



The Indian EXPRESS

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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

Vajpayee 2.0

New Kashmir needs a consensus that builds on the imagination and legacy of the former PM



AMITABH MATTOO AND NIRUPAMA SUBRAMANIAN

NO DARK SPACES

In Rafale case, SC asserts primacy of Right to Information over Official Secrets Act, reaffirms citizen's right to know

THE SUPREME COURT'S decision to consider the documents published in the media on the Rafale deal purely on their "relevancy" is not merely a welcome dismissal of the Centre's objections over judicial scrutiny of these papers. It is, more significantly, a reaffirmation of the freedom of expression and the people's right to know. In March, Attorney General K K Venugopal had sought the dismissal of a petition calling for a review of the Court's verdict last year in the Rafale case on the grounds that the petitioners relied on documents, published by *The Hindu* newspaper in February, that were "stolen" from the Defence Ministry — he later retracted those claims and alleged that the newspaper had published "unauthorised photocopies". The publication of these documents, the AG had held, amounted to a violation of the Official Secrets Act (OSA). But on Wednesday, a three-judge bench led by Chief Justice Ranjan Gogoi ruled that there was nothing in the OSA, or any other law, "that restrains publication of documents, marked as secret, or placing such documents before a Court".

The AG had contended that the government had "privilege" over the documents pertaining to the Rafale deal with France. He had argued that the petitioners could not produce these documents in the court because their disclosure is exempted under Section 8 (1) of the RTI Act. But on Wednesday, the apex court ruled that these exemptions do not come in the way of disclosure of official documents if there's "an overriding public interest". The verdict re-animates the principle of "open disclosure" envisaged in the RTI Act and underscores its preeminence vis-à-vis the archaic OSA. In a separate judgment, that concurred with the main verdict, Justice K M Joseph noted that the RTI Act "confers upon citizens... the right to demand information even in respect of such matters as security of the country and relations with a foreign state" provided the applicant "can establish that withholding such information produces greater harm than disclosing it". He cleared the air on the restrictions on the Right to Information in matters of national security: "Section 24 (of the RTI Act)... declares that even though information available with intelligence and security organisations is generally outside the purview of the open disclosure regime contemplated under the Act, if the information pertains to allegations of corruption or human rights violations, such information is very much available to be sought for under the Act."

The Supreme Court has consistently expanded and enlivened the citizen's right to scrutinise government decision-making and sought to ensure that those who expose corruption and wrongdoing are not vulnerable to intimidation. Wednesday's verdict should be seen in this light. Its importance, therefore, extends far beyond the Rafale case. The judgment as Justice Joseph pointed out, is about "the attainment of highest levels of probity in public life".

SHADOW SIDE UP

Event Horizon Telescope snaps a picture of a black hole, brings on a sobering moment

BLACK HOLES, WITH gravitational fields so powerful that not even light could escape them, were inferred by quantum physics about a century ago. Albert Einstein did not like them much, since they represented the frontier of the knowable, where his physics broke down. Beyond the event horizon of a black hole, where matter and energy vanish into a gravity well, stretches a singularity, an area of darkness from where the familiar categories of space, time, matter and information become unrecoverable. But now, the Event Horizon Telescope has made what was inferred visible, processing prodigious volumes of radio data to image a black hole in the constellation Virgo. It is anti-climactic, because black holes have been familiar to us for so very long. And it is a stirring moment for the same reason, because we had never seen one before. Even if the picture that has been published resembles a fried egg in reverse, dark side up.

This is a great scientific achievement, but its success owes to good management rather than pathbreaking science. The Event Horizon Telescope is actually a virtual machine, a network of eight radio telescope arrays scattered all over the earth, which were synchronised in 2017 to look at the same spot in the heavens, 55 million light years away. The mechanics of looking deep into the gulf of space was understood over two decades ago, but the possibility of sharing funds across the European Union helped, as the lead scientists pointed out, as well as the ability to network with installations the world over. The giant leap that has been achieved in data storage and processing in recent years was also a factor. Inured as we are to our embarrassing science congresses, where the properties of prehistoric flying machines and the misunderstood triumphs of ancient surgeons get more attention than real science, it is reassuring to see that this is an aberration.

What next? Science fiction celebrates black holes as gateways into "wormholes", shortcuts across the universe that bend space-time. Step into one black hole, step out of another 55 million light years away. Of course, the first step is the hardest. An object crossing the event horizon of a black hole would suffer acceleration and tidal forces that should end its career as matter. A black hole is only a shortcut to the sobering realisation that the laws of physics, which we regard to be immutable, are anything but.

SORRY, NOT SORRY

Theresa May expresses regret but does not apologise for Jallianwala Bagh. Her country can't afford it

S PARE A THOUGHT for the once-Great Britain. Its Conservative prime minister, Theresa May, already besieged by her government's inability to forge legislative and popular support for a deal to exit the European Union, is now under fire for not being suitably contrite about the excesses of the Raj. Marking the centenary of the Jallianwala Bagh massacre in the House of Commons, May remarked that the "tragedy of Jallianwala Bagh of 1919 is a shameful scar on British Indian history". Her critics, including Labour leader Jeremy Corbyn and British legislators of Indian origin, have called for an unconditional apology for one of the most horrific examples of colonial excess. But can the UK really afford to say sorry?

The massacre at Amritsar in 1919, and the subsequent celebration in Britain of Reginald Dyer, the colonel who ordered the firing, are indeed a moral blot on England. The episode shattered any ideas of decency associated with the empire, and was the precursor to mass movements in the Subcontinent demanding freedom. But in Britain today there are many who long for the lost glory of the time when they ruled so much of the world. Its museums are filled with artefacts from the crimes of colonialism, its economic might — though waning consistently — still owes something to what Dadabhai Naoroji called the "drain of wealth". As some would say, take away the fruits of imperialism and what do you have but under-seasoned cuisine, bitter ale and poems about flowers?

A Conservative government can ill-afford to apologise for the glory days of its country's history. After all, reprehensible as the Jallianwala Bagh massacre was, such mindless violence is the frequent adjunct to a system as repressive as the British Raj. And admitting blame can have legal and financial consequences. While apologising in Parliament works for posterity, in a court of law, it is admitting liability. And even the most moralising of Britons may not agree to the tax — the cess — they will have to pay to ensure the erstwhile colonies the reparations they deserve for putting up with the "greatness" of Great Britain.

KASHMIR IS in a mess. The sooner the people of the country realise this, the easier it will be to forge a consensus once the din of the elections is over. We need, today, a national framework on Jammu and Kashmir, based not on positions of the past or manifestos articulating absolutist ideas, or national security doctrines that conflate nationalism with religion. We need a policy outlook, which we term as Vajpayee 2.0, that builds on the imagination and legacy of the former prime minister and his vision for the state.

Consider the intellectual and bureaucratic bankruptcy that has resulted in one of the most bizarre policies being currently implemented in the state. A policy tailor-made for GHQ Rawalpindi, capping four years of doing the wrong thing in Kashmir. The bi-weekly closure of National Highway 44 from Udhampur to Baramulla until May 31, to civilian traffic, is short-sighted, counter-productive and defies explanation. In the two short months that this closure will be implemented, it may achieve what the combined might of Pakistan, separatist forces in the Valley, and militancy failed to, despite their best efforts over three decades: It will distance, in every sense of the word, the people of Kashmir from the rest of India.

The decision has been taken, it seems, as a knee-jerk response to the terrorist attacks against a CRPF convoy by the Jaish-e-Mohammad near Pulwama on the highway, in which 40 jawans were killed. Decided, it seems, without adequate "application of mind" and without even properly consulting the principal beneficiaries from this decision: The armed forces. Not surprisingly, one of India's most thoughtful military men, General VP Malik (former chief of the army staff) described the move as a "dumb idea".

What is most bizarre about the closure is its logic-defying implementation. On the two days the highway was closed this week, few security convoys have passed through that stretch, while the people of the Valley were locked down, or went from pillar to post seeking exemptions under one category or another. But on the remaining days, security convoys were seen happily sharing the highway with civilian traffic. The exemptions were granted, in many cases (if posts viral on social media are good evidence), through stamps

impressed on the wrists of individuals. Let us admit it. Since 1947, Kashmir has remained India's foremost national security challenge, the nature of the challenge changing with the decades. After the dark 1990s, when India struggled to re-establish its writ in the Valley as it battled militants, both indigenous and Pakistani exports from across the Line of Control, came efforts at building peace through talks with various "stakeholders" in the Valley, and with Pakistan. This was also the most peaceful period in Kashmir since 1989, even though tensions continued to simmer underneath the apparent calm. Without doubt, the most popular mainland leader in Kashmir was and continues to be Atal Bihari Vajpayee for both his sincerity and imagination as well as his spontaneity and vision. Tragically, the 2014 BJP-PDP agenda for alliance, which incorporated some of his sagacity, never took off, and the alliance itself turned out to be a disaster: It widened the gulf between the three regions, Jammu, Ladakh and Kashmir; and contributed to the rise, once again, of homegrown militants, especially young men inspired by extremism. The imposition of central rule has made things worse. Apart from the increasing alienation among a new generation of Kashmiris, the turmoil since 2016 has claimed more lives in the Valley — civilians, soldiers and militants — than in the previous 10 years. Going by numbers, 2018 was the deadliest year in the last 10 years in J&K.



TAHIR MAHMOOD

THE COMMUNAL CARD

Has the exploitation of religious sentiment for votes been normalised?

DECIDING AN ELECTION petition 45 years ago, Supreme Court judge V R Krishna Iyer had lamented: "It is a matter for profound regret that political communalism far from being rooted out is foliating and flourishing, largely because parties and politicians have not the will, professions apart, to give up the chase for power through politicising communal awareness and religious cultural identity. The Ram-Rahim ideal and secular ideology are often politicians' haberdashery, not soul-stuff. Micro and mini-communal fires are stoked by some leaders whose overpowering love for seats in the legislature is stronger than sincere loyalty to secular electoral process." [Abdul Hussain, *Mir vs Shamsul Huda & Anr*, 1975]. Fifteen years later, eminent journalist Kuldeep Nayar said: "Never before has the Indian electorate had to face such intense communal and casteist slogans" (*India Today*, May 1991). The two observations were made during two different Congress regimes. The learned judge breathed his last in December 2014, and Nayar in August last year, both during the present political dispensation at the Centre. Watching the continuing legacy of communal politics and its escalation, they must have indeed been even more disgusted.

The first parliamentary election held after I returned from Europe and settled in Delhi, was that of 1977: Communal overtones in the electioneering process were heard all around, then. It was a novel experience for the nation: A sitting prime minister lost the election in the aftermath of Emergency. That was also the beginning of coalition rule: Some disgruntled Congress leaders who had left the party and the Bharatiya Jan Sangh, once each other's bitterest opponents, had buried the hatchet in pursuit of power. The marriage of convenience, however, did not work. There was another election soon, and the Congress returned to power. The two major political formations, led by the Congress and BJP, have since been playing the communal card. The victims of this tug of war have been the minorities — mainly, Muslims. One side is obsessed with "Muslim problems" and the other, with "Muslims as a problem."

The Representation of the People Act, 1951, conspicuously prohibits communal electioneering by putting in place civil and criminal sanctions against it. Candidates making religious appeals can be prosecuted and, if elected, their election can be set aside. But never in its lifespan of several decades has this law been able to make a dent on the evil of communal politics.

The 1996 election led to the formation of a Congress-supported coalition government led by a regional leader from the South. Having been tied that year to the chair of the National Minorities Commission, I had a chance to interact with political leaders of all hues and found them generally self-centered. The Congress soon pulled the rug from under the new premier's feet, calling him "nikamma and communal". Surviving the onslaught, the ruling coalition found a new leader who fell in the battle of internal scuffles. Warring partners, by their sheer conduct, set the stage for enthroning the rival coalition. The majority of citizens being against communal politics, the professedly secular Congress eventually got

another chance to rule the country. But old habits die hard and the new head of the government could not rid the party of its vices and shortcomings. The nature of democracy is to envisage a change of guard, and, in the electoral battle of 2014, votaries of cultural nationalism captured power. And, in a span of five years, it has changed the face of India. Now, it is the time for another election, and communal electioneering is the order of the day, again. The Representation of the People Act, 1951, conspicuously prohibits communal electioneering by putting in place civil and criminal sanctions against it. Candidates making religious appeals can be prosecuted and, if elected, their election can be set aside. Citing these provisions of the Act in the SC case mentioned above, Iyer had said: "The founding faith of our poll process is to ostracise the communal vice from the campaign." But never in its lifespan of seven decades has this law been able to make a dent on the evil of communal politics. Nor has the long chapter on "Offences against Religion" in the Indian Penal Code ever been able to stop the brewing of the toxic religion-politics cocktail.

Has, then, communal electioneering become an inseparable characteristic of Indian politics? Are we, the citizens of secular India, to perpetually bear with it?

The writer is professor of law & former chairman, National Minorities Commission



APRIL 12, 1979, FORTY YEARS AGO

FALL OF KAMPALA TANZANIAN AND UGANDAN invaders captured Idi Amin's capital and proclaimed on the state radio: "The racist fascist is no longer in power." Jubilant residents poured into the streets to greet their "liberators" and to loot shops and officials' homes. Radio Uganda, off-air since last night, returned with a weak signal at 3 pm (5.30 pm IST) with an announcement from Lt Col David Oyite Ojok who identified himself as military leader of the Ugandan National Liberation Army. "The Ugandan National Liberation Front captured Kampala today", he proclaimed. Amin was seen in Kampala as late as 4 pm on Tuesday, though, residents said. About an hour before

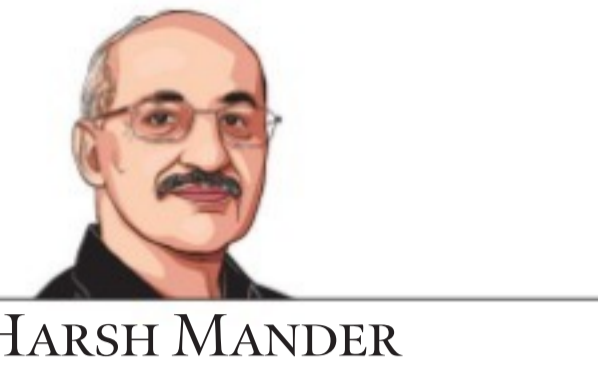
the Tanzanians began moving in, he was seen driving around the city in a French sedan. BENGAL POWER CRISIS THE POWER CRISIS in West Bengal, it is feared, would lead to widespread industrial unrest. With the Chambers of Commerce deciding to pay only the lay-off wage — 50 per cent — as provided by the law in cases of involuntary closure, and the workers' representatives demanding full wages, the ground is ripe for agitation. The government has also left the issue to be decided between the management and the workers. Meanwhile, the availability of power in the Calcutta system, which feeds the city and industrial suburbs,

continues to be as low as 50 MW. INDIRA CHARGED INDIRA GANDHI DENIED that she had received money from the US when she was the prime minister. She described the observations made by former US ambassador, Patrick Moynihan, in his book as "baseless, mischievous and part of a conspiracy to defame me". "All lies," she angrily said when she was asked about the allegation. Moynihan wrote: "... Many times the money was given to the Congress party which had asked for it. Once it was given to Gandhi herself who was then a party official." Mrs Gandhi said it was well known that "they are against me".

13 THE IDEAS PAGE

Why income transfers are not enough

An urban employment guarantee programme is an idea whose time has come



HARSH MANDER

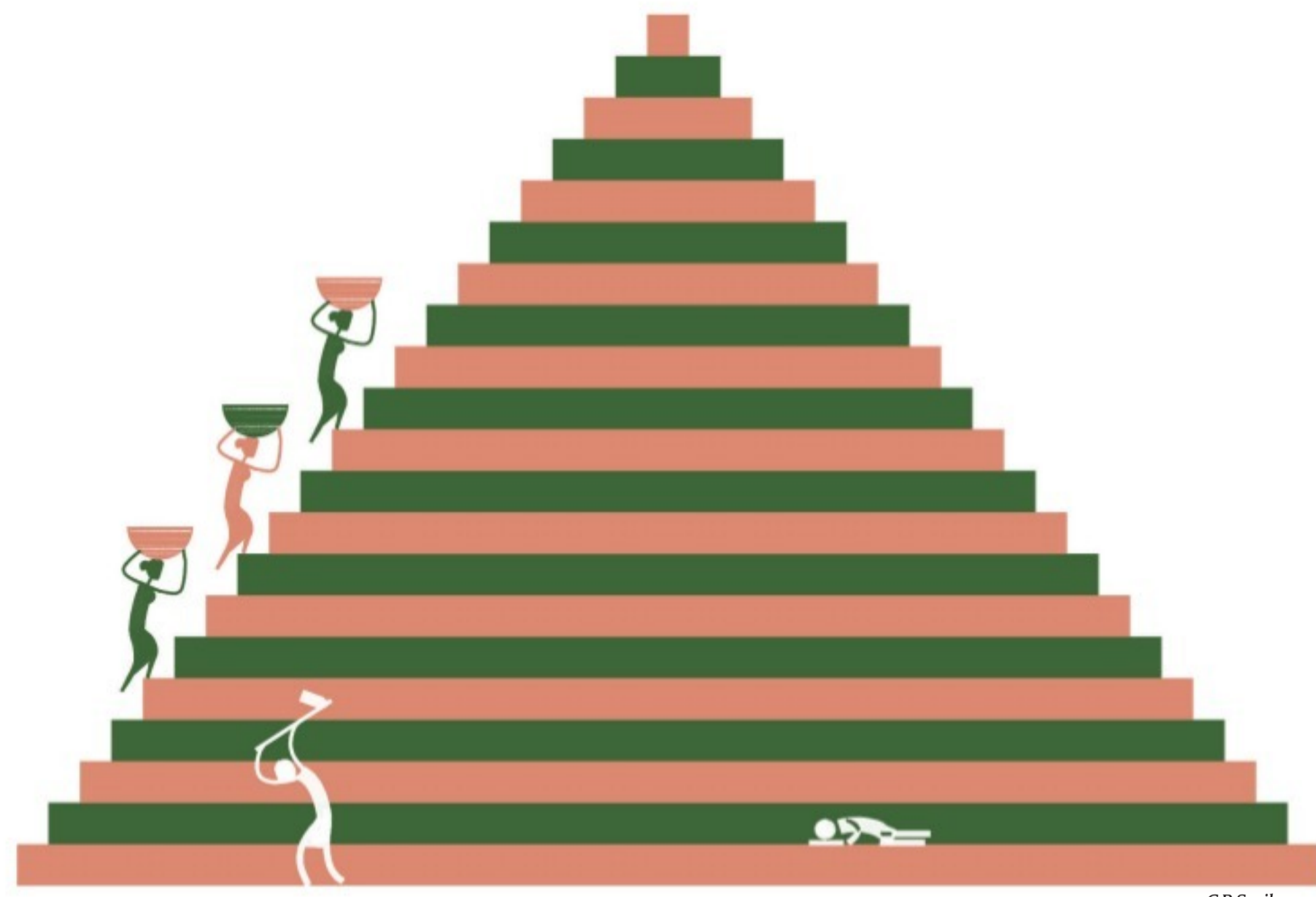
TEMPERATURES ARE RAPIDLY warming up in what promises to be a blistering summer of India's electioneering. Amidst the belligerent grandstanding on national security and the communal messaging barely below the surface, Rahul Gandhi's announcement of a minimum income guarantee scheme came as a relief, if only because it tried to steer the public discussions to the struggles of India's poorest people to survive with dignity. It is perhaps telling that even for this, Rahul Gandhi felt compelled to use a military metaphor: Of a surgical strike.

The details of the proposed programme are unclear on many points. A literal interpretation of the announcement is that it will be a monetary top-up, designed to ensure that each family takes home at least Rs 20,000 every month. This seems patently impossible to implement, because it would require accurate estimation of the incomes of every household, which is impossible to do with any kind of objectivity for the large mass of households whose earners are not in formal salaried employment. This is even more difficult for households dependent on casual work, or self-employment in farms or small businesses.

But when the details of the proposed minimum income guarantee scheme were fleshed out by Congress spokespersons, it seemed that the main intention is to identify the country's poorest households who comprise the bottom 20 per cent of the country's population, into whose accounts the government, if elected, would transfer Rs 6,000 every month.

There are obvious implementation difficulties with this formulation as well. These relate, most of all, to how the poorest households can be identified with any kind of objectivity and certainty. All poverty lists of governments so far have been ridden with fatal flaws. Even Planning Commission studies have demonstrated that if you are poor, the chances are more that you will not be included in an official list of the poor, than included. The reason for this universal experience of intensely flawed official poverty lists is that there are no objective and verifiable criteria by which the monetary income of a household in the informal sector can be measured. These lists, therefore, inevitably become dependent on the discretion of officials and politicians at the local level. Since the stakes — for inclusion in these lists — are so high, this can easily encourage rent-seeking and power-brokering.

The other major worry is of how will it be financed. If the party claims that this will be by taxing the rich (especially the super-rich), through wealth and inheritance taxes, or by cutting subsidies or tax holidays to the rich and super-rich, it would be a welcome move. But, some announcements speak worryingly of the "rationalisation" of subsidies to release the funds required for this income transfer. If this means that existing subsidies for the poor,



CR Sasikumar

such as through the Public Distribution System (PDS), would be reduced in order to finance this income transfer, it would be disastrous for the poor, because it would not amount to an addition to their incomes.

However, my most fundamental worry about this proposal, or indeed about any proposal for income transfers is that they in effect supersede the most fundamental way of assisting most households to overcome their poverty. This is through the assurance of respectable, well-protected and decently-paid work.

My worry is, essentially what the growing support for income transfers — even in neo-liberal institutions like the World Bank — signal, without admitting it, is that the present economic growth model has the potential to create wealth, but not jobs. The mounting evidence of jobless growth in surging economies like India is not acknowledged to be a fatal flaw of this growth model. The central promise of the market reforms was that freeing the economy for global private capital would spur millions of jobs, so everyone would be better off even if wealth inequality grew on a quantum scale. Since we have seen, in the past decades of high growth, that these have not expanded decent work opportunities, the authentic and logical remedy would be to search for a new growth model: One not dependent on a trickle-down, but one that bubbles up from below, by ensuring small amounts of more resources in the hands of all people. Instead of this reimagining of growth, from below rather than above, the growing recommendation is to retain the globalised market model, and enable the millions who would continue to be without decent work, to live on income transfers.

India in the first decade of this century has demonstrated the power and impact on poverty of a very different kind of social protection programme, which is of social pro-

tection through the guarantee of work, instead of just income transfers. Where it was implemented in spirit, it allowed families to earn enough to rise above poverty, and even save some money to spend in the local markets (further spurring growth, and therefore, jobs). At the same time, it created rural assets such as local irrigation and roads, which would help further raise employment in a virtuous cycle.

Therefore, the resolve to assist the poorest families with redistributive measures to escape poverty is a worthy goal in a country of growing massive and morally reprehensible levels of inequality. The best way to do this is not through income transfers, but by guaranteeing work to all who seek it, where they seek it. This would be served most effectively by creating an urban employment guarantee programme, an idea for which the time has come. This would assure employment in extending basic public services for low-income urban settlements, as well as a massive expansion of the care economy, in terms of services for children, persons with disabilities and the aged.

This does not mean that there should be no income transfers. There are populations that are restrained from any or equal participation in work, such as older people, persons with disability and single women. For them, cash transfers equivalent to at least half the minimum wage is imperative to help them live outside poverty. Farmers, sharecroppers and farm workers, too, require a carefully designed income support programme.

The time indeed has come for an end to poverty by redistributive measures. India has the wealth and the state capacities to end the suffering of hunger and want. What it needs is the social imagination, the political will, and, above all, public compassion.

The central promise of market reforms was that freeing the economy for global private capital would spur millions of jobs, so everyone would be better off even if wealth inequality grew on a quantum scale. We have seen in the past decades of high growth that these have not expanded decent work opportunities: The logical remedy would be to search for a new growth model, that's not dependent on a trickle-down, but one that bubbles up from below

Mander is a human rights worker and writer

WHAT THE OTHERS SAY

"The Middle East is a graveyard of ambitions. What this region needs is patience to maintain the status quo. The US has chosen a wrong place to show its strength."
— GLOBAL TIMES, CHINA

A case for more electoral nuance

It is time India tweaked its first-past-the-post system so that the people's vote is not so easily hijacked



ANNIE ZAIDI

AS INDIA GOES towards her 17th general election, it is time we asked ourselves a hard question: What are we voting in? If we were being honest, the answer would be: We don't know. We are probably voting in someone who represents himself or herself, rather than a set of values or a shared vision.

For decades now, the Indian people have watched with a kind of gobsmacked fascination the absolute disintegration of political values. A candidate contests elections with the support of one party, uses up its resources and the precious time invested in his campaign by senior leaders affiliated to that party, then once he wins the election, dumps his organisation and goes over to a rival devoted to a totally different set of values.

When I was growing up, the phrase "Aaya Ram, Gaya Ram" was already part of the Hindi idiom. It gained currency after 1967, when an MLA called Gaya Lal switched parties three times over 15 days. This gentleman quit the Indian National Congress to join the United Front, then went back to Congress, and a few hours later, went back to the United Front.

We have come a long way. The words "suitcase" and "resort" are more closely identified with election season than a summer vacation. The buying and selling of the people's mandate no longer causes outrage. Voters wring their hands. Punters take bets.

The Constitution was amended in 1985 and a so-called "anti-defection" law created. However, governments continue to be formed depending on the pliability of winning candidates. There's been talk of a new anti-defection law, but it has come under fire for preventing elected representatives from voting in Parliament against the party line. In other words, our MPs and MLAs might be forced to vote against their conscience.

At this point in time, the less said about political conscience, the better. In recent years, Arunachal Pradesh Chief Minister Pema Khandu, along with 43 MLAs, defected from the Congress to join the People's Party of Arunachal. Then, within a few months, he went over to the Bharatiya Janata Party. There were similar defections in Goa, Manipur, Uttarakhand, Nagaland and Telangana.

Matters have deteriorated to the point that the BJP actually argued before the Supreme Court that the anti-defection law did not apply to the MLAs elected in Karnataka in 2018 because they hadn't been sworn in yet. The Supreme Court called it out as an "open invitation to horse-trading", but there's little doubt in the minds of ordinary voters that "resort politics" is now mainstream. We have seen videos, we have heard tapes and we read news reports about bribes to the tune of hundreds of crores.

Words like "party" are slowly being leached of meaning. What does it mean to vote for a party when the person you vote

for ceases to represent that party? Post-election alliances also appear to be based on who can be persuaded to surrender a slice of power. There is little pretence about smaller parties wanting to ally with others based on common values. In such a climate, those who speak of values — their own or those of the voters — elicit mockery, while those who can successfully dismantle the public mandate are admired.

It doesn't have to be like this. All over the world, voters participate in elections because they take for granted that their candidates represent a set of values. Some nations go a step further and account for the fact that individual leaders have their own following, regardless of party affiliation. Perhaps it is time India also tweaked our system so that our vote does not get hijacked so easily.

In Australia, there is a system of preferential voting. Each candidate is given a "preference" or ranked by the voter. If implemented in India, it would mean that you could decide that your first choice is for the Bahujan Samaj Party, second choice is an independent candidate, third choice the Samajwadi Party, and so on.

There is another system called the Single Transferable Vote. Here, too, voters rank candidates in order of preference. Supposing your first choice of candidate is A, and the second choice is B. Now imagine that to win a seat, a candidate has to win 5,00,000 votes. As votes are counted, imagine that A has got more than 5,00,000 votes as a first choice. From that point on, all votes that named A as first choice will be transferred to the second choice, who could also win a seat.

Now, supposing our first choice, A, gets the lowest number of votes. Your vote will not be wasted. Instead, it will be transferred to B, who still stands a chance.

It is not inconceivable that we should change our system. New Zealand used to have a first-past-the-post system — whoever gets the most votes wins the seat. However, around 1908, they moved to a second-ballot system wherein a candidate must get at least 50 per cent of the vote to win a seat, else another election would be held. Since 1996, it has become a Mixed Member Proportional system. Every voter has two votes — you vote for a candidate, and also for a party. This way, if a party has 30 per cent of the national vote, it gets 30 per cent of the seats in Parliament. Individual candidates win seats too, regardless of party affiliation and this makes for a more honest polity. If individuals wish to distance themselves from their party, they don't betray the voter's mandate because they didn't win a seat only because of the party.

For a culturally and demographically complex nation like India, more electoral nuance is a good thing. Fractured mandates may also be a good thing. It is in everybody's interest that politicians and parties cannot take their seats for granted, especially since many of them have demonstrated that our mandate means little more than "suitcases" and offshore accounts.

I, for one, am in favour of a re-ordering of the system. At the very least, it would involve re-educating voters and perhaps that process would force us to think harder about our democracy.

Zaidi is a writer and poet



MANMOHAN VAIDYA

The Mahatma and the Sangh

Mutual respect between Gandhi and RSS is not widely known

THE POLL BUGLE has been sounded and political leaders are busy delivering campaign speeches as per the culture and tradition of their parties. In one such speech, the leader of a party proclaimed that the vote this time around would be a choice between Mahatma Gandhi and Nathuram Godse. Those who follow Gandhian ideology pay special attention to their utterances and never take the name of Godse. I have participated in many such discussions on Gandhiji in the Sangh but never heard Godse mentioned. It is indeed ironic that those whose actions and policies are in direct opposition to the Mahatma's life and legacy, who rely on falsehood and violence as a political weapon, seek to use his name insincerely for narrow political gains.

Like with most aspects of the Sangh, when it comes to the RSS's relationship with Gandhiji people often make presumptions without the requisite examination of the facts. Even so-called scholars rarely attempt a holistic study of the subject.

In order to set the record straight, the material available on Gandhi's relationship with the Sangh needs to be carefully examined. Despite disagreeing with him and his surrender to the extremist and jihadi elements among the Muslim community, the RSS has always admired his efforts to broaden the public support for Bharat's freedom struggle through simple means like the charkha and satyagraha and considered this as his greatness. If one understands Gandhiji's insistence

on constructive programmes like gram swaraj, swadeshi, cow protection and the abolition of untouchability, his affinity and perseverance for the eternal Hindu thought is undeniable.

Dr K B Hedgewar, the founder of the RSS, was an active participant in the non-cooperation movement of 1921 and the civil disobedience movement of 1930. For his involvement, he served two rigorous prison sentences.

When the Mahatma was sentenced to six years imprisonment on March 18, 1922, the 18th of every month was celebrated as the Gandhi Day. Whilst Gandhiji was in prison, some of his self-professed followers were serving their own interests in the name of patriotism. Hedgewar flagged this discrepancy in his speech on Gandhiji Day in October 1922: "Today is a very auspicious day. It is a day to listen and mull over the values and qualities found in the life of a noble soul like Mahatmaji. Those who take pride in being called his followers have an additional responsibility to follow these qualities".

In 1934, when Gandhiji was residing at Jammalal Bajaj's residence, he attended a camp of the RSS being conducted nearby. During his conversations there, he was happy to learn that the camp included swayamsevaks from the Scheduled Castes and everyone lived together in fraternity. Later, when Gandhiji was staying in what was then called a Bhangi colony (sweeper's colony), after Independence, a morning shakha used to be

conducted in front of his residence. As per his wishes, more than 500 Swayamsevaks, above the mandal level, assembled and Gandhiji addressed them.

He started his address with these words: "I had visited the RSS camp years ago at Wardha. At that time the founder Shri Hedgewar was alive... and I was impressed by their rigorous discipline, the complete absence of untouchability and simplicity. Since then the sangh has grown. I have always believed that any organisation which is inspired by the ideal of service and self-sacrifice, is bound to grow in strength."

On January 30, 1948, when Sarsanghchalak Shri Guruji (M S Golwalkar) got the news of Gandhiji's assassination, he sent a condolence telegram to Devdas Gandhi, Jawaharlal Nehru and Vallabhbhai Patel. Guruji wrote: "Shocked at the news of the fatal cruel attack and tragic loss of greatest personality. Country's loss is unbounded in these critical times. God help shoulder responsibilities grown heavier and fulfill the void caused by the loss of incomparable unifier."

On the occasion of the birth centenary of Mahatma Gandhi, a statue of Gandhiji was unveiled by Golwalkar. In his address, he said: "Mahatma Gandhi was born like any other common man, but he attained the status of a great man due to his deeds and love in his conscience. We should mould our life on his lines... My last meeting with Mahatmaji was in 1947. At that time riots broke in Delhi. Even those

who were non-violent by tradition had become cruel, rogue and heartless... Mahatma Ji said to me: 'See, what is happening?'"

"I said: 'This is our misfortune. British used to say when we leave; you people will slit each other's throats. Today, the same thing is happening. It is bringing disrepute to us in the whole world.' In the prayer meeting of that day, Gandhiji took my name with pride and expressed my thoughts. It was my great fortune that the great Mahatma took my name. In this entire context, I reiterate that we should imitate Gandhiji. If we act on Mahatma Ji's thoughts we shall reawaken the great Hindu Dharma that imparts such lessons."

This speech has been published in collected works of M S Golwalkar, vol.1 page 208-221.

Commenting about the relationship between Gandhi and the RSS without considering these facts is a disservice to the truth. The Sangh has kept Gandhiji's ideals alive through its work on rural development, organic farming, cow conservation and protection, social equality and harmony, imparting education in one's own language and swadeshi economy and lifestyle and shall continue to do so. That is more than can be said for those who talk about Gandhi only during election campaigns.

This year is the 150th birth anniversary of Gandhiji. I humbly pay tribute to his memory.

The writer is joint general secretary of the RSS

LETTERS TO THE EDITOR

AN IMPARTIAL EC

THIS REFERS TO the editorial, 'Election omission' (IE, April 10). It lists instances where the spirit of the Model Code of Conduct (MCC) has been violated while the Election Commission (EC) has remained a mute spectator. Empowering the EC requires structural changes. "Independence" of the EC begins with "appointments" to the agency. The power to appoint should shift to Parliament from the prime minister. There should be a bar on election commissioners holding post-retirement posts in the government. EC's expenditure should be "charged" on the consolidated fund and not be subject to "vote".
Suchak D Patel, Ahmedabad

SLUMP AHEAD

THIS REFERS TO the editorial, 'Forecast: Cloudy' (IE, April 11). The latest World Economic Outlook report has downgraded the growth numbers for both the world as well as India. Trade tensions between the US and China, Brexit woes, slowdown in manufacturing, the prediction of El-Nino presage the global slowdown. The Libyan crisis and sanctions on Venezuela and Iran further complicate matters related to oil imports to India. In these times, India needs to tread cautiously.
Anirudh Parashar, Solan

WHAT'S IN A WORD

THIS REFERS TO the article, "Anti-na-

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.

THE WINNER RECEIVES SELECT EXPRESS PUBLICATIONS

national' thoughts' (IE, April 10). Before this regime, the word anti-national was used. But this government seems to have fixed a definition for the term: Those who are not in its favour or ask questions. It's better that terms and concepts like the HDI (Human Development Index) and Happiness Index find currency. These would be apt indicators of the working of democracy in India.
Manish Tailor, Jaipur



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If there are questions of current or contemporary relevance that you would like explained, please write to explained@expressindia.com

TELLING NUMBERS

India population growing as fast as world's, has fewer teen birth and maternal death rates

INDIA ACCOUNTS for over one-sixth of the world's population in 2019 (1.37 billion out of 7.71 billion) and has grown at an rate (1.2% per year between 2010 and 2019) that is just over the world growth rate (1.2%), according to State of the World Population 2019, the flagship report of the United Nations Population Fund (UNFPA).

While India's life expectancy at birth is lower than the world's (69 years to 72), it scores higher than the global average in terms of access to healthcare during childbirth, and also has a much lower adolescent birth rate. Between 2006 and 2107, 86% of births in India were attended by skilled health personnel, as compared to 79% across the world. India's maternal mortality ratio in 2015 was 174 deaths per lakh live births (down from 448 in 1994) while the global MMR in 2015 was 216. And while 28 of every 1,000 Indian adolescent women (age 15-19) gave birth between 2006 and 2017, the global adolescent birth rate was over one-and-a-half times that of India, at 44 per 1,000. India's fertility rate in 2019 is 2.3 births per woman, compared to 2.5 worldwide.

Early marriage continues to present a major cultural obstacle to female empowerment and better reproductive rights, the UNFPA report said. "A girl who marries when she is 10 will probably leave school. And because she leaves school, she won't get the negotiating skills, and she won't get the specific skills which will allow her to then get a better-paid job," PTI quoted UNFPA Geneva director Monica Ferro as saying.

China, the world's most populous country at 1.42 billion, has a population growth rate of 0.5% per year between 2010 and 2019, which is less than half of that in India or in the world.

Concerns & challenges

The report includes, for the first time, data on women's ability to make decisions over three key areas - sexual intercourse with their partner, contraception use and health care. According to the analysis, the absence of reproductive and sexual rights has a major and negative repercussions on women's education, income and safety, leaving them "unable to shape their own futures".

Despite concerns, the UNFPA report highlights that "untold millions" have enjoyed healthier and more productive lives in the 50 years since the agency was founded, thanks to pressure from civil society and governments to dramatically reduce unintended pregnancies and maternal deaths.

Looking ahead to future challenges, the UN agency highlights the threat to women's and girls' reproductive rights posed by emergencies caused by conflict or climate disasters. About 35 million women, girls and young people will need life-saving sexual and reproductive health serv-

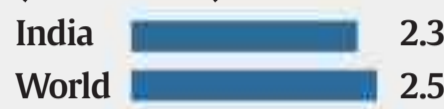
POPULATION, 2019



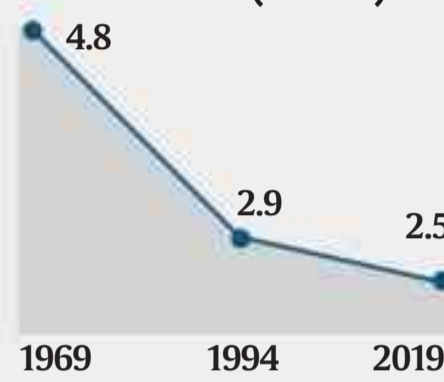
ANNUAL GROWTH, 2010-19



FERTILITY RATE (PER WOMAN), 2019



FERTILITY RATE (WORLD)



LIFE EXPECTANCY, 2019



LIFE EXPECTANCY (INDIA)



BIRTHS ATTENDED BY SKILLED HEALTH PERSONNEL, 2006-2017



ADOLESCENT BIRTH RATE (PER 1,000 WOMEN AGED 15-19, 2006-17)



POPULATION BY AGE, 2019

Age	India	World
0-14	27%	26%
15-64	67%	65%
65 & more	6%	9%

Source: UNFPA, with PTI inputs
ices this year, as well as services to address gender-based violence, in humanitarian settings, it warns.

SIMPLY PUT

How SC asserted press freedom

In rulings on Rafale deal documents that media had published, Supreme Court dwelt on freedom of press while allowing the documents to be relied upon. The previous rulings cited by the Bench, and what it said.

KAUNAIN SHERIFF M
NEW DELHI, APRIL 11

IN rulings relating to the Rafale aircraft deal Wednesday, the Supreme Court dwelt on freedom of the press while allowing three documents relied upon by the petitioners.

How it came up

The documents had been published by *The Hindu* and *The Wire* news website. The petitioners — former Union ministers Yashwant Sinha and Arun Shourie and advocate Prashant Bhushan — had relied on these documents while seeking a review of the court's judgment on December 14, 2018. For the government, Attorney General K K Venugopal had objected on the ground that the documents had been removed from the Ministry of Defence without authorisation. The AG raised three specific questions - that relying on the documents was violative of the Official Secrets Act; that the documents could not be accessed under the Right to Information Act; and that the government was entitled to privilege under the Evidence Act.

However, before dealing with the questions regarding the maintainability of the review petition, the three-judge Bench — Chief Justice of India Ranjan Gogoi and Justices Sanjay Kishan Kaul and K M Joseph — observed that they would first deal the critical issue of freedom of the press, since the petitioners had relied upon articles published on various media platforms.

CJI Gogoi & Justice Kaul

CJI Gogoi, authoring his order along with Justice Kaul, emphasised at the very beginning that although the issue before the court is not about freedom of the press, the "present could very well be an appropriate occasion" to recall the views expressed by the Supreme Court on the issue.

Justice Gogoi observed that the "right of such publication would seem to be in consonance with the constitutional guarantee of freedom of speech", and wrote: "No law enacted by Parliament specifically barring or prohibiting the publication of such documents on any of the grounds mentioned in Article 19(2) of the Constitution has been brought to our notice. In fact, the publication of the said documents in *The Hindu* newspaper reminds the Court of the consistent views of this Court upholding the freedom of the press in a long line of decisions."

CJI Gogoi cited various judgments on freedom of the press. In *Romesh Thappar vs State of Madras* (1950), relating to Thappar's magazine *Cross Roads* being banned by the Madras government for publishing views critical of the Congress, the court had held that "freedom of press lay at the foundation of all democratic organisations". In *Brij Bhushan vs State of Delhi* (1950), which related



Illustration: CR Sasikumar

to a ban on *Organiser* magazine, the court had observed that "the imposition of pre-censorship on a journal is a restriction on the liberty of the press which is an essential part of the right to freedom of speech and expression declared by Article 19(1)(a)". In *Indian Express Newspapers (Bombay) Pvt Ltd vs Union of India* (1985), the court had held that "freedom of press is at the heart of social and political intercourse" and observed: "Newspapers being purveyors of news and views having a bearing on public administration very often carry material which would not be palatable to governments and other authorities."

CJI Gogoi also cited *New York Times Company vs United States* (1971), in which the US Supreme Court had refused to prohibit publication of the "Pentagon Papers" on the ground that "the Congress itself not having vested any such power in the executive, which it could have so done, the courts cannot carve out such a jurisdiction as the same may amount to unauthorized judicial law making thereby violating the sacred doctrine of separation of powers". "We do not see how and

why the above principle of law will not apply to the facts of the present case," CJI Gogoi said.

On one of the questions raised by the government, Justice Gogoi observed: "There is no provision in the Official Secrets Act and no such provision in any other statute has been brought to our notice by which Parliament has vested any power in the executive arm of the government either to restrain publication of documents marked as secret or from placing such documents before a court of justice..."

Justice Joseph

In his separate but concurring judgment, Justice Joseph too began with the issue of freedom of the press: "I do agree with the observations made by the learned Chief Justice in regard to the importance which has been attached to the freedom of press. Press in India has greatly contributed to the strengthening of democracy in the country. It will have a pivotal role to play for the continued existence of a vibrant democracy in the country..."

At the same time, Justice Joseph observed that the right of the press in India is "no

higher than the right of the citizens under Article 19(1)(a)"; that the press "cannot be biased"; and that "transmitting biased information, betrays absence of true freedom". "If freedom is enjoyed by the Press without a deep sense of responsibility, it can weaken democracy," Justice Joseph observed. Justice Joseph quoted from *Time vs Hill* (1967) in the US Supreme Court: "The constitutional guarantee of freedom of speech and press are not for the benefit of the press so much as for the benefit of all the people."

Justice Joseph too cited *Indian Express* (1985). To underline that the fundamental principle in freedom of the press is the people's right to know, he quoted from the verdict: "Freedom of expression, as learned writers have observed, has four broad social purposes to serve: (i) it helps an individual to attain self fulfilment, (ii) it assists in the discovery of truth, (iii) it strengthens the capacity of an individual in participating in decision making, and (iv) it provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change."

THIS WORD MEANS: IRGC AND FTO

Iran's armed force, now designated a terror group by US

US SECRETARY of State Mike Pompeo announced in Washington DC this week the Trump administration's "intent to designate the Islamic Revolutionary Guard Corps (IRGC), including its Qods Force, as a foreign terrorist organisation (FTO) in accordance with Section 219 of the Immigration and Nationality Act". The designation, Pompeo said, would "take effect one week from today", that is, on April 15. The designation as FTO will impose sweeping economic and travel sanctions.

The IRGC was set up in 1979 after Ayatollah Khomeini's Islamic Revolution as an ideologically-driven branch of the armed forces of Iran, to protect the newly estab-

lished Islamic system from hostile foreign powers and internal dissensions. The IRGC is today a 125,000-strong force with ground, naval, and air wings, tasked with internal and border security, law enforcement, and protection of Iran's missiles. It controls the Basij militia, a semi-government paramilitary force estimated to have up to a million active members. The elite Qods Force or Qods Corps is an elite wing of the IRGC, reporting directly to Supreme Leader Ayatollah Ali Khamenei. It has perhaps 10,000-20,000 members, and carries out unconventional warfare beyond Iran's borders, often working with non-state actors such as the Hezbollah in Lebanon,

Hamas and the Palestinian Islamic Jihad in the Gaza Strip and West Bank, the Houthis in Yemen, and Shia militias in Iraq and Syria. The Qods Force has been commanded since 1998 by Maj Gen Qasem Soleimani; Maj Gen Mohammad Ali Jafari has been the commander-in-chief of the IRGC since 2007.

Section 219 of the US Immigration and Nationality Act authorises the Secretary of State to "designate an organization as a foreign terrorist organization... if the Secretary finds that (A) the organization is a foreign organization; (B) the organization engages in terrorist activity or terrorism... or (C) ...threatens the security of United States nationals or

the national security of the United States".

The State Department has alleged that "the IRGC has been directly involved in terrorist plotting; its support for terrorism is foundational and institutional, and it has killed US citizens. It is also responsible for taking hostages and wrongfully detaining numerous US persons, several of whom remain in captivity in Iran today."

Among the 67 other FTOs designated by the State Department are the Pakistan-based terrorist groups Jaish-e-Mohammad, Lashkar-e-Taiba, Hizb ul-Mujahideen, Haqqani Network, and Lashkar-e-Jhangvi, apart from al-Qaida and the Islamic State.

Electoral Bonds Scheme: key objections vs government's arguments

KRISHN KAUSHIK
NEW DELHI, APRIL 11

THE SUPREME Court will deliver its order on Friday on an interim plea to stay the government's controversial Electoral Bonds Scheme on funding for political parties. Attorney General of India K K Venugopal told the court Thursday that "voters don't need to know where money of political parties come from". What is the scheme, what are main objections of the critics, and the government's claims?

What is the Electoral Bonds Scheme?

The Finance Bill, 2017 introduced "electoral bonds" — interest-free bearer bonds (like Promissory Notes) that can be purchased from specified branches of the State Bank of India in a designated 10-day window in every quarter of the financial year. The scheme, which was notified on January 2, 2018, allows individuals and domestic companies to present these bonds — issued in multiples of Rs 1,000, 10,000, 1 lakh, 10 lakh, and 1 crore — to political parties of

their choice, which have to redeem them within 15 days. Buyers of the bonds have to submit full KYC details at the time of buying. But the beneficiary political party is not required to reveal the identity of the entity that has given it the bond(s).

On what grounds has the scheme been challenged in court?

The petitioners have stated that the Electoral Bonds Scheme has "opened the floodgates to unlimited corporate donations to political parties and anonymous financing by Indian as well as foreign companies which can have serious repercussions on the Indian democracy".

The scheme, they have said, has "removed the caps on campaign donations by companies and have legalised anonymous donations". This poses a "serious danger to the autonomy of the country and are bound to adversely affect electoral transparency, encourage corrupt practices in politics, and have made the unholy nexus between politics and corporate houses more opaque and treacherous and is bound to be misused by special interest groups and corporate lobbyists".

The petitioners have raised four major objections:

■ Ordinary citizens will not be able to know who is donating how much money to which political party, and the bonds "increase the anonymity of political donations".

■ The requirement to disclose in the profit and loss account the name of the political party to which a donation has been made, has also been removed.

■ With the removal of the 7.5% cap on the net profits of the last three years of a company, corporate funding has increased manifold, as there is now no limit to how much a company, including loss-making ones, can donate. This opens up the possibility of companies being brought into existence by unscrupulous elements primarily for routing funds to political parties through anonymous and opaque instruments like electoral bonds.

■ The contribution received by any eligible political party in the form of electoral bonds will be exempt from income-tax as per Section 13A of the Income Tax Act.

Does the Election Commission agree?

Not entirely. But it has its own concerns

about the scheme.

In its affidavit to the Supreme Court filed on March 25, the EC said that it had written to the Union Ministry of Law and Justice in April 2017 that "certain provisions of the Finance Act, 2017 and corresponding amendments carried out in the Income-Tax Act, the Representation of the People Act, and the Companies Act will have serious repercussions/ impact on the transparency aspect of political finance/funding of political parties".

The EC also said in the affidavit that "any donation received by a political party through an electoral bond has been taken out of the ambit of reporting under the Contribution Report", and if information on the money received through such bonds is not reported, "it cannot be ascertained whether the political party has taken any donation in violation of provisions" of the Representation of the People Act, which "prohibits the political parties from taking donations from government companies and foreign sources".

The Commission also flagged the issue of laws being changed to allow political parties to receive contributions from foreign

companies, which would "allow unchecked foreign funding of political parties in India which could lead to Indian policies being influenced by foreign companies".

What are the government's arguments on these issues?

The government has been defending the scheme on the ground that it limits the use of cash in political funding, thus bringing more transparency, and provides a shield to donors by granting them anonymity.

It told the Supreme Court in its affidavit that the introduction of the scheme "has brought in a marked shift from the old electoral system which suffered from many lacunas" as "massive amounts of political donations were being made in cash, by individuals/corporates, using illicit means of funding" and identity of the donors was not known and "the 'system' was wholly opaque and ensured complete anonymity".

It argued that "all payments made for the issuance of the electoral bonds are accepted only by means of a demand draft, cheque or through the Electronic Clearing System or direct debit to the buyers' ac-

count"; "no black money can, therefore, be used for the purchase of these bonds".

The government underlined that buyers must comply with KYC requirements, and the beneficiary political party has to "disclose the receipt of this money and must account for the same". Also, limiting the time for which the bond is valid "ensures that the bonds do not become a parallel currency".

According to the government, "non-disclosure of the identity of the donor is the core objective of the scheme... in order to safeguard the donor from political victimisation", and "the records of the purchaser are always available in the banking channel and may be retrieved as and when required by enforcement agencies".

Donations through bonds received from a domestic company having a majority stake is permitted, subject to its compliance with KYC norms and FEMA guidelines, the government said. "Therefore, the electoral bonds attempt at bringing greater transparency, ensuring KYC compliance and keeping an audit trail in comparison to the earlier opaque system of cash donations," the government told the Supreme Court.