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TELLING NUMBERS

State-by-state: supply of piped water in villages

GUJARAT, WITH 78.46% of its 64,77,917 rural households being provided water through taps at present, has the highest penetration under the National Rural Drinking Water Programme (NRDWP), a reply tabled by the Ministry of Jal Shakti in Parliament shows. Among smaller states, Sikkim has the highest coverage at 99.34% for its 88,013 rural households. West Bengal and Uttar Pradesh are at the bottom of the table with 1.31% (of 1,63,35,210) and 1.33% (of 2,58,81,064) rural households covered respectively.

The data on individual household tap connections through Piped Water Supply (PWS) was provided by the Integrated Management Information System (IMIS) of the Ministry of Jal Shakti. The information was provided to Lok Sabha by Minister of State for Jal Shakti Rattan Lal Kataria.

The reply said that as per the Union Budget Speech 2019-20, it had been envisaged to ensure piped water supply to all rural households by 2024 under the Jal Jeewan Mission. It added that the Programme, under the Department of Drinking Water and

Sanitation, would “focus on integrated demand and supply side management of water at the local level, including creation of local infrastructure for source sustainability like rainwater harvesting, groundwater recharge and management of household wastewater for reuse”.

% OF TOTAL HOUSEHOLD CONNECTIONS WITH PWS AS ON 18/07/2019

TOP	
Gujarat	78.46
Himachal Pradesh	56.27
Haryana	53.47
Punjab	53.28
Karnataka	43.81

BOTTOM	
West Bengal	1.31
Uttar Pradesh	1.33
Bihar	1.88
Assam	2.21
Odisha	3.94
ALL INDIA	18.33

Source: IMIS, DDWS

THIS WORD MEANS

FAST FASHION

Cheap, smart clothing but which also hurts the Earth

FAST FASHION refers to clothing that is mass-produced inexpensively, coming straight from the catwalk to deliver the newest trends to consumers at low prices. The defining characteristic of fast fashion is its affordability, and in recent years, major fast fashion retailers such as H&M and Zara have set up major businesses in India.

The reason why fast fashion has increasingly been in the news – and controversy – however, is the impact it has on the environment. Before the fast fashion boom, the industry had two production cycles: the so-called ‘spring’ and ‘fall’ collections. Fast fashion production, however takes place in as many as 50 to 100 ‘micro-seasons’, with consumers discarding garments very quickly.

According to a McKinsey report, the lowest-priced fast fashion garments may be discarded after being worn just seven or eight times. Consumers are now retaining clothing for only half as long as they did in 2000, resulting in a vast increase in the amount of waste generated by the fashion industry. In fact, after oil, fashion is the world’s second-most polluting industry. And as the scale of production grows, so does the scale of pollution.



In 2015, the clothing industry was responsible for 1.714 billion metric tonnes of carbon dioxide emissions, and used 141 billion cubic metres of water. Water-dyeing textiles have resulted in the industry also being the second-largest polluter of clean sources of water globally, after agriculture.

How are fast fashion retailers enabled to keep prices down? The primary way is through utilising innovations in supply chain management and relying on cheap labour – generally overseas from where the company is based. Several large fashion houses have been criticised for sourcing their products from “sweatshops” employing “slave labour” in Asian countries, including India and Bangladesh.

SIMPLY PUT QUESTION & ANSWER

What Imran said, what he meant

This is the first time an elected Pak leader has admitted to the presence of jihadists in such huge numbers. As the international community tightens the screws, Imran may have been sending the world a message

NIRUPAMA SUBRAMANIAN
MUMBAI, JULY 25

ON WEDNESDAY, Pakistan Prime Minister Imran Khan told an audience at the United States Institute of Peace, a Washington-based think tank, that there were “30,000 to 40,000 armed people” in his country “who have been trained to fight in some part of Afghanistan or Kashmir”.

India has described the statement as a “glaring admission”, and demanded that Pakistan take “credible and irreversible action” against terrorist groups.

How is Imran’s statement different from Islamabad’s earlier public positions?

Imran did not reveal a state secret. The presence of jihadists and jihadist organisations is well known in Pakistan, and to the international community.

What is new is that for the first time an elected Pakistani leader, that too a Prime Minister, has spoken about it candidly. Previous leaders have alluded only indirectly or in a veiled manner to the presence of jihadist groups – that is, groups other than the Tehrik-e-Taliban Pakistan, which carries out attacks on Pakistani targets inside Pakistan and is, therefore, alleged to be a creation of India. For years, Pakistani leaders have been far more likely to complain that “Pakistan is the biggest victim of terrorism”, than to declare that there are up to 40,000 terrorists in their country.

Those in positions of political power and influence, who have previously made bold to talk about jihadist groups in Pakistan, have been removed from office, or sidelined, or hounded. This is because from the time of the first Afghan war, the jihadist project has belonged to the Pakistan Army, and its espionage arm, the ISI, the country’s most powerful organisations. Elected politicians were required only to support the project, or to keep quiet if they opposed it.

Nawaz Sharif was ousted by the judiciary on corruption charges, but his troubles truly began after he started to take on the Pakistan Army for nurturing jihadist groups that had



Imran Khan with President Donald Trump in the US this week. Reuters

pushed Pakistan into a corner internationally. Dawn, the newspaper that reported one such confrontation, found its circulation restricted, and the reporter dragged to court for treason.

In an earlier instance, after the 2008 Mumbai terrorist attacks, then National Security Adviser Mahmud Ali Durrani had to resign after he acknowledged that the attacks were carried out by Pakistan-based militants. Paradoxically, even though the presence of these groups is not officially mentioned, from time to time, Pakistan’s security agencies have been forced to act against them, usually under international pressure.

After the Mumbai attacks, the investigation by the Pakistani FIA concluded that it was planned in Pakistan and carried out by terrorists trained in Pakistan, though even that did not mention their affiliation to the Lashkar-e-Taiba. Several individuals linked to the group and to its front organisation were arrested at the time.

Pakistani politicians openly consort with jihadist groups like Lashkar-e-Jhangvi, Sipah-e-Sahaba and Jamaat-ud-Dawa, but such associations are not questioned or discussed in public, except in the odd media report.

The closest a top Pakistani leader had earlier come to conceding the largescale presence of jihadists in that country was in 2004,

when military ruler Pervez Musharraf signed a joint statement with Prime Minister Atal Bihari Vajpayee pledging not to permit terrorist groups to operate from Pakistan.

Is there nothing new for India in Imran’s statement, then?

The numbers that Imran has presented are a surprise. NACTA, Pakistan’s nodal counter-terrorist agency, has on its website a list of 40 organisations proscribed under the country’s Anti-Terrorism Act, and another list of 8,307 proscribed individuals. This smaller number is what has been submitted by the Pakistan government to the Financial Action Task Force (FATF), which is monitoring the progress on Islamabad’s commitments to crack down on terrorism financing.

For India, the numbers are important, but more important is Imran’s admission that the militants fought in Kashmir. It vindicates India’s position on cross-border terrorism in Kashmir from Pakistan.

But Lashkar is a proxy for the Pakistan Army, and isn’t Imran essentially the generals’ man in government?

Imran has repeatedly stressed that he has no differences with the Army on any aspect of government policy. But his admission does

put the Army in some embarrassment. While Imran blamed previous governments for not telling the truth and doing nothing to rein in the jihadists, there is no getting away from the fact that civilian governments have had zero say in this matter, which has been the exclusive remit of the Pakistani Army.

However, there has been no apparent falling out between him and the Army, at least for now. Imran has returned home to much media admiration for his skilful handling of President Donald Trump, who showered praise and gratitude on Pakistan for its role in the Afghan peace talks. His statements on the number of armed jihadists has not found much space in Pakistani media.

But complications might yet arise. The FATF, which wants to see substantial progress by Pakistan on terrorist financing by October this year, is bound to raise questions about the numbers.

So, what is the big picture? Who was Imran speaking to, and why?

Imran’s statements came against the backdrop of a general tightening of the screws on Pakistan by the international community. The FATF means business about blacklisting it later this year, if it does not meet commitments. That would mean a squeeze on Pakistan’s access to international lending, a restriction on remittances and banking channels, at a time when its economy is in terrible shape.

During the Pulwama-Balakot episode, Pakistan found no supporters in the international community, and the designation of Masood Azhar of Jaish-e-Mohammed only brought that into sharper focus. There seems to be a realisation in Pakistan that something has to give. Ahead of the June meeting of the FATF, it took some actions to demonstrate it was not reneging on its commitments. Later, it also arrested the JuD leader Hafiz Saeed.

Seen in this context, Imran may have been trying to convey the enormity of the clean-up task that his government had inherited from previous governments, and to underline that it may be impossible to achieve results demanded by the international community within deadlines.

Why big tech firms are under scrutiny in US

SHRUTI DHAPOLA
NEW DELHI, JULY 25

THE REGULATORY scrutiny around the big technology firms is going to widen with the US Department of Justice announcing a probe to review the practices of “market-leading” online platforms. Technology giants such as Google, Facebook, Apple, and Amazon will likely be impacted by this broader review.

The Justice Department wants to know if the leading online players are “engaging in anti-competitive practices and depriving users of benefits”. The probe comes at a time when there are increasing calls around the world for regulating these companies.

What is being reviewed?

The Justice Department’s press release states that it will be reviewing “whether and how market-leading online platforms have achieved market power”. It will also check whether these players “are engaging in prac-

tices that have reduced competition, stifled innovation, or otherwise harmed consumers”.

The review will consider “widespread concerns that consumers, businesses, and entrepreneurs have expressed about search, social media, and some retail services online”. The department will be seeking information from the public and “industry participants who have direct insight into competition in online platforms”.

While it does not name the big tech companies, the dominance of Google in search, Facebook in social media, and Amazon in online retail is unparalleled, and all three will likely face a review of their market practices.

But why are these firms being reviewed?

In the US, Google has close to 90 per cent market share in search. Amazon’s share in the online market space is around 37 per cent, according to a report by EMarketer in June 2019. In social media, Facebook remains dominant with its apps such as Instagram and WhatsApp having more than a billion users each.

In the past, Facebook has also been accused of stifling competition by either buying out rivals or by introducing features that are a direct copy of its biggest rivals.

Is it the first time that these companies are facing scrutiny?

The call for regulation is not new; indeed, there have been such demands across the world in the past.

Facebook was recently fined \$5 billion by the US Federal Trade Commission (FTC) for violating and misusing user privacy. Democratic presidential hopeful Elizabeth Warren has called for big tech companies such as Facebook to be broken up. There is a worry that these companies are completely monopolising the online space and killing all competition.

The European Union (EU) has hit Google with three separate fines since 2017; all fines have been on account of antitrust and anti-competitive practices. In March 2019, it was a €1.5 billion fine for Google misusing its AdSense technology. In 2018, the fine was a

record €4.3 billion for misusing its dominant position with Android, and in 2017, the number stood at €2.4 billion for dominating shopping search results with its own pages and stifling competition.

Germany opened investigations into Amazon’s dealings with third-party sellers in 2018 and, in 2019, Austria and Italy opened antitrust investigations against the e-commerce giant. On July 17, the EU opened a separate investigation into anti-competitive practices by Amazon.

Apple will face an antitrust inquiry from the EU as a formal probe will begin over music-streaming service Spotify’s complaint that the technology giant was effectively charging a tax on its competitors by demanding a 30 per cent fee for in-app subscriptions and payments.

In India, Google was fined \$21.1 million for search bias by the Competition Commission of India (CCI) last year. In June this year, Reuters reported that Google was again being investigated for misusing its Android dominance in India.

India on the move: What data from Census 2011 show on migrations

SHYAMLAL YADAV
NEW DELHI, JULY 25

CENSUS 2011 data on migration released last week show Maharashtra had more migrants from Madhya Pradesh than from Bihar, and Gujarat had almost double the number of migrants from Rajasthan than from Bihar.

Data from Delhi show only 2,321 persons declared Bangladesh as their last place of residence. Over 1.17 lakh said Pakistan – not surprising given the history of Partition.

The data come at a time when migration is a major phenomenon across the world, and “illegal Bangladeshis” is a hot-button political issue in India. The data are also very late – it’s almost time for Census 2021 – and do not reflect the current situation.

Over 45.58 crore Indians were found to be “migrants” for various reasons during the enumeration exercises of Census 2011. The previous Census (2001) had recorded the number of migrants at 31.45 crore – more than 30% lower than the 2011 figure.

According to the website of the Registrar General & Census Commissioner, India, “When a person is enumerated in Census at a different place than his/her place of birth, she/he is considered a ‘migrant’.” Migration data began to be collected with the Census of 1872, but was not very detailed until 1961. Changes introduced in

MIGRATIONS TO, FROM SELECTED STATES (2011)									
STATE	TOTAL MIGRANTS*	MIGRANTS FROM OTHER STATES							
		UP	BIHAR	RAJASTHAN	ODISHA	WEST BENGAL	MP	PUNJAB	TOTAL
Maharashtra	5.74 cr	27.55 L	6.68L	5.17 L	1.24L	3.10L	8.24L	73,951	90.87 L
Uttar Pradesh	5.65 cr	—	10.73 L	2.84 L	35,269	2.34L	6.68 L	1.42 L	40.62 L
West Bengal**	3.34 cr	2.39 L	11.04 L	57,668	1.42 L	—	15,815	18,154	23.81 L
Gujarat	2.69 cr	9.29 L	3.61 L	7.47 L	1.76L	89,040	2.75 L	27,549	39.16 L
Kerala***	1.79 cr	12,203	9,904	8,893	12,223	30,470	8,345	3,402	6.54 L
Punjab	1.37 cr	6.50 L	3.53 L	2.02 L	11,717	46,958	32,869	—	24.88 L
Assam***	1.06 cr	35,441	1.47 L	27,778	5,153	94,724	2,478	3,617	4.96 L
All India*	45.58 cr								5.43 cr

1961 continued until 2001; in the Census of 2011, a more detailed format for collecting information on migrants was adopted. Marriage and employment are the major reasons for migration, Census data show. The bulk of the migration takes place within individual states – out of the total number of persons registered as “migrants” in the 2011 Census, only 11.91% (5.43 crore) had

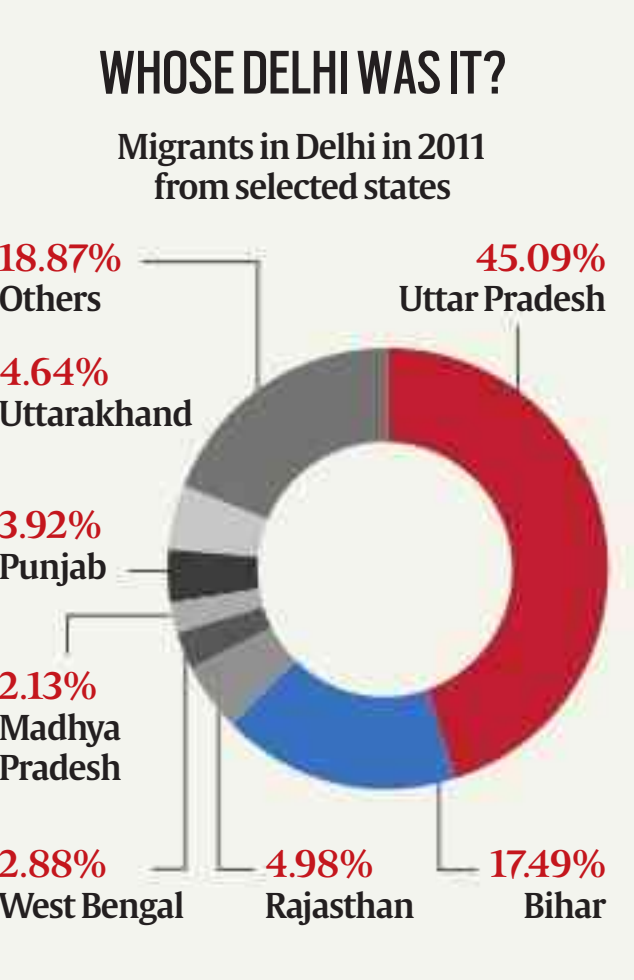
moved to one state from another, while nearly 39.57 crore had moved within their states.

Migration data to and from some major states are given in the table above. Some key highlights of the Census numbers:

■ Of the 5.74 crore migrants in Maharashtra, 27.55 lakh reported their last place of residence to be Uttar Pradesh; 5.68

lakh said Bihar. Internal migration from within Maharashtra had the lion’s share of migrants: 4.79 crore.

■ UP, from where people travel to all over India in search of work, itself was host to 5.65 crore migrants. As many as 5.20 crore were, however, internal migrants; among the 40.62 lakh from other Indian states, 10.73 lakh were from Bihar.



■ The number of migrants in Punjab from other states was 24.88 lakh, a relatively large percentage of its total 1.37 crore migrant population. Of these, 6.50 lakh reported their previous residence to be in UP; 3.53 lakh said Bihar.

■ Over 42% of the 39.16 lakh ‘outsiders’ (from other states) in Gujarat (out of the total migrant population of 2.69 crore) were



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BECAUSE THE TRUTH INVOLVES US ALL

IT TAKES TWO

Opposition's demand for sending bills to parliamentary panels must be heard by a government that wants 'sabka vishwas'

IN THE LAST few days of the (now extended) first session of the 17th Lok Sabha, the Opposition's demand in Rajya Sabha that seven key bills should be sent to parliamentary panels is a call for attention. It points to a disquieting trend: The government is using its overwhelming majority in Lok Sabha to push legislation through Parliament without adequate discussion and debate. Of the several bills that have already been passed in this session, not one has been referred to a select or standing committee — on Thursday, Rajya Sabha passed the Right to Information (Amendment) Bill, 2019, which has widely sparked apprehensions of a dilution of the RTI, after voting against sending it to a select panel, and Lok Sabha passed the triple talaq bill. This should be seen as alarming for several reasons. Because it denies important and consequential bills their due scrutiny, which can happen only in the parliamentary committee. Because it suggests that the government is turning a deaf ear to the voice of an already diminished Opposition. And because this could be an omen of things to come. After all, if the first session of the new Lok Sabha is so inhospitable to the Opposition, despite all the government's promises of winning "sabka vishwas", can the sessions to come be far behind?

In a Lok Sabha such as this one, where the numbers are so steeply tilted against the Opposition, it means that it must fight for every inch of its space. But in a parliamentary democracy which goes not just by the bare-knuckled rule book, but is also guided by unwritten grace, convention and norm, it is the responsibility of the government to reach out across the aisle, be generous and accommodating to those on the other side of the political fence. The government must hear out the Opposition, and not be quick to label it as obstructionist. It must ensure that the law-making exercise does not become reduced to a brutish numbers game, but strives, instead, to be the deliberative process that the people of India deserve, which draws in a plurality of vantage points and views. The government, even one that has a large majority, and especially one that has a large majority, must be open to the questions, suggestions and checks of the Opposition in Parliament.

It is important for the NDA government to review its stance and to strike the right note vis a vis the Opposition in this session of Parliament. It would be gravely misreading the mandate if it uses it as a weapon against the Opposition. The trust of the people enables it to be more self-assured. It would be letting them down if it makes it more intolerant.

IMRAN SAID IT

His admission, in the US, to armed militants in Pakistan, is an important moment. There will be consequences

IT IS NO secret that Pakistan has a large number of armed militants affiliated to a smorgasbord of jihadi groups, many of them UN designated terrorist organisations. Since the end of the first Afghan war, Pakistan has been awash with militants — "good" terrorists, or those who target India in Kashmir, and "bad" terrorists, or those who carry out attacks inside Pakistan; sectarian terrorists, meaning those who specialise in targeting the Shia and Ahmadi; mujahideen, meaning those who fought in Afghanistan; Afghan Taliban, Pakistani Taliban, Punjabi Taliban and so on. Yet Imran Khan's remark, during his visit to the US capital, that Pakistan has 30,000-40,000 militants, is important. It is the first time that a Pakistani leader in the country's highest elected office has made an admission openly, provided a number and the places where they fought — Kashmir, Afghanistan. But he is being more than economical with the truth in blaming previous governments for doing nothing to disarm them. There are armed jihadists in Pakistan today because of the Pakistan Army, which saw in them an opportunity to achieve its strategic objectives by unleashing them as proxies in Afghanistan and in India, specifically Kashmir.

In 2016, the mere discussion of the presence of armed groups by members of the Nawaz Sharif government with the then Pakistan Army chief and other brass at a closed door meeting, and a media report on the proceedings, set off a chain of events that led to Sharif's ouster, and prompted an Army-led crackdown on the newspaper that published it and the journalist who wrote the story. This Pakistan PM loses no opportunity to assert that his government and the Pakistan Army are on the same page. The question, now, is: Did he have the go-ahead to make this admission?

Pakistan is under so much international scrutiny now on terrorism, especially by the Financial Action Task Force, that even the military leadership of the country is no longer confident of brazening it out on inaction against the jihadist groups. The arrest of Hafiz Saeed would have been unthinkable had it not been for an imminent FATF blacklisting. Even so, Imran Khan's admission is bound to be embarrassing for the country's most powerful institution. It was also the Pakistan Army that claimed to have broken the back of the terrorists through Operation Zarb-e-Azb. It remains to be seen how Pakistan and its Army contain the fallout now, including at the FATF. The rapturous response that Imran Khan returned home to, after what has been hailed as a successful US visit, may prevent immediate political consequences for him. But the last word on this may not have been said.

LIKE TEARS IN RAIN

For millions of fans, Rutger Hauer was the real protagonist of 'Blade Runner', the film that burned him into our race memory

LENGTHY OBITUARIES OF Rutger Hauer have appeared in publications the world over. But his *Blade Runner* co-star, Daryl Hannah, spoke for the grieving fans of the Dutch actor in just three words: "Tears in rain." It is a fragment from the most powerful death soliloquy ever seen on screen, where Hauer's character, Roy Batty, prepares to die in the Los Angeles of the future in driving rain, after hand to hand battle with the cop Deckard (Harrison Ford). He holds a white dove in one hand, recalling memories from a short life in space: "Attack ships on fire off the shoulder of Orion. I watched C-beams glitter in the dark near the Tannhäuser Gate. All those moments will be lost in time, like tears in rain. Time to die." His fingers loosen, and the dove takes wing.

Hannah had played Pris, the love interest of Roy Batty. Two dispensable replicants created for dangerous missions, with no sense of identity, programmed to die before they can develop it. But they do, and know that they must succumb either to their rigged biological clock, or the cop pursuing them. In the film, Hauer played a humanoid, but explored what it means to be human. It outshined his other appearances in *Escape from Sobibor* (which got him a Golden Globe), *Batman Begins*, *Blind Fury* and dozens of other roles from 1969 to 2019. Only his portrayal of a cannibal priest in *Sin City* came even close.

Hauer shone in dark roles. But as sci-fi fans know, the left hand of darkness is light. In *Blade Runner*, Roy Batty's maker tells him: "The light that burns twice as bright burns half as long, and you have burned so very, very brightly, Roy." That quote, from a film that seared Hauer into the race memory of cinema, is an apt epitaph.



MANISH SISODIA

IN 2003, THREE years after Arvind Kejriwal, now the chief minister of Delhi, launched Parivartan to help citizens get access to services without having to pay bribes, a spark was lit in a *jhuggi* of Sundar Nagri. Nannu, a daily wage worker, had lost his ration card. Despite applying for a fresh copy with the Food and Supplies department, there was no movement on his application for six months. I had joined Kejriwal's organisation around that time.

After Nannu approached Parivartan for help, Kejriwal drafted an RTI application for him (Delhi had a state-level RTI Act at that time), demanding to know the name of the official whose job was to process the ration card, and the time within which the official was expected to have performed his duty. The answers to these questions would have been an admission of guilt. Instead, the food inspector arrived at Nannu's doorstep to deliver his ration card.

It was a eureka moment for many of us who were then working as activists, trying to secure citizen's rights to basic services from the government. Many years later, Kejriwal would mention Nannu in his acceptance speech at being awarded the Ramon Magsaysay Award in 2006.

The enactment of the national RTI Act in 2005 was an important moment in the history of our democracy, a milestone in our journey towards building an empowered citizenry. The dilution of the Act by the present NDA government is also an important moment, but in the opposite direction. The opposite of democracy is authoritarianism.

All democracies evolve, and that is their strength. A dialectical process in the early 2000s that involved a spirited social and political campaign for the right to information, countered by the establishment's distaste for transparency, finally led to the conclusion that India must give its citizens access to information about the state and its functions. Even at that point, the resistance to RTI was strong. For a system accustomed to

BJP, which used RTI against the Congress regime, now looks terrified of it

rule over people, the idea of citizens asking questions of the government did seem a little bizarre.

Once a senior officer, who was speaking at an RTI orientation programme asked, how can any Tom, Dick or Harry question the wisdom and authority of a well-educated and qualified bureaucrat? How can an auto-rickshaw driver be allowed to pose questions to officers? We would reply, your salaries are drawn from the taxes people are paying. Do we exempt an auto-rickshaw driver from paying taxes? If not, the auto driver is effectively the employer of government officials.

A few months after the enactment of the national RTI, Kejriwal's Parivartan led a national campaign called "ghoos ko ghoosa". The spark lit by Nannu's successful use of RTI needed a catalyst to spread the fire across the country. Parivartan set up camps across several cities and as many as 60,000 to 70,000 people were assisted in filing RTIs to expedite their access to services like power, water connections, and ration cards.

There are a number of such RTI success stories which led to the citizens of this country being able to lead dignified lives, promised to them by our Constitution. Cases of corruption in road construction around the country suddenly started coming to the fore. Ordinary citizens became "inspectors" of the government, and social audits of government works became popular, thanks in large part to the work done by stalwarts like Aruna Roy and others.

The wheels were turning in the direction of a deepening of democracy. The measure of progress of any democracy is the level of empowerment of ordinary citizens. When the state seeks to take away power from ordinary citizens, it is at the cost of democracy itself. The RTI movement was born out of the view that people are the masters and the government exists to serve them. For the five-year period after elections concluded, there was no mechanism

FREE REIN TO POWER

NIA amendment bill infringes upon state authority, must be reconsidered



KUNAL AMBASTA

THE BILL TO amend the National Investigation Agency (NIA) Act, 2008, has been passed by both Houses of Parliament and awaits the Presidential assent and notification prior to becoming law. It seeks to widen the authority of the NIA in terms of the crimes that it can investigate irrespective of the place of occurrence of the crime. The NIA was created as a special investigative agency under the control of the Union government which was meant to investigate crimes which affect the national security of the country, and those against institutions that were under national, as opposed to state government, control. Terror offences, offences against atomic and nuclear facilities, and offences such as waging war against the country, amongst others, were included in this list of offences. Though this may appear to be a technical point, it was clear that the agency was created to investigate crimes against the country, as opposed to ordinary criminal offences.

The reason for restricting the scope of the NIA to a category of offences as previously stated is simple. Under the Constitution, the maintenance of public order and police forces are matters upon which state governments, and not the Union, may legislate. Criminal law and procedure are matters, which may be legislated upon by both the Union as well as state governments. However, as far as ordinary crim-

inal investigations and prosecutions are concerned, it is clear that the state governments have the authority to prosecute such crimes. Not every criminal offence is a threat to national security and sovereignty and consequently, states have the competence to deal with the same.

However, with the recent amendment to the NIA Act, the Central government gets the authority to have the NIA take over the investigation of crimes, which involve allegations of human trafficking, offences under the Explosives Act, and certain offences under the Arms Act. The rationale for effectively allowing the Union government to prosecute such offences is unclear. Not all offences related to explosives may be a threat to national security, nor does an offence under the Arms Act automatically become related to terror activity. A state government would be well within its right to prosecute such offences alone. Further, even under the unamended NIA Act, if offences related to the above-mentioned legislation were committed in connection to a terror offence, the NIA would have had the authority to prosecute them. On the face of it, it appears that the Union government has encroached upon the rights of the states to conduct investigations into a class of cases which may affect public order, but may not have implications nationally. This goes against the notion of Indian federalism which guarantees states autonomy within a national framework. It further renders the state police forces redundant and centralises even ordinary prosecutions with the Union government.

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federalism which guarantees states autonomy within a national framework. It further renders the state police forces redundant and centralises even ordinary prosecutions with the Union government.

One cannot forget that the NIA is effectively under the control of the Union government and its recent prosecution of certain cases has been questioned due to allegations of bias. The amendment to the NIA Act also gives the agency authority to investigate crimes committed by persons which are against Indian citizens or "affecting the interest of India". This term is undefined and is a recipe for misuse by governments which may conflate critical voices and dissent with adversely affecting India's interests. Further, the laws under which the NIA has the authority to investigate themselves do not mention "affecting the interest of India" as an offence. What we are seeing is the creation of a substantively new (and vague) offence under the guise of giving more procedural powers to an agency under the control of the Union government.

Therefore, the NIA Amendment Bill, 2019 is neither sound on the principles of Indian federalism nor on the established principles of criminal law. It deserves reconsideration.

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JULY 26, 1979, FORTY YEARS AGO

TEST FOR DESAI

AT 3:50 PM, from his office in south block, Morarji Desai, makes phone calls to Rashtrapati Bhavan. Minutes are ticking by and the list of MPs supporting his candidature for premiership is not yet ready. The deadline for the submission of the list, set by the President, is 4 pm. Ravindra Varma, Murli Manohar Joshi and Digvijai Narain Singh, among others, flit in and out of the Prime Minister's office, like characters in the old bioscope being run at quick speed. Meanwhile, the president considers it prudent that a conversation with the PM at this juncture should not be conducted on the open line, so an effort is made to get Sanjiva Reddy on RAX (Restricted Automatic Exchange), which would obviate eaves-

dropping. But, as luck would have it, RAX at the president's end is out of order. Finally by about 4.15 pm, a list of 278 is ready. "Of this, 254 are our hard core supporters and that figure tips the scales in our favour" a party boss says with some relief

MORE PAK HANGINGS

FOUR MEN CONVICTED with Bhutto in a political murder case were executed in West Punjab. They are: Mian Muhammad Abbas, Soofi Gulam Mustaffa, Arshad Iqbal and Rana Iftikhar Ahmed. Mustaffa and Ahmed were hanged in Faizalabad district jail and the other two in Kotlakhpat in Rawalpindi. The four belonged to the former Federal Security Force (FSC), created by Bhutto for allegedly thrashing political opponents. The

executions followed the rejection by President Zia-ul-Haq of their mercy petition.

SKYJACKER CAUGHT

THE SKYJACKING OF the Bangladesh Biman aircraft from Jessore to Dum Dum airport in the morning ended with the skyjacker being nabbed by the police. A dark-complexioned young man of medium build and average height, the skyjacker was identified by an intelligence man as he walked to the lounge from the passenger coach. Immediately, senior police officials grabbed him by the collar of his bushshirt on the stairs of the lounge. They searched his person for the pistol and the knife which he was brandishing the whole day, but could find neither.



The Article that binds

I am a National Conference worker, my father sacrificed his life for a political belief...
The constitutional guarantees that bind J&K with the Indian Union cannot be unilaterally discarded



IMRAN NABI DAR

THERE HAS ALWAYS been a campaign based on falsehood and narrow sectarian motives to question Jammu and Kashmir's special constitutional status. The main reason for this vilification has always been based on a complete aversion to the state's Muslim majority and a denial of the constant struggle by its people for political empowerment. But the proponents of such a demand have generally couched it in polite language and tried to hide their communal agenda. Now the gloves are off. The views expressed by a senior IPS officer, Abhinav Kumar, who serves as Inspector General of Police BSF in Kashmir, in a recent article in this paper ('A new deal for Kashmir', IE, July 5) are not only appalling, but also in total disregard of the Constitution.

"The expectation is that a war-weary and traumatised population will tire out," writes Kumar while advocating a status quo in the "current level of casualties and economic costs". The statement is a reflection of how an officer, expected to protect and champion human rights, is cheering the escalating trauma and continuing misery of Kashmir's common people.

Kumar indulges in scaremongering with the thought of how it would be for Jammu and Ladakh, and the secular ethos of J&K, if the iron fist Kashmir has borne the brunt of is softened and an ear is actually lent to the voices from Kashmir. This approach, he claims, ironically, "ignores the repercussions for the idea of India". He ridicules and lambasts Article 370 and 35A of the Constitution: "Without dismantling this structure, separatism and militancy will always strike a chord among a large section of the population in the Valley." The Muslim majority of Kashmir favours either aazadi or merger with Pakistan, Kumar claims, while going on to question the legal status of these constitutional guarantees.

I am a National Conference (NC) worker and the party's candidate for Kulgam assembly constituency. At 11 am on July 8, 2006, my father Ghulam Nabi Dar — a two-time legislator from Kulgam and a prominent National Conference leader — was killed in a grenade blast along with his four party colleagues, Mohammad Yousuf Shah, Mohammad Yousuf Wani, Ali Mohammad Zargar and Azad Ahmad Wani. Our family was devastated; it is a trauma that will never end. I was 25 years old then and the moment I heard the shrieks of my mother, I decided to join mainstream politics. Each day, during these 13 years while going to work in Kulgam, I am aware that I could meet my father's fate as well. But, this fear hasn't stopped me.

My father sacrificed his life for a political belief. He believed that the only way forward for our people is in Sheikh Mohammad Abdullah's idea of an all-inclusive J&K that decided to become part of a secular Indian Union after constitutional guarantees ensured it a special status within the Union. He saw a future for our people in it and fought for it till the end. Like my father, more than 5,000 workers and leaders of the National Conference have been killed in the last 30 years for the same reason. Sheikh Abdullah had joined Gandhi's India, and my father and thousands of other NC workers shed their blood for that commitment. Unfortunately,



Suvajit Dey

the idea of India in Kashmir that the senior IPS officer espouses is Nathuram Godse's India. There is no way we will accept it.

Ordinarily, views such as those of Kumar's don't deserve a response. But because it is a senior serving IPS officer, who has spoken publicly, it is important to rebut them. J&K's special status isn't a concession given to the state by the Union government. It is an outcome of a solemn compact between two sovereign entities in 1947. Unlike other princely states, J&K negotiated the terms and conditions of its entry into the Indian Union. While J&K acceded to the Indian Union on defence, foreign affairs and communication, it was the only state that wanted its own constitution drafted by its own constituent assembly. Article 370, that determines the contours of J&K's relations with the Centre, and is the constitutional link between Kashmir and New Delhi, was introduced in the Indian Constitution only after the then Prime Minister of J&K, Sheikh Abdullah, and Prime Minister Jawaharlal Nehru, discussed it for five long months — between May and October 1949. Article 370 and Article 35 A were not concessions. They were the outcome of an agreement.

Nehru wrote to Sheikh Abdullah: "It has been the settled policy of the Government of India, which on many occasions has been stated both by Sardar Patel and me, that the Constitution of Jammu and Kashmir is a matter for determination by the people of the state represented in a Constituent Assembly convened for the purpose."

The consistent turmoil in J&K, too, isn't without reason. On August 9, 1953, Sheikh Abdullah's government was summarily dismissed and he was arrested. The tallest leader of the people of J&K, who had fought valiantly against autocratic rule to establish democracy — the leader who had changed the name of his party from Muslim Conference to

Unlike other princely states, J&K negotiated the terms and conditions of its entry into the Indian Union. While J&K acceded to the Indian Union on defence, foreign affairs and communication, it was the only state that wanted its own constitution drafted by its own constituent assembly. Article 370 that determines the contours of J&K's relations with the Centre, and is the constitutional link between Kashmir and New Delhi, was introduced in the Indian Constitution only after the then Prime Minister of J&K Sheikh Abdullah and Prime Minister Jawaharlal Nehru discussed it for five long months.

National Conference so that the ideals of inclusiveness and rights of minorities are safeguarded; the leader who had decided to support J&K's accession to India and not go with Pakistan, despite the state being an overwhelmingly Muslim majority — was betrayed. That was the beginning of the problem in J&K. Soon, New Delhi abolished the post of prime minister of J&K and elected Sadr-e-Riyasat. The view that holds that Article 370 can be done away with ignores the fact that it is this very Article that binds J&K with the India Union.

The reference to the Jammu and Ladakh region is nothing more than a ruse to divert attention from the main targets: The Muslim majority of the state. In Jammu province's Hindu majority districts of Jammu city, Sabha and Kathua, supporters of the current government are openly demanding the ouster of the Muslim minority from these areas. The rallies organised in support of the rapists of a Muslim Bakerwal child in Kathua were led by two then-serving BJP ministers from Jammu. An outfit was set up to defend the rapists, the Hindu Ekta Manch.

The Sangh Parivar that spearheads the demand for the repeal of Article 370 and Article 35 A is against the Muslim majority character of J&K. While repealing the two articles will agitate all in J&K, it is beyond doubt that Muslims in the Jammu province, especially in the Chenab valley and the Pir Panjal region, will resist such plans. Moreover, Ladakhis across the board are conscious of the demographic make-up of their region, and won't accept any change.

If the constitutional guarantees that bind J&K with the Indian Union can be unilaterally discarded, what is left to discuss.

The writer is a leader of the National Conference in South Kashmir and party's spokesperson

WHAT THE OTHERS SAY

The US must acknowledge that its 'shock-and-awe' tactics in Afghanistan, and its attempts to engineer a political and social structure, have utterly failed. —DAWN

Unmatched valour

Soldiers who laid down their lives in Kargil are an inspiration, especially to young Indians



RAJEEV CHANDRASEKHAR

TODAY, THE nation commemorates the 20th anniversary of Kargil Vijay Diwas, a day when our armed forces successfully completed Operation Vijay and delivered a crushing defeat on yet another military misadventure by Pakistan — 28 years after the last humiliation was inflicted on them during the 1971 War.

From mid-May to July 1999, Operation Vijay saw infantry battalions of the Indian Army fight some of the fiercest battles to take back the high-altitude posts captured by the Pakistani forces. While artillery fire was instrumental in clearing the way for the infantry soldiers, the Indian Air Force supported the men on ground with its Operation Safed Sagar that included never attempted before air strikes on bunkered posts. Despite the treacherous terrain and icy heights, our armed forces demonstrated a relentless resolve to throw back the Pakistanis, and prevailed.

Twenty years on, the memories haven't faded. The over 60-day conflict was a saga of unmatched valour, grit, and determination that ended on July 26, 1999. It also had the political leadership of a determined kind in Atal ji who signalled unambiguously India's determination to throw out the Pakistan army. It was the first war to be televised and the images have remained etched in our memory.

Even today, we feel the anger at the torture that Lt Saurabh Kalia and five other soldiers on patrol had to endure in Pakistan Army captivity — this violated every norm of a civilised nation. We feel awestruck when we read about the extraordinary acts of courage of soldiers like Captain Vikram Batra, Captain Vijayant Thapar, Captain Haneef Uddin, Major Sonam Wangchuk, Grenadier (now Subedar Major) Yogendra Yadav, Lance Naik Ghulam Mohammed Khan, Captain Neikezhakuo Kenguruse, Squadron Leader Ajay Ahuja and so many others — diverse as they are because they come from different parts of India — represent the deep resolve, grit, and determination to fight for and defend India's people and territory.

The men who never returned from the conflict lived and walked among us 20 years ago. These bravehearts were all young, most just into their 20s and yet their courage was that of veteran warriors. These men and their lives are inspirational — especially to the young Indian that account for the majority of our population.

Today 20 years on, while the 527 bravehearts who laid down their lives during Operation Vijay may not be among us today, but their parents and families are,

and they owe our deepest respectful gratitude. Captain Vikram Batra's identical twin Vishal recently visited Pt 4875, now named Batra Top, and one could easily mistake him for Captain Batra at the location. Colonel V N Thapar still makes his annual pilgrimage to Knoll at the spot his 22-year-old son Captain Vijayant Thapar laid down his life to fulfill his last wish. Diksha Dwivedi, the daughter of Major C B Dwivedi, who laid down his life at Kargil, published a book, *Letters from Kargil* in which she tells the story of the Kargil war through the letters of the soldiers who were there at the battlefield. They carry forward the legacy of their sons, fathers, brothers, and husbands who fought and sacrificed in Kargil.

The 20th anniversary of the victory at Kargil is being celebrated with the theme, "Remember, Rejoice and Renew". Today we "remember" our bravehearts by revisiting their stories of service and sacrifice, "rejoice" by celebrating the victory and honour these brave men brought their country and "renew" our resolve to remember, honour and commemorate their sacrifices and safeguard our nation.

Today, Kargil Vijay Diwas is being celebrated across the country, but it wasn't always so. I remember how under the Congress-led UPA government, from 2004 to 2009, the Kargil War victory was not celebrated at all. It was after my persistent demand that the then Defence Minister A K Antony started the tradition of laying a wreath on the occasion of Kargil Vijay Diwas from 2010. Since then, Kargil Vijay Diwas has been observed and celebrated by every citizen, and the government of India officially.

This 20th anniversary of Kargil Vijay Diwas is a big milestone in the history of our proud nation. It is a day which reinforces the support of every Indian to the service and lives of our men and women in uniform and their families. On this day, we must once again pledge to do whatever is necessary for our bravehearts — including pursuing Pakistan over the torture and killing of Captain Saurabh Kalia and five other soldiers, as well as pursuing with Pakistan the issue of 54 missing war heroes from 1971. Their families have not yet found closure.

Ever since India became Independent, we have had to deal with threats from across our borders. Pakistan, in particular, has launched many battles and has been inflicted humiliating defeats in all of them, including the recent Balakot strike, approved by Prime Minister Narendra Modi, and delivered by our air warriors. Seventy two years after Independence, the threats from Pakistan remain — albeit of a different kind. Men and women of our armed forces serve and sacrifice every day fighting terrorism. So, as we celebrate 20 years of inflicting a crippling defeat on Pakistani forces, let us also salute the men and women who served then and those that serve today to keep us safe and our country secure. Jai Hind.

The writer is a Rajya Sabha MP

LETTERS TO THE EDITOR

TURMOIL IN GOA

THIS REFERS TO the article, 'The BJP I knew' (IE July 25). The writer's anguish over recent happenings in the BJP across the country in general, and Goa in particular, is justified. He implies that had the voters anticipated the turncoats will be won over by the lure of office, they would not have voted for them. If the Goans wish to teach these turncoats a lesson, they must ensure that they do not win any future election.

RK Vijay, Jaipur

HERO OR VILLAIN

THIS REFERS TO the article, 'Clinging to patriarchy' (IE, July 25). The issues raised by the author do exist in society and young girls have to bear the brunt of the patriarchal retaliation against women's empowerment. That explains much of the harassment faced by women. Arjun Reddy's character typifies hooliganism.

Gajendra Saini, via e-mail

BJP'S OVERKILL

THIS REFERS TO the editorial, 'A dismal frame' (IE, July 25). Unsurprisingly the all-powerful BJP is resorting to horse trading to destabilise the few state Congress governments which could survive its onslaught. It has no qualms in admitting in its ranks even those Opposition leaders whom it accused of corruption and other improprieties. But to be fair to the BJP, it is doing so only to pay back the Congress of yore in the same coin. In its heyday, the Congress toppled non-Congress state governments. Anyhow, the BJP's overkill does not augur well for democracy.

Tarsem Singh, Mahilpur

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

IDEAS FOR SCHOOLS

THIS REFERS TO the article, 'How not to educate India', (IE, July 24). The new National Education Policy has suggested the National Tutors Programme and Remedial Institutional Aides Programme and advanced ideas like peer learning, supportive instruction, and community participation in the teaching process. All this could neutralise the menace of the private coaching industry. But schools have been left to implement these ideas. Is that possible with teacher's attendance still an issue in the country? It's high time that this issue is paid attention.

Sudip Kumar Dey, Kolkata



RAJESH M KAYAL

AN IMPORTANT announcement in the finance minister's budget speech pertains to the introduction of a system of faceless tax scrutiny assessment. Such an assessment is commendable because in the first place, it means that the assessing officer would not know the taxpayer's identity and would use only the online filing, and technology platform, to scrutinise the details of the tax payer. Second, there won't be any personal interaction between the tax payer and the tax officer. This step aims to eliminate corruption in the tax department. However, there are questions over whether faceless scrutiny can end the harassment of taxpayers.

For faceless tax scrutiny to be successful in all respects, the most important rule is that tax rules ought to be drafted with utmost clarity. Unfortunately, in our Indian tax system, legal disputes ensue because tax laws are not drafted with clarity and are hence misused by tax officers. Such litigation adds to cases in the country's already overburdened courts. Take for example section 115BBD. Under this section, dividend of more than Rs 10 lakh received by a resident tax payer from domestic or other companies is taxable. However, the online assessment order makes the dividend received by a non-resident taxable as well; dividends from mu-

Making anonymity work

Faceless tax scrutiny assessment requires clarity in law, accountable officers

tual funds are also taxable. Online rectifications are rejected, leaving taxpayers with no option but to file a tax appeal and then wait for years to get justice. Even a brochure issued by the tax department to clarify the issue of taxing non-residents wrongly mentions that such people have to pay tax for a dividend above Rs 10 lakh.

One can give a number of such examples. In the past, section 80HHC was the best example of misinterpretation of tax provisions by tax officers. It meant that almost every taxpayer who availed benefits under the section had to undergo litigation on various grounds. Such cases took years to settle. It is, therefore, more important to draft tax rules with clarity before embarking on faceless tax scrutiny.

The tax department should be more taxpayer friendly. The department's object should not be to maximise tax revenue by making unlawful additions to the taxable income of tax payers or by denying them timely tax refunds. Even though we follow the online tax assessment system, tax payers are not issued large refunds in time. One receives an assessment order or an order giving effect to tax appeals but refunds are issued at end of the financial year — that too without interest from the date of the order to the date of the issue of refund. So before

resorting to faceless scrutiny, it would be desirable to make the current online assessment more taxpayer friendly.

Last year, the CBDT issued a circular stating that the commissioners of appeal will be rewarded for issuing more orders in favour of the taxpayers. This was totally uncalled for. It could be construed that the intent of this circular was to pass more unfavourable orders against taxpayers without considering their legality. It is important to fix accountability of tax officers and ensure that they pass assessment orders according to the tax statutes.

In an earlier article in this paper, (Ease of doing investments for NRIs, November 24, 2017), I had written, "It is not easy for NRIs to sell their property in India. After finding the buyer, they have to get a tax clearance under section 195 or 197 for each sale transaction before registering the sale deed. Such deals often fall through due to delay in securing tax clearance." To avoid harassment of NRI taxpayers, a circular was issued setting a time limit of 30 days to issue a clearance certificate. The process also allowed the submission of online applications with required papers. But that has not been of much help, because of the corruption in the department and the unfriendly attitudes of tax officers. Taxpayers are

issued online notices to submit affidavits or papers, which are not relevant to the determination of the tax or the TDS amount.

A person registering a sale deed without obtaining a tax clearance certificate — by accepting a token amount — can be subject to harassment. For example, the tax department can raise an objection for receiving a token amount without the deduction of tax. The tax payer is ultimately left with no choice but to approach the tax officer personally.

At present, tax scrutiny assessments are done online. Tax payers receive notices asking them to submit irrelevant details and papers. They are issued notices stating that the required details have not been submitted in time. Tax payers could be subject to penalty, prosecution or an income tax survey. Even senior citizens are not spared. Facing the threat of a survey, the tax payer approaches the tax officer personally to manage the assessment. Faceless scrutiny will definitely put an end to corruption as the personal interaction between a taxpayer and tax officer will not happen. But before that, the government must ensure that tax officers do not pass unlawful orders online. Tax statutes too need to be drafted with clarity.

The writer is a chartered accountant