



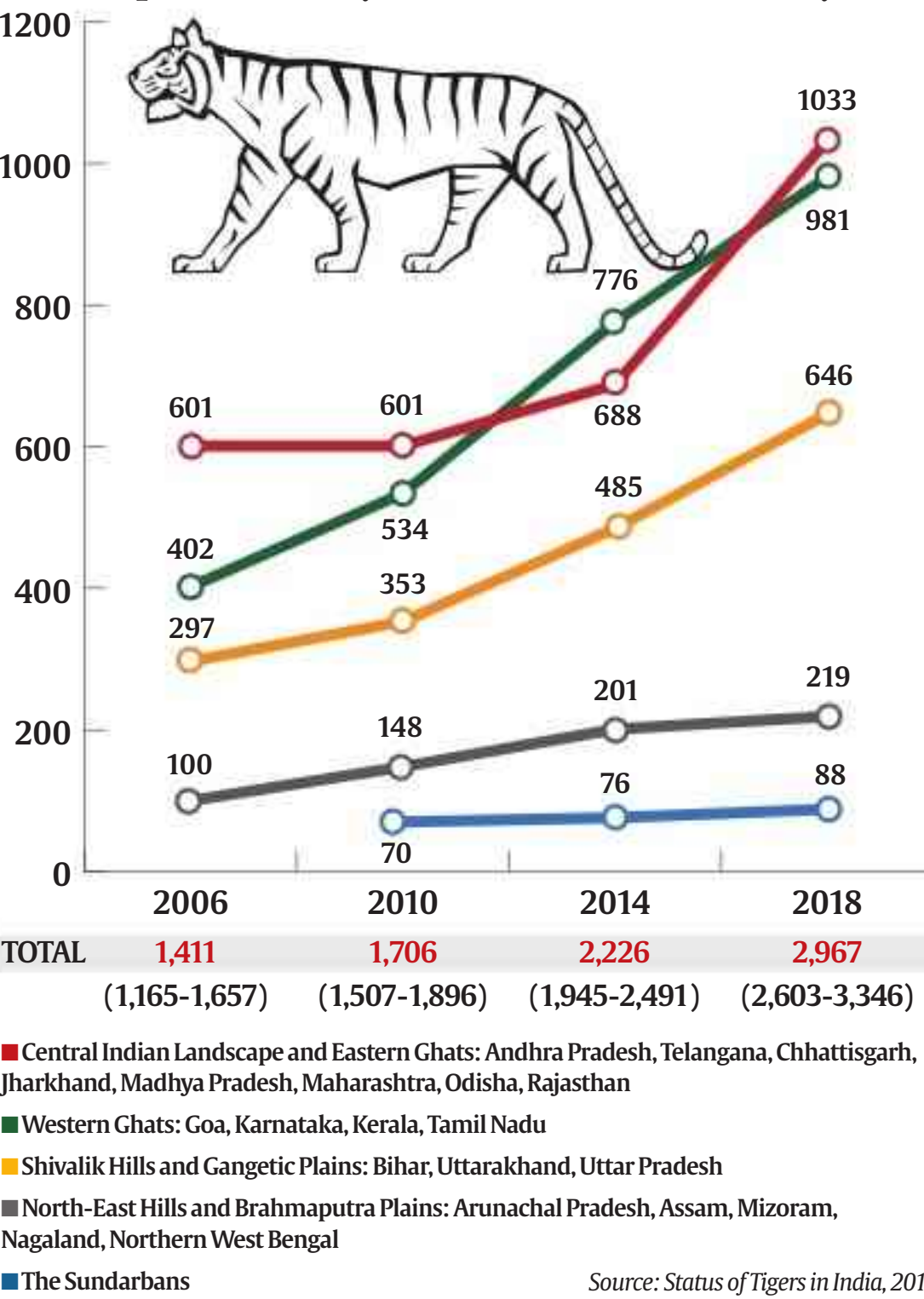
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## TELLING NUMBERS

### Where the big cat numbers have grown, and by how much

Since state boundaries do not apply to the movement of tigers, conservationists prefer to talk about tiger numbers in terms of landscapes rather than of states. This is how the five tiger landscapes identified by the census have done over the years.



## THIS WORD MEANS

### ROBOBEE X-WING

A robot that's half the size of a paper clip and can fly untethered

IT IS essentially a flying machine, which can flap its wings 120 times a second and is half the size of a paperclip, as a report in *The Wired* describes it.

In a recently published paper in *Nature*, researchers from the Harvard Microrobotics Laboratory in Cambridge have claimed to have made possible the "lightest insect-scale aerial vehicle so far to have achieved sustained, untethered flight." The robot can sustain a flight for less than a second. Initially, the researchers called this lightest centimetre-sized vehicle, "RoboBee", but with the current advancement which makes it possible for RoboBee to fly untethered, its name has been upgraded to, "RoboBee X-Wing".

Along with the electronics required to give RoboBee X-Wing its flight, the robot

weighs 259 mg and uses 110-120 milliwatts of power using solar energy, matching the "thrust efficiency" of similarly sized insects such as bees. Much like aircraft, the robot is heavier than the air it displaces — a concept referred to as "heavier-than-air flight". However, when objects become smaller, achieving a heavier-than-air flight becomes more complicated.

Studying the mechanisms that insects use to flap their wings and navigate in the air is a matter of interest to biologists. Flapping-wing robots can help in addressing questions related to the evolution of flight, the mechanical basis of natural selection and environmental monitoring. Others are interested in replicating these abilities to build a new array of machines.

MEHRGILL

VIVEK DESHPANDE  
NAGPUR, JULY 29

THE FOUR-YEAR tiger census report, *Status of Tigers in India, 2018*, released by Prime Minister Narendra Modi on Monday, shows numbers of the big cat have increased across all landscapes. The total count has risen to 2,967 from 2,226 in 2014 — an increase of 741 individuals (aged more than one year), or 33%, in four years.

This is by far the biggest increase in terms of both numbers and percentage since the four-yearly census using camera traps and the capture-mark-recapture method began in 2006. The number that year was 1,411; it rose by 295 (21%) to 1,706 in 2010; and by 520 (30%) to 2,226 in 2014.

Tiger numbers are always projected in a range — 2,967, is the mean of an estimated range of 2,603 to 3,346. The 2018 figure has a great degree of credibility because, according to the report, as many as 2,461 individual tigers (83% of the total) have actually been photographed by trap cameras. In 2014, only 1,540 individuals (69%) were photographed.

The report does not contain numbers of other predators like leopards. But better tiger numbers are generally seen as indicating good prey bases and habitat.

#### Why is a tiger census needed?

The tiger sits at the peak of the food chain, and its conservation is important to ensure the well-being of the forest ecosystem. The tiger estimation exercise includes habitat assessment and prey estimation. The numbers reflect the success or failure of conservation efforts. This is an especially important indicator in a fast-growing economy like India where the pressures of development often run counter to the demands of conservation.

The Global Tiger Forum, an international collaboration of tiger-bearing countries, has set a goal of doubling the count of wild tigers by 2022. More than 80% of the world's wild tigers are in India, and it's crucial to keep



In the Tadoba-Andhari reserve in Maharashtra's Chandrapur in 2017. Prashant Nadkar

track of their numbers.

#### Where has the tiger population increased the most?

The biggest increase has been in Madhya Pradesh — a massive 218 individuals (71%) from 308 in 2014 to 526. In Maharashtra, the number has gone up from 190 to 312 (64%), and in Karnataka, from 406 to 524 (118, or 29%). Uttarakhand has gained over 100 tigers (340 to 442; 30%)

However, since tigers keep moving between states, conservationists prefer to talk about tiger numbers in terms of landscapes. India's five tiger landscapes are: Shivalik Hills and Gangetic Plains, Central Indian Landscape and Eastern Ghats, Western Ghats, North-East Hills and Brahmaputra Plains, and the Sundarbans.

#### Which states/regions have done badly?

Only one of the 20 tiger-bearing states has seen a fall in numbers — Chhattisgarh, where the census counted 19 tigers, significantly fewer than the 46 of 2014. The report has cited law and order as the reason — large parts of the state are hit by the Maoist insurgency. Greater conservation efforts are needed

in the "critically vulnerable" Northeast hills and Odisha.

No tiger has been found in the Buxa, Palamau and Dampa reserves.

#### How were the estimates reached?

The census was carried out in four phases. Phases 1 and 2 covered forest beats, generally spread over 15 sq km each, by Forest Departments, to collect signs of tiger presence like scat and pugmarks. Enumerators walked paths called line transects to estimate the abundance of prey. This was followed by sampling of plots along the transects to assess habitat characteristics, human impact, and prey dung density.

In phase 3, the information was plotted on the forest map prepared with remote-sensing and GIS application. Sample areas were divided in 2-sq-km parcels, and trap cameras were laid in these grids.

In the last phase, data were extrapolated to areas where cameras could not be deployed.

Authorities say the census is the world's most extensive biodiversity mapping exercise. A total 3,81,400 sq km of forests were surveyed; 5,22,996 km on foot. 3,17,958 habi-

tat plots were sampled for vegetation and prey dung. There were 26,838 camera trap locations, which covered 1,21,337 sq km.

A staggering 3,48,58,623 wildlife pictures were captured. Of them, 76,651 were of tigers; 51,777 of leopards. The entire effort consumed 5,93,882 man days.

#### So, why have the numbers gone up?

The success owes a lot to increased vigilance and conservation efforts by the Forest Department. From 28 in 2006, the number of tiger reserves went up to 50 in 2018, extending protection to larger numbers of tigers over the years. Healthy increases in core area populations eventually lead to migrations to areas outside the core; this is why the 2018 census has found tigers in newer areas. Over the years, there has been increased focus on tigers even in the areas under the territorial and commercial forestry arms of Forest Departments. The brightest spot in the non-protected tiger-bearing areas is the Brahmapuri division of Chandrapur district of Maharashtra, which has more than 40 tigers.

The other important reason is increased vigilance, and the fact that organised poaching rackets have been all but crushed. According to Nitin Desai of Wildlife Protection Society of India, there has been no organised poaching by traditional gangs in Central Indian landscapes since 2013.

The increased protection has encouraged the tiger to breed. According to Wildlife Institute of India Director V B Mathur, tigers are fast breeders when conditions are conducive. Tigresses with four cubs were found living in the shrubby vegetation around the Chandrapur Super Thermal Power Station.

The rehabilitation of villages outside core areas in many parts of the country has led to the availability of more inviolate space for tigers.

Also, because estimation exercises have become increasingly more accurate over the years, it is possible that many tigers that eluded enumerators in earlier exercises were counted this time.

# Three factors that could impact oil prices

UDIT MISRA  
NEW DELHI, JULY 29

THE TREND of crude oil prices mirrors the slightest of changes in geopolitics, apart from the steady course of economic news. In the simplest terms, crude oil prices will move up when something causes the demand to rise or the supply to fall.

In the past six months, crude oil prices have steadily risen from the lows of December 2018 — from \$50.1 per barrel on December 28 to \$74.7 a barrel on May 16 — primarily because of oil production cuts by the Organization of Petroleum Exporting Countries (OPEC), a group of 14 including Saudi Arabia, Venezuela and the United Arab Emirates. It controls roughly 40% of the world's overall oil supply and its exports account for 60% of all petroleum traded globally — as such, its decisions to cut or expand production have a huge impact on global oil prices.

However, since mid-May, and especially over the past few weeks, oil prices have seen renewed fluctuations (*see chart*). The fluctuations reflect the ups and downs in the factors determining crude oil prices. Here are

three key factors likely to affect the movement of crude oil prices.

#### The New Iran Deal

In Vienna on Sunday, officials from Britain, France, Russia, Germany and China met their Iranian counterparts in an emergency meeting hoping to defuse rising geopolitical tensions in West Asia and to salvage the so-called Joint Comprehensive Plan of Action (JCPOA). The JCPOA is better known as the Iran nuclear deal and the US unilaterally pulled out of it in 2018. Since then tensions have escalated between the US and Iran, even as the other countries involved have been trying to avoid the deal from becoming defunct. Over the past few weeks: the US has threatened to launch airstrikes after Iran shot down US drones; the International Atomic Energy Agency has alerted that Iran has breached its side of the bargain by stockpiling more low-enriched uranium (which is used to make nuclear bombs) than it was allowed to in the nuclear deal; and Iran and the United Kingdom have impounded each other's oil tankers.

After the first meeting in Vienna, Iran's Deputy Foreign Minister Abbas Araghchi

said: "The atmosphere was constructive. Discussions were good. I cannot say that we resolved everything. I can say there are lots of commitments". This signalled that supply disruptions may not happen and, as a result, oil prices cooled off.

#### US-China talks

The second big factor is the trade impasse between the US and China. Talks between the two biggest economies restarted in Shanghai Monday. The key worry is that if the tussle carries on between the two economies, it will further slow down global growth (and hence oil demand). The initial response from the talks is pessimistic and as such, here, too, the result has been that oil prices came down a bit, but only after they had first gone up in hope.

#### Fed rate cut

The third big factor is the decision of the US Federal Reserve later in the week. The Fed, as it is often called, is widely expected to cut interest rates for the first time since the 2008 financial crisis. The link between a cut in interest rates and oil prices is not clear. However, if the rate cut leads to higher demand, chances are oil prices will move up.

### CRUDE PRICES HAVE BEEN FLUCTUATING OF LATE

Date	Brent Crude Spot Price (\$/barrel)
Jul 15, 2019	66.86
Jul 16, 2019	65.87
Jul 17, 2019	63.67
Jul 18, 2019	60.7
Jul 19, 2019	61.04
Jul 22, 2019	61.96
Jul 23, 2019	62.28
Jul 24, 2019	63.18
Jul 25, 2019	63.46
Jul 26, 2019	63.46
Jul 29, 2019	63.24

Source: U.S. Energy Information Administration (EIA) and Express News Service

# Behind Maharashtra's plan to treat a portion of the seashore as 'land'

SANDEEP ASHAR  
MUMBAI, JULY 29

THE MAHARASHTRA government has decided to treat a part of the Arabian Sea shoreline at Mumbai's Nepeansea Road as "revenue land" — that is, land that is utilisable and disposable, and which can generate revenues.

Earlier this month, Chief Minister Devendra Fadnavis gave in-principle approval to a proposal for a survey, and to give a cadastral survey (CS) number to the identified portion of the shoreline.

The part of the shoreline in question (*the black rocky patch in the picture*) was marked as "sea" at the time of Mumbai's last land survey. Since then, about 100 shanties have come up illegally on a portion of this land.

And even as the Chief Minister has said that the "developability" of the newly surveyed "land" would be assessed in accordance with Coastal Regulation Zone (CRZ) norms and rules governing construction activity in Mumbai, a developer has submitted an *in situ* slum redevelopment project for the land, which has been admitted by the state-run Slum Rehabilitation Authority (SRA).

Official documents show the Revenue Department processed the proposal for surveying the foreshore area after the same developer forwarded a request to the CMO.

#### So where is this portion of the seashore that is proposed to be treated as "land"?

It is the part of the seashore lying between the low tide mark and the high tide mark in this particular part of South Mumbai. Mumbai's latest approved Coastal Zone Management Plan (CZMP) categorises it as an inter-tidal zone or foreshore, and places it in the ecologically sensitive CRZ-1B category. The CZMP shows it as lying to the seaward side of the high tide line (*see map*).

Officials of Maharashtra's environment department have clarified that as per the CRZ notifications of both 2011 and 2019, no development or construction is permissible on this portion even if it is categorised as revenue land. The 2019 notification allows only foreshore facilities such as jetties, harbours, and ports in such places.

#### Why then has the developer submitted a plan for this part of the shoreline?

Slum-dwellers on this illegally reclaimed portion of the shore have come together to form a "housing society", and have authorised the developer to carry out *in situ* re-development. Reached for a comment, the developer has told *The Indian Express* that he wants the land to build houses, if the laws permit. According to the builder, the slum has existed on the reclaimed portion since 1985.



#### Why is a land survey of the kind authorised by the CM necessary in this case?

A cadastral survey is done to determine the land boundaries of a city, ward, or plot. Since the foreshore area was under water when the last survey was carried out, and exists beyond the current boundaries, a survey is necessary to determine its boundaries. The survey will also effectively increase the ward boundaries.

Once the Superintendent of Land Records carries out the survey and marks the new boundaries, the Mumbai Collector's office would be expected to decide the ownership of the newly formed land, and assign it a CS number. Under The Maharashtra Land Revenue Code, 1966, ownership of foreshore areas vests in the state government.

An independent property card will then be generated containing all the details. The



The foreshore near Darabsha Lane in Mumbai (*map*). During high tide (*left*), water reaches close to the slum which stands on the illegally reclaimed foreshore land. Nirmal Harindran

CS number and the property card are essential documents for the assessment and development of any land.

A cadastral survey in Mumbai was carried out a century ago — between 1915 and 1919. Land maps have since been updated from time to time to reflect changes in boundaries. The Superintendent of Land Records has said that several new foreshore lands have surfaced across the city since the





The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

RIDING ROUGHSHOD

Amendments to UAPA law impinge on right to life and liberty, trample over federalism. Government must reconsider

A WEEK AFTER PARLIAMENT passed the National Investigation Agency (Amendment) Bill, the Lok Sabha gave its nod to the Unlawful Activities (Prevention) Amendment (UAPA), Bill 2019. The UAPA Act currently allows the government to designate any organisation as “terrorist” if it believes that it is involved in terrorism. The amendments passed by the Lok Sabha last week seek to empower the Centre to designate individuals as terrorists. During the debate in the Lok Sabha, Home Minister Amit Shah deployed the national security argument. Banned outfits often change their names. “So, there’s a need for a provision to declare an individual as a terrorist,” he said. There can be little quarrel over the need to bolster national security. But there must be a distinction between an individual and an organisation, and it must be kept in mind that the Constitution guarantees the former the right to life and liberty.

The proposed amendments are also troubling in light of the changes made to the NIA law. The amended NIA law gives the agency the power to “investigate terror crimes relating to Indians and interests of India”. But the amendments do not define “interests of India”, just as the proposed amendments to the UAPA do not spell out who is a terrorist. They merely say that the Centre may designate a person or an outfit “as terrorist if it (he/she) commits or participates in acts of terrorism, prepares for terrorism, promote terrorism, or is otherwise involved in terrorism”. The vagueness at the heart of that formulation means that the Centre and investigative agencies have wide discretionary powers to decide what constitutes a “terrorist offence”. This is a recipe for misuse by governments which, arguably, may view critical voices as inimical to the “interests of India”. During the debate on the UAPA amendments in the Lok Sabha, Home Minister Shah held out the assurance that the new provision will not be misused. But his references to “Urban Maoists” during the debate have raised fears that the government could use its power to tag a person as a “terrorist” to stifle dissent or to target people from specific communities.

The new NIA law gives the agency powers to investigate crimes related to human trafficking, offences related to counterfeit currency, manufacture or sale of prohibited arms, cyber-terrorism and offences under the Explosive Substances Act. These functions were hitherto performed by the police of the state concerned. The policing powers of states will be further curtailed if the amendments to the UAPA act are approved. For example, the provision to empower the head of the NIA to approve the forfeiture of properties of “those involved in terrorist activities” undermines the role of the Director General of Police in the states. In the Lok Sabha, the government used the weight of its numbers to ride roughshod over such concerns. But it would do well to rethink the issues pertaining to the rights of life and liberty, and to federalism, when the amendments to the UAPA come up for debate in the Rajya Sabha.

GOING LOCAL

Broad-based data localisation norms should be resisted. Norms should be contextual, driven by type of data, its specific setting

A HIGH-LEVEL GOVERNMENT panel has recommended doing away with the requirement of foreign firms needing to store a copy of all personal data within India. Firms will now be able to store and process data abroad, though critical personal data will have to be processed and stored in the country. This approach marks a significant departure from the recommendations of the Justice Srikrishna committee report which had suggested that a copy of personal data must be stored in the country. The panel’s decision comes after a rethink by the Reserve Bank of India, which earlier relaxed its April 2018 circular that had mandated that all payment data generated in the country be stored here. This decision, which is likely to be welcomed by foreign companies, who would have seen a surge in costs to comply with these regulations, suggests that a more considered view on localisation norms is evolving in India.

The arguments in favour of data localisation are straightforward — it will address questions on privacy and security, enable greater governmental access to data, and help develop local data infrastructure. But on each of these issues, it is not very clear if the benefits from localisation outweigh the costs. For instance, in the absence of a strong data protection law, questions of privacy and security are unlikely to be addressed. And while there are reasonable arguments to be made in favour of law enforcement having greater access to data, especially when it is not stored in India, interventions such as bilateral treaties aimed at addressing specific issues might be a more prudent approach. This is not to suggest that localisation is never acceptable. There may be cases when it is justified. But these require careful cost-benefit analysis.

The next set of questions are likely to centre around what constitutes critical personal data. The Srikrishna committee report had classified personal data pertaining to finances, health, biometric and genetic data, religious and political beliefs, among others, as sensitive personal data. It had envisaged a data protection agency which would list out further categories of sensitive personal data. But it is debatable whether a single agency is best suited to draw up this list. As, globally, the framing of localisation norms has been largely contextual, driven typically by the type of data and the sector it relates to — in Canada, any data may be sensitive based on the context — sector specific regulators might be better at identifying which data is sensitive.

COOL DOWN

Europe is going through a heatwave. It mustn’t worry, we can help

PEOPLE ARE SUFFERING, besieged by drought and searing 40-degree-plus temperatures and both the government and civil society organisations have had to step in to provide some relief.” In South Asia, and much of the tropics, the heat and its many tortures are old news. But in Europe, they used to crave the heat and the tan, scrambling in parks and public spaces to occupy every inch in the sun. The ongoing heatwave in the Old World has changed all that — Paris witnessed a 70-year-high of 42 degree centigrade, London is boiling and the burning heat is now moving to the Netherlands and Scandinavian countries.

We must spare a thought for the erstwhile colonists — they don’t even grow mangoes and watermelons, they have no aam panna or Rooh Afza to beat the heat. And no Ayurvedic suggestions of cooling food. Parisians must realise that crème brulee, pate and foie gras may give your palate momentary joy, but they are likely to make you sweat. Switch, instead, to lauki, tinda, thayir sadam and the bitterest of gourds, karela. And it may be time that the Bond Street brokers trade in fish n chips for a nice shukto — a medley of vegetables forced on young east Indians by their mothers every summer.

Dealing with the heat could also be a civilisational problem. European architecture, from the baroque to the modern, is meant to keep in the heat. All wood and stone, fireplaces and heaters. The humble ceiling fan, conspicuous by its absence on the Continent, could be of some help. And desert coolers are more effective than air conditioning in the dry heat. Climate change may necessitate a whole new imagination of culture. It’s time high fashion in London and Paris took cognisance of the dhoti and gamcha.



TV SOMANATHAN AND GULZAR NATARAJAN

On public private partnerships, India must learn from UK. Be realistic, not ideological

AS INDIA DEEPENS private participation in infrastructure through Public Private Partnerships (PPPs), it is an opportune moment to explore the lessons from the UK, the pioneer in the use of PPPs and privatisation in infrastructure.

In 1989, the UK government handed over water and sewerage services to private monopolies after assuming the sector’s £4.9 bn debt and giving a £1.5 bn one-time grant. An analysis of water regulator Ofwat’s accounts shows that the companies have since piled up £51 bn in debt and paid out £56 bn in dividends. In the 10 years to 2016, the nine companies paid out £18.1 bn in dividends from post-tax profits of £18.8 bn. They financed maintenance and improvements in infrastructure almost entirely by debt, despite generating enough cash to cover the investments out of internal resources. A study found that refinancing all the equity and debt capital with public debt would reduce costs by £2.3 bn a year and lower household bills by 40 per cent.

In the same 10 years, Thames Water, which services London and was owned by infrastructure fund Macquarie, paid out £1.6 bn in dividends, assumed £10.6 bn in debt, ran up a £260 mn pension deficit and paid no UK corporate tax. In its 11 years of ownership, Macquarie generated 15.9-19 per cent returns. Interestingly, Scottish Water, the only one of the 10 companies which has remained public, with similar efficiency and quality, is the least leveraged and has the lowest tariff, despite investing 35 per cent more than the rest over the last 16 years.

The balance sheet is similar with the railways. Privatisation unravelled quickly with the rail track operator being re-nationalised for safety reasons. The remaining private part, train operators, is heavily subsidised, costing £3.3 bn in 2016-17. Despite rising fares, public spending has nearly doubled in real terms from £2.3 bn to £4.2 bn from 1996 to 2016-17. In the 2012-16 period, these private companies paid out as dividends £634 mn of the £868 mn operating profits. A 2011 government report found the cost of running UK railways 40 per cent higher, and fares 30 per cent higher, than the rest of Europe. Cost per passenger kilometre in 2010 was the same as

The starting point in India may often be a public agency which is inefficient, corrupt at the point of contact with the citizen and providing very poor service. With a much lower starting point, it is quite conceivable that private providers may be operationally more efficient and give better service. To that extent, the case for PPP is stronger in India than in the UK. On the other hand, the regulatory capacity in India is weaker. The unambiguous lesson from the UK is that capable regulators could not prevent asset stripping and skimping on investments.



MURALIDHARAN

IN A DAMNING indictment of policies pursued till now, the UNESCO’s State of the Education Report for India 2019 Children with Disabilities, points out that “among 5 year-olds with disabilities, three-fourths do not go to any educational institution. Nor do one-fourth of the CWD population aged between 5 and 19. The number of children enrolled in school drops significantly with each successive level of schooling... The proportion of children with disabilities who are out of school is much higher than the overall proportion of out-of-school children at the national level”. This does not take into account children “enrolled” but not attending school. And the suggestions made in the Draft National Education Policy — which advocates a host of regressive proposals — will only worsen the situation.

With the overwhelming thrust of the DNEP being towards commercialisation, the vast majority of disabled, who come from economically marginalised sections, stand to be deprived further. The idea to either close down or merge schools to create school complexes, which may be far away and inaccessible, will also adversely impact them.

Contrary to the understanding of the Rights of Persons with Disabilities Act, 2016, (which the DNEP fails to even acknowledge), “access” in the Draft is still understood purely in traditional terms like provision of ramps, handrails and toilets. That access for a person with visual impairment, hearing impairment or a wheelchair user connotes different

ACCESS DENIED

Draft NEP labels disabled as ‘divyang’ and considers its duty is over

ent things, seems to be lost. Even in terms of physical access, reportedly, only 22.4 per cent of schools have disabled-friendly toilets and in around 20 per cent of schools where ramps are required, they are absent.

The RPD Act confers the right to “reasonable accommodation” and support systems including individualised support: Essential for children with disabilities while accessing their right to education. That the accommodation needs of a child with learning difficulty or a child with intellectual disability or autism are diverse, is not even recognised in the Draft.

“Access”, the Draft claims, is a key “guiding principle”. However, no text, Braille or audio version of the Draft has been made available, the “Accessible India” campaign notwithstanding.

The “Remedial Instructional Aids Programme” proposed in the Draft is also problematic: It is disparaging to a section of students, including the disabled, who for a variety of reasons may not be able to academically “perform” like their peers and will lead to segregation. That “students who have fallen behind” can be “remedied” with the help of unqualified and untrained “local heroes” as proposed in the Draft, is baffling.

The DNEP is silent on the concerns of disabled students in higher education. In the last academic year, Meenu Mani, a person with cerebral palsy and a wheelchair user, sought admission to MSW in Delhi University. Her request for a change of exam

centre owing to its inaccessibility was conceded. However, the new centre, too, was located in a basement to reach which a staircase had to be negotiated. In another case, the JNU administration failed in providing Munesh, a visually impaired student, with prescribed texts in Braille/audio formats. It also rejected his request for the mandated scribe and forced him to write both the sessional and end-semester exams on his own.

In a study on the mental health status of school-going adolescents in North East India, published in 2017 in the Asian Journal of Psychiatry, it was found that nearly one tenth of the participants had some mental health issues. A class 10 student was found dead inside the washroom of a south Kolkata school in June this year. The suicide note left behind indicates that she was depressed and facing a lot of pressure. A few days later, elsewhere in Kolkata, an engineering student attempted suicide. Unfortunately, the DNEP underplays the magnitude of the problem. It limits itself to providing counsellors in schools (whose job is not restricted to dealing with mental health issues alone).

The Draft presumes that since the government has labelled the disabled as “divyang” and bestowed them with divine powers, its duty is over. The DNEP fails on all the three parameters of sabka saath, sabka vikas and sabka vishwas.

The writer is general secretary, National Platform for the Rights of the Disabled

JULY 30, 1979, FORTY YEARS AGO

NO DUAL MEMBERSHIP

THE NATIONAL EXECUTIVE of the Janata Party amended its constitution to say that “no member of any organisation having faith in theocratic State can be a member of the party”. It also decided to try and generate public opinion against the “farical character” of the present government led by Charan Singh and to defeat it because of its “unrepresentative and minority character”. Briefing journalists, the party’s general secretary, Ramkrishna Hegde, said that from now onwards members of the Janata Party would cease to be members of the RSS. He said that anyone violating this decision would attract disciplinary action.

UP WITH JANATA (S)

THE UTTAR PRADESH chief minister, Banarasi Das, declared that his government owed allegiance to Prime Minister Charan Singh, and the Janata (S) chief, Raj Narain. Talking to journalists on his return from Delhi, the chief minister, however did not say that his government belonged to the Janata (S). Banarasi Das said that since its very formation, his government had been secular for the communal elements had been kept out of it. Instead of opting out of the Janata Party, he had asked all those who had links with the Jana Sangh or RSS to leave the party and claimed that 80 per cent of the MLAs were with him.

FLOOD TOLL

ABOUT FIVE MILLION people are braving the fury of floods in the northern and eastern states. Relief operations are in full swing in these states. The situation was reported to be more serious in UP where about 2.5 million people have been affected. The situation in Gorakhpur, one of the five eastern UP districts, has worsened, according to official reports reaching Lucknow. So far, 246 villages with a population of over 31,000 have come in the grip of floods and an area of over 17,000 hectares has been affected. Heavy rains and consequent waterlogging has resulted in damage to over 1300 houses in the district and 150 persons have been moved.





# Change without reform

Cleared by Parliament, the Protection of Human Rights (Amendment) Bill 2019 does not further empower the NHRC, ignores need for structural changes



TAHIR MAHMOOD

A FORMER CHIEF justice of the apex court and one of its judges, a retired high court chief justice, two non-judge dignitaries, and heads of national commissions for Scheduled Castes and Tribes, minorities, and women. This high-ranking eight-member group was assembled in September 1993 by the then Congress government to form a new paras-tatal entity to be known as the National Human Rights Commission (NHRC). A bill enabling the government to establish such a body had been moved in Parliament three months earlier but could not be passed due to the severe criticism of its flawed provisions within and outside the House. In view of the approaching 45th anniversary of the Universal Declaration of Human Rights, the government then hastened to constitute the proposed commission through an ordinance. Early in the next year, the ordinance issued for the purpose was transformed verbatim into the new commission's statutory charter.

In the coming years, the NHRC's functioning and performance earned censorious critiques. Jurist-judge V R Krishna Iyer called it "the biggest post office in India" (forwarding complaints to the government and its replies to complainants). Commenting on its first two official reports, noted lawyer Rajeev Dhavan said it had "assumed a stance far too grandiose not commensurate with its resources and internal will" and was "a mere showpiece to convince the world that the government is committed to human rights protection."

Former Chief Justice Ranganath Misra was appointed the NHRC's first chairman. Two days after he demitted office, I took over the chair of the National Minorities Commission and hence became an ex officio member of the NHRC. A month later, former Chief Justice M N Venkatachaliah joined as its next head. I worked with him for nearly three years, and also for some time with his successor, J S Verma. My friendly terms with the next two NHRC chiefs — Adarsh Anand and Rajendra Babu — allowed me to closely watch its working. Utterly disappointed, I kept stressing the need for a speedy overhaul of the commission's charter.

Venkatachaliah, as NHRC chief, had invited former Chief Justice Aziz Ahmad to head a committee he had formed to review the commission's statute. Eminent jurist and human rights activist Rajinder Sachar was on the committee and its report bore the imprint of his ideas. In 2006, the government of the day had the NHRC law revised. However, it ignored the Ahmad committee's focal submissions. The exercise failed to rid the commission of the infamy of being a toothless tiger.

The present government has now once again amended the NHRC charter. Cleared by Parliament, the Protection of Human Rights (Amendment) Bill 2019, which makes sweeping changes of far-reaching consequences to the composition of the commission, will soon be in force. Under the amended law, the government's choice for the NHRC chair will not be limited to former chief justices of the apex court — it can now hand it over to any of the Court's retired judges. The impact of this change cannot be



Suvajit Dey

predicted with certainty — only time will tell whether the wide extension of the government's options in selecting the NHRC chief is a change for the better or worse.

Under the initial NHRC law, its two non-judge members had to be "persons having knowledge of or experience in matters relating to human rights". The number of such members has now been raised to three including a woman member, but the imprecise provision of keeping the coveted positions open to any person of the government's unguided choice remains unchanged. Former governments filled them with its retired officers, and the present dispensation once chose to appoint a ruling party office-bearer — though on being challenged in the court he wisely declined the offer. International human rights jurisprudence is a fast-growing legal discipline and there is no dearth of eminent scholars specialising in it, but successive governments have never considered any such specialist — nor any known human rights activist — for membership of the commission.

To the list of national commissions whose heads are NHRC's ex officio members have now been added two more commissions — those for the backward classes and protection of child rights — along with the chief commissioner for persons with disabilities. The commission will thus have more adjunct than full-time members. Instead, of the heads of its sister-bodies engaged in class-specific work, it would have been more fruitful to associate with NHRC representatives of a few leading NGOs, promoting human rights in general.

With a view to ensuring the independence of the commission, its Act prohibits further government employment for its chair

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NEERJA CHOWDHURY

"THERE IS ONLY one portfolio I am certain I have the right person for," I K Gujral had remarked to a friend, hours before he took over as prime minister in mid 1997. "It is the Information and Broadcasting ministry for Jaipal Reddy." He made this remark minutes after word came — "ho raha hai" — that Congress leader Sitaram Kesri had firmed up the requisite support for him. This was just after the departure of H D Deve Gowda as prime minister.

Jaipal Reddy became India's I & B minister when Gujral took over as PM. It's not as if Reddy was endowed with huge administrative experience at the time, though he had been four times MLA and twice Lok Sabha MP. ( Later, he enjoyed four more terms as Lok Sabha and Rajya Sabha MP, and was Union minister in the 10 years of UPA I and II.) Gujral chose him because he was a true blue liberal.

Sudini Jaipal Reddy, who died in Hyderabad on Sunday morning at the age of 77, was arguably amongst the most liberal political figures in contemporary India. As I&B minister, he piloted the Prasar Bharati Bill to give autonomy to Doordarshan and All India Radio. And when he became I&B minister again in 2004-05 under Manmohan Singh, there was an instance of his political associates seeking his intervention to rein in Doordarshan for something "uncomfortable" telecast against them. " I can't interfere," Jaipal Reddy told them. "There is a Prasar Bharati Act in place and I

believe in it." In fact, he had once remarked that he wanted the I&B department of the government to "wither away". His colleagues would tell him it was not "practical politics". And that may have been one reason why he was shifted from I&B to the urban development ministry in 2005.

His blistering attacks against the Congress on the Bofors issue (1987-89) — which proved to be the undoing of Rajiv Gandhi — were long remembered. Rahul Gandhi, it is said, asked him to be the AICC spokesman again last year, in the hope that "Jaipalji" would be able to mount a similar onslaught against the government on the Rafale deal.

What sticks in my mind was the skill with which he defended the V P Singh government on the terrible violence during the election in Meham in early 1990 — it was dubbed "mayhem" — with allegations of rigging and murder against Devi Lal's son, OP Chautala, which finally proved to be the beginning of the end of government. For almost a month, day after day, at the 4 pm press conference at the historic 7 Jantar Mantar building, Reddy would not budge from the party line, never loose his cool, answer every query till they were exhausted, throw in Harold Laski, Bertrand Russel, Bernard Shaw to divert attention — and yet leave journalists with a sense of sneaking sympathy for him.

Every journalist who went to meet Reddy came away with the feeling that he or she was his favourite. He once told me, "When

you do hard political analysis, don't leave out the human factor". This stemmed from his belief that the media's role in a democracy was as legitimate as that of the executive or Parliament or the judiciary. The government and the media were adversaries at one level, but there had to be dignity in that relationship, he felt.

On my last visit to Hyderabad when I had gone to see him, he told me about his new book, *Ten Ideologies*. I thought he would write on the politics of the last 50 years, which he had participated in, and on which he could hold forth so expansively.

He was, for instance, an avowed supporter of "Mandal", seeing V P Singh's decision to give job reservations to the OBCs not only as a tactic to save his teetering government in August 1990 but also as an inevitable culmination of the rise of the backward classes. Singh "tapped into" this, others like Lalu Prasad, Mulayam Singh Yadav, Mayawati and Nitish Kumar became its beneficiaries.

But by 1997-98, Reddy had become sceptical about the "Third Front's ability to provide an alternative", and termed it a "mirage". The trouble, he once told me, was that "the non-BJP leaders (fighting the Congress) were never informed by a unity of purpose, nor held by a supreme leader". And you needed symbols of legitimacy to hold together.

In 1999, when he decided to rejoin the Congress after battling the party for two

and members. Nevertheless, greener pastures technically not covered by the phraseology of the ban have always been waiting for them. The practice was started with the first commission itself, when two of its sitting members were given gubernatorial positions overnight, and continues till date. The new amendment bill does not disturb the related provision of the Act.

The NHRC's main function is to inquire into complaints of "violation of human rights or abetment thereof, or negligence in the prevention of such violation, by a public servant". But it cannot execute its decisions based on its findings. For that, this high-profile body has to depend either on the central or state government or on the judicial hierarchy in the country — from the top court down to magistrates. The statutory provisions to this effect are not touched by the new amendments.

The situation of human rights in the country remains as bad, if not worse, as it was at the time of establishment of the NHRC and before. Is there really no way to make it a truly effective watchdog, powerful enough to crack the whip on the spate of human rights violations in the society?

Unfortunately, the 2006 amendments in the commission's law introduced by the previous government had not addressed this pressing need of the time. The 2019 changes made by the present dispensation too leave a great deal to be desired. By all counts, the NHRC is yet to be assigned its rightful role in the affairs of the country and the society.

*The writer is former chairman of National Minorities Commission and member, Law Commission of India*

decades, having quit it after the Emergency, I once asked him how someone like him could bring himself to take such a step.

He said it was only the Congress that could fight the battle for secularism, and for him, politics was about ideology and beliefs. That's why, though shunted from one ministry to another, he remained in the Congress till the end. Conscious about his squeaky clean image, he did not give in to corporate pressures when he was Minister for Petroleum. And he had to pay a price for it. Later, after the Manmohan Singh government had gone, a friend asked him, whether Prime Minister Singh had talked to him when he was dropped as petroleum minister. "No," he said. Did Sonia Gandhi talk to him? "No," he replied. "But," he added, " Rahul Gandhi called me and said that I had been wronged."

Journalists write obits about politicians they have tracked, assessing their contribution. There are few you grieve about. Jaipal Reddy is one of them. His going is a poignant reminder that the India we knew and wrote about is not there anymore. Reddy will also be remembered for his artistry as a parliamentarian — on many an occasion, he could be a one-man demolition squad in the house. And for the one liners he would think of everyday, which would become headlines the next morning.

*The writer is a senior journalist*

## WHAT THE OTHERS SAY

"Income inequality, and the impact of President Trump's policies on it, looms as a major issue in the 2020 presidential campaign." —THE WASHINGTON POST

# Great game in Africa

Rajnath Singh's visit to Mozambique offers an opportunity for Delhi to review the progress made in implementing the Indian Ocean strategy



RAJA MANDALA

BY C RAJA MOHAN

DEFENCE MINISTER RAJNATH Singh's visit to Mozambique this week is a good moment to reflect on the growing significance of the East African coast and the islands off it for the geopolitics of the Indo-Pacific.

During his visit to Mozambique, Singh is expected to sign a number of agreements, including on hydrographic survey, sharing of white shipping information and the monitoring of its exclusive zone. He is also expected to deliver two fast patrol naval craft to the country as part of India's expanding security cooperation with Mozambique.

It's a pity that the defence minister's itinerary does not include two nearby island nations, Comoros and Madagascar. A visit to these two islands might have given the minister a better strategic appreciation of Mozambique and its maritime neighbourhood.

Mozambique, Madagascar and Comoros together constitute the Mozambique Channel, a critical waterway in the Indian Ocean, that has shaped the strategic evolution of the Indian Ocean over the centuries.

It is worth recalling that Vasco da Gama, in his search for a sea route to India, sailed through the Mozambique Channel in 1498 after coming round the southern tip of Africa. Since then, the Mozambique Channel had been a major choke point in the sea lines of communication from Europe to India and further east.

The control of the Mozambique Channel and the Western Indian Ocean islands became a major element of the extended rivalry between the major powers. European rivalries ebbed after the Napoleonic Wars and the Indian Ocean became a British Lake. After the opening of the Suez Canal in 1869 — which provided a shorter route from Europe to India — the salience of the South Western Indian Ocean began to diminish.

That might be changing as a number of factors draw international attention to the Mozambique Channel in the 21st century. The rise of China and East Asia as well as the slower emergence of India have deepened economic interdependence between Asia, the Middle East and Africa. The sea lines of communication between the east coast of Africa and the Far East have once again acquired some weight and importance.

As a rising China projects its naval power to the west of the Malacca Straits, competition with the established Indian Ocean powers like the US, UK, France and India has become inevitable. As old and new powers jockey for influence in the Indian Ocean littoral, every little island is becoming a contested terrain.

Access to critically located islands has always been an important part of the maritime jousting between great powers. In the Pacific, the contest is best understood as the competition to dominate the so-called island chains — as a springboard for either power projection or as a defensive line against potential naval aggression.

Both the American and Chinese strategic communities agree on the existence of three island chains running in concentric Pacific arcs around Asia. As great power rivalry returns to the Indian Ocean, the concept of island chains helps us understand the new regional dynamic. Three Indian Ocean island chains are coming into view.

One is the Andaman Island chain that bisects the Bay of Bengal. The Great Nicobar Island at the southern tip of the chain is well placed to dominate the western gates of the Malacca Straits that link the Indian and Pacific Oceans. A second chain runs from Gwadar in the northern Arabian sea along the Laccadives-Chagos ridge to Diego Garcia island that hosts a large American base.

A third island chain flows down from Djibouti in the Horn of Africa, down along the East African coast to the Mozambique channel through the island of Zanzibar. The islands in the South Western Indian Ocean, including Madagascar, Comoros, Seychelles and Mauritius, can be seen as part of this chain.

Along all the three island chains, India is scrambling to cope with the rising Chinese naval profile. As the home minister in the previous government, Singh was in charge of the Andaman chain and presided over the initial steps to modernise the governance of the islands and augment Indian naval presence there. But China's deepening security ties with the littoral countries of the Bay of Bengal could begin to undermine India's geographic advantages arising from the ownership of the Andamans.

On the second island chain, Delhi warily watches China's expanding naval presence on Pakistan's Arabian sea coast and is battling to retain India's primacy in Sri Lanka and the Maldives. Meanwhile, US naval presence in Chagos is coming under stress as sovereignty over the archipelago has become the subject of an international dispute.

Once dominated by the European powers, the third island chain running along the east coast of Africa to the South Western Indian Ocean has seen the dramatic expansion of Chinese economic and strategic influence over the last decade. Besides the establishment of its first military base, China has an ambitious agenda of port construction, infrastructure development, and defence diplomacy.

During its first term, the Narendra Modi government had done much to put Africa and the third Indian Ocean island chain on Delhi's mental map. This included decisions to enhance the diplomatic presence in Africa, initiate sustained high-level political contact and beef up security partnerships in the littoral of the South Western Indian Ocean.

But the scale of the challenge confronting India in the three island chains continues to expand, amidst China's rapid strategic advance in the Indian Ocean.

Singh's visit to Mozambique offers an opportunity for Delhi to review the progress made in implementing the Indian Ocean Strategy that PM Modi announced during his visit to some of the island nations in 2015. Such a review should also help reveal at least a few of the big obstacles — especially the internal ones — that continue to limit Delhi's possibilities with the three Indian Ocean island chains.

*The writer is director, Institute of South Asian Studies, National University of Singapore and contributing editor on international affairs for The Indian Express*

## LETTERS TO THE EDITOR

### WRONGED PATIENTS

THIS REFERS TO the editorial, 'Patients and victims' (IE, July 29). Medical devices and implants exist in a regulatory black hole. Doctors take patients for a ride. The implant industry is a cash cow for hospitals. In the absence of transparency and regulation, no one can challenge the medical fraternity. This is one reason for the trust deficit between patients and doctors. The doctor behaving like a salesperson speaks volumes about the state of affairs.

**Deepak Singhal, Noida**

### LIC'S NEW REGIME

THIS REFERS TO the report, 'LIC listing back on agenda' (IE, July 29). The listing was on the government's agenda right from the recommendations of Malhotra Committee in 1994. The reason given then was that a competitive environment will ensure better service to policy holders. However, LIC has maintained its leadership in the market after the opening up of the insurance sector since 2002 through improved service and unmatched claim settlements. The government must explain, what the "sovereign guarantee" by the government — available to LIC policies — will be after divestment.

**Vasant Nalawade, Satara**

### KIM AGAIN

THIS REFERS TO the report, 'North

### LETTER OF THE WEEK AWARD

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

THE WINNER RECEIVES SELECT EXPRESS PUBLICATIONS

Korea tests two missiles, says warning to 'warmongering' S Korea' (IE, July 27). North Korea fired new short range ballistic missiles last week. The event was supervised by the country's supreme leader Kim Jong Un. This demonstration of a "new tactical guided weapon" seems to be a warning to South Korea to stop conducting joint military exercise with the United States.

**Adish Bohra, Ujjain**

