THE EDITORIAL PAGE

WORDLY WISE

WE HAVE TO GET OUR DEMOCRACY BACK. WE CANNOT LEAVE IT TO FACEBOOK, SNAPCHAT OR ANYONE ELSE. — MARGRETHE VESTAGER

The Indian EXPRESS

FOUNDED BY RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

PANJIM SPECTACLE

The numbers game doesn't stop in Goa. Political parties must share the blame

THE NUMBERS GAME in Goa turned farcical yet again with two MLAs of the Maharashtrawadi Gomantak Party (MGP) merging their outfit with the ruling BJP and the new chief minister, Pramod Sawant, dropping MGP leader, Sudin Dhavalikar, from his Cabinet, a mere five days after he was appointed deputy CM. With the MGP "merger", the BJP now has 14 MLAs in the 40-member assembly. But given the way things have been going, this may be no guarantee for political stability in the state. The results of the upcoming byelections could inject more uncertainty in the government and trigger even more hard bargaining among parties and MLAs.

Goa's polity has not settled down since the 2017 assembly elections threw up a hung assembly. The BJP was voted out but the Congress fell short of a majority by four seats. The MGP and Goa Forward Party, which fought both the BJP and the Congress, ended up with three MLAs each and, along with independents, turned king-makers as the two national parties bid for allies. A favourably inclined governor meant that the BJP got to form a coalition government with Manohar Parrikar arriving from the Centre to run it. Parrikar's persona lent the coalition a sheen of acceptability, but the manner in which it was formed remained controversial. Even though seriously unwell, Parrikar stayed in office, perhaps to keep ambitious allies in check. Leaders of the MGP and GFP demanded the CM's post after Parrikar's death, and on Wednesday, Dhavalikar described his ouster from the Cabinet and loss of MLAs as a "midnight dacoity by chowkidars" and "a national party wiping out a regional party". But the fact is, the leadership of the MGP, once the predominant party in Goa, was complicit in playing fast and loose with the rules of the game.

Political instability has been a feature of Goa: Just two chief ministers have managed to complete a full term in over 50 years. Politicians frequently crossing sides and constantly changing chief ministers have pointed fingers at the size of the state. This is not an entirely convincing argument. Other small states like Himachal Pradesh, Uttarakhand, Puduchery or Delhi have had relatively stable governments. Nor can Goa's chronic instability be blamed on regional outfits, which were once influential in the state. The onus is on the two national parties, the Congress and the BJP, which now dominate the state's political space, to raise the bar, to ensure that fringe players do not get to hijack government formation or governance.

CONTAINING HATE

After Christchurch, Facebook bans euphemisms for white supremacy. But the devil remains in the details

THE TERM "WHITE nationalism" is often a euphemism for white supremacist politics that dates back to the civil rights movement, when even white Americans turned in repugnance against violently extremist white people. And yet, even after 2017, when a racist bigot killed a woman at a rally against white supremacists in Charlottesville, Facebook's training manuals drew a vague line between supremacism and its gentrified fictions. White is a hue, not a national identifier, and the idea of a white nation is illogical, but Facebook identified white nationalism with permissible ethnic pride. Following the mosque killings in New Zealand, however, Facebook has erased the distinction and will scrub its platforms of related hate speech next week.

But this can only be regarded as a letter of intent, because the social media giant has not yet issued fresh guidelines for screening content. That will be a difficult project, since social media are in a double bind. They have scarcely been committed foes of bigotry, or India would not have seen lynchings emboldened by WhatsApp or threats of physical harm on Twitter that are not taken down. At the same time, when platforms do take down content, they can be accused of censorship by interest groups. Complete transparency in the framing of guidelines and their enforcement would reduce this problem. Platforms need to take users on board, and not only experts on hate speech, such as the ones Facebook is currently consulting.

Besides, race can only be one facet of a general policy on hate, because context matters. In Europe, immigrants are perceived to be the problem. But the bigoted in Britain are worried about "Pakis", a catchall term for South Asians which is agnostic to religion. In France, the concern is about clothing identified as Muslim. In the US, colour is the principal issue, even after half a century of state-mandated integration. And there are complications, as in New Zealand, where the Christchurch killings were inspired by US white supremacist traditions, but Muslim immigrants from Asia were targeted. Such improbable situations cannot be anticipated by a central censor based in Palo Alto. Technology leaders like Facebook could respond with technical solutions, using analytics and artificial intelligence to narrow the field. But strategies which do not involve the public, and do not respond immediately to local complaints, cannot contain the menace of hate speech online.

THE MUELLER ENDING

It carries an important lesson for Donald Trump's critics

ON MARCH 24, about the same time that US president Donald Trump winded up his weekend at the Mar-a-Lago resort, Florida, Attorney General William Barr submitted a four-page letter to the US Congress: A summary of the findings of Special Counsel Robert Mueller's investigation into alleged Russian interference in the 2016 presidential election, and obstruction of justice by Trump or his administration in the matter. This followed months of official probe and media scrutiny of the Trump presidency. Those four pages, and their political reception, have given the Democrats a reason to introspect.

As Barr informed Congress, the special counsel did not establish any criminal collusion between the Trump campaign and Russia. It is clear that Trump's opposition, at least in this matter, may have been counting more on his lack of likeability than evidence, to make its case. Ever since he started running for office, Trump has invited a barrage of criticism for reasons ranging from his exceptionally problematic views on women to his harsh immigration policies and disdain for immigrants. However, in their earnest quest for nailing down POTUS, Trump's critics may have been careless. The attempt to punish individuals in positions of authority who are abusing their power is always welcome. But merely adding to a stream of allegations — some made very publicly, often amplified by the media — may not be the smartest plan of action. It certainly can't be the only plan. The Democrats must recognise that the Mueller anti-climax will inevitably be played up as a political victory for Trump now.

For the Democrats in the US, and for political adversaries of Trump-like strongmen, this episode is a lesson. Sometimes it helps to buckle down and doggedly pursue leads. Once allegations are substantiated, there will be time enough for strong, public takedowns. It doesn't work the other way around.

Our silence on poverty

The silver lining is that we are debating cash transfers. But so skewed is the power balance that we can't even talk about raising taxes

PRATAP BHANU MEHTA

ANY PROPOSAL TO directly alleviate poverty in India brings out the inner lawyer in many of us. There are two characteristic tactics. One is to attack such measures by rhetorical redescription. Words like "dole" and "dependence" are bandied about as if money in the hands of the poor will somehow corrupt their moral and productive fibre. There is a second set of tactics that is more appropriate: Ask questions about practical considerations. How do we ensure such schemes are affordable? How do we make them compatible with macro-economic stability? How do we ensure they reach the intended beneficiaries? But often such well-meaning questions are wielded as weapons to avoid the core issue, pretexts to avoid questions of justice. The Congress party's Minimum Guarantee proposal has many practical challenges. But what it reveals about us is more interesting.

Let us start with some truisms. There is no excuse, practical or moral, that should stand in the way of India delivering on one basic element of a decent social contract. What is the minimum income and set of basic public goods India should be able to unconditionally provide all of its citizens at its level of development? Income and public goods should not just be substitutes; they are, in fact, complementary. The net worth of income depends, in large part, on the quality of public goods available in a society. But just as the public good component is important, so is the income component.

Guaranteeing a minimum sense of economic agency is not a dole. Politically, it is the very basis of the legitimacy of any society. Socially, it is an important element of a story about the conditions of self-respect. The attraction of at least some degree of cash transfers is that it recognises one central aspect of empowerment: The ability to act as an agent who can make at least some choices. This sense of agency is fundamental to human dignity.

It is, indeed, correct that society will be well served if we produced better paying and fulfilling jobs for everyone. That should be an overarching goal. But we often simply use that as an excuse for sacrificing the well-being of the poor against the promise of an indefinite future that may or may not arrive. It is true that there is a tinge of pessimism about the future in the very need for income transfers. But that is a healthy pessimism for it directs our attention to the fact that possible futures cannot be an alibi for not attending to suffering and questions of the dignity in the present. The poor should live in an imaginary future, while the privileged can enjoy the plenitude of the present.

> Apparently, a marginal infusion of cash in the hands of the poor will destroy them. But the slightest tinkering with taxes in contexts where it is hard to even imagine what the marginal value of income is, will apparently cause economic catastrophe. The bad faith of our discussions on poverty is really reflected most strongly in the bad faith of discussions we have over taxation. The burden of the social contract, as always, has to fall on the poor.

So if some minimum income guarantee is central to a half-decent social contract, what will it take to get there? And here, we come to another paradox. The thing that is hard to state politically is the idea that India needs to raise taxes. Tax rates need to be sensible.

There is no getting around that fundamental fact. But it tells you something about the deep asymmetry of power in our society that this truism cannot even be articulated. Apparently, a marginal infusion of cash in the hands of the poor will destroy them. But the slightest tinkering with taxes in contexts where it is hard to even imagine what the marginal value of income is, will apparently cause economic catastrophe. The bad faith of our discussions on poverty is really reflected most strongly in the bad faith of discussions we have over taxation. The burden of the social contract, as always, has to fall on the poor.

These truisms need to be remembered as we debate the need for cash transfers. It is perhaps a silver lining that the debate has at least moved in that direction. This is true across all parties. In fact, on the ground experiments in states like Odisha offer instructive lessons in how to implement these schemes; in particular, how to identify beneficiaries.

The Congress's minimum guarantee scheme is a contribution to the debate. While its normative motivations are laudable, it has somewhat unnecessarily botched up the political framing. For starters, the fact that so many of its spokespersons were confused about whether it is a top-off scheme (a terrible idea) or a lump sum is terrible optics. The party has clarified this issue. But the rhetorical edge of the announcement got muted. Second, the Congress could have capitalised on its own innovation: MGNREGA.

The MGNREGA's greatest virtue was taking the targeting problem seriously. The general presumption that welfare schemes must be universal or self-targeting or should use a self-evident criteria for targeting is a good one. Not having to deal with targeting issues is one of the attractions of Universal Basic Income. This scheme has opened up the Pandora's box of targeting once again, without inspiring confidence.

Politics is about projecting credibility, not about a future indefinite wonkishness, that there will be committee to look into targeting and so on. It is true that the Modi government's promises are often given a free pass, but that does not do away with the need for projecting credibility. Given that all parties are kind of converging on cash transfers, surely the distinguishing feature must rest on a new story about effectiveness. Claims about credibility and effectiveness are also important because they are a key element in mobilising support for taxation. So, building on stories of state credibility is important for signalling the good faith of a proposal. Third, the proposal raises a very interesting question. The Congress' promise is not very radical. But if you promise something to 20 per cent of the voters, how do the rest react, especially those who just come above the threshold and miss out on these payments? Is the political communication around such a scheme thought through?

The Indian development model is up for deep and radical political contestation. There are lots of schemes and proposals, but the intellectual challenge is to think of the overall framework within which these schemes make sense. A good manifesto should be judged not just by individual schemes, but the intellectual and empirical coherence of the different interlocking parts.

What is the constituent relationship between redistribution, macro economic stability, employment and productivity? How do we think of this relationship? While it is a good sign that Indian politics responds to the claims of the poor, we are still far away from having confidence in the credibility of the response.

The writer is vice-chancellor, Ashoka University. Views are personal

THEIR RIGHT TO THE CITY

Recent Delhi High Court verdict enshrines the rights of slum-dwellers

EKLAVYA VASUDEV

ON MARCH 18, the Delhi High Court held that slum dwellers are not secondary citizens but citizens with equal rights. Authorities can evict slum dwellers only when their occupation of the land is illegal. Any unannounced eviction without a resettlement and rehabilitation plan is also not permitted. The judgment by a division bench comprising of Justices S Muralidhar and Vibhu Bakru stated that, when approached by persons complaining of forced eviction, courts would now be required to view them not as "encroachers" but as citizens whose rights to rehabilitation have to be determined in terms of law.

Slum dwellers have often been characterised as encroachers by government agencies, mainstream media, and even courts. In popular understanding too, urban slums and their residents have been seen as the antithesis to what is planned and what is legal — a blot on a city's beauty. Against this popular view, a number of scholars and activists have argued that slum dwellers are not encroachers but citizens with equal rights who should, at the very least, have access to the same rights guaranteed to the rest of us. Political support for the rights of slum dwellers to receive adequate notice before eviction has been infrequent as it has been for their adequate rehabilitation.

The occasional political claim, despite having a sociological basis, has not had sound legal grounding in spite of some well-intentioned decisions by the higher judiciary where the Court has not gone far enough to protect substantive rights of slum dwellers. For instance, in *Olga Tellis v. Bombay Municipal Corporation,* the Supreme Court held that the right to life includes the right to livelihood but did not indicate specific reliefs. In *Sudama Singh v. Gov. of Delhi,* the Delhi High Court laid down safeguards and procedures to be followed by government agencies before proceeding to remove *jhuggis*/slums, but confusion remained as to whether central agencies would be bound to follow the same procedures or not.

> About a third of Delhi's population lives in slums. This vast community now has been assured access to courts in case of arbitrary evictions. They are also entitled to be identified as citizens who have an equal right to the city. The Court articulated their right to housing as a 'bundle of rights not limited to a bare shelter over one's head'.

However, the judgment in this case, achieves two things. First, it mandates equal rights — and access to the principles of natural justice — for slum dwellers who face illegal eviction. The verdict identifies them as citizens — not encroachers — whose rights (to rehabilitation or to prior notice) have to be determined as per the law of the land. Second, it grounds these claims not just in reason but in sound legal doctrine. The court discusses international law that India is bound by and backs it up with domestic legislation on the subject. The judgment also discusses principles of natural justice and constitutional provisions that make it obligatory for government agencies to ensure that there are no arbitrary and illegal evictions. And in case slum dwellers are found to be occupying land not owned by them, any forced unannounced eviction of slum dwellers is not permitted.

About a third of Delhi's population lives in slums. This vast community now has been assured access to courts in case of arbitrary evictions. They are also entitled to be identified as citizens who have an equal right to the city. The Court articulated their right to housing as a "bundle of rights not limited to a bare shelter over one's head. It includes the right to livelihood, right to health, right to education and right to food, including the right to clean drinking water, sewerage and transport facilities."

Government agencies and courts can no longer give precedence to one kind of public interest (that of middle and upper classes) over another kind of public interest (that of the slum residents). For the remaining residents of Delhi, as the Court points out, it is important to recognise that the Constitution does not discriminate between citizens — and slum dwellers are not to be treated as "secondary citizens". The Constitution envisages cities as a "commons good" to which everyone has a right. This view acknowledges that those living in slums contribute to a city's social and economic life. As the judgment notes, in the context of Delhi, such people would include sanitation workers, garbage collectors, domestic help and others who provide a wide range of indispensable services to healthy urban life. Prioritising the housing needs of this section of the public is not only a moral imperative but now also a legal one.

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MARCH 29, 1979, FORTY YEARS AGO

INDIAN EXPRESS

Import of know-how for tanks and subs under study: J. Ram

DEFENCE TECHNOLOGY

THE DEFENCE MINISTRY is negotiating the import of the latest technology to build modern battle tanks and submarines in the country. The modernisation plan for the defence forces was announced by the Deputy Prime Minister (Defence) Jagjivan Ram in the Lok Sabha. These plans, he said, had been drawn up taking into account arms supplies to India's neighbours — Pakistan and China — and developments in Vietnam, Afghanistan and Iran, which had "an intimate bearing on India's security". For the present, the defence minister seems to have ruled out any substantial increase in the numerical strength of the forces, saying "our effort is to increase the firepower of the forces".

JP UNCHANGED

THE GENERAL CONDITION of Jayaprakash Narayan continued to remain unchanged. This was reiterated in all health bulletins issued by the Jaslok Hospital authorities. He is still being fed through a tube in the stomach.

OUST RAJ NARAIN PUSH

RAJ NARAIN'S DETRACTORS in the Janata Parliamentary Party are collecting signatures on a memorandum which calls for the expulsion of the former health minister from the JPP for his alleged "anti-party activities". More than 150 Janata MPs have signed the memorandum whichrecounts some of his actions in the internal power struggle in UP. Not all the signatories belong to the former Jana Sangh.

OIL PRICE HIKE

INDIA WILL BE hit hard by the 9 per cent rise in crude prices announced by the 13-nation Organisation of Petroleum Exporting Countries. The decision will not only add substantially to the import bill in foreign exchange, but will affect the public sector chain of oil refineries. The price effective will be up by 14.5 per cent to 14.5 dollars per barrel over the level of 12.70 dollars per barrel in December 1978.

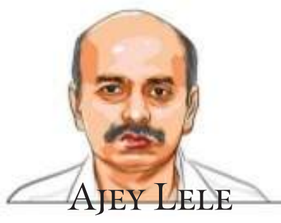
WHAT THE OTHERS SAY

We hope the Chinese government and institutions become more open to criticism.

—GLOBAL TIMES CHINA

A rightful place in space

ASAT missile test is a demonstration of technological capability and a message of deterrence. It strengthens India's claims to be a party to international negotiations on space



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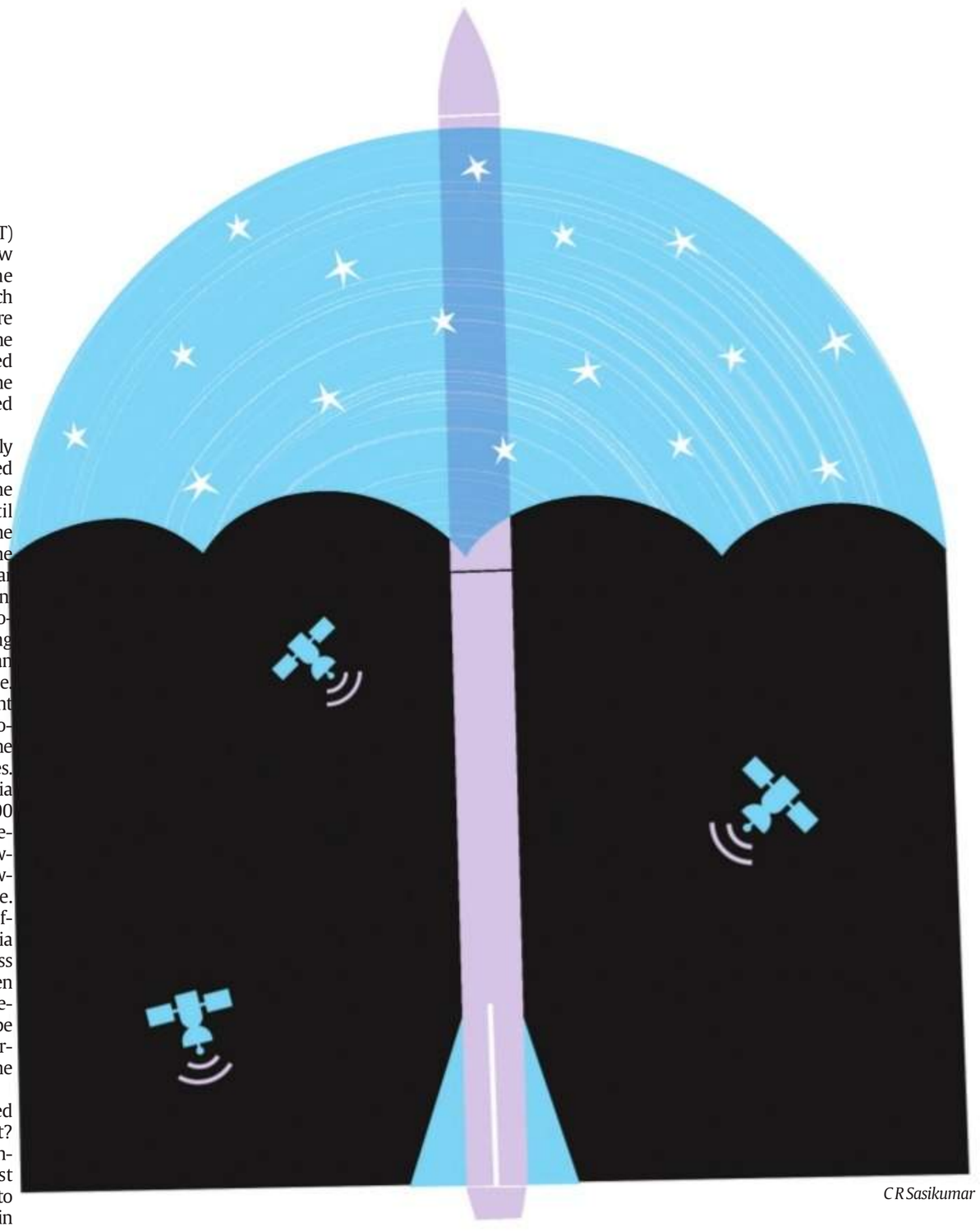

C R Sasikumar

INDIA'S SUCCESSFUL ANTI-SATELLITE (ASAT) missile test on Wednesday has added a new chapter in its defence preparedness. The global reactions to it have been mixed, which is not surprising. At this juncture, it is more important to analyse the rationale behind the conduct of the test without being influenced by the political noise. It is important that the relevance of the test should not get occluded by the demands of electoral politics.

Before India, only three countries, namely the US, Russia and China, have demonstrated this capability. ASAT had receded from the debates even in the security circles until China conducted a test in January 2007. The tests conducted by the US and USSR in the 1960s were seen as a legacy of the Cold War era power politics and have been forgotten. China conducted the test without any provocation. It destroyed one of its own ageing weather satellites that weighed 750 kg at an altitude of 850 km above the earth's surface. This ended up creating a significant amount of debris in space, which is present even today and poses a threat to every satellite in the low earth orbit, including the Chinese ones. In comparison, the test carried out by India was at a much lower altitude, at around 300 km, which means a major portion of the debris would enter the earth's atmosphere owing to the gravitational pull and get burnt owing to the high temperatures over there. Simply put, the Chinese test created a significant amount of space debris whereas India could be said to have conducted a debris-less test. It is important to note that India has been actively propagating debris mitigation guidelines for space. Hence, it is not for India to be seen as going against the principles of ensuring that space would not be littered by the human-made debris.

Should the Wednesday event be deemed as India's reaction to the 2007 Chinese test? The answer is yes and no. That it has been undertaken 12 years after the Chinese test makes it clear it is not a knee-jerk reaction to Beijing. India has made significant progress in the domain of space in the last two decades. Now India has a good number of satellites in space and it is in India's interest to ensure their security. Of course, the test is a message from India to its adversaries that its low earth orbit satellites have a security cover. Hence, this test should be viewed as a demonstration of technological capability as well a communication of deterrence message to any possible adversary; China happens to be just one of them. It needs to be emphasised that a country need not be a major space power to develop ASAT capability, it only requires proficiency in the missile domain.

India may also have considered the history of non-proliferation negotiations. The experience in global negotiations on nuclear weapons shows that the Nuclear Nonproliferation Treaty (NPT) is essentially about a group of five nuclear weapons states coming together and deciding the policies for the rest of the world. The NPT allows only five states in the world to hold nuclear weapons and treats the rest of the world as secondary citizens. Obviously, India was keen to ensure that a similar situation should not arise during any negotiations on outer space. It is not in India's interest that the US, Russia and China should decide the fate of non-proliferation negotiations regarding space. Hereafter, the big three will have to engage with India; the successful ASAT test has earned India its rightful place on the high table.

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Almost for a decade, the European Union (EU) has been debating the need to introduce transparency and confidence-building measures in outer space activities (TCBMS). In this regard, it has also prepared a draft code of conduct (CoC). In October 2012, global negotiations for an International Code of Conduct (CoC) for Outer Space commenced. Over a period, in response to various negotiations, the initial draft was amended four times. However, major powers are yet to agree on the idea of establishing a CoC conduct. At present, it appears to be going nowhere. Another important idea that has been put on the table jointly by Russia and China is the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects (PPWT). There is a greater reluctance, particularly from the US and the EU, to have any debate on this mechanism. However, India is open to the idea and is ready to debate it under the UN system. All these indicate that India is keen to have a rule-based mechanism in space.

Is India keen to weaponise space to prove its credentials as a space power? No. India has always been against weaponising space. India understands that space is important for military, but only as an instrument to assist and improve on its existing military capabilities. India looks at space as a force-multiplier. Taking warfare to space is a no go for India. Since the days of Vikram Sarabhai, India's policy has been to use space for socio-economic development.

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Why the prosecution fails

Acquittal of accused in Samjhauta Express case underlines the need to create a cadre of professional prosecutors

G S BAJPAI AND MEHAK BAJPAI

"THE PROSECUTION HAS failed to prove the case" — a statement such as this does not surprise anyone now. It was heard very recently in the Special NIA Court's verdict in the *Samjhauta Express* case. The court made its remark while acquitting the four accused of bombing a train years ago — an attack that killed 68 people.

The so-called "failure of prosecution" has been in the news of late in the context of other widely-publicised cases in which the accused were acquitted. These include the *Aarushi murder* case, the *Suhaib Illyasi* case and the *Hashimpura* case. The session's court decision, in 2015, to acquit 16 policemen for killing 42 persons in Meerut's Hashimpura area was overturned by the Delhi High Court last year. In the *2G spectrum* case, high-profile politicians, including former Union minister A Raja, were acquitted because the prosecution could not produce credible evidence against them. *Ankush Maruti Shinde vs. State of Maharashtra* highlighted the flaws in investigation, which led to six members of a nomadic tribe receiving death sentences by a session's court in Maharashtra — the SC upheld the sentences in 2009 but overturned them in March. These cases indicate that all is not well with the country's prosecuting system.

The prosecuting agency is one the most underrated institutions in the country, despite its crucial role. It is beset by a few fundamental problems. For instance, the agency has an inevitable role-confusion. Two theories are in vogue in this respect. Ideally, prosecution is directed towards seeking truth and justice, and not necessarily towards seeking conviction. This means that the prosecution will present a case, including evidence, in a manner that ensures that the cause of justice is upheld, irrespective who gains or loses. In contrast, the conviction-seeking theory of prosecution measures the success of the agency in terms of the convictions it is able to secure.

Such confusion persists even in the rulings of the apex court. For instance, in the *Kishan Bhai* case, the Court said that every acquittal should be understood as a failure of the justice delivery system. But the SC also held that every acquittal would mean an innocent person was wrongly prosecuted.

If the latter view is correct, then one should not worry about the acquittals in the *Samjhauta Express* or *Hashimpura*. The need, however, is to understand the nature of the acquittal or conviction. We are of the view that all acquittals should not be treated as a failure of the prosecution. The purpose of justice can be achieved, even when there is an acquittal. An undeserved conviction will not do the cause of justice any good. This issue came up recently at a national-level conference of prosecutors in Bhopal.

There is a structural disjunction in the functioning of the agency of prosecution. Before the introduction of the new Criminal Procedure Code in 1973, the prosecution department was a part of the police department. The prosecutor was a key consultant who advised the police during investigation and guided them in filing the final report. Subsequently, the prosecution department became independent and was placed under an authority called the Directorate of Prosecution, which in most states is often headed by a police officer. Research shows that the separation of the prosecuting agency from the police department has drastically impacted the quality of investigation. Botched-up and shoddy investigation by the police results in a weak case with the prosecution — and eventually before the court.

Several external constrains are also responsible for the failure of the prosecuting agency. The career of a prosecutor does not promise much vertical growth and the service conditions are not geared towards attracting the best legal talent to this department. Despite the country having 27 national law schools, young legal professionals do not find the department an attractive career option. The department remains a low priority area for state governments.

The functioning and success of the prosecuting agency also depends on coordination between different agencies. Apart from the police, a prosecutor also depends on forensic reports, which are, very often, hugely delayed — this works to the detriment of a rigorous investigation. Moreover, witnesses turn hostile regularly. A prosecutor does not have any authority to guarantee safety and security to witnesses or assure them financial assistance. Such matters are controlled by other agencies.

The prosecutor also suffers from a lack of autonomy. This is unlike several European countries, where the prosecuting agency has considerable powers, including more say in the framing of chargesheets. Under Section 321 of the CRPC, the prosecutor can withdraw from a case in certain situations — actually such withdrawal is often guided by political considerations.

All this calls for a professionally-managed system of prosecution by creating a regular cadre of prosecutors. CrPC's Section 25A — it states that "state government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit" — should be implemented in its true spirit. The states should ensure that the agency is headed by prosecutors — not police officers. Contractual appointments to the post of prosecutors needs to be done away with. The role of prosecution needs to be widened and conceived as not only an agency, which represents the victim but also someone who would provide a host of services to the crime victims at the pre-trial stages. This transformation of prosecution will make it a victim-friendly institution, which the country urgently requires.

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Ayodhya's histories

Understanding the town's past could provide mediators with critical resources

VALAY SINGH

AN OFT-HEARD refrain in the twin towns of Faizabad and Ayodhya is "*baatcheet aur bhaichara*" (dialogue and harmony) can resolve the dispute. The belief in dialogue is strong on both sides, though slightly shaken among the Muslims, who feel betrayed by governments and courts since the Ram Lalla idol was first implanted inside the Babri mosque in 1949.

Several attempts to resolve the dispute through dialogue have failed. This is the first time that negotiations are going to take place under the Supreme Court's (SC) supervision.

The Court has wisely used mediation to exhaust all possibilities before it takes up the case for hearing sometime in mid-May. However, it seems intriguing that, instead of a neutral place, it has chosen Faizabad as the venue for these talks. Besides being Ayodhya's larger twin city, it is a communally sensitive place. Though the Court has stated that there would be no media reporting of the negotiations it has stopped short of explicitly writing this into its order. For instance, even before formal proceedings have begun, some media reports have cited "sources" to assert that the three-member panel has reached Faizabad, with details of the venue where talks will take place.

In 1855, a similar effort had taken place in Faizabad to resolve a dispute between the Bairagis of Hanumangarhi and local Muslims, who alleged that a mosque atop Ayodhya's pre-eminent temple had been razed to the ground. James Outram, the British resident in Lucknow, and Nawab Wajid Ali Shah, Awadh's last king, had then agreed to form a tripartite Commission of Inquiry to resolve the dispute after a pitched battle claimed the lives of scores of people — the British force had remained a mute spectator to the incident. The Commission had held public meetings in Ayodhya and the premises of Gulab Bari, the tomb of Shuja-ud Daulah, Awadh's second Nawab. After consulting various witnesses and self-verification of the claims of Muslims, the Commission had concluded that no mosque existed atop the Hanumangarhi, and with this the matter had come to an end. It was in the context of this dispute that the Babri Masjid was first mentioned in colonial era records.

The mediation panel comprising of a former justice of the Supreme Court, a senior lawyer specialising in alternative dispute resolution and a spiritual guru with pro-temple leanings are going to presumably spend considerable time in Faizabad and Ayodhya. As someone who has attempted to weave together the rich historical tapestry of the city in *Ayodhya: City of Faith, City of Discord*, here is a list of places that they must visit to familiarise themselves with the layered history of these twin towns.

They must begin at the makeshift Ram Lalla temple, sitting atop the debris of Babri Masjid, taking care to visit the shops outside the Ram Janmabhoomi that continue to sell communally charged DVDs that glorify the VHP-led movement to "liberate" Ram's birthplace in the 1990s.

A visit to Hanumangarhi temple will afford the panel a panoramic view of the town, and also an appreciation of Ayodhya's syncretic history. Hopefully, they would also learn that, in 2016, Mahant Gyan Das of the temple, had invited local Muslims to break their Ramzan fast and offer namaz inside its premises. This had led to huge protests by VHP and groups affiliated to it, forcing the intervention of the district administration. About a km from Hanumangarhi stands the 300-year old Alamgiri mosque that made headlines that very year, because its reconstruction was allowed and funded by the priests.

The panel should also plan visits to Jain places of worship. It is believed that four of the first 10 Jain Tirthankars were born in Ayodhya. To learn about the Buddhist history of Ayodhya, they must visit the Mani Parbat from where Buddha is believed to have preached. Today, Mani Parbat has become part of the local Ramayana lore. It is said to be a fallen portion of the hill that contained the *sanjeevani* herb that Hanuman was transporting from the Himalayas to the battlefront in Ram's war with Ravan. Right behind Mani Parbat lies the mazaar of Hazrat Sheesh Paigambar, said to be the son of Adam and Eve. The mazaar is worshipped by both Hindus and Muslims. Besides this dargah, there are at least 18 other important dargahs in Ayodhya including that of Badi Bua, revered as Ayodhya's patron Sufi saint.

A visit to some of these sites would reveal the layered histories of Ayodhya.

It is expected that mediation will confine itself to the main litigants to the dispute such as the Sunni Central Waqf Board, the Nirmohi Akhara, and the deity, Ram Lalla Viraajmaan. If this turns out to be the case, then the panel has its task cut out. It has to successfully inspire parties with contrarian stands to agree to a middle-ground. While the Hindu parties and groups like the VHP assert that "no force on earth can remove the deity from the disputed site", the Muslim parties have often said that they would not like to rebuild the mosque at the same site where it once stood — perhaps herein lies an opening which can be explored. The Nirmohi Akhara can be convinced to withdraw its claims to the land by giving it joint control over the management of the temple along with the government.

This new mediation process must be conducted in the spirit with which the Supreme Court has ordered it, that of healing hearts and minds. Without the spirit of accommodation and trust, the talks are bound to fail, and become a platform to further polarise the country, currently in the middle of one of its most crucial general elections.

Singh, a Delhi-based journalist, is the author of Ayodhya: City of Faith, City of Discord

LETTERS TO THE EDITOR

AN ACHIEVEMENT

THIS REFERS TO the editorial, 'Passing ASAT' (IE, March 28). Mission Shakti has shown that India has the ability to destroy a satellite orbiting at an altitude of 300 kilometres. With the successful test-launch of the Anti-Satellite (ASAT) missile and destruction of the target on Wednesday, India has used a new missile system that can target fast-moving satellites and bring them down. This is a significant achievement.

Kajal Kumawat, *Ujjain*

THIS REFERS TO the editorial, 'Passing ASAT'" (IE, March 28). It is laudable that India has become the fourth member of the elite club of countries that have strategic capabilities to hit and destroy satellites. This achievement has made the nation proud, and is certainly a strategic necessity. But it is not a sufficient condition for our emergence as a global power. It is unfortunate that we have not launched a strategic "missile" against the two most critical challenges facing the country — poverty and corruption. India also needs to devote resources towards tackling other challenges — income inequalities, pollution, inadequate infrastructure in health and education.

Joseph Abraham, *Haryana*

WHAT'S IN A TERM

THIS REFERS TO your editorial, 'Much ado' (IE, March 28). I have serious objections to the use of the term 'Mankaded' though. It was used by the Australian Press in 1947 when Vinoo Mankad dismissed Bill Brown twice for leaving the crease before the ball was delivered. The Australian Press castigated Mankad but Don Bradman found nothing wrong in the Indian all-rounder's actions. This method of dismissal should be renamed.

Bholey Bhardwaj, *Mumbai*

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 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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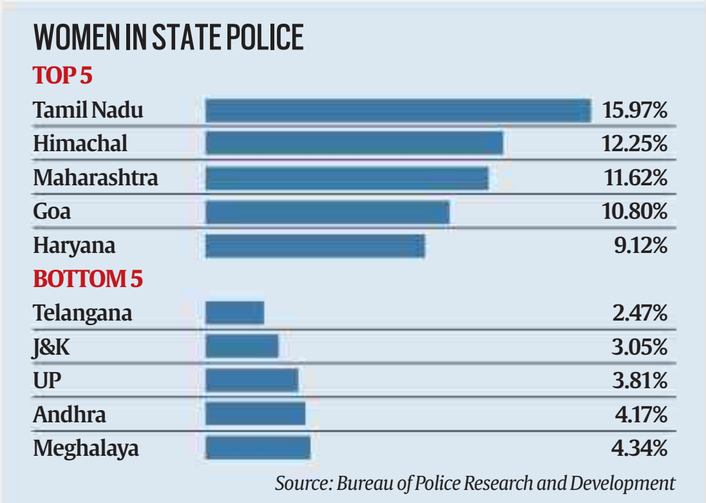
TELLING NUMBERS

Target 33%, women in state police forces add up to 7%



WOMEN COMPRISE only 7.28% of India's police force, according to government data flagged by a report unveiled Thursday. The Model Policy on Women in Police in India, prepared by the Commonwealth Human Rights Initiative (CHRI), lays down a framework to guide government efforts at providing agency and power for women in India police.

The Home Ministry said in Parliament last year that in 2009, 2013 and 2014, it had issued advisories to all state governments to increase representation of women in police to 33%. For the Union Territories, the Cabinet had in 2015 approved 33% reservation for women in non-gazetted posts from constable to sub-inspector, the ministry said.

The CHRI report says that apart from the UTs, Bihar has adopted 38% reservation while nine states have adopted 33% (Andhra Pradesh, Gujarat, Jharkhand, Madhya Pradesh, Maharashtra, Nagaland, Odisha, Tamil Nadu, Telangana). Ten states have set smaller targets while nine have not set a target at all. Targets remain very much on paper, the CHRI report says, citing data from the Bureau of Police Research and Development. These data show the total strength of women police at 1,40,814, as of January 1, 2017. Among the states, Tamil Nadu (15.97%) has the highest representation of women police while Himachal Pradesh, Maharashtra and Goa are the only others with over 10%. Among the Union Territories, Chandigarh police have 18% women while Delhi police have 8.64%.

NITI Aayog CEO Amitabh Kant, who launched the report, cited more figures. "Less than 1% of policewomen in India occupy senior ranks. Over 90% of them remain constables — the lowest possible rank — which is the position they enter the force and eventually retire from," CHRI quoted Kant as saying. CHRI International Director Sanjoy Hazarika called for empowerment for women in "what has fundamentally been a male bastion".

RESERVATION TARGETS

Women quota	States
38%	1
33%	9
30%	5
<30%	5
No target	9

Source:CHRI

TIP FOR READING LIST

THE MAKING OF A MAN-EATER

BETWEEN 1900 and 1907, a man-eating tigress killed an estimated 436 people in Nepal and northern India. By the time she was shot down by legendary hunter Jim Corbett, the Man-eater of Champawat had become the single deadliest animal in recorded history, and remains so. While Corbett details the hunt in his 1944 compilation *Man-Eaters of Kumaon*, a new book explores the circumstances that created such a prolific killer. US-born author Dane Huckelbridge, who retraced Corbett's footsteps on the ground, places the tigress's history in the context of colonial politics in *No Beast So Fierce: The Terrifying True Story of the Champawat Tiger, the Deadliest Animal in History*.

The tigress is believed to have been shot in the mouth by a poacher, leading to the loss of two canine teeth. This coincided with British colonisation causing destruction of prime tiger territory to make way for people and agriculture. Because of the loss of habitat, combined with her injuries, the Champawat tigress turned to easier pray — humans. "What becomes clear upon closer historical examination is that the Champawat was not an incident of nature gone awry, it was in fact a man-made disaster," Huckelbridge writes.

Corbett was then little known, a railroad employee who had grown up hunting game in Kumaon. The British enlisted his help, setting him on the path to his evolution as a legendary hunter, and then to a conservationist dedicated to saving the tiger and its habitat. In its review, *Science News* magazine says: "Corbett's hunt is given sufficient room in the tale to satisfy readers who want details of the bloody kill. But it is somewhat anticlimactic, a sad end for a sad creature that had to be killed not because it was evil but because it was hungry."

SIMPLY PUT QUESTION & ANSWER

Is economy slowing down?

Economists are looking at signals such as drop in vehicle sales and production cut, drop in consumption of food items, slower growth in core industry segments. A look at the possible reasons, and the concerns

P VAIDYANATHAN IYER
NEW DELHI, MARCH 28

Traffic in Chandigarh. Various vehicle manufacturers have reported a drop in respective sales in recent months. *Archive*

What are the signs to suggest that the Indian economy slowing down?

The economy is indeed slowing down. Many economic indicators point to that. In fact, some analysts started picking up the first signals of a powering down six to eight months back. Anecdotal evidence collected by analysts then is showing up in micro and macro numbers now. For instance, after posting double-digit growth rates of about 14 per cent in passenger vehicle sales during April-June 2018, Maruti Suzuki, the largest carmaker, witnessed declining sales for most months except October 2018 and January 2019, when it posted less than 2 per cent growth. Tractor sales for Mahindra, which has a 40 per cent plus market share, declined in December 2018, were flat in January this year and dropped in February too. Two-wheeler sales started crawling since December. In February, the two biggest two-wheeler producers, Hero MotoCorp and Honda Motorcycle, which account for three-fourths of industry volumes, reported lower sales. Earlier this month, Maruti Suzuki cut car production for March by over 25 per cent. Maruti's announcement sounded the alarm bell.

What is worrying economists and analysts now is signs of a consumption slowdown spreading to non-discretionary items such as food items. Thus far, it was feared to have impacted only discretionary expenditure - in products such as cars and consumer durables. At the end of the day, India continues to be a consumption-led economy. Consumption expenditure contributes almost 56 per cent of the country's GDP.

Macro indicators too aren't presenting any encouraging signs either. First, eight core segments — steel, cement, fertilisers, coal, electricity, crude oil, natural gas and refinery products, which together make up about 40 per cent of industrial production - grew at 1.8 per cent in January this year, compared with 2.8 per cent in the previous month. The growth in industrial output itself dropped to 1.7 per cent in January 2019 against a growth of 2.6 per cent in December 2018. In the corresponding month i.e. January 2018, it had grown 7.5 per cent.

Zooming out further, the GDP growth rate in the first three quarters (April-June 2018, July-September 2018 and October-December 2018) of the current financial year ending March 2019, the Central Statistics Office estimates, was 8 per cent, 7 per cent and 6.6 per cent, respectively. This clearly shows a trend of sequential slowing down and these numbers corroborate the signals that have been visible on the ground.

Why is it slowing down?

Both are complex questions. For instance, the demand for passenger vehicles slowed down during the second half (beginning September 2018) of this financial year because of many reasons — high interest rates, higher fuel prices and lack of credit. Many in the industry say consumers have only postponed the decision to purchase vehicles, suggesting that there is no permanent destruction of this demand.

At a very broad level, demonetisation — a radical policy decision — and introduction of Goods and Services Tax — a structural reform — naturally had an adverse impact on the economy. India has largely been a cash economy, and informal sectors were dealt a harsh blow. Cash was squeezed out of the system, and many small businesses continue to find it difficult to cope with the GST regime. The currency in circulation post demonetisation dropped by about one percentage point, but gross bank credit continued to be in single digits until about March 2018. This was probably one of its objectives. But over the last two years, bank credit slowed down dramatically because banks had to make higher provisions for bad loans. With six public sector banks under the central bank's prompt corrective action framework, and some others voluntarily having pressed the pause button on lending, retail and businesses found it quite difficult to access credit. Non-banking finance companies compensated for this till the middle of 2018, when a default by IL&FS plunged the NBFC segment into a liquidity crisis. All this while, interest rates continued to remain high. Poor bank credit, liquidity crisis and high interest rates all created a huge drag on the economy. It has been like running a hurdle race set along a steep path with 50 kg on your back, says the CEO of a large mutual fund. Bank credit numbers now suggest that things are looking up, but this is largely because of a low statistical base.

How worried should we be about the slowdown?

A slowing economy always hurts. Put simply, it affects income of people, and does not create jobs. In January this year, the government revised the growth forecast for 2017-18 to 7.2 per cent from the earlier estimate of 6.7 per cent. It also revised the actual growth rate in 2016-17 (the year of demonetisation) to 8.2 per cent from 7.1 per cent estimated earlier. These sharp revisions were heavily contested by economists. In 2014-15 and 2015-16, the first two years of the current government, the economy grew at 7.1 per cent and 8.2 per cent, respectively. The government expects the economy to grow at 7 per cent in 2018-19, which is slower than 7.2 per cent in 2017-18.

To put things in perspective, let us look at what is happening across the globe. After growing at 3.1 per cent in 2017, the world economy is estimated to have slowed down to 3 per cent in 2018, and the outlook for 2019 suggests it will slow down to 2.8 per cent over the next two years. The prospects over the coming three years for both the US and the Euro zone are uninspiring - pointing to continuous slowing down. China's GDP growth rate is expected to drop to 6 per cent in 2021 from 6.5 per cent in 2018. As the CEO of another large FII said, this is '*meri kameez tumhari kameez sey safed kaise*' syndrome, or 'my shirt is whiter than yours'. India seems to be the only economy expected to clock 7.5 per cent growth every year till 2021, according to the World Bank's latest Global Economic Prospects. India, given its potential, can definitely jump into the 8-10 per cent growth orbit. So naturally, while within India, the narrative is that of an economy slowing down, investors in Hong Kong and New York, are celebrating the Indian growth story. This probably explains the billions of dollars being pumped by foreign investors into the Indian stock market. India continues to be a profitable long-term bet for global investors.

THIS WORD MEANS: TURING AWARD

Top prize in computing, named after codebreaker

ON WEDNESDAY, three pioneers in artificial intelligence — a senior Google executive, Facebook's chief AI scientist, and an academic — were announced as the winners for this year's A M Turing Award (*The Indian Express*, March 28). It is often described as the "Nobel Prize for computing".

Why Turing

The award is named after British mathematician and computer scientist Alan Mathison Turing (1912-54), whose work in codebreaking is credited with having played a decisive role in World War II. He led a British team that worked out a way to decrypt intercepted messages, which had been encrypted on Enigma machines developed by the Germans. Apart from the award, the Turing machine, used in computing, is named after the pioneer who is considered the father of theoretical computer science and artificial intelligence.

Alan Turing at age 16

Turing never received full recognition for his efforts because he was a homosexual, which was then a crime in the UK. Prosecuted in 1952, he committed suicide in 1954. His work and life are the theme of the film *The Imitation Game* (2014), in which Benedict Cumberbatch plays Turing.

The award

Given by the Association for Computing Machinery (ACM), the A M Turing Award carries $1 million as prize money. As described on the ACM website, it is "for major contributions of lasting importance to computing". First awarded in 1966, it has been awarded annually for 53 years so far to 70 recipients. These include 3 women, the first of these having won in 2006.

This year's winners are Google vice president and senior fellow Geoffrey E Hinton, Facebook's chief AI scientist Yann LeCun, and University of Montreal professor Yoshua Bengio, who is also scientific director at the Artificial Intelligence Institute in Quebec. The ACM website describes their award-winning work as "conceptual and engineering breakthroughs that have made deep neural networks a critical component of computing".

The three worked on neural networks, a component of robotic systems that are automating a wide range of human activity, such as driving. These deep neural networks are good at speech and image recognition. It was because of the growing power of deep learning that Hinton and LeCun were recruited by Google and Facebook, *MIT Technology Review* reported. LeCun has led an effort within Facebook to develop not just powerful image and video recognition capabilities but also more capable personal assistants, it said.

Case of the 'imported' embryo: the how, the why, and what the law says

TABASSUM BARNAGARWALA
MUMBAI, MARCH 28

EARLIER THIS month, the Directorate of Revenue Intelligence (DRI) arrested a Malaysian national who was allegedly attempting to import a nitrogen canister containing a frozen human embryo. The arrest, first of its kind in India, led to a search at an fertility clinic in Mumbai.

Why store embryos

In medical terms, the unborn offspring is an embryo from the day of fertilisation until the eighth week of pregnancy; after that, it is a foetus. Following in vitro fertilisation (outside the body), some couples choose to freeze embryos that are left over. This would allow patients to conceive at a later time. Embryos are frozen from the second day of fertilisation, using techniques to halt physiological or biological development. The embryo is stored in liquid nitrogen or nitrogen vapour at a temperature below -190°C. In 2017, a 24-year-old frozen embryo made headlines after it was used to give birth in the US.

Until five years ago, facilities for embryo freezing were limited in India. Several couples stored embryos abroad and imported them when they wanted to conceive. Today, India has many embryo freezing banks at par with those in the West, said Dr Narendra Malhotra, former president of Indian Society for Assisted Reproduction (ISAR).

Why import them

One possible reason for importing embryos could be to meet demands from Indian couples for a baby with "non-Indian looks". Dr Malhotra said he often gets requests for European gametes from couples.

In the latest case, experts suspect it is also possible that a Malaysian couple had commissioned illegal surrogacy in India. Malaysia does not allow surrogacy. In India, the Surrogacy (Regulation) Bill, 2016, passed by Lok Sabha in 2018, bans commercial surrogacy but permits altruistic surrogacy. India offers cheaper IVF procedures, at costs one-half to one-third of those in the US.

In 2017, a Thai national was arrested for smuggling six tubes of semen stored in liquid nitrogen to Laos for surrogacy. Embryos or gametes were getting routed to surrogacy clinics, ART clinics and IVF clinics.

The latest case

DRI officials alleged that the arrested Malaysian national, Partheban Durai, had smuggled embryos at least eight times to Mumbai, after declaring these as stem cells. This time, he carried the nitrogen canister- as large as a mini gas cylinder- in his hand luggage and did not put it for X-ray screening, officials said. It was allegedly meant for delivery at Indo-Nippon IVF Fertility Centre.

The DRI said its team conducted a mock delivery through Durai, and that the director of the clinic received the canister. The director, Dr Goral Gandhi, refused to comment. Her lawyer Sujay Kantawala said, "These are false allegations, no delivery was staged." While Gandhi has moved a petition challenging the DRI action, Durai is out on bail and in custody of Malaysian consulate.

Indian laws

In October 2015, the Director General of Foreign Trade moved the import of human embryos from the 'restricted' to the 'prohibited' category, except for research purposes. The next month, the Ministry of Home Affairs banned commercial surrogacy for foreign nationals in India. Since then, the Indian Council of Medical Research (ICMR) has stopped giving no-objection-certificates for import of embryos or gametes. Export is allowed on a case basis for couples who froze their embryos or gametes in India before the surrogacy ban was enforced, and wish to continue IVF in another country.

IVF experts have urged for regulation rather than prohibition. "There are lots of Indian couples who froze their eggs or embryos abroad while living there. Now that they have migrated to India, they wish to continue IVF here," said Dr Jaideep Malhotra, current ISAR president. Alternatively, those with terminal illness may travel abroad for treatment and preserve their healthy gametes before initiating radiation or chemotherapy. Once treatment is over, they may wish to bring it back to India. "These are genuine problems that Indians face and the government must allow import in such cases," said IVF expert Dr Duru Shah.

In a draft regulation submitted to Director General of Foreign Trade and Ministry of Health and Family Welfare, the ICMR has suggested ways to regulate import of embryos and gametes - matching of DNA of embryo with that of importing couple, justifiable reasons for import, a mandatory check on exporting and importing clinic. "This is to ensure foreign couples do not send their embryo for surrogacy," said Dr R S Sharma, senior director at ICMR, who was involved in drafting the guidelines.