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America's Body Politics

US Supreme Court's abortion verdict will have disproportionate impact on poorer American women

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On June 24, the US Supreme Court overturned Roe vs Wade in its long-awaited decision in Dobbs vs Jackson Women's Health Organisation involving a challenge to a Mississippi law banning abortion after 15 weeks of pregnancy. Wasting no time, 11 states have already banned or greatly restricted abortion, and others are poised to do the same. According to the Centre for Reproductive Rights, this makes the US "one of only four countries to remove protections for legal abortion in 25+ years". It also puts the country at direct odds with global trends. As the Centre reports during the last few decades, "monumental gains have been made in securing women's right to abortion, with nearly 50 countries liberalising their abortion laws". While some of these countries have abolished their existing abortion bans, of the kind now being advanced in parts of the US, others have introduced more incremental changes, such as India's recent increase of the gestational limits for terminating a pregnancy.

Dobbs also puts the US on a collision course with international human rights laws and norms. Stressing that "access to safe, legal and effective abortion, is firmly rooted in international human right law, and is at the core of women and girls' autonomy and their ability to make their own choices about their bodies and lives," Michelle Bachelet, the UN High Commissioner for Human Rights, denounced the decision as a huge blow to women's human rights and gender equality.

In 1973, the Supreme Court ruled in Roe vs Wade that the right to abortion is protected by the federal constitution up until the point of fetal viability –now about 23 or 24 weeks of pregnancy. Making viability the bright dividing line, Roe declared that at this juncture, states could criminalise abortion, unless necessary to save the health or life of the pregnant person. In its 1992 decision in Planned Parenthood , the court affirmed this "central holding" of Roe. However, it also gave states greater freedom to enact fetal-friendly measures, so long as they did not impose an undue burden on the abortion right.

Although abortion has remained a constitutionally protected right until now, since 1992, anti-abortion activists have successfully pushed for an ever greater array of restrictive laws, which have greatly limited abortion access in much of the country. The unrelenting nature of their crusade coupled with the fact that the Supreme Court has an anti-abortion supermajority for the first time since Roe, greatly deepened fears about the vulnerability of the abortion right.

And on June 24, it all came crashing down. Denouncing both Roe and Casey as an "exercise of raw judicial power", the court overturned both decisions. In doing so, it was clearly aggrieved that they had subordinated the rights of the "human person [who] comes into being at the time of conception" to the

ability of women to control their reproductive destinies as a central aspect of what it means, as the dissenting justices put to be a “free and equal” member of society.

But the majority did not seem the least bit troubled by the fact that with the reversal of Roe, states are now free to force women to carry their pregnancies to term. Consigning a woman’s interest in bodily integrity to the far margins of the decision, if it is there at all, it was of no apparent concern that, to again quote the dissent, they now have the power to “transform what, when freely undertaken, is a wonder, into what, when forced, may be a nightmare”.

Of particular importance in this regard, the burdens of compelled pregnancy will fall most heavily on the most vulnerable. As the dissent stresses, “[s]ome women, especially women of means, will find ways around the state’s assertion of power. Others – those without money or childcare or the ability to take time off from work – will not be so fortunate. ” But, the Supreme Court’s majority is oblivious to, or perhaps it simply doesn’t care, about the real life implications of its decision. Critically, as documented in the amicus curiae brief of the Howard School of Law Human and Civil Rights Clinic, Black women in Mississippi will be disproportionately harmed by a state ban on abortion given that they are more than three times more likely than white women to experience a “pregnancy-related mortality”. They also experience significantly higher rates of infant mortality, in a state which has the highest infant mortality rate in the country.

So, where does this leave us? There is no way to sugar coat this grim new reality which, in the words of Bachelet, will strip autonomy from “millions of women in the US, in particular those with low incomes and those belonging to racial and ethnic minorities, to the detriment of their fundamental rights”. At the same time, we are witnessing a powerful rising up to counter this divestiture of rights under the banner of “bans off our bodies”.

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Why India Should Become A Rare Earths Powerhouse

But this requires private participation and modern mining norms

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It is unlikely that many people, other than students of chemistry, have heard of scandium, yttrium, lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium and lutetium. Together, this group of 17 is known as Rare Earth Elements – a better known term – whose demand is on the rise for many critical applications in modern manufacturing, including electric vehicles, renewable energy and high-tech

electronics. India is almost 100% import dependent for most rare earths. Interestingly though, India has great potential for domestic production possessing the fourth highest reserves of rare earths in the world. And the ministry of mines is proposing to capitalise.

Why are rare earths strategic?

Rare earths are used in small quantities but have qualities that make them essential. Neodymium, for example, is a critical component for permanent magnets and has the ability to carry material 1,300 times its own weight. Neodymium-based permanent magnets are key components in EV traction motors and wind turbines. Currently, the demand for these in India is small, at around 900 tonnes per annum, because domestic manufacturing of EVs and wind turbines is still limited. However, as manufacturing of EVs and wind turbines picks up, the demand for neodymium is estimated to rise sharply by 6-7 times by 2025 (6,000 tonnes) and by 18-20 times by 2030 (20,000 tonnes). The global price of neodymium has risen sharply from under \$100 per kg in 2018 to over \$200 per kg at present. Compare this to the price of aluminium which is around \$2.6 per kg. Rare earths are costly. Like neodymium, dysprosium is also an important component of permanent magnets that will be used in EVs and wind turbines. Europium is necessary for LED bulbs and colour television screens. Samarium is used in optical lasers. Several rare earths also have important uses in emerging hi-tech medical technologies.

Why does India not produce enough rare earths?

What is a matter of particular concern is that the global supply scenario for rare earths is highly concentrated, much more than oil and hydrocarbons, which poses a strategic challenge. Until a few years ago, China controlled 90% of the supply of rare earths. Now, after aggressive production by the US, Australia and Canada, China's share is down to 60% but still dominant. India has greater reserves than the US and Australia, only behind China, Russia and Vietnam. With Russia embroiled in conflict, the onus is on India to emerge as a supplier not just for domestic use but international consumption.

In India, rare earths are classified as atomic minerals and are therefore not on a par with other minerals. Interestingly, rare earths are actually not "rare" in nature; they occur abundantly but globally are often not concentrated enough to make for viable extraction. In India, they are found in extractable form in beach sands (of which the country has abundance) and in rock formations known as monazites. The reason that they are classified as atomic minerals is because some of these elements occur in the earth's surface along with thorium and uranium which are radioactive minerals. Thus, mining for rare earths is reserved exclusively for government companies of which there are only two in India: Indian Rare Earths Ltd (owned by GoI) and Kerala Minerals and Metals Ltd (owned by Kerala government). Their production capacities and technological capabilities are limited which is why India is import dependent. Beach sand mining was permitted until a few years ago but was banned in 2016 in an attempt to conserve strategic minerals including rare earths and thorium.

The way ahead

The ministry of mines has recently proposed moving the 17 rare earths elements outside the ambit of atomic minerals so that commercial mining by private entities and other PSUs can take place to help reduce India's import dependence which is bound to increase in both volume and value as the energy transition and domestic manufacturing of electronics gather pace. This is the only feasible way to expand production. Concerns about the presence of radioactive minerals and their use are legitimate. But those concerns must be addressed via regulation than a blanket ban. Private players can be mandated not to

extract thorium and uranium from monazite rock or beach sands and to restrict themselves to rare earths. The leftover ore/ rock once rare earths are extracted may be returned to the designated government agency. Alternatively, the private companies may be permitted to extract any radioactive minerals but sale can be restricted to government. However, to not extract rare earths more aggressively would impose a big cost to the economy. A pragmatic approach is the need of the times.

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Why Rights Need Proactive Protecting

ET Editorials



Whichever way one looks at it, the US Supreme Court overturning the 1973 Roe v Wade judgment that gave women the constitutional right to an abortion until 22-24 weeks of pregnancy, is a regression that puts the US among countries outlawing abortion like Laos, the Philippines, Egypt and Iraq. Despite being a democracy, the US will now have states with less safe and legal access to abortion than, say, Saudi Arabia. The right to protected abortion access will now be left to individual states. Assessments show that 26 of the 50 states are certain or likely to ban termination of pregnancy.

By junking Roe v Wade, the guardian of the US Constitution has made women in many states no longer have a say over their own reproductive rights and body.

This is a major backslide. No amount of moral or cultural relativism in the form of 'popular will' or 'federal empowerment' can provide cover to this regression. Like the US's permissive gun laws, allowing abortion to become illegal in individual states underlines how civil liberties and protecting rights are mutually exclusive of economic development and progress. They need to be proactively protected as non-negotiable liberal values. The quest towards a more perfect progressive liberal democratic society is never over, nor is its progression linear. Changing mindsets and social structures takes time, constant effort. As Martin Luther King Jr had aptly put it in the context of a struggle for another right, 'The arc of the moral universe is long, but it bends toward justice.'

For people across the world, particularly in younger and less mature democracies, this moment must not be one of hopelessness. Rather it should teach us that the real threat to open societies and liberal democracies is the absence of constant dialogue and exchange, and that hardened positions that deny any segment of its citizenry their rights do not make for a democracy.



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Regressive, inhumane

By removing the constitutional right to abortion, U.S. Supreme Court puts itself on the wrong side of liberty

Editorial

When a democracy rolls back a constitutional right that has been in place for almost half a century, it must consider itself in deep peril. The U.S. stands at that fraught juncture now, after its Supreme Court, in a 6-3 majority, overturned the 1973 ruling in *Roe vs Wade*, and took away the constitutional right to abortion. In one blow, on June 24, it withdrew from women anywhere in the country their right to reproductive and bodily autonomy. With *Roe*, as well as the 1992 decision in *Planned Parenthood vs Casey* that upheld *Roe*, gone, the court returned “the issue of abortion to the people’s elected representatives”. States can now decide whether to ban abortion, and at what stage in a pregnancy and under what circumstances. The fight over abortion has been the U.S.’s most passionately waged ideological battle. With a focus that denies any space for compassion or respect for liberty, conservatives have prioritised the task of having *Roe* overturned for decades. With the court now having attained a conservative supermajority, the decision had been imminent — some Republican-ruled States have started banning abortion, with trigger laws in place in anticipation of such a judgment. Other Red States will follow.

This Supreme Court decision, *Dobbs vs Jackson Women’s Health Organization*, has in effect divided the U.S. territorially — States where women have the right to abortion, and those where they do not. Where they do not, women with unplanned or unwanted pregnancies, including possibly in some jurisdictions those that endanger the mother’s life or are a result of rape or incest, may have no option but to seek medical assistance in other States. This needs resources and support structures, and many women will be left with no option other than clandestine, unsafe abortions nearer home. Chillingly, there is fear that miscarriages could be subject to criminal investigations. On a positive side, major U.S. companies and some States (New York) have started offering financial support to employees and help for out-of-state abortion seekers who seek medical interventions in abortion-supporting States. This will, however, make already-bitter partisan polarisation worse. It must also alarm Americans that the logic of *Dobbs* — that abortion is not mentioned in the U.S. Constitution and is not covered by the landmark 14th Amendment of 1868 that safeguards liberty — has opened the process for other rights to be taken away. For now, President Joe Biden and his Democratic Party have vowed to put *Roe* on the ballot in November’s mid-term elections. But the way the U.S. electoral system stacks up the numbers in the Senate against their efforts to break the filibuster, the effort to protect women will likely be carried out incrementally: legal challenges at multiple levels, support to women in Red States, and persuasive political campaigns at the grassroots.

बिज़नेस स्टैंडर्ड

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ब्रिक्स की अप्रासंगिकता

संपादकीय

चीन की अध्यक्षता में आयोजित ब्रिक्स देशों की एक आभासी शिखर बैठक को संबोधित करते हुए प्रधानमंत्री नरेंद्र मोदी ने अपना ध्यान इस बात पर केंद्रित रखा कि पांचों देशों को महामारी के बाद के सुधार और साझा निवेश बढ़ाने पर काम करना चाहिए।

बैठक भले ही आभासी थी लेकिन भारतीय अधिकारियों के लिए यह पूरी तरह सहज अनुभव नहीं था। इस समूह में चीन के हित और मजबूत होते जा रहे हैं क्योंकि यूक्रेन पर आक्रमण के बाद रूस की चीन पर निर्भरता भी बढ़ती जा रही है। रूस में अधिनायकवादी व्यवस्था लेकिन लोकतांत्रिक दक्षिण अफ्रीका में भी बौद्धिक और नीति निर्माण से जुड़े हलके चीन के प्रभाव के दायरे में नजर आ रहे हैं और वे चीन के कदमों का अनुसरण करते दिखते हैं। इस बीच 2020 में गलवान घाटी में हुई झड़प के बाद से भारत और चीन के रिश्तों में भी गहरी दरार आ चुकी है।

चीन के राष्ट्रपति शी चिनफिंग ने भले ही यूक्रेन के हालात का जिक्र करते हुए सैन्य गठजोड़ का विस्तार करने की बात की और कहा कि अन्य देशों की सुरक्षा की कीमत पर अपनी सुरक्षा चाहने से सुरक्षा संबंधी दुविधा बढ़ेगी। लेकिन चीन के कूटनयिक यह जानते ही होंगे कि यह वही भाषा है जो अतीत में क्वाड के खिलाफ इस्तेमाल की गई है और जिसे भारत निस्संदेह अनावश्यक रूप से भड़काने वाला मानेगा। चीन ने शिखर बैठक का इस्तेमाल अपनी 'वैश्विक सुरक्षा पहल' की शुरुआत करने के लिए किया लेकिन चूंकि भारत की प्रमुख सुरक्षा संबंधी चुनौती पाकिस्तानी सत्ता प्रतिष्ठान द्वारा वित्तपोषित और समर्थित सीमापार आतंकवाद है जिसे चीन का समर्थन हासिल है तो ऐसे में साझा सुरक्षा जैसी कोई भी बात स्वाभाविक रूप से मूर्खतापूर्ण नजर आती है।

साझा आर्थिक विकास लक्ष्यों की बात करें जो लंबे समय तक क्वाड के सदस्य देशों के आपसी बंधन का कारक रहा है, अब भारत तथा क्वाड के अन्य सदस्य देशों के बीच वह सहज उपलब्ध नहीं है। समूह के अन्य सदस्य देश जो प्राथमिक तौर पर जिंस निर्यातक हैं, वे चीन के बाजार पर निर्भर हैं और इसलिए वे चीन की अर्थव्यवस्था के अनुषंगी हैं। जबकि भारत अभी भी खुद को एक आर्थिक प्रतिस्पर्धी के रूप में देखता है। ऐसे में चीन के साथ उसका व्यापारिक और आर्थिक टकराव भी हाल के वर्षों में बढ़ा है। ब्रिक्स के भीतर चीन की धमक बढ़ने का अर्थ है उसे असंगत रूप से अधिक ताकत मिलना। शायद दो दशक पहले इस समूह की स्थापना करते समय ऐसा विचार न किया गया हो लेकिन इस अवधि में केवल चीन की आर्थिक वृद्धि तेज और निरंतर रही। जबकि ब्रिक्स के अन्य देशों का प्रदर्शन कमजोर रहा। इस प्रकार वे पीछे छूट गए।

इन बातों को एक साथ रखकर देखा जाए तो कह सकते हैं कि ब्रिक्स समूह शायद अपना शिखर समय बिता चुका है। निश्चित तौर पर इसमें भागीदारी कम करने की कोई वजह नहीं है। बातचीत बंद करने का भी कोई औचित्य नहीं है, खासकर तब जबकि दो देशों के बीच सीधी बातचीत राजनीतिक दृष्टि से मुश्किल है। ऐसे में ब्रिक्स जैसे बड़े समूह के

बीच नियमित बैठक जारी रखना जरूरी है। लेकिन यह आशा करना मूर्खतापूर्ण होगा कि यह समूह एक उभरते बाजार के रूप में जी7 का मुकाबला कर पाएगा। मोदी इस सप्ताह जर्मनी में जी 7 की बैठक में पर्यवेक्षक के रूप में शामिल हैं और इसमें संदेह नहीं कि वहां लिए गए निर्णय भारत के विकास को लेकर ब्रिक्स की तुलना में अधिक प्रासंगिक होंगे। दुर्भाग्यवश हमें अब इस सोच को किनारे करना होगा कि ब्रिक्स विकास और वृद्धि के क्षेत्र में एक वैकल्पिक व्यवस्था कायम करेगा या उभरती अर्थव्यवस्था वाले देशों के लिए एक वैकल्पिक भू-आर्थिक व्यवस्था का विकल्प बनेगा। मध्यम या दीर्घावधि में ब्रिक्स की प्रासंगिकता भारत के लिए न्यूनतम है।
