

# If Vodafone quits India...

...India's loss might be much bigger in terms of the dent in the overall business sentiment



## NOT FOR PROFIT

NIVEDITA MOOKERJI

The last week of October, with all the festivity around, was hardly pleasant for the telecom sector. The Supreme Court verdict on October 24 upholding the government definition of adjusted gross revenue or AGR had hit all telcos, except Reliance Jio. But, for the UK communications major Vodafone, already in the midst of mounting losses in its India unit, it looked like an endgame. The top court order meant

Vodafone Idea, the venture in which the UK operator holds 45 per cent stake, had to pay around \$4 billion (more than ₹28,000 crore) in licence fee and spectrum usage dues to the government.

From there on, the sequence of events is intriguing.

A day after the court judgment, on October 25, Vodafone Idea said in an exchange filing that the verdict had "financial implications and represents a significant event with respect to the company". It also said the company would engage with the Department of Telecom seeking relief, including a waiver of interest and penalties.

By this time, speculation around Vodafone's likely exit from India were making headlines. Soon, TV channels and news agencies were also flashing that Vodafone Idea, with around \$14 billion net debt, was in talks with banks for a debt recast and could be headed to the bankruptcy court. The Newbury (Berkshire)-headquartered conglomerate responded strongly to douse the fire.

In a statement issued on October 31, the second largest telecom company in the world said, "Vodafone is aware of the unfounded and baseless rumours circulating in some of the Indian media that we have decided to exit the market. We would like to categorically state that this is not true and is malicious."

The same day, the India business-Vodafone Idea-made a filing to the Bombay Stock Exchange (BSE), which had sought clarifications from the company on media reports suggesting it may exit India as losses mount. "As regards exit of India operations by Vodafone group is concerned, we wish to inform you that the company is not aware of anything on the subject as it pertains to Vodafone group and hence cannot comment on the same," Vodafone Idea told BSE. On the issue of debt recast, Vodafone Idea dismissed it as incorrect.

In less than two weeks, precisely on November 12, the British conglomerate stunned the world by negating its own statement of October 31, stating that its

India business was on the brink of collapse. Chief executive Nick Read told the media in London after the company's half-yearly results that Vodafone's India unit could be headed for liquidation unless it got relief from the government in terms of waiver in taxes and penalties. "If you don't get the remedies being suggested, the situation is critical," he said in no unclear terms. And then to reiterate the point, he said, "if you're not a going concern, you're moving into a liquidation scenario — can't get any clearer than that." While writing down the book value of its India operations, Vodafone has squarely put the blame on "unsupportive regulation" and "excessive taxation". The "negative Supreme Court decision" had, of course, pushed it to the brink.

Although it's rare and tough for a global chief executive to announce that a business had gone bad, it's striking to find a multinational as big as Vodafone change its position on exit and bankruptcy within days. So, what happened between October 31 and November 12, to drive Vodafone to make a public statement that its India days may be numbered unless the government offered substantial relief?

There could be only two reasons for this desperate war cry. One could be that the UK telco sensed the government might not offer any big relief in terms of

waiver of penalty and tax in relation to the AGR order by the Supreme Court. In that case, Vodafone might have decided to call a spade a spade and walk out of India, which was not too long ago the most promising telecom market.

The second reason could be a ploy or a last-ditch effort by the telco to convince the government to act quickly and decisively.

While Vodafone, which has been among the biggest source of foreign direct investment, would lose out on its current 300 million plus subscriber base and the promise of growth if it were to exit the country, India's loss might perhaps be much bigger in terms of overall business sentiment.

The government so far has not taken any pro-active step to set things in order in the telecom sector, bruised by extremely low tariff because of competition. At a time when the government is calling out predatory pricing by foreign e-commerce companies to help Indian retail businesses, it's time to take notice of the telecom sector tariffs without getting into the nationalities of the companies. Also, rather than whiling away time on recommendations by a committee of secretaries, the government must take a call at the highest level at the earliest, treating Vodafone's exit call with all the seriousness that it deserves.

## CHINESE WHISPERS

### Updating Twitter profile



Former Maharashtra chief minister Devendra Fadnavis on Tuesday changed his Twitter bio to "Maharashtra's Sevak" (Maharashtra's servant). As chief minister, Fadnavis often used his Twitter handle @Dev\_Fadnavis for official communication. The BJP leader had changed his Twitter bio from "Chief Minister of Maharashtra" to "caretaking chief minister" last week when the BJP announced that it was in no position to form the government. He quit on November 8 after the Bharatiya Janata Party failed to work out a power-sharing deal with the Shiv Sena, its ally. Fadnavis, 49, is the first chief minister of Maharashtra after Vasant Naik to complete a full term.

### Jharkhand war heats up

Sukhdeo Bhagat former Jharkhand Congress chief who switched to the Bharatiya Janata Party (BJP) recently, filed his nomination from the Lohardaga Assembly (reserved for Scheduled Tribes) seat on Wednesday. Bhagat, who is a sitting MLA from Lohardaga, is pitted against Rameshwar Oraon, a former Indian Police Service officer who is currently chief of the Congress' Jharkhand unit. Oraon had succeeded Ajoy Kumar, who quit the Congress in the aftermath of the Lok Sabha polls and joined the Aam Aadmi Party. Bhagat, along with three other Congress legislators, joined the BJP last month. The BJP has given the party ticket to all four from their current seats. The five-phase election to the 81-member Jharkhand Assembly will conclude on December 20 and counting will be held on December 23.

### Being cautious

Samajwadi Party (SP) President Akhilesh Yadav has never given up an opportunity to attack the Yogi Adityanath government on various issues, especially cases of alleged corruption or impropriety. However, "Tipu" — Yadav's affectionate moniker — is perceptibly cautious about the DHFL controversy, in which UP power utility mandarins had allegedly flouted norms to invest in the scam-hit non-banking financial company between March 2017 and December 2018. The investments started when the power transition was underway between the outgoing SP and now incumbent Bharatiya Janata Party. UP Power Corporation Ltd (UPPCL) Managing Director A P Mishra was still at the helm. During the SP regime (2012-17), Mishra had the ruling dispensation's trust and was given multiple extensions. He is currently in the custody of the UP economic offences wing.

# Levelling the grain mountain

Foodgrain stocks are burgeoning but the options to reduce them are limited

SANJEEB MUKHERJEE

A few days ago, local papers in Haryana published reports of paddy farmers being turned away from *mandis* because government agencies had stopped procurement saying quotas had been reached. *Mandis* in Karnal, Panipat and Yamunagar all reportedly downed their shutters for six days, causing a long line-up of trucks and tractor-trolleys. It was only after the newly-formed Manohar Lal government clarified that no decision to stop procurement had been taken that the Haryana mandis re-opened.

The incident highlights again the challenges the Centre and state governments face when it comes to ending the open-ended procurement of wheat and rice by Food Corporation of India (FCI) and state agencies on its behalf. "I have never seen mandi authorities denying paddy purchases in my lifetime," said a farmer from Karnal. "It seems some ulterior motive is at play," he added.

Soon after the Haryana incident, the 2020-21 report of the Commission for Agriculture Costs and Prices (CACP) 2020-21 highlighted the pitfalls of open-ended procurement of wheat and rice. The CACP, which is the main body that determines the Minimum Support Price (MSP) for a host of crops, has often urged the need to review the open-ended procurement mechanism under which the government buys whatever

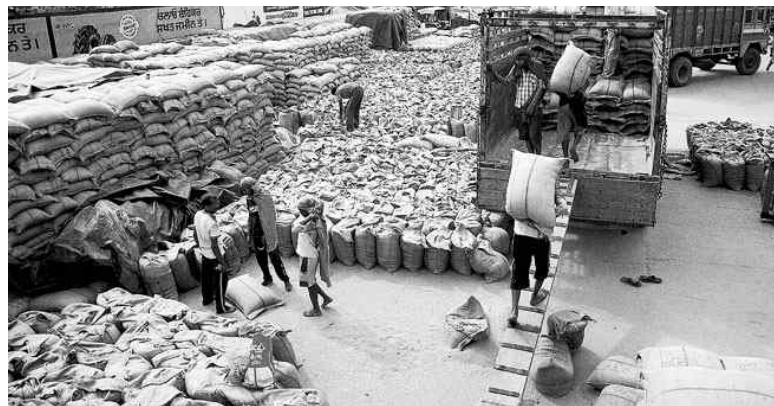
wheat and rice a farmer brings to the mandi within a stipulated time and based on a pre-determined quality parameter.

CACP and the beleaguered FCI blames this open-ended procurement for mounting foodgrain stocks, which, as on October 1, 2019, stood at an estimated 64.23 million tonnes, more than double the required buffer and strategic reserve norms.

"Against a requirement of around 50-56 million tonnes of foodgrain to run the National Food Security Act (NFSA) and other welfare schemes, the Centre ends up buying almost 80 million tonnes of wheat and rice. There has to be a mismatch somewhere, which is showing up," a senior FCI official said.

Given that India's foodgrain stocks have reached unmanageable levels — the image of rats feasting on stocks in FCI godowns has become famous — does the government has viable options to liquidate the current inventory without incurring a heavy additional financial burden?

The short answer is no. The stock burden along with inadequate Budget allocations for the food subsidy and the Centre's zeal to check the fiscal deficit has worsened FCI's financial position. Officials say even if the Centre releases all its allocated subsidy for 2019-20, the agency would still have outstanding unpaid subsidy dues of ₹174,000 crore, plus ₹145,000 crore as outstanding loans from National Small



Savings Funds (NSSF) by the end of that financial year, totalling over ₹319,000 crore. At the start of the current fiscal, this figure was ₹191,000 crore. In short, FCI is incurring crippling debt to create extra food stocks that the country doesn't really need.

So what can Centre do about its grain mountains?

**Open market sale to private players:** The problem here, say FCI officials, is low appetite from allied industries such as biscuit manufacturers, a result of the economic slowdown. The government did make a start of sorts by selling wheat and rice at an MSP-linked reserve price, but as the CACP noted in its latest report, the offtake of wheat till September 2019 has been only 0.51 million tonnes against 2.29 million tonnes offered for sale during 2019-20. The target is to sell around 10 million tonnes in open market.

**Extra allocation for Antodaya Anna Yojana (AAY) beneficiaries and fam-**

### PROBLEM OF PLENTY

Foodgrain stock (mn tonne)

Oct 1, 2015	52.07
Oct 1, 2016	35.8
Oct 1, 2017	42.17
Oct 1, 2018	54.25
Oct 1, 2019	64.23

\*Does not include unmillable paddy lying with mills and coarse grains; NOTE: The buffer and reserve stock position as on October 1 is 30.77 mn applicable from January 22, 2015 Source: Food Corporation of India (FCI)

**ilies below the poverty line:** Assuming an additional allocation of 5 kg of rice and wheat for AAY beneficiaries, and 1 kg of rice or wheat to those in the Priority Households (PHH) category, a back-of-the-envelope calculation shows that government will have bear an extra financial burden of about ₹29,000 crore over the current subsidy of over ₹184,000 crore (Budget Estimate, 2019-20).

AAY allocations are made on a per-family basis, which comes to around

## INSIGHT

# RCEP and India

I was disappointed when India decided to opt out of the RCEP. We had all the time in the world to negotiate and get a good deal for ourselves



YASHWANT SINHA

I travelled for one such meeting (summit with ASEAN) to Cambodia in the PM's special plane (the year was 2003). During the flight Vajpayee asked me whether I had seen the speech which had been prepared for him. The PMO used to prepare his speeches based on inputs received from various ministries, specially the ministries of commerce and external affairs. The final version was not shown, even to me, and was a trade secret of the PMO. So, I frankly told Vajpayee that I had not seen the final draft.

"He immediately told his officials to show it to me. It is a good draft, but what is news worthy in the speech?" I asked the PMO officials, who looked at me in surprise. I told them that ASEAN already had free trade agreement (FTA) with China, Japan and South Korea, which were its summit partners. Should India as the fourth summit partner not offer to have an FTA with ASEAN? The suggestion was accepted by Vajpayee and commerce secretary Deepak Chatterjee, who was on the same flight, was asked to draft a few sentences to include the offer in

Vajpayee's speech. As expected, it became the highlight of his address."

This is an extract from my recently published autobiography *Relentless* and I am quoting it here to emphasise that both Vajpayee and I were very keen to expand India's trade and economic relations with all friendly countries in the world while at the same time protecting and safeguarding our core national interests. When I took over as minister for external affairs I found to my horror that we were nowhere compared to China when it came to trade, specially as far as the developing countries of Asia, Africa and Latin America were concerned. So, if China's total annual trade with country X were three billion US dollars ours would be three million dollars. Since trade and economic relations formed an important point of the agenda of my discussions with my counterparts from these countries or their regional groupings, I would explore all avenues to augment them. I discussed the state of affairs with Vajpayee and given the confidence we had in our own economy, it was decided that we should freely offer to conclude preferential and free trade agreements with regional trading blocs and the larger countries. India would deal with the world with a newfound confidence and self-assurance. And our confidence was not misplaced.

India had stood up and squarely faced the challenges posed by the opening up of the Indian economy after the liberalisation of 1991. Ten years later came a bigger challenge when under the WTO agreement India had to remove all quantitative restrictions (QRs) with effect from April 1, 2001. As finance minister I had



ILLUSTRATION BY BINAY SINHA

to make an announcement to this effect in my Budget speech of February 28 of that year. I recall with some amusement today the apprehensions which existed in certain quarters of our business community then. A senior political leader came to see me with a delegation of the poultry industry. They told me that US was sitting on huge mountains of frozen chicken legs waiting to export them to India and how its unrestricted imports will ruin the poultry industry in India. A group of businessmen from the two-wheeler industry warned me that China had already stocked lakhs of two-wheelers in the customs free zone of Dubai and was waiting to ship them to India and how that would destroy the two-wheeler industry in India. Similar fears were expressed about apples and dairy products from Australia and New Zealand and any other items of imports from various other countries. Indian industry was in the grip of an all-pervading panic.

QRs had to go on April 1, as it was a sacred international commitment. I took the concerns of Indian industry and agriculture on board and and

made whatever provisions were necessary and legally feasible to safeguard our interests. A special cell was set up in the ministry of commerce to monitor the imports of sensitive commodities and products into India. We were ready with other measures too to meet any surge in imports of sensitive items. But we survived; Indian industry and agriculture once again stood up and faced the challenges boldly. It helped them come of age.

I was therefore disappointed when India decided to opt out of the RCEP. It is not an act of courage but of cowardice. We had all the time in the world to negotiate and get a good deal for ourselves. After all, did we not do so during the more difficult negotiations in the Doha Round or even later WTO negotiations? We cannot wear our negotiating failure as a badge of honour, can we?

RCEP embraces 15 countries, the original 10 of ASEAN and its summit partners, namely, South Korea, Japan, China, Australia and New Zealand. India is the other summit partner of ASEAN and its second largest. Goh Chok Tong, then prime minister of

Singapore had once compared ASEAN to an aircraft of which India and China were the two wings. That truly represents the importance of India for ASEAN and the whole Indo-Pacific. Today, we as one of the wings of the ASEAN aircraft have decided to voluntarily detach ourselves from that aircraft.

The 15 countries of RCEP together account for 3 billion people and 20 per cent of the global GDP. Manmohan Singh had once described the area extending from Japan to India as an 'arc of prosperity'. It is tragic that the Congress party today is competing with the ruling party and others to claim credit for India staying out of the RCEP. The government of course is claiming it to be an act of courage of a strong prime minister. The fact of the matter is that by opting out of the RCEP, India has shot itself in the foot and missed a golden opportunity to be an important player in the affairs, not only of this region but globally.

The argument that India would have had to play second fiddle to China under this arrangement is completely misplaced, as is the belief that it would have led to an upsurge in imports from China. For the record, our current trade deficit with China is not because of some FTA we have with them. It is the result of our own deficiencies and if there are any trade curbs that China has in place for imports from India, it is the duty of our negotiators to have them removed. There are strong rules in place about the country of origin and therefore the fear that China would have inundated us with imports through third countries is also misplaced. So is the view that an FTA with the US could make up for it. The fact of the matter is that some people in India are forever afraid of coming out of their mother's womb. That is not the sign of a strong nation which is willing to go out and meet the world.

The author is a former Minister of Finance

## LETTERS

### Focus on happiness

This refers to "Development Economics after the Nobel Prize" (November 13). Post Adam Smith, an eon was spent in identifying conditions necessary for wealth-creation. An era was then spent on distribution of income between capital and labour. Nobel winner Professor Angus Deaton then delved into the cause and spread and measurement of poverty. Now Abhijeet Banerjee et al have analysed to combat it through the seminal concept of Randomised Control Trials. It may take ages for socio-economists to move away from a trite GDP to the concept of happiness. More than in economics, development needs to be in human ethos.

R Narayanan Navi Mumbai

### Good job

Dilasha Seth's report "Delhi 'blinks green' as the fastest air cargo hub among India's metros" (November 13) about the excellent performance of the Delhi air cargo hub — and improvements at other major airports too — is a piece of good news. The Central Board of Indirect Taxes & Customs' (CBIC's) initiative of launching the time-tracking colour dashboard is a great idea to encourage all our major air- and seaports to expedite customs clearance of cargo. Such healthy competition is bound to improve this crucial component in "ease of doing business" and show good results at other airports and seaports as well as lend a big helping hand to our efforts at "breaking into the top 50 ease of business club". Here's wishing Delhi keeps blinking green — at least on this front — and others also catch up soon. Our hopes to join the top 50 club in terms of ease of doing business should get a leg up with all this. More than that, it will help our industry and trade become more competitive.

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## Policy instability reigns

Investors will see government action as primary risk

The government has sought to make India an easier place to do business, and has pushed for reform to this end at both the central and state levels. Some of its efforts have been crowned with success, and India's ranking in the World Bank's ease of doing business rating has risen. The hope is that this will revive investment, both domestic and foreign. But the question to be asked is why investors would want to come in to India at the risk of catastrophic capital loss, and when the greatest risk continues to be the Indian state itself. One major risk comes from the possibility that a change in administration following an election might lead to the government renegeing on agreements. The situation in Andhra Pradesh is an unfortunate example of this. The new government under Jagan Mohan Reddy had previously announced it was re-opening power purchase agreements, which threw investment into the renewable energy sector nationwide into crisis. Now news comes that it is ending a development project in the new state capital city of Amaravati, which was supposed to create a commercial real estate-focused area in the new city on the banks of the Krishna river. This will involve pulling out of a contract it had signed with Singaporean investors. The Amaravati project was supposed to be a proof of concept, a demonstration that foreign capital could co-operate with the Indian state in order to build world-class urban infrastructure. Instead, it now serves to demonstrate the opposite.

Similar risks have intensified at the all-India level as well. At a media call after Vodafone released its first-half results, its chief executive officer, Nick Read, said the situation for the company in India was "critical". This is a consequence of the government having taken a case about revenue sharing all the way to the Supreme Court, which has now ordered debt-laden telecom operators to pay \$13 billion to the government, with Vodafone Idea due to hand over \$4 billion to that. The government is not responsible for a court judgment, but it is certainly responsible for having fought the case up to that level, as well as refusing to see what such extortionate demands are doing to profitability and investment in the sector. Vodafone has rightly pointed out that it is among the largest foreign investors in India. What would other large investors considering going into critical or infrastructure sectors, where partnership with the government is essential, take away from its behaviour in the telecom sector? Now it seems the government has taken aim at the successful e-commerce sector, another location for high investment. It changed the rules of the game after major investments had already been made, and ministers have been routinely speaking about "predatory pricing" in the sector while remaining silent about such pricing in telecom.

The simple fact is that as long as governments allow political considerations rather than a commitment to policy stability to dominate, investment in India will continue to be muted and growth will not return to a sustained higher trajectory. It is vital that governments, both Union and state, re-examine their approach towards investment and prioritise policy stability.

## Political circus

People of Maharashtra are the biggest losers

Maharashtra has come under President's rule after none of the political parties or formations was able to find the required numbers in the Assembly to form a government — an outcome even the brightest political analysts did not anticipate after last month's elections. Although the Bharatiya Janata Party (BJP) did not do as well as many were expecting, it got a comfortable majority in the 288-member Assembly with its pre-poll alliance partner, the Shiv Sena. But the latter had other plans and demanded an equal share in power with a claim on the chair of the chief minister — something that the BJP was unwilling to offer. It was widely speculated that the Sena would use the opportunity to bargain for plum ministries and ultimately join the government. But the Sena stayed stubborn and decided to explore other options. Predictably, it could not muster the required support within the timeframe set by the governor.

Clearly, the people of Maharashtra have been given short shrift. The BJP did the right thing by not attempting to form a government because it did not have the required numbers after the alliance with the Sena ended. It was obviously not practical to expect the BJP to serve as a junior partner in the alliance where it has roughly double the number of legislators the Sena has. The latter will have a lot of explaining to do because it will be held responsible for the political uncertainty if it is not able to bring together the Congress and Nationalist Congress Party (NCP) to form the government. It is clear that the Sena miscalculated the alternative scenario of leading a state government with the support of the two parties. Evidently, it will not be easy for the Congress and the NCP to support or be part of a Sena-led government. Even if all these parties come together, it would be an inherently unstable coalition. There is nothing wrong or new in realignment of political forces, but the Congress supporting or becoming part of a Sena-led government would be strange. It would also be difficult for the Sena to support a government led by the NCP, as it will defeat the purpose of breaking the alliance with the BJP.

Questions have also been raised about the role of the governor, who has been blamed for recommending President's rule in a hurry even as political parties were asking for time to discuss the modalities of government formation. The governor should have exhausted all avenues before recommending President's rule. Although technically President's rule does not stop political parties from exploring options, it is possible that the state will remain under Central rule for an extended period. As things stand today, no one has gained from the political shift in the state. Political parties have been exposed and the credibility of the office of the governor has taken a knock. But the biggest losers are the people of Maharashtra, who don't have a government and might have to fund another election.

ILLUSTRATION: BINAY SINHA



## Chinese air force's long march

The PLA has clearly spelt out its aggressive military doctrine. India must be ready to meet this threat

When Mao Zedong declared the founding of the People's Republic of China in Beijing on October 1, 1949, the country had just 17 military aircraft. Legend has it that this little fleet — nine fighters, two bombers, three carriers, one communication plane and two trainers — overflew Tiananmen Square twice each to give the jubilant masses the impression they had an air force. The next month, on November 11, 1949, Mao proclaimed the People's Liberation Army (Air Force) as a separate service.

How things have changed! The PLA (AF) is now a 400,000-person force that flies some 2,000 combat aircraft — more than thrice the size of the Indian Air Force (IAF). On Sunday, a PLA (AF) video, released to celebrate its 70th anniversary, boasted a range of sophisticated warplanes, most developed in China. These include the fifth-generation J-20 stealth fighter that has begun entering service, the J-16 Shenyang fighter (an advanced version of the Sukhoi-30), the H-6N strategic bomber, which reputedly launches the "aircraft carrier killer" Dongfeng-21D ballistic missile, the Y-20 transport aircraft that takes aloft 66 tonnes of payload, and the KJ-2000 airborne early warning system.

The 1962 Sino-Indian war was fought entirely between land troops, with neither side using its air force or navy against each other. But in a military face-off today, the PLA's ungracefully-named military doctrine of "limited war under conditions of informationisation" (gobbledygook for a digitally-enabled, highly transparent battlefield) will see a major role for the PLA (AF), operating in numbers from the 10-odd air bases that experts assess have been readied in Tibet. It is, therefore, worth retracing the PLA (AF)'s journey.

The year after its humble beginnings in 1949, the PLA (AF) got a major boost from the Korean War, when Stalin and Mao reached an unholy bargain: Russia would bulk up the PLA (AF) with the mass-produced, highly-capable MIG-15, and train Chinese pilots and technicians to fly and maintain combat aircraft. In return, China would serve as a Russian proxy against the United Nations coalition in Korea,

especially the United States Air Force (USAF). Between 1950 and 1953, both sides lost hundreds of fighters and pilots, including dozens of Russian pilots flying in North Korean uniforms. The experience garnered enabled Russia to incrementally develop the MiG-15 into the MiG-17, MiG-19 and the legendary MiG-21; with China eventually building all four fighters under licence. The USAF, meanwhile, improved the supersonic F-86 Sabre fighters into an advanced version that Washington later supplied to Pakistan, which used them against the IAF in 1965 and 1971.

The Korean War gave China its first fighter aces and — more importantly for Mao — a capable, experienced air force. According to accounts from that time, when Stalin complained about China's reluctance to engage the USAF in air combat more aggressively, Mao expressed his readiness to get a million Chinese killed in combat in Korea, but he would not endanger the existence of his new air force. It is important to note that China's shiny new air force has had very limited combat experience since the Korean War. Analysts, including those at the USAF-linked RAND Corporation, assess that despite the PLA (AF)'s instructional regime, which seeks to train pilots under "actual combat conditions", it is ill-prepared to fight and win against well-drilled air forces such as the USAF.

After the Korean war, the PLA (AF) entered a period of steep decline caused by the Sino-Soviet split and by the internal turmoil of the Great Leap Forward and the Cultural Revolution. After Mao's death, Deng Xiaoping began reforming the PLA; Communist Party insiders have said he engineered the abortive 1979 invasion of Vietnam only to illustrate the PLA's deficiencies and need for reform. The PLA (AF) also learned lessons from Britain's invasion of the Falklands and Israel's destruction of Syrian air defence systems in Lebanon's Bekaa Valley in 1982. Deng realised the importance of air power and space assets. He allowed the PLA (AF), hitherto focused on supporting the land campaign, to begin developing an independent strategy.

The dazzling success of the US "AirLand Battle"



**BROADSWORD**

AJAI SHUKLA

## India's multiple asymmetries

Strong governments from Stalin onwards unfaithfully aim for Olympian heights: Their achievements are always the biggest, tallest, highest, fastest and so on (Stalin even claimed to have the world's biggest department store, thumbing his communist nose at his capitalist competitors). Indians of a certain outlook are prone to making similar claims. Through the early noughties, for instance, Indian business delegations triumphantly touted the narrative of the "fastest growing democracy" at Davos and other global power talking shops. At least for a while, that claim had the virtue of being true. Now that we can no longer parade that line, we are left with such sundry claims as the world's tallest statue, the world's largest sanitation project and, of course, the world's largest identification programme. Only one of those are worthy of praise as a solid achievement.

Till the current self-created economic slowdown ends — exactly when is the subject of fierce debate among economists — we can safely wallow in India's greatness in a mythical golden age when we apparently knew all about nuclear weapons and plastic surgery. Having attracted no small amount of derision for propagating these notions, Indian leaders have moved beyond those claims to talking instead about India's impending trans-

formation (and it's always forthcoming) into a political and economic superpower. If we take at face value the claim that the world has suddenly started respecting India as a dynamic 21st century power, then the world must surely have been puzzled last week by the frenzied national attention on a Supreme Court verdict concerning a dispute predicated on claims clouded in the mists of history.

The merits and demerits of the judgment aside, surely, there are other urgent pending issues that should be consuming the energies of the highest court in the land? The Ayodhya hearings were fast-tracked even as some 60,000 cases are pending in the apex court. Now that the issue has been settled largely to majoritarian satisfaction, let's take a closer look at other asymmetries in modern, aspiring India that deserve focused governmental attention.

Here's one. The country has become a centre for upscale medical tourism. It's not just the routine surgeries, Indian doctors can perform intricate medical feats that get feted in the media. The irony is that only rich foreigners and a minuscule proportion of very rich Indians can afford these services. The Ayushman Bharat medical insurance scheme has improved the access of poor and lower middle class Indians to better healthcare such as dialysis and surgical care. But access to basic



**SWOT**

KANIKA DATTA

*Good Economics for Hard Times* has a much broader canvas and covers globally important public policy issues, such as trade, immigration, environment and, of course, economic growth. In the context of trade, the popular wisdom is that it generates large gains and benefits everyone. Both tariff and non-tariff barriers have been brought down over the decades. However, there has been a backlash against trade in recent years. The world's largest economy, the United States, has turned protectionist and is involved in an ugly trade war with China, which has increased risks for the global economy. Mr Banerjee and Ms Duflo show that reallocation of labour doesn't occur as desired from industries that are hit by trade to other businesses and people end up losing jobs. More importantly, the authors note: "...the aggregate gains from trade, for a large economy like the US, are actually, quantitatively, quite small. The truth is, if the US were to go back to complete autarky, not trading with anybody, it would be poorer. But not that much poorer." It is not hard to argue that most

economists and policy analysts would disagree with this. If large economies, such as the US, shut themselves for trade, it would affect investment and growth all over the world and everyone is likely to be worse off.

The authors have touched upon several policy-related issues in India. For instance, Delhi is currently battling severe air pollution with no permanent solution in sight. One of the suggestions mentioned in the book is that people of Delhi can pay farmers in neighbouring states to not burn crops and use better technology. There are a number of other things that need to be done to contain pollution as crop burning is one of the many reasons. Mr Banerjee and Ms Duflo rightly note that despite the urgency, political demand to address the issue is not overwhelming. The Supreme Court recently intervened in the matter. Part of the problem is that solutions require a lot of people to cooperate. Another interesting issue that finds space in the book is the desire for government jobs in India. Authors note that if such jobs are made not so desirable, the

economy would gain from productive labour that is wasted in trying to get into the government. Young people prepare for years to get a government job. Mr Banerjee and Ms Duflo suggest that the government can limit the number of times an individual can apply and make cutoff age more stringent. These are suggestions worth considering, though part of the problem is that India is unable to create enough gainful employment in any sector to absorb its rising workforce.

One of the things that made headlines soon after the announcement of the Nobel Prize was Mr Banerjee's engagement with the Congress party on the Nyuntam Aay Yojana in the run-up to the 2019 Lok Sabha elections. Predictably, it acquired political colour in no time. However, the book has a more nuanced take on the issue of basic income. Mr Banerjee and Ms Duflo argue that there are good reasons for considering basic income in developing countries, and money to fund such a programme will initially need to come from existing subsidies. The level of income support that poor coun-

tries can afford would be ultra-basic. While the authors are in favour of universal ultra basic income (UUBI), they acknowledge that there is no data on its long-term impact. The idea of UUBI is appealing, but the problem in a country like India is that governments are prone to implementing new programmes without cutting expenditure on the existing ones. This is exactly what has happened with the income support programme for farmers. *Good Economics for Hard Times* raises several such issues and provides plenty of evidence to build arguments. This is not a book that people interested in public policy should miss. Readers in India would find it particularly engaging as policy issues facing the country figure prominently.

doctrine in the first Gulf War in 1991 caused the PLA to adopt the doctrine of "limited war under high-tech conditions", which envisioned wars being prosecuted by relatively small, flexible, heavily armed, tri-service troops. The White Paper of 2004 adopted the current doctrine of "limited war under conditions of informationisation", which envisioned real-time advanced communications to digitally integrate land, sea, air and space sensors, and the use of precision munitions to accurately strike the targets thus identified.

Given this doctrinal backdrop, what role would the PLA (AF) play, and what missions would it perform, in a future war with India? These would be limited by a geographical imperative — the Tibetan Plateau, which consists of a 1,000-2,000 kilometre buffer between the Chinese and Indian mainlands. PLA (AF) aircraft, operating from Chengdu and Kunming, in South China — the mainland bases closest to India — would have a one-way journey of 1,000 kilometres to enter the Assam plains. Even with mid-air refuelling, that would leave the aircraft with little mission time, especially for targets deeper inside India. Consequently, the PLA (AF) would have to operate from Tibet, for which it has created and stocked at least several air bases, including Lhasa, Golmud, Nyingchi and Shigatse. But while these are significantly closer to Indian targets (Lhasa is less than 400 kilometres from Tezpur) PLA (AF) fighters taking off from air bases on the 10,000-foot-high Tibetan plateau would face serious limitations on the weapons and fuel payload they can get aloft with. To overcome this, they would require mid-air refuelling after take-off, a cumbersome process carried out at high altitude, during which they would be easily detected by Indian radar, providing IAF fighters, air defence guns and missile systems ample time to react.

To degrade the IAF's response time and capability, the PLA would very likely begin the war with cruise and ballistic missile strikes on Indian air bases in Assam, such as Tezpur, Bagdogra and Hashimara, using conventional-tipped missiles from the PLA's so-called Second Artillery — an arsenal of strategic missiles with either conventional or nuclear warheads. This might be preceded, or accompanied, by a carefully directed cyber attack to disable the IAF's surveillance network, satellite communications and command and control systems. Given China's demonstrated capability to target and destroy satellites in space, Indian communications and surveillance satellites would be fair game. A high-technology, broad-spectrum attack of this nature would not just be intended to clear the path for PLA (AF) fighter strikes in support of a ground offensive. Given that Beijing would stage-manage any attack on India as a global demonstration and warning of its Great Power military capabilities — the philosophy of "killing the monkey to scare the chickens" — a full-spectrum attack is a near certainty.

In the 1950s, the Red Army's legendary Marshal Zhu De had famously said, "The kind of war we will fight depends upon what kind of arms we have." That is now history. New China's aggressive doctrine now is: "Build the weapons to fight the war that we have to fight." It is this attitude and the capabilities it has spawned that India's military must diligently prepare for. As recently as 1999, facing the prospect of a war in Kargil, Indian Army chief, General VP Malik was bravely echoing Marshal Zhu. It would be worth recalling the famous comment of French marshal Pierre Bosquet after he witnessed the suicidal Charge of the Light Brigade in 1854 in Crimea: "*C'est magnifique, mais ce n'est pas la guerre.*" (It is magnificent, but it is not war.)

healthcare in the shape of doctors, hospital beds, nursing care and even genuine medicines and so on remain depressingly low as the Economic Survey points out each year.

Here's another. International Air Transport Association statistics put the growth in Indian domestic air travel at the fastest growing for the fourth year in a row. Some 140 million Indian travelled last year, according to the Directorate General of Civil Aviation, though this statistic may need to be deflated a bit since it could include multiple journeys. India also boasts the world's ninth busiest airport. This is certainly a sign of upward mobility — and is largely on account of cheap fares by fiercely competitive private airlines that made air travel affordable for the middle class. But several multiples of that number still travel by train — and the increasingly parlous state of India's railway network and infrastructure has consumed much frenzied analysis over the decades without much change.

And a third. IITs and IIMs churn out engineers and management students that global corporations rush to snap up at eye-popping salaries. Yet each year, surveys suggest that Indian children are unable to read and do math for standards several rungs below.

None of these problems have been created by the current regime — they've been around for decades. But for a ruling dispensation that has focused so acutely on progress and development, surely these are more worthy of focused political attention than a temple and a mosque.

## Nobel thoughts



**BOOK REVIEW**

RAJESH KUMAR

It is rare that authors of a book one is reading, with an interview scheduled with one of the co-authors, win the Nobel Prize. In that the sense, reading *Good Economics for Hard Times: Better Answers to Our Biggest Problems* and the following conversation with Abhijit Banerjee — edited excerpts of which were published in this newspaper on October 22 — was a unique experience for this writer. Mr Banerjee and Esther Duflo, along with Michael Kremer,

were awarded the Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel this year "for their experimental approach to alleviating global poverty." The approach was captured by Mr Banerjee and Ms Duflo in *Poor Economics: A Radical Rethinking of the Way to Fight Global Poverty* (2011), which was awarded the *Financial Times* and Goldman Sachs Business Book of the Year Award. Although their work has been criticised by several economists, it has influenced policymaking and improved the understanding of poverty in general. For instance, the publication of *Poor Economics* convinced people about the distribution of bed nets to the poor. Globally, between 2014 and 2016, over 500 million insecticide-treated nets were delivered. According to one estimate, net distribution helped avert about 450 million deaths from malaria between 2000 and 2015.

**GOOD ECONOMICS FOR HARD TIMES: Better Answers to Our Biggest Problems**

Abhijit Banerjee and Esther Duflo  
Juggernaut; 416 pages; ₹699



# Opinion

THURSDAY, NOVEMBER 14, 2019

## Rational Expectations

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## And then there were two... telcos left

Vodafone chief's alarm must worry govt; India is wiping out two decades of competition benefits, and FDI will be hit too

**I**F THERE WAS a doubt in anyone's mind as to how long India's second-largest telco Vodafone Idea would stay afloat, Vodafone Plc chief Nick Read has made it clear the end is pretty much nigh if, as the UK's *Sunday Telegraph* quoted him as saying, the government doesn't get its "boots off the industry's neck," and allow it to compete. After talking of "unsupported regulation, excessive taxes and... the negative Supreme Court decision", Read said that if the government didn't fix things, "Vodafone Idea is destined for a potentially chaotic final act with potential repercussions for India's international standing". Prime minister Modi, who didn't do anything to help the industry in his first term though it was obvious rapacious government levies were throttling the sector—even before Rjio came in—would do well to pay attention to what Read has said for a variety of reasons.

Vodafone is India's largest foreign investor; it spent a little under \$17 billion to buy out Hutch and Essar between 2007 and 2012, apart from what it brought in for expanding its network, and buying spectrum. If such a big investor is close to shutting shop, it sends a terrible signal on how investor-friendly India is. While Vodafone was hit by the UPA's retrospective tax amendment after it won its case in the Supreme Court, the current government didn't repeal the law even though Modi had campaigned against the UPA's tax terror in the run-up to the 2014 elections. And, while Modi's government promised that it would accept court verdicts on the retrospective tax, including those by global arbitration panels, it tried its level best to stop Vodafone from approaching these very tribunals.

Nor is Vodafone the only big investor to be hit by the retrospective tax, and the NDA's inaction on it. Within less than a decade of being in the country, Cairn Energy of the UK was producing a fourth of India's oil output. Not only was it slapped with a retrospective tax, its shares worth \$1 billion were confiscated, and dividends worth \$300-400 million appropriated; indeed, when Cairn (by then, the Indian operations had been sold to Vedanta) wanted an extension of its lease—so that it could add to India's oil production—the government agreed only if Cairn India raised the revenue it would share by a whopping 10 percentage points. A ruling on its arbitration case—in this case, too, the government tried to prevent the arbitration—is expected next summer.

And, in the case of e-commerce, for over a decade, as long as billions of dollars were coming in as FDI, the government turned a blind eye to how the ban on FDI in retail was being circumvented by players like Flipkart and Amazon. And then, a year ago, soon after Walmart bought Flipkart for \$16 billion, the government suddenly decided it wanted to implement the law. Ironically, while the government is railing against the 'deep discounting' allegedly being done by players like Walmart and Amazon, it did nothing when similar allegations were being made by telcos like Airtel, Vodafone and Idea against Rjio.

Given how investor-unfriendly government policies have been—the targeting of the US seedtech firm Monsanto, extensively covered in this newspaper, is another prominent example—it is hardly surprising that FDI into the country has collapsed. Though the nominal numbers have risen from \$31.4 billion in FY09 to \$44.4 billion in FY19—it rose from \$41.9 billion to \$62 billion if the amount re-invested by these firms from their India operations are included—the real way to look at this investment is as a share of GDP; after all, overall investment levels are also judged as a share of GDP. Using this measure, FDI fell a third, from 2.54% of GDP in FY09 to 1.63% in FY19; when you look at the broader definition of FDI, the fall is from 3.4% of GDP to 2.3%.

It is, of course, true that the overall investment climate in the country worsening would also have played a role in FDI levels falling, but one way to isolate the kind of problem Read is referring to is to see how many repeat foreign investments India is getting in certain sectors. Certainly, in telecom, there have been few foreign investors for several years; and, in the case of oil, as the list of participants in the recent energy meet at Houston during the Howdy Modi event makes clear, investor interest is waning. That is also obvious from the limited number of foreign oil majors who are bidding for the oil/gas fields the government has been auctioning over the past few years.

In the case of telecom, apart from the fact that the performance of the telecom regulator Trai has been very biased and unfair ([bit.ly/32Mxkzc](http://bit.ly/32Mxkzc)), even the ₹133,000 crore impact of the SC judgment that Read spoke of would have been much smaller had the government taken the right decisions in 2010, when India started charging market rates for spectrum ([bit.ly/32Eoa7H](http://bit.ly/32Eoa7H)); India charged high licence fees when it gave spectrum for free, so when it started charging market rates (and a lot more, really) for spectrum in 2010, licence fees should have been totally scrapped.

The other reason why Modi needs to listen to Read is that, once Vodafone Idea shuts down, India will be back to where it was in 1999, before the Vajpayee government ushered in India's telecom revolution. Prior to 1999, there were just two mobile services providers; while Vajpayee ensured unlimited competition was brought in, India could once again have just two players, Rjio and Bharti Airtel (apart from BSNL-MTNL, provided the merger and VRS results in a viable firm). In which case, the government/Trai will be back to monitoring the industry closely to guard against cartelisation, rigging prices, and stifling innovation; each tariff plan will have to, once again, be cleared by Trai. Most governments and regulators attempt to increase competition to ensure the industry grows well, the Modi government will preside over the death of two decades of competition.

## Cancer CURSE

A parliamentary panel report spells out how woefully inadequate cancer treatment infrastructure is in India

**A**SPERA report of the Parliamentary Standing Committee on Science, Technology, and Environment, thanks to a systemic failure to address the requirements of cancer patients in India, the country recorded 20% higher mortality than countries placed high on the Human Development Index. The committee was formed to analyse the merits of a proposal to expand the role of the Department of Atomic Energy through the Tata Memorial Centre (TMC) to address India's rising cancer incidence, which has more than doubled over the past two-and-a-half decades. The parliamentary committee says that, due to inadequate cancer treatment infrastructure, most patients have to travel thousands of kilometres for a cure, and end up facing a lot of hardship. The report notes around two-thirds are treated in the private sector, and thanks to low penetration of health insurance, the out-of-pocket expenditure on treatment forces nearly six crore people below the poverty line.

The National Cancer Grid—a network of major cancer centres, research institutes, patient groups, and charitable institutions across India—is a key resource in the fight against cancer. However, TMC recommended to the committee that a hub-and-spoke model of centres be set up—'hub' centres will treat complex cases, while 'spokes' will treat less complex cancers. The country will need 30 hubs and 130 spokes to meet existing demand for cancer treatment. The government should pay heed to this report and take the necessary steps at the earliest. Another key area will be cancer research, of the kind that just recently yielded a US FDA certified 'breakthrough' device.

**T**HE ELEVENTH FINANCE Commission's report was submitted in 2000, and recommendations were for 2000 to 2005. The report said, "We have observed that there is a pendency of about two crore cases in the district and subordinate courts of the States... We are providing a grant of ₹502.90 crore for creation of additional courts specifically for the purpose of disposing of the long-pending cases... This will enable the States to create 1,734 new additional courts." This was based on an estimated cost of ₹29 lakh for each additional court. Though the Eleventh Finance Commission didn't use the expression, these 1,734 courts were fast track courts (FTCs). In consultation with High Courts, state governments were supposed to establish FTCs. FTCs were meant to be till March 31, 2005. By that date, state governments notified 1,711 FTCs, and 1,562 were functional. Performance varied widely across states. Per FTC, the all-India average of cases disposed per month was 15. Originally, this was meant to be a per judge norm, not a per FTC norm.

In a case (*Brij Mohan Lal versus Union of India*), the Supreme Court instructed that one shouldn't disband FTCs overnight. Hence, the Union government approved ₹509 crore for the 1,562 functional FTCs to continue till March 31, 2010, a deadline later extended till March 31, 2011. In 2012, in the *Brij Mohan Lal* case, the Supreme Court said, "The Union of India has stated that it would not, in any case, finance expenditure of the FTC Scheme beyond 30th March, 2011, but some of the States have resolved to continue the FTC Scheme up to 2012, 2013 and

**In nominal terms, FDI rose from \$41.9 bn in FY09 to \$62 bn in FY19, but as a share of GDP—that is the correct measure—it fell a third, from 3.4% of GDP to 2.3%. India's deteriorating investment climate and the way investors are treated is really hurting**

even 2016. A few States are even considering the continuation of the FTC Scheme as a permanent feature in their respective States. This, to a large extent, has created an anomaly in the administration of Justice in the States and the entire country. Some of the States would continue with the FTC Scheme while others have been forced to discontinue or close it because of non-availability of funds... Being a policy decision which has already taken effect, we decline to strike down the policy decision of the Union of India vide letter dated 14th September, 2010 not to finance the FTC Scheme beyond 31st March, 2011... The States which are in the process of taking a policy decision on whether or not to continue the FTC Scheme as a permanent feature of administration of justice in the respective States are free to take such a decision."

On balance, were FTCs a good idea? Tough to say, performance varied between states. Up to a maximum of ₹80 crore per year, till March 31, 2015, there was a matching grant to states for FTCs. Then, along came the Fourteenth Finance Commission, for 2015-2020, and there was a ₹4,144 crore proposal for grants-in-aid from the Department of Justice for FTCs, in addition to grants for additional courts and family courts. On December 31, 2018, there were 699 FTCs

are new restrictions on the programme. The service will be limited to trips under 50 kilometres (31 miles) and women can only ride between 5 AM and 8 PM. By contrast, men can keep riding until 11 PM.

While the company's intentions are good, this is no solution. A sophisticated analysis of high-risk scenarios won't help you if you are stuck in the backseat within an inch of your life. And to assume that a woman will only be raped and murdered between the hours of 8 PM and 5 AM more than 30 miles from her pickup point seems a bit naïve.

What the ride-hailing industry in China and elsewhere really needs to do is reexamine who is allowed to drive in the first place. It is hard to say whether the measures Didi is now implementing would have screened out Zhong Yuan, the 28-year-old Hitch driver who was executed in August for murdering his 20-year-old passenger. After passing background checks and providing documentation, you can still become a Didi driver in 10 days or less.

Instead, companies should be raising the barriers to entry so they are hiring fewer, better drivers. And if they won't, governments should step in. In Malaysia, regulators now require aspiring drivers to pass written exams and health checks, and to register for specific permits. Roughly a third of applicants have failed the exam thus far, transport minister Anthony Loke said last month, and more than 20% of Grab drivers have reportedly quit to avoid complying with the stricter regulations.



## MONEY TWISTER

West Bengal chief minister Mamata Banerjee

The cyclone has led to a massive destruction... People sitting in Kolkata and other parts of the state will be not able to realise the degree of devastation. If I'm not wrong, I think there has been a loss of ₹50,000 cr

## JUSTICE DELAYED

IN 2017, FAST-TRACK COURTS IN ONLY SIX STATES MANAGED TO DISPOSE 50% OF THEIR CASES WITHIN A YEAR

# Are fast-track courts fast enough?

BIBEK DEBROY

Chairman, Economic Advisory Council to the PM  
Views are personal



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(some earlier ones having been closed down). These were for cases against women, children, senior citizens, differently abled, those with terminal ailments, and civil property disputes more than five years old. Crime data for 2017 have just been published, and "Crime in India" has information on IPC crimes tried by FTCs. Special and local law (SLI) crimes are unlikely to be transferred to FTCs. But, yes, these numbers don't include civil cases handled by fast track courts. When will you think a court is fast track? Probably when a court disposes the case transferred to it within a year.

So, let's ask the following question. Out of the cases disposed in 2017, which States/UTs had FTCs that disposed of at least half their cases within one year? You will get J&K, Jharkhand, Karnataka, MP, Rajasthan, and Tamil Nadu. And, there will be Chhattisgarh, and Punjab marginally missing the cut. If the cut-off is changed from one year to three years, some other States (Gujarat, Haryana, Telangana, West Bengal, Delhi) don't have dismal records. However, as part of the dis-

mal scenario, there are FTCs in Bihar. FTCs in Bihar completed 6,704 cases in 2017. Of these, 2,507 cases took more than ten years, and 1,655 cases took between five and ten years. There is nothing "fast" about this. Between 2016 and 2017, some definitions and headings in "Crime in India" have changed. Therefore, a comparable table doesn't exist in last year's version. But, trends aren't likely to be different.

There is now (2019) a scheme for fast track special courts (FTSCs) for rape and POCSO (Protection of Children against Sexual Offences) cases. "The 1,023 FTSCs will dispose of

**FTCs in Bihar completed 6,704 cases in 2017. Of these, 2,507 cases took more than ten years, and 1,655 cases took between five and ten years. There is nothing "fast" about this**

166,882 cases of Rape and POCSO Act, that are pending trial in various courts... There are 389 districts in the country where the number of pending cases under POCSO Act exceeds 100. Therefore, as per the order of Hon'ble Apex Court, in each of these districts one exclusive POCSO court will be set up which will try no other cases. Depending upon the pendency of POCSO Cases the State/UT Governments

in consultation with the High Court could however decide if more number of exclusive POCSO Courts need to be established within overall number of FTSCs provided under this scheme." For FTSCs, the Union government will meet part of the expense, with a matching grant by the State/UT, and this scheme is till 2020-21. However, the incentive structure for the judges presiding over FTCs has a lesson also for FTSCs.

## Making rides safer is going to cost you

The genius of the gig economy is the ability to make money from underutilised, ubiquitous skills. Yet, the model may have been taken too far

**YOUR MOTHER PROBABLY** told you never to get in a car with a stranger. The multibillion-dollar global ride-hailing industry depends on your ignoring her. If they want to earn that trust, though, companies need to rethink the tradeoff they have long made between safety and cost.

Around the world, passengers are now hailing more than 10.5 billion rides a year. Not surprisingly, some have ended in tragedy. Uber Technologies Inc came under fire in India after a 26-year-old woman was raped by one of its drivers in 2014, and local rival Ola has faced a similar backlash. In the US, Lyft Inc has been sued by multiple women who say drivers sexually assaulted them.

Last year, within the span of three months, two female passengers were murdered by drivers of China's ride-sharing company, Didi Chuxing Inc. Didi's Hitch carpooling service once was marketed almost as a cross between Uber and Tinder: a taxi service that let drivers and passengers rate each other by appearance. Didi halted Hitch in August 2018 after an outpouring of anger from state media, regulators and China's version of #deleteuber.

Last week, Didi announced plans to restart Hitch on a trial basis in seven Chinese cities by the end of the month. The decision follows a "comprehensive safety review and product revamp," as well as the introduction of a new women's safety programme that includes better "risk analysis" and an updated in-app security assistant. Didi plans to spend two billion yuan (\$285.5 million) on safety measures this year, including more frequent use of facial-recognition technology—to ensure drivers are who they say they are—and a deeper review of abnormal driving patterns, as well as more regular safety tests for drivers. But, the key to the Hitch relaunch

are new restrictions on the programme. The service will be limited to trips under 50 kilometres (31 miles) and women can only ride between 5 AM and 8 PM. By contrast, men can keep riding until 11 PM.

While the company's intentions are good, this is no solution. A sophisticated analysis of high-risk scenarios won't help you if you are stuck in the backseat within an inch of your life. And to assume that a woman will only be raped and murdered between the hours of 8 PM and 5 AM more than 30 miles from her pickup point seems a bit naïve.

What the ride-hailing industry in China and elsewhere really needs to do is reexamine who is allowed to drive in the first place. It is hard to say whether the measures Didi is now implementing would have screened out Zhong Yuan, the 28-year-old Hitch driver who was executed in August for murdering his 20-year-old passenger. After passing background checks and providing documentation, you can still become a Didi driver in 10 days or less.

Instead, companies should be raising the barriers to entry so they are hiring fewer, better drivers. And if they won't, governments should step in. In Malaysia, regulators now require aspiring drivers to pass written exams and health checks, and to register for specific permits. Roughly a third of applicants have failed the exam thus far, transport minister Anthony Loke said last month, and more than 20% of Grab drivers have reportedly quit to avoid complying with the stricter regulations.

Singapore imposed new rules earlier this year to bring ride-hailing companies closer in line with taxi operators. The regulations were proposed less than a week after my *Bloomberg News* colleague Yoolim Lee wrote about a Grab accident that left her with a broken neck and at risk of stroke. She estimated that, around the time of the incident, nearly half of private-hire drivers in the city didn't have the proper license and shouldn't have been driving. While fewer drivers doesn't necessarily mean safer drivers, a steeper commitment at least means they have a lot more at stake to protect their livelihoods.

The genius of the gig economy is the ability to make money from underutilised, ubiquitous skills. Yet the model may have been taken too far. Just because you can make an omelette doesn't mean you should run a diner. So why should you drive professionally just because you have a licence?

Shrinking the supply of drivers will obviously make rides more expensive. But, it is worth judging the prospect of higher prices against the long cycle of the internet economy. The Web has made everything from academic research to air travel cheaper and easier to access. At the same time, quality goods and services can't be free forever. We've seen this in the news business, where websites that once offered unfettered access to their journalism (including *Bloomberg.com*) have implemented paywalls. If fewer drivers means safer rides, that is a price most people should be willing to pay.

This column does not necessarily reflect the opinion of the editorial board or Bloomberg LP and its owners

## LETTERS TO THE EDITOR

### President's rule in Maharashtra

The breakdown of the pre-poll BJP-Shiv Sena alliance, built upon the ideology of political Hindutva, is a foregone conclusion ever since both the sides stuck to their respective positions and intransigence became the norm than an exception. The writing on the wall was very much obvious, with BJP not having shown any willingness to accommodate the demand of Shiv Sena for the post of chief minister. The surprise element in the otherwise sordid political drama was the speed with which the state of Maharashtra brought under President's rule. The criticism from the Opposition that Shiv Sena was not given sufficient time to explore government formation cannot be faulted. The misuse of gubernatorial authority by the government at the Centre for accomplishing its own narrow political goals had virtually diminished following the path breaking judgement by the nine-judge constitution bench in the *SR Bommai* case, but what happened in Maharashtra had once again raised the question whether the proclamation of president's rule was based on objective material or guided by political whim or fancies by the powers that be. — M Jeyaram, Sholavandan

### Warning signs

Close on the heels of Moody downgrading India, SBI Ecwrap warning that the country's economy may slip further is not a good augury. The report cited weaker auto sales, muted consumer demand, deceleration in air traffic movements, flattening of core sector growth, and declining investment in construction and infrastructure as reasons for the bleak prognosis. However, SBI's forecast that growth will pick up pace in FY21 must come as a silver lining. — NJ Ravi Chander, Bengaluru

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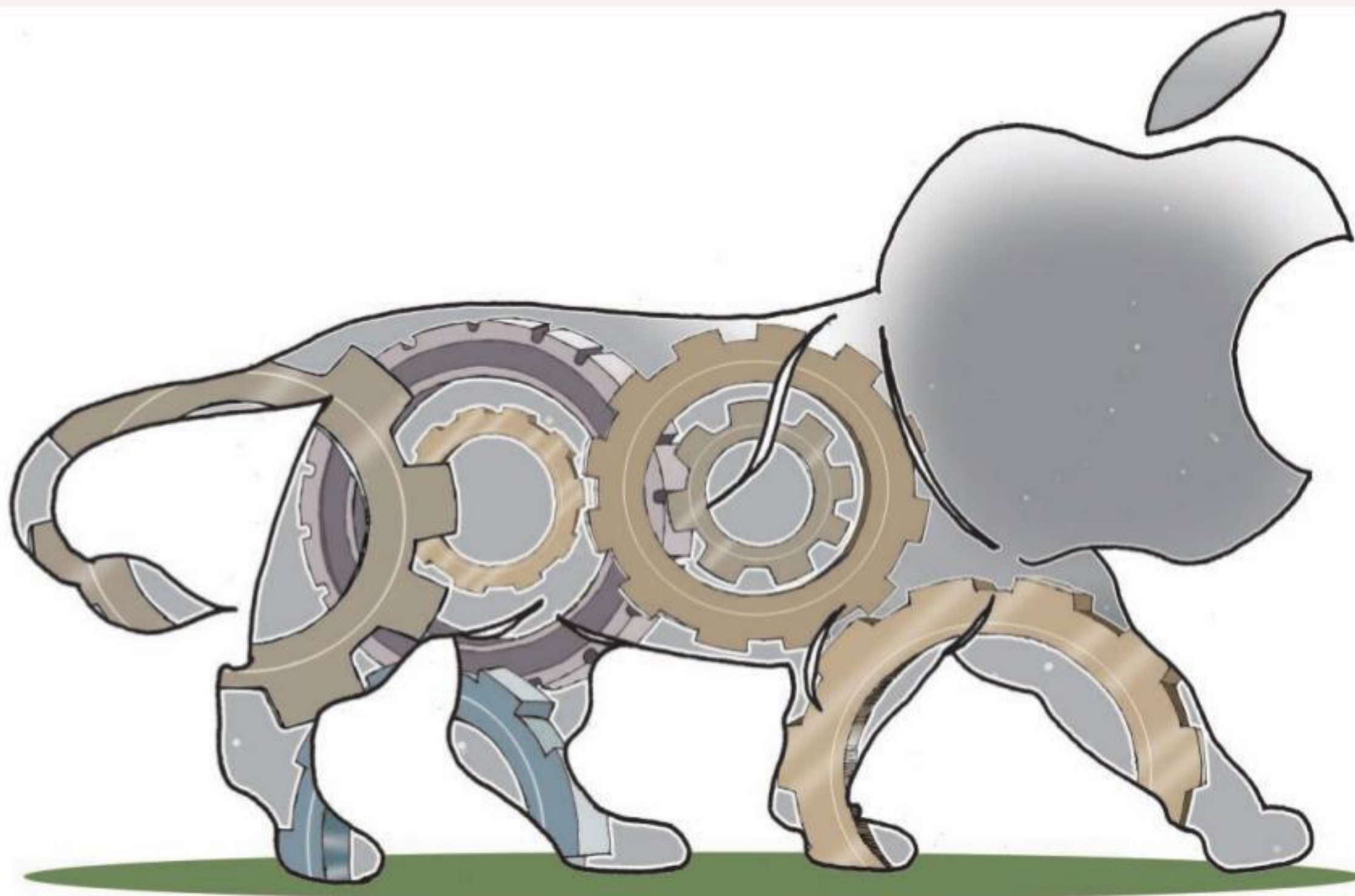


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● GLOBAL SUPPLY CHAIN

# Eyeing an Indian iPhone

“Made in country x” has become a misnomer as ‘x’ would involve large number of countries, and different locations could have a share in the final value added

**I**N A HYPER-GLOBALISED world emergence of global supply chains occupies a key role. Apart from innovation and design, success of various products could be traced in the design of successful supply chain strategy of the multinational corporations. Apple iPhone serves as a good example. Apple purchases components from various suppliers spread all over the world, and then gets these shipped to the assembling plant in China—the finished product then is shipped to Apple’s stores and online channels all over the world.

In this story, a key element is emergence of China as a worldwide hub of the global supply chain. Various factors could have contributed to China’s emergence as a manufacturing and trade giant—inexpensive labour, steadily reducing tariffs, presence of effective special economic zones, easy availability of land, artificially manipulated exchange rate, or scanty regard for intellectual property rights. Are some of these narratives changing with the on-going trade war between the US and China? Are some of the “made in China” efforts looking for newer desti-

nations? Are these part of the risk diversification strategy of the global players?

While firm data is yet to emerge, some specific instances could be illustrative. Recently, Samsung exited its smartphone assembly operations in China by closing its last assembly unit in Guangdong. Also, Apple’s smartphone market share in China has emerged highly competitive due to the strong presence of the local players. Globally, Apple is wrestling with the future of iPhone’s capability to keep pace with the high expectations of product innovation in smartphone category. The newly acquired momentum with iPhone 11 series may not be sustainable given the overall competitiveness and commoditisation of incremental innovations. There are media reports in mid-2019 that Apple has started exploring moving some part of its hardware production out of China and has asked its key manufacturing partners like Foxconn, Pegatron, and Wistron to evaluate the available options. In particular, Apple has relocated some of its manufacturing bases to India as a source of regaining competitive advantage in the form of lower

wages in the assembly of iPhones. The recent phenomenon of Apple assembling one of the high-end models, Apple iPhone XR, in Chennai’s unit of Foxconn is perhaps a building block to this new emerging narrative. Admittedly, even before Foxconn, Taiwan’s Wistron had started iPhone assembly in India near Bengaluru in 2017; it was, however, limited to older models. The current relocation to Chennai has huge implications for the smartphone manufacturing supply chain capabilities in India.

Both push and pull factors could be operative here. In terms of the push factors, with the wages in China increasing, and threats of trade war looming large, China could be in the process of becoming less attractive in the days to come. In such a situation, countries like Vietnam or India, which over the years, have improved their attractiveness as business destinations, would be the beneficiaries.

Notwithstanding concerns over India’s infrastructure, its rank in World Bank’s ease of doing business has experienced a quantum leap—from 130 in 2017 to 77 in 2019. Similarly, while the proportion of formally skilled workers is much lower, in comparison with China, India’s burgeoning services sector and significant number of high-skilled graduates related to information technology could give comfort to the multinational corporations, like Apple, to relocate their base. The recent cut in corporate tax rates could also act as an incentive.

Is this illustration of Apple relocating its production base to India going to be part of a trend or a one-off phenomenon? Two issues can be highlighted. First, there is a general lull in the attractiveness of the emerging market economies in terms of pulling foreign direct investment (FDI) in recent times. As per the AT Kearney Foreign Direct Investment Confidence Index, India has slipped from 8th position to 16th position from 2017 to 2019, China too has glided from the third position to 7th position during this period. In fact, the report highlights the role of “multi-localism” as a driving force behind determining FDI destinations. Second, there is a constant threat from comparator economies. Illustratively, what gets relocated to India today may well get relocated to Vietnam tomorrow, unless we are able to maintain our comparative advantage. After all, the gains from trade and investment are inherently dynamic in nature.

However, one should be cautious of any rash optimism or expectations of

emergence of a goldilocks scenario. It would be an uphill task for technology firms to replicate the incumbent capabilities and advantages of an ecosystem offered by China. Foxconn had a monumental advantage of process differentiation in China in the form of volume flexibility of ramp-up and ramp-down, tooling and engineering capabilities at lower cost, stable component supplier base, among others. While the narrative now shifts to countries like India and aligns with the strategic policy framework of Make-in-India, it would not be easy to replicate the robustness of ecosystem in China and leverage those benefits immediately. The components for assembly of iPhone XR are still largely imported and may not significantly provide cost advantage in the short run. The real dividend for Make-in-India would be when the value creation in the supply chain is enhanced. The upstream supply chain should be replicated in the form of component manufacturing that would have the real cost reduction potential. It is well-understood that in sustainable business models, process innovations often trump over product innovations. After all, with so much of competition in the product innovation in smartphone category, the real differentiator is the process design of the supply chain, and Apple has a long journey towards this end in manufacturing bases like India. Besides, potential competition from countries like Vietnam looms large. Interestingly, a recent report of the UNCTAD on “Trade and trade diversion effects of United States tariffs on China” revealed that out of an estimated \$35 billion loss in Chinese exports due to the trade war, about \$21 billion (63%) were diverted to other countries. While India gained about \$755 million in additional exports, mainly of chemicals, metals and ore, the extent of gain was much more in case of countries like Mexico (\$3.5 billion), or Vietnam (\$2.6 billion).

In the twenty-first century, globalisation is synonymous to emergence of global supply chains. “Made in country x” has become a misnomer as ‘x’ would involve large number of countries, and different locations could have a share in the final value added. In a lighter vein, thus, any hope of treating the “i” in “iPhone” as representative of “India” could be premature. But notwithstanding such dampeners and caveats, the news of iPhones being made in India is indeed a welcome development particularly at a time when amidst the current slowdown we are in look out for some silver lining.

## Contract ready

**SUMITA KALE**

Avantis Regtech, a TeamLease company. Views are personal



Government must lead by example and respect the contracts it enters into

**A**PARKING DISPUTE ON November 2, led to a face-off between Delhi lawyers and the police. Work in District courts came to a standstill for more than a week. The standoff between two pillars of law and order on the streets of the capital without any speedy mediation or resolution explains why India is still a difficult place to do business. It is not surprising that despite a significant rise in rank over the past six years in the Ease of Doing Business study (from 142 to 63), the category we still lag dreadfully behind is contract enforcement—India ranks 163 out of 190 countries, up just 20 ranks from 186 in 2015.

Under this head, the time and cost to resolve a commercial dispute and the quality of judicial processes for men and women are measured. The number of days to resolve a commercial dispute in India stands at 1,445, and the quality of judicial process index is rated at a low 10.5 out of 18. China, on the other hand, ranks fifth, with a quality of judicial index score of 16.5 and resolution of a commercial dispute taking 496 days.

The government has tried to make some headway by setting up the NJDG, enacting the Commercial Courts Act etc. However, in a national MSME survey by PHDC and DSE early this year, when asked whether the contracts entered into are easily enforceable now, just 21% felt there has been an improvement, 34% respondents remained neutral, and 44% of the respondents disagreed. While around 40% felt that the time and cost of enforcement in court has reduced significantly, the majority felt otherwise.

It is also telling that the government stands out by not abiding by its own contracts - more than 60% of the 2,861 applications pending on the MSME payments grievance portal against Central and State governments and departments have remained unaddressed for more than 90 days. The government also forms the biggest litigant block in the country. As the first step, the government has to lead by example, respect the contracts it enters into and refrain from clogging the courts and tribunals with infructuous petty cases and appeals. A massive

overhaul of the judicial process obviously needed but is unlikely even in the medium term. Penalty is high—a third of the cases are pending more than three years, more than 6,000 vacancies in judiciary, sanctioned posts have to increase from the present 19 judges per million to 50 as per the Law Commission 1987. Yet, even in the short term, some improvements can be effected when seen through the Ease of Doing Business lens - processes can be rationalised, digitised and simplified to make it easier to file and quicker to resolve commercial

cases. One long overdue measure is the digitisation of all courts to enable online filing of initial complaints and electronic payment of court fees.

Most countries have been working towards setting time standards for disposal of cases. China has regulated the maximum number of adjournments, to be overridden in exceptional circumstances. While the Commercial Courts Act has set strict timelines for the decision after the hearing, an upper limit of a year or two must include execution of the decisions, appeals and final disposal of commercial disputes.

Some issues need deeper intervention. For instance, Alternative Dispute Resolution was introduced way back in 1999 with an amendment to the CPC under Section 89, that gave the judiciary powers to refer cases for out of court settlements. Though civil cases are almost always now pushed towards mediation, twenty years on, India still lacks strength in effective mediators, creating a backlog.

With an eye on improving the EoDB and making India a centre for international commercial arbitrations, the Arbitration and Conciliation (Amendment) Act, 2019 was passed in August. However, it has run into a muddle, with three petitions in the SC contending that Section 87 of the Act is in conflict with the Insolvency and Bankruptcy Code 2016. (FE, Nov 8).

The Economic Survey 2017-18 had pegged Timely Justice as the next frontier for EoDB, recommending coordinated action between the government and judiciary as the key policy solution. In its quest to reach the top 25 in the World Bank ranking, India may find it quicker to move ahead in other parameters. When it comes to contract enforcement, the challenges are deeply rooted.

● To learn from MP’s successful rooftop solar bids, where project documentation gave a lot of comfort to bidders and tendering was successful.

● Strict guidelines to states participating in SECI tenders not to re-open PPAs

● Sanctity of the ceiling and an economic rationale for current pricing

● The GOI can commission a study on the composition of delivered tariffs in China and for recently-commissioned plants in India, as it used to be done for the fixed-ROE FITs. This study will show the kind of prices Indian utilities will have to pay for future wind projects. Irrational bidding in the past

**C**HATRASAL IN A remarked that “The renewables sector in India is near-death. Capacity addition has markedly slowed down in this financial year. Few projects are achieving financial closure, and so, few projects are getting complete.” (bit.ly/3411JQr, FE, Nov 15, 2017)

The renewable energy (RE) growth momentum lasted into 2018, driven by solar power, but since then the sector has degenerated. While capacity addition in RE was impressive during FY17 (11.3 GW) and FY18 (11.8 GW), there has been a decline in capacity installation (~8.5 GW) during FY19. Performance in rooftop solar has been disappointing—out of a target of 40 GW by 2022, India has been able to achieve 2.1 GW. These lower and slowing increments cumulatively call to question the 175 GW target for 2022 (capacity addition was 83 GW till September 2019).

India has set ambitious targets for renewable energy capacity. The MNRE has further upscaled the 175 GW target of 2022 to 227 GW. Moreover, the PM at a recent UN Climate Action Summit suggested an even higher potential uptick to 450 GW.

Power tariffs had declined significantly in 2016-17, ensuring price competitiveness. However, since then, RE sector risks have increased. Reverse auctions with unviable tariff caps, uncertainty in the applicability of taxes, outstanding dues from discoms (and PPAs risk), have resulted in an insufficient interest from IPPs for solar ten-

## Return to growth

Given the mismatch between tariffs and risks, few new renewable IPPs are being created

**HIMRAJ DANG**

Author advises green investments



ders, resulting in lower capacity addition.

The wind energy sector (in stress since auctions were introduced in February 2017), has seen capacity addition fall from 5.5 GW in FY 17 to 1.86 GW in FY18, and further to 1.5 GW in FY19. The necessarily domestic wind industry simply cannot deliver at the capital costs commensurate with the expected tariffs. No wonder, the October 1.2 GW NTPC tender with a ceiling tariff of ₹2.93/kwh closed without a single bid.

It is debatable what purpose the tariff cap serves as buyers have been cancelling bids. Even the benefit of price discovery is not achieved, when the capital costs are transparent and known to regulators, utility buyers, and PSUs, who are no longer investing (given poor economics). This cap is a severe

distortion of the market, and if the utilities cannot bear higher tariffs, it would be better to let the market decline for commercial reasons till the power demand picks up. Alternatively, the price cap can surely become a FIT, to lead to the same result.

Given the mismatch between tariffs and risks, few new independent power producers (IPPs) are being created, leaving the consolidated sector devoid of MSMEs.

Distributed renewable energy, primarily RTS, has also witnessed slow progress, running at 5% of target. Increasing policy uncertainty, delays in net metering approvals, push-backs by discoms, proposing wheeling charges and power injections caps, and lack of appropriate financing instruments, have resulted in slow uptake.



A report by Crisil concluded that the country is likely to miss the lowest renewable energy target of 175 GW by 2022 by a wide margin of 42% due to regulatory challenges, policy flip-flops and a steep fall in tariffs. The report notes that 26% of the 64 GW of projects auctioned have received no or lukewarm bids, while another 31% are facing delays in allocation after being tendered. The MNRE, however, has rebutted the Crisil report, calling it ‘ill-founded,’ factually incorrect and lacking credibility.

To bridge the gap between these different views, a group of NGOs recently got together to brainstorm ways to revive growth. Their suggestions included:

● Tendering only after all procedural steps are taken, i.e. tariff approval by the

CERC and the state regulatory authority in advance (as far as possible), and signing of PPAs only after full regulatory approvals.

● To learn from MP’s successful rooftop solar bids, where project documentation gave a lot of comfort to bidders and tendering was successful.

● Strict guidelines to states participating in SECI tenders not to re-open PPAs

● Sanctity of the ceiling and an economic rationale for current pricing

● The GOI can commission a study on the composition of delivered tariffs in China and for recently-commissioned plants in India, as it used to be done for the fixed-ROE FITs. This study will show the kind of prices Indian utilities will have to pay for future wind projects. Irrational bidding in the past

by developers/IPPs would no longer be the basis of a price cap once actual capital and financing costs have been identified.

● An alternative to reviving the bidding market: arriving at a benchmark price for every bid instead of setting a price cap.

If the bid price is the only criteria, then the projects would only come up with high-resourced states. Can other states, to create jobs and investments, add other parameters to reward in-state power generation? Can there be multiplicity of competing norms?

Consistency in open access policies: exemptions for open access charges in some states are only for a decade.

For rooftop solar, issues out of NDFCs in net-metering need to be sorted out. NBFCs to appraise small-ticket transactions at low-cost should be fast-tracked.

Consultation with lenders as to why they are not increasing their exposure to RE generation.

RPO enforcement pressure to be kept up to create regulatory demand.

Standard bid documents to be created and kept unchanged for 5 years or more.

A dynamic, sunrise industry growing without subsidies, but in dire need of regulatory support, could benefit from a greater and transparent dialogue among the stakeholders. Denying the slowdown or ignoring the widening gaps between targets and achievements serves no purpose. Some of these suggestions can be debated and implemented to bring back growth in the industry.





## The Indian EXPRESS

FOUNDED BY  
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

### LETTING IN LIGHT

Supreme Court does well to open CJI office to RTI. But transition to greater judicial transparency won't be easy



JAVED ANAND

LISTEN, MISTER MUSLIM. You are rightly upset with the verdict of the Supreme Court on the Ayodhya land dispute as it puts faith above law. Not for the first time, secular India has let you down. But truth to tell, you too have let secular India down. In this zero sum game between the Indian state and you, it's been advantage Hindutva all the way.

This is not to rub salt in your wound. But to point out that Muslims as a community are guilty of the very same thing they are accusing the Supreme Court of: Pitching Shariah law against the Indian Constitution, faith against the law of the land. The rigid, intransigent Islam that our ulema and political leadership continue to preach leaves us little space for manoeuvre or room to negotiate a respectable place for ourselves in a secular-democratic polity. Such inflexibility is bound to land us in the ditch, again and again, be it on the question of a masjid, triple talaq, Muslim Personal Law in general, or the issue of population control.

It's time for some honest introspection. Was it not us who took to the streets in 1985, protested aggressively against the apex court's judgment in the Shah Bano case, insisted that Shariah law took precedence over the secular law of the land?

The then Congress government under Prime Minister Rajiv Gandhi capitulated and the result was the Muslim Women (Protection of Rights on Divorce) Act, 1986. Faith triumphed over a secular law (Section 125 of the CrPC) and Muslims were euphoric. The consequence: Secular-minded Indians were outraged, while Hindutva organisations grabbed the opportunity to up the ante. If the law can be changed in deference to Muslim religious sentiments, what about Hindu religious sentiments? In a balancing act, the Rajiv government engineered the opening of the locks of the Babri Masjid in Ayodhya. Could it be, Mister Muslim, that in setting a dangerous precedent, we lost the "plot", not on November 9, 2019 but way back in 1986?

As the Babri Masjid-Ram Janmabhoomi agitation snowballed, thanks to the ulema's myopia, what should have remained a legal

dispute over land turned into a dharam yudh between faiths, a conflict between Ram and Rahim. The militant "mandir wahin banayenge" war-cry of the "Ram Bhakts" was matched by the equally belligerent "once-a-mosque-always-a-mosque" posture of the Muslim leadership. It's a position that the All India Muslim Personal Law Board (AIMPLB) upholds even today. The leader of the All-India Majlis Ittehadul-Muslimeen (AIMIM), Asaduddin Owaisi, has recently reiterated: "A mosque belongs to Allah and no Muslim has any right to give or gift it away". In Islamic Saudi Arabia any number of mosques have been demolished or relocated for road widening and other public purposes. But in secular India, it's a different Islam.

The escalation of communal conflict well suited the designs of the Sangh Parivar in convincing more and more Hindus that "Babar ki aulad" are preventing the building of a temple at the birth place of Lord Ram. From two seats in the Lok Sabha in 1984, the BJP's tally shot up to 85 seats in 1989 and 120 seats in 1991. This should have been a wake-up call for Muslims. But as riot after riot claimed more and more Muslim lives, the leadership remained blind to the reality that a state which failed to protect lives was unlikely to save a mosque.

Does anyone recall the statement of the late Atal Bihari Vajpayee a year or two before the demolition: "The mosque is sacred to Muslims, the spot is sacred to us Hindus as the janamsthan of Bhagwan Ram. I appeal to my Muslim brothers. We Hindus will respectfully lift the Babri Masjid brick by brick and re-build it at another spot. You let us build our Ram Mandir there." The Muslim response: A mosque does not mean four walls but the land on which it stands. In other words, it's not a question of law but a matter of faith.

Five months before the Babri masjid was demolished (December 1992), in an article published in the now defunct weekly *Sunday Observer*, yours truly had argued why in the interest of the minority community and the national interest, Muslims should unilaterally hand over the Babri Masjid, either to the pres-

ident of the Indian republic or the Supreme Court. Let the chief custodians of secular India decide whatever they thought to be in the best interests of national unity and communal amity. The article reminded Muslims that the Places of Worship (Special Provisions) Act, 1991, offered statutory protection against any future agitations concerning all other mosques in the country. In response, I got a mouthful from even secular Hindu friends who asserted: "The Babri Masjid is not just a property of Muslims. It is a symbol of secular India. Who are you to gift it away?"

We, Mister Muslim, lost the opportunity for winning Hindu goodwill by our gesture, arresting if not reversing the rising tide of militant Hindutva and strengthening secular forces. The outcome: For Muslims, the loss of an estimated 3,000 lives since then in the recurring communal flare-ups; for Hindu nationalists, Ayodhya proved to be the chariot to ride to power.

Fast forward to November 9, 2019. Yes, the Supreme Court's verdict is disturbing. More disturbing is the fact that it was unanimous; not one of the five judges voiced a dissenting note. Even more disturbing, consider how it is that well before judgment day the Sangh Parivar had not the least doubt that the impending judgment would be in favour of Ram Mandir. How else does one understand their overnight switch from *mandir wahin banayenge* vow to an appeal to all Indians to "wholeheartedly support" the verdict, irrespective of which way it goes? Also, consider this: Most self-proclaimed secular parties are content with having expressed their respect for the verdict.

It's time we realised, Mister Muslim, that our clinging to the ulema's brand of Islam gives every conflict a Hindu-Muslim complexion when the ongoing battle is, in fact, between secular India and Hindu Rashttra. We mustn't become the convenient "other" for the Hindu nationalists to hide their real agenda.

The writer is convener, *Indian Muslims for Secular Democracy* and co-editor, *Sabrang India online*

# Listen, Mister Muslim

Let's recognise our own complicity in becoming the convenient 'Other' for Hindu nationalists

## FAILURE TO LAUNCH

Andhra CM Jagan Reddy needs a governance vision that goes beyond undoing Chandrababu Naidu's work in office

JAGANMOHAN REDDY WON office in May by defeating Chandrababu Naidu. His YSR Congress swept Andhra Pradesh, winning nearly 50 per cent of the votes and 151 of 175 assembly seats; Naidu's Telugu Desam was reduced to a rump in the House. But six months into his tenure, Reddy, one of the youngest CMs in the country at 47, threatens to be a major disappointment. The latest in a series of actions, undertaken, ostensibly, to undo Naidu's legacy in the state, is the move to terminate the Andhra Capital Region Development Authority's (CRDA) agreement with a Singapore consortium to develop a 6.84-km greenfield start-up area in Amaravati, the designated capital of Andhra Pradesh post bifurcation in 2014. The start-up area was to have a host of facilities, including pay-and-plug offices and generate nearly 50,000 jobs on completion.

The decision to cancel the project must be read in the backdrop of the Reddy government maintaining that it doesn't intend to develop Amaravati as a world-class city, as Naidu had wanted. Clearly, Reddy is haunted by the spectre of Naidu's legacy looming over Amaravati. It is not as if Reddy has an alternate plan for the new capital. His vision, unfortunately, seems to be blinded by his obsession with all that Naidu built or proposed. So, bureaucrats have to drive out to meet Reddy in his camp office outside Amaravati, instead of the latter receiving them in the CM's chamber in the secretariat, built during Naidu's tenure. Elsewhere in Amaravati, work has stalled on many infrastructure projects. Funding agencies, including the World Bank and Asian Infrastructure Investment Bank, have backed off. With dismal signals being sent out by the government, the city is unlikely to attract any fresh investment, which the state desperately needs. Amaravati needs to be built not merely as a legacy project, but also to ensure that neighbouring Vijayawada is not forced to shoulder the burden of an under-developed state capital. Moving beyond Amaravati, Reddy's initiatives, such as village secretariats, a parallel bureaucracy of 1.26 lakh new recruits, and the push for re-tendering old projects, are likely to result in cost overruns and bleed the state economy.

The government's lack of a governance plan is compounded by its hostile approach to critics. Government departments have been told to sue the media in the event of reports that officials perceive as defamatory. Reddy needs to realise that governance calls for a more generous vision of both the past and the future.

## NEHRU'S CHANAKYA

India's first PM was his own vocal critic. That served democracy well, and is something leaders today can emulate

IN 1937, AN article published in *Modern Review*, written by Chanakya, described the then president of the Congress as having "all the makings of a dictator in him — vast popularity, a strong will directed to a well-defined purpose, energy, pride, organisational capacity, ability, hardness, and, with all his love of the crowd, an intolerance of others and a certain contempt for the weak and the inefficient." Ten years later, Jawaharlal Nehru became the first Prime Minister of India. Chanakya's fears and doubts about Nehru's liberal and democratic character turned out to be largely unfounded. Or, given that Chanakya was Nehru's pseudonym, it is perhaps the ability to reflect on his own shortcomings that kept them from consuming the man and the young democracy he led.

It is hard, today, to imagine India as anything other than a democracy. But all around the young nation, other newly-decolonised countries crumbled to dictatorships, military and political, and the promise of freedom gave way to despondency as the leaders of freedom struggles did not brook opposition. Curiosity, erudition, decency, diversity — these were the underpinnings of India's first prime minister's personality and for long, and in no small part, they influenced the country of which he is a founding father.

Chanakya also wrote: "A little twist and Jawaharlal might turn a dictator sweeping aside the paraphernalia of a slow-moving democracy. He might still use the language and slogans of democracy and socialism, but we all know how fascism has fattened on this language and then cast it away as useless lumber." In its first 17 years, the Indian republic was fortunate to have a check over executive power that was more than just constitutional — it stemmed from the personal and political morality of a flawed and yet great man. Perhaps India, on his 130th birth anniversary doesn't need a Nehru — its political landscape is painted in colours too stark for his complexities, it is too inebriated by a politics of identity. But Nehru's alter ego, Chanakya, remains an example of how politics can be a space more capacious.



PURUSHOTTAM AGRAWAL

JAWHARLAL NEHRU WAS a rationalist but he did not dismiss the human mind's spiritual quest. Being modern does not mean being unconcerned with or contemptuous of tradition and culture. It means identifying with the dynamism in tradition and accelerating its modernising tendencies.

A nuanced and essentially Indic understanding of the spiritual quest guided Nehru's endeavours in this respect. This understanding, achieved through reflection spread over millennia, came almost intuitively to a sophisticated Indian like Nehru, as it did to several ordinary people in his country. That is why Nehru could win the faith of countless Indians despite a sustained campaign against him for not being "culturally rooted and sufficiently Hindu/Indian". He never hid his aversion to "superstitious practices and dogmatic beliefs" and "uncritical credulousness" that often go with religion. But, he also knew that, "religion had supplied some deeply felt inner need of human nature, and the vast majority of people all over the world could not do without some form of religious belief. It had produced many fine types of men and women, as well as bigoted, narrow-minded, cruel tyrants."

Nehru felt "at home" in a "pantheistic atmosphere" and was attracted to "the advaita philosophy of Vedanta". In his own words, "I can appreciate to some extent the conception of monism, and I have been attracted towards the advaita (non-dualist) philosophy. The diversity and fullness of nature stir me and produce a harmony of the spirit, and I can imagine myself feeling at home in the old Indian or Greek pagan and pantheistic atmosphere, but minus the conception of God or gods that was

## NEHRU, RATIONAL SPIRITUALIST

For him, spirituality was rooted in Indian tradition and connected to ethics

The need to address the 'spiritual' was not merely personal for Nehru. Reflecting on the human condition, he noted in a conversation with R K Karanjia in 1960, 'the need to find some answer to the spiritual emptiness facing our technological civilisation'. He had realised quite early on, the deep interconnection between the poetic and the spiritual.

attached to it." He further notes, "Some kind of ethical approach to life has a strong appeal for me, though it would be difficult for me to justify it logically. I have been attracted by Gandhiji's stress on right means."

In the Hindu worldview, "ethics and conduct" are much more important than the acceptance of a particular doctrine. That is why Nehru, who always emphasised scientific temper, could win the love and confidence of not just ordinary people but religious scholars as well.

As first-hand received knowledge of the freedom struggle fades, misconceptions like Nehru was "ignorant" of Indian culture and had "contempt" for Hinduism have become widespread. In 2004, at a conference of scholars of Indian religions and cultures at Esalen institute, California, I was amazed to hear from a very respected scholar of philosophy and history that "the rise of Hindutva politics in India is due to the fact that Nehru suppressed religion, particularly its public display".

Any Indian brought up in "Nehru's India" would find this statement bizarre. Nehru and his colleagues, in continuation of Gandhiji's idea that "every religion has some element of Truth", tried to evolve a state which sought to neither privilege nor suppress any religion — it sought to provide space to atheists as well. Even after Nehru's demise, when the word "secular" was inserted into the Preamble of the Constitution, through the 42nd amendment, care was taken to translate it in Hindi not as "dharma-nirpeksha" but "panth-nirpeksha" — because in several Indian languages, the term "dharma" stands not for a religious doctrine, dogma or faith system, but

for the "inherent nature" of things, or for law.

The need to address the "spiritual" was not merely personal for Nehru. Reflecting on the human condition, he noted in a conversation with R K Karanjia in 1960, "the need to find some answer to the spiritual emptiness facing our technological civilisation". He had realised quite early on, the deep interconnection between the poetic and the spiritual. In 1922, while in prison, he read a lot of "religious" works. In a letter to Gandhi, Nehru insightfully described the *Ramcharitmanas* as "a spiritual autobiography" of the poet Tulsidas.

After Independence, Nehru was as insistent on having autonomous national institutions of letters, fine arts, music, drama and film as he was eager to have institutes of technology and nuclear reactors. The most important function of these initiatives in Nehru's vision was to address the "spiritual emptiness facing our technological civilisation". What he could not tolerate was using religion for political gains — communalism and the politics of hurt sentiments.

The recent Ayodhya verdict reflects a situation characterised by the helplessness of law instead of its rule, the reason being that the judiciary was expected to resolve a matter which though apparently legal, was essentially political. It is for us to think whether Nehru's insistence on running our polity "in accordance with political principles, not religious sentiments" has become more important with time.

Agrawal is a writer and historian. His latest book is *Who is Bharat Mata?*, an edited collection on Nehru



## NOVEMBER 14, 1979, FORTY YEARS AGO

**KURSI CASE**  
CHIEF JUSTICE, Y V CHANDRACHUD disclosed that he was warned by a Delhi lawyer, Y P Sharma against attending the court for the hearing of the *Kissa Kursi Ka* case. Sharma is president of the Delhi Lawyers' Association and is reportedly a worker of the Congress-I. The chief justice made the startling disclosure when he saw Sharma trying to intervene in a legal debate regarding the cancellation of Sanjay Gandhi's bail.

**AWARD FOR MANDELA**  
THIS YEAR'S JAWAHARLAL Nehru Award for International Understanding has been given

to Nelson R Mandela, the South African leader. M Hidayatullah, chairman of the seven-member jury for the award, announced this at a news conference. He said Mandela had been the "foremost South African leader in the struggle for the abolition of apartheid and the establishment of equality, freedom and independence in South Africa".

**RAILWAYMENS' BONUS**  
THE LONG-DRAWN battle for bonus by railwaymen ended with the Union Cabinet agreeing to a productivity-linked bonus for them in lieu of payment of bonus under the Payment of Bonus Act. The first payment of

this bonus will be made for the performance of the year 1979-80. As an earnest of accepting the concept of productivity-linked bonus, ad-hoc payment equal to 15 days' wages will be made to the 17 lakh railway employees during the current financial year.

**BONUS GIMMICK**  
JANATA LEADERS TODAY termed as "election-eering gimmick" the caretaker government's decision on the railwaymen's demand for bonus. Pilooy Mody quipped that it was an election-eering bonus. "It is a postdated cheque by a liquidating Prime Minister who is a short-time prime minister," Surendra Mohan said.



# 15 THE IDEAS PAGE

## Who's afraid of RCEP?

Dropping out protects Indian industry in the short run. But trade pact serves our long-term interests



NAUSHAD FORBES

THE REGIONAL COMPREHENSIVE Economic Partnership (RCEP) brings together the 10 countries of ASEAN in South East Asia, along with Japan, South Korea, Australia, New Zealand, China and until last week — India. These 16 countries account for over a third of world GDP and trade, and are collectively growing at a rate that is double the rest of the world. The Indian economy is large, but the rest of the RCEP is eight times its size. It is by far the most attractive market in the world today, and will be for the next 20 years. But, after protracted negotiations that began in 2012, India announced last week that it is not pursuing membership in the RCEP. The 15 remaining RCEP members are going ahead and have committed to signing an agreement early next year. They have kept the door open for India, and India has responded with a mixed message about "staying out" while being open to "offers" to join in.

The world is full of various regional trade agreements (the World Trade Organisation recognises well over 400 RTAs). India is no exception: We already have RTAs with Sri Lanka, Bangladesh, ASEAN, Japan and South Korea, and were negotiating a trade agreement with Australia and New Zealand. Such trade agreements cover similar ground. All address the trade in goods, and often include some combination of trade in services, trade facilitation and classification, non-tariff barriers, intellectual property, competition policy, investment policy, and dispute resolution. The RCEP is ambitious in both scale (the 16 countries combined make up an economic area exceeding the European Union) and scope (going well beyond trade in goods).

Trade agreements involve balancing defensive interests and offensive interests between the access one provides to one's own market and the access one gets to the trading partner's market. But it goes further. Foreign competition can play a decisive role in forcing one's own firms to do a better job. As the Indian economy opened up post 1991, that is exactly what happened. Firms selling old designs and poor quality products were forced to improve or were pushed out of business. The Indian consumer benefited massively. But, so did the Indian producer. Imports soared after 1991. But, as firms rapidly became more competitive, exports soared too. India's share of world exports, which had fallen to 0.5 per cent in 1991, rose to 2 per cent by 2010. Foreign firms invested in India, and Indian firms invested abroad. Exports were a substantial driver of our growth performance, contributing roughly a quarter of our record 8 per cent growth between 2000 and 2010. The Indian economy integrated with the world.

The only countries among the 16 RCEP negotiators who do not have an RTA in play or one being negotiated between them are India and China. China is the big exception and the big fear. The contours of an agreement which provides less access for China and a longer adjustment period were already in place. For example, the RCEP covered 90 per cent of all traded items (tariff lines in trade negotiator jargon) for ASEAN, Japan and South Korea, but only 74 per cent of all traded items for China. For ASEAN, Japan and South Korea, most items had zero duty from now, but for China, a long adjustment period of 5, 10, 15, and 20 years was provided before we moved to zero duty. Finally, India had asked for a safeguard against a sudden surge in imports of any item from



CR Sasikumar

China. Although the details have not been made public, it would seem that China's refusal to accept this last demand contributed to India dropping out of the RCEP.

Some have said that India dropped out because of a need to protect the Indian farmer. This is surprising as almost all agricultural items, including milk, were in the excluded list. Dairy products were included. So was it the Indian food processing company, and not the Indian farmer that we sought to protect?

A perception exists across Indian industry that it has suffered as a result of our trade agreements. Instead, the facts show that they have had little impact. In 2000, before we signed any trade agreements, 17 per cent of our imports came from and 15 per cent of our exports went to countries we later signed trade agreements with. In 2018-19, 18 per cent of our imports and 18 per cent of our exports went to countries with trade agreements. Overall, a negligible impact. Instead, China, with whom we have no trade agreement, has seen the biggest jump — from 2.6 per cent of our imports in 2000 to 13.7 per cent last year. The fear of being flooded with imports from China led many sections of the Indian industry to argue strongly against the RCEP. Our decision to drop out of the RCEP reflects this desire to protect the short-run interests of Indian industry instead of the long-run interest of enabling it to compete with the world.

Trade patterns reflect underlying industrial competitiveness. It is no accident that we have seen the greatest growth over the last 20 years in our imports from China (up 54 times), South Korea (up 15 times) and Vietnam (up 65 times). These are among the world's most competitive countries and almost any country's trade balance has moved substantially in

India has two alternatives. The first is to avoid trade agreements, raise tariffs (as we have done in nine rounds in the last three years), believe that our firms cannot compete with the best, and protect the economy from imports. That is the approach which kept us, as firms, cosseted till 1991, and India poor. The second is to see in the world a huge opportunity to grow our market many times over, using trade agreements as a way of forcing our firms to compete with the best.

favour of these three. We might complain about non-tariff barriers and higher costs of doing business, but improving our competitiveness is the surest way of improving our trade balance.

India has two alternatives. The first is to avoid trade agreements, raise tariffs (as we have done in nine rounds in the last three years), believe that our firms cannot compete with the best, and protect the economy from imports. That is the approach which kept us, as firms, cosseted till 1991, and India poor. The second is to see in the world a huge opportunity to grow our market many times over, using trade agreements as a way of forcing our firms to compete with the best. And to equally force changes in all those things — the cost of logistics and shipping, power tariffs, the ease of doing business, and (especially) a competitive exchange rate — that can enable us to be more competitive. The RCEP gave us ample time: We should surely have the confidence that in the 5, 10, 15 or 20 year adjustment period that was provided we could improve our competitiveness enough to beat even the Chinese firms. This is the road we started down in 1991, and it has only benefited us. It is a road we must continue to take.

The message, then, is clear. A trade agreement, even a major one like RCEP is both an opportunity and a threat. It all depends on what one makes of them. Missing out on a market eight times the size of India's is closing off to the world we will regret for decades. We need to get back in before February.

The writer is co-chairman Forbes Marshall, former president CII, Chairman of Centre for Technology Innovation and Economic Research and Ananta Aspen Centre

## WHAT THE OTHERS SAY

"Western reports on Hong Kong affairs have made the Chinese people see clearly how these media outlets put their standpoint ahead of objectivity without regard for professional ethics." —GLOBAL TIMES, CHINA

## The speed of justice

Performance of fast-track courts has been mixed. The new special courts should take that record into account



BIBEK DEBROY

THE ELEVENTH FINANCE Commission's report was submitted in 2000 and its recommendations were for the period between 2000 and 2005. The report said, "We have observed that there is a pendency of about two crore cases in the district and subordinate courts of the states. We are providing a grant of Rs 502.90 crore for creation of additional courts specifically for the purpose of disposing of the long-pending cases... This will enable the states to create 1,734 new additional courts." This provision was based on an estimated cost of Rs 29 lakh for each additional court.

Though the Eleventh Finance Commission didn't use the expression, these 1,734 courts were fast track courts (FTCs). The state governments were supposed to establish FTCs after consulting the high courts. The term for the schemes recommended by the Finance Commission for FTCs ended on March 31, 2005. By that date, state governments had notified 1,711 FTCs, of which 1,562 were functional. The performance of these courts varied widely across states. The all-India average of cases disposed per month by a FTC was 15. Originally, the cases disposed per month was meant to be a per judge norm — and not a per FTC norm.

In *Brij Mohan Lal versus Union of India*, the Supreme Court instructed that one shouldn't disband FTCs overnight. Hence, the Union government approved Rs 509 crore for the 1,562 functional FTCs to continue till March 31, 2010; this deadline was extended by the year. In 2012, in the *Brij Mohan Lal* case again, the Supreme Court observed, "The Union of India has stated that it would not, in any case, finance expenditure of the FTC Scheme beyond 30th March, 2011 but some of the states have resolved to continue the FTC Scheme up to 2012, 2013 and even 2016. A few states are even considering the continuation of the FTC Scheme as a permanent feature... This, to a large extent, has created an anomaly in the administration of justice in the states and the entire country. Some of the states would continue with the FTC scheme while others have been forced to discontinue or close it because of non-availability of funds. Being a policy decision which has already taken effect, we decline to strike down the policy decision of the Union of India vide letter dated 14th September, 2010 not to finance the FTC Scheme beyond 31st March, 2011. The states which are in the process of taking a policy decision on whether or not to continue the FTC Scheme as a permanent feature of administration of justice in the respective States are free to take

such a decision."

On balance, were the FTCs a good idea? That is tough to say. Their performance varied across states. Up to a maximum of Rs 80 crore per year, till 31st March 2015, the Centre provided a matching grant to states for the FTCs. Then along came the Fourteenth Finance Commission, for 2015-2020. There was a Rs 4,144 crore proposal for grants-in-aid from the Department of Justice to FTCs, in addition to grants for additional courts and family courts. On December 31, 2018, there were 699 FTCs (some of the courts that were established earlier had closed down). These were for cases against women, children, senior citizens, differently-abled, those with terminal ailments and civil property disputes that were more than five years old. The crime data for 2017 has been published recently. "Crime in India" has information on the IPC crimes tried by the FTCs. The SLL (special and local law) crimes are unlikely to be transferred to FTCs. But yes, those data does not include civil cases handled by FTCs. When will one think that a court is fast track? Probably, when a court disposes the case transferred to it within a year.

In 2017, FTCs in Jharkhand, Karnataka, Madhya Pradesh, Rajasthan and Tamil Nadu disposed off at least half their cases within one year. Chhattisgarh and Punjab missed the cut marginally. If the cut-off is changed from one year to three years, a few other states — Gujarat, Haryana, Telangana, West Bengal and Delhi — will not have poor records. However, the picture in some states is dismal. For example, FTCs in Bihar settled 6,704 cases in 2017. Two thousand five hundred and seven of these cases lasted more than 10 years and 1,655 cases took between five and 10 years. There is nothing "fast" about these courts. Between 2016 and 2017, some definitions and headings in "Crime in India" have changed. Therefore, a comparable table doesn't exist in last year's version. But trends aren't likely to be different.

There is now (2019) a scheme for fast track special courts (FTSCs) to adjudicate on rape and POCSO (Protection of Children against Sexual Offences) cases. "The 1,023 FTSCs will dispose of 166,882 cases of Rape and POCSO Act, that are pending trial in various courts. There are 389 districts in the country where the number of pending cases under POCSO Act exceeds 100. Therefore, as per the order of Hon'ble Apex Court, in each of these districts one exclusive POCSO court will be set up which will try no other cases. Depending upon the pendency of POCSO Cases the State/UT Governments in consultation with the High Court could however decide if more number of exclusive POCSO Courts need to be established within overall number of FTSCs provided under this scheme." The Centre will meet part of the expense of FTSCs with a matching grant by the State/UT — this scheme is till 2020-21. However, the incentive structure of judges presiding over FTCs has a lesson also for FTSCs.

The writer is chairman, Economic Advisory Council to the PM. Views are personal

## LETTERS TO THE EDITOR

### ARBITRARY ACTS

THIS REFERS TO the editorial, 'Winning and losing' (IE, November 13). The Maharashtra governor has made a mockery of the constitutional process in recommending President's rule in the state. In the absence of any single party having majority, the governor should have called the single-largest pre-poll alliance, the BJP-Shiv Sena together, he should have then invited the second-largest alliance, the Congress and NCP. The governor invited individual parties to form the government. So why did he not call the Congress? Why the arbitrary allotment of time?

Sanjay Chopra, Mohali

### CLEAN URBAN INDIA

THIS REFERS TO the article, 'Swachh Bharat for cities' (IE, November 13). The Swachh Bharat Mission's urban component needs to go beyond the construction of individual household toilets. A majority of the urban households are not connected to a central sewerage treatment system. Vacuum trucks and decentralised sewage treatment plants come at a dear cost. Local bodies must have the flexibility to improvise on their sewage management system.

Sudip Kumar Dey, Kolkata

### REASSURE FIRST

THIS REFERS TO the editorial, 'A deeper dark' (IE, November 12). A number of reports have highlighted the poor state of the economy. Despite the country having unprecedented political stability, relatively better law and order, im-

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proved infrastructure and gains in the ease of doing of business ranking, the economy is in a slump. The government needs to rejuvenate the animal spirits and admit that it erred in demonetisation and implementing GST.

Deepak Singhal, Chennai

### AFTER THE VERDICT

THIS REFERS TO the article, 'A breather, not a closure' (IE, November 11). The Supreme Court, while acknowledging that events of 1949 and 1992 were illegal, the court has ruled in favour of those who destroyed the Babri Masjid. This could give rise to two false perceptions. One, the Babri Masjid was built after demolishing a temple and two, the people involved in the destruction of the mosque were on the right path. Not everyone is going to read the fine print.

SZA Hussain, Delhi

## Food for the future

We need a new Green Revolution — one that focuses on the environment



POORNAM MAHAJAN

WHILE GROWING UP in a vegetarian family, I saw my mother face the big question for most non-meat eating families: How do we get adequate protein? Pulses, yes, but how do we get more? I know of several mothers who moved their children to meat-based diets only because they believed these were more protein-rich. Back then, there was little awareness on how plants can also be an adequate source of protein.

Do you know that one plate of butter chicken-rice costs us almost 3,000 litres of water? Rearing livestock and poultry for food and over-cultivation of water guzzling cash crops is impacting the environment. What India needs is a holistic approach to the issue — affordable nutrition and commercially profitable agriculture that are environmentally clean and leave minimum impact on natural resources.

The Collins Dictionary named "Climate Strike" the word of the year in 2019. Never before have we had so many strong voices across the world on climate change. The pressure on governments and policy makers is high. Policy discussions regularly feature the term "climate change" or "environmental impact". Even as governments are introducing policies that curtail pollution, companies are taking steps to re-

duce their carbon footprints. But industry isn't the biggest contributor to environmental pollution. The truth is that livestock — cows, sheep, chicken — and animal farming activity for food produce more pollution than all the planes and cars in the world combined. "Farming activity", which includes raising livestock, was dubbed the single largest contributor to pollution in Europe.

While nearly 70 per cent of the world is covered by water, only 2.5 per cent is fresh water. The rest is saline and ocean-based. Even then, just 1 per cent of our freshwater is easily accessible, with much of it trapped in glaciers and snowfields. In essence, only 0.007 per cent of the planet's water is available to fuel and feed its 6.8 billion people.

Water is a limited precious resource. Who knows this better than our farmers who struggle with low ground water and inclement weather. This year, more than 54 lakh hectares of agricultural produce has been wiped out in Maharashtra because of unseasonal rains. This is aggravated by the fact that ground water has been depleting with most of India still using older forms of irrigation methods. At the onset of winter, Delhi gets engulfed in dense smoke with the burning of paddy stubs, an-

other conventional farming practice that is impacting the environment.

Farmers need to be encouraged to choose crops wisely — India produces more than 120 million tons of rice a year with the government ensuring purchase with good MSP and incentives to grow the crop. On the flip side, paddy consumes between 3,000 to 5,000 litres of water to produce just 1 kg of rice. Other water-guzzling but cash-rich crops like rice, cotton, soybean, wheat and sugarcane need between 500 litres to 5,000 litres for 1 kg. On the other hand, crops like millets, lentils and pulses take half or less than half the amount of water for the same output. These are also rich sources of protein which makes them a sustainable alternative to water-intensive farming.

Recently spoke at a conference organised by the Good Food Institute called the 'future of protein'. The conference had two panels dedicated to plant-based proteins which can be produced through climate and farmer friendly crops such as ragi, amaranth and millets. These panels highlighted the importance of creating value chains and market linkages for these products. While the Green Revolution focused on rice and wheat, the need of the hour now is a new revolution — one that focuses on the en-

vironment, development and farmer welfare. With a focus on producing environmentally friendly crops, the next revolution can ensure that farmers are motivated to move to crops that consume less water, while ensuring their protection and a steady source of income.

There is an added bonus to the greater availability of crops that are kinder to the environment — cleaner eating habits. Being vegetarian is the best thing you can do to you body. Development, climate change and farmer welfare have to go hand in hand — they cannot and must not be looked at in silos. The Government of India, under the leadership of Narendra Modi, is putting emphasis on the National Nutrition Mission or the Poshan Abhiyan, which seeks to bring these three crucial issues together. It is imperative that we create policy solutions that balance these.

The best way forward is to work backwards from what's on your plate. As we stand at the brink of a new green revolution, cultivating plant-based protein sources like millets and legumes is our toolkit for an environmentally clean and sustainable agricultural movement.

The writer is national president, Bharatiya Janata Yuva Morcha and an MP





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SIMPLY PUT

# What bringing CJI's office under RTI means

The matter reached the Supreme Court in 2010 when it petitioned itself against a Delhi High Court order. A look at how it unfolded.

**SHYAMLAL YADAV**  
NEW DELHI, NOVEMBER 13

ON WEDNESDAY, the Supreme Court ruled that the office of the Chief Justice of India (CJI) is a public authority under the Right to Information (RTI) Act. A five-judge Constitution Bench headed by Chief Justice Ranjan Gogoi, and including Justices N V Ramana, D Y Chandrachud, Deepak Gupta, and Sanjiv Khanna, upheld a Delhi High Court ruling of 2010, and dismissed three appeals filed by the Secretary General and the Central Public Information Officer (CPIO) of the Supreme Court.

**The issue before the court**

The judgment pertained to three cases based on requests for information filed by Delhi-based RTI activist Subhash Agarwal, all of which eventually reached the Supreme Court. In one of these, Agarwal had asked whether all Supreme Court judges had declared their assets and liabilities to the CJI following a resolution passed in 1997. He had not requested for copies of the declarations.

While the CPIO of the Supreme Court said the office of the CJI was not a public authority under the RTI Act, the matter reached the Chief Information Commissioner (CIC) where a full Bench, headed by then CIC Wajahat Habibullah, on January 6, 2009 directed disclosure of information.

The Supreme Court approached the Delhi

High Court against the CIC order. High Court Justice Ravindra Bhatt (who was later elevated as a Supreme Court judge) held on September 2, 2009 that "the office of the Chief Justice of India is a public authority under the RTI Act and is covered by its provisions". The Supreme Court then approached a larger Bench comprising then Chief Justice of Delhi High Court Ajit Prakash Shah, Justice Vikramjit Sen, and Justice S Muralidhar, which passed its judgment on January 13, 2010 holding that the judgment of Justice Bhatt was "both proper and valid and needs no interference".

**SC plea to SC, about SC**

The Supreme Court in 2010 petitioned itself challenging the Delhi High Court order. The matter was placed before a Division Bench, which decided that it should be heard by a Constitution Bench. As the setting up of the Constitution Bench remained pending, Agarwal filed another RTI application. The Supreme Court told him on June 2, 2011 that orders for constituting the Bench "are awaited". The Constitution Bench remained pending across the tenures of Chief Justices KG Balakrishnan, SH Kapadia, Altamas Kabir, P Sathasivam, R M Lodha, H L Dattu, T S Thakur, JS Khehar and Dipak Misra. CJI Gogoi last year constituted the Bench, which reserved its judgment on April 4 this year, and pronounced it on Wednesday.

While ruling that the office of the CJI is a public authority, the Supreme Court held that RTI cannot be used as a tool of surveil-



Illustration: Suvajit Dey

lance and that judicial independence has to be kept in mind while dealing with transparency. While CJI Gogoi, Justice Gupta and Justice Khanna wrote one judgment, Justices Ramana and Chandrachud wrote separate verdicts.

Justice Ramana noted that Right to Privacy is an important aspect and has to be balanced with transparency while deciding to give out information from the office of the Chief Justice of India. Justice Chandrachud wrote in his separate judgment that the judiciary cannot function in total insulation as

judges enjoy a constitutional post and discharge public duty.

**Two other matters**

Of the other two RTIs filed by Agarwal, one was to request the Supreme Court for "copies of complete correspondence exchanged between concerned constitutional authorities with file notings relating to appointment of Justice H L Dattu, A K Ganguly and R M Lodha superseding seniority of Justice P Shah". The other request was for documents relating to a "revelation by Justice

R Raghupati of Madras HC about some Union minister having approached him in some matter pending before the honorable judge in his court". These issues were stuck down; the matter the Supreme Court wanted to address was the question whether or not the office of the CJI is under the RTI Act.

**What the order means**

The outcome is that the office of the CJI will now entertain RTI applications. Under Section 2(f) of the RTI Act, information means "any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, log-books, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force".

Whether a public authority discloses the information sought or not, however, is a different matter. Offices such as those of the Prime Minister and the President too are public authorities under the RTI Act. But public authorities have often denied information quoting separate observations by the Supreme Court itself in 2011: "Officials need to furnish only such information which already exists and is held by the public authority and not collate or create information"; and, "the nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead

of discharging their regular duties".

On December 16, 2015 (*RBI versus Jayantilal N Mistry and Others*), the Supreme Court noted: "It had long since come to our attention that the Public Information Officers under the guise of one of the exceptions given under Section 8 of RTI Act, have evaded the general public from getting their hands on the rightful information that they are entitled to."

**CBI is still out of RTI**

While the office of the CJI is now under the RTI's ambit, the CBI is exempt. When the UPA government brought the RTI law on October 12, 2005, the CBI was under it. The agency later moved for exemption, and this file was endorsed by Law Minister M Veerappa Moily of the UPA government itself. Incidentally, the Administrative Reforms Commission chaired by Moily had earlier recommended exemption of the armed forces from the RTI Act, but had not made such a recommendation for the CBI.

While the CBI demanded exemption only for units in intelligence gathering, exemption was granted in 2011 to the agency as a whole. The CBI, which is an agency that is often engaged in investigation of corruption cases, is today included in a list of exempted organisations in which most of the others are engaged in intelligence gathering. Litigation challenging the decision to exempt the CBI is pending with the Supreme Court; the next date of hearing, however, has not been fixed.

TELLING NUMBERS

## Most women don't see politics as career, feel men get preference

A REPORT by Lokniti-CSDS and Konrad Adenauer Stiftung released Wednesday has looked at women and politics from multiple perspectives. The analysis was based mostly on the findings of a survey among women across the country, which assessed the perception of women on different dimensions of political participation and representation. It found that socio-economic class also determines women's participation in electoral activities. Women belonging to the upper social (castes) and upper economic classes were found to be more active in electoral politics as compared to women placed at the bottom of the social and economic hierarchy (Table 1).

The study found that women's participation as voters has seen a sharp increase over the years. Although the number of women candidates has increased, there still exists a wide gap. Only a little over one-fourth of the women respondents were keen to make a career in politics if given an opportunity (Figure 1).

To a question that presented a situation where a man and a woman were equally good candidates, close to half the women respondents agreed that parties always prefer a male candidate while giving tickets. Only one-seventh of respondents disagreed and one in 10 had no opinion (Figure 2).

The respondents were asked whether they agreed that "there is a lower possibility for a woman to win against a man, therefore women should not contest against men". Two in every five women disagreed with the statement (Table 2).

Asked about barriers which they thought prevented them from taking part in politics, a little more than one-third of the women did not respond. Among those who responded, patriarchal norms/structure of the society were the biggest obstacles (more than a fifth of the women). The second reported reason (13%) was household responsibilities; the third "individual barriers" (Table 3)

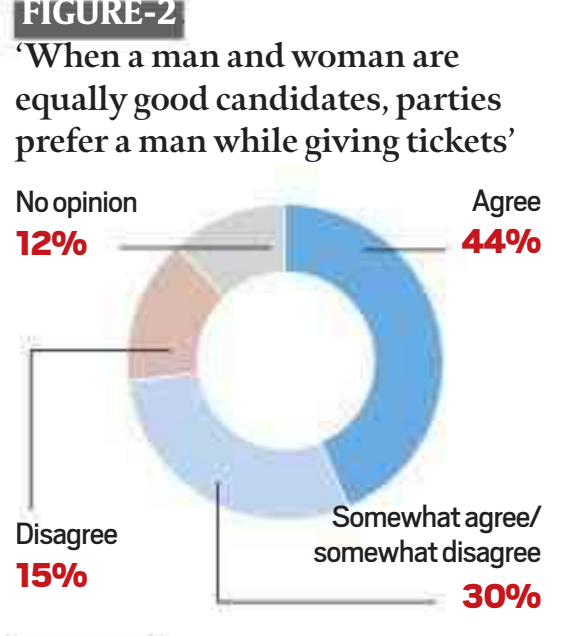
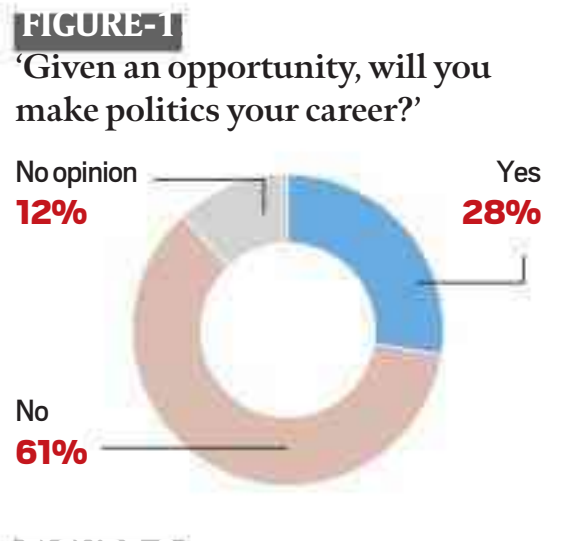
'Lower chance of a woman winning against a man, so women should not contest against men'

Agree	17
Somewhat agree/somewhat disagree	31
Disagree	41

(Rest did not answer)

**TABLE-1**  
**LEVEL OF ELECTORAL PARTICIPATION**

CASTE/COMMUNITIES	Not at all active		
	Somewhat active	Highly active	
Upper Caste	78	15	7
OBC	75	18	7
SC	81	14	5
ST	81	15	5
Muslims	70	22	8
Others	81	12	6



**TABLE-3**  
**Biggest obstacle that prevents women from participating in politics**

Patriarchal structure	22%
Household responsibility	13%
Individual barriers	12%
Cultural norms	7%
Constraints related to finance or political structure	6%
Negative image of politics	3%
Other barriers	1%
No response	36%

Source: Lokniti-CSDS, Konrad Adenauer Stiftung

## Rafale: Plea to rethink rejection of SC-guided probe into 36-jet deal

**ANANTHAKRISHNAN G**  
NEW DELHI, NOVEMBER 13

**Who filed the review petitions and why?**

There were two review petitions — one by former Union Ministers Yashwant Sinha and Arun Shourie and advocate Prashant Bhushan, the other by Aam Aadmi Party Rajya Sabha member Sanjay Singh. They urged the Supreme Court to reconsider its December 14, 2018 verdict dismissing the prayer for a court-monitored investigation into the India-France deal for the purchase of 36 Rafale fighter aircraft. A three-judge Bench of the Supreme Court headed by Chief Justice of India Ranjan Gogoi and comprising Justices SK Kaul and KM Joseph, reserved its judgment on the review pleas on May 10.

**What is the Rafale controversy about?**

The opposition had alleged that the aircraft, built by Dassault Aviation of France, was purchased under a direct government-to-government agreement at a much higher price than the one negotiated for 126 aircraft by the UPA government under an open tender.

India's intention to buy the 36 aircraft in "fly-away" condition was announced by Prime Minister Narendra Modi during his visit to France in April 2015. A few days later, then Defence Minister Manohar Parrikar announced that the earlier deal for 126 jets — stalled over price since 2012 — was dead. The deal for the 36 aircraft — a new acquisition — was signed by Parrikar and his French counterpart Jean-Yves Le Drian on September 23, 2016.

The IAF had issued a tender for 126 Medium Multi-Role Combat Aircraft (MMRCA) in 2007, and at the end of a stringent selection process in 2012, Rafale was chosen.

**What did the SC say in its December 14, 2018 judgment?**

There were four petitions before the court — one each by lawyers M L Sharma and Vineet Dhandra, one by Sanjay Singh, and one by Sinha, Shourie, and Bhushan. The petitions questioned the decisionmaking process, pricing, and selection of offset partner. Dismissing all the petitions, the Bench said it saw "no reason for any intervention... on the sensitive issue of purchase of 36 defence aircraft by the Indian Government", and that "perception of individuals cannot be the basis of a fishing and roving enquiry... especially in such matters".

It rejected pleas for a court-monitored investigation into the deal, saying there was "no occasion to doubt the (decisionmaking) process" leading to the award of the contract, and there was nothing to show that the government had favoured anyone commercially.

The court refused to get into the question of pricing: "It is certainly not the job of this Court to carry out a comparison of the pricing details in matters like the present".

On the choice of Anil Ambani-owned Reliance Aerostructure Ltd as an offset partner by Dassault too, the court said: "Once again, it is neither appropriate nor within the experience of this Court to step into this arena of what is technically feasible or not."

The judgment pointed out that the Defence Procurement Policy (DPP) 2013 "envisages that the vendor/OEM (Original

Equipment Manufacturer) will choose its own IOPs (Indian Offset Partners)", and that "in this process, the role of the Government is not envisaged...". It added that "we do not find any substantial material on record to show that this is a case of commercial favouritism to any party by the Indian Government, as the option to choose the IOP does not rest with the Indian Government."

On the decisionmaking process, the Bench ruled: "Broadly, the processes have been followed. The need for the aircraft is not in doubt. The quality of the aircraft is not in question. It is also a fact that the long negotiations for procurement of 126 MMRCA have not produced any result, and merely conjecturing that the initial RFP could have resulted in a contract is of no use. The hard fact is that not only was the contract not coming forth but the negotiations had come practically to an end, resulting in a recall of the RFP."

It said: "We cannot sit in judgment over the wisdom of deciding to go in for purchase of 36 aircraft in place of 126. We cannot possibly compel the Government to go in for purchase of 126 aircraft."

**What additional material did the review petitions present?**

The petition by Sinha, Shourie, and Bhushan said the court had relied on "patently incorrect" claims made by the government in its note submitted in a sealed cover to the Bench that had heard the original petition. Also, additional information had emerged subsequently, and not considering it would result in a grave miscarriage of justice.

The petition relied on certain documents related to the deal which were published by *The Hindu* newspaper and later by the news agency ANI.

**What did the Supreme Court say in its order of April 10, 2019?**

The court rejected the government's objections to the admissibility of the documents sought to be relied on by the review petitioners. The government had taken the stand that these documents were unauthorisedly photocopied and leaked, and that they enjoyed protection under The Official Secrets Act, 1923.

The government sought their removal from the record of the case, saying they were of sensitive nature and, if they were made public, they could jeopardise national security.

**APURVA VISHWANATH**  
NEW DELHI, NOVEMBER 13

**What was the original verdict?**

The Supreme Court had, in a 4-1 majority judgment delivered on September 28, 2018, thrown open the doors of the Sabarimala temple in Kerala to women of all ages, ruling that the practice of banning women of menstrual age from the temple was unconstitutional. Former Chief Justice of India Dipak Misra, and Justices A M Khanwilkar, Rohinton Nariman, and DY Chandrachud wrote the majority opinion; Justice Indu Malhotra wrote the lone dissent.

**REVIEW OF AN SC JUDGEMENT CAN BE SOUGHT ONLY IN CASE OF A 'PATENT ERROR OF LAW', AND WHEN COURT MAY HAVE REACHED A 'PALPABLY WRONG' CONCLUSION — SAY, IF A BINDING JUDGMENT OF A LARGER BENCH WAS IGNORED, OR IF A PARTY WAS NOT HEARD, OR IF JUDGMENT WAS BASED ON INCORRECT FACT.**

The court ruled there was no "custom" that allowed the ban on menstruating women — and declared a Rule under The Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965, that allowed banning women when custom dictates it, as unconstitutional and in violation of the parent legislation. The court said that the right to religion was guaranteed equally to all genders. Justice Chandrachud in his opinion radically held that barring women from the temple can be equated with untouchability, which is specifically outlawed by the Constitution.

Justice Malhotra, in her dissent, said that the temple enjoys a denominational status, and is entitled to form its own customs and practices. She also said that the ban on women of menstruating age did not amount to discrimination on the basis of sex.

**ON WHAT GROUNDS HAS THE REVIEW BEEN SOUGHT?**

Following protests against the verdict, over 50 review petitions and fresh writ petitions were filed before the Supreme Court. The National Ayyappa Devotees (Women's) Association, the chief Tantri (priest) of the Sabarimala temple, the Nair Service Society, the All Kerala Brahmins' Association, and several women devotees were among those who sought a review. The Kerala Devaswom Board and Kerala government had opposed the review.

The grounds for review hinged essentially on two aspects — that the court did not capture correctly the arguments made by the parties and made an incorrect recording of facts, and that the devotees of Lord Ayyappa were not heard.

**IF DISMISSED, ONLY AVAILABLE OPTION IS TO FILE A CURATIVE WRIT PETITION — A PRACTICE EVOLVED BY SC AS THE LAST LEGAL RESORT TO REMEDY A JUDGMENT.**

The review petitioners argued that the

NGO Indian Young Lawyers' Association — the original petitioner who filed the public interest petition challenging the ban on the entry of women — had no standing before the court since it did not profess belief in the deity.

**ESSENTIAL RELIGIOUS PRACTICE TEST:**

The Supreme Court held that the celibate nature of the deity Ayyappa and exclusion of women of menstruating age was not an essential religious practice. Previous Supreme Court rulings have held that a practice that is "essentially religious" is protected under law.

The review petitioners have argued that the court erred in holding that the custom is a "mere practice with some aberrations" and not an "essential religious practice", a position advanced by the Travancore Devaswom Board. The Tantri argued that the Board has no say in religious practices of the temple, and has been set up only to ensure its secular administration. According to the plea, the chief Tantri is the sole authority in the temple.

**DEVASWOM BOARD AS STATE:**

The court held that the Board is considered state under Article 12 of the Constitution, and therefore the fundamental right to practice religion under Article 25(1) can be asserted against it.

The petitioners argue that this is an erroneous interpretation since the Board, if it is State, cannot interfere with the religious practices of the temple. "The court has not balanced the rights of the chief Tantri and devotees under Article 25 to preserve the traditions of the temple vis-à-vis the rights of the petitioners who have not professed faith in the deity," the plea argued.

**BASIS OF THE BAN:**

The petitioners have argued that the court erroneously concluded that the ban is based on the age of women; in fact, it is based on the celibate nature of Ayyappa, which is distinct to Sabarimala.

"The reliance... that the restriction is based on menstruation is from an affidavit filed by the Tantri before the Kerala High Court that "spilling of blood" is prohibited inside the temple under tantric tradition," the petitioner said, arguing that the "spilling of blood" actually refers to any spilling of blood.

**LOCUS OF THE NGO:**

The petitioners also argued that the devotees of Ayyappa were not heard by the court; rather, the verdict was delivered in a plea filed by an NGO that has not "professed belief in the deity".

The majority opinion of the court did not go into the standing of the original petitioner (the NGO) since the litigation had progressed significantly. However, Justice Malhotra, in her dissent, questioned the court's reluctance in dismissing the plea on the ground that the NGO had no standing before the court.

**RELIGIOUS DENOMINATION:**

The court had held that the devotees of Ayyappa did not constitute a distinct religious denomination that is entitled to practise its unique customs.

The petitioners argued that the uniqueness of the Sabarimala temple and its history is enough to grant denominational status to Ayyappa devotees. "Spiritual organisation, a common bond and the existence of unique practices which flow from its beliefs, are the three conditions to grant denominational status to a group and devotees of Ayyappa fulfil all three," the petitioners argued.

In her dissent, Justice Malhotra had said that the Ayyapans constituted a separate religious denomination, and were entitled to follow their unique practices.











दैनिक जागरण

श्रद्धावान को ही ज्ञान का लाभ प्राप्त होता है

## पारदर्शिता के पक्ष में

देश की सबसे बड़ी अदालत का यह फैसला पारदर्शी प्रशासन के पक्ष में एक बड़ी जीत है कि उच्चतम न्यायालय का कार्यालय सूचना अधिकार कानून के अधीन होगा। उच्चतम न्यायालय की संविधान पीठ के इस फैसले से स्पष्ट हो गया कि 2010 में दिल्ली उच्च न्यायालय ने यह सही निर्णय दिया था कि शीर्ष अदालत के मुख्य न्यायाधीश के कार्यालय को सूचना अधिकार कानून के तहत आना चाहिए। यह निर्णय देते हुए दिल्ली उच्च न्यायालय ने साफ किया था कि पारदर्शिता से न्यायिक स्वतंत्रता प्रभावित नहीं होती, लेकिन उच्चतम न्यायालय के महासचिव इससे सप्रभाव नहीं हुए और उन्होंने इस फैसले को चुनौती दी। इसकी बड़ी वजह यही रही कि उच्चतम न्यायालय के तत्कालीन मुख्य न्यायाधीश उच्च न्यायालय के आदेश से असहमत थे। इस असहमति के चलते एक तरह से खुद उच्चतम न्यायालय मुकदमेबाजी में उलझा। इससे बचा जाता तो बेहतर होता, क्योंकि सूचना के अधिकार को निजता के अधिकार में बाधक नहीं कहा जा सकता। यह अच्छा नहीं हुआ कि दिल्ली उच्च न्यायालय के एक महत्वपूर्ण फैसले पर उच्चतम न्यायालय को मुहर लगाने में नौ साल लग गए। देर से ही सही, इस मामले की सुनवाई कर रही संविधान पीठ का इस निर्णय पर पहुंचना स्वागतयोग्य है कि पारदर्शिता और उत्तरदायित्व का निर्वहन साथ-साथ किया जा सकता है। यह उल्लेखनीय है कि इस पीठ में वर्तमान मुख्य न्यायाधीश के साथ-साथ वे तीन न्यायाधीश भी शामिल थे जो भविष्य में उनके उत्तराधिकारी बन सकते हैं।

चूंकि उच्चतम न्यायालय के मुख्य न्यायाधीश का कार्यालय कुछ शर्तों के साथ ही सूचना अधिकार कानून के दायरे में आएगा इसलिए यह देखना होगा कि उससे क्या जानकारी हासिल की जा सकती है और क्या नहीं? यह आशा की जानी चाहिए कि इस फैसले का असर कोलेजियम के कामकाज को भी पारदर्शी बनाएगा। आखिर जब खुद उच्चतम न्यायालय यह मान चुका हो कि कोलेजियम व्यवस्था को दुरुस्त करने की जरूरत है तब फिर उसके कामकाज को पारदर्शी बनाने की दिशा में आगे बढ़ा ही जाना चाहिए। उच्चतम न्यायालय के मुख्य न्यायाधीश के कार्यालय को सूचना अधिकार कानून के तहत लाने वाला फैसला यह एक जरूरी संदेश दे रहा है कि लोकतंत्र में कोई भी और यहां तक कि शीर्ष अदालत के न्यायाधीश भी कानून से परे नहीं हो सकते। बेहतर हो कि इस संदेश को वे राजनीतिक दल भी ग्रहण करें जो इस पर जोर दे रहे हैं कि उन्हें सूचना अधिकार कानून के दायरे में लाना ठीक नहीं। यह व्यर्थ की दलील है। इसका कोई औचित्य नहीं कि राजनीतिक दल सूचना अधिकार कानून से बाहर रहें। राजनीतिक दलों का यह रवैया लोकतंत्र के बुनियादी सिद्धांतों के विरुद्ध है।

## चिंता और चिंतन

उत्तराखंड में बढ़ते मानव-वन्य जीव संघर्ष से सरकार भी बेचैन है। पिछले एक सप्ताह में देखें तो पिथौरागढ़ से लेकर रुद्रप्रयाग तक गुलदार ने चार लोगों को शिकार बनाया, वहीं हरिद्वार में गुलदार के साथ ही हाथी भी लोगों को जान ले रहे हैं। लोगों में इसकी तीखी प्रतिक्रिया भी देखने को मिल रही है। पिछले दिनों रुद्रप्रयाग के एक गांव में गुलदार ने महिला को हिलाया बनाया तो ग्रामीण रातभर शव के साथ ही घटना स्थल पर जमे रहे। हालांकि मुख्य जीव प्रतिपालक गुलदार को मारने के आदेश दे चुके हैं और इलाके में शिकारी भी तैनात कर लिया गया है, लेकिन ग्रामीणों में दहशत बनी हुई है। पिथौरागढ़ में भी ग्रामीणों ने गुलदार का निवाला बने बच्चे का शव सड़क पर रख प्रदर्शन किया। हालांकि सरकार की बेचैनी राजाजी नेशनल पार्क से सटे हरिद्वार में वर्ष 2021 में होने वाला महाकुंभ है। आबादी वाले क्षेत्रों में हाथियों की सक्रियता को प्रशासन के साथ-साथ शासन की महाकुंभ के लिए चुनौती मान रहा है। इसकी वजह है महाकुंभ में लाखों की संख्या में श्रद्धालु हरिद्वार पहुंचेंगे और जंगल से सटे मेला क्षेत्र में श्रद्धालुओं की सुरक्षा सरकार के लिए किसी परीक्षा से कम नहीं है। हरिद्वार में श्यामपुर एवं उससे सटे गांव, बीएचईएल क्षेत्र और मोतीचूर-चीला कॉर्रीडोर बेहद संवेदनशील हैं। इन्हीं तीन जग से हाथियों की सबसे ज्यादा धमक आबादी वाले क्षेत्र में हो रही है। ऐसे में भारतीय वन्य जीव संस्थान के वैज्ञानिकों से विचार-विमर्श के बाद वन विभाग बिगडैल हाथियों को चिह्नित कर उन्हें रेडिया कॉलर पहनाने की रणनीति पर काम कर रहा है। दरअसल इस अली वार्निंग सिस्टम से हाथियों के झुंड पर नजर रखी जाएगी और यदि झुंड की गतिविधि आबादी के आसपास मिली तो पहलियाती कदम उठाए जा सकेंगे। दिरंगंबर से हाथियों को रेडियो कॉलर पहनाने की शुरुआत की जाएगी। दरअसल देखा जाए तो यह समस्या का फौरी समाधान ही है। विकास की अंधी दौड़ में बहुत कुछ ऐसा हुआ है, जिसके कारण आज स्थिति इतनी गंभीर हुई है। हाथियों के पारंपरिक गलियारे कब्जों की भेंट चढ़ चुके हैं। नैनीताल हाई कोर्ट भी इन गलियारों को अतिक्रमण से मुक्त करने के आदेश दे चुका है। बावजूद इसके इस दिशा में अभी ठोस पहल का अभाव नजर आ रहा है। पहाड़ से लेकर मैदान तक टकराव की स्थिति सिर्फ हाथी या गुलदार तक सीमित नहीं है, जंगली सुअर और भालुओं को लेकर भी यही हाल है। वन और वन्य जीव उत्तराखंड की पहचान हैं। ऐसे में सरकार को ऐसा रस्ता तलाशना पड़ेगा, जिससे ईंसान के साथ वन्य जीव भी सुरक्षित रह सकें।

# बच्चों की छीनती आजादी

श्रीप्रकाश शर्मा

हर माता-पिता अपने बच्चों को जिंदगी का एक अच्छा सलीका सिखाने के लिए उन्हें हमेशा अपने भविष्य के प्रति नसीहतें देकर भयभीत करते रहते हैं। सच पूछिए तो पहले से ही किताबों तथा माता-पिता की आशा के अनुरूप आगे बढ़ने के तनावों के बीच जिंदगी गुजारता बच्चा इन दम-घोंटू परिस्थितियों में ही बिल्कुल समझ नहीं पाता है कि आखिर उसके लिए जीवन निर्माण का आदर्श रास्ता क्या है? इस मोड़ पर एक अहम सवाल यह उठता है कि बच्चों को उनके भविष्य के प्रति इस प्रकार विस्मित तथा भयभीत कर उसे अच्छा बनाने तथा सबसे आगे बढ़ने के लिए प्रेरित करने का डरावना तरीका किस हद तक प्रासंगिक एवं समर्थोचित है? आखिर बच्चों से उनकी बाल-सुलभ मासूमियत और चंचलता को इतनी बेरहमी से हम हत्या क्यों कर बैठते हैं?

आज जमाना बदल चुका है, लोग बदल चुके हैं। जीवन जीने के ढंग, संस्कार और मूल्य साथ ही सबसे अधिक जीवन की परिस्थितियां बदल चुकी हैं, लेकिन इसका अर्थ कदापि यह नहीं होता है कि आप मन से अतिकोमल

हम बच्चों को आधुनिक जमाने

की समस्याओं से समय से बहुत पहले ही वाकिफ कराकर उन्हें कमजोर बना रहे हैं

तथा शरीर से अपुष्ट बच्चों को अनावश्यक

ही इतना डरा दें कि वे जिंदगी तथा जहान के इतने कम उम्र से वे सभी अर्थ तथा दर्द का अहसास करने लगें, जो कि संभव हो उनके बड़े होने पर उनकी जिंदगी में कभी आए भी नहीं। हम उन बच्चों को आधुनिक जमाने की समस्याओं से समय से बहुत पहले ही वाकिफ कराकर उन्हें कमजोर तथा पलायनवादी प्रकृति एवं प्रवृत्ति का बना रहे हैं, जो अंततः उनके भविष्य के लिए कदापि भी मंगलकारी और नरनात्मक नहीं है। आज के मासूम बच्चों को शिक्षा के आधुनिक आयाम के साथ रोजगार के आधुनिक संभावनाओं के बारे में जानकारीयें देकर भविष्य के प्रति उन्हें अधिक जागरूक तथा निष्ठावान बना सकते हैं। साथ ही अपने बच्चों में छुपी प्रतिभा एवं खासियत के बारे में प्रोत्साहित कर हम उन्हें एक

# सांस्कृतिक पहचान दिलाने वाला फैसला



प्रदीप सिंह

अयोध्या फैसला भारतीय सभ्यता की रक्षा की दिशा में एक महत्वपूर्ण कदम है। इसे कानूनी दांव-पेच, हिंदू-मुसलमान या हार-जीत के चश्मे से देखना इसकी महत्ता को घटाना होगा

जि स देश की आजादी के आंदोलन का लक्ष्य रामराज्य की स्थापना हो उसी देश में राम के जन्म स्थान के लिए करीब पांच सौ साल संघर्ष करना पड़े तो इससे बड़ी विडंबना और क्या हो सकती है? सुप्रीम कोर्ट का अयोध्या फैसला पूरे हिंदू समाज को निराशा और अंधेरे से निकालने वाला है। हिंदुओं के लिए यह मुद्दा जमीन के एक टुकड़े का नहीं है। यह उनकी सांस्कृतिक अस्मिता से जुड़ा हुआ है। राम किसी एक धर्म के नहीं, भारतीय सभ्यता और संस्कृति के आधार हैं। राम के बिना भारतीय संस्कृति की कल्पना कठिन है। विवादित भूमि के मालिकाना हक पर अदालती फैसले से क्या हिंदुओं को जमीन का एक टुकड़ा मिला है। जी नहीं। इससे इस देश को अपनी राजनीतिक-सांस्कृतिक पहचान को अपनी राजनीतिक-सांस्कृतिक पहचान को मिला है। यह पहचान जिसे आजादी के बाद समाजवाद की स्थापना की खातिर विस्मृत कर दिया गया था, जिसे यूरोपीय और भारत के वामपंथी इतिहासकारों ने एक विकृति की तरह निरूपित किया। भारतीय संस्कृति और हिंदू धर्म की बात करना प्रतिगामी, रूढ़िवादी और धर्मनिरपेक्षता की सबसे बड़ी कसरतों को मिला है। 1934 में अयोध्या में हुए दंगे में विवादित ढांचे के गुंबद को नुकसान पहुंचा तो प्रशासन ने उसकी मरम्मत का पैसा हिंदुओं से यह कहकर न वसूला कि यह तोड़फोड़ के अपराध की सजा है। 1934 से निकलिए और 1994 में आइए। पीवी नरसिंह राव की सरकार ने संविधान के 143(1) के तहत राष्ट्रपति को मिले अधिकार का इस्तेमाल करते हुए सुप्रीम कोर्ट से कह कि वह बताए कि राम जन्मभूमि-बाबरी मस्जिद के निर्माण के पहले क्या वहां कोई हिंदू मंदिर या कोई हिंदू धार्मिक ढांचा



अयोध्या राजपूत

था? सुप्रीम कोर्ट की पांच जजों की संविधान पीठ ने बहुमत के फैसले में इस सवाल का जवाब देने से इन्कार कर दिया। सुप्रीम कोर्ट के मुताबिक इसका जवाब देना एक पक्ष (हिंदू) की हिमायत करना होगा जो धर्मनिरपेक्षता के लिए ठीक नहीं है।

बात यहीं तक सीमित नहीं रही। बहुमत का फैसला मुख्य न्यायाधीश वेंकटचेलैया और जीएन रे के लिए जस्टिस जेएस वर्मा ने लिखा। उन्होंने लिखा, 'हिंदुओं को कामचलाऊ मंदिर में पूजा के अधिकार से वंचित किया जाना उचित है, जो उन्हें छह दिसंबर से पहले हासिल था।' उन्होंने यह भी लिखा, 'हिंदुओं को यह सलीब अपने सीने पर लगाकर चलना होगा, क्योंकि जिन शरारती तत्वों ने ढांचे को गिराया, वे हिंदू धर्म के अनुयायी माने जाते हैं।' दुनिया के किसी देश में क्या ऐसा संभव है कि बहुसंख्यक समाज अपने सबसे बड़े आराध्य की पूजा से सजा के तौर पर वंचित कर दिया जाए? इसके बावजूद कि सुप्रीम कोर्ट ने अपने इसी फैसले में माना कि विवादित ढांचे के ध्वंस के लिए पूरे हिंदू समाज को जिम्मेदार नहीं ठहराया जा सकता। इस फैसले से ही

मुस्लिम पक्ष को यह हक मिला कि वह यह देख सके कि राम जन्म स्थान पर यथास्थिति में कोई बदलाव तो नहीं आए? इसका मुस्लिम पक्ष ने कैसा लाभ उठाया, इसका एक उदाहरण रामलला विराजमान के मुख्य पुजारी सत्येंद्र दास जी ने दिया। उनके मुताबिक टेंट के पास तुलसी के दो छोटे पौधे उग आए थे। मुस्लिम पक्षकारों ने उन्हें यह कहकर उखड़वा दिया कि इससे यथास्थिति बदल जाएगी।

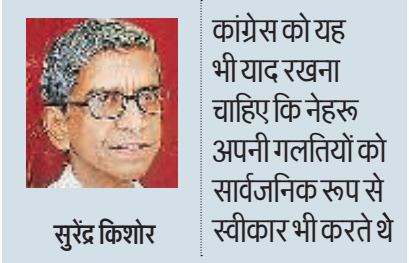
सुप्रीम कोर्ट के फैसले ने देश के बहुसंख्यक समाज को यह यकीन दिलाया कि धर्मनिरपेक्षता की सुली पर हमेशा उसे ही नहीं चढ़ाया जाएगा। फैसले से पहले और फैसले के बाद टेंट में रामलला विराजमान को देखने की लोगों की दृष्टि बदल गई है। रामलला को टेंट में देखकर जो खून के आंसू रोते थे, वे आज उसी टेंट में उन्हें देखने के बावजूद खुश हैं। अब उन्हें लगता है कि रामलला का यह टेंटवास रूपी वनवास जल्द खत्म होगा। फैसले के तीन दिन पहले से मैं अयोध्या में था और दो दिन बाद तक रहा। इस दौरान देश के तमाम प्रांतों से हजारों भक्त अयोध्या में थे। फैसले के बाद किसी के चेहरे पर हार्दिक खुशी की चमक थी

# नेहरू का राष्ट्रधर्म और आज की कांग्रेस

आज भारत और पाकिस्तान के बीच जो तनाती है वह किसी से छिपी नहीं, फिर भी कांग्रेस के कुछ नेता उसके खिलाफ नहीं, बल्कि ऐसे बयान देते रहते हैं जो भारत सरकार के विरुद्ध जाते हैं।

जाहिर तौर पर पाकिस्तान इन बयानों को अपने पक्ष में इस्तेमाल करता है। नेहरू के जमाने में भी कांग्रेस अपना वोट बैंक थे, लेकिन चीनी हमले के समय नेहरू ने वोट बैंक की परवाह नहीं की। चीनी हमले से उत्पन्न विषम स्थिति में देश को बचाने के लिए उन्होंने उन देसी-विदेशी शक्तियों से भी मदद ली जिन्हें वह हिकारत भरी नजरों से देखते थे और जिनसे उनके राजनीतिक-सैद्धांतिकमतभेद थे। लगता है आज के कांग्रेसी नेता यह सब भूल चुके हैं। चीनी हमले के समय नेहरू ने इजरायल से भी हथियार मंगवाए। ध्यान रहे तब तक भारत ने इजरायल को मान्यता नहीं दी थी। हथियार मंगवाने के क्रम में नेहरू ने अरब देशों से अपनी दोस्ती की भी परवाह नहीं की। उन्होंने इजरायल को लिखा था कि आप ऐसे हथियार भेजें जिन पर आंकटे देश का ध्वज न हो। इजरायल जब इस पर राजी नहीं हुआ तो नेहरू ने ध्वज सहित जहाजों की अनुमति दी। कुछ कम्युनिस्टों को छोड़ तब प्रतिपक्ष ने आरोप नहीं लगाया कि नेहरू विदेश नीति से समझौता कर रहे हैं, लेकिन आज जब मोदी सरकार अपनी सीमाओं की रक्षा और कश्मीर में आतंकियों के मुकाबले के लिए कुछ करती है तो प्रतिपक्ष उस पर युद्धोन्माद का आरोप लगाता है। क्या देश पर प्रत्यक्ष-परोक्ष हमले का विरोध करना युद्धोन्माद है?

नेहरू ने चीन के हमले के बाद न सिर्फ अमेरिका से संघर्ष सुधारे थे, बल्कि संघ के स्वयंसेवकों को गणतंत्र दिवस परेड में शामिल होने का मौका भी दिया था। साफ है कि उनके लिए देह पहले था। संघ के शाहदरा मंडल के कार्यवाह विजय कुमार 1963 की गणतंत्र दिवस परेड में गणवेशधारी सदस्यों के समूह में शामिल थे। कुछ साल पहले उन्होंने बताया था कि परेड से सिर्फ 24 घंटे पहले शासन से यह आमंत्रण आया कि हमें परेड में शामिल होना चाहिए। कम समय की सूचना पर भी तीन हजार स्वयंसेवक परेड में शामिल हुए। इससे पहले स्वयंसेवकों ने चीनी हमले के समय सीमा पर स्थित बंकरों में जाकर सैनिकों को खीर खिलाई थी। संभवतः इसकी खबर नेहरू को थी। चीनी हमले के दौरान नेहरू ने चीन और सोवियत संघ, दोनों से एक साथ झटके खाए थे। माना जाता है कि यदि नेहरू कुछ और साल जीवित रहते तो वह संभवतः विदेश नीति को ही बदल देते, क्योंकि कर रहे यही मांग



सुरेंद्र किशोर



कर रहा था। कुछ दस्तावेजों से यह साफ है कि नेहरू के साथ न सिर्फ चीन ने धोखा किया, बल्कि सोवियत संघ ने भी मित्रवत व्यवहार नहीं किया। इसे देखकर उन्होंने अपनी पुरानी लाइन के खिलाफ जाकर अमेरिका की ओर दोस्ती का हाथ बढ़ाया। ज्ञात हो कि अमेरिका के भय से ही चीन ने हमला बंद किया था। लेखक एजी नूरानो का कहना है कि सोवियत संघ की सहमति के बाद ही चीन ने 1962 में भारत पर चढ़ाई की थी। इसकी पुष्टि में लेखक ने सोवियत अखबार 'प्रवाद' और 'पीपुल्स डेली' में 1962 में छपे संपादकीय लेखों को सुबूत के रूप में पेश किया था। चूंकि खुद नेहरू भी वास्तविकता से वाकिफ हो चुके थे इसलिए उन्होंने अमेरिका के साथ अपने ठंडे रिश्ते भुलाकर राष्ट्रपति जॉन एफ केंनेडी को मदद के लिए कई संदेश भेजे। इससे कुछ समय पहले नेहरू से अपनी एक मुलाकात के बारे में खुद केंनेडी ने कहा था, 'नेहरू का व्यवहार काफी रूखा रहा।' चीन ने अक्टूबर 1962 में भारत पर हमला किया था। चूंकि तब हमारी

सैन्य तैयारी लचर थी और हम 'पंचशील' के मोहजाल में फंसे थे इसलिए चीन भारी पड़ा। नेहरू का कैनेडी के नाम 'ब्राह्मिमा संदेश' इतना समर्पणकारी था कि अमेरिका में भारत के राजदूत बीके नेहरू कुछ क्षणों के लिए इस दुविधा में पड़ गए थे कि इस पत्र को व्हाइट हाउस तक पहुंचाएं या नहीं? आखिर में उन्होंने यह काम बेमन से किया। इस पत्र में अपनाया गया रुख नेहरू के अमेरिका के प्रति पहले के विचारों से विपरीत था। इससे लगा कि नेहरू अपनी विफल विदेश और घरेलू नीतियों को बदलने की भूमिका तैयार कर रहे थे।

चीनी हमले को लेकर भाकपा भी दो हिस्सों में बंट गई थी। एक गुट मानता था कि 'विस्तारवादी भारत' ने ही चीन पर चढ़ाई की। बाद में चीनपंथी गुट ने सीपीआई-एम बनाया। नेहरू ने 19 नवंबर, 1962 को अमेरिकी राष्ट्रपति को लिखा था, 'हम न केवल लोकतंत्र की रक्षा, बल्कि देश के अस्तित्व की रक्षा के लिए भी चीन से हारता हुआ युद्ध लड़ रहे हैं। इसमें आपकी तत्काल सैन्य मदद की सख्त जरूरत है।' उस दौरान नेहरू ने अमेरिका को एक ही दिन में दो-दो चिट्ठियां लिखीं। इन चिट्ठियों को पहले गुन रखा गया ताकि नेहरू की दयनीयता देश के सामने न आ पाए, पर चीनी हमले की 48 वीं वर्षगांठ पर एक अखबार ने उन्हें सार्वजनिक किया।

आजादी के बाद नेहरू के प्रभाव में भारत ने गुट निरपेक्षता की नीति अपनाई, जबकि सरकार का झुकाव सोवियत लॉबी की ओर था। एक संवेदनशील प्रधानमंत्री, जो देश के तमाम लोगों का 'हृदय सम्राट' था, 1962 के धोखे के बाद भीतर से टूट गया। युद्ध के बाद नेहरू सिर्फ 18 माह ही जीवित रहे। चीन युद्ध में पराजय से हमें यही शिक्षा मिली कि किसी भी दल के लिए एस्ट्रटिज और सीमाओं की रक्षा का दायित्व सर्वोपरि होना चाहिए। इस दायित्व का निवाह दुनिया के सब देश करते हैं, लेकिन अमेरिका देश में उसे लेकर भी संकीर्ण राजनीति होती है। कांग्रेस को यह भी याद रखना चाहिए कि नेहरू समय-समय पर अपनी गलतियों को सार्वजनिक रूप से स्वीकार भी करते थे। वह कई बार सहकर्मियों की राय के सामने झुके। 1950 में राष्ट्रपति का नाम तय करने के समय नेहरू ने पहले तो राज गोपालाचारी को राष्ट्रपति बनाने की जिद की, पर जब देखा कि उनके नाम पर पार्टी में सहमति नहीं बन रही तो वह राजेंद्र प्रसाद के नाम पर राजी हो गए।

(लेखक राजनीतिक विश्लेषक एवं वरिष्ठ स्तंभकार हैं)
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### मेलबाक्स

हरसंभव प्रोत्साहन देना पड़ेगा।

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मधुमेह और उपचार

विश्व मधुमेह दिवस ( 14 नवंबर) एक तरह से उन लोगों के लिए चेतावनी के रूप में मनाया जाता है जो शरीर की आवश्यकता से अधिक मात्रा में मिछान ग्रहण करते हैं। आवेश्यकता से अधिक बना देता है। कभी-कभी इसका कारण अनुवांशिक भी होता है। शरीर में पेनक्रियाज ग्रंथियों के निष्क्रिय होने से मधुमेह और भी ज्यादा बढ़ता है। लगे हाथ कोलस्ट्रॉल, वसा भी अगर ज्यादा हो जाए तो इससे रक्त वाहनियों में परिवर्तन हो जाता है। इसके शहर्य में सबसे अधिक रोगी देखने को मिलते हैं। इसका एक कारण अधिक शारीरिक श्रम न करना भी है। मधुमेह में इलाज से ज्यादा जरूरी पहरेज है। पहले तो कोशिश होनी चाहिए कि वह बीमारी ही न हो, अगर हो भी जाए तो इसके प्रति लापरवाही कतई ठीक नहीं है। समय-समय पर इसकी जांच कराते रहना चाहिए। व्ट्यूब पर मधुमेह के उपचार के लिए आयुर्वेद और होम्योपैथी, एलोपैथी से इलाज के विभिन्न उपाय सुझाए गए हैं। प्रातः कालीन भ्रमण, व्यायाम एवं मिठाई के परहेज से मधुमेह का बचाव हो सकता है।

हार्दिक शर्मा, फरीदाबाद

सद्भाव का संदेश

अयोध्या मामले में फैसले का दोनों ही पक्षों के समर्थन करने से यह साबित होता है कि भारत के परमपूज्य राष्ट्र वे सहा हैं। प्रबुद्ध एवं तथा दोनों ही धर्म

तो किसी के भाव मूंगे के गुड़ की तरह।

वामपंथी इतिहासकारों को समय-समय पर भारत और भारत के बाहर से भी भारतीय संस्कृति और हिंदू धर्म के बारे में उनके पूर्वाग्रह का जवाब मिलता रहा है। प्रसिद्ध नाट्य समालोचक विलियम आचार ने भारतीय संस्कृति पर आक्रमण करते हुए भारतीय दर्शन, धर्म, काव्य, चित्रकला, मूर्तिकला, उपनिषद, रामायण और महाभारत को अवर्णनीय बर्बरता का घृणास्पद स्तूप कह दिया था। उसका जवा देने के लिए विख्यात विद्वान एवं तंत्र-दर्शन के व्याख्याता सर जॉन वुड्रूफ ने 'क्या भारत सभ्य है?' शीर्षक से एक किताब लिखी। उसमें उन्होंने कहा कि भारतीय सभ्यता संकट के दौर से गुजर रही है। इसका विनाश पूरी दुनिया के लिए विपत्तिकारक होगा। पुस्तक का सार यह था कि भारतीय सभ्यता और संस्कृति की रक्षा करना भारत के लिए ही नहीं पूरी मानव जाति के लिए परम आवश्यक है।

अयोध्या पर आया सुप्रीम कोर्ट का फैसला भारतीय सभ्यता की रक्षा की दिशा में उठा बहुत महत्वपूर्ण कदम है। इसे कानूनी दांव-पेच, जमीन, हिंदू-मुसलमान या हार-जीत के चश्मे से देखना इसकी महत्ता को घटाना होगा। यह फैसला भारतवासियों को एक बार फिर अपनी जड़ों को और लौटने का का अवसर देता है। सुप्रीम कोर्ट की अपनी सीमा है। वह इतना ही कर सकता था। अब यह हमारी जिम्मेदारी है कि इस अवसर का लाभ उठाएं और आगे बढ़ें। क्या और क्यों हुआ, यह सब भूलकर इस पर ध्यान दें कि आगे क्या करना है? यह पीढ़ी भाग्यशाली है कि उसे यह दिन देखने का अवसर मिला। बातांदा पुरुषोत्तम श्रीराम जीवन में उन सब मर्तों के प्रतीक हैं जो शुभ, सुंदर और नैतिक हैं।

(लेखक राजनीतिक विश्लेषक एवं वरिष्ठ स्तंभकार हैं)
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वाणी-विभूषित शब्द सृष्टि से मानव को मिले अनुपम उपहार हैं। फिर भी प्रत्येक शब्द न मंत्र होने की भविष्यवाणी न कर सकता है, न हर उच्चरितध्वनि शब्द वाणी होने का उद्घोष ही। जीवन के आहार-व्यवहार में तप-तप कर जिस प्रकार गोमुख से निकली जलधारा असंख्य मीलों की यात्रा कर गंगाजल होने के महत्व को प्राप्त करती है, उसी प्रकार शब्द भी उच्चारण से आचरण तक की निष्पत्ति एवं परिव्रता की भट्टी में तप-तप कर मंत्र-सृष्टि की शाश्वतता को प्राप्त होने का अपना सफर तय करने में सफल होते हैं।

मंत्र जीवन-साधनरूपी यशशाला की कल्याणकारी अंग में आचरण एवं परिव्रता से पगे, तपे शब्दों का ही परिष्कृत रूप है। शब्दों के सदुपयोग की सकारात्मकता का मार्ग इसके प्रयोक्ताओं को आनंद, उत्साह, लक्ष्य, शांति एवं सफलता के चिरंतन सुखों अथवा सुफलों से लाभान्वित करता रहता है तथा मानवता को देवत्व में परिवर्तित करने का अहसास कराता है। वहीं शब्दों का दुदुपयोग मानव को सुपथ से भटकाकर नकारात्मकता के मार्ग पर चलकर निराशा, विध्वंस, पीड़ा, पश्चताप से आचरण में धकेल देता है तथा मानवता को देवत्व के लिए प्रेरित करता रहता है। शब्द की उर्वरता एवं सोच की सकारात्मकता मानव को विश्व में चर्चित कर देती है। एक मंत्ररूपी शब्द हमारी अज्ञानतारूपी अंगुली थाम हमें सदुद्देश्य की ओर प्रेरित कर जीवन का कल्याण कर सकता है, जबकि एक दुष्प्रेरक शब्द हमें हमारे सदमार्ग से भटकाकर किन्हीं गलत उद्देश्यों की ओर प्रेरित कर हमारे इस दुर्लभ जीवन को सदा-सदा के लिए बर्बाद कर मानवता को कालक्रिंत कर सकता है।

ईश्वर ने विवेकरूपी मस्तिष्क मानव को इसी सदुपयोजन के लिए उपहार में प्रस्तुत किया है, ताकि वह इसका प्रयोग सही दिशा में कर पशुता में परिवर्तित होते अपने जीवन को नष्ट होने से बचा ले। आइए, प्रभु से उपहार में मिले इस शब्दबीज का सदुपयोग कर मानवता के कल्याण और ज्ञान के अनंत क्षितिज को नव आयाम दें।

डॉ. दिनेश चमोला 'शैलेश'

के विद्वानों की सदभावना की अपील को समूचे राष्ट्र ने आत्मसात कर लिया है। सभी वर्गों ने इस मामले में बहुत ही समझदारी का परिचय दिया है। उम्मीद है कि मंदिर निर्माण में मुसलमान आगे आकर हाथ बटाएंगे और इसी तरह मस्जिद के निर्माण में हिंदू सहयोग करेंगे। देश को ऐसे ही सदभाव की जरूरत है।

डॉ. मनोज कुमार शर्मा, स्याना

महाराष्ट्र में कुर्सी का खेल

महाराष्ट्र में सभी प्रमुख राजनीतिक दलों द्वारा सरकार बनाने में असमर्थता जताने पर अंततः राष्ट्रपति शासन लागू कर दिया गया। इससे यह साबित हो गया कि गठबंधन की नीति सुविधा मिलने तक ही चलती है। शिवसेना तीन दशक से कांग्रेस विरोध की नीति पर चल रही थी, जो कि अब सत्ता सुख की खातिर गले मिलने को आतुर नजर आई है। अभी भी बात खत्म नहीं हुई है। कौन किसके साथ जाता है, यह तो वक्त ही बयाएगा। सभी दल नफा-नुकसान का आकलन कर ही फैसला लेंगे।

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इस स्तंभ में किसी भी विषय पर राय व्यक्त करने अथवा दैनिक जागरण के राष्ट्रीय संस्करण पर प्रतिक्रिया व्यक्त करने के लिए पाठकगण सादर आमंत्रित हैं। आप हमें पत्र भेजने के साथ ई-मेल भी कर सकते हैं।

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## पारदर्शिता का तकाजा

कानून से ऊपर कोई नहीं है। यह टिप्पणी सुप्रीम कोर्ट ने एक ऐसे मामले पर फैसला देते हुए की जिसमें उसके प्रमुख न्यायाधीश के कार्यालय को भी आरटीआइ यानी सूचना के अधिकार कानून के दायरे में लाने की मांग की गई थी। हालांकि यह एक आम व्यवस्था है कि संविधान और कानून की कसौटी पर देश के सभी नागरिक और समूची व्यवस्था को संचालित करने वाला हरक व्यक्ति बराबर है, भले ही वह कितने भी ऊंचे पद पर या विशिष्ट क्यों न हो, मगर यह भी सच है कि कुछ मामलों में महज धारणा और स्थापित परंपराओं की वजह से किसी व्यक्ति या पद को लेकर रियायत का रूख अपनाया जाता है। सर्वोच्च न्यायालय के प्रधान न्यायाधीश के कार्यालय को आरटीआइ कानून के दायरे में लाया जाए या नहीं, इसी धारणा की वजह से पिछले कई सालों से ऊहापोह या विचार का विषय बना हुआ था। लेकिन बुधवार को सुप्रीम कोर्ट के पांच सदस्यीय संविधान पीठ ने यह साफ कर दिया कि शीर्ष अदालत के प्रमुख न्यायाधीश का कार्यालय अब सूचनाधिकार कानून के दायरे में आएगा। इससे न सिर्फ जवाबदेही और पारदर्शिता में इजाफा होगा, बल्कि न्यायिक स्वायत्तता भी मजबूत होगी।

गौरतलब है कि जब आरटीआइ कानून लागू हुआ था, तभी उसमें यह स्पष्ट व्यवस्था थी कि ‘कुछ अपवादों को छोड़ कर’ यह सब पर लागू होता है। यानी कुछ खुफिया और सुरक्षा एजेंसियों के साथ राष्ट्रीय सुरक्षा से संबंधित संवेदनशील जानकारीयों के अलावा अमूमन सभी मामलों में इस कानून के तहत सूचना देनी ही पड़ेगी। लेकिन न्यायपालिका के मामले में कोई स्पष्ट स्थिति सामने नहीं आ पा रही थी। हालांकि सन 2010 में दिल्ली उच्च न्यायालय ने इस मामले में साफतौर पर कहा था कि प्रधान न्यायाधीश का कार्यालय सूचना के अधिकार कानून के दायरे में आता है और न्यायिक स्वतंत्रता किसी न्यायाधीश का विशेषाधिकार नहीं है, बल्कि उन्हें इसकी जिम्मेदारी सौंपी गई है। अब अपने ताजा फैसले में अदालत ने यही कहा है कि सर्वोच्च न्यायालय के प्रधान न्यायाधीश का कार्यालय एक ‘पब्लिक अथॉरिटी’ यानी सार्वजनिक उपक्रम है। इसके सभी न्यायाधीश भी आरटीआइ के दायरे में आएंगे। इसके बावजूद इसमें पहले से जारी गोपनीयता बरकरार रहेगी। दरअसल, आरटीआइ की अहमियत जगजाहिर रही है और बीते कई सालों से लगातार इसके जरिए शासन तंत्र में पारदर्शिता कायम करने से लेकर गोपनीयता के नाम पर छिपाई गई कई जानकारियां सामने आती रही हैं। लेकिन ऐसे भी कुछ मामले सामने आए जब सूचना और निजता के सिद्धांत के बीच टकराव की स्थिति बनती दिखी।

पिछले कुछ सालों के दौरान ऐसे सवाल भी उठे कि कुछ मामलों में आरटीआइ को हथियार के रूप में इस्तेमाल किया जाता है। शायद इसी के मद्देनजर अदालत ने आगाह किया कि न्यायपालिका के मामले में अगर आरटीआइ के जरिए जानकारी मांगी जाती है तो इसमें कुछ भी गलत नहीं है, लेकिन इसका इस्तेमाल निगरानी रखने के हथियार के रूप में नहीं किया जा सकता और पारदर्शिता के मसले पर विचार करते समय न्यायिक स्वतंत्रता को ध्यान में रखना होगा। न्यायाधीशों की नियुक्ति, पदोन्नति और स्थानांतरण के मामले में प्रक्रिया संबंधी सूचना देने के सवाल को बहस का विषय माना गया था। लेकिन निजता के दायरे को अगर छोड़ दिया जाए तो न्यायाधीशों के तबादले और पदोन्नति की प्रक्रिया में पारदर्शिता की अपेक्षा की गई थी। शायद यही वजह है कि अदालत ने पारदर्शिता के समांतर निजता के अधिकार को भी एक अहम चीज माना और प्रधान न्यायाधीश के कार्यालय से सूचना देते वक्त उसके संतुलित होने की अपेक्षा पर जोर दिया। अब यह माना जा रहा है कि इस बेहद अहम मसले पर छाई धुंध साफ हो सकेगी।

## संकट और चुनौती

एक पखवाड़े के भीतर ही दूसरी बार दिल्ली की हवा फिर उस खतरनाक स्तर पर पहुंच गई है जिसे सबसे ज्यादा जोखिम वाला स्तर मानते हुए दिल्ली में ‘जन स्वास्थ्य आपातकाल’ लगाया था। केंद्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) और पृथ्वी विज्ञान मंत्रालय की वायु गुणवत्ता निगरानी संस्था– सफर ने वायु प्रदूषण के जो आंकड़े बताए हैं, वे हालात को गंभीरता को बयान करने के लिए काफी हैं। न केवल दिल्ली और राष्ट्रीय राजधानी क्षेत्र (पारसीआर), बल्कि पड़ोसी राज्यों के शहरों में वातावरण दमभंग्ट बना हुआ है। दिल्ली में प्रदूषण से निपटने के लिए प्रदेश और केंद्र सरकार, पर्यावरण मंत्रालय और यहां तक कि सर्वोच्च अदालत तक सक्रिय और गंभीर है, लेकिन हालात बेकाबू होते जा रहे हैं। इसी क्रम में दिल्ली में वाहनों के लिए सम-विषम योजना भी लागू की गई, लेकिन इसका भी कोई असर नहीं पड़ा है। सिर्फ दो दिन ऐसा हुआ जब वायु गुणवत्ता सूचकांक चार सौ के नीचे रहा। लोगों को दस घुटने, सांस लेने में तकलीफ, फेंफड़ों में संक्रमण, आंखों में जलन, सिरदर्द जैसी समस्याओं का सामना करना पड़ रहा है और ऐसे मरीजों की संख्या में पिछले पंद्रह दिन में तेजी से इजाफा हुआ है। सवाल है कि आखिर हम क्यों नहीं प्रदूषण को कम कर पा रहे? क्यों नहीं सरकारी कवायदें कामयाब हो पा रही हैं?

दिल्ली में प्रदूषण से निपटने के लिए इस बार फिर से पांच महीने के लिए ग्रेप यानी ग्रेडेड रिस्पॉन्स एक्शन प्लान को संशोधित करके लागू किया गया है लेकिन फिर भी वायु प्रदूषण बढ़ता जाना चिंता की बात है। जाहिर है, इन उपायों को लागू करने में गंभीरता का अभाव है। ग्रेप पर पूरी सख्ती के साथ अमल करने की जिम्मेदारी परिवहन विभाग, राज्य प्रदूषण नियंत्रण बोर्ड, दिल्ली मेट्रो, रेलवे, लोक निर्माण विभाग, दिल्ली पुलिस और राष्ट्रीय राजमार्ग प्राधिकरण और नगर निगमों जैसे महकमों और एजेंसियों की है, पर इन सबके बीच तालमेल की भारी कमी है और हर महकमा अपनी जिम्मेदारी से पल्ला झाड़ते हुए दूसरे पर काम टरकाने की प्रवृति से ग्रस्त है। प्रदूषण से निपटने की योजनाओं में कमी नहीं है, लेकिन इन्हें लागू करना बड़ी चुनौती है। आज भी राजधानी के ज्यादातर इलाकों में क्रीडे के उद्योग हैं, ढाबों पर कोयले का इस्तेमाल हो रहा है, गुपचुप तरीके से डेरागों में भट्टियां चल रही हैं। इन्हें रोकने की जिम्मेदारी आखिर किसकी बनती है? कूड़ा जलाने से रोकना और ऐसा करने वालों पर कार्रवाई करना किसका काम है?

यह तो अब साफ हो चुका है कि दिल्ली में जितना वायु प्रदूषण हो रहा है उसमें पराली के धुएं का योगदान सिर्फ बाईस प्रतिशत है। तब सवाल है कि बाकी अठहत्तर फीसद प्रदूषण किसके हाथ में है? दिल्ली की सबसे बड़ी समस्या यह है कि लाखों ऐसे डीजल और पेट्रोल वाहन सड़कों पर दौड़ रहे हैं जिनकी निर्धारित अवधि समाप्त हो चुकी है और ये वाहन दिल्ली के प्रदूषण में सबसे बड़ा योगदान करते हैं। लेकिन इन पर लगाम लगाने की दिशा में कोई सख्त कदम नहीं उठा है। सवाल है कि आखिर दिल्ली सरकार का परिवहन विभाग और यातायात पुलिस कर क्या रही है! क्यों नहीं ऐसे वाहनों को सड़क से हटाने का अभियान चलाया जा रहे? दिल्ली को प्रदूषण से बचाने के लिए जितना जरूरी योजनाएं बनाना है, उससे कहीं ज्यादा जरूरत योजनाओं को सख्ती से लागू करने की है।

## कल्पमेधा

धन को जब तक ही सीमित रखें, उसे हृदय में स्थान न दें। जब धन को हृदय में स्थान दिया जाता है तो सुख-शांति के स्थान पर लालच, भेदभाव और बुराइयों का जन्म होता है।

–गुरु नानक देव

### अरविंद कुमार सिंह

### कई बार ऐसा भी देखा जाता है कि पुलिस की मौजूदगी में ही महिलाओं को डायन बता कर उनके साथ बदसलूकी की जाती है। प्रशासन इन घटनाओं को गंभीरता से तब लेता है जब मीडिया या स्वयंसेवी संस्थाएं इस तरह की घटनाओं का खुलासा करती हैं और उन्हें सामने लाती हैं।

### यह विडंबना है कि जागरूकता और शिक्षा के प्रचार-प्रसार के बावजूद हमारा समाज अंधविश्वास के दुष्प्रभाव से मुक्त नहीं हो पा रहा है। समाज में आज भी अंधविश्वास की जड़ें गहरे तक जमी हैं। कुछ समय पहले बिहार में भागलपुर जिले के पीरपैथी थाना क्षेत्र में एक व्यक्ति ने तांत्रिक के कहने पर अपनी पत्नी की सूनी कोख भरने के लिए अपने ही ग्यारह वर्षीय पतीजे की बलि चढ़ा दी। गौर करें तो अंधविश्वास के कारण बलि चढ़ाने की यह कोई पहली घटना नहीं है। अमूमन इन क्षेत्रों में रहने वाले लोग शैक्षिक रूप से तो पिछड़े हैं ही, साथ ही यहां स्वास्थ्य सेवाएं भी नदारद हैं। इसी का परिणाम होता है कि वे अपनी बीमारी और अस्वस्थता के अलावा संतान न होने का मूल कारण समझने के बजाय इसे भूत-प्रेत और डायनों का प्रभाव मानते हैं और फिर डायन की आड़ में महिलाओं की हत्या और नरबलि जैसे कदम उठा लेते हैं। शैक्षिक रूप से पिछड़े और आदिवासी बहुल राज्य झारखंड की

यह विडंबना है कि जागरूकता और शिक्षा के प्रचार-प्रसार के बावजूद हमारा समाज अंधविश्वास के दुष्प्रभाव से मुक्त नहीं हो पा रहा है। समाज में आज भी अंधविश्वास की जड़ें गहरे तक जमी हैं। कुछ समय पहले बिहार में भागलपुर जिले के पीरपैथी थाना क्षेत्र में एक व्यक्ति ने तांत्रिक के कहने पर अपनी पत्नी की सूनी कोख भरने के लिए अपने ही ग्यारह वर्षीय पतीजे की बलि चढ़ा दी। गौर करें तो अंधविश्वास के कारण बलि चढ़ाने की यह कोई पहली घटना नहीं है। अमूमन इन क्षेत्रों में रहने वाले लोग शैक्षिक रूप से तो पिछड़े हैं ही, साथ ही यहां स्वास्थ्य सेवाएं भी नदारद हैं। इसी का परिणाम होता है कि वे अपनी बीमारी और अस्वस्थता के अलावा संतान न होने का मूल कारण समझने के बजाय इसे भूत-प्रेत और डायनों का प्रभाव मानते हैं और फिर डायन की आड़ में महिलाओं की हत्या और नरबलि जैसे कदम उठा लेते हैं। शैक्षिक रूप से पिछड़े और आदिवासी बहुल राज्य झारखंड की

### सुभाष चंद्र कुशावाहा

पूरे उत्तर भारत में छाई धुंध से दम घुटना अब एक बूझड़ी समस्या बन चुका है। इसका एक कारण पराली जलाने पर केंद्रित है तो बहुत सारे लोग पटाखों, औद्योगिक धुएं और वाहन प्रदूषण को दोषी बता रहे हैं। सही है कि वायु प्रदूषण में इक्यावन फीसद हिस्सा वाहन प्रदूषण का है, जिनमें डीजल वाहनों का उत्सर्जन ज्यादा नुकसानदायक है। औद्योगिक उत्सर्जन, प्लास्टिक कचरा, पटाखे, लकड़ी या कोयला जलाने से भी हवा प्रदूषित हो रही है, लेकिन वर्तमान धुंध के पीछे पटाखे और पराली जलाना एक कारण तो है। कोलाराडो विश्वविद्यालय के कोऑर्परेटिव इंस्टीट्यूट फॉर रिसर्च इन एनवायरमेंटल साइंसज के वैज्ञानिकों ने भी माना है कि पराली जैसे बायोमास जलाने से खतरनाक नाइट्रोजन युक्त कार्बनिक रसायन निकलते हैं। ये रसायन, लकड़ी जलाने की तुलना में हवा को ज्यादा जहरीला बनाते हैं। पुआल या पराली की आग में एसिटोनिट्राइल को सांद्रता, लकड़ी की आग की तुलना में दस गुना अधिक होती है और यह हवा में लंबे समय तक बनी रहती है। किसानों द्वारा खेतों में पराली जलाने के कृत्य को

## प्रदूषण की राजधानी

हवाओं का यह स्वभाव होता है कि वे जिन क्षेत्रों से होकर गुजरती हैं, वहां के वायु मंडल में उपलब्ध सूक्ष्म-दुर्गंध, धुएं और धूल के कण, विषैली गैसों आदि को साथ लेकर बहती रहती हैं। जिस प्रकार पहाड़ों से आने वाली हवाएं सर्द और नदी के ऊपर से बहती हवाएं भीगी यानी नम होती हैं, ठीक उसी प्रकार दिल्ली जैसे प्रदूषण के शिकार शहरों में आने वाली हवाएं उनके पास-पड़ोस के क्षेत्रों में जलाई जा रही धान की परालियों से उठते धुएं के कारण विषाक्त हो गई हैं। सचमुच, सल्फंग और कुसंग का प्रभाव चरितार्थ होता दिख रहा है।

दिल्ली को देश की नाक कहा जाता है। यहां के सौंदर्यीकरण और स्वच्छता पर हो रहा खर्च देश के सभी राज्यों में हो रहे खर्च से अधिक है, फिर भी दिल्ली अब पर्यावरण-प्रदूषण के चलते भयावह हो गई है। कुछ दिन ही हुए जब दिल्ली के मुख्यमंत्री ने जनता को अपने घरों की खिड़कियां न खोलने, सुबह सैर पर न निकलने की सलाह दी थी। सहज ही प्रश्न उठता है, आखिर कब तक लोग इस तरह बिल में रहने वाले जंतुओं की सी जिंदगी बसर करेंगे और कब तक स्वास्थ्य के लिए अत्यावश्यक सुबह की सैर पर नहीं जाएंगे? यह तो पर्यावरण प्रदूषण से बचने का स्थायी उपाय नहीं प्रतीत होता क्योंकि दिल्ली में ऐसे लोगों की कमी नहीं है जो अपनी रोजी-रोटी के लिए दिल्ली की सड़कों पर पैदल या साइकिल से चलते हैं। वे कैसे घर में बैठे रह सकते हैं?

ऐसा नहीं है कि पर्यावरण-प्रदूषण की शिकार केवल दिल्ली है। में कुछ दिनों के लिए वाराणसी गया हुआ था। वहां के पर्यावरण की स्थिति दिल्ली से बहुत बेहतर नहीं है। कहने के लिए बनारस प्रधानमंत्री का चुनाव क्षेत्र है, पर बड़े पैमाने पर वहां

# अंधविश्वास का दंश

मथुरा और आगरा में खूब चर्चित रहा था। यह तो अच्छा रहा कि दोनों शहरों में जिला प्रशासन ने इन घटनाओं को गंभीरता से लिया और लोगों को आगाह किया कि वे इस तरह की अफवाहों पर ध्यान न दें।

देश में आए दिन इस तरह की अफवाहें जोर पकड़ती रहती हैं और इनकी आड़ में अपराध को अंजाम दिया जाता है। ये घटनाएं रेखांकित करती हैं कि हम विकास के चाहे कितने भी दावे क्यों न कर लें, लेकिन असल में हमारा समाज अभी अंधविश्वास में डूबा हुआ है। सच तो यह है कि अंधविश्वास मिटाने की जितनी पहल हो रही हैं, उतनी ही ताकत से अंधविश्वास की जड़ें और गहरी होती जा रही हैं। अंधविश्वास की आड़ में न केवल बलि देने की कुप्रथा कायम है, बल्कि डायन के नाम पर महिलाओं की नृशंस हत्या भी जारी है। पश्चिम बंगाल के मालदा में एक महिला के डायन होने को लेकर अफवाह फैली और हत्यारी भीड़ ने उसकी दोनों आंखें निकाल कर उसे मौत के घाट उतार दिया था। हत्या से पहले उस महिला के साथ सामूहिक बलात्कार भी किया गया था। पिछले साल ही झारखंड की राजधानी रांची के पास मांडर ब्लॉक के कंजिया मरई टोली गांव की पांच महिलाओं की डायन के शक में हत्या कर दी गई थी। झारखंड के देवघर जिले के पाथरघटिया गांव में पांच महिलाओं को डायन के नाम पर निर्वस्त्र कर घुमाया गया और सिमडेगा जिले के शिकरियातंद गांव में एक अथेड़ महिला को डायन के नाम पर उसके पड़ोसियों ने पीट-पीटकर मार डाला।

ऐसी घटनाएं कमोवेश देश के सभी राज्यों से देखने-सुनने को मिलती रहती हैं। लेकिन दुख की बात यह है कि ऐसी घटनाओं को रोकने के लिए राज्य सरकारों की ओर से कठोर कदम नहीं उठाए जाते। अंधविश्वास की ऐसी निर्मम घटनाएं उन्हीं राज्यों और क्षेत्रों में देखी जा रही हैं जहां विकास और शिक्षा की लौ पूरी तरह पहुंच नहीं सकी है। अमूमन इन क्षेत्रों में रहने वाले लोग शैक्षिक रूप से तो पिछड़े हैं ही, साथ ही यहां स्वास्थ्य सेवाएं भी नदारद हैं। इसी का परिणाम होता है कि वे अपनी बीमारी और अस्वस्थता के अलावा संतान न होने का मूल कारण समझने के बजाय इसे भूत-प्रेत और डायनों का प्रभाव मानते हैं और फिर डायन की आड़ में महिलाओं की हत्या और नरबलि जैसे कदम उठा लेते हैं। शैक्षिक रूप से पिछड़े और आदिवासी बहुल राज्य झारखंड की

ही बात करें तो यहां अंधविश्वास की जड़ें काफी गहरी हैं और उसका सर्वाधिक खमियाजा महिलाओं को भुगतना पड़ रहा है। नेशनल क्राइम रिकार्ड ब्यूरो (एनसीआरबी) के आंकड़ों पर गौर करें तो यहां पिछले बीस वर्षों में तेरह सौ से अधिक महिलाओं को डायन के नाम पर हत्या हुई है। डायन कुप्रथा पर काम कर रही स्वयंसेवी संस्थाओं की मानें तो गांव वाले ही महिलाओं को डायन के रूप में चिह्नित करते हैं और फिर मौत की नींद सुला देते हैं। अपराधी इसलिए पकड़ में नहीं आते कि इन घटनाओं में पूरा गांव शामिल होता है और अपराधी की पहचान नहीं हो पाती।

आधुनिकता और नई से नई तकनीक से लैस होने के बावजूद हमारा समाज कितना पिछड़ा और अंधविश्वास से ग्रस्त है, इन घटनाओं से आसानी से समझा जा सकता है। कुछ साल पहले देहरादून की एक गैर सरकारी संस्था ने अपनी रिपोर्ट में कहा कि देश में तकरीबन हर साल दो सौ से अधिक महिलाओं



की हत्या डायन के नाम पर होती है। ऐसे निर्दयतापूर्ण कृत्य सिर्फ झारखंड राज्य में नहीं, बल्कि विकसित कहे जाने वाले राज्यों में भी होते हैं। उदाहरण के तौर पर, आंध्रप्रदेश में हर साल तीस से ज्यादा महिलाओं को डायन बता कर मार दिया जाता है।

इस मामले में हरियाणा और ओड़ीशा का रिकार्ड भी कम नहीं है। इन दोनों राज्यों में पच्चीस से तीस और चौबीस से अट्ठाईस महिलाओं की हत्या सिर्फ अंधविश्वास और जादू-टोने के नाम पर की जाती है। पिछले डेढ़ दशक में देश में डायन के नाम पर लगभग ढाई हज़ार से ज्यादा महिलाओं की हत्या हो चुकी है। जहां एक ओर देश में महिलाएं पंचायतों से लेकर संसद और विधानसभाओं में अहम सहभागी बन रही हैं और नित नई बुलंदियों को चूम रही हैं, वहीं डायन के

# हवा में जहर

विगत वर्ष राष्ट्रीय हरित न्यायाधिकरण यानी एनजीटी ने गंभीरता से लिया था और इस कृत्य को स्वास्थ्य के लिए हानिकारक मानते हुए पर्यावरण शुद्ध वसुलने का आदेश दिया था। दिल्ली, पंजाब, हरियाणा और उत्तर प्रदेश जैसे राज्यों में तो पंद्रह हजार रुपए जुर्माना लगाने का भी प्रावधान किया था, मगर इससे स्थिति में कोई फर्क नहीं पड़ा। इस साल धुंध और बड़ गई। स्कूली बच्चों के स्वास्थ्य पर खतरों को देखते हुए छुट्टी भी घोषित कर दी गई थी।

जाहिर है कि यह समस्या जुर्माने से हल नहीं हो सकती।

पराली या फसलों के डंटलों को जलाने की समस्या दरअसल खेती-किसानी से पशुओं की छुट्टी का परिणाम है। अब खेती-किसानी की संरचना बदल चुकी है। मशीनों के प्रयोग ने पशुओं को बेदखल कर दिया है। चारे की आवश्यकता समाप्त हो गई है। मशीनों से फसलों की कटाई के बाद डंटलों को खेतों में छोड़ दिया जा रहा है। पराली को खेत से अलग करने के लिए मजदूरों का अभाव है और यह एक खर्चीला काम है। किसानों की हालत पहले से ही खराब है और वे खेतों से पराली अलग करने का खर्चीला काम नहीं कर पा रहे। जला कर मुक्ति पाना ही एक विकल्प है। इसमें कोई दो राय नहीं कि डंटलों को जलाना स्वास्थ्य और

### दुनिया मेरे आगे

हमारे कृषिकरण में मनुष्य और मशीनों के साथ-साथ पशुओं की भूमिका भी तय होनी चाहिए थी। मशीनों के इस्तेमाल के साथ-साथ खेतों में उसके द्वारा छोड़े गए अवशेषों के निस्तारण पर विचार किया जाना चाहिए था। हमें इस तथ्य को याद करना चाहिए कि एक दशक पूर्व तक पुआल जलाने की नौबत नहीं आती थी। किसान पुआल की पूंज लगा कर हिफाजत करते थे। पुआल की बिक्री होती थी। यही स्थिति गेहूं के भूसे की भी थी। खेती-किसानी की पूरी संरचना पशुओं पर निर्भर होने के कारण पुआल की खपत इतनी थी कि किसान पुआल को चारे के रूप में इस्तेमाल करने के बाद जो बचता था, उसे बेच कर कुछ कमा लेते थे। कागज बनाने में भी

किसान को दस खरब की अर्थव्यवस्था से भला क्या मतलब; उन नौजवानों के लिए भला क्या मतलब जिन्हें अपने परिवार के भरण-पोषण के लिए काम न मिल पाता हो? जब लोग बाजार में आलू-प्याज-सब्जी खरीदने निकलते हैं तो मानो कोई जंग लड़ने निकलते हैं। लेकिन सरकार उनकी समस्याओं को हल करने के लिए कोई कदम उठाती नहीं दिख रही है।

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जवाहरलाल नेहरू ने कहा था, ‘आज के बच्चे कल के किस्सी भी मुद्दे या लेख पर अपनी राय हमें भेजें। हमारा पता है : ए-8, सेक्टर-7, नोएडा 201301, जिला : गौतमबुद्धनगर, उत्तर प्रदेश

आप चाहें तो अपनी बात ईमेल के जरिए भी हम तक पहुंचा सकते हैं। आइडी है : chaupal.jansatta@expressindia.com

को रोकने के लिए उनमें चलने वाले गाड़ी के गैरेज, निर्माण कार्यों, सड़क के किनारे लगने वाले बाजारों पर भी नियंत्रण रखने की सोचनी चाहिए। यत्र-तत्र चौराहों पर होने वाले यातायात जाम भी प्रदूषण में कम योगदान नहीं देते, यह ध्यान देने की बात है।

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**नीचे की ओर**

सकल घरेलू उत्पाद की दर लगातार नीचे की ओर लुढ़क रही है। लोग बढ़ती महंगाई से परेशान हैं।

रोजमर्रा के उपयोग की वस्तुओं के दाम आसमान छू रहे हैं। युवा बेरोजगार हो रहे हैं, मंदी के बादल लहने लगे हैं। कोई पछूने वाला नहीं है कि सकल घरेलू उत्पाद दर दिन-ब-दिन क्यों नीचे गिर रही है? जिस देश में फसलों का उचित मूल्य न मिल पाता हो उसके

भारत का निर्माण करेंगे। हम जिस तरह बच्चों की परवरिश करते हैं उससे भारत का भविष्य तय होता है।’ वे बच्चों से बहुत लगाव रखते थे, तभी तो उनके जन्मदिन चौदह नवंबर को बाल दिवस के रूप में मनाया जाता रहा है। इस दिन स्कूलों में विशेष कार्यक्रम आयोजित किए जाते हैं, बच्चों के कल्याण की बड़ी-बड़ी बातें कही जाती हैं लेकिन कड़वी हकीकत है कि आज भी भारत में छोटे-छोटे बच्चे गरीबी के कारण मजदूरी करने को विवश हैं। बच्चों के कुपोषण के मामले में भी भारत की स्थिति कोई खास अच्छी नहीं है। गरीब भी अपने बच्चों के सुनहरे भविष्य के सपने देखते है, लेकिन गरीबी के कारण वे सपने चकनाचूर हो जाते हैं। क्या आज कोई है ऐसे बच्चों के दुख-दर्द को समझने वाला ?

नाम पर महिलाओं की निर्ममतापूर्वक हत्याओं का सिलसिला शर्म से सिर झुका देता है। समाज के ठेकेदार डायन के नाम पर उन्हें निर्वस्त्र घुमाने के साथ-साथ सामूहिक बलात्कार कर रहे हैं।

इस तरह की घटनाएं कानून और प्रशासन के लिए चिंता की बात होनी चाहिए। कई बार ऐसा भी देखा जाता है कि पुलिस की मौजूदगी में ही महिलाओं को डायन बता कर उनके साथ बदसलूकी की जाती है। प्रशासन इन घटनाओं को गंभीरता से तब लेता है जब मीडिया या स्वयंसेवी संस्थाएं इस तरह की घटनाओं का खुलासा करती हैं और उन्हें सामने लाती हैं। हालात तब और बदतर हो जाते हैं जब पिछड़े और आदिवासी क्षेत्रों में लगे वाली पंचायतें बैखोफ होंकर अपने फैसले सुनाने हुए किसी भी महिला को डायन करार दे देती हैं और समाज का पढ़ा लिखा तबका उनका विरोध करने के बजाए उन्हें अपना मौन समर्थन देता नजर आता है।

इन घटनाओं के पीछे सामाजिक रूढ़िवादिता तो बड़ा कारण है ही, साथ ही कानून के अनुपालन में कमी भी एक महत्वपूर्ण कारण है। ऐसी महिलाओं को भी डायन करार देकर मौत के घाट उतारा जा रहा है जिनके परिजन नहीं हैं और उनके पास संपत्ति है। अगर कहा जाए कि डायन की आड़ में संपत्ति हड़पने और नरबलि के पीछे दुश्मनी साधने का खेल चल रहा है, तो यह गलत नहीं होगा। ऐसी स्थिति में समाज में व्याप्त इन कुरीतियों और अंधविश्वासों के खिलाफ जनजागरण चलाने की जरूरत है। साथ ही इन घटनाओं को अंजाम देने वालों की पहचान कर उन्हें दंडित किया जाना चाहिए।

भारतीय जनमानस को समझना होगा कि अंधविश्वासों को खत्म करने की जिम्मेदारी सिर्फ सरकार की नहीं है। इन्हें उखाड़ फेंकने के लिए समाज को भी आगे आना होगा। उन क्षेत्रों की पहचान करनी होगी जहां ऐसी घटनाएं ज्यादा हो रही हैं। उन वजहों को भी तलाशना होगा जिनके कारण इन घटनाओं को प्रोत्साहन मिल रहा है। कम पढ़े-लिखे लोग अक्सर गंभीर बीमारियों से निपटने के लिए अस्पतालों में जाने के बजाए ओझा-तांत्रिकों का शरण लेते हैं और ये तांत्रिक उनके अज्ञान का फायदा उठाते हुए आर्थिक शोषण तो करते ही हैं, उन्हें अपराध करने के लिए भी उकसाते हैं। बेहतर होगा कि सरकार और स्वयंसेवी संस्थाएं पिछड़े और सुविधाहीन क्षेत्रों में शिक्षा और स्वास्थ्य सेवाओं को मजबूत करें।

### दरअसल, बाल दिवस मनाने का औचित्य तभी होगा जब गरीब से गरीब बच्चा भी अपनी पढ़ाई की उम्र में किसी काम पर या थैला उठा कर कूड़े के ढेर के पास नहीं जाएगा, बल्कि किताबों से भरा बैग लेकर स्कूल जाने लगेगा, देश में से बाल मजदूरी का कलंक शरत प्रतिशत मिटेगा और हर गरीब बच्चे को भरपेट भोजन मिलेगा।

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वैश्विक रेटिंग एजेंसी मूडीज ने भीरत की साख यानी क्रेडिट रेटिंग आउटलुक नकारात्मक कर दिया है, हालांकि उसने विदेशी मुद्रा रेटिंग ‘बीएए2’ को बरकरार रखा है। अंतरराष्ट्रीय एजेंसियों की रेटिंग की माया या तो वे खुद जानती हैं या शायद इश्वर। 2010 में एक अन्य रेटिंग एजेंसी स्टैंडर्स एंड पुअर (एसएंडपी) ने आइसलैंड को सर्वश्रेष्ठ रेटिंग ‘एएए’ दी थी मगर इसके अगले साल ही उसकी अर्थव्यवस्था एकदम बैठ गई। उसके तीनों प्रमुख बैंक फेल हो गए। उसकी मुद्रा क्रोनर डूब गई। उसका विदेशी ऋण जीडीपी का सात गुना तक पहुंच गया। आइसलैंड में पैसा लगाने वाले करोड़ों निवेशकों को एसएंडपी ने मारके पड़वाई। पूरी दुनिया ने एसएंडपी को लानत भेजी।

लिहाजा, भारत को मूडीज की रेटिंग या आउटलुक की परवाह नहीं करनी चाहिए। हमारी अर्थव्यवस्था अपनी मूलभूत मजबूती के कारण फिर गति पकड़ने लगी है। मूडीज भारत का कुछ बिगाड़ नहीं सकती, हां अपनी विश्वसनीयता जरूर दांव पर लगा सकती है। भारत में विदेशी निवेश की रफ्तार को रोकने में यह रेटिंग कामयाब नहीं हो सकती, वह करीब नौ फीसद की समान दर से बढ़ रहा है। यह विषय में सर्वाधिक है।

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वैश्विक रेटिंग एजेंसी मूडीज ने भीरत की साख यानी क्रेडिट रेटिंग आउटलुक नकारात्मक कर दिया है, हालांकि उसने विदेशी मुद्रा रेटिंग ‘बीएए2’ को बरकरार रखा है। अंतरराष्ट्रीय एजेंसियों की रेटिंग की माया या तो वे खुद जानती हैं या शायद इश्वर। 2010 में एक अन्य रेटिंग एजेंसी स्टैंडर्स एंड पुअर (एसएंडपी) ने आइसलैंड को सर्वश्रेष्ठ रेटिंग ‘एएए’ दी थी मगर इसके अगले साल ही उसकी अर्थव्यवस्था एकदम बैठ गई। उसके तीनों प्रमुख बैंक फेल हो गए। उसकी मुद्रा क्रोनर डूब गई। उसका विदेशी ऋण जीडीपी का सात गुना तक पहुंच गया। आइसलैंड में पैसा लगाने वाले करोड़ों निवेशकों को एसएंडपी ने मारके पड़वाई। पूरी दुनिया ने एसएंडपी को लानत भेजी।

लिहाजा, भारत को मूडीज की रेटिंग या आउटलुक की परवाह नहीं करनी चाहिए। हमारी अर्थव्यवस्था अपनी मूलभूत मजबूती के कारण फिर गति पकड़ने लगी है। मूडीज भारत का कुछ बिगाड़ नहीं सकती, हां अपनी विश्वसनीयता जरूर दांव पर लगा सकती है। भारत में विदेशी निवेश की रफ्तार को रोकने में यह रेटिंग कामयाब नहीं हो सकती, वह करीब नौ फीसद की समान दर से बढ़ रहा है। यह विषय में सर्वाधिक है।

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