

**DAILY CURRENTS AFFAIRS (31 July 2024)****TOPICS COVERED**

1. Manu makes it a pair, wins a bronze again in the company of Sarabjit (PCS)
2. Two dead as train headed to Mumbai from Howrah derails in Jharkhand
3. U.P. House passes Bill to amend law against conversion
4. Delhi effect: basements of six coaching centres in Bhopal sealed in crackdown
5. '10 students missing in Delhi coaching hub after fooding event'
6. Metter dam full, officials warn of rise in discharge (GS paper I: Geography)
7. Kerala ignored recommendations to prevent such disasters, says Gadgil (GS Paper III: Environment)
8. 150% customs duty on lab chemicals alarms scientists
9. India's open ecosystems facing an unusual threat: encroaching trees (GS Paper III: Environment)
10. A licence raj for digital content creators (GS Paper II: Digital Media)
11. Duality — understanding Indian voter behaviour
12. Option or stratagem? (GS Paper II: State Executive)
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# Kerala ignored recommendations to prevent such disasters, says Gadgil

**The Hindu Bureau**  
KANNUR

Ecologist Madhav Gadgil, who was the Chairman of the Western Ghats Ecology Expert Panel, has termed the disaster in Wayanad a man-made tragedy, attributing it to the Kerala government's failure to implement crucial ecological recommendations.

Speaking to *The Hindu* on Tuesday, Mr. Gadgil criticised the State government for not adhering to the panel's guidelines designed to prevent such disasters amid extreme climate changes. Mr. Gadgil



Madhav Gadgil

highlighted that the panel's report had classified the region into three levels of ecological sensitivity, with the areas now struck by the disaster being marked as highly sensitive.

"No development

should have taken place in these highly sensitive areas," he said, noting that these zones had been utilised for tea plantations during the British period and had since seen extensive development, including the construction of resorts and artificial lakes.

Mr. Gadgil said the presence of quarries operating a few kilometres from the disaster site had further exacerbated the situation. Though these quarries were now defunct, the shockwaves caused during their operational period could have extended to the disaster-stricken areas,

triggering landslides during heavy rain, he said.

Mr. Gadgil accused the government of rejecting the panel's report, leading to recurring disasters in Wayanad and other parts of the State. He warned that without serious and proactive measures on the part of the State to implement the report's recommendations, such disasters would recur, exacerbated by climate change, which could bring extreme rainfall and droughts.

"Only if the government takes the report seriously can such disasters be avoided," Mr. Gadgil said.

## Western Ghats Ecology Expert Panel (WGEEP)/Gadgil Commission

- **Establishment:** The Western Ghats Ecology Expert Panel (WGEEP), also known as the Gadgil Commission, was established by the Ministry of Environment and Forests, Government of India, in March 2010.
- **Chairman:** Madhav Gadgil, an eminent ecologist.
- **Submission Date:** The panel submitted its report to the Government of India on 31 August 2011.

### Objectives

- **Compilation:** Gathering readily available information about the Western Ghats.
- **Geo-spatial Database:** Developing a database based on environmental sensitivity.
- **Consultation:** Engaging with government bodies and civil society groups.

### Key Recommendations

1. **Ecologically Sensitive Zones (ESZs):**
  - **Zoning:** The Western Ghats were divided into three ESZs:
    - **ESZ 1:** Highly sensitive areas requiring stringent protection.
    - **ESZ 2:** Moderately sensitive areas with regulated development.
    - **ESZ 3:** Areas where sustainable development could be promoted.
2. **Western Ghats Ecology Authority (WGEA):** Proposed the formation of a national-level authority to oversee the conservation efforts.
3. **Banned Activities:** Recommended prohibiting activities like mining, thermal power plants, and large-scale construction in ESZ 1 and ESZ 2.

### Criticism and Opposition

- **Kerala:** Strong opposition from certain sections in Kerala, particularly from farmers in Wayanad, due to fears of adverse impacts on livelihoods.
- **General Criticism:** The report was criticized for being excessively environment-friendly and not accounting for ground realities.

### Kasturirangan Report

- **Formation:** A high-level working group led by K. Kasturirangan was constituted in August 2012 to review and balance the Gadgil report's recommendations.
- **Key Changes:**
  - **ESA Area Reduction:** Reduced the area to be declared as Ecologically Sensitive Areas (ESA) from **64% to 37% of the Western Ghats**.
  - **Development vs. Conservation:** Focused on balancing developmental needs with environmental conservation.
  - **Prohibitory Regime:** Proposed prohibitions on certain activities in the ESA zones, covering approximately 60,000 km<sup>2</sup> across Gujarat, Maharashtra, Goa, Karnataka, Kerala, and Tamil Nadu.

### Significance

- **UNESCO World Heritage Sites:** The Gadgil report was considered by UNESCO, leading to the inclusion of 39 sites of the Western Ghats in the World Heritage List in 2012.
- **Environmental Impact:** Both reports underscored the importance of protecting the Western Ghats, a critical biodiversity hotspot.

# 150% customs duty on lab chemicals alarms scientists

Imported chemicals, reagents, and enzymes are vital to experimental research; many took to social media to point out that chemicals that usually cost ₹1 lakh would now cost ₹2.5 lakh

**Jacob Koshy**  
NEW DELHI

Three digits have thrown scientists across the country into a tizzy. Budget documents, made public earlier this week, show that the basic customs duty on laboratory chemicals, a critical component of research, has been hiked to 150% from the existing 10%.

Imported chemicals, reagents, and enzymes come under the category of laboratory chemicals and are vital to experimental research across nearly every domain of scientific research. Most of them are niche products and can be expensive.

The issue sparked outrage on social media with estimates by researchers that chemicals that usually cost ₹1 lakh would now cost ₹2.5 lakh.

The Customs Department defines laboratory chemicals as “all chemicals, organic or inorganic, whether or not chemically defined, imported in packings not exceeding 500 grams or 500 millilitres and which can be identified with reference to the purity, makings or other features to show them to be meant for use solely as laboratory chemicals”.

Santosh Chauhan, a scientist at the CSIR-Centre



**Raising concern:** Most of the changes in customs duties for other items were in the range of 10% or 15%. GETTYIMAGES

for Cellular and Molecular Biology (CCMB), who highlighted the issue on X, posted: “Please tell me this is a misprint...lab chemicals custom duty increased from 10% to 150%? How we do research and whether funding agencies will compensate by reducing expectations or providing more funds?”

He also attached a picture of an email from Merck Life Sciences, a prominent supplier of specialty chemicals, that says rates of laboratory chemicals would now invite a 150% hike and those of ‘plastics’, a 25% hike from the existing 10%.

Several scientists to whom *The Hindu* spoke,

while perturbed by the rates, said it was likely that the number was a “misprint” or that exemptions would be made for chemicals specifically used for research and development. Heads of scientific organisations said that “matters were under flux” and that it would be some time before clarity could emerge.

#### Misprint or not?

“This is quite a significant problem and we will be writing to the science secretaries for some clarification. It initially seemed like a misprint as most of the changes in customs duties for other items were in the range of 10% or 15% and this seemed like an out-

lier,” said the director of a prominent lab affiliated with the Department of Atomic Energy, who declined to be identified. “During COVID, we started to procure many more vital reagents and chemicals locally as the market dynamics changed. However, there are a vast number of chemicals that are necessary to research and must be imported because there aren’t Indian manufacturers.”

Rajesh Gokhale, Secretary, Department of Biotechnology, told *The Hindu* that the science Ministries were aware of the issue and “it would be solved”. He did not respond to queries on how these duties were imposed. Requests for clarification from the Department of Science and Technology were unanswered.

For several years now, publicly funded research and development organisations, which have a specific registration certificate from the Department of Scientific and Industrial Research, are exempt from customs duties. A notification on July 27 extended this until March 2029.

“There may be clarifications and exemptions, but it certainly hinders the ease of doing science,” said Binay Panda, Professor at Jawaharlal Nehru University.



A grassland in Hanle, Ladakh. Such habitats are likely to be permanently changed by encroaching trees. KSL

Patriotic

# India's open ecosystems facing an unusual threat: encroaching trees

Woody encroachment is a direct result of human-driven factors that are changing the disturbance regimes open ecosystems need to thrive

**Sutirtha Lahiri**

**I**ncreasing tree cover is often seen as a positive outcome of biodiversity conservation and a much-needed effort to combat climate change.

What happens, then, if tree cover increases in areas that historically hosted a different habitat?

In a study published on June 5 in the journal *Global Change Biology*, scientists from the Universities of Witwatersrand, Cape Town, and Oxford reported that more trees in open ecosystems like savannahs and grasslands have substantially reduced the number of native grassland birds. In the **African Savannah in particular, the population of grassland birds has declined by more than 20%.**

## Many become one

Grasslands and savannahs are biodiverse habitats in tropical and temperate regions throughout the world. They cover nearly 40% of the earth's total landmass and are home to many endemic and at-risk species of plants and animals. From megaherbivores like elephants, rhinoceroses, and buffaloes in Africa and Asia to grassland birds like the bustards, floricans, and grouse of the Himalayan grasslands and American prairies, open ecosystems have it all. However, we are rapidly losing them.

Activities threatening them include the conversion of grasslands, intensive agriculture, loss due to erosion, large-scale development projects, and overgrazing. But lurking among these usual suspects is also a highly unusual one: trees.

The increase in tree and shrub cover is called woody encroachment – and it is widespread across most ecosystems. Woody encroachment entails the conversion of open habitats to habitats with greater tree cover and/or shrub density. The end result is the homogenisation of an ecosystem, meaning a diverse, multi-layered ecosystem turns into a uniform layer of woody plants.

This is a dire prospect because open ecosystems are characterised by a grassy understory and a scattering of native tree species. They are generally maintained by certain natural as well as human activities like grazing and fire, which are called disturbance regimes because they work in tandem to limit the growth of tree species. But once these regimes are disrupted, trees have the calm they need to establish themselves and start woody encroachment.

## When trees have ill-effects

A higher concentration of carbon dioxide in the air due to ongoing climate change also encourages deep-rooted woody plants in grasslands to proliferate.

“Increased atmospheric CO<sub>2</sub> is likely to promote trees over grasses because the C<sub>3</sub> photosynthetic pathway used by trees is preferred under high CO<sub>2</sub> conditions.”

Jayashree Ratnam, programme director, Wildlife Biology and Conservation at the National Center for Biological Sciences (NCBS), Bengaluru, said. “Once trees become dominant in a system, they may further suppress grasses through shading and fire suppression.”

Dr. Ratnam studies the biophysical and anthropogenic drivers of tropical savannah and rangeland structure and function and forest-savannah transition zones.

Woody encroachment is widespread worldwide. Many studies have unearthed evidence of different drivers of encroachment on different continents. Fire suppression and fragmentation dominate in the South American grasslands, whereas more carbon dioxide and variations in rainfall do so in Australia and Africa.

## Inside and outside parks

Closer home, in India, grasslands occur across different climatic regimes: the country's west sports arid grasslands; floodplain grasslands dot the Himalayan landscape; and the high-altitude Shola grasslands crown the Western Ghats, to name a few. In the Himalayan foothills, the tall, wet grasslands are biodiverse habitats inhabited by iconic species such as Indian one-horned rhinoceroses, swamp deer, Bengal floricans, swamp grass babblers, and some other endemic species.

These grasslands are highly threatened, not least because previous damage has broken them up into fragmented patches in a sea of forests, agriculture, and other human-derived habitats. Such fragmentation leaves these patches even more vulnerable than before.

Most of today's wet grasslands occur inside protected areas such as national parks and sanctuaries. Yet woody encroachment is rampant inside these parks as well, as a February 2023 study by researchers from the Indian Institute of Science Education and Research (IISER), Kolkata; Hainan University in China; and the Durrell Conservation Trust in the U.K. reported. Using data from remote-sensing



satellites, they uncovered overwhelmingly high woody encroachment in several national parks in India and Nepal over the last three decades. The cover of grassland habitats had shrunk by 34%, while tree cover in these places had increased by 8.7%.

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## The human hand

Woody encroachment is a direct result of human-driven factors that are changing the disturbance regimes open ecosystems need to thrive. The suppression of the practices grasslands need to thrive stems from colonial conservation and management policies. Colonial officers in tropical countries were known to regard open ecosystems as “wastelands” because they took up space in which trees could grow instead and provide timber. The classification allowed these habitats to be converted to plantations as well as provided ground for the colonial government to criminalise communities that practised grazing and fire management.

A different colonialism threatens open ecosystems today: instead of timber, many see trees as providers of carbon sequestration potential and open ecosystems as encroachments that deprive humans of access to this potential.

Refusing to acknowledge the historical presence of grasslands and savannahs has also led to the ongoing failure to protect them. Woody encroachment in open ecosystems has altered biodiversity in myriad ways. There has been a big decline in grassland birds due to woody encroachment.

In the southern African countries of South Africa, Eswatini, and Lesotho, scientists used citizen science data from the ‘South African Bird Atlas Project 2’ to find a dramatic decline in the population of open ecosystem birds. Of the 191 species they analysed from 2007 to 2016, declining population trends prevailed in 121. Of these, the decline of 34 species was correlated with woody encroachment.

“Succession of woody species changes the soil conditions, which changes the grass species and faunal association.

Woody species invite increased predation, especially of the specialist birds’ nests,” Hem Sagar Baral, a noted ornithologist and former head of the Zoological Society of London (Nepal chapter), said.

For similar reasons, woody encroachment brought down the population of grassland specialist rodents in the Banni grasslands of Kutch. These species also incurred a survivability penalty: the grass allowed them to hide from predators, but as trees cropped up, they spent more time keeping vigil and less time feeding.

## An invasion by trees

Woody encroachment in grasslands has also received a leg-up from large-scale tree plantation programmes. In the Banni grasslands, studies have found that the spread of the invasive species *Prosopis juliflora* – which the Gujarat Forest Department planted in 1961 to combat desertification and provide firewood to communities – has since transformed swaths of the grasslands into a *Prosopis* woodland.

In fact, most of India's open ecosystems have stories to tell of ruin led by artificially introduced plants. In the Shola grasslands, eucalyptus plantations have run amok, whereas the Malabar silk-cotton tree has been running riot in the wet Terai grasslands of the Himalaya.

To combat the increasing threat of woody encroachment on grasslands, it is imperative that we first develop more evidence of their impact. Many studies have revealed the adverse effects of woody encroachment on biodiversity in grasslands, yet they are also the tip of the proverbial iceberg.

We also need long-term ecological monitoring in open ecosystems because it provides valuable fine-scale information. “A lot more science is needed before actions and policy-changes,” Ashish Nerlekar, a presidential postdoctoral fellow at Michigan State University who studies the ecology and conservation of open ecosystems in India, said.

In India itself, we also need to dismantle colonial terminologies like “wastelands,” which perpetuate the misclassification of open ecosystems and passively promote activities that convert them to use for other purposes.

(Sutirtha Lahiri is a doctoral student in conservation science at the University of Minnesota and a recipient of the Interdisciplinary Center for the study of Global Change (ICGC) fellowship.)



A panoramic view of the shola forest in Sakleshpur-Mudigere. L. SHYAMAL (CC BY-SA 3.0)

# दिल्ली से भी बेहतर

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**पैडलेगंज, गोरखपुर**      **Mob. 9971932488**



**Team Led by:**  
**Amit Kumar**

(More than 4 Years of Teaching Experience  
In Vision IAS Delhi & Qualified 4  
Times For The IAS Mains).



**Piyush Gambhir Sir**

(More than 5 years of teaching experience  
in Vision IAS Delhi & qualified 3 times for  
the IAS mains & 2 times IAS Interview)



**Sonal Choudhary Ma'am**

More than two years of experience  
in Vision IAS and qualified  
3 Times for IAS mains.



**Tanya Sehgal Ma'am**

More than four years of  
experience in Vision IAS and  
qualified 2 times for IAS mains.



**Manohar Pandey Sir**

(More than 5 years of experience  
in Vision IAS Delhi & qualified  
3 times for the IAS mains &  
2 Times for PCS Interview).



**Piyush Kannaujya Sir**

(More than 4 years of teaching  
experience in Vision IAS Delhi &  
qualified 6 times for the  
IAS Mains & 2 IAS Interview)



**Abhishek A. Singh Sir**

(More than 3 years of experience  
in Vision IAS Delhi & qualified  
2 times for the IAS Mains).



**Divyansh Srivashtava sir**

More than 3 years Working  
experience with Vision IAS Delhi  
and Qualified 2 times for IAS mains and  
2 times for CAPF interview.

Patriotic IAS

# A licence raj for digital content creators

Could Dhruv Rathee and Ravish Kumar's YouTube videos have influenced voter preferences in the 2024 general election? This question concerns a Union government that asserted that it would return to power with an increased majority but was voted back as a coalition with a diminished mandate. Recognising a threat to its power, it aims to neuter digital creators under the **Broadcasting Regulation Bill, 2024**.

Let us first look at the data. Two CSDS-Lokniti surveys provide insights into **642 million voters and 924 million broadband connections**. These surveys covered thousands of respondents and highlight the growing importance of digital media beyond the metropolises. The post-poll survey shows that 29% of respondents consume political material every day on digital platforms, with 18% doing so occasionally. While this is less than **television (42%), it surpasses newspapers (16.7%) and radio (6.9%)**. Respondents accessed **WhatsApp (35.1%), YouTube (32.3%), Facebook (24.7%), Instagram (18.4%), and Twitter (6.5%)** several times a day.

This data suggest a "content election" or an "influencer election", with digital media critical of the Prime Minister challenging the dominance of television news. The widespread use of digital media critical of the Prime Minister also challenges the dominance of television news, which Vanita Kohli-Khandekar, an expert on the Indian media, describes as catering primarily to Bharatiya Janata Party (BJP) voters and being "homogenized into one lump". This leads to a crucial question about the Union government's gameplay. How will it use existing and new laws to shackle digital content?

## Signs of control

Even before the President of India administered the oath of office to the Prime Minister and cabinet Ministers, TV channels rather than calling it "Modi 240" (for the number of seats won by the **BJP in the general election**) labelled it "Modi 3.0" instead. Just like a new version or a software upgrade, this label marked continuity with improvement in a project to centralise power in the name, the image and the voice of the Prime Minister. Consequently, there has been little change in his Cabinet of Ministers. Ashwini Vaishnaw remains the **Minister for Electronics and Information Technology (MeitY)** and has also been given the **Ministry of Information and Broadcasting (MIB) portfolio**. This reflects a **growing convergence and the interest of these ministries in controlling digital content**. A formal legal basis to this censorial partnership was first established through the IT Rules, 2021 on February 25, 2021. It expanded MeitY's powers, including a traceability mandate compromising end-to-end encryption on messaging services



**Apar Gupta**

practises law  
in New Delhi

such as Signal. It also granted the MIB new powers to require registration and block digital news media and online entertainment streaming apps. The MIB has publicly disclosed its enforcement action only when they align with nationalistic themes such as terrorism, or on issues such as internal security, fitting its political interests. Thus, both Ministries now have overlapping functions and a shared interest in controlling online narratives.

## Creating an autocratic weapon

Even with the IT Rules, 2021, the Union Government was unable to completely control the expanse of digital content. So, it expanded them twice. First, on January 28, 2023 it created three "Grievance Appellate Committee(s)", or **GACs, headed by officials from the Ministry of Home Affairs, the MIB, and MeitY**. They have heard 1,216 appeals and issued 1,089 secret orders to online platforms on the taking down of or for the reinstatement of content. Then, on April 6, 2023, the **IT Rules were amended to grant the Union government the power to order the removal of any digital content deemed "fake, false, and misleading"**, which was claimed to be the "fact checking amendment". This has been stayed by the Supreme Court of India on March 21, 2024.

With past attempts under the IT Rules, 2021 being inefficient and thwarted, the Union government released the first draft of the Broadcasting Services (Regulation) Bill, 2023, on November 3, 2023, introducing an autocratic superweapon for digital censorship. In simple terms, if it passes into law, your favourite YouTube or Instagram creators who comment on politics and report the news will need to register and work at the discretion of the MIB. Writing on the first version of this proposed law in this daily ("Old censorship on a new medium", November 27, 2023), this writer argued that it will "increase government powers, reduce transparency and accountability processes, and erode fundamental rights...."

Work on the **Broadcasting Bill, 2023** paused during the election months, while online creators increased their scrutiny on the BJP's campaign messaging and its 10-year term. The heightened activity of online creators and increase in reach was noticed. On June 4, 2024, in his first address after the election results, the Prime Minister specifically referred to, "countrymen... influencers and... opinion makers..." Wasting little time, according to a media report, the MIB convened a meeting on July 9 for a "presentation" to "stakeholders". Another media report on July 26 mentioned the release of a new draft to "stakeholders", rechristened the **Broadcasting Services (Regulation) Bill, 2024**. This latest version has not yet been made public.

The Broadcasting Bill, 2024 bears all the signs of being a digital authoritarianism project in order to control online narratives

Nor is the complete list of "stakeholders" who have access to it. According to multiple sources who participated in the MIB meetings, the **Broadcasting Bill, 2024 is individually watermarked and provided only after signing undertakings**. Despite these retrograde practices from the **Union Government's own Pre-Legislative Consultation Policy dated January 10, 2014, a copy of the Broadcasting Bill, 2024 has been floating in the corridors of media, politics, policy and law**.

## Key highlights of the Bill

On analysis, the nervousness not only of the "stakeholders" but also of the MIB itself in making the Broadcasting Services (Regulation) Bill, 2024 public is understandable. Instead of recognising constitutional limits, the Bill increases the Union Government's command and control over digital media. While its minutiae pose immense harm to democratic expression, let us focus on three primary highlights. First, the Bill expands its scope to classify individual commentators as "Digital News Broadcasters" and content creators as "OTT Broadcasters". The MIB can prescribe and change thresholds for subscribers or users, which, when met, require registration. Second, it creates additional compliances for online platforms and establishes a new safe harbour regime independent of the Information Technology Act, 2000. In addition to the IT Rules, 2021, it can demand registration, enforce censorship, and even require platforms such as YouTube to frame special compliances not only for news channels but also for creators such as Nisha Madhulika, whose latest video is about coconut laddu recipe. This law is designed for the MIB to exercise coercive and total control while outsourcing everyday censorship as a form of compliance to a private apparatus. Finally, the decision-making process for censorship relies on cumbersome proactive compliances, a system of registrations and private self-censorship, and, on failure or whim, censorship and fines levied by the MIB. If that were not enough, most provisions in the Broadcasting Bill, 2024 are sufficiently vague, making them ripe for arbitrary enforcement.

It bears all the hallmarks of what Jagdish Bhagwati termed "a maze of Kafkaesque controls", creating an overly bureaucratic and politicised system – a digital licence raj. This ex-ante regulation model aims to overcome the administrative burden of the notice-and-takedown approach, where the government struggled to censor each creator and online text or video one post at a time. In Modi 3.0's mirage of continuity, the Broadcasting Bill, 2024 is a digital authoritarianism project, creating a public-private labyrinth to enforce censorship.

## A licence raj for digital content creators (31 July)

- Dhruv Rathee and Ravish Kumar's YouTube videos might have influenced voter preferences in the 2024 general election.
- The Union government, which returned to power as a coalition with a diminished mandate, seeks to control digital creators through the Broadcasting Regulation Bill, 2024.
- Two CSDS-Lokniti surveys provide insights into voter behavior, covering 642 million voters and 924 million broadband connections.
- Surveys show 29% of respondents consume political material daily on digital platforms, 18% occasionally.
- Digital media consumption surpasses newspapers (16.7%) and radio (6.9%) but is less than television (42%).
- WhatsApp (35.1%), YouTube (32.3%), Facebook (24.7%), Instagram (18.4%), and Twitter (6.5%) are accessed several times a day.
- Digital media critical of the Prime Minister is significant, challenging the dominance of television news.

- Expert Vanita Kohli-Khandekar states television news mainly caters to BJP voters and is "homogenized."
- The Union government may use existing and new laws to restrict digital content.

### Signs of control

- TV channels labeled the new government term "Modi 3.0" instead of "Modi 240."
- The label suggests continuity and improvement in centralizing power around the Prime Minister.
- There has been little change in the Cabinet, with Ashwini Vaishnaw retaining the Minister for Electronics and Information Technology (MeitY) and gaining the Ministry of Information and Broadcasting (MIB) portfolio.
- This reflects a convergence and interest in controlling digital content by these ministries.
- The IT Rules, 2021 expanded MeitY's powers, including a traceability mandate affecting end-to-end encryption on messaging services.
- MIB gained new powers to require registration and block digital news media and online entertainment streaming apps.
- MIB publicly discloses enforcement actions that align with nationalistic themes or internal security, fitting its political interests.
- Both Ministries now have overlapping functions and a shared interest in controlling online narratives.

### Creating an autocratic weapon

- The Union Government expanded the IT Rules, 2021 twice to control digital content.
- On January 28, 2023, three "Grievance Appellate Committee(s)" (GACs) were created, led by officials from the Ministry of Home Affairs, MIB, and MeitY.
- GACs heard 1,216 appeals and issued 1,089 secret orders to online platforms regarding content takedown or reinstatement.
- On April 6, 2023, the IT Rules were amended to allow the Union government to remove digital content deemed "fake, false, and misleading" (fact-checking amendment).
- The Supreme Court of India stayed this amendment on March 21, 2024.
- Due to inefficiencies in past IT Rules attempts, the Broadcasting Services (Regulation) Bill, 2023, was drafted on November 3, 2023, introducing stricter digital censorship.
- If passed, YouTube and Instagram creators commenting on politics or reporting news must register and operate under MIB's discretion.
- The proposed law is argued to increase government power, reduce transparency and accountability, and erode fundamental rights.
- Work on the Broadcasting Bill, 2023 paused during election months.
- Online creators increased scrutiny of the BJP's campaign and its 10-year term, gaining more reach.
- On June 4, 2024, the Prime Minister addressed "countrymen... influencers and... opinion makers..."
- MIB held a meeting on July 9 for a "presentation" to "stakeholders."
- A new draft of the bill, renamed the Broadcasting Services (Regulation) Bill, 2024, was mentioned in a media report on July 26.
- The latest version of the bill has not been made public.
- The list of "stakeholders" with access to the draft is not fully known.
- Copies of the bill are individually watermarked and provided after signing undertakings.
- Despite government practices, a copy of the Broadcasting Bill, 2024 is circulating among media, politics, policy, and law circles.
- **Key highlights of the Bill**
- The nervousness of "stakeholders" and the MIB in making the Broadcasting Services (Regulation) Bill, 2024 public is understandable.
- The Bill increases the Union Government's control over digital media, beyond constitutional limits.
- Three primary highlights:
  - The Bill classifies individual commentators as "Digital News Broadcasters" and content creators as "OTT Broadcasters." MIB can change thresholds for subscribers or users that require registration.

- It creates additional compliances for online platforms and establishes a new safe harbour regime independent of the Information Technology Act, 2000. Platforms like YouTube must frame special compliances for both news channels and content creators.
- The decision-making process for censorship involves proactive compliances, registrations, private self-censorship, and potential fines by the MIB.
- The Bill's provisions are vague, allowing for arbitrary enforcement.
- The Broadcasting Bill, 2024 is described as a "maze of Kafkaesque controls" by Jagdish Bhagwati.
- It creates an overly bureaucratic and politicized system, termed a digital licence raj.
- The ex-ante regulation model aims to address the administrative burden of the notice-and-takedown approach.
- The government struggled to censor each creator and online text or video individually.
- The Broadcasting Bill, 2024 represents digital authoritarianism, creating a public-private labyrinth to enforce censorship.

## Duality — understanding Indian voter behaviour (31 July)

- The 18th Lok Sabha election results were announced on June 4, 2024.
- The BJP won 240 seats, falling short of a majority in the Lok Sabha.
- The election results highlighted the nuanced behavior and diversity of factors influencing Indian voters' choices.
- The article examines voter behavior through prudence and paradox, using data from Lokniti-Centre for the Study of Developing Societies (CSDS) surveys.
- Surveys include pre- and post-election data from 2024 and some from 2014.
- Voters' responses to diverse themes show the discerning and contradictory nature of decision-making in a vibrant democracy.

### Duality in decisions?

- 56% of respondents make independent voting choices, highlighting the need to examine if these choices are informed and substantial.
- Lokniti's pre-poll survey of 2024 shows unemployment and price rise were the top issues for 50.7% of voters, surpassing the Ram Temple (7.5%) and Hindutva ideology (2.3%).
- This indicates a preference for socio-economic issues over ideological ones.
- The BJP's hegemony is often linked to ideology, with significant milestones like the dilution of Article 370 and the Ram Temple.
- Despite the emphasis on unemployment, 22.4% of respondents appreciated the Ram Temple as the central government's best work in the past five years.
- Appreciation for the Ram Temple did not necessarily translate into votes for the BJP.
- Over 21% of respondents cited overall development as the reason for supporting the ruling party, while only 1.3% and 5.2% cited Article 370 and the Ram Temple, respectively.
- This shows that Indian voters appreciate ideological achievements but prioritize socio-economic progress, challenging the notion that Indian politics is primarily driven by ideology.
- Voters' prudence has diminished the appeal of ideological narratives, preferring tangible socio-economic progress.

### The subject of leadership

- The BJP's success in creating a pan-Hindu vote wasn't solely due to ideology.
- Narendra Modi's charisma and popularity were crucial, with his popularity surpassing the BJP by about eight percentage points in 2014.
- Voters showed a preference for strong, charismatic leadership.
- In the 2024 post-poll survey, over 67% of voters supported having a strong leader who doesn't need to worry about elections.
- However, 57.5% of voters emphasized the importance of checks and balances.
- Around 70% affirmed the right of citizens to interfere and hold leaders accountable.

- This indicates a preference for strong leadership while valuing accountability and checks and balances.
- About 49% of respondents believe the will of the majority should prevail in a democracy, but over 48% support protecting minority interests even if not favored by the majority.
- Over 57% of Hindus support including Muslim Dalits in the Scheduled Castes list.
- This shows a coexistence of majoritarian inclinations with a recognition of minority protections, indicating that Hindu-majority cultural-religious expressions are not solely anti-minority.
- The post-poll study highlights the dynamic nature of democracy, reflecting both prudence and paradox.
- 42% of voters see the ability to change the government through free and fair elections as democracy's most essential characteristic.
- Over 34% prioritize equal rights for everyone.
- This balance of majoritarian inclinations with minority rights protection reflects a complex, discerning, and progressive democracy.

## Option or stratagem?

### Court should limit Governor's power to refer Bills to President without cause

The manner in which some Governors have been dealing with legislation passed by the State legislatures is a travesty of the Constitution. After the Supreme Court of India intervened in the case of Punjab and raised questions about the action or inaction of Governors in Tamil Nadu and Telangana, it was believed that incumbents in Raj Bhavans would end their deliberate inaction on Bills passed by the Assemblies. However, it appears that on finding that their supposed discretion to sit indefinitely on the Bills or withhold assent to them has been significantly curtailed, Governors have taken to the stratagem of sending Bills they disapprove of to the President for consideration. When the President refuses assent, based on the advice of the Union government, there is no recourse left for the State legislatures. This has given rise to the question whether the provision for reservation of some Bills for the President's consideration is being misused for subverting federalism. In other words, the Centre is given a contrived veto over State laws – something not envisaged in the Constitution. This is precisely the question that Kerala has raised in its writ petition before the Court, challenging the Governor's action in sending the Bills to the President and the latter's refusal of assent. It is now quite an appropriate time for the Court to adjudicate the question and place limitations on the use of the option given to Governors.

It is worth recalling that in the Punjab case, the Court ruled that Governors do not have a veto over Bills, and that whenever they withheld assent, they were bound to return the Bills to Assembly; and if the Assembly adopted the Bills, with or without amendments, they were bound to grant assent. In the case of Telangana, the Court observed that Governors were expected to act on Bills "as soon as possible", underscoring that the phrase had significant constitutional content and that constitutional functionaries would have to bear this in mind. It is quite surprising that the Governors of West Bengal and Kerala have learnt nothing from these judgments and observations. Seven Bills from Kerala that may not normally require the President's assent were sent up to Rashtrapati Bhavan; four were refused assent without any reason being assigned. The inaction on these Bills range from 23 to 10 months. West Bengal has also challenged the inaction on some Bills, a few of which may have been referred to the President. The issue transcends the political considerations that may have inspired the action or inaction on the part of the Governor. At its core, it concerns the question whether the Constitution permits such indirect central intervention in the legislative domain of the States.

## Option or stratagem? (31 July)

### Court should limit Governor's power to refer Bills to President without cause

- Some Governors' handling of State legislation is seen as a violation of the Constitution.
- The Supreme Court intervened in the Punjab case and questioned the actions of Governors in Tamil Nadu and Telangana.
- Despite this, Governors have continued to withhold assent or send Bills to the President.
- When the President, based on Union government advice, refuses assent, State legislatures have no recourse.
- This raises concerns that reserving some Bills for the President's consideration is being misused to subvert federalism.
- The Centre effectively has a veto over State laws, which was not intended by the Constitution.
- Kerala has challenged this practice in a writ petition, questioning the misuse of the Governor's power and the President's refusal of assent.
- The Court is urged to adjudicate and set limits on this practice.
- The Punjab case established that Governors do not have a veto over Bills; they must return Bills to the Assembly if they withhold assent, and if the Assembly passes them again, the Governor must grant assent.
- The Court also emphasized that Governors should act on Bills "as soon as possible," which has constitutional significance.
- Despite these rulings, Governors in West Bengal and Kerala have not adhered to these principles.
- Seven Bills from Kerala, which likely did not require the President's assent, were sent to the President, with four being refused assent without reasons.
- Inaction on these Bills ranged from 10 to 23 months.
- West Bengal also challenged inaction on some Bills, with some possibly referred to the President.
- The core issue is whether the Constitution allows such indirect central intervention in State legislative matters.

## Impatience with jobs (31 July)

**Budget's stress on employment is good; a lot more needs to be done**

- The Budget speech shifted focus to employment, making it a central theme.
- The Prime Minister's package aims to create jobs and improve skills with a ₹2 lakh crore initiative over five years.
- The package includes three employment-linked incentive schemes:
  - Subsidies for hiring fresh entrants for at least one year.
  - Incentives for companies to increase hiring beyond the previous year's count.
  - Programs to improve skills through revamped industrial training institutes and internships.
- 1,000 industrial training institutes will be updated with industry-aligned courses.
- An internship program will place one crore youth in 500 top companies, with the Centre covering most of the stipend costs.
- Firms can join the internship scheme voluntarily and use corporate social responsibility funds for remaining expenses.
- This emphasis on employment addresses a key issue highlighted by the Opposition during the election.
- Jobless growth critiques are not unique to the current government; the UPA faced similar issues.
- Investors prefer capital-intensive investments, partly due to outdated labor laws which discourage larger, labor-intensive units.
- Recent distress has been heightened by shocks like demonetisation, GST rollout, and COVID-19, which have impacted the informal sector.
- Incentives for private investments have focused more on production rather than creating new jobs.
- High youth unemployment is seen as a structural threat to long-term growth, and the effectiveness of the new employment package will be closely monitored.
- For a significant improvement in employment, the government needs to fill existing vacancies and foster conditions that boost consumption.
- The private sector is unlikely to expand or hire more without a consumption-driven trigger, even with subsidies.

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# The case for a Legal Advisory Council

The inability of the **National Democratic Alliance** to reach a comfortable electoral milestone could be attributable, in some measure, to its unfitting handling of legal issues. There is scope to review the process of legal consultancy to the government on legal matters. In this context, continuous, informed, and empirically valid legal inputs to the government from well-structured think tanks could be vital in clarifying the real intent of certain legislation. There is a case to be made for the establishment of a **Legal Advisory Council (LAC) to the Prime Minister akin to the Economic Advisory Council (EAC)**.

## Recent legal issues

Several legal issues of national and social importance have emerged from the present government's legislative and policy initiatives. The **electoral bonds scheme**, for instance, was recently held to be unconstitutional by the Supreme Court, for violating the right to information of voters. The challenge to the scheme was foreseeable. If the test of proportionality had been conducted, as the Supreme Court had done, before the enforcement of the scheme to balance the right to privacy of donors with the right to information of voters, the challenge to the constitutionality of the scheme and the Court verdict could have been avoided.

A similar exercise in relation to the **Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016**, would also have made the intervention by the Supreme Court in ***K.S. Puttaswamy v. Union of India* (2018)** redundant.

The transporter strike about the hit-and-run provisions under **section 106(2)** of the **Bharatiya Nyaya Samhita, 2023**, is also a case in point. The provision stipulates a penalty of up to 10 years imprisonment where a person involved in an accident flees without reporting the same to a



**G.S. Bajpai**

Vice Chancellor,  
National Law  
University Delhi.  
Views are personal



**Ankit Kaushik**

Assistant Professor,  
National Law  
University Delhi.  
Views are personal

Legal inputs to the government from well-structured think tanks could be vital in clarifying the real intent of certain legislation

police officer or magistrate. It raised concerns among transporters that the law would apply against them disproportionately, regardless of the actual circumstances. The nationwide strikes were called off only after the government agreed not to notify the provision until it was suitably amended.

As many such issues have arisen due to a lack of adequate examination in terms of legal viability and impact assessments, it becomes prudent to fill the gap. As non-partisan public academic institutions, national law universities are, in particular, equipped with the requisite expertise, knowledge, and resources to assist the Central and State governments in formulating constitutionally viable and socially acceptable laws. Indeed, this was one of the primary objectives with which they were established. For instance, the **National Law University Delhi Act, 2008**, states the undertaking of "study and training projects relating to law, legislation and judicial institutions" as an object.

Regular research references in legislative areas proposed by national law universities to **Central and State governments** would enable these governments to fully utilise their investments in academic institutions and their expertise. The setting up of the Committee for Reforms in Criminal Laws at the National Law University Delhi by the Ministry of Home Affairs, and the nomination of one of the authors to the Department of Consumer Affairs Committee on the development of a framework on the right to repair is a prime example in this regard.

## Anticipating challenges

Another idea to anticipate and respond to legal challenges entails the creation of a LAC on the lines of the EAC to aid and assist the Prime Minister's Office (PMO). The terms of reference of the LAC could include the legal analysis of issues referred to it by the Government of India, the analysis

of the possible impacts and outcomes of any contemplated law upon reference by the Prime Minister; and suo motu legal research and analysis on issues of contemporary importance. The LAC could comprise legal luminaries, eminent jurists, prominent academicians, and researchers with specialisations in varied fields which are frequently legislated upon by governments such as criminal law, trade law, international law, business laws, and taxation laws.

Such a body would differ from the **Law Commission of India (LCI)**. While the LCI functions under the **Ministry of Law and Justice**, the LAC would work in conjunction with the PMO. The LCI primarily recommends reforms in existing laws, which makes its role reactive, while the LAC would function to anticipate the impact, challenges, and lacunae in forthcoming laws on which the government is deliberating and/or finalising legislation or policies. Furthermore, what highlights the low level of engagement between the government and the LCI is the fact that despite an abundance of legal issues requiring in-depth research and analysis, only four reports were prepared by the 22nd Law Commission between 2020 and 2024 upon reference by the Government of India.

The LCI has also been criticised for being ineffective since only 50% of their recommendations to date have been implemented. Despite the legal problems in the justice system being pervasive, pressing, and varied, the LCI has on average produced only 4.19 reports per year from the date of its inception. The need for a dynamic body that can navigate the complex and diverse legal landscape with relative swiftness and ease is obvious. Leveraging the academic potential of national law universities and the creation of a LAC, though not the only solutions, can help the government navigate legal challenges.

# The different armed groups of Myanmar

A persistent confrontation-ceasefire dynamic seems to define the interactions between the military and the EAOs in Myanmar. To transcend such a dynamic, all legitimate stakeholders need to come to the table to discuss a new framework that celebrates the principles of federalism and democracy

## WORLD INSIGHT

Sanjay Pulipaka

**T**he Myanmar military's coup d'état in 2021 has brought about a seismic shift in the country's politics. The military leadership's assumption that resistance to the coup would quickly dissipate proved to be a gross miscalculation. The removal of Aung San Suu Kyi and other civilian leaders from the political scene prompted sustained violent resistance. Unable to contain this, the military has resorted to indiscriminate use of force, which has dented whatever little legitimacy it had.

The military has lost control of large parts of the country. Ethnic Armed Organisations (EAOs) and resistance groups such as the People's Defence Forces (PDFs) have made considerable gains. The Brotherhood Alliance – comprising the Arakan Army, the Myanmar National Democratic Alliance Army, and the Ta'ang National Liberation Army – has demonstrated prowess in holding onto territory after making rapid territorial gains.

The ceasefire between the military and the Alliance in Shan State proved to be fragile, and clashes resumed last month. Additionally, the Brotherhood Alliance captured a few strategically important towns, with the military on the verge of losing complete control of its regional military headquarters in Lashio, in the northern Shan State. Meanwhile, the Kachin Independence Army has seized about 70 military posts and gained control of important border trade routes with China. With the PDFs gaining ground in central Myanmar, the military is reinforcing its positions near Mandalay.

### The dominance of the Arakan Army

In the west, large parts of the Rakhine province have fallen into the hands of the Arakan Army, with its cadres belonging to the Rakhine Buddhist ethnic group. The armed group has also seized territories on the borders with Bangladesh, including towns such as Buthidaung. Moreover, the Arakan Army is also knocking on the doors of other important port cities/towns on the Bay of Bengal coast such as Kyauk Phyu, Sittwe, and picturesque Ngapali. Oil and gas pipelines run from Kyauk Phyu to the Yunnan province in China. Kyauk Phyu is also a vital node in China's Belt and Road Initiative, with proposals to expand the deep sea port and other related investments.

Similarly, peace and stability in Sittwe is critical for the success of India's Kaladan project, which seeks to connect Kolkata with Mizoram via Myanmar. With its ability to impact the implementation of various infrastructure projects and the trajectory of the Rohingya crisis, the Arakan army may emerge as one of the key players in defining the regional security dynamic of the Bay of Bengal.

### The agenda of EAOs

In the south, the EAOs have made their presence felt on highways around Dawei, with the Karen National Union coming close to dislodging the military in Myawaddy, a strategically important town close to the Thailand border. The loss of these coastal and border towns means losing access to critical resources and much-needed revenues for the military.

There are also concerns regarding Myanmar's possible Balkanisation and its deleterious impact on the neighbourhood. Recently, Bangladesh Prime Minister Sheikh Hasina alleged that attempts are being made to create a new



**Cycle of violence:** People rebuilding homes near a destroyed building, following fighting between Myanmar's military and the Arakan Army, on May 21. AFP

sovereign state by carving out territories from Bangladesh and Myanmar. However, major EAOs in Myanmar have refrained from declaring independence by announcing the creation of new nation-states. It can be speculated that EAOs have tactically refrained from creating such nation-states, before the complete disintegration of the military, as such a move could rally renewed support for the military. On the other hand, perhaps the EAOs want to establish a genuine federal democratic structure with maximum autonomy for provinces, with some advocating for a confederation.

The reluctance of various EAOs to carve out new countries may also be due to complex ethnic geographies. Over the decades, because of the considerable movement of people, there are no 'pure' ethnic homelands. Consequently, many geographies are multi-ethnic, and members of various ethnic groups often share urban spaces in towns and cities. Further, there is considerable overlap in the imagination of various ethnic homelands. For instance, there are differences of opinion on the boundary of homelands between Arakan and Chin organisations, and similar challenges may confront the Wa, Kachin and Ta'ang ethnic groups in Shan state. Amid fluid ethnic boundaries, creating nation-states with new boundaries may generate considerable inter-ethnic friction. Overall, with multiple armed groups contesting for and asserting power in different regions, many refer to Myanmar as a space with fragmented sovereignty.

### China's influence

China has responded to the fluid political process by engaging with multiple actors. Given its massive investments and economic interests in the region, China has often extended support to the

Myanmar military on various international platforms. Simultaneously, it has also kept substantive relations with many armed groups, including the Brotherhood Alliance and the United Wa State Army (UWSA).

It was Beijing which facilitated some ceasefires between the military and the EAOs, such as the Haigeng ceasefire agreement in January this year, which proved to be temporary. Recently, Myanmar's former president Thein Sein and Gen Soe Win, regarded as second-in-command in the military, travelled to China to participate in forums pertaining to peaceful coexistence and green development. The military's foreign minister and representatives of a few political parties also travelled to China. These visits indicate enhanced Chinese diplomatic engagement with Myanmar.

Beijing's policy towards Myanmar is also guided by emerging security threats, such as the activities of online criminal syndicates operating near the China-Myanmar border, which are targeting Chinese citizens. Reports suggest that China may have given tacit consent to the Brotherhood Alliance offensive in October last year to eliminate such criminal networks.

However, China's approach towards the EAOs' more recent operations and their steady territorial gains merits closer examination. Over the years, the UWSA was purportedly the conduit through which some of the armed groups received Chinese weapons. The EAOs reportedly procured commercial drones from the Chinese market and used them in their operations against the military. On the other hand, China also, supposedly, ensured a steady supply of defence equipment to Myanmar's military. According to a UN report released this month, China supplied 'fighter aircraft,

missile technology, naval equipment and other dual-use military equipment' to Myanmar in the past two years.

Over the years, China has extended support to EAOs as well as the military, which ensured that Myanmar remained a country with fragmented sovereignty. Beijing's pursuit of such a policy had two premises: (a) the Myanmar military would not be a significant force in large tracts of the country; (b) that China had enough leverage to ensure that EAOs would not undermine its interests. A tense stalemate between various armed groups gives China sustained leverage in Myanmar.

The recent experiences demonstrate that a persistent confrontation-ceasefire dynamic may continue to define the interactions between the military and EAOs. To transcend such a dynamic, Myanmar will require a new compact, and there will be no sustainable peace under the rubric of the current 2008 Constitution. All legitimate stakeholders need to come to the table to discuss a new constitutional framework that celebrates the principles of federalism and democracy.

### India's role

India can share its experiences and toolkit on federalism, such as institutional frameworks, financial arrangements and special provisions stemming from agreements like the Mizoram Peace Accord, with all the stakeholders in Myanmar. If India, despite a lack of geographic contiguity, could construct massive infrastructure projects amidst the civil war in Afghanistan, there is no reason why it could not do more in neighbouring Myanmar for regional peace and prosperity.

Sanjay Pulipaka is the Chairperson of the Politeia Research Foundation. The views expressed are personal.

## THE GIST

▼ The military has lost control of large parts of the country. Ethnic Armed Organisations (EAOs) and resistance groups such as the People's Defence Forces (PDFs) have made considerable gains.

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▼ India can share its experiences and toolkit on federalism, such as institutional frameworks, financial arrangements and special provisions stemming from agreements like the Mizoram Peace Accord.

# On the ethics of hunger strikes as a mode of protest

Hunger-strikes have always raised a series of complicated moral questions, such as whether it is appropriate to provide medicine against the will of a person on strike; or if force-feeding could be a dangerous protocol

GS Paper I: History  
Prathmesh Kher

“It is far easier to die of a police bullet or by going to the gallows than perishing away ‘iota by iota’ in a hunger strike,” freedom fighter Jatin Das is said to have told his fellow revolutionaries. His comment was made to dissuade those of weaker constitutions to refrain from engaging in a method of protest bound to drain their physical and mental being, and possibly much worse.

The human body is extremely adaptable; it nevertheless requires nutritional replenishment to operate optimally. During the initial stages of a hunger strike, the body will source its energy needs from stored glucose as well as body fat. After that, the body begins to cannibalise the muscle mass and vital organs for energy, eventually breaking bone tissue to stay alive. Since the brain is but a part of the body, the mind begins to experience states of confusion, anxiety, and even delirium, and eventually death.

## Revolution by starvation

The idea of a militant hunger strike with a political or social objective behind it, finds its earliest development in the concluding parts of the 19th century. Russian political prisoners during Tsarist times engaged in hunger strikes or *golodovka* in Siberia, to protest against prison conditions. A young Leon Trotsky led a hunger strike with other prisoners in 1898. In 1909, imprisoned suffragette Marion Wallace Dunlop refused food until she was recognised as a political prisoner. Taking Ms. Dunlop’s lead, her fellow suffragettes also protested in a similar fashion. The authorities changed their tactics, and thus began the pernicious policy of force-feeding which led to the deaths of many suffragettes.

However, it was the hunger strikes by Irish republicans that most impacted the development and popularisation of this method of protest. Terence MacSwiney died in 1920 after resisting being force-fed. His death was followed by the martyrdom of 20 other revolutionaries.

## In India

With movements closer home, revolutionaries from across political and ideological lines starved themselves, often finding martyrdom as a reward for their trials. Pandit Ram Rakha, a Ghadarite, died after a hunger strike to protest the forcible removal of his *janeu* (sacred thread) by jail authorities. In contrast, Ghadar Party leader Sohan Singh Bhakna undertook a hunger strike to protest against the segregation of Mazhabi Sikhs, deemed as ‘low caste’, during his stint in the central jail at Lahore.

Even Vinayak Savarkar, who was opposed to hunger strikes, in a strange turn of events, engaged with the prospect of one. Nani Gopal Mukherjee, a young Bengali revolutionary, had undertaken a fast in protest of prison conditions for nearly 72 days. Fearing for Mukherjee’s life but finding his appeals to be abortive, Savarkar pledged to starve himself to death if Mukherjee did not disengage. Mukherjee consequently concluded his strike in December 1912.

The revolutionaries Bhagat Singh and Batukeshwar Dutt, whilst in prison, had



Last resort: Irom Sharmila taken out of the court by Manipur police in 2016. RITU RAJ KONWAR

protested against abysmal jail conditions by going on an indefinite hunger strike. Soon enough his comrades-in-arms also joined in. It is at this time the aforementioned “iota by iota” comment was made by Jatin Das. Two weeks into the hunger strike, the prison authorities attempted to force-feed the hunger strikers. In one such attempt, the tube pierced through Das’s lung. His body was paralysed soon after and after 63 days on hunger strike, the 24-year-old Das died on September 13, 1929; he was canonised as the “Indian Terence MacSwiney”.

Mahatma Gandhi, who was committed to non-violence, held a differing view on the virtue of hunger strikes; he preferred the term ‘fasting’. “Fasting can only be resorted to against a lover and not to extort rights but to reform him, as when a son fasts for a parent who drinks,” Gandhiji had told satyagrahis protesting against a temple which barred low-caste Hindus in Travancore. “Suffering even unto death and, therefore, even through a perpetual fast is the last weapon of the satyagrahi. That is the last duty which it is open to him to perform.” Gandhiji had said. After the Chauri Chaura incident in 1922, in which protestors set a police station ablaze, Gandhiji fasted for three weeks, appealing to the public to end the violence. In September 1932, Gandhiji undertook another fast unto death, this

time with the object of opposing the British government’s decision to reserve seats in provincial Indian legislatures for Dalits. Gandhiji’s decision was opposed by Dr. Ambedkar, who favoured direct political representation for the oppressed Dalits. In the end, Dr. Ambedkar had to acquiesce to Gandhiji’s protest. The bitter taste of this satyagraha likely remained with Dr. Ambedkar, who had later said, “...we must abandon the method of civil disobedience, non-cooperation and satyagraha.” Dr. Ambedkar felt that “constitutional methods” offered a constructive approach to solving the crises of society in contrast to “unconstitutional methods” which he deemed as the “grammar of anarchy”.

The varied nature of these hunger strikes reveal its efficacy as a tool of protest, for better and for worse.

## Monopoly on violence

The first major fast-unto-death protest in independent India came in 1952 when Potti Sriramulu demanded a separate State of Andhra Pradesh. Sriramulu’s death after 58 days sparked violent protests and finally led to the creation of Andhra Pradesh. Another well-known protest is that of Irom Sharmila’s. In November 2000, after 10 civilians were allegedly gunned down by the 8th Assam Rifles in Manipur, Irom Sharmila began an

indefinite hunger strike. Ms. Sharmila was arrested for attempted “suicide” and was put in police custody for 16 years where she continued her hunger strike.

Before India had achieved its freedom from British rule, those who had been martyred were freedom fighters in a struggle against an imperialist colonising force. However, the examples above reveal that even in the absence of an occupying foreign force, the state apparatus continues to wrest with hunger strikes. The suppression of the strike becomes the primary objective of the administration, and can be compounded by infuriated prison authorities resorting to violence in the hopes of breaking the strike. With a state monopoly on violence, such abuse can go ignored for a long time. Sometimes, state authorities simply divert the responsibility of a hunger striker’s death on to some other unrelated ailment. Mohan Kishore Namadas, a Bengali revolutionary who died in jail, was marked as having expired of “lobar pneumonia” with nary a mention of the nasal force-feeding that preceded it. Achyut Ghatak, a fellow revolutionary, recounts how protesters would cough heavily to shift the catheter tube, used for force-feeding, away from their throat back into their mouths where they could bite down onto the tube’s end to prevent food being pushed into their system.

It is not as if such excesses have gone unnoticed. In many of the aforementioned cases, many jail doctors as well as other prison personnel refused to participate in the abuse of a protesting individual. The state, in the final analysis, operates through individuals, and in the absence of their complicity the question of the protection of a prisoner’s rights is nothing but much abstraction.

## A social dilemma

It has been argued that a hunger striker who is fasting unto death is committing something akin to a suicide. Reflecting on this question, theologian Herbert McCabe had argued in 1981, that “the case for saying that Margaret Thatcher is a murderer is, as it seems to me, as strong and as weak as the case for saying that Bobby Sands was a suicide”. The reference was to the death of Irish Republican Army activist Bobby Sands, who died 66 days into a hunger strike. Sands, who was devoutly Catholic, wrestled with this choice. “If I die, God will understand,” he had reportedly said. Since their earliest usage, the practice of hunger-strikes has raised a series of complicated, and potentially irresolvable, moral questions. Is it appropriate to provide medicine or nutrition against the will of a person voluntarily on strike? Is force-feeding a dangerous, perhaps even life-threatening protocol? Are doctors who engage in force-feeding in conjunction with their Hippocratic oath?

Hunger strikes are a last-ditch attempt at resistance. It would be prudent that societies become more cognisant of their role in engaging with the demands of protesters who are on hunger strikes while also addressing the inequities of the state instrument in dealing with such strikers. A state machinery that does not recognise, and actively brutalises against the rights of strikers, who waste their own bodies to advance political or social demands, can only end in tragedy.

It is perhaps this sentiment that Yeats had hoped to capture in his *The King’s Threshold*. “...if a man be wronged, or think that he is wronged, and starve upon another’s threshold till he die,” Yeats writes, “The Common People, for all time to come, will raise a heavy cry against that threshold, even though it be the King’s.” This hope is what has kept the method of hunger strikes as a protest alive; that their fellow human beings will witness the injustice and raise a heavy cry against it.