



RENDER TO LABOR WHAT IS JUSTLY DUE TO LABOR,
AND THEREBY GIVE THE PEOPLE SECURITY,
COMFORT, AND LEISURE. — MIKHAIL BAKUNIN

The Indian EXPRESS

FOUNDED BY
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

IN DARKNESS

Given the stealth in the swearing-in, a prompt floor test in Maharashtra is the only way to bring the light in

HERE IS HARDLY any moral high ground left in Maharashtra's political arena. But the question raised by the events of Friday night-Saturday morning is this: Is the constitutional ground also slipping rapidly? That question is, now, before the Supreme Court. On Sunday, the Court gave a notice to the respondents, after the Shiv Sena-NCP-Congress knocked on its door, and directed that two letters be produced before it on Monday morning - the letter of support presented by Devendra Fadnavis in support of his claim and the Governor's letter inviting him to form the government. Those two letters feature in the bizarre sequence of events that led to the swearing in of Fadnavis as Chief Minister of Maharashtra in the early morning hours on Saturday, after President Ram Nath Kovind revoked President's Rule at 5.47 am, in the wake of the Narendra Modi government invoking a special provision of The Government of India (Transaction of Business) Rules which gives the Prime Minister special powers to permit a departure from rules - to circumvent the need for a meeting of the Union cabinet. The court will be watched for the urgency with which it orders a floor test, the only way in which the legitimacy of a government can be tested, a principle established by its own Bommai ruling. The court, it is hoped, will not only show the way forward, but also restore a semblance of constitutional propriety, offer a restatement of constitutional presence, after a night in which the darkness drew into its fold high constitutional officials like that of president, prime minister and governor.

In Maharashtra, the political tug and pull has now been overtaken by serious questions of adherence to, rather betrayal of, constitutionalism, in letter and in spirit. But let there be no doubt that when it comes to playing with the mandate, all parties are in the dock, no side conducted itself honourably. After the break-up of the long-standing Shiv Sena-BJP pre-poll alliance, which won a majority of the votes, the jarring unlikelihood of the Congress-Sena partnership has been followed by the swearing-in of Ajit Pawar as Fadnavis's deputy. The Congress has for long decades fought the Sena and its brand of politics in Maharashtra and used that stated antagonism to bolster its own "secular" credentials. Fadnavis and the BJP have loudly and insistently targeted Ajit Pawar, for the alleged irrigation scam and the multi-crore scam in the Maharashtra State Cooperative Board - the high court is scheduled to hear the irrigation case this week.

But the question before the court goes beyond the tawdriness in the air, the secretive parleys between parties, the meetings of MLAs holed up in three Mumbai hotels, the twists and turns in the Pawar family drama, playing out in real time on Twitter. Can a government be sworn in while a nation sleeps, can it be a result of pre-dawn moves and stealth in the night? The court must bear in mind that whatever it says will be read closely by a nation looking for answers.

RULE OF RAJAPAKSAS

Sri Lanka needs a politics of national reconciliation. It looks unlikely to get it

GOTABAYA RAJAPAKSA'S PRESIDENCY has started off predictably and disquietingly. There is no pretence that this time it will not be the Rajapaksa family rule. After Ranil Wickremesinghe stepped down as Prime Minister following the Gotabaya victory, the new president lost no time in appointing Mahinda as the new prime minister of a caretaker government. Another brother, Chamal, has been appointed a minister in the government, which will hold fort until fresh parliamentary elections are held in March 2020, the earliest that the present parliament can be dissolved before the end of its five year term next August. At the height of the previous Rajapaksa rule, there were 40 family members in government. There is little doubt that Mahinda, who was barred from the presidential election because he had already held the office twice, will run the country in close coordination with his brother. At the moment, the parliamentary configuration is not such as to allow the new dispensation to do away with progressive amendments to the Constitution made by the last government to check the powers of the executive presidency, including the two-time bar. But it would surprise no one if the Rajapaksas turned the clock back on these 2015 amendments when the opportunity arises.

That moment may not be far away. President Rajapaksa is confident of winning the 2020 parliamentary election, and that self-belief may not be far off the mark. A divided opposition, engaged in a tug of war between Wickremesinghe and the unsuccessful presidential candidate, Sajith Premadasa, is unlikely to get its act together to put up a fight to the Rajapaksa purpose built political vehicle, Sri Lanka Podujana Peramuna. In any case, Sri Lankan voters have seen that cohabitation - in which the president and prime minister are from different parties - is another name for paralysis of governance. It happened in 2001, and once again in 2015, although in the second instance, it was dressed up as a "national unity government" and showed some promise before imploding because of irreconcilable differences between former President Maithripala Sirisena and Wickremesinghe.

External affairs Minister S Jaishankar is said to have communicated Delhi's desire for hastening national reconciliation in Sri Lanka. The Rajapaksas have a poor record on this front. In the post-war years, the first family oversaw an unprecedented militarisation of the Sinhala Buddhist majority community. Voters from the majority community have not forgotten that it was the brothers, Mahinda and Gotabaya, who crafted a victory over the Liberation Tigers of Tamil Eelam. This is what powered Gotabaya's majoritarian victory in these elections. Nor did Tamil voters forget what it was like in the years following the 2009 defeat of the Tigers. National reconciliation requires statesmanship of a tall order. It would be a pleasant surprise if Gotabaya, the newest majoritarian right wing leader to join the growing ranks of such leaders in the world, can pull it off.

The absence of compassion

On NRC, Home Minister Shah and former CJJ Gogoi show a similar disregard for suffering of the vulnerable



HARSH MANDER

THE COUNTRY TODAY stands at the brink of catastrophic human suffering and injustice, if the government implements, nation-wide, the National Register of Citizens (NRC), as announced by Union Home Minister Amit Shah. Combined with the Citizenship Amendment Bill - assuring citizenship to all undocumented persons except those of Muslim faith - it risks tearing the country apart, reopening the wounds of Partition, and ultimately destroying India's secular democratic Constitution.

For six years, the people of Assam were compelled to scramble for documents of land ownership, birth, schooling and voters' lists to establish that their parents and they were citizens of this country. Too much was at stake. If they failed, they ran the risk of being lodged for years in detention centres carved out of jails, separated from their families, and threatened with deportation. Impoverished people in desperation sold all their belongings to engage expensive lawyers, and weathered often hostile or corrupt officials. Some despaired and killed themselves.

When the final list was published, nearly 2 million people were excluded, but at least the rest hoped that they would at last be able to get on with their lives. But the announcement by Shah that the NRC would be reopened in Assam has reignited dread and uncertainty even among those who found their names in the NRC. Even more gravely, after the CAB, this means only Muslim residents of Assam will be subjected to this renewed interrogation of their citizenship. There is no closure to their suffering. The defence of the ruling establishment is that the NRC process was led by the Supreme Court. This, indeed, is true. The Supreme Court, most of all under Chief Justice Ranjan Gogoi, not just monitored, but energetically drove the NRC.

Justice Gogoi chose a moment, a few days before he remitted office, in a public function in Delhi, to vigorously defend the NRC in Assam. It is unusual for an incumbent Chief Justice to publicly declare his views on highly politically fraught matters. He described the NRC as "a base document for the future", which musters the facts about "illegal immigration", in order to end the "turbulence whose effects changed the course of life of not only individuals but of communities and cul-

tures across the region." He dismissed the critics of this process variously as "armchair", "careless", "irresponsible", "worsening the situation", people "playing with fire" who "thrive through their double speak", are "far removed from the citizenry", with "vile intentions". Many of these critics were litigants in his court. I was one of them.

The NRC in Assam was envisaged as an instrument to end a long, troubled history of violence in Assam, to address legitimate anxieties of vulnerable communities about culture, land and migration. But we combated the way it was implemented, violating constitutional guarantees and due process, extracting a huge toll of avoidable suffering. A decade earlier, the Supreme Court described illegal immigration as "external aggression" and an "invasion" of India. It used this to shift the burden of proof to the person who claims to be a citizen, and not the state which accuses the person of being a foreigner.

Injustices of the process mounted through the period when the judiciary directed the NRC. The Supreme Court, between 2014-2019 - a decisive part of this was under Justice Gogoi - resembled more an executive than judicial forum. A People's Tribunal including many respected retired judges and thinkers, held on September 7 and 8, observed that in the normal course of things, "administrative processes are managed by the executive, and in cases of rights violations, the remedy lies before the courts. However, when the courts themselves 'take charge' of such processes (and in executive-style fashion, as indicated by the opacity and use of sealed covers, and by the Court's insistence on setting deadlines despite the scale of the exercise and the potential injustices that might follow), the entire system of remedies is taken away, as there can hardly be an appeal against the Supreme Court's own devised procedures."

This resulted in "huge burdens on millions of impoverished and unlettered people because the burden of proof was shifted to the resident to prove that they were citizens, based on documents such as of birth, schooling and land-ownership which impoverished and unlettered rural residents anywhere would find hard to muster. Even when residents succeeded in producing

these documents, these were often rejected for small discrepancies such as in the English-language spelling of Bengali names, or in ages even though it is well-known that most rural people do not know their date of birth. Many do not have legal land records. And in the middle of the NRC process, an arbitrary category was introduced of 'indigenous' Assamese, who were treated much more leniently even when they could not produce the required documents."

I had approached the Supreme Court questioning the constitutional legality of detaining persons deemed "foreigners" by these processes indefinitely in inhuman detention centres. Detainees are housed in prisons within prisons. Families are separated, with husbands in one detention centre and wives in another, not allowed to communicate with each other. Children are often alone outside. Detainees have no work or recreation, and are denied parole. They have no hope of release, because there is no question of Bangladesh accepting them.

I was deeply dismayed by remarks made by Justice Gogoi during the hearings, reported in the press. For instance, he said to the Chief Secretary of Assam, "The existing centres are housing 900 people as against the so many who have been declared foreigners. Why are there not thousands?" This spurred further panic among Bengali-origin Assamese people, and a reported drive to detain more people.

I therefore sought the recusal of Justice Gogoi from hearing this matter. Justice Gogoi ruled that there was no question of recusal. Instead, he took the singularly unorthodox step of removing me as petitioner from my own petition. As I said to him in court, I am convinced that true justice is always tempered with compassion. And it is compassion, above all, that I found conspicuously absent in the actions of Chief Justice Gogoi.

It is this same compassion that I find missing in his now public remarks about the NRC, and as much in the announcement of Home Minister Shah. They seem profoundly indifferent to the intense human suffering the NRC process has left in its trail for millions of our most impoverished and vulnerable people.

Mander is a human rights worker and writer

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WHERE PINK FLOYD MEETS PASH

JNU is anything but an elite campus - its students are fighting to preserve its ethos



EKTA MALIK

"WE DON'T NEED no education" was the first thing Parnal Chirmuley wrote on the blackboard in our first class. The famous lines from the Pink Floyd song made me chuckle. "Cool teacher," I thought. But as I looked around, I realised that none of my 16 classmates in the BA(Hons) course registered the cool quotient, neither of the song nor the teacher. I rolled my eyes, happy in my bubble from a private school education and relative privilege. But three years later, as I passed out of JNU, I was aware not only of Pink Floyd, but of Pash, Brecht, Firaq Gorakhpuri and Namdeo Dhasal.

The sprawling JNU campus upended my life and all its trappings. This was the JNU of about 15 years ago. The majority of students were from small townships and rural areas. In the days before the internet exploded, and the time before the university became synonymous in the national imagination with "anti-national" sentiments, JNU's popularity spread to the hinterland through sheer word of mouth. One distant cousin, one random school senior, or one small news clipping about its academic excellence sufficed to draw students from across the country, to get not just a degree but an education. This was a place where your Class 12 marks didn't matter, nobody cared which school you came from. All that mattered was if you had a mind of your own, and were not afraid to speak it. "Talkative", "hyper", "distracted", words used by teachers in school to describe me nega-



ONE OF
800
MILLION
A VOICE, UNDER 35

One distant cousin, one random school senior, or one small news clipping about its academic excellence sufficed to draw students from across the country, to get not just a degree but an education. This was a place where your class XII marks didn't matter, nobody cared which school you came from. All that mattered was if you had a mind of your own.

tively, had the opposite effect on campus. This is where I met people from Muzaffarpur, Supaul, Siwan and Warangal. Many of them depended heavily on the merit-cum-means scholarships provided by the university. Post the morning lectures, a horde of students would rush to the hostel mess, so as not to miss the day's meal, as they could ill-afford even the modestly-priced offerings in the canteens.

Contrary to the perception that some have consistently sought to popularise, teachers and professors at JNU do not indoctrinate students with a Marxist ideology and Left philosophy. They do their job, and uphold the high standards of academic excellence that the university is known for. The real learning happens outside the classrooms, in the lawns, canteens, at the dhabas, where a constant exchange of ideas take place.

The hostels are not just halls of residence, they are what feed the academic schools. I lived for three years at the Chandrabhaga hostel with PhD scholars, MA/MPHil students and even shared my room with some of them. The daughter of a prominent Left leader lived next door but I was not aware of her lineage for the longest time. And on the other side resided a Sanskrit PhD scholar who spoke a dialect of Hindi I barely understood. She was from Gorakhpur, and kept to herself, but she always got mithai from home after Chhath Puja, which she distributed in the corridor. All three

of us, and many more, stood in line everyday with our buckets at the geyser for hot water in the winter, and cribbed about the interminable wait.

Dinner time in the mess was always something to look forward to, the palak-dal notwithstanding. The rich pamphlet culture, which was thriving a decade ago, was literally food for thought. We chewed on the current political/social issues on campus, country and the world at large, as we made our peace with the aloo-variant subzi of the day. Often, the floors would be littered with pages, but would be cleaned post haste, as the mess was needed for a post dinner public meeting. It is at such a public meetings that we had the opportunity to listen to voices like Prakash and Brinda Karat, Sachin Pilot and Baba Ramdev.

JNU is often perceived as a bastion of the "elite liberal", but the students protesting on the roads of Delhi are anything but elite. They are fighting for the spirit of the university, which enabled them to question, debate and discuss the status quo. A steep fee hike, for instance, will turn this egalitarian space into something like a private university - where people from the same economic and social background pontificate, secure in the knowledge that their worldview will not be challenged.

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FREEZE FRAME

E P UNNY



NOVEMBER 25, 1979, FORTY YEARS AGO

US-IRAN CRISIS
DESPITE STRONG PUBLIC postures, many observers in Washington have the impression that the US and Iran are searching for a peaceful solution to the hostage crisis. The Nobel Peace Prize winner and Irish statesman, Sean Macbride, a US Congressman, Representative George Hansen, and the United Nations are all exploring ways to put together a package deal to give the USA its hostages and Khomeini the satisfaction that his charges against the Shah will at least be investigated. The New York Times reported that the US has indicated it has no objection to an informal formula proposed by the UN Secretary General, Kurt Waldheim, for set-

ting the Iranian crisis.
CPI CHIDES DANGE
THE CPI CENTRAL Executive Committee is understood to have considered even the expulsion of its chairman, S A Dange, for his declared soft-line towards Indira Gandhi but finally thought it wise to go no further than a public repudiation of his stand. The central executive disapproved of Dange's repeated public expression of his personal views which were at variance with the party's line. The central executive found Dange's telegram to H N Bahuguna harmful to its efforts to unite anti-authoritarian and anti-communal forces in the electoral battle.

MECCA SEIGE
TERRORISTS IN THE Grand Mosque of Mecca have demanded talks with the Saudi King Khaled and Crown Prince Fahd, a halt to oil deliveries to America, and recognition of a young man from their ranks as Mahdi (messiah). Kuwaiti newspaper Al Watan reported. Saudi Arabian spokesmen have hitherto insisted that the terrorists and hostage-takers in the mosque were "fanatical religious heretics without political motives." Reports from Mecca and Jeddah said the hospitals in the two cities were filled to the brim. And Radio Cairo reported that the terrorists were holding prominent Saudi citizens as hostages.

THE IDEAS PAGE

Give farmers their due credit

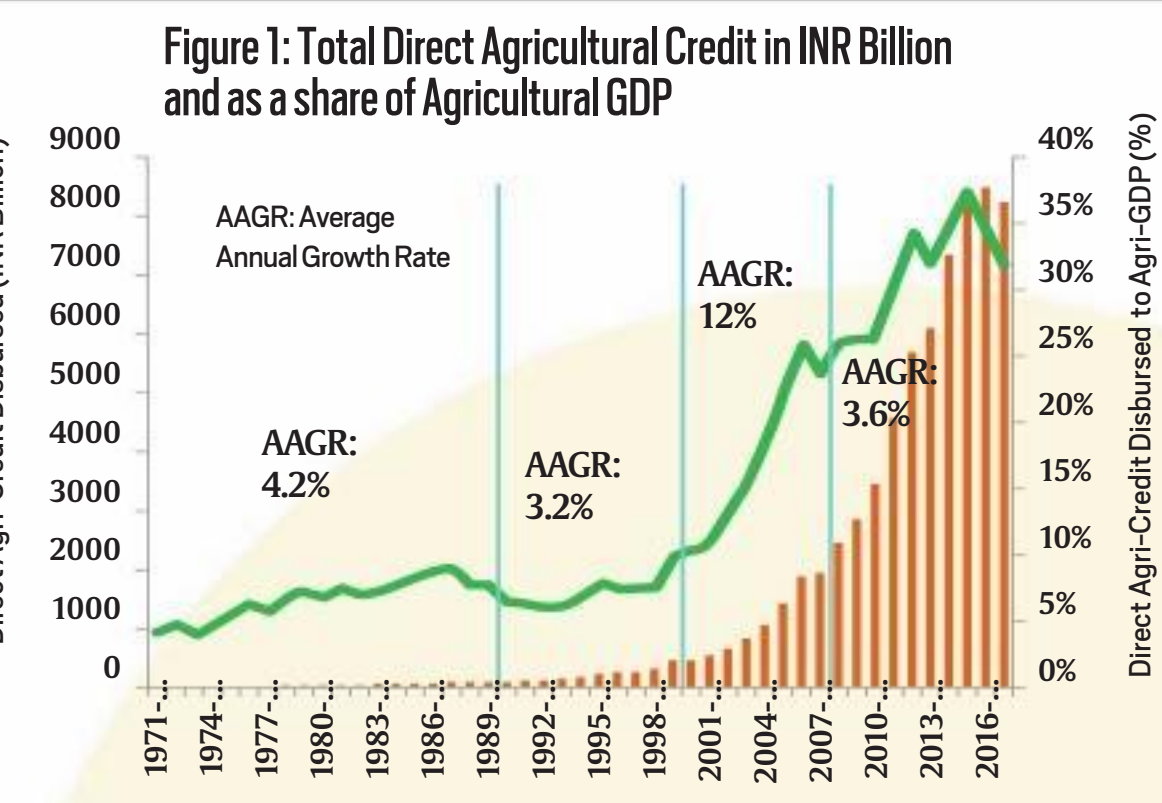
All crop loans should be routed through Kisan Credit Cards. This will ensure that farmers do not use the loans for non-agricultural purposes

WHAT THE OTHERS SAY

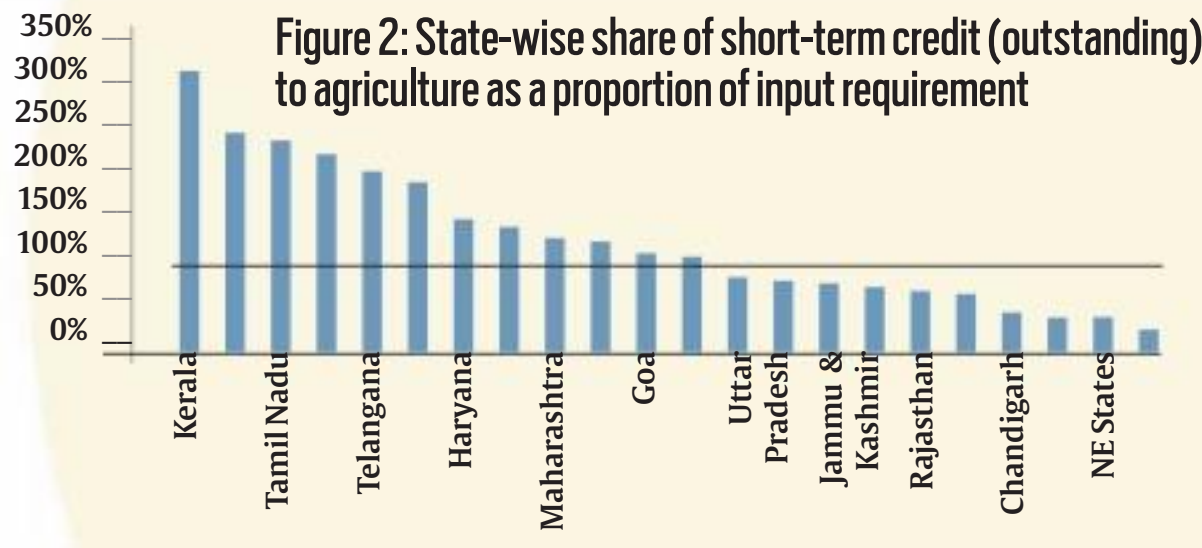
"Critics say the NRC effort is just a part of the BJP's deep-seated bias against minorities, especially Muslims, and the campaign threatens to further marginalise them. The BJP denies this, but why else would Modi and the BJP fear innocent migrants?" — THE EXPRESS TRIBUNE

Striking a balance

Reading the Ayodhya verdict in its entirety shows Supreme Court was moved by desire for a pragmatic and equitable solution



Source: Data from Handbook of Statistics on Indian Economy, Reserve Bank of India and National Accounts Statistics, MoSPI



Source: Data from Reserve Bank of India (Report of the Internal Working Group to Review Agricultural Credit, 2019)



CR Sasikumar

annum in the period between 2008-09 and 2017-18. The massive growth during 2000-01 to 2007-08 appears to be due to an innovative credit instrument, the Kisan Credit Card (KCC), and a policy intervention, the Interest Subvention Scheme, which incentivised short-term credit. The slowdown after 2008 appears to be due to a loan waiver scheme, which led bankers to be more conservative in lending to farmers. Bankers feared that farmers will default on their loans because they expect loan waiver schemes.

Interestingly, the All India Financial Inclusion Survey (NAFIS) of 2015-16 by NABARD reported that 30.3 per cent of all agriculture households availed credit from institutional sources. It could be said that the remaining agri-households either don't need credit or they are not "bankable", or both. However, the fact that almost 70 per cent of agri-households did not avail institutional credit shows that there is much scope for the banking sector to extend its reach — be it lending for production purposes (crop loans), investment or even consumption purposes.

The Centre started an interest subvention scheme in 2006. This involved giving crop loans to farmers at 7 per cent interest rate; those who paid their loans back regularly would then get crop loans at a 4 per cent interest rate. This is usually done in a situation when the informal sector's interest rates — even the rates of micro-finance institutions — range from 15-30 per cent. The scheme created opportunities for farmers to take crop loans at subsidised interest rates from the banking sector and then divert them for non-agriculture purposes. An idea of this diversion of agri-credit to non-agricultural purposes can be had by looking at agri-credit as a percentage of the value of input requirements in agriculture.

Figure 2 presents the state level picture for the triennium average ending (TE) 2016-17. The total short-term credit (outstanding) to agriculture and allied sectors as a proportion of input requirements (GVO-GVA) was substantially above 100 per cent for many states in South and North India — Kerala (326 per

cent), Andhra Pradesh (254 per cent), Tamil Nadu (245 per cent), Punjab (231 per cent), Telangana (210 per cent). This is a clear indication that agri-loans are being diverted for non-farm purposes. One reason for this diversion is the low interest rate being charged under the interest subvention scheme.

Another interesting feature is that in the total direct credit (outstanding) to agriculture and allied sectors, the share of short-term credit witnessed a significant jump from 44 per cent in 1981-82 to 74.3 per cent in 2015-16 whereas, somewhat worryingly, the share of long-term credit fell from 56.1 per cent in 1981-82 to 25.3 per cent in 2015-16. Since long-term credit is basically for investments and capital formation in agriculture, this dramatic fall in the share of such credit takes a heavy toll on farm productivity and the overall growth of the agri-sector.

It is, therefore, high time to revisit the interest subvention policy, which is leading to sub-optimal results in the agriculture sector. For the sake of transparency, all crops loans, especially those availing interest subvention, should be routed through Kisan Credit Cards. The last Economic Survey reported that 150 million such cards had been issued by March 2016. But the NAFIS survey reported that only 10 per cent of farmers used such cards in the agricultural year 2015-16. The reluctance of farmers to use Kisan Credit Cards requires more research. Even then, the issuing of these cards in remote villages needs to be expedited.

A bolder step in this direction would be to empower farmers by giving them direct income support on a per hectare basis — rather than hugely subsidising credit. Streamlining the agri-credit system to facilitate higher crop loans to farmer-producer organisations against commodity stocks can be a win-win model to spur agriculture growth. Can the government plug the diversion and make the agri-credit system more efficient and inclusive?

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FROM PLATE TO PLOUGH

BY ASHOK GULATI AND RITIKA JUNEJA

NORMALLY, A SECTOR'S credit off-take is a sign of its health. Higher the off-take, the better the sector's performance. There has been a healthy off-take of ground-level credit (GLC) in agriculture and allied sectors. In the financial year (FY) 2018-19, banks disbursed Rs 12.55 trillion as GLC to agriculture, surpassing the government's target of Rs 11 trillion. This should be cause for celebration but, unfortunately, the agriculture sector's performance has not been commensurate with the credit that it has received. What has gone wrong? Let us go into some lesser-known facts about agri-credit in India to answer this question.

Figure 1 presents the absolute amount of direct institutional credit flow to the agriculture sector. There is no doubt that over a more than 40-year period, from 1971-72 to 2017-18, there has been a more than 1,000 time increase in agri-credit — from a meagre Rs 7.8 billion to Rs 8,235 billion. However, as a percentage of the agricultural GDP, which should be the real measure of agri-credit growth, the rise has not been smooth. For example, during the pre-reform period (1971-72 to 1989-90), direct agri-credit flow as percentage of agri-GDP increased at a modest average annual growth rate (AAGR) of 4.2 per cent. However, during 1990-91 to 1999-2000, AAGR decelerated to 3.2 per cent per annum. But during 2000-01-2007-08, it witnessed a tremendous growth at 12 per cent per annum, only to fall back to just 3.6 per cent per

VIEW FROM THE NEIGHBOURHOOD



A weekly look at the public conversations shaping ideas beyond borders — in the Subcontinent. Curated by Aakash Joshi

GOTABAYA'S ASSURANCE

IN ITS FIRST editorial after Gotabaya Rajapaksa became President of Sri Lanka, *The Island*, on November 23 congratulates the victor, noting that the margin of the victory belied the expectations of many analysts who thought that no party/candidate would poll a majority. The logic behind this apprehension was this: "It has been parroted ad nauseam that Mahinda Rajapaksa narrowly lost the 2015 presidential election despite getting a very large proportion of the rural vote outside the north and east (Sinhala-Buddhist) because his opponent, with a minority of the majority scored a massive majority of the minorities."

While Gotabaya has won the poll, he has not done so by transcending the ethnolinguistic divide that has haunted Sri Lanka for so long. "The electoral map clearly shows an ethnic division in the voting pattern. Let us not forget that the minorities voted for a Sinhala candidate despite having candidates of their own ethnicity on the ultra-long ballot paper. They were obviously pragmatic not wanting to waste their votes by voting for anybody who clearly could not win," remarks the editorial.

It goes on to make an important point, one that bears repeating. It notes both the "disturbing display of racism" in the aftermath of the elections as well as the president's statement that "he is the president of all Lankans". If Gotabaya has taken note of the "incipient" divisive tendencies and is trying to nip them in the bud, he must be encouraged.

A BALANCING ACT

Ameen Izzadeen, in his column in *The Daily Mirror* on November 22, looks at the foreign policy challenges in front of the new government. He notes that unlike the 2015 elections, there was little outside interference, or the perception thereof, in these polls. Before giving the substance of his arguments, it is important to understand the premises on which they rest. First, Sri Lanka's strategic position in the Indian Ocean makes it of great interest to both superpowers — the US and China — as well as India. And second, the Sri Lankan economy has been stagnant for the last few years and investment must be revived.

Izzadeen argues that non-alignment is the best path for Sri Lanka, and that "smart government can certainly convert the country's geostrategic position into its economic advantage, without compromising the nation's territorial integrity." But this will be challenging.

China, he says, will be the country's "economic saviour" because it must protect and expand the projects under the Belt and Road Initiative. On the other hand, "The US has found in President Gotabaya Rajapaksa a leader who enjoys the people's trust and, therefore, it probably believes that under his government, the Status of Forces Agreement (SOFA), the Acquisition and Cross-Servicing Agreement (ACSA) and the Millennium Corporation Challenge Agreement could be signed with some minor amendments. The \$480 million grant under the MCC agreement is too tempting for the new government to resist as its infusion into the national economy can get the economy moving once again."

The third power, India, argues the article, has confidence in Rajapaksa's leadership and close political and economic ties must be developed. However, Indian analysts, in the past, have not viewed kindly China's investments in Sri Lanka. But things may be different now: "Indian Prime Minister Narendra Modi's invitation to the new president to visit India — first made during a phone conversation he had and then by the visiting India's External Affairs Minister S Jaishankar — is more than symbolic. It indicates how important Sri Lanka is to India as a strategic part-

ner." How it manages to stay neutral amidst these conflicting demands will be the real challenge for Colombo.

NRC GAMBLE

The November 22 editorial in *The Express Tribune* tries to use the NRC as a take-off point to show that India is in dire straits. Home Minister Amit Shah's statement that the National Register of Citizens exercise will be implemented across the country and redone in Assam has allowed the editorial to ramp up its rhetoric: "With the stakes even higher this time, those who saw the incompetence with which the Assam exercise was done would not accept anything less than a general or a government cabinet member being certified 'not Indian!'"

Saying that the NRC reflects the "BJP government's deep-seated bias against minorities", the editorial argues that what should concern the Indian government more is the "number of Indians leaving the country". "During Modi's time as PM, some 800,000 Indians have legally migrated to the US, with the Indian-origin population doubling to 2.7 million. Many more have entered illegally, as the hundred deported every week would suggest," it says.



ASHWANI KUMAR

A NATION FATIGUED by escalating communal polarisation, heightened religious sensitivities and debilitating politics must have heaved a sigh of relief when the Ayodhya verdict was pronounced. Considered by the Court as "an adjudicatory task of unique dimension... traversing the realm of history, archaeology and the law," the decision has generally been acclaimed as a fair balancing of competing claims to justice. Critics argue that the judgment rewards violators of the law, negates the constitutional promise of equal citizenship and falls short of expectations of a "rightful restitution". The hopefully final closure to a prolonged and divisive dispute has been seen by some as a temporary breather rather than an enduring solution. Some have also suggested that the verdict is a judicial concession to majoritarian sentiments.

Most judicial pronouncements are subject to interrogation and the Ayodhya verdict involving "complexities of human history and activity" is no exception. Even so, when read in entirety, the Court's decision — based on a "preponderance of evidence" — does answer the doubts raised by its critics. The Court has ordered the allotment of five acres of land within the city of Ayodhya to the Muslims as restitution for the desecration of the Babri mosque in 1934, 1949 and its destruction in 1992, while granting the disputed land for construction of the Ram temple. The Court invoked its plenary jurisdiction under Article 142 of the Constitution to do "complete justice" in the case. It treated the disputed land as a "composite whole", and found that the Muslims could not establish their "exclusive possession of the inner structure prior to 1857 since the date of the construction in the 16th century".

An informed comment on the verdict — a judgment inspired by a judicial will to find an equitable solution in a "lis" — must take into account the nature of judicial function, particularly the inherent limits of the Court's adjudicatory role. The question we must, therefore, ask is whether, given the historical context and sensitivities connected to the dispute, the apex court has performed its role as the final dispenser of justice.

Anchoring its judgment in law, equity and good conscience, the Court has given elaborate reasons for its conclusions. While deciding the title suit, it has crafted reliefs, which, in its opinion, would ensure social cohesiveness and religious harmony. Mindful of the scrutiny to which the decision would be subjected, the Court declared that "justice is the foundation which brings home the purpose of any legal enterprise and on which the legitimacy of the rule of law rests". Investing its judgment with an unexceptionable moral and philosophical

dimension, it reminded us that "it is in the cacophony of its multilingual and multi-cultural voices, based on a medley of regions and religions, that the Indian citizen as a person, and India as nation, must realise the sense of peace within. It is in seeking the ultimate balance for a just society that we may apply justice, equity and good conscience."

Given the Court's discernible quest for a pragmatic and equitable solution, it is difficult to find fault with the foundational premise upon which the Court rests its articulation of justice — it is one based on legal realism. The Court has invoked the equality principle to remedy a historical wrong and advance, in the way it found possible and reasonable, "the constitutional values of justice, fraternity, human dignity and the equality of religious beliefs". The ruling also draws its weight from the rare judicial unanimity in exceptional cases. Clearly, this is a decision in which law and judicial justice stand together, vindicating the Court's function to "find the best solutions within the confines of objective data available" and, to use the legal scholar Aharon Barak's words, "strike the right balance between certainty and experimentation, between stability and change and between logic and emotion."

Having willingly and consciously placed our faith in the highest judicial institution to address a national challenge, it is only fair that we defer to judicial wisdom which, even if not perfect, is the ideal way forward — as it is located in experience, law and logic. We must accept that judges, like the rest of us, do not stand apart from history or society. Nor are they immune to the tides and currents which fix the meaning of truth and justice at different moments in time. In seeking to advance the generally-accepted notions of justice, judges aspire to keep law alive, binding the past, present and future in continuity. In finding the right balance, they consider as part of their function, overwhelming social sensitivities and common conviction, which, when asserted, constitute the general will in accord with the democratic principle.

In acknowledging the imperative of ensuring peace and social harmony as the goals of adjudication, the Court has served a paramount purpose that commands overwhelming national endorsement. Reading the judgment in its entirety, one may legitimately conclude that it is not the product of spasmodic sentiment, it is subordinated to the primordial necessity to maintain order in social life and is inspired by solutions consecrated by jurisprudence.

While the finality of the Supreme Court's decision does not, by itself, attest its infallibility, its binding effect in law can be questioned only at the cost of constitutional anarchy. The futile attempt to reopen a sound judgment, that has partly redeemed the somewhat blemished record of the Court as custodian of the nation's conscience, will only deepen the fissures that have bedeviled our secular democracy and needlessly burden the Court's ballooning docket.

The writer, a senior Supreme Court advocate is former Union Minister for Law and Justice. The views expressed are personal

LETTERS TO THE EDITOR

NRC VOLTE-FACE

THIS REFERS TO the editorial, 'No more NRC' (IE, November 22). Home Minister Amit Shah's was adamant on conducting a fresh National Register of Citizen (NRC) exercise in Assam. Now he has stated in the Rajya Sabha that whenever the NRC exercise is conducted for the whole country, it will be repeated in Assam also. This statement seems to hint that there may be no NRC exercise in any state, leave alone a repeat in Assam.

Tarsem Singh, Mahilpur

BAIL OUT TASKS

THIS REFERS TO the editorial, 'Push for the better' (IE, November 22). The government's decision to go in for big ticket disinvestment of five PSUs is consistent with its credo of minimum government and maximum governance. So far, oil marketing companies have had a hegemony over fuel retailing. The new move shall create a level playing field between the public and private sectors. The real challenge now is to carry out the transition in a definite time frame. Against backdrop of a slowing global economy, potential buyers need a strong sales pitch.

Deepak Singhal Chennai

LISTEN TO STUDENTS

THIS REFERS TO the editorial, 'Bully on campus' (IE, November 21). The protests by JNU students against the fee hike is justified. It should be kept in mind that the students in India rarely earn money and are in university for the sole purpose of education. JNU authorities should reconsider their decision. The current situation could hurt the rul-

LETTER OF THE WEEK AWARD

To encourage quality reader intervention, The Indian Express offers the Letter of the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to

editpage@expressindia.com or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301.

ing dispensation, and the BJP may lose the support of students.

Sanjay Chawla, Amritsar

HIGHS AND LOWS

THIS REFERS TO the editorial, 'BRICS matters' (IE, November 18). Brazil President Jair Bolsonaro had once questioned whether BRICS membership made any sense for his country. That he hosted the latest round of BRICS Summit is an achievement for this group of countries. India may feel pleased that five sub-groups to the counter-terrorism working group were set up and support for the Financial Action Task Force was reiterated. India and China have prospered economically more than the original Goldman Sachs report on BRICS had predicted. But other members have underperformed. This is a challenge for BRICS.

Lal Singh, Amritsar

TELLING NUMBERS

Indians use 1,181 kWh electricity per capita, wide gap among states

INDIA'S PER capita consumption of electricity is 1,181 kWh as of 2018-19, according to data released by the Ministry of Power during the Winter Session of Parliament. For context, the global per capita consumption was 3,130 kWh in 2014, according to data listed by the World Bank, which puts India's consumption that year at 805 kWh per capita.

In India, the highest per capita consumption in 2018-19 is in Dadra and Nagar Haveli, at 15,179 kWh. The Union Territory is followed by the states of Gujarat (2,378), Goa (2,274), Haryana (2,082) and Punjab (2,046). The state with the lowest per capita consumption of electricity is Bihar, at 311 kWh, followed by the Northeastern states of Assam (341), Nagaland (356), Manipur (371) and Tripura (514).

The Power Ministry's reply also said 5,251 previously un-electrified households in villages were electrified between 2017-18 and 2028-19 under the Deen Dayal Upadhyaya Gram Jyoti Yojana scheme. Arunachal Pradesh accounts for the highest number of such households at 1,134, followed by Odisha (925), Jharkhand (729), Bihar (596) and Assam (572).

The Ministry said that as of April 28, 2018 all inhabited Census villages stand electrified, with the exception of seven states where over 19 lakh households were unwilling to be electrified earlier. These households are now willing to get electricity connections and out of these 19 lakh households, over 5 lakh

PERCAPITA CONSUMPTION IN KWH (2018-2019)

State/UT	Consumption (kWh)
Dadra and Nagar Haveli	15179
Gujarat	2378
Goa	2274
Haryana	2082
Punjab	2046
BOTTOM 5	
Bihar	311
Assam	341
Nagaland	356
Manipur	371
Tripura	514

VILLAGES ELECTRIFIED DURING 2017-2019

Arunachal	1,134
Odisha	925
Jharkhand	729
Bihar	596
Assam	572

have been electrified as of October 31. Most of these previously unwilling households are in Uttar Pradesh, at 12 lakh, followed by Rajasthan (2,28,403), Assam (2,00,000) and Jharkhand (2,00,000). Manipur, which is now one among the states has now been fully electrified, with 1,980 households electrified between April and October 2019.

Source for all data: Ministry of Power

THIS WORD MEANS

GOLDEN RICE

Said to be answer to Vitamin A deficiency, yet to be planted on large scale. Will Bangladesh be first?

IN THE late 1990s, German scientists developed a genetically modified variety of rice called Golden Rice. It was claimed to be able to fight Vitamin A deficiency, which is the leading cause of blindness among children and can also lead to death due to infectious diseases such as measles. The claim has sometimes been contested over the years, with a 2016 study from Washington University in St Louis reporting that the variety may fall short of what it is supposed to achieve. Now, Bangladesh could be on the verge of becoming the first country to approve plantation of this variety. *The Dhaka Tribune* recently quoted visiting Nobel Laureate Sir Richard John Roberts as say-

ing that Bangladesh would take a decision on the release of Golden Rice.

Advocates of the variety stress how it can help countries where Vitamin A deficiencies leave millions at high risk. In Bangladesh, over 21 per cent of the children have vitamin A deficiency. The Golden Rice that is being reviewed in Bangladesh is developed by the Philippines-based International Rice Research Institute. According to the institute, this rice variety will not be more expensive than the conventional variety.

Rice is naturally low in the pigment beta-carotene, which the body uses to make Vitamin A. Golden rice contains this, which is the reason for its golden colour.

SIMPLY PUT QUESTION & ANSWER

When SC reviews a decision

Supreme Court will review Sabarimala judgment but will not do so in Rafale case; a review plea is set to be moved over Ayodhya verdict too. Under what circumstances are such petitions moved, and admitted?

APURVA VISHWANATH
NEW DELHI, NOVEMBER 24

A NUMBER of recent Supreme Court decisions have given currency to the expression "review petition". Petitioners plan to seek review of the recently delivered Babri Masjid-Ram Janmabhoomi and telecom revenue verdicts, while the Supreme Court this month agreed to review its Sabarimala verdict but refused to do so in the Rafale case.

So what is a review petition and when can it be filed?

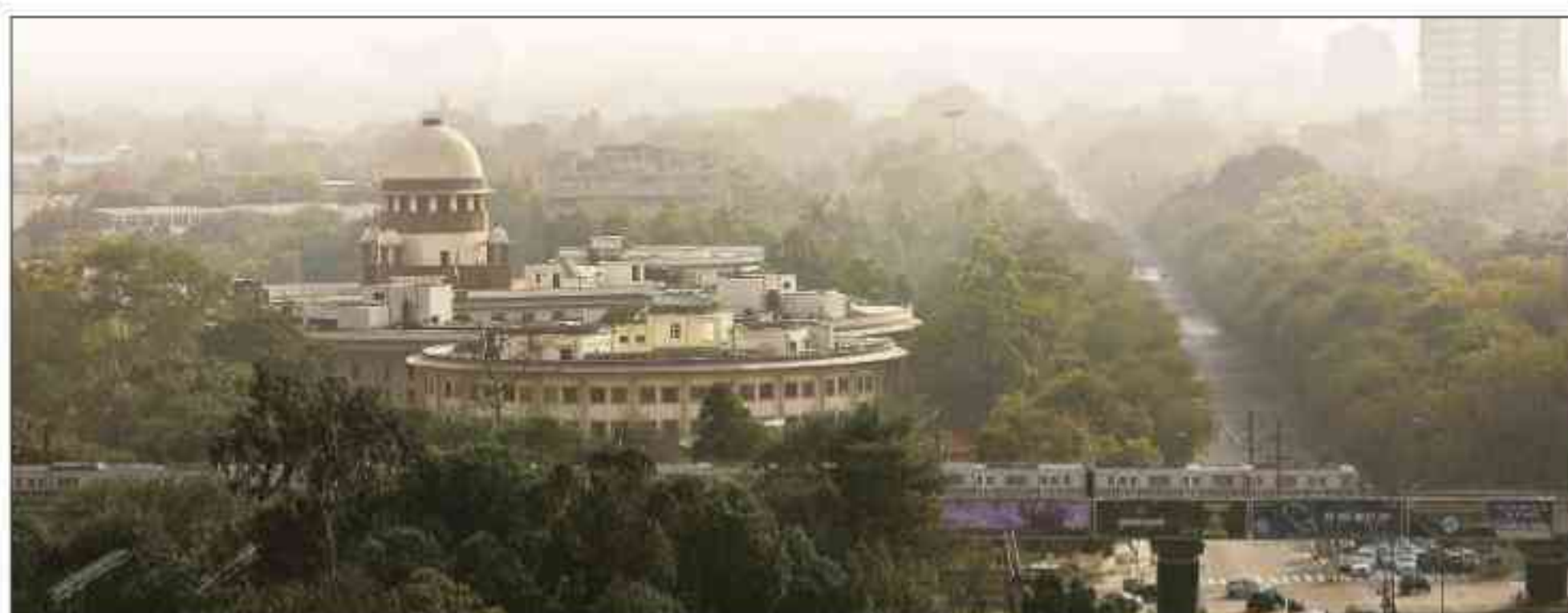
A judgment of the Supreme Court becomes the law of the land, according to the Constitution. It is final because it provides certainty for deciding future cases. However, the Constitution itself gives, under Article 137, the Supreme Court the power to review any of its judgments or orders. This departure from the Supreme Court's final authority is entertained under specific, narrow grounds. So, when a review takes place, the law is that it is allowed not to take fresh stock of the case but to correct grave errors that have resulted in the miscarriage of justice.

The court has the power to review its rulings to correct a "patent error" and not "minor mistakes of inconsequential import". In a 1975 ruling, Justice Krishna Iyer said a review can be accepted "only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility".

It is rare for the Supreme Court to admit reviews. This month, in a 3-2 verdict, the Supreme Court agreed to review its 2018 verdict in the Sabarimala case. On November 14, the court refused to review its December 2018 ruling seeking a probe into the Rafale deal. Last year, the court allowed the Centre's petition seeking a review of a March 2018 judgment that had effectively diluted the Scheduled Castes and Scheduled Tribes Atrocities Act.

On what grounds can a petitioner seek a review of an SC verdict?

In a 2013 ruling, the Supreme Court itself laid down three grounds for seeking a review



Supreme Court decisions are final and binding; reviews are rare, and for correction of grave errors. Abhinav Sahaj/Express Archive

of a verdict it has delivered — the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the petitioner or could not be produced by him; mistake or error apparent on the face of the record; or any other sufficient reason. In subsequent rulings, the court specified that "any sufficient reason" means a reason that is analogous to the other two grounds.

In another 2013 ruling (*Union of India v. Sandur Mangnese & Iron Ores Ltd*), the court laid down nine principles on when a review is maintainable. "A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error," the court said. It added that the mere possibility of two views on the subject cannot be a ground for review.

Who can file a review petition?

It is not necessary that only parties to a case can seek a review of the judgment on it. As per the Civil Procedure Code and the Supreme Court Rules, any person aggrieved by a ruling can seek a review. However, the court does not entertain every review peti-

tion filed. It exercises its discretion to allow a review petition only when it shows the grounds for seeking the review.

What is the procedure the court uses to consider a review petition?

As per 1996 rules framed by the Supreme Court, a review petition must be filed within 30 days of the date of judgment or order. While a judgment is the final decision in a case, an order is an interim ruling that is subject to its final verdict. In certain circumstances, the court can condone a delay in filing the review petition if the petitioner can establish strong reasons that justify the delay.

The rules state that review petitions would ordinarily be entertained without oral arguments by lawyers. It is heard "through circulation" by the judges in their chambers. Review petitions are also heard, as far as practicable, by the same combination of judges who delivered the order or judgment that is sought to be reviewed. If a judge has retired or is unavailable, a replacement is made keeping in mind the seniority of judges.

In exceptional cases, the court allows an oral hearing. In a 2014 case, the Supreme

Court held that review petitions in all death penalty cases will be heard in open court by a Bench of three judges.

On what grounds is the Ayodhya verdict sought to be reviewed?

So far, only the All India Muslim Personal Law Board has said it would seek a review. The Uttar Pradesh Sunni Central Waqf Board and other petitioners are divided on this. While it is yet to disclose the grounds it will cite for seeking a review, the issue of compensation of 5 acres of land granted to the Uttar Pradesh Sunni Central Waqf Board in lieu of the demolished Babri Masjid is a crucial one that the petitioner is likely to challenge.

What if a review petition fails?

As the court of last resort, the Supreme Court's verdict cannot result in a miscarriage of justice. In *Roopa Hurra v Ashok Hurra* (2002), the court itself evolved the concept of a curative petition, which can be heard after a review is dismissed to prevent abuse of its process. A curative petition is also entertained on very narrow grounds like a review petition, and is generally not granted an oral hearing.

Why broiler chicken is sometimes chewy

EXPRESS NEWS SERVICE
NEW DELHI, NOVEMBER 24

CONSUMERS WHO alternate between broiler and *desi* chicken will identify countless points of difference. One of these is that broiler chicken can sometimes be hard to chew. Now, researchers believe they have found the reason why.

What affects broiler chickens

The condition is called wooden breast syndrome. When it affects broiler chickens, it makes the meat hard and chewy. It is a costly problem that can render the birds unmarketable and cause losses for growers.

The first stage of the condition involves inflammation of the veins in the breast tissue and accumulation of lipid around the affected veins. Over time, this is followed by muscle cell death and replacement by fibrous and fatty tissue. This was found dur-

ing previous research from the University of Delaware, which also carried out the new study identifying the cause of the condition.

The enzyme and the fat

The researchers identified an enzyme called *lipoprotein lipase* as likely contributing to wooden breast syndrome in broiler chickens. *Lipase* is crucial for fat metabolism. The team, led by Behnam Abasht, animal and food scientist at the University of Delaware, has suggested the disease is a metabolic disorder characterised by abnormal fat accumulation in the breast muscle tissue.

They arrived at this conclusion by studying irregularities in gene expression, the process by which information from a gene is used in the creation of products such as proteins. At the onset of wooden breast syndrome, they found, the expression of *lipoprotein lipase* was higher in affected chickens, leading to more fat accumulating in the breast muscles. This is an irregularity because breast

muscle fibres in chicken typically rely on sugar molecules for fuel, not fat molecules.

The researchers used RNA sequencing to determine which genes were being expressed in fast-growing broiler chickens and slower-growing legacy (*desi*) chickens. They then employed a new technology to pinpoint exactly where this gene expression occurred inside the muscle. The research team found genetic evidence of *lipoprotein lipase* being expressed in endothelial cells in chickens. Present in all blood vessels, endothelial cells serve as a barrier between the blood and the surrounding tissue.

The research is published in the journal *Scientific Reports*.

Why it matters

In a statement, the University of Delaware said the findings could help drive short-term solutions for growers to manage the condition through supplements, or to reduce the number of birds that develop the condition.

While the United States leads production of broiler chickens worldwide, the university noted that wooden breast syndrome is a concern around the world, too.

It said the findings could also provide potential markers to identify chickens that will develop the disease. The researchers had compared the signals found in commercial broiler chicken at different ages. They found signals consistent with the fact that young chickens may be showing the same changes as market-age broiler chickens with wooden breast syndrome, even before the disease shows up.

The university suggested that the research also could inform human health research on metabolic syndromes, such as diabetes and atherosclerosis, which is associated with fatty deposits in the arteries. From the other perspective, the team is now combing literature for treating diabetes to see if there are ways to apply similar approaches to help broiler chickens avoid — or cope — with wooden breast syndrome.

Why has China put Uighur Muslims in camps, and what happens inside?

YASHEE
NEW DELHI, NOVEMBER 24

IN A recent report based on leaked documents of the Chinese government, *The New York Times* described the nature of the crackdown on Uighur Muslims and other ethnic minorities, 1 million of whom have been detained in a growing network of internment camps in Xinjiang region.

Who are the Uighur Muslims and why are they facing a crackdown?

Uighur Muslims belong to an ethnicity and a culture that is different from that of mainland China. They claim closer ethnic ties to Turkey and other central Asian countries than to China.

They belong to the Xinjiang Uighur Autonomous Region, China's largest region, which borders eight countries, including India, Pakistan and Russia. As Xinjiang has grown in prosperity over the last few decades, it has attracted large numbers of majority Han Chinese, and left Uighurs worried about their livelihood and identity. This has led to violence, and the crackdown.

A riot in 2009 killed 200 people, mostly Han Chinese, in the region's capital Urumqi. In 2014, during a visit by President Xi Jinping, a suicide bombing at a railway station in Urumqi killed one person and injured nearly 80. Weeks previously, Uighur militants had stabbed several people at a railway station,

killing 31. In May that year, 39 people were killed in a blast in a vegetable market.

According to China officials quoted by NBC News, since 1990, "several thousand" people have been killed or injured in "explosions, assassinations, poisoning, arson and riots" carried out by Uighurs.

Who are sent to these camps, and why?

People have been sent to these camps for showing any signs of extremism, with the government deciding what was "extremism" — sporting beards, fasting during Ramzan, dressing differently from the majority, sending Eid greetings, praying too often, giving up smoking and drinking, or not knowing Mandarin.

NBC News quoted Chinese officials at one of these camps as telling them that the inmates were broadly of three categories — "those who have committed a minor offence like wearing a burqa or watching an illegal religious video; those who have committed more serious offences and were given the choice to attend instead of going to jail; and others who are sent for rehabilitation after a prison term".

China claims its efforts are towards re-assimilation of the Uighurs. In the recent report, *The New York Times* described government guidelines for officials on how to address concerns of students returning home from the mainland, who are to be told that their missing relatives have been "infected" by the "virus" of Islamic radicalism

SITE OF CONFLICT AND CONTROVERSY



A 're-education' camp for Uighur Muslims in Hotan, Xinjiang. NYT



and must be quarantined and cured at detention centres.

The centres are shrouded in mystery, however, with China not allowing unrestricted access to foreign observers, and its official line differing greatly with what media reports, former detainees and their families have to say.

How many such camps exist?

Various reports are based on satellite imagery, construction data, and audio-visual data collected from activists. Satellite im-

agery shows buildings on what was vacant land until a few years ago, and addition of floors to existing buildings, with features such as high walls, barbed wires, double fencing, watchtowers, surveillance cameras.

The Australian Strategic Policy Institute analysed such data in a November 2018 report, and put the number of camps between 180-1,200, with a 465% growth in area since 2016.

According to a report in *The Guardian*, in 2018 "a total of about 7% of the county's adult population, or 11% of the entire male

population" was in these camps.

What happens in these camps?

Knowledge of this is based on media interviews with former inmates and their relatives. A former inmate told the BBC: "They wouldn't let me sleep, they would hang me up for hours, and they would beat me. They had thick wooden and rubber batons, whips made from twisted wire, needles to pierce the skin, pliers for pulling out the nails. All these tools were displayed on the table in front of me, ready to use at any time. And I

could hear other people screaming as well."

In January this year, in the face of growing criticism, the Chinese government invited a few journalists and diplomats to visit the camps. According to a Reuters report, the inmates told journalists they had seen the error of their ways and discovered the evils of radicalisation, were glad the government was reforming them, and also danced to "If You Are Happy And You Know It Clap Your Hands".

The government maintains it is providing the inmates vocational skills, but many of those detained are professors, doctors, skilled professionals, so it is not clear what are these "skills" are supposed to achieve.

Officials did not provide to journalists the exact criteria to determine when a person could be released.

What does China say of the allegations?

Chinese media dismisses these. In March this year, the newspaper *Global Times* wrote: "Misleading headlines, groundless accusations, obscure interviewees, double standards are not hard to spot in many articles covering China's Xinjiang Uighur Autonomous Region in Western media outlets. Recent months have seen an intensive outburst of such reports which have tainted China's anti-terrorism efforts in the region by adopting tactics including using words with a negative connotation, providing incomplete information and stirring readers' emotions."