



The Indian EXPRESS

FOUNDED BY
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

Seize the slowdown

Large disinvestments could help bridge fiscal shortfall and maintain government spending growth



NEELKANTH MISHRA

OPENING THE DOOR

Government does well to relax rules for foreign investment in single-brand retail, contract manufacturing and coal mining

ON WEDNESDAY, THE NDA government announced a slew of measures aimed at facilitating greater foreign investment in the country. Under the new rules, it has provided for a relaxation of the contentious sourcing norms which have been a major deterrent for foreign investment in single-brand retail. Now, firms can adjust their entire procurement from India, be it for their domestic operations or for global markets, against their local sourcing requirements. Further, local sourcing norms need not be met annually, but as an average of the first five years. Sourcing, even through group companies or indirectly through third parties such as contract manufacturers, will now be counted towards their domestic sourcing obligations. Single brand retailers have also been allowed the option of setting up their online retail platforms before putting in place a brick and mortar presence. Further, the government has allowed 100 per cent FDI in contract manufacturing and in coal mining and related activities such as washery, handling and separation. This easing of restrictions on foreign investment, which sends a positive signal to the international community, should be seen as a continuation of the measures announced by Finance Minister Nirmala Sitharaman last week to prop up the economy.

With the trade war between the US and China showing no signs of resolving, foreign companies are increasingly reassessing their operations. For instance, technology major Google is reportedly shifting the production of its Pixel smartphone out of China to Vietnam. So far, India has not been able to take advantage of this ongoing relocation of production facilities out of China. But, these changes in the rules should gradually facilitate foreign firms setting up manufacturing bases in India, providing a boost to both employment and exports. Allowing 100 per cent FDI in contract manufacturing through the automatic route will also attract global players looking to set up alternate manufacturing hubs — diversifying away from China. Adding exports to the local sourcing norms is also likely to encourage the building of larger production facilities, providing a much needed fillip to the country's subdued exports. Sectors such as electronics, mobiles, apparel and pharma are likely to benefit the most from these measures. And with India's electronics imports exceeding \$50 billion in 2018-19 — it was the biggest driver of the trade deficit after oil — over time, these measures could also help contain India's current account deficit.

These initiatives are an attempt to create a manufacturing ecosystem, establishing value chains with both upstream and downstream linkages. But they need to be accompanied by reforms, especially factor market reforms, that address the structural issues plaguing the economy. The continuing overvaluation of the rupee also needs to be attended to. In the coming weeks, the government is likely to announce more measures to tackle the slowdown. These should be at the top of its agenda.

PLOT HOLES

Bhima-Koregaon arrests had invited questions about police action. They remain unanswered

THE PROCEEDINGS IN the Bombay High Court regarding the bail plea of Vernon Gonsalves, an activist facing charges under the Unlawful Activities Prevention Act (UAPA) for his alleged links with the CPI (Maoist), are a pointer to all that seems questionable about the police action that followed the Bhima-Koregaon incident in January 2018. Gonsalves was arrested by Pune Police on August 28 last year and has been in prison since. Police has provided a list of CDs, documents and books that were allegedly seized during a search at Gonsalves' home to the court to oppose his bail — including Anand Patwardhan's acclaimed film, *Jai Bhim Comrade*, and the online library Marxist Archives. The exchanges in court reveal the callous and shoddy manner in which the police have apparently proceeded in this case: On Wednesday, Judge Sarang Kotwal pulled up the prosecution for not listing the contents of the seized CDs in the chargesheet. As Justice Kotwal said, the police "have to show that the material that it has is incriminating evidence". It is a travesty of justice to hold a person in judicial custody for a year when the prosecution seems to rest its case on pieces of literature and music.

In fact, the Bhima-Koregaon case has the markings of a laboured attempt by the state to paint a subaltern political gathering as a violent uprising. The Bhima-Koregaon event (it resulted in caste violence and the death of one person) on January 1, 2018 and the Elgar Parishad in Pune that preceded it, were public events organised after securing the necessary permissions from the state. The police, wary of the political implications of targeting a celebration of Dalit pride, has sought to read a Maoist conspiracy into it and target activists, who are lawyers, civil rights activists and so on. Along with Gonsalves, the police had arrested and charged trade leader and lawyer Sudha Bharadwaj, poet Varavara Rao and activist Arun Ferreira for alleged Maoist links. Even before it moved against Gonsalves and others, Pune Police arrested Dalit activist Sudhir Dhawale, Nagpur academic Shoma Sen, activists Mahesh Raut and Rona Wilson on similar charges. Family members and supporters of the persons detained have accused the government of using them as an instrument to stifle potential dissent.

The onus is on the police to prove that it has a case against these individuals, and it must do so in reasonable time. As for bail, it is the right of every citizen and should be denied only in exceptional situations. The judiciary, hopefully, will recognise the injustice in the continued incarceration of those arrested after Bhima-Koregaon and order corrective steps.

GLASS HALF FULL

A study has found that optimists live longer. Pessimists are asking: What for?

YET ANOTHER STUDY, this time by Lewina Lee of the Boston University School of Medicine published in the *Proceedings of the National Academy of Sciences*, has found that the "psychological asset" of optimism leads to a longer and happier life. Lee and her colleagues have found that people who look at the brighter side of things have a greater chance of living beyond 85 years. Optimists, the proverbial half-glass-full types, probably see the silver-lining of being around to have a chance at completing a centenary. But their more gloomy counterparts are unlikely to be jealous.

The first thing pessimists might do is question the premises of the study itself, and ask if it isn't begging the question: If a person has managed to live till 85 and is still lucid enough to participate in rigorous scientific endeavour, they have probably enjoyed good health to begin with (another factor, according to the study, that leads to longevity), have purpose in life ("retirement is the biggest killer") and have a community of friends and family. Is it a surprise, then, that such octogenarians can see the silver lining in a rainstorm?

It is far too easy to deride those with a bit of *joie de vivre* as, well, a little dumb. It is easy to cite the climate change apocalypse, the rise of bigotry, the increasing stupidity of popular culture and the sheer boredom of existence to say: Who wants to be around for that long anyway. It's easy to pretend that cynicism is the same as wisdom. This might, of course, be a case of sour grapes, since optimism is as difficult to manufacture as longevity. In the final analysis, the question is: Is it better to have a short, miserable life or a long and happy one?

THE ECONOMY HAS slowed. Now that there is a consensus on that, the debate has moved to how severe it is, how long it can last, and where the intervention needs to be. Like a snowball that grows bigger as it rolls on, economic momentum builds in a certain direction till a force (intervention) is applied. The later the response, the stronger the necessary intervention.

This amplification of the prevailing trend plays out on several fronts. Let us start with financial conditions. Once financing conditions tightened after the default by a large financial firm about a year back, the resultant economic weakness pushed more firms into default. For a few quarters, private financial firms that had the potential to grow took advantage of the lack of competition and grew their loan-books profitably. But now, as the underlying issues stayed unresolved and growth has weakened further, afraid of new bad loans, even they are slowing down credit disbursement. This is now likely to cause the next round of weakness.

Similarly, supply chains sometimes act like bull-whips: The handle of the whip moves slowly, but the end of the whip can move at the speed of a few hundred kilometres an hour. Relatively small fluctuations in end demand can get amplified further up in the supply chain: A retailer sees a 2 per cent drop in demand, and decides to shed some inventory too; now the wholesaler supplying the retailer sees a 5 per cent drop in demand. By the time it reaches the manufacturer, the apparent demand could be down by 10 per cent. They then cut output and component suppliers, further upstream, send contract workers on leave.

What is happening in the auto supply chains currently is a good example: Car registrations last month were down 11 per cent, but sales by manufacturers were down more than 30 per cent. The resultant production slowdown leads to income losses in the economy, particularly if there are many temporary workers (recall that less than 20 per cent of Indian workers work with a salary slip), and that further weakens end-demand. For autos, the situation has likely been exacerbated by the technology transition scheduled for next year, which is a disincentive for the supply chain to hold much inventory, partic-

ularly when financial conditions are tight. But this is visible even in soaps and shampoos. Lack of credit is also driving inventory liquidation in real estate, as "investors" (that is, people who bought apartments as investments), partly in need of cash, and partly in fear of further price declines, stampede out of the market. This slows down cash flows to developers and intensifies their distress.

The third front is fiscal. Government revenues weaken with economic activity. In particular, destocking in the economy hurts GST collection (a large part of the GST on a product is paid when it leaves the manufacturer). In the first three months the government's expenditure grew at just 2 per cent, against the full year budgeted target of 21 per cent. Given the slippages on taxes, it is unlikely that the government will be able to increase its pace of expenditure. This worsens the slowdown: Fixed annual fiscal deficit targets are inherently pro-cyclical in nature. In a slowing economy, they intensify the weakness, and in an accelerating economy, they provide even more fiscal room for the government to spend.

It is tempting to ignore this, or just hope that the economy self-corrects. As one can expect, in a complex economy like India, where hard data is limited, perceptions of the slowdown run at a different pace from ground reality. With millions of people viewing the economy through different prisms, sometimes the collective conscious chooses to ignore signs of weakness, and at other times the sense of panic overshoots reality. Sales of smartphones, some consumer appliances, paints, and plastics, for example, were healthy in the last quarter. However, as discussed above, the weakness has worsened in recent months, and even these sectors may then start to follow the broader trend.

One should also not dismiss the group-think, as it too matters, affecting individual decisions on consumption and investment that add up to the economic activity measured as GDP. Dented confidence of consumers and companies, if not nipped in the bud, can by itself cause economic weakness. A significant pickup in monsoon activity (from a 19 per cent deficit a month back to a 1 per cent surplus now) should help sentiment incrementally, but the weakening global macroeconomic backdrop is a growing challenge.

So, then, what may be the interventions that can stop, if not reverse, this downward momentum? Significantly lower interest rates or a faster pace of base money injection by the RBI are likely to help, but they may no longer be sufficient to drive a recovery. As discussed in these columns earlier ('How to use the mandate', May 31), the government needs to take a decisive approach on the financial architecture in India: It needs to take an axe to the system, as a scalpel will no longer suffice. For the economy to grow at 12 per cent, given the objective of increasing formalisation, total formal credit needs to grow at well over 15 per cent, and the current ecosystem does not appear capable of providing that.

Many, including this writer, have recommended large disinvestments to bridge the fiscal shortfall and maintain government spending growth, particularly on infrastructure; it would also serve the dual purpose of signaling the reform intent of the government to economic participants, in addition to, over time, improving productivity of those assets. The likely dent to the political capital of the government may be offset by the resultant change in economic sentiment. It is important to remember that a three trillion dollar economy needs steady structural reforms to maintain its growth momentum.

The government's first response shows a desire to intervene to rectify problems; more may be on the way and necessary. Governments, globally, respond with progressively greater force as they calibrate the intensity of the intervention, the dose of the medicine. Milton Friedman, a Nobel laureate in economics, once wrote: "Only a crisis — actual or perceived — produces real change. When that crisis occurs, the politically impossible becomes the politically inevitable."

The bull-whip works both ways: When supply chains have already shed their inventory and demand suddenly picks up, the positive side of the cycle can be as exciting as the negative side is depressing. Other cyclical factors can then also turn supportive. But changing the momentum is the challenge, and one hopes that the right interventions come sooner rather than later.

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A FINER NET

Marine Fisheries Bill addresses a regulatory void. It needs cooperative federalism



JOHN KURIEN

A MARINE FISHERIES Regulation and Management (MFRM) Bill 2019 is in the public domain for discussion. Comprehending the Bill's rationale requires understanding the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and the World Trade Organisation (WTO) agreements under which India has obligations to frame laws. The MFRM Bill 2019 is one such piece of legislation.

Under UNCLOS, which India ratified in 1995, the sea and resources in the water and the seabed are classified into three zones — the internal waters (IW), the territorial sea (TS) and the exclusive economic zone (EEZ). The IW is on the landward side of the baseline — it includes gulfs and small bays. Coastal states treat IW like land. The TS extends outwards to 12 nautical miles from the baseline — coastal nations enjoy sovereignty over airspace, sea, seabed and subsoil and all living and non-living resources therein. The EEZ extends outwards to 200 nautical miles from the baseline. Coastal nations have sovereign rights for exploration, exploiting, conserving and managing all the natural resources therein.

Since fisheries is a state subject, fishing in the IW and TS come within the purview of the states concerned. Other activities in the TS and activities, including fishing beyond the TS up to the limit of the EEZ, are in the Union list. No Central government, so far, has framed laws covering the entire EEZ. The Bill attempts to

make up for this. The annual fishery potential of the country's EEZ is about 5 million tonnes. Utilising it judiciously is an important priority of the government that was underscored by the formation of a new fisheries ministry.

The Bill is also a response to discussions on fisheries' subsidies at the WTO since the Doha Round of 2001. India has been defending the rights of developing nations for special and differential treatment. Developed countries contend that nations without laws to manage fisheries in their respective EEZs are not serious about unregulated fishing. The MFRM Bill is India's response to such sentiments.

The Bill prohibits fishing by foreign fishing vessels, thus nationalising our EEZ. An Indian fishing vessel desirous of fishing in the EEZ, outside the TS, must obtain a permit. This requirement has been contested by the fishing industry — particularly small-scale operators.

There is a faulty assumption in the Bill that only large-scale vessels fish outside the TS. Actually, thousands of small-scale fishing crafts regularly venture into such areas. Their freedom to access fish outside the TS will cease if the Bill becomes law. A few exemption clauses to safeguard their livelihoods should be incorporated in the Bill.

Bigger vessels, particularly trawlers, registered and licensed under state departments, will need a permit to fish. This is a welcome

measure to manage the fishing sector.

The Bill lacks congruence with important regional fishery agreements. It is incomplete compared to the regulations in other coastal nations. However, it is necessary for the sustainable future of the marine fishing industry. The Bill respects the jurisdiction of our coastal states over the TS. It proposes social security for fish workers and calls for protection of life at sea during severe weather events. State governments, fisher associations and the fishing industry representatives should not blindly oppose the entire Bill on the basis of their fears of the fishing permit. They should argue for greater "cooperative federalism".

Fish cannot be bound by territoriality dictates of the Centre or states. Cooperative governance between them over different territories (IW, TS and EEZ) is key to the sustainable management of marine fisheries, which should now ideally go into the Concurrent List. Small-scale fish workers should demand making the entire IW and TS completely free of trawling using the FAO/UN Small-Scale Fisheries Guidelines to support their arguments. This will raise their incomes, ensure a steady supply to consumers, heal the coastal areas and curb the bane of destructive fishing.

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AUGUST 30, 1979, FORTY YEARS AGO

UP GOVERNMENT SAFE

153 MEMBERS OF the Raj Mangal Pandey-led Janata Party, 43 Congress (I) members and the lone Socialist Party member voted for the no-confidence motion. On the Uttar Pradesh government side, 199 members of the Banarasi Das-led Janata Party, nine members of the CPI, six members of the Congress, one member of the CPM, and four Independents voted against the motion. The no-confidence motion moved by Raj Mangal Pandey, new Leader of the Opposition, was debated for seven hours in an atmosphere full of suspense because of the horse trading which continued until the last moment.

URANIUM ORDERED

EVEN AS THE US Nuclear Regulatory Commission is still dragging its feet on authorising shipment of 19.8 tonnes of enriched uranium for the Tarapur Atomic Power Station, New Delhi has applied for another shipment. Under the new US Non Proliferation Act, the last date for the NRC to entertain applications from countries that are not signatories to the Non Proliferation Treaty or who have not accepted fullscope safeguard of all their nuclear facilities is September 10. The last date for authorising shipments is March 10.

BRANDED AND BEATEN

RAM SINGH, A 14-year-old Harijan boy was severely beaten with lathis and a blunt instrument, then tied to a mulberry tree with ropes and branded with hot iron pincers on his face, genitals and thigh. More than 50 residents of the narrow alley where he lived stood by, watching this gruesome act. The parents, Phul Singh and Shanti, were held back by some men so that they could not come to their son's rescue. The next morning, the parents went to the police post to register a case and heard an unsympathetic policeman inform them: "For what your son did he should have been shot." The police visited the locality more than a day later. According to the Singhs, no statement has been taken from them, nor have any arrests been made.



15 THE IDEAS PAGE

WHAT THE OTHERS SAY

"Hong Kong has many more available legal resources, and activating and mobilizing them will not only have an effect, but also help maintain the consistent logic of Hong Kong's existing legal system, and make the anti-riot measures strictly follow the rule of law." — GLOBAL TIMES, CHINA

A more precarious citizenship

India is unlikely to deport to Bangladesh people who fail NRC test. But the millions who will become non-citizens will have fewer rights



SANJIB BARUAH

THE PHRASE "INDIA'S internal matter" has featured prominently in the country's diplomacy in recent days. It cropped up repeatedly in the government's responses to the international fallout of the moves on Jammu and Kashmir: To scrap Article 370 and downgrade the state to a Union Territory. The country's diplomats have pointed to the Simla Agreement of 1972 and the Lahore resolution of 1999 to assert India's jurisdictional competence to take those actions.

"Every new agreement overtakes the past," says India's ambassador to the UN regarding the international commitments made in an earlier era. But whether the Centre's unilateral action—and the communication blockade and security crackdown imposed on the people most affected by it—is consistent with the commitment to resolution of differences through peaceful and bilateral means is quite another matter.

Last week, the "internal matter" formulation also surfaced in a somewhat novel context. In statements made in Dhaka, External Affairs Minister S Jaishankar described the process of the identification of citizens and non-citizens in Assam as India's internal matter.

The use of the phrase in the case of Kashmir is quite familiar: To make a jurisdictional assertion of India's power to act on matters affecting that area. The claim is that Kashmir comes under India's "domestic jurisdiction" in the sense of Article 2(7) of the UN Charter, which excludes UN intervention in matters that are "essentially within the domestic jurisdiction of any state". But there are no jurisdictional challenges to the process of citizenship documentation in Assam. The citizenship practices of states and the power to define the rules of entry into a country are widely seen as matters of sovereign discretion.

Jaishankar's statement in Dhaka was clearly intended for a different purpose: To ease Bangladesh's fears. It was a promise that the fallout of the citizenship documentation process in Assam will be contained; it will not extend to Bangladesh. Home Minister Amit Shah had previously raised India's concerns about unauthorised immigration with his Bangladeshi counterpart. The news of the NRC — and that millions of suspected Bangladeshi unauthorised immigrants may be excluded — has received wide media coverage causing significant consternation and confusion in Bangladesh.

Not surprisingly, the media there made a point of putting Jaishankar's comments in that context. According to the *Daily Star*, when the minister was "asked about concerns that some four million Bangla-speaking people are at the risk of losing Indian citizenship as they were left out of the National Register of Citizens in Assam," he said, "This is an internal matter of India". Bangladesh Foreign Minister Abul Kalam Abdul Momen was quoted as telling reporters that when he pointed out that his country was "already in serious trouble with 1.1 million Rohingyas," Jaishankar replied, referring specifically to the NRC, "you don't worry at all about it".

Of course, Article 370 featured prominently on Jaishankar's agenda in Bangladesh.



C.R. Sasikumar

His comment that the Kashmir decisions were India's internal affair was the focus of newspaper headlines in Bangladesh. The country's Ministry of Foreign Affairs expressed his country's support for that position: "Bangladesh maintains that the abrogation of Article 370 by the Indian government is an internal issue of India."

But what does it mean to suggest that the NRC and related efforts to harden the Indo-Bangladesh border and to curb unauthorised immigration will not impact Bangladesh? At least the Indian Supreme Court order that re-energised the NRC process does not support such a reading. The NRC was only one element of that 2014 ruling. The Court, acting on the far-reaching powers given to it by Article 142 of the Constitution, gave a number of directions including one on the "mechanism of deportation of declared illegal migrants". By no stretch of imagination can this instruction be construed as a matter of domestic policy.

"While taking note of the existing mechanism/procedure for deportation keeping in view the requirements of international protocol," said the order, "we direct the Union of India to enter into necessary discussions with the Government of Bangladesh to streamline the procedure of deportation". The issue, however, has taken a backseat during the Court's monitoring of the implementation of its directions. The updating of the NRC—India's largest ever judiciary-led bureaucratic operation — has taken most of its energy and attention.

India's efforts to tighten border enforcement and curb irregular migration parallel similar moves by a few other countries. The impact of these actions on regional neighbours has rarely been benign. In the most extreme case, the Donald Trump Administration's clampdown on unauthorised immigrants has had profound effects on countries south of the US border. The single most important factor negatively impacting Central American countries like Honduras and El Salvador has been the return of deportees.

Understandably, one message that Jaishankar tried to convey to Dhaka was that no matter what, Indian policies will not include deportation—at least not to any noteworthy extent. This won't come as a surprise to many. That India does not have large-scale deportations in mind has been quite evident for a while.

Given the ruling party's ideological predilections, it is clear that the aborted citizenship amendment bill will be reintroduced in the near future, and it is likely to get Parliament's approval quite easily. What will then effectively become a faith-based selective amnesty will radically change the meaning of being excluded from the NRC.

Viewed in comparative terms, regularisation or legalisation is one obvious alternative. Irregular migration is to a significant extent a component of labour migration. Faced with a choice between ignoring tax evasion in the underground economy that frequently employs irregular migrants, or exercising control over it, governments have sometimes found regularising the status of unauthorised migrants to be an attractive policy option. Amnesty is its synonym. But lately it has become a controversial word, at least in the US.

There are no signs that a general amnesty will be among the options that India will consider. But defining hundreds and thousands of people living in the country as non-citizens will create a new form of precarious citizenship — people with fewer rights and entitlements. This is an uncharted and potentially dangerous territory for a democracy. The growing talk of detention camps and the rapid normalisation of the idea does not bode well.

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Fewer human sightings

For tigers to regain some dominion over the jungles, it is essential that their habitat remain as wild as possible



STEPHEN ALTER

WHAT DO WE mean by the word "wild"? How do we define and preserve wild places? How many tigers and other creatures actually still "live in the wild"? Though there is no clear, precise answer to any of these questions, our future depends upon ensuring that a significant portion of our planet remains wild.

Earlier this year, my wife and I visited the Pench and Tadoba Tiger Reserves, on either side of the state border dividing Madhya Pradesh and Maharashtra. Late in the afternoon, driving along a forest track, we were fortunate to see a large tigress, visibly pregnant. She was lying in the shade, camouflaged amidst the foliage, about 100 metres from an artificial waterhole. A few minutes after our jeep pulled up and our guide pointed out the tigress, approximately 20 other vehicles congregated at the same spot.

We watched the predator for half an hour before she eventually got on her feet and slowly made her way directly in front of us to a concrete-lined tank of water, filled by a solar-powered pump. Lowering her hindquarters into the pool, until half her body was submerged, the tigress emitted a soft moaning sound, as if she was in distress. Perhaps the cubs inside her womb were getting restless or the jeeps had disturbed her; possibly the high temperature that day added to her unease. But the cool water seemed to soothe the tigress's discomfort.

Though this "tiger sighting" was one of the highlights of our visit to the parks and allowed me to get a good photograph, the conditions under which we observed the tigress made me wonder about the underlying purpose of tiger reserves. Our noisy convoy of "jeep safaris", engines revving, as they took up a position near the waterhole and the impatient crowd of visitors, including an obnoxious woman who shouted abuses at the other drivers for blocking her view, could just as easily have been a traffic jam in the nearby city of Nagpur.

On July 29, 2019 — the "International Tiger Day" — the Prime Minister of India released encouraging figures from the country's most recent tiger census. Officially, India now has 2,967 tigers in the wild, their numbers doubling from an all time low of 1,411 in 2006, when poachers and the illicit demands of Chinese medicine seemed close to wiping them out. A wildlife census is a notoriously difficult project. But, with camera trap technology and trained scien-

tists from the Wildlife Institute of India conducting the recent survey, it seems that the current numbers are relatively accurate, though there is always a margin of error.

Nevertheless, a healthy debate over this census has already begun and one of the world's foremost experts on tigers, K Ullas Karanth, Director of the Centre for Wildlife Studies in Bengaluru has written, "When tiger recovery efforts began 50 years ago we had about 2,000 tigers. If after all this effort and expenditures we are satisfied with just 3,000 tigers, it points at a serious management problem." Karanth's research leads him to believe that India's forests have the "carrying capacity" of 10,000-15,000 tigers, which means we still have a long way to go.

In order to allow tigers to regain some dominion over the jungles of India, it is essential that their habitat remain as wild as possible. Paradoxically, we might argue that the true definition of a wild environment is one that does not require the protection of human beings, where nature preserves and sustains itself. Of course, with population pressures and the chanted mantras of development, that isn't feasible. But, in essence, human beings need to be excluded from the limited percentage of forested land that has been designated for wildlife preservation. Most of India's conservationists have long recognised that forest-dependent communities must be part of the solution. However, while that goal may be achieved through designated areas of "mixed-use forest", humane and generous relocation packages, as well as dialogue, education and ecologically-sensitive job opportunities, it still comes down to providing wildlife with enough space and biodiversity to survive.

Some years ago, Madhusudan Katti, a professor of vertebrate ecology, wrote an insightful and provocative essay entitled, "Are leaf warblers more important than tigers?" The essential point he makes is that wild forests are complex, interdependent ecosystems in which a tiger's survival depends as much on tiny birds eating swarms of insects that devour the foliage and denude the jungle, as on the preservation of prey species or the deterrence of poaching. Wild places need much more than just the simple mathematics of a wildlife census.

As we watched the pregnant tigress rise from the waterhole and vanish silently into the jungle, I couldn't honestly say that I had observed a tiger "in the wild". The intrusive presence of our jeep safari seemed to negate that phrase. Perhaps, like graziers or woodcutters who are relocated outside the perimeters of tiger reserves, we too need to be excluded so that the litter of cubs the tigress bore might grow up with fewer "human sightings."

Alter is the author of *Wild Himalaya*

LETTERS TO THE EDITOR

NEED FOR A CHURN

THIS REFERS TO the editorial, 'Join the debate' (IE, August 29). Even before a healthy discussion on the unnecessary demonisation of Prime Minister Narendra Modi could take place in the public domain, the Congress in Kerala has given a show cause notice to its MP, Shashi Tharoor. The party needs to reinvent itself by incorporating new and young leaders, who are open to suggestions and not afraid to embrace change. The old order must go. An improvement in the quality of debate will keep the government on its toes and make the nation take notice of the Opposition's contribution. But negativism has become the order of the day.

Anupama Goswami, Mumbai

THIS REFERS TO the editorial, 'Join the debate' (IE, August 29). The Congress has to realise the root cause of its defeat in the 2019 general elections. There seems to be much confusion within the party, which reflects in divergent views of the party leaders on Article 370 or PM Narendra Modi. Only criticising the PM will not work. This should be accompanied by putting forward ideas for development.

Vihaan Gupta, Ujjain

FREEBIES AGAIN

THIS REFERS TO editorial, 'Cost of water' (IE, August 29). Low prices of water do not create a milieu for the judiciary use of this scarce resource. The Delhi government's arrears-waiver scheme will be inimical to water conservation. The AAP government's admission that the water billing system is faulty could become an alibi for defaulters. Freebies by governments before the elections have nothing to do

The writer is a Mumbai-based senior lawyer and managing partner, Parinam

An unfair comparison

Unlike the Emergency, Article 370 was abrogated to undo an historic wrong



HITESH JAIN

"THE PRESIDENT HAS proclaimed Emergency. There is nothing to panic about." These words of Prime Minister Indira Gandhi on June 26, 1975, created a scene of total bedlam across the country. The President's proclamation of Emergency came within a fortnight of the Allahabad High Court's order that found Indira Gandhi guilty of using government machinery and officials for her 1971 poll campaign. Further, she was disqualified from membership of Parliament for six years.

Subsequent to the proclamation of Emergency, the Maintenance of Internal Security Act (MISA) was amended through a presidential ordinance. Simply put, after the amendment, carried out on June 30, 1975, any individual considered as a political threat or who gave a stimulus to the voice of the Opposition could be arrested under MISA without a trial. In view of this, several petitions were filed in various high courts challenging the detentions, which were in violation of the fundamental rights of the detainees. The respective high courts had ruled in favour of the detainees, compelling the Indira Gandhi government to approach the Supreme Court (SC) on this matter, known as *Additional District Magistrate Jabalpur v. Shivkant Shukla* or the habeas corpus case.

as the darkest hour for India's judiciary. The Court held that with the declaration of Emergency, no person had the locus standi to move a habeas corpus writ petition before a high court to challenge the legality of an order of detention. However, in 2017, the SC, declared that the suspension of the right to life and liberty during the Emergency was not good law and such an interpretation is seriously flawed.

It is important to understand this timeline in light of several articles in various newspapers that have compared the habeas corpus case to the situation in Kashmir following the abrogation of Article 370. With the SC referring all the petitions filed regarding Article 370 to a five-judge Constitution bench, these are brazen attempts to browbeat the judiciary.

The sole purpose of proclaiming the Emergency was for Indira Gandhi to retain her position as prime minister. Article 370 was abrogated to address the gross injustice concerning the rights of women, tribal communities and backward classes of society. For example, a woman from Jammu and Kashmir who married outside of the state would lose her status as a state subject as per the erstwhile state law. It is also saddening that the present and future generations of backward classes who were initially brought to J&K in 1957 by the state

government have been compelled to remain as sweepers in the state. This was because they were not given the Permanent Resident Certificate. Prior to the amendment, non-Kashmiri Indians, manufacturing firms or multinational corporations were not permitted to invest in land or property. This is all set to change. Explaining each advantage this abrogation brings to the table would require a lot of space. Article 370 being scrapped was in the interest of the public at large, unlike promulgation of the Emergency, which was to suit the private interest of an individual.

Secondly, the Emergency was undoubtedly arbitrary in nature. It was proclaimed without the consent of any of the cabinet ministers and was devoid of any reasoning. After the imposition of the Emergency, the government amended the MISA through the 39th Amendment, yet again in an arbitrary manner, when most parliamentarians were jailed. In stark contrast lies the abrogation of Article 370. Comparing the abrogation to draconian acts such as MISA and the proclamation is a mismatch of epic proportions. It is to be noted that Article 370 itself was supposed to be temporary; it was under Part XXI of the Constitution, which is titled "Temporary, Transitional and Special Provisions". Moreover, only after both houses of Parliament voted in favour of

the resolution after an informed debate, was Article 370 abrogated.

Lastly, given the manner in which MISA was amended, it was of no surprise that the government led by Indira Gandhi arrested over 900 individuals under the Act between 1975-77. These arrests were undertaken without any reasoning, violating inviolable Fundamental Rights such as those provided by Articles 14, 19 and 21. In sharp contrast, the precautionary measures taken in J&K are for the larger interest of the public to maintain public order, which is the responsibility of the elected government. Moreover, a section of society have claimed these actions to be a violation of human rights. However, such an argument is misplaced as these actions have been undertaken in accordance with Section 144 of the Code of Criminal Procedure.

The essence and rationale of Emergency was summarised aptly by Jayaprakash Narayan in the foreword of renowned jurist MC Chagla's autobiography: "I never thought that the daughter of Pandit Jawaharlal Nehru would dare or stoop to snuff out the lamp of liberty to serve her personal and dynastic ends." Unlike the Emergency, Article 370 was abrogated to undo a historic wrong.

The writer is a Mumbai-based senior lawyer and managing partner, Parinam

TELLING NUMBERS

How police relate Muslims and migrants with crime



Release of Status of Policing in India Report 2019, Prem Nath Pandey

'WHICH GROUPS ARE NATURALLY PRONE TO CRIME?' HOW POLICE PERSONNEL RESPONDED

Community	very much	Somewhat	rarely	Not at all
Upper-caste Hindus	6	27	32	24
OBCs	5	28	34	23
Dalits	7	28	30	24
Adivasis/tribals	5	26	31	27
Muslims	14	36	25	17

IN THE 'Status of Policing in India Report 2019' prepared by Common cause and Lokniti-CSDS, aspects of which were reported in *The Indian Express* on August 28 and 29, one key finding was about bias among police personnel in relating Muslims with crime. About half the police personnel surveyed responded that Muslims are likely to be naturally prone towards committing crime ("very much" and "somewhat" combined).

The question asked was: "In your opinion, to what extent are — a. Upper-caste Hindus, b. OBC people, c. Dalits, d. Tribals, e. Muslims — naturally prone towards committing crimes...?" The options were "very much", "somewhat", "rarely" and "not at all".

With 14 per cent responding "very much" and 36 per cent responding "somewhat", the total of 50 per cent for Muslims was far higher than it was for any other community. For upper-caste Hindus, OBCs, Dalits and tribals, the total for "very much" and "somewhat" responses ranged between 30 and 35 per cent.

Some states, such as Uttarakhand, Jharkhand, Maharashtra and Bihar, had about two-third or more police personnel who held the opinion that the Muslim community is likely ("very much" and "somewhat" combined) to be naturally prone to commit crime. In Uttarakhand, four out of five police personnel had this opinion, the report said.

Police view of migrants

The report refers to the update of the National Register of Citizens of India (NRC) in Assam, then goes on to note that anti-migrant sentiment is not restricted to migrants from other countries but also includes migrants from various states within the country. It says police are often partisan in the harassment of these communities, and sets out to quantify this bias on the basis of responses.

Three in every five police person-

'ARE MUSLIMS NATURALLY PRONE TO CRIME?'

Police respondents	Very much	Some what
Uttarakhand	19	60
Chhattisgarh	14	53
Jharkhand	22	44
Maharashtra	12	53
Bihar	16	48

'ARE MIGRANTS NATURALLY PRONE TO CRIME?'

Police respondents	Very much	Some what
All India	24	36
Andhra	42	46
Chhattisgarh	51	33
Maharashtra	38	43
Uttarakhand	35	46

nel perceived migrants as being naturally prone towards committing crimes. This is the total of the responses of "very much" (24 per cent) and "somewhat" (36 per cent). Significantly, in Assam, this bias appeared less pronounced than the national average. The total of the "very much" and "somewhat" responses, as compared to 60 per cent nationally, was 49 per cent in Assam, with only 1 per cent responding "very likely" and 48 per cent responding "somewhat".

The bias against migrants was pronounced in Andhra Pradesh, Chhattisgarh, Maharashtra and Uttarakhand, where at least four in every five police personnel believe that migrants from other states are likely to be naturally prone towards committing crimes ("very much" and "somewhat" combined). In Gujarat, Himachal Pradesh, Karnataka and Madhya Pradesh, about three in four believed so.

Source for all data and tables: Status of Policing in India Report 2019

SIMPLY PUT

Pak economy: a reality check

Pakistan's recent bluster is in stark contrast to the precarious state of its economy — a GDP less than a tenth India's, and buried under a mountain of international debt. This is what macroeconomic indicators show

UDIT MISRA
NEW DELHI, AUGUST 29

EVER SINCE Parliament revoked the special status enjoyed by Jammu and Kashmir, Pakistan's Prime Minister Imran Khan and his colleagues in government have warned of a potential military conflict, even nuclear war, with India.

On Thursday evening, the Ministry of External Affairs condemned the "highly irresponsible statements made by the Pakistani leadership on matters internal to India... (including) references to jihad and to incite violence in India".

Early Thursday morning, Pakistan had tested its surface-to-surface ballistic missile Ghaznavi, which is capable of delivering multiple types of warheads upto 290 km, after having shut down, the previous day, the three air routes above Karachi until August 31.

On Tuesday, Pakistan's Science and Technology Minister Fawad Chaudhry, a close aide of Imran's, had posted on Twitter that his Prime Minister was "considering a complete closure of airspace to India, a complete ban on use of Pakistan land routes for Indian trade to Afghanistan", and boasted that "Modi has started, we'll finish!".

If Pakistan does close down its airspace to India completely, flights to/from airports in the Gulf, Europe and the United States from/to India could get longer by perhaps 70-80 minutes. When Pakistan took this step from February 26 to July 16 in the wake of the Balakot airstrikes, Indian carriers lost around Rs 700 crore. However, Pakistan itself suffered more — losing around \$50 million in revenues, which was roughly five times the cost to India.

Pakistan's bluster and threats of hurting India financially come at a time when its own economy is in a perilous state, teetering on the brink of collapse, with no room for losing any revenue.

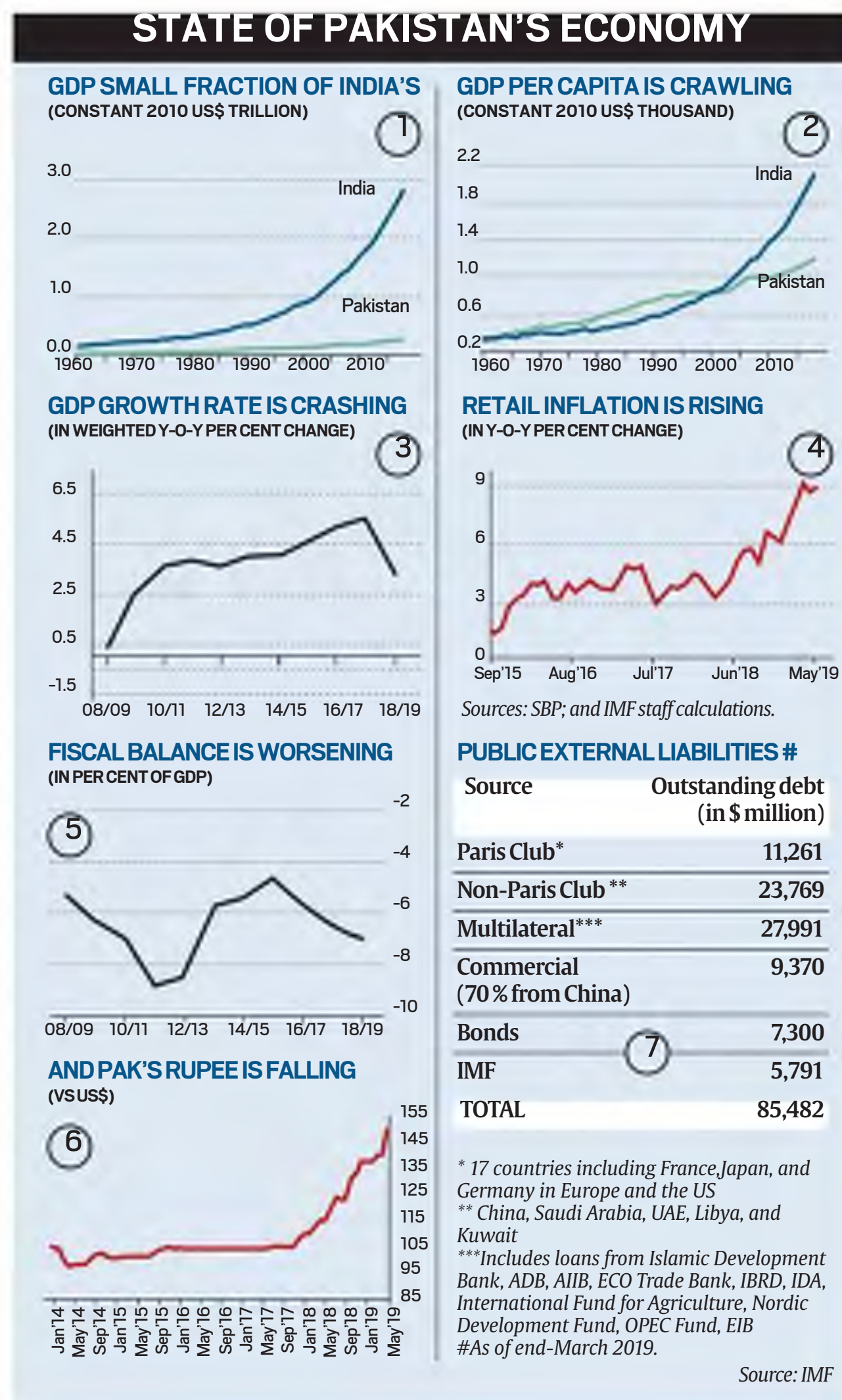
India, Pakistan compared

According to the World Bank, Pakistan's gross domestic product or GDP stood at \$254 billion at the end of 2018; for India, the figure was \$2.84 trillion (see chart 1).

To put this in perspective: not only was the Indian economy more than 11 times Pakistan's last year, if India grows at 7% in 2019, it would add almost \$200 billion in just one financial year — or almost 80% of Pakistan's 2018 GDP.

Another way to compare: India's GDP was at the level where Pakistan's is today 44 years ago — in 1975.

Caveat: aggregate variables like the GDP often do paper over more granular details.



For instance, thanks to the wide gap in total population, India's GDP per capita overtook Pakistan's only in 1999.

State of Pak economy now

Pakistan's economy has had several fluctuations but on the whole it has grown at an average of 4.3% — a rate similar to the so-called Hindu rate of growth — between 2000 and 2015.

But its economic momentum is fast slipping (see chart 3); Pakistan is expected to grow at less than 3% in both 2019 and 2020, according to the International Monetary Fund (IMF). To make matters worse for the average Pakistani, slower growth hasn't abated the sharp rise in retail inflation (see chart 4), which was close to 9% in May 2019.

What a skull tells us about human evolution

EXPRESS NEWS SERVICE
NEW DELHI, AUGUST 29

A 3.8-MILLION-YEAR-OLD skull could help rewrite our knowledge of human evolution. Two new studies published on the specimen could clarify the origins of Lucy, the well-known ancestor of modern humans.

While 3.2-million-year-old Lucy belonged to a species of hominins (which include humans and their ancestors) called *Australopithecus afarensis*, the newly investigated skull belongs to the older species *Australopithecus anamensis*. Previously, it was thought that the two species never coexisted, and that the older species gradually morphed into Lucy's species. The new research indicates that they did coexist, for some 100,000 years.

The skull that was studied was in the



The skull and the facial reconstruction. Cleveland Museum of Natural History

form of a nearly complete cranium (the portion that encloses the brain). It was discovered at a palaeontological site in Ethiopia in 2016. Researchers named it MRD-VP-1/1, or MRD for short. The research, published in *Nature*, was conducted by scientists from in-

stitutions including the Cleveland Museum of Natural History and the Max Planck Institute for Evolutionary Anthropology.

Besides identifying the species as *Australopithecus anamensis*, they determined the age of the fossil to be 3.8 million years by dating minerals in layers of volcanic rocks near the site. They also combined field observations with analysis of microscopic biological remains to reconstruct the landscape, vegetation, and hydrology in the area where MRD died, the Cleveland Museum said in a statement.

The dating suggests that MRD's species could have coexisted with Lucy's because of a "speciation event". It is possible that a small group of MRD's species became genetically isolated from the rest of the population and evolved into Lucy's species, whose population eventually out-bred MRD's species. The finding also helps bridge a big gap between

the earliest-known human ancestors (about 6 million years old) and species like Lucy (2-3 million years old). MRD's anatomy may also help solve a puzzle — the identity of a 3.9-million-year-old bone found in Ethiopia in 1981. If it belongs to Lucy's species, it would mean that this species existed at a time even before the time when MRD had been dated.

Additionally, the new research has suggested what MRD's species may have looked like. So far, the species was known only from jaws and teeth. In MRD's case, the cranium was so complete that scientists have reconstructed his facial features. The Max Planck Institute described him as "a mix of primitive and derived facial and cranial features". Some characteristics were shared with later species, while others had more in common with those of even older and more primitive early human ancestor groups.

E-cigarette ban: the science behind proposal, and industry counter-view

ABANTIKA GHOSH
NEW DELHI, AUGUST 29

WHEN THE NDA government completes 100 days of its second term on September 7, the Health Ministry will hope to have in place an ordinance banning the manufacture, sale and marketing of e-cigarettes. One of the three 100-day goals the ministry has set for itself, The Prohibition of E-cigarettes Ordinance 2019 is being sent to a Group of Ministers as directed by the Prime Minister's Office.

What are e-cigarettes?

An e-cigarette, short for electronic cigarette, is a battery-operated device. One of a large variety of Electronic Nicotine Delivery Systems (ENDS), an e-cigarette emits vapourised nicotine, or non-nicotine solutions. The user inhales it looking for a sensation similar to inhaling tobacco smoke, but without the smoke.

The pros and cons of e-cigarettes are

hotly debated, with the industry refuting scientific evidence about the product being harmful, and users urging the government to legalise it. India's market for e-cigarettes, while nascent today, is projected to grow annually at more than 25 per cent in the next five years.

The draft ordinance

The draft ordinance was necessitated by the fact that an earlier order by the Centre asking the states to crack down against e-cigarettes could not stand judicial scrutiny. However, a recent order, in which the High Court threw out a petition asking for protection from an ordinance against e-cigarettes, has emboldened the Health Ministry, which now seeks legal backing for a ban (rather than just an advisory) in the form of an ordinance. The ordinance makes any violation of its provisions punishable by imprisonment of one to three years, and a fine of Rs 1-5 lakh.

Some states, including Punjab, Karnataka, Kerala, Bihar, Uttar Pradesh,



Getty Images

Himachal Pradesh, Tamil Nadu, Maharashtra, Jharkhand, Rajasthan and Mizoram, have already banned use and sale of e-cigarettes, vape and e-hookah.

In August last year, the ministry had written to states asking them to stop sale (including online), manufacture, distribution, trade, import and advertisements of e-cigarettes. Under the Constitution, health is a state subject, so any move to ban manufacture and sale of a product on health grounds needs to come from the state government.

In February, the Central Drugs Standards Control Organisation had written to all state drug controllers, saying they should not allow sale, online sale, manufacture, distribution, trade, import or advertisement of ENDS. The Delhi High Court stayed the Centre's circular banning sale and manufacture of ENDS like e-cigarettes and e-hookah with nicotine flavour, saying as the products were not a "drug".

The scientific position

In a white paper in May, the Indian Council of Medical Research (ICMR) wrote: "The use of ENDS or e-cigarettes adversely affects almost all the human body systems with impact across the life course, from the womb to tomb. The cartridges used in ENDS or e-cigarettes are filled with liquid nicotine, flavouring agents and other chemicals. A typical cartridge contains about as much nicotine as a pack of 20 regular cigarettes and can act as a potential source for nicotine addiction."

Published in the *Indian Journal of Medical*

Research, the ICMR white paper added: "Studies on these nicotine solvents had shown a varied degree of release of potential carcinogens... depending on the battery output voltage. The liquid-vaporizing solutions also contain toxic chemicals and metals that have been demonstrated to be responsible for several adverse health effects, including cancers and diseases of the heart, lungs and brain."

In the United States, the Centers for Disease Control and Prevention (CDC) said in a recent statement: "As of 5:00 pm, August 22, 193 potential cases of severe lung illness associated with e-cigarette product use had been reported by 22 states... CDC is providing consultation to state health departments about a cluster of pulmonary illnesses possibly related to e-cigarette product use, or 'vaping', primarily among adolescents and young adults."

Patients have presented with symptoms such as cough, chest pain, shortness of breath, fever, fatigue, nausea and headache. These are sometimes accompanied by

anorexia, diarrhoea and weight loss.

The industry's opposition

In a reply to the Drug Controller General of India dated August 28, the Trade Representatives of ENDS in India (TRENDS), has questioned the scientific documents that the government has cited in favour of a crackdown on e-cigarettes: "...It is ironical that it has been acknowledged by the ICMR itself that it has proffered no research or study to support the claims made in the white paper and that it is merely a compendium of available reports in the international medical field. By the same token, may we humbly suggest that an equal number of studies are available in the medical world that argue against the conclusions derived by ICMR."

Complaining that its letters to the ministry and to the minister have gone unanswered, TRENDS has sought an appointment with CDSCO officials to "place before you scientific evidence that refutes all the claims made in the ICMR report about the dangers of ENDS as a product category".