



The Indian EXPRESS

FOUNDED BY
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

WHO PAYS?

RBI action on PMC amounts to penalising depositors. Regulatory framework governing cooperative banking needs relook

ON TUESDAY, THE Reserve Bank of India (RBI) imposed curbs on the activities of the Punjab and Maharashtra Cooperative Bank (PMC) for a period of six months. The decision came after the central bank discovered certain irregularities in the bank, including the under-reporting of non-performing assets (NPAs). The RBI had initially allowed depositors to withdraw only Rs 1,000 over a six-month period. But, on Thursday, following public outcry and panic responses, it revised this limit upwards to Rs 10,000, observing that with this relaxation, more than 60 per cent of depositors would be able to withdraw their entire account balance. While the restrictions imposed by the regulator, under section 35A of the banking Regulation Act, are aimed at safeguarding depositors' interest, and preventing a run on the bank, such moves, which are seen as penalising depositors, can end up having the opposite effect, denting trust in cooperative banks and increasing the risk of a contagion.

Reportedly, the crux of the problem is the bank's exposure to a real estate firm, which itself is currently undergoing insolvency proceedings. But, the bank's financials for the year ended March 2019 do not provide any indication of financial stress. On its part, the regulator has appointed J B Bhoria, a retired senior RBI official, as administrator of the bank. A forensic audit could shed light on its asset-liability mismatch. It could reveal the true extent of the problem — whether it's a question of just one account or whether there are larger concerns over the bank's financial position or its governance structure, as is the case in many of these banks. If the review suggests that the bank is better health than what is believed, it could open the window for the RBI to further ease the withdrawal limits. Alternatively, the RBI could also explore the option of merging PMC with another healthy cooperative bank to avoid any instability, as it has done so in the past.

This episode, once again, raises questions on not only the governance structures at these cooperative banks, but also on their supervision. Cooperative banks are under joint supervision of the RBI and states. And while the RBI has signed MoUs with state governments, unless state governments cooperate in effecting regulations, supervision is likely to be ineffective. Clearly, there were no early warning signs of trouble in this case. Instances such as these are likely to raise calls for reviewing this regulatory framework and giving more powers to the RBI to oversee these entities. These need to be attended to. The RBI should also examine the long-term feasibility of their business models in light of the rapid technological changes in the financial sector. But the larger question over the absence of a framework for timely resolution of financial firms remains.

COP OUT

UP police's conduct in Swami Chinmayanand case raises serious questions. It will be watched

ON WEDNESDAY, A Supreme Court-mandated Special Investigation Team (SIT) of the Uttar Pradesh police arrested the law student who accused former Union minister and BJP leader Swami Chinmayanand of repeatedly assaulting her over a period of one year. The arrest is based on an allegation of extortion by Chinmayanand's lawyer, and the charge itself emerged only after the accusations of rape and assault were made by the student on social media. The SIT has also acknowledged to the court that it has no record of any money being exchanged between the politician-turned-education entrepreneur and the victim. The UP police's conduct in such a high-profile case thus far raises disturbing questions of procedure and propriety.

The allegations against Chinmayanand were made on August 24, but it was only when a bench of the Supreme Court took suo motu cognisance of the matter a week later and ordered the UP government to set up an SIT that the investigation commenced. Why did the state police need a direction from the apex court to take action on a matter that is well within its provenance? The victim had also demanded that Chinmayanand, who heads the trust of the college where she studies, be charged with rape — the SIT has charged him with "misusing authority for sexual intercourse" or "sexual intercourse not amounting to rape", which carry a lesser sentence than a rape charge. The arrest on the basis of the accusation made by Chinmayanand's counsel also raises questions over the prosecutorial viability of the original rape case. Her father and brother have alleged that they are being pressured and intimidated to stop pursuing the case against Chinmayanand.

On Tuesday, a day before the student was arrested, UP Chief Minister Yogi Adityanath had spoken of women's rights and welfare while interacting with women who had been victims of triple talaq. He also thanked Prime Minister Narendra Modi for "honouring the dignity of women". Indeed, "Beti Bachao, Beti Padhao" has been a slogan of the ruling party that has resonated across the country. The UP police, which has a controversial record of being high-handed — it has been accused of staging encounters — must live up to that slogan. The way it handles the case against Chinmayanand, as well as how it proceeds against the young woman who accused him, will be closely watched.

BEING GRETA

Accolades to Greta Thunberg recognise moral authority of her generation. But will she be another icon appropriated?

THE MORE THINGS change, the more they remain the same in climate change parleys. In the past 30 years, the world has had two treaties to check global warming, the tribe of climate deniers seems to have shrunk — the US president notwithstanding — and GHG is almost universally accepted as a bad word. Yet, there is a sameness to global climate negotiations. Almost every year, at UN-FCCC meets, negotiators run into overtime. But every IPCC report testifies to an increase in the direness quotient. It has taken a 16-year-old to call a spade a spade. "You have stolen my dreams and childhood with your empty words," the young Swedish activist Greta Thunberg excoriated the high-level audience gathered for the UN Climate Action Summit in New York.

It's in the fitness of things that the inertia in environmental diplomacy has been called out by a representative of the generation that is likely to be worst affected if the world heats up more than 2°C of its current temperature. "You come to us young people for hope. How dare you?" Thunberg said. And though she was addressing the who's who of world politics, the "you" in her speech seemed to be directed at the generation that had failed her's while the association between "us" and her peers was unmistakable.

Thunberg is not the only young protestor. From Mexico City to Djakarta, Nairobi to Seattle and Kampala to Dhaka, children and teenagers have missed classes and taken to the streets to demand that the global leaders do more to avert climate change. In March, more than a million children went on strike against the international community's weak response to global warming. And last week, the ranks of protestors had swelled to nearly 4 million. The world has recognised the moral authority of Thunberg's generation by awarding the Swedish teenager the Right to Livelihood Award. A caveat though: Modern society has an uncanny knack to appropriate iconic dissenters while going on with business-as-usual.

Why property rights matter

Economic growth requires protection from expropriation of property by individuals, State



MUDIT KAPOOR AND SHAMIKA RAVI

IN LIGHT OF the economic slowdown, it is important to note that long-term economic growth is a consequence of individual rights to private property, and its protection from expropriation from other individuals as well as the most powerful entity, the state itself. Nationalisation policies have held India back from her true economic potential and robbed hundreds of millions of people of the prosperity they deserved long ago. Nationalisation created a complex bureaucracy — a tyranny without a tyrant — eventually leading to an unparalleled economic crisis in the 1990s, compelling us to undertake courageous economic reforms.

Reform was mostly the reduction of bureaucratic red tape of "licence raj", making it easier for private players to enter and exit markets. This led to unprecedented economic growth, the creation of a middle class, and significant poverty reduction. These reforms got a further shot in the arm under Atal Bihari Vajpayee with the disinvestment drive. For example, the telecom and energy sectors that were plagued by shortages for decades were partially privatised and very soon turned a surplus, boosting the economy and laying the foundation for a "digital economy" in modern India. This was evidence that nationalisation and socialism were not the answers to India's poverty and social problems.

The spectre of socialism and nationalisation, however, rose once again in 2012-13 when the then finance minister amended the Income Tax Act of 1961 with retrospective effect to undo the Supreme Court judgement in the Vodafone tax case. The FM articulated in an interview that the Supreme Court did this primarily due to their concern for its effect on foreign direct investment. The former FM, however, missed an important point: The primary issue was not whether FDI would be discouraged but, more fundamentally, whether private property is protected from expropriation by the state.

In a mature democracy, rights of an individual vis-à-vis the state are protected by an

independent judiciary. This act of undoing a Supreme Court judgment was an assault on the individual right to private property. The Vodafone tax case went through the entire judicial process that is available to an ordinary citizen of the country. In its final verdict, the Court agreed that tax planning by the firm was legitimate and within the framework of the law. The Court, while making a distinction between tax avoidance and tax evasion, made the following observation: "Every person is entitled so to arrange his affairs as to avoid taxation, but the arrangement must be real and genuine and not a sham or make-believe." Even though it became evident that the existing Income tax Act of 1961 had a lacuna which needed to be fixed, and the sovereign had the right to do so, but to fix it retrospectively was deeply problematic. Applying the law prospectively would have been a reform but applying it retrospectively was to undermine the Court and was a blow to the independence of institutions that check the power of the state.

The second assault on private property came in quick succession in 2014, ironically from the Supreme Court itself, when it cancelled all the coal block allocations to the private sector from 1993 to 2012. In 2014, a public interest litigation was filed, questioning the arbitrary nature of coal block allocations to private players by the government. The Court accepted the petitioner's plea and in one stroke cancelled all the coal block allocations from 1993 to 2012.

Unfortunately, the highest court did not take into consideration the property rights of various stakeholders, such as creditors, investors, and shareholders of these companies for whom it would have been impossible to know whether the government's coal allocations were arbitrary and therefore illegal. It is also important to remember that the share of the power sector in bank credit to industry was less than 1 per cent in 1998 and by 2014, it had grown to 20 per cent at more than Rs 5 lakh crore. It was evident that

other stakeholders had significant exposure to this sector. Once again, the message was loud and clear that property rights of individuals are not well protected in India.

The coal allocation issue was not black and white, each case merited careful consideration by the Court in terms of its impact on various stakeholders who were not guilty of the crime committed by others. Perhaps, former US Supreme Court Justice Antonin Scalia was right when he wrote that "In the grand scheme of things, whether the right party won was secondary. Famous old cases are famous, you see, not because they come out right, but because the rule of law they announced was the intelligent one. Common-law courts performed two functions: One was to apply the law to the facts, but the second function, and the more important one, was to make the law." The law that got made that day was that individual property rights are not well protected in India.

There are important lessons to be learnt. In the last five years, several fiscal and monetary policy measures have been taken to arrest the decline in private investments. Long-term economic growth requires fundamental assurance to individuals that their private property is protected from expropriation by other individuals, the government and also the courts themselves. Large parts of the Indian economy remain informal — not due to tax rates or high cost of formalisation — but because of mistrust in institutions and fear of expropriation by them. Democracy is expected to give us an edge over autocratic China in terms of privatisation and long-term growth. The enigma of our times is that China, with no tradition of free and fair elections and independent judiciary, has managed to provide economic freedom and protection to private property leading to unprecedented economic prosperity.

Kapoor is associate professor ISI Delhi, Ravi is research director, Brookings India



P B SAWANT

DEAR COMPATRIOTS,

Hoping that by this time, the fever of the so-called victory over the alleged abrogation of Article 370 created by the government has subsided at least by some degrees, I venture to draw your attention to the other side of the picture which is the truth and reality.

At the very outset, let me make it clear that neither Pakistan nor any other country has any right to meddle in this matter. Pakistan has not even a moral right to do so, since it has forcibly occupied a sizeable part of the state of Jammu and Kashmir. This is a matter strictly between the Kashmiris and the rest of Indians.

The J&K state was never a part of this country, before Maharaja Hari Singh signed the Instrument of Accession on March 17, 1948, which gave this country a legal access to that state for the first time. This Instrument of Accession was conditional and was given a constitutional status by incorporating it with the conditions, in Article 370 of our Constitution, when the Constitution was in the making. What is more, sub-clause 3 of the Article 370 makes it abundantly clear that the provisions of the said Article will not cease to be operative or modified without the previous recommendation of the Constituent Assembly of the J&K state. This process of amendment of Article 370 is special to the said Article, and hence prevails over Article 368 of the Constitution, which is the general power of amendment of the Constitution. The non-obstante clause with which the Article begins also makes that clear. It should, there-

THE TRUTH ABOUT J&K

Abrogation of Article 370 is illegal, the ongoing lockdown unsustainable

To our brothers and sisters in Kashmir, we should appeal not to mistake the government for the people of this country. They should believe in our goodwill and fraternity for them, notwithstanding the damage done to it by the present misadventure of our government. Our Kashmiri friends should remember that their destiny lies with this country, which has proved its democratic credentials, by and large.

fore, be clear to all that when the present government and Parliament purported to declare that the said Article shall not be operative, they did not follow the procedure laid down in Article 370. Hence, the said Article remains in our Constitution intact without any harm to it. The propaganda carried out by the government that the said Article has been repealed is, therefore, obviously misleading.

Much irresponsible comment is being made on the temporary status of Article 370, without realising that the Article is changeable, unlike other provisions of the Constitution, on the previous recommendation of the Constituent Assembly of J&K state, acted upon by the President of India.

Those who clamour for the abrogation of Article 370 unilaterally by this government, forget the elementary fact that this country got legal right to enter the state only because of the conditional political pact of accession. If the Article is abrogated unilaterally, assuming the action is valid, the legal right of this country to remain in J&K will be jeopardised. It is unfortunate that this government, for reasons best known to it, has indulged in the present misadventure which is bound to boomerang. We should realise that with all the leaders of the Kashmiris under house arrest, the communications closed, seething discontent of the people fermenting every hour, the people of Kashmir cannot be suppressed with force for long. Both history and common sense dictate against it.

There is still a scope for an amicable political settlement, by which the affection of

the Kashmiris can be won. For this, however, our government has to shed its macho image and come out with realistic measures to win the confidence and trust of the Kashmiris.

To our brothers and sisters in Kashmir, we should appeal not to mistake the government for the people of this country. They should believe in our goodwill and fraternity for them, notwithstanding the damage done to it by the present misadventure of our government. Our Kashmiri friends should remember that their destiny lies with this country, which has proved its democratic credentials, by and large. They will be safe within our fold. There is no other option for them. Complete independence without the protection of this country, will invite forcible occupation by other countries as has already been experienced by them. A merger with Pakistan will land them under military dictatorship from which the Pakistanis themselves have been suffering, from the country's inception.

We consider Kashmiris as our integral part. Their life and culture are a precious jewel in the crown of our cosmopolitan culture. There are strong affinities between us, and we love and respect them as our brothers and sisters. They have nothing to fear or lose, and everything to gain being with us. Let bygones be bygones, and let us start a new chapter in our relationship which should be permanent and inextinguishable.

The writer is a former judge of the Supreme Court of India and former chairperson, Press Council of India



SEPTEMBER 27, 1979, FORTY YEARS AGO

LOK DAL FORMED

THE JANATA (S), the Socialist Party (Limaye group) and the Orissa Janata Party formally merged into a new party called "Lok Dal". Charan Singh was elected its president and Raj Narain working president". The birth of the new party was, however, marked by a setback when H N Bahuguna, leader of the CFD faction, decided to keep out of it. His group had earlier decided to join the new party and had submitted to Charan Singh a 31-point programme for inclusion in its manifesto. It is learnt that Charan Singh was cool to Bahuguna's programme. This morning when the convention began, the CFD delegates were conspicuous by their absence.

So were many others, including Madhu Limaye, Karpoori Thakur, Biju Patnaik and S N Mishra, who, it turned out later, were busy persuading Bahuguna to join the convention.

ANTI-DEFECTION LAW

THE KASHMIR ASSEMBLY has passed the officially-sponsored Anti-Defection Bill. As soon as the Bill was passed, the entire Opposition staged a walk-out in protest. The Bill, which provides for an amendment in the Jammu and Kashmir Representation of the People Act, seeks to disqualify a member from membership of the Legislative Assembly or the Legislative Council if he voluntarily gives up the membership of the po-

litical party which had set him up as a candidate in an election. The Bill also provides for disqualifying a member if he votes or abstains from voting in the legislature contrary to a whip issued by such a political party.

CARTER ON CUBA

US PRESIDENT JIMMY Carter called Cuba a "puppet" of the Soviet Union and said that despite Soviet claims to the contrary, the Russian troops in Cuba were combat forces. Carter noted that Soviet Foreign Minister Gromyko had tacitly denied that the Soviets in Cuba were combat forces. Carter also said that if the status quo in Cuba does not change, he will take "appropriate action".

15 THE IDEAS PAGE

Exorcising third-degree

Torture is an endemic characteristic of Indian policing. A commitment to eradicating it requires the police force as a whole to have zero tolerance for the practice besides a specific anti-torture law



MAJA DARUWALA

THE HOME MINISTER'S recent pronouncement that the days of third-degree torture are gone is extraordinarily welcome. His announcement is as much a signal to the security forces to lay off this practice as it is an acknowledgment about something that everyone from the Supreme Court to the subaltern knows — that torture is an endemic characteristic of Indian policing.

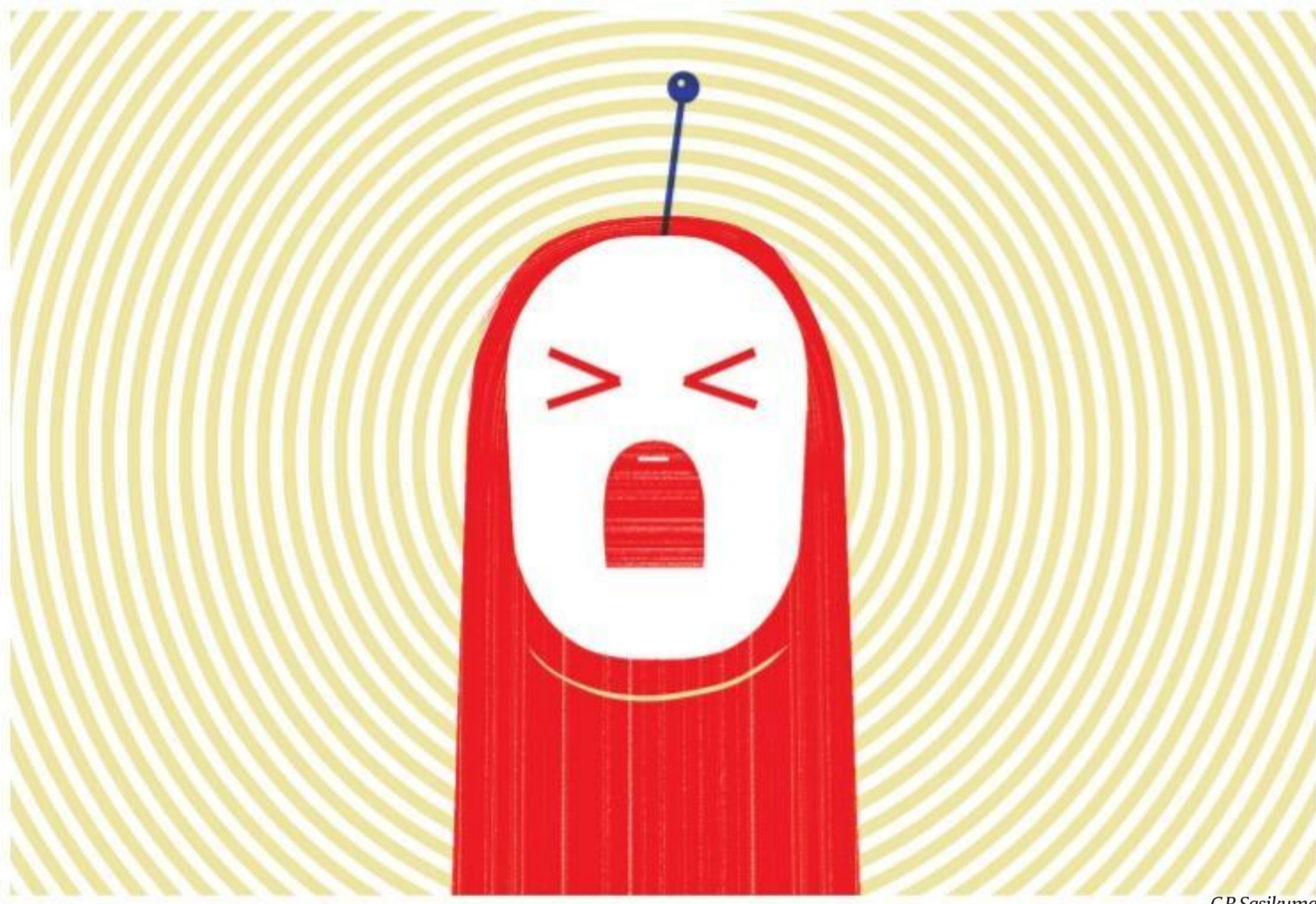
Its presence is known, tolerated and even appreciated. Common Cause's recent large national-level survey on the Status of Policing in India affirms the force's easy camaraderie with violent means: Three out of five personnel believe there is nothing wrong with beating up criminals and four out of five think it's okay to bash them up to extract a confession. One in five even believes that killing dangerous criminals is better than a legal trial. These widely held attitudes show up how flimsy the orientation to working within the law is at training; how deep is the sub-culture of ferocious machismo; and how high the tolerance for illegality within the supervisory cadre is.

Most of all, these results show up how confident torturers are that no consequences will flow from even extreme acts of cruelty. For too long, supervisory officers within the security establishment have turned a blind eye to this everyday criminality within. It is hard to understand what esprit de corps or institutional interest is served by siding with criminality within, but all too often when instances of torture become known, a pocketful of ready excuses is pulled out to defend the indefensible — necessity, poor working conditions, no other means, mental tension, and pressure from within and without which the moral fibre of the police seems unable to resist. In fairness, there are voices from within that have spoken out against these practices, but they are voices in the wind.

True it is that the conditions in which policing is done are very under par and true it is that people who come into the police net are not always lovely people. They can be cruel, vicious and cunning and oftentimes, well-connected. But their criminality is not for the police to punish. Their limited brief is to bring alleged criminals before the courts, however slow and ponderous their process.

That is the law. Yet, given the years of acceptance, encouragement and practice, it is very likely that several generations of active policemen don't know that any assault and victimisation of anyone that is not entirely in self-defence is prohibited by law.

The home minister has suggested there may be amendments made to the criminal justice code. But he has not elaborated on these. At present, only a few sections of the Code of Criminal Procedure and the Indian Penal Code criminalise torture and custodial deaths. Experts and advocates feel that a few amendments tucked away in a large code are unlikely to have the visibility or effect that a comprehensive standalone law would. Governments of all hues have stoutly resisted doing this. India took its time to sign on the 1984 UN Convention Against Torture and signed on only in 1997 even though the absolute prohibition against the use of torture has long been established as a worldwide code or *jus cogens* that all countries have



CR Sasikumar

agreed to abide by. Signing means the country has, in principle, agreed to move forward to ensure that the practice of torture is entirely eliminated in its country. But ratification, the next step, obligates countries to pass laws at home that reflect the articles in the UN law. For 22 years, ratification has been left pending. In 2017, when it came to India's turn to be peer reviewed under the Universal Periodic Review process no less than 29 countries made 37 recommendations that India take urgent steps to stop torture.

The few sporadic attempts to pass a brand new law have come to naught. In 2010, a weak and much criticised Prevention of Torture Bill lapsed. In 2016, the Law Commission drafted its own even more diluted version. Meanwhile, the NHRC has consulted with civil society to make its own suggestions to the home ministry and there the matter lies — and has lain for a long time. In the meantime, Parliament has heard that for 2019, the NHRC has registered over 400 cases of alleged deaths in police custody and over 5,000 cases pertaining to deaths in judicial custody. For the past three years alone, these have regularly clocked in at over a thousand a year.

A specific anti-torture law needs to be detailed, comprehensive and conform to international standards. It will need to have a broad descriptive definition of torture that includes mental torture; make it easier to prove as has been done in the case of custodial rape; fix responsibility not only on the perpetrator but on those who allow it to happen under their watch; make punishment more stringent especially where there has been sexual violence and ensure the state compensates and cares for its victims. It must also bypass the hurdles of Section 197 of the Criminal Procedure Code which requires permission before public servants can be prosecuted for actions done in the course of his duty. The Supreme Court has repeatedly made it clear that torture is no part of anyone's duty but still prosecution and convictions continue to be difficult.

New legislation is only a beginning. Actualisation will take much more. Exhortations will not stop torture. Having

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policies, practices and performance in place to demonstrate implementation, will. It needs changes within and spurring from without. It needs old hands in the force to be reoriented, investigators to be skilled up with modern techniques of detection and forensic capacities across the country to be ramped up. At present, the national infrastructure is sorely wanting. It needs long-delayed human rights courts to be set up with specially trained judges in place. It needs agencies like local legal aid authorities to have clear guidelines to assist where there are allegations of torture and be proactive and not continue with bureaucratic procedures that delay service. It requires overseeing bodies like the many human rights commissions and police complaints authorities to do the same. It is not as some may imagine a mammoth task but rather one of making changes systematically down the line.

A commitment to eradicating torture also requires the police force as a whole to have zero tolerance for the practice and reinvent its purpose — not as an oppressive force at the beck and call of the powerful but as a service whose main work is the protection of the lives and liberties of each of us.

The Common Cause survey of 12,000 personnel at police stations uncovers the truth we all know — that political interference in investigation is near omnipresent. It subverts all. From this root all evil grows, yet it is also the most stubborn area to dislodge. It has made the police the handmaiden of whoever is momentarily powerful, and it is this compact of convenience that has probably prevented any strong initiatives to take illegality in policing off the table once and for all. Changing this is in the hands of the police leadership, but much more in the hands of the political leadership. The home minister's hand is on this tiller. Where the ship goes will depend on how he steers it — on to the rocks of continued torture or away from it.

The writer is board member and senior advisor, Commonwealth Human Rights Initiative

WHAT THE OTHERS SAY

"Unless international efforts are made to convince Myanmar's leadership that prolonging the Rohingya crisis will create multidimensional threats whose effects will not be contained within the borders of Bangladesh only."

— THE DAILY STAR, BANGLADESH

The Kohinoor in Bombay's crown

For decades, Boman Kohinoor ran one of Mumbai's iconic institutions — Britannia, which served patrons Parsi and Irani cuisine



AVANTI G DIVAN

JUNE, 2014: "KATE, William, George" he says, his wrinkled hands pointing to the laminated photograph. His eyes twinkle behind his square-framed glasses as he discloses that Kate is pregnant again, flashing a smile that reveals several missing teeth. "What?!" He nods knowingly, "I received inside information last week."

You'd think that Kate is his daughter, or niece, or perhaps his brother's wife's or nephew's sister. But I look down at the photograph in his shaking hands and it's the Duke and Duchess of Cambridge, beaming in baby blue. Prince George, their first born and the future King of England, is swaddled in their arms. I look up, and there they are again, a waving Kate and William, this time, in cardboard-cut-out form. Perched against a mezzanine, they are the first displays in a priceless exhibition of hand-painted signs: "Debit and Credit Card Not Accepted." "Please do not argue with management." "Management has got right to check any article or individual on suspicion." "Customers are requested to take of their belongings." "Right to admission is reserved." "Only at Britannia & Co. est. 1923, Wakefield House, 16 Ballard Estate, Bombay."

December, 2016: Every day, as the lunch hour nears, lawyers, college students, office workers and tourists throng to Britannia, a city institution, that has been serving its patrons "exotic Parsi and Iranian cuisine" for as long as India has been independent. Here, customers feast on *patra ni machhi*, *sali boti* and *dhansak*. Of course, the queen of them all, is the delectable berry pulao, a chicken dish of speckled white and yellow rice, that is garnished with cashews, caramelised onions and crimson barberries imported from Iran. I am sipping on my Pallonji's (est. 1885) Raspberry soda, when I glance down at the words on the menu before me: "There is no love greater than the love of eating." Tell me about it.

June 2017: The pista green paint is peeling off the café walls, and the whirring of prehistoric ceiling fans alternates with the scraping of forks against plates licked clean. He is shuffling about the restaurant now, stopping by tables to show and tell. Out

comes the folder of his prized possessions: The laminated, xerox-copied, dog-eared documents. When the German lady is ready, he begins, "I seldom go out when someone from the Taj Mahal Hotel called on me and said their highnesses want that I should meet them." A pause, and a pursing of lips later, "I was very honoured to meet the charming prince and the beautiful princess." His audience is gripped. The next story: "See this, Her Majesty the Queen had written this letter to me." "Japan! A Japanese man came here, now see this article he wrote."

December 2018: Boman Kohinoor — Irani, nonagenarian, seasoned raconteur and the Queen's Guard in Bombay — is the proprietor of Britannia Restaurant, and one of my favourite people in the world. Although 90, he is a permanent fixture at the establishment his father set up as a continental restaurant in 1923. Mr Kohinoor is an Irani — a descendant of the small community of Zoroastrians, who fleeing religious persecution in Iran, made India their home in the 18th and 19th centuries.

Mr Kohinoor tells me that Britannia's *berry pulao* is but a spicier version of the Persian *zerehsak polow*, which his late wife adapted to suit the Indian palate. He also talks of his grandfather, a 19th century immigrant from Yazd, who lived to be "114 — one, one four." He tells me he's planning to beat his record. "When I die, you see that rascal at the counter," he points past me, "behind the counter, he is my son, he will take over." I look back, and spot the rascal, a middle-aged gentleman. Beside him, on the counter is a snoozing cat. I wonder if the animal is a nod to the Persian heritage. Next to it, a sign reads, "Do not disturb".

Mr Kohinoor urges me to live until 120. He then says, "God bless you," and "Please give my regards to Madame Hillary Clinton, and no regards to Mr Trump." I laugh. The cat stirs and stretches, its eyes glinting towards the wall across.

On the flaking pista wall, hang three national flags, one below the other: The Indian tricolour, the Union Jack, and the flag of the Islamic Republic of Iran. Within a metre's distance, is a portrait of Zarathustra, the Zoroastrian prophet, and his maxims, "Good Thoughts, Good Words, Good Deeds." Two other persons provide Zoroaster company. To his left, is a smiling Gandhi, wrapped in khadi. To his right, is Queen Elizabeth II, a crown atop her head, a sceptre clasped in her hand. I wonder what they think.

The writer, a Mumbaikar, studies history and Persian at Princeton University

LETTERS TO THE EDITOR

TEACHERS MATTER

THIS REFERS TO the article, 'You can't shop for teachers' (IE, September 26). One reason for the poor condition of the Indian education system is the lack of committed teachers. India does not have a single university that is ranked among the top 200 of the world's institutions of higher education. A teacher helps a student imbibe values as well as various other good qualities. We should develop an education system where leadership qualities, entrepreneurship and rational thinking are encouraged from the school level itself. To encourage more people to take up teaching as a profession, the government should set up institutes for them on the lines of the IIMs.

Veena Shenoy, *Thane*

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

LET'S TALK

THIS REFERS TO the editorial, 'Peekaboo, guess who?' (IE, September 26) Social media platforms are proliferating faster than was expected even some time ago. Such platforms are, of course, modes of communication par excellence. But they can also be sources of misinformation, fake news and trolling. It is also true that the government generally makes social media the scapegoat for many of its failures. It needs to be even-handed while dealing with infractions that occur online. Social media regulation can be a complex matter but the issue can be resolved by involving all the stakeholders.

Deepak Singhal, *Chennai*

JUST RECOGNITION

THIS REFERS TO the editorial, 'Always Big B' (IE, September 25). The editorial is correct in saying that Big B set the mood for the Hindi film industry, remaining larger than life almost for his entire career. Amitabh Bachchan's fan following transcends generations, including men and women across the so-

The writer is chairman and CEO of the Edelweiss Group

Lifting the sentiment

Last week's big bang reforms will remove obstacles in efficient use of capital



RASHESH SHAH

SEVEN YEARS AGO, the President of the European Central Bank, Mario Draghi famously declared that ECB will do "whatever it takes" to preserve the Euro. The reverberation of those utterances resound till date.

A similar event happened last week in India. Only this time, it was even more powerful, accompanied as it was by one of the biggest economic events in India's recent history. By announcing a large corporate tax rate cut across the entire corporate sector and a much lower rate for new manufacturing companies, the government has clearly shown that it will do whatever it takes to get the economy back on track, and on target for the \$-5 trillion GDP goal. This bold announcement comes on the back of several small but significant reforms in the last few weeks.

As the economy had been facing headwinds, there has been a demand for major structural reforms. Drastic reforms are hard to undertake for many reasons: First of all, in a democracy, it requires a "real" crisis — like the one in 1991, when the country did not have enough reserves to pay for imports. Though current issues with the Indian economy are worrying, they may not be in the same category. However, such high risk, high return actions can have an impact beyond the intended realm, often changing the entire perception about the country — Lee Kuan Yew's reforms

in Singapore and Deng Xiaoping's reforms in China are good examples.

The easing of FDI norms across some sectors, tax relief for foreign portfolio investors (FPIs) and start-ups, reprieve for the automobile sector, an upfront support of Rs 70,000 crore to public sector banks with an aim to revive demand and improve liquidity and the merger of PSU banks will have a long-term beneficial impact on our economy.

The opening up of FDI in several sectors is especially timely as in this era of trade wars, India can be a beneficiary. Foreign investment is a key source of economic growth as well as non-debt finance for the country. Hence, a sustained investor-friendly policy is vital to attract foreign funds. Thus the announcement on single brand retail is very important as it gives major flexibility and ease of operations for potential investors. The government has shown enough adaptability to make the crucial local sourcing rules more flexible, which will send out a very positive signal to foreign investors, who have expressed concerns over these norms.

In fact, flexibility along with agility is the hallmark of any good government; some of the other measures, including the removal of FPI surcharge and the angel tax for MSMEs demonstrate the government's ability to respond quickly to remove obstacles for the ease of doing business.

The merger of PSBs is also an idea whose time had come. From the global experience, it is clear that fewer, stronger banks increase productivity, lessen asset quality pressure, boost liquidity and credit flow, improve overall operating efficiency and corporate governance. With this bold step, the government can play a global role (a la Chinese banks). Besides, the government has been grappling with poor asset quality in the banking sector. Hence this is a step towards long-term economic growth by removing obstacles in the efficient use of capital. Having too many weak PSBs meant a drain on resources.

However, we were still lacking the one big shot in the arm. This came with the corporate tax rate cut. Since the announcement, several people have asked how the measure will impact the ground realities. I think there are three factors that are very important at this stage: Fundamentals, sentiment and liquidity. With this bold step, the government has taken the bull by the horns to address the sentiment issue. A negative sentiment had built in the industry, the economy and investors. This push turns around the sentiment in a big way.

While several measures have been taken to address liquidity including an easier monetary policy and infusion of liquidity to banks, which will further lend to NBFCs, and the liquidity injection into housing finance

companies, there is still considerable risk aversion in banks and mutual funds to lend to NBFCs. The severe credit crunch in the last 12 months has choked the credit pipeline, or what I call liquidity cholesterol, which has been dampening demand and consumption.

So there is a willingness from corporates to kick start the capex cycle and eagerness from foreign investors to invest in India. But all this will happen if the liquidity crunch eases and demand picks up.

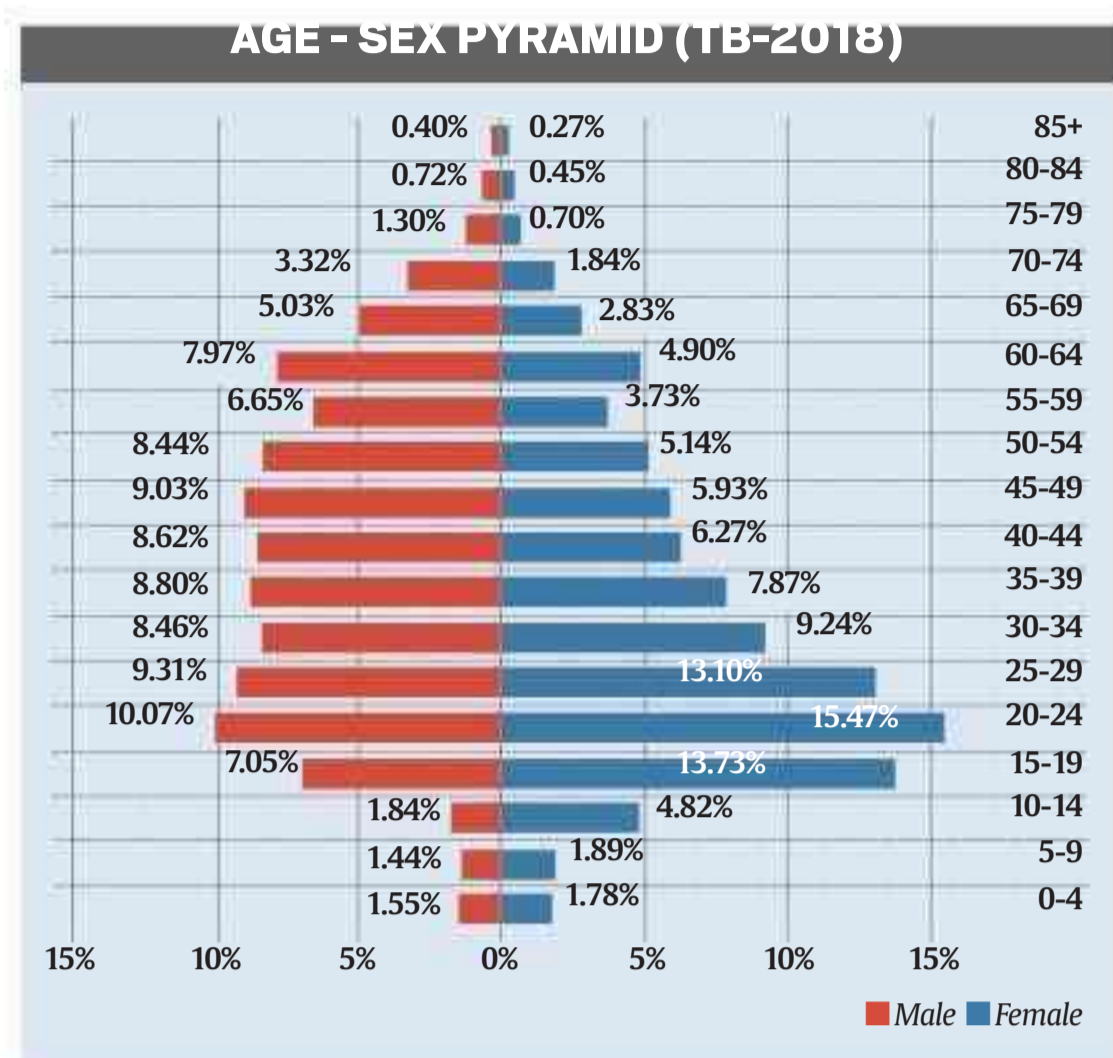
For those arguing that the recent big bang reforms will cause a fiscal slippage, I would argue that while maintaining fiscal deficit targets is important, India, as an important investment destination has much more to lose if it lost favour in the global arena. The current scenario is unlike anything in the past. So, it is important that the government actively tackles the low sentiment in the system by sending positive signals domestically and to the world that "we are willing to walk the extra mile" to realise the India growth story. And they have done exactly that.

Reforms, whether big bang or small continuous ones, need good implementation. Execution has been a focus area for the government and I do hope to see this continue going forward.

The writer is chairman and CEO of the Edelweiss Group

TELLING NUMBERS

Rise in notified TB cases: breakup by state, age, gender



ON WEDNESDAY, the Centre released the India TB Report 2019, which showed a 16% increase in the number of cases in 2018 as compared to the previous year. The report said 21.5 lakh TB cases were notified to the Revised National Tuberculosis Control Programme (RNTCP) in 2018; India accounted for a quarter of the Global TB burden with an estimated 27 lakh new cases in the year. Of the total notifications, 25% (5.4 lakh) cases were from the private sector; a 40% increase over last year. Among the notified, treatment was initiated for about 19.1 lakh cases (90%) across both public and private sectors. The majority of the affected individuals (89%) were in the age group 15-69 (see chart).

NOTIFIED TB CASES, THEN AND NOW

State	Cases in 2017*	Cases in 2018
Haryana	41,561	66,734
Rajasthan	107,312	160,244
Sikkim	973	1,444
UP	2,87,373	4,25,451
Delhi	63,670	89,449
Nagaland	3,137	4,297
Tripura	1,959	2,660
Meghalaya	3,553	4,690
Punjab	41,829	55,152
Uttarakhand	17,115	21,931
MP	1,31,791	1,61,285
Telangana	44,644	52,139
Maharashtra	1,81,897	2,08,177

* 2017 figures here are the totals of the notified cases in public and private sectors, listed separately in the report
Source: India TB Report 2019

State by state

Uttar Pradesh, with 17% of the population of the country, reported 4.2 lakh cases, accounting for 20% of all notifications (187 cases/lakh population). Between 2017 and 2018, Haryana saw a large increase in the number of cases, data from the report show (see table). Cases increased significantly in Rajasthan and UP, as well as Delhi. On the other hand, Odisha witnessed a decline in the number of notified cases from over 67,000 in 2017 to 50,244 in 2018, or about 25%. Odisha was the only such state; the Union Territories of Lakshadweep and Andaman & Nicobar Islands too witnessed a drop. The two UTs of Delhi and Chandigarh had the highest number of notified patients per lakh population, at 417 and 468, respectively. Their rates of notification are higher because people from many other parts of India get no-

tified from these UTs, the report said.

TB & HIV

TB is the leading cause of morbidity and mortality among people living with HIV, and HIV co-infection rates among incident TB patients is estimated to be 3% — 86,000 HIV-associated TB patients are emerging annually. The mortality in this group is very high, and 11,000 people with HIV die every year due to TB, the report said. India is the third highest HIV-burden country in the world, with an adult prevalence of 0.22%. The report said people living with HIV are at 21 times higher risk of developing TB. Nearly 25% of all deaths among people living with HIV are estimated to be due to TB. **ENS, WITH PTI**

SIMPLY PUT QUESTION & ANSWER

Listing India's residents, citizens

Government has revived National Population Register project at a time when National Register of Citizens has been published in Assam. How are the two different? What kind of data will be collected, and why?

DEEPTIMAN TIWARY & KARISHMA MEHROTRA
NEW DELHI, SEPTEMBER 26

IN THE backdrop of the National Register of Citizens (NRC) in Assam excluding 19 lakh among the 3.3 crore who had applied, the resurrection of the National Population Register (NPR) project has added to the uncertainty around the idea of citizenship in the country. Even as issues of privacy associated with Aadhaar continue to be debated in the country, the NPR is on a drive to collect detailed data on residents of India. What has added to the conversation is Home Minister Amit Shah floating the idea of "one nation, one card" and asserting that the NRC would be implemented across the country.



Census information being collected in Delhi in 2011. Ravi Kanojia/Express Archive

What is the NPR?

The NPR is a list of "usual residents of the country". According to the Ministry of Home Affairs, a "usual resident of the country" is one who has been residing in a local area for at least the last six months, or intends to stay in a particular location for the next six months. Unlike the NRC, the NPR is not a citizenship enumeration drive, as it would record even a foreigner staying in a locality for more than six months.

The NPR is being prepared under provisions of the Citizenship Act 1955 and the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. It is mandatory for every "usual resident of India" to register in the NPR.

It will be conducted in conjunction with the houselisting phase, the first phase of the Census, by the Office of the Registrar General of India (RGI) under the Home Ministry for Census 2021. Only Assam will not be included, given the recently completed NRC.

The NPR exercise is conducted at the local, sub-district, district, state and national levels. The RGI has already begun a pilot project in over 1,200 villages and 40 towns and cities through 5,218 enumeration blocks, where it is collecting various data from people. The final enumeration will begin in April 2020 and end in September 2020.

What is the controversy around it?

It comes in the backdrop of the NRC excluding 19 lakh people in Assam. With the government insisting that the NRC would be implemented across the country, the NPR has

raised anxieties around the idea of citizenship in the country. Even as a debate continues on Aadhaar and privacy, the NPR intends to collect a much larger amount of personal data on residents of India.

The idea of conducting a nationwide NRC would only happen on the basis of the upcoming NPR. After a list of residents is created, a nationwide NRC could go about verifying the citizens from that list.

The NPR is also amongst a host of identity databases such as Aadhaar, voter card, passport and more that Amit Shah said he would like to see combined into one card. "We will have to end all these separate exercises," Shah said at the foundation stone laying ceremony for the new Office of Registrar General of India and Census Commissioner on Tuesday. "If we do a digital census well, then all cards can come into one card. Government has not made this plan yet, but I want to put the potential in front of you to show that a successful digital census is your work and for the benefit of the public," Shah said.

Is the NPR a new idea?

No. The idea actually dates back to the UPA regime and was put in motion by then Home Minister P Chidambaram in 2009. In fact, at that time it had clashed with Aadhaar (UIDAI) over which project would be best suited for transferring government benefits to citizens. The Home Ministry had then pushed the idea of the NPR being a better vehicle because it

connected every NPR-recorded resident to a household through the Census. Back then, the Home Ministry push had even put the UIDAI project on the backburner.

The data for the NPR were first collected in 2010 along with the houselisting phase of Census 2011. In 2015, this data was further updated by conducting a door-to-door survey.

However, with the current government picking out Aadhaar as the key vehicle for transfer of government benefits in 2016 and putting its weight behind it, the NPR took a backseat. Through a notification on August 3 by the RGI, however, the idea has now been revived. The exercise to update the 2015 NPR with additional data has begun and will be completed in 2020. Digitisation of the updated information has been completed.

What kind of data will NPR collect?

The NPR will collect both demographic data and biometric data. There are 15 different categories of demographic data, ranging from name and place of birth to education and occupation, that the RGI is supposed to collect in the NPR. For biometric data it will depend on Aadhaar, for which it will seek Aadhaar details of the residents.

Apart from this, in a test run going on across the country, the RGI is seeking details of mobile number, Aadhaar, PAN card, Driving Licence, Voter ID card and passport (in case the resident is Indian). It is also working to update the Civil Registration System

of birth and death certificates.

In the 2010 exercise, the RGI had collected only demographic details. In 2015, it updated the data further with the mobile, Aadhaar and ration card numbers of residents. In the 2020 exercise, it has dropped the ration card number but added other categories.

According to Home Ministry sources, while registering with the NPR is mandatory, furnishing of additional data such as PAN, Aadhaar, driving licence and voter ID is voluntary. "Making it mandatory will invite unnecessary litigation. As of now there is no proposal to make it mandatory. We are also reposing trust in citizens. No document is being asked for or being verified against the details provided. The pilot project has shown that almost all the people are willing to share this data. Only in certain urban pockets such as in Delhi have we faced some resistance," a Home Ministry official said.

The Ministry has also floated the option of residents updating details in the NPR online.

Why does the government want so much data?

While there are concerns around privacy, the government position on collection of so much data is twofold. The first is the assertion that every country must have a comprehensive identity database of its residents with relevant demographic details. It says it will help the government formulate its policies better and also aid national security.

The second, largely to justify the collection of data such as driving licence, voter ID and PAN numbers, is that it will only ease the life of those residing in India by cutting red tape. "Not only will it help target government beneficiaries in a better way, but also further cut down paperwork and red tape in a similar manner that Aadhaar has done," a Home Ministry official said.

According to the official, it will streamline data of residents across various platforms. "It is common to find different date of birth of a person on different government documents. NPR will help eliminate that. With NPR data, residents will not have to furnish various proofs of age, address and other details in official work. It would also eliminate duplication in voter lists, government insists."

Officials also insist, however, that NPR information is private and confidential, meaning it will not be shared with third parties. There is as yet no clarity on the mechanism for protection of this vast amount of data.

After 2 in 2 years, an annual interstellar visit now?

EXPRESS NEWS SERVICE
NEW DELHI, SEPTEMBER 26

IN OCTOBER 2017, astronomers spotted the first interstellar object known to pass through the Solar System, and named it 'Oumuamua. It gave rise to initial speculation that it was an alien spaceship, but scientists have since concluded that 'Oumuamua likely has properties similar to a comet.

This summer came a new object, dubbed 2I/Borisov. Researchers will have about a year to observe the object with telescopes.

After centuries of never having had a known interstellar visitor, Earth has had two in two years. Astronomers Gregory Laughlin and Malena Rice, however, were not exactly



'Oumuamua came calling in 2017.

surprised, Yale University said in a statement. The astronomers have just completed a study that suggests these strange visitors are going to keep coming. A few large objects can

be expected to show up every year, they say, and smaller objects entering the Solar System could reach into the hundreds each year. The study has been accepted for publication in *The Astrophysical Journal Letters*, Yale said.

"There should be a lot of this material floating around. So much more data will be coming out soon, thanks to new telescopes coming online. We won't have to speculate," Rice, the first author, said in the statement.

The research proposes that interstellar objects could be material ejected from large, newborn planets, orbiting farther away from their suns. They suggest that these have carved out pronounced gaps in the protoplanetary disks — cosmic platters of gas and dust.

To test their theory, Rice and Laughlin looked at three protoplanetary disks from

the Disk Substructures at High Angular Resolution Project (DSHARP), a survey conducted by a consortium of astronomers. DSHARP focuses on images of 20 nearby, bright and large protoplanetary disks.

"We were looking for disks in which it was pretty clear a planet was there. If a disk has clear gaps in it, like several of the DSHARP disks do, it's possible to extrapolate what type of planet would be there. Then, we can simulate the systems to see how much material should be ejected over time," Rice said.

"This idea nicely explains the high density of these objects drifting in interstellar space, and it shows that we should be finding up to hundreds of these objects with upcoming surveys coming online next year," Laughlin said.

Why fears and uncertainty shroud tomorrow's Afghan election

NIRUPAMA SUBRAMANIAN
MUMBAI, SEPTEMBER 26

PRESIDENT ASHRAF Ghani is seeking a second term in Afghanistan's presidential election scheduled for September 28. But with just two days to go, it is still not certain that the election will ultimately be held.

Why the uncertainty?

Sections of the Afghan political class believe it is meaningless to hold elections before a peace deal is concluded with the Taliban. The Taliban have denounced the election, violence has increased in the last few weeks, and fear of bombings and suicide attacks may keep voters indoors.

Also, the elections of both 2009 and 2014 were mired in allegations of fraud, and questions will likely be raised on this election as well. As in the past, the results will likely be contested, and the exercise will be divisive, the critics say.

In an interview to the Associated Press, former President Hamid Karzai likened holding an election now to "asking a heart patient to run a marathon". Karzai, who remains an influential voice in his country, has called for cancellation of the election and resumption of talks with the Taliban — if not between the United States and the Taliban, which President Donald Trump called off this month, then between the

Afghan people and the Taliban.

On Wednesday, the head of Afghanistan's Independent Election Commission (IEC) Hava Alam Nuristani said the IEC was "fully ready" to conduct election on Saturday, and asked all eligible Afghans to cast their votes. There are 9.6 million voters on the rolls in a population of about 35 million.

This will be Afghanistan's fourth presidential election since 2004, when the current Constitution came into force. Elections have always been held with US financial assistance; ominously last week, the US withdrew \$100 million in aid for Afghanistan's anti-corruption body, saying it was "incapable of being a partner".

So who wants the election?

President Ashraf Ghani, who was excluded from the US-Taliban talks on the latter's say-so, has pushed forcefully for the election to be held. The Taliban say they don't recognise the Afghan government because it is a US puppet. A section of Afghan opinion believes that the proposed US-Taliban deal — which was primarily about the withdrawal of US troops in return for the Taliban agreeing to not let the al-Qaeda and ISIS establish themselves in the country — would have given the upper hand to the Taliban and destroyed hard-won gains of the nearly two-decade-long process of democratisation, which has brought certain freedoms and the rights to Afghans, includ-



In the shadow of the gun, President Ashraf Ghani is seeking re-election. AP

ing to its minority populations. The Taliban have given no indication that they believe in elections, and have been clear that they want power — or at least a share in power — without having to ask for votes.

When Zalmay Khalilzad, the US Special Representative for Afghanistan Reconciliation, announced this month that the deal with the Taliban now required only Trump's green light, it appeared that the next step would be the setting up of an interim government in which the Taliban would play a big role. The understanding seemed to be

that this interim government would thereafter work out further steps, including a ceasefire and talks between the Taliban and the Afghan people. It carried the implication that the election scheduled for September 28 would not be held.

The cancellation of the talks by Trump changed the situation. Ghani and his running mate for vice-president, Abdullah Saleh, have long argued that "intra-Afghan talks" should be held only after a new government is elected, that they should be between the Taliban and the representatives

of the Afghan people, and that the Taliban should call a ceasefire before such talks.

And who's running against Ghani?

Two of the 18 candidates who filed nominations have since suspended their campaign, one of them in favour of Ghani.

Among those who remain, the best known and strongest candidate is Abdullah Abdullah, a Pashtun-Tajik who was once adviser to Ahmad Shah Massoud, the leader of the Northern Alliance who was killed by al-Qaeda two days before the 9/11 attacks. Abdullah, who became the first foreign minister of Afghanistan soon after the US invasion of 2001, is deputy leader in Ghani's government, designated as Chief Executive.

Abdullah came in second behind President Hamid Karzai in the 2009 election, and was deadlocked with Ghani after a second round run-off in 2015. With neither Abdullah nor Ghani willing to give in, then US Secretary of State John Kerry worked for months to cobble together a power-sharing deal. Abdullah's party is called National Coalition of Afghanistan.

Then there is Gulbuddin Hekmatyar, the Pashtun leader of the Hezb-e-Islami. He is a former warlord and an ISI-trained, CIA-funded mujahideen commander who played a leading role in the anti-Soviet insurgency, and in the violence that tore Afghanistan apart as mujahideen factions fought each other for power for six years af-

ter the Red Army exited. In 2001, he based himself in Pakistan from where he orchestrated armed attacks on the Afghan government, until his return in 2016 after a peace agreement with Ghani's government.

The former Afghan ambassador to India, Shaida Abdali, is also contesting.

How has the campaign been?

There has been very little open campaigning due to the intense violence of the last few weeks — the Taliban first tried to grab as much territory as they could in the run-up to what seemed like a deal in the bag with the Americans; they were then angry that the talks were cancelled and the elections were happening. Dozens have been killed in Taliban suicide attacks over the last 10 days. For security reasons, Ghani has campaigned mostly via videoconferencing, and sought a mandate to strengthen his hands in any future talks with the Taliban.

What about security on voting day?

The IEC said last month that for security reasons, 2,431 of the 7,366 polling centres would be closed. Hundreds of these polling stations are in Taliban-controlled territory. The deployment of some 72,000 security personnel has not eased fears of largescale violence and use of unfair means. The IEC plans to use a new biometric system to identify voters and prevent fraud.