

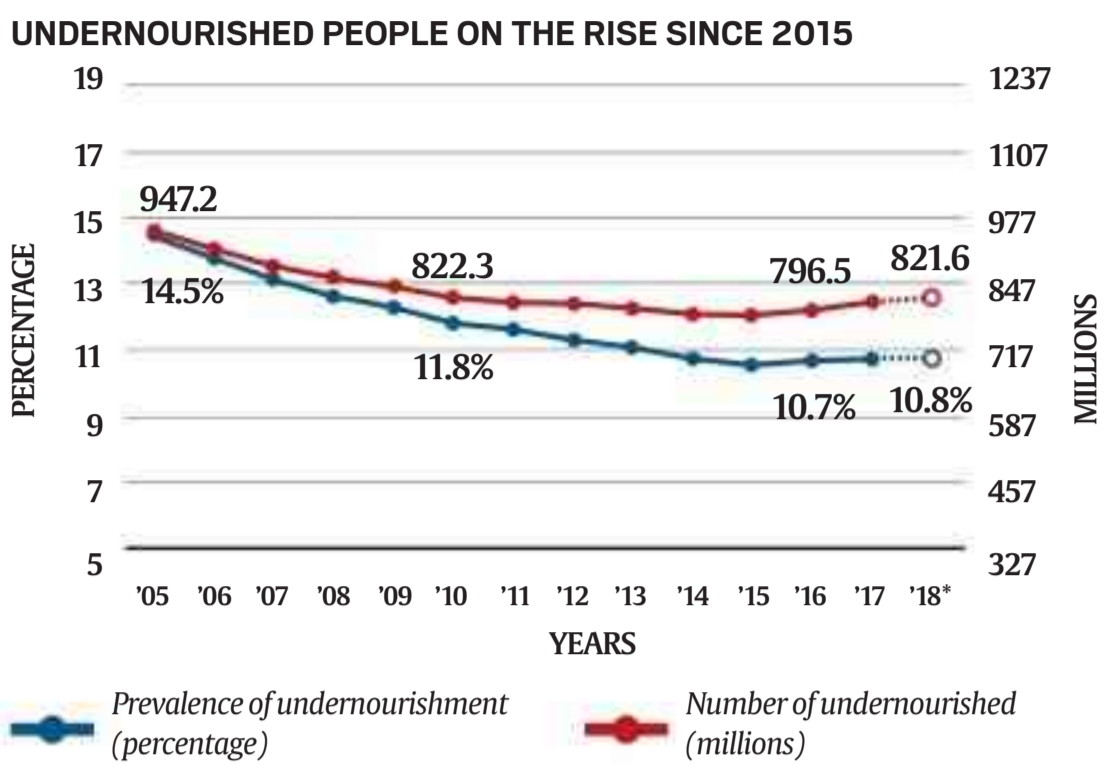


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TELLING NUMBERS

More obesity in India and world, but global count of hungry rising



THE NUMBER of obese adults in India has risen by a fourth in four years, from 24.1 million in 2012 to 32.8 million in 2016, while the country's undernourished population has dropped by roughly the same fraction in 12 years, from 253.9 million in 2004-06 to 194.4 million in 2016-18, according to a new United Nations report.

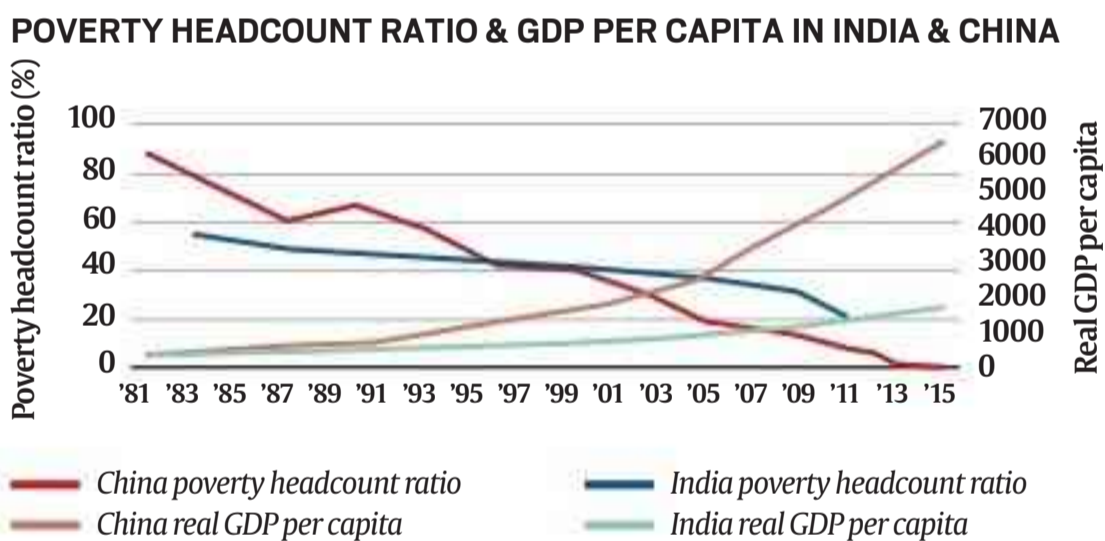
The State of Food Security and Nutrition in the World 2019 report, released by the UN Food and Agriculture Organization (FAO), estimated that 820 million people worldwide did not have enough to eat in 2018, up from 811 million in the previous year. At the same time, the number of overweight individuals and obesity continue to increase in all regions, the report said.

The report has a section on economic growth in China and India, and its effect on poverty. Between 1990 and 2017, the two countries had an average GDP per capita growth rate of 8.6 per cent and 4.5 per cent respectively, the report said, citing World Bank figures.

In both countries, the increase in GDP per capita has been accompanied by poverty reduction. While China's poverty rate declined from 88 per cent in 1981 to 0.7 per cent in 2015, India's poverty reduction appeared to be relatively more modest, moving from 48.9 per cent in 1987 to 21.2 per cent in 2011, or to 13.4 per cent in 2015 if another World Bank source is used, the report said.

HOW INDIA COMPARES WITH THE WORLD

	Headcount (million)		Prevalence in population (%)	
	India	World	India	World
UNDERNOURISHED 2004-06	253.9	940.0	22.2	14.4
2016-18	194.4	809.9	14.5	10.7
WASTING (UNDER-5) 2018	25.2	49.5	20.8	7.3
STUNTING (UNDER-5) 2018	46.0	149.0	37.9	21.9
OVERWEIGHT (UNDER-5) 2018	2.9	40.1	2.4	5.9
OBESE ADULTS 2012	24.1	563.7	3.0	11.7
2016	32.8	672.3	3.8	13.2



Poverty headcount ratio in China and India (left axis) refers to \$1.90 a day (2011 PPP); GDP per capita (right axis) is expressed in constant \$ (2010)
Source: FAO elaboration based on World Bank, 2019; PovcalNet, an online analysis tool for global poverty monitoring

SIMPLY PUT QUESTION & ANSWER

Kulbhushan Jadhav case file

Ahead of International Court of Justice ruling on death sentence awarded by Pakistan, a look at India's arguments for annulment of the execution and Pakistan's defence of its military court ruling

SHUBHAJIT ROY
NEW DELHI, JULY 16

AT 6.30 PM IST on Wednesday, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, will deliver its verdict in the Kulbhushan Jadhav case between India and Pakistan. Judge Abdulqawi Ahmed Yusuf, President of the court, will read out the decision at the Peace Palace in The Hague.

Jadhav, 49, a retired Navy officer, was arrested allegedly on March 3, 2016, and India was informed on March 25. He was sentenced to death on charges of espionage and terrorism in April 2017.

When did the case reach the ICJ?

India first approached the ICJ on May 8, 2017, over Pakistan's "egregious violation" of provisions of the Vienna Convention on Consular Relations, 1963, by repeatedly denying it consular access to Jadhav. India argued that it had not been informed of Jadhav's detention until long after his arrest and that Pakistan had failed to inform him of his rights. India also alleged that it had learned about the death sentence against Jadhav from a press release.

Referring to "the extreme gravity and immediacy of the threat that authorities in Pakistan would execute an Indian citizen", India asked for the execution to be put on hold.

On May 9, 2017, the ICJ asked the two countries to present their arguments and until such time, asked Pakistan not to do anything.

On May 15, the two sides presented their arguments; on May 18, the 10-member bench of the ICJ restrained Pakistan from executing Jadhav until a final verdict is given.

On June 13, the court fixed September 13 for filing of memorial (petition) by India and December 13, 2017 as the time-limit for a counter-memorial by Pakistan. These were filed within the time-limits. The court fixed April 17 and July 17, 2018 as the respective time-limits for written replies by India and Pakistan. These too were filed within the deadlines.

Has there been no contact with Jadhav?

In December 2017, Pakistan allowed Jadhav's mother Avanti and wife Chetna to meet him on what it called "humanitarian grounds". India, however, said the Pakistan government created an "intimidating" atmosphere where Jadhav's mother and wife were "harassed" and "hectorated". India said they were asked to change their attire as well as remove their *mangalsutra*, *bindis* and bangles, and repeatedly interrupted from speaking in Marathi and Hindi. Contrary to the understanding, Indian Deputy High Commissioner J P Singh was initially separated from the meeting; it was only after his insistence that he was allowed to observe the proceedings from behind a glass partition and he could hardly hear anything. The family members said Jadhav was not his usual self and gave "tutored answers". According to the External Affairs Ministry, he gave scripted answers "designed to perpetuate the false narrative of his alleged activities in Pakistan".

What happened after the written submissions in the ICJ?

The court fixed oral arguments from February 18 to 21, 2019. As it turned out, the hearings took place in the backdrop of the Pulwama terrorist attack on February 14, 2019.

While India argued on February 18 and 20, Pakistan responded on February 19 and 21. India was represented by former Solicitor General Harish Salve and External Affairs Ministry Joint Secretary (Pakistan-Afghanistan-Iran) Deepak Mittal, and Pakistan by Attorney General Anwar Mansoor Khan while Khawar Qureshi was legal counsel.

Since there was a former Supreme Court of India judge, Justice Dalveer Bhandari, on the 10-

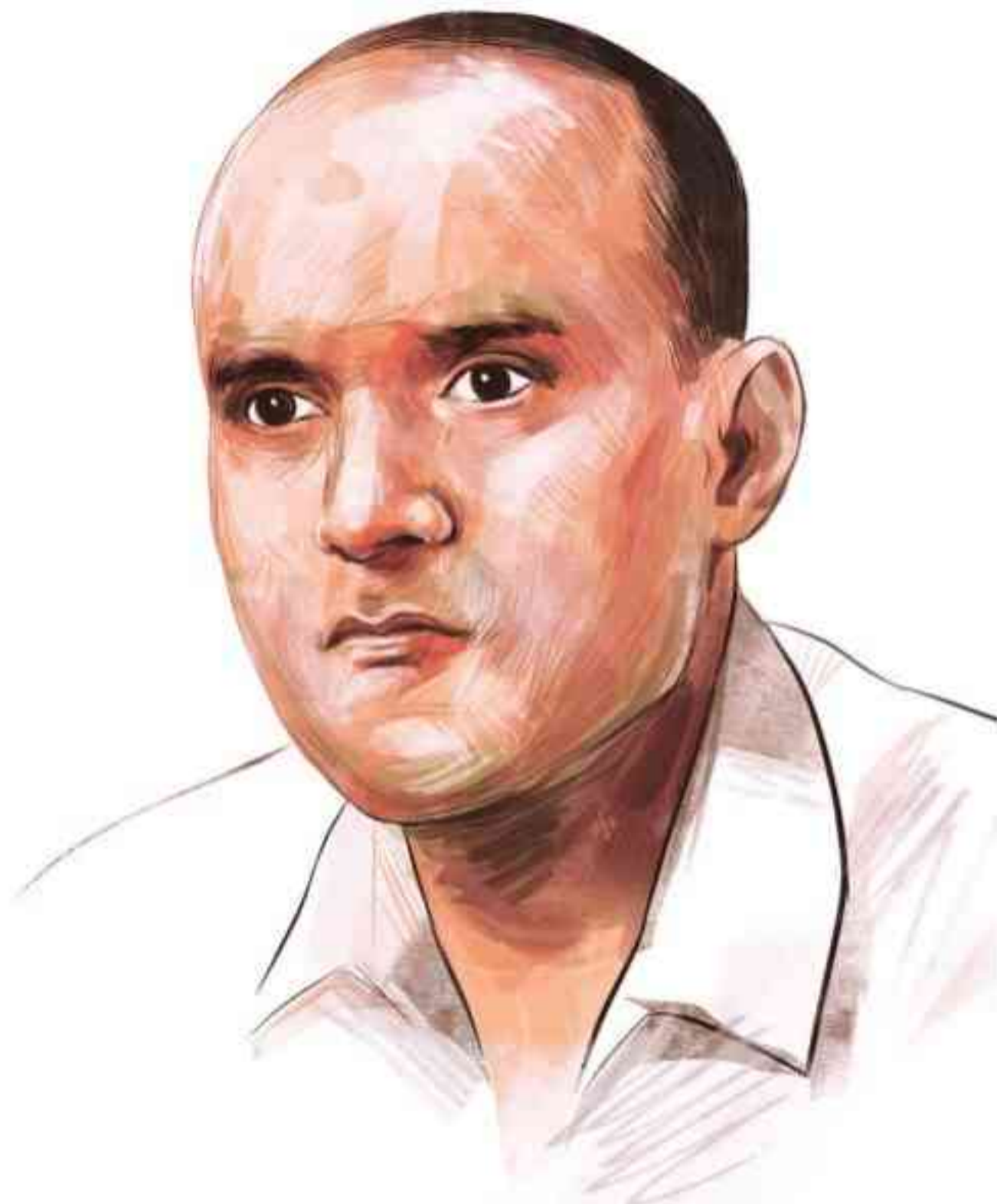


Illustration: Suvajit Dey

member ICJ Bench, Pakistan was allowed an *ad hoc* judge on the Bench — Tassaduq Hussain Jilani, a former Chief Justice of Pakistan.

What arguments has India made?

India has said the sentence is based on an "extracted confession". Citing international bodies like the European Parliament and the International Committee of Jurists, Salve questioned military courts in Pakistan, saying they do not follow due process. He argued that the Vienna Convention, which guarantees consular access, cannot be selectively given and the ICJ should make it a "human right". He said Article 36 of the Vienna Convention doesn't exclude espionage.

Broadly, India has argued:
■ The sentence violates international law and provisions of the Vienna Convention;
■ India is entitled to *restitutio in integrum* (restoration to original condition);
■ The ICJ should annul the military court decision and restrain Pakistan from giving effect to the sentence or conviction; and
■ Pakistan should be directed to release Jadhav immediately and facilitate his safe passage to India.

If the ICJ were to find that Jadhav is not to be released, then India has requested:

■ Annul the military court decision and restrain Pakistan from giving effect to the sentence; or
■ Direct it to take steps to annul the military court decision; or
■ Direct a trial under ordinary law in civilian courts, after excluding his confession and in strict conformity with provisions of the International Covenant on Civil and Political Rights, with full consular access and a right to India to arrange for his legal representation.

And what has Pakistan argued?

Pakistan has asked the ICJ to "dismiss or declare inadmissible" India's claim. It rejected India's argument that the military courts don't have officers with judicial expertise and experience, and said Pakistan's

courts are "extremely independent". Pakistan's Attorney General said, "India seeks relief which they cannot claim from this court." He assured the ICJ that the process of judicial review in Pakistan was robust and Jadhav can avail it if he chooses.

"The military courts have sufficient proof of espionage and the said military court on the available evidence and the judicial confession proceeded to convict him despite he being given the option of going for a judicial review, he has refused to do so," the AG told the court.

On India's claims of consular access, he said: "Surely (it) was not allowed for good reason in terms of the agreement of 2008, specially for the reason that commander Jadhav being involved in espionage."

How binding are ICJ judgments?

According to ICJ, judgments delivered by the court (or by one of its chambers) in disputes between states are binding upon the parties concerned. Article 94 of the United Nations Charter provides that "each Member of the United Nations undertakes to comply with the decision of [the court] in any case to which it is a party". Judgments are final and without appeal. If there is a dispute about the meaning or scope of a judgment, the only possibility is for one of the parties to make a request to the court for an interpretation. In the event of the discovery of a fact hitherto unknown to the court which might be a decisive factor, either party may apply for revision of the judgment.

However, there have been instances when the ICJ's rulings have not been followed. The most famous one was in 1986, when the ICJ ruled in a petition by Nicaragua, which alleged that the US had waged a covert war against it by supporting a rebellion. The ICJ ordered reparations from the US in favour of Nicaragua. The US, in response, cancelled its declaration of the ICJ's jurisdiction. It then went to the UN Security Council against the ICJ order and succeeded.

So, whatever the ICJ decides, both governments will have to be prepared for a long haul.

BATTLE IN THE HAGUE

2016-17

India told ICJ that Kulbhushan Jadhav was "kidnapped from Iran, where he was carrying on business after retiring from the Indian Navy, and was then shown to have been arrested in Baluchistan" on March 3, 2016. Pak informed India only on March 25, 2016. India sought consular access that same day, and repeatedly afterward. On January 23, 2017, Pak requested assistance in an investigation concerning Jadhav. On March 21, 2017, it issued a *note verbale* saying consular access would be considered in the light of India's response to its request for assistance in the probe.

MAY 8, 2017

India began proceedings against Pak "for egregious violations of the Vienna Convention on Consular Relations, 1963" in detaining Jadhav, and in his sentencing to death by a military court. India asked that the death sentence be declared violative of international law and suspended, and that Pak be restrained from giving effect to it and directed to annul the decision — failing which ICJ should declare the conviction and sentencing illegal, and direct Pak to release Jadhav immediately. India also asked for a direction to Pak to not execute Jadhav until the ICJ disposes of the case. Pak must keep the Court informed of its actions, and does nothing to prejudice his or India's rights with respect to any decision the court might make.

MAY 9, 2017

President of the Court asked Pak, pending the Court's decision, "to act in such a way as will enable any order the Court may make... to have its appropriate effects".

MAY 15, 2017

In public hearings, India confirmed the measures it had sought; Pak asked the Court to reject request.

MAY 18, 2017

Court directed Pak to not execute Jadhav till it takes a final view, and to keep it informed; decided that until the decision, "it shall remain seized of the matters which form the subject matter of this Order".

JUNE 13, 2017

September 13 and December 13 were fixed as the deadlines for India's Memorial and Pak's Counter Memorial respectively.

JANUARY 17, 2018

April 17 and July 17 fixed as deadlines for India's Reply and Pak's Rejoinder respectively.

FEBRUARY 18-21, 2019

India and Pak made two rounds of oral arguments at The Hague.

JULY 4, 2019

ICJ announced that the President of the Court, Judge Abdulqawi Ahmed Yusuf, will read the Court's decision at 3pm on July 17.

What's changing in NIA: wider jurisdiction, more offences, faster trial

DEEPTIMAN TIWARY
NEW DELHI, JULY 16

ON MONDAY, Lok Sabha passed the NIA Act Amendment Bill, which gives more powers to the National Investigation Agency and extends its jurisdiction beyond India's borders. The Bill was hotly debated, with the Opposition accusing the government of misusing the agency for political vendetta and turning India into a police state. Home Minister Amit Shah assured the House that the Act would never be misused, but would be used to finish terrorism, irrespective of the terrorist's religion.

The NIA Act

The NIA Act, 2008, governs the functioning of India's premier counterterror agency. It was introduced by then Home Minister P Chidambaram in the wake of the 26/11 Mumbai terrorist attacks, and was passed with very little opposition.

The Act makes NIA the only truly federal

agency in the country, along the lines of the FBI in the United States, and more powerful than the CBI. The CBI has to seek the permission of a state government before investigating a case against a central government employee in that state. If a crime is committed in a state, it has to wait for that state government or a court to call it in to investigate. The NIA Act, on the other hand, gives the NIA powers to take *suo motu* cognisance of terrorist activity in any part of India and to register a case, to enter any state without needing permission from its government, and to investigate and arrest people.

The NIA can, however, only investigate cases which are listed in the Act's schedule, which largely deal with the security and integrity of the country. This means the NIA cannot probe murder and rape cases, which come under the Indian Penal Code (IPC).

Now beyond borders

The new Bill makes three broad additions to the NIA Act. It gives NIA extra-territorial jurisdiction; adds four more sched-



Home Minister Amit Shah in Lok Sabha on Monday. PTI/TV grab

uled offences to the list of eight offences in the original Act; and gives powers to the government to designate sessions courts as special courts for trial of NIA cases.

In giving NIA extra-territorial jurisdiction, the Bill allows the agency to register a case

when Indians living abroad or India's assets based in a foreign country come under attack from terrorists.

"All major countries have this provision for their concerned agencies. The US was able to prosecute David Coleman Headley in the 26/11 attacks because they had powers to register a case in a terror attack that had happened in a foreign country. Their nationals had been killed in the attack, and they took cognisance of the case. NIA does not have such powers," former NIA special director NR Wasan, who had prepared the proposal for the Bill, said.

This lacuna was a reason why the case against the Italian Marines who had shot dead an Indian fisherman off the coast of Kerala in 2012 hit an initial spot of rough weather. The accused argued that the offence had taken place in international waters, and thus NIA had no jurisdiction. It was after India proved that the offence had taken place in Indian waters that the case could proceed.

The new provision will allow the NIA to register cases if an Indian embassy comes

under attack abroad, or if Indian underwater cables of communication in international waters are sabotaged. While the outcome of such cases will continue to depend on how much diplomatic leverage India has with that country, the Bill empowers it to begin the process.

The IPC does have provisions of extra-territorial jurisdiction, but it is limited to Indians committing crime abroad.

Special courts, new offences

Earlier, setting up special courts in any state would take six to nine months since a proposal had to be made, High Courts' concurrence had to be obtained, a judge had to be nominated, and a court had to be set up. With existing sessions courts allowed to function as special courts, trial can start immediately.

The offences added to the NIA Act Schedule are human trafficking (Sections 370, 370A of IPC, 1860); manufacture or sale of prohibited arms (Section 25[1AA] of Arms Act, 1959); cyber crimes (Section 66F of IT Act



WORDLY WISE
AMERICAN MEANS WHITE. EVERYBODY ELSE
HAS TO HYPHENATE.
— TONI MORRISON

The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

THE SHRINKING

With exports continuing to underperform, government must step up efforts to embed India in global supply chains

CONTINUING THE SUBDUED performance, India's merchandise exports shrank by 9.7 per cent in June, registering the first contraction since September last year. For the quarter ended June, exports contracted by 1.7 per cent, after growing by 14.2 per cent over the same period last year. This lacklustre export growth, coupled with weak domestic demand and subdued investment activity, indicates a continuing weakness of the primary drivers of growth. It increases the likelihood of further rate cuts by the monetary policy committee which is scheduled to meet in the first week of August.

Much of the decline in the headline export numbers can be traced to lower oil exports. Oil exports declined by 32.8 per cent in June, in part due to lower crude oil prices and the temporary shutdown of oil refineries for maintenance. But worryingly, non-oil exports also contracted by 5.7 per cent, suggesting weak global demand. A closer look at the data reveals that major labour intensive export segments such as gems and jewellery, leather and textiles, have continued to under-perform, contracting in June. The trade data also shows that imports contracted by 9.1 per cent in June. In part, the decline is due to lower crude prices. But it is cause for concern that imports, excluding oil and gold, which give a sense of domestic demand, continue to shrink. Moreover, the pace of contraction has accelerated in the past few months. These numbers should be read in conjunction with other economic indicators which suggest that both private demand, in rural and urban areas, as well as investment activity, remain subdued. For instance, domestic passenger car sales fell for the eighth consecutive month in June, falling by 17.5 per cent, with both car and two-wheeler sales witnessing a double digit decline. Investment activity also remains moribund with capital goods growing by a mere 1 per cent in the first two months of FY20.

The signals emanating from the US Federal Reserve as well as the European Central Bank indicate that growth is likely to be slower than expected, indicating less buoyancy for India's exports. The growth data of the Chinese economy isn't encouraging either. A slowdown in global trade and the ongoing trade wars will only complicate matters for India, making it harder to grab additional market share. At such a time, raising tariffs on imports, a move that signals protectionism, will only complicate India's much desired integration with global supply chains, which is critical for boosting exports. With exports being one of the primary drivers of growth — much of the growth spurt during the boom years of the mid 2000s was due to higher exports — the government must facilitate India's integration in global supply chains by lowering tariffs and rationalising the tariff structure.

A HEALTHY BALANCE

Project to digitise Ayushman Bharat records should be alive to concerns of privacy and rights of patients

THE UNION MINISTRY of Health and Family Welfare has released a National Digital Health Blueprint (NDHB) to "manage and analyse" the big data generated by the Centre's flagship health programme, Ayushman Bharat. Released by the MoHFW Minister, Harsh Vardhan, on Monday, the document recommends the "setting up of a National Digital Health Mission" to create an "ecosystem" that would bring together the health records of people who have benefited from Ayushman Bharat. Given that doctors in both the public and private sectors regularly complain about the lack of comprehensive records of their patients, the digital registry envisaged by the NDHB could fulfill a longstanding requirement of the health sector. The proposed data compendium is also in keeping with global trends in healthcare where digital technology is used to make treatment options more personalised and precise. Big data can also be used to prevent epidemics and improve the efficiency of drugs.

Concerns about the large-scale creation, collection and sharing of health data are, however, pressing. The most serious of these pertain to the privacy of patients, and data breaches. Sections 43(a) and 72 of the Information Technology Act do provide the broad framework for the protection of personal information in India, including medical data. However, data breaches in the digital domain are not uncommon. In 2016, for example, the electronic medical records of over 35,000 patients held by a Maharashtra-based pathology lab were leaked. The NDHB does seem to be alive to such concerns. It states that the architecture of the digital systems will have in-built safeguards to ensure privacy. However, it must also be kept in mind that Ayushman Bharat targets the poorest section of the country's population with low levels of digital literacy. In such a context, a system that places the onus of control on the user, with an assumption that they can control the flow of information, can end up doing more harm than good.

Last year, the MoHFW framed a draft Digital Information Security in Healthcare Act (DISHA). The proposed legislation recognised that existing laws were inadequate to protect the privacy of patients in the digital domain. In contrast with the blueprint released on Monday, DISHA placed the onus of data protection on the service provider. The draft was criticised by industry bodies, which feared the stifling of medical research. DISHA never made it to Parliament. In view of its recent emphasis on digital medical data, the MoHFW would do well to revisit this draft legislation — and seek a balance between the concerns of industry and the rights of patients.

THEY'RE NOT AFRAID

Donald Trump's racist, xenophobic politics is being met head on by a group of women legislators

IT'S ALMOST IMPRESSIVE, the array of bigotries that US President Donald Trump usually manages to exhibit within a 280-character limit. On Monday, however, it took three tweets for Trump to ask elected legislators, four women of colour, to "go back to the totally broken and crime infested places from which they came". First, the facts: Congresswomen Alexandria Ocasio-Cortez, Ayanna Pressley and Rashida Tlaib were born in the US. Ilhan Omar was born in Somalia and is an American citizen. Second, for the kind of politics Trump seeks to engage in, the facts don't matter.

The four legislators, "the squad", are part of a new breed of Democrats that is unabashedly pro-diversity, and stands for a welfare state that guarantees healthcare and education. Within the Democratic Party, they have been taking on the embedded, centrist leadership. Trump has sought to reduce this internal dialogue, even battle, between Centre and Left, old and young to White and non-White, American and un-American. His aim: To pander to the insecurities of a class of voters that feels left behind by the march of globalisation and the decline of the industrial economy. But Trump's attack has not put "the squad" on the defensive. All four Congresswomen have taken on Trump, asserting their right to protest and be heard in the country they belong to.

The liberal consensus, shattered by the election of populist right-wing leaders across the globe, often relied on "capturing the middle ground", afraid of alienating either the Left or Right. It is this fear, perhaps, that allows calls of "go back to where you came from" — whether in Pakistan, Syria, Burma, Bangladesh, or even in India — to go unanswered. But it appears the new breed of politician in America has an appropriate response. Ocasio-Cortez tweeted: "But you know what's the rub of it all, Mr President? On top of not accepting an America that elected us, you cannot accept that we don't fear you, either."

The escape from freedom



AVIJIT PATHAK

Normalisation of surveillance destroys what sustains a civilisation — human interaction filled with trust, care

EVEN THOUGH DELHI Government's decision to install CCTV cameras in school classrooms has generated an interesting debate, it is important to see beyond the classrooms, and reflect more intensely on the meaning of living in a society that normalises and sanctifies surveillance. As an ideology that seeks to become hegemonic, the practice of surveillance justifies itself through the discourse of "safety", "security" and "transparency". And, possibly, we have accepted it.

Hence, we no longer feel humiliated or insulted when at airports and railway stations we allow the security guards and cops to objectify us with a gaze of doubt, and touch every part of our body. In fact, we demand more and more surveillance. From shops to schools, from housing societies to office corridors, and from the living rooms to the elevators in high rise buildings — the all-pervading presence of CCTV cameras proves one thing: We love to be controlled, observed, normalised and disciplined. Even if the likes of George Orwell and Michel Foucault express their anxiety over these technologies of surveillance, most of us seem to be quite happy with it.

For me, this "escape from freedom", to use social psychologist Erich Fromm's vocabulary, is most dangerous. To begin with, let us see the way we have begun to define ourselves in an age that otherwise boasts of progress and development. Everyone, we are induced to think, is a potential suspect — a criminal, a terrorist, a suicide bomber, a rapist, a murderer. Trust is naive and idiotic. Doubt everybody. Scrutinise everybody. Not only that, we have also begun to believe that we are inherently irresponsible. That given an opportunity, we would escape from our responsibilities and hence we must allow ourselves to be perpetually monitored, observed and disciplined. In other words, we are incapable of living responsibly, peacefully and freely. And then, a terrorist attack somewhere, a young girl's suicide in the

Everyone, we are induced to think, is a potential suspect — a criminal, a terrorist, a suicide bomber, a rapist, a murderer. Trust is naive and idiotic. Doubt everybody. Scrutinise everybody. Not only that, we have also begun to believe that we are inherently irresponsible. That given an opportunity, we would escape from our responsibilities and hence we must allow ourselves to be perpetually monitored, observed and disciplined. In other words, we are incapable of living responsibly, peacefully and freely.

washroom of a school, or a psychopath insulting the dignity of a woman in his office cubicle: The recurrence of ugliness shatters our confidence, and convinces us further that surveillance is good and desirable. Big Boss must control us for our own safety.

Well, it is always possible to say that the world we live in is not full of saints and noble souls. Instead, the darker side of the human condition — brute instincts, crude temptations, lust, greed, and naked will to power — haunts us. Hence, as is believed by many, social order means social control through a meticulously designed machinery of observation, documentation, classification and the cycles of discipline and punishment. Yes, modern technology has given yet another meaning to these disciplinary practices. From Jeremy Bentham's panopticon to the CCTV camera — the process of surveillance has become more refined and subtle.

However, this faith in surveillance, I would argue, is problematic for three reasons. First, there is no ground to believe that surveillance — the visual act of identifying the criminal — necessarily leads to the elimination of criminality. There is no empirical proof. Instead, we see more violence, more blasts, more destruction. The reason is that instead of working on the roots of our wounded consciousness — say, the gross inequality that an asymmetrical global order with aggressive techno-capitalism generates, the violence perpetuated by the rich and the privileged through the politico-economic power they hold, and the stimulant culture industry promoting a pornographic mindset — the establishment remains preoccupied with mere symptoms. Yes, the camera can capture the last moment of the suicide bomber; but it cannot comprehend why he chose to play with death in such a strange fashion.

Second, with techno-hallucination — a superstition prevailing in modern times — we begin to believe that technology can solve everything. Take, for instance, the engage-

ment between the teacher and the taught in a classroom. We need to recruit and sensitise teachers who love the vocation and make the culture of learning dialogic and participatory. We need a classroom of not more than 20 students for a meaningful interaction. Only then is it possible to have a truly life-affirming engagement between the teacher and the student; creative learning, responsible freedom and self-discipline would evolve automatically. But then, instead of working on these deeply cultural/psychic and pedagogic issues, techno-managers and bureaucrats would think that the eyes of the CCTV camera would invariably bring good teaching and good behaviour. This is nothing but a sort of false consciousness perpetuated through the arrogance of power.

And third, the normalisation of surveillance destroys what is needed for any civilisation to sustain itself — the possibility of human interaction filled with the spirit of trust and care, a pedagogy that reconciles freedom and inner discipline, and a higher ideal to strive for. The tragedy is that, today, we have the latest technologies of surveillance; but from inside we are deserted, empty and spiritually impoverished. "Love thy neighbour", spoke Jesus. Today the cops ask us to suspect everybody. Who knows, as my suspicious/cynical self begins to ask, my neighbour can prove to be a "Pakistani agent"?

Every child, Kahlil Gibran might have thought, is a possibility. No, school principals and parents do not think so; they trust the CCTV camera. Yes, as fear, doubt and suspicion become normal, and negate all higher ideals, we lose the possibility of a critically nuanced, aesthetically enriched and spiritually elevated human communication.

With obsessive doubt, we become lonely. We lose our sanity. Our spirit dies as the technologies of surveillance triumph.

The writer is professor of sociology at JNU

TOWARDS SOCIAL POLITICS

PM Modi is nudging electoral politics in a new direction



BADRI NARAYAN

PRIME MINISTER Narendra Modi recently made a case for social politics or politics that is sensitive to social activism. Modi's intervention is timely since Indian democracy has been shifting towards the politics of power and state-led control and governance.

At the time of the national movement and even during the early years after Independence, electoral politics overlapped with social politics. Many great leaders of the national movement, namely Mahatma Gandhi, Madan Mohan Malaviya, Maulana Abul Kalam Azad, Jawaharlal Nehru, Babasaheb Ambedkar, Sardar Patel and so on, extended their battles to win political freedom to social movements and vice versa. In fact, the leaders of social reform movements were much respected during the time of the national movement and the immediate years after India won freedom. Simply put, the politics of state and nation-building was closely linked to social politics. The boundaries between social politics and electoral politics were flexible and were often blurred.

Until the 1970s, leaders such as Ram Manohar Lohia, Indira Gandhi, Chaudhary Charan Singh, Chandrashekhar, Deendayal Upadhyaya and many leaders of regional parties were involved with various social movements. They recognised that political mobilisation that emerges from the womb of the society leads to social rejuvenation, which is needed for good politics. These leaders had acquired direct connect with the public through their involvement in social politics. Their charisma and public acceptance emerged from their engagement with social politics.

Since the 1970s, mafias, criminals and capitalists began to enter politics. However, they were not considered as the main force

Modi's emphasis on social politics, in a sense, emerges from the recent discourse of the RSS. The RSS defines politics mostly as social politics. One can hold a critical view of the 'social' in Hindutva politics, but in a broader sense, social politics has an expansive meaning. One hopes that the social politics the prime minister talks about will be inclusive.

in politics. Things began to change in the 1990s. After the launch of economic liberalisation, market forces began to influence politics. All politics became the politics of governance. The domain of politics began to be dominated by specialists like technocrats, financial managers and legal experts.

This politics of governance submerged in the politics of development. The politics of development was a complex affair that needed experts of various kinds. Many of these experts began to acquire key positions in government due to their proximity to politicians. These politicians had become dependent on these experts, since on their own they lacked the expertise to run the development machinery. However, these experts-turned-leaders were disconnected with the public and in the name of doing the politics of governance, emerged as arm-chair politicians. Thus, politics in the time of the neo-liberal state became a politics of power, governance and development and in the process, lost its social moorings. Many politicians stopped having a direct connect with the people. They became dependent on experts and white-collar political advisers. These political pundits of Lutyen's Delhi, the term used by PM Modi extensively during the election campaign, had no connect with the people. Social media, TV debates and big rallies at the time of elections were their only channel of communication to the public.

The task of working in the society was outsourced to a new institution, namely the NGO, and politicians stayed aloof from the society. The social responsibilities of corporates were outlined, but no attempt was made by anyone to ascribe social responsibilities for politicians. The politics of democracy turned into

politics of state and power and thereby, lost its social connect. The fact is politics in its real sense is the politics of doing social work and strengthening values of democracy.

Modi was alluding to a lost tradition in Indian politics when he spoke about the need to do social politics. It was in remembrance of this tradition that the prime minister appreciated the work of Om Birla, the new Speaker of Lok Sabha, during the 2001 Gujarat earthquake and the 2013 Uttarakhand floods and for differently-abled children and women. In a way, Modi is arguing for transforming our politics of power and state to the politics of forging a new society. The politics of development, a term frequently used in our political discourse, ought to be extended to social politics since the former does not place enough emphasis on social ethics, responsibilities and morality.

Modi's emphasis on social politics, in a sense, emerges from the recent discourse of the RSS. The RSS defines politics mostly as social politics. One can hold a critical view of the "social" in Hindutva politics, but in a broader sense, social politics has an expansive meaning. One hopes that the social politics the prime minister talks about will be inclusive.

Prime Minister Modi's is evolving his vision of the Indian state from the intellectual resources of thinkers such as Vivekananda, popular Hindu traditions, Deendayal Upadhyaya and from the RSS's own intellectual sources. He is also trying to include radical thinkers like Ambedkar and Lohia in his statecraft to build what he calls, "New India".

The writer is professor and director, Govind Ballabh Pant Social Science Institute, Allahabad

JULY 17, 1979, FORTY YEARS AGO



CHARAN STAKES CLAIM THE BREAKAWAY JANATA Party (Secular), which has staked its claim to form a government, was busy till late night mobilising the support of various parties and small groups to form a coalition with dominant role for itself. The party leader, Charan Singh, who met the President in the morning to lodge his claim, held several rounds of discussions with his trusted lieutenants and leaders of other parties including the Congress, and erstwhile socialists and other blocs. The possibilities of Congress collaboration with the Secular Janata coalition were discussed at a meeting between representatives of the two sides. According to a Secular Janata leader,

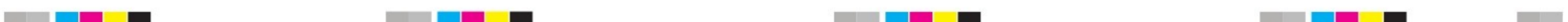
the talks were of exploratory nature and further meetings were expected before the coalition move concretised

UNCERTAINTY REMAINS DESPITE HECTIC ACTIVITY in the Capital, the political crisis gripping the nation continued to remain unresolved. President N Sanjiva Reddy began weighing the rival claims of contenders for power, but no clear candidate for the prime ministership has emerged. With Jagjivan Ram having been outmaneuvered by Morarji Desai, who is holding on to the leadership of the Janata Party in Parliament, Charan Singh claimed the right to be invited to form a coalition government with the help of

the Congress and an assortment of small political groups that have surprisingly gained in bargaining power at the Centre.

PRODIGAL RETURN?

JAGJIVAN RAM REPORTEDLY sent word to Y B Chavan that he would like to join the Congress. A senior Congress leader said he would be welcome. Answering newsmen's questions, Swaran Singh, Congress president, said: "No contact has yet been established on behalf of Mr Jagjivan Ram with me. We will greatly welcome the return of all erstwhile Congressmen to the Congress fold." He said Jagjivan Ram might have contacted some other leaders but he had no details.



Her own space to pray

Unlike men, women in Islam do not have a religious obligation to offer the Friday or five daily prayers in mosques. But all mosques should have a designated place for women



FAIZAN MUSTAFA AND JAGTESHWAR SOHI

THE SUPREME COURT has dismissed a PIL filed by Swamy Dethathreya Sai Swaroop Nath, president of Akhil Bhartiya Hindu Mahasabha (Kerala), seeking entry of women into mosques. A division bench of the Kerala High Court on October 11, 2018, had also dismissed this petition as the petitioner failed to demonstrate the existence of a practice of denying entry to women. A bench led by Chief Justice of India said let a Muslim woman challenge the practice. But a Muslim woman is already in the apex court. As a matter of fact, the Supreme Court, in April, had issued a notice on a petition by a Muslim couple from Pune, which sought to quash what they termed as prohibition on the entry of Muslim women in the mosques of the Hanafi sect. No one raised the fundamental issue that mosques are not statutory authorities or “state” within the meaning of Article 12 of the Constitution and therefore, writ jurisdiction cannot be invoked against them.

We must make a distinction between theology and law. Dalit entry into temples, women’s entry into the Sabarimala temple and mosques do involve legal issues because of the right to equality and non-discrimination. But as far as women entry in mosques is concerned, it is to be kept in mind that the Supreme Court held in *Ismail Farooqui* (1994) that mosque is not even an essential feature of Islam. The Supreme Court refused to reconsider this erroneous finding of the court in *M Siddiq* (2018). The issue will again indirectly come up when the court starts hearing the Babri masjid appeals. In any case, in Gurugram, Muslims were not permitted to pray even in open fields.

Freedom of religion in India is confined to only essential religious practices. Moreover, the validity of prayers is a purely theological question. No one will go to the temple if her/his prayer is not acceptable to her/his god or deity. That’s why only a handful of women went to Sabarimala. No court has the power to pass judgment on the validity of prayers.

Islam, unlike Hinduism, at least in theory, does not consider anybody untouchable. Therefore, the concept of one person polluting another is unknown in Islam. Islam does not have anything like Dalit exclusion from temples. Surprisingly, the petitioners are not able to distinguish between a Hindu temple and a Muslim mosque. The sanctum sanctorum is all important in the former, whereas there is no such thing in the latter. It is not necessary for even men to have auditory access to *musalla* that has been wrongly called the main sanctuary in the petition. Even the men who stand in the last row or on the upper floors of the mosques can validly pray though they neither see the imam nor (in some cases) hear his recitations.

Article 26 of the Constitution gives the freedom of religion not only to religions but even to sects thereof. Most Indian Muslims belong to the Hanafi sect of Sunnis. While the Shafi’i sect does permit women to pray in mosques if they so desire, the Hanafi and Maliki sects are opposed to it. Going to the mosque five times a day is quite an ordeal even for men in today’s hectic life. There is a consensus amongst schools that unlike men, women in Islam do not have a religious obligation to offer the Friday or the five daily prayers in mosques. They are permitted to offer prayers in their homes and get the same reward in life hereafter. Women are thus not



Suvajit Dey

in any religious disadvantage. Islam does make an exception even in obligations. Thus, while *zakat* (2.5 per cent mandatory annual charity) and *haj* (pilgrimage) are obligations on the rich, poor people are exempt from these. Similarly, women, children and elderly are exempt from jihad (fight against injustices and oppression).

Interestingly, the Quran nowhere prohibits women from praying in the mosques. There is concrete evidence that during the Prophet’s lifetime, women used to pray in mosques. Prophet had said that “do not bar God’s handmaidens from God’s places of worship”. Abu Hanifa, on the authority of Ibn Umar, quoted a tradition wherein the Prophet permitted women to attend *fajr* (early morning) and *isha* (late evening) prayers. As far as Eid prayers were concerned, women were asked by the Prophet to join congregations outside the city called Eidgah, even if they were in their menstrual cycle. They could join the supplications before and after the prayer, but stay away from the Eid prayer. Abu Hanifa and Abu Yusuf acknowledged this position, though the former disapproved all women going out for prayers and tried to confine this permission only to the older women. Al Shaybani and Al Tahawi too restricted this permission to the older women as they were not comfortable with younger women going to mosques.

The moot question is when women and men pray together in mosques without any barrier, whose prayer gets invalidated. Hanafi jurist Al-Sarakhsi explicitly says that “if a woman prays behind an imam who has ‘resolved’ to lead mixed communal prayer and she stands in the middle of the row, then she invalidates the prayer of the one man to her right, the one to her left, and the one immediately behind her.” Thus such a woman’s own prayer remains valid, and the prayer of men praying in front of her remains valid. It is clear that even the Hanafi school does not forbid women from entering and praying in

There is concrete evidence that during the Prophet’s lifetime, women used to pray in mosques. Prophet had said that ‘do not bar God’s handmaidens from God’s places of worship’. Abu Hanifa, on the authority of Ibn Umar, quoted a tradition wherein the Prophet permitted women to attend *fajr* (early morning) and *isha* (late evening) prayers. As far as Eid prayers were concerned, women were asked by the Prophet to join congregations outside the city called Eidgah, even if they were in their menstrual cycle. They could join the supplications before and after the prayer, but stay away from the Eid prayer.

mosques. They may pray in mosques, and their prayers remain valid. If women pray in their rows in the mosques at the place designated for them, even men’s prayers are not invalidated

There can also be all women prayers led by a woman. It seems the Prophet himself had appointed one Umm Waraqa, who was a scholar of the Quran, as imam of her household and even asked someone to act as muezzin. Of course, some jurists doubt the authenticity of this tradition. Reportedly, the Prophet’s wives, Aisha and Umma Salama, also led all women prayers in their homes. Ibn Hazm says that while Aisha led the sunset prayer, Umm Salama led the afternoon prayer. Many jurists permit women to lead supererogatory prayers, particularly, in Ramadan.

Hanafi jurists started opposing women going to mosques because of the possibility of men harassing them. Al Zalai says even Aisha, the Prophet’s wife, had said “had the Messenger of God seen what we have seen, he would have barred women from the mosque as the children of Israel (Jews) had barred their women”. Women had begun to adorn themselves and wear perfume and jewellery. For this reason, second caliph “Umar barred them”.

In a number of Muslim countries, women are allowed to pray in a designated area. We live in a modern and liberal world and therefore, let all mosques have a designated space for women so that they can utilise the permission given to them by the Prophet. Due to the possibility that they may be harassed, they cannot be stopped from praying in mosques in designated spaces reserved for them. Let Muslim men learn to behave. Let mosques’ management create facilities of washrooms and ablutions for them.

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WHAT THE OTHERS SAY

“Donald Trump’s Sunday tweets are among the most despicable comments from any president in recent memory – with the only competition coming from other comments by Mr. Trump.” — THE WASHINGTON POST

The great dollar gamble

Union Budget’s proposal to issue sovereign bonds is ill-thought out, will make Indian economy susceptible to global headwinds



M VEERAPPA MOILY

FINANCE MINISTER NIRMALA Sitharaman’s maiden budget attempts to kick-start growth. But what will happen if this is at the cost of fiscal discipline? The government’s decision to opt for sovereign bonds or external borrowing is intended to one, lower the cost of interest and two, bring about fiscal discipline. The government expects to keep fiscal deficit at 3.3 per cent of the GDP. This is because of the Rs 90,000 crore of excess capital expected to be transferred from the RBI, along with the higher cesses on petrol and diesel.

There is a total disconnect between the FM’s budget speech and ground realities. Sitharaman asserted that India is set to be a \$5 trillion economy by 2024. Does the budget spell out the trajectory to this goal? There is neither any mention in the budget of public investment nor any steps to stimulate private investment. Since 2014, the so-called “ease of doing business” has hardly garnered any private investment. In fact, private investment has declined between 2014-2019. Government finances have been over stretched. Despite interest rate cuts, there has not been any significant improvement in the investment rate. The budget sets a target of Rs 100 lakh crore investments in infrastructure through the PPP mode. To achieve this, savings must be augmented and the savings rate should be higher than the investment rate. Budget 2019 has no specific proposals to incentivise savings.

The Bimal Jalan Committee is yet to give its report on the question of the transfer of the RBI’s excess capital to the Centre. This can, at best, be a window dressing in the name of fiscal management.

The economy grew at 5.8 per cent in the last quarter of 2018-19. Yet, Budget 2019 assumes that the economy will grow by 12 per cent this year in nominal terms and 7-8 per cent in real terms. To achieve the government’s ambition of a \$5trillion economy by 2024, means that the \$2.8 trillion economy will have to double in five years — this means the present trend of 5.8 to 6 per cent growth will have to grow by 10 to 11 per cent.

Globally, there is a slump in trade, rising protectionism, sanctions against Iran and others and the US-China trade conflict. Will the policies and schemes announced in the budget withstand these pressures? External borrowings will amount to a gamble and open up the economy to volatility in the event of oil prices going up and a fall in the rupee. Further, we will fall into the trap of dollarising the Indian economy while the attempt should be to strengthen the rupee.

Many experts and former Indian central bank officials have opined against the government’s plan to sell sovereign bonds overseas. Former RBI Governor C Rangarajan has said that “the plan to borrow in foreign currency, to supplement domestic borrowings is a bad idea. External

borrowing also means contending with exchange rate risks, i.e. the uncertainties associated with the value of dollar versus rupee.” An analysis by Motilal Oswal had found that “India had the second worst debt-GDP ratio among emerging markets. India’s debt-GDP ratio stands at 68.4 per cent, next only to Brazil. India’s total debt has risen by almost 50 per cent under the Modi government since 2014”.

The fundamentals of our economy have always been sound and external upheavals have had a subdued impact. India has shied away from raising sovereign debt in global money markets and has shielded itself from being impacted by global financial crises even during the collapse of Lehman Brothers in 2008. The current gamble may be one which the Indian economy cannot afford. Such a proposal can only be mooted by bureaucrats who intend to wash their hands of their responsibility to mobilise resources. The absence of economists and professional bankers like Raghuram Rajan and Urjit Patel is strongly felt when such ideas are coined to control the fiscal deficit.

Ideas like raising sovereign debt were mooted in 1997 and 2003 and also by the Planning Commission during UPA 1 and UPA 2 but were shot down. To raise funds, one of the first things the then RBI Governor Raghuram Rajan did was to launch a scheme for foreign currency non-resident (FCNR) deposits, which helped to raise \$33 billion.

The government’s assumption that external borrowing will keep interest rates low may not be accurate. Despite lowering of interest rates by RBI, overall interest rates haven’t come down much. At less than 5 per cent, India’s sovereign external debt to GDP ratio is among the lowest globally.

This country has built its own capability in the private sector be it in power or infrastructure. Even 30 per cent of the installed capacity in the power sector has not been utilised. Many of the roads and infrastructure projects have been successfully built under PPP models by private entrepreneurs. But the collapse of term loan lenders like IL&FS has crippled them. We had institutions like IDBI and NABARD and other excellent banking institutions to lend term capital. The country now does not have a single lending institution to sustain the private or public sector. The banks have been lending to retailers and the term loans have not been disbursed for completion of projects. The external borrowings will only bring in more chaos. When we do not trust our own capital, how can we trust the capital from abroad? The entire concept will have to be appropriately calibrated.

We have institutions like IMF, World Bank and others who have funded the state governments, like in Karnataka. While this author was the Finance Minister of Karnataka in the 1980s, we had to pay for escalating costs without spending even a single paisa on irrigation and power projects. We strongly feel that the present Finance Minister of India has not been apprised of the havocs of external borrowing. It will be more appropriate for the FM to bring out a white paper on the nuances of external borrowing in this country.

The writer is a Congress leader and former Union minister

LETTER TO THE EDITOR

HIGH SEAS MATTER

THIS REFERS TO the article ‘Maritime challenges and opportunities’, (IE, July 16). The growing tension in the Persian Gulf and multiple foreign military bases near the Gulf of Aden signal that the Indian Ocean Region could be the theatre for global power rivalry in the near future. Sea lines of communication (SLOCs) that pass through the region are the collective responsibility of all the stakeholders engaged in maritime trade. A collective security model should be conceptualised to secure the SLOCs. India’s geographical advantage in the Indian Ocean Region gives the country strategic leverage.

Sudip Kumar Dey, Kolkata

MONETISE CAREFULLY

THIS REFERS TO the editorial, ‘Public and private’ (IE, July 16). It welcomes the policy of the monetisation of public goods to raise money for infrastructure and cites the case of the NHA as a success in this respect. But the conversion of “free lane” to “toll lane” meant that the citizen has to bear the financial burden. It’s regressive that owners of the Nano and BMW have to pay the same toll tax. There is also talk of the entry of private operators in the Indian railway. This could lead to an increase in fares. We need investment in infrastructure but the move to monetise public resources needs scrutiny.

Suchak D Patel, Ahmedabad

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

ELUSIVE DALIT HERO

THIS REFERS TO the article, ‘An upper caste gaze’ (IE, July 16). The writer has depicted the varied dimensions of the Dalit struggle. Narratives have concentrated on helplessness and repression of Dalits, which means that mainstream cinema is still looking for its Dalit hero. There are hardly any Dalit artists in the Hindi film industry.

Naila Nasir, Noida



VIEW FROM THE RIGHT

MINORITY BURDEN

ORGANISER THIS WEEK has put the issue of the country’s ever-burgeoning population on its cover. The package has multiple pieces on the topic. The lead article titled ‘Perform or perish’ says that while talking about “Bharat being the nation of youth, the multifaceted problem of population explosion cannot be neglected”. It argues for a National Population Policy to tackle the problem, which strains “natural resources, addressing claims and aspirations though democratic means, illegal migration, environmental concerns, imbalanced growth, etc”. The article discusses several population control methods, including access to contraceptives. It says that “enormous population is the biggest challenge” and the lack of “development implies high poverty, illiteracy, discrimination, lack of awareness, lack of medical facilities and this in turn increased population growth”. It also says that “child labour, slave trading and human trafficking is highly prevalent”. It adds that “people give birth to kids and sell

them to rich people who in turn employ these kids in various laborious and unethical tasks”. If family planning and use of contraceptives is not made mandatory, the article says, “not much result can be achieved”.

Another article blames a section of the minority community for the problem and states that “uncontrolled and unbalanced population growth, especially by a section of minority community actively supported by the unprecedented rise of fundamentalist Islamic ideology, is fueling the problem of exponential population growth”. Titled ‘Out of Proportion’, the article says that across the world the highest rate of population growth between 2010 and 2018 was in “three Islamic countries” — Nigeria, Pakistan and Indonesia. “Conclusion can be easily drawn from the figures by the United Nations that the Islamic countries are making the least efforts to control population rise,” it says. The “exponential rise of Muslims in Bharat too resembles with the world over the trend of the status f Muslims which is influenced by manipulated postulates of Quran and Wahhabi culture”. The “political implications” of this “disproportionate population” increase of Muslims and “their communal agenda in Bharat are very long lasting and alarming since owing to unequivocal tolerance and soft, kind-hearted attitude of Hindus,” the article says. It cautions that wherever the Muslims are over 20 per cent of the population “if they consolidated there in sup-

port of one Muslims candidate no Hindu candidate can win” and claims that there are 101 such seats in the Lok Sabha.

UN’S HYPOCRISY

THE EDITOR OF *Organiser* writes in a signed editorial in this week’s issue about the recently released report by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the situation of human rights in “Indian-administered Kashmir and Pakistan-administered Kashmir”. He says that the report “is a bunch of contradiction mocking human rights on every count”. He calls into question the human rights record of some of the members of the organisation. The report, the editorial states mentions 19 recommendations to India and just 10 to Pakistan, none of those 10, it says, “talks about either dismantling the terror infrastructure or human rights violations that takes place because of Pakistan’s terror promotion policy” and asks, “what can be bigger hypocrisy than this?” The editorial mentions that the Union Ministry of External Affairs “thrashed the report in the harshest possible words” and the response also “reiterated the rightful legal position of Bharat claiming” that all of Kashmir is an integral part of India. It ends by saying that “unless we explore this possibility of internationalising Bhartiya narrative, which is just, truthful and

legal, with all possible force and resources, the arsenal of ‘human rights’ will be used to target Bharat by perpetrators of terror”.

IDEOLOGY OPPOSING RSS

THE OPPOSITION TO the RSS, starting from it being banned after the murder of Mahatma Gandhi to Congress leader Rahul Gandhi blaming its ideology for the Mahatma’s killing, is what *Panchajanya* focuses on in its latest editorial. What has prompted the discussion, the editorial mentions, is that some people are “flustered” because a university in Nagpur has decided to introduce a course on the RSS for third-year BA students. Those opposing it, the magazine says, “are the same people who keep firing sorties at the RSS” and says that “it is important to try and find the essence behind this noise”. It goes back to Jawaharlal Nehru and says that though the Supreme Court had given the RSS a clean chit in the case of Mahatma Gandhi’s murder, yet the first prime minister of the country wanted to connect VD Savarkar to it and also wanted the RSS banned. This is because, says *Panchajanya*, Nehru view was through the lens of communism, which blocked the spirit of India.

It adds that the same thought process exists even today and mentions West Bengal Chief Minister Mamata Banerjee.

Compiled by Krishn Kaushik