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BECAUSE THE TRUTH INVOLVES US ALL

# Rest in peace, Hemant

You do not need a certificate either from Sadhvi who cursed you or from the emissaries of Masood Azhar



S S VIRK

## TERROR NEXT DOOR

The Easter Sunday bombings in Sri Lanka could widen ethnic faultlines, threaten to disrupt a decade of calm

SRI LANKA'S DECADE of peace after the LTTE's military defeat in May 2009 has been shattered with a diabolical plan to drag the country back into its darkest days. The death toll is nearly 300 from the chain of eight bombings on Easter Sunday targeting churches and hotels across the island nation, worse than anything it has experienced at the hands of the LTTE in the three decades of civil war. The scale and the ferocity of the attack has no precedent in Sri Lanka's troubled history, one from which it believed it had finally emerged. In the last decade, a generation of Sri Lankans has come of age for whom conflict was history, who have no experience of curfews and emergency regulations or the Prevention of Terrorism Act. Now all this is threatening to engulf Sri Lanka again.

According to Sri Lankan authorities, the attacks were carried out by suicide bombers. Two dozen people have been arrested and the government spokesman has named the National Towheed Jamath as the group behind the attacks. Little is known about this organisation except that it preaches a puritanical form of Islam. But it is Prime Minister Ranil Wickremesinghe's acknowledgment that the country's security apparatus had "prior information" on the attacks that causes more anguish. The differences between President Maithripala Sirisena and Prime Minister Wickremesinghe appear to have played a good part in the security warning not being taken seriously. The PM has alleged that he was not kept in the loop about the intelligence warnings. If so, the inability of the country's top functionaries to get along has had deadly consequences. It casts their leadership abilities in extremely poor light. However, the administration has done well to prevent any backlash on the Muslim community.

Why now, and why Sri Lanka? Given that investigators believe this was the handiwork of radicalised local Muslims, there have been straws in the wind of such radicalisation for years, as a reaction to attacks by the LTTE on Muslims through the 1990s, and after the war, to the rise of Buddhist fundamentalism that began targeting Muslims. Sri Lanka, where nearly 10 per cent of the 22 million population is Muslim, has also not been insulated from the global spread of Wahabism. Mainstream Muslim parties, major players in Sri Lanka's robust democratic political space, had managed to keep the radicals at bay all these years despite the failure of the political class to repair the ethnic faultlines. The targeting of Christians, who are an even smaller minority in Sri Lanka than Muslims, and in a manner similar to anti-Christian incidents in other parts of the world, also points to more than a local grievance. But it seems too early to say if the Easter bloodbath was the handiwork of ISIS, which would be searching for new spaces to compensate for its total loss of territory. Solving these puzzles will help Sri Lanka, also the rest of South Asia, to craft responses that ensure there will be no repetition of this nightmare.

## A LITTLE TOXIC

Loose poll talk on nuclear weapons always undermines a nuclear weapon power

NATIONAL SECURITY HAS been a major focus of campaigning by the BJP this election season, with Prime Minister Narendra Modi taking the lead on the subject. He has held forth on military operations against Pakistan — the trans-LoC surgical strikes of 2016 and the recent air strikes at Balakot — under his watch. There has been discomfort about Modi's campaign thrust among a section of military veterans, who have appealed to the President to keep the armed forces out of politics. There is, however, a counter-view that a political leadership which envisages and orders military action must be allowed to highlight its decisiveness to the electorate. After all, the armed forces are an instrument of the state and operate under the democratically-elected political leadership of the country.

Even if this contention is accepted as occurring in an acrimonious election campaign, Sunday's speech by PM Modi in Rajasthan, where he invoked exchange of nuclear weapons with Pakistan, does cross a line. Modi said that "our newspapers also wrote, 'Pakistan, too, has a nuclear weapon'. So what do we have, is it kept for Diwali?". At one level, his statement merely reiterates India's no-first-use doctrine of retaliation to a nuclear attack, something which has been public since India became a declared nuclear weapon state in 1998. But the manner and context of his invocation doesn't serve any purpose for India. In fact, it has the potential of bringing the global spotlight on establishing a false equivalence between India and Pakistan, where both the countries are seen to be less than responsible with their nuclear arsenal.

Being seen as a responsible nuclear power has been the cornerstone of New Delhi's position historically, which has given it global credence, leading India to be treated as a de facto nuclear state. A credible and transparent nuclear doctrine, backed by sober talk from the country's political leadership, has earned India the respect which led to it being granted the exceptions by Nuclear Suppliers Group (NSG) and signatory to the India-US nuclear deal. New Delhi's quest for membership of NSG under the BJP government has also been based on the same arguments. Despite opposition by a strong anti-India nuclear lobby in the West, it has taken a lot of time and effort for New Delhi to reach this stage. To undermine these strategic gains for votes is not a terribly smart idea.

## AGE OF CLOWNS

In Ukraine, a professional comedian has won a landslide victory in the presidential election. It is a sign of the times

LIFE HAS IMITATED art. Volodymyr Zelensky, the comedian who has played an accidental president in the satirical Ukrainian TV serial *Servant of the People* for the last three years, has actually become president in a landslide. He will assume office in a month, and in that time, the laughing millionaire with absolutely no political, diplomatic or military experience will have to hammer out a policy direction for his government, which is no laughing matter. The moneybags of Kiev do not expect to be laughing all the way to the bank, either, because they have no idea about Zelensky's economic beliefs. If he has any, at all.

Zelensky has come to power with a margin of 73 per cent simply by marking himself apart, as an outsider to the system of corruption, lying and incompetence that people have grown to abhor. But as an outsider, he does not have a clearly articulated policy, either at home or abroad. He has avoided media interviews, preferring to promote himself and his *Servant of the People* party through internet videos. But now, he will have to take the reins of a nation which serves as the front in the ongoing battle between the Western powers and Russia. He is a comedian in urgent need of a policy.

But in an age of clowns, a professional comedian could have a fighting chance. Over the last couple of years, we have seen more than one instance of ballistic missile-rattling in international affairs, which is slapstick humour at its blackest. And there have been several instances, from South Asia to the US, of popular leaders being elected on the rather fuzzy promise of being radically different from their predecessors. But we'll all be laughing the other side of our faces if we only get the jokers in the pack.

SADHVI PRAGYA THAKUR, the BJP's candidate from the Bhopal parliamentary seat, made an irresponsible and controversial statement on April 18. While addressing a meeting of party workers, she targeted the late Hemant Karkare, who had arrested her for her alleged role in the Malegaon blast case in 2008. She claimed that it was her curse ("tera sarvnash hoga"), which ended Karkare's life soon afterwards. The resultant controversy and its fallout in the press, including the withdrawal of her statement, took me back in time by nearly 11 years. About a month before his death, I discussed the issue of violence by Hindu reactionary groups and the so-called "saffron terror" with Hemant. I had known Hemant as my cadre-mate and he was posted to New Delhi on deputation. A fine officer, he had the reputation of being an outstanding and professional cop.

Having worked in Punjab and fought militancy/terrorism there for more than a decade, terrorism was surely a subject that interested me, irrespective of its hues. One day, in October 2008, I bumped into Hemant at the reception of Maharashtra Sadan in New Delhi. I asked him about this new form of terrorism. Was it real? If so, how serious was the matter, what were its parameters and what was its potential? We sat for about two hours in my room where Karkare enlightened me about the acts of violence undertaken by groups consisting of radical Hindu youths, which were for quite some time, attributed to Muslim militant groups.

He told me that some blasts took place accidentally in some parts of Maharashtra without any reason, which set him thinking. Some of the blasts were in the rural areas of Marathwada in Hingoli and Nanded districts. These cases of accidental blasts had resulted in injuries to some persons but no satisfactory explanation for the blasts was forthcoming. So Karkare, as chief of the Anti-Terrorist Squad of the Maharashtra Police, visited some of the blast sites and also probed into the backgrounds of the persons who were injured. Interestingly, his enquiries revealed that the injured persons were close to some ultra Hindu groups closely associated with

the RSS. Probing deeper, Karkare widened the scope of his enquiries and started verifying similar cases in other parts of Maharashtra. These enquiries confirmed his earlier impression and deeper probes established the emergence and existence of radical Hindu groups forming terror modules to meet the challenges posed by pro-Islamic terror groups.

These groups had formed Abhinav Bharat, which began as a social organisation that engaged young Hindu boys, radicalised them and made them aware of threats posed by Islamic forces and the need to forge a hardened group from within the Hindu population which would pose a challenge to the hitherto dominant Islamic groups. It also created groups who indulged in blasts in Muslim areas and operated in such a manner that the needle of suspicion would point towards the Muslim groups. In fact, the police were already looking for the culprits among Muslims. But this revelation completely changed the direction of the investigation. In several cases, the complicity and participation of Hindu groups was clearly established soon.

Karkare successfully investigated the Malegaon blast case, in which the Hindu group was involved. It was established that the motorcycle used in the blast was registered in the name of Sadhvi Pragya, who was arrested. The investigation also established the active role of several other persons, including a serving officer of the Indian Army, holding the rank of lieutenant colonel. Karkare and his team collected evidence and arrested many of them including, Lt Colonel Purohit.

Karkare also told me that several groups from political as well as administrative circles put pressure on him not to implicate these groups as these were the "forces of nationalism". But Karkare did not relent. Later, those who put pressure also tried to accuse him of being pro-Muslim or anti-Hindu, a charge that he vociferously countered, "Sir, I am a Maharashtrian Brahmin and a high-caste Hindu. But does it mean that only Muslims and Sikhs are terrorists and violent acts of Hindu groups needed to be condoned?" He took strong objection to such bulldozing for religious reasons. He stood his ground.

Unfortunately, Karkare was killed on the

night of 26/11/2008 during the terrorist attack in Mumbai. Due to his sudden death, the dedication and commitment that he had put into the case slackened to some extent. Similarly, the changed political equations played their role and the investigation of the case was transferred to the NIA. Later, similar political changes took place in Maharashtra too and the grip on the case became loose.

Another development is that the main accused, Pragya Thakur, is out on bail. Not only that, the hidden forces which tried to pressure Karkare then have become more assertive now. They have not only accepted Thakur but have even adopted her as the candidate of the ruling party from Bhopal. The hidden hand is no longer hidden. I feel that blaming Hemant Karkare has just begun, it will pick up. Thakur said that it was her curse that killed Karkare. Condoning her own role, she tried to put the entire blame on a professional and duty-conscious officer who had sacrificed his life in the line of duty.

Thakur perhaps forgot that besides Karkare, 15 other officers and men of the Bombay police and dozens of innocent citizens were also killed on 26/11. Is it not strange that the fulfilment of her curse came through the bullets fired by emissaries of Masood Azhar? Truth is that Sadhvi and Masood Azhar both wanted to kill Karkare; both celebrated his death, though for different reasons.

In democracies, many wrong things do happen. But this is too blatant. An accused facing trial is presented as a party candidate and a national hero who sacrificed his life is denigrated. Will such irresponsible behaviour on the part of rulers not harm society or its secular fabric? How insensitive and apologetic do we want to make our society?

Rest in peace, Hemant. You surely do not need a certificate either from Sadhvi who cursed you or from the emissaries of Masood Azhar, whose bullet claimed your life. You gave the ultimate sacrifice. I am sure that coming generations of cops will always look to you to determine their direction and goals. My salute to you.

The writer is former DGP of Punjab and Maharashtra. Views are personal

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SANA HASHMI

## SOVEREIGNTY AND A ROAD

India's response to China's BRI is linked to its territorial concerns

INDIA HAS, ONCE again, decided to not participate in China's second Belt and Road Forum (BRF) due on April 25, which is likely to be attended by around 40 heads of government. Not surprisingly, China has expressed its disappointment. Should this be seen as another symptom of the chronic differences the India-China bilateral relationship faces, or is this just a manifestation of China's lack of understanding of India's concerns? Was India's 2018 Wuhan rendezvous with China a mistake? These questions have overshadowed India's China policy debates lately.

The admiration of India's attempt to engage China through the Modi-Xi Wuhan informal meeting has faded away in recent months, prompting some to ask: Did the Wuhan Summit provide India with any tangible outcome? A cursory response to the question seems a no if recent developments are taken into consideration. For instance, for the fourth time in a row, China blocked India's bid to designate the Jaish-e-Mohammad Chief Masood Azhar as a global terrorist at the UNSC, the CPEC is going on regardless of India's stern objections vis-à-vis PoK, and the balance of trade is still hugely in China's favour.

But such criticisms miss two key elements. First, thanks to the overpublicising of the Modi-Xi meeting, the expectation bar was set to an unrealistically high level. The Wuhan meeting was not about resetting India-China relations. It was an initiative to engage each other in a constructive dialogue. Wuhan and

subsequent steps were intended to only manage the differences and prevent relations from getting derailed. The popular perception in the Indian media that because of Wuhan, China would not go ahead with the CPEC or support India on Masood Azhar and the belief in the Chinese media that it would lead India to join the BRI, are misinformed at best.

Second, Wuhan was not a stand-alone dialogue, it was deeply embedded with the Doklam standoff. For the two countries, facing an eyeball-to-eyeball situation in Doklam, Wuhan came as an opportunity to re-start the dialogue. It was not a "Bhai-Bhai moment", it was a moment to realise that the two have to co-exist and peacefully so. For India and China, that are dealing with the protracted boundary dispute for the past more than half-a-century, one meeting would not have changed much considering that even more than 20 rounds of dedicated border talks spread over several years did not lead to significant gains.

India's response to the BRF is not linked with the Wuhan spirit. It is deeply rooted in its territorial sovereignty concerns vis-à-vis China and Pakistan. The Chinese investments in Pakistan are complicating the matter with each passing day. India's main concern remains the much-controversial CPEC that passes through the PoK. Seen from that perspective it is clear that India would not have openly supported the BRI or the BRF, even if China had refrained from blocking India's request at the UNSC.

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It is clear that China has been selective in addressing India's concerns, and India too has adopted a similar approach. China is mindful of the fact that without India's participation, BRI will remain an incomplete project at best. That is perhaps why China is keen to have another Wuhan-like dialogue. We do need more such meetings but only to facilitate the negotiation processes.

Considering the asymmetry in its relationship with China, India needs to continue its pragmatic and balanced policy of engaging China through dialogues while actively looking for ways to deal with the possible scenarios. The quest to institutionlise the Quad and Indo-Pacific seems to be turning into reality with the restructuring of the MEA's ASEAN Multilateral Division and the Indian Ocean Region Division into the Indo-Pacific Division. Trilateral dialogues and search for avenues to normalise and improve regular healthy conversations with China are the best way forward.

Self-doubt over peace initiatives or hesitation in moving forward on the Quad are detrimental to India's interests. One should not happen at the cost of the other. A careful balancing of both tracks will contribute to India's stronger positioning in the region.

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## APRIL 23, 1979, FORTY YEARS AGO

VINOBA FASTS ACHARYA VINOBA BHAVE began his fast unto death at 8 am after the "Sarva Dharma" (all religion) prayer to secure a total ban on cow slaughter in the country. In his five-minute speech after the prayer, the Acharya said that "I have nothing to add to what I have said already" and asked others, including the ashramites, not to fast beyond one day. He was informed earlier that many people in the country had expressed their desire to undertake indefinite fast with him. The Acharya said: "God will save the cow, but we have also a duty towards the cow whose milk we drink." He hoped that people from across the country would work for the total ban.

INDIRA'S SPEECH THE HIGHLIGHTS OF the AICC session were the passing of three resolutions — on the economic, communal and international situation — and a speech made by Mrs Indira Gandhi at the end of the two-day session. Mrs Gandhi said this was not the time for talking, but for action — to release the energy of the Congress. The party would stand up to all kinds of oppression — false cases, firing, imprisonment and so on — and it would win. And it would save the country from the "dark clouds" which had now enveloped it. She urged all to join the Congress (I) mass rally in Delhi on May 16 which is being organised against the "anti-people" policies of the

Janata government. DHAKA FOOD SHORTAGE THE DELAY IN US food supplies to Bangladesh this year — western diplomats discourage the use of the word "embargo" — because of differences on the manner in which such aid was utilised by Dacca last year, combined with a shortfall in food production and poor procurement, is leading to a food crisis on a magnitude that could well threaten the stability of President Ziaur Rehman's rule. Starvation point could well be reached in June and July unless food supplies are urgently rushed to Bangladesh. Zia's political rivals may use the crisis as an opportunity.



# Hate and healing

The Mahagathbandan hopes to repair the strained relations between Jats and Muslims in Western UP following the 2013 riots. The political experiment is pregnant with possibilities



SUDHA PAI

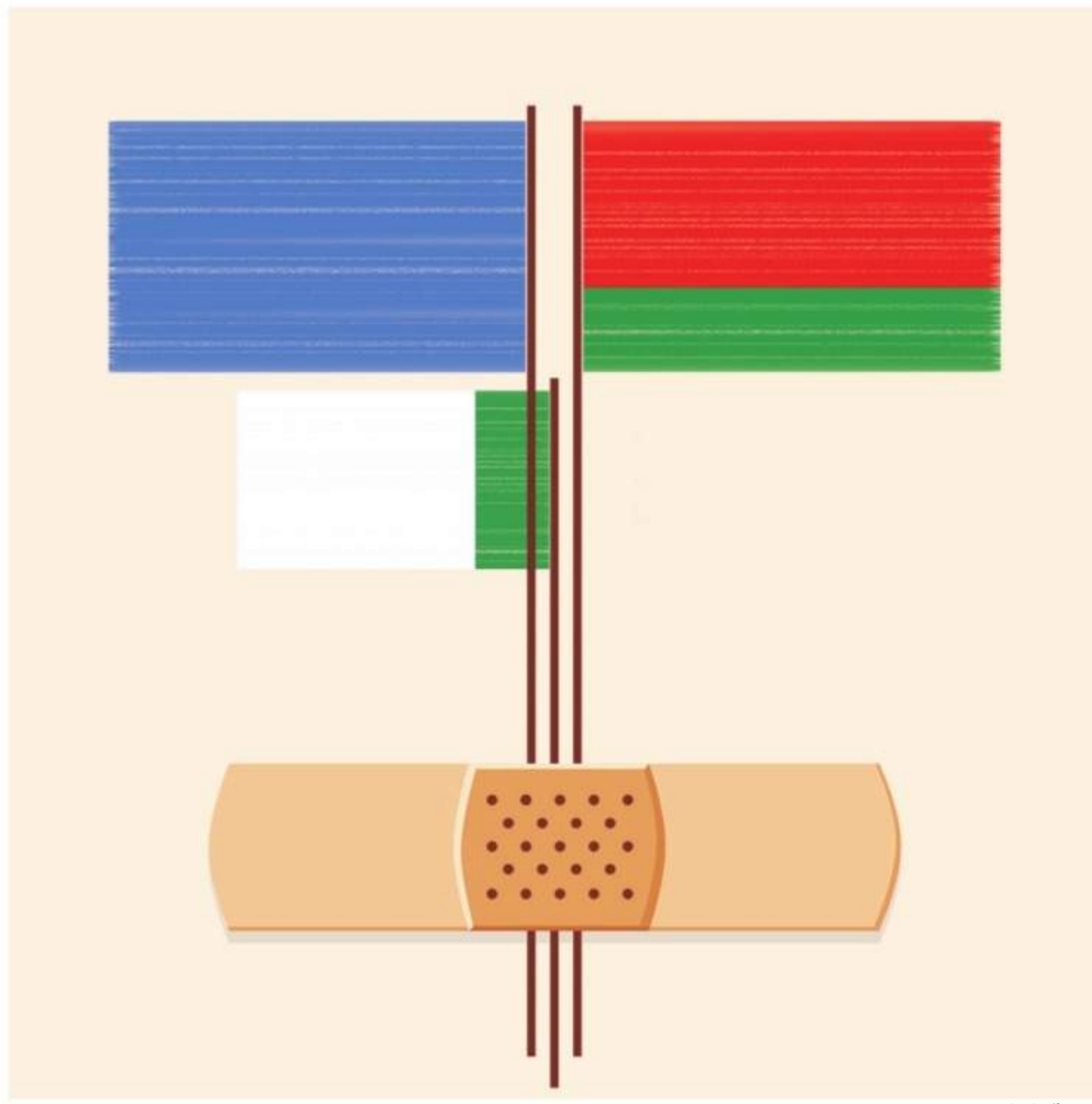
THE POLITICAL EXPERIMENT of the Mahagathbandan, a pre-poll alliance of former rivals the SP, BSP and the RLD, has introduced a new element in the electoral discourse of Western UP. The sweep by the Narendra Modi-led BJP in 2014, following the 2013 riots, was a turning point in the relationship between the Jats and Muslims, two prominent communities who have had close historical links and lived side-by-side in harmony for a long time.

It was here in Western UP, now a simmering communal cauldron, that Charan Singh, a peasant leader of the middle-castes from Baghpat, built a successful socio-political alliance of the Jats and Muslims. That the epicentre of the 2013 riots, Muzaffarnagar and Shamli, had not experienced a full-scale communal riot lasting many days until the 2000s, not even during the Ram Janmabhoomi-Babri Masjid movement, barring once in Muzaffarnagar in 1988, is a testimony to the depth of that alliance.

The Jat-Muslim alliance became possible in Western UP in the mid-1960s because of the Green Revolution and backward castes mobilisation. The former created considerable prosperity among the big and medium-sized landowning Jat peasantry. The latter, simultaneously mobilised as a part of the backward caste movement, which swept these districts. Charan Singh was able to harness these developments and form the Bharatiya Kranti Dal (BKD) in 1967, based on a coalition of the Muslims, Ahirs, Jats, Gujars and Rajputs (MAJGAR), that gave centrality to agrarian politics from the mid-1960s to the late 1980s. The better-off Jats were the pivot and the Muslims, largely Muley Jats, actively participated in this mobilisation. This was possible because the BKD and later, the Bharatiya Lok Dal (BLD), could build a base in western UP, where the Green Revolution had created a rich peasant class, and win elections.

Field studies in Muzaffarnagar in the late 1970s have shown that while the district was affected by forcible sterilisations during the Emergency, the fabric of social relations among Hindus and Muslims had remained intact. They had shared memories of common kinship relations in a distant past and could be found sitting on a *charpai*, sharing a hookah; social differences were accepted, there was little evidence of mutual recrimination and mistrust.

However, the MAJGAR has also been described as a "marriage of convenience" that lasted until groups within it benefitted. The Green Revolution plateaued in the 1980s and the agrarian crisis worsened through the 1990s, when liberalisation shifted focus to industry leading to a neglect of agriculture. Following Charan Singh's death in 1987, the Jats lost political prominence. The Bharatiya Kisan Union formed by Mahendra Singh Tikait in the wake of the Ram Janmabhoomi-Babri Masjid agitation, declined in the early 1990s. The RLD, formed in 1996 by Charan Singh's son Ajit Singh, though perceived as a Jat party, with Singh constantly shifting support from the BSP in 2002 to the SP in 2004, the BJP in 2009 and UPA in 2011, has little legitimacy among the Jats.



C R Sasikumar

Despite the destruction of the Babri Masjid, relations between Jats and Muslims had continued to be harmonious. However, the earlier closeness was replaced by a creeping communalism as the aggressive majority community began to dispute the ownership of graveyard land, use of loud-speakers in mosques, and common land owned by Muslims. A new negotiated boundary emerged; Jats continued to employ Muslims as agricultural labourers, but social relations between the two communities deteriorated.

Significant changes within the Muslim community also contributed to it. Loss of land due to urbanisation and improved educational attainments pushed the younger generation to take up petty businesses or learn new skills such as plumbing, carpentry, masonry, etc. Social jealousy among the Jats at the new-found entrepreneurship of Muslims, some of whom had worked their fields, and a perception that they are being pampered by the state, contributed to worsening of relations. Having lost their economic clout due to the agrarian crisis, particularly non-payment of sugarcane dues, fragmentation of land, lack of employment and reservation, younger Jats took recourse to cultural machismo. Supporting a dominant force like Hindutva provided them psychological empowerment. By the time of the 2014 elections, the community had become highly vulnerable to communal mobilisation by the BJP.

It is against this backdrop that the SP, BSP and RLD is hoping to unite the Jats, Dalits, backward castes and Muslims and redirect the discourse to social justice, secularism and agrarian concerns. They may succeed in Western UP because of the agrarian crisis. But can it mean a return to older social relationships in a more fundamental manner? The rapid socio-economic changes, the 2013 riots and continuing efforts at communal polarisation make this difficult.

It is against this backdrop that the SP, BSP and RLD is hoping to unite the Jats, Dalits, backward castes and Muslims and redirect the discourse to social justice, secularism and agrarian concerns. They may succeed in Western UP because of the agrarian crisis. But can it mean a return to older social relationships in a more fundamental manner? The rapid socio-economic changes, the 2013 riots and continuing efforts at communal polarisation make this difficult. Yet, there is regret, particularly among the older Jats over the riots and desire to renew old bonds. RLD leader Ajit Singh, in a recent interview, held that the Jats are once again seeing themselves as "farmers" and not so much as "Hindu"; the Kairana bypoll results being an indicator. Further, the agrarian crisis has brought agriculture to the centre stage of politics. He, however, agreed that a complete return to agrarianism of the past is impossible.

Thus, a victory of the Mahagathbandan in Western UP has the potential to heal at least some of the acrimony of the last past years. While the current elections are important for the country, their real significance lies in the possibility of peace between two communities that have suffered in the recent past. The political scene in UP is pregnant with possibilities.

Sudha Pai is co-author of *Everyday Communalism: Riots in Contemporary Uttar Pradesh (2018)*

## WHAT THE OTHERS SAY

"It is not only Sri Lankans and Catholics who feel the pain of this atrocity, and fear the further damage it could spawn. It is not only those of the Christian faith who believe that, even in the harshest of times, hope can and must endure."  
—THE GUARDIAN

# A silk road for the heavens

Even as it shuns the BRI, India is recognising that the corridors spreading out from China have connectivity in space and digital domain



RAJA MANDALA

BY C RAJA MOHAN

AS THE SECOND iteration of China's Belt and Road Forum convenes this week in Beijing, India has a strange karma to cope with. Profound concerns about the impact of the Belt and Road Initiative on India's territorial sovereignty and the geopolitics of its immediate neighbourhood compel India to resist its apparent charms. Delhi, which stayed away from the launch of the Forum in 2017 despite considerable pressure from Beijing, has announced that it will sit out again.

Yet, even as it shuns the BRI, India has no choice but to emulate China on connectivity of all kinds. Although India has adopted the mantra of connectivity more than a decade ago, China's BRI has pressed Delhi to get its act together on regional connectivity. The scale of the challenge has also encouraged India to shed its traditional "lone-ranger" mentality and consider working with others, especially Japan, Australia and the United States, in promoting regional connectivity in the Indo-Pacific.

Meanwhile, India is coming to terms with the fact that the BRI is more than two-dimensional. Under the BRI, the "belt" was about overland connectivity and the "road" (in a peculiar twist) referred to the maritime corridors spreading out from China's eastern seaboard. The additional and inter-related dimensions of BRI are about connectivity in outer space and the digital domain. Unlike the land and sea corridors, for India, it is not just a question of supporting or rejecting the space and digital silk roads. Delhi finds itself already tied into these initiatives, one way or another. India's deep dependence on Chinese telecom giants is now a reality. So is the growing reliance of India's neighbours — including Pakistan, Nepal and Sri Lanka — on China's space services. The challenge for Delhi is to expand shall we say, India's "strategic autonomy" in a market that Beijing is poised to dominate.

At the heart of China's space silk road is the BeiDou satellite navigation system. Over the weekend, China launched a satellite for the BeiDou system that is expected to rival the American Global Positioning System (GPS), the Russian GLONASS and the European Galileo. BeiDou will consist of a number of satellites in the geostationary and intermediate earth orbits. The third generation BeiDou system will be operational by next year and is expected to provide better accuracy than the current Western and Russian systems.

Although the first BeiDou system goes back to 2000, it is now being presented as an important component of the Belt and Road Initiative that was launched in 2013. Some analysts have called BeiDou the digital glue that holds the BRI together. By connecting industries and infrastructure projects along the BRI, China's satellite navigation and communication system hopes to dominate the new digital infrastructure in the BRI space. As new ideas for

space-based internet services emerge, China is well ahead of the curve. Google, Amazon and SpaceX are all developing projects to provide broadband services around the world through networks of satellites numbering hundreds.

At the end of 2018, China launched the first of its planned constellation 320 satellites in the low-earth orbit. By the end of this year, a network of nine satellites is expected to demonstrate the possibilities for space based internet services. The entire fleet of 320 satellites under the Hongyan project is expected to be operational by 2025.

According to media reports, China is putting up a facility in Tianjin to assemble 130 Hongyan satellites annually. The Hongyan mega-constellation is designed to facilitate two-way communications at all times across all terrain, providing a wide range of civilian services such as ground data collection and exchange, ship identification and tracking, mobile broadcasting and navigation signal enhancement.

China has also launched a Big Earth Data initiative that will develop the generation of massive remote-sensing data and commercial products based on it for use across the entire spectrum of sustainable development — from agriculture to disaster management. China is not only into providing space-based services, but is also in the business of exporting satellites to a large number of countries, seeding space-related infrastructure and training space personnel. While China presents these dramatic advances as part of its effort to promote space and digital connectivity through international cooperation, there is no mistaking its geopolitical implications — especially in expanding Beijing's global surveillance and intelligence capabilities, upgrading the PLA's military effectiveness, and a big say in shaping the digital infrastructure of developing nations.

India's space programme too has grown by focusing on modernising national telecommunication, application of remote sensing data for national development and more recently on developing assets for national security. India has a satellite navigation system of its own, the GAGAN. India's remote sensing capability too is impressive. If India has missed a trick it is in the expansive scale that China has brought to its space programme.

While the origin and development of both space programmes was led by state entities, China has more recently opened up room for the participation of non-state entities and encouraged private innovators.

As the commercial and geopolitical stakes in outer space grow rapidly, the next government in Delhi has its task cut out: To reform India's space sector to allow private corporations to play a larger role, promote space startups, and rejuvenate India's international space collaboration, both civilian and military — with friends and allies.

Unlike in the traditional Belt and Road projects, India has significant capabilities in the space and digital domains. With policies that will lend them the necessary political support, commercial ambition and organisational scale, Delhi can surely shape the future of space and digital connectivity.

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JAGANNATHAN SARAVANASAMY

# Issued (not) in the public interest

Need is to empower banking regulator, not curb RBI's powers as SC has done

MOUNTING NON-PERFORMING Assets (NPAs) in the banking system due to corporate defaults is an issue of concern for many stakeholders. It has important consequences for the national economy. When such an issue of public interest is legally dealt with in the court as counter-claims between debtor and creditor, the interest of other stakeholders, especially of depositors, receives the least attention. This is the general feeling the common public is left with after the recent judgment of the Supreme Court (SC). It is the money of the depositors that creditors lend in their fiduciary capacity to debtors and hence, the expectation that the government, regulator and the adjudicating authorities will keep depositors' interests supreme.

The pace at which the long-accumulated corporate defaults were getting resolved through the mechanism established under the Insolvency and Bankruptcy Code (IBC) 2016 was too good to believe. We appeared to have found a magic wand to enforce the contractual obligation of debtors and sufficiently empower the creditors. Overall, the IBC has been able to resolve cases involving debt of Rs 3 lakh crore in the last two years. As per the Ministry of Corporate Affairs, the mere threat of promoters losing control of their company or a legal proceeding under the IBC was sufficient to resolve debts worth Rs 1.2 lakh crore without even the need for the Code to kick in.

In the prevailing pessimistic perception of crony capitalism, the faith was restored that we are capable of administering a legal system in which corporate defaulters face the consequences. It was the absence of such an effective legal system that forced creditors to find solutions through criminal proceeding, which was not only time consuming but also took many genuine business failures along the criminal proceedings' path.

All this positivity has come to sudden halt with the SC striking down the circular issued by the RBI in February 2018 as *ultra vires* of the RBI Act. It appears that the manner in which the authority was sought to be exercised by the RBI — rather than the authority itself — was the reason for the order. The Court has taken a view that the regulatory authority exceeded the statutory authority.

The questions that ought to be answered in this judgment relate to the powers of the RBI in issuing directions to the bank to "initiate insolvency proceedings" against corporate defaulters after introduction of Sec 35AA of Banking Regulation (BR) Act through the 2017 amendment. The RBI's contention was that the impugned circular was issued drawing powers from Section 21 and Section 35A of the BR Act, which empower the RBI to issue general directions (generic circulars) to financial institutions. Section 21 empowers the RBI on policies and directions related to advances

and Section 35A to issue directions in public interest. In the eyes of the SC, the directions issued under the impugned circular are in the nature of a specific direction to the banks to take the IBC route to resolve defaults. And, after amendment to BR Act in 2017, the source of power to issue such specific direction is 35AA, and not Sections 21 and 35A.

Did the 2017 amendment that introduced 35AA and 35 AB to the BR Act expand the RBI's powers or restrict them? In the words of the SC, the RBI could have issued such directions (contained in the impugned circular) under 21 and 35A before the introduction of 35AA and 35AB, but not after. It is an admission that 35AA severely restricted the regulatory authority of the RBI. One wonders, whether that was the intention behind the IBC and NCLT.

Now, how easy, time-bound and practicable is it to follow 35AA in letter and spirit? The law as exists says, "the Central Government may, by order, authorise the Reserve Bank to issue directions to any banking company or banking companies to initiate insolvency resolution process in respect of a default, under the provisions of the Insolvency and Bankruptcy Code, 2016." How did the central government authorise the RBI? The finance ministry when it issued the notification dated May 5, 2017, authorised the RBI to issue such directions only in respect of "a default" under the Code. What is the interpretation of "a de-

fault"? Is it a category of default or specific default by specific debtor? The SC order makes it clear that the RBI can direct banking institutions to move under the IBC only (a) if there is a central government authorisation to do so; and (b) that it should be in respect of specific default of specific debtor.

The statement of intent when enacting the BR Act in 1949 says it was meant for the protection of depositors' interests. Hence, the expansive and generic powers granted to the RBI under 21 and 35A. Alas, when the need of the hour is to affirm the authority of the regulator, the subsequent amendments, notifications issued and their legalistic interpretation have circumscribed the regulator. One can imagine the complexity of getting the authorisation of the Ministry of Finance specific to defaults and specific to defaulters. Does it not give undue discretion to the ministry to interpret defaults and defaulters? Will that eliminate or encourage crony capitalism? We have miles to go before we resolve the thousands of NPAs running to more than Rs 12 lakh crore. It is hoped that the authorities concerned will restore public confidence by assigning supremacy to public interest when it comes to regulating banking companies.

The writer, an IPS officer, is former head of banking and securities fraud cell of the CBI in Mumbai

## LETTERS TO THE EDITOR

### NOT JUST SECURITY

THIS REFERS TO the article, 'Why Imran bats for Modi' (IE, April 22). The author views the conflict purely from the angle of the security establishments in the two countries. She makes the same blunder that Jinnah made in ignoring the vast number of Muslims left behind in India. Population projections predict the Indian Muslim population to be over 300 million by 2060. Can the generals in Pakistan and the saffron leaders in Nagpur ignore this huge community? In truth, Jinnah's idea of Muslims as a separate nation is collapsing.

J S Bandukwala, via e-mail

### COURT'S HONOUR

THIS REFERS TO the editorial, 'Your Honour' (IE, April 22). The Supreme Court convening an "extraordinary meeting" to defend the allegations made against the CJ brings to the fore, two points. First, by this impulsive act the apex court has given legitimacy to the media trial. Mere publication of allegations in some media outlets does not establish the crime, so the CJ should have exercised restraint. Second this is obstruction of justice on both sides.

Deepak Singhal, Noida

### FARM AND MARKET

THIS REFERS TO the editorial, 'Field les-

### LETTER OF THE WEEK AWARD

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

THE WINNER RECEIVES SELECT EXPRESS PUBLICATIONS

sons' (IE, April 22). India is self-sufficient in terms of its food requirements. But farmers seldom benefit as bumper crops often lead to markets crashing. The government needs to focus on supply-side reforms. The agricultural markets need to be de-regulated, warehousing and food-processing need to be given a major fillip.

Anirudh Parashar, Solan