



The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

UNNAO INDICTMENT

A law enforcement system that hounds the victim, a political regime that presides over injustice — amends must be made

A CHILLING SEQUENCE of events has played out in and around a village in Unnao district, Uttar Pradesh. About two years ago, a teenager was allegedly raped by the locally powerful four-term BJP MLA on the pretext of helping her get a job. Almost a year later, she tried to draw public attention to the alleged crime and to her accusations of continued police inaction by attempting to immolate herself in front of Chief Minister Yogi Adityanath's residence in Lucknow. Subsequently, her father was taken into custody in connection with an Arms Act case; he died in judicial custody. The case was transferred to the CBI, MLA Kuldeep Singh Sengar was arrested, but, by all accounts, the repeated cries for help of the woman and her family and their allegations of police harassment and intimidation by the accused and his henchmen went unaddressed, leading to her writing a letter to the chief justice of India earlier this month. Also this month, her uncle was convicted in a case filed by the accused's brother. On Sunday, a collision of the vehicle she was travelling in with a truck bearing a blackened nameplate, which took the lives of two of her aunts, left her and her lawyer critically injured, battling for their lives. Now, after an FIR for murder and attempted murder is filed against Sengar and others, the BJP, the ruling party in UP and at the Centre, claims it suspended him long ago, but the impression is grim and inescapable: Of a law enforcement machinery that systematically hounds the victim, a powerful accused who is able to spread fear even from inside jail. And a political regime that, at the very least, turns a blind eye to horrific injustice.

Now both government and Opposition must ensure that the spotlight does not shift away from the case to the posturing around it. The outrage and furore will have served a purpose only if the law enforcement machinery, that has evidently been so effete in this case, is shamed into action. In particular, the BJP government in UP must know that it will be watched. The Yogi Adityanath regime, so far, has presided over a terribly mixed record on law and order. Even as it projects itself as strong and iron-fisted on crime and the criminal, it has invited persistent allegations that it favours the strong against the weak, the majority against the minority. Or, as it seems to be in Unnao, the rich and powerful against the poor and helpless.

Cases such as this one are a test of the basic compact between a people and the government: That crime will be punished. There can be no greater indictment of a system than the mounting impression that the victim is being punished, instead. This impression should be an especially heavy cross to bear for a party and government that do not tire of underlining their commitment to the empowerment of women.

CALL OF THE TIGER

Growing tiger numbers point to the urgency of devising conservation models that also work outside protected areas

THE REPORT OF the tiger census released on Monday showcases a significant achievement for the country's conservation efforts. India is now home to 2,967 tigers. The last tiger audit in 2014 had counted 2,226 tigers. Even more remarkable is the fact that the latest census shows that the tiger population has increased by more than 100 per cent from 2006, when the numbers of the big cat had hit an all-time low of 1,411 — the animal had been completely wiped out from some reserves such as Sariska in Rajasthan.

The tiger is at the top of the food chain in several ecosystems and its conservation is important to ensure the health of these habitats. A steep fall in the tiger population could lead to a rise in the herbivore population, which could destroy forests by feeding on trees and plants. That is why the decline in tiger numbers in 2005-2006 rang alarm bells amongst wildlife scientists and conservationists, prompting the government to form a Tiger Task Force, and tighten protection measures. The number of tiger reserves has gone up from 28 in 2006 to 50 in 2018. Healthy increases in the population of tigers in these reserves have led to migration outside these protected areas. Several studies have shown that 25 to 30 per cent of the country's tigers now live outside the core area of national parks.

There is, however, a flip side to the increase in the tiger population. As the animals spill out of protected areas, their proximity to human habitats increases. And, when humans and tigers come face to face, the big cats often pose serious threats to humans and their livestock. There have been several reports of human-tiger conflict in the past five years. Last week, about 250-km from Lucknow, villagers beat to death a mature tigress who had strayed from the Pilibhit Tiger Reserve. The animal had reportedly attacked people, who were working in fields. And, last year, the forest department in Maharashtra's Yavatmal district gunned down a tigress that had killed at least six people. These incidents point to a new conservation challenge: Devising wildlife protection models that work outside the tiger reserves. Today, several corridors that link tiger reserves are sites of infrastructure projects. In fact, on Monday, the Supreme Court quashed the Uttarakhand government's proposal for a road on a corridor between the Rajaji Tiger Reserve and the Corbett Tiger Reserve. Sustaining the country's tiger population will, therefore, require a deft balancing of the imperative of conservation with the needs of local people and the demands of infrastructure development.

SUGAR BOMBS

With the 'Odisha Rasagola' getting a GI tag, a culture war is back to square one

CHAMPAGNE IS FROM Champagne, butter chicken is from Delhi and the rosogolla, a dessert both subtle and sublime is Bengali. But the certainty of old was questioned, and a cultural war drum sounded, when in 2014 Odisha claimed that it was the true progenitor of the sweet, soft balls of chenna and sugar. In 2017, it appeared as though West Bengal had put the matter to rest when the IPR cell in the Department of Industrial Policy and Promotion granted a geographical indication (GI) status to "Banglar Rosogolla". In 2019, that's changed. "Odisha Rasagola" now has a GI tag too, and the battle is back to square one.

Odisha's claim is based on a report by scholar Asit Mohanty, who submitted a report to the state government, which stated that rosogolla (or rasagola) was cited in the 15th century Oriya Ramayan by Balaram Das and has been a religious offering for six centuries. But its antecedents aside, there is in fact little difference between the rasagola and rosogolla. And, with desserts as with people, where they end up is as important as where they come from.

Historical accident, as much as precedent, is responsible for the Bengali claim over rosogolla. As the launching point of the British Empire as well as the capital of the Raj for long, Bengal has laid claim to many a cultural artifact, and the Calcutta elite has often been accused of snobbery, of not taking seriously the diverse depths of other groups in what was once the Bengal Presidency. The current battle over the rosogolla is just another front in the culture wars in east India. The shadow of Bengali dominance is receding and non-Bengali cultures are trying to assert their contribution — to language, literature, history and food. But in the larger scheme of things, what's in a GI tag? Would a rosogolla not taste just as sweet, wherever it came from.



SUHAS PALSHIKAR

THE LONG, BORING and predictable non-thriller in Karnataka is over. We can assume that similar coups will be staged in some other states on a periodic basis. Indeed, a handful of MLAs were already pocketed by the BJP in Goa recently, while an open claim has been made during the election campaign by the BJP president that Trinmool Congress MLAs will soon start deserting the party. In Maharashtra, almost every day, some prominent leaders from the Congress or NCP have been joining the BJP, and occasionally the Shiv Sena.

Therefore, rather than lamenting what happened in Karnataka, it is more useful to take into account the larger significance of such cross-party poaching. Two straightforward responses often dot media discussions on these developments. One is laced with moral indignation, a sense of resignation and exasperation. This constitutes a lament about honesty and integrity of party members combined with the frustration that the anti-defection law is so ineffective.

The other response, coming from pro-BJP observers and also from many independent observers, reminds us how this is only a repetition of what used to happen earlier during the heydays of Congress' dominance. On the one hand, this response fits well with the current bout of whataboutery — "they did it earlier, why criticise the BJP now for doing the same". This response knowingly or unknowingly attempts to exonerate any transgressions of democratic morality today in the name of similar transgressions in the past. This line of argument seldom realises that it denies any space for recovery. Instead, it situates democracy in a déjà vu of dead ends and impasses. For non-BJP observers, such a response implies the impossibility of critique. One cannot begin commenting on the present without going through an endless list of criticisms of the past.

But if we choose to move beyond cynical justifications and helpless lamentations, what can we learn from the developments in Karnataka, Goa, West Bengal or Maharashtra — and possibly everywhere? They tell us about the fragility of India's parties and party system. Today, the BJP appears invincible, ascendant and almost hegemonic. But it still needs to demolish other parties, not through elections, but through the subterfuge of defections. It simply cannot rely on its "so-

We have lamented political events in Karnataka. We must also note their significance

The current processes of in-flow and out-flow underline the weakness of the way parties are organised. Parties do talk about membership drives, but they often obfuscate intra-party democracy and intra-party competition. Tickets are bought, begged, stolen, but not distributed on any sound principles that would convince party workers to stay on with the party even when it denies them the ticket. Organisational hierarchies are marred by personality cults — but family is the basic organising principle at the local level for most parties.

many-crores-strong" members and its ideological anchor for entrenching itself; it requires a steady import of all sorts of dubious characters and practitioners of the old regime in order to put itself in a position of strength. This peculiar predicament of the BJP draws attention to four lessons about party politics and party building in the Indian context.

In the first place, the current processes of in-flow and out-flow underline the weakness of the way parties are organised. Parties do talk about membership drives, but they often obfuscate intra-party democracy and intra-party competition. Tickets are bought, begged, stolen, but not distributed on any sound principles that would convince party workers to stay on with the party even when it denies them the ticket. Organisational hierarchies are marred by personality cults — but family is the basic organising principle at the local level for most parties. The looseness that marks the organisation and functioning of parties allows its elected representatives to function almost independently from the organisation.

In fact, electoral victories for many candidates are so individualistic that they can easily override the party in their legislative performance and choices. Only when parties are tightly controlled by a leader does some of this looseness appear to be reined in. But in exchange, proximity with the supreme leader trumps principles of party organisation. So, the result is the same — an anarchic, individualistic, unregulated and meaningless manner in which party organisations function.

Two, there is no mechanism to broker ambitions of party workers at any level of the party hierarchy. Because the rise to power within the party is unreasonably individualistic or based on transparent cronyism, when different workers at the same level aspire for something, the party does not have pluralistic, consensual and/or formal democratic mechanisms to address intra-party competition. Vulgar money, closeness to the leadership, recourse to community identity, and increasingly, show of muscle power, operate in situations of intra-party competition.

Characteristically, power positions within the party remain stagnant because there is rarely any routine way for incumbents to exit. Young workers seek other avenues because they are not accommodated; but at the same

time, the old guard also migrates to other parties if they are sought to be replaced. The absence of intra-party rules and mechanisms about holding different positions results in party-hopping whenever ambition is circumscribed either by intra-party competition or by fluctuations of party fortunes.

Three, what does this tell us about the link between the party and the voters? When a representative changes party — as in Goa, Karnataka or West Bengal recently — is s/he carrying along the voters to the new party? Both in 2014 and 2019, the National Election Study (conducted by Lokniti) has shown that around 31 per cent voters vote for the candidate rather than the party. But larger numbers say that they vote for the party. Changing a party is clearly a treachery to voters. But it is also true that over and above this more general finding, many representatives get elected on their own "merit" — further weakening the party. All parties need to take notice of this worrying tendency because the party is becoming irrelevant as a vehicle of one's ambition and electoral success.

Finally, indiscriminate party-hopping, what once came to be known as the "aya ram, gaya ram" trend, obviously happens in a milieu of non-ideological parties and politics. It is therefore ironical that in times of the ascendance of a party that actually gets involved in controversies over its ideological inclination, a free movement of present and past representatives is gaining currency. While one may blame this on the non-ideological nature of non-BJP parties, this also suggests that despite its ideological vehemence, the BJP too adopts a non-ideological path to power.

This alerts us to the larger lesson: Politics is supposed to be a route that links personal aggrandisement and a faint sense of public good. In contrast, the BJP's open door policy and its new entrants' penchant for personal aggrandisement suggest that even the faint whiff of public good is losing its relevance. More than the individual entrants, the party that embraces them needs to be blamed — not for the moral scandal this involves but the deeper democratic malaise it tends to exacerbate.

The writer taught politics and is currently chief editor of Studies in Indian Politics and co-director of Lokniti



AKRITI GAUR

AN INTER-MINISTERIAL COMMITTEE of the Indian government recently made a controversial recommendation to ban all transactional, storage and mining activities related to cryptocurrencies. If the suggestions are implemented, anyone who holds or trades in cryptocurrencies like Bitcoin and Ethereum in India can be sent to jail.

Cryptocurrencies enable some level of anonymity in transactions, operate on decentralised networks outside central banking systems, and are subject to fluctuation. Naturally, consumer and market protection, and lack of accountability of users and exchanges are relevant triggers for regulation. While the recommendations elaborate on some of these concerns, they make a limited case for regulation and not a blanket ban.

Certain justifications provided by the committee merit scrutiny. Excessive power consumption for cryptocurrency mining has been provided as a reason for the ban. The total global power consumption of banks and the internet is approximately 100 TWh and 2,500 TWh per year, respectively. Bitcoin uses 66.7 TWh per year globally. Therefore, this claim appears to be conjecture and perhaps merits a separate evaluation for India. Similarly, the committee points out China as an example that has banned the use of cryptocurrencies. Recently, a Chinese court recognised cryptocur-

A CRYPTIC BAN

Government committee's recommendation on cryptocurrencies is unrealistic

Cryptocurrencies enable some level of anonymity in transactions, operate on decentralised networks outside central banking systems, and are subject to fluctuation. Naturally, consumer and market protection, and lack of accountability of users and exchanges are relevant triggers for regulation. While the recommendations elaborate on some of these concerns, they make a limited case for regulation and not a blanket ban.

tocurrency as digital property. While countries such as China have adopted harsher regulation in the past, their changing approach to cryptocurrencies cannot not be ignored.

The committee proposes a new form of digital currency — the Digital Rupee — which will be the only digital currency permitted under Indian law. The recommendations lack clarity on its implementation, scaling for billions of Indians, inclusion of the unbanked, and whether India possesses the necessary infrastructure for rolling out a digital currency of this magnitude.

The draft law proposed by the committee raises significant questions of implementation and enforcement. It states that all offences under the law will be investigated by the police. Any cryptocurrency-based activity is pseudonymous, decentralised and may span across borders — making it impossible to track such activity in real-time. Policymakers must first assess whether the police and traditional investigation tools are equipped to investigate crimes of this nature.

The committee notes that blockchain technology is nascent and suffers from weaknesses. It acknowledges that the technology will improve over time. At the same time, it has taken a stand to ban cryptocurrency without really understanding its architecture and associated benefits. Global experts have

pointed out that cryptocurrencies are not yet a popular medium of exchange because there is very little acceptance. Even in India, the report of the Government's Working Group on FinTech and Digital Banking (2018) suggests that the use of digital currencies does not pose an immediate threat to the economy. It acknowledges that cross-border use of such currencies makes it difficult for national regulators to enforce laws.

In order to address concerns regarding protection of users and fraud prevention, existing laws can be revisited. Cryptocurrency exchanges, users and other market players can be brought under the purview of anti-money laundering laws or KYC norms. Like the US, sectoral regulators can monitor aspects of cryptocurrency for the purpose of taxation or monitoring large transactions.

Undoubtedly, a case can be made for making reasonable regulation to ensure that blockchain-based cryptocurrencies don't upend the existing financial security of the country, but the way forward isn't a ban. As the government mulls its next move, it is important to consider a reasonable policy that suitably balances technological innovation and protection of users and economic interests.

The writer is senior resident fellow, Vidhi Centre for Legal Policy.

JULY 31, 1979, FORTY YEARS AGO

JANATA SPLIT

THE JANA SANGH-DOMINATED Madhya Pradesh government appeared headed for a major political crisis with the ruling Janata Party vertically splitting into two factions and the leadership taking retaliatory action against the rebels. In an eventful day, while the non-Jana Sangh groups disassociated themselves from the Janata Party and asked the chief minister, V K Sakshalecha, to quit immediately, the latter struck back by asking five of his ministerial colleagues to resign for participating in the "anti-party conference".

UP FLOODS

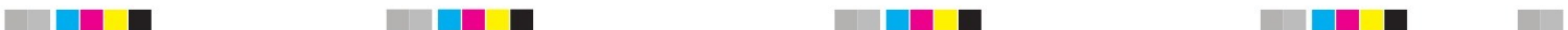
A POPULATION OF over 11 lakh and 3,620 vil-

lages have been affected by floods which have ravaged an area of 4.73 lakh hectares, including 2.46 lakh hectares of cropped area in Uttar Pradesh. The floods have played havoc in Bahraich district where a population of over half a million have been affected in 781 villages. According to reports received at state headquarters, 162 villages have been marooned in Bahraich district. A total of 640 boats are engaged in relief and rescue operations. Four persons and 13 heads of cattle had perished and 2,278 houses have been damaged.

NEW CABINET

WITH THE INDUCTION OF 10 more Cabinet

ministers and eight ministers of state and allocation of portfolios, Charan Singh's coalition government has taken shape. Of the 27 ministers appointed to the Council of Ministers so far, 10 cabinet members and five ministers of state represent the Janata (Secular) and eight cabinet ministers and three Ministers of State are nominees of the Congress. One berth has been given to the Socialist group. C Subramaniam has been given charge of Defence while the Petroleum and Chemicals Ministry has been allocated to T A Pai, who will also hold additional charge of Railways. Biju Patnaik will continue as Minister of Steel and Mines and Coal.



A better blueprint for the city

There needs to be in place a clear roadmap for the planning of metropolitan cities



CITIES AT CROSSROADS

BY ISHER JUDGE
AHLUWALIA AND
AYUSH KHARE

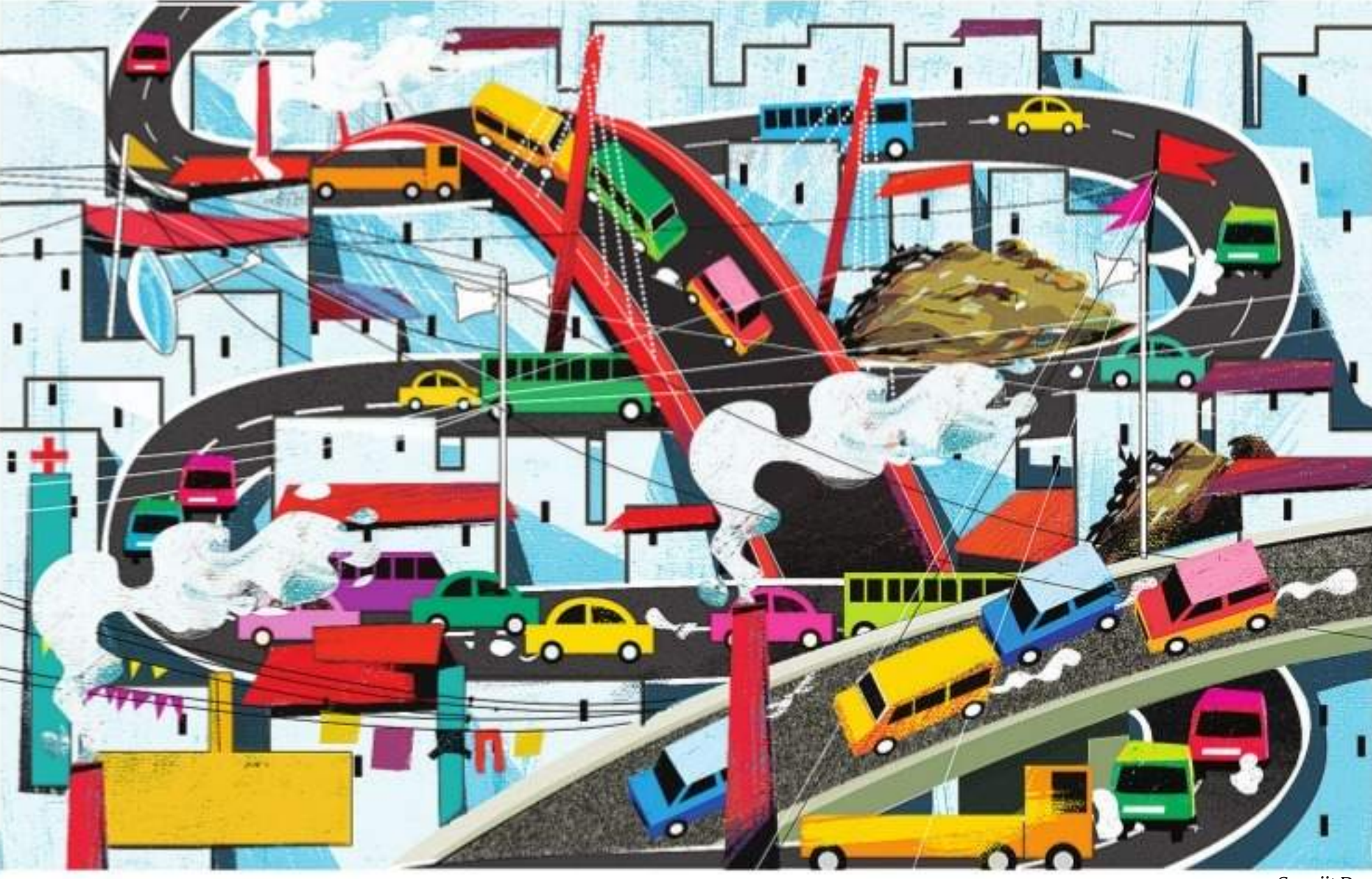
THIS COLUMN USUALLY tries to go behind the visibly deficient state of delivery of public services in our cities and discusses possible solutions. Today, we spell out a challenge which may not be as visible as the burning landfills or flooded streets but, in some ways, is even more important. This is the challenge of metropolitan planning, which has been sorely missing in our development strategy.

This is a matter of grave concern as metropolitan regions are the engines of growth and gateways to the national and global economies. In 2016, the 300 largest metropolitan regions in the world (containing a quarter of the global population) contributed nearly 50 per cent of the global GDP. In India, metropolitan cities such as Bengaluru, Hyderabad, Chennai, Mumbai and Delhi have acted as engines of growth, but the lack of urban planning in general and spatial planning (integrated land use and transport) in particular has left major scars on the city fabric with significant deterioration in the quality of public services and ease of living.

The term “metropolitan area” is defined unambiguously in the Constitution as an area having a population of over one million, consisting of two or more municipalities or panchayats or other contiguous areas that may span over multiple districts. The Constitution provides considerable discretion to state governments in determining the administrative boundaries of metropolitan areas. But the metropolitan regions have been delineated by the state governments without paying attention to the need to create a unified market, especially labour market, which would forge strong economic linkages between the core city and the periphery. As a result, metropolitan regions are being created by default and not by design.

To make matters complex, the Census of India does not use the term metropolitan region or metropolitan area. Instead, a continuous urban spread constituting a town or multiple contiguous town and their adjoining outgrowths, is defined as an urban agglomeration. There are 53 urban agglomerations in India with a population of one million and above. The number is expected to increase to 87 by 2031. Mumbai, Delhi, Kolkata, Bengaluru and Chennai already have population above 10 million, and Hyderabad, Ahmedabad and Surat will join the big league by 2035.

The 74th Amendment Act, 1992, mandated the setting up of Metropolitan Planning Committees (MPC) in all metropolitan areas which were to prepare Draft Development Plans with due regard for co-ordinated spatial planning, sharing of resources, development of infrastructure and environmental conservation. The committees would comprise elected members from the municipalities and panchayats constituting the metropolitan area as well as representation from the state and central government to ensure coordination among the multiple authorities in a metropolitan area. However, MPCs remained a non-starter as



Suvajit Dey

states showed little interest in their establishment. There are no examples of any MPC carrying through a Draft Development Plan via state government approval, financing and implementation.

Development authorities were already in place and they continue to engage in land use planning with little regard for transport planning. A range of institutions such as municipalities, and other parastatals such as state water and sewerage boards, continue to coexist in metropolitan regions, often with overlapping functional jurisdictions and little coordination amongst them.

The ad hoc extension of urban boundaries and regularisation of unauthorised colonies brings with them additional challenges for metropolitan governance and financing. The Delhi government has identified close to 1,800 colonies which will be regularised by the end of next month. Its implications for governance and financing will be daunting unless explicit provisions are made through innovative measures of unlocking land value as has been done by Bengaluru and Hyderabad.

Bruhat Bengaluru Mahanagara Palike (Municipal Corporation of Bengaluru) that was formed after subsuming several towns and villages in 2007 is still struggling to regularise the new properties that were brought under its jurisdiction 12 years ago. The government of Karnataka has recently introduced certain levies on new layouts/developments and additional floor area ratio to create a dedicated resource pool to finance the Bengaluru Metropolitan Rail project. The Hyderabad metropolitan area spans seven districts, including Greater Hyderabad Municipal Corporation (GHMC) and 1,032 villages spread over 7,257 square km. The Hyderabad Metropolitan Development Authority and GHMC have used innovative measures such as betterment charges at the time of approving layouts for the construction of buildings and impact fees from builders for land use conversion to unlock land value, to finance the development of such a large area.

Any rapidly growing economy necessarily experiences structural transformation, and India’s experience has been no different. India has been among the fastest growing economies in the world for more than two

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decades. This has brought about structural transformation of the economy such that the share of agriculture in GDP has declined to 14 per cent and that of services has increased to 58 per cent.

History amply demonstrates that structural transformation necessarily involves spatial transformation. Economic growth-generating activities collocate in metropolitan city regions to reap external economies of agglomeration and networking. Since there is no regional/metropolitan planning in India and metropolitan governance structures are fragmented, public transport and environmental conservation are the conspicuous casualties. Master planning takes a physical view of the city disregarding its economic fundamentals. As administrator P K Mohanty puts it, “the land use planner’s vision, the transport planner’s strategy and the urban economist’s perspective are not integrated”.

Transportation planning plays a major role in ensuring sustainable and balanced regional development through inter-city and rural-urban connectivity. In India, integrated land use planning and transport planning is emerging in major highway projects in a number of cities. Opportunities for urban planning with integrated transport and land use on a much larger scale are emerging in the planned highway expansion in the country with the Golden Quadrilateral, freight corridors, and other networks. While still at an infant stage, the Regional Rapid Transit System planned for Delhi-NCR under the National Capital Regional Transport Corporation (NRCTC) will also immensely improve connectivity between Delhi and far flung areas such as Meerut, Alwar and Panipat, spurring economic growth in the region.

Bold measures for connectivity through transit-oriented development will lead not only to decongesting growth centres but also strengthening labour markets and building rural-urban linkages.

Ahluwalia is chairperson, ICRIER, Delhi, and former chairperson of the high-powered expert committee on urban infrastructure and services. Khare is a research assistant at ICRIER

WHAT THE OTHERS SAY

“The riots won’t have any political future. Hong Kong’s deep-seated problems can only be solved through development.”

— GLOBAL TIMES, CHINA

The 50-day journey

The second Narendra Modi government has displayed its commitment to accountability



KIREN RIJIJU

THE NARENDRA Modi government completed 50 days of its second term in office last week. It is time to present our report card and roll out the roadmap for the future. Some may argue that since this is a continuous government, a report card on the completion of 50 days is not required. Some others may also argue that 50 days comprises too short a period to prepare a report, especially given that the Modi government passed its biggest test only two-and-a-half months ago.

People evaluated the Modi government’s performance in the Lok Sabha election and awarded more than 100 per cent marks in the mammoth democratic test.

This is where the Modi government stands out from the rest. Prime Minister Modi is a tough task master and a firm believer in the accountability of the government to people, the citizens of India. And, for this government, the first 50 days are a period of laying the foundation to accelerate the pace of progress in the country. Therefore, people have the right to know where this government is headed.

The Modi government 2.0 began its journey by making its objectives explicit. It added “sabka vishwas” to its motto of “sabka saath, sabka vikas”. To make this happen, the government set a target of making India a \$5 trillion economy in the next five years. A bigger economy means more economic power, progress and prosperity to every Indian citizen. Budget 2019-20 has set the ball rolling and there is no doubt whatsoever, even in the minds of the Opposition, that the Modi government will achieve this goal.

The kind of tone set by the Modi government 2.0 can be gauged from the following: An investment plan laid out for Rs 100 lakh crore for infrastructure in roads, railways, airports, ports etc; action against corruption stepped up and a clean-up of the banking system, tightening of the noose around economic fugitives, reforms such as the amendment to Insolvency & Banking Code, labour laws benefiting about 50 crore workers; creation of the Jal Shakti ministry to deal with the water crisis that the country is facing and which the scientists say is going to worsen if adequate measures are not taken promptly; and, plans to ensure electricity and LPG connection to every household in the villages in the next three years.

In the first 50 days, the government has provided relief in corporate tax to over 95 per cent of domestic businesses, rolled out pension scheme for traders and increased MSP for farmers.

The launch of Chandrayaan-2 coincided with the completion of 50 days in office of the government.

The government has done its bit when it comes to its commitment to take every

LETTERS TO THE EDITOR

UAPA WORRIES

THIS REFERS TO the editorial, ‘Riding roughshod’ (IE, July 30). Giving more teeth to the UAPA is necessary. However, the amendments to the law should have come with safeguards against misuse. This becomes all the more imperative because the party in office at the Centre is known to be sensitive to criticism.

Vijai Pant Hempur

THIS REFERS TO the editorial, ‘Riding roughshod’ (IE, July 30). The number of terrorist attacks in the country has gone down with the exception of a few border states. Moreover, we have a plethora of laws to combat terrorism. What is the necessity of making the UAPA more draconian? This law could be vulnerable to misuse like the sedition law. It could also tax the over stressed judiciary.

Deepak Singhal, Noida

MAKE IT HUMANE

THIS REFERS TO the article, ‘Change without reform’ (IE, July 30). An evaluation of the NHRC against the backdrop of Universal Declaration of Human Rights makes it imperative to revise the existing human rights legislation.

G Javaid Rasool, Lucknow

RELIGION & SOCIETY

THIS REFERS TO the article, ‘Divine patriarchy’ (IE, July 29). It’s well-known that goddesses have held an advantageous position in the Hindu pantheon

political party along in key reforms. This is evident from the functioning of the Budget Session of Parliament. A record number of bills have been passed in this session. In fact, this is the highest productivity for the first session of Parliament after a Lok Sabha election in recent times.

In diplomacy, the first 50 days of the Modi government 2.0 have been exceptional. Two strategically located neighbours, Sri Lanka and Maldives, have come closer to India at a time when other powers are trying to impose themselves in the Indian Ocean region. Prime Minister Modi’s visit to these two island countries immediately after winning back the people’s mandate shows the importance this government accords to our key neighbours. Relations with China have been strengthened with engagements such as at the Shanghai Cooperation Organisation (SCO) meet in Kyrgyzstan and G-20 summit in Japan.

On the front of combating terrorism, Pakistan has been further isolated in the international community with the prime minister’s call for a global conference on terrorism and holding countries sponsoring, aiding and funding terrorism accountable.

The ruling of the International Court of Justice (ICJ) in the Kulbhushan Jadhav case is another testimony to this government’s intent at doing everything possible to ensure the safety and security of Indian citizens anywhere in the world. ICJ’s ruling that Pakistan cannot execute the capital punishment awarded to the retired naval officer by a sham military court of that country, shows how strongly our government fought for the rights of Kulbhushan Jadhav.

Before I conclude, a few words on the responsibility that Prime Minister Modi has entrusted me with at the Sports and Youth Affairs ministry. Next year shall see the 2020 Olympics in Tokyo, and given the hard work and commitment of our sportspersons, we expect a better performance for India at the Olympics. Consistent support has been extended by our government to sportspersons in their training programmes and participation in international competitions. We have been identifying and nurturing new talent through Khelo India and supporting elite talent through the Target Olympic Podium Scheme. The effort is to build a sporting ecosystem, right from the grass roots level to elite athletes. Under the Khelo India initiative, a National Sports Education Board (NSEB) is also being set up for the development of sports.

Our efforts are not limited to sportspersons but extend to every citizen of India, with the aim to inculcate sports and fitness into everyone’s lives. The transformational change that Modi 2.0 has brought about is in participative governance, where the citizens and government together define what it means to be a proud Indian.

Our prime minister has led from the front in showing us how an ideal citizen thinks and lives. Transforming India requires active and committed participation from each one of us. Let us join hands together to build a New India.

The writer is Minister of State (Independent Charge), Sports & Youth Affairs; Minister of State, Minority Affairs

Big data, big responsibility

The government must address concerns over privacy and secrecy of data



VARAD PANDE AND SUBHASHISH BHADRA

DATA, DATA everywhere, and everyone is taking notice. Not just tech companies and start-ups, but even governments are seeking to utilise the enormous amount of data being generated by the country’s epochal transition to a “Digital India”. The Niti Aayog has laid out a vision for making available anonymised data across sectors. The Economic Survey 2018-19 dedicated an entire chapter to the topic of data — “of the people, by the people, for the people” — making a bold call to harness data as a “public good” in the service of the people.

We welcome this conversation and concur with the idea that governments should harness data and digital platforms to enable more efficient service delivery, product innovation and evidence-based policy-making. But we also believe that with big data comes big responsibility. As demonstrated by Cambridge Analytica and numerous other data breaches, poorly designed systems create risks for individuals, businesses and governments.

One “big idea” that the Survey discusses at length is the creation of a centralised welfare database of citizens that links different government-held data repositories about citizens. The sharing of information, facilitated by this database, can improve welfare delivery, empower citizens with information and “democratise” data. Many states have already taken steps in this direction through the creation of massive databases of infor-

mation on every resident.

While this is a bold idea, we believe there is much to be cautious about as we commence on the collection and use of data at scale as it can lead to loss of personal data, both intentional and unintentional. For example, recently, the Andhra Pradesh government websites publicly displayed the Aadhaar number of women, their reproductive history, whether they had an abortion and so on. Another website exposed the name and number of every person who purchased medicines from government-run stores, including those buying pills for erectile dysfunction.

Whether or not one believes that Indians care about privacy in general, it is obvious that no Indian would want such information to be publicly available. Researchers at CGAP, Dalberg and Dvara Research spoke to ordinary Indians across India and found overwhelming public concern about the security of the data they share with banks, hospitals and other institutions. An individual’s lack of control over data should therefore not be misinterpreted as indifference. The government must design the proposed databases in ways that allow anonymised personal data to serve its highest purpose, while protecting an individual’s agency over data.

The Survey rightly acknowledges the importance of protecting personal information and proposes an architecture that relies on obtaining individual “consent”. But evidence

shows that “consent”, while noble in theory, is deeply flawed in practice. A recent survey by researchers at the National Institute of Public Finance and Policy (NIPFP) shows that even English-speaking postgraduate law students struggle to understand the privacy policies before clicking “I Agree”. Therefore, any large-scale data collection must be preceded by extensive on-ground research on how consent can be made meaningful to the individual.

And we need to go beyond consent. Consent must be supplemented with a full range of individual data rights, including the right to delete one’s data. Any data should be subject to what lawyers call “collection limitation”, which means that a service provider should only collect minimal personal data that is proportionate to the stated purpose.

The databases should be designed in a manner that a department is not able to see the data that it does not need, irrespective of whether citizens give their consent or not. For example, the Ministry of Chemicals and Fertilisers does not need to have access to an individual’s medical records. Access to each additional data field should be carefully evaluated.

The Survey’s emphasis on data security and encryption is encouraging. However, encryption is not a silver bullet. The government should implement bolder technical safeguards. One such feature is decentralised storage of data — for example in the individual’s personal device — rather than in a central database. Another is anonymisation at

source, wherein the data is stripped of any personal information as soon as it is created. These will prevent the creation of data honeypots that can be attacked by hackers or breached accidentally. In addition, research shows that changing the default option — asking people if they want to “opt-in” to (as against “opt-out” of) data sharing requests can make a big difference to how much data gets shared.

And finally, citizens must have a time-bound and easily-accessible recourse to any data breaches or harms. They must be able to reach out to an adjudicatory body through multiple offline and online modes. This body must be empowered to penalise both public and private bodies that use the databases, and redress must be speedy.

India stands at the cusp of a major opportunity, one where data and digital platforms can become an enabler of a meaningful life for every Indian. This is also the opportunity for India to become a global leader and present a new approach that other countries can emulate. But to achieve this, the boldness of our vision must be tempered with a thoughtfulness of approach. Maximising public good but also safeguarding against harm must be the mantra for the new digital India.

The writers work at Omidyar Network India, an investment firm focussed on social impact through equity investments and grants, with an emphasis on technology.

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

as compared to their male counterparts. But this backing by religion hasn’t furthered sensitivity towards women.

Raunak Rai Maini, Delhi

TASKS FOR NEW CM

THIS REFERS TO the report, ‘Karnataka gets Yediyurappa as CM fourth time’ (IE, July 27). BS Yediyurappa should ensure the all-round development of the state. The slowdown in the state’s economy must be reversed.

Sauro Dasgupta, Kolkata





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

THIS WORD MEANS

TOI 270

NASA finds a new planetary system about 73 light years away from Earth



IT IS the name of the dwarf star and the planetary system recently discovered by NASA's Transiting Exoplanet Survey Satellite (TESS). TOI 270 is about 73 light years away from Earth, and is located in the constellation Pictor.

Its members include the dwarf star, which is 40 per cent smaller than the Sun in size and mass, and the three planets or exoplanets (planets outside the solar system) that have been named TOI 270 b, TOI 270 c, and TOI 270 d. These three planets orbit the star every 3.4 days, 5.7 days, and 11.4 days respectively.

In this system, TOI 270 b is the innermost planet. Researchers expect it to be a rocky world about 25 per cent bigger than Earth. It is not habitable since it is located

too close to the star — about 13 times closer than our Solar System's Mercury is from the Sun.

On the other hand, TOI 270 c and TOI 270 d are Neptune-like planets because their compositions are dominated by gases rather than rock. Planet d, which is suspected to have a rocky core covered by a thick atmosphere, offers a surface unfavourably warm for the existence of liquid water, thereby rendering the planet potentially uninhabitable.

With further study and observations, researchers expect to find the composition of these planets, the presence of atmosphere in them and the kinds of gases they contain, etc.

MEHR GILL

TELLING NUMBERS

Maharashtra and Karnataka lead the Start-Up India scheme

MAHARASHTRA, KARNATAKA, and Delhi have seen the highest number of start-ups recognised under the government's flagship Start-Up India Scheme in the period between January 2016, when the scheme was launched, and July 16, 2019, according to a reply tabled by the Ministry of Commerce & Industry in Parliament last week. These three states also attracted the highest investments from Alternative Investment Funds (AIFs) in start-ups. The information was collected by the Department for Promotion of Industry and Internal Trade (DPIIT), and formed part of the reply by the Minister for Commerce & Industry Piyush Goyal to a question asked by Congress MP from Odisha Saptagiri Sankar Ulaka in Lok Sabha on July 24.

According to the reply, a total of 20,028 start-ups across the country have been recognised under the scheme. To meet the funding require-

STATES ATTRACTING THE MOST INVESTMENTS FROM AIFs

State	No of Startups Invested in	Investment made by AIFs*
Karnataka	79	538.3
Maharashtra	69	489.0
Delhi	46	252.9
Haryana	12	120.5
Tamil Nadu	10	88.3

* in Rs crore

ments of start-ups, a Fund of Funds for Start-ups (FFS) with a corpus of Rs 10,000 crore had been established. The DPIIT and the Small Industries Development Bank of India (SIDBI) were taken as the monitoring and operating agencies respectively for the FFS. As of July 10, 2019, SIDBI had committed Rs 3123.20 crore to 47 SEBI registered AIFs, which raised a corpus fund of Rs 25,728 crore.

STATES WITH THE HIGHEST NUMBER OF RECOGNISED START-UPS

State	Recognised Start-ups (16/01/2016 to 16/07/2019)
Maharashtra	3,783
Karnataka	2,938
Delhi	2,634
Uttar Pradesh	1,621
Telangana	1,116

Source: Department for Promotion of Industry and Internal Trade (DPIIT)

SIMPLY PUT

Twists & turns in Unnao story

Recalling the case of an alleged rape and multiple murders linked to a jailed BJP MLA

AVANEESH MISHRA
LUCKNOW, JULY 30

TWO DAYS after a 19-year-old rape victim and her lawyer were badly injured in a mysterious road accident that killed two of the woman's aunts in Rae Bareilly district of Uttar Pradesh, the BJP faced a firestorm of protests in Parliament and outside for allegedly protecting the MLA accused of the rape.

Kuldeep Singh Sengar, who is the BJP representative in the UP Assembly from Bangarmau, is in jail after being arrested on April 13, 2018. On Monday, police registered a murder FIR against Sengar after an uncle of the woman accused him of ordering the previous afternoon's hit on the highway at Gurubakshganj.

The CBI, which has already charge-sheeted the MLA for rape, will now also investigate the road accident in which the car carrying the woman and her companions was rammed by a truck that had a number-plate blacked out.

The woman's father died in judicial custody in 2018. A few days before Sunday's accident, the woman and two of her relatives had written to the Chief Justice of India to say there was a threat to their lives.

What is the story of this case of many twists and turns, which has now escalated into a major political controversy?

The first allegations

On April 8, 2018, the woman, who has since come to be called the "Unnao rape victim" after the district in UP to which both she and Sengar belong, tried to set herself ablaze near Chief Minister Yogi Adityanath's residence in Lucknow to protest alleged police inaction against the MLA, whom she accused of sexually assaulting her.

Police took the woman and eight members of her family, including her mother and grandmother, to the police station. The woman told reporters that the MLA had sexually assaulted her in his home in June 2017, and her family had been threatened.

Unnao Police said the woman's family had alleged that two youths from their village had kidnapped her on June 11, 2017, and that a case had been registered on June 20 that year. Based on the woman's statement, three men, Shubham Singh, Naresh Tiwari, and Brijesh Yadav, were arrested for gangrape and offences under The Protection of Children from Sexual Offences (POCSO) Act. The woman was 17 years old at the time of the alleged incident.

The officer in charge of the police station concerned had said that the woman's family suspected that the MLA was helping the accused youths. They had, according to the officer, therefore, alleged that on June 4, 2017,



The smashed vehicle in which the Unnao rape victim was travelling Sunday. ANI

Shashi Singh, the mother of the accused Shubham Singh, had taken her to Sengar's residence, where he had assaulted her sexually.

Police also said that the woman's father and uncle were criminals — the father had 28 cases of murder, loot etc. against him, and the uncle faced 15 cases, some from as early as 1991.

Subsequently, the woman told *The Indian Express* in an interview that the MLA was a family friend, and that she and her siblings addressed him as "Bhaiyya".

"It was on June 4 last year (2017)," she said in the interview published on April 13, 2018. "I was asked to go inside a room, where he raped me. Later, I was told that my father and family would be killed if I opened my mouth. I did not speak about it to anyone until I was kidnapped by some of his people a few days later, on June 11. They gangraped me for a few days and sold me to someone from whom I was recovered."

Sengar denied all allegations. He claimed some history-sheets were trying to fix him because he had helped "innocent youths" who had been accused in a trumped-up case.

Death of the woman's father

On April 9, 2018, the day after the woman attempted to kill herself in Lucknow, her father died in judicial custody in Unnao jail, allegedly of injuries sustained in a brutal assault by supporters of the MLA six days previously. Four of Sengar's supporters — Vineet, Bauwa, Shailu and Sonu — were named in the FIR filed by the family on April 3.

The accused too, had filed an FIR against

the woman's father, who was booked under sections of the Arms Act and the IPC. The family alleged that the MLA and his supporters had tried to frame the woman's father.

It subsequently emerged that the woman's father had been arrested on the same day as the incident took place, while the four aides of the MLA were arrested only after he died in jail. Six policemen were suspended and, the following day (April 10, 2018), the MLA's brother, Atul Singh, was arrested. The post mortem examination of the woman's father found 14 injuries on the body. It identified septicaemia or blood poisoning as the cause of death.

A Special Investigation Team was formed on April 11, 2018 to probe the alleged rape. In the meantime, a video surfaced, showing the woman's father alleging that the MLA's brother had beaten him in the presence of the police. On the same day, Sengar's wife Sangeeta met the UP DGP to plead for justice for her husband. He was a victim of a political conspiracy, she told reporters.

The CBI's investigation

On April 12, 2018, police registered an FIR against Sengar under various sections of the IPC and The POCSO Act. The same day, on the directions of the Allahabad High Court, the investigation was handed over to the CBI.

CBI arrested Sengar the following day (April 13), following an order passed by the court hours earlier. The "law and order machinery was directly in league and under the influence of" Sengar, the court said. On April 14, CBI arrested Shashi Singh, the woman

who had allegedly lured the victim to Sengar's home on June 4, 2017.

In May 2018, CBI booked Sengar and others for conspiracy to implicate the victim's father in a false case, and arrested two policemen. Sengar and Shashi were moved to Sitapur jail from Unnao after a plea was filed in the High Court saying the victim was feeling threatened.

On July 7, 2018, CBI filed its first chargesheet against Sengar's brother Atul Singh and four others in connection with the death of the woman's father. The woman's father had come from Delhi to attend a court hearing on April 3 related to the rape case against the MLA, the chargesheet said. In the evening, he was abused and beaten by the accused in front of his house, the CBI said.

On July 11, CBI filed another chargesheet in the court of the Special Judicial Magistrate (CBI), Lucknow. It accused Sengar of the woman's rape, and Shashi Singh of aiding him in the crime. They were accused under IPC Sections 120B (conspiracy), 363 (kidnapping), 366 (kidnapping, abducting or inducing woman to compel her marriage, etc), 376 (rape), and 506 (criminal intimidation), and under The POCSO Act.

On July 14, a third chargesheet was filed against Sengar and nine others for allegedly hatching a conspiracy and implicating the woman's father in an Arms Act case.

Cases against woman's family

Five months after the CBI chargesheets, an FIR was lodged against the victim, her mother, and uncle for allegedly forging documents submitted to police as proof that the victim was a minor. The FIR was registered on the complaint of Shashi's husband Haripal Singh, following the directions of a local court.

In July 2019, the uncle of the woman was convicted in a 19-year-old case of attempt to murder, and sentenced to 10 years in prison by a district court. Notably, this case, dating back to the panchayat elections in Unnao in June 2000, had been filed by Sengar's brother, Atul Singh.

According to Ramjeevan Yadav, the additional district government counsel of Unnao, Atul Singh had alleged in the FIR that when he was casting his vote in the elections, the woman's father and her two uncles were "threatening" local people to vote for their candidate.

"When Atul Singh objected, they allegedly started hurling abuses at him. Atul Singh did not react and started walking towards his house. When he was a few metres from his house, the three brothers came back and started threatening him and opened fire at him. However, Atul Singh managed to escape unhurt," Yadav had said.

Using iris, fingerprint scans to fight crime

SRINATH RAO
MUMBAI, JULY 30

ON MONDAY, Maharashtra became the first state to adopt a digital fingerprint and iris scanning system to aid police investigations. The Automated Multi-modal Biometric Identification System (or AMBIS) adopted by the Maharashtra Police will soon be replicated across the country, with the state government working with the National Crime Records Bureau in New Delhi to create standards to be used by other state police forces.

An AMBIS unit comprises a computer terminal, a camera, and iris, fingerprint, and palm scanners. It also includes a portable system to dust off and capture fingerprints from crime scenes. With the integration of the system with facial recognition from CCTV cameras, AMBIS enables the police to cross-reference and put faces to criminals whose fingerprints have been captured on paper over the decades, apart from solving fresh crimes.

AMBIS replaces the Automated Fingerprint Identification System (AFIS), which has been used by Indian law enforcement agencies to search finger and palm prints. However, AFIS has limited utility, providing only one-to-one fingerprint matches as compared to multimodal matches possible with AMBIS. With facial recognition technology, the new system is also an upgrade on AFIS.

The start

Indian authorities first thought of digitising fingerprints in 2015 when they were trying to gain custody of gangster Chhota Rajan in Indonesia. The Mumbai Police's dossier against Rajan lacked the record of his fingerprint, which was captured in the 1980s. Even though the police could piece together Rajan's fingerprint from a torn paper in Chembur's Tilak Nagar police station, the episode underscored the need to digitise fingerprint records.

The Maharashtra Cyber Department studied models used by the Federal Bureau of

Investigation, the Central Intelligence Agency and the Department of Homeland Security in the United States, and the Interpol, before formulating its own requirements. Eventually, the French company that had designed the Interpol's biometric and facial recognition system was awarded the tender to set up AMBIS. Bal Singh Rajput, Superintendent of Police, Cyber, said. The system matches the requirements set by the US National Institute of Standards and Technology.

The pilot project

Before Monday's formal launch, the system was introduced at select police stations in Mumbai that have upgraded tech infrastructure such as the Crime and Criminal Tracking Network and System (CCTNS).

Through 2018, the cyber police department digitised over 6.5 lakh fingerprints recorded on paper since the 1950s. The task, however, was complicated by the poor condition in which most paper prints were stored, the mislabelling of prints, and the

manner in which finger and palm prints were recorded several decades ago.

What happens now

According to Rajput, the older data is being continuously worked upon to increase accuracy and resemble the high-quality prints now recorded using AMBIS. Thus far, Mumbai Police have cracked 85 cases of theft and housebreaks dating back to 2014 after matching prints dusted from the scenes of crime with those digitised. The system is expected to be of help in more serious offences as its accuracy improves and the database expands.

Chief Minister Devendra Fadnis has announced the implementation of the project in all 94 police stations in Mumbai. The next step will be to roll it out in the 1,160 police stations, 7 police ranges, 10 central jails, 12 police training centres, and 4 fingerprint bureaux in Maharashtra. This will happen after the system's performance in Mumbai is reviewed and the challenges of setting it up in rural areas, addressed.

Designating an individual 'terrorist': what the amendments propose

APURVA VISHWANATH
NEW DELHI, JULY 30

THE UNLAWFUL Activities Prevention Amendment (UAPA) Bill is an anti-terror legislation that seeks to designate an individual as a "terrorist". On July 24, Lok Sabha cleared the changes to the existing law, but Opposition parties and civil liberties lawyers have criticised the Bill, arguing it could be used to target dissent against the government, and infringe on citizens' civil rights.

Who is a "terrorist" in the Bill?

The words "terror" or "terrorist" are not defined, but the UAPA Bill in Section 15 defines a "terrorist act" as any act committed with intent to threaten or likely to threaten the unity, integrity, security, economic security, or sovereignty of India or with intent

to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country. The original Act dealt with "unlawful" acts related to secession; anti-terror provisions were introduced in 2004.

The Bill seeks to empower the central government to designate an individual a "terrorist" if they are found committing, preparing for, promoting, or involved in an act of terror. A similar provision already exists in Part 4 and 6 of the legislation for organisations that can be designated as a "terrorist organisation". Home Minister Amit Shah, during a debate on the Bill in Lok Sabha, stressed on the need to designate individuals as terrorists to root out terrorism.

How are individuals declared terrorists?

The central government may designate an individual as a terrorist through a noti-

fication in the official gazette, and add his name to the schedule supplemented to the UAPA Bill. The government is not required to give an individual an opportunity to be heard before such a designation.

At present, in line with the legal presumption of an individual being innocent until proven guilty, an individual who is convicted in a terror case is legally referred to as a terrorist, while those suspected of being involved in terrorist activities are referred to as terror accused. The Bill does not clarify the standard of proof required to establish that an individual is involved or is likely to be involved in terrorist activities.

What happens when an individual is declared a terrorist?

The designation of an individual as a global terrorist by the United Nations is

associated with sanctions including travel bans, freezing of assets and an embargo against procuring arms. The UAPA Bill, however, does not provide any such detail.

The Bill also does not require the filing of cases or arresting individuals while designating them as terrorists. According to Home Ministry officials, the consequences will be prescribed in the Rules supplemented to the law once the amendment Bill is passed.

The Bill also seeks to give the central government the power to remove a name from the schedule when an individual makes an application. The procedure for such an application and the process of decision-making will also be decided by the central government.

If an application filed by an individual declared a terrorist is rejected by the gov-

ernment, the Bill gives him the right to seek a review within one month after the application is rejected.

Under the amendment Bill, the central government will set up the review committee consisting of a chairperson (a retired or sitting judge of a High Court) and three other members. The review committee will be empowered to order the government to delete the name of the individual from the schedule that lists "terrorists", if it considers the order to be flawed.

Apart from these two avenues, the individual can also move the courts challenging the government's order.

What are the other major changes proposed in the UAPA Bill?

The existing UAPA law requires an investigating officer to take prior permission of the Director General of Police of a state