



WORDLY WISE
BEHIND EVERY BEAUTIFUL THING, THERE'S
SOME KIND OF PAIN.
— BOB DYLAN

The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

Pulwama and them

Pakistan believes that post-Pulwama situation has worked to its advantage, or is at least a stalemate



AYESHA SIDDIQA

LIFT THE GAG

The prior restraint order on press secured from court by BJP's young candidate in Bengaluru is against free speech

IN WHAT AMOUNTS to disregard for constitutional values and the sanctity of elections, a Bengaluru court has favoured advocate and debutant BJP candidate for Bangalore South, Tejasvi Surya, with an ex parte temporary injunction against the publication of "defamatory statements" in 49 print, television and internet media providers, including international carriers like YouTube. The injunction will be in place until May 27, when these media houses are heard. The results of the general election would have been declared by then, and a new government may have been formed. The injunction, therefore, has a chilling effect on the press at a crucial time, robs voters of information, and thereby interferes with the election. But it appears that applications for temporary injunctions are routinely entertained by Karnataka courts. They have restrained coverage of a ponzi scheme, an allegation of sexual harassment, a controversial suicide and the discovery of child pornography on a civil servant's hard drive. BJP MP and businessman Rajeev Chandrasekhar filed two suits against The Wire in 2017 over articles alleging conflict of interest between his political and business careers — the ex parte restraint was lifted in February.

To entertain applications for injunctions, the lower courts in Bangalore rely upon a 1986 order of the Karnataka High Court (*AK Subbaiah vs BN Garudachar*), which bounded the freedom of speech by the duty not to harm others by one's speech. However, the Supreme Court provides numerous overriding precedents, most notably *Romesh Thapar vs State of Madras* and *Brij Bhushan vs State of Delhi*. The apex court has taken an unambiguous position favouring the freedom of speech in its most important avatar: The freedom of the press, the fourth pillar of democracy. But the Karnataka injunctions amount to "prior restraint" — a term undefined in Indian law but clearly understood in the US courts, which are most vigilant in protecting free speech. Prior restraint is regarded as the most pernicious form of censorship, disbarring the dissemination of information about events which have not even happened.

In 2017, a Supreme Court bench led by Chief Justice JS Khehar and including Justice D Y Chandrachud, hearing a clutch of PILs, stated that it could not order pre-emptive strikes on the press. The courts can only hear complaints after publication. The freedom to express and publish protects Tejasvi Surya's proudly pinned tweet: "If you are with Modi, you are with India. If you are not with Modi, then you are strengthening anti-India forces." The Constitution that protects this hateful and divisive tweet is the same one that doesn't allow gagging of the press. If only the young man knew.

WAYANAD SIGNALS

Rahul Gandhi's decision to contest from Kerala constituency may be an admission of Congress's organisational weakness

THE CONGRESS HAS sought to justify its decision to field party president Rahul Gandhi from a second seat — Wayanad in Kerala — as a step towards reinforcing its image as a pan-Indian party. Congress chiefs have undertaken similar journeys to southern India in the past. However, Rahul Gandhi's choice of Wayanad, unlike Indira Gandhi's decision to fight from Chikmagalur, Karnataka in 1978 and Medak, Andhra Pradesh in 1980, and Sonia Gandhi's preference for Bellary, Karnataka in 1999, is more a reflection of the Congress's shrinking footprint and lack of confidence among party cadres in retrieving lost ground.

The strategy seems to be this: The Congress needs to better its tally in Parliament and maximise its gains from south India, which sends 130 MPs to the Lok Sabha, and where it seems better placed than the BJP. The presence of Rahul Gandhi is expected to enthuse cadres and lift the party's campaign. The party's focus on improving its own strength, even at the cost of upsetting potential allies, in this case the Left, may be understandable at a time when it faces an existential crisis. However, the choice of Wayanad, a so-called safe seat, is unlikely to have an impact beyond Kerala, where the Congress is contesting 16 seats. The party has progressively lost ground in Tamil Nadu after the rise of the Dravidian parties in the 1960s and the bifurcation of Andhra Pradesh, a Congress stronghold until 2014, may have dealt a fatal blow to its fortunes in the region. Meanwhile, the BJP has become a force to reckon with in Karnataka. In short, the Congress no longer has any seat in the major southern states where it can be sure of success without the help of regional allies. The faction-ridden Kerala unit is unsure of retaining its core voters in the wake of a strong challenge from a cadre-based party like the CPM and a rising BJP. It is a telling comment on the Congress organisation that it needs to field a Gandhi to energise party workers and establish its national credentials vis a vis voters.

Even more than the Congress, the Left is battling for relevance and is banking on Kerala to provide the numbers in Parliament. A resurgent Congress in Kerala can wreck its anti-BJP narrative and diminish its returns from the state. It's the fear of its own washout in Kerala that has roused the CPM leadership to loudly criticise the arrival of Rahul Gandhi in Wayanad.

NO PAIN, NO GAIN

A genetic mutation offers freedom from suffering, physical and mental. But is it worth it?

THE SIMPLEST FORM of learned behaviour is based on an instinct so distinct that it almost defies explanation: Pleasure good, pain bad. Pain tells us when the body is in distress and the anguish it causes is an important signal that assists survival. Its cousins in the mind — fear, anxiety, panic — too are essential to the fight-or-flight response hardwired into a lot of organic life. Traditionally, it is only through much spiritual labour and physical hardship that human beings have claimed to move beyond pain and fear, the circular chain of causality they engender, and on to enlightenment. Recently, though, the discovery of mutations of a previously unknown gene in Jo Cameron, a 71-year-old English woman, which make her almost impervious to pain as well as fear, anxiety or panic, make it seem that even the chances of attaining nirvana are a roll of the dice.

Cameron has had broken limbs, been in accidents, gone through childbirth — all without the excruciating pain that usually accompanies such incidents. It was only when orthopaedic conditions were discovered in an x-ray that doctors got a hint of her condition, and the subsequent investigations revealed that oddities in a gene called FAAH have lead to Anandamide, a chemical produced by the body, being improperly broken down and thus acting in a manner not dissimilar to cannabis. Anandamide affects the sensation of pain, mood and memory. Cameron's mutation could hold the key to developing gene therapies to assist in the management of chronic pain, both mental and physical.

But apart from its scientific and social value, Cameron's lack of suffering poses another question: Is she really better off than the rest of us? She may not have felt it, but her body has suffered. She may not have known it, but the world has a lot to be scared of. There is a reason transcendence takes effort. Without pain and fear, experience is just a little incomplete.

INDIA-PAKISTAN RELATIONS are at the nastiest since 1947. Media hype has created a sense amongst the general public that beligerence could be a normal way of life. In times like these, it is important to have greater clarity about the thinking on either side. Of course what complicates matters, especially when it comes to having the real feel of things, is the lack of dialogue and direct access.

Broadly speaking, three kinds of claims have resonance in New Delhi. First, post-Pulwama, Pakistan Prime Minister Imran Khan's popularity has gone down. The pressure from the Financial Action Task Force (FATF), Pakistan's poor economic capacity and having Nawaz Sharif in jail are burdens for the new prime minister. Nothing could be further from the truth. Pakistan, like the rest of South Asia, knows the art of cushioning national security decisions from economic and social pressures. The flow of money through borrowing seems to sustain Islamabad. Short of an economic crash, things will work for Khan.

Like all wars, the current hostility between the two countries has also strengthened right-wing and status-quo oriented political forces. It has boosted the popularity of Imran Khan and his generals. Like India, the crisis has brought the nation together. Even the PML-N supporters, irrespective of how they express themselves on social media or closed WhatsApp groups, were supportive of the military in Punjab. The people of the country's largest — also the most important — province have been, for decades, exposed to a pro-military national security narrative. This narrative is too deeply ingrained in them to change their minds. The battle in Punjab is between Nawaz Sharif and Imran Khan — and not the armed forces.

In any case, Islamabad's public relations machinery has worked to garner domestic support for Khan. The ordinary people, who are generally unaware of state policies, bought into Khan's carefully-crafted image of a "cooler" South Asian leader who is ready to reconcile and solve problems through dialogue. Pakistan's media campaign has been much better in presenting this perspective.

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RAMIN JAHANBEGLOO

A NEW SEASON IN ALGIERS

Unless structural reforms are undertaken, Algeria could see a second Arab Spring

"THE TASK OF men of culture and faith," said Albert Camus in Algiers in 1956, "is not to desert historical struggles nor to serve the cruel and inhuman elements in those struggles. It is rather to remain what they are, to help man against what is oppressing him, to favour freedom against the fatalities that close in upon it." This speech was given in order to save the lives of countless civilians, Arabs and French alike. For Camus, the main idea was to hold tight to the moral compass, resisting oppression while resisting one's own tendency to oppress. Camus proposed that the FLN (National Liberation Front) and French authorities agree to a "civilian truce".

Despite the fact that Camus' old neighbourhood of Belcourt is today a former Salafist enclave and Algeria is no more a guiding light for revolutionaries around the world, the passion for change and freedom is still alive among the Algerian youth. It is true that the popular uprisings that swept the Arab world in 2011 had no immediate effect on Algeria. Today, the story is different. Algerians and analysts of Algeria talk about a "Second Arab Spring", challenging the traditional ideas of power in Algerian society and developing a new idea of democracy in the Maghreb.

Unlike in Egypt, Libya, and Tunisia, the political power of FLN in Algeria has remained intact. Under the pressure of the Algerian youth and civil society, Abdelaziz Bouteflika, who had been the president since 1999, is now out of the picture. Following

This was even conceded by the Indian delegation that came recently to London to present its perspective.

There are rumours of tension between Khan and the military's top brass. But the differences, if any, do not portend that the military intends to remove Khan. Apparently, there are differences over the handling of Nawaz Sharif because of the interest in, certain quarters, of getting a share in the approximately \$1 billion stashed away in a Southeast Asian bank. Interestingly, those negotiating these funds seem least interested in getting back the money for the country. Khan may not be part of that plan. Such rumours will increase as the day for appointing a new army chief — or extending the incumbent's tenure — approaches. General Qamar Bajwa is due to retire in November.

Second, the FATF is a concern and has led to some arrests. Khan has also indicated his intent to clean up the country of jihadi elements. However, his control over the overall jihad policy remains questionable. The Pakistan-based jihadi groups are considered the first line of defence, more reliable and effective compared to the ordinary folk. This was the position taken during an interaction with the civil society organised by the then army chief, General Jahangir Karamat, in 1997.

Third, there will be no change in policy because Pulwama did not prove to be Kargil. If anything, it proved to be the reverse. In 1999, Pakistan's temporary territorial gain was criticised, both nationally and internationally. There was even a division within the armed forces as the navy and the air force were not part of the plan. Internationally, there was condemnation, and no help came from Pakistan's all-weather friend, China. The post-Pulwama situation in Pakistan can be compared with the 2002 military standoff. Notwithstanding the country's numerous internal problems, the fear of intervention or a national crisis tends to transform Pakistan and bring together disparate elements in it — a strength that Delhi has not managed to ascertain.

Consequently, despite redefining the threshold for conflict, India did not carry the moment — the results did not impress people

in Pakistan or those abroad. The photographs of the attack on Balakot or stories of shooting down of an F-16 fighter jet could not convince the world. Instead, the Pakistan Air Force managed to shoot down an Indian MiG-21. The recovery of the debris, including the aircraft's entire arsenal, suggested that the pilot did not seek any target before going down. The subsequent capture of the pilot made for a better show of force from Pakistan.

Theoretically, it is harder for Delhi to link Pulwama with Pakistan compared to the 26/11 attack on Mumbai. During the Mumbai attack, calls between the attackers and their handlers across the border were picked up immediately by other intelligence and communication networks. The issue here is not whether Jaish-e-Mohammad operates in Pakistan or if it propagates the message of jihad, but if the outfit was involved in the attack without internal help — the attacker was from Kashmir.

The understanding in Pakistan is that the post-Pulwama situation has actually worked to its advantage — or is a stalemate. The situation today is comparable to the Rann of Kutch operation in 1965, or the 1965 war. As far as the diplomatic war is concerned, that will be long and protracted.

The fact that the European Union had a relook at its report on the human rights atrocities in Kashmir — which was completed before Pulwama but got sidelined — means that conflict escalation could have benefits for Islamabad. Treating the situation in Kashmir primarily as an insurgency is likely to add to Delhi's burden — not that of Islamabad's. In any case, the one thing that could be gathered from an interaction with an Indian panel speaking on the crisis in London was that Delhi did not have a sustainable plan on Kashmir. Greater use of force may not be a solution. Kashmir cannot be treated like the Golan Heights or Gaza. Since nation-states value territory, it is equally essential to understand what makes the population tick.

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several weeks of intense demonstrations by artists, intellectuals, students, lawyers and many other representatives of the Algerian civil society, the 82-year-old president named a new government on March 31. Surprisingly, the new government is keeping the army chief, Lieutenant General Ahmed Gaid Salah, as chief of staff and vice defence minister, though he had called for the application of a provision in the Algerian constitution that could remove Bouteflika on account of his failing health since 2013.

Also, even though Bouteflika has agreed to withdraw his candidature for a new term, he has cancelled the presidential election due on April 18. Probably, after being abandoned by some members of the ruling FLN and union leaders, Bouteflika's political entourage felt that by asking the president to leave the power, they could save the country from chaos. It goes without saying that a continuous popular revolt presents serious risks to an FLN regime's survival. The events in Algeria arrive at a difficult moment for the country's economy. Algeria is facing double-digit unemployment, widespread corruption and a quarter of the population is living below the poverty line. As for the political situation, the regime has restricted human rights and civil liberties since the civil war of the 1990s, in which more than 2,00,000 people died. As such, the fear of a new national tragedy is always in the air, and the Bouteflika government had been able to use the people's desire for stability and security.

Algeria's economic growth has been generally lower than that of the Middle East and North Africa (MENA) average and its GDP has grown at an average annual rate of 4.3 per cent, which is below Egypt. Moreover, a modest devaluation of the currency and the marginal macroeconomic adjustments between 2014 and 2017 by Prime Minister Abdelmalek Sellal did not pacify the increasingly discontented public.

With the army ruling the state, especially after the Black Decade of violent civil war between the military and the Islamists, and Algeria's judiciary being subject to government pressure, one can conclude that the Algerian society is plagued by many problems which cannot be solved with one or two cabinet changes in the government. But now there is a strong feeling among the Algerians that even if the state is controlled by a few individuals, they have the power to bring down the government. As a matter of fact, the Algerian government and its international allies know well that unless a structural reform strategy is initiated, a second Arab Spring could be around the corner. If this is the case, the Arab countries of the MENA region will be watching developments in Algeria with great concern. "As far as Algeria is concerned," Camus wrote, "national independence is a formula driven by nothing other than passion".

The writer is professor and vice-dean, Jindal Global University

APRIL 2, 1979, FORTY YEARS AGO



NEW REPUBLIC
AYATOLLAH RUHOLLAH KHOMENI announced that Iranians had voted "unanimously" for the transformation of the nation into an Islamic republic, state media reported. He decreed that April 1 henceforth will be known as "republic day" in honour of the result of the nation's referendum. "I am declaring today the day of the Islamic Republic of Iran and I would also like to declare that such a referendum is unprecedented in history," said the 78-year-old Shiite Muslim leader.

ARAB EXITS
AS AN EXODUS of Arab ambassadors began

from the Egyptian capital, the government of Egypt, president Anwar Sadat declared, would not be deterred from peace. Also planning to leave before Israeli Prime Minister Menachem Begin arrives on his first state visit on April 2 were the top diplomats from Kuwait, Bahrain, Qatar, the UAE and Jordan. "The departure of ambassadors does not mean we are severing relations because the Kuwaiti flag will still be flying and the Baghdad declarations give us one month to leave," Kuwait Ambassador Soliman Maged Shahin said in an interview. He said the Arabs split "more than ever before" over the treaty between Egypt and Israel but hoped that matters would straighten out soon.

SGPC ELECTIONS
ASSERTING ITS UNASSAILABLE sway over the Sikh masses, the Akali Dal has won a massive mandate in the Shiromani Gurdwara Prabandhak Committee (SGPC) elections by annexing an overwhelming 132 of 140 seats.

FINAL APPEAL
FOLLOWERS OF CONDEMNED former Pakistan PM Zulfikar Ali Bhutto defied their leader last night to send 11th hour appeals to President Zia-ul-Haq to save Bhutto from the gallows. Bhutto's elder sister, Munuwar Islam, has also made a clemency appeal to Zia, Radio Pakistan reported.

13 THE IDEAS PAGE

Deaths of Taslim and Gufran

Had professionalism, cameras, inspections, access to lawyer and family been embedded in our custodial practices, the two men might have been alive to appear before the court and face trial as per due process



SARINA DAS

TWO YOUNG MEN, Taslim Ansari, 32, Gufran Alam, 30, died in police custody Dumra, Sitamarhi district of Bihar on March 7. Nails were allegedly hammered into their thighs, soles and wrists and their legs were broken. Picked up in healthy state on March 6 for investigation in a theft and murder case, both died within less than an hour of reaching the hospital.

Giving the macabre event a farcical twist, the suspended police officials "escaped" from custody, and till date are evading arrest. The disappearance also implies the possible disappearance of diary entries, warrants, memo list of pre-existing injuries, interrogation records, recoveries and CCTV footage, if any.

The government of Bihar is in denial that the police are dragging their feet in the matter. However, neither have arrest warrants been issued nor the errant officers dismissed. The FIR does not mention their names, the IPC section for murder. No inquest by a judicial magistrate has been initiated. An inquiry delegated to a Range DIG has no deadline.

The autopsy report is yet to be handed over to the National Human Rights Commission (NHRC). These are all factors that make the deaths less lethal than what they proved for Taslim and Gufran? In its landmark judgment in the DK Basu case, the Supreme Court, in 2015, asked for closed-circuit television (CCTV) cameras to be installed in police stations including interrogation rooms, and surprise inspections by Non-Official Visitors (NOVs), as preventive measures against custodial torture. Of their bodies is symbolic of the fissured times we live in. The monstrous act of nails being driven into bodies speaks of a horrifying hatred and not the power of the thana alone or the lust for evidence. It cannot be remotely confused with impartial agencies of the law and due diligence in investigation. The high courts, full men at work against crime. So, while women's Commission and other authorities demning the act of third-degree custodial torture, let us condemn this too: the torturous on particular bodies made easy, excessive number of custodial deaths, Gujarat (haves that are always guilty and lives that matter less anyway).

At least 90 people die in police custody annually, the largest number of them being in 2016 to install CCTV cameras in all 1,056 police stations, including lock-ups and for a magistrate. In 2016, government data recorded 92 deaths in police custody, of which 60 occurred before reaching the court. This makes a travesty of sections 55A and 57 of the Criminal Procedure Code (CrPC) which place the duties of care of the accused, and production before a magistrate within 24 hours, on the person having custody.

Even as Taslim and Gufran join the statistical enumeration of persons who die in custody, deaths remain specific. They signify a much larger problem than the already overwhelmed and abusive of both power and duty that make this a matter of suo motu inquiry under the various rights commissions. CrPC was amended in 2009 to include safeguards under 41A, 41B, 41C and 41D, so that denunciations, some compelling issues have must be addressed in the public interest of those who are no longer alive to benefit.

We do not have an anti-torture legislation, and are yet to criminalise custodial violence. Section 41D CrPC provides, "When any person is arrested and interrogated by the police, he shall be entitled to meet an advocate of his choice during interrogation, though not throughout interrogation."



CR Sasikumar

While we await the nabbing of the perpetrators, the strictest action against culpable officials remains illusory. What graspable safeguards and deterrence, then, can make the "24 hours" less lethal than what they proved for Taslim and Gufran?

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WHAT THE OTHERS SAY

"Restoring the sovereignty of parliament was a major aim of Brexit. Mrs May could honour that by accepting what the Commons votes for." — THE GUARDIAN

Political blindspot, science policy

Instead of only praising scientists after technology breakthroughs, Opposition must debate policy challenges



RAJA-MANDALA
BY C RAJA MOHAN

IT IS now the norm for the main Opposition party to praise the "scientists" and hold back on complimenting the government for major technological advances in India. While this tactic may look politically opportune, it does little to advance either the cause of science or national security. Worse still, it perpetuates the dangerous myth that India's science and technology policy is somehow independent of political direction.

We saw the Congress party resort to the verbal gymnastic of praising the scientists and damning the government, when Prime Minister Narendra Modi announced India's first test of an anti-satellite weapon system. The Congress party's reaction to India's nuclear tests in 1998 was much the same: Cheers for the scientists but no compliments to the NDA government led by Prime Minister Atal Bihari Vajpayee.

The BJP's attitude to developments during the UPA's decade-old tenure in office was not very different. The party, under the leadership of Lal Krishna Advani, opposed the government's efforts to advance historic nuclear reconciliation with the US that was launched by the Vajpayee government after the 1998 nuclear tests.

Before India's political scene got so intensely polarised, there was a time when the Opposition celebrated the government's national security achievements. It also offered close scrutiny of government policies on science and technology. When he was the leader of the Jana Sangh, Atal Bihari Vajpayee was enthusiastic in his welcome of India's first nuclear test in May 1974.

It is not that the Opposition has an obligation to extend knee-jerk support to the government on national security issues. India's communists, for example, were critical of India's nuclear tests in both 1974 and 1998. In an even earlier phase, a scientist of great international repute, Meghnad Saha, offered strong but constructive criticism of Nehru's science and technology policies. Saha was elected to the Lok Sabha from Calcutta in 1952 as an independent candidate. Diversity is natural in a democracy and healthy arguments strengthen rather than weaken India's national security.

Whether we agree with them or not, Vajpayee in 1974 and the communists in 1998 had no hesitation in expressing their policy preferences in an area where science, technology and national security came together. The Jana Sangh was always an advocate of India building nuclear weapons and the Left was ideologically opposed to the nuclearisation of India's national security. Put simply, their positions were derived from political convictions.

Offering formal praise for scientists becomes an excuse to duck some real questions. Consider the following, for example: Is the Congress party for ASAT weapons or not? Do ASAT weapons increase or decrease India's national security? Do they complicate or strengthen India's deterrence vis-a-vis China and Pakistan? Are there in-

ternational costs to the testing of ASAT weapons? More fundamentally, why has India not articulated a comprehensive military space strategy?

The political debate in the last few days has only been about whether PM Modi's decision was appropriate amidst the elections. That may be a worthwhile question in itself, but in leaving the ASAT policy debate to the nerds on social media, the political class is abandoning its responsibility.

Decisions on building nuclear weapons or space weapons are not just about science or demonstrating technological capability. They reflect the strategic choices that the political leadership makes in consultation with top bureaucrats, military leadership and the technology departments. But in recent years, political leadership across the spectrum has often been tempted to take the easy way out.

"We have given a free hand to the armed forces" and "scientists know best" were some of the familiar tropes of the UPA government in dealing with the pressing but controversial issues during its tenure. The NDA government has undoubtedly been bolder in making explicit political choices about national security — whether it was in wrapping up the civil nuclear initiative with the US, ordering the bombing of Balakot or the testing of ASAT weapons. But, as a collective, we are a long way from a serious political debate on pressing challenges of technology policy. For all the political praise of science, India's national spending on research and development has stagnated at 0.7 per cent of the GDP. China, whose GDP is nearly five times that of India, spends 2.1 per cent of its GDP on R&D. What this growing gap might do to India's standing vis-a-vis China, one would think, would be of major interest to the country's political parties.

Besides the aggregate size of spending, other issues deserve attention. What is the distribution of India's total R&D spend across different areas? Is that distribution shaped by inertia or a serious appraisal of the national requirements? Must atomic energy, space and defence continue to get the lion's share of the government spending? Must the political leadership leave it to the individual departments to decide on the priorities within their sphere?

There is even less attention devoted to a range of other issues — for example, the need to promote corporate and private sector investments in R&D and the importance of privatising the industrial components of the S&T empires of various government departments. Is there any interest among political parties in issues such as the declining attractiveness of science education, the limitations of India's engineering studies, the deepening crisis in India's universities and the policy obstacles to promoting technological innovation.

Developments in areas like artificial intelligence promise to rearrange modern industrial societies and rejig the global power hierarchy. But there is hardly any political debate on how best India can develop national capabilities in this area and how it might direct them to address pressing national challenges. The time is now for the two leading national parties to stop praising scientists and start debating the science policy challenges.

The writer is director, Institute of South Asian Studies, National University of Singapore and contributing editor on international affairs for The Indian Express

Where credit isn't due

Row over Javed Akhtar's lyrics shows how producers defeat copyright laws



ARUL GEORGE SCARIA

A RECENT tweet by lyricist Javed Akhtar, claiming he was credited as songwriter for the film, didn't work on — PM Narendra Modi — raises some fundamental questions about the Indian copyright law. Whom should we credit for the economic rights granted to the creators as Indian copyright law primarily protect? The artist who created a work or the person who acquired certain economic rights from the artist through an assignment or license?

Akhtar claims that his name was specifically included in the film poster without his knowledge or permission and he tweeted, "Am shocked to find my name on the poster of this film. Have not written any songs for it!" The film's producer, Sandip Singh, responded by tweeting, "We have taken the songs 'Ishwar Allah' from the film 1947: Ekaamra and the song 'Suno Gaur Se Duniya Valiye' from the film Dus in our film, thus we have given the due credits to respective lyricists. Which Javed Sahab and Sameer Ji. @T-Series are music partner. @ModiTheFilm2019".

Both tweets generated political heat on Twitter, but it is important to look at some legal and policy questions, crucially, whether Akhtar has a right under the Indian copyright law to not be named as a lyricist in a movie. Under the Indian copyright law, there are two kinds of rights for creators — economic rights and non-economic rights. Economic rights comprise a bundle of rights including

the right to reproduce, distribute and perform the work in public. These rights are assignable, transferrable, and waivable. Non-economic rights granted to the creators are generally known as "moral rights". Under Indian copyright law, they are referred to as the author's Special Rights, and includes right of attribution and right of integrity. The former is the right to be attributed as the author of a work, while the latter is the right to know, or claim damages in respect of any distortion, mutilation, modification, or other act of relation to that work, if such acts would be prejudicial to her honour or reputation.

Moral rights under Indian copyright law are non-assignable, that is, creators cannot give away those moral rights to anyone through a contract. Unlike economic rights, they are also perpetual in character. Which means moral rights protection extends even beyond the term of copyright protection. While it is debatable whether perpetual moral rights protection is good for promoting creativity, it is important to note that one does not find a similarly strong moral rights position in many other jurisdictions. If one looks at the history of Indian copyright law, it can be seen that India consciously opted for a strong moral rights position in the first independence copyright legislation, departing from the British approach which is reflected in most other parts of the Indian

copyright law. Part of the reason could be the influence of freedom fighters like Gandhi, who were very keen on protecting the integrity of their works. One of the important facets of moral rights is the right not to be named as an author, particularly in a scenario wherein the author considers that a modified version of her work would be detrimental to her honour or reputation. If one looks at cases wherein moral rights-related provisions have been invoked, it can be seen that the Indian judiciary has recognised this important aspect. The direction of the Delhi High Court to remove the name of the novelist Mannu Bhandari from the credits of the 1986 movie *Samay ki Dhara*, which was an attempt to adapt her novel *Aap ka Bunty*, is an example. In this context, it is important to ask ourselves whether we should deny the right of a creator to not be mentioned as a lyricist in a movie which she doesn't want to be associated with or which she considers as prejudicial to her honour or reputation.

This question is also relevant in the context of the legal provisions on assignment of economic rights. While addressing the practical requirements of copyright assignment, lawmakers have taken note of the fact that creators are often forced to give away all their rights without adequate remuneration due to the imbalance in bargaining power. Indian

copyright law has tried to address this issue through protective provisions. Restrictions introduced through an amendment in 2012 on assignments by a lyricist or composer for songs synchronised in a movie deserve special attention. Lyricists and composers are not allowed to assign or waive the right to receive royalties on an equal basis with copyright assignee, except for playing the music along with the film in a cinema hall. The amendment has also clarified that any agreement to the contrary shall be void. The only exceptions are for legal heirs of authors, and copyright societies established for the collection and distribution of royalties on behalf of creators. While that amendment was in the context of the right to receive royalties, the intention of legislators to protect lyricists and composers from undue exploitation of producers is very clear: This amendment was also a result of the efforts of Akhtar as a Member of Rajya Sabha.

However, the current controversy is an example of how economically powerful producers often try to defeat the creator-centric approach of India's copyright law. It is important to think beyond the politics of the present controversy and make efforts to protect the creators who bring melody and colour to our lives.

The writer is an independent consultant on criminal justice reforms

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LETTERS TO THE EDITOR

AUTONOMY FOR RBI

THIS REFERS TO the editorial 'Setting limits' (IE, April 1). Raghuram Rajan's suggestion on having a fixed tenure for the RBI governor has reignited the debate on the autonomy of the bankers' bank. Governments gets swayed by populist schemes. This entails an inordinate load on the exchequer. It becomes all the more imperative, therefore, that fiscal stability and macroeconomics remains unaffected by the dictates of electoral politics.

Vijai Pant, Hempur.

STRIKE A BALANCE

THIS REFERS TO the editorial, 'An own goal' (IE, March 31). From its inception, Article 35A was muddled in controversy. BR Ambedkar was one of the first to oppose it. In July 2015, an RSS-backed think-tank, Jammu & Kashmir Study Centre, challenged the article in the Supreme Court. However, we must remember that Article 35A, which was born out of Article 370, governs the constitutional relations between the Centre and Jammu and Kashmir and has ensured that Kashmir remains an inseparable part of India. The judiciary has rightly put its full weight behind the two articles, and persuaded the Centre to not tinker with them.

Sauro Dasgupta, Kolkata

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

CURIOUS IDENTITY

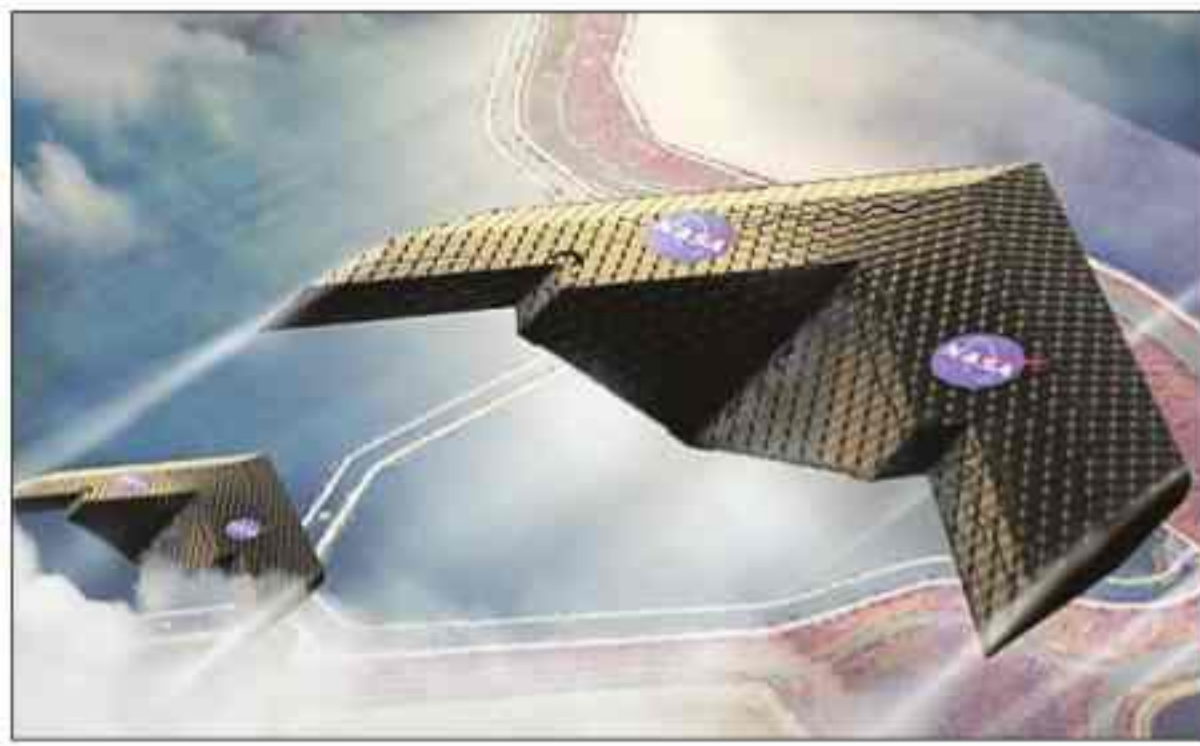
THIS REFERS TO the article, 'Gujarat link' (IE, March 31). Devout and destitute people have been coming to Varanasi to die for several years. No journalist has ever identified these people by the state from which they die.

Sanjay Kher, via email

THIS WORD MEANS

DIGITAL MORPHING WING

New design that allows aircraft wing to constantly change shape. What can it mean for future aircraft?



An artist's concept of the new design for an aircraft wing, whose changing shape can control flight. Eli Gershenfeld/NASA Ames Research Center

A TEAM of engineers has designed a radical kind of airplane wing, assembled from hundreds of tiny identical pieces. The "digital morphing" wing can change shape to control the plane's flight. The new approach to wing construction could afford greater flexibility in the design and manufacturing of future aircraft, say the researchers, including from the Massachusetts Institute of Technology and NASA, who have published their concept in the journal *Smart Materials and Structures*.

Conventional wings require separate movable surfaces to control the roll and pitch of the plane. The new assembly system, on the other hand, makes it possible to deform the whole wing, or parts of it. This is important because each stage of a flight — takeoff and landing, cruising, manoeuvring etc — has its different set of optimal wing parameters. A conventional wing is a compromise that is not optimised for any of these stages, and therefore sacrifices efficiency, the researchers point out. A constantly deformable wing, however, could provide a much better approximation than a conventional wing of the

best configuration for each stage.

The team has designed a system that automatically responds to changes in the wing's aerodynamic loading conditions by shifting its shape — a sort of self-adjusting, passive wing-reconfiguration process. The wing is made deformable by incorporating a mix of stiff and flexible components in its structure. These tiny sub-assemblies are bolted together to form an open, lightweight lattice framework. The framework is then covered with a thin layer of similar polymer material. The result is a wing that is much lighter, and thus much more energy-efficient, than those with conventional designs.

The researchers explain that the structure, comprising thousands of tiny triangles of matchstick-like struts, is composed mostly of empty space; therefore, it forms a mechanical "meta-material" that combines the structural stiffness of a rubber-like polymer and the extreme lightness and low density of an aerogel.

Source: Massachusetts Institute of Technology

TIP FOR READING LIST

WHY SMART PEOPLE OFTEN ACT SILLY

THE MOST intelligent minds have been known to make stupid decisions. "As a rule, I have found that the greater brain a man has, and the better he is educated, the easier it has been to mystify him," the magician Harry Houdini told the author Arthur Conan Doyle. This is the argument that science writer David Robson makes in his new book — smart people are not only just as prone to making mistakes as everyone else; they may be even more susceptible to them.

The Intelligence Trap: Why Smart People Do Stupid Things and How to Make Wiser Decisions is packed with research, historical case studies, and stories. In an article in *Australian Finance Review* describing his book, Robson cites the example of Conan Doyle, who used to visit mediums, and Houdini, who tried to convince him that these



were tricksters. Conan Doyle then came up with a theory that his friend must be a paranormal being, Robson writes. As *The Guardian* points out in its review, there is evidence that smarter people may sometimes be more vulnerable to certain ideas, since their greater brainpower allows them to rationalise their incorrect beliefs.

In addition to examples of this, *The Intelligence Trap* also comes with practical advice. Robson shows how to build a cognitive toolkit to avoid mistakes and protect against misinformation and fake news. "For any issue that strikes at the core of who we are, greater brainpower may simply serve to preserve that identity at the expense of the truth. This new understanding of misinformation should change the way we go about debunking falsehoods," *The Guardian* review says.

AN EXPERT EXPLAINS

Livestock Census: Why it is important to count India's chickens (and cows)



TARUN SHRIDHAR

WHILE INDIA has the world's second largest human population at 121 crore, it leads the world in livestock population at 125.5 crore. The latter, however, goes unnoticed as enumerating men and women living in any country is a more widely publicised activity than counting the animals and birds that provide them with food.

The human headcount is conducted every 10 years by the Registrar General of India through a network of permanent offices known as the Directorate of Census in each state. The Census, as it is called, involves

lakhs of enumerators who move house-to-house collecting data of individual citizens. The sheer magnitude of this exercise is overwhelming, and so is its outcome. The extensive data — ranging from name, sex, literacy, status, occupation, etc. to access to government assets and services — indicate the quality of life of citizens, and are of critical importance in national policy and planning.

On the other hand, feeder livestock is counted by no permanent administrative institution, a process that, therefore, lacks bare resources. The quinquennial (every five years) Livestock Census becomes a burden and goes unnoticed as general awareness about it stays low, especially in urban areas. Compounded with the present din of general elections, the ongoing, humongous animal count — currently on across the country — has been pushed further into the shadows.

That is where we err, as livestock is not only an integral part of the agriculture economy supporting the rural livelihood but also a rudimentary element of our socio-cultural

milieu. Our cultural heritage endows great importance to owning and rearing livestock as an inseparable part of an inclusive universe. Accurate, reliable data therefore become the *sine qua non* for planning and development of the sector — and counting sheep or any other animal becomes the foundation for a peaceful growth.

The importance of a livestock census was first recognised in 1919, 47 years after human counting was started in 1872. The ongoing 20th round of the Livestock Census continues to be an elaborate, complex and daunting exercise with about 50,000 enumerators and 10,000 supervisors — a humble number compared to the nearly 25 lakh involved in the human Census — enumerating animals in every village and ward. The exercise is more voluminous than enumerating the human population and capturing such wide and varied information across numerous species is extremely difficult and cumbersome.

The current round is also counting a larger number of species besides the regular cattle

such as mithun, yak, sheep, goats, pigs, horses, mules, donkeys, camels, dogs, rabbits, elephants and poultry birds. It is counting stray and abandoned animals as well. That should give a fair idea of the magnitude of this exercise.

If one were to only count and compile absolute numbers, it would be a sub-optimal use of such a labourious exercise. Data to support policy and planning should be robust and meaningful. So, what is also being captured is the breed of each animal along with sex, age, productivity, use etc.

To illustrate, 82 breeds of cattle and 26 breeds of buffaloes are being captured with further data on sex, age, whether for breeding purposes, whether for draught, whether in milk, calving history, etc. Similarly, 52 breeds of goats and 84 breeds of sheep are being recorded along with other parameters. This exercise extends to other animals such as horses, pigs, mules, camels and poultry too. Other supporting and supplementary data on the owners of livestock are also being collected and compiled. These include informa-

councils and neighbourhood administrators is seen as critical to Erdogan's grip on power, *The New York Times* said in an analysis published Sunday. The municipalities represent the core of his working-class, conservative power base and a source of income for his party, the report quoted Aykan Erdemir, a former MP and a senior fellow at a US-based research institute as saying.

The importance Erdogan attached to the elections had been evident in his feverish campaign, during which he addressed up to eight campaign rallies across Turkey every day, referring to the vote as being critical to "national survival", and asking voters for a mandate "in perpetuity".

He handpicked senior aides to contest for mayor in Ankara and Istanbul, and although overall results showed the AKP about 15 percentage points ahead of the opposition Republican People's Party, the defeat in the capital city, representing political power and government, and probable humiliation in his home town, the business centre, were being described as a "nuclear" setback for the President, and a development that was potentially as far-reaching as his own arrival in Turkey's politics.

"This election is as historic as the local election in 1994," the veteran commentator Rusen Cakir posted on Twitter. "It is the an-

ouncement of a page that was opened 25 years ago and is now being closed," he said, according to a translation of the tweet reported by *The NYT*.

Turkey is now officially in a recession after close to two decades of growth. Figures released last month showed GDP shrank by 2.4% in the fourth quarter of 2018, following a decline of 1.6% in the third. Unemployment is more than 10%, and up to 30% among young people. The Turkish lira lost 28% of its value in 2018 and is still falling, and inflation has touched 20%. Opposition candidates offered change and promised to create jobs.

Personally, Erdogan does not face a national election until 2023, and under the new system brought in by the 2017 referendum, he can stay in office up to 2032. He will be 78 then.

(WITH THENYT)

SIMPLY PUT QUESTION & ANSWER

What makes PSLV-C45 special

Among unique features: satellites placed in 3 different orbits, rocket's final stage as satellite for some time

AMITABH SINHA
 PUNE, APRIL 1

ON MONDAY morning, the Indian Space Research Organisation (ISRO) launched the PSLV-C45 rocket that carried one Indian and 28 international satellites into space. Like many of ISRO's earlier missions, the launch of PSLV-C45 was special for unique features that were successfully tried out for the first time.

What are these unique features?

Out of several features, at least two stand out. First, it was the first time ISRO launched a rocket that injected satellites in three different orbits. Second, the fourth and last stage of the rocket will function as a satellite itself for some time, instead of being rendered junk after ejecting its payloads. The fourth stage is what remains of the rocket after most of it is discarded — in three stages — during the flight to reduce weight, after running out of the propellant they carry.

Among other firsts, the rocket carried four strap-on motors. Strap-ons are booster rockets attached externally to the main rocket, and provide additional thrust, or energy, by firing themselves midway during the flight. In earlier flights, ISRO has used two or six strap-on motors. The four extra-large strap-ons used this time reduced the overall weight while still delivering the power equivalent to six motors.

Have ISRO rockets not launched multiple satellites into orbit before?

Indeed, ISRO holds the world record for carrying the number of satellites on a single launch vehicle — 104 on PSLV C-37 in February 2017. However, so far, these satellites have been ejected in two different orbits at the most. Three orbits, therefore, is a first.

How was this achieved?

On most previous occasions, the primary satellite was taken to its orbit, while the others were ejected, or sprayed in quick succession either before or after that into different trajectories. There used to be only a marginal difference in the vertical distances between the satellites. The entire operation used to be over in a few minutes.

PSLV C-45 did something very different. It placed the primary satellite, EMISAT, a piece of surveillance equipment to be used by the Defence Research and Development Organisation (DRDO), to the 748 km sun-



PSLV-C45 lifts off from Satish Dhawan Space Centre in Sriharikota Monday. PTI

synchronous polar orbit. It then made one complete revolution around Earth, over the poles, while lowering its orbit to 504 km height, after which it deposited the 28 international customer satellites — 24 from the US, two from Lithuania, and one each from Switzerland and Spain. It then made a further round of Earth while attaining an even lower orbit of 485 km, where the fourth stage of the rocket will continue for some time. This operation took a little over three hours.

For enabling each of the two revolutions around Earth, the fourth-stage engines were reignited, which again was a first. Earlier missions used to be "single-shot" operations in which the engines used to fire just once.

What is the significance of the achievement?

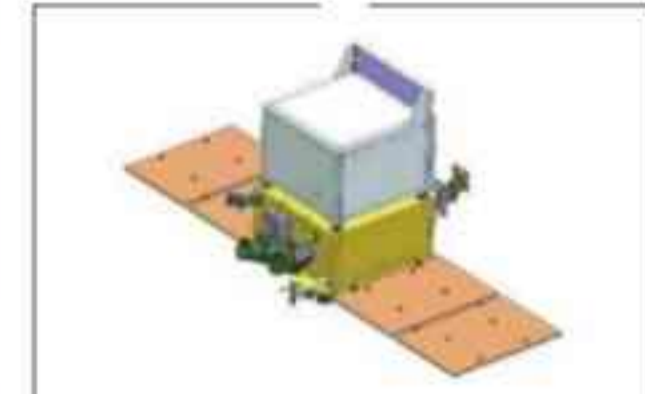
Reaching three different orbits gives ISRO a new technological edge. It demonstrated

its capability to reuse the fourth-stage engines multiple times, and also showed that the guidance and navigation systems aboard the launch vehicle could be used for much longer times than in earlier missions.

In practical terms, it will help ISRO pack its future rockets with multiple satellites even if they require to be placed in very diverse but precise orbits. Currently, this could be done only in multiple missions.

And what is the significance of using the fourth stage as a satellite?

The rocket, or the launch vehicle, is only a carrier. Once it places its passenger, or satellite, to its designated orbit in space, it becomes practically useless, adding to the space debris. For the last few years, ISRO had been planning to give some life to the rocket — at least to the uppermost part, or the last stage — which remains with the satellite till the ejection. The



SATELLITES LAUNCHED

EMISAT
 DRDO surveillance equipment (pictured), 436 kg, placed in 748-km sun-synchronous polar orbit.

INTERNATIONAL
 25 from USA, 1 from Switzerland, 2 from Lithuania, 1 from Spain

lower parts of the rocket are in any case discarded in the earlier stages and become junk. There is no way to put them to any use. The uppermost stage, however, can be used, at least temporarily. Previously, they would end up in some orbit to wander aimlessly and endlessly.

What purpose will it serve?

The fourth stage is carrying three kinds of equipment to carry out some measurements and experiments, and a solar panel to provide power to these equipments and enable communication with ground stations. One kind of instrument can be used to capture messages transmitted from ships, another can be used by amateur radio operators use for tracking and monitoring position data, and the third can study the structure and composition of the ionosphere.

How long will it function?

The fourth stage will not have the usual life of a satellite. It can remain alive only for a few weeks or a few months, since it is not equipped with a lot of other things that enable a satellite to exist for longer duration in outer space, like a radiation shield. However, this is still good enough time to carry out shorter duration experiments and data collection, like the three on-board instruments are meant to do.

In future, such an "orbital platform", as it is being described, can also be used to inject smaller satellites into orbits.