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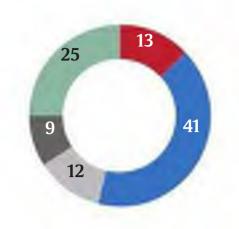
Does political pressure hinder probes? Police reflect in survey

IN A new report that looks at the working conditions of police in India, one key finding is about the political pressure perceived by police, and the extent to which this hampers their investigations. 'Status of Policing in India Report 2019: Police Adequacy and Working Conditions' has been prepared by Common Cause and the Lokniti programme of the Centre for the Study of Developing Societies (CSDS). Among its findings:

28% police personnel believe that pressure from politicians is the biggest hindrance in a crime investigation. Taking into account various kinds of obstacles, 2 in 5 police personnel believe that these pressures are the biggest obstacle in crime investigation. The other obstacles cited were related to society, legal systems and internal working systems in police (see *pie chart*).

personnel reported always facing pressure from politicians in cases of crime involving influential persons. Roughly one third also reported "always" facing pressure from their seniors in the

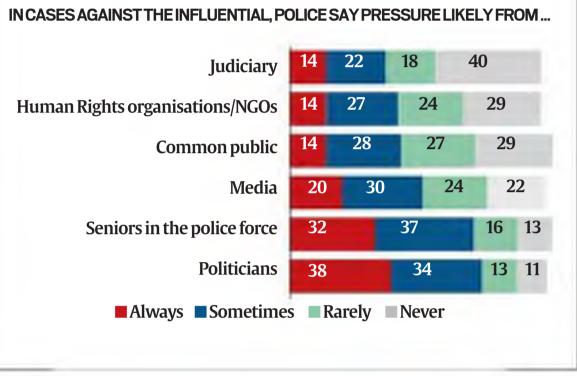
WHAT POLICE SEE AS OBSTACLES



- Related to internal working of
- Related to legal system
- No response
- Related to pressure on police
- Related to society

police force. This proportion drops to one-fifth of the police "always" facing pressure from media, while about 14% reported that they "always" faced pressure from human rights organisations/NGOs, judiciary and the common public in cases involving influential people (see bar graphs).

> Source for all data: Common Cause & Lokniti-CSDS



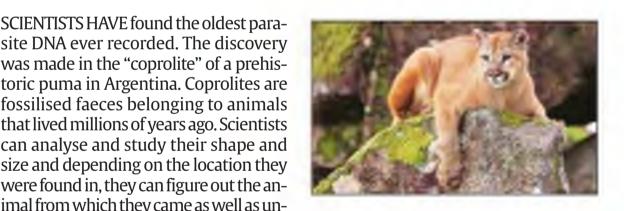
THIS WORD MEANS

COPROLITE

Faeces in fossil form. A sample from an ancient puma has unearthed the oldest known parasite DNA

site DNA ever recorded. The discovery was made in the "coprolite" of a prehistoric puma in Argentina. Coprolites are fossilised faeces belonging to animals that lived millions of years ago. Scientists can analyse and study their shape and size and depending on the location they were found in, they can figure out the animal from which they came as well as uncover what those animals ate, London's Natural Museum of History explains. For instance, if there are bone fragments in the faeces, it tells scientists that the animal might have been a carnivore. Tooth marks can reveal how the animal ate.

A team of scientists from Argentina's National Council of Scientific and Technical Research studied a prehisoric puma's coprolite taken from a rock-shelter in Catamarca province. With the help of carbon dating, they were able to esti-



mate the age of the coprolite at between

16,500-17,000 years. Using ancient mitochondrial DNA analysis, they were able to confirm that the coprolite came out of a puma. This led to the identification of the oldest parasite DNA found yet. Parasite DNA has been found in coprolites before, but this is the oldest since the evidence found earlier dated back to a few thousand years ago only.

The study is published in the journal Parasitology.

SIMPLY PUT QUESTION & ANSWER

How the forces protect VIPs

Former PM Manmohan Singh's security cover has been downgraded from SPG to Z plus. How are such decisions made? How are SPG, Z plus, other categories different? Who are the forces deployed in each?

DEEPTIMANTIWARY NEW DELHI, AUGUST 28

THE GOVERNMENT recently downgraded the security cover of former PM Manomhan Singh, from Special Protection Group (SPG) to Z plus of the CRPF. The security cover of several other VIPs too has been downgraded.

How does the government decide the level of protection an individual needs?

The Home Ministry takes the decision based on inputs from intelligence agencies, which include the Intelligence Bureau and the Research and Analysis Wing. They largely give a subjective measure of threat to life or injury to a person from terrorists or any other group, based on information from their sources.

Certain individuals, by dint of their position in government, are automatically entitled to security cover. These include the Prime Minister and his immediate family. The Home Minister and officials such as the National Security Adviser too generally get security cover on the basis of their position.

Since none of the intelligence agencies in India is accountable to any statutory body, barring the internal oversight of the Home and External Affairs Ministries, VIP security is sometimes seen as open to manipulation. A number of protectees, it has been alleged, are under security cover for political reasons and not necessarily due to any real threat.

What are the various protection levels?

There are largely six types of security covers: X, Y, Y plus, Z, Z plus and SPG. While SPG is meant only for the PM and his immediate family, other categories can be provided to anyone about whom the Centre or state governments have inputs about facing a threat. The X category on an average entails just one gunman protecting the individual; Y has one gunman for mobile security and one (plus four on rotation) for static security; Y plus has two policemen on rotation for security and one (plus four on rotation) for residence security; Zhas six gunmen for mobile security and two (plus eight) for residence security; Z plus has 10 security personnel for mobile security and two (plus eight) for residence security. There are various kinds of cover within

these levels. These include security of residence, mobile security, office security and inter-state security. Different VIPs are given different kinds of cover depending on threat perception. For example, if the Chhattisgarh CM is assessed to be facing a threat from Maoists only in his state, the Centre may chose to give him residence and mobile security only in his state, and appropriate security by the concerned state police when he travels out. Similarly, some may have a threat only when they travel, so they are given an escort force. Then, different forces may be engaged for residence and mobile security. Many protectees get residence security from



WHO PROTECTS WHOM **Force Category Amit Shah Z** plus **CRPF** NSG Rajnath Singh **Z Plus CISF** Nitin Gadkari **Z Plus CISF** Ajit Doval (NSA) **Z Plus** Kiren Rijiju Zplus **CISF** Ram Vilas Paswan Y **CRPF** X **CRPF** Ravi Shankar Prasad Zplus CISF **Mohan Bhagwat** NSG Mayawati Zplus **Akhliesh Yadav** Zplus State police NSG N Chandrababu Naidu Zplus NSG Raman Singh Zplus

Bhupesh Baghel

Farooq Abdullah

Ghulam Nabi Azad

Sarbananda Sonowal

Manmohan Singh with his security cover in 2015. His cover has **been downgraded from SPG to Z plus.** Renuka Puri/Express Archive

state police and mobile security from a Central Armed Police Force (CAPF).

Who are SPG? Whom do they protect?

The SPG is a force raised specifically for the protection of the PM, former PMs and their immediate family. The force is currently 3,000 strong and protects only four people —PM Narendra Modi, Congress president Sonia Gandhi, her son Rahul Gandhi and her daughter Priyanka Gandhi.

The elite force is highly trained in physical efficiency, marksmanship, combat and proximate protection tactics and is assisted by all central and state agencies to ensure foolproof security. SPG Special Agents assigned to the PM security detail wear black, Western-style formal business suits, with sunglasses, and carry a two-way encrypted communication earpiece, and concealed handguns. They wear safari suits on occasions. Then there are special operations commandos who carry ultramodern assault rifles, and wear dark-visor sunglasses with inbuilt communication earpieces, bulletproof vests, gloves and elbow/knee pads.

The SPG was raised in 1985 in the wake of the killing of PM Indira Gandhi in 1984. Earlier, Delhi police (before 1981) and Special Task Force (raised by the Intelligence Bureau in 1981) provided residence and proximate security to the PM. Following Indira Gandhi's killing, a review committee of secretaries recommended formation of a special group under a designated officer and for STF to provide immediate security cover both in New Delhi and outside as a short-term measure.

In 1985, the Birbal Nath Committee set up by the Home Ministry recommended raising a Special Protection Unit (SPU), and 819 posts were created under the Cabinet Secretariat. The SPU was then re-christened

SPG and the post of Inspector General of Police was re-designated as director. For three years, SPG functioned under ex-

ecutive orders. In 1988, Parliament passed the SPG Act. Then, the Act did not include former prime ministers. When V P Singh came to power in 1989, his government withdrew SPG protection given to his predecessor Rajiv Gandhi. After Rajiv's assassination in 1991, Singh faced much criticism and the SPG Act was amended to offer protection to all former PMs and their families for at least 10 years.

In 2003, the Atal Bihari Vajpayee government again amended the SPG Act to bring the period of automatic protection down from 10 years to "a period of one year from the date on which the former prime minister ceased to hold office" and beyond one year based on the level of threat as decided by the government. During the Vajpayee regime, the SPG cover of former PMs such as H D Deve Gowda, I K Gujaral and P V Narasimha Rao were withdrawn. Vajpayee himself enjoyed SPG protection until his death last year.

Under the current SPG Act, family members of an incumbent or former PM can decline security cover. Manmohan Singh's daughters declined SPG cover after his tenure ended.

And who are the National Security Guard? The NSG was founded as a special com-

mando unit for surgical strikes against organised terrorist attacks within the country. It was envisaged in the wake of high casualties and damage during Operation Blue Star in 1984.

According to NSG's website, it is a "Federal Contingency World Class Zero Error Force" to deal with terrorism. It says it is a force "specially trained and equipped to deal with specific situations and therefore to be used only in exceptional circumstances to thwart serious acts of terrorism". Yet its mandate of the force has been di-

Zplus

Zplus

Zplus

Zplus

State police

NSG

NSG

NSG

luted over the years with the burden of VIP security. NSG has two groups of personnel and officers: Special Action Group (SAG) and Special Ranger Group (SRG). SAG is drawn from the Army and focuses on counter-terror training and action; SRG is used for VIP security. NSG personnel have always been in high

demand among politicians. The force has often argued that Black Cat commandos, as NSG personnel are popularly known on account of their combat dress, has become a status symbol and the government must take it off VIP security duties. That has not happened.

NSG is not a protection unit; its core ability is in handling terror, hijacking etc.

How do these protection levels compare with VIP protection in other countries? In the US, the security of the President and

his family is handled by the Secret Service, which also looks after the safety of the vice president, his immediate family, former presidents, their spouses, and their minor children under age 16. It also provides security to major presidential and vice presidential candidates and their spouses, and foreign heads of state; security for the White House, the Treasury Department building, the vice president's residence, and foreign diplomatic missions in Washington, DC.

is handled by the Protection Command under London's Metropolitan Police Service. It has two branches: Royalty and Specialist Protection (RaSP), providing protection to the Royal Family, the PM and government officials, and Parliamentary and Diplomatic Protection (PaDP), providing security to government buildings, officials and diplomats.

In the UK, VIP security, including of the PM,

Did a planet whack Jupiter and get swallowed? includes lighter elements like helium and hy-

EXPRESS NEWS SERVICE NEW DELHI, AUGUST 28

JUNO, THE NASA probe orbiting Jupiter since 2016, has been sending back information that are giving scientists new insights into the evolution and structure of the planet. One new study suggests that 4.5 billion years ago, when the Solar System was still young, Jupiter received a massive whack from a planet still being formed, and swallowed it up. Another study looks at the reasons why the "stripes" on Jupiter do not run deep into its surface.

Collision with a proto-planet

Information sent by Juno shows that Jupiter's core is not mainly ice and rock as previously thought, but a "fuzzy core" that

National Medical Journal of India



Artist's impression of a collision between a young Jupiter and a massive, still-forming protoplanet. Astrobiology Center, Japan, via Rice University

drogen. This, scientists suggest in the journal *Nature*, could be explained by a head-on collision with a still-forming planet about 10 times the size of Earth. Researchers from Rice University in the US

and Sun Yat-sen University in China worked on the idea that a colossal event stirred up Jupiter's core, diluting it. Computer simulations suggested a growing Jupiter could have disturbed the orbits of nearby "planetary embryos", and that there was at least a 40% chance that Jupiter would swallow a planetary embryo within its first few million years, Rice University said in a statement.

Skin deep stripes

There is a reason why Jupiter's stripes are only skin deep, the Lawrence Livermore National Laboratory (LLNL) of the US said in a statement. A team looked to the Juno mission that revealed how far zonal winds around Jupiter descend — to a depth about 4 percent of Jupiter's radius.

It is these zonal winds — alternating eastwest jet streams — that are seen in photographs as colourful stripes on Jupiter. In a paper in Physical Review Fluids, researchers have shown that these zonal winds can only descend to 3,000 km in the atmosphere.

Magnetic fields can make fluids that conduct electricity (like Jupiter's atmosphere) behave more like honey than water. Deeper into the planet, where the pressure is higher, the atmosphere becomes more conducting and is more strongly influenced by the planetary magnetic field. It's also the same place where the stripes stop, LLNL explained.

10 years of H1N1 influenza: outbreaks in India, infection trends in the states

ANURADHA MASCARENHAS PUNE, AUGUST 28

IN APRIL 2009, the first case of influenza A H1N1 was reported in Mexico. Later the infection spread and a total of 214 countries were affected by the pandemic worldwide. Ten years since, influenza H1N1 has become a seasonal virus, according to the Centers for Disease Control (CDC) in Atlanta. Yet, in India, the past decade saw as many as 1.58 lakh persons being infected by the virus and over 10,000 succumbing to it.

Maharashtra toll highest

An analysis shows that Maharashtra has reported the highest number of cases (33,284) and deaths (3,637) since pandemic influenza struck in 2009. Continuous and intensified surveillance, testing of throat swab samples at both National Institute of Virology

(NIV) in Pune and private laboratories and death audits helped the state health authorities towards early identification of cases. According to Dr Pradeep Awate, Maharashtra's surveillance officer, the surveillance systems and diagnostic capacities in the state are strong, which led to the reporting of the maximum number of cases and deaths. Awareness levels were high especially regarding home-based isolation of persons with the flu. In other states, surveillance may not be as good, experts have pointed out.

Virus in circulation, evolving

Unlike the temperate countries, where peak influenza activity is recorded in winters, in the tropical and sub-tropical countries, the primary peak of influenza activity is during the monsoon. However, in some places, influenza also peaks during winters and in some tropical countries, influenza sustains throughout the year.

THE HIGHEST BURDENS

YEARS WITH THE MAXIMUM HINI STATES MOST AFFECTED **DISEASE BURDEN BYH1N1 IN 2017 Cases Cases Deaths States Deaths** reported reported 2009 27,236 7709 431 981 Gujarat 2010 778 20,604 1,763 Maharashtra 6144 42,592 3619 279 2015 2,990 Rajasthan 2017 38,811 2,266 Madhya Pradesh 802 146 Source: National Centre for Disease Control/ Source: Integrated Disease Surveillance

Programme

Overcrowding leads to increased transmis-According to experts at NIV Pune, sciension of airborne infection. Some areas in the tists have tested over 65,000 patients' samples in the past 10 years. If testing is stopped, country may have a sparse population but it would seem there is no disease. But the with diagnostic testing facilities being set virus is very much in circulation. up, more cases are being detected.

Rajasthan worst hit in 2019

Increased testing in states like Rajasthan and Gujarat has resulted in more cases being reported. According to the National Centre for Disease Control data, Rajasthan is the worst hit this year with 5,040 cases and 206 deaths. From 2010 till mid-August this year, Rajasthan has seen 21,107 cases reported and 1,638 deaths while Gujarat has reported 25,219 cases and 1,897 deaths. This year Gujarat has reported 4,819 cases and 149 deaths, followed by Maharashtra which has registered 2,135 cases and 202 cases.

N-E states also affected

In the National Medical Journal of India, NCDC researchers have, in their 2019 study 'Influenza A (H1N1) in India – changing epidemiology and its implications', reported that 2017 was an unusual year. According to researchers Dr S Kulkarni, Dr S Singh and others, the geography of the influenza A

(H1N1) virus seems to have been affected. While cases used to come mainly from western parts of India and localised to districts like Pune in Maharashtra and Jaipur in Rajasthan, northeastern states like Arunachal Pradesh and Tripura, which had never reported influenza A (H1N1) cases in the past, notified 44 cases in 2017.

This year, Tripura registered 31 cases, Sikkim reported eight, while Meghalaya and Manipur reported two each. According to Dr Kulkarni, in 2017 the virus showed epidemiological characteristics different from previous years. Researchers said these observations require further probe to understand the changing ecological and transmission dynamics, as well as potential changes in awareness and testing. Monitoring of the genetic character of the virus and surveillance for drug resistance in the context of influenza A(H1N1) and other influenza viruses remain a high priority, said Dr Kulkarni.

WORDLY WISE

THERE IS ONE THING THE PHOTOGRAPH MUST CONTAIN, THE HUMANITY OF THE MOMENT.

— ROBERT FRANK

The Indian EXPRESS

S FOUNDED BY S RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

JOIN THE DEBATE

Congress must let its leaders reflect on the causes that led to its defeat in the 2019 general election

ENIOR CONGRESS LEADER Jairam Ramesh caused a flutter some days ago when he warned fellow Opposition leaders that if they were "going to demonise him (Narendra Modi) all the time, you are not going to be able to confront him". He also added that "unless we recognise that he (Modi) is doing things, which people recognise and which have not been done in the past, we are not going to be able to confront this guy". Congressmen such as Abhishek Manu Singhvi and Shashi Tharoor have defended Ramesh's remarks and suggested that the party should nuance its criticism of the prime minister. A flustered Congress leadership, initially, brushed aside the remarks as personal views of the speakers, but it has now sought to discipline the plain-speaking leaders. On Tuesday, the Kerala Pradesh Congress Committee chief, Mullappally Ramachandran, has sought an explanation from Tharoor, the Lok Sabha MP from Thiruvananthapuram, for remarks that have been construed as justification of the prime minister.

The Congress, however, should be thankful to Ramesh and Tharoor for flagging a debate on the party's strategy and tactics against Modi and his politics. Despite the successive drubbing in the general elections, the Congress leadership has refused to reflect on its tactical failures and explained away its defeat on external factors, for instance, the electronic voting machines. The Congress campaign before and during the 2019 general elections had focussed on Prime Minister Modi, turning the polls into a presidential style contest while claiming that the government was a failure on all fronts. It failed to convince the voters who preferred to endorse Modi's leadership and governance claims. While Ramesh wants the Congress to re-examine its stated position on Modi government's record, including its claims on the delivery of public goods such as cooking gas, housing and latrines, Tharoor has sought to warn about the perils of blind criticism. What both these leaders seem to hint at is that the Congress's strategy to focus all its guns on Modi may have backfired and helped the BJP to consolidate its vote. It is an admission that the Opposition's electoral strategies failed, surely, but to call it an endorsement of Modi or the BJP is a stretch. In fact, a rethink of strategies without abandoning core values may help the Congress — and the Opposition — at this moment to recover lost ground.

However, the instinctive response of many Congressmen seems to be to close ranks with the leadership and stall any introspection. The reluctance for honest debate within the party has only hurt its electoral prospects in the past. It ought to change track, even if that will force the leadership on the backfoot.

THE COST OF WATER

Delhi government's waiver scheme should occasion revisiting debates on pricing of scarce resource, while also ensuring equity

T IS TEMPTING to describe the Delhi government's move to waive the pending water bills of consumers as a sop with polls in mind. But the move should occasion a broader debate on water pricing. The arrears for domestic consumers in the city amount to more than Rs 6,000 crore, which includes a late payment surcharge (LPSC) of Rs 3,500 crore. Arrears for commercial consumers amount to Rs 10,000 crore, of which Rs 9,000 crore is LPSC. The surcharge would be completely cleared for domestic consumers and a rebate of 25 to 100 per cent will be offered to them, depending on the colony they live in. For commercial consumers, the LPSC would be cleared if they pay the principal amount before the deadline of November 30. The Delhi government has clarified that the waiver is a one-time move. But the AAP government's admission that lot of the arrears are a result "of wrong meter readings" should occasion discussion on water billing mechanisms, especially at a time when providing piped supply to all households in the country is high on the Centre's agenda.

The Standing Committee of the Ministry of Water Resources, which submitted its report to Parliament in 2015, found that the percentage of districts with over-exploited groundwater level increased from three in 1995 to 15 in 2011. The situation has worsened, since then. Twenty one Indian cities including Delhi, Bengaluru, Hyderabad and Chennai are racing towards zero groundwater by 2020, according to a Niti Aayog study. At the same time, about 80 per cent of rural India lacks access to piped water. In such a situation, subsidies — as well as payment-waiver schemes like the one in Delhi — are likely to draw the criticism that they work to the benefit of the well-heeled. A water pricing policy should facilitate the extension of supply while also ensuring that the affluent do not milk the system. As per the UN's Dublin Principle, water is an economic good and its pricing should, therefore, reflect its scarcity value. But at the same time, policy shouldn't compromise on the principles of equity.

Since water is a state subject, charges for domestic, agriculture and industrial consumers vary across the country. But the determination of water charges for the different sectors is largely ad hoc and the processes are non-transparent. Most states have dragged their feet on the National Water Policy 2012 directive of setting up an independent Water Regulatory Authority. The Delhi loan waiver scheme should occasion revisiting this policy document.

FRAMED

Controversy over photograph of Melania Trump and Justin Trudeau demonstrates the power and peril of still images

HE PHOTOGRAPH, AT first glance, might seem like a medium whose time has gone. The ubiquity of images, of every mundane thought and moment being shared world wide on the web with an Instagram-filtered visual aid, has made a photograph that reveals more than the sum of its pixels a rare commodity. But the picture of US First Lady Melania Trump, leaning in to air-kiss Canadian Prime Minister Justin Trudeau at the end of the G7 summit in France is indeed worth a thousand words. And then some.

Social media is abuzz (as it always is), making much ado about nothing. Melania's kiss, the *faire la bise*, is the common greeting, the way to be polite in France and much of Europe. And it is likely that most of the people who are trying to mischievously read more into the photograph are aware of this. But the fact is that the picture does indeed lend itself to analysis. And the point of focus isn't the First Lady's embrace with Trudeau, its her husband. The brash Donald Trump is captured with downcast eyes, looking sombre, even defeated. It is a side of Trump we do not know. A single frame has made one of the most polarising figures in world politics appear a man filled with subtleties.

Like words, it appears, the image has lost none of its power due to its ubiquity. A good, well-timed picture can, in the words of poet Eminem, "take the moment, freeze it and own it, squeeze it and hold it". Of course, the danger of the picture, of immortalising a moment, is reading too much into it. Melania Trump is being made to be an anti-Donald Trump figure on Twitter, and Trudeau her Disney prince, the one to rescue her from an ogre. And Trump, in one reading, is a tragic figure, the underdog who has to look on. Both the readings make sense in a still frame. Neither is probably true in life.

In mutual interest



The dousing of fires for now opens up space to repair ties between the government and the RBI

IN AUGUST LAST year, Mark Carney, Governor of the Bank of England told Bloomberg about fixing common errors that happen over history and the attempt by the central bank he heads to ensure a change in thinking to make the system as resilient as possible to "unknown unknowns". The questions on the minds of central bankers like him are: "What's the shock that could happen? Do I have enough capital? If somebody fails, can I clean up the mess in an orderly way?"

A few days ago, the chief of the world's most powerful central bank, the US Federal Reserve, Jeremy Powell, said at the annual meeting in Jackson Hole, Wyoming, that the Fed was examining the monetary policy tools it has used both in calm times and in (a) crisis. Powell, who has come under a savage attack from the US President Donald Trump, said that the Fed is now assessing whether it should expand its toolkit. All these indicate the fraught times for the world's central banks, in the backdrop of fears of a possible recession, the effectiveness of monetary policy and growing political assaults on these banks in the face of a global slowdown.

Like some of its peers, the Reserve Bank of India, too, should be fortifying itself considering the risks on the horizon. But it may have been partly blinded because of a controversy that erupted late last year on the level of reserves which it maintains, and the quantum of profits or surplus that it should distribute to the government — the owner of the bank. There has been a possible closure to that with the RBI board approving the recommendations of a committee headed by Bimal Jalan, based on which, the central bank will transfer Rs 1.76 lakh crore to the government, including the surplus and excess provisions. The committee has also outlined a clear and transparent policy for the distribution of RBI's profits over the next few years, which should lead to less conflict. More importantly, it has also set new benchmarks for building capital buffers to equip a central bank which dons multiple hats — that of a monetary policy authority, a regulator of the financial sector and the payments system, debt manager for both the Centre and state governments and the is-

A bilateral agreement on the distribution of surplus or profits and a flexible approach may have worked in India until the blow up last year. But, what makes it easier in the case of many other central banks is that the quantum to be paid out is built into the law — either as a fixed percentage of current net profit or based on a clearly defined criteria. There may not be an optimal model for this but a beginning has been made which should lead to less conflicts, a more transparent process, smoothening of profit flows over the next few years and building up of adequate capital for a

modern central bank.

suer of currency. Such a wide mandate for a central bank, including fostering financial stability, will in the normal course call for bullet-proofing against multiple risks relating to credit, operations, contingent risks, financial stability and revaluation of assets.

Wiser, after the balance of payments crisis in 1991, the RBI started building adequate buffers in the form of a few reserve funds. But, over the past decade, successive governments, desperate to raise revenues, have sought hefty payouts from the central bank, arguing that it was far more capitalised than not just its emerging market peers but also in comparison to some of the leading global central banks. Such comparisons may be meaningless considering that quite a few of them have fully convertible currencies. The first major pitch for large transfers of surplus profits from the RBI came during the tenure of Raghuram Rajan as Chief Economic Advisor, a thread which was picked up by his successor, Arvind Subramanian.

The Jalan committee's review, however, shows that the RBI's realised risk provisions have dropped below levels equivalent to 1988-89, with progressively higher transfer of surpluses to the government over the last few years. This has been pronounced in recent years with such transfers as a proportion of the bank's net income averaging 90 per cent between 2014-18 — a sharp spike compared to the average of a little over 50 per cent in the years up to 2004. The committee's analysis shows that 90 per cent of the net income was transferred to the government when risk provisioning was 10 per cent over the past few years. All this coincides with the period when the government was struggling to meet its mandated deficit targets. The committee's report also says that close to 73 per cent of the RBI's economic capital is in the form of unrealised revaluation balances. which reflect changes in the market movements of domestic and foreign securities and gold. Those balances, which may have led many to seek higher payouts, can't be tapped into, the committee has recommended — a sensible practice.

A bilateral agreement on the distribution

of surplus or profits and a flexible approach may have worked in India until the blow up last year. But, what makes it easier in the case of many other central banks is that the quantum to be paid out is built into the law — either as a fixed percentage of the current net profit or based on clearly defined criteria. There may not be an optimal model for this but a beginning has been made which should lead to less conflict, a more transparent process, smoothening of profit flows over the next few years and building up of adequate capital for a modern central bank. The UK has already done that with the Bank of England and the Treasury, having signed an MoU last year on their financial relationship which lays the ground rules for determining the bank's

capital, dividend payments, among others.

As Adair Turner, former head of the UK Financial Services Authority wrote in the Financial Times recently, central bank watching is a preoccupation for many professional economists as minor rate changes matter a lot to asset managers, macro hedge funds, invest ment banks and their clients, but not as much for consumers and businesses. The issue of the independence of the Indian central bank is now threatening to degenerate into a spectator sport with personalities looming larger than institutions or the sovereign. Even in such a scenario, if both sides have agreed to adopt a new approach to determine the economic capital of the central bank and on future distribution of its profits, it may have to do largely with the fact that two senior members of the committee, Bimal Jalan and Rakesh Mohan, have been on both sides of the divide — in the finance ministry and the RBI.

The dousing of fires for now opens up a window of opportunity to unveil a calibrated public spending programme or to set aside sufficient capital for a new institution to finance long term projects. And if policymakers on both sides can shut out the noise, it could be an opportune time to repair ties between the government and the RBI and to forge a respectful relationship.

> The writer is consulting editor, The Indian Express

THE DARKEST HOUR

ADM Jabalpur was a test for the Supreme Court. Only the dissenter passed it

SEEMA CHISHTI

COSTA GAVRAS' 1982 film Missing is a haunting story of what a military dictatorship does to its citizens as they go, well, missing. The real-life story set in Chile was also about the actions of the US government, which even had a lawsuit filed against it. The way a society responds to enforced disappearances or "detentions" by the state is often seen as a marker of the health of a democracy. That could well be why the habeas corpus or produce the person writ is a sacred one, that ties democracy to each of its citizens against the power of the state.

On Independence Day, Justice D Y Chandrachud, made a revealing personal statement which holds great relevance today. The Supreme Court judge spoke of how "with seven to eight hours of dictation left in the day, when I finished dictating" the order annulling the infamous ADM Jabalpur judgment of 1976, he "told his Secretary that they would close for the day". He had "told a parent he was wrong." "I know he (former Chief Justice Y V Chandrachud) believed through his life that ADM Jabalpur was wrong."

The senior Chandrachud was among the four SC judges who sat on the five-judge habeas corpus bench for 37 working days from December 1975 to February 1976, and ruled that personal liberties in India were not to be necessarily upheld in the face of the executive after declaring Emergency. The hearings started on December 15, 1975. The government's arguments were centred around how the political executive had rights in

The ruling, however, was 4-1. All the judges wrote separate judgments. But the net result was upholding the executive's prerogative to detain people and so, a citizen had no right to move a habeas in a high court. Justice Beg, amazingly, went on to speak of the 'care and concern bestowed by the state authorities upon the welfare of detenus who are well-housed, well-fed and well-treated is almost maternal'.

would stake its claim to form government in the next two or three days "since the times of war or during an Emergency to restrict personal liberty. When Justice H R Khanna, the only one who was ultimately to dissent, asked the attorney general, Niren De, if "supposing some policeman, for reasons of enmity, not of state, kills someone, would there be a remedy?" De is said to have replied: "My Lord, not so long as the Emergency lasts."

Several senior advocates including Shanti

Bhushan, Soli Sorabjee, VN Tarkunde, argued the habeas cases and maintained that with the remedy of habeas denied, the securing of a citizen's life and liberty was "dead". The ruling, however, was 4-1. All the judges wrote separate judgments. But the net result was upholding the executive's prerogative to detain people and so, a citizen had no right to move a habeas in a high court. Justice Beg, amazingly, went on to speak of the "care and concern bestowed by the state authorities upon the welfare of detenus who are wellhoused, well-fed and well-treated is almost maternal."

ADM Jabalpur is seen as one of the darkest spots in the history of the Supreme Court. The motives of those gave that judgment have been a matter of great speculation ever since. Notably, Justice Y V Chandrachud maintained that he had read the law right, even if it was not right to follow it. This does not hold much water now.

Another unique reasoning accorded was of rescuing the Court by going along with the government. On January 30, 1976, a resolution was moved in the Lok Sabha, recommending changes which would have resulted in significantly changing the Constitution to clip the wings of the judiciary. Legal scholars like Upendra Baxi felt had the Court acted differently in ADM Jabalpur, "it would have imperiled the Courts' existence". That argument about saving the Court reminds of the apocryphal tale about the American military officer in Vietnam arguing that they had to destroy a village to save it.

Once the Janata Party government was in place after Indira Gandhi lost the elections, in 1978, Justice YV Chandrachud had said: "I regret that I did not have the courage to lay down my office and tell the people, well, this is the law." But one man had that courage at the time — Justice H R Khanna. He was superseded, his dissent, now legendary, formed the grounds of the rejection of ADM Jabalpur

The then government did not stop at Justice Khanna. From nine high courts,16 judges who had anything to do with upholding personal liberties were swiftly transferred within two months. As legal scholar Gautam Bhatia put it in Transformative Constitution, Justice Khanna's dissent would constitute a "contrapuntal" or something that appears as a counterpoint, often solitary, against the tide at the time, but something that conceals the kernel of the future and the way ahead, which lives on to speak forcefully, another day.

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AUGUST 29, 1979, FORTY YEARS AGO **URS LOSING GROUND** Devaraj Urs Government had been reduced



THE RULING KARNATAKA Congress reto a minority". ceived a further setback, with its majority Janata's Hand for Urs in the 225-member Assembly reduced to THE JANATA PARTY will be willing to come to five after six more of its MLAs joined the Congress-I. The strength of the Congress-I the rescue of the Karnataka Chief Minister has gone up to 41 and the Karnataka Devaraj Urs if he seeks its help. This was Congress has fallen to 114 MLAs. The clearly indicated by the Janata Parliamentary Congress-I, which had a strength of 14 MLAs Party leader Jagjivan Ram. According to inat the time of the July split, has gained 35 formation available with Ram, Urs has not more in the past fortnight, including six yet formally approached the Janata central leadership for help. from the Janata. President of the ad-hoc KPCC (I) committee, S Bangarappa, at a press conference in Bangalore said his party

LORD'S FUNERAL BRITISH PRIME MINISTER Margaret Thatcher cut short her holiday vacation to hurry back to London for urgent security talks at 20 Downing Street following Monday's bloody bombing in which 23 people, including Lord Mountbatten and 18 soldiers were killed Buckingham Palace announced that Lord Mountbatten's funeral ceremonies will be held at the Westminster Abbey. Thereafter, the body will be taken to Komsey Abbey near his Hampshire home at Broadlands for a private burial. The former war hero is related through his great grandmother Queen Victoria, to most of Europe's royal houses. The Earl made plans for his funeral in 1976, expressing the wish that all the nations whose soldiers served under him in World War II should be represented.

THE INDIAN EXPRESS, THURSDAY, AUGUST 29, 2019

5 THE IDEAS PAGE

The consensus builder

Arun Jaitley brought together states with vastly different views on the GST to ensure the country's economic integration



Sushil Kumar Modi

HE WAS ARGUABLY the greatest consensus builder of modern India. What Sardar Patel did for the country's polity, Arun Jaitley did for the Indian economy. He brought about economic integration in a federation as diverse and as vast as India, something which no modern federation has achieved. But for him, GST would have remained a pious intention — something everyone agreed to but had a different version of. Even though Arun ji made immense contributions in every field that he handled, in this article I would confine myself to the implementation and evolution of GST. This process is something I was closely associated with and I had the opportunity to observe and interact with him the most.

The biggest stumbling block was the issue of CST compensation, which the previous government had announced and made an allocation in the Union Budget but never gave to the states. Arun ji ensured that the compensation was given to the states on the basis of the recommendation of the Empowered Committee of State Finance Ministers (EC). This fostered an environment of trust between the Centre and the states: the latter could now feel positive about being compensated for GST losses.

The Constitution Amendment Bill (CAB) had been hanging fire since 2010 – there were differences between the Centre and the states on crucial issues such as a constitutional guarantee for compensation, subsumation of entry tax and inclusion of petrol and diesel. Arun ji met a group of state finance ministers in December 2014 to resolve the differences. The rough edges were further smoothed when he joined the EC in its deliberations and the result was the 122nd CAB, which virtually everyone agreed to in principle as well as in broad details. It was a testimony to Arun ji's negotiating skills that the CAB was debated and passed unanimously by Parliament and ratified by the state legislatures.

Initially, the GST Council had to grapple with the contentious issues of dual control – which a dual GST implied – and the rate path under the new tax regime. The Council's first five or six meetings were devoted exclusively to arriving at a consensus on these thorny issues. It was only Arun ji's credibility in a body split down the middle (between the Centre and the states), his skills of persuasion, wisdom, commitment to a united vision, democratic way of functioning and his ability to take everyone along that ultimately helped in forging a consensus.

The vexed issue of compensation got resolved when he suggested protecting the revenues of the states at a compounded annual growth rate of 14 per cent over the base year revenue levels; this masterstroke got even the states, which were till then demanding compensation of several kinds to agree to the compensation mechanism. In the meetings of the Council, Arun ji sat for long hours, patiently heard everyone out and evolved a common

He virtually never discussed in the Council issues that had not been previously deliber-



ated by the committee of officers from across the country. He also put into place an arrangement whereby every meeting of the Council was preceded by a meeting of the officers of the state and the Centre. This meeting of the Officers' Committee proved to be a key strategy in consensus-building: The technical details were thrashed out in such meetings and the Council could then have the benefit of discussing issues over which a broad consensus had already evolved. The Council would then refine this through protracted discussions.

He formed group comprising about a dozen senior ministers from across the political spectrum, and representing varied view points on the matter, for discussing and resolving the issues that eluded consensus. The issue would get discussed threadbare in the group and almost invariably get resolved in the next meeting of the

Another strategy that he often adopted on particularly contentious issues was to refer the matter for detailed analysis by and consideration of one of the many specialised committee of officers that were constituted for aiding and advising the Council in the exercise of its functions. The issues concerning the real estate sector were particularly vexing and the committees sat over them more than two times and were also directed to hold joint meetings. As Chairman of the Council, Arun ji urged nonmember states to join in these deliberations so that the issue could be resolved. The tax rate on lottery was another issue which seemed headed for voting. But Arun ji saved the day by calling for a dual rate structure which found favour with all the concerned states. At times, he would defer discussions on a contentious issue, allow people to mull over it and approach the discussion in the next meeting from a different angle.

The tax rates in case of government works and the tax structure of the restaurant sector had been hotly debated in the Council with feelings running high among the different sides. But the master strategist that he was,

Arun ji managed to convince everyone in the next meeting by proposing a middle way and concentrating on the agreed points. The issue of taxing powers in territorial waters was another contentious issue, wherein not much was at stake yet feelings ran high. Arun ji explained the constitutional provisions and yet accommodated the viewpoint of the states by charting a middle path. It eventually became Section 9 of the IGST Act.

The taxation of branded food products was also hotly debated in the Council and when the issue seemed to run into legal hurdles, Arun ji actually suggested a formulation for the draft notification. He often let the states argue their position at length, heard every possible viewpoint patiently and resolved the issue by calling for some give and take, but never allowing matters to reach a flashpoint without compromising on the basic principles. Even the most trenchant advocates of a viewpoint were goaded into coming around to a common view. The issue of TDS and TCS were resolved by deferring them till such time as everyone was ready for these taxes while the universal applicability of the national e-way bill system was resolved by permitting flexibility to the states in case of intra-state movements.

Being associated with and having observed the proceedings, I can unhesitatingly state that it was Arun Jaitley who translated the prime minister's vision of GST into reality. This was particularly trying in the initial period when the alliance holding office at the Centre did not have as much representation in the Council as it now has. It is testimony to the immense respect he commanded across the political spectrum that a body comprising the Centre, 29 states and seven union territories did not ever have to resort to voting. He was a politician, an officer and a thorough gentleman. But above all, he was the ultimate consensus builder, ever prepared to walk the last mile and take that extra step to take everyone along.

The writer is deputy chief minister, Bihar

"Ben Stokes's batting to win England the third Test match of the current Ashes series was one of the most extraordinary demonstrations of sporting excellence of the last 50 years."

WHAT THE OTHERS SAY

—THE GUARDIAN Reforming the

The government should enshrine in law, the composition, tenure, functions and work procedure of the panel

Law Commission



AHIR MAHMOOD

OVER A MONTH ago, the media reported that Cabinet will soon take a call on reconstituting the Law Commission (IE, July15). There has been no further public information on the progress in the matter. The last commission had gone out of office a year ago, on August 31, 2018.

The Law Commission of India — the old-

est amongst the national-level parastatal bodies – remains an odd one even in its 65th year. Unlike its sister organisations, established much later, it has no fixed composition, no defined eligibility criteria for its chair and members, and no set functions — everything rests on the government's will. The terms of reference are specified afresh each time it is reconstituted as if it were an ad hoc body. It is an enigma to many as to why this oldest commission is still being treated in such a casual way while three of the other national commissions of later years, those for the Scheduled Castes, Scheduled Tribes and Backward Classes, are now regulated by the Constitution and there is a parliamentary charter for each of the national commissions for human rights, minorities, women, children and safai karmcharis.

The Law Commission is a legacy of the country's colonial past. In 1833, our British rulers unified, under a centralised dispensation, the three presidencies they had been ruling for long, and planned to enforce the English common law in the whole of what they called "British India". To translate their plan into action they constituted many law commissions. The work of these bodies transformed India into a common law country. After the fourth commission completed its work towards the end of 19th century, the rulers, sensing the beginning of an uprising for home rule, did not continue the exercise.

In the eighth year of Independence, the Government of India decided to revive the British legacy of appointing law commissions to study, research and report on legal matters specified in their terms of reference. The first commission, set up in 1955 for a threeyear term, assumed charge on September 1 that year and vacated office on August 31, three years later. From September 1, of a given year, to the same date three years later was then irrationally adopted as the fixed term for the commission for all time to come irrespective of when a new commission was constituted and entered office. Consequently, each of the later commissions worked for less — some for much less — than three years, leaving their assigned work half way.

Though the commission's job requires research-oriented juristic learning, which cannot essentially be the outcome of judicial experience, the commission has been a haven for retired judges. The chairpersons of the four pre-independence Law Commissions — C H Cameron, John Romilly, Whitley Stokes and Thomas Macaulay — were eminent jurists, not judges, and so were many of their members. Independent India initially main-

tained the tradition by appointing the distinguished jurist M C Setalvad as the chairman of its first Law Commission. The policy was later changed, and with the sole exception of the fifth commission which was headed by a non-judge (the first law secretary KVK Sundaram), the commission has always been headed by judges. Members of the commission are also

generally drawn from the judiciary, and the member-secretary is always from the bureaucracy. Of course, there have been some immortal names among them. The eighth commission was headed by the legendary judge Hansraj Khanna who had sacrificed his chance of being CJI by dissenting from the infamous majority judgment in the habeas corpus case of the Emergency days (ADM Jabalpur, 1976). The inimitable juristjudge V R Krishna Iyer served as a member of the commission before being elevated to the apex court bench in 1973.

Reports of the commission are generally written individually by members including the chairman and placed before the full commission for discussion and adoption. Quite a few of these reports have been on the Hindu and Christian family laws, but none on the Muslim personal law. The apex court had once suggested that the issue of reform of Muslim law be entrusted by the government to the Law Commission which should work on it in consultation with National Minorities Commission (Sarla Mudgal, 1995). Commenting on it, the civil servant-turned-politician Mani Shankar Aiyar remarked: "What faith will the minorities have in the pronouncements of an all-Hindu Law Commission?" (Confessions of a Secular Fundamentalist, 2004).

Supreme Court judge A R Lakshmanan as the chairman and I as its only full-time member, was 50 per cent Muslim but the community still did not have "faith" in it. Three of the four reports written by me for the commission were criticised by Muslim clerics for their indirect "adverse effect" on the community's supposedly sacrosanct law and my learned chairman shied away, for fear of a "backlash", from endorsing my fourth report, seen as directly touching the Muslim law. In light of this experience, I strongly feel that if the commission has to work without regard for extra-legal and political considerations it must have a governing statute defining its powers and responsibilities, and limitations.

The 18th Law Commission, with former

Before constituting the 22nd Law Commission — though the exercise is long overdue — the institution should, in my opinion, be placed under a proper parliamentary charter. The government of the day, which has conferred constitutional status on the National Backward Classes Commission, overhauled the governing law of the National Human Rights Commission and set up a Rashtriya Kamdhenu Ayog for the preservation of bovines, will do well to determine by legislation, the composition, tenure, functions and work procedure of the Law Commission. It should be a predominantly jurists' commission, not a retired judges' collective with a sprinkling of legal scholarship and jurisprudential expertise.

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

LETTER OF THE

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Poised for a leap

Fundamentals of Indian economy are sound. Growth is on the horizon

He put into place an

arrangement, whereby every

preceded by a meeting of the

meeting of the Council was

officers of the state and the

Centre. This meeting of the

Officers' Committee proved

to be a key strategy in

technical details were

thrashed out in such

consensus-building: The

meetings and the Council

of discussing issues over

which a broad consensus

had already evolved. The

this through long and

protracted discussions.

Council would then refine

could then have the benefit

IF YOU LOOK at the global markets for investors today, two big blocks will come to mind immediately - India and Africa. Unsurprisingly, these emerging markets have attracted maximum foreign investment over the last two decades. India, being the bigger of the two, remains a hot favourite with foreign investors. Narendra Modi's India has received \$250 billion FDI in the last six years, which is equal to the foreign investment in the 14 years prior to 2014. At present, the confidence appears to be slightly low in the Indian corporate world, which can be attributed to their concern over the global economy, where the GDP is likely to come off by over 60 to 70 bps.

Contrary to what detractors are saying, the RBI made a responsible gesture by handing over a big surplus of Rs 1.76 lakh crore to the government. It is in the national interest because it will support the government with the ammunition not only to combat the potential economic slowdown but also help spur investment and sectoral stimulus

The government is making an all-out effort to put the economy back on the eight percentage plus growth rate. But the private sector appears to have shown little appetite to fight shoulder-to-shoulder with the government. Our private sector and indeed the economists across the ideological spectrum were aware that Modi-1 was about laying the foundation for a robust, modern economy. It was going to be a bit bumpy, but very

fruitful in the long run. Many claim there is a feeling of fatigue in

the world's sixth leading economy after a long run of high growth. Even at the forecasted rate of 6.30 per cent, the Indian economy continues to be the fastest growing among the top global economies. The notso-impressive growth rate of 5.8 percent in one quarter shouldn't lead to fears

Yes, there is a slowdown. But we have not entered uncharted territory.

Modi-1 had inherited a largely informal, cash economy with a burgeoning, chaotic unorganised sector. Of course, India had changed beyond recognition following the reforms of the 1990s, but large parts of the economic activity had remained ensconced in the past. The Modi government embarked on game changing plans to formalise the economy. Demonetisation and GST were the two bold changes the government had to

make in the national interest. Another factor that has contributed to the slowdown is less-than-normal rainfall in the recent past (thankfully, this year the monsoon is good). Unfortunately, this factor is generally overlooked in the debate. The elections may also have contributed to the slowdown. Forced by the code of conduct during the elections, the government was unable to spend on schemes or announce big reforms. As a result, the growth in capex had slipped to 2 per cent from the previous quarter of 12 per cent and impacted in GDP by around 80

bps. India's slowdown is also firmly linked to the global trend and the ongoing US-China trade war is not helping matters.

It will be a great service to your country if you do not panic. Our economy is on a very sound footing. Our macro indicators are all good. Consider this: Forex reserves are an alltime high at \$491 billion; CPI inflation is tracking at 3.2 per cent and has remained below the 4 per cent mark for nearly 12 months. Core inflation has also decelerated meaningfully in the last 12 months. Gross FDI flows remains robust tracking at close to 2.4 per cent of GDP on a 12-month trailing basis.

PMI manufacturing and services for July saw an improvement compared to a slowdown in previous month. This is encouraging and it suggests that the economy has shown improvement and also accelerated the job creation.

The juggernaut of the Indian economy has generated so much energy over the years that a strong momentum has been in motion for the last few decades. It's continuing to propel the economy forward. The government was not exactly sitting idle before Finance Minister Nirmala Sitharaman announced a series of welcome measures at a press conference last week and reiterated her resolve to fix the problem at another meet on Tuesday.

Some in the industry have argued that there was a crisis of confidence between lenders and borrowers and between the government and industry. They had urged the

government to look into it. The FM has done exactly that. The infusion of Rs 70,000 crore to PSU banks will shoot up lending to the tune of Rs 5 lakh crore, assuming banks leverage it seven times. The government is launching structural changes in the agriculture sector, such as modifying the Essential Commodities Act.

Government spending is going to pick up following the good monsoon. Consumption will rise as we are entering the festive season. Growth will come. It will come from improving exports, from investment and from disinvestment. The government is encouraging private investment, as announced in the budget. The foreign investors' shares have been increased. It is bound to attract more investment from abroad. We believe that government can exceed the disinvestment target for the year, which stands at Rs 1.14 lakh crore.

The forecast is not exactly gloomy for the next quarter and beyond, but yes, it's not in double digits immediately. With PM Modi's continued focus on reforms, credit flow and ease of doing business and with his infectious optimism, it's very likely that we will achieve the \$5-trillion mark by 2024/2025 assuming we hit the average GDP of 7.5 per cent and rupee-dollar remains stable around 70.

The writer is national spokesperson of the BIP and former managing director, Deutsche Bank, India. Views are personal

LETTERS TO THE EDITOR

INVISIBLE TRAGEDIES

THIS REFERS TO the article, 'When his heartbeat dropped' (IE, August 28). It has been 24 days since the abolition of Article 370 and the curfew being imposed in the Kashmir Valley. A section of media shows pictures of Kashmir where it looks as though the "life is normal". How long will the people be trapped in their houses? Does the government have a plan to end the curfew? **Dhaval Trivedi,** Pune

THIS REFERS TO the article, 'When his heartbeat dropped' (IE, August 28). The writer has expressed his anguish over losing the life of the baby, yet to born to his sister, likely because of the communication blackout in the Valley. This story has been brought to us as the brother of the unfortunate woman is a journalist. But, as the article says, many similar stories may have gone unnoticed. **Vandana,** *Chandigarh*

RIGHTS REVOKED

THIS REFERS TO the article, 'The verdict of history' (IE, August 28). There will be from time-to-time an over-arching executive, which seeks to change the fundamental nature of a constitutional democracy for its ideological ends. In such times, the judiciary is meant to stand up for the Constitution's "basic structure". The right to free speech and expression stands revoked in Kashmir. People born on Indian soil, "natural cit-

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izens" could well be denied citizenship in Assam, even as the flawed NRC process hangs over the entire country as a threat. The Supreme Court consists of the finest legal minds in the country. It must have the moral courage to not be swayed by arguments of national or cultural insecurity. There is reason why the judiciary is independent and does not contest elections.

Shatam Ray, via email

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