Goan roulette

The State needs political stability
to be able to crack down on rent-seeking

When Pramod Sawant took office dramatically in the early hours of Tuesday as Chief Minister, it was the 23rd time that the regime in Goa changed since 1963, excluding five spells of President's Rule. Mr. Sawant's legislative majority is far from clear and the longevity of his government remains a subject of speculation. The State voted a hung Assembly in 2017, with the BJP winning fewer seats than the Congress. The machinations that led to the installation of a BJP-led government headed by Manohar Parrikar did not match up to any high standards of democracy. Parrikar's image acted as a veneer for his party's less than honourable pursuit of power. He was a moderate in the Hindutva party and reached out to Christians, who constitute 25% of the population. His return to the State after leaving the Union Cabinet was a condition set by parties and independents for supporting the BJP. He was able to considerably insulate himself from the afflictions of Goa's politics. With his passing, politics in Goa could be less restrained. Its politicians should strive hard to prove the sceptics wrong. History, of course, does not counsel optimism.

Multiple social and economic factors contribute to the volatility. Goa's population, as per Census 2011, is just 14.59 lakh, and it is one of the smallest States also in terms of area. There are 40 Assembly constituencies, relatively small in size; most have less than 30,000 voters. Besides the Congress and the BJP, the Maharashtrawadi Gomantak Party, the Goa Forward Party and the Nationalist Congress Party are represented in the current Assembly. The main political contest is between the BJP and the Congress, but given the small sizes of constituencies and the close contests, the scope for manipulation of the electoral process is very high. Seasoned political players have perfected the art of setting up multi-cornered contests by fielding independents and fringe political outfits that fragment the votes and turn the tide to their benefit. Goa is the place where the many ills of Indian democracy play out in a stark manner. Land is scarce, with tourism being the mainstay of the economy. Mining, which used to be the other major driver of the economy, has been stalled by the Supreme Court since February last year. There are numerous avenues for political patronage, rent-seeking and generation of dirty money. The political system, rather than acting as a counterweight to the hazardous forces that its economy and geography generate, often ends up accelerating them. A government with a wafer-thin majority is unlikely to address these systemic ills.

A fight for Kiev

The presidential campaign has been animated
by the debate on Ukraine's place in the world

The pro-West Ukrainian oligarch, President Petro Poroshenko, has a battle at hand in his re-election bid on March 31. Given the crowded arena, including former Prime Minister Yulia Tymoshenko, a run-off cannot be ruled out. The President's modest record in office, however, may not entirely be held against him, given the difficult geopolitical backdrop. The continuing conflict in the Donbas region of eastern Ukraine exerts a heavy toll. Over 10,000 lives have been lost since Russia's 2014 annexation of Crimea. Millions have been displaced, with the resolution envisaged in the Minsk Accord proving elusive. The government has signed a free-trade pact and a separate association agreement with the European Union, and got strong economic and military backing from Washington and Brussels. Memberships of the EU and NATO are among the government's long-term objectives. Ukraine has also been rewarded with an IMF aid package worth billions of dollars for improved governance and enacting anti-corruption legislation. But the increase in the price of household gas and other conditionalities stemming from IMF assistance have fuelled popular discontent.

Mr. Poroshenko has been especially concerned about not loosening his grip on power or political legitimacy since Moscow's recognition of polls last year to the breakaway provinces of Ukraine. When tensions flared up in November after Russia seized three Ukrainian naval vessels on the disputed Azov Sea, Mr. Poroshenko imposed a national emergency. The move was criticised by the opposition as an attempt to capitalise on the conflict with an eye on elections. Opponents are anxious to tap into the popular frustration with the prevailing situation. For his part, the President has adopted an overtly nationalist posture in recent months. Billboards in support of Mr. Poroshenko extol the army's role during the conflict, besides carrying invocations to the country's faith and language. The reference to religion is evidently meant to celebrate the recognition the Ukrainian Orthodox Church won late last year as an autonomous establishment. Independence from the Russian Orthodox Church is a watershed after centuries within the larger fold. Similarly, importance is sought to be attached to asserting the separate identity of the Ukrainian language, predominantly spoken in the western part of the country, over Russian. An exaggerated sense of the distinctness of cultural symbols may at best prove politically expedient in a society with a long pluralist legacy. Mr. Poroshenko should exercise caution not to overplay these issues. His opponent Ms. Tymoshenko is expected to be the frontrunner in the first round of voting on March 31. While she favours engagement with the West, her populist stance, both on the domestic and foreign policy fronts, has not impressed observers in Brussels or in Washington. A close contest is in the offing. But whatever the choice the Ukrainian voters make, their problems are unlikely to disappear in a hurry.

What has changed post-Balakot?

Not much — the post-Pulwama attack timeline shows that India did not cross any Pakistani red line

RAKESH SOOD

The situation between India and Pakistan seems to have returned to the pre-Pulwama position. The High Commissioners, withdrawn in February for 'consultations', have returned to Islamabad and Delhi. Talks on Kartarpur are proceeding. The UN Security Council 1267 Committee failed to designate Masood Azhar as a terrorist because China faithfully put a technical hold on the proposal. It had done so in 2009 and 2017, following it up with a veto. Perhaps it is time to dispassionately assess if something has changed post-Balakot and if so, what?

The facts
First, the bare facts. On February 14, Adil Ahmed Dar drove his vehicle into a Central Reserve Police Force (CRPF) convoy crossing Pulwama, killing 40 personnel and becoming the first Indian fedayeen. Jaish-e-Mohammad (JeM), a terrorist organisation based in Pakistan, claimed responsibility. Facing elections in two months, the Narendra Modi government promised strong retaliation.

At a diplomatic level, it called for Pakistan's isolation. Pakistan's most favoured nation trade status was withdrawn and punitive tariffs imposed, though this impacted Indian exporters more as the balance is heavily in India's favour. This was followed by an announcement that India would stop water flows into Pakistan; it was later clarified that the reference was to the waters of the three rivers (Ravi, Beas and Sutlej) that India was in any case entitled to, and further, to build storage and irrigation facilities would take five years. Clearly, this was inadequate.

After the September 2016 terrorist strike, also by the JeM at an Indian Army base at Uri, the government had launched pre-emptive 'surgical strikes' across the Line of Control (LoC), and said it had destroyed launch pads and attacked terrorists assembled there. Similar shallow cross-border retaliatory actions had been undertaken earlier too but without publicity or the label of 'surgical strikes'. Pakistan, however, denied the 'surgical strike' of September 29. India declared it had conveyed a signal to Pakistan that it was no longer business as usual and the Modi government would not shy away from raising the ante.

Given looming elections now, clearly, Pulwama demanded a stronger response. On February 26 a dozen Mirage-2000 entered Pakistani airspace, targeting a JeM training facility in Balakot in Khyber Pakhtunkhwa (KP) province about 60 km from the LoC. In an attempt to downplay the provocation, Indian authorities described it as a 'non-military' and 'pre-emptive' strike in which a large number of terrorists were killed.

Events and claims
Unlike post-Uri, this time Pakistani authorities acknowledged the airspace intrusion, claiming that Pakistani aircraft had scrambled forcing the Mirages to drop their ordnance and withdraw hastily. Pakistan promised retaliation, and the following morning its fighter aircraft intruded into Indian airspace. In the dog-fight that ensued, an Indian Air Force (IAF) MiG-21 was downed and Wing Commander Abhinandan Varthaman ended up in Pakistani custody. If India had thought about retaliating further, having a pilot in Pakistani custody made it pause; for Pakistan, its honour having been restored, it provided the opportunity to demonstrate statesmanship. The Indian pilot was returned on March 1 and the crisis de-escalated.

Amid the paucity of facts, both resorted to exaggerated claims. On the Indian side, there was talk of a doctrinal shift away from strategic restraint, by having struck deep inside Pakistani territory, downing a Pakistan Air Force F-16 (in the dogfight) and having called Pakistan's nuclear bluff.

Bharatiya Janata Party leaders and Ministers inflated the casualties from 'a very large number' (stated by the Indian Foreign Secretary) to 250, 300 and then 400! Among the ordnance the Mirage carries is SPICE-2000 (or Smart Precise Impact and Cost Effective), a smart bomb with a 60 km glide range that uses GPS/electro-optical guidance, and stand-off air-to-ground missiles with a range of 80 km. Since Indian authorities have not been forthcoming with a post-strike damage assessment, it is reasonable to assume that with such weapons, the aircraft hardly needed to go deep into Pakistani airspace. The IAF maintains that it hit the identified targets but did not count the casualties. On the diplomatic front, India claimed that most major powers accepted India's right of defence and pre-emption.

Pakistan maintains that there were no casualties at Balakot. Indian aircraft withdrew having damaged a pine forest in KP. Pakistan demonstrated resolve with its counter-strike on the 27th as well as restraint by not bombing the Indian targets after having locked on to them, signalling to the Indian side their vulnerability. It had initially claimed downing two Indian jets, that later became one. Pakistan denied that an F-16 was downed but the Indian authorities did exhibit part of an Advanced Medium Range Air-to-Air Missile (AMRAAM) missile, normally carried by an F-16. Pakistan demonstrated its good faith by returning the Indian pilot promptly. Its diplomatic clout is evident that its all-weather-friend, China, stood by it in the UN Security Council.

Rhetoric and reality
Clearly, rhetoric exceeded reality. It is true that unlike the 'surgical strikes' which were in disputed Pakistan-occupied Kashmir, this time India targeted a location in Pakistani territory. Pakistan's intrusion into Jammu and Kashmir the following day did not claim casualties, nor was any military facility on the Indian side attacked. Both sides were observing restraint even as armchair gladiators reached fever pitch in the TV studios.

The unexpected development of the capture of Wg Cdr Varthaman signalled the entry of the U.S. While National Security Adviser John Bolton kept channels open with his Indian counterpart, U.S. Central Command (CENTCOM) Commander General Joseph Votel ensured that the Pakistani Army chief, General Qamar Javed Bajwa played ball. The U.S.'s willingness to overlook the use of an F-16 in violation of end-use assurances helped. Moreover, the U.S. needs Gen. Bajwa's cooperation to keep its dialogue with Taliban in Doha on track. Hardly surprising that on February 28, even as he cut short his summit with North Korean leader Kim Jong-un, U.S. President Donald Trump was tweeting, "We have, I think, reasonably attractive news from Pakistan and India."

A new development was the involvement of both Saudi Arabia and the United Arab Emirates (UAE) in the de-escalation. Both are U.S. allies and have committed generous financial packages to Pakistan. Saudi Crown Prince Mohammed bin Salman was in India on February 19-20 and witnessed the ratcheting up of tensions. On February 28, Saudi State Foreign Minister Adel al-Jubeir was in Islamabad even as the Crown Prince was on the phone with Mr. Modi. A week later, Mr. Jubeir was back in Pakistan and then in Delhi meeting Mr. Modi on March 11. UAE Crown Prince Mohammed bin Zayed al Nahyan was tweeting about his telephone conversations with Prime Ministers Modi and Imran Khan on February 28.

The nuclear bluff?
Pakistan's four nuclear red lines are: capture of a large part of its territory, its military facing unacceptable loss, India attempting economic strangulation, and finally, large-scale political destabilisation. Clearly, none of the red lines was even close to being crossed. Therefore, nobody was calling anybody's nuclear bluff.

The military realises that such strikes provide temporary emotional satisfaction but not lasting deterrence, either through denial or punishment. A strike that targets a bunch of terrorists and is 'non-military' and is 'pre-emptive' rather than punitive cannot be expected to change Pakistan army's policy of using jihadi groups.

And that is why such attacks will happen again. Denying these requires better and timely intelligence, and punitive retaliation requires enhanced kinetic capability. Only then will India ensure deterrence though the emergence of home-grown fedayeen indicates growing radicalisation at home.

Lack of factual detail may have helped manage the dynamics of de-escalation because the militaries understand the dangers of escalation. Yet there is always the unexpected X-factor, and in the fog of war, risks get amplified. So not much has changed post-Balakot but there are questions that deserve serious consideration.

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On the learning curve

The systemic approach to transforming education outcomes in India is leading to success

AMITABH KANT

Among the lakhs of employees on the payrolls of State governments in India, the education department, unarguably, has the largest share of employees. Besides frontline service providers (teachers), there are a number of other officials and administrators who form an important part of the educational set-up.

The Haryana case study
Given the size of the education department, any effort to introduce education reforms must ensure that the incentives of all stakeholders are aligned throughout the system to ensure their participation. Education transformation programmes by States run the risk of falling flat, as they are often unaccompanied by a single transformation change road map that all key actors agree upon and work towards. A successful example of implementing such a road map can be seen in Haryana, which has created a race among its administrative blocks to be declared as 'Saksham' (Hindi for abled/skilled), i.e. have 80% or more students who are grade level competent.

Under this campaign, State officials nominate their block for the 'Saksham Ghoshna' once they are reasonably confident that their block has achieved the 80% target – as a result of remedial programmes, teacher training and internal assessments. This self-nomination is then followed by rigorous rounds of third party assessments to vet their claims. If a block is found to be 'Saksham', the block officials are recognised by no less than the Chief Minister, and a large-scale 'show and tell' event is organised to honour them. Further, when all blocks in a district are declared as 'Saksham', the entire district is also accorded 'Saksham' status.

According to the latest third party assessment in February 2019, 94 blocks out of a total of 119 in Haryana have been declared 'Saksham' and overall grade competence has been assessed at 80%, which is a giant leap in learning outcomes when compared to the overall grade competence of 40% in 2014. Given these early successes, many other States are also embarking on such programmes.

The valuable lesson from all this is that inducing competition among administrative units helps invigorate key stakeholders to work in tandem in order to achieve intended outcomes. Competition also makes abstract goals such as 'learning outcomes' more real by defining exact 'actionable' metrics on which improvement is desired. Further, with encouragement from above, such campaigns lead to a shift in the mindset of a State's education administrators, many of whom otherwise believe that high learning outcomes are almost unachievable. Political commitment to improving the quality of education backed by strong review and monitoring mechanisms can spur meaningful activity in States.

States get scores
Since its inception, the NITI Aayog (National Institution for Transforming India), has also been a believer in competitive federalism that puts pressure on policymakers across States to perform better on pre-defined goals and metrics. To translate this to education, we have now developed the State-level 'School Education Quality Index' (SEQI), which seeks to make improvements in learning outcomes a focal point of governance. It gives scores to States based on their educational performance and puts this data out in the public domain. The SEQI uses three data sources, including the National Achievement Survey, to come out with 33 indicators to measure education outcomes, of which the largest weightage (48%) is given to learning outcomes. By having a two-fold ranking system – one which recognises well-performing States via an overall performance score, and a delta ranking that measures the level of improvement made by States from their base year – the NITI's Aayog's State ranking not only encourages competition among States but also rewards and motivates other States to consistently improve.

District programme
The NITI Aayog's Aspirational Districts programme, launched in early 2018, also draws from this template. Here, 112 under-served districts across the country compete with each other in order to achieve targets in five crucial sectors; these includeeducation, which has among a weightage of 30%. These districts are monitored real-time and ranked on the basis of their progress. The follow-up for each indicator is handled by the respective Ministry in charge of the same, while NITI Aayog handles the data compilation and dissemination.

Most importantly, there is a constant focus on recognising and disseminating best practices of select districts to other States, which act as a reward for well-performing local administrations while providing impetus to other districts to adopt similar measures. This strategy has already shown success; districts that were ranked low in baseline surveys, such as Virudhunagar (Tamil Nadu), Nuapada (Odisha), Gumla (Jharkhand), Siddharthnagar (Uttar Pradesh), and Vizianagaram (Andhra Pradesh), have shown remarkable progress in subsequent rounds of assessment.

The fact that this programme has huge support and buy-in from the Prime Minister personally ensures that all stakeholders are spurred into action and energised to achieve the stated goals. Given the success of these initiatives, it is abundantly clear that the right incentive structures for stakeholders lead to administrative efficiency, which then improves the quality of service delivery. States therefore need to induce competition and give a boost to put all key actors in education in the driver's seat to improve their learning levels.

The successes that we are already witnessing in India with the systemic approach to transforming education are inspiring. Improvement in learning outcomes is an immediate goal for India to fulfil its aspirations of playing a greater role in the global economy and a systemic transformation is the best solution that we have so far.

Amitabh Kant is CEO, NITI Aayog

LETTERS TO THE EDITOR

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

Exclusive interview
Uttar Pradesh Chief Minister Yogi Adityanath's clarity of ideas and his passion for the well-being of the world are remarkable (OpEd page, 'Interview', March 19). Every State in India needs such selfless leaders whose primary focus is on people, development and the environment.
GEETHA SUNDARAM,
Madurai

■ Mr. Adityanath has exhibited a shockingly partisan view of our several heritage. The Mughals have contributed significantly to our rich and diverse culture, which includes art, architecture, infrastructure and cuisine. How can one call them aggressors when their dynasty ended in India? Moreover, where were the borders that existed when Babar came to India and for us to define someone as an aggressor and a native? The only definition used seems to be religion. Hinduism talks of the whole world as one family and does not need such narrow and divisive interpretations. Also, U.P.'s law and order being marketed as a model for other States is a laughable claim.
I have lived and travelled with my family in several States and U.P. is one where I would not dare to drive in, especially with family, even on highways.
SUNIL KUNNATHULLY,
Kochi

■ The interview, without exaggeration, should have been published in the entertainment section. There was no hesitation on the part of the interviewee to speak falsehood. In its entire course, the interview, which had relevant questions, was given with repeated untruths. It is time our leaders realise that we are vigilant.
A.G. RAJMOHAN,
Anantapur, Andhra Pradesh

Explore peace
The writer (Editorial page, "A prayer for our times", March 19) hopes that *sanmati* (good judgment or mind) be bestowed on us. While terrorism has to be tackled with a firm hand, no door should be closed on negotiations and finding a peaceful solution to the problems with Pakistan, notwithstanding attacks and the killings of innocent people of all faiths by terrorists with the covert support of Pakistan. As Mahatma Gandhi demonstrated through his experience and experiments, Ahimsa (or non-violence) is a positive instrument to bring about changes in human attitudes. All world religions propound Ahimsa as the highest of ideals and give the message of tolerance. In his book *Indian Religious Thought*, former President S. Radhakrishnan, and one of the greatest philosophers, says: "The choice before humanity is either cooperation in a spirit of understanding or conflict in an atmosphere of suspicion."
NARESH GUPTA,
Chennai

Looking ahead
The office of the Lokpal will have to be insulated from political pressure and not be treated as a post-retirement benefit or misused to accommodate political veterans. Most importantly, it must be provided with the flexibility to constitute independent investigation teams without mirroring what happens to the CBI, well-known to be a caged parrot. Without appropriate autonomy and authority, the Lokpal will be mired in controversies (Editorial, "Lokpal, at last", March 19).
Y. MEENA,
Hyderabad

Safe sanitation
It would indeed be a tragedy and a nightmare if the problem of open defecation is viewed merely as a health issue, neglecting the greater social problem of manual scavenging, which is linked to caste ("Septic tanks meet norms: Ministry", March 19). The efforts of the government and social workers like Bezwada Wilson will be hampered if tested technological solutions are not put in place for faecal removal and treatment. How can we realise the mission of Swachh Bharat without putting an end to the inhuman practice?
JAGANNADH S.,
Bengaluru

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The dome to protect is the Constitution

A crucial question in the Ayodhya matter concerns India's vision at independence

ANIL NAURIYA

The Supreme Court recently referred the Ayodhya matter for mediation. Litigation over the Babri Masjid site and its environs has been pending for several years. As is well known, the Babri Masjid itself was demolished while litigation concerning it was pending.
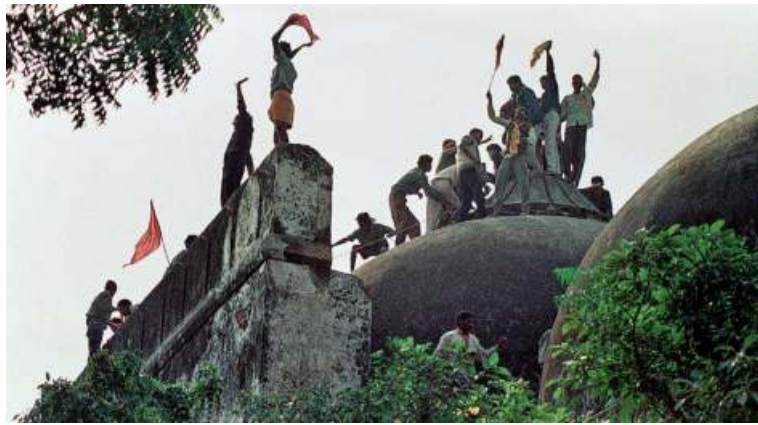
Many questions arise. What is the real dispute to be mediated? What is the ambit of the mediation? Which are the parties to the dispute and are they representative of the various communities? If some religious communities are parties to the dispute, is it the local community of the concerned town or district, or is it the community in the country as a whole? Is this also a dispute between the secular state and those who at a particular juncture were able to defy the law? Is this a standalone issue or one with long-term ramifications?

The question of birthplace

In the late 19th century, a suit was pressed before the Sub-Judge, Faizabad by Mahant Raghubar Das against the Secretary of State. It sought permission to build a temple on a Chabutra, the mosque being located on one side of it. The suit was dismissed on December 24, 1885.

Four days later, the Indian National Congress was founded in Bombay. The delegates present included some from Agra, Allahabad, Banaras and Lucknow. There were pressing concerns occupying the attention of the Indian nation in the making. The fate of the litigation in Faizabad was hardly one of them.

There is more than one site in Ayodhya that contends for being Lord Ram's birthplace. In March 1921, Gandhi visited Ayodhya and wrote: "When I arrived in Ayodhya, I was taken to a small temple that stands at the place where Shri Ramchandra is believed to have been born. The devout among non-co-operators had suggested to me that I should request the temple priest to use khadi for dressing the images of Rama and Sita. I did make the suggestion, of course, but it is hardly likely to have been acted upon. When I went for darshan, I saw them dressed in ugly muslin with brocades." Thus, according to the account given to Gandhi, the temple he visited was where, according to prevalent belief, Ram was born. It had dressed-up images and was obviously not quite the spot where idols would suddenly be introduced in December 1949.

In the Constituent Assembly, the question of the Ram Mandir at Ayodhya does not appear to have figured.

The placing of idols under the central dome of the Masjid in December 1949 made the dispute intractable as it affected other rights. The focus shifted from the Ram Chabutra, where prayers used to be offered, to the central dome. These events took place in the interregnum between the adoption of the Constitution and its commencement. The perpetrators had apparently wished to influence decision-making at a crucial juncture in state-formation in India.

The Bharatiya Jana Sangh was founded in 1951. Its founder does not appear to have raised the matter in the election campaign that followed, and himself passed away in 1953. In 1947, a question sometimes asked was whether India had attained independence after 200 years or after 1,000 years. Behind that question lay depictions of state and nation. Would India be a secular state or a theocratic one with a preferred religion? Would it accept or deny its social unity? Gandhi, Jawaharlal Nehru, Maulana Azad, Sardar Patel, Narendra Deva and others provided answers by speech and conduct. Cultures would be on the same plane and all the people India was home to would be respected as equal denizens. This understanding was in conformity with the overall evolution of both the Indian national movement from 1885 onwards and the composite culture that had evolved over the centuries. It was reflected in the Constitution. Nearly a quarter century later, the Supreme Court, enunciating the basic structure doctrine in *Kesavananda Bharati* (1973), referred in its adjudication also to the landmarks of the national movement and the objectives these had reflected.

The nature of India

The historical question about the nature of India that had emerged on independence was sought implicitly to be re-opened by some politicians who came to wield influence in the last few decades of the 20th century. One of them admitted that the Mandir movement was basically a political movement.

It is known that the local Hindu community of Ayodhya had not been enthusiastic about the matter until it was overwhelmed by organised activists from outside the area. The White Paper (1993) presented to Parliament acknowledged that with the Masjid's demolition in 1992, the Ram Chabutra was also destroyed. On Solomon's test, those responsible had simultaneously problematised their own representative status, if any.

Elements of the state and polity have also tended to exacerbate the problem. The Places of Worship (Special Provisions) Act, 1991 was enacted during Prime Minister Narasimha Rao's tenure. It sought primarily to maintain the character of religious places as these stood on August 15, 1947, but made a gratuitous exception under Section 5 for the "Ram Janma Bhumi-Babri Masjid".The exception reflected a weakening of political will as it budgeted for a possible transformation in the "Ram Janma Bhumi-Babri Masjid" site.

One the face of it, the dispute may appear to be between private entities but is underpinned by a conflict between constitutional values and challenges to them. The dissenting judgment in *Ismail Faruqui* (1994) pointed the way to the Centre's duty: "If the title to the place of worship is in dispute in a court of law and public order is jeopardised, two courses are open to the Central Government. It may apply to the court concerned to be appointed Receiver of the place of worship, to hold it secure pending the final adjudication of its title, or it may enact legislation that makes it statutory Receiver of the place of worship pending the adjudication of its title by the concerned Court. In either event, *the Central Government would bind itself to hand over the place of worship to the party in whose favour its title is found* (emphasis mine)."

To be effective, any outcome that is approved by the court must also be accompanied by such a prior undertaking from the Centre. Disputes in which any party sees enduring political advantage are unlikely to be settled merely by mediation.

The resolution depends not merely on a jurisprudential exercise but also on the political will to enforce a fair outcome. Since the dispute has in contemporary times gained traction for political reasons, the solution is unlikely to come wholly from a judicial forum, mediation or no mediation. The matter would perhaps resolve itself once a sober and informed public opinion is able to deliberate on whether, when India became independent, it did so after a couple of centuries or after a millennium. India's constitutional institutions gain their legitimacy and raison d'etre from the first view. Ambiguities among some of these institutions and functionaries in recent decades have been sliding them towards the second view. The recent legislative initiatives on the Citizenship Act are the latest illustration of this. Clearly, the dome to be protected is the Constitution itself.

Anil Nauriya is a counsel at the Supreme Court and the Delhi High Court

"Disputes in which any party sees political advantage are unlikely to be settled merely by mediation." Kar sevaks bring down the Babri Masjid in 1992. • AFP

Disempowering gram sabhas

Sabotaging the Forest Rights Act damages democracy

CHITRANGADA CHOUDHURY

Since 1980, through the Forest Conservation Act (FCA), the Ministry of Environment, Forest and Climate Change (MoEF) has "diverted for non-forest use" (bureaucratese for destroyed) over 1.5 million hectares of forest. How many Adivasis and forest-dwellers have been evicted by this 'lawful' forest destruction? Stripping these forests has yielded thousands of crores of rupees for corporations to which a bulk of these forestlands were diverted, and for forest departments via compensatory funds. But how have the original inhabitants of these forests, already among the most marginalised, coped with the loss of homes and livelihoods?

A deafening silence meets these questions. We cannot find answers, yet, in Supreme Court hearings on a petition by a set of conservationists and former forest officers motivated, self-admittedly, by forest protection concerns. On February 13, the court ordered the eviction of 1.8 million Adivasi and forest-dwelling claimants under the Forest Rights Act (FRA), 2006, to stem supposed forest destruction. On February 28, it stayed the order until a July hearing. Shouldn't the destruction of over 1.5 million hectares of forest, and the misuse of the FCA, seize the court and petitioners? And how would the FRA perform on forest stewardship, where the FCA is failing?

Shredding a reform to bits

The FRA was enacted to recognise the pre-existing rights of forest-dwellers. Recognising them as "integral to the survival and sustainability of the forest ecosystem," the FRA gives their gram sabhas "responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance."

A key 2009 regulation actualised gram sabha powers by mandating that all forest diversion proposals and compensatory and ameliorative schemes be presented in detail to the relevant gram sabhas to award or withhold its free, prior, informed consent, and also be preceded by the settlement of all rights under the FRA. This long overdue move created for the first time a space for forest communities to participate in decision-making around diversion proposals, making forest governance more accountable, ecologically informed and resource just.

A decade on, the state and corporations are shredding this reform to bits. In 2016, for instance, I studied a proposal whereby the Odisha Mining Corporation (OMC) sought 1,400 acres of forestland across seven Adivasi villages of Keonjhar in the ecologically sensitive Gandhamardan mountains, for an iron ore mine. The diversion proposal sent by the OMC and the Odisha government to the MoEF included seven copycat gram sabha resolutions, supposedly representing the seven villages. Each national resolution depicted villagers, over 2,000 in all, as saying they were not using the forests for cultivation, house-building or any livelihood, had no individual or community claims to it, and that they "request" the government to implement the forest diversion. In the villages, these resolutions evoked shock and rage. Residents told me they were fake.

After my news report on the case in 2016, the MoEF asked the State government to probe the matter. What followed is a telling comment on forest governance. The probe report, neither shared with villagers nor made public, glossed over testimonies it gathered of 11 villagers. On how all seven gram sabha resolutions could be identical, officials said, "This may have been done as the same officials conducted the meetings in all villages, and the agenda of the meetings was also the same." Effectively, the OMC, abetted by officials, created resolutions tailored for forest diversion, thus emptying the gram sabhas' free informed consent powers of any substantive meaning. Last October, despite letters by villages about the forgery and pending FRA claims, the MoEF issued permission to the OMC to destroy this stretch of forest.

Fighting back

The NDA government has effectively ensured that forest diversion is a given, and the only sanctioned role for Adivasis and forest-dwellers is that of mute rubber stamps. On February 26, the MoEF tried to formalise this travesty by writing to all States that FRA compliance is not needed for 'in-principle' approval for diversions. Violating the FRA, this damaging move eliminates gram sabhas from decision-making, and makes diversion a violent fait accompli for forest-dwellers.

But communities are increasingly rejecting such disempowerment, evident from protests like a 30-km march days ago by villagers in Chhattisgarh's Hasdeo Arand against the MoEF's recent decision to divert over 2,000 acres of forest to a mine, despite gram sabha forgery complaints.

A model of forest governance, forged on the back of usurping gram sabha powers, is servicing a ruthless resource grab. The Supreme Court should examine this sabotage of the FRA that is damaging our forests and our democracy.

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Re-examining socialism

On taking a political gamble that could improve people's lives

CHAD SATTERLEE

In the lead-up to the 2020 U.S. election, socialism appears to be on trial, especially as Democratic Party candidates such as Bernie Sanders and Elizabeth Warren have called for policies that some would describe as being associated with a socialist paradigm. What is socialism? It requires, first, that the most productive assets are collectively owned, and second, that the major decisions regarding the use of those assets are determined by some collective choice procedure.

The standard attack on socialism implies that only one variant exists: state ownership of productive assets with centralised control over resource allocation. Yet modern socialist models are open to a mixture of collective ownerships depending on the context, and, for example, propose democratic voting to determine how much citizenries collectively wish to save or invest. These decisions may be implemented indirectly with interest and tax rate adjustments.

Most of these models also retain markets as a cheap way of getting information about consumer demand and business performance. More modest proposals to extend public capital ownership through independently managed sovereign wealth funds are likewise ignored by the standard attack. The standard line on historical experience draws attention to the flagrant human rights abuses that occurred, and still occur, under socialist regimes.

Many people have opposed state socialism for this reason. But it must be acknowledged that others have come to different conclusions. I was recently at the movies with a colleague who grew up and lived in the Soviet Union until its collapse. She told me that, back then, people being in cinemas during the day was unheard of because everybody had a job. She then reminisced about the first-rate education system and welfare provisions to which everybody had access.

Similarly, the common claim that socialism cannot match the sustained economic growth generated by capitalism is false. The Soviet economies grew rapidly for some 25 years in the post-war period. Yugoslavia performed remarkably well by many economic indicators for 30 years after 1949. An opponent of socialism might interject that even if better socialist alternatives to historical cases exist in theory, they have never been tried anywhere in the real world. That may be true, but neither were any new ways of doing things before they were adopted.

The reply that the difference between technological innovation and socialist experimentation is that the latter has cost millions of lives wrongly implies that socialists have learned nothing over the last 100 years. Fundamentally, this reaction seems to come from the contestable belief that people should not take big political gambles to improve the quality of their lives and those of future generations.

The writer is an Australia-based political economist specialising in the design of alternative economic institutions


DO YOU HAVE AN ANSWER TO OUR SLOGAN ?!
GARIBI HATAO!
60 YEARS OF CONG.
Keshav

Innovation rekindled

The number of international patents* filed by Indian citizens with the World Intellectual Property Organization rose in 2018. In India, the pharmaceutical industry has filed the highest number of international patents.
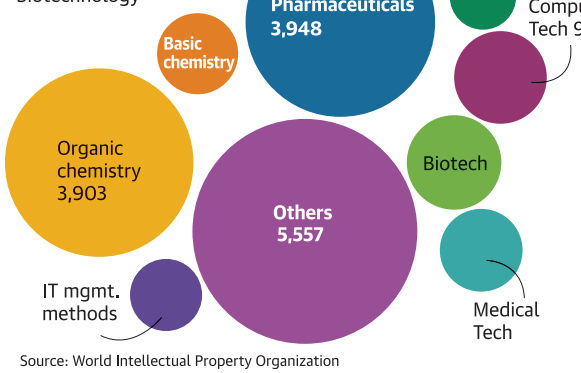By Varun B. Krishnan

Sustained growth
After reaching a high in 2011, the growth rate of international patents filed by Indians dipped, before spiking in 2018

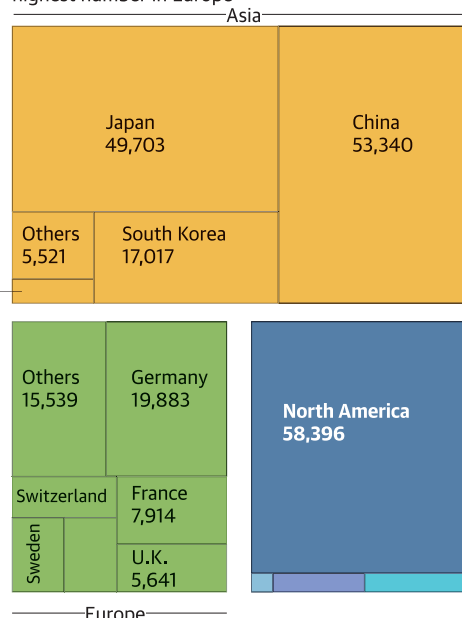NO. OF APPLICATIONS FILED ■   GROWTH RATE IN % (RIGHT AXIS) ▬
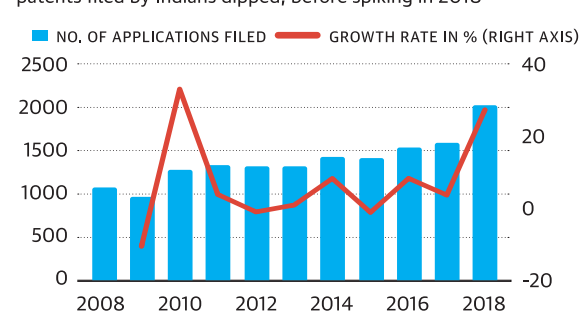
Sectoral break-up
In India, since 2000, the pharmaceutical industry registered over 3,948 published patent applications. A higher number of applications were also filed in the fields of organic chemistry and biotechnology

Pharmaceuticals 3,948
Basic chemistry
Organic chemistry 3,903
Others 5,557
IT mgmt. methods
Biotech
Transport
Computer Tech 943
Medical Tech

Asia peaks
Asia accounted for half the number of international patents filed. These patents were largely from Japan, China & South Korea. Germany had the highest number in Europe

Asia
Japan 49,703
China 53,340
Others 5,521
South Korea 17,017
India 2,013

Europe
Others 15,539
Germany 19,883
Switzerland
France 7,914
Sweden
U.K. 5,641

North America 58,396

*At present, no one can obtain a universal 'international patent'. However, an international application can be filed under the Patent Cooperation Treaty (PCT), which will be valid among all or some member States. All numbers mentioned here are patents filed under PCT only, as of Dec. 2018

Source: World Intellectual Property Organization

FIFTY YEARS AGO MARCH 20, 1969

Mediation in river water issue

The Union Cabinet has decided to set up two tribunals to go into the dispute arising out of the sharing of the Krishna-Godavari waters among the three States of Andhra, Maharashtra and Mysore, it is learnt. Before the dispute is referred to a tribunal, a final attempt at negotiated settlement would be made. The Deputy Prime Minister, Mr. Morarji Desai has agreed to mediate in the dispute. Actually, a decision to refer the issue to adjudication under the River Waters Disputes Act was taken several months ago, but since then a new controversy had sprung up. Andhra has been insisting that since two rivers are involved, there must be two tribunals and not one. Maharashtra and Mysore, however, are of the view that there should be only one tribunal. The matter was ultimately referred to the Union Law Ministry and it has given the categorical view that two tribunals must be set up.

A HUNDRED YEARS AGO MARCH 20, 1919.

Indian Army.

In the House of Lords [in London] Lord Newton stated that between two and three hundred war prisoners including British and Indians were unaccounted for in Turkey. Steps were being taken to trace the missing. During the debate on the Military Service Bill in the House of Commons, Mr. Bonar Law said that of all those who suffered under the Bill, men in India were the worst used, but it could not be helped. There was absolutely no means which could enable these men to be brought home before the hot season. There was another consideration which he did not think at all likely to materialise. India was big country. We had been afraid in the past of trouble in India.

Delimitation

Delimitation is commonly used in the context of drawing boundaries for Assembly and Lok Sabha constituencies based on the recent census. According to Article 82 of the Constitution, Parliament by law enacts a Delimitation Act after every census. Once the Act comes into force, the Central government constitutes a Delimitation Commission. The Commission demarcates the boundaries of parliamentary constituencies as per the provisions of the Act. The present delimitation of constituencies has been done on the basis of 2001 census figures and has been in use since the 2009 parliamentary elections. According to a 2002 Constitutional Amendment, there will be no further delimitation of constituencies till the first census after 2026. The current allocation of seats in the Lok Sabha to the States is frozen on the basis of the 1971 census.

How did your parliamentarian fare in 16th Lok Sabha?

http://bit.ly/MPtracker