

Time to review GM policy

The government needs to appreciate the potential gains from the gene editing technology



FARM VIEW

SURINDER SUD

If there were any doubts about the genetically modified (GM) genes having already infiltrated into the food chain and environment, these should be dispelled with the recent discovery of widespread

cultivation of unapproved GM seeds of crops such as brinjal and mustard, apart from cotton. In fact, in all probability, this might have happened before the advent of the first gene-manipulated crop, Bt-cotton, carrying the alien toxic gene derived from *Bacillus thuringiensis* (Bt) bacteria. The use of pest-killer Bt genes in agriculture, actually, began far ahead of the development of the genetically-engineered crops. Farmers have been using *Bacillus thuringiensis* as microbial pest control agent for decades all over the world. It has been a regular practice even in organic farming. This aside, being common soil-dwelling bacteria, Bt tends to be ingested by animals and human beings, even if inadvertently. Many imported food products,

especially the processed foods, are also believed to contain GM ingredients without declaring it.

Thus, the proverbial genie — as the Bt seeds are sought to be projected by the anti-GM activists — is already out of the lamp. If it had to do any harm to health, environment or biodiversity, it would have done so by now. But there is hardly any convincing, peer-reviewed, evidence to suggest this. Continuation of the bar on the approval of new GM seeds is, therefore, pointless.

The farmers' support for the GM seeds — and hence for the genetic engineering technology — is evident from the ongoing "civil disobedience" movement marked by planting of unauthorised GM crops in deliberate defiance of law. The emergence

of a supply chain of unsanctioned gene-altered seeds, which cannot happen in the absence of demand, is another proof of extensive farming of gene-tweaked crops. Pro-GM farmers believe that such seeds are necessary to boost productivity, reduce costs and improve viability of agriculture.

Starting from Akola in Maharashtra, where the farmers chose to plant the unauthorised herbicide-tolerant Bt-cotton (HTBT-cotton), the farmers' stir has spread to other states and more gene-altered crops like brinjal and mustard as well. Punitive steps, such as filing of criminal cases against the cultivators and seed sellers, uprooting of standing crops and seizure of suspected seeds, have not deterred the participating farmers who prefer to call their agitation as "Satyagraha", a term coined by Mahatma Gandhi for non-violent protest.

The government recently conceded in the Lok Sabha that the unapproved HTBT-cotton

was being grown in states like Maharashtra, Gujarat and Andhra Pradesh. The field inspection and scientific evaluation committee of the agriculture ministry reckoned the area under the illegal HTBT-cotton at around 15 per cent of the total cotton acreage in 2017-18. Regular supply channels for the GM seeds of cotton and other crops are now known to exist in states such as Haryana, Punjab, Maharashtra, Gujarat, Andhra Pradesh, Telangana and West Bengal.

Thus, the ill-advised policy of denying such useful and sought-after seeds to the farmers under pressure from the detractors of the GM technology needs to be revisited. Though the governments of the states facing the GM Satyagraha have dropped hints about not acting harshly against the agitating farmers, merely a soft stance would not suffice. A firm decision needs to be taken on the overall GM policy. The lingering uncertainty about it has adversely hit the research on

the problem-solving biotechnology and has led to the withdrawal of foreign investment from biotech companies. Instead of falling for the misleading propaganda of the small, but vociferous, anti-GM lobby, the government should listen to the sane counsel of scientists, scientific institutions and science academies.

Once the safety aspects of the GM products are ascertained through requisite testing under controlled conditions and in open fields, there seems no reason for withholding permission for their commercialisation. The government needs to appreciate the potential gains from the gene editing technology and start approving GM products on a case by case basis after examining their safety and suitability. Otherwise, the Indian agriculture, as also the other biotechnology-based sectors, notably pharmaceuticals, would remain laggards.

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CHINESE WHISPERS

Scouring for cover

As the Rajya Sabha took up the debate on Bills related to modifying Article 370 of the Constitution, which grants special status to Jammu and Kashmir, several Bharatiya Janata Party (BJP) MPs of the Lok Sabha came to watch the Rajya Sabha proceedings. The Rajya Sabha has a visitors' gallery for Lok Sabha members. As these members listened to the speeches, the Rajya Sabha briefly took up other business since Home Minister Amit Shah had to speak in the Lok Sabha on another Bill. As soon as Chairman M Venkaiah Naidu announced that Shah was in the other House, the BJP MPs in the visitors' gallery left for the Lok Sabha. Prime Minister Narendra Modi and Shah have repeatedly asked party MPs to ensure their attendance in their respective Houses, which made these MPs nervous enough to leave.

Making a point

As Home Minister Amit Shah introduced resolutions and Bills in the Rajya Sabha to modify Article 370 and bifurcate Jammu and Kashmir, the leader of the Opposition, Ghulam Nabi Azad, protested vehemently. Azad, a senior Congress leader, then led his party MPs to sit in the well, as did MPs from the Trinamool Congress, the Left parties, and the Dravida Munnetra Kazhagam. However, not all in the Congress were convinced by this strategy. Some seniors argued that the government would "manufacture" a majority and that the Congress should at least put its point across by participating in the debate. A senior Congress leader remarked that Azad, since he hailed from Jammu and Kashmir, had responded emotionally to the situation and eventually saw merit in joining the debate. "It was important for us to protest by sitting in the well of the House, but it was also important to put our point across. We did both," another senior Congress leader said.

Bye bye to 'sinking ship'

Three more Rajya Sabha Opposition members have quit their respective parties, and are expected to join the BJP. While the Samajwadi Party's Surendra Nagar had quit a couple of days ago and his resignation was accepted on Monday, his party colleague Sanjay Seth also gave up Rajya Sabha membership. The shocker for the Congress was its chief whip, Bhubaneswar Kalita (pictured), quitting the Rajya Sabha. Until Sunday, Kalita had told journalists that he had given notice, along with some others, demanding a discussion on the situation in Kashmir. After the Rajya Sabha chairman announced he had accepted Kalita's resignation, an unsigned letter purportedly written by Kalita emerged. In the letter he stated he had quit to oppose the party's stand on the abrogation of Article 370 and the bifurcation of the state of Jammu and Kashmir. "I was asked by the party to issue a whip but this is against the mood of the nation. The party is on its way towards destruction and I can't be a contributor to it," he said.

NBCC: Towering responsibility

Why the public sector builder's new trouble-shooting role may be troublesome

KARAN CHOUDHURY

If the Indian real estate sector can be equated to the billion-dollar churning *Avengers: Endgame*, then NBCC (India) Limited could just be Tony Stark. Played by the magnificent Robert Downey Jr., Stark was the one who finally saved the world. India's apex court and more than 80,000 homebuyers in Delhi NCR, hope NBCC can pull off a similar miracle.

For the government, Supreme Court and thousands of homebuyers, NBCC appears to be the only answer they have for the real estate crisis that Delhi and the National Capital Region (Delhi-NCR) have faced for close to a decade now. The apex court recently ordered the Enforcement Directorate (ED) to probe the alleged money laundering by realtors in the Amrapali Group case and appointed NBCC the project management consultant to complete the unfinished projects.

The company has already started some minor work valued at around ₹10 crore in the Amrapali projects in some complexes where people are already living. Over the last few weeks, the "Navratna" company — the label given to public sector companies with a certain degree of autonomy — has been asked by Supreme Court to revive and complete stalled projects of Amrapali Group and possibly Unitech Group. NBCC, meanwhile, had unsuccessfully bid for Jaypee Infratech's stalled projects but the National Company Law Appellate

Tribunal has called for fresh bids, a process that has to be completed in the next 90 days.

All of this may underline NBCC's strengths but realty analysts also suggest that these projects might stretch NBCC too much.

NBCC's name began floating on social media almost four years back when anxious home-buyers started demanding the government to take over the stalled Amrapali, Unitech and Jaypee Infratech's projects. Many believed that a government agency would be able to deliver what the companies that actually promised

them did not. The belief remains strong.



"We are doing everything possible to make the government realise that NBCC is the right agency," said Manish Gupta, a home-buyer in the Jaypee Project. According to ANAROCK Research, as many as 220 projects equalling 174,000 homes are completely stalled in the top seven cities alone. Launched either in 2013 or before, most of these projects have been grounded owing to either liquidity issues or litigations.

Almost 66 per cent of these stalled units have been sold to buyers who have been left at the mercy of either the developers or the law of the land. ANAROCK further said that NCR has the largest pile-up of stalled units with 1,18,000 homes spread over 67 projects. Of this, nearly 83,470 units were sold out.

While trying to bag the Jaypee Infratech project earlier this year, NBCC



BUILT-UP CRISIS

174,000 Number of stalled units launched in 2013 or before

115,000 Number of stalled units already sold

Source: ANAROCK Property Consultants

118,000 Number of stalled units in the National Capital Region

38,060 Number of units stalled in Mumbai metropolitan region

also said that it would soon share a tower-wise completion plan and ensure the cost of construction, including amenities, is done in the promised price.

The company also planned to infuse ₹500 crore into Jaypee Infratech — the amount would come from selling the company's assets, including 2,000 acres of land bank and 6,000 unsold flats.

A segment-wise breakup of NBCC's order book shows that close to 95 per cent comprises project management consultancy (PMC), the remaining five

per cent is engineering procurement and construction (EPC) and real estate combined. The total order book is around ₹85,000 crore.

Some of the business development projects include construction of Mahatma Gandhi Convention Centres in nine African countries for ₹2,000 crore, AIIMS in Bilaspur, Himachal Pradesh, for ₹1,138 crore, AIIMS in Deogarh, Jharkhand, for ₹902 crore as well as a river front development project in Uttarakhand for ₹750 crore. In FY 2018-19, the company's topline

touched ₹10,151 crore against a meagre ₹494 crore in FY 2002-03.

The company also intends to collaborate as a co-developer for project management consultancies on land owned by private firms or government agencies. At the beginning of the year, the company said it targeted minimum growth of 30 per cent. But sources close to the firm say NBCC is finding it difficult to either get requisite permissions for projects or is trying to meet the deadlines of projects it has already started on.

"NBCC at the moment has a lot on its plate. They have their order book which they need to complete plus now the court wants it to finish these projects. The intention is there, but NBCC does not know if it would be able to allocate resources required for the project, as the return on investment in finishing projects such as Amrapali and Unitech is quite low. It might hurt their topline later," said a source close to the company.

Redevelopment projects, specifically Sarojini Nagar, Nauroji Nagar and Netaji Nagar in the capital, which were supposed to be on track are reportedly stalled in the absence of environment clearances.

Other industry experts remain hopeful. "No doubt, it is a challenging task for any entity to take over the task of completion of the stalled projects. However, NBCC's previous track records indicate that it not only has the required expertise but also the manpower to do so. Also, given that the Supreme Court will pass the order (for NBCC to take over incomplete Amrapali projects) it is very likely that the progress of the projects will be monitored at every step," said Anuj Puri, chairman, ANAROCK Property Consultants.

ON THE JOB

Employment increases in July 2019



MAHESH WAS

July 2019 recorded a sharp increase in employment in India. At 405 million, employment during the month was over 4 million higher than it was a month ago, in June 2019. Even compared to a year ago, it was a substantial 3.9 million higher.

There is a perceptible improvement in the monthly employment time-series data. During 2017, employment estimates varied between a narrow range of 403 million and 409 million. The average monthly employment estimate was 406.5 million. In 2018, employment fell to an average of 401 million. This average improved to 402 million during the first four months of 2019.

In comparison, the 405 million employed for July 2019 is even better. The fall in employment that was witnessed in 2018 has been arrested.

But the composition of the increase in employment witnessed in July is neither sustainable nor even desirable.

The increase in employment during July 2019 is entirely from the rural regions. Urban regions saw a 2.6 million decline in employment from 128.7 million in June 2019 to 126.1 million in July 2019. By the same comparison, rural India saw employment increase by a massive 7 million — from 272 million to 279 million.

This increase in employment in rural India is predominantly among farmers. While overall employment increased by 4 million, employment among farmers increased by 3.2 million. The rest was

from small traders.

Such employment is necessarily seasonal and the increase therefore is not part of sustainable growth trajectory. Once the agricultural season is over, these people may be forced to move out of employment again unless other avenues of employment emerge.

Growth in such employment is also not desirable. We need to move jobs out of the low-productivity agricultural sectors into higher productivity and higher wages jobs in the industrial and services sectors. The agricultural sector is already more labour-intensive than desired.

Employment in agriculture during the current kharif season is higher than it was in the previous year. Compared to a year ago, employment among farmers in June and July 2019 was 10 and 13 million higher. This is surprising because rains have been errant this year and sowing was lower than it was in the comparable period last year. The only possible explanation to this is that grown-up people who do not get gainful jobs report themselves as employed in agricultural activities because during a crop season, they could be engaged in at least some preparatory work on the fields.

This happens in the case of grown-ups since the younger generation continues to look for a better jobs outside agriculture. Prima facie, data does lend some weight to this hypothesis.

The increase in employment during July 2019 came largely from the 35-49 year age group. Nearly six million jobs were added in this age-bracket. Much of this was offset though, by job losses in the younger age-brackets. The same holds true for even the year-on-year comparison.

Jobs for middle-aged farmers is not the best form of jobs to be created in an economy with a young working age population bulge, but those are the kinds of jobs that were created in India in July 2019.

In July 2019, the count of the unemployed who were willing to work and were also actively looking for jobs was

32.9 million. This is lower than the peak count of unemployed recorded in the previous month, at 34.4 million. This decline was entirely in rural India. There was a small, 1.6 per cent increase in the urban unemployed during July.

The urban unemployment rate, at 8.6 per cent was very close to its recent peak value. In rural India, in spite of the increase in employment and the fall in the unemployment rate compared to the earlier month, it was still high at 7 per cent in July 2019.

The overall unemployment rate in July 2019 is 7.5 per cent. This is lower than the 7.9 per cent rate recorded in June 2019. Nevertheless, a 7.5-7.9 unemployment rate is high by any standard. Further, the unemployment rate computed by CMIE always excludes those people who are unemployed, are willing to work but are not actively looking for work. If we include this category as is done in the official statistics, then the unemployment rate (CMIE calls it the Greater Unemployment Rate) works out to 10.6 per cent in June and 10.2 per cent in July 2019.

Therefore, despite the growth in employment in July 2019, the unemployment rate is still quite high. And, the employment rate is very low.

The employment rate is perhaps, the most important labour market statistic. An increase in this indicates that a greater proportion of the working age population is employed. In July 2019, only 39.8 per cent of the working age population was employed. This rate continues to remain on a negatively sloping gradient. In 10 of the last 12 months this ratio was less than 40 per cent.

The increase in employment in July has not helped much in pulling up the employment rate. It is still lower than it was four months ago, in March 2019. The increase in employment in July was of a quality, which is neither sustainable nor desirable, and it was also insufficient.

The author is the MD & CEO of CMIE

LETTERS

Formidable challenge



Instead of addressing the challenges posed by the rapidly deteriorating economy, the government has resorted to yet another diversionary tactic by deciding to scrap Article 370 at a time when the state is still under the central rule. Even though — irrespective of its historical context — the national sentiment was generally against Articles 370 and 35A, divesting this sensitive border state of its status as a full-fledged state and relegating it to that of a Union Territory virtually bringing the state under the central rule, is something that even the antagonists of these Articles had not asked for. This will have far-reaching constitutional, political, economic, social and, above all, security ramifications. The constitutionality of such a measure is certainly questionable. The imperatives of the ongoing massive troop build-up in the state, abruptly ending the Amarnath Yatra midway, directing the tourists to leave the valley and placing top opposition leaders in Kashmir under house arrest are obvious now. While the BJP is certainly going to benefit enormously from such controversial decision in the upcoming elections, maintaining peace in the valley would be a formidable challenge.

SK Choudhury Bengaluru

Right call

One keeps hearing a lot about Article 370 of the Indian Constitution in

print, electronic, as well as new media. The government has taken a bold step in scrapping Article 370. Indian citizens have full praise for the government. The main purpose of this Article was to ensure that the distinct identity of Jammu & Kashmir (J&K) population was preserved. Though the Article was introduced as a temporary provision that was to be removed in due course of time, that never happened, even after 72 years of independence. Today, the general sentiment in the country is that Article 370 is doing no benefit to the people of J&K, nor is it of any help to others. It has just become a barrier in the path of development of the state and the country, and benefiting only those who are trying to derive selfish benefits out of power they were given to serve people.

SC Dhall Chandigarh

Incentivise growth

This refers to the editorial "Beyond the rate cut" (August 5). Corporates are resorting to lay-offs and turning risk-averse resulting in a low level of investment. This is creating a ripple effect in the economy. Incentivising private investors by lowering the taxes on corporates and high net worth individuals and making available cost-effective credit are paramount to motivate the entrepreneurs to continue investment. A repo rate cut in the ensuing Monetary Policy Committee meeting and action to transmit the same to the end benefi-

ciaries to boost consumption and investment are critical to stimulating economic activities. The flow of credit to non-banking financial institutions needs to be stepped up to ensure uninterrupted delivery of credits from NBFCs to the small borrowers. Confidence-building measures from the government are essential to boost the sentiments of the investors. The risk-averse attitude of



the foreign portfolio investors caused a sharp decline in the stock indices causing a significant reduction in the value of equities and finally the market capitalisation of the listed companies. The government and the banking regulator have to act swiftly to achieve the envisaged growth.

VSK Pillai Kottayam

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HAMBONE



Correcting past blunders

Abrogating J&K's special status may face legal challenge

By moving to revoke by Presidential fiat provisions of Article 370, granting the people of Jammu & Kashmir (J&K) special status, and introducing Bills to bifurcate the state into Union Territories, the Bharatiya Janata Party-led National Democratic Alliance has moved boldly and decisively to fulfil a prominent element of its election manifesto. However, several issues flow from Monday's developments, the principal one being whether the manner in which the government has sought to alter J&K's status will promote the kind of integration that its political project had envisaged. There can be no denying that in seeking to abrogate the 72-year-old statute granting special autonomous status to J&K corrects some historical missteps. When the Maharaja of Kashmir signed the instrument of accession, it was on the same unconditional terms as those of the other princely states that merged with the Union of India. It is unclear why J&K's citizens should have been permitted to live under a separate set of laws, which included a bar on citizens from other states acquiring property in J&K.

In a broad sense, then, the move follows a certain logic. The government's argument is that Section 3 of Article 370 empowers the President to declare the special status granted to Jammu and Kashmir inoperative anytime. Article 370 (3) reads, "Notwithstanding anything in the foregoing provisions of this Article, the President may, by public notification, declare that this Article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify." Thus, a Presidential Order was issued using this provision to implement a key promise by the BJP in its election manifesto. Notwithstanding the argument, associated legal intricacies and constitutional questions guarantee that the matter will end up in the Supreme Court, which will have to decide whether taking the consent of the state Constituent Assembly can be taken to mean the Legislative Assembly. In some ways, this is a constitutional coup achieved by having no state assembly and no state government. That has created the space for the governor and Parliament to act on their behalf. What has been done would not have been possible if the assembly and the state government had been functioning. So the decision to delay assembly elections has proved to be a crucial preparatory step.

One of the big concerns is the route the government has taken to implement such momentous changes. A significant alteration in the status of the state could have been preceded by consultation with local leaders or the people of J&K, which Article 370, in fact, stipulated. Instead, the government saw fit to move more troops into the state, impose curfew and an internet blackout, and place under house arrest major political leaders over the weekend. The second question is what precisely this move achieves in political terms. Home Minister Amit Shah suggested in Parliament that Article 370 had hindered development in the state and dried up job-creating investment. This is flawed reasoning. The lack of development is the product of chronic unrest, which has had less to do with the special status of its citizenry than the fact that it remains disputed territory, with Pakistan building its national purpose around fanning the flames of the separatists and terrorists. What was required was confidence-building measures, but successive governments failed in that.

An unnecessary law

Jail term for CSR law violation is a retrograde step

At a time when the Indian economy is in the middle of a slowdown, it is natural for the business community to expect intervention by the government that will help reduce the pain in the system. It is not surprising that industry would expect the government to take steps to boost confidence and help revive economic activity. However, contrary to expectations, some of the policy measures that the government has taken in recent times have further dampened business confidence. Aside from raising the income tax rate for the rich, which also affects a class of foreign portfolio investors, increasing tariff on a range of goods and giving more powers to the bureaucracy, the government recently amended the Companies Act to provide for a jail term to officers of a company in case corporate social responsibility (CSR) norms are not followed.

According to Section 135 of the Companies Act, a company with a net worth of at least ₹500 crore, or a turnover of more than ₹1,000 crore, or a net profit of over ₹5 crore has to spend part of its profit on CSR, as specified in Schedule VII of the Act. The amendment to the Act now mandates the company transfer the unspent amount to a specified account. If the money remains unspent for three years, it would have to be transferred to a fund listed in Schedule VII. If a company is found to flout CSR rules, it will have to pay fines and its officers can face imprisonment up to three years. Laws like these will certainly not boost confidence in the business community and are flawed at multiple levels.

To begin with, making CSR spending compulsory for a set of companies, which was introduced by the United Progressive Alliance government, was a bad idea. A lot of companies were spending on CSR activities voluntarily, and this is how it should have remained. Making it compulsory is akin to taxation. Introducing harsh provisions that could lead to a jail term for company executives in the case of non-compliance has made it worse. This has evoked genuine fear in the business community. Also, spending by compulsion is likely to yield suboptimal outcomes because the focus is on expenditure and not on outcome. But this looks like a minor issue in the broader context. Further, the move comes at the wrong time. Compliance is reported to be improving and firms are spending close to what is mandated by the law.

At a broader level, it is incorrect to assume that businesses that don't spend on CSR activities are not contributing to society. Companies provide goods and services, create jobs, and pay taxes, which help the government fulfil its obligations. More goods and services or jobs can only be created when firms have the freedom to produce, spend, and invest. This will also result in higher tax collection, which can be spent on social-sector needs by the government. Laws like compulsory CSR spending, along with the latest amendment, curb such freedom and give the inspector raj one more dimension on which to harass companies.

ILLUSTRATION BY AJAY MOHANTY



The big GST question

GST is clearly underperforming – so what should the govt do now?

If there is one original sin that this government has committed, one which lies underneath the extensive economic malaise we see in the economy today, it is how it has failed to properly structure and implement the goods and services tax or GST.

Let us pause to remember what the GST was supposed to be. It was supposed to be a single-rate tax, which would considerably ease the burden on taxpayers. It would reduce the paperwork that they have to perform. A drastic reduction in compliance costs, together with a greater reliance on electronic tracking, would increase compliance. That, together with the expansion of the tax base and the introduction of taxes on previously excluded items, would raise government revenue permanently. In addition, the efficiency gains brought in through ending the cascading of tax rates would raise gross domestic product, giving a bump to economic growth and living standards.

Where do we stand today? The most obvious symptom is that GST, as constructed, has underperformed on revenue. Total revenues were about 1 percentage point of gross domestic product short in the last financial year — although the Union Budget seemed to want to hide this fact from the public. This shortfall is almost entirely due to GST bringing in less than was predicted in last year's Budget. This is not a small amount. It represents a serious failure.

What has led to this underperformance? For one, it is likely that evasion is higher than previously envisioned. This is due to the fact that the construction of the GST depended very heavily on invoice matching. But the online platform for such matching was so poorly designed, GST itself so complex, that it simply did not eventually implement invoice matching as planned. This has allowed a cottage industry in fake invoices to build up. As a result, instead of better compliance through increasing the ease of payment and clever technological solutions, the government is now looking at how to give tax officials ever more power — the antithesis of what GST was supposed to do.

Another problem: The tax rates. There are too many, and some of them are too low. We need to be clear about what the revenue-neutral tax rate would have been. If it is 18 per cent, including alcohol and fuel, then we should have stuck to that. If we intend to have many goods and services taxed at a lower rate, and if the GST Council spends all its time tinkering with and/or lowering the rates, then we will naturally not make it to our revenue targets. This is fine if we want to be a low-tax country. But then we have to acknowledge that we are not seeking revenue neutrality with the implementation of GST. And we will have to reduce our spending as a consequence. But that would mean the Indian state would have to change its orientation and make some hard choices. For example, recognising that one of the biggest spending increases over the past decade has been on paramilitary services, it could perhaps avoid stirring up trouble spots like Kashmir in a manner that will permanently increase spending on security going for-



POLICY RULES

MIHIR SHARMA

ward. Other such behavioural changes might well be required in order to keep the government spending within its considerably reduced means. What we can't do is spend as much, tax much less, and then misstate the numbers. Or at least, we can't do that in any sustainable way.

Here is the central puzzle. If we are collecting much less GST than we have expected, and if the government is correct that this is due to a reduction in rates rather than anything else, then we have given the public a humongous tax cut. Where is the spurt in economic activity that should result? Where are the resurgent animal spirits? How come this much extra money in the hands of the public is not leading to a consumption boom that stimulates investment in the standard Keynesian manner?

One problem might be that the investment-friendliness of GST is also not achieved. Many improvements have been made to the requirements for businesses to pay GST, and more are in the pipeline. This is fortunate. However, I submit that we still have too unpredictable a tax environment to foster investment. Rates are changed too often — not just of GST, but also of Customs — and tax terrorism is a reality. Tax inspectors have been given too much power in the post-GST era. These all depress investment below what would otherwise have been its normal level. An assumed GST bump in economic activity was always dependent on tax becoming less intrusive, not more. While improvements to the mechanisms of tax payments are planned, perhaps greater ambition is needed. Essentially, for the vast majority of taxpayers, GST forms should be automatically produced and submitted by multiple third-party invoice and bill settlement apps that can be accessed on mobiles. If invoice matching is not to be implemented, then we have to go the whole hog in the other direction and make compliance easy using labour-saving technological innovations. The finance ministry should bring in a wide selection of private sector interlocutors from the financial technology industry to make this happen. Public consultation on increasing the ease of paying taxes should also be stepped up.

Finally, we have to recognise that we cannot stop our attempt to move towards an ideal GST — one with a single tax rate, whether revenue-neutral or not. The government constantly claims that it cannot have high taxes on basic goods. But the concept behind GST is that the best and most efficient way to compensate the poor is not through fiddling with indirect taxes but through direct subsidies. The government has clearly found good ways to do that, and is proud of its efficiency in delivering subsidies. It should thus abandon its defence of multiple rates, and focus on efficiency and dynamic gains — which will give it the resources to keep subsidising India's poor. As we stand today, the government neither has the money for subsidies, nor does the economy have any vim. This is the worst of all worlds.

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What about Rochester?

The rise of megacities as centres of strong job creation is one of the defining characteristics of the twenty-first-century global economy. But it is not always a positive feature.

In the developing world, as staggering as the challenges are (greater New Delhi, for example, has been absorbing 700,000 new inhabitants per year), urbanisation remains the best hope for alleviating poverty. But in advanced economies, far along the so-called Lewis development curve, it is far less obvious that concentrating economic opportunity in ever-larger cities is necessarily the right or only path forward.

The reasons why powerhouse cities such as New York, San Francisco, and London have become increasingly dominant economically are well known. Large cities offering a huge array of interesting jobs, cultural attractions, and nightlife are a magnet for young unattached workers. And the combination of large masses of highly specialised workers and firms leads to network and agglomeration effects that are difficult for smaller cities to match, particularly in areas like tech, biotech, and finance.

But there are downsides, particularly high living costs — especially for housing — and huge amounts of time lost in traffic congestion. Although architects and city planners are continually offering imaginative new blueprints for large cities, the severe strains on physical infrastructure are increasingly difficult to manage. Meanwhile, many smaller and midsize cities struggle to maintain economic dynamism. Rochester, New York, where I grew up, is mentioned prominently as one of many examples in MIT economists Jonathan Gruber and Simon Johnson's interesting new book, *Jump-Starting America*.

In the decades after World War II, Rochester was one of the wealthiest cities in the United States. Home to Eastman Kodak, Xerox, and Bausch and

Lomb, Rochester was a mini-Silicon Valley. Unfortunately, these companies were hammered first by global competition (especially from Japan), and then by technological innovation: digital cameras in the case of Kodak, personal copiers and modular replacement parts in the case of Xerox. Today, at under 1.1 million people, the population of the greater Rochester metropolitan area has grown only marginally since 1990, and the city itself has shrunk to 200,000, from a peak of 300,000.

Although it is home to great universities, a world-class hospital, and a nationally recognised philharmonic orchestra, Rochester struggles to compete with large East Coast cities for dynamic job-producing industries, and increasingly lacks the resources to cope with growing urban problems. For example, East High School (which I attended) has struggled in recent years just to remain open. In general, many small and midsize cities find themselves abandoned by young professionals and left behind to contend with aging populations and insufficient tax revenues.

Is there anything policymakers can do to make these struggling cities more attractive, both to enhance growth and to relieve population pressure in the megacities? Gruber and Johnson suggest, among other things, locating new federally funded basic-research facilities in midsize cities that might serve as talent magnets and hubs for localised growth. Jim O'Neill has argued for creating regional economic powerhouses in the United Kingdom by building high-speed transport links between neighbouring midsize cities, as China has done.

To these ideas I would add better enforcement of anti-trust policies. As matters currently stand, when the next George Eastman (the founder of Eastman Kodak) or Joseph Wilson (the founder of Xerox) comes along, some market-dominant incumbent will most likely persuade or force (or some combi-

nation of the two) them to move to an established tech hub. Rochester will receive much less spinoff benefit than it might have otherwise. One advantage to the anti-trust approach is that the government would not be picking winners and losers, just ensuring that the same region does not always win.

A second additional step would be to invest government resources in creating free high-quality online education resources, particularly technical material of all types. Surely, this is a much better and more forward-looking approach than investing in free college for all; for one thing, it recognises that education and re-education in the twenty-first century is a life-long enterprise. One important input would be to provide universal free basic internet (as legal scholars Ganesh Sitaraman and Anne Alstott advocate in their thought-provoking new book, *The Public Option*).

Perhaps the phenomenon of winner-take-all megacities will not last. After all, until about 1980, the trend had very much been in the other direction, going back to the start of mass production of automobiles, which helped fuel growth in smaller metropolitan areas. That all stopped, of course, with the rise of personal computers and the Internet. At some point, there will likely be an invention or new business model that helps more fully realise the promise of telecommuting — perhaps one that more thoroughly and continuously integrates remote workers into the central office. And perhaps global warming will sharply increase costs in coastal cities and make Rochester's winters milder.

There is much to be celebrated in the rise of modern megacities. But if the trend persists, greater public and private innovation will be required to strike a better regional growth balance. The need to address such development problems is not limited to emerging economies.

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Muslim politics in the age of Hindutva



BOOK REVIEW

TALMIZ AHMAD

Each of these perceptions is wrong. Muslims number over 180 million in India, about 14 per cent of the population. They differ widely in terms of caste, class and region, and share the same concerns and anxieties relating to poverty, unemployment and education as their compatriots do. They are not more religious than other Indians and have little interest in the details of Shariat, the law of their faith that is believed to suffice their outlook and daily life.

In the face of these realities, why are misperceptions about the community so pervasive? Their origins lie in the views and actions of British administrators and commentators at home in the 19th century who saw India as a region made up of diverse peoples, chief among which were two homogenous, collective groups called "Hindus", the majority, and "Muslims", the largest minority. This approach gave little consideration to pervasive local practices and diversities or cross-communal interactions that had shaped the

multi-chrome tapestry of India's composite culture over several centuries.

Whatever their shortcomings, these British writings influenced the self-perception of Indians: The sages sought to revive their faith on modern lines; the reformers responded to British critiques by advocating wide-ranging social reform, and the political activists agitated for a British-style democratic order.

Partition has, however, left behind two mutually exclusive ideas of India — one, accommodative, inclusive and secular; the other founded on the majority population's identity as "Hindu". The competition between these two visions, muted in earlier times, is now central to the national political scenario.

The ruling Bharatiya Janata Party (BJP) and the head of its family, the RSS, today affirm Hindutva as their informing ideology. Hilal Ahmed notes how difficult it has been for its votaries to understand it, explain it, or even to accept it as

their guiding principle. Savarkar, who coined the term in 1923, described it in terms of the cultural affinity that conjoined all Hindus, and excluded those of other faiths. Golwarkar, however, rejected it in favour of "Bharatiyakarn (Indianisation)".

It was accepted by the RSS as its ideology only in 1998. However, the BJP's constitution does not include Hindutva, but instead accepts "Integral Humanism" as its party philosophy, which is the concept of "nationalism, democracy, and the Gandhian approach to socio-economic issues" that was expounded by party president Deen Dayal Upadhyaya in the 1960s.

But whatever the convoluted words proffered by Sangh Parivar stalwarts, their definition invariably "revolves around Muslims" — the Muslim as the collective, alien "Other" who, in their view, should become part of the national mainstream and prove his loyalty to his Hindu ancestry and to India.

Hilal Ahmed explains that Hindutva needs the Muslim for two reasons: One, to always keep alive the vision of the source of Hindu defeat and humiliation, and, two, to camouflage the ambivalence (and

possibly the shallowness) of its own ideological moorings. Both these have resulted in promoting political mobilisation of Hindus across caste and region, with references to "vote banks", "appeasement" and "good" versus "bad" Muslims.

On the basis of actual polling, Hilal Ahmed provides some much-needed facts that fly in the face of Hindutva obsessions. In regard to religiosity, 29 per cent Muslims and 30 per cent Hindus described themselves as "very religious", while 57 per cent Muslims and 59 per cent Hindus saw themselves as "somewhat religious". On Babri Masjid, 40 per cent Muslims and 43 per cent Hindus favour settlement through the Supreme Court.

In May 2018, 63 per cent Muslims felt the country was not going in the right direction; they were joined by 41 per cent Hindus, 58 per cent Sikhs and 61 per cent Christians. Again, 63 per cent Muslims trust public institutions, the same as their Hindu brethren, while Muslim participation in elections, at 59 per cent in 2014, compares well with the national average of 66 per cent.

Hilal Ahmed asks why Muslims have remained silent in the face of Hindutva

provocations. He suggests two answers: One, on some issues, such as beef consumption, Muslims are not particularly agitated; this is perhaps what has impelled recourse to lynching by Hindutva cohorts to keep cow politics vibrant. Two, the author suggests that on matters of national policies, where the Modi government can be found wanting, Muslim silence merely reflects the pervasive national indifference and inertness.

Muslims, like all other communities in the country, are concerned about issues of national development and personal betterment rather than religious identity, and it is here that alternative initiatives in terms of ideas and activism are required from the political class to respond to Hindutva assertions. This is the principal challenge the nation faces today.

The reviewer is a former diplomat

SIYASI MUSLIMS: A Story of Political Muslims in India
Hilal Ahmed
Penguin/Viking, 2019
Pages: 240; Price: ₹599

Opinion

TUESDAY, AUGUST 6, 2019



ON ABROGATING ARTICLE 370

Union home minister, Amit Shah

Article 370 was the root of terror in Jammu and Kashmir. It is time for it to go... if it doesn't go today, we can't remove terrorism from Jammu and Kashmir

J&K needs special solution, not status. This could be it

Under the Constitution, Article 370 was to be a temporary measure; Article 35-A wasn't even passed by Parliament

THOSE ARGUING THAT the central government has mischievously interpreted Article 370, and that its move to make Jammu & Kashmir a Union Territory with a legislature, like Delhi, is fraught with danger and that any other state can now be similarly dismembered—to quote Congress leader P Chidambaram—are missing the point. For one, the much-revered Article 370 was always meant to be a temporary affair, and was part of chapter XXI of the Constitution which is titled 'Temporary and Transitional'. Over time, it so happens, many amendments were made to it to extend several other Indian laws to J&K. If 47 presidential orders were issued to do this, with the concurrence of the state government and, as a result, 94 of 97 subjects in the Union List are now applicable to J&K, it is difficult to argue J&K's special status under Article 370 has been violated now. Also, if Article 370 could be revoked only after the J&K Constituent Assembly allowed it, how was this to be done since the Assembly ceased to exist decades ago? So, is it to be argued that J&K was to decide which Indian laws would apply to it in perpetuity—Supreme Court rulings are still not applicable to J&K, for instance—or that citizens from other parts of the country could never buy land there, or get government jobs etc?

As for Article 35-A that defined who a permanent resident of J&K was—and gave them special rights—keep in mind that while this was brought into the Constitution through an amendment in 1954, unlike other constitutional amendments this was never voted on; it was simply notified by then president Rajendra Prasad on the advice of then prime minister Jawaharlal Nehru!

And while it is all very well to say the Centre acted stealthily, given how Kashmir leaders like Omar Abdullah and Mehbooba Mufti have repeatedly said that J&K will cease to be a part of India the day Article 370 is revoked, how was an all-party meeting to be called to decide on the issue? Given this and the likelihood of massive violence in the state to prevent revoking Article 370, the government had no option but to act in the manner it did, to ask the *yarris* and tourists to leave and to ensure 20,000 more troops were flown in before the move was made public.

It is also short-sighted to divorce the action taken by the Centre from J&K's reality of widespread Pakistan-sponsored militancy/terrorism over decades. And the Centre's action, it has to be appreciated, is also a reaction to the US wanting to pull out of Afghanistan. When this happens, it is fairly obvious, Pakistan will get a relatively freer hand for its state-sponsored terrorism in J&K; indeed, US president Donald Trump's wholly incorrect statement about prime minister Narendra Modi asking him to mediate in J&K—this has always been the opposite of the BJP's J&K policy—was an inadvertent admission of the free hand the US was willing to give Pakistan in return for its troops pulling out of Afghanistan; not surprisingly, Pakistan prime minister Imran Khan has repeated the demand for the US mediation several times since and, after supposedly castigating Pakistan for its role in sponsoring terrorism, the US has restored aid to it and didn't oppose the IMF's \$6bn rescue package for it either.

Of course, revoking Article 370 and delivering on it are two different things. The first task is to ensure that violence in J&K is kept to the minimum in the aftermath of today's actions. More important, since the Centre has blamed Article 370 for J&K's poor progress, it has to ensure investment—and job—flows restart now that the state is under its watch. And, as in Delhi, should a BJP-appointed governor make it impossible for a democratically elected local government—should it be a non-BJP one when elections take place—to function is a recipe for disaster. Kashmir will then truly be lost since reducing a Muslim-majority state—this applies only to Kashmir and not to Jammu, but that's the perception—to a UT is bound to be seen as Hindu chauvinism at its worst.

Not just killing renewables

Andhra Pradesh needs to relook its stand on cancellation

THE ANDHRA PRADESH government is not altogether unjustified in wanting to review and re-negotiate the PPA contracts for wind and solar power. After all, while the tariffs negotiated in 2014-18 were between ₹4.7 and ₹4.8 per unit, the rates at which renewables projects are being signed today are much lower. Whether or not the tariffs were gold-plated, as has been suggested, is not known. But it would not hurt to review them because it is abundantly clear the AP government can't afford them. Worse, as the state has argued, it needs to continue paying the fixed charge for thermal power even if doesn't draw the power; this hikes the cost of renewable power even more. Indeed, wind and solar power producers in the state are receiving their payments 8-10 months late. Under the circumstances, the state has been forced to draw less power from wind farms and take the drastic step of serving producers a notice.

Yet, asking producers to lower their tariffs under threat of cancellation, were they to refuse to do so, amounts to renegeing on a contract. This is a dangerous practice, one that will erode the sanctity of contracts. At the central level, India already has a poor track record when it comes to honouring contracts with governments resorting to retrospective amendments, if they get adverse rulings from the court, so as to get their way. Ideally the contract needed to have built in a clause that allowed it to re-work tariffs at intervals; after all, 25 years would see several business cycles and it is difficult to forecast price and demand trends over such a long period of time.

As of now, the courts have stayed the state government's order but even if the judges ultimately rule that the government must uphold the agreements, it is not certain the state will agree since it cannot afford the power. Ideally, the two sides need to settle with the state paying a fine; should the matter not be resolved, Crisil estimates 5.2 GW of capacity of solar and wind assets could be in trouble, putting close to ₹21,000 crore of loans under stress. The ratings agency noted the problem could delay payments by discoms to banks and an estimated ₹10,600 crore of loans to renewables could be at risk of default immediately. The central government needs to facilitate the negotiation instead of just preaching the virtues of not renegeing on a contract; it is not blameless in the sad state the power sector is in since it has encouraged reckless populism that has bankrupted state electricity boards.

NoNAA

Anti-profiteering body's record shows how little control it has on even the tiny specks of profiteering alleged

THE GOVERNMENT HAS now extended until November 2021 the term of the National Anti-profiteering Authority (NAA) that was set up to ensure that reductions in GST rates or the benefit of input tax credit is passed on to consumers. Given NAA's performance so far, this extension seems not only unwarranted but also excessive. In its close to two years of existence, NAA has delivered only 75 orders, a third of which were delivered after the three-month period from the submission of the Director General of Anti-Profiteering's (DGAP) final report—NAA is mandated to deliver its judgments before this period ends—and are, therefore, susceptible to being legally challenged.

In fact, many of NAA's orders against big companies, including Hindustan Unilever, have been stayed by courts for reasons ranging from methodology of calculating profiteering to constitutionality of anti-profiteering law. As per reports, the body has detected profiteering of approximately ₹600 crore, a mere 0.00023% of the total reported GST revenue, but has failed to make similar collections. The NAA's standing committee, which receives complaints from state-level screening committees, has so far forwarded only 193 complaints to the DGAP, against 1.23 crore registered GST taxpayers. While this is being blamed on the tediousness of the NAA's centralised procedure—plaintiffs are unwilling to travel all the way to New Delhi for profiteering complaints involving small amounts—this shows how badly the body has failed to control even the specks of profiteering alleged. Given the ineffectiveness and wastefulness involved in the functioning—or lack thereof—of the NAA, it is best that the body is scrapped; the lack of profiteering complaints despite the tax cuts on 380 items since the introduction of the GST certainly shows the NAA has outlived its purpose.

● **FISCAL INTRUSION**

THE CENTRE WANTS A SPECIAL FUND FOR DEFENCE EVEN AS ITS DEFENCE-SPEND TO GDP RATIO HAS SHRUNK, AND ITS SPENDING ON STATE SUBJECTS ROSE FROM 14% (2005) TO 20% (2012)

Whither fiscal federalism?

AS PER MEDIA reports, the government has proposed to the president to extend the term of the 15th Finance Commission up to November 30 and amend the terms of reference (TOR) to create a non-lapsable fund for defence and internal security imperatives. The official statement states, "The amendment provides that the 15th Finance Commission shall also examine whether a separate mechanism for funding of defence and internal security ought to be set up and if so, how such a mechanism could be operationalised". The additional TOR may be issued by the President anytime soon.

Article 280 specifies the basic terms of reference relating to: (i) the distribution of divisible pool of taxes between the Union and the states and the allocation of the shares of individual states; (ii) the principles that should govern the grants in aid of revenues of the states out of the consolidated fund of India and the sums to be paid to each of the states under Article 275; and (iii) the measures needed to augment the consolidated fund of a state to supplement the resources of rural and urban local bodies based on the recommendations of State Finance Commissions and (iv) any other matter in the interest of sound finance.

The proposed additional term is being issued under the fourth provision. In fact, the TOR issued while appointing the 15th Finance Commission states, "While making the recommendations, the Commission shall have regard among other considerations to... The demand on the resources of the Central government particularly on account of defence, internal security, infrastructure, railways, climate change, commitments towards administration of UTs without legislature, and other committed expenditure and liabilities". It is now proposed to mandate the setting up of a separate mechanism for funding of defence and internal security and operationalising it.

The problem with the proposal is: Can the Commission recommend the creation of a non-lapsable fund separate from fiscal space provided after tax devo-

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Views are personal



lution? If the recommendation is to create such a fund from the divisible pool before determining the shares of the Union and states in tax devolution, there will be questions of constitutional propriety. On the other hand, if the fund is recommended from the Centre's consolidated fund after tax devolution, it is superfluous, for the Centre does not need a recommendation to allocate the funds to the subjects within its domain.

Past Finance Commissions have considered the requirements of the Centre for defence and internal security as required by the TOR. The 14th Finance Commission, for example, projected higher defence revenue expenditure (including salaries) of 30% in FY17, which was also supposed to incorporate the pay commission impact and allowed for an increase of 20% for the remaining years of its award. The capital expenditure requirements are not covered in the Finance Commissions' projections. Despite this, the defence spend-GDP ratio declined from over 2% in FY15 to 1.48% in FY19 and is proposed even lower, at 1.45%, in FY20. As a ratio of total central expenditure, it has declined from 14.3% in FY16 to 11% in FY20.

The Constitution divides the responsibilities of the Union and states in terms of the Union, State and Concurrent lists, and the Commission is required to assess expenditures to meet their constitutional obligations. Curiously, while the expenditures on subjects like defence, entirely in the Union list, have shown a decline over the years, the Centre has been spending more and more on state and concurrent subjects. The 14th Finance Commission has noted that the ratio of the Centre's spending on state subjects in the total increased from 14%

in 2005 to 20% in 2012, and its share in spending on concurrent subjects increased from 13% to 17%. It would not be incorrect to infer that it is the Centre's foray into state subjects through centrally sponsored schemes, along with higher spends on interest payments (24% of total expenditure), have crowded out defence expenditures.

It is curious that, even as the Centre is so concerned about protecting the allocation to defence, as to warrant an additional TOR to the Finance Commission, it has allowed the defence expenditure-GDP ratio as well as total expenditures to decline year after year. There is nothing that prevents the central government from making a higher allocation and it does not require the Commission to mandate a separate funding mechanism. Defence is entirely in the Union List. Internal security has both Union and State governments spending on it and, to the extent the Central forces are used by the States, the latter are charged.

What has prompted this additional TOR? The only explanation seems to be to nudge the Finance Commission to recommend lower share to the states in tax devolution. The central government, even after accepting the recommendations of the 14th Finance Commission, has not yet reconciled to the higher share of 42% to states. This is reflected in the TOR of the 15th Finance Commission in Para 5 (iv), which asks the Commission to take into consideration, "The impact on the fiscal situation of the Union government of substantially enhanced tax

devolution to States following the recommendation of the 14th Finance Commission, coupled with the continuing imperative of the national development programme including New India - 2022". In fact, this is despite the fact that the states' share in tax devolution recommended by the 14th Finance Commission was only marginally higher than the previous Commission's, if the plan grants under the Gadgil formula and discretionary grants recommended by the earlier Commissions are considered. In fact, to the extent that devolution was higher, the Union government undertook two measures to contain it. First, in the name of consolidation and rationalisation of Centrally Sponsored Schemes, it increased the matching contributions of the States.

Second, all discretionary changes to raise tax revenues were done by increasing cesses and surcharges to keep the proceeds outside the divisible pool. Therefore, repeatedly professing commitment to cooperative federalism looks only rhetorical.

The 15th Finance Commission is in the process of finalising its recommendations. During their visits to the states, most of the states must have demanded higher devolution and expressed their concern about shrinking fiscal space to meet expenditures on constitutionally mandated services, like basic education, healthcare, water supply and sanitation, agriculture and urban development. It appears that the proposal for additional TOR is to persuade the Commission not to provide it with larger fiscal space, not for additional allocation for defence but for central schemes under the rubric of New India - 2022. The Commission is a constitutional body and while it should make fair assessments of the requirements of the Centre and the states, it should simply ignore this additional term. If the Centre wants to increase allocation to defence and make it non-lapsable, it could very well do so from its consolidated fund.

Carving the fund out of the divisible pool, before tax devolution, hurts constitutional propriety

LETTERS TO THE EDITOR

Scrapping Article 370

The resolution moved by Union Home Minister Amit Shah in the Parliament to scrap Article 370 of the constitution which conferred special status on the state of Jammu and Kashmir is untimely. While BJP has been vouching for the scrapping of Article 370 for long time and continued to make it as one of its key promises in its poll manifesto every time, its decision to give effect to its promise at the time when sense of alienation has been at its peak among the residents of the Jammu and Kashmir is truly unfortunate. Rather than initiating a dialogue with all the stakeholders of the Kashmir imbroglio and win over their hearts with love, and governance, the BJP-led government, on the strength of its brute majority in Parliament, seems to be making attempts to derail peace and tranquility in the state.

— M Jeyaram, Sholavandan

A bold move

Modi government has taken a right and bold step in scraping Article 370. Indian citizens are all the praise for the Modi government. The main purpose of this Article was to ensure that the distinct identity of J&K's population was preserved. Though the Article was introduced as a temporary provision that was to be removed in due course of time, this never happened in 72 years of independence. Today, the general sentiment in the country is that Article 370 is doing no benefit to the people of J&K, and nor is it of any help to others. It has just become a barrier in the path of development of the state and the country—J&K has been unable to generate sufficient revenues—and benefiting only those who are trying to make selfish benefits out of power they were given to serve people.

— SC Dhall, Chandigarh

● Write to us at feletters@expressindia.com

J&K: Interests must trump passions

Kashmiris have been let down by politics that doesn't create economic complexity

MANISH SABHARWAL

Author is with TeamLease Services

ECONOMIST ALBERT HIRSCHMAN'S book *Passions and Interests* is a wonderful meditation on how interests (jobs, skills, enterprises, assets, income, growth, etc) blunt passions. As somebody born in J&K, I am sad that today's youth there don't have memories of the wonderful place it was to grow up before 1989. As somebody who went to school in the Valley, I got a great education and strong foundations. As somebody who made pre-exam visits to shi shrines like Aishmaquom, Makhdoom Sahib, and Baba Reshi, I know that the Wahabi intolerance is alien, recent and fragile. As a first-generation, post-reform entrepreneur, I am anguished by the notion that Pakistan—which, with a GDP lower than Maharashtra, recently made its 22nd trip to the IMF—has anything to offer anybody in the Valley. But as somebody who works for a people supply-chain company that has hired somebody every five minutes for the last decade, I despair at J&K's economic infancy. I would like to make the case that Kashmiris should spend the next decade creating the economic complexity that blunts passions by creating interests.

Professor Ricardo Hausman, at a recent conference at Harvard's Centre for International Development, suggested that the only predictor of sustained economic success is economic complexity, and development was like Scrabble; the more letters you have, the more, and also longer, words you make. Vowels are provided by the government. So, development is about creating new letters and vowels. Hausman believes that new letters, for the private sector, come from migration, inbound investment, skills, studying overseas, business travel, etc. Professor James Robinson said inclusive economic systems need vowels from inclusive political systems that distribute power broadly, not monopolise it.

Kashmir is an economic infant with low economic complexity. There is no wage premium in handicrafts; carpet weavers get ₹150 a day while construc-

tion labour costs ₹600 per day (and comes from outside the state). Less than 5% of fruits and nuts are processed. There are only 200 dental and 600 medical seats in the state; 50% of the state's 50,000 graduates go onto a masters degree to stay out of the labour market. The fiscal deficit is more than twice the prescribed ratio and government debt is 50% of GDP. Private credit—to GDP is less than Bihar, and J&K Bank is a shame. Private investment last year was <₹1000 crore. More than 30% of families work for the government. Land costs as much as Gurgaon. The state is less than 0.7% of India's GDP. There is only one listed company and only one company with a paid up capital of ₹10 crore; 28 employment exchanges cost almost ₹50 crore a year to run and have given few jobs. There is no employer in the Valley paying Provident Fund and no private employer with more than 500 formal employees—hardly fertile soil for economic vibrancy.

The solution is not easy but obvious; a 10-year strategy for education, employment and employability that leverages India's economic complexity. Kashmir needs a new skills university that marries higher education with employability. Hari Niwas could be converted into a world-class hotel management institute in partnership with ITE Singapore or EHL Lausanne. We must double direct flights and connect Srinagar to Jammu and Delhi with a 3-hour and 12-hour train. We need revamped employment exchanges that operate a digital jkrozgar.com that offers job-matching, apprentices, and online degrees. We must temporarily suspend our justified fear of economic planning and commit massive funds to infrastructure and cluster creation. We need a massive design and distribution mission for handicrafts and fruit that raises the realisation of the actual producers. Most importantly, we must get huge, skilled, and motivated Kashmiri diaspora to return and reduce informal self-employment by creating more formal wage

employment.

Historians warn against "presentism", and Kashmir's history is too long and complex to belong to any party, community, individual or religion. But it would be foolish to deny that Kashmiri's last few Maharajas were distracted (the treasury paid blackmail overseas) and disinterested in development (compared to Mysore or Baroda). Hereditary leadership is ineffective because it thinks of citizens or voters as a necessary evil that must be tolerated, possibly patronised, but certainly ignored. Naya Kashmir—a memorandum Sheikh Abdullah submitted to Maharaja Hari Singh in 1944—outlined a plan to convert J&K from an absolute monarchy to a constitutional democracy and called for universal franchise, freedom of expression and press, encouraging female employment, and a detailed economic plan. Much of what the sought is enshrined in our constitution but his vision of social justice, economic progress and poverty reduction—which he couldn't achieve in his lifetime—is highly relevant for Kashmir today.

Another Hirschman book, *Exit, Voice, and Loyalty*, synthesised three choices that confront citizens; leave, speak up, or capitulate. Most Kashmiri elites have economically diversified away from the Valley, but the masses can't exit and have lost their voice because of Kashmir's economic infancy and oligopolistic democracy. Political royalty over the last few decades have ensured that Kashmiri democracy lived up to Iqbal's warning, "*Jamhooriyat ek tarz-e hukumat hai jis mein bandon ko gina kartay hain tola nahin kartay*" (democracy is a system where people are counted but not weighed). The grandiloquence of political royalty about the threats to civilization sounds like scorn for the more prosaic concerns of Kashmiri youth who are more skilled, entrepreneurial, and aspirational than past generations. India and J&K are tremendously and permanently intertwined. When one does well, the other does well. Time for Sheikh Sahib's dream of Naya Kashmir.



RAM MADHAV

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Why Article 370 had to go

Article 370, now history, has a notorious history

AUGUST 5, 2019, will be etched in the constitutional history of India as a glorious day. A historic blunder committed about 70 years ago on October 17, 1949, during the course of the Constituent Assembly debates, has been set right, finally. Article 370, which entered the draft Constitution 70 years ago as Art 306A, has finally been abrogated.

Nobody should complain because abrogation of this discriminatory article has been a nobbling theme of the BJP and Jana Sangh. Nobody should have entertained any doubt that PM Modi, a leader with grit and determination, who was instrumental in hoisting Indian tricolour at Lal Chowk on January 26, 1992, would have spared

this illogical entity in our Constitution when an appropriate moment came. Art 370, which became history yesterday, has a notorious history. It was introduced into the draft Constitution on October 17, 1949, by Gopalaswami Ayyangar as Art 306A. He proposed that 'Kashmir state' would have special powers to be excluded from the purview of the laws that Parliament of India would make and also would have the powers to make its own laws.

'Why this discrimination?' yelled Maulana Hasrat Mohani, the member from the United Provinces. Ayyangar gave an unconvincing reply that there existed special circumstances in the state and hence the special provisions. He was challenged by members like Mohani on the grounds that

why were different accessions being treated differently. Ayyangar's logic was bizarre. The Instrument of Accession's relevance was limited to mattering the Dominion, he argued, adding, what mattered for Indian Republic that was going to take shape on January 26, 1950, were the decisions in the Constituent Assembly. He was clever in making this distinction between the Dominion and the Republic, but not logical.

Five months before the introduction of Art 306A, on May 27, 1949, another important discussion happened on the question of nominating members to the Constituent Assembly from J&K. The rules said that of the four nominations, two may be made by the ruler and two from the provincial legislature that was in existence before the accession. The rule was scrupulously followed in the case of all the princely states, whereas in the case of J&K, Nehru insisted that the Jammu Kashmir Praja Sabha, the state legislature under Maharaja Hari Singh, shouldn't be authorised to nominate the members. Praja Sabha elections in 1946 were a fraud, insisted Nehru, and hence wanted the Maharaja to nominate all the four members through consultations with the National Conference leader Sheikh Abdullah.

Sheikh Abdullah's party had boycotted the 1946 Praja Sabha elections, refusing to accept Maharaja's authority. While the rest of the country was fighting the British with Quit India as the mantra, Sheikh Abdullah had launched the Quit Kashmir agitation against the Maharaja. It was in him that Nehru had reposed his trust and got four members nominated. Sheikh Abdullah himself, together with Mirza Afzal Baig, Maulana Masoodi and Moti Ram Baigra, became members of the Constituent Assembly. It was this clique that had supported 306A when it came up for inclusion in the draft Constitution.

With such a notorious background, one can easily imagine how illogical it was to continue with such a discriminatory article. In order to further strengthen Art 370 came another article, Art 35A—it too found its way into the Constitution in 1954 in an unconstitutional and surreptitious manner by bypassing procedure for amending the Constitution as stipulated in Art 368. Art 35A was inserted not through parliamentary assent, which is mandatory for amendments, but through a Presidential proclamation.

All this was happening under Nehru, as the quintessential democrat. Credit goes to Ambedkar for inserting Art 370 in the section entitled Part XXI of the Constitution of India, which itself is titled "Temporary, Transitional and Special Powers".

The Opposition's argument that Art 370 was a link to state's accession are fallacious. J&K's accession had concluded on October 26, 1947, when Maharaja Hari Singh signed on the Instrument of Accession. Art 370, in Ayyangar's words, took birth as a temporary provision because of the 'special circumstances' in the state. The criticism of the Congress party is even more specious because it was they who had affected at least 44 amendments to this article in almost as many years.

This article had remained as an anachronism in our polity providing irrationally special powers to one state, which were being thoroughly misused by the regional leaders and parties. If 370 had benefited anybody in all these years, it was only the political leadership in the state. While people had suffered with lack of development, progress and prosperity, the leaders enjoyed lack of accountability and enriched themselves. The last major industry to come into the J&K was in mid-1950s.

On the other hand, this article had become an instrument in the hands of the separatist and anti-national forces to propagate a lie that the J&K was special and perpetuate sentiments of separatism in the Valley. Putting an end to this article was the much-needed measure for complete emotional integration of the people of J&K in the Indian Union.

The decision to bifurcate the state is also a strategically shrewd move. It will insulate Ladakh from the happenings in the other two regions and provide for greater development of the region. The situation emerging in the western neighbourhood and the possible reascendancy of the Taliban in Afghanistan calls for greater attention and care to be taken in what will remain as J&K after bifurcation. Making it an UT with a Legislature makes a lot of strategic sense.

"You say Yes, when others say No; You do what others will not; You blaze trails; You always step up to a challenge; You make it happen; You raise the bar on what is possible; You are strong and powerful; You are a Leader". That is the kind of leadership we see in Narendra Modi and Amit Shah.

Blood and betrayal

The BJP thinks it is going to Indianise Kashmir. Instead, we will see, potentially, the Kashmirisation of India

PRATAP BHANU MEHTA

Contributing editor, The Indian Express



THERE ARE TIMES in the history of a republic when it reduces itself to jackboot. Nothing more and nothing less. We are witnessing that moment in Kashmir. But this moment is also a dry run for the political desecration that may follow in the rest of India. The manner in which the BJP government has changed the status of Jammu and Kashmir by rendering Article 370 ineffective and bifurcating the state is revealing its true character. This is a state for whom the only currency that matters is raw power. This is a state that recognises no constraints of law, liberty and morality. This is a state that will make a mockery of democracy and deliberation. This is a state whose psychological principle is fear. This is a state that will make ordinary citizens cannon fodder for its warped nationalist pretensions.

The narrative supporting a radical move on Kashmir is familiar. Article 35(A) was a discriminatory provision and had to go. Article 370 was not a mechanism for integration but a legal tool for separatism. The Indian state, despite the horrendous violence it has used in the past, has never had the guts to take a strong stand on Kashmir. The radicalisation within Kashmir warrants a crackdown. The treatment meted to Kashmiri Pandits has never been recompensed either through justice or retribution. The international climate is repulsive. We can do what China is doing: Remake whole cultures, societies. We can take advantage of the fact that

proposal to alter J&K's status to Union Territory is designed to humiliate an already subjugated population. How dare a Muslim-dominated state exist in India? J&K can now not even be trusted to be a state. The optics of this is not integration, it is humiliation, of a piece with subtle and unsimile reminders to minorities of their place in India.

Let's take the argument that this pain is worth the price, if it actually solves the problem. But will it? There will be a sullen peace, militarily secured, that we will mistake for victory. The very army, behind whom every patriot now hides, will potentially be put in even more harm's way. To be used more and more as the sole basis for keeping India together. And even if we concede to the tragic necessity of force, that force can work only in the context of a larger political and institutional framework that inspires free allegiance, not fear. But even if Kashmir resigns to its fate, pummelled by military might, the prospect of radicalisation in the rest of India cannot be ruled out. There are already incipient signs of that. The theatre of political violence will shift. In the context of the communally sensitive arc from UP to Bengal and in Kerala, India will seem more fragile.

For, fundamentally, what this change signals is that Indian democracy is failing. It is descending into majoritarianism, the brute power of the vote; it will no longer have the safety valves that allowed inclusion. The reckless abdication of the Opposition will only deepen the sense of alienation. There are no political avenues for protest left. Most so-called federal parties turned out to be more cowardly than anyone anticipated; the Congress can never stand for any convictions. Not one of us can take any constitutional protections for granted. Parliament is a notice board, not a debating forum.

Let us see what the Supreme Court does, but if its recent track record is anything to go by, it will be more executive-minded than the executive. Kashmir is not just about Kashmir. In the context of the UAPA, NRC, communalisation, Ayodhya, it is one more node in a pattern hurtling the Indian state towards a denouement where all of us feel unsafe. Not just Kashmiris, not just minorities, but anyone standing up for constitutional liberty.

The larger worry is the fabric of our culture making this possible. There is a propaganda machinery unleashed with the media that builds up a crescendo baying for blood and calls it nationalism. There is the coarsening of human sentiments that makes empathy look worse than violence. There is the sheer political impatience with any alternative. The old Congress system of dealing with these issues appears so decrepit and corrupt that even a total carpet bombing of institutions and morality will be better. There is a kind of cruel aestheticism in our politics where audacious evil will be celebrated for its audacity, and mundane goods will invite contempt because they are mundane.

These proposals are not about solving a problem. What is playing out in Kashmir is the warped psyche of a great civilisation at its insecure worst. The BJP thinks it is going to Indianise Kashmir. But, instead, what we will see is potentially the Kashmirisation of India: The story of Indian democracy written in blood and betrayal.

Even if Kashmir resigns to its fate, pummelled by military might, the prospect of radicalisation in the rest of India cannot be ruled out

Trouble & opportunity in India's north-west

Delhi must now develop an external strategy that will facilitate a major settlement of the Kashmir question

C RAJA MOHAN

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help Pakistan repair the damaged relationship with the US. Islamabad also hopes that it will restore Pakistan's value in US strategy towards South Asia that had tilted in favour of India in recent years.

India learnt, through repeated crises since the 1980s, to fend off Pakistani pressures on internationalising the Kashmir question. Delhi has also got better at navigating the triangular dynamic with Pakistan and the US. Delhi has also become adept at turning the crises with Pakistan to focus less on Kashmir and more on the sources of terrorism originating from Pakistani soil.

number of factors have facilitated this. For one, Delhi is a lot stronger than it was at the time of the first Afghan crisis in 1979 after Soviet Union occupied Afghanistan. For another, the gap in comprehensive national power has widened in favour of India. And the quality of India's relations with the great powers, too, has significantly improved.

The biggest change is Delhi's decision to stop being defensive on Pakistan and Kashmir. We have seen that in the response of the Modi government to the terror attacks at Uri in 2016 and Pulwama in 2019.

Having rolled the dice on Kashmir, Delhi now needs an effective strategy to contain potential violent reactions at home and manage international diplomatic fallout.

If India plays its cards well, the change in the internal status of Kashmir might provide the basis for addressing the international dimensions of a question that has long hobbled India and the subcontinent. Much in the manner the creative diplomacy that followed India's defiant nuclear tests of 1998 helped end the nation's prolonged atomic isolation, Delhi must now develop an external strategy that will facilitate a final settlement of the Kashmir question.

Until now, the Taliban has insisted that the US must withdraw all its forces from Afghanistan. The US, on the other hand, wants to leave a small force to execute counter-terror missions. Pakistan is expected to nudge the Taliban into accepting a phased withdrawal of American troops.

The US also wants early talks between the Taliban and the Afghan government. The Taliban has so far resisted any direct engagement with what it calls America's 'puppet regime' in Kabul. Last month, the Taliban acquiesced in the participation of Kabul's representatives, in their personal capacity, in an intra-Afghan dialogue in Doha.

There is speculation that talks between the Taliban and the government might take place soon in Oslo, immediately after the US and the Taliban agree on withdrawal and counter-terror assurances. Kabul is said to be preparing to send a delegation to the Oslo talks. If these reports turn out to be true and

the Taliban agrees to observe a ceasefire as part of the dialogue with the government, Pakistan can claim to have 'delivered' the Taliban to the US.

Sceptics would say these are very big 'IFs'. On top of it, there are reports the US wants all elements of the deal—a phased withdrawal of US troops, Taliban's terror assurances, talks with Kabul and a ceasefire—tied up pretty quickly. President Trump seems to have set a deadline of September 1.

If a comprehensive framework is ready by then, Trump might visit Afghanistan to preside over the signing ceremony. From there it is but a short hop to Islamabad for a thanksgiving visit.

The Pakistan army certainly understands that an Afghan peace deal would be a huge personal and political triumph for President Trump as he approaches his election campaign next year.

Facilitating a deal, even a shaly one, that is in tune with Trump's political calendar will

granted citizenship rights to numerous Uyghur Muslim families in 1952, and settled them in the Eidgah area of Srinagar;

- Lakhs of Kashmiri Valley Hindus left their ancestral homes forever;
- Rohingya Muslims from Myanmar were settled in Jammu;
- Kashmiri Muslims bought property on the outskirts of Jammu after the Kashmiri Hindu exodus of 1989-90. Sidhra, Bathindi and Narwal came into existence with an intent to change demography and increase Muslim population of Jammu valley.

Conversely, not a word by Valley leaders on efforts by Kashmiris to change demography of Jammu. The unusual increase in voters in Kashmir Valley must be probed. During 2001-11, the State's population went up by 23.6%, while in 2002-14, the number of voters rose by 14%. In absolute terms, the population in Kashmir between 2001 and 2011 went up by 14.11 lakh (25.8%), while the increase in number of voters between 2002 and 2014 was 24.7% (7.12 lakh). Corresponding figures for Jammu are 21% and 5%. So, the percentage rise in voters in Kashmir was 24.7%, against only 5% in Jammu!

Note that in 2002 the number of voters in Jammu was more than in Kashmir by 1.41 lakh; in 2014, Kashmir exceeds Jammu by 4.21 lakh, i.e. a swing of 5.67 lakh.

So far, the country was being held hostage by Kashmir Valley, which occupies only 15.73% of the state's land area of 1,01,387 sq-km. The people of India now pray that women, WPR, SCs and STs would get the same rights as their counterparts in the rest of India, followed by the development of Jammu and Ladakh regions, ignored since 1951 by the Valley-centric rulers of J&K.

Demystifying Article 35A

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Constitution reads:

1. "Every person who is, or deemed to be, a citizen of India under the provisions of the Constitution of India shall be a permanent resident of the State, if on the 14/5/1954:

(a) he was a State Subject of Class I or the Class II; or (b) having lawfully acquired immovable property in the State, he had been ordinarily resident in the State for not less than ten years prior to the date."

2. "Any person who, before 14/5/1954, was a State Subject of Class I or II and who having migrated after 1/3/1947, to the territory now included in Pakistan returns to the State or for permanent return issued by or under the authority of any law made by the State Legislature shall on return be a permanent resident of the State."

Non-staying in J&K are classified as PR and non-PR. A State Subject who migrated to Pakistan but returns to J&K under a permit for resettlement in the State or permanent return will be deemed to be a citizen of

India. But those who migrated from Pakistan during partition are denied PR status, deemed West Pakistan Refugees (WPR).

Note that the concept of PR originated from 'State Subject'. The definition of 'State Subject' of Class I, II, III was set out in the State Maharaja's Notification of 20/4/1927 read with the Notification of 27/6/1932. These notifications provided to some extent the law of the Citizenship of the State.

These definitions came into being because during the rule of Maharaja Pratap Singh (1885-1925), there was an outcry due to appointment of a large number of west-ern-educated men in Kashmir and to prevent rich neighbours from Punjab and other states by property in J&K. The agitation was so strong that Maharaja was forced to issue an order that 'State Subjects' would be preferred to outsiders in cases of government employment, hence the definition of State Subject in 1927. Thus, sections of the State's Constitution allow only PRs to be registered as voters in State Assembly.

Region	Numbers in lakh				
	2001 Census	2011 Census	2002 Assembly voters	2008 Assembly voters	2014 Lok Sabha voters
Kashmir	54.77	68.88	28.85	32.63	35.97
Jammu	44.30	53.79	30.26	31.15	31.76
Ladakh	2.37	2.74	1.74	1.59	1.60
Total	101.44	125.41	60.85	65.37	69.33

Monarchy may have allowed Maharaja of J&K to disregard democratic equality to offer special treatment to certain subjects. But are these laws defensible in a sovereign democratic republic like India? And it is not the case that the poverty levels in J&K today are higher than in other parts of India; they are actually much lower.

Consequences of Article 35A

One, some residents of J&K, being citizens of India, can vote in the Lok Sabha elections but not in the State polls.

Two, WPR have been denied citizenship rights in J&K. WPR are mostly Hindus and Sikhs (70% SCs, 10% OBCs, 10% Sikhs, 10% others) who crossed over to J&K during partition. Because they are not PR, WPR cannot acquire immovable property in the State, be employed by the State government and be a member of a village panchayat. They have no right to scholarships and such other forms of aid as the State government may provide.

Three, companies are averse to setting up manufacturing units or IT centres in J&K because they cannot own the land. Educated local talent is unemployed or migrates.

Four, banks will be apprehensive of granting loans against land because in case of default, properties given as security can-

not be sold under the Sarfaesi Act, as SBI discovered in 2015. It adversely affects employment and economic activity in J&K.

Five, till a October 2002 J&K High Court order, when a girl being a PR of J&K marries one who is not a PR, she no longer remains a State Subject so loses the right to inherit property and get a government job. But even post the order, the law is discriminatory because the children of such women don't enjoy succession rights. Conversely, if a male citizen of J&K marries a non-PR, the spouse automatically becomes a citizen of the State.

It has become the norm for the Valley to play the victim card. They complain about lack of employment, but warn of dire consequences if Article 35A is repealed. Also, Valley residents hold most government jobs and are the largest beneficiaries of government expenditure, yet scream alienation.

There is not a word about the 45,172 lives lost to terrorism from 1988 to 2019, or the presence of Kashmiri shops in virtually every part of India.

They make baseless allegations on attempts to change demography when the population of Muslims in J&K was 70% in 1951 and 68.31% as per 2011 Census. Did the demography change when:

- The Sheikh Abdullah-led government

10 E EXPLAINED THE NEW J&K ORDER

AUGUST 15, 1947

The Indian Independence Act, 1947, divided British India into India and Pakistan. The princely states were given three options - to remain independent, or join Dominion of India or Dominion of Pakistan. Jammu & Kashmir's Maharaja Hari Singh opted to remain independent.

Maharaja Hari Singh initially opted for an independent J&K, later acceded the state to India



OCTOBER 26, 1947

Hari Singh eventually signed Instrument of Accession with India. The decision was forced on him by the invasion of tribesmen from the Northwest Frontier Province, supported by Pakistan. The Maharaja sought military help from India, which sought accession in return.

2014-2018

Poles apart in ideology, PDP and BJP allied to form a government, first with Mufti Mohd Sayeed as CM, who was succeeded by his daughter Mehbooba following his death. The killing of militant Burhan Wani led to unrest in the Valley, the alliance strained, and Mehbooba eventually resigned in 2018.



Mehbooba Mufti took over as CM following her father's death. The uncharacteristic alliance between PDP and BJP eventually snapped.

2004-2014

The Manmohan Singh years, marked by the appointment of interlocutors for J&K in 2010 (Dilip Padgaonkar, M M Ansari, Radha Kumar); a meeting between the PM and Pakistan President Pervez Musharraf in New York in 2006; and unrest in 2008 over transfer of land to the Amarnath Shrine Board.



Prime Minister Manmohan Singh during a visit to Kashmir in 2013, seen with CM Omar Abdullah and UPA chairman Sonia Gandhi

APRIL 2003

PM Atal Bihari Vajpayee made his frequently quoted speech in Lok Sabha, after a visit to J&K. "I stressed that the gun can solve no problem; brotherhood can. Issues can be resolved if we move forward guided by the three principles of *Insaniyat, Jamhooriyat* and *Kashmiriyat*."



FAIZAN MUSTAFA

THE BJP on Monday fulfilled its election promise of removing the special status for Jammu and Kashmir in India's Constitution. Special status was withdrawn by invoking the same Article 370 which had been seen as fire-walling the autonomy of Jammu and Kashmir. What are the constitutional issues in - and arising out of - this development? What will change in the state and the country? What can be the basis of a possible legal challenge to the decision of the government?

Has Article 370 been scrapped?

The Constitution (Application to Jammu and Kashmir) Order, 2019, issued by President Ram Nath Kovind "in exercise of the powers conferred by Clause (1) of Article 370 of the Constitution", has not abrogated Article 370. While this provision remains in the statute book, it has been used to withdraw the special status of Jammu and Kashmir. The Presidential Order has extended all provisions of the Indian Constitution to Jammu and Kashmir. It has also ordered that references to the Sadr-i-Riyasat of Jammu and Kashmir shall be construed as references to the Governor of the state, and "references to the Government of the said State shall be construed as including references to the Governor of Jammu and Kashmir acting on the advice of his Council of Ministers". This is the first time that Article 370 has been used to amend Article 367 (which deals with Interpretation) in respect of Jammu and Kashmir, and this amendment has then been used to amend Article 370 itself.

What is the status of Article 35A now?

Article 35A stems from Article 370, and was introduced through a Presidential Order in 1954. Article 35A does not appear in the main body of the Constitution - Article 35 is followed by Article 36 - but appears in Appendix I. Article 35A empowers the Jammu and Kashmir legislature to define the permanent residents of the state, and their special rights and privileges.

Monday's Presidential Order has extended all provisions of the Constitution to Jammu and Kashmir, including the chapter on Fundamental Rights. Therefore, the discriminatory provisions under Article 35A are now unconstitutional. The President may also withdraw Article 35A. This provision is currently under challenge in the Supreme Court on the ground that it could have been introduced in the Indian Constitution only through a constitutional amendment under Article 368, and not through a Presidential Order under Article 370. However, Monday's Presidential Order, too has amended Article 367 without following the amending process.

So, what has changed in Jammu and Kashmir?

Rajya Sabha on Monday approved The Jammu and Kashmir Reorganisation Bill, 2019. The Bill will come up in Lok Sabha on Tuesday, and is expected to pass easily. In effect, the state of Jammu and Kashmir will now cease to exist; it will be replaced by two new Union Territories: Jammu and Kashmir,



With Nehru by his side, Sheikh Abdullah announces in Srinagar that Jammu and Kashmir and India would be one. Express Archive

and Ladakh. UTs have become states earlier; this is the first time that a state has been converted into a UT. The UT of Jammu and Kashmir will have an Assembly, like in Delhi and Puducherry.

Article 3 of the Constitution gives Parliament the power to amend the Constitution by a simple majority to change the boundaries of a state, and to form a new state. But this change requires that such a Bill be first referred to the concerned state Assembly by the President for ascertaining its views. Explanation II of Article 3 says Parliament's power extends to forming Union Territories.

Not only has Jammu and Kashmir lost its special status, it has been given a status lower than that of other states. Instead of 29, India will now have 28 states. Kashmir will no longer have a Governor, rather a Lieutenant Governor like in Delhi or Puducherry.

It is also likely that corporates and individuals will be able to buy land in Jammu and Kashmir. Non-Kashmiris might now get jobs in Kashmir. A process of demographic change might begin, and progress over the coming decades.

What is the significance of Article 370?

The most important feature of federalism in the United States was the "compact" between the 13 erstwhile British colonies that constituted themselves first into a confederation and then into a federal polity under the country's 1791 constitution. India's Supreme Court in *State of West Bengal v. Union of India* (1962) attached the highest importance to an "agreement or compact between states" as an essential characteristic of federalism. In *SBI* (2016), the apex court

accepted the presence of this compact for Kashmir. Article 370 was an essential facet of India's federalism because, like the compact in the United States, it governed the relationship of the Union with Jammu and Kashmir. The Supreme Court has held federalism to be part of the basic structure of India's Constitution.

The original draft of Article 370 was drawn up by the Government of Jammu and Kashmir. A modified version of the draft was passed in the Constituent Assembly of India on May 27, 1949. Moving the motion, N Gopalaswami Ayyangar said that if the accession was not ratified by a plebiscite, "we shall not stand in the way of Kashmir separating herself away from India".

On October 17, 1949, Article 370 was included in India's Constitution by the Constituent Assembly. Some critics of Article 370 have argued earlier that Kashmir joined India in 1947 without any conditions, and Article 370 unnecessarily gave it special status. However, the drafting of the Constitution ended on November 26, 1949 - Article 370 had been included before the Constitution was adopted.

What did the Instrument of Accession say?

The Indian Independence Act, 1947, divided British India, i.e., the territories under the direct administration of the British, into India and Pakistan. The 580-odd princely states that had signed subsidiary alliances with the British had their sovereignty restored to them, and were given the options of remaining independent, joining the Dominion of India, or joining the Dominion of Pakistan. Section 6(a) of the Act said joining either India or Pakistan would have to be

through an Instrument of Accession. States could specify the terms on which they were joining one of the new dominions. Technically, therefore, the Instrument of Accession was like a treaty between two sovereign countries that had decided to work together. The maxim of *pacta sunt servanda* in international law, which governs contracts or treaties between states, asks that promises must be honoured. Monday's Presidential Order under Article 370 is a negation of the constitutional pact that India signed with Maharaja Hari Singh.

The Maharaja, the Hindu king of a Muslim-majority state, had initially wanted to stay independent. He signed the Instrument of Accession on October 26, 1947, after Afridi tribesmen and Pakistan Army regulars invaded the state, and India agreed to help only after he acceded. The Schedule appended to the Instrument of Accession gave the Indian Parliament power to legislate for Jammu and Kashmir on only defence, external affairs and communications.

In Clause 5 of the Instrument of Accession, Hari Singh said that the terms of "my Instrument of Accession cannot be varied by any amendment of the Act or of The Indian Independence Act unless such amendment is accepted by me by an Instrument supplementary to this Instrument". In Clause 7, he said: "Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future Constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future Constitution."

Article 370 was a constitutional recognition of the conditions mentioned in the Instrument of Accession, and reflected the

contractual rights and obligations of the two parties.

But wasn't Article 370 just a temporary provision?

Article 370 is the second Article of Part XXI of India's Constitution, which is titled "Temporary, Transitional and Special Provisions". Article 370 was temporary in the sense that the Constituent Assembly of Jammu and Kashmir was given the right to modify/delete/retain it. The Constituent Assembly of Kashmir decided in its wisdom to retain it.

The other view was that it was "temporary" until a plebiscite had been held to ascertain the wishes of the people of Jammu and Kashmir. In a written reply to Parliament last year, the government had said there was no proposal to remove Article 370.

■ In *Kumari Vijayalakshmi Jha vs Union of India* (2017), Delhi High Court rejected a petition that argued that Article 370 was temporary, and that its continuation was a fraud on the Constitution.

■ In April 2018, the Supreme Court said that the word "temporary" in the headnote notwithstanding, Article 370 was not temporary.

■ In *Santosh Kumar* (2017), the apex court said that due to historical reasons, Jammu and Kashmir had a special status.

■ The Supreme Court in *SBI v Zaffar Ullah Nehru* (2016) observed that the federal structure of the Constitution is reflected in Part XXI. The court also said that J&K has a special status, and that Article 370 was not temporary. The court referred to Article 369 of Part XXI that specifically mentions the period of five years; no time limit is mentioned in Article 370. The court observed that Article 370 cannot be repealed without the concurrence of the Constituent Assembly of Jammu and Kashmir.

■ In *Prem Nath Kaul* (1959), a five-judge Bench of the Supreme Court observed that Article 370(2) shows that the continuance of the exercise of powers conferred on Parliament and the President by the relevant temporary provisions of Article 370(1) is made conditional on the final approval of the Constituent Assembly of Jammu and Kashmir.

■ In *Sampat Prakash* (1968), the apex court decided that Article 370 could be invoked even after the dissolution of the Constituent Assembly of Jammu and Kashmir. "Article 370 has never ceased to be operative," the five-judge Bench said.

The Resolution moved in Rajya Sabha by the Home Minister (and passed by the House) states that Monday's Presidential Order will be notwithstanding any treaty, agreement, Instrument of Accession, court decisions, law, rules, custom or usage, etc.

What is the reason for the secrecy, lockdown in Kashmir?

The unprecedented security deployment, detention of political leaders in their homes, and the snapping of communication links suggest the government anticipates mass protests. A decision to overturn the very basis of the accession of Jammu and Kashmir has been taken without consultation or negotiation, at a time when the state does not have a popularly elected government. The Presidential Order states that state government's concurrence has been taken; it probably means the concurrence of the Governor, who is a nominee of the central government.

CONTINUED ON PAGE 11

1999

Kargil War, May to July. Pakistani troops and militants had infiltrated through the Line of Control, before India recaptured its positions. It followed the wars of 1947, 1965 and 1971 between the two countries, of which only 1971 was not over Kashmir.

Prime Minister Atal Bihari Vajpayee with soldiers during the Kargil War in 1999. Express Archive



1990

A J&K 2008 police report states that 1989 onwards, militants killed 209 Kashmiri Pandits, 109 in 1990 alone. This was the year leading to the exodus of Kashmiri Pandits. Schofield's book puts the number of Hindus who left the Valley at 1.4 lakh in the beginning of March.



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

JANUARY 26, 1950

Indian Constitution comes into effect. Provisions (other than Article 1 and Article 370) could apply to J&K "subject to such exceptions and modifications as the President may by order specify", with concurrence of the state government and endorsement of the J&K Constituent Assembly.

Sheikh Abdullah was arrested in 1953; key Presidential Orders came in the years that followed



AUGUST 9, 1953

Sheikh Abdullah, Prime Minister of J&K, arrested, his government dismissed. The arrest was ordered by PM Jawaharlal Nehru and the charge slapped on him was that he had lost the confidence of the cabinet. He was jailed for 11 years; the Congress later patched up with him.

MAY 14, 1954

Presidential Order introduced Article 35A, which protected laws passed by the state legislature regarding Permanent Residents from any challenge on the ground that they were in violation of the Fundamental Rights. The PM of J&K became Chief Minister.

FEBRUARY 24, 1975

Indira Gandhi-Sheikh Abdullah Accord. "The State of Jammu and Kashmir which is a constituent unit of the Union of India, shall, in its relation with the Union, continue to be governed by Article 370 of the Constitution of India," it stated.

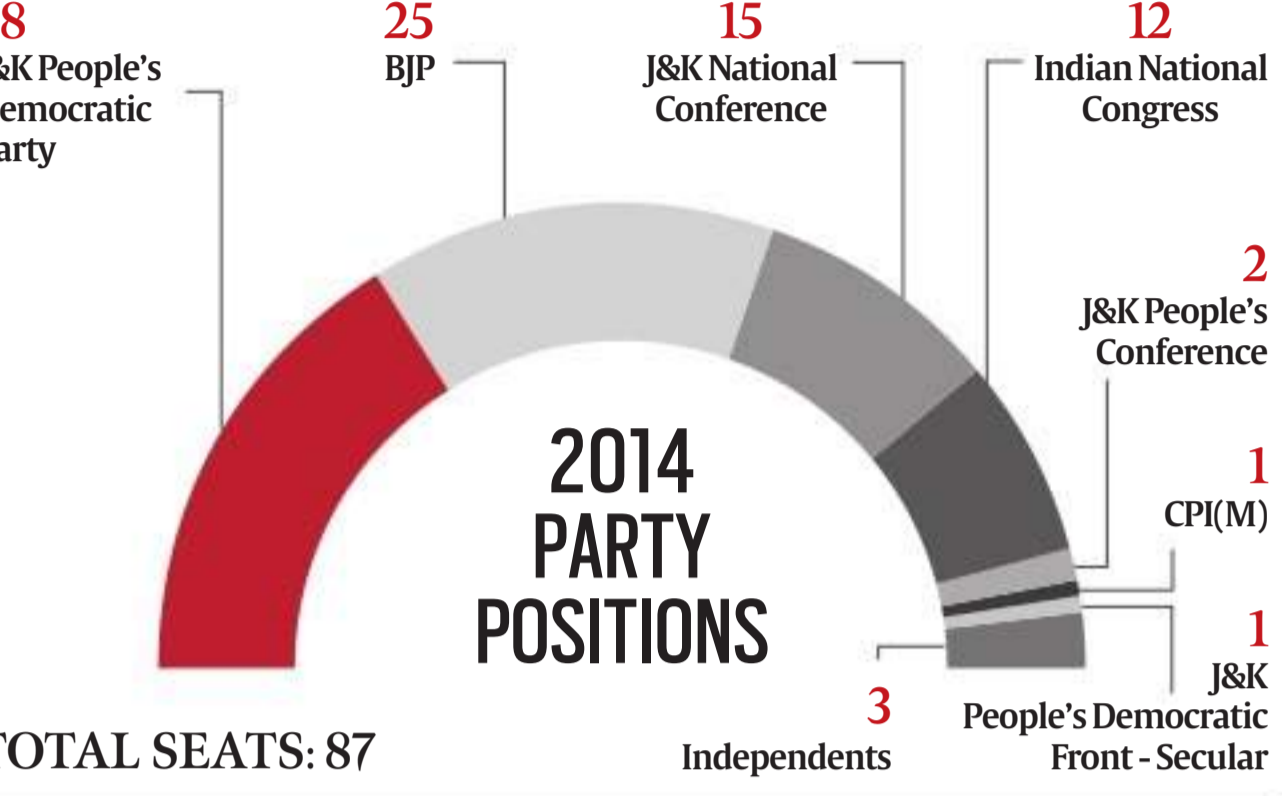


Governor Jagmohan served during key periods, coinciding with Farooq Abdullah's tenure as CM and the beginning of militancy in the Valley. The 1987 election, which returned Farooq to power with Congress support, is seen as rigged and as a turning point leading to militancy.

MARCH 23, 1987

An election widely seen as rigged, and seen as a turning point leading to militancy. Dismissed as CM in 1984 and replaced with his brother-in-law (with Congress support), Farooq Abdullah was reinstated after the 1987 polls, again with Congress support.

The last Assembly



DEC 23, 2014: National Conference government of Omar Abdullah lost power
MAR 1, 2015: Mufti Mohammad Sayeed sworn in as Chief Minister of PDP-
JAN 7, 2016: Mufti Mohammad Sayeed passed away
APR 4, 2016: Mehbooba Mufti sworn in as Chief
Minister of PDP-BJP government
JUN 19, 2018: PDP-BJP ruling coalition fell apart
NOV 21, 2018: J&K Assembly was dissolved

Article of faith: History of the RSS and BJP opposition to 370

SHYAMLAL YADAV
NEW DELHI, AUGUST 5

THE UNION government's move to strip the special status of Jammu & Kashmir was one of the three core issues of the Rashtriya Swayamsevak Sangh. The other two issues were the Common Civil Code and the Ram Temple.

On Monday, RSS Sarsanghchalak Mohan Bhagwat "congratulated the courageous step taken by the government" and said that it "was very necessary not just for Jammu and Kashmir but (also) for the whole nation. Everyone should rise above political interest and difference and support the initiative".

The RSS has always held that "Article 370 is a provision to break Kashmir from Bharat", and it has always demanded the removal of Article 370 of the Indian Constitution. A total of 51 resolutions on Kashmir have been passed in the annual meetings of the Akhil Bhartiya Karyakari Mandal (ABKM), Akhil Bhartiya Pratinidhi Sabha (ABPS) and the Kendriya Karyakari Mandal (KKM) since the early fifties, and a majority of them have demanded the scrapping of Article 370. Even though Article 370 has not been scrapped, the end result — the removal of special treatment for J&K — has been achieved by the government on Monday.

As far as the division of the state is concerned, the RSS supported the idea in 1995 when it demanded in its resolution that the Jammu region "be granted an autonomous council". Later, in 2002, the RSS passed a resolution to divide the state.

1952: The first resolution on J&K was passed in a meeting of the RSS's KKM in which it condemned the "Pak-American Pact" and said that the "open aggression in Kashmir" was still on.

1953: J&K Praja Parishad, an organisation formed by the late Bharatiya Jana Sangh leader Balraj Madhok, started a movement for "complete integration" through a resolution at the ABPS. Later, Syama Prasad Mookerjee, the founder president of the Bharatiya Jana Sangh, who was protesting the special status of J&K, died in mysterious circumstances in a Srinagar jail on June 23, 1953. During his last agitation against Article 370, the BJS's main slogan was: "Ek desh me do vidhan, do pradhan, do nishan, nahi chalega, nahi chalega (One country cannot have two



Prime Minister Narendra Modi pays tributes to Dr Syama Prasad Mookerjee on his birth anniversary in Parliament House last year. Express Archive

constitutions, two Prime Ministers, and two flags)".

1964: A resolution of the ABPS, titled "Bharat's Kashmir Policy," stated that "Article 370, which was incorporated in our Constitution as a temporary provision on Kashmir, must be immediately repealed and the state brought in line with the other states".

1982: The J&K government passed a Resettlement Bill, which sought to enable all Kashmiri Muslims who had migrated to Pakistan to return to Kashmir and acquire Indian citizenship. After that, the ABKM of the RSS passed a resolution that reiterated that the J&K Assembly is using Article 370 to achieve separatist and communal ends, and that the Article should be scrapped.

1984: The ABKM passed a resolution stating Article 370 was "being used to fan

separatist tendencies" and demanded its repeal.

1986: The demand was reiterated in an ABPS resolution.

1993: The ABKM resolution stated that the "insistence" on Article 370 was one of the many signs of a "myopic state administration".

1995: In a resolution, the ABKM demanded that the Jammu region "be granted an autonomous council".

1996: In a resolution, the ABKM said that Article 370, which was intended to be "temporary," had "become totally redundant".

2000: When the BJP-led government was in power at the Centre, and the J&K Assembly passed a resolution demanding "autonomy," the RSS's ABKM passed a resolution stating, "things would not have come to this pass had the transitory Article 370 been abrogated in time".

2002: The RSS's ABKM passed a resolution stating that "the people of Jammu think that the solution to their problems lies in the separate statehood for Jammu region. This has been demonstrated by the agitation spearheaded by Jammu and Kashmir National Front (JKNF) and other organisations". The ABKM offered its support to the JKNF's demand for a separate state. The JKNF too, was formed by some members of the RSS.

2010: The last resolution on this issue was passed in the ABPS that year. It stated: "Article 370, which was included in our Constitution as a 'temporary and transitional provision', instead of being abrogated, continues to be a tool in the hands of the separatist and secessionist elements".

However, since 2014, when the BJP received a full majority in Lok Sabha and Narendra Modi became Prime Minister, the RSS has not passed any resolution in any of its meetings.

Repeal of Article 370 has not always figured in the BJP's election manifestos. For instance, the 1984 manifesto did not mention it, and the 1989 manifesto only promised a "regional council" for Jammu. In 1991, the BJP stated this clearly — but this promise did not find mention in 1996, 1998, 1999 and 2004. In 2009 and 2014, the BJP reiterated its stand on the abrogation of Article 370. In 2019, the BJP's Sankalp Patra stated: "We reiterate our position since the time of the Jana Sangh to the abrogation of Article 370".

...and what the govt's move could lead to

CONTINUED FROM PAGE 10

Didn't Congress governments too misuse Article 370?

Yes, they did. A number of Presidential Orders were issued against the letter and spirit of the Instrument of Accession. By the Presidential Order of 1954, almost the entire Constitution (including most constitutional amendments) was extended to Jammu and Kashmir. Ninety-four out of the 97 entries in the Union List are today applicable to Jammu and Kashmir as to any other state. Two hundred and sixty out of the 395 Articles of the Constitution have been extended to the state. Seven out of the 12 Schedules of the Constitution of India too, have been extended to Jammu and Kashmir.

Over the years, the central government has used Article 370 to amend a number of provisions of the Jammu and Kashmir constitution, even though that was not the power given to it under this Article of the Constitution of India. Article 370 had a limited mandate to extend the applicability of the Constitution of India to Jammu and Kashmir.

Thus, Article 356 (on the imposition of President's Rule in the states) was extended to Jammu and Kashmir, even though a similar provision was already there in Article 92 of Jammu and Kashmir's constitution. To change the provision in the Jammu and Kashmir constitution regarding the Governor being elected by the state Assembly, Article 370 was used to convert the position into a nominee of the President.

Governors have proved to be the Centre's agents in the state. Monday's Order has now extended the remaining Articles of the Constitution after withdrawing all the earlier Orders.

Why didn't governments before this take such a step?

Nehru probably lacked the political will, and wanted to honour the constitutional pact with Maharaja Hari Singh. He also had a sentimental connection with Kashmir. Atal Bihari Vajpayee's idea was that of the healing touch — in the form of Kashmiriyat,

Insaniyat and Jamhooriyat. The first Modi government was in an alliance with the PDP in Jammu and Kashmir till 2018. The Home Minister has said that once peace returns and the situation improves, the government will restore statehood to Jammu and Kashmir.

Can the Presidential Order be challenged in the Supreme Court? On what grounds?

It will most likely be challenged. However, the Supreme Court will consider that Article 370 does, indeed, give sweeping powers to the President. It might also take two to three years for a Constitution Bench of the court to decide such a challenge.

The possible grounds of challenge could include the argument that the conversion of Jammu and Kashmir into a Union Territory is in violation of Article 3, as the Bill was not referred by the President to the state Assembly. Also, can the Constituent Assembly mean Legislative Assembly? Are the Governor and the state government one and same?

The constitutional relevance of Instrument of Accession will also be examined by the court. Whether Article 370 was part of the basic structure will likely be considered. The use of Article 367 in amending Article 370 will also be examined.

So, is Kashmir now fully integrated with India?

Article 3 of the Jammu and Kashmir constitution itself declares the state to be an integral part of India. In the preamble of the Jammu and Kashmir constitution, not only is there no claim to sovereignty like in the Constitution of India, there is, rather, a categorical acknowledgment that the object of the Jammu and Kashmir constitution is "to further define the existing relationship of the state with the Union of India as its integral part thereof".

Integration thus, was already complete. Article 370 merely gave some autonomy to Jammu and Kashmir, which has now been withdrawn.

(Prof Faizan Mustafa is an expert of constitutional law. These are his personal views)

Sheikh Abdullah, Ayyangar, Sardar Patel: How Article 370 was negotiated, debated

SEEMA CHISHTI
NEW DELHI, AUGUST 5

IN JULY 1949, Sheikh Abdullah and three others were nominated by the ruler of Jammu & Kashmir to the Constituent Assembly in Delhi. They negotiated the special status of J&K, leading to the adoption of Article 370. (It was Article 306A while being debated in the Constituent Assembly.) The negotiations were carried out over several months between N Gopalaswami Ayyangar (cabinet minister without portfolio and former Dewan of Kashmir) and Sheikh Abdullah and others.

The first meetings were held during May 15-16, 1949 at Sardar Vallabhbhai Patel's residence with PM Jawaharlal Nehru present. When Ayyangar prepared a draft letter from Nehru to Abdullah summarising the broad understanding reached, he sent it to Patel with a note: "Will you kindly let Jawaharlalji know direct as to your approval of it? He will issue the letter to Sheikh Abdullah only after receiving your approval."

Ayyangar, who eventually drafted Article 370, spoke in the Constituent

Assembly on October 17, 1949: "We have also agreed that the will of the people, through the instrument of the Constituent Assembly, will determine the Constitution of the State as well as the sphere of the Union's jurisdiction of the state... You will remember that several of these clauses provide for the concurrence of the Jammu & Kashmir state. Now these relate particularly to the matters not mentioned in the Instrument of Accession and it is one of our commitments to the people and the Government of Kashmir that no such additions should be made except with the consent of the Constituent Assembly which may be called in the state for framing its Constitution."

Later, Abdullah insisted that the Article should not extend the Fundamental Rights and Directive Principles to Jammu and Kashmir, but leave it to the state's Constituent Assembly to decide whether or not to adopt them. Patel was unhappy but allowed Ayyangar to proceed. Nehru was abroad then; Patel wrote to him on November 3, 1949: "After a great deal of discussion, I could persuade the [Congress] party to accept". When Sheikh Abdullah threatened to resign from the Constituent

Assembly, Patel asked Nehru to get him back on board.

In November 1963, in a debate in Parliament, when Hari Vishnu Kamath argued that Kashmir was "not fully" integrated, Nehru asserted that it was, indeed, "fully integrated" with India. He said: "The House will remember that we have some such restrictions with respect to NEFA and other places; outsiders cannot buy land. This is also in some other districts, the hill districts of Assam. This is to protect them."

Former MP Karan Singh, son of Maharaja Hari Singh, wrote in *An Examined Life*: "The right wing seems to resent that J&K carries a special status. That has always surprised me. We are a great country, we should be large-hearted. J&K came to India under complex and difficult circumstances. Now after all these years to ask why it holds a special position is baffling. It will always be special because it was born out of a special historical event and subsequent political developments. In England they have all sorts of governing systems...we should feel so lucky that J&K, a Muslim-majority state became a part of India despite the religion-led Partition. Cherish that; relish that; honour that."



Mufti Mohammad Sayeed (centre) was made Union Home Minister by PM V P Singh (left)

1989

That year marked the real beginning of insurgency, writes historian Victoria Schofield (*Kashmir in Conflict*). Strikes were frequent, many militant groups emerged. Days after Mufti Mohd Sayeed had been appointed Union Home Minister, his daughter Rubaiya was kidnapped.

JANUARY 1990

New Delhi reappointed former Governor Jagmohan. Following raids on people's houses, a crowd protested at Srinagar's Gawakadal Bridge. CRPF troops fired on unarmed protesters. Over 100 died, Schofield writes. The state came under Governor's Rule in February.





The Indian EXPRESS

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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

Blood and Betrayal



PRATAP BHANU MEHTA

BJP thinks it is going to Indianise Kashmir. Instead, we will see, potentially, the Kashmirisation of India

RUPTURE IN HISTORY, STITCHING A FUTURE

Historic changes draw an audacious red line across Jammu and Kashmir and its compact with the Union. How government carries this forward will decide many things for India

THE NDA GOVERNMENT'S decision to abrogate the special status to Jammu and Kashmir under Article 370 fulfills a nearly 70-year-old project of Hindutva parties, their promise that they would one day make the "integration" of J&K with the Union of India a reality. The Constitution (Application to Jammu & Kashmir) Order 2019 supersedes the 1954 order, which included Article 35 A, and defined the state's special status. Article 35 A has ceased to exist. Although Article 370 remains, it's effectively dead. The government has simultaneously proposed the bifurcation of the state through the Jammu & Kashmir State Reorganisation Bill 2019, under which it will become two Union Territories, one comprising Ladakh without a legislature, another comprising Jammu & Kashmir, with a legislature.

But the special status guaranteed to Jammu and Kashmir was not a partisan or personal decision of the founding fathers of the Indian republic. It was based in the imperative of nation-building. It was a recognition of the role a Muslim majority state — its unique demography protected by the Constitution — would play in belying the claims on which Partition had taken place, and in strengthening the secular "idea of India". The developments of August 5, 2019, are in no small measure about rewriting history, changing that very demography, and bringing in a new idea of India, with the stamp of Narendra Modi firmly on it. The changes are no less than historic, they draw an audacious red line over and across the Nehruvian idea of India.

But what is this new idea of India, and how will it be given shape? What will also go down in history is the manner in which the momentous change in J&K's status has been brought about. There is no parallel in the history of independent India for the secrecy and stealth deployed by the government to bring in something that is politically and communally contentious. To do this at a time when Parliament is in session, to present it as a virtual fait accompli to the House, may be the BJP's way of doing business, as it believes it has the mandate. But it goes against every democratic convention and norm.

Curiously, government officials put out the red herring of a purported terror plot emanating from Pakistan to justify the induction of additional troops in the Valley and cancellation of the Amarnath Yatra. As it has turned out, these were law and order measures in anticipation of a backlash to the government's real plans. For the first time since the 1953 arrest of Sheikh Abdullah, the government placed two former chief ministers, both leaders of mainstream political parties, under arrest.

The promise of resolving the Kashmir issue through partnership and dialogue with Kashmiris, articulated by a BJP prime minister, Atal Bihari Vajpayee, and carried forward by a Congress prime minister, Manmohan Singh, was implicit in the PDP-BJP alliance of 2015-2018. It failed, yet as recently as last year, Prime Minister Modi invoked Vajpayee's "insaniyat, jahmuriyat, Kashmiriyat" credo for resolution in Kashmir. It now seems that he and his trusted lieutenant believe that the people of Kashmir need not be consulted at all about their political fate, and that the use of force can overcome their opposition.

Now that the die has been cast, how the government proposes to carry this forward from here, how it will deal with the legal and political fallout and the reactions in the Valley, will decide many things for India. If the unkept promise of autonomy in Article 370 was the genesis of the Kashmir problem, the government has significantly departed from that, not just by its definitive move to scrap the constitutional guarantee of that autonomy but by demoting the state into truncated union territories that will now be governed directly by the Union home ministry through an all powerful Lt. Governor, working with an emasculated legislature.

Regional parties, such as AIADMK and TRS, that have supported the government's move, might do well to ask themselves what they would do if the Centre decided that Tamil Nadu, with a traditionally strong regional ethos, be carved up into union territories. But the challenge for the Opposition is also more than a distant thought experiment. It is real and it is already here: A BJP that is bringing its "core issues" — for long relegated to the backburner — to centre stage. A BJP with a mandate that will have its way, few questions asked.

It cannot be the government's intention to keep voices in the Valley suppressed forever. For starters, it must release Omar Abdullah, Mehbooba Mufti and Sajjad Lone, leaders with a following in the Valley and in Jammu too. It must remove restrictions on movement in the Valley, allow telecommunications to be restarted. It must demonstrate that its political confidence to do what it has done in Kashmir does not flow out of the barrel of a gun or a numerical majority alone. There will be other challenges, such as the changing dynamics in the region, especially the deal with Pakistan's help, in Afghanistan between the US and Taliban. This is hard work in progress even though the deed has been done.

A JUST WAY

AYODHYA IS BACK IN COURT. IT IS UPTO THE SUPREME COURT TO ENSURE THAT DUE PROCESS IS RESPECTED ABOVE ALL

THE SUPREME COURT'S initiative to push for a negotiated settlement in the Babri Masjid case has failed to find traction. The three-member panel set up by the apex court conducted extensive consultations with the stakeholders in the dispute, but evidently could not convince the parties to agree to an out-of-court settlement. This does not come as a surprise. Previous attempts to mediate, too, had failed since the parties to the dispute refused to budge from their stated positions. The case has become a political battleground involving history and myth, faith and identity. Within the deadline set by the Court, it was ambitious perhaps to expect that the mediation committee could provide a breakthrough for an over seven-decade-old matter. The panel led by retired Supreme Court judge, Justice F M I Kalifullah, including Art of Living Founder Sri Sri Ravi Shankar and senior advocate Sriram Panchu, was set up in March this year with a deadline of eight weeks, which was extended till July 31.

The committee reportedly persuaded one side to come with a proposal that included a plan to build a mandir and masjid adjacent to each other at the disputed site. That, however, did not elicit a response from the backers of the temple. The committee also presented a possible deal premised on shifting the mosque outside the contested site. This deal had four elements, among them freezing the status of all places of worship as per their status on August 15, 1947 (as stated in The Places of Worship (Special Provisions) Act, 1991) and providing alternative land and funds to build a mosque anywhere. The parties to the dispute appear to have discussed the proposal, but failed to reach a consensus. Those seeking to build a Ram temple at the site where the masjid stood before it was pulled down by kar sevaks on December 6, 1992, see it as a political project and are unwilling to cede any ground. The other side insists that the land where a masjid stood could not be given for any other purpose.

Now that the mediation effort has failed, it is for the Supreme Court to decide this sensitive and fraught issue. It must ensure that due process is respected by both sides. The litigation itself has gone on for long and the accumulated layers have only added to the complexity of the issue. The challenge before the Court is to separate the multiple strands in the dispute and settle it in a way that is fair and is seen to be so too.

THERE ARE TIMES in the history of a republic when it reduces itself to jackboot. Nothing more and nothing less. We are witnessing that moment in Kashmir. But this moment is also a dry run for the political desecration that may follow in the rest of India. The manner in which the BJP government has changed the status of Jammu and Kashmir by rendering Article 370 ineffective and bifurcating the state is revealing its true character. This is a state for whom the only currency that matters is raw power. This is a state that recognises no constraints of law, liberty and morality. This is a state that will make a mockery of democracy and deliberation. This is a state whose psychological principle is fear. This is a state that will make ordinary citizens cannon fodder for its warped nationalist pretensions.

The narrative supporting a radical move on Kashmir is familiar. Article 35(a) was a discriminatory provision and had to go. Article 370 was not a mechanism for integration but a legal tool for separatism. The Indian state, despite the horrendous violence it has used in the past, has never had the guts to take a strong stand on Kashmir. The radicalisation within Kashmir warrants a crackdown. The treatment meted to Kashmiri Pandits has never been recompensed either through justice or retribution. The international climate is propitious. We can do what China is doing: Remake whole cultures, societies. We can take advantage of the fact that human rights is not even a hypocrisy left in the international system. We can show Pakistan and Taliban their place. Let us do away with our old pusillanimity. Now is the time to seize the moment. Settle this once and for all, if necessary with brute force.

There are kernels of truth to many of these arguments. The status quo was a double whammy: It did nothing to address the well-being of Kashmiris who have now endured two generations of what was effectively military occupation. And it increased the gulf between Kashmir and the rest of the nation. So some movement was inevitable. But the kernel of truth is being deployed with an armory of evil. The solution being proposed is an annihilation of decency. The fact that these measures had to be done under

There will be a sullen peace, militarily secured, that we will mistake for victory. The very army, behind whom every patriot now hides, will now potentially be put in even more harm's way: To be used more and more as the sole basis for keeping India together. And even if we concede to the tragic necessity of force, that force can work only in the context of a larger political and institutional framework that inspires free allegiance, not fear. But even if Kashmir resigns to its fate, pumelled by military might, the prospect of radicalisation in the rest of the country cannot be ruled out. There are already incipient signs of that. The theatre of political violence will shift.

stealth, with a tight security noose and informational blackout is a measure of the evil of the step taken. This is not the dawn of a new constitutional settlement, designed to elicit free allegiance. It is repression, plain and simple, reminiscent of the Reichstag or Chinese constitutional ideology that sees federalism as an obstacle to a strong state and homogenous culture.

Think of the proposal's broader ramifications. India has betrayed its own constitutional promises. India has many asymmetric federalism arrangements outside of Kashmir. This act potentially sets the precedent for invalidating all of them. How can we justify offering Nagaland asymmetric federalism but deny it to Kashmir? Its implication is that the government can unilaterally declare any existing state to be a Union Territory. This is a constitutional first. We are simply a union of Union Territories that happen to be a state at the discretion of the Centre.

Let us also not put too fine a point on this. Even if Article 370 were to be scrapped, the proposal to alter Jammu and Kashmir's status to Union Territory, even if temporarily, is designed to humiliate an already subjugated population. How dare a Muslim dominated state exist in India? Kashmir can now not even be trusted to be a state. The optics of this measure is not integration, it is humiliation, of a piece with subtle and unsubtle reminders to minorities of their place in India.

Let's take the argument that this pain is worth the price, if it actually solves the problem. But will it? There will be a sullen peace, militarily secured, that we will mistake for victory. The very army, behind whom every patriot now hides, will now potentially be put in even more harm's way: To be used more and more as the sole basis for keeping India together. And even if we concede to the tragic necessity of force, that force can work only in the context of a larger political and institutional framework that inspires free allegiance, not fear. But even if Kashmir resigns to its fate, pumelled by military might, the prospect of radicalisation in the rest of the country cannot be ruled out. There are already incipient signs of that. The theatre of political violence will shift. In the context of the communally sensitive arc from UP to Bengal and in Kerala,

India will seem more fragile.

For, fundamentally, what this change signals is that Indian democracy is failing. It is descending into majoritarianism, the brute power of the vote; it will no longer have the safety valves that allowed inclusion. The feckless abdication of the Opposition will only deepen the sense of alienation. There are no political avenues for protest left. Most of the so-called federal parties turned out to be more cowardly than anyone anticipated; the Congress can never stand for any convictions. Not a single one of us can take any constitutional protections for granted. Parliament is a notice board, not a debating forum.

Let us see what the Supreme Court does, but if its recent track record is anything to go by, it will be more executive minded than the executive. Kashmir is not just about Kashmir: In the context of the UAPA, NRC, communalisation, Ayodhya, it is one more node in a pattern hurling the Indian state towards a denouement where all of us feel unsafe. Not just Kashmiris, not just minorities, but anyone standing up for constitutional liberty.

The larger worry is the fabric of our culture that is making this possible. There is a propaganda machinery unleashed with the media that builds up a crescendo baying for blood and calls it nationalism. There is the coarsening of human sentiments that makes empathy look worse than violence. There is the sheer political impatience with any alternative. The old Congress system of dealing with these issues appears so decrepit and corrupt that even a total carpet bombing of institutions and morality will be better. There is a kind of cruel aestheticism in our politics where audacious evil will be celebrated for its audacity, and mundane goods will invite contempt because they are mundane.

These proposals are not about solving a problem. What is playing out in Kashmir is the warped psyche of a great civilisation at its insecure worst. The BJP thinks it is going to Indianise Kashmir. But, instead, what we will see is potentially the Kashmirisation of India: The story of Indian democracy written in blood and betrayal.

The writer is contributing editor, The Indian Express



IMAD UL RIYAZ

WE ARE JUST AT THE BEGINNING

Centre has failed Kashmiris who believed in the Constitution, stood by India

IN THE LAST 24 hours, I have not been able to reach out to my family in Kashmir; I have no clue as to their safety. In a constant state of frenzy, I keep checking to make sure I have my ID card, passport and mobile phone with me so I can negate any suspicion and even arrest.

I have been a pious Indian throughout, diplomatic, balanced and politically correct. People who have known me would tell you "this is how Kashmiris and Muslims should be". But this attitude, the belief in dialogue and accommodation, can also backfire. In the conflict-ridden area I call home, the choice is to be pro-Kashmir, pro-India or pro-Pakistan — and I chose India. I grew up reading and gradually gaining a deeper understanding of the Indian Constitution. For many at home, my blind faith in the Gandhian path of non-violence and peace was something to scoff at.

I could stand up for my beliefs, and found refuge in a conflict-torn region in the idea of India, because of the Constitution's values that were at its core.

The very first page of the Constitution says that the country is a "Union of States", which implies a syncretic union of diverse cultures, languages, religions, etc. The political mainstream in Kashmir recognises this, and many have died so that Indian democ-

Today, we are dejected, appalled and feel betrayed. The issue is not just about the abrogation of Article 370 — it is about the unconstitutional manner in which the exercise is being carried out, the way national and international treaties have been violated. Most importantly, it is about the manner in which the views of the people of Jammu and Kashmir were ignored.

racy had a chance to thrive there. Yes, the mainstream leaders can be corrupt, and they have made serious errors time and again. But the positions they occupy, their legitimacy, is made possible by the countless, faceless workers on the ground, including BJP workers.

Today, we have failed all of them. We have failed the political workers, the security establishment and every person who thought a truce, and eventually reconciliation, is possible. Babaseheb Ambedkar's fear, and his warning, that mere political democracy is not enough, is coming true. This push for homogeneity and towards implementing a unitary idea of India by the ruling party should, perhaps, come as no surprise. The people who have disrespected the Constitution, those who never truly believed in the spirit that animates the document, could never understand its importance. What they want is political and social hegemony. And, it seems, that dream will soon come true.

My appreciation for India, and that of many other Kashmiris, and the desire to stand by it in the face of hostility and bullying back home, was sustained by the Constitution. Today, we are dejected, appalled and feel betrayed. The issue is not just about the abrogation of Article 370 — it is about the unconstitutional manner in which

the exercise is being carried out, the way national and international treaties have been violated. Most importantly, it is about the manner in which the views of the people of Jammu and Kashmir were ignored.

The dispensation currently in power has made a mockery of democracy and the idea of India. This could mark the beginning of our end. For "people like me", there is now only insecurity. With the UAPA amended, it is easier to frame me as a terrorist and put me behind bars. Perhaps "peace" can also be brought about by killing thousands back home. But this historical blunder will not be forgiven. Sooner or later, an injustice of this scale will be noticed.

Finally, today it is us, tomorrow it could be you. The process of destroying constitutional democracy, of the rights that were inalienable, has just begun. Such a process does not discriminate, in the long run, between castes, religions and communities. In Pakistan, it began with non-Muslims, but soon enough, the forces unleashed consumed the society entirely. There are lessons to learn from our neighbours and from history, before it's too late. Kashmir is just the beginning.

The writer, a social worker working in Bihar, is from Kashmir



AUGUST 6, 1979, FORTY YEARS AGO

KABUL REBELLION HEAVY FIGHTING INVOLVING tanks, helicopters and automatic weapons broke out in Kabul, diplomatic sources in Islamabad and the BBC reported. Sketchy reports coming from Pakistan's capital mentioned a possible army rebellion because fighting started around the old Bala-Hissar fort at the edge of the inner city, used as military barracks. Government tanks and helicopters opened fire to quell the outbreak, which started at 12.45 pm and lasted four hours. Afghan authorities claimed to have quelled a disturbance created by what they said were "Iranian and Pakistani infiltrators", who had made their way to Kabul.

ANTI-CHARAN MOVE THE JANATA PARTY launched a campaign to topple the Charan Singh government as early as possible. Addressing a huge rally at the Ramliila Grounds in Delhi, Jagjivan Ram, leader of the Janata Parliamentary Party, said that the induction of this "government of defectors" was a shameful chapter in world history. "The sooner it is toppled the better it will be for the country," he said. The rally was organised by the Janata Party to protest against what it described as the "betrayal of the people's faith by Charan Singh".

COSTLY ELECTIONS RAJ NARAIN, CHAIRMAN of the Janata (S),

said in Patna that he had told Jayaprakash Narayan that a poor country like India could not afford the luxury of mid-term elections frequently. Narain claimed that Narayan had heard his appraisal of the political situation in the country with "sympathy" and his reaction "appeared to be favourable" (towards the present dispensation at the Centre). Narain said that in line with his party's policy Prime Minister Charan Singh had set the date for summoning Parliament but he was not in a position to say if the confidence vote would be sought on the very first day, August 20. Replying to questions, he said he was confident about the outcome of the confidence vote.

13 THE IDEAS PAGE

Correcting a historic blunder

Abrogation of Articles 370 and 35A is a much-needed step for the complete emotional integration of people of Jammu and Kashmir with the Indian Union



RAM MADHAV

AUGUST 5, 2019, will go down in the constitutional history of India as a glorious day. A historic blunder committed about 70 years ago, on October 17, 1949 during the course of the Constituent Assembly debates has finally been set right. Article 370, which entered the draft constitution 70 years ago as Article 306A, has finally been abrogated.

Nobody should complain because the abrogation of this discriminatory article has always been a running theme for the BJP and Jana Sangh. Nobody should have entertained any doubt that Prime Minister Narendra Modi, a leader possessing grit and determination, who was instrumental in hoisting the Indian Tricolour at Lal Chowk on January 26, 1992, would have spared this illogical entity in our Constitution when the appropriate moment came.

Article 370, which became history yesterday, has a notorious history. It was introduced into the draft constitution on by N Gopalaswami Ayyangar as Article 306A. Through this provision, Ayyangar had proposed that "Kashmir state" would have special powers to be excluded from the purview of the laws that the Parliament of India would make and also would have the power to make its own laws.

"Why this discrimination?", asked Maulana Hasrat Mohani, the member from United Provinces. Ayyangar gave an unconvincing reply, that there existed special circumstances in the state and hence the special provisions. He was challenged by members like Mohani who asked why different accessions were being treated differently. Ayyangar's logic was bizarre. The Instrument of Accession's relevance was limited to joining the Dominion, he argued, adding that what mattered for the Indian Republic that was going to take shape on 26 January 1950, was the decisions in the Constituent Assembly. He was no doubt clever in making this distinction between the Dominion and the Republic, but not logical.

Some five months before Ayyangar's introduction of Article 306A, on May 27, 1949, another important discussion took place on the question of nominating members to the Constituent Assembly from Jammu & Kashmir. The rules said that out of the four nominations, two may be made by the ruler and two from the provincial legislature that was in existence before the accession. The rule was scrupulously followed in the case of all the princely states, whereas in the case of J&K, Jawaharlal Nehru insisted that the Jammu Kashmir Praja Sabha, the state legislature under Maharaja Hari Singh, shouldn't be authorised to nominate the members. The Praja Sabha elections in 1946 were a fraud, insisted Nehru, and hence, he wanted the Maharaja to nominate all the four members through consultations with National Conference leader Sheikh Abdullah.

It must be noted that Sheikh Abdullah's party had boycotted the 1946 Praja Sabha elections, refusing to accept Maharaja's authority. While the rest of the country was fighting the British with Quit India as the mantra, Sheikh Abdullah had launched the Quit Kashmir ag-



CR Sasikumar

itation against the Maharaja. It was in him that Nehru had reposed his trust and got four members nominated—Abdullah himself, together with Mirza Afzal Baig, Maulana Masoodi and Moti Ram Baigra. It was this clique that had supported 306A when it came up for inclusion in the draft constitution.

With such a notorious background, one can easily imagine how illogical it was to continue with such a discriminatory article. In order to further strengthen Article 370 came another provision, Article 35A. Article 35A too found its way into the Constitution in 1954 in an unconstitutional and surreptitious manner, by bypassing the procedure for amending the Constitution as stipulated in Article 368. Article 35A was inserted not through parliamentary assent, which is mandatory for amendments, but through a presidential proclamation.

All this was happening under Nehru, whom the apologists never tire of projecting as a quintessential democrat. The credit goes to B R Ambedkar for inserting Article 370 in Part XXI of the Constitution of India, which is titled "Temporary, Transient and Special Powers".

The Opposition's argument that Article 370 was a link to the state's accession to India is fallacious. The state's accession had concluded on October 26, 1947, when Hari Singh signed the Instrument of Accession. Article 370, according to Ayyangar's own words, took birth as a temporary provision because of the "special circumstances" in the state. The criticism by the Congress is even more specious because it is this party that has affected at least 44 amendments to this article in almost as many years.

This article had remained as an anachronism in our polity providing irrationally spe-

cial powers to one state, which were being thoroughly misused by the regional leaders and parties. If Article 370 had benefited anybody in all these years, it is only the political leadership in the state. While the people have suffered from a lack of development, progress and prosperity, the leaders enjoyed a lack of accountability and enriched themselves. The last major industry to come into J&K was in the mid-1950s.

On the other hand, Article 370 had also become an instrument in the hands of the separatist and anti-national forces to propagate a lie that J&K was special and perpetuate sentiments of separatism in the Valley. Putting an end to this article was the much-needed measure for the complete emotional integration of the people of J&K with the Indian Union.

The decision to bifurcate the state is also a strategically shrewd move. It will insulate Ladakh from the happenings in the other two regions and provide for greater development of the region. The situation emerging in the western neighbourhood and the possible re-ascendance of the Taliban in Afghanistan call for greater attention and care to be taken in what will remain as J&K after bifurcation. Making it an Union Territory with a legislature makes a lot of strategic sense.

"You say yes, when others say no; you do what others will not; you blaze trails; you always step up to a challenge; you make it happen; you raise the bar on what is possible; you are strong and powerful; you are a leader." That is the kind of leadership we see in Narendra Modi and Amit Shah.

The writer is a national general secretary, BJP, and director, India Foundation

WHAT THE OTHERS SAY

"The radicals are nothing but cowards trapped by utopian illusions. Only can relentless law enforcement wake them up so they will realize that Hong Kong has never abandoned the rule of law." — GLOBAL TIMES, CHINA

For Naya Kashmir

Kashmiris have been let down by a politics that doesn't create economic opportunity



MANISH SABHARWAL

ECONOMIST ALBERT HIRSCHMAN'S book, *Passions and Interests*, is a wonderful meditation on how interests (jobs, skills, enterprises, assets, income, growth) blunt passions. As somebody born in Jammu and Kashmir, I am sad that today's youth there don't have memories of the wonderful place it was to grow up in before 1989. As somebody who went to school in the Valley, I got a great education and strong foundations. As somebody who made pre-exam visits to sufi shrines like Aishmuqam, Makhdoom Sahib, and Baba Reshi, I know that the Wahabi intolerance is alien, recent and fragile. As somebody who is a first generation post-reform entrepreneur, I am anguished by the notion that Pakistan — whose GDP is lower than Maharashtra and recently made its 22nd trip to the IMF — has anything to offer anybody in the Valley. But as somebody who works for a people supply-chain company that has hired someone every five minutes for the last decade, I despair at J&K's economic infancy. I would like to make the case that Kashmiris should spend the next decade creating the economic complexity that blunts passions by creating interests.

A recent conference at Harvard's Centre for International Development offers context. Professor Ricardo Hausmann suggested that the only predictor of sustained economic success is economic complexity, and development was like a game of scrabble; the more letters you have, not only can you make more words, but you can make longer words. Vowels are provided by the government. So development is about creating new letters and vowels. Hausmann believes that new letters in the private sector come from migration, diaspora, venture capital, inbound investment, skills, studying overseas, business travel. Professor James Robinson suggested that inclusive economic systems need vowels from inclusive political systems that distribute political power broadly rather than concentrate, monopolise or hoard it.

Kashmir is an economic infant with low economic complexity. There is no wage premium in handicrafts; carpet weavers get Rs 150 a day while construction labour costs Rs 600 per day (and comes from outside the state). There are only 200 dental and 600 medical doctor seats in the whole state. Less than five per cent of fruits and nuts are processed. Fifty per cent of the state's 50,000 graduates go onto do a masters degree, only to stay out of the labour market. The fiscal deficit is more than twice the prescribed ratio and government debt is 50 per cent of GDP. Private Credit to GDP is less than Bihar and the J&K Bank is a shame. Private investment last year was less than Rs 1,000 crore. More than 30 per cent of families directly work for the government. Land costs as much as in Gurugram. The state accounts for less than 0.7 per cent of India's GDP. There is only one listed company and only one company with a paid up capital of Rs 10 crore. Their 28 employment exchanges cost almost Rs 50 crore a year to run and have given few

jobs to anybody in a decade. There is no employer in the Kashmir Valley who pays provident fund and no private employer with more than 500 formal employees; hardly fertile soil for economic vibrancy.

The solution is not easy but obvious; a 10-year strategy for education, employment and employability that leverages India's economic complexity. Kashmir needs a new skill university that spreads higher education with employability. We should convert Hari Niwas into a world class hotel management institute in partnership with ITE Singapore or EHL Lausanne. We must double the direct flights and directly connect Srinagar to Jammu and Delhi with a three-hour and 12-hour train. We need revamped employment exchanges that operate a digital jkrozgar.com that offers job matching, assessments, apprentices, and online degrees. We must temporarily suspend our justified fear of economic planning and commit massive funds to infrastructure and cluster creation. We need a massive design and distribution mission for handicrafts and fruits that raises the realisation of actual producers. Most importantly, we must get the huge, skilled, and motivated Kashmiri diaspora to return and reduce informal self-employment by creating more formal wage employment.

Historians warn against "presentism" and Kashmir's history is too long and complex to belong to any party, community, individual or religion. But it would be foolish to deny that Kashmir's last few maharajas were distracted and disinterested in development. Monarchies or hereditary leadership are ineffective because they think of citizens or voters as a necessary evil that must be tolerated, possibly patronised, but certainly ignored. Naya Kashmir — a memorandum that Sheikh Abdullah submitted to Maharaja Hari Singh in 1944 — outlined a plan to convert J&K from an absolute monarchy to a constitutional democracy, called for universal franchise, freedom of expression and press, ability of women to work in all trades and professions, and a detailed economic plan. Much of what he sought is enshrined in our Constitution but his vision of social justice, economic progress and poverty reduction — which he couldn't achieve in his lifetime — is highly relevant for Kashmir today.

Another Albert Hirschman book, *Exit, Voice, and Loyalty*, synthesised three choices that confront citizens; leave, speak up, or capitulate. Most Kashmiri elites have economically diversified away from the Valley but the masses can't exit and have lost their voices because of Kashmir's economic infancy and oligopolistic democracy. Political royalty over the last few decades have ensured that Kashmiri democracy lived up to Iqbal's warning that "Jamhuriyat ik tarz-e-hukumat hai ki jis mein bandon ko gina karte hain taula nahin karte" (democracy is a system where people are counted but not weighed). The grandiloquence of political royalty about the threats to civilisation sound like scorn for the more prosaic concerns of Kashmiri youth who are more skilled, entrepreneurial, and aspirational than the past generations. India and J&K are tremendously and permanently intertwined. When one does well, the other does well. And when we both do well, we are unstoppable. Time for Sheikh Sahib's dream of Naya Kashmir.

The writer is with TeamLease Services



C RAJA MOHAN

Possibilities in the Northwest

After altering J&K's status, Delhi needs strategy to manage external environment

INDIA'S BOLD MOVE to alter the status of Jammu and Kashmir comes at a moment of rapid diplomatic developments in Afghanistan. It was the intensification of the efforts for a political settlement in Afghanistan that had emboldened Pakistan in the first place to escalate tensions on the Line of Control and prepare a major offensive in Kashmir. Delhi's Kashmir move begins a rewriting of India's strategy to cope with an entrenched conflict on its north western frontiers.

But first to Afghanistan. Contrary to the widespread scepticism about a political breakthrough in the peace process, there is a new momentum since Pakistan's army chief General Qamar Jawed Bajwa and Prime Minister Imran Khan traveled to Washington last month. The US-Pakistan talks arrived at a broad understanding that the Pakistan army will help "extricate" (in US President Donald Trump's words) the US from its longest war and Washington will reset the relationship with Islamabad that has frayed badly in recent years. American mediation in Kashmir is part of Pakistan's wishlist in the planned reset.

Meanwhile, the Bajwa-Imran visit to Washington set the stage for the eighth round of talks between the US and the Taliban over the weekend in Doha, Qatar. Just before the talks, US special envoy for Afghanistan, Zalmay Khalilzad said the Taliban might be willing to compromise now

that the US is "ready for a good agreement." Khalilzad's visit to Kabul and Islamabad on his way to Doha has generated expectations that a deal between the US and the Taliban may well be signed by next week. The agreement is expected to be built around a US commitment to withdraw troops and assurances from the Taliban that it will not let al Qaeda and other international terror groups operate from Afghanistan.

Until now, the Taliban has insisted that the US must withdraw all its forces from Afghanistan. The US, on the other hand, wants to leave a small force to execute counter terror missions. Pakistan is expected to nudge the Taliban into accepting a phased withdrawal of American troops. The US also wants early talks between the Taliban and the Afghan government in Kabul. The Taliban has resisted until now any direct engagement with what it calls America's "puppet regime" in Kabul. Last month, the Taliban acquiesced in the participation of Kabul's representatives, in their personal capacity, in an intra-Afghan dialogue in Doha.

There is speculation that talks between the Taliban and the government might take place quite soon in Oslo, immediately after the US and the Taliban agree on withdrawal and counter terror assurances. Kabul is said to be preparing to send a delegation to the Oslo talks. If these reports turn out to be true and the Taliban agrees to observe a ceasefire as part of the dialogue with the government,

Pakistan can claim to have "delivered" the Taliban to the US.

Sceptics would say these are very big "ifs". On top of it, there are reports that the US wants all elements of the deal — a phased withdrawal of US troops, Taliban's terror assurances, talks with Kabul and a ceasefire — tied up pretty quickly. President Trump seems to have set a deadline of September 1. If a comprehensive framework is ready by then, Trump might visit Afghanistan to preside over the signing ceremony. From there it is but a short hop to Islamabad for a thanksgiving visit.

The Pakistan army certainly understands that an Afghan peace deal would be a huge personal and political triumph for President Trump as he approaches his election campaign next year. Facilitating a deal, even a shaky one, that is in tune with Trump's political calendar will help Pakistan repair the damaged relationship with the US. Islamabad also hopes that it will restore Pakistan's value in the US's strategy towards South Asia that had tilted in favour of India in recent years.

India learnt, through repeated crises since the 1980s, to fend off Pakistani pressures on internationalising the Kashmir question. Delhi has also got better at navigating the triangular dynamic with Pakistan and the United States. Delhi has also become adept at turning the crises with Pakistan to focus less on Kashmir and more on the forces of

terrorism originating from Pakistani soil.

A number of factors have facilitated this. For one, Delhi is a lot stronger than it was when the first Afghan crisis broke out in 1979 after the Soviet Union occupied Afghanistan. For another, the gap in comprehensive national power has widened in favour of India. And the quality of India's relations with the great powers too has significantly improved. The biggest change, however, is the decision in Delhi to stop being defensive on Pakistan and Kashmir. We have seen so in the response of the Modi government to the terror attacks at Uri in 2016 and Pulwama in 2019.

Having rolled the dice on Kashmir, Delhi now needs an effective strategies to contain potential violent reactions at home and manage international diplomatic fallout. If India plays its cards well, the change in the internal status of Kashmir might provide the basis for addressing the international dimensions of a question that has long hobbled India and the Subcontinent. Much in the manner that the creative diplomacy that followed India's defiant nuclear tests of 1998 helped end the nation's prolonged atomic isolation, Delhi must now develop an external strategy that will facilitate a final settlement of the Kashmir question.

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LETTERS TO THE EDITOR

ABOUT THE VALLEY

THIS REFERS TO the editorial, 'New Delhi, old line' (IE, August 5). It argues that the government must have taken into confidence the two major political parties and the steps it has taken are against the claims made by Narendra Modi government for winning over Kashmir with love, dialogue and good governance. This is one part of the story. The other part of the story pertains to the violence against the minorities in the state. The Hindus of the Kashmir Valley were forced to flee their homes and leave behind property after they were targeted by Islamist insurgents between 1989 and 1990. What every Indian, including the common resident of Kashmir, wants is peace in the state.

Krishan Chugh, Delhi

THIS REFERS TO the editorial 'New Delhi, old Line' (IE, August 5). The atmosphere of fear and uncertainty in the Kashmir Valley is because of New Delhi's ambivalent stand on the state. The abrupt calling off of the Amarnath Yatra last week has heightened the feeling of anxiety and fear among people in the Valley. New Delhi needs to reach out to the people in the Kashmir Valley. Taking on the terrorists with guns is one thing and winning the Kashmiris' trust is another. Sadly, the latter issue appears to be nowhere in the Modi government's agenda.

Vijai Pant, Hempur

LETTER OF THE WEEK AWARD

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

THE WINNER RECEIVES SELECT EXPRESS PUBLICATIONS

THE LAST RESORT

THIS REFERS TO the article, 'Helpless in Unnao' (IE, August 5). It reveals five truths. One, reforms in the criminal justice system continue to remain in limbo. Two, our leaders have no ideology. Three, despotic slogans for ensuring justice for all, power takes precedence. Fourth, the CBI is a caged parrot. Fifth, the Supreme Court remains the last resort for justice.

Tarsem Singh, Mahilpur



A wrong way to end

The special status of J&K was never meant to be permanent, but it should not have been scrapped without wider consultations

Jammu and Kashmir has been a theatre of muscular Hindutva nationalism, in the early decades in script and since 2014 in performance. Adopting a highly militarist approach to separatism, and shunning political process entirely since 2014, the BJP has now delivered on a promise it has long made, by abrogating the special status that Jammu and Kashmir had enjoyed in the Constitution through a combination of executive and parliamentary measures. Additionally, the State is being downgraded and divided into two Union Territories. The mechanism that the government used to railroad its rigid ideological position on Jammu and Kashmir through the Rajya Sabha was both hasty and stealthy. This move will strain India's social fabric not only in its impact on Jammu and Kashmir but also in the portents it holds for federalism, parliamentary democracy and diversity. The BJP-led government has undermined parliamentary authority in multiple ways since 2014, but the passing of legislation as far-reaching as dismembering a State without prior consultations has set a new low. The founding fathers of the Republic favoured a strong Centre, but they were also prudent in seeking the route of persuasion and accommodation towards linguistic and religious minorities in the interest of national integration. The centralising tendencies increased in the following decades, but Hindu nationalists always argued for stronger unitary provisions and viewed all particular aspirations with suspicion. For them, Jammu and Kashmir's special constitutional status was an impediment, not an instrument, for the region's integration with the rest of the country.

The entire exercise of getting Article 370 of the Constitution effectively abrogated has been marked by executive excess. The first step was to declare by a presidential decree that the 'Governor' – without regard to the fact that he has no Council of Ministers now to aid and advise him – can speak for the State government and give his concurrence to any modification in the way the Constitution of India applies to Jammu and Kashmir. Second, on the basis of this 'concurrence', the latest Presidential Order scraps the previous one of 1954, abrogating the separate Constitution of Jammu and Kashmir. Third, the fact that the State is under President's Rule has been used to usher in a new dispensation under which Jammu and Kashmir becomes a Union Territory with a legislature and Ladakh another such territory without a legislature. In sum, a purported process to change the constitutional status of a sensitive border State has been achieved without any legislative input or representative contribution from its people. The bifurcation of States in the past cannot be cited as a binding precedent as, under Article 3 of the Constitution, the President seeks the views of the legislature of the States concerned, even if concurrence is not mandatory. In the present scenario, J&K has been represented by an unelected Governor appointed by the Centre, while Parliament has ventured to ratify the conversion of a State into two Union Territories without any recommendation from the State.

If there is a legal challenge to these measures, it would centre around whether such far-reaching steps could be achieved in the absence of a representative government by assuming that its gubernatorial administrator is constitutionally capable of using his consent as that of the entire State. Further, there is a self-enabling aspect to the Presidential Order. It performs a hop-step-and-jump feat. It hops over the requirement of the State government's consent by declaring that the Governor is the State government. It steps over the need for aid and advice by the ministerial council by saying the Governor's opinion is enough. And it jumps over the fact that there is no constituent assembly now by merely reading the term as 'legislative assembly', and letting Parliament perform the role of the State legislature. Thus the President's power under Article 370 has been used both to create an enabling provision and to exercise it immediately to modify the Order, thereby dispensing with the role envisaged for the State Assembly. While it is true that in 1961 the Supreme Court upheld the President's power to 'modify' the constitutional provisions in applying them to J&K, it is a moot question whether this can be invoked to make such a radical change: a functioning State has now been downgraded and bifurcated into two Union Territories. It is inconceivable that any State legislature would ever have recommended its own demotion in status.

True, the special status of J&K was meant to end, but only with the concurrence of its people. The Centre's abrupt move disenfranchised them on a matter that directly affected their life and sentiments. Moreover, that this was done after a massive military build-up and the house arrest of senior political leaders, and the communications shutdown reveals a cynical disregard of democratic norms. It appears that the current government values J&K for its demonstrative impact before the rest of the country, as a place where a strong nation and its strong leader show uncompromising political will. But that may have other unintended consequences. Geographically and metaphorically, Jammu and Kashmir is the crown of secular India – a Muslim majority region in a Hindu majority country. Its people and leaders had chosen secular India over Islamic Pakistan, a fact that Islamists never reconciled with. The BJP's adventurous route also has as backdrop an impending U.S. withdrawal from Afghanistan that will trigger an unforeseeable churn in Islamist politics in the region. Islamists have always viewed Kashmir as a component of their global grievances. Whatever its intent in enabling the full integration of Jammu and Kashmir with India, Monday's decision to alter the State's status could have unintended and dangerous consequences.

Piecing together Kashmir's audacious road map

The new doctrine will have to persuade Jammu and Kashmir that greater integration with India holds promise



AMITABH MATTOO

In 1948, the tallest leader of Jammu and Kashmir, Sheikh Abdullah, greeted Prime Minister Jawaharlal Nehru at Lal Chowk, Srinagar, with a couplet from the Sufi poet, Amir Khusro: "Mun tu shudam tu mun shudi, mun tun shudam tu jaan shudi; Taakas na guyad baad azeen, mun deegaram tu deegari (I have become you, and you me, I am the body, you soul; So that no one can say hereafter, that you are someone, and me someone else)". Five years later, Abdullah was dismissed from office and interned on the instructions of Nehru. Since then the body of Kashmir and the soul of the rest of the country have cohabited restlessly.

On Monday, August 5, 2019, the Narendra Modi government made arguably the most audacious decision of its tenure and probably the boldest decision made by any government on Kashmir since Indira Gandhi arrived at a *modus vivendi* with Sheikh Abdullah in 1975. By moving to revoke the 'special status' granted to the State under Article 370, and by reorganising the State into two Union Territories – Jammu and Kashmir and Ladakh – it demonstrated unprecedented chutzpah, but it may have unleashed a chain of events difficult to predict or contain. For one, while even the founding fathers recognised that Article 370 was a transitional or temporary provision, there was a clear subtext; that its revocation would only happen once the acquiescence of the people of the State was obtained.

There is no doubt that the move will be legally challenged on grounds of procedural infirmities and, more substantively, that it un-

dermines the basic feature of the compact between Delhi and Srinagar that was agreed upon in 1947. But beyond the legality, the real test will be on the streets of Srinagar, Jammu and Delhi once the security cordon is lifted from the State. What was unbecoming is the unwillingness to enter into consultation with the mainstream political leaders; in no other State would former Chief Ministers have been dealt with so cavalierly. Similarly, the impression that the move on Article 35A is designed to engineer demographic change rather than to protect the rights of women and other marginal groups of the State, will need to be corrected.

A mirror to geopolitics

The move is clearly embedded in the larger geopolitics of the region and the manner in which regional alliances are marginalising Indian interests in the heartland of the region. With the United States seeking a quick exit from, and willing to let the Inter-Services Intelligence-sponsored Taliban to control Afghanistan (and China deeply embedded in the power play), the heartland of central Asia has rarely been as adverse to Indian interests since 1989, when the Soviet Union withdrew from Afghanistan. Kashmir could, in these circumstances, become even more vulnerable to external elements than it was in the 1990s.

On top of it, the new camaraderie between U.S. President Donald Trump and Pakistan Prime Minister Imran Khan and the repeated 'offer' by Mr. Trump to meditate in Kashmir may have precipitated the decision, which would, however, have in any case taken months of preparation. A decision to cancel the Amarnath yatra and take hard decisions, with both domestic and international ramifications, suggests that the government believed that a settlement in Jammu and Kashmir and its 'pacification' was vital for India's national secur-



ity. This was, of course, a marked departure from recent history.

The Gupkar model

Internally, for nearly 70 years, New Delhi managed Jammu and Kashmir (or more precisely the Kashmir Valley) through Srinagar's Gupkar Road. Gupkar Road became a metaphor for the Centre's approach, historically, towards Kashmir. New Delhi's follies and its firmness; its cleverness and its calculations; its vacillating largesse and its ubiquitous Leviathan-like presence, were part of Gupkar's landscape and legacy. Gupkar Road is the meandering gateway to the vistas of the Dal Lake, which runs from the desolate offices of the United Nations Military Observer Group in India and Pakistan at Sonwar to the fading charms of erstwhile royal palaces on the banks of the lake. It is here that security agencies are nestled in close comfort with the political and business elite, and where interrogation centres have morphed into "haunted" guest houses.

As a model, Gupkar Road reflected itself in a series of policies that had become predictable; a network of patronage and power that had been gamed by friends and adversaries alike. It sustained a politics of entitlement; it politicised or newspaper editors or bureaucrats who were kept in good humour on the basis of some chimera-like national interest. The

Gupkar model, it was obvious, had become redundant and counterproductive and had incentivised bad politics and the attendant rent seeking and other despicable forms of corruption.

Now, shorn of its ideological fervour, what is seemingly being put in place is a new audacious plan beyond the constitutional interventions. As a start, the Modi plan is fundamentally about directly reaching out to the people without the mediation of either separatist groups or mainstream politicians.

Grass-root reach

Reaching out to the people is seen as being best done by empowering local democracy to its fullest. In the past, the devolution of powers to the panchayats and urban local bodies carried little popular appeal with elected members of the Legislative Assembly, who saw this as directly eroding their authority and had a vested interest in centralising power. One of the key factors, it may be recalled, behind the Centre's disconnection with the Mehbooba Mufti government was its continued unwillingness to hold elections to local bodies.

Since the imposition of Governor's (and now President's) Rule, the State Administrative Council has acted with remarkable alacrity to devolve powers to panchayati raj institutions in the State. Implementation of important schemes such as the Mahatma Gandhi National Rural Employment Guarantee Act, the Pradhan Mantri Awas Yojana, the Mid-Day Meal scheme, Integrated Child Development Services and social forestry projects has been devolved to the panchayats.

The monitoring and supervision of schools and health institutions has also been passed on to the panchayati raj institutions. In addition, panchayats shall also be conducting a quarterly social audit of works and programmes in their area.

Almost in parallel is the Savona-

rola-like campaign against corruption where no one – powerful or influential – is 'untouchable' or beyond the scope of investigation by law enforcement agencies, but directed at the power elite of the State.

Graft crackdown

Corruption is thus being addressed not just at the fringes; but the very core of a rotten system is now being targeted where a few families are seen to have usurped power and economic benefits – not just in Kashmir but in Jammu as well. Indeed, almost every popular survey in Jammu and Kashmir reveals that one of the leading causes of youth angst and alienation was nepotism and corruption among the ruling elite.

This anti-corruption drive is accompanied by attempts to fast track development to create institutions of academic and extra-curricular excellence and to generate skilled employment in a manner that the youth are gainfully employed and weaned away from radical thought. This, of course, is easier said than done.

In the interim, the new doctrine will have to persuade the majority of the people of Jammu and Kashmir that greater integration with India will provide them with more opportunities, provide more freedom and space, and strengthen their rights much more than the alternatives proposed by other mainstream parties or separatists.

Will the Modi plan lead to greater harmony between New Delhi and Srinagar, bringing enduring peace to the body and the soul? If it does, it will have performed an extraordinary national service and resolved one of New Delhi's greatest challenges. For the moment, however, we have to live with the uncertainty that is germane to all high-risk, almost adventurous undertakings.

Amitabh Mattoo is Professor at Jawaharlal Nehru University, New Delhi

An integration without integrity

More than forced homogenisation with India, Kashmir needs a moral disposition towards truth and honesty



RAJGOPAL SAIKUMAR

Yesterday the Ministry of Law and Justice issued a notification titled The Constitution (Application To Jammu And Kashmir) Order, 2019 overriding the Order of 1954, and in effect scrapping Article 370 of the Constitution. Nowhere in the world of constitutional-democracies can one see an executive government passing orders to amend the Constitution. This order lacks legality as well as moral legitimacy. I concur with the President of the Jammu & Kashmir Peoples Democratic Party (PDP), Mehbooba Mufti's claim that the government's decision is illegal, based on insincere politics and constitutional abuse.

Let us backtrack to the political moves that have led to yesterday's notification: On June 20, 2018, under Article 92 of the Constitution of J&K, the State was placed under Governor's Rule after the Bharatiya Janata Party (BJP) withdrew support to its alliance partnership with the PDP. Six months later, in December 2018, Governor's Rule got converted into President's Rule (Article 356 of the Indian Constitution).

Let us be clear about the implications of these tactical manoeuvres of carefully transferring power from a democratically

elected Assembly, to Governor's Rule and then President's Rule. It implies that all the powers of the Government of the State are now vested in the Governor under the superintendence of Prime Minister Narendra Modi. Given these conditions of severe democratic deficit, the government wrote up an order scrapping Article 370, sent it to itself for "concurrence", and had it signed by the President.

On concurrence

Let us then turn to Article 370(3) which lays down the procedure to amend or repeal Article 370. It states that the President may by notification declare that the article shall cease to be operative provided that it is confirmed by the Constituent Assembly of the State before the President issues such notification. It says that only with the prior consent of the Constituent Assembly of J&K the presidential order will be valid. But the Constituent Assembly framed the Constitution of J&K and got dissolved. How then must we interpret Article 370(3) if the literal interpretation is not useful? By reading it in terms of its legislative history.

N. Gopalaswami Ayyangar who introduced the provision in the Constituent Assembly of India on October 17, 1949 states: "We have also agreed that the will of the people through the instrument of the Constituent Assembly will determine the Constitution of the State as well as the sphere of Union jurisdiction over the State...the President may, on the recommenda-



tion of that Constituent Assembly, issue an Order that this Article [370] shall either cease to be operative, or shall be operative only subject to such exceptions and modifications as may be specified by him. But before he issued any order of that kind, the recommendation of that Constituent Assembly will be a condition precedent."

A selective reading

To make a complicated legal history short, there was an acknowledgment that the Constituent Assembly, as a representative of the people of J&K, had to give concurrence before a Presidential Order is passed. But how does the Home Minister Amit Shah read Article 370(3)? He has read down the words "Constituent Assembly" to mean "Legislative Assembly of the State"; having cleverly dissolved the Assembly and usurped its power, in effect it is the government that is giving solipsistic concurrence to itself. Such self-indulgent narcissism has led to short-circuiting the entire process in letter and spirit.

The reason the Notification lacks moral legitimacy is because

of the way BJP has read down "Constituent Assembly" to include even 'President's Rule'. More jurisprudentially, one needs to ask this: what is 'Constituent Assembly'? It is a body of representatives who are the embodiment of the 'constituent power' that is needed to constitute a nation-state into existence. So, at the core of constituent power is democratic consent. India derives its legitimacy from its Constitution, and the Indian Constitution in turn is legitimate because it is supported by a constituent power in the form of democratic consent. Where in Mr. Shah's interpretation of the words "Constituent Assembly" is there even an iota of acknowledgment of a constituent power?

Article 370(2) clearly mentions that the concurrence of the State Government needed to be taken only before the Constituent Assembly was convened. There is no mention that the State Legislative Assembly will have these powers after the dissolution of the Constituent Assembly. To read it so is absurd. The Constituent Assembly as the embodiment of constituent power is what creates and authorises, gives birth and grants the power to the legislative assembly. There is no equivalence between a Constituent Assembly and Legislative Assembly. If at all the words "constituent assembly" in Article 370(3) have to be read down, it has to be done in such a way that its core meaning is saved. For example, it can be read down as meaning a 'special majority' of the State Legislative Assembly constituted

by free and fair elections.

The fact of the matter is that given the democratic deficit, the BJP knows well that legal manipulations are not enough to scrap Article 370. What it needs is the use of force, which is what it has been surreptitiously preparing for over weeks and months. The government has given Kashmiris two options: either assimilate into the mainstream, where mainstream is a code for Hindi, Hindu, Hindustan, or be banished, and evicted by force. That is the tragic state of affairs we have come down to in the name of national unity and integrity.

Salman Rushdie parodies the word 'integrity' in *Shalimar The Clown*: "The key to understanding this position was the word 'integral' and its associated concepts... the Indian effort was to preserve the integrity of the nation. Integrity was a quality to be honoured and an attack on the integrity of the nation was an attack on its honour and was not to be tolerated... Kashmir was an integral part of India. An integer was a whole and India was an integer and fractions were illegal. Fractions caused fractures in the integer and were thus not integral... When truth and integrity conflicted it was integrity that was to be given precedence." Mr. Shah conflates 'integrity' with 'integration'. Integration may involve forced homogenisation but integrity is moral disposition towards truth and honesty.

Rajgopal Saikumar is a doctoral candidate at New York University

LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

An Article of faith

With a parliamentary majority on its side, the Bharatiya Janata Party (BJP) has implemented a key item on the core agenda of its parent organisation Rashtriya Swayamsevak Sangh (RSS) – abrogation of Article 370. The Muslim-majority State's accession to India was premised on its special status. Hence, it is a valid apprehension that the BJP government's unilateral move, done without consulting the stakeholders in the State, may weaken, if not break, the bond between Kashmir and the rest of India and also alter the State's present

demographic profile. The saddest part is that the Central government has given the impression that the Valley's people are less important than its territory.

G. DAVID MILTON,
Maruthancode, Tamil Nadu

Any changes to Article 370 require the assent of the State's 'Constituent Assembly'. The Centre may not agree with this provision, but the arrangement made between the then government and the people of Kashmir ought to have been respected and upheld. With one blow, the government has taken the relationship between the

Union and the people of Kashmir to a historic low. It is true that successive governments at the Centre diluted Article 370 to such an extent that it ceased to have any practical meaning. But still, it was that thin string which held Kashmir within the Union of India. The government has behaved like an occupying force imposing its will on a defensive population. One would be a fool to think that the move will not fan further extremist violence. And the way in which this was done, using the iron fist of the state, is a harbinger of times to come.

BIPIN THAIVALAPPI,
Payyannur, Kerala

This move will make all provisions of the Indian Constitution applicable to Jammu & Kashmir. Further, there will be no separate laws for the State. Indian citizens from outside will be able to own land and property in Kashmir. There will be elections once every five years and Central laws will directly apply. People in Kashmir need to realise that their State will have a bright future following the closer integration. However, one wishes that the Centre had obtained the assent of Kashmiris prior to taking such a radical decision.

RIFA DEKA,
Guwahati, Assam

Drug safety

The review of the book *Bottle of Lies* highlights the laxity of drug regulatory authorities in India (Sunday Magazine, August 4). The U.S.'s Food and Drug Administration (FDA) and other Western regulatory agencies ensure that their citizens receive quality drugs. We do not see a similar concern for Indian consumers coming from our national and State drug control authorities. According to reports, over the course of 2015, nearly a third of the warning letters issued by the FDA's Center for Drug Evaluation and Research were tied to

violations of safe manufacturing practices in India-based facilities. What intrigues the Indian consumer is: what happens to the millions of formulations that are recalled? India has earned distinction as a supplier of generic drugs and is known as the pharmacy of the world. This goodwill and reputation will be seriously compromised if the pharmaceutical industry fails to restore confidence of drug authorities in other countries and of the Indian consumer.

H.N. RAMAKRISHNA,
Bengaluru

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Clouds of uncertainty over Afghanistan

There can be no peace unless the Taliban and Afghan security forces de-escalate



RAKESH SOOD

After Pakistan Prime Minister Imran Khan's 'successful' visit to Washington last month, another round of Doha talks between the U.S. and the Taliban has started. U.S. Special Representative for Afghanistan Reconciliation Zalmay Khalilzad was in a hurry to go to Doha via Islamabad to ensure that Pakistan will deliver. On July 31 he tweeted, "In Doha, if the Taliban do their part, we will do ours, and conclude the agreement we have been working on".



"The Afghan government has lost credibility." A suicide attack on Amrullah Saleh, the candidate for vice president, at his party office in Kabul marked the beginning of the campaigning period in Kabul. ■ NVT

U.S. policy reversal

U.S. President Donald Trump has reversed his Afghanistan policy over the past two years. The 2017 policy aimed at breaking the military stalemate in Afghanistan by authorising an additional 4,000 soldiers, giving U.S. forces a freer hand to go after the Taliban, putting Pakistan on notice, and strengthening Afghan capabilities. Within a year, it became clear that the policy was not working. The U.S. failed to understand that no insurgency can be defeated as long as it enjoys sanctuary. Direct talks with the Taliban began with the appointment of Mr. Khalilzad. But soon, the U.S. realised that it needed the Pakistan army's help to get the Taliban to the negotiating table. A politically savvy Khalilzad understood that his negotiating time frame was governed by President Trump's re-election due in 2020; therefore any deal had to be concluded before the end of 2019. This reality wasn't lost on either the Taliban or the Pakistan army; time was on their side.

While the U.S. maintained that the seventh round of Doha talks would cover four issues – a cessation of hostilities; an intra-Afghan peace dialogue; assurance from the Taliban that Afghan territory would not be used for attacking U.S. interests; and U.S. troop withdrawal – the Taliban made it clear that its priority was the last issue. It rejected a ceasefire, instead launching its spring offensive, Operation Fath, as well as talks with the Afghan government, describing it as a "puppet regime". The Taliban

provided some assurances on the third issue but kept demanding a firm date for U.S. troop withdrawal.

The Taliban relented on the second issue, an intra-Afghan peace dialogue, when pushed by Pakistan. In early July, it met with an Afghan delegation, which included some officials who were present in their personal capacity.

The quid pro quo for Pakistan for delivering on this soon emerged in Mr. Khan's meeting with Mr. Trump on July 22. On January 1, 2018, Mr. Trump had accused Pakistan of "lies and deceit". He tweeted that while the U.S. had given Pakistan "\$33 billion in aid", Pakistan was providing a "safe haven to terrorists". He conveyed his displeasure by cutting off \$1.3 billion of assistance. Nearly 18 months later, with Mr. Khan standing beside him, Mr. Trump told the world that "Pakistan is going to help us out to extricate ourselves".

Mr. Khan cleverly tickled Mr. Trump's ego by suggesting that as the leader of the "most powerful country in the world", he could "play an important role in bringing peace in the subcontinent". Mr. Trump lapped it up and offered his mediation skills to help resolve the Kashmir problem, adding that Prime Minister Narendra Modi had himself suggested it during their exchange in Osaka, a claim that was promptly rejected by the Indian authorities. As a downpayment for the next round of Doha talks, the U.S. also cleared a \$125 million support package for Pakistan's F-16 fleet.

Meanwhile, elections in Afghanistan

have been postponed twice and will now be held on September 28 to give time for the Doha talks. The Afghan government has lost credibility and there is little support for its term being extended. A deteriorating security environment makes it difficult for a credible election to be held. Afghan security forces are losing 25 to 30 men daily, a toll that is depleting ranks and dampening morale.

Campaigning kicked off on July 28 and was marked by a suicide attack on Amrullah Saleh, the candidate for vice president as Ashraf Ghani's running mate, at his party office in Kabul. Mr. Saleh had a narrow escape but the suicide attack claimed over 20 lives. Mr. Saleh has been among the most vocal critics of the hasty reconciliation process and the U.S.'s gullibility at reposing faith in the Pakistan army. A close aide to the former Northern Alliance leader Ahmad Shah Massoud, Mr. Saleh has long been targeted by the Taliban.

The Taliban is not going to take part in the election, and once a deal is concluded, its demand will be for an interim government. Even if elections take place, an elected government would soon find itself at cross purposes with the interim government. Further, a number of promised electoral reforms are yet to be implemented.

An interim government would prepare the ground for fresh elections after constitutional amendments and electoral reforms that would be decided by the traditional Loya Jirga process over two years.

However, this approach is strongly opposed by the more secular and liberal Afghan groups, including women, who see it as a step back from the democratic rights and principles enshrined in the 2004 Constitution. There is a deepening sense of unease and betrayal in the Afghan government which feels that its legitimacy is being eroded by the U.S. tacitly making deals and leaving it in the lurch.

U.S. Secretary of State Mike Pompeo has already indicated September 1 as a deadline for concluding the Doha process. Instead of a messy and contentious election, an interim government would provide a better environment for the U.S. to manage its exit in keeping with the 2020 election calendar.

Continuing uncertainties

The reality is that there can be no peace unless the Taliban and Afghan security forces de-escalate, and this will require talks between the Taliban and the government. The Taliban wants to bypass this by entering government through the back door, using the interim structure. Such a move is likely to create strains within the Afghan security force which needs a clear chain of command to function. There is a rise in ethnic polarisation in Afghanistan. With the emergence of the Islamic State, there is growing evidence of sectarian polarisation. Any dilution of the cohesiveness of the Afghan security forces, which are dependent on external funding (primarily the U.S.), would dramatically increase the risks of fragmentation of Afghanistan.

All Afghans are tired of conflict, want peace, and accept that this requires reconciliation. But not all Afghans want peace on the terms of reconciliation dictated by the Taliban. Today 74% of the Afghan population is below 30 years and has lived for most part in a conservative but open society. That is why there is no national consensus on reconciliation. In the absence of a national consensus, external actors are able to intervene to support their own favourites. But that is not Mr. Trump's problem. The U.S.'s exit will end its long war in Afghanistan but growing political uncertainties will only exacerbate Afghanistan's ongoing conflict.

Rakesh Sood is a former diplomat and currently a Distinguished Fellow at the Observer Research Foundation

The importance of finding funding

Investors should not be punished based on one-off events



GOPAL SRINIVASAN

Last week saw an outpouring of grief nationwide over the tragic decision made by an Indian entrepreneur to end his life. V.G. Siddhartha of Café Coffee Day had built a pioneering consumer business and acquired one of the largest retail footprints in the food and beverage space in India, attracting marquee investors. His story is a stark reminder that entrepreneurship is a journey of highs and lows, which doesn't just require capability and risk appetite on the part of the promoter but also demands great resilience.

Along with commiserations, the incident has also attracted some sweeping criticism – uninformed and unjustified – of the business practices of the private equity and venture capital industry. The truth is that the risk capital supplied by venture capital investors has been invaluable to entrepreneurship in India, where promoter funding by banks is frowned upon and founders are forced to rely on family and friends or take recourse to high-cost informal debt.

Spigot remained open in tough times

In the past decade, the ₹14 lakh crore of capital supplied by private equity and venture capital funds has played a pivotal role in birthing and scaling up over 4,000 Indian ventures. In addition to creating millions of jobs, firms funded by these investors pay more taxes, are better governed and make efficient use of scarce capital. This has resulted in the co-creation of popular consumer franchises like Ola, Swiggy and Paytm; bank-rolled roads, airports, oil pipelines and telecommunications assets; and aided the crucial economic task of deleveraging distressed firms. This spigot of private capital has remained open for Indian ventures even as the economy and public markets have witnessed sharp ups and downs.

In fact, private investors have come to play such an important role in the Indian economy that their annual investments amounting to 1%-1.5% of the GDP, once believed to be sufficient to meet the country's growth aspirations, are now proving inadequate. India's economy is reaping its demographic dividends and young entrepreneurs and mature mega firms are taking make-or-buy bets on the consumer markets.

Banking and insurance companies require

billions of dollars in equity capital, privatisation is now on the anvil and an ambitious infrastructure build-out is transforming Tier-II towns. India will now need to attract private capital amounting to 3%-4% of GDP for the 'Great March' that Prime Minister Narendra Modi has flagged off to \$5 trillion GDP. This is why it is important that policymakers or entrepreneurs do not take their eye off the ball based on one-off incidents.

The equity vs. debt argument

There has also been criticism of private equity investors for focussing on debt deals. Today, private capital pools offer many classes of assets, from venture to private equity to venture debt to promoter funding to hybrid instruments. It is only at the promoter's behest that private capital providers structure capital infusions as debt rather than equity deals. Further, promoters are often reluctant to cede control in their ventures and hence end up taking capital in the form of debt.

That's the fallacy of the infamous Indian promoter's 'curse'. Promoters embrace the double jeopardy of wanting to be in 'control' (the magic number of 51%) of their venture, while also believing that their equity is undervalued by the markets. Full of optimism about future pricing, they often resort to high-cost borrowings by pledging their shares. The result becomes evident during volatile times. As to the cost of debt, it must also be understood that the main mandate of private equity investors is to measure, underwrite and price risk. Structured as a limited-life closed-end funds, they have a contractual obligation and fiduciary duty to meet the return expectations of their investors and to return the capital within a relatively short time frame of five-seven years.

But the Siddhartha incident does have one major takeaway: founders in India need more equity funding, so that they can avoid the curse of overleveraging. When entrepreneurs take on aggressively priced debt payable within stringent timelines, it exposes their venture to extreme fragility.

Equity capital in contrast is patient. Companies with growth ambitions should therefore be ideally funded with 40%-50% equity, which can act as their lifeboats in difficult times. Equity funding makes sense for private investors too, as it allows a longer runway to scale up a business. This results in a larger pie for everyone – the founder, investors, lenders and the economy. However, punishing capital based on one event can prove to be a capital punishment for India's entrepreneurial ecosystem.

Gopal Srinivasan is the founder of TVS Capital Funds

Code Red for labour

The proposed codes disempower workers

AKRITI BHATIA & CHANDAN KUMAR

The Centre's proposal to replace 44 labour laws with four codes saw the light of day after Finance Minister Nirmala Sitharaman announced it in her Budget speech. The question not being asked is: aren't these codes antithetical to the very idea of statutory protection of labour and dignified standard of living for workers? It needs to be stated here that the original labour laws, enacted after decades of struggle, were meant to ensure certain dignity to the working-class people.

The most glaring instance of the government's failure to support labour standards is the Ministry of Labour's proposal to fix the national minimum floor wage at ₹178, without any defined criteria or method of estimation. This could lead to a dangerous race to the bottom by individual States, in a bid to attract capital and investments. This is rightly being called 'starvation wage', especially given that the Ministry's own committee recommended ₹375 as the minimum. Another concerning issue is that the four codes exclude over 95% of the workforce employed in informal units and small enterprises, who in fact are in greater need of legal safeguards.

Ambiguity on wording

Above all, there is a deliberate ambiguity maintained on wording and definitions. There is no clarity on who constitutes an 'employer', an 'employee' or an 'enterprise', giving the owner greater discretion to interpret the provisions while making it more difficult for the worker to draw any benefits from them.

To minimise wage bills and compliance requirements, it is proposed that 'apprentices' be no longer considered employees, at a time when evidence indicates that apprentices are made to do jobs of contractual as well as permanent employees. The code even has a provision on "employees below fifteen years of age", which can be construed as legalisation of child labour. The code on wages legitimises and promotes further contractualisation of labour, instead of abolishing it, by insulating the principal employer from liabilities and ac-

countability in the case of irregularities on the part of the contractors.

Slavery-like provision

And if all this were not enough, the wage code also brings back the draconian provision of "recoverable advances", a system that the Supreme Court clearly linked to coercive and bonded labour, wherein distressed and vulnerable migrant labourers could be bonded to work through advance payments. This is akin to modern forms of slavery, also encountered in rural labour markets.

Similarly, the eight-hour workday shift has been done away with, and multiple provisions of increased overtime have been inserted. The code also gives ample alibis to employers to evade bonus payments.

Further, seeking justice against un-



fair practices of employers has become even more difficult now as non-payment of wages will now not be a criminal offence and penalties in case of non-compliance have been reduced. The government wants to provide a "facilitative" rather than a regulatory and punitive environment for the owners, with "facilitators-cum-inspectors" replacing the "inspectors" who used to ensure implementation of various labour laws to aid employees.

Finally, the code on industrial relations too is replete with restrictions, on forming or registering unions, calling a strike (which would entail prior permissions and notices) and seeking legal redress for workers.

To sum it up, it won't be a fallacy to assert that the proposed laws, as they stand, resemble 'employer codes' rather than 'labour laws'.

Akriti Bhatia is a Ph.D. scholar at the Delhi School of Economics; Chandan Kumar works with the Working Peoples' Charter collective



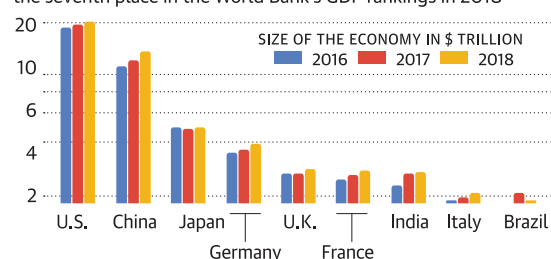
DATA POINT

Downturn continues

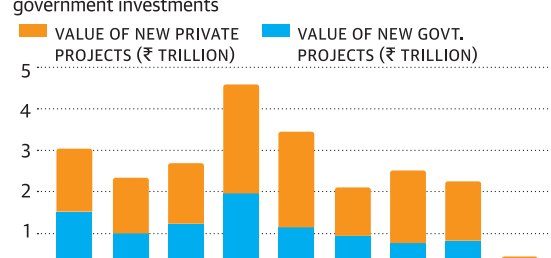
India dropped two places in GDP rankings in 2018 compared to 2017. With a slump in consumption, and new investments reducing to a trickle, the government's aim of making India a \$5-trillion economy by 2024 seems far-fetched.

By Vignesh Radhakrishnan and Sumant Sen

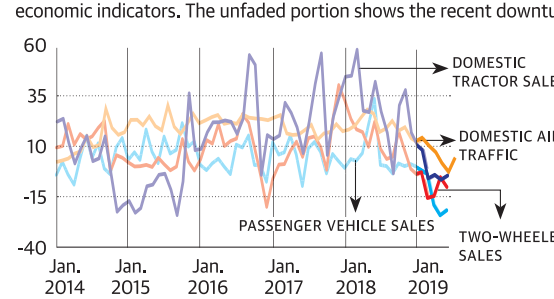
Drop in position | In 2017, the size of the Indian economy stood at \$2.65 tn, the fifth largest. In 2018, India's economy in \$ terms grew by 3.01% to \$2.73 tn. But in the same period, the U.K. and France grew by 6.8% and 7.3%, respectively, pushing India to the seventh place in the World Bank's GDP rankings in 2018



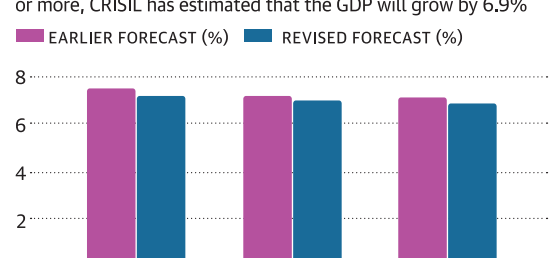
Investment woes | Investments in new projects nosedived to a 15-year low in the quarter ending June 2019. The drop in value of new projects was driven by a dip in both private and government investments



Consumption drops | Three of the four major indicators of the consumer economy recorded negative growth rates in the first half of 2019. The graph shows year-on-year % growth of four macro-economic indicators. The unfaded portion shows the recent downturn



Downward revision | The IMF, Asian Development Bank and CRISIL brought down their GDP projections for India for FY20. While both IMF and ADB have projected that India will grow at 7% or more, CRISIL has estimated that the GDP will grow by 6.9%



Source: World Bank, SIAM, DGCA, Tractors Manufacturers Association, CME, IMF, ADB, CRISIL

The Hindu

FROM THE ARCHIVES

FIFTY YEARS AGO AUGUST 6, 1969

Ice-filled craters on Mars

Television pictures of the Martian South Pole flashed 60 million miles across space last night [August 4] showed ice-filled craters on the edge of the Polar Cap and stretching deep into the Polar region. Scientists at the jet propulsion laboratory here [Pasadena (California)] said pictures transmitted live as the Mariner-7 spacecraft soared across the Martian Pole at a height of 2,000 nautical miles were of very high quality. The pictures, which took five minutes to reach earth, revealed craters and the outlines of the Polar Cap. Mariner-7, though suffering from communications defects because of an apparent impact with a meteor last Wednesday [July 30], has sent better pictures than its twin, Mariner-6, which flashed over the Martian equatorial region a few days earlier. Dr. Robert Leighton, Director of the Mariner television experiment, announced proudly over the jet propulsion laboratory loud-speaker as the first close-up began to flicker on to television screens: "These pictures are coming to you live from Mars." Mariner-7 swept from the equator to the South Pole and then moved behind the dark side of Mars.

A HUNDRED YEARS AGO AUGUST 6, 1919.

Governor's Visit to Famine Area.

His Excellency accompanied by the Collector Mr. Cotterell, Mr. Dodsworth, Kallikota Estate Manager, Mr. Greg, Engineer, Captain Powell, A.D.C., and the Young Zamindar of Kallikote left for evening inspection at 4.30 yesterday [August 4] and motored a distance of 20 miles to Atagada Mathura. On the way His Excellency had a view of the Degam village on the 16th mile from Kallikote where a tank bund 2,000 feet long is sectioned and turfed. Near this there are two other tank bunds of equal length where similar work is going on. At Atagada Mathur the work is turfing and raising a tank bund 1,806 feet long. There are 1296 workers and 552 dependents. His Excellency walked some distance to see Badosagor or the big tank where earth work with a view to raise the bund was going on. This work was begun on the 12th May and finished on the 20th July. The work that yet remains to be done is sectioning and turfing. There were two thousand people employed on the work. A katcha country cart road from Mathura, fifteen miles long, has been converted into a pukka road.

बिज़नेस स्टैंडर्ड

वर्ष 12 अंक 146

अतीत की गलतियों में सुधार

जम्मू कश्मीर के लोगों को विशेष दर्जा देने वाले अनुच्छेद 370 को हटाने की प्रक्रिया शुरू करके और राज्य को केंद्र शासित क्षेत्र में विभाजित करने संबंधी विधेयक पेश करके भारतीय जनता पार्टी के नेतृत्व वाली राष्ट्रीय जनतांत्रिक गठबंधन सरकार ने अपने चुनावी घोषणापत्र के एक अहम वादे को पूरा करने की ओर साहसिक और निर्णायक

कदम उठाया है। बहरहाल, सोमवार की घटनाओं से कई बातें निकलती हैं। इनमें सबसे अहम यह है कि जिस तरह सरकार ने जम्मू कश्मीर का दर्जा बदलने की कोशिश की है, उससे उस तरह के एकीकरण को बढ़ावा मिलेगा, जो उसकी राजनीतिक परियोजना में परिकल्पित है। इस बात से इनकार नहीं किया जा सकता है कि 72 वर्ष

पुराने विशेष स्वायत्त दर्जे को समाप्त करके कुछ ऐतिहासिक गलतियों में सुधार किया गया है। जब भारतीय गणराज्य में अपनी रियासत का विलय करने वाले अन्य राजाओं की तरह कश्मीर के महाराजा ने विलय पत्र पर हस्ताक्षर कर लिए थे तो यह स्पष्ट नहीं है कि आखिर क्यों जम्मू कश्मीर के नागरिकों को अलहदा कानून के तहत रहने दिया गया। इन कानूनों के अधीन देश के अन्य राज्यों के लोगों के जम्मू कश्मीर में संपत्ति खरीदने तक पर रोक थी।

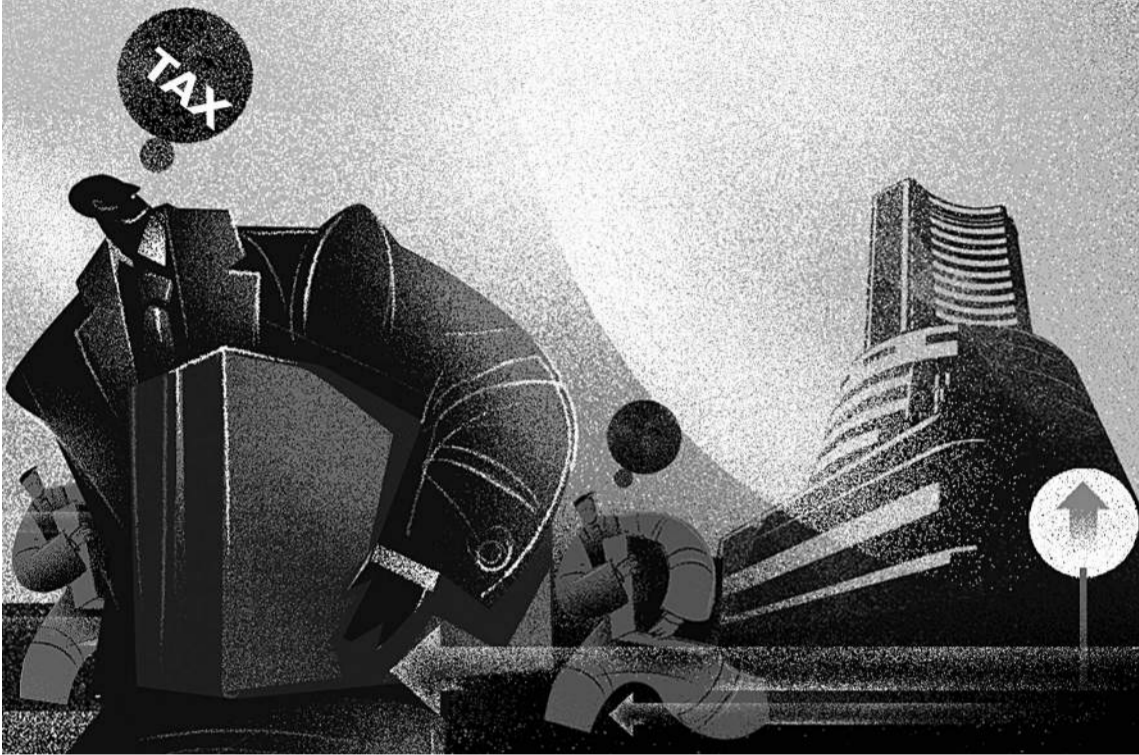
व्यापक तौर पर देखें तो अनुच्छेद 370 के खत्म के पीछे एक दलील है। सरकार का कहना है कि अनुच्छेद 370 की धारा 3 राष्ट्रपति को यह अधिकार प्रदान करती है कि वह जम्मू कश्मीर को मिले विशेष दर्जे

को किसी भी समय समाप्त कर सके। अनुच्छेद 370 (3) में कहा गया है, 'इस अनुच्छेद के पूर्ववर्ती प्रावधानों के बावजूद, राष्ट्रपति सार्वजनिक अधिसूचना के जरिये यह घोषित कर सकते हैं कि इस अनुच्छेद को समाप्त किया जा सकता है या कुछ अपवादों और संशोधनों के साथ यह लागू रह सकता है। वह ऐसा किसी भी तय तिथि से कर सकते हैं।' इसी प्रावधान का इस्तेमाल करते हुए राष्ट्रपति का आदेश जारी किया गया और भाजपा के चुनावी घोषणापत्र के एक अहम वादे को क्रियान्वित किया गया। इन दलीलों के बावजूद मौजूद कानूनी उल्लंघन और संवैधानिक सवाल यह गांठी देते हैं कि मामला सर्वोच्च न्यायालय में जाएगा। वही तय करेगा कि राज्य संविधान

सभा की सहमति का अर्थ क्या विधायी सभा से है या नहीं। कुछ मायनों में यह एक संवैधानिक आघात है क्योंकि अब न तो राज्य विधानसभा है, न राज्य सरकार। ऐसे में राज्यपाल और संसद के लिए गुंजाइश बनी कि वे अपने बूते कदम उठा सकें। अगर राज्य विधानसभा और सरकार होतीं तो यह संभव न होता। विधानसभा चुनावों में देरी इसी तैयारी का सोचा समझा हिस्सा था।

सरकार ने इस बड़े बदलाव के लिए जिस तरीके का इस्तेमाल किया वह बड़ी चिंता का विषय है। राज्य के दर्जे में व्यापक बदलाव का निर्णय स्थानीय नेताओं या राज्य के लोगों के साथ मशविरें से भी किया जा सकता था। अनुच्छेद 370 ऐसी ही अपेक्षा करता है। इसके बजाय सरकार ने राज्य में सैनिकों की तादाद

बढ़ाई, कर्फ्यू लगाया, इंटरनेट सेवा बंद की और राज्य के प्रमुख नेताओं को नजरबंद किया। दूसरा सवाल यह है कि इससे राजनीतिक रूप से क्या हासिल हुआ? गुहमंजी अमित शाह ने संसद में कहा कि अनुच्छेद 370 के कारण राज्य का विकास रुका हुआ था और रोजगारपरक निवेश नहीं आ पा रहा था। यह दलील गलत है। विकास की कमी का कारण निरंतर चली आ रही अशांति है। विशेष दर्जे से इतर इसका कारण यह है कि यह पाकिस्तान से लगा विवादित क्षेत्र है। पाकिस्तान ने अलगाववादियों और आतंकवादियों को भड़काने को ही लक्ष्य बना रखा है। जरूरत थी विश्वास को बढ़ाकर देने वाले उपायों की लेकिन हमारी सरकारें इसमें लगातार नाकाम रही।



अजाय मोहंती

विदेशी निवेशक क्यों कर रहे बिकवाली?

वैश्विक और घरेलू निवेशक बने रहें, इसके लिए हमें भारत को कारोबारी दृष्टि से सहज-सुगम देश बनाने के लिए ठोस प्रयास करने होंगे। विस्तार से जानकारी दे रहे हैं आकाश प्रकाश

हाल के दिनों में हमने देखा कि विदेशी पोर्टफोलियो निवेशकों ने भारतीय प्रतिभूतियों में काफी बिकवाली की। जुलाई में यह बिकवाली 250 करोड़ डॉलर के करीब रही और अब इसमें इजाफा हो रहा है। दुनिया भर के बाजार जहां नई ऊंचाइयों पर पहुंच रहे हैं, वहीं हम सकारात्मक बने रहने के लिए संघर्ष कर रहे हैं। देश के मिड कैप और स्मॉल कैप शेयरों में गिरावट का अहसास जारी है। शीर्ष 50 बाजारों की सूची में प्रदर्शन के आधार पर हमारी रैंकिंग 43वां है। आश्चर्य की बात यह है कि अनुकूल माहौल के बावजूद हमारा प्रदर्शन खराब रहा।

निवेशक जो सरकार चाहते थे वह और प्रभावशाली बहुमत के साथ दोबारा सत्ता में आई है। तेल कीमतें स्थिर हैं और एक तय दायरे में नजर आ रही हैं। रुपया स्थिर है बल्कि लोकसभा चुनाव के बाद उसमें कुछ मजबूती आई है। वैश्विक स्तर पर नकदी सहज उपलब्ध है और दरों में गिरावट आ रही है। केंद्रीय बैंक एक बार फिर मौद्रिक शिथिलता अपना सकते हैं। इन्में अमेरिकी फेडरल रिजर्व और यूरोपीय केंद्रीय बैंक दोनों शामिल हैं।

दिलचस्प है कि विश्व स्तर पर निवेश

श्रेणी के प्रपत्रों में से करीब 25 फीसदी का प्रतिफल नकारात्मक है। प्रतिफल इतना कमजोर होने और उसमें लगातार गिरावट आने के कारण वृद्धि को तरजीह दी जानी चाहिए। भारत को हमेशा एक ऐसी अर्थव्यवस्था के रूप में देखा गया है जो लंबी अवधि तक स्थायित्व भरी वृद्धि देने में सक्षम है। इसमें दो राय नहीं कि आने वाले दशक में भारत सबसे तेजी से बढ़ती अर्थव्यवस्था वाला देश होगा और वह चीन से तेज वृद्धि हासिल करेगा। इस परिदृश्य के बावजूद भारतीय बाजार संघर्ष क्यों कर रहे हैं?

इसके कई कारण हैं लेकिन मेरी नजर में सबसे अहम कारण इस प्रकार हैं:

कारोबारी आय में वृद्धि न होने से हताशा का माहौल है। बीते आठ साल में यह देश के शेयर बाजारों के लिए सबसे बड़ी निराशा का वजह रहा है। कुछ ही लोगों को अंदाजा होगा कि सन 2008 में जीडीपी और कॉर्पोरेट आय के मामले में भारत और अमेरिका दोनों 7 फीसदी के समान स्तर पर थे। आज यह अनुपात अमेरिका में 10 फीसदी और भारत में केवल 2 फीसदी है। देश में कारोबारी मुनाफा पूरी तरह ध्वस्त हो गया है। हमारी कॉर्पोरेट आय बीते आठ वर्षों में 5 फीसदी से भी कम रही है। आय में इस गिरावट की

तमाम वजह हैं। वाणिज्यिक बैंकों के एनपीए में सुधार, उच्च कर दर, तकनीकी विसंगति, आर्थिक झटके, निजी निवेश में कमी, रुपये का अधिमूल्यन आदि ऐसे ही कारक हैं। इन तमाम बातों के बावजूद सचाई यही है कि कोई भी कॉर्पोरेट मुनाफे में सुधार का अनुमान लगाने में सफल नहीं रहा। कोई नहीं कह सकता कि इसमें कब और कितना सुधार आ सकता है। यह अवश्य कहा जा सकता है कि कॉर्पोरेट मुनाफा जीडीपी के हिस्से के रूप में हमेशा गिरता नहीं रह सकता।

हम पहले ही निम्नतम स्तर पर हैं। यहां से केवल सुधार संभव है। अर्थव्यवस्था की मौजूदा कमजोरी को देखें तो एक और वर्ष हमें निराशा का सामना करना पड़ सकता है। बाजार के विस्तार का दौर समाप्त हो चुका है। ऐसे में बॉन्ड प्रतिफल में 100 आधार अंकों की गिरावट के बावजूद बाजार कमजोर पड़ रहा है। मजबूत आय वृद्धि के अभाव में बाजार में सुधार होता नहीं दिखता। अधिकांश निवेशक इंतजार करके थक चुके हैं और वे अब देश में आवंटन तभी बढ़ाएंगे जब आय में सुधार नजर आएगा। मौजूदा दर पर बाजार काफी महंगे हैं।

दूसरा, अर्थव्यवस्था वाकई कमजोर है। कॉर्पोरेट आय बीते कई वर्ष के निचले स्तर

पर है। निवेशकों को कंपनियों से प्रायः बुरी खबरें ही सुनने को मिल रही हैं। कारोबारी उत्साह नदारद है। हर कोई केवल नकदी जुटाने की बात कर रहा है।

नई क्षमता तैयार करने में किसी की रुचि नहीं नजर आ रही। मांग भी प्रभावित हुई है। गैर बैंकिंग वित्तीय कंपनियां अस्तित्व की लड़ाई लड़ रही हैं। कई कारोबारों को ऋण नहीं मिल रहा है। कारोबारी जगत का आत्मविश्वास हिला हुआ है। सरकार ने दरें कम करने तथा खपत और निवेश बढ़ाने का प्रयास किया है। इससे मदद मिलेगी लेकिन निवेशकों को भूमि, श्रम और न्यायिक सुधारों की भी जरूरत है। वे चाहते हैं कि देश कारोबारी दृष्टि से सुगम बने। सरकार के पास आर्थिक योजना है लेकिन उसे बेहतर तरीके से प्रस्तुत करना होगा।

तीसरा, यह भावना घर कर चुकी है कि भारत आर्थिक नीति में वाम रूझान अपना रहा है। यह सही है कि हमें औसत भारतीयों की जीवन गुणवत्ता सुधारने में अधिक से अधिक व्यय करने की आवश्यकता है। मौजूदा सरकार की नीति में ग्रामीण भारत की बुनियादी सुविधाओं में सुधार की अहम भूमिका रही है। इसमें सड़क, आवास, बिजली और घरेलू गैस जैसी सुविधाएं शामिल हैं। परंतु अभी काफी कुछ किया जाना है, जिसके लिए धन की आवश्यकता है।

मौजूदा रुख में तो संसाधन जुटाने के लिए सीमित कर आधार पर जी जोर दिया जा रहा है। इससे कारोबारियों में उत्साह नहीं पनप पा रहा। यही मूल आशंका है। इसमें दो राय नहीं कि देश के उद्योगपतियों ने भी तंत्र का खूब दुरुपयोग किया है। एनपीए संकट पर नजर डालिए। कई लोगों को दंडित किए जाने की आवश्यकता है।

परंतु हर बड़ा भारतीय उद्योगपति ठग या धोखेबाज नहीं है। यह भी सच है कि रोजगार तैयार करने काम निजी क्षेत्र ही करेगा। हमें कर दायरा बढ़ाने का तरीका तलाशना होगा। साथ ही सरकारी परिसंपत्ति की बिक्री तेज करनी होगी ताकि जरूरी राशि जुटाई जा सके। ग्रामीण भारत में संसाधनों की आवश्यकता को देखते हुए हम सरकारी उपक्रमों को लाखां करोड़ रुपये की राशि नहीं देते रह सकते। फिर चाहे वे बैंक हों, एयर इंडिया या बीएसएनएल अथवा एमटीएनएल जैसी कंपनियां।

इसके अतिरिक्त देश में निवेश के प्रतिफल में भी इजाफा हो रहा है। एनसीएलएटी ने हाल में एस्सर स्टील पर जो निर्णय दिया है वैसे मामलों से जोखिम का प्रीमियम बढ़ेगा। अगर जोखिम प्रीमियम बढ़ता है तो बाजार को सस्ता होना होगा ताकि उच्च कर पूर्व प्रतिफल दिखा जा सके। सरकारी इक्विटी बाजार अभी सस्ते नहीं हैं।

फिलहाल देश में रूझान बहुत कमजोर है। यह बात घरेलू निवेशकों और उद्योगपतियों में पर लागू होती है। यह नकारात्मकता वैश्विक निवेशकों को प्रभावित कर रही है। ऐसा लगता नहीं कि वैश्विक निवेशक, घरेलू निवेशकों से पहले निकासी करेंगे। हमें घरेलू रूझानों पर नजर रखनी होगी। उसके लिए हमें देश को कारोबारी दृष्टि से सुगम बनाने पर ध्यान देना होगा। फिर चाहे मामला करों का हो, नियमन का या सुधार का।

निजी क्षेत्र को आर्थिक वृद्धि में साझेदार बनाएं, दुश्मन नहीं

कैफे कॉफी डे का साम्राज्य खड़ा करने वाले संस्थापक वी जी सिद्धार्थ की दुखद मौत ने तीखी बहस छेड़ दी है कि क्या भारत और भारतीय राज्य का उद्यमियों, उद्योगपतियों और कारोबार जगत के प्रति दोस्ताना रवैया कम होता जा रहा है? अपने पीछे छोड़कर जा एनपीए में सिद्धार्थ ने कहा है कि वह आयकर अधिकारियों के उत्पीड़न का सामना कर रहे थे। हालांकि आयकर विभाग ने इस आरोप को पूरी तरह नकार दिया है लेकिन लोग इस दावे पर यकीन नहीं कर पा रहे हैं। कई लोगों की नजर में आयकर विभाग ने माइंडट्री कंपनी में सिद्धार्थ के शेयरों को बेचने से रोककर उनका उत्पीड़न ही किया क्योंकि अपनी आर्थिक जरूरतें पूरी करने के लिए ऐसा करना बेहद जरूरी था।

लेकिन आज जताई जा रही चिंता इस मामले के गुण-दोषों से आगे तक जाती है। काले धन के खिलाफ सरकार के जुबानी अभियान के दौर में पैदा हुई आम शंका से इसे बल मिलता है जो आगे चलकर एक डरावने कानून में तब्दील हो गया। पिछले आम बजट में वित्त मंत्री ने अति-संपन्न लोगों पर अधिक कर लगाने की घोषणा की है। हालांकि अधिकतर लोगों के लिए यह कोई खास समस्या नहीं है। लेकिन कर में बढ़ोतरी से निकला संदेश परेशान करता है। यह इंदिरा गांधी के दौर में केंद्र के नकली समाजवादियों द्वारा पैदा किए गए शोर की वापसी जैसा है। बजट में किए गए अन्य प्रावधानों के साथ इसे जोड़कर देखने की जरूरत है। मसलन, अब अगर कंपनियां अपने मुनाफे का दो फीसदी हिस्सा कॉर्पोरेट सामाजिक दायित्व (सीएसआर) पर खर्च करने में नाकाम रहती हैं तो उन पर आपराधिक मामला चलाया जा सकता है। लाभ के एक हिस्से का भुगतान अनिवार्य किया जाना किसी कर से कम किस तरह है? और सरकार गैर-सरकारी संगठनों (एनजीओ) के प्रावधानों का दायरा अनिवार्य भारतीयों तक बढ़ा चुकी है। सरकार को यही लगता है कि बहुत सारे लोग देश छोड़कर जा रहे हैं और अधियोजन से बचने के लिए ही वे ऐसा कर रहे हैं। लेकिन यह मौजूदा हालात की गलत वजह तलाशने का मामला है। अगर लोग खुद देश छोड़कर



नीति नियम

मिहिर शर्मा

बजट में कुछ कर अधिकारियों को अधिक ताकत दिए जाने की भी प्रावधान किया गया है। मसलन, सीमा-शुल्क विभाग के अधिकारियों को अब यह ताकत दे दी गई है कि 'राजस्व के लिहाज से खतरा' नजर आने वाले लोगों को वे हिरासत में ले सकते हैं। हालांकि पिछले कुछ वर्षों में कुछ चीजें निश्चित रूप से बेहतर हुई हैं। उदाहरण के लिए, कर प्रक्रिया में शुरुआती मानव संपर्क कम करने की लगातार कोशिश हुई है। यह भी सच है कि लोगों के बीच धारणा बन गई है कि सरकार कारोबार जगत से एक-एक पैसा निचोड़ लेना चाहती है। ऐसी धारणा बनाने में सरकार के उच्च अधिकारियों और सत्तारूढ़ दल के बुराबू नेताओं का मिला-जुला हाथ रहा है।

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नहीं भी जा रहे हैं तो वे अपने हितों और आय के स्रोतों को भौगोलिक रूप से विस्तारित करना चाह रहे हैं। कुछ साल पहले एक चर्चित कारोबारी घराने के वारिस से जब मैंने उनकी भावी कारोबारी रणनीति के बारे में पूछा था तो उन्होंने कहा था कि वह अब अपने समूह का अधिकार का बड़ा हिस्सा विदेशी कारोबार से लाना चाहते हैं। उस उद्योगपति का कहना था कि वह राजनीतिक जोखिम को नागण्य करने के लिए ऐसा करना चाहते हैं। अगर भारत के उद्यमी खुद ही उत्पीड़न के डर से भारत में निवेश करने से संकोच कर रहे हैं तो फिर क्यों विदेशी निवेशक ऐसा क्यों करेंगे?

सरकार के पास पैसे की बहुत किल्लत है। बस्तु खुद ही सेवा लागू (जीएसटी) को टीक से लागू कर पाने में नाकामी के चलते सरकार के पास पैसे नहीं हैं। इसके चलते सरकार न केवल राजकोषीय स्थिति की सही तस्वीर छिपा रही है बल्कि अधिक पैसे जुटाने के लिए वह आसपास के कमजोर टिकानों की भी तलाश में है। भारत में कारोबार करना हमेशा ही एक कमजोर निशाना रहा है। भ्रष्टाचार के खिलाफ चले आंदोलन और नोटबंदी के बाद से ही यह धारणा मजबूत होती गई है कि लंबे समय तक अमीरों को संरक्षण दिया जाता रहा है और नरेंद्र मोदी सरकार उन्हें टोक-बजाकर सही कर देगी।

इस बात से शायद ही कोई इनकार कर सकता है कि भारत में असमानता एक बड़ा मुद्दा है। लेकिन राज्य का मनमानापन और संपत्ति एवं व्यक्तिगत अधिकारों के बारे में समझ का अभाव होना ही इसकी एक समस्या रही है। हम असमानता वृद्धि संबंधी समस्याओं का समाधान केवल तभी कर सकते हैं जब हम निजी क्षेत्र के भीतर निवेश में तेजी लाने वाला सुरक्षा अहसास पैदा कर पाएंगे। ऐसा न होने तक भारत मोदी सरकार के दौरान फिसलन की राह पर ही रहेगा और 1970 के दशक के अंधेरे दिनों की तरफ लौटना जारी रहेगा।

'राजस्व के हित' के बारे में काफी कुछ कहा जा रहा है लेकिन राजस्व का वास्तविक हित अर्थव्यवस्था की प्रगति में है। और ऐसा होने के लिए निजी क्षेत्र को राजस्व का साझेदार होना चाहिए, न कि कोई दुश्मन।

कानाफूसी

चेतावनी लड्डू के साथ

केरल के पालक्कड में पिछले दिनों मोटर साइकिल सवार उस समय चकित रह गए जब यातायात पुलिस ने उनके बीच 300 से अधिक लड्डू बांटे। ये लड्डू किसी त्योहार के उपलक्ष्य में नहीं दिए गए। दरअसल इस मिष्ठान वितरण के साथ पुलिस ने उन्हें एक चेतावनी भी दी। कहा गया कि आज तो लड्डू बांटे जा रहे हैं लेकिन अगर आपने यातायात के नियमों का पालन नहीं किया तो अगली बार इसके स्थान पर आपको 1,000 रुपये का जुर्माना भी चुकाना पड़ सकता है। यह चेतावनी उन दोपहिया वाहन चालकों को दी गई जिन्होंने हेलमेट नहीं पहने थे। दरअसल पुलिस का यह आयोजन जागरूकता अभियान का हिस्सा था ताकि लोगों को यातायात के नियमों का पालन करने के लिए समझाया जा सके। केरल में अब दोपहिया वाहन में पीछे बैठने वाले के लिए भी हेलमेट अनिवार्य कर दिया गया है। साथ ही कार में पिछली सीट पर बैठने वालों के लिए सीट बेल्ट लगाना भी अब आवश्यक है।

किशोर की दूरी

जनता दल यूनाइटेड ने बिहार में अगले वर्ष होने वाले विधानसभा चुनावों की तैयारी आरंभ कर दी है। परंतु पार्टी के पेशेवर चुनावी रणनीतिकार प्रशांत किशोर कहीं और व्यस्त हैं। किशोर पश्चिम बंगाल की मुख्यमंत्री ममता बनर्जी के साथ एक पेशेवर अनुबंध की रिपोर्ट में देश की अर्थव्यवस्था पांचवें स्थान से फिसलकर सातवें स्थान पहुंच गई। रिपोर्ट के अनुसार वर्ष 2018 में अर्थव्यवस्था की जीडीपी का आकार 2,762.32 अरब डॉलर का है। भारत को अगर 5,000 अरब डॉलर की अर्थव्यवस्था का लक्ष्य प्राप्त करना है तो 2025 तक लगातार 8 फीसदी से वृद्धि जरूरी है। लेकिन जनवरी-मार्च की तिमाही के आंकड़े खासे निराशाजनक हैं क्योंकि इस तिमाही में जीडीपी वृद्धि 5.8 फीसदी रही। यह पांच साल का निचला स्तर है। विशेषज्ञों के अनुसार भारतीय अर्थव्यवस्था बुरे दौर से गुजर रही है। सरकार आर्थिक मोर्चे पर अब तक असफल रही है क्योंकि कई क्षेत्रों की कंपनियों में छंटनी शुरू हो गई



आपका पक्ष

देश की अर्थव्यवस्था के लिए बुरा दौर

पिछले दिनों केंद्र सरकार ने 5,000 अरब डॉलर की अर्थव्यवस्था का लक्ष्य रखा है। लेकिन हाल ही में जारी विश्व बैंक की रिपोर्ट में देश की अर्थव्यवस्था पांचवें स्थान से फिसलकर सातवें स्थान पहुंच गई। रिपोर्ट के अनुसार वर्ष 2018 में अर्थव्यवस्था की जीडीपी का आकार 2,762.32 अरब डॉलर का है। भारत को अगर 5,000 अरब डॉलर की अर्थव्यवस्था का लक्ष्य प्राप्त करना है तो 2025 तक लगातार 8 फीसदी से वृद्धि जरूरी है। लेकिन जनवरी-मार्च की तिमाही के आंकड़े खासे निराशाजनक हैं क्योंकि इस तिमाही में जीडीपी वृद्धि 5.8 फीसदी रही। यह पांच साल का निचला स्तर है। विशेषज्ञों के अनुसार भारतीय अर्थव्यवस्था बुरे दौर से गुजर रही है। सरकार आर्थिक मोर्चे पर अब तक असफल रही है क्योंकि कई क्षेत्रों की कंपनियों में छंटनी शुरू हो गई



है। खबरों के अनुसार वाहन कलपुजा उद्योग में 10 लाख नौकरों जाने का अंदेश है। ऐसे कई उदाहरण अर्थव्यवस्था की बुरी हालत दर्शा रहे हैं। डॉलर के मुकाबले रुपया कमजोर होने से देश का विदेशी मुद्रा भंडार भी 72.7 करोड़ डॉलर घट गया है। आंकड़ों के अनुसार विदेशी मुद्रा भंडार अभी 429.65 अरब डॉलर

केंद्र सरकार ने देश की अर्थव्यवस्था को 5 हजार अरब डॉलर बनाने का लक्ष्य रखा है

रह गया है। अगर देश को 2025 तक 5,000 अरब डॉलर की अर्थव्यवस्था का लक्ष्य हासिल करना है तो अर्थव्यवस्था में संरचनात्मक सुधार करने के साथ

तकनीक एवं कौशल शिक्षा को महत्व देना होगा क्योंकि भारतीय श्रमिकों की उत्पादकता अन्य देशों के मुकाबले कम है। उद्योगों को कच्चे माल के लिए कृषि पर निर्भर होना पड़ता है। इसलिए कृषि सुधार के लिए ठोस कदम उठाना जरूरी है। उद्योगों पर आज भी अधिक कर लगाया जाता है। इससे कई उद्योग हतोत्साहित हो जाते हैं। इसलिए कर प्रणाली में सुधार की जरूरत है। बेरोजगारी एवं श्रमिकों की कम आय के चलते घरेलू बचत दर निम्न स्तर है जिससे देश को विदेशी निवेश पर निर्भर रहना पड़ता है। इसलिए बेरोजगारी हटाकर श्रमिकों की आय बढ़ाने के लिए केंद्र सरकार को उपाय खोजना होगा। इसके अलावा अर्थव्यवस्था को पटरी पर लाने के लिए केंद्र सरकार को कोशिश होनी चाहिए।

निशांत महेश त्रिपाठी, नागपुर

पाठक अपनी राय हमें इस पते पर भेज सकते हैं : संपादक, बिज़नेस स्टैंडर्ड लिमिटेड, 4, बहादुर शाह जफर मार्ग, नई दिल्ली - 110002. आप हमें ईमेल भी कर सकते हैं : lettershindi@bmail.in उस जगह का उल्लेख अवश्य करें, जहां से आप ईमेल कर रहे हैं।

गोवा में महिलाओं को बराबरी का हक

महिलाओं को रात्रि पाली में काम करने संबंधी एक विधेयक पिछले दिनों गोवा विधानसभा में पारित किया गया। यह महिलाओं को बराबरी का हक देने में एक बड़ा कदम है। इसके तहत महिलाओं को रात्रि पाली में काम करने की अनुमति मिल जाएगी। पहले यह व्यवस्था नहीं थी। लेकिन महिलाओं को रात्रि पाली में काम करने को बाध्य नहीं किया जाएगा। ऐसा देखा गया है कि कई बार महिलाओं को इसलिए पदोन्नति नहीं दी जाती क्योंकि वे रात्रि पाली में कार्य नहीं करती हैं। अब महिलाओं को पदोन्नति नहीं देने का कोई भी बहाना नहीं चलेगा। इस कानून से महिलाओं का आत्मसम्मान बढ़ेगा तथा वे स्वावलंबी बनेंगी। इसके अलावा महिलाओं की सुरक्षा पर भी ध्यान देना जरूरी है। रात्रि पाली में काम करने वाली महिलाओं को सुरक्षा मुहैया कराई जानी चाहिए।

अदिति कुमारी, नई दिल्ली

विचार



दैनिक जागरण

एक बड़ी सफलता कई नाकामियों का हिसाब बराबर कर देती है

एक निशान-एक विधान

मोदी है तो मुमकिन है नारे के साथ सत्ता में लौटी मोदी सरकार ने वह कर दिखाया जिसका सपना देश न जाने कब से देख रहा था। आजादी के बाद जम्मू-कश्मीर को अनुच्छेद 370 के जरिये विशेष अधिकारों से लैस करने की ऐतिहासिक गलती को ठीक करने के लिए जिस राजनीतिक इच्छाशक्ति की जरूरत थी उसका प्रदर्शन किया जाना समय की मांग थी। यह मांग इसलिए और बढ़ गई थी, क्योंकि मोदी सरकार प्रचंड बहुमत से सत्ता में लौटी थी और उसने यह वादा भी कर रखा था कि वह अनुच्छेद 370 को हटाएगी। इसके अतिरिक्त इस सच की भी अनदेखी नहीं की जा सकती कि यह अनुच्छेद अलगाववाद का जरिया बन गया था। बीते कुछ दशकों में कश्मीर के स्वार्थी नेताओं और पाकिस्तानपरस्त तत्वों ने कश्मीर घाटी में एक ऐसा माहौल बना दिया था कि वहां का एक वर्ग यह मानने लगा था कि वह शेष देश से इतर है। धीरे-धीरे यह भाव न केवल अलगाववाद में तब्दील हो रहा था, बल्कि कश्मीर की राजनीतिक समस्या को खतरनाक तरीके से मजहबी आवरण भी धारण कर रही थी। कश्मीर के विशेष अधिकारों को उसकी आजादी की बेतुकी मांग का जरिया बनाने की जैसी कोशिश हो रही थी और पाकिस्तान जिस तरह आग में घी डालने का काम कर रहा था उसे देखते हुए यह आवश्यक ही नहीं, अनिवार्य हो गया था कि कोई ठोस फैसला लिया जाए। यह स्वागतयोग्य है कि मोदी सरकार ने ऐसा फैसला लेने का साहस दिखाया। अपने साहसिक फैसले के जरिये मोदी सरकार ने केवल भाजपा की पुरानी मांग को ही पूरा नहीं किया, बल्कि कश्मीर के हलालत ठीक करने के लिए लौक से हटकर एक बड़ी पहल भी की। कश्मीर पर यह बड़ी पहल अगस्त में आई एक और क्रांति की तरह है, क्योंकि अनुच्छेद 370 हटाने के साथ ही जम्मू-कश्मीर का नए सिरे से गठन करने की दिशा में भी कदम बढ़ा दिए गए हैं। अब लद्दाख जम्मू-कश्मीर से अलग होकर बिना विधानसभा वाला केंद्र शासित प्रदेश बनेगा और जम्मू-कश्मीर विधानसभा युक्त केंद्र शासित प्रांत। इसके सकारात्मक नतीजे मिलने ही चाहिए। मोदी सरकार ने अलगाववाद को पोषित करने वाले अनुच्छेद 370 को समाप्त करने के साथ ही विभेदकारी 35-ए को निष्प्रभावी करके जम्मू-कश्मीर को राष्ट्र की मुख्यधारा में लाने की दिशा में तो ठोस कदम उठाया ही, राष्ट्रीय एकीकरण को भी नए सिरे से बल प्रदान किया। एक निशान-एक विधान की भावना वाले इस फैसले से केवल कश्मीर का समुचित विकास ही सुनिश्चित नहीं होगा, बल्कि कश्मीर के आम लोगों को शेष भारत से जुड़ने का अवसर भी मिलेगा। सबसे बड़ी बात यह है कि वे खुद को पहले भारतीय मानना शुरू करेंगे।

इस पर हैंगनी नहीं कि अनुच्छेद 370 को हटाने और जम्मू-कश्मीर के पुनर्गठन के फैसले का कांग्रेस, तृणमूल कांग्रेस, समेत कुछ अन्य दलों ने विरोध किया, लेकिन इन दलों के नेताओं और से ऐसी कोई दलील नहीं दी जा सकी जिसे दमदार कहा जा सके। यह आश्चर्यजनक है कि विपक्षी दल ऐसी कोई दलील का इंतजाम तब नहीं कर सके जब वे यह अच्छी तरह जान रहे थे कि मोदी सरकार कश्मीर पर कोई बड़ा फैसला लेने की तैयारी में है और यह फैसला अनुच्छेद 370 और 35-ए से संबंधित हो सकता है। यह सही है कि लोकतंत्र में विरोध के लिए विरोध की राजनीति भी होती है, लेकिन इसका कोई औचित्य नहीं कि राष्ट्र की दिशा-दशा तय करने वाले किसी ऐतिहासिक फैसले पर भी ऐसी राजनीति की जाए। समझना कठिन है कि आखिर सरकार के फैसले का विरोध कर रहे राजनीतिक दल किस आधार पर अनुच्छेद 370 को पसंद कर रहे हैं? क्या वे इससे अनजान हैं कि यह विषम परिस्थितियों में किया गया एक अस्थायी प्रावधान था? क्या वे इससे परिचित नहीं कि अनुच्छेद 370 के साथ 35-ए ने किस तरह आम कश्मीरियों और खासकर वहां के वंचित, दलित और पिछड़े तबकों के अधिकारों पर कुटाघात किया है? अगर इन विभेदकारी अनुच्छेदों ने किसी का हित किया है तो केवल कश्मीर के मुट्ठी भर नेताओं का। इससे बड़ी विडंबना और कोई नहीं कि जो अनुच्छेद अस्थायी था उसे कश्मीर को शेष भारत से जोड़ने वाले तत्व के रूप में पेश किया जा रहा था। कश्मीर के भारत से जुड़ाव के लिए किसी अस्थायी संवैधानिक व्यवस्था को आधार बताना देश की हजारों बरस पुरानी सांस्कृतिक विरासत की अनदेखी के अतिरिक्त और कुछ नहीं।

आखिर सरकार के फैसले का विरोध कर रहे राजनीतिक दल किस आधार पर अनुच्छेद 370 को पसंद कर रहे हैं?



विवेक काटजू

यदि पाक अनुच्छेद 370 के मसले को सुरक्षा परिषद में उठाए तो भारत को यही संदेश देना होगा कि अब परिषद का कश्मीर मुद्दे से कोई सरोकार नहीं

स्वतंत्र भारत के राष्ट्र जीवन में यह एक ऐतिहासिक पड़ाव है। गृहमंत्री अमित शाह ने सोमवार को संसद में बताया कि जम्मू-कश्मीर राज्य मौजूदा स्वरूप में समाप्त किया जा रहा है और उसके स्थान पर अब दो केंद्रशासित प्रदेश होंगे। पहला जम्मू-कश्मीर और दूसरा लद्दाख। जम्मू-कश्मीर में विधानसभा होगी, लेकिन लद्दाख में नहीं। इस बड़े बदलाव के पीछे कई कारण भी बताए गए हैं। लद्दाख के मामले में कहा जा रहा है कि केंद्रशासित दर्जा लद्दाखियों की आर्कांक्षाएं पूरी करने में मददगार होगा। इससे भी महत्वपूर्ण मसला जम्मू-कश्मीर का है। जम्मू-कश्मीर को केंद्र शासित प्रदेश बनाने की पहल के पीछे की वजह आंतरिक सुरक्षा स्थिति बताई गई है। इस स्थिति के लिए सीमा पर आतंकवाद जिम्मेदार है। यह अंतरराष्ट्रीय समुदाय को साफ संकेत है कि तीन दशकों से आतंकवाद का दामन पकड़े रहने वाले पाकिस्तान को अब इससे बाज आना चाहिए। पाकिस्तानी पोषित आतंकवाद ने जम्मू-कश्मीर की जनता का जीवन नरक बना दिया है। अब सरकार ने जो कदम उठाया है उससे यह उम्मीद लगाई जा सकती है कि इससे पाक प्रायोजित आतंक पर लगातम लग पाएगी। गृहमंत्री ने यह भी एलान किया कि जम्मू-कश्मीर का जो विशेष दर्जा था वह भी वापस लिया जाएगा। इसके साथ ही यह आस लगाई जा सकती है कि राज्य की जनता खासतौर से कश्मीर घाटी के

लोगों के विकास की जरूरतों पर विशेष ध्यान देते हुए इस इलाके की प्रगति के लिए तेजी से कदम उठाए जाएंगे।

अमित शाह ने जम्मू-कश्मीर के राजनीतिक वर्ग को कठघरे में खड़ा करते हुए आरोप लगाया कि कश्मीरी नेताओं ने कश्मीरी अवाग की तरक्की पर ध्यान नहीं दिया और अपनी स्वार्थ सिद्धि एवं राजनीति चमकाने में ही लगे रहे। सरकार के ये कदम विशेषकर जम्मू-कश्मीर को आर्थिक, राजनीतिक और सामाजिक रूप से पूरी तरह भारत से जोड़ने में सहायक हो सकते हैं। अब तक जैसे जम्मू-कश्मीर के लोग भारत के अन्य भागों में कारोबार कर सकते थे, जमीन-जायदाद खरीद सकते थे वैसे ही उम्मीद की जा सकती है कि भारत के अन्य राज्यों के लोग भी कश्मीर में जाकर वहां की विकास प्रक्रिया में पूर्ण रूप से शामिल हो सकते हैं। घाटी में खासतौर से इस बात को लेकर डर रहा है कि अगर ऐसा कदम उठाया जाएगा तो फिर कश्मीर की जनसांख्यिकी में बदलाव आ सकता है। ये आशंकाएं सही नहीं हैं। भारत के अन्य प्रदेशों के लोग किसी कतार में नहीं खड़े हैं कि वे जल्द से जल्द कश्मीर में जा बसेंगे। ऐसे में फौरी तौर पर ही नहीं, बल्कि भविष्य में भी घाटी की जनता को यह आश्वासन दिलाने की महती आवश्यकता है कि न केंद्र सरकार और न ही कोई अन्य राजनीतिक शक्ति उनके धर्म या उनकी परंपराओं में किसी तरह का हस्तक्षेप करना

दुरुस्त हुई एक ऐतिहासिक गलती

आखिरकार दशकों के इंतजार के बाद जम्मू-कश्मीर के भारत में पूर्ण एकीकरण की दिशा में एक बड़ा कदम उठा लिया गया। इससे एक ऐतिहासिक गलती को ठीक किया गया। गत दिवस गृहमंत्री अमित शाह ने राज्यसभा में अनुच्छेद 370 को हटाने का संकल्प पत्र पेश किया। इस हेतु केंद्रीय कैबिनेट की सिफारिश पर राष्ट्रपति ने एक आदेश जारी कर भारतीय संविधान के सभी प्रावधानों को जम्मू-कश्मीर राज्य पर लागू कर दिया। चूंकि अनुच्छेद 370 के तहत ऐसा करने के लिए जम्मू-कश्मीर संविधान सभा की सिफारिश की आवश्यकता होती इसलिए राष्ट्रपति ने संविधान के निर्वचन के लिए प्रदत्त अनुच्छेद 367 में एक धारा जोड़ते हुए कहा कि जम्मू-कश्मीर संविधान सभा से आशय राज्य विधानसभा समझा जाएगा। इसके साथ ही जम्मू-कश्मीर में संविधान सभा देवारा बुलाने की संभावना और जरूरत समाप्त हो गई। चूंकि फिलहाल राज्य में विधासभा भंग है और वहां राज्यपाल शासन लागू है इसलिए विधायी शक्तियां राज्यपाल में निहित हैं। यह भी उल्लेखनीय है कि राज्यपाल के केंद्र का प्रतिनिधि होने के कारण उसकी शक्तियां संसद में निहित हैं। यहाँ यह समझना जरूरी है कि अनुच्छेद 370 को संवैधानिक पेशीदगियों के चलते संवैधानिक जंजामन करके खत्म नहीं किया गया और न ही उसमें संशोधन किया गया, बल्कि सरकार ने इसी अनुच्छेद का इस्तेमाल कर इसके प्रावधानों का अर्थ बदल दिया।

एक तरह से अनुच्छेद 370 का संवैधानिक शुद्धिकरण करने की कोशिश की गई ताकि यह जम्मू कश्मीर के भारत में पूर्ण एकीकरण में बाधा न रह जाए। भविष्य में इस संबंध में कुछ और कानूनी कदम उठाए जा सकते हैं, क्योंकि बीते सात दशकों में विंसंगतियों की सूची काफी लंबी हो चुकी है। इसके साथ ही अनुच्छेद 35ए जैसे प्रावधान जिसके तहत जम्मू-कश्मीर राज्य को मूल निवासी की परिभाषा तय करने की शक्ति प्राप्त थी, के भी समाप्त होने का रास्ता खुल गया। अनुच्छेद 35ए के निष्प्रभावी होने बाद अब कोई भी भारतीय नागरिक जम्मू कश्मीर में बस सकेगा और संपत्ति भी खरीद पाएगा। यह देखने वाली बात होगी कि इन संवैधानिक बदलावों का सुप्रििम कोर्ट में अनुच्छेद 35ए को लेकर लंबित याचिकाओं पर क्या असर होगा, लेकिन यह उल्लेखनीय है कि गृहमंत्री ने जम्मू-कश्मीर राज्य पुनर्गठन विधेयक भी पेश कर दिया है। इसके पारित होने पर सामरिक रूप से बेहद महत्वपूर्ण लद्दाख को केंद्र शासित राज्य बन जाएगा, जिसमें कोई



दिव्य कुमार सोती



विधानसभा नहीं होगी। लद्दाख में पहले ही हिल कार्डसिल को काफी अधिकार प्राप्त हैं और संभावना है कि उन्हें जारी रखा जाए। लद्दाख क्षेत्र के लोगों की लंबे समय से यह मांग थी कि लद्दाख को जम्मू-कश्मीर से अलग कर केंद्र शासित प्रदेश का दर्जा दिया जाए। लद्दाख के भूभाग पर चीन भी दावा जताता रहा है। फिलहाल सामरिक रूप से अतिसंवेदनशील इस क्षेत्र का प्रशासन एक आइएएस अधिकारी के हाथ में होता है। अब इस क्षेत्र को उपराज्यपाल और मुख्य सचिव चलाएंगे।

जबसे कश्मीर में अलगाववाद की समस्या शुरू हुई तबसे जम्मू आधारित पार्टियों और सामाजिक संगठनों की यह मांग रही कि उन्हें कश्मीर से अलगकर पूर्ण राज्य का दर्जा दे दिया जाए। इसके लिए प्रजा परिषद जैसी जम्मू की पार्टियां बड़े आंदोलन भी कर चुकी हैं। इसके अलावा विस्थापित कश्मीरी पंडित भी अपने लिए एक छोटे केंद्र शासित प्रदेश की मांग करते रहे हैं। इसके विरोधी इसे सांप्रदायिक आधार पर राज्य को बांटने की योजना बनाकर इसकी आलोचना करते रहे। इस मांग को मानने में एक जोखिम यह था कि मुस्लिम बहुल कश्मीर के पूरी तरह अलग राज्य होने पर अन्य समुदायों का वहां के शासन में दखल बिल्कुल ही समाप्त हो जाए। शायद इसीलिए



अवधेश राजगुट

चाहती है। हां, अलगाववाद को कभी मंजूर नहीं किया जा सकता और धार्मिक कट्टरपंथी तत्वों पर नियंत्रण रखना और कट्टरपंथी विचारधारा को समाप्त करना जरूरी है। पाकिस्तान के ‘फिफथ कॉलम’ यानी पाकिस्तानपरस्त तत्वों को भी खत्म करना है, लेकिन सरकार का दायित्व है कि वह कश्मीर की आम जनता को विकास का बोसा दिलाते हुए यह भी विश्वास दिलाए कि उसके रोजमर्रा के जीवन में भी कोई दखलंदाजी नहीं होगी।

यह साफ है कि कश्मीर के राजनीतिक वर्ग पर सरकार ने एक बहुत बड़ा प्रहार किया है। इसी कारण अपने सभी मतभेदों को भुलाते हुए वे एकजुट हो गए हैं। वास्तव में यह वह राजनीतिक वर्ग है जो स्वतंत्रता के बाद भारत सरकार और शेष अब्दुल्ला के बीच हुए समझौते के बाद अस्तित्व में आया। उस कगर के तहत अब्दुल्ला ने कश्मीर को स्वतंत्र भारत का एक हिस्सा माना और कश्मीर के लिए स्वतंत्रता का दावा त्याग दिया। इसके बदले जम्मू-कश्मीर का विलय भारत में स्वायत्तता की शर्त पर हुआ। स्वतंत्रता और स्वायत्तता में जमीन-आसमान का फर्क है। 1953 में

मोदी सरकार ने जम्मू और कश्मीर को साथ ही रखते हुए उसे केंद्र शासित राज्य का दर्जा देने की व्यवस्था की। इसी के साथ प्रदेश में परिसीमन का रास्ता भी साफ हो गया, जिसे कश्मीर की पार्टियों ने सत्ता में प्रस्ताव लाकर 2026 तक टाल दिया था जबकि पूरे देश में 2006 में परिसीमन हुआ था। मोदी सरकार के ताजा फैसले के बाद जम्मू कश्मीर में चुनी हुई लोकतांत्रिक सरकार तो होगी, पर दिल्ली सरकार की तरह कई महत्वपूर्ण अधिकार उसके पास नहीं होंगे। इससे केंद्र सरकार को आतंकवाद को कुचलने में मदद मिलेगी।

अनुच्छेद 370, 35-ए और परिसीमन के जरिये घाटी के नेताओं ने कश्मीर में जेहाद को संरक्षण देकर कई गंभीर समस्याएं पैदा कीं। इन समस्याओं ने कश्मीर को हर प्रकार की देश विरोधी गतिविधि का गढ़ बना डाला और पाकिस्तान को भारत के अंदर युद्ध छेड़ने का मैदान मुहैया कराया। इसके चलते पिछले सात दशकों में हमें हजारों सैनिकों और नागरिकों को गंवाना पड़ा। अनुच्छेद 370 और 35-ए जैसे संवैधानिक प्रावधानों का लाभ उठाकर ही ऐसी स्थिति पैदा की गई कि लाखों कश्मीरी पंडितों और सिखों को रातोंरात अपना घरबार छोड़कर भागना पड़ा। 1947 में पाकिस्तान से विस्थापित होकर आए शरणार्थियों को पूरे देश में नागरिकता मिल गई, लेकिन जम्मू-कश्मीर पर सात दशक से राज करते रहे घाटी के नेताओं ने वहां यह भी नहीं होने दिया। अन्याय की हद तब हुई जब कश्मीरी नेताओं ने विस्थापित कश्मीरी पंडितों के लिए कुछ कालोनियां तक नहीं बनने दीं। यही नहीं घोर सांप्रदायिक माहौल ने घाटी में कट्टरपंथ को इतनी हवा दी कि बात अलगाववाद से आगे बढ़ती-बढ़ती बुरहान वाली और जाकिर मुसा के जरिये कश्मीरी युवाओं को गगनदादी के इस्लामिक स्टेट जैसे शासन के सपने दिखाने तक आ गई। कश्मीर की मसिंजद राजनीति का केंद्र बना दी गई और कश्मीरी युवाओं का शेष भारत से संवाद तकरोबन खत्म कर दिया गया। इसका असर यह हुआ कि घाटी के युवाओं का जेहादी विचारों के अलावा किसी और प्रकार के विचारों के संपर्क ही खत्म हो गया। उम्मीद की जाती है कि ताजा संवैधानिक बदलावों के बाद शेष भारत के लोगों का वहां आना-जाना, बसना और व्यापार करना बढ़ेगा जिससे घाटी में ताजा हवा के झोंके आएंगे।

(लेखक कार्डसिल ऑफ स्टेटेडिजल अफेयर्स से संबद्ध सामरिक विश्लेषक हैं)

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है। पाकिस्तान सरकार ने एलान किया है कि वह पूरी कोशिश करेगी कि भारत इन कदमों को वापस ले। पाक इस्लामिक देशों के संगठन यानी ओआइसी का दरवाजा पहले ही खटखटा चुका है। सुरक्षा परिषद में भी वह इस मुद्दे को उठाने की कोशिश करेगा। राष्ट्रपति ट्रंप सहित दुनिया के अन्य दिग्गज नेताओं पर भी इसमें हस्तक्षेप का दबाव डालेगा। वह यह भी दुष्प्रचार करेगा कि भारत के इस फैसले से दोनों देशों के बीच तनाव बढ़ेगा जिससे विश्व शांति खलव में पड़ सकती है। वह अपने प्रतिनिधिमंडल भेजकर महाशक्तियों की दृष्टि कश्मीर पर केंद्रित करने की कोशिश कर सकता है। संभव है कि पाक सरकार ट्रंप को यह संदेश भेजे कि मौजूदा हालात में वह उससे अफगाना मसले पर सहयोग की अपेक्षा न करे, क्योंकि अब उसका पूरा ध्यान अपने पूर्वी मोर्चे पर होगा।

भारत सरकार ने राजनीतिक इच्छाशक्ति का प्रदर्शन किया है, लेकिन राज्य में ऐसे राजनीतिक तत्व थे जिन्हें स्वायत्तता मंजूर थी और उन्होंने भारत सरकार के साथ सहयोग जारी रखा। 1971 के बाद कश्मीर की राजनीति ने नई करवट ली और शेष अब्दुल्ला ने स्वतंत्रता का सपना छोड़ दिया और भारत सरकार के साथ समझौता करके राज्य सरकार की बागडोर संभाली। चार दशकों से ज्यादा की इस अवधि में भारत सरकार ने कश्मीर की बुनियादी संवैधानिक स्वायत्तता कायम रखी जिसकी वजह से वहां के राजनीतिक वर्ग को यह भरोसा हुआ कि यह यथास्थिति बरकरार रहेगी। शायद उन्होंने संघ परिवार की कश्मीर को लेकर विचारधारा को नजरंदाज किया। इसी कारण राज्य की सियासी विवादती को लग रहा है कि उसने भारत सरकार से स्वायत्तता को लेकर जो सहमति वाला समझौता किया था उसमें अब उसके साथ विश्वासघात हुआ है। यह सोच गलत है।

कश्मीर के संवैधानिक परिवर्तन से पाकिस्तान व्याकुल के साथ-साथ क्रोधित भी



परिवर्तन

किसी पुष्प की कली के प्रस्फुटन और एक शिशु के इस धरती पर प्रादुर्भाव के बारे में सृजनीदगी से सोचें तो यह सत्य समझने दर नहीं लगती है कि ये दोनों कोई सामान्य कुदरती घटनाएं नहीं हैं। इन दोनों घटनाओं की कोख में दुनिया की धारणीयता और ब्रह्मांड-विस्तार के भ्रूण छुपे हैं। कलियों के प्रस्फुटन में महज एक फूल के समग्र जीवन-चक्र का रहस्य ही नहीं छुपा होता है, बल्कि इसमें कायनात के समस्त जीवों, प्राणियों और पारतों के अस्तित्व की निरंतरता भी जीवित हो उठती है। किसी कली से पुष्प और शिशु से मानव-निर्माण की प्राकृतिक प्रक्रिया में जो सबसे सारगर्भित दर्शन सामने आता है, वह यह जाना चाहता है, परिवर्तन के करवटों से महफूज रहने का हर संभव प्रयास करता है और जीवन में कुछ अप्रत्याशित और अनिर्वाचित घट जाए तो खुद को अभिषणत महसूस करता है। नदियों के पानी के बहाव में आईने सरीखी पारदर्शिता होती है, क्योंकि यह निरंतर बहता रहता है। परिवर्तनों से घबराने वाले व्यक्ति ‘कफर्ट जोन’ में रहना पसंद करते हैं और यही कारण है कि उनके सपनों के संसार का क्षितिज काफी छोटा होता है। वक्त के साथ हर पल बदलने वाला और हवा के बदलते रुख के साथ खुद को समायोजित करके चलने वाला इंसान ही जीवन में उन ख्वाबों को साकार कर पाता है जिनकी चाहत इस धरती पर जन्म लेने वाले हर इंसान को होती है। जीवन चलने का नाम है। जीवन का स्थिर होना ही इसका अवसान है, मृत्यु है। जीवन है तो परिवर्तन है, परिवर्तन की गैर-मौजूदगी ही जीवन का अंत है और यही संसार का नियम है।

श्रीप्रकाश शर्मा

हथियारों की होड़ बढ़ने की आशंका

मजूरा

परमाणु हथियारों के नियंत्रण को लेकर अमेरिका और रूस के बीच 1987 में हुई इंटरमीडिएट रेंज न्यूक्लियर फोर्सेज (आइएनएफ) संधि खत्म हो गई है। इस संधि को शीतयुद्ध के तनाव वाले माहौल से दुनिया को शांति और सहअस्तित्व के दौर में लाने का श्रेय दिया जाता है। इससे दुनिया में नए परमाणु हथियारों के विकास की होड़ शुरू होने क अगला का ग डेनाल एलान को अलग कर रहे हैं। इसके बाद बीते एक फरवरी को अमेरिका ने आइएनएफ संधि को निलंबित कर दिया था। जवाब स्वरूप रूस ने भी संधि को निलंबित कर दिया। अब दोनों देश एक-दूसरे को जिम्मेदार बताते हुए औपचारिक तौर पर इस संधि से अलग हो गए हैं।

आइएनएफ संधि पर अमेरिका के तत्कालीन राष्ट्रपति रोनाल्ड रीगन और सोवियत नेता मिखाइल गोर्बाचोव ने हस्ताक्षर किए थे।

आइएनएफ संधि खत्म होने से दुनियामें अंतरिक्ष सैन्यीकरण और परमाणु हथियारों के विकास की होड़ शुरू हो सकती है

इस संधि के तहत मध्यम दूरी यानी 5500 किलोमीटर तक मार करने वाली कई मिसाइलों को प्रतिबंधित किया गया था। अमेरिका का ई वर्षों से ऐसे हथियार इस संधि का उल्लंघन र उसके सहयोगी देशों रा पैदा हो गया है। इस कि खुद अमेरिका नई ना चाह रहा है इसलिए ए बहाना बना रहा है।

समझौता मानता है, लिहाजा वह नए सिरे से संधि करने पर अड़े है। ट्रंप प्रशासन चीन को भी इसमें शामिल करना चाहता है। हालांकि चीन इसमें शामिल होने की बात सिरे से खारिज करता रहा है। ऐसे में इस संधि के टूटने से एक बात साफ है कि परमाणु सशस्त्रीकरण पर अंकुश लगाने वाला दौर अब समाप्त के मुहाने पर है। हथियारों की होड़ का एक नया दौर शुरू होने वाला है। इसकी आशंका इससे मिलती है कि अमेरिका में एक नए अंतरिक्ष बल के गठन के प्रस्ताव पर काम शुरू हो गया है। इसके अलावा फ्रांस ने भी घोषणा किया है कि उसकी एयर फोर्स में जल्द ही एक स्पेस कमान गठित की जाएगी जिसका काम खास तौर पर फ्रांस के उपग्रहों की रक्षा करने का होगा। जॉहिर है जब अमेरिका और रूस जैसे देश संशंकर हथियारों का उत्पादन बढ़ाएंगे को ऐसे माहौल में फिर भी चुप नहीं बैठे रहेंगे। वे भी अपनी ी लेकर सक्रियता दिखाएंगे। दूसरे कह सकते हैं कि शीतयुद्ध से मुक्ति ग तीस साल बाद दुनिया अंतरिक्ष 1 और परमाणु सशस्त्रीकरण के एक ्रवेश कर रही है।

(लेखिका शिक्षिका हैं)

तसलीमा को मिले भारत की नागरिकता

‘पैरों तले जमीन की तलाश’ शीर्षक से लिखा तसलीमा नसरीन का आलेख पढ़ा। उसे पढ़ने के बाद ऐसा महसूस हो रहा है कि सच में हमारी सरकार उनके साथ अच्छा व्यवहार नहीं कर रही है। एक तरफ करोड़ों बांग्लादेशी गैर कानूनी रूप से भारत में रह रहे हैं और दूसरी तरफ एक महिला कानूनी रूप से रहने की इजाजत मांग रही है तो उसे समस्याओं का सामना करना पड़ रहा है। मुझे लगता है कि तसलीमा नसरीन को भारत की नागरिकता मिलनी चाहिए।

अरुण दौक्षित, लखीमपुर

ऐतिहासिक कदम

जम्मू कश्मीर से अनुच्छेद 370 और 35-ए को समाप्त कर मोदी सरकार ने लौह पुरुष सरदार पटेल और श्यामा प्रसाद मुखर्जी के सपने को पूरा करते हुए एक बड़ा ऐतिहासिक कार्य किया है। इस ऐतिहासिक कदम को देश और दुनिया कभी नहीं भूल सकती। यह वही कश्मीर है जो पाकिस्तानी आतंकियों का बड़ा अड्डा बना हुआ है। हर रोज हमले होते रहते हैं। यहां कश्मीरी पंडितों की दर्दनाक व्यथा देखी ही नहीं जाती थी। यही नहीं छत्तीसंहपुरा में सिखों के नरसंहार की दुखद घटना भी भूली नहीं जाती। हद तो तब हो गई जब अपने ही निर्दोष और देश के रक्षक सेना के जवानों को पथरबाजों ने नहीं बरखा। बहहाल सरकार के इस कदम से अब कश्मीर के लोगों का भी विकास होगा, नए-नए कल कारखाने लगेंगे और लोगों को अच्छे रोजगार मिलेगा। अभी तक यहां के लोग सिर्फ टूरिज्म पर ही आश्रित हैं। असल में यह देश में एक नई क्रांति है जिससे निश्चित ही देश की अर्थव्यवस्था आगे बढ़ेगी।

वेद मामूरपुर, नेरला

मेलबावस

विरोधियों का भी मिला समर्थन

प्रधानमंत्री नरेंद्र मोदी के नेतृत्व में लिए गए साहसिक फैसले ने देश के इतिहास को बदल कर रख दिया है। कश्मीर से लेकर कन्याकुमारी तक भारतीय भूगोल के जिस रूप रूप की चर्चा होती है उसे बिना किंटु-परंतु के एक रंग में रंगने का प्रयास 370 को हटाकर किया गया है। इतिहास, भूगोल, समाज, संस्कृति में बदलाव और समन्वय लाकर राष्ट्रवादी भावना को बढ़ाने का प्रयास किया गया है। ऐतिहासिक फैसले, ऐतिहासिक निर्णय ने करोड़ों भारतवासी को खुश कर दिया। हालांकि सामान्य लोगों को इससे क्षणिक कोई लाभ नहीं दिखता, लेकिन हमारी राष्ट्रियता, राष्ट्रवादी भावना और राष्ट्रीय एकता की जब जब बात आएगी तब तब यह फैसला लाभान्वित करने का एहसास दिलाएगा। न केवल 370 को हटाया गया, बल्कि एक साथ चार फैसले लिए गए। लद्दाख को अलग कर केंद्र शासित प्रदेश का दर्जा दिया गया। इसमें कोई शक नहीं कि जिस तरह इंदिरा गांधी के साहसिक फैसले को विरोधियों का भी समर्थन मिलता था, ठीक उसी तरह मोदी कैबिनेट के इस फैसले को बहुत से विरोधियों ने भी समर्थन दिया है। इतिहास में ऐसे साहसिक फैसले यदा कदा ही दिखते हैं।

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बड़ा फैसला

संपादकीय, ‘बड़े फैसले का इंतजार’ अभी खत्म हो गया है। अनुच्छेद 370 को खत्म करने का एलान कर के मोदी

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