



The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

TIME TO TALK

Centre must not ignore the overtures from a section of the separatists in Kashmir for a dialogue

MIRWAIZ UMAR FAROOQ'S call for dialogue is an olive branch that the Centre should accept. This is not the first time that Farooq has pointed to a path forward in Kashmir. Indeed, the Hurriyat leader has only reiterated what he said immediately after the BJP won a thumping victory in the general election — that Prime Minister Narendra Modi should use the massive mandate that voters have given to him to open a dialogue and restore peace in Kashmir. Farooq's has been the moderate voice among Kashmir's separatists. He was in talks with the Centre during UPA 1, though that engagement went nowhere. He has since joined hands with the hardline factions of the Hurriyat, but has continued to send out appeals for engagement. These were largely ignored by the Modi government in its first term even as violence raged in the Valley. At the time, the Centre seemed determined to pursue a policy of using force to quell both militants and protests, but it has become clear that this did not help to solve the problem. If anything, it only contributed to increasing the alienation in the Valley, which in turn, drove an increasing number of young people to militancy. The killings of four militants linked to the Ansar Ghazwat ul Hind by security forces in an encounter, and the killing earlier of a militant linked to ISIS, shows that global terrorist organisations are trying to get into the door in Kashmir.

The political vacuum that exists in the Valley can only help such dark forces. This vacuum is not just the lack of an elected state government, which is bad in itself, but also the long absence of engagement with the Kashmiri political class, which includes the separatists. Indeed, the Centre was standoffish even with the last state government, even though the ruling coalition had the BJP in alliance with the PDP, one of the two main regional parties in Jammu and Kashmir.

It is significant that Governor Satya Pal Malik — the chief executive at the moment as the state is under President's Rule — has also publicly flagged Mirwaiz Farooq's readiness for talks. Speaking in the presence of Union minister Prakash Javadekar, and minister of state Jitender Singh, who is from the state, Malik, a nominee of the BJP government, too seemed to be appealing to the Centre to grab the opportunity for a dialogue. There could be no better time. Pakistan is economically and politically weak, and under international pressure to stop its patronage of terrorists. And as the Mirwaiz has pointed out, Prime Minister Modi has won a massive mandate. The mandate is, among other things, for him to end the turmoil in the Valley, not prolong it. That demands that he works towards a constructive engagement with and in Kashmir.

POWER PLAY

Creation of national electricity distribution company could help turn around the power distribution segment

IN A WELCOME move, public sector companies NTPC and Power Grid Corporation of India have formed a joint venture to set up a national electricity distribution company. The decision paves the way for a central public sector entity to enter the power supply business, which up until now has been largely the preserve of state distribution companies. Coming at a time when state discoms are struggling to contain their losses, the move is likely to have far reaching ramifications for the distribution segment.

Over the years, successive governments have tried to address issues plaguing the power distribution segment, but in vain. The segment is the weakest link in the power chain, and its poor health affects the entire power sector. In 2015, the NDA government had launched the Ujwal DISCOM Assurance Yojana (UDAY) to turn around the fortunes of beleaguered state discoms. But almost four years later, discoms continue to struggle, plagued by a host of issues ranging from inadequate tariff hikes, to high aggregate technical and commercial losses, inadequate and untimely subsidy disbursements, among others. Their flagging fortunes have not only affected power generation companies, but have also caused stress in the banking sector. The creation of a national electricity distribution company, which also serves as a central electricity buying agency, could potentially address several of these issues. It could bring relief to power producers, bring stranded capacity back to life, ensure timely payment and address the issue of stressed assets in power generation. The new entity could also procure electricity at competitive rates, the benefits of which could then be passed on to end consumers.

The move to create such an entity also signals the possibility of another round of reforms in power distribution, especially the separation of content and carriage: Carriage refers to distribution, while content refers to electricity supply. Separating them would allow consumers to buy electricity from a power company of their choice. In a market that is currently characterised by geographical monopolies, this would help usher in competition. Such measures along with the creation of a national distribution company also raise the possibility of rationalising the power tariff structure across the country. Currently, the power market in India is highly fragmented. Different state discoms charge different tariffs to different customers. These moves could potentially bring about a rationalisation in tariffs by providing national pricing benchmark across different categories of customers. However, these moves may face resistance from state discoms, as they could lose their better-paying customers to more competitive entities.

MELTING OF THE CULT

Winning Istanbul has been key to ruling Turkey. Recep Erdogan's nominee just lost the city's mayoral election

RECEPTYAYIP ERDOGAN has often in the past, said, "Whoever wins Istanbul, wins Turkey". The Justice and Development Party or the AKP, the conservative party Erdogan co-founded in 2001, lost power in Istanbul after a re-run of the city's mayoral election last week. The opposition candidate, Ekrem Imamoglu, had a lead of 7,75,000 votes over Erdogan's nominee, Binali Yildirim. It is a massive amplification of the margin of 13,000 Imamoglu had achieved in the earlier election in March — a victory that was annulled after AKP contested the results. It also terminates 25 years of AKP rule in Istanbul, Erdogan's home city.

In its formative years, AKP had tried to veer away from any staunch Islamic identity. At the time of formation, Erdogan reportedly said, "The period of ego-centered politics is over. A team will administer the party. The leader will not overshadow it. Those who come by election will go by election." There is much irony here, given the cult Erdogan managed to build about himself. And the charges against Erdogan in recent times have included the manner in which the government has given in to orthodoxy at odds with the larger history of Turkey. Imamoglu reportedly said during the victory celebrating over the weekend, "Nobody's lifestyle and how they dress is a concern for us". The AKP has also battled corruption charges: Imamoglu and his supporters have attempted to highlight the large funds provided to AKP-affiliated foundations by the Istanbul Metropolitan Municipality. Some of these foundations are reportedly helmed by the relatives of Erdogan and the funds they received allegedly run into millions of dollars.

Losing Istanbul means losing the levers to finances. For Erdogan and AKP, this could mean the beginning of the end of political domination of the city, and perhaps, Turkey.



C RAJA MOHAN

AS THE EXTERNAL affairs minister Subrahmanyam Jaishankar sits down for talks with the visiting US Secretary of State, Mike Pompeo in Delhi this week, a sense of crisis seems to have enveloped the discourse on India-US relations. We can argue if "crisis" is the right word, but there is no denying that many dormant but difficult issues in the India-US relationship have bubbled up to the surface now.

For nearly two decades, Delhi and Washington had steadily narrowed their multiple differences inherited from the Cold War and expanded the ambit of their bilateral and multilateral cooperation. Today, differences once again dominate the public narrative. These range from trade and market access to cross border data flows and India's purchases of oil from Iran and advanced weapons from Russia. Although the intensity of the current focus on the divergence between the two nations is disconcerting, it is worth remembering four important factors.

First, India is not alone in facing sudden difficulties with Washington. Many of America's leading economic and political partners face similar challenges — most of which are flowing from the unprecedented change that is unfolding within America. America's ties with friends and foes alike are under scrutiny in the Trump Administration. Over the last couple of years, it was quite clear that Delhi's turn would come. It is now upon us.

Driving the domestic turbulence in America is none other than President Donald Trump, who has overturned many of the traditional assumptions about US foreign policy and its role in the world. This is no ordinary moment in America's post-war evolution; it is a major inflexion point.

Second, this is not the first time that Delhi is facing a crisis-like situation in its relations with Washington. Over the last quarter of a century, we have had many issues — Kashmir, South Asian security, human rights, India's rejection of the Comprehensive Test Ban Treaty, and Delhi's 1998 nuclear tests to name a few. Those who have only seen the recent good times in India-US relations may not know how hard it was in the 1990s and 2000s to get even the simplest of things done between Delhi and Washington. Political suspicion and bureaucratic resistance in both capitals were relentless. Yet many of these difficulties were overcome through engagement and sustained



R R RASHMI

ON THE MARGINS of the UN General Assembly in September, the UN Secretary General has convened a summit to discuss plans to address climate change. The summit will take place exactly a year before the implementation of the Paris Agreement begins. The UN Secretary General is concerned that the collective climate ambition is low and is keen to launch new initiatives to close the gap between the Nationally Determined Contributions (NDCs) made under the Paris Pact and the goal of climate stabilisation.

The recent IPCC report which called for limiting the global warming to 1.5 degree Celsius has added momentum to the push. For this goal, the world will need to move towards zero carbon emission around 2050. But such a world is contingent on heavy electrification of energy, industry and transport systems in the medium term and market adoption of low or near zero carbon technologies in the longer term.

Nine tracks of discussion are planned at the summit, with the hope of nudging countries to move to an aggressive path of decarbonisation. One of them, the "industry track," focussing on industrial decarbonisation, is led by India and Sweden. One has to see if the leaders of this track will handle it with finesse or put industry under pressure.

The challenge of industrial decarbonisa-

US Secretary of State's India visit is a chance to re-animate a stagnating relationship

The problems that confronted India-US relations after the NDA government's nuclear tests gives us a good sense of what can be done with a crisis. Within a few weeks of the tests and American sanctions in May 1998, India's Jaswant Singh, then deputy chairman of the planning commission and later the external affairs minister, began a marathon conversation on the differences over nuclear proliferation with the US Deputy Secretary of State, Strobe Talbott. The dialogue between the two leaders eventually led to the historic civil nuclear deal during the tenure of UPA-1.

negotiations backed by political will on both sides to advance the partnership.

Third, there is much heartburn among the traditionalists in both Washington and Delhi that Trump has made America's foreign policy transactional. But then you don't get to choose your interlocutors. In any case, being transactional has advantages of its own — there is no mystification of the issues involved and the focus is on uninhibited bargaining based on self-interest.

Fourth, whether it is a crisis or not and whether it is new or not, the current dynamic situation between Delhi and Washington is also an opportunity for taking a fresh look at the relationship that has seen some stagnation in recent years. It is also a moment to set some ambitious targets for the future.

The problems that confronted India-US relations after the NDA government's nuclear tests gives us a good sense of what can be done with a crisis. Within a few weeks of the tests and American sanctions, in May 1998, Jaswant Singh, then deputy chairman of the planning commission, and later the external affairs minister, began a marathon conversation on the differences over nuclear proliferation with the US Deputy Secretary of State, Strobe Talbott. The dialogue between the two leaders eventually led to the historic civil nuclear deal during UPA-1 that facilitated the lifting of most technology sanctions against Delhi, the integration of India into the global nonproliferation order, the expansion of bilateral defence and security cooperation and a deeper engagement between Delhi and America's Western allies in Europe and Japan.

Finalising the agreement turned out to be incredibly hard. The disproportionate political heat the agreement generated in Delhi saw PM Manmohan Singh struggle to build a domestic consensus within his own party, coalition and Parliament. Fortunately for him, the then US President George W Bush was prepared to help move the negotiation forward at all critical junctures.

This time though, India will have to deal with a very different US president, Donald Trump, who believes that America is a piggy-bank which the rest of the world has been raiding on. He insists on fair trade and reciprocity in US partnerships. Leaving this difficult attitude, however, is Trump's fascination for the "art of the deal" premised on

out-of-the-box thinking. His outreach to North Korean leader Kim Jong-un and the more recent call for a direct dialogue with the Iranian leadership would have been considered outrageous just a couple of years ago.

India too is a very different country from what it was in 1998. It has a much bigger economy — soon to be the third largest in the world. India is interconnected with the rest of the world as never before and has big stakes in consolidating the partnership with the US. Even more important, its ability to shape regional and global outcomes is of some long-term value for Washington.

The issues at hand too are different. Unlike the nuclear negotiation, where the real internal stakeholders were few, trade talks involve many government agencies, state governments and the business community. All major trading nations find it difficult to get their domestic ducks in a row. But unlike security issues, trade offers greater room for give and take.

The key to successful engagement with the US is to keep the negotiations going and make progress wherever one can. Americans are always ready to split the difference and move on. Delhi has been notorious for its inability to bring any negotiation to a close. Prime Minister Narendra Modi's distinct contributions to India's strategic culture have been to bring an utterly unsentimental view of the world, a determination to bargain hard and intense focus on practical outcomes. This approach, so visible in relation to foreign policy during Modi's first term, now needs to be extended to other domains, especially commerce, defence modernisation and adapting to the unfolding digital revolution.

A non-ideological approach to the negotiations would focus on breaking down the contentious issues into smaller parts, expanding the boundary conditions and creating linkages across sectors. As Modi deals with a turbulent world marked by a historic power shift, massive economic dislocation and the breakdown of the post-war global order, modernising the partnership with the US is critical to securing India's interests — both in the near and long term.

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PAVING A GREEN PATH

UN climate change meet could provide industry a roadmap for low carbon growth

tion looks daunting at first glance. However, India's experience in this respect is telling. As per government data, India may be on track to achieve its NDC target of emissions intensity well ahead of time. The period between 2005 to 2014, for which emissions data is available, has seen consistently higher economic growth (around 6-7 per cent) than the rate of growth in emissions (around 3.8 per cent). Falling energy costs of renewables have made it possible for incomes and jobs to be protected while lowering the emissions.

However, over a third of the emissions is generated by the harder-to-abate sectors which will witness high growth rate in the next decade, leading to three to four times increase in energy demand. While the energy intensity of these sectors may fall because of improved energy efficiency, their emissions intensity may remain high. The fall in India's emissions intensity of GDP may not be sustainable unless attempts are initiated now to address the carbon intensity of these sectors in the long term. The trouble is that for heavy industries such as iron and steel, cement, aluminum, plastics, and long distance transport, which depend on fossil fuels, technologies to replace such fuels are either not ready for commercial-scale application or simply not available. Typically, industry is hesitant to adopt better but costly

technology because of concerns about market share. A common aspirational goal has to be established on a scientific basis to enable industry to make investment decisions on a level-playing field. In the process, cost of newer technologies may also come down over the medium term.

One can think of the summit helping to build three levels of coalitions in a push for such transformation. First, a voluntary coalition of industries having the desire to accelerate to low or zero carbon technologies could be formed. These coalitions could adopt sector-wide goals by 2023 based on the best-available technology using life-cycle methods. The second coalition could consist of countries interested in promoting decreased carbon intensity through specific schemes — for example, the perform, achieve and trade scheme for energy efficiency in India. A coalition of industries and countries could also be formed to push for international agreements aimed at promoting technology solutions in harder-to-abate sectors through working groups and partnerships.

Whichever coalition India may offer to join, it will be useful for the country to think of its sectoral actions as part of a long-term low carbon national growth strategy.

The writer is Distinguished Fellow at TERI

JUNE 25, 1979, FORTY YEARS AGO

CONGRES EXPELS URS

THE CONGRESS (I) Working Committee expelled Karnataka chief minister, Devaraj Urs, from the party for six years, holding him guilty of "the worst type of anti-party activity, indiscipline and betrayal of the faith the Congress (I) reposed in him". The decision of the working committee, which was more or less a foregone conclusion, virtually splits the party in Karnataka. The split may possibly spread to other states since Urs had started mobilising support in other states and at the national level in anticipation of the party high command's decision to expel him. The working committee, which discussed Urs's reply to the show-cause notice served on him and

passed a resolution expelling him from the party for six years, also called upon him to "resign from the position as a member of the Legislative Assembly".

URS' OWN CONGRESS

DEVARAJ URS SAID in Bangalore that the pradesh party owing allegiance to him would function as "Karnataka Congress." Urs, who is also the chief minister, announced that he would step down from the party presidency in favour of the PCC Vice President, Siddarama Reddi, tomorrow. The 64-year-old Karnataka leader said he had taken the expulsion "in my stride". The State Congress (I), which had been dissolved by the high

command is meeting here for two days from tomorrow.

SAITUAL CURFEW

CURFEW HAS BEEN reclaimed on Saitual town in eastern Mizoram bordering Burma following an armed attack by hostile Mizos on a bank there last night. A massive combing operation has been launched to pick up the rebel Mizo National Front gang and five persons have been taken into custody. According to official sources at Aizawl, a gang of rebel Mizos was seen taking up positions around the bank at midnight. Police reinforcements have been rushed to the troubled area.



13 THE IDEAS PAGE

Emergency chronicles

The party Chandra Shekhar brought to power, sent him to jail. Later, Indira Gandhi sought to build bridges and wanted him to return to the Congress



HARIVANSH AND RAVI DUTT BAJPAI

ON 25 JUNE 1975, JP addressed a massive public rally at Ramlila Ground in New Delhi. Chandra Shekhar was not present at the rally; he was spending the evening with his friends B P Koirala and Shailaja Acharya. The three of them went to watch the famous Hindi movie *Sholay* in central Delhi's Regal Cinema and then to a restaurant for dinner. As they were preparing to call it a day, Chandra Shekhar realised that he had no money with him. Shailaja Acharya lent him Rs 100. When Chandra Shekhar reached home, D N Sahay, a friend of Chandra Shekhar, who was staying with him in Delhi, narrated the main points of JP's address. JP had exhorted the police and armed forces to not obey orders which they considered wrong and warned that a change in government would bring about the prosecution of errant officials.

Chandra Shekhar listened intently and then remarked that it might be JP's last public address before Indira Gandhi took some drastic actions. He predicted, "He (JP) might be imprisoned or be run over by a truck or meet with an accident." They all went to bed around midnight; at around 3 am, Chandra Shekhar was informed that the police had reached Gandhi Peace Foundation to arrest JP. He immediately rushed to see JP; however, by the time he got there, JP was being put in the police van to be taken to the Parliament Street Police Station. He followed the police van in a taxi. At the police station, he was asked by the police officers to stay outside. Some journalists and press photographers had already gathered outside the police station. A few moments later, Chandra Shekhar was informed that there was an arrest warrant against him as well. As JP was taken to jail from the police station, he made the most memorable comment — "*Vinaash kaale vipreet buddhi* (As one's doom approaches, their intellect works against their best interest)."
He was commenting on Indira Gandhi's decision to impose the Emergency.

Chandra Shekhar was taken to the cantonment police station where he met some leading figures from the opposition. Raj Narayan, Piloo Mody, Ramdhan, Biju Patnaik, Sikander Bakht and Ashok Mehta were already there. These leaders were shifted to the Rohtak Jail in a van. A crowd had already gathered around the police station and they were raising slogans. The largest number of slogans was raised in support of Chandra Shekhar, who was astounded by the irony of the situation. The party whom he had endeavoured to bring to power was sending him to jail, while the supporters of the parties whom he had laboured to defeat were raising slogans in his support. ...

In the middle of December 1976, when it seemed like the Emergency would continue forever, a very senior Congress leader visited Chandra Shekhar as the emissary of Indira Gandhi in Patiala Jail. The emissary told him about Indira Gandhi's growing frustration with the communists and that she required Chandra Shekhar's help to launch a new campaign. Chandra Shekhar made it clear that though he had political differences with them, he was not anti-communist, and added that he could not be of any help to Indira Gandhi. When the emissary asked him how long he planned to be in the prison, Chandra Shekhar replied that the last eighteen months of solitary confinement had strengthened his resolve, and he was prepared to spend the rest of



CR Sasikumar

his life as a prisoner. Chandra Shekhar was one of the two leaders who were kept in solitary confinement during the Emergency; the other was George Fernandes. Indira Gandhi's emissary returned empty-handed and Chandra Shekhar never broached this subject with the emissary after his release and, more significantly, he never revealed his identity. This initiative of rapprochement with Chandra Shekhar was also mentioned in Kuldip Nayar's autobiography *Beyond the Lines: An Autobiography*. When he had visited Kamal Nath, a close friend of Sanjay Gandhi, Nayar had enquired about the possibility of elections. Kamal Nath had informed him that a senior Congress leader had been sent to Patiala Jail to negotiate with Chandra Shekhar and depending on his (Chandra Shekhar's) response, the electoral process would be set in motion.

In the middle of December 1976, a fellow prisoner, Sardar Bulkar Singh, who was serving a life term, told Chandra Shekhar that he had dreamt of his immediate release. Chandra Shekhar did not attach any significance to these predictions. However, he himself mentioned a dream on 28 December 1976, in which he saw his wife telling him that he would be released in two days. Chandra Shekhar was surprised when on 30 December 1976, the Delhi police came to take him out of Patiala Jail and place him under house arrest at his home — 3, South Avenue, New Delhi. A number of his friends, acquaintances and well-wishers came to see Chandra Shekhar.

In a couple of days, Chandra Shekhar was moved out of his house to another bungalow in the same area. Eventually, Mohan Dharia was shifted from Nasik Jail to the next bungalow. On the day of their arrival, when they were allowed to spend some time with each other, Dharia mentioned that he had written a letter to Indira Gandhi. Chandra Shekhar, however, did not ask anything about the letter. After their initial meeting, Chandra Shekhar and Dharia were kept under house arrest, and they could not meet or talk to each other, despite staying in adjacent bungalows. Chandra Shekhar had a visitor one day — it was his old PSP colleague and a close friend, Jashwant Mehta, now a Congressman and the finance minister in the state of Gujarat. Mehta talked about inconsequential things, but as he was leaving, he said he would see Dharia as well. Mehta came back after meeting Dharia and asked Chandra Shekhar if he had seen Dharia's letter to Indira Gandhi. Chandra Shekhar indicated that he was not interested in the letter or its contents. It was apparent to Chandra Shekhar that Indira Gandhi was looking for rapprochement with

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him and was ready to bring him back to the Congress fold.

The very next day, Mehta appeared again and said, "Yesterday, I was on a social call, today I am on a political mission." Chandra Shekhar heard him out quietly. Mehta then gave him a copy of the letter written by Dharia to Indira Gandhi and left to meet Dharia. He returned in an hour and asked Chandra Shekhar, "Have you read Mohan Dharia's letter? What is your reaction?" Chandra Shekhar replied, "The letter does not exist for me." After three days, Mehta revisited Chandra Shekhar and informed him that Indira Gandhi wanted to meet him. Chandra Shekhar reminded him that as a prisoner, he could not move about freely. However, if Indira Gandhi wished to see him, she was welcome to visit him. On 11 January 1977, Mehta arrived to tell Chandra Shekhar of his release but by that time, the intelligence officers had already informed him about this decision.

As Chandra Shekhar walked out of his house arrest to freedom, he saw Ram Nath Goenka and Radhakrishnanji of the Gandhi Peace Foundation, waiting for him outside. Mehta was also there, waiting with his car, and he invited Chandra Shekhar to come with him to see Indira Gandhi as she was waiting to receive him. Chandra Shekhar advised Mehta not to behave so absurdly as on his release he would first go to his own home rather than Indira Gandhi's. Again, late at night around 11 pm, Mehta returned to ask Chandra Shekhar if he was ready to meet Indira Gandhi. Chandra Shekhar assured Mehta that he would undoubtedly meet Indira Gandhi at least once to ask her about her decisions.

The efforts to bring Chandra Shekhar back into the Congress fold continued. Genda Singh, the veteran PSP stalwart and then a Congress leader, called Chandra Shekhar and advised him not to join the opposition ranks, seeking a meeting with him. Chandra Shekhar expressed his surprise that Genda Singh had remembered him all of a sudden after nineteen months. He wondered if Genda Singh expected him to publicly acknowledge that Indira Gandhi had fulfilled her national duties by imprisoning him for nineteen months and that he was indeed a traitor.

Excerpted from Chandra Shekhar: The Last Icon of Ideological Politics, published by Rupa. HariVansh is Deputy Chairperson, Rajya Sabha and Bajpai is pursuing doctoral research on civilisational exchanges between China and India at Deakin University, Melbourne, Australia

WHAT THE OTHERS SAY

The US is powerful, but not many people believe it can really bring down Iran. There is a profound truth behind this understanding. — **GLOBAL TIMES CHINA**

The spectre of foreignness

Extending the concept of foreigners tribunals from Assam to rest of India will result in a upheaval that will stir memories of Partition



HARSH MANDER

A TERSELY worded order of the Union Home Ministry, less than two pages long, carries the potential to alter India forever, to crush the fundamental rights of millions of the country's most vulnerable people, and to subvert the edifice of India's constitutional framework and to change the founding principles of the republic. This order, published in the Gazette of June 4, authorises any state government, Union Territory or district magistrate to establish foreigners' tribunals in any part of the country. Up to now, this power was restricted to the Union government and applied exclusively to Assam.

This momentous order, which carries the potential to foment social strife and alter India's constitutional arrangements was passed without any public debate, let alone a discussion in Parliament. The only explanation we have for this order so far, derives from Union Home Minister Amit Shah's incendiary pledge, repeated in his election speeches, to extend the National Register of Citizens to all parts of the country, so as to identify and deport "infiltrators" (read undocumented Muslims) who threaten India's security — unlike undocumented Hindus and Sikhs, who are refugees escaping persecution.

At the core of the systemic injustice of the NRC process is the reversal of the burden of proof. For most crimes, a person is innocent until the state prosecution is able to prove him guilty. But the burden of proving a person is a citizen is shifted from the state to her shoulders, and it is enough for a foreigners' tribunal to conclude that she is a foreigner if she is unable to provide documents that satisfy this agency. It is significant that this reversal of burden of proof was ordered by India's highest court.

In Assam, the NRC has caused enormous suffering to millions of mostly poorly lettered and very impoverished people, who have squandered their meagre belongings to pay lawyers' fees to help them negotiate the hostile and opaque maze of the NRC bureaucracy and the foreigners' tribunals.

I have seen hundreds of cases in which a small difference in the English spelling of a Bengali name, or a small variation in age is enough for the NRC authorities and foreigners' tribunals to sound the death-knell of "foreignness". If you have never been to school, you may have no proof of birth or citizenship. If you own no land, you have no land records to prove your residence in India before the cut-off date. And even if you do own land, land records are notorious for their errors.

Imagine what will happen now with

the home minister's grand plan for extending both the NRC and the foreigners' tribunals to the entire country. I already hear of Muslims in far corners of the country anxiously checking their documents, enquiring what they can do because the English spelling of the name of their grandfather differs from one document to the next. If in the coming months or years, the NRC is extended to other parts of the country, the upheaval and travails that this will foster will stir memories of the trauma of Partition.

The Home Ministry's order also empowers the foreigners' tribunals, which will be established anywhere in the country, to regulate their own procedures in hearing the cases placed before them. It further empowers them to hear an appeal only if they "find merit" in it. This means that a person whose name does not figure in the NRC cannot hope for a hearing from the foreigners' tribunal if the agency feels there is no "merit" in her appeal. The experience of these tribunals in Assam has been that they frequently function with open bias or without due process. The latest order of the Home Ministry further empowers these tribunals to function in prejudiced or arbitrary ways.

The gravest violation of constitutional justice by the NRC process in Assam, which now threatens to imperil minorities across India, is that the Union government has not clarified what will be the fate of the people who are finally declared "foreigners". Neither the Supreme Court nor Parliament has compelled the Union government to clarify the destiny of possibly one to two million people, who practice Islam, in Assam if they are finally declared as "foreigners"?

There is no question of Bangladesh accepting those declared by the Indian government as foreigners, but who deny that they are Bangladeshi. Today more than a thousand of them are in detention centres in prisons. The Assam government has reported that it is building a detention centre for 3,000 foreigners. But what will happen to the million or more Muslim people declared by India's judicial systems to be non-citizens in Assam? And possibly several million more if the NRC is actually extended to the rest of India? Will the Indian government detain them in massive concentration camps? If so, for how long? Will they — men, women and children — be confined there all their lives? Or, will they continue to live outside detention centres in India but stripped of all rights of citizens? Stripped of the rights to vote, to own property, to enter government service? Is this not wantonly and recklessly manufacturing a Rohingya-like situation? Will they then not become worse off than even the original imagination of the RSS to reduce minorities to second-class citizens?

They will be non-citizens, a marked people, comprehensively excluded and despised. Is this not a prescription that could once again tear apart India?

Mander is a human rights worker and writer

LETTERS TO THE EDITOR

SEARCH FOR WATER

THIS REFERS TO your editorial, 'Running dry' (IE, June 24). The water crisis in Chennai is really grim. The situation is aggravated by the fact that Chennai is one of the cities that might run out of groundwater by 2020. The new Jal Shakti ministry should start working to find means to provide ways to provide these cities a substitute for groundwater.

Sanjay Chawla, Amritsar

TRUMP'S WAYS

THIS REFERS TO the editorial, 'Terms of peace' (IE, June 24). There is no doubt that US President Donald Trump is a very good poker player and this reflects in all his political moves. He keeps on raising the stakes, keeps on building the pressure and then surprises everyone by relenting. One day he was ready to press the nuclear button and exterminate entire North Korea and the next day he extended friendship to Kim Jong-un in Singapore. The US president is deploying the same tactics with Iran and in the US-China Trade War. The escalations of the conflict in the Strait of Hormuz is bound to have impacts on the entire world. So it is important that US and Iran come to the negotiation table.

Shriya Sharma, Gurugram

BJP'S GAINS

THIS REFERS TO the editorial, 'Stirrings

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

in the House' (IE, June 22). The defection of the four TDP Rajya Sabha MPs will add to the BJP's strength in the Rajya Sabha — where the NDA has only 102 members in the 245-seat house. It will also give the BJP a toehold in a southern state, other than Karnataka. It could enable the passing of many pending laws in the Rajya Sabha and consequently, obviate the government's need to take the ordinance route.

Sauro Dasgupta, Kolkata



SATENDRA SINGH

IN A STUDY on fatal pedestrian crashes among persons using wheelchairs in the US from 2006 to 2012, it was found that men who use wheelchairs were five times more likely than women wheelchair users to be killed in roadside collisions. Unfortunately, we do not have such detailed data in India because of the forced invisibility of commuters with disabilities. But, we do have a 2011 Chennai-based study confirming road traffic accidents to be the main cause of amputations (acquired disability). A 2017 audit by the Centre for Science and Environment placed Delhi on the top in road accident deaths and cited the capital as most unsafe for pedestrians. Delhi is certainly not "safe" for commuters with disabilities.

In a meeting in December last year, with stakeholders to make Delhi a model Accessible City, at the Union Ministry of Social Justice, Delhi's transport department gave an assurance to explore the possibility of bringing wheelchair-accessible cab services in the capital. A slogan of the general elections was to "leave no voter behind", and the Election Commission vowed to provide

Life in a metro

For disabled in Delhi, metro is only accessible transport. It must be made free

free pick-up and drop facility to voters with disabilities. This, however, opened a Pandora's box: No public transport in Delhi (barring the metro) is wheelchair accessible.

The 70-point action plan of the Aam Aadmi Party for the Delhi Assembly Election, 2015, had a four point agenda on disability in addition to Action Plan 53 stating "persons with disability will be provided concessional passes on buses and in the metro". On February 6, too, the speaker of the Delhi legislative assembly announced that concessions for the disabled will be extended to the Delhi Metro. This promise is yet to be fulfilled. The AAP's 38-page Delhi manifesto for the general elections, 2019, revealed zero results while searching for "disability" or "disabilities".

No manufacturer in India manufactures modified vehicles for the disabled. In fact, Maruti Inc, has devised its own discriminatory policy to deny government concession to customers with right leg disability. Disabled people are forced to go to local vendors who basically apply the "jugaad system" to their two and four-wheelers. Moreover, the Central government has also, for the first

time, imposed GST on the assistive devices of "divine bodies" or "divyang" people, while keeping kajaal GST-free. This was compounded by a recent Supreme Court judgement which further marginalised the disability sector by banning the retrofitting of vehicles in India (*RTO vs K. Jayachandra*, 2019). It goes without saying that a person with disability has to incur additional expenditure due to the absence of accessible public transport. This is also true for a majority of the able-bodied who acquire disability after road traffic accidents. Therefore, commuters with disabilities will benefit from free transport rather than any partial concession.

The UN Convention on the Rights of Persons with Disabilities (Article 9) stipulates that, for the disabled, public transport must be accessible on an equal basis. The UN's SDG target 11.2 calls for access to safe, affordable, accessible and sustainable transport systems for all, with special attention to commuters with disabilities. Data from eight developing countries indicates that the average proportion of persons with disabilities who consider transportation not accessible

is 36 per cent (Sri Lanka 39 per cent and Nepal 33 per cent). In India, Section 41 of the Rights of Persons with Disabilities Act, 2016, mandates accessibility in transportation.

Delhi's deputy chief minister travelled in a local bus to ask women about the free metro and bus transport facilities. I invite the Delhi chief minister to accompany me in a wheelchair, and the transport minister to get blindfolded along with a cane as an assistive device in order to navigate the city — to feel the lived experience of a commuter with disability. It won't be difficult to judge who needs accessible and safe transportation the most. As Gandhi once said, a nation is known by how it treats its most marginalised members. Unless the state fulfils its obligation to provide dignified and accessible transportation to commuters with disabilities, they ought to provide us free metro services, as it remains the only means of accessible transport in our country.

The writer teaches at University College of Medical Sciences, Delhi, and is a disability rights activist



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

TELLING NUMBERS

Are tigers killing elephants? A check-list by Corbett authorities

DIVISION	TIGERS	ELEPHANTS	LEOPARDS	TOTAL
Kalagarh	2	13	3	18
Ramnagar	7	8	3	18
Grand total	9	21	6	36

Source: Study by Corbett Tiger Reserve

A STUDY by Corbett Tiger Reserve authorities claims that tigers, elephants and leopards have been killing one another, and The Ministry of Environment, Forest and Climate Change has sought a report from Uttarakhand's Chief Wildlife Warden (PTI report published online in *The Indian Express*, June 23). The study gives a count of 36 wild animals killed over a period of five-and-a-half years (January 1, 2014-May 31, 2019) and attributes these to conflict with other wild animals.

21 ELEPHANTS

Out of 21 elephant deaths, the study attributes 13 (60%) to attacks by tigers, mostly on young elephants. It suggests that this may be happening because hunting an elephant requires less energy than hunting a sambar or a cheetal, and because an elephant provides a larger quantity of food. "It was also reported that even in cases where elephants were killed in infighting, tigers were found eating their body parts," the study said.

Of the remaining elephants, most

were killed while fighting over mating, the report said.

9 TIGERS

Out of 9 tiger deaths, 7 (80%) were attributed to infighting. These were primarily due to territorial fights, the study said. The remaining tigers were killed because of fights with porcupines and wild boars, it said.

6 LEOPARDS

Out of 6 leopard deaths, 4 were attributed to attacks by other carnivores and the remaining two to infighting. Among the former 4, there was definitive evidence about 2 being killed by tigers, the report said, but the attacking species in the remaining two cases was yet to be identified, it added.

The study was commissioned by the Director of Corbett National Park following the death of a tigress last month due to infighting. It calls for further studies on tiger-elephant conflict and, in the case of tigers, the extent of average territorial area, moving patterns and adequacy of the present tiger reserve area.

THIS WORD MEANS

LUNAR EVACUATION SYSTEM ASSEMBLY

Currently being tested, a device meant to rescue an astronaut if injured on the surface of Moon



Astronauts test prototype of LESA under the sea. European Space Agency

AMONG PREPARATIONS for NASA's 2024 Moon mission, one has been to test a device called Lunar Evacuation System Assembly, or LESA. Developed by the European Space Agency (ESA), LESA is a pyramid-like structure whose purpose is to rescue an astronaut should he or she suffer an injury on the lunar surface. Astronauts will be wearing heavy extravehicular activity (EVA) suits and, as ESA head of spacewalk training Hervé Stevenin said in a statement, "There is no way an astronaut could carry their fallen crewmate over

their shoulder while wearing an EVA suit."

LESA can be operated by a single astronaut to rescue a fallen colleague. It enables an astronaut to lift their crewmate onto a mobile stretcher in less than 10 minutes, before carrying them to the safety of a nearby pressurised lander, the ESA statement said.

Astronauts are testing LESA under the sea. With its rocky, sandy terrain and buoyant salt water, the bottom of the ocean floor has much in common with the lunar surface, ESA said.

KARISHMA MEHROTRA

NEW DELHI, JUNE 24

THE IT Ministry's Bill on data protection is scheduled to be introduced in Parliament during the current session. Worldwide, the data flow debate is playing out at the World Trade Organisation (WTO) and G20.

Why is data valuable?

Data is any collection of information that is stored in a way so computers can easily read it. These days, most people refer to data to mean information about their messages, social media posts, online transactions, and browser searches. Big data refers to the immense amount of data that can now be collected, stored, and analysed to find patterns.

This large collection of information about people's online habits has become an important source of profits. Your online activity can expose a lot about who you are, and companies find it valuable to use the information to target advertisements to you. Governments and political parties have also gained interest in these data sets for elections and policymaking.

What exactly about data laws are countries debating?

Data is stored in a physical space, like a file cabinet that can be the size of the Taj Mahal. Data is also transported across country borders physically, traveling through underwater cables that run as deep as Mount Everest and as long as four times the span of the Indian Ocean. Thirdly, just as oil is refined, data has to be processed to be useful. This means it is analysed by computers.

These aspects of data flows — where it is stored, where it is sent, where it is turned into something useful — determines who has access to the data, who profits off the data, who taxes the data, and who "owns" the data.

With these questions in mind, individual governments are developing their own domestic rules and negotiating with each other on a global stage, raising values of national security, economic growth, and privacy.

Where does India's domestic policy on data stand?

India's recent drafts and statements have strong signals for data localisation, which means that data of Indians (even if collected by an American company) must be stored and processed in India.

Along with a Reserve Bank of India directive to payment companies to localise financial data, the Ministry of Commerce's draft e-commerce policy from February is currently in public consultation. The IT Ministry has drafted a data protection law that will be

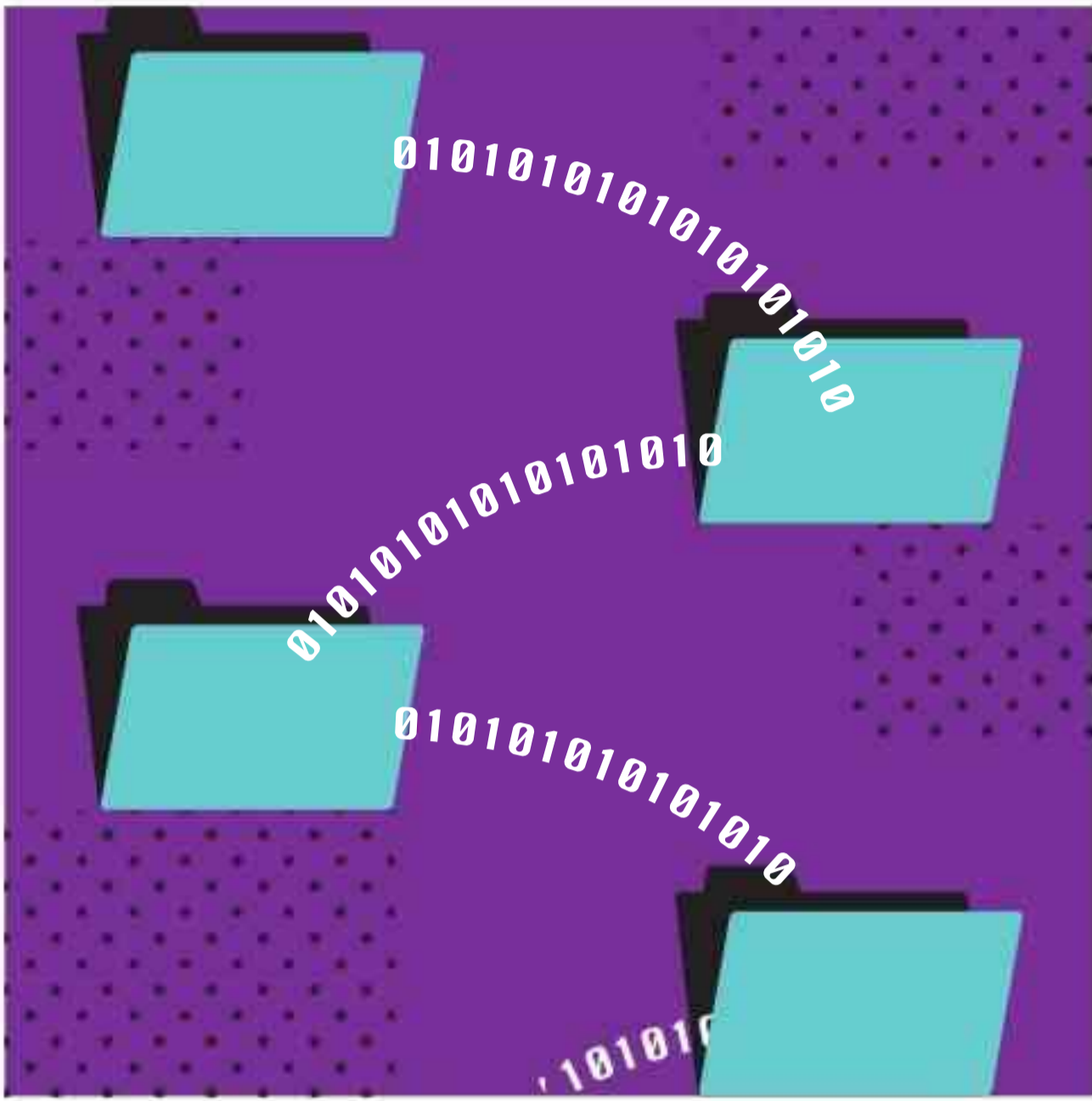


Illustration: C R Sasikumar

introduced in Parliament and has also framed draft intermediary rules that were leaked in December.

These laws, broadly speaking, could require Facebook, Google, and Amazon to store and process in India information such as an Indian's messages, searches, and purchases. In some cases, they restrict what type of data these companies can collect. In others, it requires only a copy of the data to be in the country.

China has developed similar laws, which proponents say allow for a flourishing domestic economy of data centres and data processing by blocking foreign players out. This is why Indian companies, like Reliance and PayTM, usually support data localisation.

The other argument from the Indian government is that localisation will help law enforcement access the data. Currently, India has to use "mutual legal assistance treaties" (MLAT) with the US to get the data of Indians that are controlled by American companies. By requiring a copy of the data to be stored in India (data mirroring), the government hopes to have more direct control over these companies, including the option to levy more taxes on them.

The government also argues for data localisation on the ground of national security, to prevent foreign surveillance and attacks.

What are counter-arguments against data localisation?

On the other side, the US government and companies want cross-border flow of data. It would allow companies to store the data of Indians in the most efficient place in the world. Even though India's data economy is not as large as that of others, it is one of the fastest growing, making it a market that global companies cannot afford to ignore.

Proponents of free flow of data worry that if all countries begin to protect their data, it may backfire on India's own companies that seek global growth.

Others caution that these laws could bring increased state surveillance, like India's draft intermediary rules that would require WhatsApp to change its design to proactively filter messages. The company says messages are currently encrypted, meaning neither the company nor any government can see them.

What is happening at the global forums?

Trade tensions worldwide are escalating, giving the data flow debate new relevance at the WTO and G20.

WTO member countries are negotiating rules about e-commerce, which is the buying and selling of goods and services online. Digital trade contributes more to global GDP

Why mayor poll result is a blow to Erdogan



Ekrem Imamoglu, Istanbul mayor. AP

SHUBHAJIT ROY

NEW DELHI, JUNE 24

TURKEY'S PRESIDENT Recep Tayyip Erdogan has suffered a setback in the Istanbul Mayor's elections, whose results were declared on Monday. Erdogan, who has led the country since 2003, faces the first political challenge from the Opposition, as the candidate from his party — Justice and Development Party (AKP) — lost to the main opposition party's candidate. Ekrem Imamoglu defeated former Prime Minister Binali Yildirim, a close aide of Erdogan.

Why Istanbul matters

It was by winning the Istanbul mayoral election in 1994 that Erdogan first rose to political prominence as a young and dynamic politician. His rise has been steady over the last 25 years and he has been now ruling the country for the last 16 years. Erdogan himself has said in the past "whoever wins Istanbul, wins Turkey".

Istanbul, with more than 10 million voters, represents one-fifth of the entire Turkey, and it has traditionally set the political trend for the rest of the country.

The poll outcome ends 25 years of AKP rule in Istanbul. Imamoglu garnered around

55% of the votes, one of the highest opposition records in recent elections. He had won the mayoral elections on March 31 itself, before the Supreme Election Council (YSK) on May 6 cancelled the results. This turned Turkish public opinion against the ruling party. Serkan Demirtas, a columnist in the English-language Turkish daily *Hurriyet*, said that this was a "big blow on the sense of justice and conscience and created an even bigger sympathy for Imamoglu as the sufferer of this controversial judicial decision".

The sense of hurt led to many switching sides, and this was visible with the increased Imamoglu's victory margin. He increased his votes by nearly 530,000, while Yildirim lost about 235,000. That Imamoglu increased his votes by more than half a million in less than six weeks is an indicator of public opinion switching to the Opposition.

Challenges ahead

The opposition, which appeared tired and not ready for a fight, has been re-energised after the win. Local neighbourhoods in

than physical trade. India is one of the fastest growing markets, with e-commerce expected to reach \$1.2 trillion by 2021.

These laws raise questions about where companies can store, process, and transport data about transactions. In December 2017, a group of 71 WTO member countries, including the US, published a joint statement that marked the first large impetus to broaden e-commerce negotiations to the data flow debate. While other members like the European Union have joined since then, India has not joined this group.

In their proposals, the US and the EU have called to prohibit customs duties on online transactions while China and Pakistan have called for allowing them. The US has also recommended not having overly burdensome data standards nor localisation requirements, while the EU wants data localisation requirements.

From the G20 meeting in Tsukuba on June 8 and 9, the Ministerial Statement on Trade and Digital Economy championed cross-border flow of data. A principle titled "Data Free Flow with Trust" (DFFT) — supported by US, Japan, and Australia — is expected to be a significant talking point at the upcoming G20 summit.

How has India responded to these moves?

India submitted a November 2017 document opposing any WTO e-commerce negotiations. In the recent G20 meeting, Commerce Minister Piyush Goyal explained India's concern about playing catch-up in this technological frontier. "It is for this reason India does not, at this stage, support the (WTO) Joint Initiative on E-Commerce," Goyal said. "We believe all nations should appreciate that the digital divide within and across nations is a serious impediment for developing countries to benefit from Digital Trade. Capacity constraints in developing countries, can be overcome, with timely support of training, and creation of digital infrastructure. This is important, for facilitating a level playing field, in the digital economy, for all countries to take equitable advantage of data free flows. Developing countries need time and policy space to build deepest understanding of the subject and formulate their own legal and regulatory framework before meaningfully engaging in e-commerce negotiations."

On June 17, Goyal held a industry meeting to discuss the e-commerce draft policy and is currently collecting submissions.

Along with the G20 summit on June 28 and 29, on the horizon are the 14th United Nation's Internet Governance Forum next November and the World Summit on the Information Society Forum in March 2020.

Istanbul like Besiktas, which sits by the famous Bosphorus, erupted in joy, as the election results started pouring in. It is too early, however, to write an epitaph for Erdogan, who has positioned himself as the most powerful leader since Mustafa Kemal Atatürk, the founder of the modern Turkish republic.

Imamoglu will face a local council, which is still controlled by Erdogan's party, and he will have to navigate the politics to become an effective elected official. "I am calling on our head of state, President Erdogan. I'm ready and willing to work in harmony with you on Istanbul's urgent issues such as earthquake safety in the city, subway construction, refugees and so on," he said, mindful of the challenges ahead.

While the next presidential and parliamentary elections are not due before 2023, there could be calls for early elections.

After the defeat in Istanbul, Erdogan may face some dissidence within his party, including top ministers, it will be a test of his political mind as he faces an Opposition which has shown green shots of recovery.

Parliament voting: ayes vs noes, and road from manual to electronic recording

CHAKSHU ROY

NEW DELHI, JUNE 24

ALL DECISIONS in Parliament are taken by voting by MPs, whether it relates to extending working hours or passing a Bill. Last week, Speaker Om Birla presided over the first recorded vote in the 17th Lok Sabha. MPs needed to decide whether to allow the introduction of the triple talaq Bill; Minister for Law and Justice Ravi Shankar Prasad wanted permission of the House to introduce the Bill while N K Premachandran (RSP), Shashi Tharoor (Congress) and Asaduddin Owaisi (AIMIM) were opposed to its introduction.

Voice vote & division

Voice voting is the preferred method of

decision making by Indian Parliament. MPs in favour of a decision call out "Ayes" and those opposed say "Noes". The Speaker then takes a call on which voices were louder and conveys the decision of the House. The rules of procedure of Lok Sabha do not mandate recording of votes of MPs for every decision taken. Voice voting does not reveal the individual positions taken by MPs.

That is not, however, the only way voting takes place. MPs also have the right to ask for the vote of every MP to be recorded. This is called a division. MPs can vote in favour, oppose or abstain from the vote. Recording of votes is also mandated when there is a constitutional requirement for a special majority of Parliament (for example a constitutional amendment), or after a no-confidence motion. However, MPs do not exercise their

right for asking for recoding of votes very frequently. In each of the last three Lok Sabhas, there have been less than 50 occasions when votes of MPs have been recorded.

Last week, Owaisi exercised his right and called for a division on the introduction of the triple talaq Bill. Lok Sabha decided to allow the introduction with 185 votes in favour and 74 opposed; 6 MPs abstained from the vote. As the seating plan for Lok Sabha was not finalised, the voting was done by paper voting slips. MPs signed their names on green paper slips to record that they were in favour, red slips to record opposition and yellow to declare that they were abstaining.

The first recorded vote (division) in Lok Sabha took place on the second day of its sitting in 1952. The House had to decide on

the election of the Speaker. In the running were G V Mavalankar and S S More. Mavalankar won with 394 votes in his favour. Voting records indicate that one of the votes cast in favour of Mavalankar was that of More, who voted for his opponent upholding the best traditions of parliamentary democracy. The division took place by counting of voting slips signed by MPs and took some time.

Manual & electronic

The manual process of voting was inefficient and consumed a lot of time of the legislature. The West Bengal Legislative Assembly was the first to tackle this problem, by installing an electronic vote recording machine. The Speaker held the controls to the entire process, and the results were

visible almost instantaneously on a display board. The system required 17 km of lead-covered cabling and 19,500 junction points.

In 1957, at the beginning of the second Lok Sabha, Parliament adopted a similar electronic vote counting system. Because of the proximity in the seating of MPs in Parliament, the system was designed in such a way that MPs had to use both their hands while voting. The idea being that MPs should not be able to press the voting buttons of their colleagues who might not be present for the vote.

In May 1957, the system was put into use for the first time. A demonstration of the new system took place after the swearing-in of MPs on the first day. Five days later, amendments were moved to the motion of thanks to the President's address (delivered

by Dr Rajendra Prasad), and a division was called on them.

Before the new voting machine could be put to use, a problem was highlighted to the Speaker. One of the MPs was differently-abled and had only one hand, and the machine required use of both hands. The solution provided by the Speaker was that an officer of the House would help the MP vote. In this instance, much to Speaker's displeasure, rather than wait for the officer's assistance, fellow legislators helped the MP cast his vote.

In most mature democracies, recorded voting is the preferred mechanism for decision making by Parliament. In India, the anti-defection law has led to limiting the use of recorded voting in Parliament.

The writer is with PRS Legislative Research

