



Poll-time censorship

The gag order obtained by a Bengaluru Lok Sabha candidate defies freedom of speech

The Bengaluru civil court's blanket order restraining 49 newspapers, television channels and other media outlets from publishing anything 'defamatory' about Tejasvi Surya, the BJP's candidate for the Bengaluru South Lok Sabha constituency, is contrary to the law and the Constitution. The temporary injunction violates the basic principle in free speech law that bars 'prior restraint' or pre-censorship of any publication, including the media. As recently as in 2017, a Supreme Court Bench made it clear that pre-broadcast or pre-publication regulation of content was not in the court's domain. In *R. Rajagopal* (1994), the court noted that there is no law that authorises prior restraint. The existence of a *prima facie* case is a precondition for an interim injunction, and a restraining order may be obtained only if some material deemed defamatory has been published, and when further publication ought to be prevented. Arraying print and electronic media outlets that had not previously disseminated anything defamatory about an individual fails this test, rendering any injunctions obtained against them illegal. Judge Dinesh Hegde's order takes note of two factors in granting Mr. Surya's request for an injunction: that some allegations against him surfaced after he filed his nomination papers, and "some defamatory messages" against him "are in transit" in the media. He cites a 1986 Karnataka High Court decision, but misses the point that the High Court's justification for an injunction concerned an individual who had made public utterances about the plaintiff, and it was not an omnibus order against a class of persons. In any case, there is enough case law from the Supreme Court to bar prior restraint orders.

The allegations that have aggrieved Mr. Surya seem to originate in an individual's opinion on him on Twitter. It is possible that this piece of information was or is likely to be used against him by his electoral rivals. However, this cannot be a reason for a public figure — and a candidate of a major political party, even a debutant, is definitely one — to claim a right to gag the entire media from writing about him. Even if the argument is that the order only prevents 'defamatory' content and not responsible reporting or criticism, that doesn't justify a judicial gag order, as it may be used to prevent the media from writing anything adverse to his campaign. It may also prevent defendants in a future proceeding from using 'publication of the truth in the public interest' as a defence. Requests for omnibus restraining orders against media outlets seem to find favour with some civil judges in Karnataka. This newspaper itself faces in Karnataka around a hundred petitions for injunction filed by individuals and entities, most of them unlikely to be mentioned in its columns ever. The Karnataka High Court or the Supreme Court must examine this trend and strike down such blanket gag orders.

Turkish surprise

The ruling party's losses in local polls are a personal setback for President Erdoğan

Turkish President Recep Tayyip Erdoğan had led the campaign for Sunday's municipal elections from the front, so the reverses to his Justice and Development Party (AKP) have come as a personal jolt. The biggest blow to the Islamist party is the end of its long dominance of the capital Ankara and possibly Istanbul too. These polls were the first since Mr. Erdoğan was re-elected in June 2018, after Turkey switched to a presidential form of government authorised in a 2017 referendum. The Republican People's Party (CHP), the principal Opposition, and pro-Kurdish parties have made huge inroads. They had managed to contain the AKP's margin of victory in the June presidential and parliamentary polls. Given how much he had raised the stakes, the question is whether he will reconsider recent policies that have done little to restore investor confidence in the economy following the lira's spectacular depreciation last year. Prices of food commodities in particular have remained high. But even as farmers and traders reeled under high fuel and fertilizer costs and unfavourable weather conditions, a government hamstrung by the ballooning deficit could do no more than turn its ire on them. It accused traders of hoarding stocks and spiking costs. In addition, local governments forced retailers to hold down prices. The move put a further squeeze on the sector and hurt the government's electoral fortunes. A beleaguered Mr. Erdoğan unleashed the rhetoric of food "terrorism", but was unable to deflect attention from the need for a fiscal stimulus. Stiffer fiscal targets set by the Finance Minister, who is Mr. Erdoğan's son-in-law, have foreclosed any conventional avenues to contain the price escalation.

The travails are symptomatic of the conditions afflicting Turkey. They go back to the run on the currencies of several emerging economies, leading to the depreciation of the lira by a third. Ankara's woes turned acute following the flow of hot money and large borrowings by businesses in external currencies. Mr. Erdoğan is opposed to higher interest rates, and the government's response to halt the lira's slide and contain inflation was belated. Conversely, lending rates in Turkey now are among the world's highest, which makes lowering them quickly a risky proposition. The challenges are compounded by strained relations with its traditional allies, particularly the U.S. Washington has announced a halt to supplies related to the F-35 jets, in retaliation for Ankara's decision to buy a Russian missile defence system. The diplomatic standoff over the detention of a U.S. pastor too was a factor behind the weakening of the lira last year. As the next elections are a few years away, expectations are that Mr. Erdoğan will adopt a more pragmatic approach to address the economic challenges.

The many and different faces of terror

It is premature to read the Islamic State's defeat as the start of a more peaceful phase



M.K. NARAYANAN

Terrorism is a well-recognised form of asymmetric warfare, and has been around for centuries. Some terror strikes tend to resonate more than others, for reasons that are inexplicable. The Munich Olympics massacre in 1972, the 9/11 terror attack on the Twin Towers in New York in 2001, and the November 26, 2008 terror attack on multiple targets in Mumbai are, for instance, more deeply etched in the memories of people than many other terror events. It is important, however, not to take an episodic view of terrorism, since history is relevant to a proper understanding of the threat posed by terrorism.

Since the 1980s

Radical Islamist extremism has been the dominant terror narrative, post the 1980s. This was possibly an offshoot of the decade-long Afghan war (1979-1989), which let loose an avalanche of 'mercenaries' who had honed their skills during the Afghan Jihad, and employed violence indiscriminately. Over time, terrorist outfits seemed to gain greater transnational reach, and were no longer fettered to geographical locations. New organisations, such as al-Qaeda and its acolytes, as also the Islamic State (IS), gained prominence among a growing multitude of terror groups. Regional variants such as Abu Sayyaf in the Philippines, the Pakistan-sponsored Lashkar-e-Taiba (LeT) and Jaish-e-Mohammed (JeM) in South Asia, and the Boko Haram in Africa were no less deadly.

More recently, especially in the West, a new narrative has been un-

folding. Sporting different labels, extreme right-wing elements are proving to be no less violent and dangerous than jihadi terrorist groups. They appear, at present, less organised than many outfits, and the violence they perpetrate seems more random. Their targets, which included, for instance, a Jewish synagogue (in the U.S.), political personalities such as President Emmanuel Macron of France and Prime Minister Pedro Sánchez of Spain, members of immigrant communities and minority groups (in Europe) are, nevertheless, carefully chosen. Many do appear to be lone wolves such as the Norwegian Anders Breivik (2011) and the Australian man responsible for the March 15, 2019 Christchurch massacre, in which 50 people were killed. Non-denominational terror, loosely described as right-wing terror, has in the process become as threatening as jihadi terror. Clearly, the topographical anatomy of terrorism does not change, even if motivations differ.

The evolution of terrorism in the 21st century, and the constant shifting tactics of terror groups, does make terrorism look like an 'existential threat'. This would, however, be too far fetched. What does need to be recognised is that the terror threat is rapidly transcending from what we see happening, to what we can imagine might happen.

New breed of terrorists

Take, for instance, the year 2016 in India. Pakistani terror outfits randomly carried out daring attacks on the Pathankot Air Force base, an Army brigade headquarters in Uri, and an Army base in Nagrota. In February this year, the JeM carried out its most audacious attack to date, targeting a Central Reserve Police Force convoy, in which 40 personnel were killed, the highest casualty figure for security forces personnel in Jammu



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and Kashmir. The use of a suicide bomber, driving a vehicle containing a few hundred kilograms of explosives to strike a high-profile target, represents a new pinnacle in terrorist violence. It is representative of the newer breed of terrorists, as also the transmutation in the nature of terror.

Globally, spectacular jihadi attacks may be fewer, but attacks are on the increase. In January this year, Abu Sayyaf in the Philippines, with links to the IS, killed 20 people attending a church service in Sulu province. In the U.K., on New Year's Eve (2018-19), three people were stabbed at a Manchester train station by an IS supporter. In March this year, explosives were found at transport hubs in and around London, and also at the University of Glasgow, leading to a major terror scare in the U.K. Also in March, the Netherlands witnessed a terror attack in Utrecht, when a jihadi suspect indiscriminately shot at commuters in a city tram.

Meanwhile, terrorists are further honing their skills, and are able to strike at targets at will. Cross-pollination of concepts and ideas among terror groups, and in many cases even pooling of resources, has made this possible. A decade of violence in Iraq and Syria has produced a reservoir of battle-hardened fighters, who are bolstering the capabilities of disparate terror groups in different parts of the world. As in the 1980s, we are seeing a majority of those who took part in the violence in Syria and Iraq currently adding to the cadres

of existing terror groups in Asia, Europe and Africa.

It would, hence, be premature to celebrate the decline of terrorism, based on the so-called demise of the IS. The territory controlled by the IS Caliphate may have shrunk dramatically compared to 2014, but its obituary cannot be written just yet. The IS remains a fount of support and inspiration for several hundreds of fighters across Asia, Africa and Europe. Many IS networks are still operating clandestinely. Many of their dispersed supporters are ready to revive their activities once the pressure relaxes. There are unconfirmed reports already that the IS has directed several of its recruits to return to their country of origin and strengthen the nucleus of IS groups there. The estimate is that anything up to 20% of those who were part of the IS bandwagon in Syria and Iraq have returned to their homelands. As the IS declines in Syria and Iraq, other IS entities such as the Islamic State of Khorasan (which includes parts of India) will be the beneficiaries.

Caliphate as an idea

The Caliphate is an idea which is still relevant. The Internet remains its main vehicle for radicalising Muslim youth. What is most likely is that the IS will make a shift to guerrilla warfare tactics. It is likely to strengthen its 'Emni' (intelligence and security branch) to carry out reconnaissance before launching attacks. The lone wolf syndrome will be pursued with renewed vigour. Already, there are some indications of this. In December 2018, a lone IS gunman killed five people in Strasbourg (France); in January 2019, a suicide bomber at a restaurant in Manbij (Syria) killed 19, including four Americans. More such attacks could occur.

Al-Qaeda, the other leading jihadi outfit, is separately engaged in enlarging its global network.

Violence by al-Qaeda affiliates might have been overshadowed by the IS more recently, but al-Qaeda affiliates in Africa, such as the Boko Haram, have not been far behind. Al-Qaeda affiliates in East and South Africa, the Sahel and Yemen are the largest and most feared terrorist groups in their regions. Al-Qaeda in the Indian Subcontinent (AQIS) is said to be exploiting alleged incidents of violence against Muslims in the subcontinent to strengthen itself.

Al-Qaeda affiliate LeT (based in Pakistan) represents the main terror threat to India, along with the JeM. The rest of Pakistan's network of terror reads like an alphabet soup, viz. HUJI (Harkat-ul-Jihad-al-Islami), the (Harkat-ul-Mujahideen) and HM (Hizbul Mujahideen). Pakistan is also reportedly training outfits to carry out underwater operations.

Developments in technology, information and doctrine will in all likelihood alter the character of 21st century terrorism. In the Pulwama attack, the suicide bomber is reported to have used a 'virtual SIM' to contact his JeM handlers in Pakistan. It is difficult at this point to determine which of the disruptive technologies will turn out to be the most dangerous.

Guided by controllers

The concept of 'enabled terror' or 'remote control terror', viz, violence conceived and guided by controllers thousands of miles away, is no longer mere fiction. Internet-enabled terrorism, and resort to remote plotting, will grow as the 21st century advances. Counter-terrorism experts will need to lay stress on multi-domain operations and information technologies, and undertake 'terror gaming' to wrestle with an uncertain future that is already upon us.

M.K. Narayanan is a former National Security Adviser and a former Governor of West Bengal

How to achieve 24x7 power for all

Three steps to help rural India overcome electricity poverty and reap immense socio-economic benefits



ABHISHEK JAIN

Almost every willing household in India now has a legitimate electricity connection. The household electrification scheme, Pradhan Mantri Sahaj Bijli Har Ghar Yojana, or Saubhagya, has been implemented at an unprecedented pace. More than 45,000 households were electrified every day over the last 18 months. Against such an achievement, it is important to ask these questions: what did it take for India to achieve this target? Why is electricity access not only about provision of connections? And, how can we ensure 24x7 power for all?

The efforts under Saubhagya have come upon decades of hard work preceding it. The enactment of the Electricity Act, in 2003, and the introduction of the Rajiv Gandhi Grameen Vidyutikaran Yojana, in 2005, expanded electrification infrastructure to most villages in the following decade. But the rollout of the Saubhagya scheme, in 2017, gave the required impetus to electrify each willing household in the country.

However, over the last year, several engineers and managing directors in electricity distribution companies (discoms), their contractors, State- and Central-level bureaucrats, and possibly energy ministers have been working at fever pitch. Discom engineers have evolved in their attitude, as we saw during our on-ground research — from one of scepticism to that of determination. Their efforts to meet targets even included crossing streams in Bihar on foot with electricity poles, and reaching far-flung areas in Manipur, through Myanmar, to electrify remote habitations with solar home systems.

Beyond connections

Despite such massive efforts, the battle against electricity poverty is far from won. The erection of electricity poles and an extension of wires do not necessarily mean uninterrupted power flow to households. By tracking more than 9,000 rural households, since 2015, across six major States (Bihar, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and West Bengal), the Access to Clean Cooking Energy and Electricity Survey of States (ACCESS) report by the Council on Energy, Environment and Water (CEEW), has highlighted the gap between a connection and reliable power supply. While the median hours of supply in-



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creased from 12 hours in 2015 to 16 hours a day in 2018, it is still far from the goal of 24x7. Similarly, while instances of low voltage and voltage surges have reduced in the last three years, about a quarter of rural households still report low voltage issues for at least five days in a month.

Vital steps forward

In order to achieve 24x7 power for all, we need to focus on three frontiers. First, India needs real-time monitoring of supply at the end-user level. We achieve what we measure. While the government is bringing all feeders in the country online, we currently have no provision to monitor supply as experienced by households. Only such granular monitoring can help track the evolving reality of electricity supply on the ground and guide discoms to act in areas with sub-optimal performance. Eventually, smart meters (that the government plans to roll out) should help enable such monitoring. Ho-

wever, in the interim, we could rely on interactive voice response systems (IVRS) and SMS-based reporting by end-users.

Second, discoms need to focus on improving the quality of supply as well as maintenance services. Adequate demand estimation and respective power procurement will go a long way in reducing load shedding. Moreover, about half the rural population across the six States reported at least two days of 24-hour-long unpredictable blackouts in a month. Such incidents are indicative of poor maintenance, as opposed to intentional load-shedding. Discoms need to identify novel cost-effective approaches to maintain infrastructure in these far-flung areas. Some States have already taken a lead in this. Odisha has outsourced infrastructure maintenance in some of its rural areas to franchisees, while Maharashtra has introduced village-level coordinators to address local-level challenges. Such context-based solutions should emerge in other States as well.

Finally, the improvement in supply should be complemented with a significant improvement in customer service, which includes billing, metering and collection. Around 27% of the electrified rural households in the six States were not paying anything for their electricity. Despite the subsidies, constant loss of revenue would make

it unviable for discoms to continue servicing these households in the long run. Low consumer density along with difficult accessibility mean that conventional approaches involving meter readers and payment collection centres will be unviable for many rural areas. We need radically innovative approaches such as the proposed prepaid smart meters and last-mile rural franchisees to improve customer service and revenue collection. Rural renewable energy enterprises could especially be interesting contenders for such franchisees, considering the social capital they already possess in parts of rural India.

Electricity is the driver for India's development. As we focus on granular monitoring, high-quality supply, better customer service and greater revenue realisation at the household level, we also need to prioritise electricity access for livelihoods and community services such as education and health care. Only such a comprehensive effort will ensure that rural India reaps the socio-economic benefits of electricity.

Abhishek Jain is Senior Programme Lead at the CEEW, a policy research think tank. ACCESS was conducted in association with the Shakti Sustainable Energy Foundation, National University of Singapore and Initiative for Sustainable Energy Policy

LETTERS TO THE EDITOR

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

More Benches

It is indeed a good suggestion to have Benches of the Supreme Court in other places of the country to ensure better access to justice (Editorial page, "Ensuring justice to people", April 2). To start with, it would be advisable to have at least one Bench of the Supreme Court in the south. Article 130 provides for it. In fact when this suggestion was put across to the then Chief Justice of India, who hailed from Tamil Nadu, was not encouraging. It only shows that powerful lobbies of lawyers and other interests will not allow a circuit bench of the Supreme Court because there is a lot of money in this profession in the capital, Delhi. If there is a way out of this, it has to be done by the Supreme Court itself. Unfortunately,

there are hurdles in the form of interests, making speaking in one voice difficult. It makes one wonder whether ours is really a socialist Constitution or a Constitution working on capitalist lines.

N.G.R. PRASAD,
RAM SIDHARTH,
Chennai

■ There are many underlying issues that need to be addressed if justice is to be made accessible in a better way; these issues are hefty fees charged by the lawyers to present a matter and the huge court fee, to name two. Unfortunately, lawyers are no exception when it comes to monetary issues. This is manifested in the manner in which some lawyers entrusted with state briefs handle matters. Self-realisation is the first step

towards change. The Supreme Court has an ideal opportunity to brainstorm on this. In this connection, former judges of the Supreme Court and High Courts, sitting judges and academic luminaries can be a part of the process.

SHEBA RIVY SIMON,
Melukara, Kozhicherry, Kerala

Campaign slogan

The acerbic and hostile tone and tenor of the article (OpEd page, "Chowkidars are those who protect the rich", April 2) have robbed it of even a pretence of moderation and balance. The trivialisation of the chowkidar metaphor, as a defender of the wealthy classes, seems too naive and simplistic. Should we ban chowkidars, maids and drivers merely because they serve the rich? What about the neighbourhood

watchman, whose reconnaissance at night keeps a vigil over a number of houses including those of the poor? What about the armed guards who protect the so-called VIPs? Are not these gun-wielding security personnel glorified chowkidars employed by the state and that too at the taxpayers' expense?

V.N. MUKUNDARAJAN,
Thiruvananthapuram

Waste treatment

I refer to two reports published in the daily — "Only 26% of rural toilets use twin-leach pits, finds survey" (March 18) and "Septic tanks meet norms: Ministry" (March 19). Septage treatment poses a significant challenge in rural India, where toilets with septic tanks are the most popular type. Generally, faecal sludge is dumped in open spaces

and water bodies, often surreptitiously, which is a grave health hazard. The Rural Development Organisation, an NGO that has been working in the Nilgiris since 1980, has put up three faecal sludge treatment plants. The compost from here is blended with kitchen waste compost. About two tonnes of co-compost is produced every day. The process of co-composting and testing done here, which meets FAO and BIS standards, is the first of its kind in India. This is

tested at a laboratory in Chennai every month before being distributed to farmers at a subsidised price.

Another project being done and successfully implemented in the Nilgiris is a grey water treatment plant. Here, household waste water is collected, recycled with appropriate rural technology, tested and reused in irrigation. It is of help during the dry seasons.

N.K. PERUMAL,
Arunkulam, The Nilgiris

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CORRECTIONS & CLARIFICATIONS:

A photograph carried in the graphic titled "Constituency Profile - Dharmapuri" (Election 2019 page, some editions, April 2, 2019) was not that of the DMK candidate Senthil Kumar.

A Sports page snippet (April 1, 2019) erroneously said that Birstow and Warner became the second set of batsmen to score centuries in an IPL innings after Kohli (109) and de Villiers (129 not out) (RCB vs Gujarat Lions) in *Rajkot* in 2016. The match was held in Bengaluru.

The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300; E-mail: readerseditor@thehindu.co.in

Is there genuine change in Algeria?

The Algerian protesters appear to have learnt the lessons of the Arab Spring



PINAK RANJAN CHAKRAVARTY

After weeks of public protests demanding that Algerian President Abdelaziz Bouteflika step down, the 82-year-old leader who has ruled for 20 years has finally announced that he will leave office. The pressure on him to quit came not only from the protesters but also from the ruling National Liberation Front (FLN)'s coalition ally as well as the country's powerful military.

The protests that have convulsed the country have been peaceful by and large. The demonstrators are mostly young and are worried about unemployment. About 70% of the Algerian population is under the age of 30 years. It seems as though Algeria has reached the Rubicon; it is a matter of time before it crosses it.

An earlier statement from Mr. Bouteflika stated that while he would not seek a fifth term in office, he would carry out "deep reforms" in various fields. The same statement announced that the presidential election, slated for April 18, would be postponed. This has led to suspicion that Mr. Bouteflika intends to find ways to keep much of his ruling elite intact. The new Prime Minister and former Interior Minister, Noureddine Bedoui, has compounded the suspicion by supporting the postponement of polls.

A charmed career

Mr. Bouteflika, like many authoritarian rulers in the Arab world, has had a charmed career. Though seen as a controversial politician in his country, many give him credit for ending the bloody civil war that killed around 200,000 Algerians in the 1990s. But like many authoritarian leaders in the Arab world, he has outlived his acceptance with the people of Algeria.

Born in the Moroccan town of Oujda, Mr. Bouteflika was originally from Tlemcen in Western Algeria. When he was 19, Mr. Bouteflika joined the National Liberation Army (ALN), the fighting arm of the FLN, which was then engaged in the independence war against colonial occupation by France. He rose rapidly through the hierarchy and be-



AFP

came a trusted aide of Houari Boumediene, the ALN leader who usurped power in 1965 after Algeria achieved independence in 1962. He was the Minister for Youth, Sports and Tourism in the government of Ahmed Ben Bella. Thereafter, he became the youngest Foreign Minister in the world in 1963.

Algeria's foreign policy as an independent country was moulded by Mr. Bouteflika and was influenced primarily by the experience of the war for independence. It was, therefore, natural that Algeria was active in the decolonisation and Non-Aligned Movement. Argentinian revolutionary leader Che Guevara and South African leader Nelson Mandela received full support from Algeria in their respective struggles against military dictatorship and apartheid. Mr. Bouteflika's political career declined with charges of corruption and he went into voluntary exile from 1981 to 1987.

The civil war and after

Algeria's hydrocarbon-based economy prospered during the days of booming oil prices. The single party system that dominated Algeria gave way to political pluralism that led to the rise of the Islamic Salvation Front (FIS). The cancellation of the 1991 election by the Algerian military to pre-empt transfer of power to the FIS precipitated a 10-year bloody civil war. Mr. Bouteflika had declined to take over as President in 1994 at the height of the civil war, but in 1999, he ran for President and was elected with a huge majority. Other candidates withdrew at the last moment alleging that the election was rigged.

Mr. Bouteflika successfully ended the civil war with his 2005 Charter for Peace and National Reconciliation. High oil prices enabled Algeria to in-

vest in infrastructure and improve the economy. His opponents criticised him for usurping all powers and weakening state institutions. Despite the criticism, Mr. Bouteflika survived the Arab Spring which swept away authoritarian rulers in Tunisia and Libya.

The way forward

Leading opposition figures are now working to find a road map for Algeria's political transition via a coalition called the National Coordination for Change. The current mood is coalescing around the idea of Mr. Bouteflika handing over power to a collective presidency on April 28, the last day of his presidency. Given the military's long history of interference in politics, the National Coordination for Change has also warned it not to interfere. However, the coalition seems to have no clearly identified leadership and may not be the vehicle for change that Algeria needs.

An FLN spokesperson has said that Algeria's problems can only be solved by elected representatives and not by unelected politicians and civil society activists. The army has indicated support for the protesters. The Army Chief declared that Mr. Bouteflika, who has been confined to a wheelchair since suffering a stroke, is unfit to rule. Algeria's judges have also supported the protesters and said that they will refuse to adjudicate cases against them because they have violated laws on public gatherings. The Algerian establishment appears divided and Mr. Bedoui has not found it easy to form a transition government.

With the President agreeing to step down before April 28, there is momentum building for a transition government comprising independent people who have never been in government before. So, there is no going back now. We saw this sort of upsurge in Tunisia in late 2010 and then across the Arab world. That uprising toppled several regimes. The Algerian protesters have learnt the lessons of that uprising. The Algerians do not want their protests to give any opening to Islamists and are yearning for genuine democracy. Algeria, an oil-gas rich country, appears poised to cross the Rubicon this time.

Pinak Ranjan Chakravarty served as Secretary in the Ministry of External Affairs, Government of India. He is currently a Honorary Visiting Fellow at the Delhi-based Observer Research Foundation. Views expressed are personal

The principle and procedure in Lokpal

It is disappointing that the appointment of the Lokpal was shrouded in secrecy



RAJEEV DHAVAN

The Supreme Court's ultimatum to the Centre to appoint a Lokpal within a given time frame, and the subsequent appointment of the first Lokpal in the country, is to be welcomed. After all, the fight for a Lokpal has been long-drawn-out.

A brief history

From 1963, India has been nurturing the ambition to appoint a Lokpal, a phrase coined by L.M. Singhvi. Copied from Sweden's Ombudsman and its adaptation in the U.K. in 1967, the idea was to expose 'maladministration', which British MP Richard Crossman defined as "bias, neglect, inattention, delay, incompetence, ineptitude, arbitrariness and so on". Despite affirmations to its need, no one really wanted a Lokpal in India, preferring instead the mild Vigilance Commission from 1964 to 2003. In one sense, the National Human Rights Commission and the various national commissions dealing with Scheduled Castes, Scheduled Tribes, women, children and even *safai karmacharis* are all special Lokpals within their areas. But nobody fears them because they are promotional and deal with individual grievances. They hurt no one and have become semi-ineffective. No one wanted a strong Lokpal because it would demand accountability from politicians and bureaucrats.

After the Emergency, a new model of Lokpal emerged, a model for 'regime revenge'. The 'maladministration' model gave way to an anti-corruption model with a sweep clause of five years. This meant that the Lokpal would re-examine Emergency and target the Indira Gandhi government. It meant that it would target politicians, but not bureaucrats. The power of the bureaucracy to stultify anti-corruption measures is well known. This model continued with regularity.

The 2011 Anna Hazare movement, which fought to get the Lokpal Bill passed, faltered in many ways. When the Modi government came to power, it did not appoint a Lokpal either. It did



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not want Lokpal accusations and investigations to mar its tenure.

Directed by the Supreme Court, the Lokpal appointment process began in 2018, which was too late to scrutinise the Modi government before the 2019 general election. The government constituted an eight-member Search Committee in September 2018, headed by former Supreme Court Justice Ranjana Prakash Desai, to recommend names for the posts of Lokpal chairperson and members. The names recommended were scrutinised by a Selection Committee, comprising Prime Minister Narendra Modi; the Chief Justice of India's nominee, Justice S.A. Bobde; Speaker of the Lok Sabha Sumitra Mahajan; and eminent jurist Mukul Rohatgi. The 'special invitee', who was Congress leader Mallikarjun Kharge, refused to attend the meetings. We can see that the Prime Minister and the Lok Sabha Speaker are from the BJP. The eminent jurist was the Attorney General of India from 2014 to 2017. Only the Chief Justice's nominee is not connected to the party.

Neither transparent nor fair

Was this entire procedure transparent and fair? Unfortunately, no. When the matter was argued in the Supreme Court, advocate Prashant Bhushan asked for the names of those who had applied for the post. This suggestion was shot down during the argument. We don't know who applied to be considered as chairperson and as a member of the Lokpal. Did former Supreme Court judge, Justice Pinaki Ghose, apply even though he was a member of the National Human Rights Commission (NHRC) at the time? Who were the others? Section 4(3) of the Lokpal and Lokayuktas Act of 2013 states that the Selection Committee "may also consider any person other than the persons recommended by the Search Committee". This makes the procedure futile.

The Search Committee Rules, 2014 stated that the Selection Committee would select one of the five names recommended for the post of Chairperson of the Lokpal and eight of 24 names recommended for the post of members of the Lokpal. The Selection Committee was to lay down the criteria for appointment and decide by majority in cases of difference of opinion. The public is entitled to know the list proposed by the Search Committee. It is entitled to know who all were considered and why. That the appointment of the Lokpal is shrouded in secrecy is an affront to the very concept of the Lokpal.

Background of members

Justice Pinaki Ghose is not known for any path-breaking judgments, so it is curious why he was chosen over other retired judges, especially as he was already a member of the NHRC. No less than a sitting judge could have been offered this post. The other judicial members are Justice Pradip Kumar Mohanty, who was Chief Justice of the Jharkhand High Court; Justice Abhilasha Kumari, who served on the Gujarat High Court and was a chairperson of the Human Rights Commission of Gujarat; and Justice Ajay Kumar Tripathi, who was Chief Justice of the Chhattisgarh High Court. The first woman chief of the Sashashtra Seema Bal, Archana Ramachandran, is a non-judicial member, as are former Chief Secretary of Maharashtra D.K. Jain, former Indian Revenue Service officer Mahender Singh, and former Indian Administrative Service officer of the Gujarat cadre, I.P. Gautam. The question is, should IAS and IPS officers be appointed, especially since they have to deal with fellow officers? The field was wide open from non-government sectors as well.

Mr. Hazare was right in being overjoyed that a Lokpal has been appointed at last. And Aruna Roy and others were right in insisting on a wider jurisdiction on maladministration and delivery of services. This Lokpal will always be known as a secretly appointed one. It is supposed to be an anti-corruption institution. Much will depend on how it is used and against whom. Will we find out who is the *chor* (chief) and who is the *chowkidar* (watchman)? Or will this be another playground for politics?

Rajeev Dhavan, a senior advocate of the Supreme Court, has just published a two-volume book on the Lokpal

SINGLE FILE

The unkindest cut

Reducing funds for MGNREGS has caused disenchantment among two groups which are politically powerful

JAMES MANOR



RAMESH SHARMA

To do well in this general election, the BJP must overcome several serious obstacles of its own making. It has failed to fulfil the stirring promise of massive job creation. Demonetisation severely affected many farmers, households and enterprises. Huge numbers of vulnerable people have

been denied vital services and benefits because of Aadhaar malfunctions. Among its failures, a misjudgment that has attracted less attention is the reduction in funds for the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). It has caused disenchantment among two different groups, both of which are politically powerful.

First, it has hit poor villagers who are in dire need of wages from the programme. For many, it is the difference between one meagre meal and two nutritious meals per day for their families. MGNREGS began to address the problem of malnutrition and stunting in India, which cause irreparable damage to the bodies and minds of children. Many MGNREGS workers have used their earnings to improve small plots of land or to buy livestock. This modestly but crucially enhanced their assets and autonomy.

In recent years, most of the labour on MGNREGS work sites has been done by women, who gain greater independence in their households from their earnings that reach their bank accounts. As *The Verdict*, a new book by Prannoy Roy and Dorab Sopariwala, reveals, turnout at elections by rural women has been increasing. The MGNREGS has also provided benefits to Dalits and Adivasis.

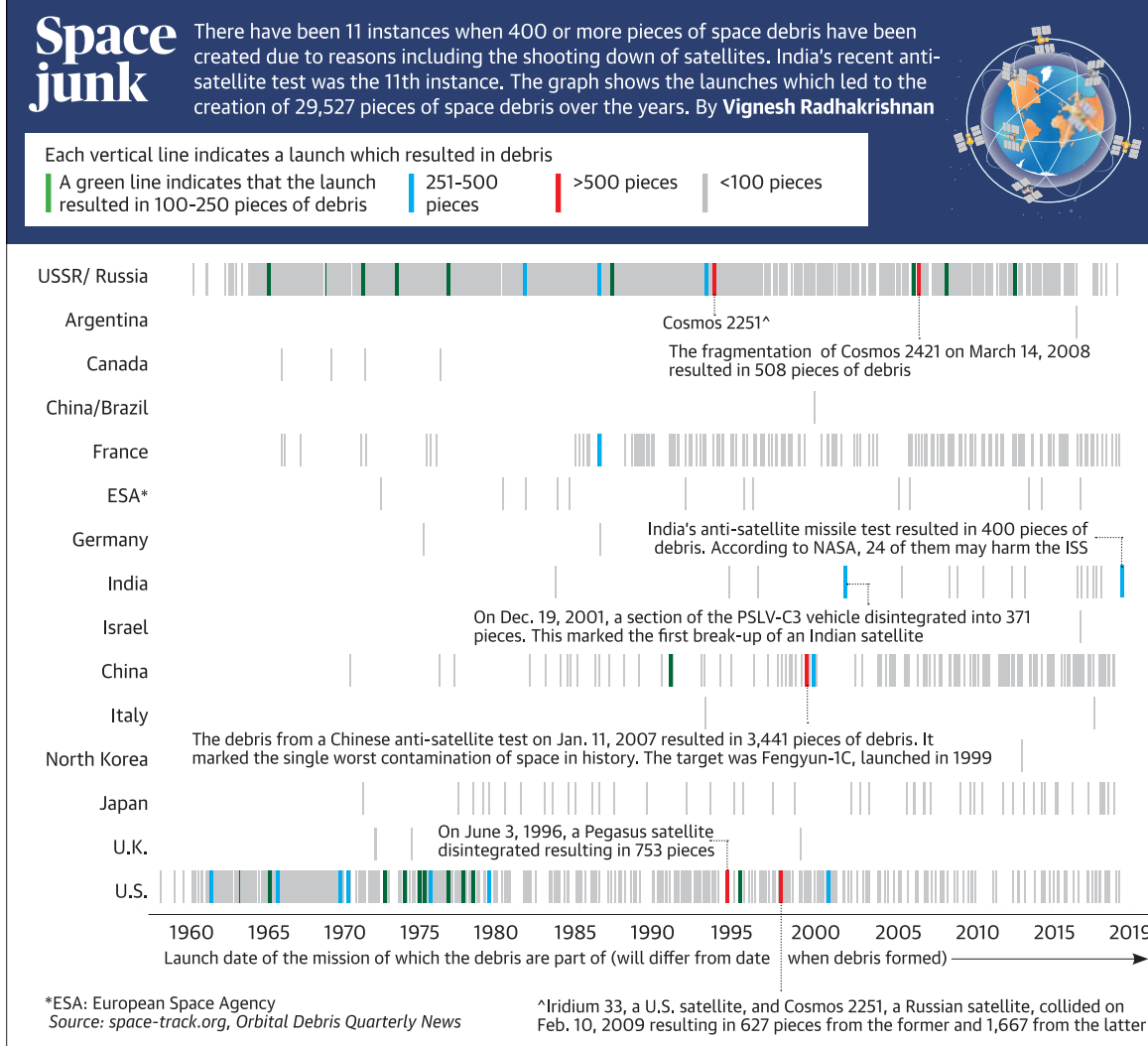
When he was Rural Development Minister, Birendra Singh opposed the constriction of funding for the Scheme because demand for employment on work sites remained strong. It has been higher in 2018-19 than in the last eight years. The government brushed his views aside. Now it seems to acknowledge the problem, but too late after three years of fewer person-days worked. The Centre has also been slow in sanctioning funds for State governments, adding to the serious decline in work opportunities.

Resentment among a second group also carries grave risks for the BJP. The funding cuts have alienated elected members of India's gram panchayats, many of whom have real political clout at the grass-roots level. By law, at least half of MGNREGS funds must go to gram panchayats, and some State governments provide as much as 90%. Five years ago, local councillors in several States proudly told this writer that they controlled as much or more money than their MLAs. The programme's shrinking budget has eroded their power. Prime Minister Narendra Modi and his party can ill afford a backlash from these people.

The writer is Emeritus Professor of Commonwealth Studies at the School of Advanced Studies, University of London



DATA POINT



FROM The Hindu ARCHIVES

FIFTY YEARS AGO APRIL 3, 1969

Land Bill: Kerala rejects Delhi suggestions

The Revenue Minister, Mrs. K.R. Gouri said here [Trivandrum] to-day [April 2] that the Union Government had suggested modifications to the Kerala Land Reforms (Amendment) Bill, which in effect would defeat the very purpose of the legislation. Mrs. Gouri told Pressmen that the State Government would go ahead with the amendment bill now before the Select Committee, which had the approval of the Co-ordination Committee of the United Front. "We will pass the bill with such amendments as the Assembly may adopt. It is for the people to decide whether the enactment should be enforced or not." The Minister said the provisions of the amending legislation had received general approval during the earlier discussions with the Union Ministers. She feared the Union Law Ministry and the Law Minister were behind the suggestions and objections now put forward by the Union Government.

A HUNDRED YEARS AGO APRIL 3, 1919.

Passage to England.

Messrs. Mackinnon Mackenzie & Company inform us [in Bombay] that owing to the very large number of passengers proceeding by the "Ormonde" on the 8th April as much heavy baggage as possible should be sent for shipment in advance. Heavy baggage will be received at No. 6 shed, Alexandre Dock, between 10 A.M. and 4 P.M. on Saturday and Sunday the 5th and 6th instant. In this connection the earnest attention of the passengers is drawn to the arrangement whereby heavy baggage may be booked by passenger train in advance and consigned for the Station Superintendent, Victoria Terminus, or Colaba Station, Bombay, who will arrange for shipment at a charge of four annas per package to be paid at the time of despatch. Full information may be obtained from the station masters at local stations.

POLL CALL

Voter Verifiable Paper Audit Trail

A voter verifiable paper audit trail, or VVPAT, allows citizens to verify whether their votes have been recorded correctly. This is done via a machine, called the VVPAT machine, that is connected to the Electronic Voting Machine (EVM). A VVPAT machine consists of a printer unit and a status display unit. Soon after a voter casts her vote, the printer unit prints a slip of paper that verifies the voter's choice. The slip contains the party symbol and the name of the candidate for whom she cast her vote. The slip, which is visible through a glass box, is displayed to the voter for about seven seconds after which it is dropped into a compartment that collects ballot slips. Any error during voting is displayed on the status display unit. A few VVPATs are tallied to account for the accuracy of EVMs. Given glitches in VVPAT machines in recent Assembly elections, Opposition parties have called for a higher VVPAT recount.

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