: none"> <li>● The government on account of violation of <b>Section 5B(1) of the Cinematograph Act, 1952</b> can order for “re-examination” by the certification board of an already certified film, following receipt of complaints.</li> <li>● <b>Section 5B(1)</b> deals with the <b>principles for guidance in certifying films</b>. It is <b>derived from Article 19(2) of the Constitution</b> and is non-negotiable.</li> </ul>
<b>Sub-division of Existing UA Category:</b>	<p><b>At present 4 Categories</b></p> <ul style="list-style-type: none"> <li>● U-Unrestricted Public Exhibition</li> <li>● U/A-Unrestricted Public Exhibition but Parental discretion required for children below 12</li> <li>● A-Restricted to adults</li> <li>● S-Restricted to any special class of persons</li> </ul> <p><b>Bill</b></p> <ul style="list-style-type: none"> <li>● Sub-divide the existing UA category <b>into age-based categories like U/A 7+, U/A 13+ and U/A 16+</b>.</li> </ul>
<b>Film Piracy</b>	<p><b>Cinematograph Act, 1952</b></p> <ul style="list-style-type: none"> <li>● no enabling provisions to check film piracy</li> </ul> <p><b>Bill</b></p> <ul style="list-style-type: none"> <li>● <b>Insert Section 6AA</b></li> <li>● Punishment of <b>imprisonment for a term upto three years</b> and with a fine which shall not be less than Rs 3 lakh but which may extend to 5% of the audited gross production cost or with both.</li> </ul>

### Issues

#### Restriction of freedom of speech

- The draft Bill will only restrict freedom of speech and put a gag on the film fraternity, preventing film-makers from making films on bad governance, social evils, and so on. Further, any executive authority may be emboldened to ban films based on frivolous petitions of groups with vested interests or fringe groups.
- The time to rally is now, since the government has invited comments from the public till July 2 before the Bill is taken to Parliament.
- Acts once passed will affect generations to come.

#### FCAT

- Already in April, the Government took the ordinance route to scrap the Film Certificate Appellate Tribunal (FCAT), a statutory body set up to hear appeals of film-makers against decisions of the CBFC

#### Supreme court

- In 2000, the Supreme Court had upheld the verdict of the Karnataka High Court in the **K.M. Shankarappa vs Union of India** case that the Union government cannot exercise revisional powers in respect of films that are already certified by the CBFC.

## 7. India's 1991 liberalisation leap and lessons for today

### The evolution of the economy since 1991?

- The reforms were aimed at unleashing the energies of the private sector to accelerate economic growth and to do so in a manner that ensured an adequate flow of benefits to the poor. They **certainly succeeded in this objective**.
- The full benefits took time to materialise because a gradualist approach was adopted – entirely understandable in a democracy – but the results are dramatic if we look at a longer time frame.
- The GDP growth averaged 7% in the 25 years from 1992 to 2017, compared with an average of 5% in the preceding ten years and 4% in the preceding 20!
- And as growth accelerated, poverty declined.
- Between 2004-05 and 2011-12, the last year for which official data on poverty are available, about **140 million people were pulled above the poverty line**.

### Shortcomings

- This is not to say that there were no shortcomings. Some of the reforms **begun in 1991, especially in the financial sector, have yet to be completed**.
- We have not done as much as we should have in the **health and education sectors**; environmental concerns have not been adequately built into our development strategy.

### Period before liberalisation

- The **private sector** was not allowed to invest in a number of sectors thought to be critical for development.
- The so-called “commanding heights” were reserved for the public sector despite its lacklustre performance.
- Where the private sector was allowed, it could invest only after getting an industrial licence, and that was especially hard to get for “large” industrial houses.
- Over 860 items were reserved exclusively for small-scale producers, including many that had very high export potential.
- **Imports** were more strictly controlled than in almost any other developing country because it was felt necessary to conserve scarce foreign exchange.
- **Consumer goods** simply could not be imported so domestic producers faced no import competition.
- **Producers** could import capital goods and intermediates needed for production, but this generally required an import licence.
- This was given **only if the government was satisfied** that the import was essential and domestic substitutes were not available.
- Finally, the **import of technology** was controlled and Foreign Direct Investment (**FDI**) was discouraged.

- By 1990, it was clear that drastic change was needed. The paper (dubbed by media as 'M Document') outlined a core set of industrial and trade policy reforms, combined with exchange rate reform and reforms in the public sector.
- In other words, the ideas that finally went into the reforms were on the table before 1991. But they had not been approved politically.
- It was the P.V. Narasimha Rao-Manmohan Singh duo that implemented them in 1991.

### Labour and land

- The need for labour market reforms was recognised, but it was **thought that we should first get the industrial, trade and financial sector reforms** to show positive results and take up labour market reforms later
- In a meeting with businessmen in 2006, PM Manmohan Singh was asked about labour market reforms. He said ... if we could get the economy to grow at 10%, it would be easier to persuade labour. We did grow at over 9% for a few years but **persuading labour proved to be difficult**.

### On the land market

- land is a State subject
- In the UPA [United Progressive Alliance] years, it did get involved in land acquisition because this was an area with a lot of agitation and allegations of heavy-handedness.
- Unfortunately, the resulting legislation introduced too many conditions, which could greatly delay the process.

### Issue of industries

- Indian industry has legitimate complaints about poor infrastructure, poor logistics and time-consuming trade procedures, which reduce its competitiveness.
- But the solution lies in addressing these problems directly, not in raising import duties, which will only raise costs in the economy.
- The government should engage with Indian industry and other experts to come to an agreement on what the average level of duties should be and how it should be reduced over time.

### Decision to stay out of the RCEP

- It went against the Prime Minister's earlier positive signal of moving from "Look East" to "Act East".
- The reduction in tariffs required under RCEP was to be accomplished over several years, giving ample time to take the steps needed to improve our competitiveness.
- As far as unfair competition from China is concerned, the solution lies in a faster method of imposing anti-dumping duties on China, not raising import duties across the board.
- We should note that geopolitics is forcing major countries to reduce dependence on China.
- India cannot expect to replace China, but it can reasonably expect to become a major player in non-China-dominated supply chains.
- RCEP membership would help as it will reassure partners that trade policy will not be arbitrarily changed.

## Free Trade Agreements (FTAs)

- As for Free Trade Agreements (FTAs) with the U.S., Europe and the U.K., we have traditionally preferred trade liberalisation in a multilateral forum, but major developed countries seem to be moving away from multilateral negotiations.
- Working on agreements with important groups bilaterally seems to be the only hope for assuring market access.
- However, such FTAs will involve more give and take, including on contentious issues such as intellectual property rights and bilateral investment protection, and we must be willing to accept that.

## Employment issues

### UPA period (Before Pandemic)

- Employment was a matter of concern during the UPA period, but it had some positive features.
- The period was the first time we saw a fall in employment in agriculture ... but it was accompanied by sufficient growth in total employment in non-agriculture sectors
- so that the labour displaced from agriculture was absorbed in non-agriculture.
- Total employment actually increased.

### The post-UPA period before the pandemic

- As per recent **study by Santosh Mehrotra and Jajati K. Parida**, the substantial **slowdown in GDP** growth after 2016-17 led to **employment actually falling** from 474 million in 2011-12 to 469 million in 2018-19.
- Employment in agriculture continued to decline, reflecting a normal structural change, but unlike the UPA years, non-agricultural employment grew much more slowly.
- So, open unemployment increased. The problem was most severe among the youth, who experienced **unemployment of 18%**.

### Pandemic time

- The COVID-19 pandemic has of course triggered a collapse in employment.
- According to provisional National Income estimates, **GDP contracted by 7.3% in 2020-21**.
- Many analysts say this underestimates the contraction as the adverse impact on the informal sector is not captured.
- In any case, a sharp fall in the GDP is bound to lead to a contraction in total employment, and we are seeing that in the data from the Centre for Monitoring Indian Economy.

### Way forward

- The economy is clearly recovering from the contraction induced by the pandemic, but how quickly it will recover is uncertain.
- The priority now **must be to get the vaccination coverage** expanded as soon as possible. This will create conditions conducive to a return to normalcy.

- However, recovery will only take us back to the 2019-20 level ... If we only go back to the pre-pandemic growth rate of around 4% to 5%, we will get little respite on the employment front or on reducing poverty.
- Past experience shows that we **need to get back to 7% to 8% growth** if we want to make progress on poverty reduction and provide enough jobs for our growing labour force.

## 8. Apt judicial reminder in era of over- criminalisation

### The criminal justice system

- is an instrument of state and a key index of the state of democracy.
- Every punishment which does not arise from absolute necessity is tyrannical, said French jurist Montesquieu.
- In fact criminal law should be used only as a 'last resort' (ultima ratio) and only for the 'most reprehensible wrongs'.

### Concern

- Unfortunately, 'crimes' originate in government policy and, therefore, criminal law reflects the idea of 'power' rather than 'justice'.

### Example of misuse

- In the period 2015-2019, as many as 7,840 persons were arrested under the draconian **UAPA** but only 155 were convicted by the trial courts.
- In **Kartar Singh (1994)**, the **Supreme Court** of India had observed that in many cases, the prosecution had unjustifiably invoked provisions of **TADA** 'with an oblique motive of depriving the accused persons from getting bail'.
- It added that such an invocation of TADA was '**nothing but the sheer misuse and abuse of the Act by the police**'.

### No consensus on definition of terrorism

- Though there are more than 100 definitions of terrorism available globally, there is no universal definition of the term 'terrorism' either in India or at the international level.
- The UN General Assembly had given this task to a committee, but in almost 50 years or so there has been no consensus on the meaning of terrorism.
- The fight against foreign occupation is to be kept out of terrorism as today's terrorist may be tomorrow's freedom fighter.
- Accordingly, neither TADA nor UAPA has a definition of the crucial terms 'terror' and 'terrorism'.
- **Section 15 of UAPA** merely defines a terrorist act in extremely wide and vague words: '**as any act with intent to threaten or likely to threaten the unity, integrity, security, or sovereignty of India or with intent to strike terror or likely to strike terror in the people...**'

## How is such a terrorist act committed?

- UAPA says 'by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases ... or **by any other means** of whatever nature to cause or likely to cause death or injuries...'

## What is the meaning of the expression 'by any other means'?

- When a general word is used in any statute after specific words, it is to be interpreted in the context of specific words.
- Thus, the Citizenship (Amendment) Act (CAA) protests cannot be covered by this expression.

## Yaqoob Abdul Razzak Memon (2013) case

- The Supreme Court said that terrorist acts can range from threats to actual assassinations, kidnappings, airline hijacking, car bombs, explosions, mailing of dangerous materials, use of chemical, biological, nuclear weapons etc.
- Since the **three student activists did not do any of these things**, Justices Anup Jairam Bhambhani and Siddharth Mridul **could not be convinced** of their involvement in any terrorist act. Through an authoritative and enlightened bail order entirely based on the apex court judgments, Justice Bhambhani reminded the Delhi police of the true meaning of a terrorist act.

## Terrorism Vs other form of violence

- In **Hitendra Vishnu Thakur (1994)**, the Supreme Court had defined terrorism as the 'use of violence when its most important result is **not merely the physical and mental damage of the victim** but the prolonged psychological effect it produces ... on the society as a whole'.
- Its main objective is to overawe the government or disturb the harmony of society or 'terrorise' people.
- Thus, what 'distinguishes 'terrorism' from other forms of violence is the deliberate and systematic **use of coercive intimidation**'.
- In **Kartar Singh (1994)**, the Supreme Court held that a **mere disturbance of public order that disturbs** even the tempo of the life of community of any particular locality is not a terrorist act.
- By this interpretation, the CAA protests in a few localities of Delhi cannot be termed as terrorist activity.
- Even in the **Rajiv Gandhi assassination case**, the Supreme Court, in **Nalini and 25 Others (1999)** held that none of the accused had intent to overawe the government or strike terror among people, and therefore the killing of Rajiv Gandhi and 15 others was not held to be a terrorist act or disruptive activity under Section 3 of TADA.

## Law and order Vs public order Vs security of state

- In **Ram Manohar Lohia (1966)**, the apex court explained the distinction between 'law and order', 'public order' and 'security of state'.
- Law and order represents the largest circle within which is the next circle representing 'public order', and the smallest circle represents the 'security of state'.

- Accordingly, an act may affect 'law and order' but not 'public order'.
- Similarly, an act may adversely affect 'public order' but not the 'security of state.'
- In most UAPA cases, the police have failed to understand these distinctions and unnecessarily clamped UAPA charges for simple violations of law and order
- Delhi High Court concluded that since the definition of a 'terrorist act' in UAPA is wide and somewhat vague, it **cannot be casually applied to ordinary conventional crimes**, and the act of the accused must reflect the essential character of terrorism.
- Indeed, the CAA protests were not terrorist acts.
- Defining terrorism may be difficult but does not everyone know when an act of terror is really committed?

### What must be done

- One hopes that, henceforth, our police will be far more cautious in charging people under black laws such as UAPA, the NSA, etc.
- In any case, **no anti-terror law**, howsoever stringent, can really end the problem of terrorism.
- Pushing a civilised state to state terrorism is the tried and tested strategy of all terrorists. Let us not fall in their trap.
- Radicalisation generally succeeds only with those who have been subjected to real or perceived injustices. Let us remove injustice to combat terrorism.
- The creation of a truly just, egalitarian and non-oppressive society would be far more effective in combating terrorism.

## 9. Flying terror

- Background
- The use of drones to attack an Indian Air Force base in Jammu on June 27-28 brought to the fore a troubling, though not unanticipated, new mode of terrorism for the country.
- Though there were **no casualties at the base**, the fact that there were at least two more subsequent attempts to use drones to attack military targets points to the future of terrorism.
- The use of Unmanned Aerial Vehicles (UAV), autonomous weapons systems and robotic soldiers by states in warfare and policing has **raised moral and practical questions** that remain unresolved.

### New mode of terrorism

- In 2018, Syrian rebels used homemade drones to attack Russian military bases in Syria.
- In **2019, Houthi rebels** claimed responsibility for bombing **Saudi oil installations** using drones.
- New modes of sabotage and violence enabled by technology **reduce costs and risk** of identification for terrorists while increasing their efficacy.
- Simultaneously, security agencies would find conventional tools redundant in combating terrorism.

- Terrorism may not even require organisations, as individuals with sufficient motivation and skills can carry out such attacks and remain under the radar like the drones they use.
- The existing international framework for controlling the proliferation of technology that can be weaponised, such as the **Wassenaar Arrangement and Missile Technology Control Regime**, is also largely useless in the emerging scenario.

### Challenges for India in IR 4.0

- States including India have sought to deal with terrorism with a combination of stringent laws, invasive surveillance, harsher policing and offensives against other countries that support terrorist groups.
- This approach has only had limited success in ensuring peace anywhere while the human and material costs have been high.
- The exponential proliferation of **new technologies and Artificial Intelligence**, vertically and horizontally, will make the task of combating terror even more challenging.
- The Jammu drone attack, Indian authorities reportedly suspect, was carried out by the **Lashkar-e-Taiba**, which is patronised by Pakistan.
- The same group was behind the **2008 Mumbai terror attack** in which perpetrators came by boats from Pakistan.
- India has tried to punish Pakistan for its support to terror groups in recent years which has shown some success.
- The entry of drones calls for a more complex response to terrorism.

### Way forward

- Enhanced international cooperation and consensus on the development and deployment of technologies are required to deal with the challenge.
- India can and must take an active role in the process.

## 10.The trouble with rankings

- A culture of ranking is dominating today's world. University rankings such as Times Higher Education and Quacquarelli Symonds create a huge uproar. But should they really deserve to be the yardstick of excellence in today's higher education?

### The concept of a university

- There has been a paradigm shift in the concept of a university in the modern era from the ancient times when universities like Nalanda and Taxila existed.
- In his 1852 book, *The Idea of a University*, John Henry Newman assumed that knowledge should be pursued "for its own sake".
- Newman used the ancient designation of a Studium Generale, or "School of Universal Learning". "A University seems to be in its essence, a place for the communication and circulation of thought, by means of personal intercourse, through a wide extent of country," Newman wrote.

- Humboldtian university model
- Ever since the University of Berlin was founded in 1810, the ‘**Humboldtian**’ university became a model for Europe, and subsequently for the research universities of the U.S.
- The **central Humboldtian principle** was the fusion of teaching and research in the work of the individual scholar, and the objective of the university was to advance knowledge by original and critical investigation, not just to transmit the legacy of the past or to teach skills.

## Indian Universities

- In India, the Universities of Calcutta, Bombay and Madras were established in 1857.
- The **immediate interest** was to produce graduates to fill up the salaried positions emerging in the wake of colonial rule.
- The **mottos of these universities**, however, were “Advancement of Learning”, “Śīlastataphalā Vidyā” (The Fruit of Learning is Character and Righteous Conduct), and “Doctrina Vim Promovet Insitam” (Learning Promotes Natural Talent), respectively.
- In 1919, Rabindranath Tagore wrote: “**the primary function of our University should be the constructive work of knowledge**”.
- While the concept of a university has evolved a lot, **blaming the contemporary universities** from Newman’s standpoint would be like blaming a jet engine for not having the excellences of a windmill, as the philosopher Alasdair MacIntyre said.

## Issue with ranking

- The criteria and their weights differ from one ranking organisation to another. Change in weights may produce a different list of rankings.
- The criteria constitute research income from industry; ratio of international to domestic staff and students; number of students, research papers, citations; etc.
- **Small but important institutes** might thus trail in the ranking race.
- The most controversial part of the ranking methodology maybe reputational survey or **academic peer review**, where opinions of academics get importance.
- This component has significant weight, and these rankings have come in for criticism for too much emphasis on perception.
- Last year, seven leading IITs announced that they would boycott one such ranking, saying they are not satisfied with the transparency of the process.

## Research and Publication

- **Peter Higgs**, the 2013 Nobel Laureate in Physics, believes that he would not have got a job in today’s academic system because he would not be considered “productive” enough.
- When his department at Edinburgh University would ask for a list of recent publications, Higgs would reply: “None”.

- Still, today's academics are mostly confined within the world of such 'compulsory' research and publication, for mere survival.

### Need to judge universities according to its social perspective

- The concept of a university should not be the same everywhere.
- Universities at **Chicago, Harvard and Oxford** might fancy making the achievements of their students or professors the yardstick of excellence.
- However, there are many universities which **cater to the local people** as the only spectacles of higher education and prism of enlightenment. Their importance is no less than the 'elite' universities.
- A university should be judged within its social perspective.

## 11. The law of sedition is unconstitutional

- In **Vinod Dua's case (2021)**, the Supreme Court of India has reaffirmed the law of sedition laid down in **Kedar Nath Singh (1962)** and directed governments to adhere to it.

### Issue

- This reaffirmation seems to be a little problematic.
- The **Kedar Nath judgment upheld the constitutional validity** of sedition as defined in Section 124A of the Indian Penal Code.
- And the Court read down the provision by holding that **only writings or speeches which incite people to violence against the Government** will come within the mischief of sedition.
- So, as per this judgment, **unless speeches or writings tend to cause violence** or disorder, there is no sedition.

### Issue of 'disaffection'

- Section 124A of the IPC, which contains the law of sedition, categorises four sources of seditious acts.
- They are, **spoken words, written words, signs or visible representations**.
- The gist of the offence is: bringing or attempting to bring the government into contempt or hatred, or exciting or attempting to excite disaffection towards the government.
- There are three explanations attached to this section-
  - ✓ The **first explanation** says that 'disaffection' includes disloyalty and all feelings of enmity.
  - ✓ The **second and third explanations** say that one can comment on the measures of the government or other actions of the government without bringing or attempting to bring it into contempt or hatred or exciting or attempting to excite disaffection towards the government.
- These explanations do not convey anything different from what the defining section says.
- Section 124A of the IPC, clearly **violates Article 19(1)(a)** of the Constitution which confers the Fundamental Right of freedom of speech and expression, the most valuable right of free citizens of a free country.

## Not a reasonable restriction

- Further, this section does not get protection under Article 19(2) on the ground of reasonable restriction.
- Sedition as a reasonable restriction, though **included in the draft Article 19 was deleted when that Article was finally adopted by the Constituent Assembly.**
- It clearly shows that the **Constitution makers did not consider sedition as a reasonable restriction.**
- However, the Supreme Court was not swayed by the decision of the Constituent Assembly. It took advantage of the words 'in the interest ... of public order' used in Article 19(2) and held that the offence of sedition arises when seditious utterances can lead to disorder or violence.

## Impacting rights

- In the ultimate analysis, the judgment in Kedar Nath which read down Section 124A and held that without incitement to violence or rebellion there is no sedition, has not closed the door on misuse of this law.
- It says that 'only when the words written or spoken etc. which have the pernicious tendency or intention of creating public disorder' the law steps in.
- So if a policeman thinks that a cartoon has the pernicious tendency to create public disorder, he will arrest that cartoonist.
- It is the personal opinion of the policeman that counts.
- The Kedar Nath judgment makes it possible for the law enforcement machinery to easily take away the fundamental right of citizens.

## 12. Keeping alive conversations about AIDS

### Background

- Four decades ago, on June 5, 1981, the Centers for Disease Control and Prevention reported an unusual fungal infection of the lungs (pneumocystis carinii pneumonia) in five gay men in Los Angeles.
- That was the first time the world learnt about the devastating infection caused by the Human Immunodeficiency Virus (HIV) in people with a weak immune system.

### Falling short of targets

- It is widely acknowledged that India scripted one of the biggest success stories in fighting HIV/ AIDS between 1997 and 2010, after the infection hit the shores in 1986. The achievement of "controlling AIDS" was flagged by the Centre in 2012 as a small victory in the long journey of accepting, understanding and fighting the disease. But soon, we fell short of our targets.
- The aim of the World Health Organization, of which India is a member, was to ensure that 90% of the people living with HIV/AIDS are on anti-retroviral therapy by 2020.
- The target has been pushed by at least five years.
- Similarly, the **2017 National Health Policy** and the UN Sustainable Development Goals aim to **end AIDS by 2030.**

- This goal too looks like it may take longer to achieve.
- When the COVID-19 outbreak shook the world last year, transferring the blame for unmet targets got easy. But AIDS had actually fallen off the radar long before. And if it is further flushed out of public memory, it will be difficult to check progress on controlling it.

### How India slipped

- After years of debate and hard work, India had everything going for it to escalate the fight against HIV/AIDS.
- The information and education campaigns of the 1990s helped to check the transmission of HIV infection through two routes: mother to child, and blood transfusions.
- Strict ante-natal protocols were established and blood banks were upgraded with superior testing facilities.

### The sale of blood was banned

- Excellent awareness programmes and intensive follow-up action plans led to significant decline in incidence, but the reduced visibility of the disease led to plateauing of efforts.
- While politics let AIDS slip from being priority health news, arrogance and complacency of governments between 2013 and 2019 slackened the implementation of AIDS control programmes countrywide.
- The HIV infection diagnosis rate dropped from 60% in 2010 to 23% in 2019, the mortality **rate doubled and new cases spiked five times more during the period.**
- According to **NACO's annual HIV Estimates** report of 2019, there were over 58,000 AIDS-related deaths and over 69,000 new HIV infections added to the pool of 2.3 million people living with HIV/AIDS, with 98% of new infections in the high-risk groups.
- This happened because the campaign to educate and empower the vulnerable communities – MSM (men who have sex with men), IDUs (Injecting Drug Users), migrant and sex workers, and truck drivers – **was losing steam.**
- An entire new generation had grown up on **Internet knowledge.** They were downloading dating apps and hooking up with no awareness of AIDS.
- Natural desires and sexual behaviour cannot be changed; yet discussions with adolescents on safe sex were buried.

### Trusting the same formula

- The pioneers of the AIDS movement understood that a strong political leadership, financial support, advocacy and activism were non-negotiable in the successful handling of the movement.
- India needs to keep the conversation going and focus on the **broad coalition of economists, scientists, doctors, researchers, technicians, civil society** representatives and policymakers
- Need for a multi-sectoral and multi-pronged strategy to contain AIDS.
- To fight any medical crisis, we can trust the same formula of supporting science-driven responses, good quality data and empirical evidence; and consolidating guidelines.

## Road map for reducing new HIV infections by 2030

- The nationalised AIDS treatment plan is a perfect example of how early detection, diagnosis and treatment saved many lives.
- It gave a head start to the National AIDS Control Programme (NACP) when every **State and Union Territory established its own AIDS control organisation** and was given a free hand and funds to monitor the epidemic and work on integrated action plans under NACO's supervision.
- Universal precaution and prevention were NACP's bedrock.
- Experts say the NACP's experience in dealing with HIV needs to be tapped into.
- The existing workforce in 21,000 Integrated Counselling and Testing Centres (ICTC) is well-equipped.
- They can help in **early detection of infections, provide basic information** on modes of transmission, promote behavioural change, reduce vulnerability and link people with care and treatment services.
- A majority of the ICTCs has an excellent outreach in the interiors. The staff can also be easily utilised for dealing with COVID-19 now.
- **Strong surveillance system**-The government needs to rejig its priorities and **re- energise the ICTCs along with the 32,000-plus primary and urban health centres** to uphold the right to treatment and the dignity of individuals affected by diseases – AIDS, COVID-19 or any other.
- By **integrating education and awareness** outreach programmes and re- allocating and releasing funds on time, any chronic (TB/HIV/malaria), acute (cholera/plague) or new outbreak becomes easier to deal with.

## 13.Reopen the files, reconsider privatisation

### Background

- Privatisation of the public sector, including banks, has been part of the wish list of economic reformers since 1991.
- This was at the core of the 'Washington Consensus'.
- The private sector is inherently more efficient.
- The ground realities of democratic politics in India, however, kept coming in the way of actual privatisation, though progressive disinvestment of the shares of public sector undertakings in the market has been taking place over the years.
- The National Democratic Alliance in the early 2000s did undertake some privatisation but had to pause because of political backlash.
- For six years, Prime Minister Narendra Modi also did not consider it important. But it is now being pursued with vigour, has high priority with extremely ambitious targets

### Current situation

- India is right now going through its worst economic crisis.

- The highest-ever contraction in the economy took place last year, unemployment has risen, incomes for growing numbers are falling, bank non-performing assets (NPAs) may be ballooning, and the fiscal deficit is rising.
- In these circumstances, it would be prudent to think through the pros and cons of the aggressive privatisation of public enterprises that is on the anvil.
- There are three categories of public sector enterprises, with each needing its own analysis.

## Categories, issues, solutions

### Category of enterprises which have been sick for a long time.

- Their technology, plants and machinery are obsolete.
- Their managerial and human resources have atrophied.
- **Challenges & Solution**-They should be closed, and assets sold. But this has been difficult with successive governments as the **labour in these enterprises have had a political constituency** which has prevented closure.
- After selling machinery as scrap, there would be valuable land left. These land values have become high.
- All this would need the creation of dedicated efficient capacity as the task is huge and challenging.
- These enterprises may be taken away from their parent line Ministries and brought under one holding company which should have the sole mandate of speedy liquidation and asset sale.
- Enterprises which have been financially sick but can be turned around.
- Private management through privatisation or induction of a strategic partner is the best way to restore value of these enterprises, this should be pursued on priority.
- Air India and the India Tourism Development Corporation (ITDC) hotels are good examples. But these need bold decisions.
- Air India should ideally be made debt free and a new management should have freedom permitted under the law in personnel management to get investor interest.
- Once debt free, management control with a 26% stake may be given.
- As valuation rises, the Government could reduce its stake further and get more money.
- If well handled, significant revenues would flow to the Government..
- Enterprises that are generating decent profits. Then there are many profitable enterprises.
- The Government can continue to reduce its shareholding by offloading shares. It can even reduce **its stake to less than 51%** while remaining the promoter and being in control.
- **Example- Chinese model**-The Chinese chose to nurture their good state-owned enterprises as well as their private ones to succeed in the domestic and global markets by increasing their competitiveness in cost, quality, and technology.
- The Chinese chose to promote both their public as well as their private sector enterprises to rise. Both have made China the economic superpower that it is today.