

Yogi's ruminations

At a press conference in Lucknow recently, Chief Minister Adityanath was in an uncharacteristically ruminative and expansive mood. He said that the National Register of Citizenship (NRC) was begun in Assam but may be expanded all over India. A survey was on in Uttar Pradesh (UP) to determine whether it was required in the state and once the survey was complete, further decisions on expanding it into an NRC enquiry would be taken. He parried a question about what would happen in UP if the Supreme Court order on the disputed land in Ayodhya went against the Hindus. And when he was asked why he called on Mulayam Singh Yadav, a leader of the party that is conducting a campaign against the BJP, he said he merely wanted to enquire about the health of the senior leader — and in any case, it was an Indian custom and tradition to call on older leaders, no matter what their political persuasion, for they have a lot to impart. When he was asked why he did not call on Mayawati, who is also an elder leader, he said, with a laugh: "first let her accept that she is an elder..."

Matter closed

An enquiry against Union minister of state for finance and Himachal Pradesh BJP leader, Anurag Thakur, for amassing assets exceeding his income, has finally been closed. The enquiry was instituted by the Virbhadr Singh-led Congress government not just against Thakur but also his father, former chief minister PK Dhumal. The state government previously in power had charged that the Thakur family had property and assets not just in Punjab and Delhi but also abroad.

DID THEY REALLY SAY THAT?



"If the BJP or the government has engaged Israeli agencies to snoop into the phones of journalists, lawyers, activists and politicians, it is a gross violation of human rights and a scandal with grave ramifications on national security. Waiting for the government's response"

Congress leader Priyanka Gandhi Vadra after reports of a global hacking spree involving WhatsApp, November 1

CHECKLIST

FUTURE ASSEMBLY ELECTIONS TO LOOK OUT FOR

■2020: Jharkhand (81 seats) will have elections in five phases beginning November 30. Delhi (70 seats) must go to the polls before February 22. Elections in Bihar (243 seats) are due before November. The Bharatiya Janata Party (BJP) is in power in Jharkhand and a few days ago, two sitting Jharkhand Mukti Morcha and Congress MLAs each resigned their seats and joined the BJP. In Delhi, the Aam Aadmi Party (AAP) is in power and the Congress has just replaced its state unit chief who has made public statements in the past that he favours an alliance with AAP. In Bihar, BJP chief Amit Shah has said publicly that the BJP will continue to be a junior partner in the government.

■2021: Assam (126 seats), Kerala (140 seats), Puducherry (30 seats), Tamil Nadu (234 seats), and West Bengal (294 seats) are due for polls

mid 2021. The picture for Jammu and Kashmir (87 seats), due for elections in March is unclear, now that it is a centrally administered area. The three southern polls are expected to be a challenge for the BJP, though its hopes are high for Assam where it is already in power and West Bengal where it hopes to come to power.

■2022: Goa (40 seats), Manipur (60 seats), Punjab (117 seats), Uttarakhand (70 seats) and Uttar Pradesh (403 seats) will go to the polls in the first half of the year. Obviously UP holds the highest interest, though it is important for the Shiromani Akali Dal-BJP combine to dislodge the Congress government from Punjab and hold on to the other states where it has power. Manipur is especially important for it is racked with divisions on issues ranging from a greater Nagaland to citizenship.



OPINION

HOUSE OF COMMONS, UK

You have been a great servant of this Parliament

Prime Minister Boris Johnson: Mr Speaker, I know that the whole House will want to join me in recording that, after 10 tumultuous years, this is your last Prime Minister's questions. As befits a distinguished former Wimbledon competitor, you have sat up there in your high chair not just as an umpire ruthlessly adjudicating on the finer points of parliamentary procedure with your trademark Tony Montana scowl, not just as a commentator offering your own opinions on the rallies you are watching — sometimes acerbic and sometimes kind — but above all as a player in your own right.

Although we may disagree about some of the legislative innovations you have favoured, there is no doubt in my mind that you have been a great servant of this Parliament and this House of Commons. You have modernised, you have widened access, you have cared for the needs of those with disabilities, and you have cared so deeply for the rights of Back Benchers that you have done more than anyone since Stephen Hawking to stretch time in this session. As we come to the end of what must be the longest retirement since Frank Sinatra's, I am sure the whole House will join me in thanking you and hoping that you enjoy in your retirement the soothing medicament that you have so often prescribed to the rest of us.

I wish that Members across the House will want to join me in wishing the England rugby team the very best for the final in the world cup on Saturday.

Jeremy Corbyn (Islington North) (Lab): Mr Speaker, I hope you will indulge me one moment while I say a word about you. I want to thank you for the way you have used your speakership over your decade-long tenure. You have done so much to reform this House of Commons, and our democracy is stronger for the way you have done it.

You have given real power to Back Benchers, vastly expanded the use of urgent questions, which has been overwhelmingly popular with all Ministers, and opened up the number of emergency debates, which is even more popular with even more Ministers. In the traditions of the great Speaker Lenthall and others, you have stood up for Parliament when it has to be stood up for, and we thank you for that. You have also carried that message internationally in terms of the role of parliamentary democracy and Parliaments holding governments to account. As we hope to form a government in the future, we hope to be held to account by Parliament as well.

I am sure the whole House would agree with me that you have done excellent work in opening up Parliament to visitors, exhibitions and children. You have reduced some of the strange customs and strange garments that people wear in this building. I know you are all jealous of my tie, but it is okay. You have used your office to increase diversity among the staff in the House and make this a much more LGBT-friendly place. You have taken it from being a gentlemen's club that happens to be in a royal palace to being a genuinely democratic institution. I want you to accept our thanks and pass on our best wishes to Sally, Freddie, Oliver and Jemima, your wonderful family, for the support they have given you. There will be a great celebration today — I am sure the whole House will join us in this — when you and I celebrate Arsenal beating Liverpool tonight. [Interruption.] The Labour party loves a debate and loves a bit of banter. The Prime Minister's planned sell-out deal with Donald Trump means yet more national health service money being siphoned off into private profit. Why did the Prime Minister previously say the health service was not on the table in any post-Brexit trade deal?

The Prime Minister: It is because it is not on the table. I pay tribute to officials of the NHS, who have just done a brilliant job in reducing the cost of Orkambi — made in America, by the way — so that cystic fibrosis sufferers in this country get the treatment they need, at a cost that is reasonable to the taxpayers of this country. If the gentleman want to know how the people of this country are able to afford the stupendous investments we are now making in the NHS — £34 billion, the biggest ever investment in the NHS, with 40 new hospitals that we are building as a result of the decisions we are taking — I can tell him that it is because this is the party that supports wealth creation. The reason we are able to invest in the NHS is that for the last nine years this economy has been growing. It has grown by 19 per cent since the Conservatives first came into office, and he would ruin this economy and ruin our ability to fund the NHS.

Jeremy Corbyn: We all welcome the fact that Orkambi will now be able to be provided in this country under the NHS. The shame is that we are not told what the deal is with the company concerned. We learned this week that government officials have met US pharmaceutical companies five times as part of the Prime Minister's planned trade deal. The US has called for "full market access" to our NHS, which would mean prices of some of our most important medicines increasing by up to sevenfold. While the government are having secret meetings with US corporations, it is patients here who continue to suffer. Can the Prime Minister explain why the number of people waiting longer for urgent cancer treatment has tripled over the past nine years?

The Prime Minister: This government is investing £34 billion in the NHS. We are seeing improvements in cancer survival rates throughout the country, thanks to the investment that the government are making. I think it absolutely satirical that he should claim credit for getting Orkambi and other drugs delivered at a reasonable price; that is the work of the UK Government and the NHS, supporting the National Institute for Health and Care Excellence to ensure that people in this country get affordable treatments.

Jeremy Corbyn: Of course, we need to import medicines from various places; I just want it to be done in an open and transparent way.

Edited excerpts from Question Hour in the House of Commons, UK, October 30



ILLUSTRATION BY AJAY MOHANTY

At a time when exports continue to struggle with an economic slowdown and a global trade war, India's foray into the Regional Comprehensive Economic Partnership (RCEP) deal may prove disastrous for domestic industry, says senior trade policy expert and Professor at Jawaharlal Nehru University, Biswajit Dhar. Involved in crafting multiple trade deals over the past two-decades, he tells Subhayan Chakraborty that India has tried the same concept earlier, with little result. Edited excerpts:

'The timing for RCEP is horrible'

How different is RCEP from any of the earlier bilateral or multilateral trade deals India has signed till now?

Firstly, India already has trade agreements with 12 of the 15 countries that are part of the RCEP grouping. When these agreements were signed back in 2004-05 as part of the mega India-Asean Free Trade Agreement (FTA), there was a lot of expectations backed by the Look East Policy and India's increasing closeness with the East Asian region that had become the center of gravity of the global economy. India's economic growth was at historically high rates, and there was hope that integration with these other rapidly expanding nations, would help continue that. All the estimates forecast by the feasibility studies, of trade and investment flows picking up, and India being able to compete with the Chinese, never actually materialised. The narrative remains the same now, with the only exceptions being economic slowdown at home and

a global trade war. The timing is horrible.

So, people should be concerned about history repeating itself?

Not only average people, but even members of the current government had expressed concern about India's FTAs with the Asean bloc, Japan and South Korea before coming to power. As an Opposition party, the Bharatiya Janata Party (BJP) had criticised these for not leading to export growth even as imports skyrocketed. This ate into the earnings of domestic industry that ultimately led to job losses. Even after coming to power, this government gave signals to show they were reluctant participants in the RCEP process. The fact that in 2015, India offered to reduce import duties on only 42.5 per cent of the Chinese goods shows that. On the contentious issue of investor state dispute resolution, the government gave momentum to a review process on investment policy that led to a new model bilateral invest-

Facilitating social responsibility

Innovative ventures are using a common platform to woo their potential investors, writes Swapnil Joglekar

When Sheetal Agarwal walks inside the childcare unit of the hospital along with her troupe, the parents wake the children from their slumber. "Uthol! Wo aa gaye. (Wake up! They have arrived.)" Instantly, laughter erupts at one bed and spreads in the ward. She is a clownselor, a wordplay on a clown and a counsellor, who does medical clowning along with a group of 18-20 volunteers. Medical clowning is said to help in healing and is routinely used in the West as a medical aid.

"Many children don't react well to the pain during their treatment and are unable to recuperate. Through humour, we get them to feel things again," says Rehana Quazi, a group member. It all started when Agarwal met a person who did medical clowning in Gujarat's Vadodra. Back in Delhi, she could find none and so she decided to become one. Agarwal started visiting hospitals every Saturday in July 2016, but left her job in 2018 to do this full time. "The first day I did this, I was smile hungover for a week. Till now, almost 170 people have clowned with me," she says.

Ekta Sansi, another member of Clownselors adds, "You don't associate a hospital with happiness. But this has helped me experience that you can do something positive in any environment". Agarwal has given a TEDx talk on the subject and conducts awareness programmes with skits, puppet shows, and games for children and the elderly. Earning their trust is the most

difficult yet the most fulfilling part. Sometimes the parents are apprehensive but even they need to lighten up so we include them in our games, she says.

Playing is the favourite pastime of Pista and Kajju too. These two canines were rescued by Harsha Vats, who started Tiny Tails, a shelter for stray dogs.

"When I found Pista, she was suffering from a type of bloody diarrhoea. After treatment, I did not want to leave her on the street, so Tiny Tails came into existence. Now it houses 29 dogs," Vats says. Her team consists of seven people and the project costs ₹35,000-₹40,000 a month. While funding remains an issue, veterinary doctors who would provide affordable healthcare remain elusive, she said. "It's good that people help by donating dog food. I get all my dogs sterilised, so it's easier for people to adopt them," she added.

What connects Clownselors and Tiny Tails is Socio Story (SS). It is a platform which brings idea generators and social sector investors in one room. Avadhesh Dixit, Chief mentor of SS, describes their role thus. "We have to discover, help them (changemakers) narrate their story and get them recognised. The biggest responsibility is making a name as a credible entity in the field of social responsibility".

After people submit their ideas, Socio Story prunes the list and invites the top changemakers to present their ideas to investors in person.



Ideas of the rest are shown in a documentary, due to time constraints of a physical event.

Manoj Pachauri, one of the co-founders of SS agrees. "We have to find the people, talk to the block development officials for a list of NGOs, help them file for funding. Even choosing an investor depends on spending patterns. One investor might focus on the education sector, while another may focus on healthcare," he adds.

So they did in the case of Solecraft, a textile upcycle venture which transforms used denim into a school kit consisting of a school bag, a pair of shoes and a pencil box. Partnering with local cafes in Jodhpur, Rajasthan, Solecraft collects used denim fabrics. Once cleaned, dried and ironed, it is sent to their factory. The thicker



The team at Socio Story (left); Sheetal Agarwal of clownselors who does medical clowning along with a group of 18-20 volunteers

fabric is made into yoga mats, or duffel bags for their commercial venture while the finer one is used to make pencil boxes. They donate the school kits free of cost.

Last year they had presented their idea at SS. The platform, SS, aims to branch out into a virtual incubation centre, which can provide assistance and guidance to changemakers online, in the coming years. They are also planning skill development workshops with various institutes of social sciences.

Prajawal Deepraj, who looks after the technology net of SS, says, "We are just the facilitators who are matchmaking the social sector changemakers with those who wish to invest". Their next event is on December 14.

ment treaty by the end of 2015. So, the government itself had accepted at the beginning that RCEP, which includes both these issues, was contentious.

What do you think tipped the government's views on RCEP?

With regards to India's earlier FTA's, it was Manmohan Singh's concern about India's image globally. Subsequently, as India got closer to its neighbours, the dynamics started changing, which the current government inherited. When the current government took over RCEP negotiations in 2014-15, the GDP was growing at seven and a half per cent. I feel India could have secured a better deal more so because China's economic growth had started to slow down. Also, India has an important bargaining chip - a large, domestic market which the RCEP needs.

How beneficial is the deal as talks stand?

The trouble is that India is being asked to eliminate import duties on 90 per cent of all traded goods with very little safeguards for domestic industry. Then you have to worry about what goods to keep in the other 10 per cent list, on which tariffs may also go down later.

Also, there are goods in both agricultural and industrial sectors that should be a part of the sensitive list on which countries reserve the right to not reduce duties. Exposing all these sectors to the international market at a time when the economy is not in a good shape will lead to severe adjustment pangs, in the form of job losses. Also, we just came to know that the unemployment rate is among the highest in decades. Finally, you can't negotiate away all your instruments, especially with a group of nations who account for a lion's share of your trade.

But experts are now battling for lower tariffs. The government appointed high-level advisory group on trade has suggested duties be lowered soon to make India competitive.

You don't have a single case anywhere in the world where without systematic intervention by the government, the industry has been able to become efficient. The majority of industry doesn't have deep pockets. In the South-East Asian economies of RCEP, the government provided the optimum measures for growth and expected the private sector to perform. Here, the government doesn't have the authority to ask the industry for growth.

So, what's the solution?

Liberalisation alone is not a prescription for growth. That requires sustained labour reforms to reduce costs and cutting of red tape. As of now, the most important thing is to find ways of reviving both agriculture and industry. This includes manufacturing as well as services, in which India's edge has reduced. To do a revival package, the centre needs policy space that typically requires a mix of tariff protection, facilitating development finance for enterprises to maximise employment and investments in infrastructure. For the medium term, there's a

need for innovation policy. All of these are yet to be done.

How valid are concerns of Chinese dumping at a time when China is moving into high value manufacturing?

Very. With a fast-changing demography, China may be moving into relatively high value manufacturing but they are looking for new markets. With China's export lines under severe strain due to the ongoing trade war with the US, it will need to find a way to push out its huge inventory of products. RCEP will provide it that opportunity with India lying just next door.

What about the industries who actually want to join RCEP?

The limited number of industries that have called for India to join RCEP need to address their own structural issues. Downstream industries who use steel have called for cheaper steel from outside but there isn't a single precedent of any country experiencing serious economic growth on the back of imported steel. The loss of capital goods manufacturing has cost the US economy significant growth. The pharma

industry, which imports an estimated 70 per cent of raw materials from China is also in support of RCEP. But China is also entering into the manufacture of formulations, which India dominates. Finally, have we been able to crack into the Asean market despite having an agreement? The industries hoping to get into China also have to deal with non-tariff barriers, which the Asean economies are also known for."

Moving beyond manufacturing, how do you think the farming sector will be affected?

Till now, in all the trade agreements done by India, the agricultural sector has remained a holy cow that hasn't been touched. So, the government has been deeply aware of the problem in agriculture. And, it's also the social problems that would be created if farmhands - already underemployed - become unemployed. Now, we still don't know to what degree core agricultural products like cereals would be kept out of the deal. The domestic dairy industry sees a real danger in foreign companies like New Zealand-based Fonterra already setting up in India. Items like dairy provide stability to farmers who otherwise repeatedly face volatile prices. On the other hand, farmers also worry that high value plantation crops like pepper from Vietnam may flood the domestic market. Interestingly, India had provided pepper seeds to Vietnam as part of reconstruction efforts after the US invasion and now their productivity is better than India.

Given the prevailing political mood on FTA's, do you think the RCEP deal - if agreed on - will be ratified by Parliament?

The government may not face an issue there. It has full mandate to negotiate an international agreement. The previous FTAs with the Asean bloc, Japan or South Korea were not put to votes in parliament.

Twitter's new beginning

Discontinuing political ads is a bold move

Jack Dorsey, Twitter's chief executive officer, chief executive officer, made a sensational announcement on Wednesday evening. The micro-blogging social platform has decided to stop accepting political ads starting November 22. It will, however, continue to accept public service ads, such as ads encouraging voters to register and exercise their franchise. Mr Dorsey has explained the rationale: Twitter has come to the conclusion that the reach of political messaging should be earned, not bought. Paid advertising forces highly optimised and targeted political messages onto people. The significant risk is that it can influence votes that affect millions of lives.

Mr Dorsey has said this is about "paying for reach", not free expression, and that paid reach has "significant ramifications that today's democratic infrastructure may not be able to handle". Machine-learning-based optimisation of messaging can micro-target voters with unchecked misleading information at an overwhelming scale.

Twitter is, of course, giving up revenue since it would miss out on some share of internet political advertising through the next year, with US presidential elections, the ongoing Brexit drama, UK general elections, and elections in several European nations. Online advertising for the 2020 US presidential elections alone might run in excess of \$1.2 billion. Although Twitter says

this ban will not have a significant impact on the platform's bottom line, the share price dropped by about 4 per cent following the announcement.

Mr Dorsey also sarcastically said: "We're working hard to stop people from gaming our systems to spread misleading info, buuut (sic) if someone pays us to target and force people to see their political ad ... well ... they can say whatever they want!" This appears to be a shot across the bow at Facebook, whose CEO Mark Zuckerberg said recently that his firm would continue to carry misleading or false messages in paid political ads, without fact-checking.

Donald Trump's re-election campaign has already taken advantage of the Facebook no-check policy by running ads with false claims that the Democratic presidential hopeful, Joe Biden, bribed Ukrainian officials. A similar ad campaign targeted Mr Biden on Twitter but that will be pulled out after the ban. Senator Elizabeth Warren,

another Democratic presidential hopeful, has highlighted the dark side of Facebook's policy, by running ads on FB that claim Trump has been "given free rein to lie on Zuckerberg's platform — and to pay Facebook gobs of money to push out the lies".

This leads into a debate, which has great relevance to the future of political campaigning. Facebook says that it does not believe a social network should be in the business of judging the truth of political claims and it stands to gain significant revenue from this stance. Hence, while Facebook will fact-check normal content, it will not fact-check paid political ads. This allows advertisers to put out lies or misleading information and micro-target voters, maybe using unethical means to harvest their data, *a la* the Cambridge Analytica scandal.

Given the known impact that online advertising had on the Brexit referendum, the 2016 US presidential elections, the last UK elections, and, perhaps, the Indian general

elections of 2019, there are serious problems with this model of ignoring truth in political advertising. It is entirely possible that an advertiser, including quite possibly one backed by a foreign government, can influence voters with dubious online messaging.

Facebook and other online platforms have started to introduce transparency in the form of releasing lists of advertisers. But this vetting process is only a beginning and it doesn't prevent an advertiser from making false claims. Interestingly, most platforms, online or otherwise, do insist on some degree of truth in advertising when it comes to products (such as consumer electronics or automobiles) or services (such as apps and financial services). While Twitter's move is a beginning, it leaves plenty of room for voter-manipulation by other means, such as using fake ids and bots to amplify false messages. It also gives incumbents who have already built a large online presence a big edge.

New solutions for Indian farming

The use of digital platforms can transform delivery mechanisms for agriculturists, reducing costs and turning their vocation into a potentially remunerative one

HARSH KUMAR BHANWALA

There is something odd about many of the world's fastest-growing valuable companies. Facebook does not create content. Airbnb does not own any hotels or apartments. Uber does not own its cars. Alibaba is said to hold no inventory. What is common to all these companies? Their business is about providing an interface between producers and consumers, and all of them have leveraged information technology (IT) in a big way.

These new business models upend the way we traditionally view production and distribution structures. Do these examples provide us with any leads for developing solutions and interfaces for farmers which can transform delivery mechanisms for their various requirements? The answer is yes.

The growth in platform-based architectural solutions has paved the way for new methods to reach the market and the end-customer. The platform harnesses the power of the network (their inter-connectedness) and thrives on it. They also provide easy access to users and create resources in accordance with demand.

Current platforms germinate and grow in the digital ecosystem. This has a positive side-effect. Transacting digitally captures data without additional effort. This data helps in building and improving models, which enriches the platform and helps reach out to more users, hence generating more meaningful data — a sort of self-propelling engine.

The time is ripe to establish a national-level digital platform for agriculture (AgriStack) to address all farming-related requirements end-to-end from the farmer's perspective. AgriStack may have a Farmers' Stack, a Farm Stack and a Crop Stack integrated on a technology platform linking existing digital land records, cadastral maps of farms and information.

Farmers' Stack can consist of farmer data with Aadhaar as unique identifier, Farm Stack can have geospatial information on each farm (with a farm identity) owned by a farmer with cadastral maps, and Crop Stack can contain crop data linked to farms. The Crop Stack would be more dynamic than any other component because of its variations, frequencies and utility.

The data should be interlinked to land registration, cadastral maps and satellite images from state government departments and public entities. This can be put in place in a short time, since the National Land Records Modernisation Programme (NRLMP) has this data. The status of digitisation of NRLMP indicates that out of 35 states and Union Territories, 20 have completed digitisation of record of rights (RoR), nine have linked RoR with registration and seven have completed cadastral maps. AgriStack will be able to address the needs of a variety of stakeholders.

Potential externalities of AgriStack

Indian agriculture is small holder-based. With the average size of landholdings at 1.08 hectares



and declining, innovations need to be found to ensure that farming remains remunerative. IT can play a huge role in this effort if it can leverage the requirements of farmers through a single integrated interface that will reduce costs not only for farmers, but also for the multifarious agencies that try to meet their requirements.

For example, IndiaStack transformed the financial products and services space in the country with acceleration in the pace of fintech applications, which has led to the creation of huge externalities for customers. A similar experience can be replicated for farmers if AgriStack comes into existence.

The success of AgriStack or, for that matter, any intervention that has multiple stakeholders, hinges on the fact that a variety of stakeholders should benefit from it.

AgriStack can have several potential uses:

- It can enable closer study of the flow of agricultural credit to specific land parcels. It will also enable credit flows and interest subventions to become more transparent.

- Crop insurance products and delivery can be improved, especially with geographic information system (GIS) and remote sensing technologies.
- Bankers can have regular "views" of land parcels, ensuring proper end-use of agricultural credit.

- GIS and IoT (internet of things) services can be deployed to give feedback to stakeholders. For example, at the post-harvesting stage, a trigger to harvesting equipment suppliers and buyers may be sent, who can approach the cultivator for providing services.

- A marketplace can be created where various entrepreneurs and suppliers of products and services can meet.

- It can enable the provision of market intelligence for de-risking commodity price fluctuations, demand-supply forecasting and weather advisory.

- The centre-piece of the stack will be the farmer, who will receive all necessary implementation guidance and financial support, which are the focal point of marketing and purchasing channels, so that he can take a well-informed decision for maximising production and profits by harnessing the full potential of his land parcel.

Kick-starting AgriStack

The process of kick-starting AgriStack will be similar to the process adopted for IndiaStack, with governments, fintech companies and industry players collaborating and establishing public utility services on business principles. The learnings from IndiaStack, the National Data Sharing and Accessibility Policy and the Open Government Data platform can provide the necessary framework to commence the task.

Since agriculture is a state subject, it is critical that state governments are taken on board. It may not be out of place to mention that the NITI Aayog should propagate the idea of setting up a federal institution on the lines of the Goods and Services Tax Council, with participation from both the Centre and the states, to implement agricultural reform.

This federal set-up would also facilitate the revisiting of various laws and regulations related to land, labour and markets, besides creating an enabling environment for leveraging AgriStack. Coupling farmers' identities with land parcels will revolutionise the way the ecosystem can reach the farmer. Such an innovation is sorely needed.

The writer is chairman, Nabard. Views are personal

A court order that has profound implications

ARIJUN RAGHAVENDRA M

The Bombay High Court order of October 17 in the case of the Adani group has far-reaching legal implications that threaten to jeopardise the evidence-gathering process of our law enforcement agencies and has the potential to destabilise many ongoing high-profile cases.

The writ petition pertains to the suspected over-invoicing of coal imports from Indonesia, being investigated by the Directorate of Revenue Intelligence (DRI). The DRI has alleged that several entities, including the Adani group, through a maze of companies in different sovereign jurisdictions, have overvalued coal imports as compared to actual export value in Indonesia with the intention of siphoning off money abroad. They also availed of higher power tariff compensation.

While coal consignments in about 1,300 vessels in this case were shipped directly to Indian ports from Indonesia, the documents were mostly routed through the Adani group's subsidiary companies in Singapore, Dubai and Mauritius. Following the group's refusal to share information regarding subsidiaries, the DRI initiated procedures under the Mutual Legal Assistance Treaty (MLAT), requesting information from competent authorities in different countries to provide specified evidence.

According to the home ministry, India has MLATs — a treaty for effective mutual cooperation and legal assistance — with 39 foreign countries, the evidence obtained under which is admissible in any proceeding before a court of law in India. To secure evidentiary information in this case, at the request of DRI, the competent court in Mumbai initiated letters rogatory under MLAT to Singapore, United Arab Emirates, Hong Kong and British Virgin Islands. This investigative process was challenged before the high court on two counts — should DRI issue a letter rogatory under the Criminal Procedure Code after filing a first information report (FIR) before a magistrate, and if yes, has the agency validly commenced the investigation in this case?

The settled legal practice has been that investigations governed by special codes — including the Enforcement Directorate (ED), Prevention of Money Laundering Act; Narcotics Control Bureau (NCB), Narcotics Drugs and Psychotropic Substances Act; Serious Fraud Investigation Office, Companies Act; Wildlife Crime Control Bureau, wildlife protection laws and income tax investigations (income tax, benami and black money laws) — do not require filing of FIRs/magisterial intervention for initiating investigations or issuance of letters rogatory.

Where the DRI investigates offences under the Customs law, a special statute also follows this rule. In case of Customs law, discussed in the high court order, the legislative intent is apparent from the "Report of the select committee on the Customs Bill 1962" and the consequent Parliamentary proceedings, which make it clear

that there is no requirement for magisterial intervention (non-cognisable offence) or filing of FIRs under the criminal code (cognisable offence) for commencing any customs investigation.

The letters rogatory were quashed by the high court because the DRI commenced investigation into a non-cognisable offence, as in the instant case, without obtaining permission from a magistrate, thereby bringing to a screeching halt the entire investigation. By doing so, the court questioned the very integrity of the investigative process and further heavily relied upon a judgment of the Supreme Court in the *Om Prakash* case (2011) — dealing with bailability in the context of arrest under Customs law — which led to consequent amendments to the Customs law in 2012.

The court has grossly erred in failing to evaluate the larger substantive legal issue pertaining to the applicability of the Criminal Procedure Code for investigation under special statutes. A simple interpretation of this order will mean that only police officers can investigate all the offences under special codes, which they are not authorised to under these statutes. The very essence of economic fraud — decoding financial transactions pertaining to offshore entities/subsidiaries — stands completely negated by this order.

When the information pertaining to the subsidiary companies was denied, MLAT was the only available legal remedy for obtaining evidence. Media reports have indicated non-cooperation by certain public sector banks in provision of documents pertaining to the financial transactions in this case. Also, the order of the High Court, Singapore, subsequently challenged in the Supreme Court there, allowing the sharing of the evidentiary information under MLAT with India, has lost focus in this chaos. The extent to which this order of the Bombay High Court will adversely impact the proceedings before the Supreme Court, Singapore, will be

difficult to predict now. This order will have a direct and drastic impact on all on-going investigations pertaining to over-invoicing of imported coal and, more significantly, on litigation before various forums on power tariff compensation. The collateral damage emanating from this order poses a bigger question: What happens now to the information being processed in various sovereign jurisdictions across the world on letter rogatory requests initiated by the ED, NCB, Income Tax and other agencies, pertaining to high-profile cases? This question is significant, especially when it is absolutely certain that the special laws do not mandate filing of FIRs or magisterial intervention for investigation or MLAT proceedings.

Will the DRI appeal against the order of the Bombay High Court? Your guess is as good as mine. Should the DRI appeal against this verdict? The answer is obvious!

The writer is an independent lawyer based out of Delhi and has previously worked with the Government of India. Views are personal

OTHER VIEWS

India and Saudi Arabia finally look beyond Pakistan

The two are consolidating a partnership on the basis of shared interests

The expansion and institutionalisation of strategic cooperation between India and Saudi Arabia during Prime Minister Narendra Modi's visit to Riyadh, the second in three years, marks the consolidation of a partnership that has long struggled to realise its full potential. As recently as in February, when the Crown Prince of Saudi Arabia, Mohammed bin Salman, visited Delhi, the question of India's tensions with Pakistan figured quite prominently. This time around, the joint statement issued at the end of PM Modi's visit made no reference to Pakistan. This was long overdue. It is rooted in Delhi's long overdue realist appreciation that Saudi Arabia has a lot more on its mind than protecting Pakistan in the name of religious solidarity; and that it is possible to build a solid partnership with Saudi Arabia on the basis of shared interests.

Within its immediate neighbourhood, Saudi Arabia has been struggling to cope with an assertive Iran and Turkey, both of whom seek to undermine the authority of the Saudi monarchy within the Kingdom and the region. Meanwhile, the rapidly growing Saudi population can no longer be kept pliable with a rigorous diet of religious orthodoxy and generous subsidies from oil revenues, no longer the source of perennial



comfort. To cope with these challenges, Saudi Arabia has begun serious social and economic reforms at home and diversification of its security and commercial partnerships abroad. Delhi has recognised the urgency of seizing this moment and building a strong security and economic partnership.

The Indian Express, November 1

Centre must deliver in J&K

Kashmiris should accept new realities

Jammu and Kashmir (J&K), as a state, ceased to exist on Thursday. The decision to bifurcate the state into separate administrative units of J&K and Ladakh, and make both Union Territories, is now operationalised. It is now time for all stakeholders to make a new beginning. Delhi has to deliver on promises of enhanced development and economic prosperity; it has to usher in progressive legal changes to give justice to the more vulnerable sections; it has to maintain peace and crack down on terror; it has to restore the political process by releasing leaders and holding elections; and it must ensure all fundamental rights to residents of J&K and Ladakh.

Kashmiris are the key

stakeholder. They should recognise that India has no tolerance for separatism. J&K will remain an integral part of the Union, and Article 370 is gone. The sooner the Kashmiri street understands this, the better it is for the Kashmiris themselves. The Centre has indicated that Union Territory status is not permanent, and Kashmiri political formations should think about fighting for the restoration of statehood as the next step within democratic politics. The final actor in the Kashmir matrix is Pakistan. For its own sake, for the sake of the Kashmiris, and for the sake of peace in South Asia, Pakistan should reconcile itself to the new realities in the Valley.

Hindustan Times, November 1

Surveillance by stealth

Ensuring privacy is a tough task

That privacy is at peril in cyberspace is evident from the disclosure that an Israeli group used spyware to snoop on human rights activists and journalists in India. The information has come into the public domain after the Facebook-owned platform WhatsApp filed a lawsuit in a US court. In another instance, a malware attack has been detected at the Kudankulam Nuclear Power Plant in Tamil Nadu through an infected PC, reportedly plugged into the system. Surveillance can come from different quarters. Professional hackers use knowledge tools to enter a network, assessing its vulnerability and penetration possibility. In the Israeli case, the spyware got installed on

the phone with just a missed call, giving access to the phone's operating system, compromising both privacy and security.

The other aspect of it is when the government decides to use surveillance to protect national interests. A case on whether social media companies can be forced to trace and reveal the identity of the originator of the message as provided under Section 69 of the IT Act is being heard by the Supreme Court. India plans to have social media regulations by January next year. Official agencies should not misuse them to snoop on citizens while clamping down on cybercrime.

The Tribune, November 1