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## QUARTERLY DIGEST FOR THE LAW MAKER

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## QUARTERLY <br> DIGEST FOR THE LAW MAKER

Prepared by
THE SECRETARIAT OF THE KERALA LEGISLATURE THIIRUVANANTHAPURAM


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# The Values of local self - governance 

In December 1992, Parliament passed the 73rd and 74th constitutional amendments, which instituted panchayats and municipalities, respectively. These amendments mandated that State governments constitute panchayats (at the village, block and district levels) and municipalities(in the form of municipal corporations, municipal councils and nagar panchayats) in every region. They sought to institute a third - tier of governance in the federal framework through the devolution of functions, funds, and functionaries to local governments.

Since local governments seldom derive their authority directly from the Constitution, India's constitutional reforms for decentralisation are exceptional. But despite these reforms, municipal governments are often seen to be ineffective in addressing even the most basic needs of citizens, such as reliable water supply and walkable footpaths Urban residents tend to blame "corrupt" local politicians for these civic woes.

However, as we celebrate the 30th anniversary of these reforms, it is important to ask fundamental questions: Why should local governments be empowered? Why are they weak despite constitutional reforms? How can the idea of local self - governance be revived ?

## The normative basis of local self governance

Understanding the normative basis of local self - governance is important since this also informs the institutional form local governments take. Local self - governance is linked to the idea of subsidiarity and is typically grounded on two broad arguments. First, it provides for efficient provision of public goods since governments with smaller jurisdictions can provide services as per the preferences of their residents. Second, it promotes deeper democracy since governments that are closer to the people allow citizens to engage with public affairs more easily.

India's decentralisation agenda is also arguably driven by these values. The $73^{\text {rd }}$ and $74^{\text {th }}$ amendments require States to vest panchayats and municipalities with the authority " to enable them to function as institutions of self-government", including the powers to prepare and implement plans and schemes for economic development and social justice They also mandate the regular conduct of local elections, provide for the reservation of seats for Scheduled Castes, Schedules Tribes and women in local council, and institute participative forums like gram sabhas in panchayats and ward committees in municipal corporation.

Hence, the core values that the amendments sought to entrench are that of deepening local democracy and devolving functions for meeting the ends of economic development and social justice Debates on the role and responsibilities of local governments should be foregrounded by these normative values which have found expression, at least in some regard, in the Constitution.

Despite the constitutional promise of local self - governance, local governments, especially municipalities , operate with limited autonomy and authority. Their frailty may be attributed to the inherent limitations of the 74th amendment and the failure of State governments and courts to implement and interpret the amendment in letter and spirit. Limitations include the discretion given to the States regarding devolution of powers and levying of local taxes. State governments are reluctant to implement the 74th amendment as cities are economic powerhouses and controlling urban land is important for financing State governments and political parties.

The courts have also mostly interpreted the 74th amendment narrowly, allowing State governments to retain their control over cities. In this context, the Patna High Court's recent
order declaring some provisions of the Bihar Municipal ( Amendment ) Act, 2021 as unconstitutional is pathbreaking. The 2021 amendment had transferred the powers of appointment of Grade C and D employees of municipalities from the Empowered Standing Committee of the municipality to the State government controlled Directorate of Municipal Administration . The court held that these provisions violate the 74th Amendment since the recentralization of power and the weakening of self governance "are incompatible with the idea, intent and design of the constitutional amendment" .

## Local governments and federalism

This judgment is unprecedented since it tested State municipal Laws against the letter and spirit of the 74th Amendment and can potentially reset the position of local governments in India's federal framework. As India is undergoing a centralising shift in its politics, economy, and culture , there's also been a renewed assertion of federalism However, this assertion of State rights is hardly articulated as value based normative claims If we unpack the intellectual arguements for federalism, many of them are also applicable for local self governance. Hence, debates on federalism should include larger
discussions on how power should be divided and shared between governments at the Union，State，and local level since local governments are， normatively and strucurally，an integral part of the federal framework of the Constitution．
（Mathew Indiculla is a legal consultant and a vising faculty at Azim Premji University，Bengaluru）

The Hindu
5－1－2023

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# A case for reassigning GST to States 

## R. Srinivasan

S. Raja Sethu Durai

The Union government is endowed with more tax powers than the States, while the States are assigned more expenditure responsibilities than the Union government. This gives rise to a vertical fiscal imbalance (VFI) between the Union and State governments. The main responsibility of the Finance Commission is to correct this, but this task remains unaccomplished. We look at this issue in the context of the Goods and Services Tax.

The Union and State governments concurrently levy GST on commodities with $50 \%$ as Central GST (CGST) and $50 \%$ as State GST (SGST). There is an Integrated GST (IGST) on inter State trade, so that $50 \%$ of it goes to the final destination State. The GST is a harmonised tax on commodities across the country. Individual States have little power to unilaterally change this tax. Though conceptually, the Union government could not do so either, the GST Council gives the Union government a veto to thrust its preferences on the States.

## Measuring imbalances

The simplest of the many empirical measures of VFI is ' VFI
equals one minus the ratio of the State's own revenue to own expenditure'. If this VFI ratio is zero, the States have enough own revenue to meet their own expenditure and there is no need for financial transfers.

We can calculate the VFI ratio for each State and for all the States put together. If we look at the data for all the States over the periods of the last three Finance Commissions (2005-06 to 2020-21), the VFI ratio shows an increasing trend. For the latest period of 2015-16 to 2020-21, the ratio was 0.530 , which means that only $47 \%$ of the States own expenditure was financed by their own revenue in that period. In this period, four major changes took place. First, the divisible taxes of the Union government expanded from two to all the Union taxes, thus enlarging the revenue base to be shared with the State.

Second, fiscal responsibility legislation was implemented to constrain the fiscal deficits of the State. States directly borrow from the market subject to limits imposed by the Union government. Third, the Union Planning

Commission was dissolved, leading to the withdrawal of Plan grants. Fourth, GST was introduced in 2017. These changes have considerably altered the States' revenue structure. States have little revenue autonomy and are more dependent on the Union government. For instance, if we consider the withdrawal of the Union government's plan grants and loans to the States and their effect on States combined budget, the VFI ratio increased for the same period to 0.594 from 0.530 , indicating that only $40 \%$ of the State's own expenditure is financed by their own revenue.

## Reassigning of tax powers

We propose a solution to correct the VFI by reassigning the tax powers between the Union and the States. The Union government has exclusive power to levy excise duty on petroleum products, and the States have exclusive power to levy excise duty and sales tax on liquor. All other commodities fall under the GST. We propose that the CGST and the excise duty on petroleum products be assigned to the States so that the entire GST is assigned to the States.

This should be conceived as follows. One, we should bring all commodities, including petroleum products, under GST. Two, the Union government should continue to collect

IGST only to settle revenue on destination basis. This will ensure harmonisation of GST across States. GST shall continue as a tax determined by the GST Council. However, the veto power of the Union government should be removed. Then, the GST Council will truly become a body by the States to settle tax issues among themselves, with the Union government facilitating the arrival of consensus among the States on tax issues. This may once again require some constitutional amendments. Commodity taxation should be moved to State List II of the Seventh Schedule of the Constitution, with a rider that harmonisation of commodity taxation should be maintained.

The assignment of excise duty on petroleum products to the States will hasten the process of integrating taxes on petroleum products into GST and remove the cascading effects of the current excise duty on petroleum products. This will reduce the tax potential of the States, but higher buoyancy of GST should compensate for this revenue loss. The positive aspect of this reassignment of tax will be the increase in own tax revenue of the States. This will also improve accountability of the states to their people on fiscal matters.

We assume that once GST is assigned to the States, VFI will come
down to zero ．Assuming this reassignment and revenue effect，we recalculated the VFI ratio and found that it stands at 0.005 （2015－16 to 2020－ 21 ），indicating that all the States＇own expenditure can be financed by their own revenue resources．The need for assigning share in Central taxes and grants in aid to address VFI does not arise．

Though the financial transfers to the States to address VFI may not be needed if the entire GST is assigned to the States，the tax base of the GST， namely consumption，is not equally distributed among the States．The unequal tax base with unequal expenditure requirement between the States creates horizontal fiscal imbalance among the States．Therefore，
the Union government should effect equalisation transfers to address this issue of horizontal fiscal inequality． Our calculations show that the revenue surplus of the Union government after this tax reassignment should be enough to provide for this equalisation transfer to the States．
（R．Srinivasan is full－time Member of the State Planning Commission of Tamilnadu．）
（S．Raja Sethu Durai is Professor of Economics at University of Hyderabad．）

The Hindu
18－01－2023．

## There is hardly any autonomy at the Panchayat level

A few weeks ago, Balineni Tirupati, an up-sarpanch in Telangana's Jayashankar Bhupalpally district, committed suicide due to indebtedness. He had taken out a loan to undertake development works in the village and was unable to bear the burden after the State government's inordinate delay in releasing bill payments.

A few days before the incident, a few sarpanchs from the incumbent Bharatiya Rashtra Samiti (BRS) Telangana's ruling Telangana Rashtra Samiti now renamed as the BRS resigned from office and voiced their anger at not receiving government funds for nearly a year.

Sarpanchs alleged that the failure of the State government to release funds in time has forced them to utilise either private resources or borrow large amounts to complete panchayat activities and meet various targets.

More than three decades after the 73rd and 74th Amendment Act, which gave constitutional status to local governments, State governments , through the local bureaucracy, continue to exercise considerable discretionary authority and influence
over panchayats . In India, the powers of local elected officials (such as these sarpanchs in Telangana) remain seriously circum scribed by State governments and local bureaucrats in multiple ways, thereby diluting the spirit of the Constitutional amendments Seeking to empower locally elected officials.

We analysed statutory provisions of Panchayat Acts in various States and spoke to several sarpanchs and local bureaucrats to assess the extent of decentralisation of powers to panchayats. It quickly became very clear to us that sarpanchs need to have administrative or financial autonomy for meaningful decentralisation.

## The issue of funding

Gram panchayats remain fiscally dependent on grants (both discretionary and non - discretionary grants) from the State and the Centre for everyday activities. Broadly, panchayats have three main sources of funds-their own sources of revenue (local taxes, revenue from common property resources, etc.), grants in aid from the Centre and State governments, and discretionary or scheme - based funds .Their own
or scheme-based funds. Their own sources of revenue (both tax and nontax) constitute a tiny propotion of pverall panchayath funds. For instance, in Telangana, less than a quarter of a panchayat's revenue comes from its own sources of revenue.

Further access to discretionary grants for panchayats remains contingent on political and bureaucratic connections.

Even when higher levels of government allocate funds to local governments, sarpanches need help accessing them. An inordinate delay in transferring approved funds to panchayat account stalls local government, sarpanchs need help accessing them. An inordinate delay in transferring approved funds to Panchayat acounts stalls local development. In Telangana, this has forced sarpanches to use private funds for panchayat activities to fulfil mandated targets and avoid public pressure. Delays in the disbursement of funds by the local bureaucracy have led to pressure on sarpanches leading some to end their life.

There are also severe constrains on how panchayats can use the funds allocated to them. State government often impose spending
limits on various expenditures through panchayat funds. This could include quotidian activities such as purchasing posters of national icons, refreshments for visiting dignitaries, or distributing sweets in a local school at national festivals.

Moreover, in almost all States, there is a system of double authorisation for spending panchayat funds. Apart from sarpanchs, disbursal of payments requires bureaucratic concurrence. The sarpanch and the panchayat secretary, who reports to the Block Development Officer ( BDO ), must co-sign cheques issued for payments from panchayat funds.

## The taxing process of seeking approvals

State governments also bind local governments through the local bureaucracy. Approval for public works projects often requires technical approval (from the engineering department) and administrative approval from local officials of the rural development department, such as the block development officer, a tedious process for sarpanchs that requires paying multiple visits to government
offices. It is also not unusual to find higher level politicians and bureaucrats intervening in selecting beneficiaries for government programmes and limiting the power of sarpanchs further. We surveyed sarpanchs in Haryana's Palwal district and found that they spend a substantial amount of time visiting government offices and meeting local bureaucrats, and waiting to be seen or heard. sarpanches reported that they need to be in the "good books" of politician and local bureaucrats if they wanted access to discretionary resources, timely disbursement of funds, and be able to successfully execute any project or programme in their village.

The ability of sarpanchs to exercise administrative control over local employees is also limited. In many States, the recruitment of local functionaries reporting to the panchayat, such as village watchmen or sweepers, is conducted at the district or block level. Often the sarpanch does not even have the power to dismiss these local level employees.

The shadow of bureaucrats
Unlike elected officials at other levels, sarpanchs can be dismissed while in office. Gram Panchayat Acts in many States have empowered
district-level bureaucrats, mostly district Collectors, to act against sarpanchs for official misconduct. For instance, Section 37 of the Telangana Gram Panchayat Act allows District Collectors to suspend and dismiss incumbent sarpanchs. On what grounds can Collectors act against sarpanchs? Apart from abuse of power, embezzlement , or misconduct, the conditions include mere refusal to " carry out the orders of the District Collector or Commissioner or Government for the proper working of the concerned Gram Panchayat" .

This is not merely a legal provision. Across the country, there are regular instances of bureaucrats deciding to dismiss sarpanchs from office. In Telangana, more than 100 sarpanchs have been dismissed from office in recent years. In one such case, the official reason was a protest (by boycotting an official programme) against the denial of land for an electric substation.

The situation in Telangana is a reminder for State governments to re-examine the provisions of their respective Gram Panchayat laws and consider greater devolution of funds, functions, and functionaries to local governments. State-level politicians
and government officials resist giving sarpanchs power because they feel that sarpanchs will misuse funds allocated to a village．This is a case of the pot calling the kettle black．India has limited decentralisation because if local governments get genuine autonomy to allocate the monies，power will
shift from the MLAs and State government－controlled bureaucracy to the sarpanch．
（Pradeep Chhibber is professor of Political Science at University of California ，Berkeley Pranav Gupta is a PhD candidate at University of Cali－ fornia Berkeley．）

# Neglecting the health sector has consequences 

K Sujatha Rao

The stagnant allocations in the Budget for health, education and nutrition reminded me of the film The Last Czars. Emperor Nicholas asks his communist captors why he has been imprisoned despite loving Russia and being loyal to it. The captor replies, "You loved Russia, but not the people." In today's world of governance, are Budgets a reasonable way of assessing this quality in our leaders for those who elected them?

Budgets are boring documents if we look at them only in terms of financial allocations to sectors. Yet, they are eagerly awaited because they validate the true Intent and vision of the government- who or what it "loves" more. And such a judgment is based on the extent to which the Budget helps in furthering the equitable access of all citizens to basic public goods.

Soon after World War II left the U.K. devastated, the National Health Service was launched as a means to revive society. Envisioning a welfare state, the social economist William Beveridge sought to address the " five giant evils: want, disease, ignorance , squalor and idleness ". If India's vision
is driven by such an articulation, then investments need to be prioritised first towards basic services such as nutrition, health, employment, education, environmental sanitation and hygiene, rather than airports, highways and speed trains .

## Fulfilling commitments

It may be argued that the government has been fair in this year's Budget by providing free foodgrains to 80 crore poor people; developing 500 backward blocks; broadening access to housing, clean water, and toilets; providing employment through the rural employment guarantee scheme ; and providing opportunities for skill development. But these can only have partial gains ; they do not necessarily address the issue of widening inequality. Besides, for sustainable, long term growth of the country, expanding universal access to high quality education, healthcare and nutrition (not just food grains but proteins and other supplementary foods that are currently unaffordable) is imperative. No country can go far if a significant proportion of its population is illiterate, unhealthy or malnourished. All the countries that are developed
today invested well in education, health and nutrition. Studies in the U.S. show that after the Reagan era, innovation and scientific capability took a hit when public Investment in education was reduced to push privatisation. Even Nicaragua, despite its economy being in shambles, Invested in health and education. The tragedy is the failure of our political leadership, since Independence, in understanding the centrality of universal education and health to growth.

In view of the above, the Budget is disappointing. A study showed that 230 million Indians slid into poverty due to COVID - 19. The ASER report port shows the a abysmal state of education many Class 5 students are unable to read a Class 2 textbook. NFHS - 5 data show that among children aged below five years, 35.5 \% were stunted and 32.1 \% were underweight. Yet, the allocations for education and nutrition are stagnant. The budget for midday meals reduced by $9 \%$, not counting for inflation, even as data show a shift in enrolment from private to public schools with private schooling becoming unaffordable . Disease burden is rising with non - communicable diseases, mental health and geriatric care adding to the load of communicable diseases. India lacks adequate human resources, infrastructure and access to affordable diagnosis and treatment.

## Fault lines

COVID-19 sharply brought into focus three major fault lines: the lack of financial risk protection, which is why citizens incurred huge expenses , estimated to be more than 70,000 crore, even as their incomes fell, a broken down primary health system, particularly in the north, that resulted in a large number of avoidable deaths; and the absence of well-equipped and functioning district hospitals to cope with demand India needs an infusion of resources and a bold imagination to address these.

Besides, it also showed us the chaotic state of the regulatory framework. Many laws have serious infirmities and embed conflicts of interest. Some need to be scrapped and some amended, for without sound governance, opening up health to market forces can be disruptive and hurt patients, particularly the poor COVID- 19 also underscored the need to invest in public health to build our disease surveillance System and Strengthen resilience to such shocks.

Addressing all this is urgent because there is no guarantee that the worst is over. It is the responsibility of a government to firewall its citizens against any such eventuality by improving the healthcare system and reducing vulnerability. We need
political leadership backed by adequate funding in order to rebuild our public health system，promote scientific research，and expand health security． Constructing 157 nursing schools and trying the impossible of＂eliminating＂ a genetic disease is no answer to these serious structural problems．

Equity and justice are values that must guide a polity to build a nation． Measuring policy and money allocation only in terms of political expediency is short－term and unsustainable．When such structures collapse，as they will，it
is the poor and marginalised who will suffer disproportionately．But then disease is an equaliser－many rich people also died during COVID－ 19 for want of access to a hospital bed or oxygen．The price we paid then，and the lessons learned，need to be remembered．Neglecting the health sector and denying it of critical investments has consequences．
（K．Sujatha Race is Former Union Health Secretary，Government of India．）

The Hindu
8．2．2023

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#### Abstract

         


























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7－3－2023

# The importance of women-led digital solutions 

Elisabeth Faure

The theme for International Women's Day 2023 is 'DigitALL: Innovation and Technology for Gender Equality.' The transformational and all-encompassing role of digital technology is growing even faster in the post-pandemic world. But sadly, the digital revolution also poses the challenge of perpetuating gender inequality, which is increasingly noticeable in the manner in which women are left behind in knowledge of digital skills and access to technologies.

In the small holder farming sector, for instance, boosting female ownership of mobile phones and training on how to use them is crucial given that agricultural and market information are increasingly being delivered through digital platforms. The need for inclusive technology and digital education is essential for a sustainable future. In this context, the challenge and opportunity we have are not just about leveraging digital tech and innovation for creating gender equality but also placing women as the torchbearers of digital innovations and leaders in the community.

## Nutrition and empowerment

A case in point is the introduction of digital training and mobile tablets for the cook-cum-helpers who drive PM POSHAN. Ninety per cent of them are women.

Nearly, three million cook-cumhelpers play a critical role in preparing and providing hot, cooked meals to millions of schoolchildren under the scheme. Nutritional improvement through the mid-day meals scheme is inextricably linked with food safety. Unsafe food served in schools has the potential to create a vicious cycle of disease and malnutrition, impacting school children who eat these meals.

The United Nations World Food Programme (WFP) in partnership with the Governments of Odisha and Rajasthan has rolled out technologybased training modules housed in an application and mobile tablets for strengthening the capacity of the community in ensuring that proper hygiene and safety measures are followed so that children reap the full
benefits of the nutrition that these school meals offer. The FoSafMDM application is available on the Google Play Store and can be used on any android device.

By bringing together access to a digital device, digital literacy, and community ownership for women, the initiative has infused fresh energy and confidence in how women perceive and deliver their roles as nutrition champions.

## Digital literacy, food security

Unleashing women's economic power helps to lift millions out of poverty and food insecurity, and one of the keys to achieving this is digital literacy. This strengthens financial inclusion and creates potential new income streams.

We see this transformation in communities that are under-served in terms of access to digital services and opportunities. The National Family Health Survey-5 (NFHS-5) indicates that $51 \%$ women and $64 \%$ children in India's urban areas are anaemic.

In a pilot on financial literacy and digital literacy being implemented by the WFP with women self-help groups across low-income groups in Delhi's urban slums, nearly $70 \%$ of women wanted to acquire new skills. Most were aware of the potential of digital
platforms to start businesses and add to family income. A needs assessment conducted by the WFP among urban poor women in Delhi showed that few had a bank account. Many had smart phones but were dependent on family members to help them use the devices. Women were, however, aware of the benefits of financial and digital literacy in advancing their businesses and incomes, and therefore were keen to learn.

The women participating in training said that going forward, they will prioritise access to financial services to manage their own economic activities efficiently and take informed decisions to enhance their livelihoods, food security, and nutrition.

## Gender-responsive approach

India accounts for half the world's gendered digital divide given that only a third of all Internet users in the country are women. In Asia-Pacific, India has the widest gender gap of $40 \%$. Less than $32 \%$ of women in India own a mobile phone compared to over $60 \%$ of men. Women generally have handsets that cost less and are not as sophisticated as those used by men, and their usage of digital services is usually limited to phone calls and text messages. Owning and using a digital device is a household decision taken by the man.

The NFHS－5 shows that more than $18 \%$ of women between 15 and 49 years have a low body mass index while more than half the pregnant women in the same age group are anaemic．Access to digital literacy and platforms would create awareness about the gap and needs in the populations that are often on the margins of the digital revolution．

Women can harness digital tools for improving nutrition schemes and
initiatives，while also using them to create economic opportunities that ensure long－term food and nutrition security．
（Elisabeth Faure is Representative and Country Director，United Nations World Food Programme in India．）

The Hindu， 8 March， 2023.

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# The Pandemic in 2050 

Richard Mahapatra

MARCH 15, 2020. It was the fifth day of the covid-19 outbreak being officially declared a pandemic by the World Health Organization (WHO) In India, close to 75 districts had some 300 active cases. While the fear was of the immediate future revolving around how the virus would spread and kill, we did not realise that it would soon be the planet's widest pandemic, killing over 6.8 million people by February 2023. Three years later, we have stopped counting the dead and the infections. But the world is entering into the next phase with the pandemic's many other inflictions that would keep on crippling a large population for years to come.

In 2020, the world had 2.6 billion people under the age of 20 years- the "nursery" population for the working force. To put it another way, every third person on the planet who was about to seek livelihood had joined the "workforce" recently. This population was at a stage of their life that builds their future: obtaining education, getting vaccinated against diseases to remain healthy, and acquiring skills necessary for pursuing livelihood. All these are together called the human capital. The more a person has of this
capital, the higher their chance of gainful employment. And these people together, with a high human capital, build a thriving world economy/ workforce. This population group will make up 90 per cent of prime-age adults in 2050, says the World Bank.

The pandemic's impact on this human capital is the gravest shock in a century, says the World Bank in the first such analysis. Thus, the world is left with less human capital, or a hardly prepared and skilled workforce for the immediate future. Its analysis, "Collapse and Recovery: How the covid-19 Pandemic Eroded Human Capital and What to Do about It", released recently, says that "the pandemic may have led to a clear-cut collapse in human capital".

Building the human capital starts with the first five years of a child that lays the foundation for a healthy and educated future. After this, education sets the population on a path to get skills till they are 20 years of age. By the age of 25 years, the workforce is deploying this skill to take up livelihood, deciding on the future of their employment and readying for their own family. This is the ecosystem of the global economy as well.

The World Bank finds that the very foundation of this has been shaken by the pandemic．

First，millions of children have missed regular health checkups，vital vaccination dosages and access to healthy food delivered through health centres or schools．Most such children are in developing and poor countries． One billion school－age children missed at least a year of schooling，says the analysis．Schools in 180 countries， including India，were closed by the end of March 2020．A year later，schools were still closed，or partially closed in 94 countries．

The analysis infers that each month of school closure led to one month of lost learning．These children also missed out on acquiring the skills required to join the future workforce． Many young people lost their jobs as a result of the pandemic．The learning losses observed today could reduce
future earnings around the world by US $\$ 21$ trillion，says the analysis on the economic impact of this collapse of the human capital．

There is another phenomenon that will haunt the post－pandemic workforce generation and indirectly the global economy．It is called＂scarring＂． The World Bank says，＂Being unemployed or holding a low－paying job when one first enters the labour market can result in scarring＂． Evidence suggests that scarring can last for up to 10 years，warns the World Bank．

We might soon hear an official declaration on the end of the pandemic that made each of us a potential victim of the deadly virus．Those who survived，rejoice．But enduring its future wreaths seems together．

## Down to Earth，

16－31 March 2023.

The wide disparities in human development

Nandalal Mishra

India is now one of the fastestgrowing economies globally. However, this growth has not resulted in a corresponding increase in its Human Development Index (HDI). The HDI is a composite statistical measure created by the United Nations Development Programme to evaluate and compare the level of human development in different regions around the world. It was introduced in 1990 as an alternative to conventional economic measures such as Gross Domestic Product (GDP), which do not consider the broader aspects of human development. The HDI assesses a country's average accomplishment in three aspects: a long and healthy life, knowledge, and a decent standard of living. According to the Human Development Report of 2021-22, India ranks 132 out of 191 countries, behind Bangladesh (129) and Sri Lanka (73).

Given India's size and large population, it is critical to address the subnational or State-wise disparities in human development. Doing so will help India realise its demographic dividend. For this purpose, I have developed a new index using the methodology suggested by the UNDP and the National Statistical Office
(NSO) which measures human development on a subnational level for 2019-20.

## Calculating HDI

The HDI is calculated using four indicators: life expectancy at birth, mean years of schooling. expected years of schooling, and Gross National Income (GNI) per capita. Life expectancy estimates are taken from the Sample Registration System, and mean and expected years of schooling, are extracted from National Family Health Survey-5. Since estimates for GNI per capita are unavailable at the subnational level, gross state domestic product (GSDP) per capita is used as a proxy indicator to measure the standard of living. GSDP (PPP at constant prices 2011-12) is gathered from the Reserve Bank of India's Handbook of Statistics on Indian States. GSDP per capita is estimated using the population projection provided by the Registrar General of India's office. The methodology involves calculating the geometric mean of the normalised indices for the three dimensions of human development while applying the maximum and minimum values
recommended by the UNDP and NSO. HDI scores range from 0 to 1 , with higher values indicating higher levels of human development.

The subnational HDI shows that while some States have made considerable progress, others continue to struggle. Delhi occupies the top spot and Bihar occupies the bottom spot. Nonetheless, it is worth noting that Bihar, unlike the previous HDI reports, is no longer considered a low human development State.

The five States with the highest HDI scores are Delhi, Goa, Kerala, Sikkim, and Chandigarh. Delhi and Goa have HDI scores above 0.799 , which makes them equivalent to countries in Eastern Europe with a very high level of human development. Nineteen States, including Kerala, Maharashtra, Tamil Nadu, Haryana, Punjab, Telangana, Gujarat, and Andhra Pradesh, have scores ranging between 0.7 and 0.799 and are classified as high human development States.

The bottom five States are Bihar, Uttar Pradesh, Madhya Pradesh, Jharkhand, and Assam, with medium levels of human development. This category also includes States such as Odisha, Rajasthan, and West Bengal, which have HDI scores below the national average. The scores of these
low-performing States resemble those of African countries such as Congo, Kenya, Ghana, and Namibia.

Despite having the highest SGDP per capita among larger States, Gujarat and Haryana have failed to translate this advantage into human development and rank 21 and 10, respectively.

Conversely, Kerala stands out with consistently high HDI values over the years, which can be attributed to its high literacy rates, robust healthcare infrastructure, and relatively high income levels. Bihar, however, has consistently held the lowest HDI value among the States, with high poverty levels, low literacy rates, and poor healthcare infrastructure being the contributing factors. It is worth noting that the impact of COVID-19 on subnational HDI is not captured here. The full impact of COVID-19 on human development will be known when post-pandemic estimates are available.

## Reasons for discrepancies

One of the main reasons for this discrepancy is that economic growth has been unevenly distributed. The top $10 \%$ of the Indian population holds over $77 \%$ of the wealth. This has resulted in significant disparities in access to basic amenities, healthcare and education. Another reason is that while India has made significant
progress in reducing poverty and increasing access to healthcare and education，the quality of such services remains a concern．For example，while the country has achieved near－universal enrolment in primary education，the quality of education remains low．

Governments must prioritise human development alongside economic growth to ensure that the benefits of growth are more evenly distributed．This requires a multi－ faceted approach that addresses income inequality and gender inequality； improves access to quality social services；addresses environmental
challenges；and provides for greater investment in social infrastructure such as healthcare，education，and basic household amenities including access to clean water，improved sanitation facility，clean fuel，electricity and Internet in underdeveloped States．India must prioritise investments in human development and job creation， particularly for its youth．
（Nandalal Mishra is senior research fellow at international institute for population sciences，Mumbai）

The Hindu， 21 March 2023.

# A shared G20 vision for the ocean commons 

Shailesh Nayak

The oceans hold untrammelled opportunities for the prosperity of our planet. It is therefore not surprising that the most prosperous cities and countries are endowed with a coast. The G20 countries together account for around $45 \%$ of the world's coastlines and over $21 \%$ of the exclusive economic zones (EEZs). The oceans are reservoirs of global biodiversity, critical regulators of the global weather and climate, and support the economic well-being of billions of people in coastal areas The term 'blue economy' included not only ocean dependent economic development, but also inclusive social development and environmental and ecological security. Recognising the contribution of the ocean economy for sustainable development, Prime Minister Narendra Modi said, " To me the blue Chakra in India's flag represents the potential of the ... ocean economy."

## A host of intiatives

The Government of India has launched bold initiatives to promote the development of a blue economy. The Sagarmala initiative promotes port-led development. The Shipbuilding Financial Assistance Policy encourages domestic ship-building. The Pradhan

Mantri Matsya Sampada Yojana is actively engendering a 'blue revolution' through sustainable and responsible development of the fisheries sector. The Sagar Manthan dashboard tracks vessels in real-time. The Deep Ocean Mission explores deep-sea resources in the EEZ and continental shelf as well as development of technology for harnessing them. India adopted the Coastal Regulation Zone notification to classify and better manage coastal regions and conserve ecologically sensitive coastal and marine areas including ecosystems. As the host of the World Environment Day in 2018, Mr. Modi gave a clarion call to eliminate single- use plastic. In 2022, the global community rallied together for a multilateral treaty on addressing plastic pollution. The same year, India introduced an amendment to the Plastic Waste Management Rules banning select single use plastic items and introduced policies for extended producer responsibility in waste management in order to combat plastic pollution, including in the marine environment.

From this position of strength, as part of the India's G20 Presidency, the blue economy is articulated as a key
priority area under the Environment and Climate Sustainability Working Group. The aim is to promote adoption of high- level principles that guide sustainable and equitable economic development through the ocean and its resources, while simultaneously addressing climate change and other environmental challenges, This approach is consistent with Mr. Modi's call for the global adoption of 'Lifestyle for the Environment' that promotes mindful utilisation over mindless consumption patterns.

Over the last decade, the G20 forum has discussed some specific ocean-related issues. These include the G20 Action Plan on Marine Litter, the Osaka Blue Ocean Vision, and the Coral Research and Development Accelerator Platform. Last year, holistic discussions on blue economy were initiated at the Ocean 20 launch in Bali. India's commitment to prioritising oceans and the blue economy under its presidency would ensure continued discussions on this crucial subject and pave the way for future G20 presidencies.

We must also recognise, however, that the ambitious efforts by countries to expand their blue economies are being threatened by intensifying extreme weather events, ocean acidification and sea level rise. Growing marine pollution, over-
extraction of resources, and unplanned urbanisation also pose significant threats to the ocean, coastal and marine ecosystems, and biodiversity. The inherent inter-connectedness of oceans implies that activities occurring in one part of the world could have ripple effects across the globe. Therefore, the responsibility of their protection, conservation and sustainable utilisation lies with all nations. Since the blue economy involves a range of stakeholders and affects several other sectors of the national economy, effective and efficient ocean and blue economy governance also presents a significant challenge.

## An important role

In this context, India's G20 presidency would play an important role in promoting individual and collective actions to facilitate the transition towards a sustainable blue economy. The G20 comprises a diverse group of countries with varying national circumstances. Several G20 members have released their strategies for developing and/or expanding their blue economy. This forum presents an excellent opportunity to build an effective communication with all stakeholders to share best practices, foster collaborations for advancements in science and technology, promote public- private partnerships, and create novel blue finance mechanisms The
outcomes of this forum must further inform other international negotiations under the United Nations Framework Convention on Climate Change，the Convention on Biological Diversity，the Intergovernmental Negotiating Committee on Plastic Pollution，the United Nations Convention on the Law of the Sea，etc．，that are closely interlinked．The stewardship of oceans in an investment that will sustain future generations．The spirit of＇One

Earth，One Family One Future＇must unite the global community for the well－being of our ocean commons．
（Shailesh Nayak is Director，National Institute of Advanced Studies， Bengaluru）

The Hindu
28－3－23

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## Democracy and its structural slippages

## Harbans Mukhia

The democracy that is functional around the world today- even as it has a long history of evolution - was essentially a $19^{\text {th }}$ century to $20^{\text {th }}$ century western creation. Every civilisation, of course, claims to have had some form of democratic origin. But the institution of universal adult franchise and governance through regular and multi-party elections (the universal norm today) has at the most a 100 years or less of practice behind it. Even in the most "advanced" democracies such as the United States, "universal franchise" of the 1920s did not include AfricanAmerican citizens. In Britain, women obtained the right to vote in the 1930s, in France in 1944, and in Switzerland as late as 1971, over two decades after their Indian sisters.

## Devolution and capitalism

Basic to democracy is the devolution of power, and with it, welfare from the elite echelons to the ground level. Devolution occurs on the premise of the individual and equality. In practice, is there a good record for these principles? If one is to go by the long view of history, the
answer is 'yes, most effectively'. The near-universal abolition of autocratic monarchies and hereditary aristocracies and their replacement by governance through popular mandate (with exceptions) and the spread of economic resources, infrastructure, education, health, etc. to the masses, with all their shortcomings and lacunae, call for acknowledgment even as the demand for these grows every day, constantly, and legitimately.

Yet, there is an unbreakable link between the wide spread of this devolution and capitalism. In capitalism's basic requirement to seek freedom for resources such as land, labour, and movement from the autocratic restraints of medieval monarchies, the notions of the individual's rights and equality evolved, culminating in the notion of a free market for every kind of resource mobilisation, including labour. It also implied a great deal of uniformity.

It is important to note that human history has been witness to several experiences of equality, mostly in its religious form: non-
theistic Buddhism and monotheistic religions such as Christianity, Islam and Sikhism were proponents of social equality. However, equality here demanded the subjugation of the individual to the community or Society.

Clearly, humanity's urge for equality has erupted over and over again indifferent parts of the world at different times, it was the same urge that had led to the most recent experiment of Marxian socialism in about a third of the globe and a large chunk of the population. However, it is equally important to note that no egalitarian ideology has ever been able to create an egalitarian society. What it does is to reshuffle existing social hierarchies and create some space for the upward movement of the lower rungs. But the urge for equality has found diverse ways to seek utterance. Its current urge seeks to establish uniformity through the same or similar institutions and practices.

The uniformity takes the form of periodic multi-party "free and fair" elections and guarantees of various kinds of freedoms, especially of the market. The elections are a means of self-correction of government policies and actions.

## The conduct of elections

Are elections truly free and fair?
To begin with, elections divide voters into a dubious majority and a minority. The majority-minority division of $50 \%$ plus one and $50 \%$ minus one is, in principle, hardly decisive mandate even as this is treated as one empirically. But the practice of elections belies even this notion of "majority"; there is hardly a government anywhere in the world and at any time that governs through a majority of the mandate. Usually, $30 \%$ to $40 \%$ of the votes cast give a party a comfortable majority to rule legitimately. This is structured into multi-party elections through "the first past the post" principle; but even in a system such as the United States, Donald Trump could defeat Hillary Clinton even as she received some 2.5 million more popular votes than him, in 2016

In practice again, contrary to theory, even as the voter is all alone in the polling booth voting as an un trammelled individual, her/his vote is still conditioned by numerous demands on it by family, community, religion, culture, and, above all, by the political alternatives offered by political parties. A loss of individuality is implicated here. The individual does not create the choices which are given by parties, very
often wrapped in false propaganda and even more false promises．The individual has the＂freedom＂to choose one or another of these．

The complete equation of democracy with electoral politics draws one＇s attention away from any alternative form of governance．There is no space here for diversity．

## A reinforcement of identities

This democracy came to India in its most modern form：unconditional adult franchise and multi－party periodic elections．Yet，the operative categories of electoral politics here have mostly been pre－modern：identity politics of caste，sub－caste，community，region， language，etc．Not long ago we were familiar with acronyms such as AJGAR （Ahir，Jat，Gurjar and Rajput castes） and MY Muslims and Yadavs）and so on，signifying the vote base of different political parties，or what came to be picturesquely called the＂vote bank．＂

Jawaharlal Nehru had hoped that education and the experience of democracy would force a retreat on these operative categories and generate a more＂modern＂consciousness among the masses．What has emerged is contrary to this．The very success of these mobilisations has reinforced
identities instead of weakening them． The Bharatiya Janata Party is determined to create the biggest vote bank which would be ever hard to defeat：the entire Hindu population， comprising $80 \%$ of the populace．It can afford to marginalise and thus disenfranchise all others in the residual $20 \%$ ．Remember the explicit assertion of this strategy by the Uttar Pradesh Chief Minister in the form of his line， ＂ 80 versus 20 ＂during the run－up to the Assembly elections？

So，as long as we practice this form of democracy，its fault lines and，above all，its link with capitalism will remain unbroken．Yet， the fact that humanity has throughout history sought one or another form of social equality keeps the possibility of this urge erupting yet again more amenable to achieving a reality that has eluded us so far． What its form and its grade of success will be are hard to guess． What can be said confidently is that history is still unfolding and creating a future for us．
（Harbans Mukhia taught history at Jawaharlal Nehru University）

The Hindu，
24 January， 2023.

# India's law and order matrix needs a reboot 

M. K. Narayan

The annual All India Conference of Directors General/Inspectors General of Police which was held recently, witnessed a departure from the past, when some aspects that were discussed found their way into the public domain. This led to an element of controversy over the management of certain issues, specially on the border, but little else. In its present form, the DGPs/1GPs conference is a relatively new construct (1980), superseding the earlier annual conference of Heads of Intelligence and CIDs of different States. The latter conference used to deal mainly with the nitty-gritty of police work, viz. intelligence. crime and criminal investigation, technology and the forensic aspects, while the conference now additionally deals with a host of other issues including Policy and personnel matters.

## In-depth discussion is taking a hit

The proliferation of subjects up for discussion in recent conferences, and the presence of increasing numbers of delegates to cover the various subjects leave little scope for any indepth discussion. Today's security threats have an all-embracing character and there is a crying need for in-depth
discussions on futuristic themes in policing, such as cyber crime, the dark web, crypto, maritime security, the threat from drones, and also problems stemming from an unchecked social media. These are in addition to subjects such as left-wing extremism, counter-terrorism, drug trafficking and border issues. Lack of adequate time to discuss these matters in detail tend to undermine both the quality of the debates and possible outcomes.

Admittedly, we may not be standing today at the beginning of history, but the evolving security scenario is producing a myriad of internal and external challenges. As the $21^{\text {st }}$ century advances, security problems will grow at an exponential rate. Their dimensions are as yet unclear, but what is already evident is that the emerging challenges would require greater innovativeness and agility as well as a demonstration of newer cognitive skills to meet the challenges posed by swift technological change and the rise of data war fighting. Hence, decision making in these circumstances needs to undergo fundamental changes, entailing more purposive discussion at higher levels.

Law and order management today would be a good starting point in this context. This subject may appear rather mundane in a world dominated by technology; but what it currently demands is a combination of newer skills, in both technology and crowd management, which are not readily available among security agencies The attention of most security forces in the country has essentially been devoted to ongoing threats such as terrorism, which has resulted in law and order management being put on the back burner. Managing today's angry, and often unruly, mobs requires a fresh set of skills and inherent abilities, apart from mere technology. A heavy-handed approach tends to create more problems than they solve. Any approach of this kind only leads to a catastrophic divide between law enforcement agencies and the public, at a time when newer practices and skills are the proper answer.

Hence, much more is clearly required than simply reiterating that technology, including artificial intelligence, can provide answers to a host of problems that exist. Understanding the psychology of agitating mobs and, in turn making them realise the dangers of their own predilections before matters get out of hand, is not an innate, but an acquired skill. This needs better attention.

Police and security agencies, must consequently, be provided with the right
attributes, and for which they need to be adequately trained. This would call for a top down approach, as there would be considerable competition of resources from within the agencies for other items such as advances in weaponry and technology. It would be required even more, to secure acceptance of utilitarian aspects of any such move.

## Pay attention to selection, skills

The selection of personnel to security agencies, especially the police, also will require a total makeover. The $21^{\text {st }}$ century is proving to be vastly different from the 20th century, and the choice of personnel to man security agencies requires more high-level attention than has been devoted to this task. Most of the debate on this subject has been outside, rather than within the police forces, and the higher echelons of the forces have not spent enough time in determining what can and needs to be done. The police forces must mirror the kind of society we live in today, and must be capable of dealing with today's modern antagonists. The latter often employ a variety of tactics and skills, and use common imagery to keep track of developing situations, including on social media and Twitter. For the police and security forces, this means that more than the mere acquisition of new skills, they must develop a different mindset, including that force cannot be the answer to every situation.

Technological advances worldwide have meant that the human skills of security agencies need to be suitably tailored to a world in which the Internet, social media and other breakthroughs, often provide protestors and agitators an upper hand, and often detrimental to law and order. This has given rise to the importance of 'Open Source intelligence' that is often neglected by security agencies. The proper utilisation of Open Source intelligence could well become the critical factor in managing many law and order situations today. A vast gap exists at present between the need, and on how best to utilise information from open sources.

An added problem, apart from the existing cauldron of events, incidents and situations, is the presence of multiple security agencies, including intelligence and investigative agencies, who seldom act with a common purpose. Their techniques and methodologies tend to be different, often leading to contradictions in approach. While the proliferation of agencies was intended to create specialised agencies for special requirements, this has not happened. Far from easing the burden of individual agencies, they often hinder proper analysis and investigation.

## Small is beautiful'

Hence what is clear is that there is a very real need to take a hard look at not only improving the nature of the security discourse-in regard to the range and varieties of threats - but also
on how to bring about changes in regard to intelligence techniques, investigative methodologies, improving the ground situation, etc. Conventional wisdom would suggest that an apex level meeting of DGPS/IGPS would provide the necessary direction and policy imperatives. The reality is that too broad a sweep, both in terms of the subjects discussed, as well as in the numbers present, tends to affect the quality of the discourse even among dedicated professionals. Meaningful discussions cannot occur when the size of the conference inhibits detailed and frank discussion even in a professional atmosphere. Here, as in many other aspects of life, 'small is beautiful'.

In short order, it can be said that there is a case for splitting the annual conference of DGPS/IGPs into two separate conferences - a higher level conference of DGPS/IGPs to discuss policy related issues, and a separate conference to be held of intelligence and security specialists (IGs/CID) to discuss the finer points of methodology, techniques and acquisition of new skills for current and future problems. Outcomes would then become more relevant to current and future security needs.
(M. K. Narayanan is a former Director, Intelligence Bureau, a former National Security Adviser, and former Governor of West Bengal.)

The Hindu,
11 February, 2023.

# The problems with the data protection bill 

Anjali Bhardwaj, Amrita Johri

The Ministry of Electronics and Information Technology has drafted a Digital Personal Data Protection (DPDP) Bill with the stated purpose of providing "for the processing of digital personal data in a manner that recognises both the right of individuals to protect their personal data and the need to process personal data for lawful purposes..." A data protection law must safeguard and balance peoples' right to privacy and their right to information, which are fundamental rights flowing from the Constitution. Unfortunately, this Bill fails on both counts. There are at least four reasons why the Bill must be put through a process of rigorous pre-legislative consultation and redrafted before it makes its way to Parliament.

## Diluting the RTI Act

First, the Bill seeks to dilute the provisions of the Right to Information (RTI) Act, which has empowered citizens to access information and hold governments accountable. Experience has shown that if people, especially the poor and marginalised, are to have any hope of obtaining the benefits of welfare programmes, they must have access to relevant, granular information. For instance, the National Food Security Act recognises the need for placing the details
of ration card holders and records of ration shops, including sale and stock registers, in the public domain to enable social audits of the public distribution system. In the absence of publicly accessible information, it is impossible for intended beneficiaries to access their rightful entitlement of food grains. This is equally true for delivery of other social security programmes such as old age pensions and scholarships. It is behind the cloak of secrecy that the rights of individuals are most frequently abrogated and corruption thrives. In recognition of this principle, democracies ensure public disclosure of voters lists with names, addresses and other details to enable scrutiny and prevent electoral fraud.

The RTI Act includes a provision to protect privacy through Section $8(\mathrm{i})(\mathrm{j})$ ). In order to invoke this Section to deny personal information, at least one of the following grounds has to be proven the information sought has no relationship to any public activity or public interest or is such that it would cause unwarranted invasion of privacy and the Public Information Officer is satisfied that there is no larger public interest that justifies disclosure. The proposed Bill seeks to amend this Section to expand its purview and exempt all personal information from the ambit of the RTI Act.

Further, under the RTI Act, exemptions are not absolute. A key provision for limiting the exemptions is the proviso to Section 8(1) which states that "information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person." The government has erred in interpreting this proviso as being applicable only to the privacy exemption of the RTI law. There are several judicial pronouncements stating that it is applicable to all exemptions. Based on an incorrect understanding of the RTI Act, this provision is sought to be deleted.

The DPDP Bill needs to be suitably amended and harmonised with the provisions and objectives of the RTI Act. This would be in line with the recommendation of the Justice A.P. Shah Report on privacy that the "Privacy Act should clarify that publication of personal data for public interest... and disclosure of information as required by the Right to Information Act should not constitute an infringement of Privacy" Neither the recognition of the right to privacy, nor the enactment of a data protection law requires any amendment to the existing RTI law.

Second, by empowering the executive to draft rules on a range of issues, the proposed Bill creates wide discretionary powers for the Central government and thus fails to safeguard people's right to privacy. For instance,
under Section 18, it empowers the Central government to exempt any government, or even private sector entities, from the provisions of the Bill by merely issuing a notification.

## Government control

Third, given that the government is the biggest data repository, it was imperative that the oversight body set up under the law be adequately independent to act on violations of the law by government entities. The Bill does not ensure autonomy of the Data Protection Board, the institution responsible for enforcement of provisions of the law. The Central government is empowered to determine the strength and composition of the Board and the process of selection and removal of its chairperson and other members. Further, the chief executive responsible for managing the Board is to be appointed by the government, which gives the government direct control over the institution. The Central government is also empowered to assign the Board any functions "under the provisions of this Act or under any other law." The creation of a totally government-controlled Data Protection Board, vested with the powers of a civil court and empowered to impose fines up to ₹ 500 crore, is bound to raise serious apprehensions of its misuse by the executive.

Finally，the Bill stipulates that the Data Protection Board shall be＇digital by design＇，including receipt and disposal of complaints．As per the latest National Family Health Survey，only $33 \%$ of women in India have ever used the Internet．The DPDP Bill，therefore， effectively fails millions of people who do not have meaningful access to the Internet．
（Anjali Bhardwaj is a member of the National

Campaign for People＇s Right to Information．

Amritha Johri is a member of the National

Campaign for Peoples＇Right to Information．）

The Hindu，
$21^{\text {st }}$ February， 2023.

# A Case that scans the working of the anti-defection law 

Gautam Bhatia

A five judge Bench of the Supreme Court of India is presently hearing a set of cases popularly known as the "Maharashtra political controversy cases." These cases arose out of the events in June last year, when the ruling Maha Vikas Aghadi (MVA) coalition (the ShivSena, the Nationalist Congress Party and Congress) lost power after an internal splintering of the Shiv Sena party A faction led by Eknath Shinde then joined hands with the Bharatiya Janata Party (BJP) to form the new ruling coalition. The disputes between the various parties have been continuing since then, with the most recent development being an Election Commission of India (ECT) order declaring that Eknath Shinde's faction is entitled to the party name and symbol.

While questions have been raised about whether the situation is now fait accompli, and whether the Court can "turn the clock back" if it wanted to, the judgment of this case will have consequences not merely for State politics in Maharashtra but far beyond as well. This is because the case raises certain fundamental issues about the working of India's "anti-defection law"

## The Tenth Schedule, past and present

The anti-defection law was introduced into the Constitution via the Tenth Schedule, in 1985. Its purpose was to check increasingly frequent floorcrossing; lured by money, ministerial berths, threats, or a combination of the three, legislators were regularly switching party affiliations in the house (and bringing down governments with them. The Tenth Schedule sought to put a stop to this by stipulating that if any legislator voted against the party whip, he or she would be disqualified from the house. While on the one hand this empowered party leadership against the legislative backbench, and weakened the prospect of intra-party dissent, the Tenth Schedule viewed this as an acceptable compromise in the interests of checking unprincipled floor crossing

Fast-forwarding 40 years to the present day, we find that the working of the Tenth Schedule has been patchy, at best. In the last few years, there have been innumerable instances of governments being "toppled mid-term after a set of the ruling party or coalition's own members turn against it. That this is power- politics and no high-
minded expression of intra party dissent is evident from the well-documented rise of "resort politics", where party leaders hold their "Flock" more or less captive within expensive holiday resorts, so as to prevent the other side from getting at them.

Indeed, politicians have adopted various stratagems to do an end-run around the anti-defection law. Recent examples involve mass resignations (instead of defections) to force a fresh election, partisan actions by State Governors (who are nominees of the central government with respect to swearing-in ceremonies and the timing of floor tests, and equally partisan actions by Speakers (in refusing to decide disqualification petitions, or acting in undue haste to do so). The upshot of this is that, in effect, the Tenth Schedule has been reduced to a nullity: governments that do not have clear majorities are vulnerable, at any point, to being "toppled" in this fashion

## The Court has a challenging task

This is where the role of the Supreme Court becomes crucial. Disputes over government formation and government toppling invariably end up before the highest court. It must immediately be acknowledged that such cases place the Court in an unenviable position: the Court has to adjudicate the actions of a number of constitutional
functionaries: Governors, Speakers, legislative party leaders, elected representatives, many (if not all) of whom, to put it charitably, have acted dubiously. But the Court does not have the liberty of presuming dishonesty: it must maintain an institutional arm's length from the political actors, and adjudicate according to legalities, even as political actors in anti-defection cases do their best to undermine legality. This is a challenging task.

But it is a challenge that the Court has, with due respect, not always risen to. This is one of those situations where the proof of the pudding is in the eating: despite the fact that the Court's intervention has been sought in every one of these cases, and despite the fact that in recent years the Supreme Court has handed down multiple substantive judgments on anti-defection, the toppling of governments remains as frequent as ever. While one may (partially) put this down to wily politicians finding loopholes in Supreme Court judgments, much like they find loopholes in the Tenth Schedule, this is not all there is to the situation: some of these loopholes were easily foreseeable at the time, but were, unfortunately, not addressed by the Court.

An example of this is the Court's judgment in the Karnataka political controversy, which effectively sanctified resignations as an end-run around the
anti-defection clause. But it is the present case (the Maharashtra political controversy) that presents an interesting case study. One will recall that the crisis, so to say. began when a set of legislators from the Shiv Sena rebelled against Uddhav Thackeray, and were soon ensconced in a resort on Guwahati (with allegations of State political intervention). The Deputy Speaker (there was no Speaker at the time) moved to disqualify the "rebels" who in turn moved the Court, arguing that there was a pending no-confidence motion against the Deputy Speaker, and therefore, as per the Supreme Court's judgment in Nabam Rebia, he was disqualified from deciding on the disqualifications while it was pending.

The Supreme Court's vacation Bench stayed the Deputy Speaker's hand, but in what can only be described as a very curious set of orders, also directed a floor test. The upshot of this was that the "rebel MLAS" (who may or may not have subjected themselves to disqualification) were able to vote in this floor test, and voted to bring the government down (in turn altering a fluid political situation and skewing the balance of power). The new government was swiftly sworn in (by the Governor), and appointed its own Speaker, thus effectively creating a fait accompli with
respect to the pending disqualification petitions. To top it all, the Supreme Court's orders were "interim" in nature, and therefore, no reasons were provided.

## In perspective

These orders, the correctness of which is now being considered by the five-judge Bench, albeit in the context of a changed political situation that itself is the consequence of those very orders, reflect how judicial interventions, if not carefully thought through, can hasten the toppling of a government and contribute to turning the Tenth Schedule into a dead letter. If, for example, it is held that a Speaker cannot decide a disqualification petition while under a notice for removal themselves, and that a floor test can be ordered in the interim (by the Governor or the court), the consequences are obvious: a "rebel MLA" can move a notice for removal, incapacitate the Speaker from taking action, and leave rebel MLAS free to bring down the government without consequence.

How the Supreme Court will untangle or cut this Gordian knot in the Maharashtra political controversy is anyone's guess. But ultimately, the Court will be subject to the verdict of history: the use of money and indeed threats and inducements of prosecution or
immunities therefrom to＂turn＂MLAS is a truth that is evident to all with the eyes to see．The Court＇s judgment can act as a counterweight to political power，and infuse a dose of constitutionalism into the politics of government formation and toppling．But equally，the Court＇s judgment could make toppling
governments even easier for those with the means to do so．Only time will tell which of the two it will be．
（Gautam Bhatia is a Delhi based lawyer）

The Hindu，
24 February， 2023.

# Towards transparancy in ott regulation 

Ravi Kira Edara

It has been two years since the governments, issued the Information Technology (intermediary Guidelines and Digital Media Ethics Code) Rules through which the Ministry of Information and Broadcasting (I\&B) was given the task of regulating content on OTT and online platforms India's approach can be termed as a light touch 'co-regulation' model where there is 'self-regulation' at the industry level and final 'oversight mechanism' at the Ministry level. The Rules provide for a grievance redressal mechanism and a code of ethics. They mandate access control mechanisms, including parental locks, for content classified as U/A 13+ or higher and a reliable age verification mechanism for programmes classified as 'A' (18+),

A survey of OTT regulation in different countries suggests that most of them are yet to come up with a clear statute-backed framework. Few of them such as Singapore and Australia stand out. In Singapore, the Infocomm Media Development Authority is the common regulator for different media. Aside from instituting a statutory framework and promoting industry self-regulation, its approach to media regulation emphasises on promoting media literacy through public edu cation.

## Towards media literacy

Though the OTT Rules were notified in 2021, there is little awareness about them among the general public. The Rules mandate the display of contact details relating to grievance redressal mechanisms and grievance officers on OTT websites/interface However, compliance is very low In many cases, either the complaint redressal information not published or published in a manner that makes it difficult for user to notice easily. In some cases, the details are not include as part of the OTT app interface This underlines the need for ensuring uniformity in the way OTT publishers display key information relating to their obligations, timelines for complaint redressal, contact details of grievance officers, etc. The manner, text, language and frequency for display of vital information could be enshrined in the Rules. The OTT industry associations could be mandated to run periodic campaigns in print and electronic media about the grievance redressal mechanism.

The interpretation of age rating (UA $13^{+}$, for example) and the content descriptors ("violence", for instance) could be in the respective languages of the video (apart from English). Such
provisions are embedded in law for display of anti-tobacco messages in films. Further, age ratings and content descriptors could be shown prominently in full screen mode for a mandatory minimum duration instead of a few seconds on screen. Such a rule exists for films under the Cinematograph Act. The Rules could also provide for clear guidelines to ensure that a film's classification/rating is prominent and legible in advertisements and promos of OTT content in print and electronic media.

## Need for transparency

A periodic audit of the actual existence and efficacy of access controls and age verification mechanisms and the display of grievance redressal details by each OTT platform may be undertaken by an independent body. While the Rules require disclosure of grievance details by publishers and self-regulating bodies, the reporting formats only capture the number of complaints received and decided. Instead, the full description of complaints received by OTT providers and selfregulatory bodies and decisions given thereon may be published in the public domain.

The Ministry could consider facilitating a dedicated umbrella website wherein the details of applicable Rules, content codes, advisories, contact details for complaints/appeals, etc. are published.

OTT providers and appellate/self regulatory bodies can be made to upload the details of grievances and redressal decisions, which will be visible for the public and government authorities. This approach will aid in enhancing transparency.

The current Rules provide for the third/final tier as the Inter-Departmental Committee (IDC) comprising officer nominees from various ministries of Central government, and domain experts. The mechanism is such that while IDC recommends the course of action on OTT content violations, the Secretary of the Ministry is competent to take the final decision. The Supreme Court and High Courts have underlined the need for establishing a statutory body for regulating broadcast content. Pending the constitution of such a statutory regulator for the media, the IDC's membership may be made more broad-based and representative and with security of tenure.

There is no provision for the disclosure or publication of an apology/ warning/censure on the platform or website. This may be incorporated in the Rules. Financial penalties on erring entities may also be provided. In the present era of media convergence, it is high time we evolve a common set of guidelines for content, classification, age ratings, violations, etc. so that content across platforms is governed uniformly.

India＇s OTT regulatory model seeks to be an efficacious combination of self－ regulation and legal backing．This is in line with the global trend．The I\＆B Ministry envisaged that India＇s OTT regulations＂would raise India＇s stature at an international level and serve as a model for other nations to emulate．＂The above initiatives towards enhancing media literacy and transparency will help in
furthering this objective，realise the efficacy of＇self－regulation＇and empower millions of OTT consumers．
（Ravi Kiran is in the civil service and has a keen interest in Media Law and policy．）

The Hindu，
27 February，2023

# Unpacking, the new set of e-waste rules 

## Manika Malhotra Jain

The burgeoning problem of managing e-waste is a cross cutting and persisting challenge in an era of rapid urbanisation, digitalisation and population growth. The first set of e-waste Rules was notified in 2011 and came into effect in 2012. An important component of the Rules (2011) was the introduction of Extended Producer Responsibility (EPR). Under EPR compliance, 'producers' are responsible for the safe disposal of electronic and electric products once the consumer discards them. E-waste rules 2016, which were amended in 2018, were comprehensive and included provisions to promote 'authorisation' and 'product stewardship'. Other categories of stakeholders such as 'Producer Responsibility Organisations (PRO) were also introduced in these rules.

In November 2022, the Ministry of Environment and Forests further notified a new set of e-waste rules, which will come into force from April 1, 2023. These rules address some of the critical issues but are silent on others. The first main chapter of the E-Waste (Management) Rules 2022 includes the provision of an EPR framework, the foremost requirement being the 'Registration of Stakeholders' (manu facturer, producer, refurbisher and recycler). The earlier rules placed
importance on seeking authorisation by stakeholders, but a weak monitoring system and a lack of transparency resulted in inadequacy in compliance. Most of the 'refurbishers' or the 'repair shops' operating in Delhi are not authorised under the Central Pollution Control Board of India.

Further, many formal recyclers undertake activities only up to the preprocessing or segregation stage, and thereafter channelise e-waste to the informal sector, which is a pure violation of law. A 'digitalized systems approach’, introduced in the new rules (2022), may now address these challenges, Standardising the e-waste value chain through a common digital 'portal' may ensure transparency and is crucial to reduce the frequency of paper trading' or 'false trail,' 'i.e., a practice of falsely revealing $100 \%$ collection on paper while collecting and/or weighing scrap' to meet targets

Myopic with the informal sector left out
Two important stages of efficient ewaste recycling are 'component recovery' (adequate and efficient recoveries of rare earth metals in order to reduce dependence on virgin resources) and 'residual disposal' (safe disposal of the
leftover 'residual during e-waste recycling). The rules briefly touch upon the two aspects, but do not clearly state the requirement for ensuring the recovery tangent. Therefore, in order to ensure maximum efficiency, the activities of the recyclers must be recorded in the system and the authorities should periodically trace the quantity of e-waste that went for recycling vis-à-vis the 'recovery' towards the end

Further, the new notification does away with PRO and dismantlers and vests all the responsibility of recycling with authorised recyclers; they will have to collect a quantity of waste, recycle them and generate digital certificates through the portal. This move seems to be a bit myopic and can cause initial turbulence, where the informal channels may try and seek benefits from. PROS acted as an intermediary between producers and formal recyclers by bidding for contracts from producers and arranging for 'certified and authorised recycling'. Fresh challenges might emerge as companies are no longer required to engage with PROS and dismantlers, who partially ensured 'double verification’ in terms of quantity and quality of recycling.

The informal sector, which plays a crucial role in e-waste handling, draws no recognition in the new rules which could be on account of its 'illegality'. The informal sector is the
'face' of e-waste disposal in India as $95 \%$ of e-waste is channelised to the sector. Therefore, they also hold immense potential to improve the state of e-waste management. In the hierarchical process of e-waste collection, segregation and recycling in the informal sector, it is the last stage that poses a major concern where e-waste is handed over to the informal dismantlers/recyclers. The rest of the stages (collection of mixed waste, segregation of e-waste, clustered accumulation of e-waste according to their type) do not involve any hazardous practices and should in fact be strategically utilised for better collection of e-waste. For instance, 'Karo Sambhav,' a Delhibased PRO, has integrated informal aggregators in its collection mechanism. Through this initiative, ewaste is entered in a safe and structured system and the informal sector also has an advantage in terms of financial and legal security.

## The consumer knows little

Many producers in Delhi have still not set up collection centres and some brands have labelled their head office (located on the outskirts of Delhi) as the 'only' collection point. Similarly, formal companies, low in number and clustered in the metropolises, also fail to provide doorstep collection to consumers
when the quantum of e－waste is not enough to meet their overhead expenses or transport．On the other hand．consumers lack awareness and information about the existence of any such services．

In order to ensure the efficient implementation of the law， stakeholders must have the right information and intent to safely dispose of e－waste．There is a need for simultaneous and consistent efforts towards increasing consumer awareness，strengthening reverse logistics building capacity of stakeholders，improving existing infrastructure，enhancing product
designing，rationalising input control （by defining＇rare earth elements as ＇critical raw materials＇），and adopting green procurement practices．This should be supplemented by establishing a robust collection and recycling system on the ground， making it responsive to meet legislative requirements．
（Manika Malhotra Jain is Research Associate and coordinator policy prespective foundation）

The Hindu， 28 February 2023.

# The anti defection law is facing convulsions 

P. D. T. Achary

After long years of legislative meanderings, Parliament enacted the anti defection law (10th Schedule) in 1985 to curb political defection. The volume, intensity, recklessness and uncontrolled venality seen in defections in the 1960s and thereafter almost came to a stop after this. Defections not only caused the frequent fall of governments but also caused great instability in political parties with power-seeking politicians wreaking havoc on political parties. The Supreme Court of India in its first comprehensive judgment in the Kihoto Hollohan case characterised it as a political evil and upheld the right of Parliament to curb this evil through legislative mechanism.

Years have passed and this promise of political stability seems to be ending with the anti-defection law facing convulsions in Indian legislatures, especially in the last five years. The happenings in the State of Maharashtra are an example.

## Sound objectives

But before dealing with the questions of constitutional importance that have arisen in the Maharashtra Assembly, and which are presently before the Supreme Court, it is necessary to make a few general points about the scheme of the anti-defection law in India. In fact, a closer
reading of this law will show that this enactment had a two-point objective. The first was to curb the act of defection by disqualifying the defecting member. The second was to protect political parties from debilitating instability. The fact is that frequent defections from even wellorganised political parties leave them weak. They find themselves incapable of keeping their flock together as politicians have a tendency to abandon a sinking ship and move out in search of greener pastures. Indian democracy is based essentially on a party system where stable parties are a sine qua non of a stable democracy. Representatives elected otherwise than as members of parties cannot run a government, which is a very complex institution that demands unity of purpose, ideological clarity and cohesivenessobjectives that can only come from organised, ideologically-driven political parties. This is true of every democratic country in the world.

That this objective is the principal focus of the anti-defection law is clear from two provisions enacted in the 10th Schedule, namely the provision of a split in a political party and that of a merger of two political parties. Although split has ceased to be a defense against disqualification with the deletion of paragraph three of the Schedule, a closer
look at this erstwhile provision is necessary for a proper understanding of the true objective of this law. Under this paragraph, if a split occurs in a political party resulting in a faction coming into existence, and one third of the legislators move out of the party and join that faction, those members could get an exemption from disqualification. The point to note here is that one-third of the legislators would get protection only if there was a split in the original political party. So, the split in the original political party is the pre-condition for exempting one-third of legislators from disqualification.

In other words, if there was no split in the original political party and one third of the legislators only moved out, all of them would be liable to be disqualified. With the deletion of this paragraph, a split in the original party is no longer a defence against disqualification. Even when a political party has split, the legislators will not get any protection. That would be the impact of the deletion of paragraph three. But the point is that in order for the legislators to claim protection, a split in the original party was always necessary.

## The merger Issue

In paragraph four which protects defecting members from disqualification, the condition is merger of the original political party with another party and twothirds of the legislators agreeing to such a merger. Here too, as in split, merger of the
political party is the pre-condition to seek exemption from disqualification. One thing that becomes clear from an analysis of the omitted paragraph on split and the paragraph on merger is that the legislators do not have the freedom to bring about a split or merger as they are legally restrained by the anti-defection Law. It is the original political party in both cases which takes that decision.

The argument that the Speaker cannot make a roving inquiry into the split or merger is specious as the Speaker takes the decision only after ascertaining the fact of the split. The same applies to the merger. Only a merger of the original political party provides the basis for claiming protection from disqualification under paragraph four. Of course it contains another assertion namely, the merger will be deemed to have occurred only if twothirds of the legislators agree to such merger. This simply means that for exempting defecting legislators from disqualification, merger is taken into account only if two-thirds of legislators have agreed to it. A merger of parties can take place outside the legislature but it has no consequence unless Two thirds of the members agree to it.

## The crux of the Maharashtra case

In the Maharashtra case, interesting constitutional questions have arisen. The first question that should have been decided by the Court was on whose whip
is valid．The whole issue could have been settled on that point．It is true that the breakaway group of the Members of the Legislative Assembly chose its own whip， who also reportedly issued whips to all the MLAs of the ShivSena．But the question as to whose whip is valid should have been decided on the basis of the explanation（a）to paragraph 2（1）（a），which says that an elected member of a House shall be deemed to belong to the political party by which he was set up as a candidate for election as such member． This explanation makes it unambiguously clear that the party which can legally issue the whip is the ShivSena led by Uddhav Thackeray as this is the party which set them up as candidates in the last election． It should not be forgotten that the anti－ defection law was enacted to punish defectors，not to facilitate defection．

The Supreme Court by allowing the Election Commission of India to go ahead and decide the petition under paragraph 15 of the symbols order has put the cart before the horse．The 10th Schedule is a constitutional law and the disqualification proceedings under it should have been
given primacy over the proceedings under paragraph 15 of the symbols order which is a subordinate legislation．As it happened， the ECI gave a flawed order which has made the operation of the 10th Schedule irrelevant and complicated．

The propositions made in this article can be summed up as follows：legislators have no freedom under the 10th Schedule to split or bring about a merger of their party with another．Only the original party can do that and the legislators have the choice to agree or not to agree to it．A whip can be legally issued only by the original political party which set them up as candidates in the election．The Court could have settled it as the first and foremost issue which would have done complete justice to the original political party，the ShivSena led by Mr．Thackeray， as in the mandate of Article 142 of the Constitution．
（P．D．T．Achary is the former Secretary
General of Lokha sabha．）
The Hindu，
7 March 2023

# Draft amendments to IT rules for regulating fake news and online gaming released 

Tanvi Vipra

The Ministry of Electronics and Information Technology released draft Amendments to the Information Technology (Intermediary Guidelines and Media Ethics Code) Rules, 2021 (IT Rules) notified under the Information Technology Act, 2000, The Act protects intermediaries from liability for third-party content if they comply with certain requirements. The 2021 Rules specify certain due diligence requirements of the interme diaries. The draft Amendments seek to regulate online games and false information. Key features of the Amendments are:

## - Regulating false information and online games:

The IT Rules, 2021 specify restrictions on the types of content that users are allowed to create, upload, or share. Content that threatens the unity of India or public order is pornographic, or harmful to child is prohibited. The draft Amendments add that all intermediaries (including online gaming intermediaries) must take reasonable efforts to ensure that users do not: (i) publish any information that is identified as false or fake by the fact-check unit of the Press Information Bureau or any agency authorised by the central government, or (ii) host an online game not in conformity with any law.

- Online games: The draft Amendments define an online game as a game that is offered on the internet and is accessible if the user makes a deposit with the expectation of earning financial winnings. The central govermment may notify any other game as an online game. An online gaming intermediary is defined as an intermediary that offers at least one online game.
- Obligations for online gaming intermediaries include: (i) registering their games with a self- regulatory body, (ii) obtaining and displaying a random number generation certificate and a no-bot certificate, (iii) informing users of the know-your-customer (KYC) procedure for user registration, the risk of financial loss and addiction associated with the game, and the measures taken to protect the user's money, and (iv) verifying identity of users as per RBI procedures for account based relationships.Such intermediaries must have a physical address in India.

PRS Legislative Research January 2023.

# SEBI invites comments on strengthening corporate governance 

## Pratinav Damani

The Securities and Exchange Board of India (SEBI) released a consultation paper on 'Strengthening Corporate Governance at Listed Entities by Empowering Shareholders." It addresses issues in the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015. Key observations in the consultation paper include:

- Disclosure of agreements to stock exchange: As per the 2015 Regulations, a listed entity is required to disclose agreements that are binding and not in the normal course of business. These include shareholder agreements, joint venture agreements, or agreements with media companies. SEBI has noted instances where promoters enter into undisclosed agreements that impact the management of a company or place restrictions on it. SEBI proposes that listed entities must disclose agreements whose purpose and effect is to: (i) impact the management or control of the listed
entity, (ii) impose any restriction on the listed entity, or (iii) create a liability upon the listed entity. Such agreements must be approved by the shareholders of a listed entity.
- Period of special rights to shareholders: Companies offer special rights such as veto, disinvestment, and information rights to their pre- IPO (initial public offering) investors. Such rights continue even after significant dilution of holding. which allows these investors to enjoy rights in perpetuity. SEBI proposes that special rights be subject to shareholder approval every five years.


## - Sale, disposal or lease of assets:

 Presently, the Board of a company may sell, lease or dispose of a significant portion of a company assets subject to the consent of shareholders. These are regulated under provisions of the Companies Act, 2013 or business transfer agreements. Certain sales may be executed outside these provisions. SEBIhas noted that for such sales，there is no explicit framework to protect minority shareholders．It proposes that these sales be regulated，and their object and rationale be mandatorily disclosed．
－Board Permanency：Presently，the tenure of directors is regulated and some of them are not subject to periodic
retirement．SEBI proposes that directors will require shareholder approval every five years from March 31， 2024 onwards． Court／tribunal appointed directors are exempt．

PRS legislative Research， February 2023

# Draft Amendments to the offshore areas mineral act, 2002 released <br> Mayank Shreshtha 

The Ministry of Mines invited comments on amendments to the Offshore Areas Mineral (Development and Regulation) Act, 2002. The Act regulates mineral resources in offshore areas which include Indian territorial waters (up to 12 nautical miles), exclusive economic zones (between 12 and 200 nautical miles along the coast), and other maritime zones. These areas hold significant amounts of recoverable resources such as crude oil and natural gas, construction sand, and heavy minerals. The draft amendments seek to encourage private participation to explore and mine mineral resources and harness the full potential of these resources. Key features of the draft amendments include: Production leases and exploration license: In order to improve transparency in allocating mineral resources, production leases will be granted only through auction by competitive bidding. A composite license, ie.. an exploration-cum- production lease will also be introduced. Under this license, rights will be granted for undertaking exploration followed by
production. Composite license will also be granted only through auction by competitive bidding. Licenses may be transferred to eligible persons as prescribed under the Rules. Further, the period for production lease has been increased from 30 to 50 years.

Resolving Pending Litigations: The Ministry also noted that mineral resources are untapped due to pending litigations over previous irregular allocation of blocks. The draft amendments specify that existing operation, production and reconnaissance rights will lapse once the amendment Act comes into force. Reconnaissance refers to studying an area for military purposes.
Reduction of size of standard offshore mineral block: The size of a standard mineral block to be granted has been reduced to about 3.4 square km from around 85 square km. As per the Ministry, the reduced offshore area is now comparable to provisions in other jurisdictions such as Australia and the Philippines.

Offshore Areas Mineral Trust：A non－ lapsable Offshore Areas Mineral Trust（to be maintained under Public Account of India）will be set up to ensure the availability of funds for exploration，
mitigation of adverse impacts of mining， and disaster management．The Trust will be funded by royalty paid by lessees．

PRS Legislative Research February 2023.

# Cabinet approves centrally sponsored scheme－vibrant village programme <br> Alaya Purewal 

The Vibrant Village Programme aims to provide comprehensive development of villages on the northern border with China．About 663 villages will be taken up in the first phase of the scheme．Under the scheme，funds will be provided for the development of essential infrastructure and the creation of livelihood opportunities．Rs 4，800 has been allocated for the scheme，which will run from 2022－23 to 2025－26． Key features include：－
－Outcomes：Key outcomes identified include：（i）improving connectivity with all－weather roads，（ii）ensuring access to drinking water，（iii）focusing on solar and wind energy，（iv） improving access to internet and mobile connectivity，and（v）setting up Health and Wellness Centres．
－Vibrant Village Action Plan：The district administration，with the help of the Gram Panchayat，shall create action plans for the village．
－Development of roads：Rs．2，500 crore will be allocated for the development of roads，which is $52 \%$ of the total outlay．The scheme shall not overlap with the Border Area Development Programme．
－Growth Centres：The scheme will identify and develop local economic drivers and growth centres．These growth centres shall promote social entrepreneurship，skill development for youth and women，traditional knowledge systems，and the＂one village－one product＂through community－based organisations．Such organisations include Self Help Groups，cooperatives，and NGOs．One village－one product aims to support economic revitali sation and rural develop ment through promoting unique local products．

PRS Legislative Research， February 2023.

# Projects approved for pollution abatement in ganga basin and ghat development 

Alaya Purewal

The Executive Committee of the National Mission Clean Ganga approved nine projects worth Rs．1，278 crore for pollution abatement in the Ganga Basin and Ghat Development．Seven pertain to pollution abatement in the Ganga Basin and two to ghat development．Key features of the projects in different states are：
－Uttar Pradesh：Four projects have been approved in the state with a total outlay of Rs． 517 crore．Three projects worth Rs． 422 crore have been approved to increase the capacity of Salori－based sewage treatment plants near Prayagraj．A project for the rejuvenation of the River Kali East by development of a constructed wetland systems has been approved．Constructed wetlands are treatment systems that utilise natural processes involving wetland vegetation， soil，and microbes to improve water quality．The project will be allocated approximately Rs． 95 crore．
－Madhya Pradesh：A project was approved to abate pollution in the River Kahn and Saraswati in Indore．It involves
construction of three sewage treatment plants and creation of treated water reuse network between the proposed treatment plants．The project will be allocated Rs． 511 crore．
－West Bengal：A project worth Rs． 123 crore has been approved for the creation of two sewage treatment plants．
－Bihar：Two projects have been approved with an outlay of Rs． 104 crore． Out of which，Rs． 94 crore will be allocated to the development of two water sewage treatment plants．
－Pollution Inventorisation，Assessment and Surveillance on Ganga Basin （PIAS）：A project piloted by the Central Pollution Control Board to monitor industrial pollution was approved．PIAS will be allocated Rs． 114 crore．The project will annually inspect and monitor gross polluting industries，drains，and sewage treatment plants．

PRS Legislative Research
February 2023.

## Committee report on the jan vishwas

（amendment of provisions）bill， 2022 tabled

Siddharth Mandrekar Rao

The Joint Committee on the Jan Vishwas（Amendment of Provisions） Bill， 2022 （Chair：Mr．P．P．Chaudhary） presented its report on March 17， 2023. The Bill aims to increase ease of doing business by decriminalising and removing imprisonment as a punishment from various laws．Overall，the Bill seeks to amend 42 laws．Key observations and recommendations of the Committee include：
－Amendments to punishments：The Bill reduces fines and penalties for various contraventions and offences under the principal Acts．Some fines are converted to penalties，which need not be imposed through the judicial process． The Committee recommended amendments to the severity of some penalties．For example，under the Pharmacy Act，1948，the Committee recommended increasing the penalty for falsely pretending to be in a state register of pharmacists．This offence is currently punishable with a fine of up to five hundred rupees for the first offence， which the Bill increases to Rs． 50,000 ． The committee recommended enhancing this penalty to one lakh rupees．Other
offences have been made compoundable， such as trespassing of cattle under the Forest Act， 1927.
－Adjudication of penalties：The Bill provides for the central government to appoint adjudicating officers to decide and impose penalties．For some laws which do not provide for adjudicating officers，the Committee recommended amendments that do so．This may be an existing official or body，such as the Reserve Bank of India，for contraventions under the Government Securities Act，2006．For other laws，this may be an officer of a given rank．For example，the Committee recommended that the District Magistrate be the designated Adjudicating Officer under the Boilers Act，1923．In addition，the Committee recommended amendments which allow the central government to appoint an appellate authority for decisions of the adjudicating officer．For some laws，the recommendations specify that the appellate authorities must be of at least one rank above an adjudicating officer．

# THE FOREST (CONSERVATION) AMENDMENT BILL,2023. 

Omir Kumar

The Forest (Conservation) Amendment Bill, 2023 was introduced in Lok Sabha on March 29, 2023. The Bill amends the Forest Conservation Act. 1980 which provides for the conservation of forest land. The Bill adds and exempts certain types of land from the purview of the Act. Further, it expands the list of activities permitted to be carried out on forest land. Key features of the Bill are:

- Restrictions on activities in forest: The Act restricts the de-reservation of forest or use of forest land for nonforest purposes. Such restrictions may be lifted with the prior approval of the central government. Non-forest purposes include use of land for cultivating horticultural crops or for any purpose other than reafforstation. The Act specifies certain activities that will be excluded from non-forest purposes, i.e., the restrictions on de-reservation of forest or use of forest land for nonforest purposes will not apply. These activities include works related to the conservation, management, and development of forest and wildlife such as establishing check posts, fire lines, fencing, and wireless communication. The Bill adds more activities to this list such as: (i) zoos
and safaris under the Wild Life (Protection) Act, 1972 owned by the government or any authority, in forest areas other than protected areas, (ii) eco- tourism facilities, (iii) silvicultural operations (enhancing forest growth), and (iv) any other purpose specified by the central government. Further, the central government may specify terms and conditions to exclude any survey (such as exploration activity, seismic survey) from being classified as nonforest purpose.
- Land under the purview of the Act: The Bill provides that two types of land will be under the purview of the Act: (i) land declared/notified as a forest under the Indian Forest Act, 1927 or under any other law, or (ii) land not covered in the first category but notified as a forest on or after October 25, 1980 in a government record. Further, the Act will not apply to land changed from forest use to non-forest use on or before December 12, 1996 by any authority authorised by a state/UT.
- Exempted categories of land: The Bill also exempts certain types of land from the provisions of the Act such as forest land along a rail line or a public
road maintained by the government providing access to a habitation，or to a rail，and roadside amenity up to a maximum size of 0.10 hectare．Forest land that will also be exempted includes：（i）land situated within 100 km along the international borders，Line of Control，or Line of Actual Control， proposed to be used for construction of strategic linear project for national importance or security，（ii）land up to 10 hectares，proposed to be used for constructing security related infrastructure，or（iii）land proposed to be used for constructing defence related project，camp for paramilitary forces，or public utility projects as specified by central government（not exceeding five hectares in a left wing extremism affected area）．These exemptions will be subject to the terms and conditions specified by the central government by guidelines．
－Assigning of land through a lease or otherwise：Under the Act，state government or any authority requires prior approval of the central government to direct the assigning of forest land through a lease or otherwise to any organisation（such as private person，agency，authority， corporation）not owned by the government．The Bill provides that such assigning may be done to any organisation（such as private person， agency，authority，corporation）subject to terms and conditions prescribed by central government．
－Power to issue directions：The Bill adds that the central government may issue directions for the implementation of the Act to any other authority／organisation under or recognised by the centre，state，or union territory．

March 2023，
PRS Legislative Research．

## 2み2み2み2

# Standing committee report summary groundwater: a valuable but diminishing resources 

Sidharth Mandrekar Rao

- The Standing Committee on Water Resources (Chair: Mr. Parbatbhai Savabhai Patel) presented its report on Groundwater: A Valuable but Diminishing Resource' on March 17, 2023. Key observations and recommendations of the Committee include:
- Creation of a central body: Multiple bodies at both state and central levels currently bear responsibility for issues related to water. These include (i) central ministries such as the ministries of Jal Shakti, rural development, and agriculture and farmers' welfare; (ii) state departments, (iii) state and central pollution control boards; and (iv) dedicated authorities such as the Central Ground Water Board (CGWB) and the Central Ground Water Authority (CGWA). The Committee observed a lack of coordination between them, and recommended that the Ministry of Jal Shakti constitute a central body with representation from those mentioned above.
- Legislation: Laws on groundwater management have been passed in 19 states based on a model Bill circulated in 1970 and last revised in 2005. The Committee observed difficulties in implementing these laws due to the lack
of guidelines. They recommended that the Department of Water Resources, River Development, and Ganga Rejuvenation takes urgent action in this regard.
- Irrigation: The Committee observed excessive dependence on groundwater for irrigation because water-intensive crops, such as paddy and sugarcane, command higher minimum support price (MSP). Schemes providing farmers with financial assistance and free or subsidised electricity for irrigation have contributed to this issue. The Committee recommended that the Department of Water Resources, River Development, and Ganga Rejuvenation engage with the Department of Agriculture and Farmers' Welfare to encourage less water-intensive cultivation crops and cultivation patterns.
- Groundwater pollution: The Committee observed widespread groundwater contamination resulting from industrial activity. They recommended that more funds under Jal Jeevan Mission (JJM), which aims to provide households with safe drinking water, can be allocated to areas with groundwater contamination. The Committee also observed a lack of sharing of data and coordination between bodies responsible for addressing
groundwater pollution such as state government departments，pollution control boards，and agencies such as the CGWA．They recommended that the proposed central groundwater authority should coordinate between them，and formulate a policy on groundwater pollution．The Committee observed that personnel and resource shortages hinder state and central pollution control boards， and recommended that these are addressed．The Committee also recommended amendment of the Water （Prevention and Control of Pollution） Act，1974，to enable pollution control boards to impose monetary penalties，as a less severe penalty than the outright closure of industrial units．
－Groundwater recharging：Schemes such as Mahatma Gandhi National Rural Employment Guarantee Scheme and Pradhan Mantri Krishi Sinchayee Yojana implement projects for artificial recharge of groundwater．This refers to the construction of structures designed to recharge groundwater．The Commitee recommended modification of these schemes to also support the rejuvenation of existing water bodies．There are schemes for recharging groundwater through rainwater harvesting in urban areas，such as Atal Mission for Rejuvenation and Urban Transformation （AMRUT）．The Committee recommended
that the Ministry of Jal Shakti coordinate these efforts．Urban local bodies should be given more funds to maintain water bodies．The Atal Bhujal Yojana provides central financial assistance to state governments and local bodies（such as gram panchayats）for projects related to groundwater management．Since it is currently only being piloted in seven states，the Committee recommended its extension to all states facing groundwater scarcity．
－Climate change：The National Water Mission is one of the Missions implementing the National Action Plan on Climate Change，along with the National Solar Mission and others．It is responsible for formulating strat egies on the conservation．efficient management， and equitable distribution of water resources，and coordinating between central government departments for this purpose．The Committee observed that it is hindered by lack of funds and autonomy，and recomended that it is strengthened in this regard．

PRS Legislative Research，
March 2023.

## BURNING BRIGHT

Raza Kazmi

> A fascinating omnibus edition of writings and documents which includes the first republication of a 1935 book, on the life and work of famed naturalist-hunter Jim Corbet
"A tiger among men, lover of the underdog, a hero in war and pestilence, a model zamindar and employer, an ascetic, naturalist, and, above all, a hunter of man-eating tigers and leopards for thirty-two active years in the three hill districts of Uttar Pradesh comprising Garhwal, Nainital, and Almora... In the realm of high adventure, he is a man of the five continents where his fans are and will be."

FEW can sum up Jim Corbett's life and legacy as eloquently, and succinctly, as Durga Charan Kala does in the opening paragraph of his book 'Jim Corbett of Kumaon.'

Published in 1979, 24 years after Corbett's death, D.C. Kala's was the first, and arguably the finest, biography on the life and times of Jim Corbett. It is only fair then that these evocative excerpts from Corbett's first biography should be included in the latest work dealing with his life and career.

Edited by Akshay Shah and Stephen Alter, 'The Corbett Papers' is a fantastic new offering for all Corbett aficionados. The book, as the title lays out, is a motley collection of various writings and documents connected to Jim Corbett's life as well as the forests-then the Patlidun valley, better known as Jim Corbett National Park, the sanctum sanctorum of the larger, eponymously named tiger reserve-he primarily operated in.

The book has been neatly segmented into seven sections, each accor- ded an introduction by the editors. For most Corbett lovers, perhaps the single most important section among these would be the first ever republication of the proverbial "holy grail" of Corbett's writing: a slim volume called Jungle Stories published in 1935.

Jungle Stories, alsc consisting of seven pieces. was privately published by Corbett. He wrote it for the consumption of his family and
friends, all of whom were great fans of his inimitable style of storytelling, and it was limited to just 100 copies. Corbett wrote, as excerpted by the editors in the introduction to this section, that it took four months to print the 100 copies since it was done at a local printing press in Nainital (curiously named "London Press") which printed one page at a time (with each page printed 100 times) before the "type" was broken. Evid- ently, with its paper covers and fragile paper binding, this little book was not meant to last. In fact, most copies of this book were lost during the author's lifetime itself. Corbett wrote that copies "drifted from hand to hand until the majority had been read to death.

It is precisely because of this that Jungle Stories is a holy grail; perhaps less than 10 copies survive today, all of them in private collections. The editors, however, inform us that one of the copies of the book "eventually found its way into the hands of the Viceroy of Lord Lithgow [who]...enjoyed the book and recommended it to the Oxford University Press". The rest, as they say, is history.

Most of the tales re- counted in Jungle Stories found their way into Corbett's first book, 'Man-eaters of Kumaon, published in 1944 (not 1945 as erroneously mentioned by
the editors), a runaway hit that cemented Corbett's legacy as a writer. How-ever, since no institutional library across the globe held a copy of the original 104-page book that started it all-a raw proof version of Corbett's writings untouched by the deft, even if light, hand of his future editors-Jungle Stories was never republished until now.

The other sections of the book are equally fascinating. D.C. Kala's excerpt from his biography of Corbett is a wonderful read. What sets his writing apart from many of Corbett's future biographers is the fact that many of Corbett's friends and acquaintances were still alive while Kala was drafting his manuscript in the late 1970s. He had direct access to many of these men and women, especially because his father, G.C. Kala, a government servant in Kumaon from 1911 to 1945, had personally known Corbett and many of Corbett's friends and acquaintances.

Incidentally, G.C. Kala wrote a book titled Memoirs of the Raj: Kumaon (19111945), published in 1974, that recounts his varied experiences as a junior civil servant serving under white ICS officers. The editors made a wise call in including excerpts from this book relating to Corbett and his civil servant friends such as Percy Wyndham and A.W. Ibbotson
who are familiar names to Corbett readers. As a reader, it was very interesting for me to compare and contrast how Kala Sr and Kala Jr remember and write about Corbett and his peers.

The Kalas take up three of the seven sections of the book, or four if you count the biographical note on D.C. Kala by Akshay Shah that forms the introduction to this book. The last in the trilogy of Kala writings included in the book is a delightful travelogue written by D.C. Kala for The Hindustan Times Weekly in 1954, culled from his archives that were inherited by Akshay when the bachelor passed away in 2007. An account of his nearly week-long visit in April 1954 to the Ramganga National Park (which would be renamed Corbett National Park after Jim Corbett's death in 1955), this essay gives fascinating insights into what places like Bijrani, Malani, Dhikala, Patair pani, Garjia, Sarapduli, and Kalagarh-familiar names today to the thousands of tourists that visit Corbett Tiger Reserve- were like back then.

Then there are descriptions of those places that do not exist anymore, such as Boxar valley that was drowned by the Kalagarh Dam. Kala's essay also provides an interesting commentary on the state of wildlife and conservation in the park nearly 18 years after its
declaration as the first national park of India. It also includes useful suggestions on developing sustainable tourism in the national park, caveated with a prescient warning: "Too much tour- ism is as bad for a national park as too little of it."

## A SISTER'S REMINISCENCES

Jim Corbett's sister and companion, Margret "Maggie" Corbett, makes an appearance too. The books second section, titled "A Sister Remembers", is a reproduction of the entire typescript of Maggie's recollections of Jim Corbett and their family, as narrated to her close friend Ruby Beyts after Corbett's death in Kenya. Since both Jim and Maggie remained unmarried, they were each other's strongest emotional and familial anchors, as well as caretakers. As Shah and Alter note in their introductory note to this section, while this typescript was referred to by various biographers of Corbett such as D.C. Kala and Martin Booth, this is the first time it is being published in its entirety.

Few modern scholars and Corbett fans know of the other writer in the Corbett family, so I was quite pleased to see the editors discuss the story of Charles Doyle, Corbett's half-brother from his mother's first marriage, in the section titled "A Half- Brother's Tale". Charles was
not a writer, not even remotely in the league of Corbett, and the editors are quite scathing in their assessment. They declare: "He aspired to the airy, overblown prose of Rudyard Kipling's least successful stories.... In essence he was a terrible writer." The excerpts from Doyle's novel The Taming of the Jungle (1899), reproduced in this section, do Jim's senior brother no favours either. The only takeaway for me was Doyle's description of a black jungle partridge as the "muezzin of the jungle" for he describes the bird's morning call as "Sobhan teri koodruth" (Praise be O Lord for creating this natural world).

The final section of the book is a full reproduction of Corbett's last will and testament, another first for Corbett-related publications. The editors rightly point out that it establishes, among many other things, Corbett as a thoughtful and fastidious man whose "natural kindness and generosity shows through the convoluted and archaic language of this legal document". Stephen Alter provides a wellrounded afterword to bring the book to a close.

While scholars and environmental historians will find this book useful, one major constraint for a book of this kind, as I am sure the editors and publishers will be aware, is that
it caters to a niche audience outside of academia. While devoted Corbett aficionados, and indeed there are many. may devour this book with great interest, the casual reader of Jim Corbett's works, or even most wild- life enthusiasts and wild- life conservationists for that matter, will in all likelihood give it a miss.

There are a few other missed opportunities as well. The book could have done with a few photographs, such as those from D.C. Kala's personal archives, and especially of some pages from Jungle Stories, since for most of us that will be the closest we ever get to seeing what arguably the book looked like. I especially liked the very personal biographical note on D.C. Kala-"old monk drinking Old Monk"-by Akshay, to whom he was a mentor in more ways than one. Consequently, I wish he had fleshed it out with more details on the life story of this remarkable man.

Finally, as a wildlife historian, I was a bit disappointed to realise that this otherwise excellent book fails to fill that one major lacuna in all the works on Corbett ever written. This is the aspect of Corbett's career that is least documented, the details of his efforts towards wildlife conservation and his role and work in creating and running what arguably was the first organisation in

India．solely dedicated to wildlife conservation．The Association for the Preservation of Game in United Provinces was set up in 1932 by Corbett and his nature－lover friend Barrister Hasan Abid Jafry（Secretary， Mahmudabad Estate，UP）．Corbett and Jafry，under the aegis of this association，organised the first ever all－India conference on conservation of wildlife in the Indian sub－ continent in January 1935.

Corbett，along with Jafry and R．C．Morris，was also the editor of Indian Wild Life，a short－lived magazine espousing the cause of conservation that was published by the Association from 1936 to 1939. Moreover，in the aftermath of the 1935 conference，Corbett played a key role in lobbying for the United

Provinces National Parks Act，1935， which led to the creation of Hailey National Park a year later．Corbett also played a pivotal role in selecting and demarcating the area of this national park that would be re－ named 20 years later in his honour．

Nonetheless，these few misses take nothing away from the sheer amount of fascinating and insightful material that Shah and Alter have compiled．The book＇s blurb says： ＂All readers of Corbett＇s compelling corpus will require this book to complete their collection of his inimitable writings．＂I whole－ heartedly endorse this declaration．
（Raza Kazmi is a Jharkand－based conservationist and an avid collector of antiquarian books on natural history）

FRONTLINE，
10 February， 2023

# Resume of business trasacted during the winter session (258th) of the rajya sabha 


#### Abstract

The Winter Session ( $258^{\text {th }}$ ) of Rajya Sabha was held from $7^{\text {th }}$ to $23^{\text {rd }}$ December, 2022. The Session which commenced on $7^{\text {th }}$ December, 2022 was originally scheduled to conclude on 29th December, 2022. However, it was adjourned sine die ahead of schedule on $23^{\text {rd }}$ December, 2022. The standard operating procedure with respect to the seating arrangements adopted since the $252^{\text {nd }}$ Session on account of the COVID-19 pandemic was dispensed with and normal seating arrangement for all the Members in the Rajya Sabha Chamber was returned.


2. During the session, the Rajya Sabha held a total of 13 sittings against the scheduled 17 sittings. The House sat for sittings approximately 71 hours and 01 minute. There were disrupting on a number of occasions resulting in the loss of one hour and 46 minutes.. However, the House sat late beyond the scheduled time for 3 hours and 34 minutes to complete legislative and other business. The overall productivity of the House stood at $\mathbf{1 0 2 . 6 \%}$.

## Felicitations to the Hon'ble Chairman, Rajya Sabha

3. On the first day of the Session, i.e. $7^{\text {th }}$ December, 2022, Zero Hour and Question Hour were dispensed with in order to offer felicitations to the Hon'ble Chairman, Shri Jagdeep Dhankhar. Shri Narendra Modi, Hon’ble Prime Minister of India; Shri Harivansh, Hon'ble Deputy Chairman; Leader of the House; Leader of Opposition; Leaders of Parties and Members offered their felicitations to the Hon'ble Chairman.

## Important Rulings/Observations

4. On 8th December 2022, on the issue of admissibility of notices submitted by some Members under Rule 267 of the Rules of Procedure and Conduct of Business in the Council of States, the Hon'ble Chairman while referring to the letter and spirit of Rule 267 inter alia observed that the notices did not suffer from any infirmity so far as they complied with the requirement of being submitted to the Chairman for his consent. However, all the notices fell short of complying with the another
requirement of specifying the rule which was sought to be suspended under Rule 267. Further, the condition laid down in the proviso to Rule 267 which already exists for suspension of that rule was also required to be fulfilled. The Hon'ble Chairman, therefore, called upon the Members to ensure full compliance with the provisions of Rule 267 while submitting a notice under it.
5. On $12^{\text {th }}$ December 2022 during the Zero Hour, Hon'ble Chairman observed on the need for authentication of facts and documents being referred to by the Members.

## Government Legislative Business

6. In the sphere of legislative business, 9 Government Bills, namely. The Wild Life (Protection) Amendment Bill, 2022; The Energy Conservation (Amendment) Bill, 2022: The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Second Amendment) Bill, 2022. The New Delhi International Arbitration Centre (Amendment) Bill, 2022; The Maritime Anti-Piracy Bill 2022: The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2022, The Constitution (Scheduled

Tribes) Order (Fourth Amendment) Bill, 2022. The Appropriation (No. 4)Bill, 2022; and The Appropriation (No. 5) Bill, 2022 were passed/ returned by the House. A total of 30 hours and 45 minutes were spent on the discussion of these Bills in which 185 Members participated.

## Private Members' Business

7. As regards the Private Members' Business, 31 Private Members' Bills were introduced. Further consideration of one Private Members' Bill, namely the Right to Health Bill, 2021 moved by Prof. Manoj Kumar Jha on $22^{\text {nd }}$ July, 2022, took place on $9^{\text {th }}$ December, 2022. Prof. Manoj Kumar Jha replied to the discussion and the Bill was withdrawn by the leave of the House. On the same day, another Private Members' Bill, namely, the Constitution (Amendment) Bill, 2022 (amendment of article 153 and substitution of articles 155 and 156) was moved by Dr. V. Sivadasan. Dr. Sivadasan did not conclude his speech while moving for motion of consideration of the Bill and the discussion was not concluded.
7.1 On $16^{\text {th }}$ December 2022, Shri Biplab Kumar Deb moved a Private Members' Resolution urging the Government inter
alia to set up 'Agarwood Board of India'; promote scientific efforts for increasing production and productivity of Agarwood; provide adequate welfare measures to Agarwood cultivators; support research \& development; and provide incentives to young entrepreneurs for the holistic development of Agarwood Sector. 7 Members participated in the discussion. The discussion was not concluded.

## Obituary References

8. During the Session, Hon'ble Chairman made references to the passing away of eight former Members, namely, Shri K. R. Jayadevappa; Shri Syed Sibtey Razi; Shrimati Jayanti Patnaik; Shri Ahmad Saeed Malihabadi; Shrimati Ela Ramesh Bhatt, Shri A. A. Jinnah, Shri Yoginder K. Alagh; and Shri R. C. Singh. The House observed silence with all the Members standing as a mark of respect to the memory of the departed.

## References/Felicitations by the Chair

9. During the Session, the Chair made references in the House on (i) taking over the Presidency of the G-20 by India w.e.f. $1^{\text {st }}$ December, 2022; (ii) the $21^{\text {st }}$ anniversary of the terrorist attack on the Parliament Building on $13^{\text {th }}$ December, 2001; and (iii) 74th anniversary of the adoption of the Universal Declaration of

Human Rights, being celebrated world over as 'Human Rights Day' on $10^{\text {th }}$ December every year. Also, the Chair congratulated Shrimati P. T. Usha on becoming the first woman and an Olympian to be the President of the Indian Olympic Association on $10^{\text {th }}$ December 2022.

## Panel of Vice-Chairmen

10. On $7^{\text {th }}$ December 2022, Hon'ble Chairman announced that the Panel of Vice-Chairmen has been re-constituted w.e.f. $5^{\text {th }}$ December, 2022 with the following Members' namely, Shri Bhubaneswar Kalita; Dr. L. Hanumanthaiah; Shri Tiruchi Siva; Shri Sukhendu Sekhar Ray: Dr. Sasmit Patra; Ms. Saroj Pandey; and Shri Surendra Singh Nagar. Further, on $20^{\text {th }}$ December 2022, Hon'ble Chairman made an announcement that Shri V. Vijayasai Reddy and Shrimati P.T. Usha have been nominated on the Panel of Vice-Chairmen w.e.f. $19^{\text {th }}$ December, 2022.

## Visit of Parliamentary Delegation

11. On the same day, i.e. $8^{\text {th }}$ December 2022, Hon'ble Chairman welcomed the Parliamentary delegation from the Republic of Zimbabwe seated in the Special Box witnessing the proceedings of the House. The delegation comprised His

Excellency Advocate Jacob Francis Nzwidamilimo Mudenda, Speaker of the Parliament of the Republic of Zimbabwe and Members of the Parliamentary Delegation from Zimbabwe. He wished them a happy and fruitful stay in our country; and through them he conveyed his greetings and best wishes to the Members of the Parliament, the Government and the friendly people of the Republic of Zimbabwe.

## Statistical Information

12. During the Session, 194 Starred Questions and 2080 Unstarred Questions were admitted and answered. Of these, 82 Starred Questions were orally answered. Question Hour was dispensed with on $7^{\text {th }}$ December, 2022 in order to offer felicitations to the Hon'ble Chairman, Rajya Sabha.
13. In all, one hour and 46 minutes were lost due to interruptions on issues like demand for discussion on the statement made by the Minister of Defence on Yangtse incident in Tawang Sector of Arunachal Pradesh; misuse of investigating agencies in States; and non-admission of Notices submitted by Members under rule 267 on various issues; etc.
14. 205 Special Mentions on matters of public importance were made/laid during the Session and 109 matters were raised with the permission of the Chair (Zero Hour Submissions).
15. Three suo moto Statements by the Ministers were made in the House. These were regarding: (i) Latest Developments in India's Foreign Policy (on $7^{\text {th }}$ December, 2022) by Shri S. Jaishankar, Minister of External Affairs; (ii) Yangtse incident in Tawang Sector in Arunachal Pradesh on $9^{\text {th }}$ December, 2022 (on $15^{\text {th }}$ December 2022) by Shri Raj Nath Singh, Minister of Defence; and (iii) COVID pandemic and the steps taken by the Government of India in emerging COVID scenario across the globe (on $22^{\text {nd }}$ December, 2022) by Dr. Mansukh Mandaviya, Minister of Health and Family Welfare and Minister of Chemicals and Fertilizers.
16. A discussion under Rule 176 (Short Duration Discussion) was raised by Shri Tiruchi Siva on 15th December, 2022, on the serious effects of global warming and the need for remedial steps to tackle it. 18 Members participated in the discussion which lasted for 2 hours and 59 minutes. The discussion was not concluded.

## Reports of Parliamentary Committees

17. During the Session, 112 Reports/ Statements of various Parliamentary Committees including those of the Department-related Parliamentary Standing Committees were presented or laid on the Table of the House.

18．In pursuance of the Direction of the Hon＇ble Chairman，Rajya Sabha and Hon＇ble Speaker，Lok Sabha issued in September 2004， 34 Statements were laid on the Table of the House regarding status of implementation of recommendations contained in the Reports of the Department－related Parliamentary Standing Committees．

## Training／Familiarisation Programme for Members

19．In order to familiarise the Members with the Multimedia Devices，which would showcase the day＇s agenda and enable other functionalities，being installed for the use of Members at their individual seats in the Rajya Sabha Chamber in the New Parliament Building，the Secretariat organised a Walk－in familiarisation programme on the use of the Multimedia Devices on 22nd and 23rd December 2022.

20．An IT Help Desk was set up for facilitation of Members regarding their queries and concerns on IT related issues in the Inner Lobby of the Rajya Sabha Chamber during the Session from 12：00 noon to 1：00 p．m．NIC officials were available at the Help Desk to resolve Members＇queries．

21．The Rajya Sabha Secretariat has implemented＂Bill Tracking System （BTS）＂to enable the Members of Rajya Sabha to track the status of the Bills submitted by them with respect to their TA／DA and medical claims．With the implementation of BTS，Members can view status of their claims in Members＇ portal under the title named as ＇Reimbursement of Bills＇．Once the Member submits a Bill electronically under this System，the software generates a＇Unique Reference Number＇This number is quoted by the Member while submitting the said bill in the physical form along with the required original documents to the Secretariat．Thereafter， Members can view the status of their bills by clicking the tab View Status＇under the title＇Reimbursement of Bills＇．Further，a BTS Manual for use of Members， providing the details and features of Bill Tracking System，has also been uploaded on Rajya Sabha website．

## Conclusion of the Session

22．Hon＇ble Chairman made the valedictory remarks at the conclusion of the Session on $23^{\text {rd }}$ December，2022．The House was adjourned sine die on $23^{\text {rd }}$ December，2022．The Rajya Sabha was prorogued by the President of India on $24^{\text {th }}$ December， 2022.

