



Underestimated utility

Lowered outlay for rural guarantee scheme has led to used up allocation and wage delays

That as many as 21 of 35 States/UTs have utilised, by October 29, over 100% of their allocated funds under the Mahatma Gandhi Rural Employment Guarantee Scheme (MGNREGS) for FY2021-22 is not a surprise. In the previous year, the allocations for MGNREGS were increased by ₹50,000 crore to meet the demand for work, with the Revised Estimates for spending for the scheme going up to ₹1,15,500 crore. MGNREGS was a life-saver for the poor, especially migrant labourers, following the sudden lockdown announced by the Union government. In this year's Budget, the Finance Minister allocated ₹73,000 crore for the scheme, which was higher than the previous year's absolute number in Budget allocations, but this amounted only to 2.1% of the Budget expenditure, the lowest outlay in those terms in the last six years. By October-end, Kerala, Tamil Nadu, Andhra Pradesh and Himachal Pradesh had utilised more than 130% of their respective allocations for the scheme, indicating the extent to which rural workers depend on the scheme even in relatively better-off States. Clearly, the Union government has underestimated the demand for work under the scheme, which even if it involves arduous and menial labour has accounted for a large chunk of rural employment at a time when the economy suffered a steep contraction due to the effects of the pandemic.

In response to a report, officials in the Rural Development Ministry accused States of "artificially" creating demand, but this has not been borne out from ground reports which continue to indicate rising demand for work and wages in rural India; civil society activists claim that some workers have been turned away by officials despite the demand for work because of the paucity of funds. The Union Government must ensure that the allocation is adequate for wage payments to be done and for demand to be met in the remaining months of this financial year. The utility of MGNREGS as a scheme that alleviates distress has never been in question. From acting as an effective substitute in the absence of crop and weather insurance in aiding poor farm households and helping to provide wages during agrarian crises, to being an avenue for employment during the economic crisis induced by the pandemic and the response, MGNREGS has turned out to be a salve for farm workers and labourers. Delays in wage payments could also result in a decline in rural consumption, which plays a vital role in stimulating the economy. Besides the scheme's utility in distress, it also has the potential, if works are upgraded suitably, to continue to improve rural development and infrastructure. The Union Government must consider this during allocations and not be conservative in its outlay or remain unmindful of the overall potential of the scheme.

The big push

Biden will have to negotiate to promote his vision for social security and climate change

In what appears to be a rush to the finish line but is in fact the intention to fulfil long-standing policy promises of the Democratic Party, U.S. President Joe Biden sought to push through Congress an omnibus mega-bill seeking \$1.85 trillion for social security and climate change. While the initiative seemed to be thrust forward on a shorter timeline so that Mr. Biden could speak of his domestic agenda achievements at the G20 meeting in Rome and COP26 in Scotland, the once-in-a-generation bill speaks to issues such as providing universal pre-kindergarten, extending an expanded tax credit for parents, further reducing health-care premiums for those covered under the Obama-era Affordable Care Act, reducing a waiting list for in-home care, building a million units of low-income housing, and worker training and higher education. To balance the implied considerable hike in federal public expenditure, the bill proposes to raise revenue via a 15% minimum tax on the reported profits of large corporations, clamping down on profit-shifting by multinationals, tighter enforcement for large corporations and ultra-high net worth individuals, a 1% tax on corporate tax buybacks, an additional 5% tax on incomes exceeding \$10 million a year and another 3% tax on incomes above \$25 million, and policies to limit business losses for the very wealthy and a 3.8% Medicare tax on people earning more than \$400,000 a year who did not previously pay that tax.

Although Democrats have 50 Senators in the Upper House of Congress and Vice-President Kamala Harris could cast a tie breaking vote should the need arise, the passage of this bill which will be remembered as a major component of Mr. Biden's legacy, hangs on the razor's edge. This is in part because at least two Senators, from Arizona and West Virginia, are potential holdouts. The conundrum that Mr. Biden is facing is a paradox of omnibus bills – different constituents view only some parts of the bill as desirable. For example, House Democrats appear unwilling to pass a version of the bill that the Senate has already cleared, sanctioning a \$1 trillion bipartisan infrastructure package. Lawmakers such as Pramila Jayapal have opined that the Congressional Progressive Caucus would only support the broader vision of the Build Back Better Act, which includes the ambitious climate change programme, federal paid leave for families, a substantial expansion of Medicare policy and two free years of community college. To succeed, Mr. Biden will have to negotiate with all stakeholders to find a compromise formula. At stake is the U.S.'s prospect of climbing out of the recessionary economic trough it was pushed into by the pandemic, not only by directly spurring commercial activity through public expenditure but also by investing in education and social security to keep America's workforce competitive.

The Court's order on Pegasus still falls short

Far too many cases have been diluted with the appointment of external panels, in turn compromising civil liberties



SUHRITH PARTHASARATHY

On October 27, the Supreme Court of India appointed an independent committee to inquire into charges that the Union government had used the mobile phone spyware Pegasus to invade, access, and snoop into devices used by India's citizens. The Court's direction has been met with adulation. But the time to sing our paeans is not yet here. Much as the Court's declarations of law brim with brio, its order still falls short of delivering justice.

No guarantee still

Faced with the Government's resolute refusal to file a proper affidavit, either confirming or denying the use of Pegasus, the Court, one might have thought, would have issued a writ compelling the state to adduce evidence. Instead, it left the fact finding to a committee of experts. There is no guarantee that a government that chose to remain silent before the Court will now somehow come clean before an external panel. The question then is this: should the Government fail to cooperate, how must the Court respond?

The petitioners before the Supreme Court relied on an investigation conducted by a consortium of global media. These reports revealed that hundreds of phone numbers from India had appeared on a global list of more than 50,000 numbers that were selected for surveillance by clients of the Israeli firm, the NSO Group. The NSO has since confirmed that its

spyware is sold only to governments, chiefly for the purposes of fighting terrorism. The petitioners said that forensic analysis had confirmed the presence of Pegasus on the devices of at least 10 Indians, including some of those before the Court.

Time-tested strategy

But the cases presented a set of familiar challenges. In response to the allegations made against it, the Government invoked its most-beloved bogey: national security. It effectively claimed that the interests of the country's safety meant that it was under no obligation to tell the Court whether it in fact used the software or not. What is more, according to it, the very adoption of this argument virtually forbade the Court from probing further. This is a strategy that has worked well in the past. In matters purportedly involving national security, the Court has shown an extraordinary level of deference to the executive.

The cases also posed another hurdle: a contest over facts. The petitioners were asserting the occurrence of illegal surveillance. The Government was offering no explicit response to their claims. How then was the Court to unravel the truth? Again, in recent times, the Court has invariably veered towards rejecting claims made against the state on the basis that it cannot decide the veracity of a pleading without conducting a full-fledged trial, the conduct of which is beyond the bailiwick of constitutional courts.

Now, to some degree, in its order appointing a committee, the Court has bucked the trend of absolute deference. The Court has held that there is no magic formula to the Government's incantation of national security, that its power



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of judicial review is not denuded merely because the state asserts that the country's safety is at stake.

A clear path of accountability

The order recognises, correctly, that spying on an individual, whether by the state or by an outside agency, amounts to an infringement of privacy. This is not to suggest that all surveillance is illegal. But, as the order concludes, any limitation on a fundamental right must be proportional and based on evidence. "In a democratic country governed by the rule of law," the judges hold, "indiscriminate spying on individuals cannot be allowed except with sufficient statutory safeguards, by following the procedure established by law under the Constitution."

In holding thus, the Court has effectively recognised that an act of surveillance must be tested on four grounds: first, the action must be supported by legislation; second, the state must show the Court that the restriction made is aimed at a legitimate governmental end; third, the state must demonstrate that there are no less-intrusive means available to it to achieve the same objective; and, finally, the state must establish that there is a rational nexus between the limitation imposed and the aims underlying the measure.

The test provides a clear path to holding the Government accountable. But for a coherent applica-

tion of these standards the Court must arrive at a conclusion on facts. Ordinarily, in prerogative proceedings, evidence is taken on affidavit. In other words, the parties before the Court present their version of the facts through a sworn, written statement. The Court then appreciates the evidence to arrive at a deduction.

In the cases concerning Pegasus, each of the petitioners affirmed a set of facts, claiming that mobile phones of Indian citizens – from journalists and activists to politicians – had been subject to intrusion. In response, the Government refused to file anything more than what it described as a "limited affidavit". Apart from a general denial of the petitioners' case, this affidavit, the Court found, did not "provide any clarity as to the facts of the matter at hand."

For the Court

The absence of a categorical denial from the Government, the order holds, ought to lead to a *prima facie* belief, if nothing else, that there is truth in the petitioners' claims. Having held thus, one might have expected the Court to frame a set of specific questions demanding answers from the state. These might have included the following: did the Government purchase Pegasus? Did it use the software on the phones of Indian citizens? If so, was such use backed by law? What were the reasons for which the use was authorised?

If answers to these questions were still not forthcoming, elementary principles of evidence law allow the Court to draw what is known as an "adverse inference". A party that fails to answer questions put to it will only risk the Court drawing a conclusion of fact

against it. If, on this basis, the petitioners' case is taken as true, there can be little doubt that there has been an illegitimate violation of a fundamental right. The Court then can grant any number of remedies: it can make a declaration that the Government was in the wrong; and it can issue a writ compelling the Government to disclose all materials relevant to the purchase and use of Pegasus.

It is, therefore, unclear why we need a committee at all. Surely, the Court possesses the power to gather evidence on its own, to even allow, in exceptional cases, for cross-examination of important witnesses. A committee might well be necessary where the task of collecting evidence is somehow beyond the Court's remit. But that is not the case here.

Ultimately, in the future, the Court must think more carefully about questions of proof and rules of evidence. Ad hoc committees – sterling as their members might be – cannot be the solution. Far too many cases are consigned to the back burner on the appointment of external panels, and, in the process, civil liberties are compromised.

For now, it is encouraging that the Court has kept these cases on its docket. If it finds in eight weeks' time, when the cases are next scheduled to be listed, that the Government has been delaying or obstructing the committee, it must proceed to use its prerogative powers to both provide a declaration of illegality and issue a mandatory order to the state compelling it to perform its constitutional duties. Only then will the Court's various eulogies to the values of privacy have any true meaning.

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Getting nutrition back on the school high table

COVID-19 or otherwise, educational institutions need to ensure that schoolchildren are nurtured and nourished



SUBBARAO M. GAVARAVARAPU & HEMALATHA R.

With COVID-19 cases reducing in the country, several establishments, including schools, are opening again. While the reopening of all schools is on the anvil, the festive season ahead and the fact that children are not yet in the ambit of the vaccination drive are causing apprehension. We, as a society, must focus on the nutrition of children to ensure they are armed with good immunity as they get ready to take on new challenges especially after emerging from the confines of their homes. However, it is important to remember that even before the onset of the COVID-19 pandemic, India was facing significant nutritional challenges. Hence, there is a need to pivot on children's nutrition, using the novel coronavirus pandemic to better understand current nutrition and nutritional requirements for a healthy body and mind.

Tackling India's triple burden
India faces multiple problems of under-nutrition and overweight/obesity coexisting with deficiencies of micronutrients such as iron, zinc, calcium and several vitamins. This triple burden of malnutrition has to be identified, understood and addressed. It is

much more important especially in the case of children and adolescents as it is during these phases of life that we see rapid growth of the body and development of food habits. Childhood and adolescence are two conjoined periods of continuous growth and development – a seamless duration. For instance, between two and 10 years of age, children tend to grow at an average of 6-7 cm in height and 1.5 to 3 kg in weight every year. But specifically, when the growth spurt happens at about 10-12 years in girls and two years later in boys during adolescence, their nutritional needs are vastly increased. In the case of girls, their nutritional status impacts not only their health but that of generations to come. Malnutrition in any form can put children and adolescents at risk of compromised immune function, thus making them vulnerable to infections.

Social factors
To understand and foster their immunity, one also needs to understand disruptive social environment factors that affect diet quality. In urban as well as among middle class and affluent communities, restricted movement, constrained socialisation and even dwindling physical contact have become the new normal. COVID-19 isolation and fatigue have led to generalised stress, adding to the immunity challenge for children. These challenges coupled with a lack of diet diversity leading to imbalanced micronutrient intake or consumption of high carbohydrate and high sugar foods, endanger the child's health by



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compromising their immunity and making them vulnerable to infections. Hence, the way we approach nutrition needs to change.

Need for a balanced diet

It is essential to look beyond minimum calorie requirements and ensure children consume a balanced diet with adequate diversity in order to ensure the required balance of all necessary nutrients. Providing children with a balanced diet packed with all the necessary nutrients provides them with a solid foundation for an active and healthy life. Often overlooked, micronutrients are essential for production of enzymes, hormones and other substances for good immune function, healthy growth and development. Each stage of the body's immune response relies on the presence of many micronutrients. To combat hidden hunger, affordable, accessible and diverse food sources must be made available across India. Micronutrients that are primarily available in fruits, vegetables, greens, nuts, legumes and whole grains play a crucial role in enhancing the native and adaptive

immune function and also aid 'immune memory' formation. A substantial serving of fresh fruits and vegetables, as much as about 300-500 gm per day per child is recommended depending on the age group. These, along with curd and nuts, can increase beneficial probiotic bacteria in the intestine. But it is better to help them choose fresh fruits rather than fruit juices. Thoroughly cooked meat/poultry and sea fish are very good for protein; sea fish also provide essential fats. About 300ml-400 ml of milk or curd can provide the required calcium, good quality protein and other nutrients.

Among urban and affluent groups, indulgence in frequent munching of high-calorie snacks and sweetened beverages that are devoid of beneficial nutrients should be discouraged. However, fats need not be seen as a villain – children and adolescents need about 25g-50g a day, which should ideally be derived from more than two varieties of oils. Maintaining ideal body weight, regular physical activity, adequate water intake along with adequate sleep and low screen time can go a long way in building and regulating their immunity.

Noon meal scheme

The Pradhan Mantri Poshan Shakti Nirman Yojana (PM POSHAN) – the mid-day meal programme in its new avatar – is all set to broad base itself even to students of pre-primary levels or Bal Vatikas of government and government-aided primary schools along with primary and upper primary schoolchil-

dren who are already within the ambit of the mid-day meal programme. The PM POSHAN envisages providing 450 Kcal energy and 12g of protein for primary; 700 Kcal and 20g protein for upper primary children through diet diversity. In addition, monitoring haemoglobin levels of schoolchildren, appointment of nutritional experts to ensure the haemoglobin and growth status are continuously monitored; focus on nutrigardens are all welcome steps as we prepare to reopen schools. Moreover, special provisions for nutritional items for children in districts with high prevalence of anaemia and the involvement of farmer producer organisations and self-help group women will strengthen linkages and convergence for promoting children's nutrition.

COVID-19 or no COVID-19, good immunity will lay the foundation for long-term well-being. After all, good nutrition, safe food, and positive lifestyles are the cornerstones of great immune function. To ensure this, schools, when they reopen, should be avenues for teaching nutrition as a life skill than rhetorical pedagogy. It is our collective responsibility to ensure that our children are nurtured and nourished.

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LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Saving a rural lifeline

It is distressing that the only lifeline available to the rural poor, the MGNREGA scheme, almost faced the danger of getting derailed midway due to a lack of funds. This is purely due to a lack of foresight and planning. Given the extreme form of distress faced by wage earners, including farm workers, during the pandemic and the warnings given by the scientists and other experts that the pandemic is likely to continue, the allocations for the scheme should have been raised substantially. In addition, the number of days guaranteed under the scheme should have been raised to at least 150. The argument that States are "artificially creating

demand" for work does not hold water as there are established procedures for receipt and registration of applications for work and maintenance of records. Farm workers, who constitute more than 42% of the total workforce in India, are the backbone of the rural economy. Their distress should be considered as a national crisis and given the highest attention.

KOSARAJU CHANDRAMOULI, Hyderabad

The Pope and India

It is gratifying to note that the Prime Minister's meeting with the Pope was cordial. Though a religious head, the Pope has been very forthcoming in the past, reiterating his

concerns on issues such as climate change, poverty and in enabling a better planet. The Pope's anxiety over the goings-on in Syria and Afghanistan, professing different religions, exemplifies the fact that his thoughts are more humane in nature. One can safely assume that there could be expectations from the Vatican, that as the largest democracy, India plays a key role in taking forward aforesaid concerns to a logical conclusion. An India visit would also enable the Pope to experience first hand how various religions strive to live in harmony with each other in a country wedded to secular credentials. This could help corrective actions required on all sides and put to rest

any misgivings on the existence of discrimination among religions.
V. SUBRAMANIAN, Chennai

A check needed

Social media is playing a critical role in polarising things in the country as exemplified by the outrageous campaign against one of the players in the Indian cricket team. The intellectual class should not move away and needs to assert itself. Communal forces should not be allowed to divert attention from livelihood issues and lawlessness through a social media blitz. As for the Opposition, it has so far failed to sink its petty differences in meeting the

challenges posed by Hindutva elements.

MANOHAR ALEMBATH, Burlington, Boston, U.S.

Puneeth Rajkumar

News of the sudden passing of Puneeth Rajkumar, one of marquee names of the Kannada celluloid world, and at a young age, caused sad reading. He strode the Kannada film world like a colossus and will live forever in the hearts of millions of his fans. He was

CORRECTIONS & CLARIFICATIONS:

In an OpEd article titled "The need to move away from clientelism" (October 28, 2021), mortality rate was erroneously given as a percentage instead of rate. It is calculated as the number of deaths per 1,000 of the population.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturba Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com