



## Choppy waters

India must push for ratification of UNCLOS by all major maritime powers, including the U.S.

When Prime Minister Narendra Modi took the stage to address the UNSC on a debate on maritime security – the first Indian premier to do so – he might have hoped to keep the focus of the discussion on building maritime ties and developing maritime infrastructure through regional cooperation initiatives. Yet, once more the discussion veered toward major nations trading barbs on continuing strategic dissonance in this sphere. At the heart of the strident claims and counterclaims regarding allegations of abuse of maritime resources and disrespect of territorial sovereignty rights of nations were the U.S., on the one hand, and China and Russia on the other. Mr. Modi deserves credit for bringing to the table a five-prong plan to enhance maritime security worldwide through cooperation, including removing barriers to legitimate maritime trade, settling maritime disputes peacefully and based on international law, jointly facing natural disasters and maritime threats created by non-state actors, preserving maritime environment and resources, and encouraging responsible maritime connectivity. Indeed, the acceptance at the UNSC of the legislative framework for UNCLOS, the “legal framework applicable to activities in the oceans, including countering illicit activities at sea”, is seen as an important achievement during India’s month at the helm of the Council. The sustained interest of India in promoting maritime security also draws from Mr. Modi’s SAGAR vision plan aimed at strengthening economic and security connections with regional maritime nations.

If there are strategic barriers to creating momentum in achieving these goals, they are associated with specific regions of maritime tension including the South China Sea and the Black Sea. Regarding the former, U.S. Secretary of State Antony Blinken decried the “dangerous encounters between vessels at sea and provocative actions to advance unlawful maritime claims”, rejecting “actions that intimidate and bully other states from lawfully accessing their maritime resources”. Similarly, regarding the Black Sea, the Kerch Strait, the Sea of Azov, Mr. Blinken at the UNSC debate hit out at what Washington considered “continued aggressive actions against Ukraine... which are disrupting commerce and energy access”. Although India’s presidency of the Council is brief, its sustained commitment to promoting maritime security and boosting trade through sea routes will require it to be adroit in negotiating with these squabbling powers and creative in seeking resolution of the very real conflicts at the heart of their disputes. While some may deride UNCLOS as lacking teeth for enforcement, ultimately it is the only comprehensive framework of laws available to maritime powers to assert their rights consistent with the rules-based international order. Through its UNSC presidency and beyond, New Delhi must faithfully advocate for ratification of UNCLOS by all major maritime powers, including the U.S.

## Undermining justice

The Government must explain the unusual delay in filling up vacancies in courts, tribunals

It was only a matter of time before the controversy over the Union government delaying judicial appointments hit the headlines again. In recent days, the Supreme Court has voiced concern over the Government’s lackadaisical attitude towards the large number of vacancies in High Courts and tribunals. Chief Justice of India N.V. Ramana confronted the Government with a list of 240 vacancies in various tribunals. He asked rather bluntly whether there was a plan to close down some tribunals. Many tribunals lack presiding officers, and recommendations made by selection committees have not been acted upon. The vacancies in High Courts are at a staggering 455, as on August 1. It appears that exhortations from the courts, and even a judicial order from the top court in April – fixing time-frames for the Intelligence Bureau and the Government to process names forwarded by the Collegium for making appointments to the High Courts or returning files and for accepting names reiterated by the judges’ body – has not imparted a sense of urgency. A two-judge Bench has noted that the Centre’s delay in making appointments to the High Courts is adversely affecting the adjudication of commercial disputes.

The judiciary’s concern over the vacancies in the tribunals is quite justified, as the jurisdiction previously exercised by High Courts is now being exercised by the tribunals, and the failure to adjudicate or dispose of disputes in these fields would amount to denial of justice to the parties. The present regime’s eagerness to undermine the independent functioning of tribunals is quite apparent. It has been repeatedly framing rules that seek to provide for greater executive control over the tenure, emoluments and conditions of service of those manning the tribunals. If specialisation, domain expertise and relatively quicker adjudication are the reasons for which certain kinds of disputes are being resolved through tribunals, these purposes are lost if these bodies are rendered nearly dysfunctional through a large number of vacancies. To compound the problem, the Union government has been inexplicably reluctant to create a national body for overseeing the work related to the appointment of members on tribunals as well as the appraisal of their functioning. As far as higher judiciary appointments are concerned, there is little to enlighten the public on what is causing the delay. Whether it is a dispute over the undoubtedly problematic memorandum of procedure, or the desire of the executive to subject the Collegium recommendations to its own political scrutiny is not clear. In any case, the delay is causing great harm to India’s justice delivery system.

# The construct behind the ‘Shining U.P.’ card

Uttar Pradesh’s ‘status’ as India’s top State is in contradiction of evidence and felt experiences



VIDYA SUBRAHMANIAM

These days, India’s national capital, Delhi, is a sight to behold – strangely, not for reasons connected to the city-State. As a matter of fact, a visitor might think she was in neighbouring Uttar Pradesh seeing the profusion of posters and flex boards featuring its Chief Minister, Yogi Adityanath, and Prime Minister Narendra Modi, all of them claiming that U.P. is today India’s number one State.

### Bagging the top rank

U.P. as India’s number one State? The miracle owes to an award that was given out this summer by the Union Housing and Urban Affairs Ministry under the Smart Cities Mission (<https://bit.ly/3yAAPXk>). Tamil Nadu, with an exemplary record on development and welfare, was placed third on the list after Madhya Pradesh. If anyone had quibbles about the line-up, they had to lump it. U.P. and its Chief Minister were going to savour the trophy which had most conveniently arrived in the months ahead of the 2022 State Assembly election. By another coincidence, it was also the first time that States had been picked for the award.

In the days since the award, the Chief Minister has found himself hit by an avalanche of praise, most notably from the Prime Minister and the Union Home Minister, Amit Shah. The praise also settled speculation that Mr. Adityanath and Mr. Modi were in conflict over a State-level appointment proposed by the Prime Minister. In

the end, Mr. Adityanath had his way. The Gujarat cadre retired IAS officer, said to have been Mr. Modi’s nominee for the State Cabinet, got appointed to an ornamental party post. If indeed there was a conflict over this, it made sense for both sides to sue for peace. U.P. is the all important State that the Bharatiya Janata Party (BJP) has to win, and win by a wide margin. What has followed is a mammoth, nothing-left-to-chance effort to re-brand Mr. Adityanath as the leader of India’s best-run State.

In their speeches, Mr. Modi and Mr. Shah have attributed qualities to the U.P. Chief Minister that are in embarrassing contradiction of evidence and felt experiences. Some of the flattery and claims were so over-the-top that fact-checking sites such as Alt News instantly demolished them, among them the astonishing one that the Chief Minister’s handling of the second COVID-19 wave was “unparalleled”. The situation in U.P. at the time was indeed unparalleled, but not in the glowing manner it has been imagined and told. Quite the opposite with images of floating corpses and mass burning of pyres making it to the international media.

### In the pandemic’s grip

As the second wave raged, there was no sign that U.P. had become a shining example of good governance. Hundreds lost their lives in the scramble for hospital beds, ambulances and oxygen. Men and women collapsed unattended and many died begging for oxygen. These deaths were not statistics that the Government could hide or dispute. These happened in real time as friends and families watched helplessly. A Lucknow journalist’s last cries for help are recorded in the phone of an editor friend she desperately called. He



FILE PHOTO/PTI

continues to be hounded by her cries and remains inconsolable over not being able to save her despite his access to higher-ups in the Government. The sad truth is that U.P. failed its citizens during the second COVID-19 crisis – the better off died trying in vain to work the political system for beds and oxygen. The worse off died anyway, some of them abandoned by their kin and turning up as bloated corpses in the swirling waters of the Ganga.

The floating bodies, discovered along the length of the Ganga by the reporting teams of the Hindi newspaper, *Dainik Bhaskar*, have since become a metaphor for all that is wrong with U.P. The U.P. government and the Chief Minister have underplayed the deaths and passed them off as *jal samadhis* – the ancient practice of burying the dead in shallow river beds.

However, the explanation has not convinced many. In his report dated May 22, 2021 (<https://bit.ly/37sZTGu>), *The Hindu*’s Omar Rashid cites residents who had watched the bodies wash up as saying they had not witnessed floating bodies on this scale before. For Vishwambhar Nath Mishra, the head priest of Varanasi’s Sankat Mochan temple, the floating bodies represented a truth that could not be hidden. “Ganga has revealed the truth,” he told Mr. Rashid.

Mr. Rashid also reported on the

deaths of Government employees who had contracted COVID-19 while on polling duty in the panchayat elections that were held irresponsibly at the peak of the second wave. The Government at first denied the deaths, but has now confirmed them by awarding compensation to the families of over 2,000 employees who fell to COVID-19 after being on election duty.

The horror of U.P.’s second wave is too recent and too graphically captured for it to be so easily forgotten. To insist that the virus was controlled with “incomparable efficiency”, therefore, amounts to a reconstructed truth, an alternative reality intended to replace the original memories by the time the 2022 Assembly election is held.

There have been other exaggerations in the project to build Mr. Adityanath as a brand, among them claims that U.P. has topped the charts for COVID-19 testing and administration of vaccine shots and also that it has provided a violence-free environment to its residents. The State does have impressive absolute numbers for both COVID-19 testing and vaccine shots but plunges close to the bottom once the figures are adjusted for population. U.P. has so far lagged behind even the national average on both counts.

### Crime data

On general law and order and women’s safety, the less said the better. Women’s safety, a key promise in the BJP’s election campaigns, has been callously treated in U.P. An Alt News analysis of national crime data placed U.P. on top for custodial rapes and dowry deaths. Further, National Crime Records Bureau data show that the number of dowry deaths per one lakh people in U.P. is the highest in the

country. This is besides the gang rapes that have regularly hit the headlines. The State BJP’s sweep of the recently held block *pramukh* elections came amidst widespread violence and allegations of booth capturing and intimidation. Clearly, in the current day U.P., law and order has come to mean just one thing: the State government’s aggression against minorities and its crackdown on alleged gangsters and anti-nationals, many of whom are in fact students and rights’ activists.

U.P.’s self-appointed status as India’s top State is ironic considering it was at the bottom among large States in an index (Public Affairs Index) compiled by the Public Affairs Centre, a not-for-profit organisation headed by K. Kasturirangan, formerly chairman of the Indian Space Research Organisation. Released in October 2020, the index used 50 indicators to measure the quality of State-level governance on the three pillars of equity, growth and sustainability. Unsurprisingly, Kerala was adjudged the best-governed State while U.P. came last (in the large States category).

### Political impact

So what are the BJP’s opponents in U.P. doing to counter the party’s public relations offensive? Not much as both the Samajwadi Party (SP) and the Bahujan Samaj Party (BSP) seem focused on chasing the elusive Brahmin vote in U.P. This is baffling logic considering the well-known Brahmin affinity to the BJP. The SP and the BSP both came to power on rainbow alliances of the forward and backward castes. Having lost that platform to the BJP, they now watch as Mr. Adityanath plays his ‘Shining U.P.’ card.

Vidya Subrahmaniam is a senior journalist

# Unpacking the resiliency of global trade, yet again

Going by past experiences and historic ruptures, there is hope for global trade recovery in the post-COVID-19 world



DAMMU RAVI

In the last year, the devastating impact of COVID-19 pandemic has shrunk the world economy by 4.4% and global trade by 5.3%; job losses have been estimated to be to the tune of 75 million. Around the world, countries have responded to pandemic-induced shortages with protectionist reactions and nationalist aspirations with the potential to disrupting complex cross-border supply chains. The blame game on trade openness and trade agreements for widening trade deficits, income inequalities and growing unemployment are all but natural domestic reactions. These trends make projections for the post-COVID-19 world even more dismal and depressing.

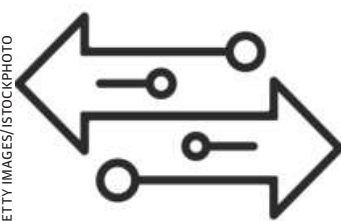
### Past trends

Going by past experiences, historic ruptures often generate and accelerate new global links that lay foundations for institutional changes, seeking enduring cooperation among nations. The Second World War created sustaining multilateral institutions; besides the United Nations, the Bretton Woods Institutions such as

World Bank and International Monetary Fund (IMF) and International Trade Organisation (ITO) were created to help rebuild the shattered post-war economy. The General Agreement on Tariffs and Trade (GATT) was negotiated in 1947 as a means to reducing barriers to international trade. The oil shocks of the 1970s led to the establishment of the International Energy Agency (IEA) in 1974 to manage oil supply disruptions and went on to create awareness on the need for global energy security. The financial crisis of 2008 led to the G20 Leaders Summit, an elevation from the G20 Finance Ministers forum in 1999, in a bid to take cooperation beyond the G7 in a global quest to control inflation due to fiscal expansion. These developments had a consequential impact on global trade, with dramatic surges in volumes; from a mere \$60.80 billion in 1950 to \$2,049 billion in 1980; \$6,452 billion in 2000; \$19,014 billion in 2019 (Source: wto.org).

### Future prospects

The patterns above leave much hope for optimism for global trade in the post-COVID-19 crisis in the collective belief that international trade is vital for development and prosperity, while competition is central to generating competence. Stimulus packages and forced savings in several countries in the last year have created financial buffers. Global supply chains that have



GETTY IMAGES/STOCKPHOTO

remained dormant for long are expected to be resilient to help revive manufacturing with lower production costs, induce investments and promote technology transfers.

In a post COVID-19 world, members of the World Trade Organization are expected to stitch trade facilitating rules that may impinge on national sovereign policy space with a collective resolve to discipline errant nations that are known to dumping goods and erecting trade barriers through multilateral rules. Mutually beneficial trade arrangements that seek deeper economic integration will be entered into at the bilateral and regional levels to create win-win situations for all stakeholders, including consumers, who tend to benefit from lowered barriers and harmonised standards.

Countries that harness technology are expected to dominate international trade in future with a transformational impact on the global economy. Just as the steam engine in the 19th century and computing power in the 20th century, data will be the main driver of economic growth in the 21st

century. Businesses will aim to harness data for innovation to remain ahead of the curve in a post-COVID-19 world. However, increasing use of data and automation will make nations vulnerable to job losses. Rapid growth in e-commerce and the virtual world will demand entirely new skills from the workforce. Therefore, economic policies are likely to focus on stronger safety nets for workers; income protection, skill training, health care and educational support for families.

### India’s outlook

India’s challenges during the COVID-19 pandemic have been no different from those faced by other countries: its GDP contracted by 7.3% according to the National Statistical Office; and about 10 million jobs were lost according to the Centre for Monitoring Indian Economy Pvt. Ltd; trade remained subdued at \$493 billion (goods at \$290 billion and services at \$203 billion). The projections of the International Monetary Fund for India’s economic growth ahead are positive and in line with the general trends world-wide, assuming that the widespread vaccination might limit the COVID-19 agony. Unleashing trade potential is expected to have a ripple effect on the economy. Merchandise exports for the second quarter of 2021 from April-June at \$95 billion (+6%), is indeed encouraging, but would need to remain focussed on

value added products, beyond the traditional exports basket comprising refined petroleum products, pharma, gems and jewellery, textiles and garments, engineering items, rice, oil meals and marine products (Source: DGCI&S).

Building an ecosystem that incentivises value-added manufacturing and technology-induced finished products should form a part of our long-term strategy. Plug and play manufacturing units under Production Linked Incentive Scheme (PLI) schemes, if carefully nurtured, could lead the industry on that path. Beyond the timely stimulus packages for micro, small and medium enterprises (MSMEs), supporting them with cheaper input costs, including raw material and intermediate goods would help sustain them with job creation at the local level. Developing a synergistic relationship between the big industry and MSMEs at the core of a successful Atmanirbhar Bharat; the former should be encouraged to move into technology space and finished products, while the latter feeds them with locally made inputs at competitive prices. Skills upgradation to global standards should form a part of India’s strategy in a post-COVID-19 world.

Dammu Ravi is a serving Foreign Service Officer, currently working in the Ministry of External Affairs. The views expressed are personal

## LETTERS TO THE EDITOR

Letters emailed to [letters@thehindu.co.in](mailto:letters@thehindu.co.in) must carry the full postal address and the full name or the name with initials.

### The starkest warning

The Sixth Assessment report of the Intergovernmental Panel on Climate Change is foreboding. The current overall global warming trends are likely to lead to increased rainfall, flooding and heat waves. As India has a 7,517 km coastline, the warming of the Indian Ocean, leading to a rise in sea levels, makes southern India particularly vulnerable. Aggravating matters for India is that it is already sitting on a powder keg with indiscriminate encroachment into water bodies, mining and deforestation. A developing, fossil-fuel dependent nation such as India, is now finding itself between the devil and the deep sea. What is grossly unfair is that the developing

nations are being made to pay heavily for the environment-damaging activities of the earlier carbon emitters, such as the West, who have a historic responsibility towards mitigating global warming and are now looking the other way. It is unfortunate that the IPCC’s report is long on warnings but short on suggestions for concrete actions to reduce climate change.

NALINI VIJAYARAGHAVAN,  
Thiruvananthapuram

The report only reiterates what we already know. The world is standing at the edge of a precipice due to our complete neglect of environmental concerns in our developmental projects. India is more vulnerable than the other industrialised nations because of its dependence on agriculture.

With nations unable to come to any meaningful conclusions on measures, there seems to be very little chance of pulling away from the brink.

ANTHONY HENRIQUES,  
Mumbai

To those living in the Global South, the latest report is nothing but old wine in a new bottle. The reasons are simple, because even prior to the Paris Agreement, many of these countries were experiencing severe coastal flooding, irregular rainfall and extreme drought. The gargantuan “heat dome” in America has finally driven home to many complacent Americans and Canadians that this current crisis can also spell tragedy to them and not just to the distant Third World. It is the same case in Europe, after

devastating floods and forest fires. It is time to stop the usual finger pointing at India, China, Brazil and South Africa, because their per capita emissions are still lower when compared to the industrialised western nations. Merely talking, procrastinating and business as usual policies of the past will most certainly make the world completely uninhabitable for all.

G. PARAMESWARAN,  
Coimbatore

The report, though alarming, is not surprising. Every region on earth is being impacted by adverse conditions which are increasingly becoming irreversible. Every citizen on the planet is responsible for averting a catastrophe. It is time to act, or die.

B. RAMAKRISHNAN,  
Cherrybrook, NSW, Australia

### A struggle

It is the practice of corporates, large business houses and governments to bestow on sportspersons, accolades, cash awards and other benefits after they win. But there is also the reality. There are also sportspersons who struggle hard to find a sponsor, training equipment, and even funds to buy the basics such as a pair of shoes or a hockey stick. There are tales of personal suffering and sacrifice. Sports enthusiasts corporates and philanthropists need to identify talent and help such sportspersons blossom. It also takes political will.

THARCIUS S. FERNANDO,  
Chennai

### White paper

It is a surprise that the Tamil Nadu Finance Minister has submitted a white paper on Tamil Nadu’s finances.

Things are indeed grave and one wonders what awaits households in the State already struggling with the costs of petrol, diesel and cooking gas. Incidentally, reliable sources cannot recollect any precedent of a white paper submission.

MANI NATARAJAN,  
Chennai

The white paper is a grand culmination of reckless populism followed by the Dravidian majors. With scant regard for financial prudence or administration, successive governments have burnt a massive hole in the State’s finances. Electricity and transport are the top money burners, with freebies given away at will. Power and transport must be privatised.

K. RAMACHANDRAN,  
Chennai