



The Indian EXPRESS

FOUNDED BY  
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

THE PM'S WORD

The fight against terror should not become a fight against Kashmir; the idea is to win over Kashmiris

PRIME MINISTER NARENDRA Modi's unequivocal message to the nation that India's "fight is for Kashmir, not against Kashmir, not against Kashmiris" has come none too soon. It ends days of shabby political silence as self-appointed protectors of the nation took to intimidating, assaulting and evicting Kashmiri students and others in various parts of the country in the wake of the Pulwama terror attack. Many educational institutions crumbled under pressure, and suspended or expelled Kashmiris; one gave an undertaking that it would not admit students from the Valley. Fearing for their safety, hundreds of hapless students returned home or are in the process of doing so. The incidents were not just scandalising for the impunity with which their perpetrators acted, they have also done irreparable damage to India's case in Kashmir. They have provided fodder for propaganda to India's enemies in Kashmir, and confirmed the worst fears of the alienated Kashmiri. There was a time Kashmiri parents sent their children to other states for education believing this was the best protection from the violence in the Valley. It is doubtful if they think that now. Prime Minister Modi's words convey that the interests of India are ill served by such acts, and that the idea is to win over Kashmiris.

Which is why it is difficult to comprehend the developments in the Valley during the weekend. Some 200 members of the Jamaat-e-Islami (JeI) and Hurriyat leader Yasin Malik were arrested in the Valley, spreading confusion and anger among its not inconsiderable following in south Kashmir. The JeI is a political party, once banned for its close links to the Hizbul Mujahideen. In recent years, it has distanced itself from both HM and the Hurriyat, even though it remains separatist. How the government gains from action against the Jamaat is not clear at all. The Centre has much more to gain from engaging with those who carry some political weight among young people in Kashmir, than from the optics of arrests outside the Valley. Bewildering too are the Jammu & Kashmir administration's orders — asking hospitals to hoard medicines, cancelling vacations of medical faculty, rationing fuel and directing ration shops to finish distributing foodgrains forthwith — that have created all round panic in the Valley since Saturday. To top it all, 100 additional companies of paramilitary forces are headed to Kashmir. All manner of rumours are abroad, including about an imminent government decision on Article 35 A and 370.

If Modi's words are not just plain rhetoric, the Centre should not be undermining what little trust there is left between Kashmiris and the rest of the country. The response to Pulwama must not be to shut down any possibility of reviving the political process in the Valley.

THE NEW DEAL

SC order on Reliance Communications marks the transition to a more impersonal, rule-based capitalism

FIVE YEARS AGO, or less, nobody would have imagined an Anil Ambani could face the prospect of a jail sentence or the Ruia family may not be far from losing control over their crown jewel, Essar Steel. That promoters can no longer treat their ownership of enterprises as a "divine right" and enjoy the benefits of "riskless capitalism", to quote the former Reserve Bank governor Raghuram Rajan, is something India Inc is still finding difficult to reconcile with. The catalyst for this has been the Insolvency and Bankruptcy Code (IBC) — arguably the Narendra Modi government's biggest economic reform measure, ahead of even the goods and services tax. The IBC has fundamentally altered the relationship between large borrowers and their creditors. Until recently, whenever the former defaulted, the latter invariably had to make the concessions. The promoter continued to be at the helm, even after mismanaging the business or diverting loans to avenues other than for which they were sanctioned.

That, thankfully, has changed. The IBC allows both lenders and operational creditors to move a dedicated bankruptcy court — the National Company Law Tribunal (NCLT) — and initiate insolvency proceedings against defaulting firms to recover their dues through a time-bound process. The Swedish telecom equipment maker Ericsson did just that, by filing a bankruptcy petition against Reliance Communications before NCLT to recover unpaid dues. It forced the Anil Ambani-controlled company to enter into a settlement that was approved by the Supreme Court. When the beleaguered telecom operator failed to discharge its payment obligations under the deal, leading Ericsson to file contempt pleas, the apex court ordered Ambani to cough up Rs 453 crore within four weeks or risk a three-month prison sentence. What the IBC has done is to provide a mechanism for enforcing the sanctity of debt contracts: The very threat of a company's control passing to creditors, who would invite other prospective promoters to take over and pay off its dues to the maximum extent, is the best insurance against "riskless capitalism" and future bad-loans crises. The Ruias are yet to give up. But in the new regime, it's the lenders and courts, not "divine right", that will decide who will ultimately run Essar Steel.

The above transition to a more impersonal, rule-based capitalism is bound to face resistance from those used to the earlier system, where both sanctioning of loans and they being written-off in the event of turning bad could be seamlessly "managed". One indicator of it is the resolution process in many cases taking much longer than the 270-day deadline (from any insolvency petition's admission by NCLT) set under the IBC. This is where the higher courts need to step in and draw the line.

FREEZE FRAME

E P UNNY



AYESHA SIDDIQA

Staring at a stalemate

Geopolitics, limits puts by nuclear-deterrence, make it difficult for India to isolate Pakistan diplomatically

IMRAN KHAN WAS in no hurry to respond to India's allegations on Pakistan's role in the Pulwama incident. He delivered a speech on February 19 — five days after the incident and after the Crown Prince of Saudi Arabia left Pakistan. While it is true that he didn't want Pakistani and Saudi attention diverted from Mohammad bin Salman, that may not have been the only reason for the delaying tactics. Perhaps, he wanted Narendra Modi to feel the pain of having his back to the wall, which was compounded with the anger of not being able to react at will against a country that the Indian prime minister had claimed he would isolate internationally.

In delivering his message on February 19, Khan appeared calmer than his predecessor, Nawaz Sharif. Sharif belongs to a generation of politicians of the 1990s who understood the domestic political value of peace. In his last term, he was at odds with his military commanders over how to handle New Delhi.

Khan, on the other hand, is a first-time head of government, who may have spoken in the past about the need to have peace in the region or criticised the military. But in his new re-incarnation as head of "Naya" Pakistan, he seems to be a mix of Modi and Pervez Musharraf. Like them, he understands where power lies, knows how to play to the gallery to gain legitimacy and shoots from the hip. In any case, he has the benefit of being on the same page as his army chief. The one problem is that folks in Delhi tend to see the better relations Khan has with the army from one perspective — he will deliver to India when others could not. This is an ambitious thought.

In his speech, Khan was eager to cut to the chase and suggest that cracking down on the Jaish-e-Mohammad or Lashkar-e-Taiba was not going to happen just because India wants it. His insistence on actionable intelligence means that the matter will drag on inconclusively.

In the 10 years since the 26/11 Mumbai attack, the ordinary Pakistani have been made to almost forget Ajmal Kasab as their own or that his whereabouts were ferreted out by both the Pakistani and international media. They now believe that he was an Indian national and the entire incident was part of a project to malign Pakistan. Khan is both the

maker and part of the "Naya" Pakistan, which has moved on from Mumbai and wants India to do the same. However, the exchange of actionable intelligence, on which both states agree, is not likely to happen. Therefore, if New Delhi is in a hurry to solve the terrorism problem, then it would do well to attend to the core issue — Kashmir. It is the only context in which violent extremism is likely to be discussed bilaterally with the intention of solving the problem permanently.

Khan's message seems to be padded with consciousness of the region's political and geopolitical realities. The first reality is the nuclear-weapons deterrence that imposes limits on how far India can go in responding to Pakistan. Notwithstanding India's anger and a view in certain circles in Delhi that Pakistan could be easily pushed down the escalation spiral, the likelihood of both sides blinking first remains a possibility. India's conventional military superiority is questionable. In the past, major escalation was contained by smaller reactive actions such as the shooting down of Pakistan Navy's Breguet Atlantic-91 with 16 people on board. Both sides also do conduct attacks across the LoC. What Khan tried to say was that any Indian action beyond the LoC would provoke a reaction. Striking the Jaish's headquarters, 200 miles inside the international border, could result in unmanageable escalation.

Militarily and diplomatically, Islamabad finds itself in a comparable position to India, which is different from the late 1990s. The moment is different from the Kargil crisis when Pakistan was taken to task by the entire world. There was also discomfort in the military regarding Kargil, as the smaller services did not agree with the venture. An incursion inside Pakistan, however, is a different ballgame. In 1999, Pakistan's sole benefactor at that time, the US, was so upset that the then US President Bill Clinton gave Nawaz Sharif a hard time, when the latter went to seek help for conflict management. During a tour of South Asia, Clinton only stopped at Islamabad for a few hours to address the people of Pakistan.

But now Pakistan is engaged with multiple international players. In the words of the chief of Inter-Services Public Relations, "India could not isolate Pakistan. Everyone wants to talk to Islamabad. Western countries that can't talk to China or Russia use us (Pakistan) as an interlocutor." Pakistan's centrality in the BRI plan has made it a country of interest for many, especially China. Though relations between Pakistan and China are not perfect in so far as the CPEC is concerned, Beijing's stakes in the corridor may compel it to resist pressure for blocking the resolution against JeM again. As for the US, would Donald Trump be eager to go beyond issuing reprimands when he is eagerly engaged in discussions with the Taliban with Pakistan's assistance? The Taliban talks also indicate a strategic shift in American thinking, from the position of using its resources to battle violent non-state actors to considering these militias as having a political role. Even while guarantees are being sought from the Taliban to not allow its territory for violence elsewhere, organisations like the Jaish and LeT and their affiliates may be useful in keeping Iran troubled — that is why Saudi Arabia has invested in Pakistan.

Pakistan's military is extremely conscious of not crossing the red-line with Iran which Tehran wouldn't want either, at least at this point in time for sake of domestic stability. There is also the question of how much the West would want to commit itself to the ongoing South Asian crisis. Pakistan finds its military-to-military relations with the UK in particular and number of other European countries satisfactory. Even domestically, unlike during Kargil, civil society and media are comfortably controlled. The Pashtun Movement, PTM could get a push back due to bilateral tension. This is possibly the first time after going overtly nuclear that Islamabad is confident during a crisis.

With the two neighbours standing eyeball-to-eyeball, the choice is now between de-escalation for talks and escalation for war. Trying to call each other's nuclear bluff is a temptation fraught with risks. But talks also do not hold promise if their purpose would mainly be conflict management. Can an arbiter be created?

The writer is a research associate at CISD, School of Oriental and African Studies, University of London



APAR GUPTA AND ABHINAV SEKHRI

DISHONOURING THE VERDICT

On the ground, SC ruling on Section 66A is frequently violated

IN OCTOBER 2018, we published a small study revealing how Section 66-A of the Information Technology Act 2000 ["IT Act"] continued to be used to prosecute persons despite being struck down by the Supreme Court as unconstitutional in *Shreya Singhal* (2015). We suggested that this afterlife was not merely wanton exercise of power by the police but symptomatic of a deeper malaise. Since declarations of unconstitutionality do not wipe out a provision from the statute book, it meant something more had to be done to ensure people know the provision is no longer valid. But we found that there were no systems in place to ensure that the news of judicial decisions reached all corners of the state machinery. Such signal failures between the judiciary and executive made it likely that news of a penal provision being struck down by the SC was not reaching the many police stations.

Based on our report, the People's Union for Civil Liberties — one of the petitioners in the litigation that led to the provision being struck down — took 66-A back to the SC. Directions were sought for compliance with *Shreya Singhal*. Information was sought from the government on how many 66-A cases had been filed after it had been excised.

When the case came up for the first hearing in January, the bench was furious, promising strict action if in fact fresh cases had been filed after the *Shreya Singhal* judgment.

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On February 15, at the second hearing, the attorney general appeared to support a counter-affidavit filed by the Union of India. It showed that after the last hearing, the Union took steps to supply the publicity deficit which we had identified. It had written to states/union territories (UTs) reminding them about 66-A being struck down and sought data on pending cases, if any.

Only six responses had been received by the 15th, and not all of them provided the data sought. Out of these, Delhi and Manipur reported zero cases. Gujarat reported three cases filed after 66-A was struck down. Most notably, Kerala confirmed that 19 fresh cases had been filed after the *Shreya Singhal* judgment, with 15 at the investigation stage.

Despite the missing data from remaining states/UTs, the Court decided not to continue monitoring the issue. Instead, it chose to decide the application by allowing the prayers requested by PUCI. Directions were issued for the *Shreya Singhal* judgment to be circulated by all high courts among the subordinate judiciary, and directions were also issued to chief secretaries of all states/UTs to ensure the judgment is shared with the police. The orders in the *PUCI v. Union of India* application are welcome, and hopefully will help to end this particular legal zombie. Unfortunately, the good news ends there. Replies by Kerala and the other states were

an invaluable data source for how 66-A has been misused, since government statistics on criminal law have stopped carrying the numbers for 66-A. The fact that states took notice of the letters sent consequent to the PUCI application confirmed the impact of monitoring by the SC. However, in refusing to keep the application alive even when a majority of states/UTs had not yet furnished replies — including states such as Bihar and Jharkhand which we showed seemed to have many rogue 66-A cases — the Court has again made the afterlife of 66-A a non-transparent affair. This appears even more troubling in light of the news about persons being arrested for objectionable remarks online concerning the tragedy in Pulwama.

Because this ended as speedily as it did, the bench never bit into the larger issue of addressing signal failures. Non-compliance with 66-A is only the most visible symptom of a deeper malaise where one branch of the state is simply not being heard by the others. Bridging this communication gap requires a more sustainable solution than requiring someone — PUCI in this case — to knock on the Court's doors.

Gupta is a lawyer and executive director of the Internet Freedom Foundation; Sekhri is a lawyer practising in Delhi. They conducted a study on Section 66A which led to PUCI's application in which they appeared as lawyers

FEBRUARY 25, 1979, FORTY YEARS AGO

DEBATES AND WARS THE UNITED STATES representative to the UN, Andrew Young, opening a Security Council debate on South-East Asia last night, called for a ceasefire in the wars in Vietnam and Cambodia. Young also proposed that the council call for withdrawal of foreign troops from the two countries and seek the commitment of all parties to settle differences by peaceful means. He insisted the US was not taking sides. "We simply want to find ways to limit the disaster and the bloodshed that is now occurring in South-East Asia," he declared. The debate was also marked by bitter criticism of each other by the Soviet Union and China. Each

accused the other of trying to spread its influence in the area, by expansion and aggression.

TOP JOB AT UP JANATA THE CONTEST FOR leadership of the Uttar Pradesh Janata Legislature Party, slated for February 27, assumed importance today with the entry of C B Gupta, treasurer of the Janata Party and former chief minister, into the fray against the BLD-backed candidate, Banarsi Das, speaker of the Vidhan Sabha. After day-long talks here, a meeting of leaders of pro-changers was held at Moti Mahal, where Gupta was requested to contest the election.

TROUBLE IN POONCH SHEIKH ABDULLAH MAY agree to hold talks with the all-party group in Jammu and settle things across the table. This is the impression that S N Razi and A C Sen, the two emissaries of Jayaprakash Narayan, have carried to Delhi from Jammu. They will visit Patna to give JP their interim report. According to the emissaries, the unrest in Poonch began with protests against wrongful selection of teachers for appointments. The emissaries think that issues had been piling up for a long time and the people in the Jammu region had been nursing the complaint that they were not being given their due as compared to those living in the valley.



# 13 THE IDEAS PAGE

## Subscriber holds the remote, and the keys

New TRAI regulations give customers the option to choose even a single channel, brings transparency to broadcasting platforms



R S SHARMA

You can have it in any colour you want, as long as it is black.

— Henry Ford on Ford Model-T

THE CUSTOMER IS king. And the king has a good life, but only when he is allowed to rule.

Unfortunately, till today, the broadcasting sector was ruled by broadcasters, large distribution platforms and local cable providers — each lording over their own domain. Through its recent action, the broadcasting regulator (TRAI) has empowered the customer and brought transparency and free and fair competition into the market. It has given the subscriber the freedom of choice.

You could say that the subscriber already held the remote to the set-top box. True, but if its keys were programmed by someone else, that's not real choice. Or is it?

Let's understand broadcasting and its distribution through an analogy with the restaurant and food delivery services. A restaurant may offer an all-you-can-eat buffet with a big spread from which you eat a few items. It works, however, because on an average everyone eats about the same. So, the restaurant can speed things up and save the cost of serving individual orders.

Restaurants may also offer a set menu (or a *thali*), where the full meal is pre-configured with a limited set of options, the total cost of which is less than the cost of individual items. This works too, you would eat most of what is included in the meal, but not otherwise. If you only want two of the seven items in the *thali*, you should have the option to order those without having to pay more than the *thali* itself.

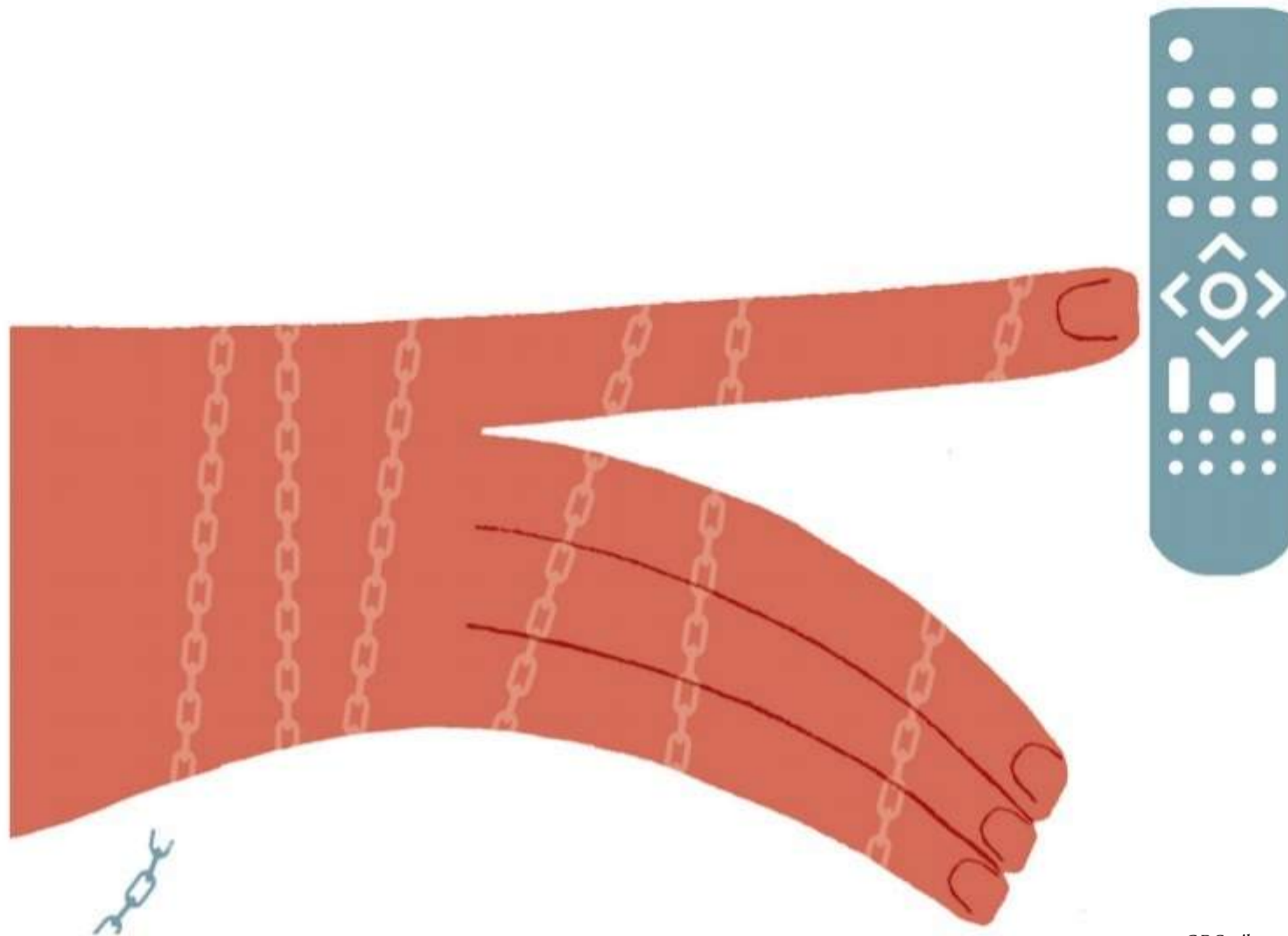
TRAI's new regulations require that individual channels must be offered by the broadcaster. This gives the subscriber the option to choose even a single channel. Today's digital set-top box support this technically, so why should this option be denied to the consumer? That is at the heart of the new rules.

Now consider what happens when you use a food delivery service to order from restaurants. They usually charge a small fee (or take a cut from the restaurant) and deliver the food.

A restaurant cannot force its full breakfast buffet to be carried to the customer by denying sale of individual dishes. That would be preposterous. So TRAI wrote into the regulation that the delivery services may charge a small fee (network capacity fee or NCF) which cannot exceed the stipulated amount. They must then carry individual channels, bouquets offered by the broadcasters — and optionally, their own bouquets. Every choice is thus available.

That makes it possible for the customer to choose what suits him or her the best. The stakeholders in delivery supply chain too are free to negotiate commercial agreements with their upstream and downstream partners in a non-discriminatory manner.

The new framework decouples the layers and gives freedom of choice to the customer, without their hand being forced by limited offerings. The broadcasters and distribution platforms are also free, except to exploit the customer because of any monop-



CR Sasikumar

oly over popular content.

Why was this change required? And why now?

Let's go back to our example of food delivery. While home delivery has existed for decades, traditionally it was the restaurant that provided the service in its neighbourhood. Technology changed that. With smartphones came apps that allowed customers to order and pay for the food of their choice. It was a scalable model in which making the selection, ordering, payment, providing address location, sharing feedback on quality with other customers could be done without much effort.

Technology not only enabled the food delivery service, but also expanded the restaurant business. Many more people now order food because they can get exactly what they want. And new kitchens have sprung up to satisfy the customer demand, which no longer service a restaurant. It has resulted in the growth of the industry, spurred by more satisfied customers.

Technology has changed in the broadcasting sector too. Parliament enacted the Cable TV Amendment Act 2012, mandating a switchover from analogue to digital addressable systems (DAS) in the delivery pipeline. It means that the signals are encrypted at the headend, which may be individually decrypted by set-top boxes that have a unique address. The customer can thus get and pay for just what he or she wants to view. This capability reached all customers in March 2017 after the implementation of the DAS systems in four phases.

For the first time, therefore, we have the capability to deliver exactly what the consumer wishes to receive and to plug revenue leakages by under reporting of subscriber numbers. This brings complete transparency and control (that each fairly needs) not only to subscribers, but also to broadcasters and distribution platforms. And it ensures transparent revenue collection by the government as well.

It is a well-founded principle of econom-

Traditionally television has garnered a large part of the advertising spend. This revenue, to an extent, depends on subscriber counts. You should, therefore, expect attempts by the broadcasters to increase their subscribers and to diminish those of their competition, using low price or other means. Since broadcasting is a complex industry with large entry barriers, stakeholders can resort to anti-competitive behaviour in many forms.

ics that a functioning market automatically directs resources to support production of goods and services that best meet customer requirements at the lowest possible price. What more can anyone ask for?

Well, one can ask that products and services be free, which is possible to arrange when production is supported by advertising or subsidy. However, advertising diminishes the signaling power of price in the consumer market: The bigger the advertisement pie, the greater the suppression of consumer's voice. Eventually, advertising may lead to the production of free yellow pages or product catalogues.

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While advertising would remain the mainstay of this industry, anti-competitive behaviour and price distortions can be addressed. This is what the new regulation achieves by introducing transparency and structurally supporting free and fair competition, though it may take some time for competition settle.

The regulator has delivered in full measure. The customer is now in the driver's seat. The noise you've heard is nothing more than the clashing of teeth due to the change of gear. Happy journey and good views.

The writer is chairman, Telecom Regulatory Authority of India

## WHAT THE OTHERS SAY

"Crown Prince Mohammed bin Salman has built a record of reckless aggression against opponents both at home and abroad. He has also declared on at least one occasion that his regime could seek to acquire nuclear weapons."

— THE WASHINGTON POST

## Gandhi and the varna question

It is easy to cherry-pick from his writings to paint him a racist and anti-Dalit. But Gandhi's views evolved, reflected his ethical project



### IN GOOD FAITH

K P SHANKARAN

GANDHI, TO this day, remains an enigma. While millions across the world revere him as a saint, there are countless others only too willing to condemn him as a racist and casteist. The truth is that Gandhi was an ordinary mortal, with failings and weaknesses, extraordinary only in his determination to lead and profess an ethical life.

In recent times, there has arisen a tendency among the crypto-bourgeoisie, led by the Booker Prize-winning Arundhati Roy, to portray the great pacifist-anarchist thinker Gandhi as a racist and a proponent of the varnashrama system. JH Stone's article, 'MK Gandhi: Some Experiments With Truth', which appeared in the *Journal of South African Studies* in 1990, heralded the crypto bourgeoisie's desire to present itself on the side of the suffering masses by presenting Gandhi as racist and an anti-Dalit.

To begin with, one must admit that the seeming contradictions in his own writings spanning over 60 years have contributed in no small measure to making Gandhi the mystery that he is. Within his voluminous works, the Gandhi worshipper and the Gandhi baiter will both find enough evidence to cherry-pick a defence for either stand. The problem is that the average reader who neither has the time nor inclination to sift through Gandhi's sayings in its entirety, begins to believe the half-truths. For instance, the crypto bourgeoisie would refer to Gandhi's letter of 1908 in South Africa to drive home the point that he was an out-and-out racist. It is true that in the early part of his life in South Africa, Gandhi did display racist tendencies. But what these writers will not disclose is that such sentiments find no echo in any of his writings after 1909. These apparent contradictions were not the product of a confused mind, as some would have us believe. Gandhi's ideas were constantly evolving. He was only too willing to embrace new ideas and give up old ones when confronted with evidence in support of the former.

More complex, however, is Gandhi's propagation of the varnashrama system. In his personal life, he never practised varna dharma and his ashrams were totally free of varna dharma. His political utopia, Swaraj, was also devoid of religion and caste. At the same time he constantly used the expression varnashrama dharma in his writings and took pains to defend it. Nevertheless, the varnashrama dharma he defended was not a hierarchical one as propagated by the Bhagavad Gita or the Manusmriti. Gandhi constructed a non-hierarchical varna system and tried to sell it to the Hindus, albeit unsuccessfully. This non-hierarchical varna system was based on the principle "Let us not want to be what everyone else cannot be", which he had adopted from the Bhagavad Gita. According

to him, this principle was the epitome of Anashakti yoga. He believed that one should not aspire for a profession but do what one was ordained to do according to a tradition into which one was born.

These seeming contradictions between what he practised and what he purportedly preached make it difficult to defend Gandhi from the onslaughts of the crypto bourgeoisie. Why did Gandhi say what he did, when he did not practice it within his own ashram?

Gandhi believed in using the vocabulary of his lineage to make himself intelligible to the masses. He rejected the vocabulary of the European Enlightenment as being alien to the people. There was also another reason why he chose his parental Vaishnava vocabulary to deal with the varnashrama system. He was extremely conscious of the ills that plagued the Hindu vocabulary and according to him, only an internal reformation could remove these ills. In a letter to his missionary friend C F Andrews, he had argued that Vaishnava vocabulary was saturated with violence/adharma and his mission was to take away that venom. So, while it was easy for him to establish that untouchability had no "scriptural" sanction, with the Gita and other "scriptures" seemingly supporting varnashrama, Gandhi's task in this regard was more onerous.

Therefore, Gandhi tried to interpret the varnashrama system from a non-hierarchical point of view, without rejecting it in the manner he had rejected untouchability. He also argued that while the shastras ordained one to eke out a living only by doing one's own hereditary profession, there was nothing in the shastras that prohibited one from doing any other job, provided it was done without any remuneration. For instance, a non-brahmin could function as a priest as long as he did not take any dakshina and brahmins could perform the functions of a sudra in the same way. But by 1933, Gandhi was ready to accept that it was not birth alone that determined a person's varna. He urged people to listen to these words of Yudhishtira in the 'Vanaparva' of the Mahabharata: "Truth, charity, forgiveness, good conduct, gentleness, austerity and mercy, where these are seen, O King of the Serpents, there is a Brahmin. If these marks exist in a Shudra and are not in a Dvija, the Shudra is not a Shudra, nor the Brahmin a Brahmin." Gandhi then goes on to say "These and numerous other verses from the Shastras unmistakably show that mere birth counts for nothing. A person must show corresponding works and character to establish his claim by birth."

It is true that Gandhi never rejected the varnashrama dharma. Social reformers like Narayana Guru had rejected the idea of varnashrama dharma while working within the advaitic paradigm. Gandhi, on the other hand, changed it to a Dalit-friendly concept. This is all that any great, intellectually sophisticated social reformer could aspire to do from within his chosen vocabulary. We have to stop seeing Gandhi from the alien vocabulary of the European Enlightenment, which he had himself rejected and try to understand him through his own chosen vaishnava vocabulary.

The writer taught philosophy at St Stephen's College, Delhi

## LETTER TO THE EDITOR

### VALLEY WOES

THIS REFERS TO the article, 'View from the Valley' (IE, February 22). While politicians must start the process of dialogue, the Kashmiris must try and come out of their victim syndrome. Democratic freedoms and privileges are a two-way street and, in the final analysis, even an imperfect democracy is better than the rule of Kalashnikov.

HN Bhagwat, Chillum

THIS REFERS TO the article, 'View from the Valley' (IE, February 22). One incident should not be enough to disown, discredit and disrespect every Kashmiri. But at the same time, no one should not be allowed to celebrate attacks on the Indian State and shout slogans in favour of Pakistan.

RK Vijay, Jaipur

### FRIEND OR FOE?

THIS REFERS TO the editorial, 'No hyphenation' (IE, February 22). The agreements and MoUs signed by the Indian government with Saudi Arabia can undoubtedly give a boost to India's domestic trade as well as FDI. But Crown Prince Mohammed Bin Salman's visit to Pakistan is a question to be pondered upon. Saudi Arabia, as one of the closest allies of Pakistan, may extend a hand of

### LETTER OF THE WEEK AWARD

To encourage quality reader intervention, The Indian Express offers the Letter of the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to [editpage@expressindia.com](mailto:editpage@expressindia.com) or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301. Letter writers should mention their postal address and phone number.

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betrayal in the guise of friendship. In order to achieve compatibility between Riyadh and Delhi, the agreements done by Saudi Arabia with Pakistan and India need to be cross-checked in a precise manner.

Animesh Gupta, Ujjain

## VIEW FROM THE NEIGHBOURHOOD



A weekly look at the public conversations shaping ideas beyond borders — in the Subcontinent. Curated by Aakash Joshi

### PARADIGM SHIFT

MUHAMMAD AMIR RANA, a security analyst lays out a plan in *Dawn* on February 25 for Pakistan to address the militancy issue in that country: "Pakistan can by no means leave the task of countering terrorism unaccomplished. For that, it will have to adopt a policy mechanism to control all shades of militant groups. In retrospect, Pakistan has already taken some measures that have put pressure on militants and their supporters. This pressure should remain sustained and be expanded across the board, reflecting the state's resolve that no militant group will be allowed to operate here."

He lays down three steps that would lead to this paradigm shift: First, "militants should not be allowed to hide behind the state's religious-nationalist paradigm." Second, militant organisations should cease to form a part of the Pakistan state's security and strategic calculus. Third, "the international community, including Pakistan's key strategic partner, China, has become less tolerant towards violent non-state actors that are considered a key hurdle in the way of progress and globalisation. Global economies trust only non-state actors of peace and cooperation, such as the Financial Action Task Force, the interna-

tional financial watchdog that helps check money laundering and terror financing."

He argues that both India and Pakistan need eschew rhetoric and move from a discourse of warfare to one of "strategic realism": "Pakistan's offer to India for talks was an attempt to bring these countries into the realm of strategic realism, but the Indian response remains negative. This attitude is not going to help India; rather, it will leave the current regime in Delhi hostage to a new collective narcissism that is growing in Indian society... In the narcissistic framework of India, Pakistan is seen as holding the position of an 'offender' that provokes the majority's sentiments and sees the Kashmiris as aligned with Pakistan."

### PEACE, PLEASE

The February 23 editorial in *The Dhaka Tribune* notes with "great concern" the escalation of tensions between India and Pakistan following the attack on the CRPF convoy in Pulwama on February 14. It begins by condemning wholeheartedly the terror attack and even expresses sympathy with the sentiment in New Delhi: "India's reaction of wanting to give a 'befitting' re-

ply after such a deadly attack is understandable given Pakistan's obvious involvement in Kashmir but blaming Pakistan directly requires more evidence. At the same time, we have seen an inadequate response from Pakistan to address India's longstanding concerns about allowing terrorist groups to find asylum within its territory. It is alleged not only by India but also many other international entities that a section of the country's establishment, hostile to the idea of peace, harbours armed groups that carry out cross-border terrorist acts. Pakistan must commit to do more in dismantling these non-state actors."

The editorial, however, also calls for a de-escalation and dialogue, and circumspection, both as an end in itself as well as in the larger interest of South Asia as a whole: "On the other hand, the nationalist elements in India have, since the attack, created an environment in which anything less than revenge would be deemed unacceptable. Yet this is the last thing that should be contemplated. The most prudent thing for India to do would be exercise restraint and not fall into the trap of a war, which would destabilise not just both the countries but also the entire region. India should also protect Kashmiri civilians

and those voicing peace from nationalist jingoists."

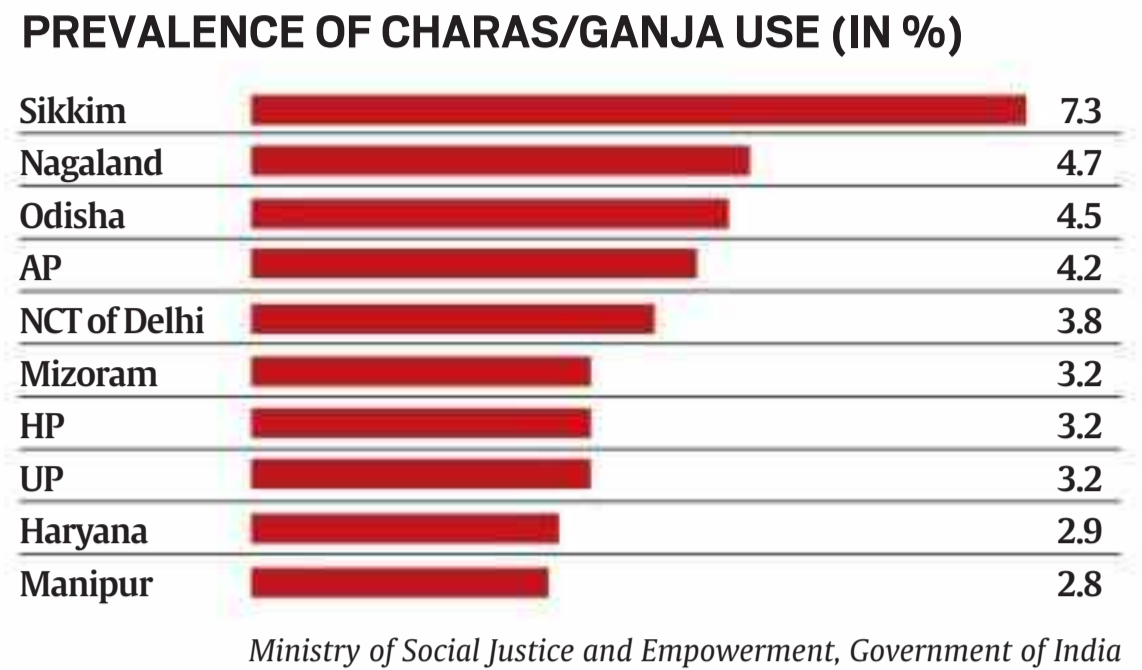
### NEPAL JUDICIAL WAR

THE SUPREME COURT of Nepal is going through high drama, according to the February 21 editorial in *The Himalayan Times*: "Senior-most Justice of the Supreme Court Deepak Raj Joshee has resigned from his post, but not without taking offence at the way he was treated in his final days. Incumbent Chief Justice Cholendra Shumsher Rana, after taking the reins of the apex court from the beginning of January this year, refused to assign Supreme Court benches to Joshee, leaving the latter with just two options: either to quit or attend court but not work. The power to assign cases lies solely with the CJ, who had explicitly called on Joshee to leave the court for good. Barring an impeachment by the federal Parliament, Joshee had till October before resigning on age grounds. However, rather than face the continued humiliation meted out to him, Joshee decided to quit on Tuesday."

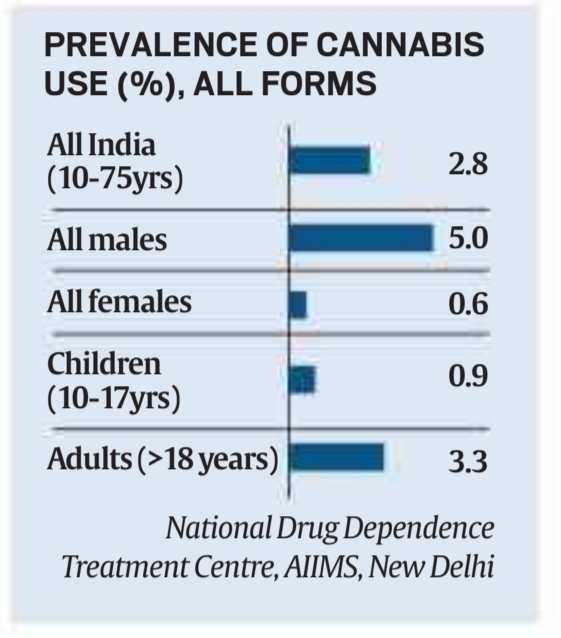
That this politics of vendetta and acrimony has reached the courts is a matter of grave concern, according to the editorial.

**TELLING NUMBERS**

**3 crore Indians use cannabis; ganja in N-E, bhang elsewhere**



ABOUT 2.8% of Indians aged 10-75 (3.1 crore individuals) are users of any cannabis product, according to 'Magnitude of Substance Use in India, 2019', released by the Ministry of Social Justice and Empowerment last week. The report deals with cannabis use in two forms: as *bhang* (available legally in many states) or as *ganja* and *charas* which are illegal under the NDPS Act, 1985. More Indians use *bhang* (2%) than *charas/ganja* (1.2%). The prevalence of cannabis use is higher than the national average in states such as Uttar Pradesh, Punjab, Sikkim, Chhattisgarh and Delhi. In general, the trend in most states is a higher prevalence of *bhang* use than that of *ganja/charas* use. On the other hand, in some of the eastern and Northeastern states (West Bengal, Bihar, Sikkim, Mizoram, Nagaland, Meghalaya), *ganja/charas* products are used by a larger proportion of people as compared to *bhang* users, the report said.



is harmful. Though *bhang* use was found to be more prevalent than *ganja/charas* use, dependent use is lower for *bhang* users (1 in 16) than *ganja/charas* users (1 in 7). According to the report, this is an indication that *ganja/charas* is more likely to cause harm or lead to addiction. All forms of cannabis use considered, the proportion of those who need help is considerably higher than the national average (0.66%) in states such as Sikkim (2.9%) and Punjab.

**SIMPLY PUT**

**The Indus waters policy shift**

Since the terrorist attack in Uri in 2016, India has worked to ensure it utilises its full claim under the Indus Waters Treaty. Several stalled projects have been revived, and many have been put on the fast track

**AMITABH SINHA**  
PUNE, FEBRUARY 24

WATER RESOURCES MINISTER Nitin Gadkari recently tweeted that the government had decided to stop India's share of waters in the Indus river system from flowing into Pakistan. Coming amidst noisy calls for a strong retaliation against the Pulwama terror attack, Gadkari's statement seemed to indicate a new policy direction from the government. That clearly was not the case, as the government also clarified after some time. The policy direction had, in fact, changed more than two years earlier — in the wake of another terrorist attack, on an Army camp in Uri in September 2016.

After the Uri attack, Prime Minister Narendra Modi had said that "blood and water" could not flow together, and India had temporarily suspended regular meetings of the Indus Commissioners of the two countries. A much bigger shift was signalled a few weeks later, when India decided to exert much greater control over the waters of the Indus basin, while continuing to adhere to the provisions of the 1960 Indus Waters Treaty that governs the sharing of these waters with Pakistan. A high-level task force was set up under the stewardship of the Principal Secretary to the Prime Minister to ensure that India makes full use of the waters it is entitled to under the Treaty.

**Rights to be utilised**  
India has not been utilising its full claims, and letting much more water flow to Pakistan than has been committed under the Treaty. The Indus Waters Treaty gives India full control over the waters of the three Eastern rivers, Beas, Ravi and Sutlej — 'Eastern' because they flow east of the 'Western' rivers — while letting the waters of the three Western rivers of Indus, Jhelum and Chenab flow "unrestricted" to Pakistan. India is allowed to make some use of the waters of the Western rivers as well, including for purposes of navigation, power production and irrigation, but it must do so in accordance with the provisions of the Treaty.

Historically, India has never made full use of its rights, neither on the Eastern nor on the Western rivers. On the Western rivers specifically, there has been no pressing demand for creation of new infrastructure on the Indus rivers, either for hydroelectricity or irrigation. With a large proportion of farmers in Jammu and Kashmir having moved to horticulture from traditional crops, the demand for irrigation has gone down over the years. After the devastating floods of 2014, it was argued that storage infrastructure could have been built on these rivers as a flood-control measure. As a result of India's under-utilisation of its share of waters, Pakistan has over the years benefited more than it is entitled to under the Treaty. Pakistan's dependence on the waters of the Indus basin cannot be overstated. More than 95% of Pakistan's irrigation infrastructure is in the Indus basin — about 15 million hectares of land. It has now become the world's largest contiguous irrigation system, comprising over 60,000 km of canals. Three of Pakistan's biggest dams, including Mangla, which is one of the largest in the world, is built on the Jhelum river. These dams produce a substantial proportion of Pakistan's electricity.

Post Uri, India's decision to change the status quo and use more waters of the Indus



Power project on Kishanganga, a tributary of the Jhelum, in J&K. Neeraj Priyadarshi/Archive



EASTERN RIVERS	WESTERN RIVERS	TOTAL AREA OF INDUS BASIN:
Sutlej, Beas, Ravi	Indus, Jhelum, Chenab	11.65 lakh sq km
11 cubic km	232.5 cubic km	47% in Pakistan
Annual flow before entering Pakistan.	Annual flow before entering Pakistan.	39% in India,
India has full rights on all waters. Pakistan can use whatever flows into its territory.	India can use only about 62.2 cubic km; 170.3 cubic km reserved for Pakistan.	8% in China,
		6% in Afghanistan.
		Source: India Water Resources Information system

rivers was made with the calculation that it would hurt the interests of Pakistan, which has become used to the excess water and built its infrastructure around it.

**What moved after Uri**  
The high-level task force recommended

the revival of several projects that were either suspended or had remained on paper for several years. Many of these projects were in Jammu and Kashmir; others were in Punjab and Himachal Pradesh. Some of these projects were put on fast-track mode, declared national projects, and money was

sanctioned to resume work. One that moved quickly was the 800MW Bursar hydroelectric project on the Chenab, in Kishtwar district of Jammu and Kashmir. Under direct monitoring of the Prime Minister's Office, a revised detailed project report was finalised, prompt environmental clearance was granted, and an attractive rehabilitation package for affected families was disbursed. Recently, work has also been started. Bursar will be India's first project on the Western rivers to have storage infrastructure.

The same happened with the Shahpur-Kandi project in Gurdaspur district of Punjab, work on which was stalled for several years because of a dispute between the governments of Punjab and Jammu and Kashmir. In March 2017, the Centre summoned the representatives of the two states, brokered a solution, and directed that work be resumed.

A much bigger project, the 1,856-MW Sawalkot project on the Chenab in Jammu and Kashmir, was also given the final go-ahead in 2017, and work is expected to start soon. Similar is the case of the Ujh project in Jammu and Kashmir.

Officials say more than 30 projects are under various stages of implementation on the Western rivers, having got the final approvals. Many of these were started after the change in policy in 2016. Many of them have been accorded the status of national projects. Another eight projects are said to be in the planning stage.

**Pakistan's claims**  
Even before India's shift in policy, Pakistan had often complained that it was being denied its due share of waters, and that India had violated the provisions of the Indus Waters Treaty in the manner it had designed and implemented many of its projects on the Indus rivers. In the last few years, several Pakistani academics have argued that the Treaty has failed to protect the interests of Pakistan, and that India has managed to manipulate the provisions in its favour.

The result has been an increasing number of objections being raised by Pakistan on the projects that are coming up in India. The two countries have permanent Indus Water Commissions that meet regularly not just to share information and data, but also to resolve disputes. Until a few years ago, most of these disputes would be resolved through this bilateral mechanism. The dispute over the Baglihar dam was the first one that Pakistan referred to the World Bank, which had brokered the Indus Waters Treaty.

Baglihar, which was adjudicated upon by a neutral expert, did not go Pakistan's way. In the case of the Kishanganga project, where the matter was referred to a Court of Arbitration, a higher level of conflict resolution under the Treaty, Pakistan managed to get a partially favourable decision. Some disputes over the Kishanganga have remained unresolved and are currently being addressed.

In recent years, Pakistan has raised objections on many other projects, including the Ratle project, the Pakal Dul dam, and Sawalkot. Officials say the main objective of Pakistan seems to be to delay these projects, thereby forcing a cost escalation and making them economically unviable.

Last month, the Indus Commissioner of Pakistan was in India to visit some of these projects, as can be done once in five years in accordance with the provisions of the Treaty.

**TIP FOR READING LIST**

**DOES EVIL EXIST?**

IS A murderer, or a terrorist, or a rapist, evil? Dr Julia Shaw, a psychologist with University College London, questions whether evil exists at all. In *Making Evil: The Science Behind Humanity's Dark Side*, Shaw argues that all people have the capacity to commit murder and other crimes, although not everyone acts out such fantasies. Using a mix of science, popular culture, and real-life examples to break down these issues, Shaw calls for a rethink on what it means to be evil, and to stop defining human beings by terms such as murderer, rapist, liar, psychopath, paedophile.

She cites the trolley experiment — a trolley is hurtling towards five people who are tied to the track. You can use a switch to change tracks, but one person is tied to the other track. Do you use the switch? "Dr Shaw uses the experiment to propose the idea that all of us are probably capable of murder given the 'right' circumstances but she also goes on to use it to suggest we should be more understanding of those who do kill," the Scottish publication *The National* notes in its review. *The Guardian's* review lauds the book's preference for "realistic harm reduction" over wanton vilification of others.



**DECISION 2019**  
THE QUESTIONS THAT MATTER

**How significant are smaller allies for the two major coalitions in Maharashtra?**

**Small or very small, they count for pockets of influence**

Some of the smaller parties in Maharashtra have aligned themselves one way or the other, while others are keeping Congress-NCP and BJP-Sena waiting. One of them has an MP, a few have Lok Sabha aspirations, most others are looking at Assembly poll deals.

**SANDEEP ASHAR**  
MUMBAI, FEBRUARY 24

AHEAD OF the Lok Sabha elections, Maharashtra's two main alliances are in place: the Congress-NCP on one side, the BJP-Shiv Sena on the other. The focus is now on the regional parties, each with its pockets of support and crucial to the major alliances.

**The parties, their clout**

The parties include the Peasants and Workers Party (PWP), Republican Party of India (Athawale), other Republican factions, the Swabhimaani Paksha, Rashtriya Samaj Paksha (RSPS), Bharip Bahujan Mahasangh, Bahujan Vikas Aghadi (BVA), and the MNS — as well as the BSP, the SP and the CPM, which have a limited presence in Maharashtra.

Only one of them has an MP: farmer leader Raju Shetti, whose Swabhimaani Paksha won Hatkanangle as an NDA partner. With their limited areas of influence, smaller parties are usually seen as "vote cutters" against the rival alliance in Lok Sabha elections. In 2014, smaller parties collectively fielded 115 candidates and more than 95% of them lost their deposits. With Assembly polls too due this year, these parties are using seat-sharing talks

with bigger parties as a platform. They do have a presence in the Assembly (see table).

**Signals and deals**

While most of these parties are playing the waiting game, PWP's Jayant Patil shared the stage with senior Congress-NCP leaders at an election rally in Nanded recently. The PWP wields clout in Raigad and Solapur's Madha belt, where the NCP is likely to respectively field Sunil Tatkar and Sharad Pawar respectively, so the PWP is not expected to contest. In return, sources said, the PWP has been assured a few Assembly seats. In 2014, the PWP candidate in Raigad had polled more votes than the narrow margin of Tatkar's defeat.

CPM central committee member Dr Ashok Dhawale said his party has discussed seat-sharing with the Congress-NCP. "We've told them we are eyeing 20 seats where we had polled more than 10,000 votes last time," he said. For the LS poll, the Congress has offered Palghar in Mumbai Metropolitan Region (MMR) to the CPI(M).

The RPI(A) of Ramdas Athawale and the RSPS have declared they will be part of the NDA and are bargaining for Lok Sabha and Assembly seats.

The Hitendra Thakur-led BVA, which controls three of six assembly belts in Palghar, is

**LOKSABHA POLLS, 2014 (48 SEATS)**

PARTY	CONTESTED	WON	FORFEITED	VOTE SHARE
RPI(A)	1	0	1	<0.01%
BBM	23	0	22	0.75%
MNS	10	0	10	1.10%
BVA	1	0	0	0.61%
RSPS	5	0	4	0.20%
Swabhimaani Paksha	2	1	0	2.29%
PWP	3	0	2	1.03%

being wooed by both alliances. Thakur is yet to commit himself to any tie-up.

**The big among the small...**

The Congress is also wooing farmer leader Shetti's Swabhimaani Paksha. He has snapped ties with the NDA, remains a strong contender in his seat, and is popular among farmers, especially in the sugar belts. While the NCP has agreed to not field a candidate against him, Shetti has been demanding a couple more seats, Buldhana and Wardha, which Congress-NCP leaders are unwilling to concede. They are said to have offered Shetti another Lok Sabha seat.

Missing a strong Dalit leader, Congress-NCP leaders have also been pursuing Bhimrao Ambedkar's grandson and BBM leader Prakash Ambedkar, who holds some sway in Vidarbha's Amravati and Akola, but talks have hit a deadlock.

**... And the others**

The BSP could pose a headache for the Congress-NCP in Vidarbha. It has already announced its intention to contest solo. "Basically the Congress and the BJP are two sides of the same coin. We do not wish to align with either combination. We'll contest all 48 seats on our own," said BSP's

Maharashtra president Suresh Sakhare. While it won nothing in 2014, BSP had the highest vote share (2.63%) among all the smaller parties in the state.

Even with the SP, the Congress's seat-sharing talks have hit a deadlock. "All we had asked for is one Lok Sabha seat, which they are unwilling to give. In Uttar Pradesh, we agreed not to field candidates in two of their seats. They can't win even one. Although we do not wish a split in secular votes, Congress is not being accommodative," said SP leader Abu Azmi. Unlike leaders of other parties, Azmi denied having discussed arrangements for the Assembly elections during the seat-

sharing negotiations for the Lok Sabha polls.

**Meanwhile, MNS**

Raj Thackeray's MNS faces an existential crisis. It has adopted a hard line against the NDA central government in recent times and appears keen to join the Opposition alliance, but the Congress is clearly not too keen to take him on board. State Congress president Ashok Chavan has said that "any political understanding" with the MNS is not in the Congress's "broader interest". The NCP, on the other hand, is open to the idea and leaders have been urging the Congress to reconsider, given that the MNS can wean away some of the Shiv Sena's traditional Marathi vote bank in urban belts, which is disillusioned with the Shiv Sena leadership for announcing a tie-up with the BJP. In fact, to get the MNS on board, the NCP has offered to surrender one seat (Kalyan) from its own quota. Negotiations are on between the NCP's Ajit Pawar and Raj Thackeray about 40 Assembly seats — mainly in Mumbai, Thane, Pune, and Nashik — a senior MNS leader said.

**NEXT #22** What can smaller parties bring to NDA and RJD-Congress in Bihar?