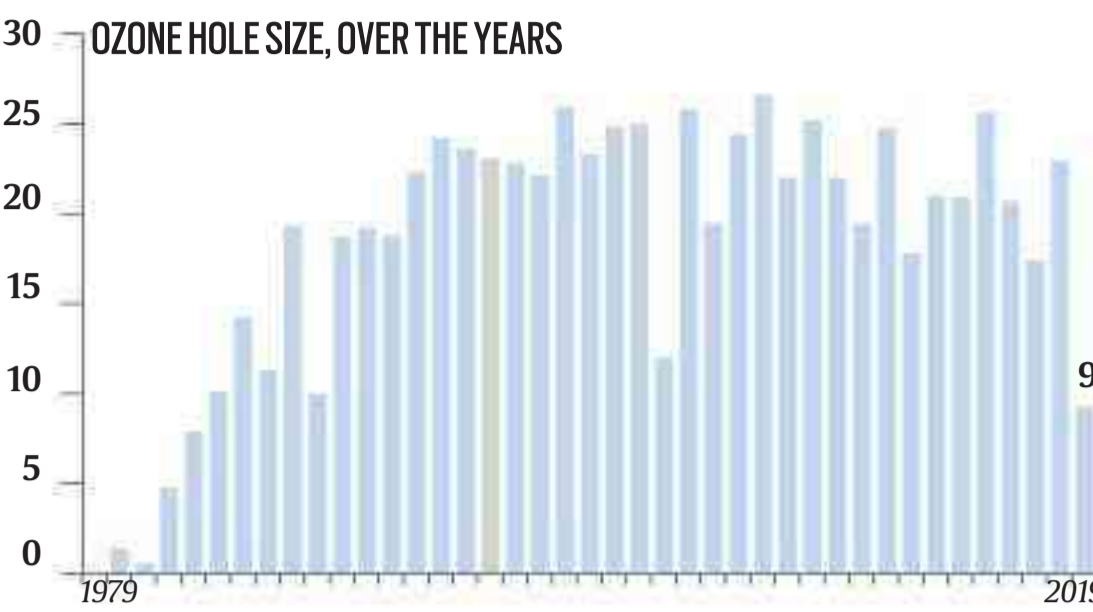


TELLING NUMBERS

Smallest ozone hole in decades: how it happened, why it matters



Average area of ozone hole, in million sq km, for the period between September 7 and October 13. No data for the 1995 season. Source: NASA

DURING SEPTEMBER and October, the ozone hole over the Antarctic has been the smallest observed since 1982, NASA and US National Oceanic and Atmospheric Administration (NOAA) scientists have reported. The annual ozone hole reached its peak extent of 16.4 million sq km on September 8, then shrank to less than 10 million sq km for the remainder of September and October, satellite measurements show. NASA has described it as great news for the Southern Hemisphere.

**WHAT IS OZONE HOLE:** Ozone, made up of three oxygen atoms, occurs naturally in small amounts. Roughly 10 km to 40 km up in the atmosphere (the layer called the stratosphere), the ozone layer is a sunscreen, shielding Earth from harmful ultraviolet radiation. On the other hand, close to the surface, ozone created as a byproduct

of pollution can trigger health problems such as asthma and bronchitis. Manufactured chemicals deplete the ozone layer. Each spring over Antarctica (it is now spring there), atmospheric ozone is destroyed by chemical processes. This creates the ozone hole, which occurs because of special meteorological and chemical conditions that exist in that region.

**WHY IT'S SMALL THIS YEAR:** There have been abnormal weather patterns in the atmosphere over Antarctica. In warmer temperatures like this year, fewer polar stratospheric clouds form and they don't persist as long, limiting the ozone-depletion process. While it is good news, NASA has cautioned it is important to recognise that what we are seeing this year is not a sign that atmospheric ozone is suddenly on a fast track to recovery. Source: NOAA

THIS WORD MEANS

AYE-AYE

A strange little primate, which has revealed a new secret: a 'pseudo-thumb' to do what its fingers can't

IN THE island of Madagascar there lives an unusual little animal. Now, the world's weirdest little primate has just got even weirder, the North Carolina State University has announced.

Called the aye-aye, it is a primate that is unlike most other primates. A type of omnivorous and nocturnal lemur, the aye-aye has a tail longer than its body, incisors that are constantly growing, a third eyelid that moistens the eye and protects it from debris when the aye-aye gnaws on wood, females that produce ova throughout their lifetime — and strange hands. The aye-aye has highly specialised fingers, including elongated middle fingers, with which they locate and fish out insect larvae. "Their fingers have evolved to be extremely specialised — so specialised, in fact, that they aren't much help when it comes to moving through trees," researcher Adam Hartstone-Rose said in a statement released by the North Carolina State University. In these already strange hands, researchers have now discovered a sixth digit — a "pseudo-thumb". Among other mammals, the giant panda has a similar sixth digit. In the aye-aye, researchers believe



that the pseudo-thumb might have developed to compensate for the highly specialised fingers, helping it grip better since the pseudo-thumbs are able to move in space and exert an amount of force equivalent to half its body weight. The pseudo-thumb has a bone, a cartilaginous extension and three distinct muscles that give it movement in three directions.

"It's amazing that it's been there the whole time, in this strangest of all primates, but no one has noticed it until now," Hartstone-Rose said. The research is published in the *American Journal of Physical Anthropology*.

SIMPLY PUT

Reading Cabinet's decisions

What is the government trying to achieve by its Wednesday decisions on the telecom, farm and petroleum sectors? What is the context of the announcements, and how should they be understood?

UDIT MISRA  
NEW DELHI, OCTOBER 23

ON WEDNESDAY, the Union Cabinet announced some key economic policy decisions. The first was a merger and revival package for two loss-making public sector telecom firms — Bharat Sanchar Nigam Ltd (BSNL) and Mahanagar Telephone Nigam Ltd (MTNL). The second was an increase in Minimum Support Prices (MSP) for *rabi* crops. The third was liberalising the regime for marketing petrol and diesel.

MTNL-BSNL merger

**CONTEXT:** It has been argued for some time now that the government should move out of the telecom sector because its firms — BSNL and MTNL — have been steadily losing ground to the private sector, and making heavy losses in the process. In the last four years, MTNL and BSNL revenues have fallen by 30% and 40% respectively. In the last financial year (2018-19), the two companies reported annual losses of Rs 14,000 crore and Rs 3,388 crore respectively. Cumulative losses are much higher. These losses are essentially a burden on taxpayers.

The companies' large staff strengths (BSNL has round 1.7 lakh employees) have made them all the more unviable in the face of losses. So, the government has decided to merge the two firms and introduce a voluntary retirement scheme (VRS) for employees above 50 years of age. The VRS is expected to cost over Rs 17,000 crore.

The government has also decided to raise funds by monetising the existing assets of BSNL and MTNL, and expects to raise Rs 38,000 crore by this route. The merged entity will float bonds (that is, sell bonds and get money in return) that will have the government's guarantee — Rs 15,000 crore is expected by this route.

The fresh money will be used to reduce the debts of the merged entity, and get it 4G spectrum so that it can compete with players in the rest of the sector on a better footing.

**ANALYSIS:** The move to treat BSNL and MTNL as strategic assets and the bid to revive them should be seen in the context of the ongoing distress in the telecom sector where the bulk of the private players — such as Tata Teleservices, RCom, Aircel, Telenor and Videocon — have shut shop in recent years. In essence, there are now just three companies — all private — that survive. But over the past few years, these too, have seen their revenues plummet sharply while their debts have risen into lakhs of crores.

Whether the merged entity will be able to better take on the reduced and weaker competition, thanks to the government's back-



Ministers Ravi Shankar Prasad, Prakash Javadekar and Hardeep S Puri at the press conference in Delhi Wednesday. Anil Sharma

ing, or whether it will struggle to take off in a time that is challenging for even more efficient private companies, will depend largely on how it is managed hereon.

Increase in *rabi* MSP

**CONTEXT:** One of the key successes of the Narendra Modi government since it came to power in 2014 has been its ability to control the general inflation rate that had reached double-digit highs at the end of 2013. While several factors were responsible for this decline — such as the collapse of crude oil prices in 2014 and 2015 — the policy decision taken by the government to not increase Minimum Support Prices by a large amount in any year, was quite significant. MSPs are one of the most important determinants of cropping patterns and overall production in India, as they signal the benchmark for farm prices across several commodities.

The latest increase is of Rs 85 per quintal for wheat, which is the main *rabi* crop, taking the MSP to Rs 1,925 per quintal. This is roughly in line (in fact, a little lower) with annual MSP increases in wheat since 2014 (when it was Rs 1,450 per quintal).

**ANALYSIS:** Seen from the consumer's point of view, a modest increase in MSPs would be a welcome sign. That is because, according to the latest data, retail food inflation in September jumped from 3% to 4.7%.

Since food items account for over 54% of retail inflation, the headline inflation too shot up to a 14-month high. So, modest MSP increases suggest that food prices will perhaps not rise too high.

However, the farmer's point of view is very different. Modest increases have been blamed for the stagnation in farm wages and an overall decline in rural demand. The most recent criticism on this count came from 2019 Economics Nobel winner Abhijit Banerjee, who pointed to low MSPs as a reason for depressed rural demand.

Should the government have increased the MSPs by a bigger quantum to boost rural incomes and demand is an open question — especially because doing so would entail the risk of heightened inflationary pressures, which can then force the RBI to reverse the cycle of cutting interest rates.

Liberalising fuel retail

**CONTEXT:** The retail sale of transportation fuels such as diesel and petrol is almost entirely dominated by public sector oil marketing companies such as Indian Oil Corporation Ltd (IOCL), Hindustan Petroleum Corporation Ltd (HPCL), and Bharat Petroleum Corporation Ltd (BPCL). There are some private players as well — Reliance, Essar and Shell — but as of May 2019, fewer than 7,000 of the 64,703 retail outlets in the country belonged to them.

The government has now decided to liberalise this regime by tweaking the "guidelines for granting authorisation to market transportation fuels", something that has not been done since 2002. In essence, the new rules lower the entry barriers for private (including foreign) players to enter the market for fuel retailing. For instance, new entrants will require a minimum net worth of just Rs 250 crore as against the current requirement of Rs 2,000 crore. Non-oil companies too, can invest now. This "major reform" will give a fillip to the "Ease of Doing Business", the government says.

**ANALYSIS:** For an economy like India, which is trying to grow fast and create more jobs, a move that lowers entry barriers should be welcome. The increased presence of the private sector, including foreign companies, is likely to boost job creation and improve consumer satisfaction with more retail outlets, better technology use, and more competition. An interesting aspect of the new norms is that besides conventional fuels, the authorised entities will be required to install facilities for marketing at least one new-generation alternative fuel such as CNG, LNG, biofuels, electric charging, etc., within three years of operationalising their retail outlets — a nod to concerns over the harm done to the environment by conventional fuels.

Trends project extreme El Niño more often

EXPRESS NEWS SERVICE  
NEW DELHI, OCTOBER 23

THE EL NIÑO is a widely discussed phenomenon, particularly in India where it can impact the southwest monsoon. In fact, El Niño events cause serious shifts in weather patterns across the globe. While El Niño is a naturally occurring phenomenon, a key question that scientists frequently ask is: In a continuously warming planet, how will climate change affect the creation of strong El Niño events?

In a new study, researchers have found that because of climate change, extreme El Niño events are likely to become more frequent. The study was done by a team of international climate researchers led by Bin Wang of the University of Hawaii at Manoa International Pacific Research Center (IPRC).

It has been published in the journal *Proceedings of the National Academy of Science*.

What El Niño means

El Niño is a climate phenomenon that takes place over the equatorial Pacific. It is one phase of an alternating cycle known as El Niño Southern Oscillation (ENSO). When there is a warming of the sea surface temperature in the eastern and central equatorial Pacific Ocean, it is known as El Niño. When the opposite cooling phase takes place, it is known as La Niña.

ENSO can cause extreme weather events in many regions of the world, and therefore has very important implications for seasonal climate predictions, including the monsoon in India. While El Niño causes warmer temperatures over the equatorial Pacific, these are known to suppress monsoon rainfall.

When La Niña happens, it has been found to be helpful in bringing good rainfall.

The new study

The researchers examined details of 33 El Niño events from 1901 to 2017. For each event, they evaluated the onset location of the warming, its evolution and its ultimate strength. Based on such parameters, the team identified four types of El Niño, each with distinct onset and strengthening patterns.

They found a shift in El Niño behaviour since the late 1970s. All events beginning in the eastern Pacific occurred prior to that time, while all events originating in the western-central Pacific happened since then. The researchers suggested, therefore, that climate change effects have shifted the El Niño onset location from the eastern Pacific to the western Pacific, and caused more frequent extreme El Niño events.

What the findings imply

The team focused on the factors that seemed to be controlling these shifts, including increased surface temperatures in the western Pacific warm pool, and easterly winds in the central Pacific. They found that with continued global warming, those factors may lead to a continued increase in frequency in extreme El Niño events.

"Simulations with global climate models suggest that if the observed background changes continue under future anthropogenic forcing, more frequent extreme El Niño events will induce profound socioeconomic consequences," Wang said in a statement released by his university.

The classification system in this study provides a tool for climate modelling of El Niño and La Niña. The university said the team plans to explore further how this work may help improve predictions of future El Niño events.

What makes today's J&K block elections unique, who are in the fray

ADIL AKHZER  
SRINAGAR, OCTOBER 23

ON THURSDAY, Jammu & Kashmir, as well as Ladakh, will witness their first elections since August 5, when the state of Jammu & Kashmir lost its special status and was bifurcated into two Union Territories. The elections to 310 posts of Block Development Council (BDC) chairperson are being held amid a continued shutdown in the Valley, with three of the major parties out of the fray and their top leadership under detention.

What are these elections?

Block chairpersons are elected at the second tier of the Panchayati Raj system, between the election of panches and sarpanches by the people, and of the election of chairpersons of the District Planning and Development Boards. In a state that has had only four panchayat elections so far

(1978, 2001, 2011, 2018), block chairpersons' elections are being held for the first time. Under the Jammu and Kashmir Panchayati Raj Act, it is the panches and sarpanches, elected at the first tier, who subsequently vote for the BDCs in their respective blocks. The elections are being held for 310 of the 316 blocks in J&K and Ladakh.

What is unusual about the elections?

Apart from being the first ever BDC chairperson elections in Jammu and Kashmir, they are being held in unique circumstances. These are the first elections since the August 5 move, and are being held in the backdrop of the detention of Kashmir's entire mainstream leadership, including that of three former chief ministers (Faroq Abdullah, Omar Abdullah and Mehbooba Mufti) and a sitting MP. For that reason, their parties — the National Conference and the People's Democratic Party — have boycotted the elections. So has the Congress.



Panches and sarpanches photographed in Srinagar last week. Shuaib Masoodi

With the leadership of all parties barring the BJP behind bars, questions have been raised over the credibility of the process in the Valley. Chief Electoral Officer Shailendra

Kumar, however, said: "Parties can't claim that since we are boycotting elections or we are not participating directly, therefore these elections are going to be sham. It is not the

correct kind of argument."

Who are in the fray?

The State Election Commission said 1,092 candidates are in the fray for the 310 posts. Among them, 853 are independent candidates and 218 are of the BJP, together making up 1,071. Twenty-seven of the candidates have been elected unopposed, leaving 1,065 candidates for the remaining seats.

Any panch or sarpanch can stand for the post of BDC chairman. In a first, the government has reserved 33% seats for women.

Who are the voters?

The strength of the electorate is 26,628 panches and sarpanches. These are from among the 23,376 panches and 3,847 sarpanches who were elected in undivided Jammu and Kashmir in November-December last year.

Those panchayat elections, held over nine phases, had a very poor response. Within

Kashmir, a huge number of seats remain vacant — 11,264 of 18,833 panch seats (61 per cent) and 1,311 of 2,375 sarpanch seats (34 per cent). Of the 7,596 panches in Kashmir, more than half were elected unopposed.

The State Election Commission said only 1% of the seats in Ladakh division and 2% in Jammu are vacant. Chief Electoral Officer Kumar said the vacant positions will be filled within one year, and if needed the BDC elections for those seats will be conducted separately.

What after the BDC elections?

The government's thrust will be on establishing the third tier of District Planning and Development Boards. The Board of a district will comprise all BDC chairpersons, urban local body chairpersons or presidents, the local MLA and the MP. District Planning Board members and the chairperson would oversee all developmental activities taking place in their area.



## The Indian EXPRESS

FOUNDED BY  
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

# The power to impeach

Trump White House's attempt to paint impeachment motion as 'unconstitutional' goes against the law



UPENDRA BAXI

THE DECISION BY the United States Congress to commence impeachment proceedings against the incumbent president is fraught with distinctively American and global implications. The early responses of the president suggest that it is only a political act by the speaker and the Democratic party with the 2020 presidential elections looming large. Is the decision to impeach a president a political rather than a constitutional decision? In a letter of October 8, the White House counsel, Pat Cipollone, writes to the speaker and other officials, that the procedure thus far adopted is "unconstitutional" and a "dangerous path" aiming at overturning the "results of the 2016 election and deprive the American people of the president that they have freely chosen".

But the very case cited as an authority — *Hastings v US* (1992) — says otherwise: "Impeachments are not political in nature. To impeach an Article III Judge, the judge must be brought up on real charges, that is, High Crimes and Misdemeanours, and receive a real trial before the full Senate as clearly required by the Constitution. Nothing less will do if this nation is to maintain an independent judiciary". That case spoke mainly about the impeachment of federal justices, and only addressed the senate proceedings for the removal.

The court did lay emphasis on fair procedure but only in the context that applied to senate trials. It held that impeachments "take place not when government is operating as it should but rather when government has gone hideously awry, when it is seriously alleged that a high and trusted public official lacks the respect for law and ethics necessary to hold an office of public trust". But it expressly disavowed any intention of "depriving the House or the Senate of one iota of their exclusive constitutional powers to impeach" in holding that Judge Alcee Hastings was entitled to a full trial by the senate.

Propaganda trumps law here when the White House counsel calls the impeachment motion itself "unconstitutional". The constitution does not provide any timetable; and the incumbent is always free to combat this

at a political level. But no one has the unilateral power to annul a constitutional provision. The sole power to impeach a president (and other civil officers of the United States) rests with the House and the senate when it finds that the president, among other federal officers, has committed treason, bribery, or other high crimes and misdemeanours.

And so far, decisions to impeach and convict and remove from office are regarded as not reviewable by any court. Indeed, this high power has been very sparingly exercised: Only 15 impeachments (12 addressed judges, one a senator, one a secretary of war) have occurred, and only one president (Andrew Johnson) was impeached and he too escaped conviction by one vote in the senate. President Richard Nixon chose to resign rather than face the Watergate impeachment.

If the White House counsel's ultimate argument is to be adopted, any attempt to impeach the president would be an unconstitutional deprivation of an electoral outcome favouring the incumbent. Article II of the US Constitution will be a dead letter as far as the US President is concerned. In deciding the charges of impeachment, the House decides the procedure and to challenge it now on fairness grounds will be itself unconstitutional. One hopes that saner counsel will prevail and desperate attempts at intimidation of the speaker and other officials with multifarious legal proceedings will cease.

If President Trump stands successfully impeached, the question of presidential pardon may arise. In such a situation, self-pardoning is not likely to be upheld as legal nor constitutional. However, we need to recall that in 1973 the Office of Legal Counsel memorandum stated that while "no one may be a judge in his own case", the 25th Amendment provided that if the president was temporarily unable to perform the duties of his office the vice president as acting president could include the power to pardon the president. Whether the president should resign or resume the office would then be at his discretion.

The successor may exercise pardon power as did President Ford who pardoned Richard Nixon for "any crimes he has com-

mitted or may have committed or taken part in during the period from January 20, 1969 through August 9, 1974". And Chief Justice Warren Berger has ruled that the power to pardon "flows from the Constitution alone, not from any legislative enactments, and that it cannot be modified, abridged, or diminished by the Congress". Most commentators endorse this proposition; but insert the caveat that clemency is only to be exercised for federal offences leaving individual states the freedom to prosecute for other offences.

Since President Trump is an admirer of Indian democracy, he may find it interesting to learn that the Indian Supreme Court has interpreted the rule of law as entailing that public powers ought never to be deployed for private ends and that this has now become the cornerstone of Indian constitutionalism and jurisprudence.

He may also benefit from the Gandhian doctrine counselling that all public power constitutes public trust, which has now found full recognition in environmental and constitutional jurisprudence. President Trump may be surprised, happily one hopes, to learn how issues of hyper-partisanship are not held pertinent to Indian constitutionalism. The recent UK Supreme Court decision setting aside the royal prerogative to prorogue the House of Commons also reminds us of the judicial wisdom. It is high time to avoid the Cold War politics of "political brinkmanship". Such styles of governance are least conducive to world peace and security.

America still claims the leadership of the "free" world and enjoys, even when deeply flawed, global hegemony as a solitary superpower. President Trump ought to realise the global responsibilities of an American President and seek to preserve, without any gratuitous overseas advice, a bicentennial constitutionalism and the American presidency. He ought to safeguard the proud heritage of a constitutional democratic tradition.

The writer is professor of law, University of Warwick, and former vice chancellor of Universities of South Gujarat and Delhi

## SHADOW IN THE MIRROR

Questions about the lockdown in Kashmir raised at home, and abroad, need to be addressed, not managed

ON WEDNESDAY, THE world's largest democracy was put under a lens by the world's oldest democracy, and India did not come out looking good. At a US congressional hearing on "Human Rights in South Asia", the discussion was mainly on the situation in Kashmir. That India figured in such a hearing is embarrassing in itself. The focus was not so much on the validity of the central government's decision to revoke Jammu & Kashmir's special status, as on the manner in which it has been done. Congresswomen and men asked the questions and raised the concerns that many, including Kashmiris, have done in India — over the prolonged detention of politicians, businessmen and others, the cutting off of phone lines and blocking of access to the internet in the Valley. Over the nearly three months that these restrictions have been in place, India's justification has been that such steps were necessary to secure the Valley from "Pakistan sponsored" terrorism. The members on the panel were appreciative of India's concern, and acknowledged Pakistan's reputation on this front, but were still unconvinced that these required the draconian measures implemented in the Valley.

The Assistant Secretary of State for South Asia, who represented the Trump Administration at the hearing, was factual in her efforts to present an unbiased picture of India's actions and the ground situation, but was constrained to say "a humanitarian crisis" was unfolding in the Valley. She underlined that Delhi had not allowed US diplomats to visit Kashmir. But the government has not allowed even Indian politicians to visit the Valley. There is an electoral exercise underway in the state for local government even as every known politician of the Valley is under house arrest. It is hardly reassuring that there is an impression that politicians can be released if they sign "good behaviour" bonds. This is enormously problematic, as is the Centre's apparent permission to the BJP to carry out political activity in the state while denying it to all other players.

There have been suggestions that the US hearing was the result of failed "media management", or, to quote the External Affairs Minister, S Jaishankar, the "English-speaking liberal media" did not present a fair picture. The truth is, media spin will not be enough to make the questions go away. If the government believes its August 5 decisions were correct, it must be able to convince the people of the Valley without locking them up. This it must do not because some politicians in the US are asking questions, but in India's own interests.

## PUT AWAY THE STICK

Assam's insistence on two-child norm for government jobs is a poor stand-in for investments in health, education, nutrition

ON TUESDAY, THE Assam government announced that people with more than two children will not be eligible for government jobs from January 2021. Assam will become the fourth state after Maharashtra, Madhya Pradesh and Rajasthan to have a two-child norm in place for government jobs. At least five other states follow this norm for candidates seeking elections to local bodies such as panchayats, municipal corporations and zila parishads. The Assam government's decision comes two months after Prime Minister Narendra Modi flagged the issue of population control in his Independence Day speech. The conversation in the wake of the PM's speech has drawn attention to the limitations of the two-child norm. There is now compelling evidence that measures such as debarment of people from holding government office amount to penalising weaker sections of the population, including women, whose reproductive choices are often subject to a variety of constraints. It is unfortunate, therefore, that the Assam government has chosen to ignore the discriminatory nature of the two-child policy.

Almost all surveys indicate that India's population growth rate has slowed substantially in the last decade. According to the latest National Family Health Survey (NFHS-4), at 2.2, India's total fertility rate (TFR) is very close to the desired replacement level of 2.1. In fact, the NFHS-4 data confirms what population experts, gender rights activists and social scientists have maintained over the years: Women's education has a direct bearing on fertility rates. The decadal survey shows that women who have never been to school are likely to bear more than three children while the fertility rate of those who have completed 12 years of schooling is 1.7.

In spite of the fall in TFR, India's population has continued to grow because nearly 50 per cent of the people are in the age group of 15-49. This means that the absolute population will continue to rise even though couples have less children. There is substantial literature to show that a further slowing down of the momentum will require raising the age of marriage, delaying the first pregnancy and ensuring spacing between births. In this context, the NFHS-4 figures on contraception point to a major shortfall: The unmet need for contraception is 13 per cent — over 30 million women of reproductive age are not able to access contraception. Dealing with the country's demographic peculiarity will require investments in health, education, nutrition and employment avenues. The right to seek a government job or contest elections are citizens' rights. State governments will do well to rethink throttling such rights to enforce population control.

## JUSTIN 2.0

Trudeau wins a second term as Canada's PM. But he isn't quite the liberal poster boy he was four years ago

FOUR YEARS AGO, Justin Trudeau won Canada's general election with his own version of the promise of "achhe din". And for the first half of his first term, it seemed that the Liberal prime minister was indeed delivering on "sunny days", including for the besieged liberals far beyond Canadian shores. Trudeau welcomed refugees fleeing West Asia even as much of the West turned xenophobic, he renewed Canada's commitment to fighting climate change, celebrated diversity and immigrants, all the while wearing quirky ties and socks, to make sure everybody knows he's just another woke guy at the neighbourhood artisanal coffee shop. This week's election result has confirmed that Trudeau will have another term in office. But Justin 2.0 is starting out with just a little less shine.

Two scandals in as many years have cast a shadow over "sunny days". Photographs of Trudeau sporting "blackface" — painting himself to play Aladdin in an *Arabian Nights*-themed costume party and as US singer and civil rights activist Harry Belafonte — tarnished the prime minister's claim of being sensitive to issues of race and minority representation. And earlier this year, his cabinet was rocked by the SNC-Lavalin scandal: Canada's Attorney General Jody Wilson-Raybould accused Trudeau of pressuring her to cut a deal while prosecuting the engineering and infrastructure company on corruption. Wilson-Raybould resigned, as did another member of the cabinet due to Trudeau's alleged behaviour. The scandals may have had political consequences: The Liberal Party lost 20 seats and did not get a majority of the vote-share. It will now form a minority government, likely with the support of the New Democratic Party led by Jagmeet Singh.

Trudeau has suffered, perhaps, because of the high standards he set for himself. After all, the two scandals that cost him so much political capital would barely be a weekend's worth of tweets for his counterpart — President Donald Trump — in the US. Perhaps hypocrisy is indeed the "homage vice pays to virtue". Even so, Trudeau didn't have to prove the adage true.



M P NATHANAEL

THE GLARING ABSENCE of figures relating to incidents of lynching in the recently released National Crime Records Bureau (NCRB) database on the pretext that the data received from the states were "unreliable" hints at a deliberate attempt to keep the figures under wraps. Figures available from various other sources indicate that in 63 incidents, 28 persons were killed between 2010 and 2017, of which 24 were Muslims. There have been 266 cases of lynching since 2014 and this continues to show an upward trend, casting an adverse impression about the role of the police in arresting such trends.

On June 17 night, Tabrez Ansari, 24, along with two others was on his way to his home in Saraikeela from Jamshepur when they were waylaid by goons of village Dhatkidih on suspicion of being thieves. While the two friends escaped, Ansari was tied to a pole and brutally beaten by a mob for several hours. When the police arrived, they took him to a police station and then shifted him to a hospital. After a perfunctory medical examination, the doctor declared him fit. Four days later, Tabrez died due to brain haemorrhage. Had the police acted promptly on receiving information from the village chief, his life could have been saved.

Exactly a year before the incident at Saraikeela, Qasim Qureshi and Samiuddin were brutally attacked in Hapur, resulting in the death of the former and serious injuries to the latter. A few police personnel are also suspected to have been part of the lynch

## THE LAW ISN'T ENOUGH

Legislation against mob lynching must be accompanied by effective policing

mob. While the ugly manner in which the policemen dragged the two victims of lynch mob to the vehicle drew apologies from senior police officials, the manner in which they were treated reflects their abhorrence for the victims. To add to the woes of the surviving victim, an attempt was initially made to close the matter as an incident of road rage. No effort was made to preserve evidence to make a strong case against the culprits.

Though there can be no denying that the police has played a partisan role in most incidents of lynching, there have been cases where policemen acted promptly and prevented incidents of lynching. The derring-do displayed by sub-inspector Gagandeep Singh of Uttarakhand Police in saving a Muslim youth from an irate mob near Garjiya Devi temple in Ramnagar on May 22 last year is one such example.

The Supreme Court has directed the Centre and all states to frame stringent laws against lynching. While Manipur passed an anti-lynching law last November, Rajasthan and West Bengal have passed such legislation more recently. West Bengal's law is stringent, punishing with death those held guilty of lynching victims to death. But these will be futile unless they are strictly enforced on the ground. Political patronage to fundamentalist elements will deter the policemen from doing their duty.

Among other recommendations, the Uttar Pradesh State Law Commission has stressed the need to take stringent action against officials for dereliction of their duties. The district magistrate and police officers can be imprisoned for a term extending upto three years with a fine upto Rs 5000.

against officials for dereliction of their duties. The district magistrate and police officers can be imprisoned for a term extending upto three years with a fine upto Rs 5000.

Apart from monitoring fake news and arresting those who originate and forward news that could trigger mob violence or communal unrest, the police has to spread its intelligence dragnet to such an extent that any plan to upset the law and order machinery is reported to the control room within minutes. Districts that are communally sensitive ought to have additional armed and well-equipped companies to rush to any spot within minutes to handle frenzied mobs.

Prompt investigations into incidents of mob lynching followed by arrests and trial by fast track courts could go a long way in curbing such incidents. It is likely that every effort will be made to influence the victims and witnesses to either withdraw the case or to give statements that would weaken the prosecution's case. The responsibility will, therefore, devolve on the police to protect the witnesses and the victims. In the interest of the victims and the witnesses, lynching must be made a non-bailable offence. Policemen who watch as mute spectators should also be tried in the same manner as the culprits. Senior police officers also need to be taken to task if found guilty of dereliction of duty.

The writer retired as inspector general of police, CRPF



## OCTOBER 24, 1979, FORTY YEARS AGO

LABOUR UNREST  
THE PLANNING COMMISSION has voiced concern over the deteriorating labour situation in the country and has said that labour unrest is largely responsible for the slump in industrial output. It has attributed the shortfall in thermal power generation and the stagnation in coal production to this factor. The commission also fears a decline in employment generation in the current financial year. The annual plan's target, it reckons, would be difficult to achieve in view of the drought in several parts of the country.

PD ORDINANCE  
IN PURSUANCE OF the preventive detention

ordinance against hoarders and blackmarketeers, the central government has issued guidelines to the states to ensure uniformity of action and effective implementation. Although some state governments have agreed to implement the ordinance, none of them has so far set up advisory boards as required under it. The Centre has issued the necessary guidelines and told the states that the ordinance is intended to supplement the other legal provisions for securing the availability of essential commodities at proper prices to people.

MISUSE OF POWER  
ALLEGING GROSS ABUSE of government ma-

chinery for electoral ends by the caretaker prime minister, the Janata Party sought immediate intervention of the Election Commission. A senior party leader and former information minister, L K Advani, wrote to the chief election commissioner alleging that PM Charan Singh used an air force plane for his two-day visit to Andhra Pradesh to promote the Lok Dal's election prospects. Singh had also taken a press party with him — an officer of the Press Information Bureau accompanied him. "This official had thus become a Lok Dal functionary," Advani said. He quoted the Shah commission's remarks decrying misuse of IAF aircraft on the eve of Emergency by Indira Gandhi.

# Icon on the island

As Sri Lanka prepares for presidential polls, its Election Commission is the winner



SY QURAIISHI

ON NOVEMBER 16, Sri Lanka goes to the polls to elect its new president. I was privileged to be a part of a pre-election assessment mission mounted jointly by the Republican Party and the Democratic Party of the United States, through their independent institutes, the International Republican Institute (IRI) and National Democratic Institute (NDI).

SL has a population of 22 million of whom 16 million are registered voters. They will vote at 12,845 polling stations. Counting will be done at 1,500 counting centres. The president has to get a clear majority (50 per cent plus one vote). There is a preferential voting system where every voter can express second and third preference, which most voters rarely do. If no one gets 50 per cent in the first place, the second and third preference votes have to be counted. There is no run-off election. After all three counts, the candidate with the highest vote wins.

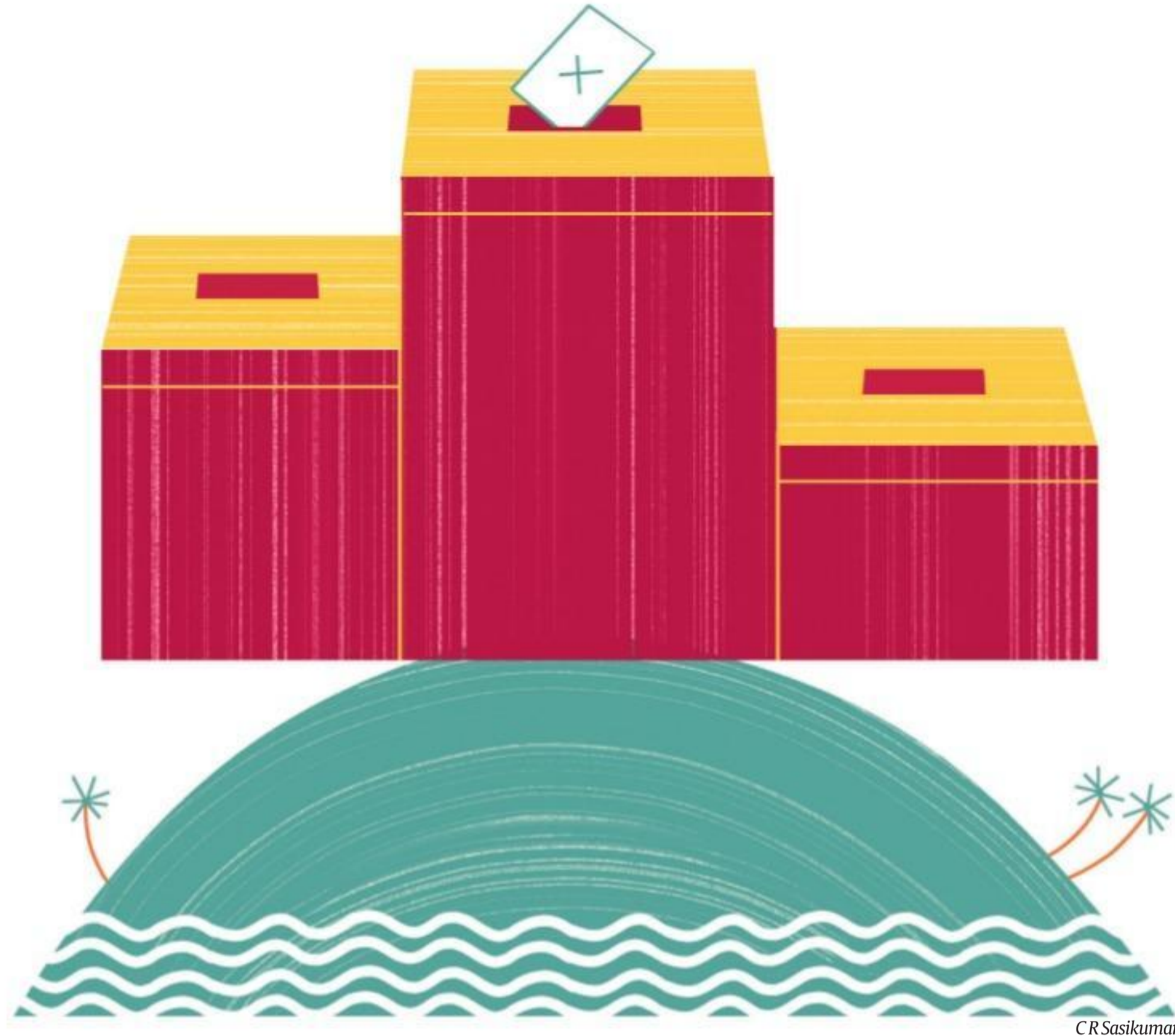
Every stakeholder we questioned vouched for the integrity of the Commission which became a constitutional body only in 2018, and expressed full faith in its ability to conduct a free, fair and credible election. In fact, since the 2015 election, the chief election commissioner, Mahinda Deshapriya, has been no less than a national icon.

The participation of youth was a common concern. There are nearly 3,00,000 first-time voters and the general opinion was that there would be a sense of apathy in them. The reasons given were their disillusionment with the performance of the government and lack of issues of their interest. The absence of campaign finance regulation was also mentioned by almost every stakeholder. The enormous abuse of money power was a common concern. Some people even mentioned foreign money playing a role.

We had an interesting conversation with the former president, Mahinda Rajapaksa, where he complained of being a victim of the opposition. He had complete faith in the election commission despite accusing it of delaying the provincial elections "under pressure of the government". He made an interesting disclosure: One of the three commissioners often goes against the majority, and even goes to the court sometimes.

Referring to the Easter terror attack, he said that the government had detailed information from the government of India "including the names and telephone numbers", but the concerned agencies did not act on it. He made it clear that it was an act of some Muslim extremists but that it cannot be attributed to Islam. When asked whether he expects any foreign interference, he replied with a wink that "hope it won't happen again". It may be recalled that in 2015, he had publicly attributed his defeat to Indian intelligence agencies.

We also met the prime minister, Ranil Wickremesinghe, who complained of low voter interest, attributing it to the disenchantment with the political leaders and unfulfilled promises: This was surprising to hear from an incumbent PM, and reflects bitter dissensions within the ruling coalition. He also observed that the youth were not enthusiastic as they see "no big issue". Further, he mentioned a large base of "floating voters" who can play a decisive role. He made an in-



CR Sasikumar

teresting observation that in 2015, the then President Rajapaksa had everything "including sun and the moon", yet he lost because of these voters. According to him, "it is certain that no one will get 50 per cent votes (leading to the counting of second and third preference votes)". Significantly, he also mentioned the possible role of foreign money.

He admitted that India had given very specific intelligence about the Easter terror attack and lamented that "we didn't follow up". He expressed concerns that Muslims are being vilified but didn't anticipate much violence during the polls. Another important ruling political leader (not a Muslim), however, said that terror is being used as a weapon to harass a community, which is facing many human rights violations.

Women seem to have a very insignificant presence in the electoral scene. This is despite the fact that Sri Lanka gave the world the first elected woman president. Although women dominate the education scene with 74 per cent of the students being female (20 per cent faculty), and with 25 per cent reservation at the provincial level, at the national level, the political role for women is seen confined to women from political families.

Everyone we met — from political leaders and civil society to NGOs — complained about the spinelessness and partiality of the media, largely because most of it is owned by political parties. There is zero self-regulation. Some called it the "washing machine" of the state. The most scathing comment was made by a journalist, "SL is the worst country in the world for media prostitution!" (Does the comment ring a bell? Some consolation this).

We met a very senior Tamil leader who said that there was a general voter apathy among the Tamils. However, when Gota Rajapaksa's candidacy was announced, the

apathy disappeared. It is important to note that in 2015, it was the Tamil and Muslim vote which helped dislodge his brother, President Mahinda Rajapaksa.

The leader lamented that 10 per cent of political prisoners have not yet been released, one-third of the land has not been returned and, worse, none of the 20,000 plus individuals who "disappeared" have been found. He said Tamils are "sick and tired" of voting for the "lesser of the two evils".

The same leader also voiced strong anti-Muslim feeling among the Tamils, and feared that some violence was being planned against them, especially in the east, to prevent them from voting. He emphasised the need for the two communities to coordinate and hoped that "close to the elections they would have to work together".

SL elections always invite great world attention. The country is liberal in inviting international observers. Most importantly, their own civil society observers from the two main NGOs — PAFFREL (People's Action for Free and Fair Elections) and CMEV (Centre for Monitoring Electoral Violence), have unrestricted access to the entire electoral process. They depute their observers to almost 80 per cent of the polling stations. Their monitoring and certification carries a lot of weight as well. In a meeting with them, they expressed satisfaction with the arrangements and hoped that the elections, like in 2015, would be free, fair and credible.

Finally, the camaraderie and coordination between the representatives of the NDI and IRI was a treat. One wishes to see such bonhomie between our two national parties too.

The writer is former chief election commissioner of India. Views are strictly personal

## WHAT THE OTHERS SAY

"China is sincere in building a favorable relationship with the US, while preserving internal order. Prioritizing national interests is indisputably justified in any country."  
— GLOBAL TIMES, CHINA

# Defenders need defending

Those who shielded the defenceless are now being targeted by powers-that-be



APOORVANAND

FOR DECADES, SOME people have defended the rights of those who had no resources to stand against the might of the society and the state. We assume that we live in a country which is ruled by law and that human beings have certain inalienable rights. But, we also see these rights violated by different organs of the state. It is then that we seek these defenders who know the language of the law. We have come to believe that as long as they are present, we have some breathing space — but that time seems to be over. The defenders need to be defended now.

The CBI wants the Supreme Court to remove the shield of protection that the Bombay High Court had given to Indira Jaising and Anand Grover. A special leave petition challenging the Bombay High Court order restraining any coercive action against the lawyers has been filed by the CBI in the SC and may come up for hearing any day.

On July 25, the Bombay High Court gave interim relief to Jaising and Grover after a plea was filed to quash the FIR lodged by the CBI against them, alleging violation of the FCRA and other offences under the IPC. The turn of events leading up to this FIR is worrying: An unknown entity called Lawyer's Voice filed a petition in the SC stating that the Centre should have registered cases against Jaising, Grover and the Lawyer's Collective for offences under the IPC, Prevention of Money Laundering Act, Prevention of Corruption Act and the Income Tax Act.

The alacrity with which the petition was listed for hearing was noted by people aware of the normal ways of functioning of the court registry. It was heard by a bench which included CJI Ranjan Gogoi. The court issued notices to all parties, making clear that the government was free to initiate proceedings against the two. The question of propriety was raised again as Jaising had then taken up the case of the woman who had alleged sexual misconduct against her by the CJI.

After this order, things moved at an extraordinary pace. In less than a week's time, an FIR was lodged against them by the CBI and, thereafter, their Delhi house and various offices in Delhi and Mumbai were raided for evidence in the case of misuse of foreign funds. Recall that in 2016, the ministry of home affairs, Union of India, had cancelled the FCRA of the Lawyer's Collective — this was after it charged the organisation with misuse of foreign funds, and rejected the response of the organisation.

After this, Jaising and Grover, and Lawyer's Collective, moved the Bombay High Court in 2016 which de-froze their

domestic accounts. Why the hurry by the CBI then, to arrest them now? Since 2016 have they even shown an inclination to evade the law? Have they tried to flee the country? On the contrary, we know that both Jaising and Grover have been declining invitations from other countries, which include speaking assignments and also academic ones simply because there is a case pending against them.

Grover took up the case of gay rights and fought to win for them a life of dignity. Numerous cancer patients may have never heard about the Novartis case, which he argued successfully, and which drastically reduced treatment cost. People with HIV need to know that he, along with others, fought legally to end discrimination against them in public employment. Overnight, he was labelled "anti-national", however, for taking up the case of Yakub Memon.

Jaising won for all women of India, irrespective of religion, the rights of equal inheritance and guardianship of children, which neither their communities nor the state was willing to give. It was the work of the Lawyer's Collective, under her leadership, for more than a decade, which resulted in the legislation of a civil law on domestic violence. She took up the Gujarat genocide cases, along with those related to the Sohrabuddin encounter case and the case of the mysterious death of Judge Loya. Even crèches in the apex courts were a result of her efforts.

Our case is not one where Jaising and Grover's good deeds become the argument against the CBI taking away their protection. Similarly, the anti-people policies under the Chidambaram regime should not make us rejoice that his arrest is an answer to his misdeeds. Mohan Gopal rightly reminds us that in all such cases a basic constitutional principle is involved — we have a right against self-incrimination. Citing the Selvi judgement, he recalls the words of the Supreme Court that "a core rationale of the right against self-incrimination is the protection of voluntariness. As coercion and voluntariness cannot coexist, it follows that custodial interrogation in Indian prisons necessarily violates the right against self-incrimination and is therefore unconstitutional and illegal."

We need not guess why Jaising and Grover are being targeted. One must remember what the PM said in 2015 against getting hoodwinked by "five-star activists". Since then we have seen a concerted campaign against the concept of human rights in India: One must remember that without any questioning and human rights, democracy would turn hollow.

The Jharkhand police has now sealed and attached the property of Father Stan Swamy, a Jesuit priest in his eighties, in a sedition case lodged in Khunti district. Over decades now, Jharkhand has been his home, where he has been working for tribals and human rights — he is now being criminalised by the state, which wants him jailed. Can we not see the link between the actions playing out in Delhi and Ranchi?

The writer teaches Hindi at Delhi University

## LETTERS TO THE EDITOR

### ON WRONG TRACK

THIS REFERS TO the article, 'Smooth operators' (IE, October 23). While privatisation in several sectors has benefited the Indian economy, it should not be seen as a panacea to all that ails it. Privatisation in railways is a step in the wrong direction. The fare for three-tier AC in the privately-run Tejas Express was over Rs 4,000, almost equal to the air fare for the same route. This could lead to a situation where trains run half empty despite heavy demand. Privatisation has been mostly successful in cases where the private sector could take full control over all aspects of operations. Control over railway operations will have to be vested with the government. This could lead to delays and inefficiency.

E A Ibrahim, Chennai

### GLOOMY ECONOMY

THIS REFERS TO the editorial, 'The NREGA signal' (IE, October 23). It is one thing to boast of a demographic dividend, it is another to make maximum use of it. The increasing number of youth working under MGNREGA is another reminder of the gloomy state of our economy. There is a need to create jobs and increase vocational opportunities.

Divya Singla, Patiala

### DIVERSE PRAYERS

THIS REFERS TO the article, 'Don't sing in Pilibhit' (IE, October 22). The writer has rightly questioned the objection raised about a patriotic prayer. As children, we read verses from the Bible, Gita and Quran in the school assembly. Parents or authorities had never ques-

### 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](mailto:editpage@expressindia.com) or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301.

tioned the daily routine. This routine in fact, was a beautiful showcasing of India's democracy.  
Smitha Venkateswari, Bengaluru

### PAK'S WAYS

THIS REFERS TO the editorial, 'The screws tighten' (IE, October 21). Pakistan got a few months reprieve from FATF, thanks to the support of China, Turkey and Malaysia. However, it is too much to expect the country to mend its ways. Pakistan's unsatisfactory compliance with FATF's benchmark report and its cross-border terror provides ample proof of its attitude. As per the FATF charter, the support of at least three countries is required not to blacklist a country. But does it not bother the world community's conscience that just three votes against against a large majority are needed to block the blacklisting of Pakistan?  
Lal Singh, Amritsar

# Development lessons from Gandhi

Restraining consumption will help achieve harmonious growth



ATUL JAIN

MAHATMA GANDHI'S PHILOSOPHY influenced not only Indians, but many great personalities across the world. Interestingly, it also influenced many a treatise at the international level. But, there is little that the international community attributes to him while drafting the future of the world.

These days, sustainable development goals (SDGs) are the buzzword. In 1908, Gandhi showed us the path for sustainable development through sustainable consumption. In his *Hind Swaraj*, he outlined the threat to the common future of humanity from our relentless quest for material goods and services.

In 2015, when the UN adopted 17 SDGs, the 12th was about "ensuring sustainable consumption and production patterns". This was perhaps the most fitting tribute to the enduring greatness of Gandhi. But no mention of Gandhi or of Indian values was made in the preamble to this declaration. If we carefully read the subtext of SDGs, we find that they mirror the philosophy enunciated in *Hind Swaraj*.

The adoption of some of Gandhi's tenets in the SDGs bear testimony to the fact that these were not flights of fancy, but rather, achievable aims. This has been demonstrated by the development model evolved by the Deendayal Research Institute (DRI) and other such institutions. The DRI was set up to perpetuate the memory of Deendayal

Upadhyaya, who carried on Gandhi's legacy. After his death, his contemporary, Nanaji Deshmukh, undertook the task to translate this philosophy into action.

An avowed follower of Gandhi, Nanaji worked in the most backward districts of the country with a holistic approach, encompassing all aspects and dimensions of human life including education, life sciences, livelihood, technology, and social consciousness. This model can be seen in action in Chitrakoot, Gonda, Beed and Nagpur.

Gandhiji was honest in admitting that some of his thoughts may become outdated and, therefore, he had no problem in changing his stance. But the basic principles remained same. For example, both these great men believed that native, indigenous knowledge and culture needs to be respected. This worldview shuns the idea of more consumption, which is both a cause and consequence of greed.

Like Gandhi, Nanaji also felt that villagers are the trustees of the country's resources. But at the same time, Gandhi agreed that with technological advancement and changing aspirations of the people, the tools may have to be different. However, he cautioned against unnecessary consumption. Nanaji adopted the same approach while developing his model. Both believed that harmonious growth can be

achieved by employing cultural practices. They had an unshakable faith in the native's wisdom and intelligence. They strongly believed that it could be achieved only by employing local resources and local talent.

Gandhiji's life is an example of how he subtly taught us the virtues of sustainable consumption. On many occasions, he chided Jawaharlal Nehru for wasting precious natural resources for his comfort. He spoke about harnessing natural resources as a virtue. Harnessing seems to be the closest English translation of the Indian concept of "dohan", which says that natural resources should be used respectfully, and carefully to ensure equitable distribution and also to ensure that we leave a better world for future generations. Needless to say, this would ensure judicious consumption of the resources.

Every region has distinctive social and geographical characteristics. There are 127 agro-climatic zones in India. And when the policymakers try to formulate policies on the basis of mere statistics, they find that each such zone has scores of eco-climatic zones.

In 2008, the then French President Nicholas Sarkozy set up a commission to identify the limits of GDP as an indicator of economic performance and social progress, and to examine what additional information might be required for more relevant in-

dicators of social progress. The commission found that there were vast diversities that govern the development of a region.

This is exactly what Gandhi had said a hundred years before the commission was set up. He had underlined the need for a decentralised system of economics and development so that local, distinctive characteristics can be factored in while formulating plans on the basis of statistical information.

Talking of sustainable development without understanding the true meaning of sustainable consumption will be mere rhetoric. Unless we practice restrained consumption, we cannot avoid exploitation of natural resources, and cannot achieve sustainability in production patterns. Upadhyaya also delved into the Indian ethos of restrained consumption (sanyamit upbhog). Citing various classical scriptures and cultural practices, he eulogised frugal (maryadit) spending by Indians, in accordance with their dharma. This, he explained, would lead to less exploitation of resources. He was also averse to vulgar displays of wealth and ostentatious lifestyles. All these form the subtext of SDG 12.

The writer is general secretary, Deendayal Research Institute. This is a part of the lecture delivered in St. Paulskirche, Frankfurt on October 11, to celebrate Gandhi 150