

PRISM

A PPF Dispatch

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The Policy Perspectives Foundation (PPF) is a non-profit, apolitical think tank on matters of national interest. PPF's activities focus on complex and inter-connected challenges to peace, stability and development in India in cognizance of the external dimension. PPF is committed to spreading awareness, building capacity and promoting resilience.

In this issue of Policy Perspectives Foundation's monthly newsletter 'Prism' we bring you a wrap of important news from India's neighbourhood covering Afghanistan, Bangladesh, Bhutan, Myanmar, Maldives, Nepal, Pakistan and Sri Lanka.

Prism's current issue features a reflection on the Ayodhya judgement, commentaries on the alarming pollution levels in Delhi, the enormous e-waste generated because electronic gadgets, the UNSC authorization to allow Hafiz Saeed to use his bank account and the implications of opening of the Kartarpur corridor.

Neighbourhood Wrap

Media reports indicate that efforts to talk with the Taliban and end Afghanistan's 18-year-conflict have been stepped up with US special representative for Afghanistan Zalmay Khalilzad visiting Pakistan to meet the Taliban's top negotiator, Mullah Abdul Ghani Baradar. The Afghan government has released three senior Taliban commanders including Anas Haqqani, as part of a prisoner swap involving two university professors US citizen Kevin King and Australian Timothy Weeks.

The 2nd Joint India-China Capacity Building Programme for Afghan Diplomats was conducted by the External Affairs Ministry in New Delhi from 11-23 November as part of both countries efforts to work together for development of war-torn Afghanistan. India-China are also looking at other areas to cooperate in Afghanistan.

The 6th ASEAN Defence Ministers Meeting (ADMM) was held in Bangkok, Thailand on 18 November 2019. ADMM-Plus included Defence Ministers from 17 countries of ADMM-Plus group and India was represented by Union Defence Minister Rajnath Singh. He along with Defence Minister of Myanmar Lieutenant General Sein Win released '*Handbook on Military Medicine for ASEAN.*' ADMM-Plus is key ministerial-level platforms in regional security architecture for promoting strategic dialogue and practical cooperation between ASEAN and its 8 partner countries viz. India, China, Australia, New Zealand, Japan, South Korea, Russia and US.

'The Arcadia Education Project' in South Kanarchor near Dhaka, Bangladesh which encompasses the novel concept of a floating school has won the prestigious Aga Khan Architecture Award. The project involved construction of a school in an area which is under water during the monsoon months.



The architect of the project Saif Ul Haque designed a school which remains on the ground during dry season and floats on water when the area is submerged in water during monsoon. He utilised only the local material-bamboo, used tyres and steel drums for constructing the amphibious structure for school. The Aga Khan Foundation in its citation lauded the project for its contribution to improve people's lives, social and economic development, access to education in rural communities and global issues like rising water levels.

Prime Minister of Bangladesh Sheikh Hasina Wazed inaugurated a three-day 'Dhaka Global Dialogue' on 11 November 2019, jointly organized by New Delhi based Observer Research Foundation (ORF) and Bangladesh Institute of International and Strategic Studies (BISS). PM Hasina said that due to its geographical location Bangladesh is a bridge between South Asia and South-East Asia. Delegates from 50 countries participated in the conference to discuss some of the most pressing global imperatives in context of the Indo-pacific region. Foreign Minister of Bangladesh Dr A.K. Abdul Momen said that the strategic location of the country gives it an advantage on which it needs to build further.

In Sri Lanka former Defence Chief Gotabaya Rajapaksa won the Presidential Election with 52.25% of vote against his rival Sajith Premadasa, with massive support from the Sinhalese majority. As President he swore in his brother, Mahinda Rajapaksa, as Prime Minister, giving him the portfolios for finance and urban development among others, and elder brother in Rajapaksa family, Chamal Rajapaksa has been given agriculture and rural development finishing off a major political comeback for the powerful family. The country recorded 83.7% of voters turn out. In the aftermath of the massive terror attacks carried out by IS affiliated groups in April this year national security emerged as the central theme in these Presidential Elections. There is speculation that the return of the Rajapaksa clan to power could imply a whittling down of India's geo-strategic advantage in Sri Lanka, as it was during Mahinda

Rajapaksa's two term Presidency that Chinese influence had made a quantum leap. For now, assailing some apprehensions President Gotabaya has called upon India, Japan, Singapore and Australia to invest in Sri Lanka. He has also talked about intelligence sharing, a subtle indication of greater cooperation with India over security cooperation. His first overseas visit is to India to hold talks with PM Narendra Modi, indicating a positive objective for better relations with New Delhi.

The Tourism Council of Bhutan (TCB) has recommended that tourists visiting the country from regional countries, including India, the Maldives, and Bangladesh should also be charged the Sustainable Development Fee per day for their visit to Bhutan. Previously tourists from the Maldives, India, and Bangladesh were not required to pay any fees or carry a visa, but because the majority of tourists visiting the Kingdom are from primarily from India it has necessitated implementation of a sustainable tourism policy.

The first ever Bay of Bengal Initiative for Multi Sectoral Technical and Economic Cooperation (BIMSTEC) Conclave of Ports, was held at Vishakhapatnam on 7-8 November 2019. BIMSTEC which links five countries from South Asia (Bangladesh, Bhutan, Nepal, India & Sri Lanka) and two from South-East Asia (Myanmar & Thailand) aims at providing a platform to strengthen maritime interaction, port-led connectivity initiatives and sharing best practices among member countries.

A lawsuit was filed against the Republic of the Union of Myanmar by the Republic of Gambia for violating obligations under the Genocide convention. This historic lawsuit seeks to ensure Myanmar's responsibility as a state for the genocide committed against the Rohingya. Article IX of the Genocide Convention provides that any disputes relating to the "interpretation, application or fulfillment" of the Convention, including "the responsibility of a State for genocide," can be brought to the International Court of Justice (ICJ). Only a state can file a case against another state at the ICJ. The case will be the first international legal



attempt to bring Myanmar to justice over the Rohingya crisis, and is a rare example of a country suing another over an issue to which it is not directly a party. Gambia is a mainly-Muslim West African nation. Nobel Peace laureate Aung San Suu Kyi will head a delegation to the Hague, Netherlands to argue against the case accusing the mainly Buddhist country of genocide against the Rohingya.

A long-standing boundary dispute over the Kalapani area was raised as Nepal asserted that newly issued Indian maps wrongly claim sovereignty over the area, showing it as a part of Uttarakhand. There were protests in Nepal and it issued a statement, stating that it was "*absolutely not acceptable*". While 97 per cent of the border between India and Nepal has been demarcated, the portions on Kalapani and Susta remain unmarked. Both India and Nepal claim Kalapani as an integral part of their territories - India as part of Uttarakhand's Pithoragarh district and Nepal as part of the Darchula district. The river Mahakali runs through the Kalapani region, with its source being at the heart of the dispute between the countries. But there is no agreed-upon demarcation of the boundary in the region, which stretches up to the border with China.

In a warning to Pakistan, US assistant secretary of state for South Asia, Alice Wells that it faced long-term economic damage with little return if China keeps pursuing its giant infrastructure push, the China Pakistan Economic Corridor (CPEC). Speaking at the Woodrow Wilson International Center for Scholars, she said that Pakistan needs to be clear, that CPEC is not about aid since it is driven by non-concessionary loans, with Chinese companies sending their own labor and material. She proclaimed that although the United States could not come to Pakistan with offers from state-run companies, private US investment, coupled with US grants, would improve the troubled economy's fundamentals.

Pakistan is the first country in the world to introduce World Health Organisation-recommended typhoid conjugate vaccine (TCV) in its national immunisation program and for this

vaccine Typbar TCV manufactured by leading Indian vaccines & bio-therapeutics manufacturer Bharat biotech International Ltd will be used. With funding support from the Global Alliance for Vaccine Initiative (GAVI), the vaccine introduction will begin with a two-week vaccination campaign targeting one crore children in Sindh province of Pakistan which is the centre of an ongoing extensively drug-resistant (XDR) typhoid outbreak that began in November 2016.

The 7th Regional Conservation Forum was organized in Islamabad, Pakistan by the International Union for Conservation of Nature. Secretary of Ministry of Environment, Forest and Climate Change represented India at the forum. More than 500 representatives from different countries, corporate sector and NGOs participated in the forum. The Forum focused on environment threats that are threatening the ecology of the region, like the rapid melting of Himalayan Glacier which is projected to cause food and water shortage to 800 million people in South Asia and South-East Asia including China. The forum's focus was that 36% Glaciers in the regions of Himalayas and Hindukush are to vanish by 2100. Global Warming is decimating the glaciers of Hindu Kush Himalaya region. 10 inches of ice melted in the Himalayan region between 1975 and 2000. However, this increased twice by 2016. Between 2000 and 2016, the ice melting in the region increased to 20 inches.

COMMENTARIES

Ayodhya Judgement: A Reflection

By Prof. Anwar Alam

There are three crucial questions that arise following the 9 November 2019 Supreme Court (SC) verdict on clutches of Writ Petition challenging the 2010 Allahabad High Court Judgement on 'land title of disputed structure of 2.77 acre' belonging to Ram Janam Bhumi- Babri Masjid (hereby Ayodhya matter). One, whether the unanimous decision of SC on Ayodhya matter strictly meets the test of legal jurisprudence, (i.e., whether verdict is based purely on the balance of evidence, which was produced in the court),

constitutional morality and justice? Second, whether the Judgement interfered with the matter of 'faith/religious belief' of people and thus compromised the principle of secular governance? Third, whether Judgement, given the historicity of emotional contestation attached with the Ayodhya matter spanning over more than 400 years, has succeeded in securing 'social peace' and in healing the 'wounded self' of both Hindu and Muslim community?

The critics have slammed the Judgement on all three indices and concluded that the Judgement has legalised the 'rule of majoritarianism' and paved the way for the construction of Ram Mandir despite the fact that the weight of evidences was in favour of Muslim party. However, such conclusions are simplistic and extreme reading of the Judgement arising primarily from the current political context of Hindutva. A reality of specific political context is one thing, however demonstrating that Judgement has primarily flowed from this political reality is another thing. The critics fall short on second option.

I believe that the Judgement meets the test of all three criterions. The strength of the Judgement lies in its unanimity and its inclusive approach that combines the judicious balance of law, constitutional practice of secularism, legal history of case, constitutional notion of justice, practical wisdom and Indian tradition of providing context specific solution with its inherent flexibility and ambiguity required to manage its enormous social diversities. It is a misnomer to think that the Judgement is based on a prior consideration of majoritarian faith and has ignored the legal scrutiny of evidences.

What has been found puzzling is that while the Court recognised (a) the damage to the Babri mosque in 1934, placement of idols of Ram Lalla in 1949 in the inner sanctum of mosque and its eventual demolition in 1992 as grave violation of law and rejected the contention of Hindu party and ASI evidence that the mosque was built by destroying a temple; and (b) yet it handed over the possession of entire disputed structure of 2.77 acre

to Bhagwan Sri Ram Virajman (BSRV). However, for the Court, (a) and (b) are not inter related; they are separate matter to be investigated separately. In this specific judgement, the Court was seized with matter of 'title deeds of land' only. Its judgement has no implications on the ongoing criminal trials against people who were charged with vandalising and conspiracy to destroy Babri mosque.

While awarding the possession of entire disputed land to BSRV the Court relied upon historically evolved legal tradition of considering diety/idol as a 'juristic person' on the basis of continuation of tradition of worship and offering prayer to such idea/form of divinity without necessarily being manifested into the form of physical idol, which was agreed by the Muslim party. This recognition of BSRV as juristic person was combined with scrutiny of evidences which demonstrated that unlike the Hindu party, which demonstrated the continuation of worship and prayer in the outer courtyard of mosque and their assertion of right to offer worship mixed with a few incidents of offering prayer in the inner courtyard of the mosque, the Muslim party neither demonstrated the continuation of prayer between 1526 and 1858, nor succeeded in establishing their exclusive claim over inner court yard of mosque, nor contested the exclusive claim of Hindus in Outer Courtyard. Hence the Muslim party failed to qualify the principle of adverse possession.

The Court therefore on the basis of 'principle of preponderance of probability' awarded the entire disputed structure to BSRV with a consideration that iron bifurcation between inner court yard and outer court yard was merely an administrative arrangement by the Colonial power in 1857-1858 to maintain the amity and peace, which does not take away the fact that the entire disputed structure was essentially one compact piece of land. The court then invoked the Article 142 to instruct the Central/ State government to grant 5 acres to Muslim party at prominent place in Ajodhya in order to do justice to the loss of structure of mosque.

The Judgement has been criticised from the point of view that it dilutes and compromises the principle



of secularism to an extent that it has interfered with matter of faith as evident from its directives to the Central government to constitute a trust for construction of temple and a grant of land to construct mosque. It is said that it is not a business of secular state to construct a place of worship.

I think this criticism is not fair and merely reflects a 'panic reading' of Judgement within the context of perceived Hindutva threat to the secular edifice of Indian governing structure. Rather the Judgement not only repeatedly upheld the principle of secularism in terms of its equal and just treatment of all religions with equal freedom to practice their religious belief but closely follows the specific tradition of secular governance in India where state and Court have historically dealt with 'secular' aspect of religious activities (such as regulating management and finances of places of worship). The Court has in umpteen number of cases reserved its right to constitute the 'essence of religion'. In this specific matter, the judgment remained confined to deliberating over secular aspect of faith: the issue of land titles.

Secondly, it has only given directives to Central government to establish a 'trust', the composition of which is yet to be finalised, to facilitate the construction of temple over undisputed structure without stating or implying that expenditure for such construction would be borne out of government exchequer. It may be noted here that while the Central government constituted a trust to reconstruct Somnath Mandir in early 1950s, the trust raised money from people to complete the reconstruction. On the other hand, the Court directed the State government to allot 5 acres of land to Sunni Waqf Central Board, the main litigant in the case, as 'just compensation' to the loss of structure of Babri mosque without underlining that mosque will be reconstructed with public fund. Thus, in both instances, the Court merely upheld the secular tradition of governance.

The announcement of Judgement went off peacefully without a single incidence of communal tension or violence speaks volume about the administrative capacity of Indian state and

astuteness of political class; however one has to concede the that this 'fragile peace' has rested on magnanimity of section of majoritarian community with 'its move forward approach' and 'fear stricken tolerance' of Muslim community. Nonetheless, the Judgement has the potential to achieve a durable 'social peace' between the two communities if the following conditions are met : (a) The government must reign into the fringe extremist section of majoritarian community to celebrate as 'victory day' in future; (b) the Muslim community must not seek review of the Judgement as it has potential to further vitiate the national atmosphere; (C) the Muslim community must not see this judgement as a part of bundle of government's (perceived) anti Muslim actions: incidence of lurching, cow politics, abolition and criminalisation of Instant Triple Talaq, abolition of Article 370 and downgrading of Jammu and Kashmir to UT, the threat of NRC, threat of Uniform Civil Code, etc., rather a result of legal scrutiny with faith in Indian Court system and (D) the government must built the conducive political climate in which minorities could live with sense of security, trust and liberty.

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Delhi - A Veritable Gas Chamber *By Shri Sanjay Sinha, IPS (Retd.)*

National Capital Territory of Delhi and its surrounding areas, including Gurgaon, Faridabad, Ghaziabad and Noida, have traditionally witnessed high level of pollution because of several inherent factors. With the passage of time, it is progressively getting worse. It becomes particularly grim during winters and during the last few years it has started assuming alarming proportions. This year, post Diwali (Oct. 27), the air quality index (AQI) level has consistently remained in the excess of 400. The average AQI level on Oct. 30 in Delhi was 419, on Oct.31 it was 410, on Nov.1 it rose to 484 and on Nov.3 it crept up to 494. After some respite it again shot up to 425 on Nov.12 and the forecast was that it could worsen further in the next few days.

AQI defines a figure of air quality which indicates how polluted the air is. Risk to health increases as the AQI rises. This figure is arrived at by combining the effects of several pollutants in the air such as the PM 2.5, PM 10, Nitrogen Dioxide, Sulphur Dioxide, Carbon Monoxide, Ozone, Ammonia and Lead. PM 2.5 and PM 10 are fine particulate matter of diameters less than 2.5 and 10 micrometers (one millionth of a meter) respectively. The fine particulate matter gets into the human system through the respiratory tracts. Larger particles are generally filtered in the nose but those of diameters 10 micrometers or less can penetrate the deepest part of the lungs. Broncho constriction can get triggered when asthmatics are exposed to these conditions. The ultra-fine particles may even pass through the lungs and affect other organs including the cardiovascular system posing grave risk to the health, particularly of the old, ill and infirm.

Different countries have their own air quality indices. The term used in India is the AQI which is divided into six categories to indicate the severity of pollution level. These are 'Good' (0-50), 'Satisfactory' (51-100), 'Moderately Polluted' (101-200), 'Poor' (201-300), 'Very Poor' (301-400) and 'Severe' (401-500). Above that is the 'Hazardous' level (500+). The air quality of NCT Delhi and its surrounding areas during the current month, therefore, has mostly remained in the 'Severe' category. In fact, at places the AQI had crossed the 500 mark. On the evening of Nov. 2, several places in Delhi and its surrounding areas experienced a slight drizzle which spiked the AQI level further, pushing it up in the hazardous category.

What are the inherent factors that push up the level of pollutants in the air in this region and why is it happening year after another in this area? Is there something peculiar about the geography of Delhi? It seems there is. IIT Kanpur had carried out a study on the pollution in Delhi and submitted its report (<http://cerca.iitd.ac.in/files/reports/IITK%20study%202016.pdf>) to the Delhi Government in Oct. 2016. Pune based 'Automotive Research Association of India' and Delhi based 'The Energy Resources Institute' also carried out a similar study and

submitted their report (https://www.teriin.org/sites/default/files/2018-08/Report_SA_AQM-Delhi-NCR_0.pdf) to the Ministry of Heavy Industries and Public Enterprises in Aug. 2018. In these reports the percentage contribution of different factors pushing up the PM 2.5 and PM 10 levels varies. But, by and large, the reports indicate a similar picture. Dust (road dust, soil and construction activities) is a major factor in summer while the effect of vehicular pollution increases substantially in winter. The IIT Kanpur study also pointed out the singular contribution of agri-burning in winters. IIT Delhi has also undertaken a study but its report is not yet available.

Pollution in Delhi worsens in three spells. First, is in the summer due to dust from the desert in Rajasthan and other areas of the neighboring states. However, it gets dissipated due to wind which is stronger in summers or is washed down by rains that it sometime gets in that period.

The second spell is from the middle of October onwards due to stubble burning in Punjab and Haryana. The practice began in the 1980's when machines replaced manual labor for harvesting and threshing paddy. Farmers in these two states sowed paddy nurseries in the second half of April and transplanted the seedlings in the latter half of May. However, paddy is a water consuming crop and early sowing drew enormously on the ground water reserve of the area. To preserve ground water, Punjab Preservation of Subsoil Water Act, 2009 was enacted which enjoined the farmers to delay sowing of paddy by at least a month so that the crop's water requirement was mostly met by the monsoon rains. Late transplanting of paddy meant delayed harvesting, leaving a small window for clearing the fields before the sowing of wheat. To ensure the wheat sowing is not delayed, lest the crop output should suffer, the farmers clear their fields quickly by setting fire to the crop residue between the middle of October to mid-November. The farmers argue that it is an economic necessity as the clearing of fields by machines is expensive. They are prepared to bear the government-imposed fines which are cheaper than the cost of



machines employed for field clearing. Stubble burning is an important contributor to the pollution in Delhi region as this is the time that marks the onset of winter in north India. The wind movement is slow and the lower atmosphere has high levels of moisture. The particulate matter and gases from stubble burning, as well as those from the vehicular and industry emissions get trapped close to the ground in the atmosphere. The northwesterly winds blowing across Punjab from northwest to southeast bring it to Delhi which is forced to bear the brunt of pollution blown from the two states. The third is in the end December due to the temperature inversion which results in dense fog.

The Supreme Court is also worried over the issue of continuing stubble burning. A two-judge bench, taking cognizance of the matter on a petition filed by environmental activists, ordered (Nov.4) a complete halt to the practice of stubble burning. The judges made an unusually harsh statement, saying that people were dying which could not be allowed to take place in a civilized country. The court issued a number of instructions and directed the Centre and the states to prepare a roadmap within three weeks to prevent a recurrence of a situation in future like the one then prevailing in the region due to toxic air and warned of consequences if the authorities failed to act. The court also questioned the efficacy of the odd-even scheme.

The Delhi region is afflicted with complex problems which include a burgeoning population, a depleting green cover, a vehicular fleet increasing by the day, excepting Delhi Metro a lackadaisical public transport system, movement of heavy trucks that emit foul smoke, industrial emissions within the inhabited areas and large scale construction activities, especially in Gurgaon, Noida, Faridabad and Ghaziabad that throw up dust. To compound the problem, the stubble burning has continued and so has the municipal solid waste burning. The problems are many which require a well-coordinated approach and a multi-pronged action plan to arrest further deterioration and bring about

improvement.

The author is former Director General Tripura. He is presently treasurer of Policy Perspectives Foundation.

'E-waste': An Emerging Crisis

By Manika Malhotra

Explosive growth of electronic gadgets in India poses a serious and potent challenge of e-waste management and disposal. India has witnessed a positive shift in its policy, perspectives and the way the nation deals with its e-waste. While the policy intends to suggest practices, which ensure maximum recovery and minimum disposal, the ground level practices indicate predominance of the informal recycling economy and material recovery. There is a need to understand the complexities involved and gaps perceived in e-waste management.

While India gets ready to upgrade to the next generation of super-fast 5G devices by 2020, there is a corresponding environmental cost to be reckoned with: a fresh mountain of obsolete gadgets. There will be millions of electronic devices like cell phones, modems which may become outdated and obsolete due to their incompatibility with the 5G technology. Is our country also getting ready to contain such an externality?

Electronic waste (e-waste), a component of hazardous waste stream, covers a broad spectrum of products used by businesses and other consumers. Such equipment, on completion of its useful life, contributes to the e-waste stream. According to Ministry of Environment and Forest (MoEF), e-waste is expected to grow by 10 % every year in India, which is one of the highest in the world.

The revolutionary transformation in information and communication sector has brought about enormous changes in the way we organize our lives, economies, industries and institutions. One challenge, arising from the above process, is the massive amount of hazardous and other waste that

is generated from electronic products. In order to minimise paper trail, various platforms are digitizing their processes. Although nearly half of the country's population is online, as is evident in the increasing rise of internet users, offline management of their discarded equipment lacks attention. India's environment, therefore, faces a serious and potent threat.

Once we trade up our old gadgets for new, where do our gadgets go? These obsolete gadgets are channelized to the informal sector. Therefore, the matter of concern for our nation is not if the e-waste is getting recycled or not, but the inadequacy of the system through which it is recycled. The framework of practices involved in informal recycling of e-waste such as manual dismantling and incineration, lack any precautionary measures to control negative consequences both on environment and human health. If these items aren't handled properly, they can cause organ damage, neurological damage, and severe illness not only in the workers that handle them directly but also affect the population residing in the nearby communities. Incineration of e-waste discharges lethal gases into the air adding to present adversities of air pollution. Direct exposure to these gases could also be fatal.

Government and private organizations are amongst the main contributors to e-waste generation. On the other hand, e-waste disposal is managed by the strata of the population who have minimal awareness about the adverse consequences of mishandling e-waste. They are unable to differentiate between other forms of waste and e-waste and their survival issues cloud the environmental issues. Their aim is to recover vital metals (copper, gold etc.) from e-waste for monetary incentives. Environmental factors are perhaps farthest from their concerns.

First set of E-waste Rules were drafted in India in 2011 that came into effect in 2012. The Rules identify the critical stakeholders in the E-waste value chain in India. Central Pollution Control Board (CPCB) and State Pollution Control Board

(SPCB) are identified as the monitoring agencies assessing the implementation of the concerned Rules. An important component of the 2011 Rules is the introduction of Extended Producer responsibility (EPR)¹, a global strategy, based on the concept of 'polluter pays' principle, wherein the producer is responsible for disposal of its products once consumers discard them. The second set of Rules was released in the 2016, which have been amended in 2018. E-waste Rules 2016 are more comprehensive and present greater clarity in many ways compared to the earlier set of Rules. Various other stakeholders have been introduced and have a special mention in the new rules and amendment.

Despite such policy interventions in India, the bulk of e-waste in 2019 still lands up in the hands of the informal recyclers. Whereas policy highlights the role of formal actors in the e-waste value chain, the demand for the formal services is relatively low and the quality of the services being offered is ambiguous. In Ghaziabad, five godowns have been recently sealed which were found to be openly burning e-waste to recover precious metals. E-waste continues to be illegally processed in various unauthorized units in different states. In Delhi, Seelampur, Mandoli, Krishna Nagar etc. are some of the predominant unauthorized e-waste recycling sites. The need for 'waste' management arises along with its generation. The consumer is the purchaser of electronics as well as the generator of e-waste. However, inadequate awareness and knowledge on the subject tends to determine their recycling behavior. The preferred and long-standing practice followed by the consumers, especially households, is to sell their electronics to informal collectors or '*Kabadiwalas*' in return of monetary compensation.

With technological developments, increasing dependence of people on electronic products and the noticeable transformation in the production system, it is time that the current consumption and disposal system of electronic gadgets are 'reset' in order to break the vicious cycle of '*Consume-Collect-Recover-Dispose*' model. E-waste today poses an equal threat to the environment as all other forms of

¹This concept was first described by Thomas Lindhqvist for the [Swedish government in 1990](#)



pollution. It is imperative to address the issue through collaborative efforts. In order to create a sustainable environment, it is equally crucial to ideally protect the livelihood of informal recyclers and strengthen the implementation of the existing policy. The need of the hour is therefore to reinforce the collection & recycling system for e-waste and make it responsive to the pressing requirements of hazardous waste management.

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Hafiz Saeed: A Curious Case of Clemency *By Vaishali Basu Sharma*

It is a curious case indeed when a bounty of \$10 million for information is placed on a man visible everywhere. That man is globally designated terrorist Hafiz Muhammad Saeed. It should have been the responsibility of the international community to ensure that Pakistan at least preclude militant groups from operating on its soil and prosecute top operatives like Hafiz Muhammad Saeed. According to the United Nations (UN) Hafiz Muhammad Saeed is the leader and chief of Lashkar-e-Tayyiba (LeT). As overall leader, Saeed played a key role in LeT's operational and fundraising activities. He is the Amir or leader of the Jamaat-ud-Dawa (listed as an alias of LeT).²

In April 2012, the United States announced a bounty of \$10 million for any information leading to Hafiz Saeed's capture for his role in the 2008 Mumbai attacks that killed 166 civilians. Ironically his roams freely in Pakistan. At a press conference when asked about the US bounty, Saeed replied, "*I am living my life in the open and the US can contact me whenever they want.*" He stated that "*This is a laughable, absurd announcement. Here I am in front of*

everyone, not hiding in a cave," he said in a press conference.³ This itself is indicative of the impunity that he enjoys in Pakistan.

Financial assets of Saeed, have been frozen after he was listed under UN Security Council Resolution 1267 in December 2008.⁴ Despite his proven role in countless acts of terrorism targeting innocent civilians the Islamic Republic of Pakistan continues to provide with a privileged lifestyle and immunity for his terror activities which he conducts using Islamic seminaries as front organizations. As a sovereign nation Pakistan has made no attempts to even impede the dealings of Hafiz Saeed and of the LeT and JuD a Foreign Terrorist Organisations (FTO) both whose activities within Pakistan continue unabated despite

Futile attempts by Pakistani Counter-Terrorism Department:

As Pakistan began to face the heat of the international sanctions, he was arrested on July 17 this year in a deceptive show of compliance of the UNSC resolution. Pakistani authorities claim that in accordance with procedure it has frozen Saeed's bank accounts.

In different cities of Punjab province in Pakistan, the Counter-Terrorism Department (CTD) of Pakistan itself has lodged 23 FIRs related to terror financing against Saeed. The cases have been registered in Lahore, Gujranwala and Multan for collection of funds for terrorism financing through assets/properties made and held in the names of Trusts/ Non-Profit Organisations (NPO) including Al-Anfaal Trust, Dawatul Irshad Trust, Muaz Bin Jabal Trust, etc. When launching its investigation into financing matters of proscribed organisations - JuD and LeT the CTD said "*These suspects made assets from funds of terrorism financing. They held and*

²Available at: https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/individual/hafiz-muhammad-saeed

³"Pakistan militant taunts US over \$10m bounty". ABC News. Retrieved 16 March 2015.

<http://www.abc.net.au/news/2012-04-05/pakistan-militant-taunts-us-over-2410m-bounty/3933914>

⁴ UNSC resolution state "Hafiz Muhammad Saeed was listed on 10 December 2008 pursuant to paragraphs 1 and 2 of resolution 1822 (2008) as being associated with Lashkar-e-Tayyiba (QDe.118) and Al Qaida (QDe.004) for "participating in the financing, planning, facilitating, preparing or perpetrating of acts of activities by, in conjunction with, under the name of, on behalf or in support of both entities."

used these assets to raise more funds for further terrorism financing. Hence, they committed multiple offences of terrorism financing and money laundering under Anti-Terrorism Act 1997. They will be prosecuted in ATCs (Anti-Terrorism Courts) for commission of these offences."

These actions of the CTD will prove futile because as it has happened in the past. First ATC Lahore's Judge Warriach, stopped the CTD of Punjab police from arresting Saeed and his three aides till August 3, 2019 by granting them pre-arrest bails. Lahore High Court has shifted the trial of Saeed in the terror financing case registered in Gujranwala district to the Lahore Anti-Terrorism Court. The Lahore High Court (LHC) issued notices to the federal government, the Punjab government and the CTD on Saeed and his seven aides' petition challenging terror financing charges against them and sought a reply from the respondents. In Pakistani the case continues to get dragged with the ATC bench now summoning a CTD official concerned to explain about the arrest of Saeed and others in terror financing. Hearing in this case was scheduled to be held on September 25 but the bench was changed.

Pakistani Submission and UNSC Authorization:

After this dramatic performance of action against terrorist entities Pakistan then reached out to the United Nations Security Council asking to let UN-designated global terrorist and chief of Jamaat-ud-Dawa to use his bank account for personal expenses. What is more astounding is that the UN sanctions committee has allowed Hafiz Saeed to use his bank account for 'basic expenses' to help his family after The UN Committee said in its letter that with no objections being raised to Pakistan's request for Saeed's basic expenses, the chair has approved the appeal.

In a notification dated August 15, the UNSC committee pursuant to resolution 1267, 1989, 2253, said: "*The chair has the honour to refer to his draft letter to the Islamic Republic of Pakistan communicating the committee's decision with respect to the intention of the Pakistani authorities to authorise certain expenditures to the benefit of Hafiz Muhammad Saeed (ODi.263), Haji*

Muhammad Ashraf (ODi.265) and Zafar Iqbal (ODi. 308) to cover basic expenses, as specified in the note verbale of the Islamic Republic of Pakistan pursuant to paragraph 81 (a) of resolution 2368 (2017)." He will be able to access nearly \$1000 which amounts to 1,56,489 PKR. Apparently, he will be allowed to spent 70,000 Pakistani Rupees on food and 25,000 Pakistani Rupees each for medicines and public utilities.

Reactions:

In fact, the request and the subsequent UNSC authorization to allow Hafiz Saeed to use his account is in complete negation of the spirit of the UNSC sanctions resolutions. Indian Ministry of External Affairs Spokesperson Raveesh Kumar said that Pakistan's request to the UNSC's anti-terror committee to allow Mumbai attack mastermind Hafiz Saeed to get "pocket money" from his bank account for basic expenses exposes Islamabad's duplicity; "One country gives an application on behalf of a global terrorist to UN Security Council's Sanctions Committee that he should be given a pocket money. This is a weird situation."

The US has surprisingly endorsed this action of the Pakistani government and the UNSC by stating that the permission was legal. Acting Assistant Secretary of State Alice G. Wells said "*having these submissions indicates a level of transparency and a fulfillment of a key requirement of FATF [Financial Action Task Force]. So, we welcome this step"*.

Conclusion:

If this continues to remain the attitude of the international bodies towards globally designated terrorists, it becomes palpable that global terrorism is being fought selectively to suit each nation's priorities.

The need of the hour should have been to painstakingly ensure that each terrorist individual and associated outfit finds it impossible to continue their activities. Allowing the mastermind of heinous terror acts like the Mumbai attacks access to his bank accounts renders the entire UNSC resolutions and meticulous exertions of thousands of security personnel meaningless.



India has long exposed the complicity of the Pakistani establishment with the terrorists. Giving Saeed's continued access to his bank accounts reduces all these efforts to curb global terrorism to naught. India's concerns regarding terrorist activities against its citizens and on its soil by Pakistan sponsored/supported terrorists should have been given the utmost consideration by the international body. Even in the face of the selective attitude of clemency taken towards a global terrorist, India should continue to reiterate its stance for greater acceptance among the international community to impartially take a united stance in the 'global war on terror.'

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Kartarpur Corridor

By Shri A.P. Bhatnagar, IPS (Retd.)

Imran Khan, Prime Minister of Pakistan, inaugurated on November 9, 2019 the Kartarpur Corridor at Gurudwara Kartarpur Sahib, Kartarpur in district Narowal, Pakistan in the presence of about 12000 pilgrims. A 550 pilgrims' jatha from India travelled to Kartarpur through the Kartarpur Corridor to participate in Guru Nanak's 550th birth anniversary on 12th Nov. 2019. The Indian delegation which went on the invitation of the Pakistani Prime Minister included former Prime Minister Manmohan Singh, Punjab Chief Minister Amrinder Singh, Indian cricketer-turned politician Navjot Singh Sidhu.

Path to opening of Kartarpur Corridor was beset with controversies. In 1998-99, Indian Prime Minister Atal Bihari Vajpayee and Pakistani Prime Minister Nawaz Sharif discussed the opening of Kartarpur border to enable Sikh pilgrims from India to visit the Kartarpur Gurudwara, where the first Sikh Guru, Baba Nanak had established the first Sikh commune in 1504, and had died there in 1539. Kartarpur located on the right bank of river Ravi, went to Pakistan following partition of India

in 1947. Dera Baba Nanak in India, had come up on the left bank of Ravi after Kartarpur had been washed away in a flood. The Corridor is 4.7 kms long on the Pakistan side and 3.5 kms long in the Indian side. Poor relations between the two countries did not allow the proposal to fructify until 2019.

In August 2018, Punjab Tourism Minister, Navjot Singh Sidhu, a friend of Imran Khan, during his visit to Pakistan to attend Imran Khan's swearing in as Pakistan's Prime Minister, was informed by Pakistani Army Chief, Oamar Javed Bajwa of Pakistan's willingness to open Dera Baba Nanak-Kartarpur corridor on Guru Nanak's 550th birth anniversary in 2019. This set the ball rolling. In August 2019, the two countries agreed to allow visa free travel to Indian citizens to Kartarpur. On 24 Oct. 2019, representatives of India and Pakistan signed an agreement near Dera Baba Nanak paving the way for 5000 Indian pilgrims to visit the holy site daily. Pakistan conveyed that a fee of US \$ 20 as service charge would be taken from each pilgrim, which India protested. Imran Khan announced later that this fee would not be charged on 12 Nov. 2019, the day of Guru Nanak's 550th birth anniversary. The corridor was inaugurated on 9 Nov. 2019 in time to celebrate the birth anniversary of Guru Nanak on 12 Nov 2019.

The opening of the corridor has raised hopes of improvement of relationship between the two countries as well as caused anxieties in India from its security's point of view. Amrinder Singh, Punjab's Chief Minister has openly doubted Pakistan's real intentions pointing out to certain terrorist acts, including dropping of weapons by drones at a few places in Punjab. Besides, Indian intelligence reported about existence of terrorists' training camps in vicinity of Kartarpur in Narowal district. Display of Khalistani posters, an allegedly Indian unexploded bomb inside Kartarpur Gurudwara premises on the occasion, a grenade attack on a Nirankari gathering near Amritsar, etc., only exacerbated the Indian anxieties. Indian establishment worries that Pakistan intelligence will try to subvert the visiting Indian Sikh pilgrims

to create Khalistan in India's Punjab. A video displayed on the corridor released by Pakistan's information and broadcasting ministry showed images of Khalistani militants and a poster with "Khalistan 2020" written on it.

In Pakistan, too, differences have been apparent. Although both Pakistan Army and Pakistan P.M. Imran Khan have been eager to promote the corridor, the Army contradicted Imran Khan's proposition that Indian pilgrims be allowed to visit without passport. Islamic leaders in Pakistan also criticised the corridor as a violation of Pakistan's sovereignty. "Political and military tensions are running high".

Despite criticism by many sections on either side the corridor is now open; as some of the observers have commented "there is no escaping the fact that the corridor is a remarkable exception to the current dynamic between India and Pakistan" "While the Pakistan Army's motivation in pushing for the corridor will continue to be debated... an unintended consequence of the initiative" is that "the corridor has drawn attention" to the "neglected dimension of the relations between Delhi and

Islamabad - the Punjab question". "Punjab is a coherent geographic and civilizational space.... Punjab has been very central to the ebb and flow of Indian history through the ages, there is a shared ethnic, linguistic and cultural identity that binds the people of Punjab. This shared identity has survived the unspeakable tragedies that Partition inflicted upon the province. It is the cultural bond as well as the shared sorrow that makes the region most eager in the sub-continent for a reconciliation between India and Pakistan". (Indian Express dt. 12/11/2019)

Many observers commented that some in Pakistan would try to convert Kartarpur corridor into a Khalistan card but India should try to work on possibility of strengthening what unites people of Punjab - the idea of Punjabiya - by propagating opening up of cultural exchanges, trade, commerce, tourism etc.

(The author Shri A P Bhatnagar, IPS (retd.) is a former Director General Intelligence of Punjab. He is presently Secretary Policy Perspectives Foundation.)

Events held

Round table discussion on "China - India relationship" on 21st November 2019 at 10:30 am at PPF premises. Dr Omi Marwah and Prof Gautam Sen (Pune) were the main speakers and the focus of the deliberations was on development in the areas of Air and Space capabilities of China.

Forthcoming Events


Panel discussion on E-Waste: Policy Analysis and Implementation on 18th December 2019 at PPF premises.

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