



The Indian EXPRESS

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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

Unity in unity

The current paradigm shift in J&K is in tune with the steady centralisation of the state since 2014



CHRISTOPHE JAFFRELOT

THE MANNER IN which the status of Jammu and Kashmir has been transformed is revealing of the political style of the Narendra Modi government, which does not try to build consensus but acts unilaterally in the name of efficacy — a method that had already been used at the time of demonetisation. The present episode offers a good illustration of India's journey towards an illiberal form of democracy as the government intends to amend the Constitution on the basis of a presidential order. But it has larger implications, as it may mark a turning point towards the making of an ethnic unitary state.

The Jammu and Kashmir Reorganisation Bill 2019 is the first legislation substantially affecting the Constitution since the BJP's rise to power in 2014. So far, its majoritarian ideology had found expression in non-official moves, including campaigns against cow slaughter, "love jihad", conversion, etc. These campaigns, and the violence that accompanied them, including lynchings, had created a sentiment of vulnerability among minorities. The present move is qualitatively different because the state commits itself to the making of a majoritarian nation.

The Hindu nationalist movement never reconciled itself with this form of diversity. As early as 1950, the Praja Parishad, which represented the Dogra community (mostly made of Hindu landlords), and which was to represent the Bharatiya Jana Sangh in J&K after the party was formed in 1951, opposed Article 370. In 1952, it launched the agitation that the BJS president, S P Mookerjee, was to join in 1953 — during which he met a mysterious death. The RSS chief, M S Golwalkar, supported this Kashmir aandolan in the name of national integration.

His successor, Mohan Bhagwat, more than 60 years later, is thinking along the same lines. During his 2017 Vijaya Dashami speech, he said, referring to J&K: "Necessary constitutional amendments will have to be made and old provisions will have to be changed in that state. Only when the constitutional amendments are done can the residents of J&K be completely assimilated with the rest of Bharat and their equal cooperation and share will be possible in the national progress." This view of the nation calls to mind Mookerjee's trilogy during the Kashmir aandolan — "One country, one emblem and one Constitution"

— which had clear affinities with Savarkar's definition of Indian nationalism, "Hindustan, Hindi, Hindudom". One of the few BJP leaders who thought otherwise was A B Vajpayee, who believed in another trilogy, "Kashmiriyat, Jamhooriyat, Insianiyat".

For most Hindu nationalists, to give autonomy to Kashmiris prepared the ground for separatist demands, while Congress leaders, including Nehru and Patel, held that Article 370 would help contain separatism. For their liberal heirs, separatism developed because New Delhi betrayed its promises by not implementing Article 370 and by curtailing J&K's autonomy after 1954. The Hindu nationalists' views have been shared, gradually, by many sympathisers, including Jagmohan and Ajit Doval who once said about the Kashmiris: "Once you accepted... (that) they were different, you sowed the seeds of separatism".

For Hindu nationalists, cultural difference should not find any public expression and result in any official recognition: The identity of the nation has to be uniform and those who are different need to be assimilated. The integration process they long for is similar to those that European nation-states have pursued and which has generally implied coercion and violence — including recurring pogroms and forms of genocidal oppression, like in Vendée, a Catholic region of France which resisted the post-revolutionary regime from the late 18th century onwards. So far, India had opted for another model which, at least on paper, and therefore in the text of the Constitution, acknowledged and even valorised diversity — a model the late social scientist Ravinder Kumar called a "civilisation state".

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The Sangh Parivar is more favourably inclined towards a unitary state, where differences will be erased. Federalism, which has been enshrined in the Indian Constitution for accommodating territorial diversity, is viewed with suspicion by Hindu nationalists who define Akhand Bharat as a "punya bhoomi", a sacred land harking back to the Vedic era. They see federalism as potentially conducive to separatism. In the mid-1950s, the RSS opposed the redrawing of the administrative map of India according to linguistic criteria. On January 26, 1956, the Republic Day issue of *Organiser* demanded "the abolition of autonomous linguistic states with their emphasis on regionalism and their danger-

ous potential for secession". One may argue that, on the contrary, the creation of linguistic states diffused centrifugal forces and that Nehru, who was against this reform to begin with, understood its *raison d'être*, as a real visionary, in contrast to Ayub Khan who, following in the footsteps of Jinnah and the One Unit Scheme, fostered Bengali separatism by over-centralising the Pakistani state.

The Hindutva forces may make the same mistake today. While Union Territories have been transformed into states, the Modi government is not only abolishing the special status of J&K, but it is demoting it by transforming its two successor states into Union Territories. This paradigmatic shift is well in tune with the centralisation of the Indian state initiated by the Modi government since 2014.

Since then, the Centre has asserted its prerogative at the expense of the states. The centrally sponsored schemes that Narendra Modi used to criticise when he was chief minister have gained momentum. The terms of reference of the Finance Commission, for the first time, mention that the criteria presiding over this distribution of funds will now include the states' "achievements in implementation of flagship schemes of government of India." Similarly, the GST is monitored by a Council where the states have only two-thirds of the voting rights. Since any decision can only be made in the GST Council if it gets 75 per cent of the votes, the law gives a veto power to New Delhi, which can prevail if it gets the support of only 19 states.

The two trends — obliteration of cultural differences and state centralisation — that are well illustrated by the way J&K has been dealt with, may impact policies vis-à-vis other states and other domains. For instance, Hindi may be promoted at the expense of linguistic diversity more decisively. Reforms promoted in the name of development and national unity are not easy to fight for the Opposition. Who's prepared to look "anti-national"? But the efficacy of these changes remains to be seen. In the long run, uniformity may prevail. But in the meantime, tensions will probably increase because of identity clashes.

Jaffrelot is senior research fellow at CERIS-Sciences Po/CNRS, Paris, professor of Indian Politics and Sociology at King's India Institute, London

UNLOCK THE VALLEY

J&K Reorganisation Bill is now law. The hard labour of politics must begin — with restoring people's basic rights in the Valley

WITH PARLIAMENT APPROVING the revocation of the Constitution's provision of special status to Jammu & Kashmir, and division of the state into two Union Territories, the Narendra Modi regime has its task cut out in the Valley. The hard labour of politics must now begin. So far, it has appeared to duck that challenge, first by taking a momentous decision that redraws the map of Jammu and Kashmir without wider consultations and then by announcing it as a virtual fait accompli in Parliament after imposing a severe clampdown in the Valley, cutting off phones and the internet, placing political leaders, including two former chief ministers, under house arrest and declaring a curfew. Right through his speech in the Lok Sabha on Tuesday, Union Home Minister Amit Shah spoke of Article 370 as a historic blunder, creating a divide between Kashmir and the rest of India, benefiting a corrupt and entitled few and perpetuating deprivations for the majority. He spoke of their special status so far as a curse for the Kashmiri people, and of the Modi government's project as one of empowering them, delivering to them the rights that are available to their fellow citizens. On Monday, he told the Rajya Sabha, "I want to tell the youth of Kashmir Valley that have faith in the Narendra Modi government. Nothing negative will happen. All these (Opposition) people are telling you lies for their own politics. Don't listen to them". Whether they are convinced or comforted by Shah's words, however, is a question that can begin to be answered only when the people are allowed to come out of their homes, speak to each other, get their phone connections back.

As Day 2 of the restrictions segue into Day 3, the Centre must recognise that the need to engage the people of Kashmir is urgent and that that can ill afford to deepen the impression that it is imposing a decision that gravely impacts their lives, by force. It has demonstrated political support for its move, summoning the numbers not just in the Lok Sabha which it dominates, but also in the Upper House, where it still lacks a majority. It has caused cracks in the ranks of the Opposition, including within the Congress — more and more of its leaders are speaking in support of the Government's move. But there can be no room for triumphalism.

An ambitious political project such as the one in which the government apparently situates this decision on Kashmir demands arduous work. To win the trust of an alienated population kept in the dark needs an openness to all voices, including those of dissent. Security cannot be an alibi to muffle these voices. For starters, Omar Abdullah, Mehbooba Mufti and Sajjad Lone must be released, and access to communication and freedom of movement and expression in the Valley restored. That is the first step in the long way forward.

THE BATTLE CONTINUES

As China allows yuan to fall, US labels it a currency manipulator, lowering expectations of a resolution to the trade war

ON MONDAY, THE US formally labeled China a currency manipulator after Beijing allowed its currency to fall to an 11-year low — below the psychological mark of 7 per dollar. This comes after US president Donald Trump accused China of weakening its currency to create an unfair trade advantage. Though the decision to label China is largely symbolic — it will be followed up by consultations between the US Treasury and China — it marks an escalation in the ongoing trade war. These developments suggest a hardening of positions between the warring parties, belying expectations of a resolution.

To be labeled a currency manipulator, a country is measured, and seen to have failed, on three parameters — its current account surplus, trade surplus with the US, and interventions in the currency market. Despite the US Treasury's charge against China, the allegation of currency manipulation today is weak at best. As economists at the Peterson Institute For International Economics have pointed out: "China was by far the largest currency manipulator between 2003-12. It reversed that practice in 2015-16." In fact, in its External Sector Report released last month, even the International Monetary Fund noted that China's external assessment is moving from "moderately stronger to broadly in line". But though China has said that the "devaluation reflects pressure on the exchange rate stemming from the US decision" and that it has "refused to engage in competitive devaluation", other countries which compete with China might follow suit — weakening their currencies in order to maintain their competitiveness — triggering off a currency war.

In India, too, some have argued in favour of a weak currency — going by the RBI's real effective exchange rate (REER), the currency is overvalued. But at the current juncture it may be prudent to avoid getting caught in these wars. Instead, the focus should be on addressing the deeper structural issues that affect export competitiveness. Resolving issues regarding taxation and tax administration, reducing policy uncertainty, carrying out reforms to boost exports, especially of labour intensive sectors, and creating conditions for greater integration with global supply chains, should be the pressing concern of the government.

CITY STORIES

Delhi's oral history project will enable a richer representation of the city than allowed by official records, written documents

INDIA'S RICH HISTORIOGRAPHY comes up short when it comes to events after Independence. There are, of course, academic studies on landmark social, economic and political developments and our understanding of several episodes in the country after 1947 has been enriched by memoirs and chronicles. But the contemporary Indian history section of most libraries have few works that bear the imprint of the historian's craft. Much of the problem, historians argue, owes to the colonial-era Official Secrets Act, which keeps away a large number of documents from scholarly scrutiny. But history writing is not just about official records. It's also about people's lives — their reaction to momentous events, their family recipes, how they carry out their businesses or compose poetry, music and songs. On Tuesday, the Delhi government gave an impetus to such history writing by launching a programme that will collect more than 100 interviews, which will bring alive the changing nature of the capital city over seven decades.

The Delhi government's Oral History Programme, in partnership with Ambedkar University, actually revives a three-decade old project of the Delhi Archives. In the 1980s, the official repository of the city's records began an oral history programme that interviewed eminent personalities, including Gulzarilal Nanda, who served as the acting prime minister of the country twice, and Sushila Nayyar, a close aide of Mahatma Gandhi. But the project was stopped after 56 eminent people were interviewed. This time the ambit of the archives will be expanded to include ordinary people. This digitised repository of their lived experiences will help us gain insight into the relationship of people with their city.

Delhi is much more than the country's capital. It's the site of interesting experiments in entrepreneurship, pedagogy, gastronomy and architecture, a melting pot of cultures as well as a battleground for conflicts. Written works can capture only a fraction of these facets. The oral history project could be the harbinger of a richer representation of the city. Of course, those scanning these archives will have to remember that adage of oral history: People only choose to tell some stories, not all.



RITU MENON

I GOT UP this morning with the inexplicable apprehension that I had woken up in another country — unfamiliar, and somehow hostile. It was accompanied by a profoundly unsettling feeling of un-belonging, of being cast adrift. The country I was born in, in 1948, was a country torn asunder, but growing up in it I felt — even when very young, very immature — a sense of its difference from other countries. Was it that its own sense of its tryst with destiny spread to us through osmosis, or did we actually think that we had something unique to offer the world? An experiment that was bold and unattempted so far, an exercise in democracy and nation-building that was grounded in and built on principles that, politically speaking, were certainly new — non-violent co-existence, non-alignment, non-sectarian, non-communal, egalitarian, plural — in a semi-feudal society. That there was something we were aspiring to that was untested, but that it was a challenge we were equal to.

As a family, we had a particular connect with Kashmir. My maternal grandfather in Lahore was forest contractor to the sard-i-riyasat, and spent long spells in the state. My mother and aunts spent every summer in Pahalgam or Gulmarg, as Kashmir and Murree were the favoured hill stations for pre-Partition Punjab. My parents, siblings, and I

UN-BELONGING

This India is unrecognisable from the one I grew up in

did the same, post-Partition till I left university. My father, a pilot, had helped evacuate several families into and out of the Valley in those terrible days of 1947 and 1948, and the waiters at Harry Nedou's hotel in Srinagar, where we stayed, never allowed him to forget what they owed him.

We are a Partition family and, like millions of others, our family history was prefixed and suffixed by "before-Partition" and "after-Partition". My grandmother walked out of her house in Lahore, carrying only one change of clothes and some cash and jewellery. She left the house keys with a neighbour, saying "I'll be back soon". She never returned. And never felt the country she was living in now, was home. Unsettled, was how she put it.

My parents, siblings, and I did the same, post-Partition till I left university. My father, a pilot, had helped evacuate several families into and out of the Valley in those terrible days of 1947 and 1948, and the waiters at Harry Nedou's hotel in Srinagar, where we stayed, never allowed him to forget what they owed him.

Much later, I spent 10 years trying to understand Partition, not how and why it happened, but how it played out in people's lives. What was nation? Country? Who belonged, who didn't? How did people define themselves? How do we? Which identity did we, and do we, claim? An aunt who had married a Muslim, pre-Partition, opted to live in Pakistan; she changed her name, but when she was asked whether she was Indian or Pakistani, she replied, "Either, neither, or both".

In Kashmir in 1974, we were taken aback when a couple of shopkeepers asked if we

were "from India". But then, people from the Northeast have been treated like outsiders for decades, so we shouldn't have felt discomfited by the question. On the other hand, in Jammu in 1992, we met many Sikh families who had migrated from Muzaffarabad in PoK in 1947, who told us that they visited Muzaffarabad frequently, and felt very much at home.

The country I woke up to this morning is unrecognisable as the one I was born in. It has such a diminished sense of itself that it has set the meanest limits to decide who belongs and who doesn't. Ill at ease with a capacious and confident embracing of difference, it demands compliance with cast-iron definitions of self and other. Fuelled by testosterone, it has flexed its muscles against someone less than half its size, adopting the shameful tactics of the bully. But it should know that you cannot bludgeon anyone into a sense of belonging.

I understand now why my grandmother felt she didn't quite belong — all the constants she had lived by had been dismantled, and her sense of who and where she was, had been wrenched out of recognition. I had much the same feeling when I woke up this morning. What a tragedy it would be if the country I will die in, were to become the kind of country I may not want to be born in.

The writer is with Women Unlimited, Delhi



AUGUST 7, 1979, FORTY YEARS AGO

CURB RSS SHAKHAS
DEPUTY PRIME MINISTER Y B Chavan said in Delhi that he would be suggesting to the state governments that they should ban the holding of RSS "shakhas" (drills) in public places. Some states like Uttar Pradesh and Kerala had already prohibited these "shakhas" as these created apprehensions among minorities. Chavan said other states should also fall in line with UP and Kerala. Chavan, however, made it clear that the new government is not thinking in terms of clamping a ban on the RSS or other organisations like the Jamaat-e-Islami. He said banning such organisations would be counter-productive. "Banning the RSS or the

Jamaat-e-Islami is not on my agenda. I believe in isolating them and exposing their communal ideology."

NORMALCY IN KABUL
LIFE IN KABUL, the Afghan capital, returned to almost normal after loyal troops crushed an apparent rebellion in a city garrison, according to information reaching the Pakistani border city of Peshawar. But the Bala Hissar fort area, which was the scene of fierce fighting, continued to be sealed off by troops and tanks. Markets opened as usual this morning after the night-long curfew imposed after the fighting. A Pakistan-government spokesman dismissed as "absolutely false

and baseless" the Afghan government's accusation that "Iranian and Pakistani infiltrators" and their local agents and "reactionaries and counterrevolutionaries" were behind the fighting.

NEW VP
M HIDAYATULLAH, FORMER chief justice of the Supreme Court, will be the new Vice-President of India. His election to the office, unopposed, will be declared tomorrow as only his nomination paper out of the nominations filed by 11 candidates, fulfilled the requirements under the law. The scrutiny of nomination papers of all candidates would be done at 11 am tomorrow.

WHAT THE OTHERS SAY

"The special status Kashmir enjoyed since 1954 was basically a measure that guarded against any attempt at changing demography... Its abolition could mean an invasion of the Valley sponsored by the BJP." —DAWN

The state has its reasons

A soft solution to the Kashmir dispute has had no takers in India and Pakistan since 2014. The changing global environment may have influenced New Delhi to opt for a hard solution



SANJAYA BARU

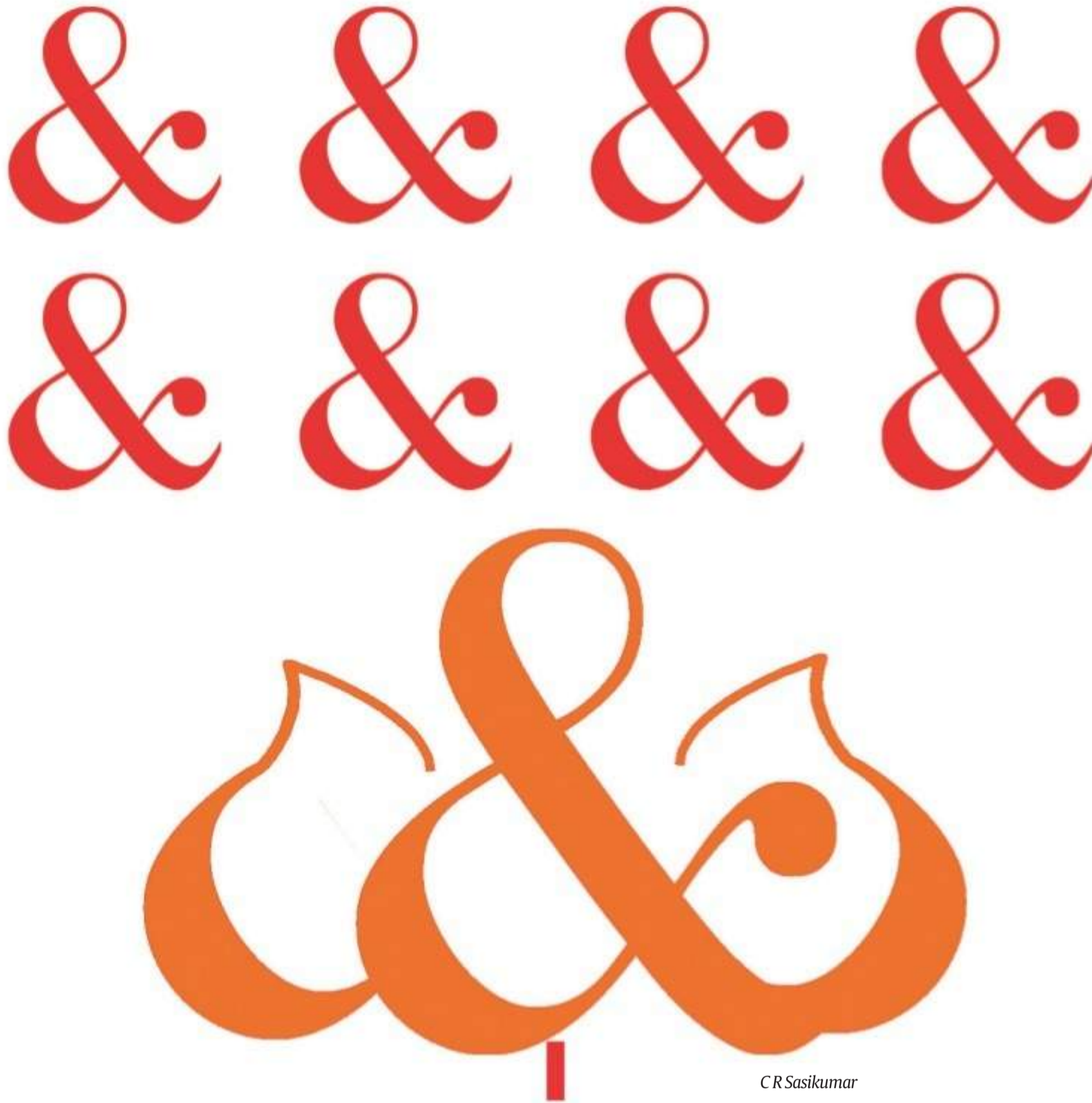
FOR OVER SEVEN decades, the status of the state of Jammu and Kashmir has been masked in ambiguity and deceit. Successive governments of both India and Pakistan had tried but failed to arrive at an amicable "final solution" because of the play of vested interests on both sides. These attempts over time shaped two potential routes to a resolution. One may be termed the "hard" option and the other the "soft" option. Pakistan tried the hard option of occupying territory as early as in 1947, when it sent troops into the erstwhile kingdom of Jammu and Kashmir and grabbed territory. It tried the hard option a second time, but failed, in 1998 when it crossed the Line of Control (LoC) at Kargil.

It was only after these attempts at a military solution on the part of Pakistan failed that the two countries began considering the "soft" options. Prime Minister Atal Bihari Vajpayee took the first step in defining a final "soft" solution when he gave currency to the idea that the LoC could be defined as the "international border" (IB). Picking up the baton, Prime Minister Manmohan Singh pursued that option through the longest uninterrupted dialogue with a Pakistani head of state. The dialogue with President Pervez Musharraf conducted largely through a back channel yielded an outcome that came to define the "soft option". Singh's aide diplomat Satinder K Lambah offered a glimpse of that option in a lecture delivered in Srinagar on May 14, 2014, at the tail end of Singh's tenure.

The Manmohan-Musharraf formula was based on the premise that terrorism and cross-border attacks would cease, and the LoC would become the IB. In Kashmir, it would be a soft border that would enable Kashmiris on both sides to travel to and fro. It advocated free trade across the border, and "self-governance for internal management in all areas on the same basis on both sides of the LoC". Once such a benign environment was established, both sides would reduce to the bare minimum the presence of their respective militaries on their side of the border.

All those ideas belong to a distant past. First, Musharraf in Pakistan and then Singh in India lost whatever little support they may have had at home to pursue this "soft" solution. The Mumbai terror attack in November 2008 and the reaction at home to the joint statement that Singh penned along with his Pakistani counterpart Yousuf Raza Gillani at Sharm El Sheikh in July 2009, queered the pitch for the burial of the soft solution. It was, however, Pakistan's military and headline political leadership that fired the first salvo against the soft solution. In India, the BJP followed suit by rejecting the Manmohan-Musharraf formula.

Since 2014, there have been no takers for the soft solution both in India and Pakistan. On the contrary, attitudes began to harden on both sides. Consequences followed. Relations worsened. In a bizarre display of competitive immaturity, Imran Khan and Donald Trump brought up the issue of Kashmir in a manner that seemed com-



CR Sasikumar

pletely oblivious to the new reality of a "New India". The BJP has had a consistent stand on the future of Jammu and Kashmir and after its massive victory in May 2019, its views ought to have been taken seriously.

More to the point, no credible political leader in Pakistan or India seems interested any longer in turning the clock back to pursue the now abandoned soft solution. Faced with the prospect of a renewal of bonhomie between Rawalpindi and the Pentagon, the Pakistani political and military elite have sought to up the ante with sharpened rhetoric on Kashmir. The BJP leadership, buoyed by a landmark victory, was in no mood to indulge their pretence. As one perceptive BJP politician put it to me, India tried all options to resolve the Kashmir issue but nothing yielded a convincing result. The bull had to be taken by its horns and this was an opportune moment.

Critics of the government's action have said it was motivated by a desire to secure land rather than its inhabitants. Every state has to be as mindful of its territory as of its inhabitants. More wars have been fought between nations over land than only over the interests of its peoples. Even Abraham Lincoln did not wage a civil war only to define the rights of US citizens but to also define the territorial limits of the US state. A state that cannot define its borders and protect them has no reason to survive. Forget distant history, in the post-War

While the BJP may have had its own political reasons to take the steps it took this week, the Indian state too has its reasons. Having exhausted soft options, a hard solution has been opted for. It is significant that most political parties, including many senior leaders of the Congress, have backed the government's action. They are not necessarily defending the government but are defending the interests of the Indian state.

period we have seen states appear and disappear, acquire and lose territory. There are still those who imagine the Indian state will not be able to keep and defend all of the territory it possesses. Books have been written on the eventual balkanisation of India.

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It is said India is an ancient civilisation but a new nation. The Republic of India has had all the anxieties of an adolescent nation. It has tried both soft and hard solutions to define its borders. The only remaining unresolved issues are with Pakistan and China. With China a negotiated settlement is still possible since its leadership has demonstrated greater maturity in dealing with India. Pakistan too could have secured a peaceful resolution by ceasing to make India more anxious about its security. In choosing not to do so it opened the door to BJP's hard solution.

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Equality at last

Triple Talaq Bill passage is a transformative point in India's socio-political context



RAVI SHANKAR PRASAD

FINALLY PARLIAMENT HAS passed the Triple Talaq Bill after three attempts. The kind of jubilation it has caused across the country, barring conservative elements, indicates how it is a proud moment for India. Our country is transforming and the women of India feel empowered.

Triple talaq has never been sanctioned even in Islamic scriptures. During the debate in Parliament, I quoted a very authoritative book on Islamic laws from an eminent jurist, Amir Ali, wherein Prophet Mohammed (PBUH) has been quoted as disapproving of it in the strongest possible terms, and, forcing one of his disciples who had given triple talaq to his wife to accept her again. Despite disapproval from the highest quarters in Islam, and the fact that many Muslim countries following sharia laws also chose to reform it one way or another — including making it penal in many cases — it took more than 70 years in India to not only delegitimise this curse, but also provide for penal consequences. Regrettably, this shows the hold the communal and conservative elements continue to exercise over the country's polity.

However, the India of 2019 is different. India is now being led by Prime Minister Narendra Modi, who even in his first term had firmly declared that this tradition needs to be abolished. Today, I need to salute great women like Shayara Bano and Ishrat Jahan and many others who went to the Supreme Court in 2013 challenging this pernicious practice. When the NDA government came to power in 2014, the prime minister boldly directed me to stand firmly with these women and support their cause. After the Supreme Court judgment set aside triple talaq, many of us had thought that now this practice will come to an end. However, it continued unabated, even on the filmsiest of grounds. I had shared before Parliament a large number of cases that we could gather from the media and other reports, where it was revealed how helpless women (75 per cent of the victims are poor) were driven out by uttering "talaq-talaq-talaq", irrevocably annulling the marriage. When we framed the law we took on board some of the legitimate concerns, namely: The FIR must be filed by the victim/wife or her relations, by blood or marriage, to prevent abuse, and, it must be compoundable. The provision of bail was specifically added, but after hearing the wife. Besides, there are provisions for subsistence allowance and custody of minor children to the wife. It was a very simple and straight legal framework, and yet, the

Congress took a very regressive stand that it should not be made penal at all. Therefore, while formally opposing triple talaq Bill, the Congress was insisting upon a law whereby this curse could go unabated for want of any deterrence.

I must acknowledge that the Congress has played a very significant role in many of the transformative social legislations. The Hindu Marriage Act was enacted in 1955 wherein bigamy (wife or husband marrying during the currency of their spouse) can be punishable upto seven years, and a marriage below the age of 21 (husband) and 18 (wife) was punishable upto two years of imprisonment. The Dowry Prohibition Act was enacted in 1961 and it is religion neutral. In 1983, the Congress government added section 498A in the Indian Penal Code, which provided for punishment for subjecting the wife to cruelty. This was also religion neutral. All these provisions were non-bailable — the Dowry Prohibition Act was made non-bailable and non-compoundable in November, 1986. Surprisingly, despite such a satisfactory track record in correcting social wrongs, the Congress government meekly submitted — in spite of a 400-plus majority in 1986 — to undo a SC judgment giving few hundred rupees of maintenance to Shah Bano. The Congress still remains under the Shah Bano mindset in 2019.

Gender justice has been at the core of the governance priorities of the Modi government. Initiatives like Beti Bachao-Beti Padhao and Sukanya Samridhi Yojana, for instance, have created a sense of empowerment for Indian women. I can understand some of the regional parties for their own compulsions seeking to oppose it. But, for a party like Congress to repeat the Shah Bano model of 1986 in 2019, when the world has changed so much, shows the vice-like grip that the conservative and regressive elements of the Muslim society has over it.

Where are the liberals of India? These self-proclaimed guardians of the country's values who keep on articulating motivated grievances against the Modi government from time to time, just because they do not like him, have chosen not to speak a word on the plight of the many victims of triple talaq. Their hypocrisy stands exposed.

The India of 2019, under PM Modi, is set on a path of reform. The mantra of reform, perform and transform is not only for governance or economy, it extends even to the reforming of society without discrimination or without any reference to vote bank politics. It is this courage and firmness which has brought the Modi government to power again with a bigger majority. While I applaud the leadership of PM Modi who stood firmly behind the victims of triple talaq, it is a matter of personal satisfaction for me that as the law minister, I actively participated in this truly transformative moment for India.

The writer is Union Minister for Law & Justice, Communications, Electronics and IT

LETTERS TO THE EDITOR

NEW REALITIES

THIS REFERS TO the editorial, 'Rupture in history, stitching a future' (IE, August 6). The government's proposals on the Kashmir issue have two parts: The first is to bring necessary legal and constitutional changes and the second is to implement the changes on the ground both in letter and spirit. The first part of the solution seems easier. The political mainstream in the Valley will find it difficult to legitimise itself among the politically conscious masses, hence the national leadership across party lines will have to step in to instill confidence among the people. A new leadership has to come up from among the people of Jammu and Kashmir that accepts the new political reality and see this as an opportunity to forward the genuine aspirations of the people.

Sudip Kumar Dey, Kolkata

THIS REFERS TO the editorial, 'Rupture in history, stitching a future' (IE, August 6). The arrest of two former chief ministers and the subsequent scrapping of Article 370 is a violation of democratic norms. The administration has put the entire state under siege and muzzled the voices of mainstream political parties. The local people were not consulted before this landmark decision.

Anish Esteves, Mumbai

THIS REFERS TO the editorial, 'Rupture in history, stitching a future' (IE, August 6). The government needs to be complimented for practicing what it preached. Articles 370 and 35 A are not to be all and end all for Jammu and Kashmir. The advocates of these articles should explain how they had helped the common man of the state. Jammu and Kashmir is socially and psychologically excluded from the mainstream and is a hotbed for terrorism.

Deepak Singhal, Noida

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

A STITCH IN TIME

THIS REFERS TO the article, 'In the shade of solar trees' (IE, August 5). Installing solar panels will require big investments. The government should trust the business community. The project should be started in time to double farmers' income by 2022.

Akshata Anil, Jaipur

BREACH OF TRUST

THIS REFERS TO the article, 'We are just the beginning' (IE, August 6). The writer has expressed his apprehensions over the undoing of the republic's constitutional values. These were the foundation of the Union's compact with Kashmir. The breach of trust that the Centre's recent actions have caused will leave an indelible mark.

Ritwik Trivedi, Delhi



VIKRAM PATEL

Judgement day

Mental illness often stems from early-life trauma. It's happening in Kashmir

WHEN WE THINK of childhood adversity, we imagine the kind of truly horrible stuff which happened to the character of Bobby in the film *Judgementall Hai Kya*. While I found the film somewhat cringe-worthy, I thought there was at least one figment of a fact which was credible. The protagonist's mental illness was seeded by the trauma she had experienced in her childhood, her violent father and his extreme jealousy, her parents' marital strife and, ultimately, her tragic death. Indeed, adversities in childhood are the most important predictor of our mental health, not only in childhood but throughout our lives.

The most memorable line in William Wordsworth's *The Rainbow*, that the "child is the father of man", is a prescient reminder that each of us is the product of our childhood experiences. This was also the inference that Sigmund Freud made when he claimed, based on his assessments of patients with mental health problems, that the experiences in our childhood profoundly influenced our adult well-being. This scientific observation is — at par with Isaac Newton inferring gravity when the apple bounced on his head — amongst the most important in history. But Freud was wrong about actually how childhood adversity leads to mental health problems. This association is not, as he surmised, because of the monsters lurking in our unconscious but, as neuroscience is now showing us, because the brain is immensely malleable in response to the social

environment in the first two decades of life.

But childhood adversity isn't only about the kind of awful and terrifying experiences that marked Bobby's descent into mental illness. Unremitting fear is the most damaging of all emotional experiences. A vast body of science provides compelling proof of how fear seeps into the deepest recesses of the human brain and leads to profound disturbances in our mental health and, ultimately, in the way we respond to our environments. Its poisonous influence is greatest during childhood; indeed, scientists use the term "toxic stress" to describe the experience of strong, frequent, or prolonged fear on children's emotional development. What makes such stress particularly toxic is that its effects show up not only in the form of disturbed mental health in childhood but also through the full gamut of disturbed mental health in adulthood, including paranoia, self-harm, depression, addiction and aggression.

Perhaps we might take a moment, then, to consider how this science might apply to our fellow citizens who live in the beautiful, if benighted, region of Kashmir. Amidst the growing fear and uncertainty in Kashmir in recent days leading to an exodus of tourists and pilgrims and an influx of paramilitary forces, one particular group of the residents of the region deserve our special attention. A paper by Mohammad Altaf Paul and Waheeda Khan, published in the current issue of the journal *Community Mental Health* should alert us to their needs. They describe

the results of a survey assessing the mental health of a thousand children from 12 schools in Shopian district. They report an astonishing finding: One out of every three of these children had a clinically diagnosable mental disorder, most commonly in the form of mood, anxiety or behavioural disorders. And this study was conducted before the current troubles. Even as all those who have homes somewhere else flee Kashmir, spare a thought for the children who are trapped there, with nowhere to go.

Now, try a thought experiment to illustrate how being caught in a never-ending grindingly oppressive situation might make you feel. Imagine you are 10 years old. You are living in an environment suffused with constant fear of being hurt or humiliated, where the very guardians of your security are threatening and dangerous, and where your parents, who you always looked up to protect you from the worst, are despondent and hopeless. There is no escaping this pressure-cooker, day after day, month after month, year upon year. Imagine what this enduring fear, uncertainty and despair would do to you. Science teaches us that these are exactly the right ingredients to ferment a potent brew of hate, anger and violence in our minds.

Those of us who believe that the youth of Kashmir who line the streets pelting stones or who pursue martyrdom through terror attacks are simply misguided and falling prey to the propaganda of the enemies of India

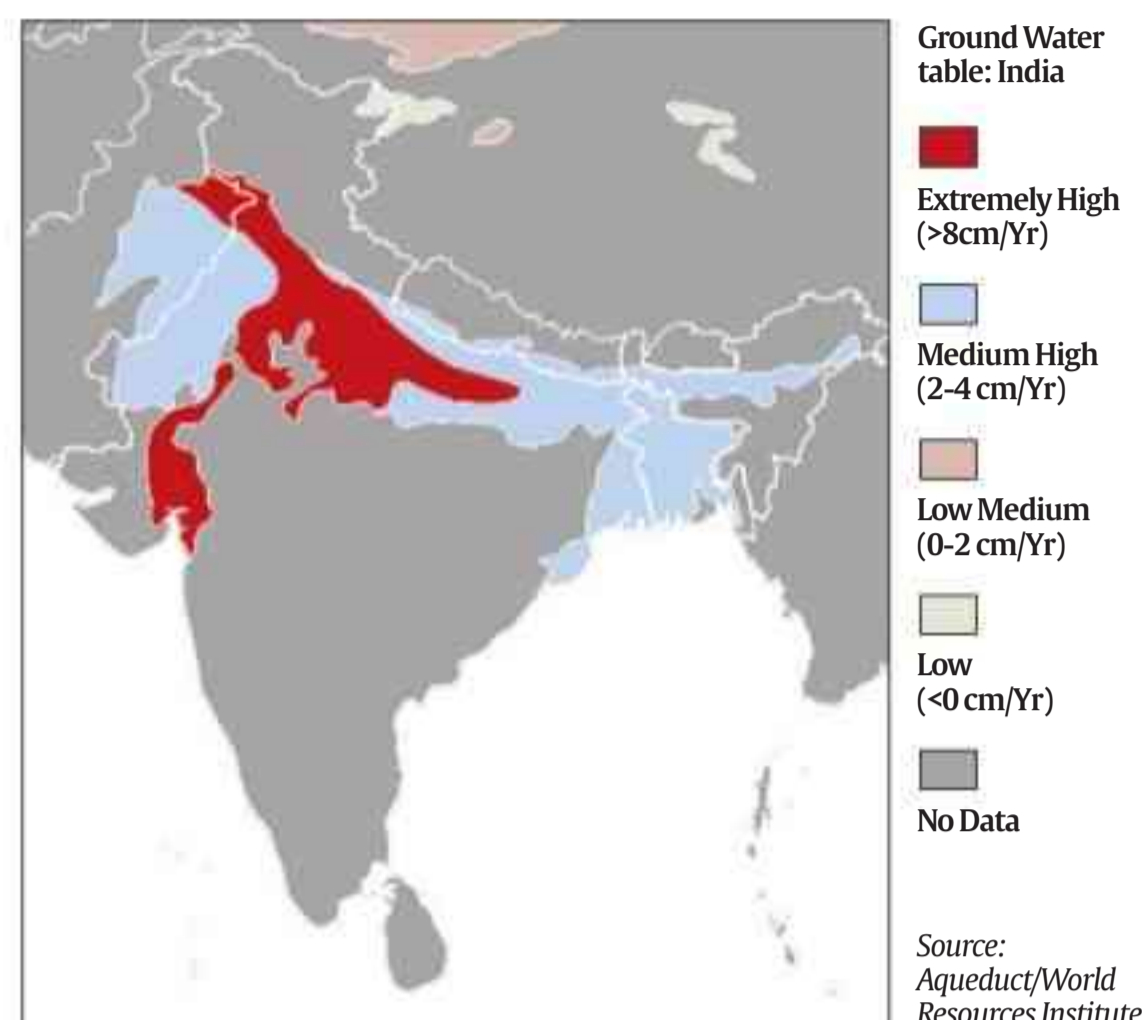
should pause to think about the impact of the toxic environment in Kashmir on the mental health of her children. This mental health crisis, spawned by unrelenting fear of something terrible about to happen, stirred up with the daily stress of being humiliated, trapped and isolated by stringent security policies, will haunt the region for years. Security is, of course, of paramount importance, not least to the people of Kashmir. But security which suffocates minds through fear and uncertainty is worse than a horror, or just plain horrible, movie. At least you know the latter is fiction, one which will end at a definite time and, moreover, one you can walk out of.

We remember youth as the one period in which we were inspired by hope for our own future, and for our community. As a miasma of fear descends upon Kashmir, imagine the impact this would have on the minds of children and young people already damaged by two decades of conflict. This is no Bollywood film screening. The impact should already be plainly visible to the billion plus viewers in the rest of the country, but its pain and suffering will continue to fester, hidden until it ultimately explodes one day, in the minds of Kashmir's children. It will surely continue to breed more anger and violence. And, in the end, it will make any chance of winning their hearts and minds even more remote.

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TELLING NUMBERS

1/4 of world's population faces huge water stress, bulk in India



ONE-QUARTER of the world's population faces "extremely high" levels of baseline water stress, which means that irrigated agriculture, industries, and municipalities withdraw more than 80% of their available supply on average every year, new data from the World Resources Institute (WRI) show. India is 13th among these 17 countries. India has more than three times the population of the other 16 extremely highly stressed countries combined, the WRI noted. This implies that more than three-quarters of these populations facing extremely high water stress live in India. India's water challenges extend beyond Chennai, which was recently reported to have "run out of water". The WRI noted that last year, NITI Aayog declared that the country is "suffering from the worst water crisis in its history, and millions of lives and livelihoods are under threat". In addition to rivers, lakes and streams, India's groundwater resources are severely overdrawn, largely to provide water for irrigation. Groundwater tables in some northern aquifers declined at a rate of more than 8 cm per year between 1990 and 2014. The WRI took note of steps India has taken to mitigate water stress, including setting up the Jal Shakti Ministry. Other solutions India could pursue, the WRI suggested, include more efficient irrigation; conserving and restoring lakes, floodplains, and groundwater recharge areas; and collecting and storing rainwater. Globally, water withdrawals have more than doubled since the 1960s due to growing demand. Apart from the 17 countries facing withdrawals of 80% or more from available supply, 44 countries (home to one-third of the world) face "high" levels of stress, where on average more than 40% of available supply is withdrawn every year. Twelve out of the 17 most water-stressed countries are in the Middle East and North Africa. The region is hot

EXTREMELY HIGH WATER STRESS

Rank	Country	Score
1	Qatar	4.97
2	Israel	4.82
3	Lebanon	4.82
4	Iran	4.57
5	Jordan	4.56
6	Libya	4.55
7	Kuwait	4.43
8	Saudi Arabia	4.35
9	Eritrea	4.33
10	UAE	4.26
11	San Marino	4.14
12	Bahrain	4.13
13	India	4.12
14	Pakistan	4.05
15	Turkmenistan	4.04
16	Oman	4.04
17	Botswana	4.02

Source: Aqeduct/World Resources Institute

and dry, so water supply is low to begin with, but growing demands have pushed countries further into extreme stress. The WRI said climate change is set to complicate matters further: The World Bank found that this region has the greatest expected economic losses from climate-related water scarcity, estimated at 6%-14% of GDP by 2050. Even in countries with low overall water stress, communities may still be experiencing extremely stressed conditions. The WRI cited the examples of South Africa and the United States, which rank 48 and 71 on the list, respectively, yet the Western Cape (SA) and New Mexico (US) experience extremely high stress levels. The Aqeduct tool used by the WRI ranks countries on the basis of "water risk scores", which are determined using 13 indicators of water risk.

SIMPLY PUT

J&K Assembly: like, unlike Delhi

J&K will be the third Union Territory after Delhi and Puducherry to have an elected Assembly. How does its govt's powers, as described in the Reorganisation Bill passed by Parliament, compare with Delhi's?

KAUNAIN SHERIFF M
NEW DELHI, AUGUST 6

THE JAMMU and Kashmir Reorganisation Bill, 2019, just passed by Parliament, paves the way for formation of the Union Territory of J&K. It will join two other Union Territories — National Capital Territory of Delhi and Puducherry — which, through Article 239 A of the Constitution, have a Legislative Assembly to enact laws on certain subjects and a Council of Ministers headed by a Chief Minister to aid and advise the Lieutenant-Governor on subjects related to such legislation. For subjects outside the purview of the Assembly, the Lieutenant-Governor does not need the aid and advice of the Chief Minister.

Some key subjects where the model proposed for Jammu & Kashmir is similar to that of Delhi, and where there are variations between the two:

Extent of legislative power

Section 13 of the Bill states that the provisions contained in Article 239 A of the Constitution that are applicable to Union Territory of Puducherry shall also apply to the Union Territory of Jammu and Kashmir. The UT Assembly has the power to enact laws on matters under the State List and the Concurrent List, barring subjects that are exclusively under the ambit of the Union Government.

The Seventh Schedule has 61 subjects in the State List — law & order, health, land, local government etc — and 52 in the Concurrent List such as forests, wildlife protection, social security, employment, etc.

In the J&K Bill, Section 32 proposes that the Assembly can make laws on any subjects in the State and Concurrent lists except on state subjects relating to "public order" and "police". Therefore, all laws on these two subjects will be directly under the Centre. This is the case in Delhi, too.

In Delhi, by insertion of Article 239AA and by virtue of the Sixty-ninth Constitutional

WHO LEGISLATES ON WHAT



Jammu & Kashmir Legislative Assembly in Srinagar

LAND	ANTI-CORRUPTION BUREAU	SERVICES
Delhi: Under Centre J&K Bill: Land rights, land tenures, land improvement and transfer of agricultural land under ambit of Legislative Assembly	Delhi: Under Lieutenant-Governor, as per a Supreme Court ruling J&K Bill: Explicitly places ACB under L-G	Delhi: Matter referred to 3-judge SC Bench J&K Bill: Mentions a "competent authority" that can alter the posting of officers with J&K government

Amendment passed by Parliament, the Assembly cannot legislate on matters in entry 18 of the State List, which is land. In J&K, the Assembly can do so.

Anti-Corruption Bureau

Control of the ACB, which has the power to register FIRs on corruption cases and make arrests, was a contentious issue between Delhi's AAP government and the Centre. In February this year, a two-judge Supreme Court Bench held that the ACB will be under control of the L-G and the Delhi government has no police powers.

For the proposed UT of Jammu & Kashmir, the Bill is very clear. Section 53(2)(iii) states that the Lieutenant Governor shall, in the exercise of his functions, act in

his discretion, in matters related to "All India Services and Anti-Corruption Bureau". Therefore, all appointments and other administrative matters related to the ACB will be directly under the Lieutenant-Governor.

Services

In Delhi, another bone of contention has been services. A Bench of Justices A K Sikri and Ashok Bhushan differed on the issue of transfer of officers posted in Delhi, and referred the matter to a three-judge Bench.

For J&K, Part XIII and Section 88(4) of the Bill make it clear that the Lieutenant-Governor will have discretionary powers relating to composition, strength and allocation of officers of the Indian Administrative Service, Indian Police Service and Indian

Forest Service. Section 92 deals with provisions relating to "other services". It states: "Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of the existing State of Jammu and Kashmir in any area which on that day falls within one of the successor Union Territory, shall continue to hold the same post or office in that successor Union Territory, and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or other appropriate authority in, that successor Union Territory." It adds: "Provided that nothing in this section shall be deemed to prevent a competent authority, on and from the appointed day, from passing in relation to such person any order affecting the continuance in such post or office."

The "competent authority" mentioned, therefore, can alter the posting of an officer currently employed with the Jammu & Kashmir government. However, as in Delhi, it is unclear whether the transfer of officers will be under the exclusive domain of the Lieutenant-Governor.

Other matters

Section 55 of the J&K Bill states that the Lieutenant-Governor shall make rules on the advice of the Council of Ministers for the allocation of business to the ministers, for the more convenient transaction of business with the ministers including the procedure to be adopted in case of a difference of opinion between the Lieutenant Governor and the Council of Ministers or a minister. The same rule applies to NCT of Delhi.

Section 36(3) states that if a Bill which, if enacted and brought into operation, would involve "expenditure from the Consolidated Fund of Union Territory", it shall not be passed by the Legislative Assembly of the Union Territory "unless the Lieutenant Governor has recommended to the Assembly, the consideration of the Bill". The same rule applies to NCT of Delhi.

THIS WORD MEANS: ARTICLE 371

What is Article 371, what does it say?

EXPRESS NEWS SERVICE
NEW DELHI, AUGUST 6

HOME MINISTER Amit Shah told Lok Sabha Tuesday that the government had no intention of removing Article 371 of the Constitution, which includes "special provisions" for 11 states, including six states of the Northeast.

His assurance came after Congress leaders expressed apprehension that having rendered Article 370 irrelevant, the government might unilaterally move to abrogate or modify Article 371.

Articles 369 through 392 (including some that have been removed) appear in Part XXI of the Constitution, titled 'Temporary, Transitional and Special Provisions'. Article 370 deals with 'Temporary Provisions with respect to the State of Jammu and Kashmir'; Articles 371, 371A, 371B, 371C, 371D, 371E, 371F, 371G, 371H, and 371I define special provisions with regard to another state (or states).

Article 371I deals with Goa, but it does not include any provision that can be deemed 'special'.

Articles 370 and 371 were part of the Constitution at the time of its commencement on January 26, 1950; Articles 371A through

371J were incorporated subsequently.

Article 371, Maharashtra and Gujarat: Governor has "special responsibility" to establish "separate development boards" for "Vidarbha, Marathwada, and the rest of Maharashtra", and Saurashtra and Kutch in Gujarat; ensure "equitable allocation of funds for developmental expenditure over the said areas", and "equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment" under the state government.

Article 371A (13th Amendment Act, 1962), Nagaland: This provision was inserted after a 16-point agreement between the Centre and the Naga People's Convention in 1960, which led to the creation of Nagaland in 1963. Parliament cannot legislate in matters of Naga religion or social practices, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary law, and ownership and transfer of land without concurrence of the state Assembly.

Article 371B (22nd Amendment Act, 1969), Assam: The President may provide for the constitution and functions of a committee of the Assembly consisting of members elected from the state's tribal areas.

Article 371C (27th Amendment Act, 1971), Manipur: The President may provide for the constitution of a committee of elected members from the Hill areas in the Assembly, and entrust "special responsibility" to the Governor to ensure its proper functioning.

Article 371D (32nd Amendment Act, 1973; substituted by The Andhra Pradesh Reorganisation Act, 2014), Andhra Pradesh and Telangana: President must ensure "equitable opportunities and facilities" in "public employment and education to people from different parts of the state". He may require the state government to organise "any class or classes of posts in a civil service of, or any class or classes of civil posts under, the State into different local cadres for different parts of the State". He has similar powers vis-à-vis admissions in educational institutions.

Article 371E: Allows for the establishment of a university in Andhra Pradesh by a law of Parliament. But this is not a "special provision" in the sense of the others in this part.

Article 371F (36th Amendment Act, 1975), Sikkim: The members of the Legislative Assembly of Sikkim shall elect the representative of Sikkim in the House of the People. To protect the rights and interests of various sections of the population of Sikkim,

Parliament may provide for the number of seats in the Assembly, which may be filled only by candidates from those sections.

Article 371G (53rd Amendment Act, 1986), Mizoram: Parliament cannot make laws on "religious or social practices of the Mizos, Mizo customary law and procedure, administration of civil and criminal justice involving decisions according to Mizo customary law, ownership and transfer of land... unless the Assembly... so decides".

Article 371H (55th Amendment Act, 1986), Arunachal Pradesh: The Governor has a special responsibility with regard to law and order, and "he shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken".

Article 371J (98th Amendment Act, 2012), Karnataka: There is a provision for a separate development board for the Hyderabad-Karnataka region. There shall be "equitable allocation of funds for developmental expenditure over the said region", and "equitable opportunities and facilities" for people of this region in government jobs and education. A proportion of seats in educational institutions and state government jobs in Hyderabad-Karnataka can be reserved for individuals from that region.

US says China manipulates yuan. What does that mean, how is it done?

UDIT MISRA
NEW DELHI, AUGUST 6

ON MONDAY, the US Treasury Department declared that China is a currency manipulator. The move came after the People's Bank of China (PBOC), the central bank of China, allowed the yuan to suddenly depreciate (or lose value) relative to the dollar by 1.9 per cent — one of the biggest single-day falls. As a result, the yuan breached the 7-to-a-dollar-mark for the first time since 2008. In retaliation, the US announced that it would approach the International Monetary Fund "to eliminate the unfair competitive advantage created by China's latest actions". It signalled that the ongoing trade war between the world's two biggest economies was now turning into a currency war as well.

What is a currency's exchange rate?

In many ways, the exchange rate of your currency is the fundamental price in the economy. If an Indian car is worth Rs 10 lakh, then that is all the information we need to conduct that transaction; we do not have to

wonder "what is the price of a rupee?". However, if we're trying to buy a car that was produced in, say the US, we would need more information than just its price (say, \$15,000 in the US). This is because buying the imported car involves two transactions: one, using your rupees to buy 15,000 dollars; two, using these dollars to buy the car.

In the globalised world economy, where different parts of each good (and service) are produced in different countries, exchange rates become all important. It often determines the affordability of buying or selling internationally. So, if the rupee is at 70 to a dollar, the car may be affordable, but not so at 100 to a dollar.

There is a flip side to this picture. While a stronger rupee (that is 70/\$, instead of 100/\$) is better for you as a consumer, it is worse for you if you were an Indian car manufacturer hoping to sell your car in the US. That's because the rupee's strength makes your car that much less affordable to US consumers.

How are exchange rates determined?

In an ideal world, the exchange rate for any currency would be determined by the



*China Foreign Exchange Trade System Index. It is the price of the yuan against a trade weighted basket of 24 currencies. Source: FX Report, United States Department of the Treasury

interplay of its demand and supply. If more Indians want to buy US goods, there would be a higher demand for the dollar relative to the rupee. This, in turn, would mean the dollar would be "stronger" than the rupee — and gain in strength as the demand increases. If demand falls, the dollar would depreciate relative to the rupee (or the ru-

pee would appreciate relative to the dollar).

So, what is currency manipulation?

The real world is far from ideal. Most governments and central banks are bothered about generating more growth and employment at home. A weaker domestic currency comes in very handy when governments are

trying to attract foreign demand and boost exports. China's economic growth has been essentially fuelled by exporting to the world.

Currency manipulation happens when governments try to artificially tweak the exchange rate to gain an "unfair" advantage in trade. In other words, if China's central bank buys dollars in the forex market, it can artificially weaken the yuan — and Chinese goods will then become more affordable (and competitive) in the international market.

Some amount of such "intervention" by central banks is allowed to reduce wild fluctuations in the exchange rate. But excessive and undisclosed interventions are not considered fair.

Consider: An American-made mobile phone could be in demand in India because it is a genuinely good phone. However, if a Chinese company can export a phone that is not only a close approximation of the American phone but also considerably "cheaper", it is quite likely that the more price-sensitive Indian consumer will prefer the Chinese phone. Forget the Indians, if the Chinese phone is cheap enough, it might lure US consumers as well.