

TELLING NUMBERS

In vehicle sales, the sliding numbers since December 2018



Getty Images

MONTH ON month, vehicle sales in absolute numbers for each month since December 2018 has been lower than sales in the same month the previous year, according to data tabled by the Ministry of Heavy Industries and Public Enterprises in response to a Parliament question. In terms of earnings, sales of automobiles of all categories reached approximately Rs 4,90,849 crore in 2018-2019, which was higher than in 2017-18 (Rs 4,64,447 crore) and 2016-17 (Rs 4,15,811 crore).

In April 2018, the number of automobiles sold was 23.8 lakh, which dropped to 20 lakh in April 2019. In subsequent months in the current financial year, sales were 20.9 lakh in May (22.8 lakh in May 2018), 20 lakh in June (22.8 lakh in 2018), 18.3 lakh in July (22.5 lakh in 2018), 18.2 lakh in August (23.8 lakh in 2018), 20 lakh in September (25.8 lakh in 2018) and 21.8 lakh in October (24.9 lakh in the previous October). The Ministry tabled data until October 2019.

On the number of auto and ancillary units that have shut since 2014, the Ministry said no closure of any such units has been reported.

SALE OF VEHICLES (NUMBERS IN LAKH)

Month	2017-18	2018-19	2019-20
April	20.3	23.8	20
May	20.4	22.8	20.9
June	18.2	22.8	20
July	20.8	22.5	18.3
Aug	23	23.8	18.2
Sept	24.9	25.8	20
Oct	21.6	24.9	21.8
Nov	19.4	20.4	—
Dec	16.7	16.2	—
Jan	21.2	20.2	—
Feb	21.1	20.3	—
March	22.2	19.1	—

Source: Ministry of Heavy Industries and Public Enterprises

TURNOVER ESTIMATES THROUGH DOMESTIC SALES (RS CR)

2016-17	4,15,811
2017-18	4,64,447
2018-19	4,90,849

THIS WORD MEANS

WI-FI CALLING

Service introduced in Delhi-NCR; elsewhere later

BHARTI AIRTEL, which recently removed its FUP (Fair Usage Policy) on calls to other networks, has introduced Voice over Wi-Fi (VoWiFi), a first for India. Airtel Wi-Fi calling claims to enhance indoor voice calling experience for smartphone customers.

WHAT IT MEANS: Wi-Fi Calling is aimed especially for areas where cellular networks are not strong. It uses high speed Internet connection, available via broadband, to make and receive high definition (HD) voice calls. Users don't have to pay extra for these calls as it is using a Wi-Fi network. This is not much different from a voice call using WhatsApp or any other over-the-top messaging platform, but here the call is from one number to another, and not using an app. Since these calls use stable Wi-Fi connections, call drops are not expected to be a problem.

Wi-Fi Calling can be configured on compatible smartphones by upgrading operating systems to the version that supports Wi-Fi Calling, and enabling this in Settings. Keeping VoLTE switched on will help in seamless voice calling, but this is not essential.

HOW THE SERVICE WILL WORK: At the moment the service is limited to Delhi-NCR users with compatible devices. This will not be charged extra as it will use Wi-Fi and not Airtel's networks. The catch: for now, it will work only for users who have Wi-Fi on Airtel Xstream Fiber home broadband. Airtel says it will soon be compatible with all broadband services and Wi-Fi hotspots, and rolled out in other locations. Reliance Jio can be expected to roll out its own VoWiFi service soon.



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PARIMAL DABHI

AHMEDABAD, DECEMBER 11

ON WEDNESDAY, the Gujarat government tabled in the Assembly the report of the Nanavati Commission, which it had appointed to probe the burning of the Sabarmati Express in 2002 and the subsequent riots in the state. It gave a clean chit to then Chief Minister Narendra Modi, as well as to police, the BJP, the Vishwa Hindu Parishad and the Bajrang Dal.

What is the Nanavati Commission?

It was set up in 2002 following the burning of the Sabarmati Express near Godhra station on February 27, 2002, in which 59 died. Initially a one-judge Commission headed by Justice K G Shah, it was later expanded to be headed by retired Justice G T Nanavati. Following Shah's death in 2008, Justice Akshay Mehta was appointed in his place. Justice Mehta was the presiding judge when Babu Bajrang, prime accused in the cases of violence in Naroda in Ahmedabad, got bail.

The Commission inquired into events leading to the Sabarmati Express incident, and subsequent incidents of violence in the state in which nearly 1,200 persons had been killed (including the 59 in the train carnage); the inadequacy of administrative measures taken to prevent and deal with disturbances; and whether the incident in Godhra was pre-planned and whether information was available with agencies to prevent it; and to recommend measures to prevent such incidents in the future. In 2004, its scope was expanded to include inquiry into the role and conduct of Modi and/or any other minister(s), police officers, other individuals and organisations. The Commission got 24 extensions until it submitted the final report in 2014.

Why did it take five years to table it?

The final report was submitted in 2014 to then Chief Minister Anandiben Patel, months after Modi became Prime Minister. Minister of State for Home Pradeepsinh Jadeja, explaining why it took the government five years to table the report, said it was "voluminous and we needed to study every aspect before putting it out in public".

Retired DGP R B Sreekumar, one of the witnesses before the Commission, had gone



Justice Nanavati submitted the report to then CM Anandiben Patel in 2014. File

to the Gujarat High Court with a public interest litigation seeking its tabling. The Gujarat government told the court in September that it would table in the upcoming (now ongoing) Assembly session.

Why is called the final report?

The first report, containing a single volume dealing with the inquiry into the burning of the coaches, was tabled in the Assembly in 2008. That too gave a clean chit to Modi, his council of ministers and police officers. It concluded that the train burning was "pre-planned act" and done to "cause harm to the *kar sevaks* travelling in that coach".

What does the final report cover?

The final report, which is of nine volumes across 2,500 pages, again gave Modi and his council of ministers a clean chit. The commission trashed evidence provided by former IPS officers retired DGP Sreekumar, Rahul Sharma and Sanjiv Bhatt, that alleged complicity on the part of the government and its functionaries. It has also cleared former ministers the late Haren Pandya and Ashok Bhatt, and Bharat Barot. The commission deemed false the evidence provided against the then Minister of State for Home Gordhan Zadaphia. Following the findings,

barcode together with Norman Joseph Woodland, who died in 2012.

How the idea took shape

Barcode was the brainchild of Woodland; Laurer is credited with bringing the idea to fruition. It was in the 1950s that Woodland thought about developing a system based on barcode symbology, called Bulls-Eye Barcode, which would describe a product and its price in a code readable by a machine. Initially, Woodland took inspiration from the Morse Code, the well-known character-encoding scheme in telecommunications defined by dots and dashes. Woodland's idea seemed workable but he was unable to develop the system as the cost of laser and computing technology was extremely high in the 1950s. Two decades later, in the 1970s, Laurer, who was then

working for IBM, put Woodland's idea to work, armed with less expensive laser and computing technology.

Laurer found that a rectangle system, which we see on most barcodes today, would be more workable than Bull's-Eye, which used a series of concentric circles that looked complicated. He developed a scanner with strips instead of circles. The very first barcode transaction was on a pack of Wrigley's Juicy Fruit chewing gum.

What it is today

Over the years, the barcode has transformed the way the retail industry functions globally. Barcodes can be found in hundreds and thousands of products for identification and scanning, and allow retailers to identify prices instantly. They also allow for easy check-outs and fewer pricing errors, and let retailers

was being "kept informed about the incident (when it) started happening on 27.2.002 and from 28.2.002 by the senior officers heading their respective departments. The senior officers heading their respective departments were also keeping me posted with the steps taken by them to control the sudden violent situation erupted in the aftermath of Godhra train burning incident with the effective aid and assistance of all forces including para military forces and military which the state agencies had deployed immediately".

What did it say about ministers, police and various organisations?

It concluded that "there is no incident to show that either BJP, VHP or any other political party or its leaders or any religious organisations or their leaders had instigated attacks on Muslims. Only in two cases it was alleged that VHP persons had taken part in those incidents... The incidents against Muslims appear to have happened because of the anger of the people on account of the Godhra incident... Anti-social elements appear to have taken part in some incidents."

It said a number of affidavits were filed stating that the police had taken prompt and effective steps to curb violence and had saved lives and properties. The Commission said it found no evidence to show there was any inaction or negligence on the part of police in maintaining law and order in the district, or to show involvement of any Minister of the State Government in the incidents or any interference by a Minister in the functioning of the police.

What are the key recommendations?

One is that "reasonable restriction be placed upon the media in matter of publication of reports about the incidents (during communal riots)". The Commission cited testimonies accusing media of giving "wide publicity to the Godhra incident and the incidents that happened thereafter people got excited and indulged in communal violence". It also found "deep rooted hatred between some sections of Hindu and Muslim communities" as one of the causes of communal riots and recommends government to take steps for removing this "weakness" from society. It cited instances to show that Hindus, in fact, were either assaulted for helping Muslims or alerted Muslims about possible attacks.

How barcode was born, how it changed retail



UK votes in defining ‘Brexit elections’ today — here’s what to look out for

EXPRESS NEWS SERVICE

NEW DELHI, DECEMBER 11

ON THURSDAY, Great Britain will go to polls for the third time in four years, with voters making what a widely quoted former Conservative politician has described as an "appalling choice" between a "compulsive liar" and a "totalitarian" in a general election that will define their country's destiny.

These will be Britain's Brexit elections, which it has brought upon itself so it can take the next steps in the ongoing process of divorce from the European Union (EU) that the referendum of 2016 chose. The new government will decide whether the United Kingdom (UK) leaves the EU early in 2020 — and if so, what sort of relationship it will have with Europe in the future.

How did these elections come about?

David Cameron, who became Prime Minister in 2010, won a second term in the elections of 2015, but resigned within weeks of the referendum of June 23, 2016, in which Britain voted to leave the EU. Theresa May, who succeeded Cameron, called a snap general election in the hope of getting a stronger hand to negotiate Brexit. However, the elections of June 8,

2017 ended up reducing the Conservative Party to a minority in the Commons after their numbers fell to 317 from 330. In July this year, May resigned, after Parliament rejected her Brexit deal thrice.

Johnson, the man May's party chose to replace her, faced rebellions from within, which resulted in Parliament blocking the Brexit deal that he negotiated. The Prime Minister wanted fresh elections; however, provisions of the Fixed-Term Parliaments Act, 2011 could be bypassed only with the support of two-thirds of MPs. At the end of October, Labour agreed to the elections — once they had made sure that Brexit had been pushed back to January 31, 2020 from the previous deadline of October 31, 2019. Parliament was dissolved on November 6.

How will Thursday's voting take place?

The system is similar to India's. Voters will choose representatives for 650 seats in the House of Commons. All British, Irish and qualifying Commonwealth citizens who are 18 years of age, living in Britain, and who had registered by the deadline of November 26, will vote. Voting will be by ballot papers at polling booths or by postal ballots, or by proxy under certain circumstances.

Polls will open at 7 am local time and close at 10 pm. Results of an exit poll, which is far



Boris Johnson (left) and Jeremy Corbyn, leaders of the two main parties. Reuters

more reliable than in India, will be announced soon after polls close. Official results will come in as ballot papers are counted through the night. Like in India, the UK has a first-past-the-post system, and the candidate who wins the largest number of votes in a particular constituency will become its MP.

Who are the key players in the election?



Johnson, CONSERVATIVE PARTY:

The Prime Minister, whose full name is Alexander Boris de Pfeffel Johnson, is 55, and one of Britain's premier Brexiters, who has promised to "unleash the potential of the whole UK". He has asked voters for a clear majority in order to "get Brexit done" by quickly passing his deal, so that the UK can be out of the EU next month. He then wants

to begin negotiations with Europe for a set of free trade terms, and wrap up the process by its December 31, 2020 deadline. The Tories have also promised more funds for the National Health Service and for police.

JEREMY CORBYN, LABOUR PARTY: He has been leader of Labour since 2015, describes himself as a socialist, and is frequently seen as being a bit too left-wing, with unworkably radical foreign policy opinions. He is also rather unpopular — perhaps more than Johnson, who is not very popular himself. On Brexit, Corbyn has waffled, and the Labour manifesto has laid out a convoluted roadmap: it says it will renegotiate the Brexit deal in three months; then, within six months, hold another referendum to get the people's view on whether they want to leave the EU with this new deal, or would prefer to stay on in Europe after all. This will need time, and the EU's consent — and Corbyn has said he himself will be "neutral" on whether to leave or remain. Labour's problem is that a large part of its base wants to Remain, but it also has support in working class seats that voted Leave.

Labour has promised free university tuition, greater health spending, more taxes on the rich, and nationalisation of railways and broadband Internet.

JO SWINSON, LIBERAL DEMOCRATS:

The Lib-Dems are pro-Remain, and their leader, Swinson, 39, wants to stop Brexit altogether. They can make a difference if a tight election returns a hung Parliament, and they win a few key seats. As of now, Swinson has said she won't back either of the two major parties.

NIGEL FARAGE, BREXIT PARTY: The party has a one-point agenda, and Farage, unlike Johnson, wants to just walk out of the EU immediately, without a deal. The Brexit Party is not challenging the Tories in the 317 seats they won the last time, which is likely to help Johnson by not splitting the Brexit vote. However, Farage will likely hurt him in other seats that may see a close contests.

And who seems likely to win?

In recent YouGov polls, the Conservatives have been seeing about a 10-point lead, and even though Labour has been picking up of late, the elections could still give Johnson a small majority of around 28 seats, according to latest estimates. Analysts, however, have been cautioning that 11 seats were decided by fewer than 100 votes in 2017, and many more by a few hundred votes — so even small shifts could swing the election around. Like in India, "tactical voting" has been widely discussed in the run-up to the elections.



The IndianEXPRESS

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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

BRUTE MAJORITY

Poisonous Citizenship Amendment Bill should have been stopped in House. Judiciary must rise to Constitution's defence

THE PASSAGE OF the Citizenship Amendment Bill 2019 is “historic” but not for the reasons that Union Home Minister Amit Shah called it so, while moving the Bill in the Rajya Sabha. In the guise of righting what it calls a Partition wrong, and giving refuge to persecuted minorities from neighbouring countries, the Narendra Modi government has bulldozed a poisonous bill through Parliament which effects a majoritarian recasting of the very idea of Indian citizenship, makes religion a criterion. This is not a law that concerns those it seeks to include — six minority groups from three countries. It is a political signal of a terrible narrowing, a chilling exclusion, directed at India's own largest minority. India is to be redefined as the natural home of Hindus, it says to India's Muslims. And that they must, therefore, be content with a less natural citizenship. The responsibility and blame for this offensive law, this tragic moment, rests squarely on the BJP, the party of Narendra Modi and Amit Shah. The party that proclaimed “sabka saath, sabka vikas, sabka vishwas” has diminished the people's mandate in interpreting it as a license to push through this impoverished and shrunken idea of citizenship after piloting a National Register of Citizens process in Assam that has ignited religious and ethnic faultlines and pushed lakhs of Indians to the edge of statelessness — the region is seeing renewed violence on the CAB. It brings in this law not long after revoking Article 370 in Kashmir in a way that silenced and relegated the Kashmiri people, and continues to isolate them.

In the gallery of shame, after the BJP and alongside it, are many of its allies who have earlier professed allegiance to a secular, capacious idea of India. Men like Nitish Kumar, chief of the JD(U), and Chief Minister of Bihar, who has, in his previous political incarnations, spoken long and loud for an inclusive national landscape more sensitive and respectful to the concerns and rights of its minorities. Men like Ram Vilas Paswan, whose voice has always rung louder than tiny BJP's electoral clout, and who once walked out of a BJP-led ministry because of the bloodletting in Gujarat under its watch. The political crime scene to-day bears the fingerprints of all those partners and allies that earlier nudged the BJP to pitch its tent wider — and are unabashedly cosying up to it today in its terrible shrinking.

Shah has assured the Muslims of India that they have no reason to fear, that they are and will remain citizens of the country. It will be a sad day for India if India's Muslims have to take this or any Home Minister's word for it. India is a constitutional democracy with a basic structure that assures a secure and spacious home for all Indians, including and especially its minorities, and this architecture has endured, by and large. The Citizenship Amendment Bill 2019 should have been stopped by the legislature, things should not have come to this pass. Now, the judiciary must rise again to the Constitution's defence, as it has done at several turning points before, and protect the spirit of the Republic, its very soul.

BHU LETS DOWN BHU

For want of institutional courage, Firoz Khan has had to bow out of his preferred faculty in the once-progressive university

FOLLOWING A MONTH-LONG protest by students of the Faculty of Sanskrit in Banaras Hindu University, newly appointed professor Firoz Khan has had to step away to the Sanskrit programme at the Faculty of Arts. This is despite the support of several colleagues at the university, including the teacher who had appointed him, who insist that he is perfectly qualified to teach Sanskrit literature, and that his religious affiliation is immaterial. Therefore, the blame for this breach of the fundamental right to freedom conferred by Article 19 of the Constitution, which includes the right to work as one wishes, must rest with the vice-chancellor's office. Had the BHU administration put its weight resolutely behind Firoz Khan, he would not have been forced to seek alternative employment.

Khan's case is ironic because the faculty whose students have forced him out was established in 1918 by Pandit Madan Mohan Malviya, shortly after he founded the BHU, with the purpose of purging society of misconceptions and fundamentalisms in matters of faith and spirit. It was a progressive project for promoting the study of the Sanskrit shastras and literature. The case is doubly ironic because the study of Sanskrit texts crossed the religious divide centuries ago. Neither the Panchatantra nor ancient Indian mathematics would have reached the rest of the world without the energetic intervention of Central Asian and Middle Eastern translators. And while Dara Shikoh is remembered for his interest in translating Sanskrit literature into Persian, it was a project patronised by the state repeatedly through the Mughal period. Firoz Khan himself comes from a Sanskrit-literate family. All his siblings are conversant in the language, though not enough to teach, and his father makes a living singing bhajans.

The history of Sanskrit stretches far beyond the footprint of Hinduism, to the Caucasus and the Hellenistic world. It is rich and layered, and cannot be reduced to the stiflingly narrow rubric of religion. If students deny a professor the right to teach Sanskrit literature only because he bears a Muslim name, they do not understand the subject they study. And if their university bows to their pressure instead of sticking up for the teacher, it is in desperate need of a more broad-minded and courageous administration. Indeed, the administration must bear the brunt of the blame for this incident, since it is presumed — in this case, erroneously — to know better than the student body.

WELCOME, BOUGAINVILLE

The world's newest country will come to be at a bleak time. Perhaps it can show a better way

THERE'S A BIRTHDAY party going on in Buka. After years of civil war, followed by an uneasy detente, Bougainville is set to become the newest member of the comity of nations. The celebrations in its capital followed the announcement of the results of a referendum — an overwhelming 98 per cent voted to be independent from Papua New Guinea. The vote had been a long time coming: In 2002, it was part of the peace deal to end the civil war, in which about 20,000 people (out of a total population of 2,00,000) from Bougainville were killed.

The tiny nation, like the young everywhere, will be eager to take its place at the table, out in the world on its own terms. But it will do so at a time when its elders can offer it little in terms of guidance. Liberal institutional democracy, in many of its bastions from the largest to the oldest, from Washington to Westminster, is closing in on itself. And once the heady, unifying light of their national struggle fades, the 19 linguistic groups in the country may have to find their own path to respecting plurality. Bougainville will also come to international relations at a time when might is the only principle, and market the only reason. And most of all, Bougainville will have to negotiate peace with its neighbour, the one from whom it has emerged. The Indian Subcontinent, in this regard, can be looked upon as an example to avoid.

But the pessimism of the bleak world it will be ushered into must not dampen the spirits of the young nation and its people. In fact, it must encourage them. More than ever, the world needs a country that defines greatness by its decency; by who it includes, not who it bullies. The small nation in the Solomon Sea could hold out that hope.



PRATAP BHANU MEHTA

THE CITIZENSHIP AMENDMENT Bill uses a legal instrument to send an insidious political message: Religious identity will play a dominant role in assessing claims to citizenship. Muslims will be increasingly marginalised from our conceptions of citizenship. No one denies that a country has a right to prioritise amongst different classes of refugees, based on a number of factors: Risk assessment, availability of alternatives, historical ties, ground realities, humanitarian concerns, international obligations or even security concerns. But for a bill to, ex ante, name some communities and exclude others from consideration in this pathway to citizenship is a clever way of keeping the communal pot boiling under a legal imprimatur. The bill is not meant to solve any problem that could not have been solved through a less discriminatory process; it may even create more problems.

But where does politics go, after CAB? We look to the Supreme Court for a semblance of constitutional deliverance. We have no idea how a court will rule. But one of the lessons of our recent history is that we misunderstand how a Supreme Court functions in a democracy. The Supreme Court has badly let us down in recent times, through a combination of avoidance, mendacity, and a lack of zeal on behalf of political liberty. We often explain this away as if this were the failing of individual judges. A particular judge might be compromised, or too scared to challenge the executive or they may simply be obtuse in their reasoning. In law as in politics, we carry on with the game, somewhere reassured that mistakes are idiosyncratic, and are possibly retrievable by the very processes that secured them.

But what makes this constitutional moment pivotal is that there is, somewhere, a looming air of irretrievable finality about the changes that are being enshrined. But we should recognise that this direction is not going to be set through the nice formalisms of law, or the contrived conventions we can adhere to in normal times. The direction is going to be set by the mob, by brute power, by mobilisation.

Much ink will be spilled over whether the

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YOGINDER K ALAGH

INDIA IS NOT a part of the Regional Comprehensive Economic Partnership (RCEP) trade pact and Japan is also holding its breath. These discussions are a manifestation of the complexities in the relationship between the tiger and the elephant, and its ripple effects across Asia.

India has joined the Asian Infrastructure Investment Bank (AIIB), which is funded by China. Delving into its functioning explains the context of the recent dissensions on RCEP. Last year, the third annual meeting of the AIIB was held in Mumbai. There was a preparatory meeting organised at Ahmedabad, which I was asked to chair. One of the issues raised by me was that the urban and the rural in India are a continuum and not separated by policies as in the Chinese model, where, conventionally, a person needed a permit to shift to an urban area.

In India, the Research and Information System (RIS) for developing countries and Assocham were mandated by the finance ministry to organise these discussions. The first issue was the definition of what is urban. I pointed out that during the last inter-censal period (2001 to 2011), over 40 million kisans had moved to what are called census towns. These were urban towns according to the census definition, but state governments preferred to keep them as rural habitations because of political reasons.

Ignoring these settlements means that the most dynamic aspects of the rural-urban linkage were being left out when conceiving

INDIA'S RCEP CHOICE

It was born out of the many complexities of the country's development needs

It is not easy for the more specialised smaller RCEP countries to appreciate this, and hence, the pleas to India to fall in line. The Chinese paradigm is different. Infrastructure needs of these fast-growing sectors for transport, markets, first-stage processing are tremendous. The smart city systems in India also ignore these needs. While private and community investments are needed, the state had to fill the gap. I reminded the meeting that in a visit to a Walmart outside Shanghai, I had found a section in which farmer cooperatives and producer organisations, as we would define them, had been given space as a strategic partnership.

There is also a need to support the newer kind of farmers' organisations that are coming up. The need for initial financing for such arrangements, drawing in private rural savings and other financial sector savings, is tremendous. In fact, a number of these newer kinds of arrangements are important for the upsurge of agro-exports. Working capital needs could also be financed. The meeting recognised that it is these newer areas of the rural-urban linkage that are be-

CAB is unconstitutional or not. Learned minds will argue whether it passes the “reasonable classification” test, or whether it comports with “constitutional morality.” This argument is all to the good, and necessary within our protocols of adjudication. But we should be under no illusion that the final adjudication will not be a product of some self-evident normative idea, or some compelling logic within the law. As the joke goes, in law there is only one certainty: There is a case for and a case against. The final adjudication will be a product of what collectively citizens of India are able to convey about the kind of country they want to create.

The point of the idea of constitutional morality is exactly that it does not provide any legal standard for adjudication. Rather, it points to the fact that the work of constitutionalism has to be done outside of the formal process of the law: In building up an ethos that tolerates differences, in shaping a sense of self that is moved by the demands of equality, or perturbed by the attacks on liberty. So constitutional morality is not a doctrine we can appeal to, to settle our differences. It is what we bring to adjudication, not what we get out of it. Similarly, the term “reasonable classification.”

The term “reasonable” is one of the most vexed terms in law and political theory. Arguments over it often have an air of circularity. Societies have often found discrimination “reasonable.” When they cease to find it reasonable, it is often because larger social norms have changed, not because a court said so. If you took the CAB in isolation, detached it from the political context, and its possibly catastrophic alignment with the NRC, the government could make the argument that its classification is not unreasonable, even if not everyone agrees with it. Even the original NRC debacle was created in part by the Supreme Court, presumably in its own mind acting on reasonable classifications. So while the legal and philosophical work is necessary, don't count on them to do our work for us.

This is a truth that the BJP has realised. It moves the law, not by appealing to it, but by changing the norms in politics and society

that shape our imaginations of the law. It did this in the Ayodhya case literally by changing the facts on the ground, and demolishing the Babri Masjid, and altering our historical imaginations. So much so, that while the judges acknowledged that the demolition of the Masjid was illegal, the fact that there was a structure there seem to have no meaningful bearing on the final claims of who has possession. Similarly, whether the NRC was the right thing to do was shaped less by law than by a historical and sociological imagination of the problem in Assam or a sense of the capacities of the state. Similarly on Kashmir, the delay in hearing habeas corpus and other petitions was guided neither by logic, nor law. It was most likely guided by deference to what was perceived to be public sentiment, pure and simple. Given that so much constitutional adjudication mixes both normative (what is the right thing to do) and statistical meaning (what is perceived public sentiment), the BJP has colonised the law by conveying a different sense of what public sentiment is.

The lesson here is that we can rely on the courts, if at all, only if we do a lot of work outside the courts. If the public accepts the Home Minister's Orwellian statement that Kashmir is “normal,” don't be surprised if that definition of normalcy becomes a de facto standard that allows the court to postpone its day of reckoning in Kashmir. If our entire public discourse is pervaded by an exaggerated bogey of illegal immigration, don't expect the court to call the bluff on a discriminatory NRC.

This is why it will be a mistake to rely just on the Supreme Court. The political challenge is to make sure that one party's diabolical version of what is reasonable is not mistaken to be common sense. It will require using the BJP's tactics: Political and ideological mobilisation outside the law to convey the sense that Indian citizens will not stand for a Republic that is discriminatory, fearful and panders to its own worst instincts. Only then may even the judges move.

The writer is contributing editor, The Indian Express



DECEMBER 12, 1979, FORTY YEARS AGO

ASSAM RESIGNATIONS TWELVE MINISTERS AND two parliamentary secretaries in Assam forwarded their resignations to the governor, L P Singh, directly. The ministers and the parliamentary secretaries had submitted their resignations to the chief minister on December 8, but he had not forwarded the same to the governor. CM Jogendranath Hazarika reiterated his claim that he still enjoyed majority support.

DELHI VERSUS CENTRE MADAN LAL KHURANA has resigned as executive councillor (food and supplies) of the Delhi administration. In his resignation letter sent to the chief executive councillor, Kidar

Nath Sahani, Khurana said he was resigning “in protest against the step-motherly treatments being given to Delhi by the caretaker central government.” Khurana said that due to the non-cooperation of the Centre, the prices of sugar, vegetable oil, atta and bran had gone up. The Centre did not pay any heed to the protest lodged by the Delhi administration against its policies.

LOK DAL MANIFESTO CORRUPTION, LUXURY AND wastage of national resources are the major matters of concern to the Lok Dal as spelt out in its manifesto. The party claims to have adopted a “firm, clear and radical strategy” to tackle

these problems. One of the radical steps is to devise special agencies and procedures which can take legal notice of corruption complaints even without the government's initiative.

INDIA'S CONCERN PRIME MINISTER CHARAN Singh has sent a letter to US President Jimmy Carter, expressing India's hope that the US would continue to exercise the restraint it has shown so far in dealing with the question of American hostages in Iran. Singh has also stated that attempts to use force or threats of force against any country's diplomatic establishment is a matter of universal concern.



Redefining the republic

Citizenship law and proposed nation-wide NRC will not only change how the state views citizens but also revise the conception of group rights in India



CHRISTOPHE JAFFRELOT AND SHARIK LALIWALA

THE CITIZENSHIP AMENDMENT BILL (CAB) has reopened a fundamental debate that lies at the heart of India's identity quest. Who is an Indian is a question that has been central to the task of nation-building since the Raj as the country, after the Muslim League asserted itself as representing the largest minority, was divided on the basis of religion in 1947. India's Constitution-makers discussed and debated the topic for almost two years. They ultimately chose a territorial definition of Indian citizenship: Whoever was born in India was an Indian regardless of any other identity marker. This expansive definition stood in stark contrast with the idea of citizenship that Pakistan finally adopted: As the "homeland" of Muslims, this country could only have a Muslim head of state after the 1956 constitution was passed.

Vallabhbhai Patel, India's first deputy prime minister and home minister, commended the Constituent Assembly members for their inclusive idea of citizenship. He had reminded them of Mahatma Gandhi's struggle in South Africa against racial discrimination and had urged the members to not opt for an ethnicity-based notion of citizenship. This provision, to him and for many other members, was vital since it would be "scrutinised all over the world".

The Citizenship Act (1955), which resulted from all these debates, now governs the citizenship law in India. Though this law has been amended multiple times, the first successful attempt to insert ethno-religious categorisation of citizenship took place in early 2004 under the Vajpayee government. This amendment, simultaneous to the changes in citizenship rules, was passed in the face of growing unrest in Assam. While undocumented migrants were debarred from becoming citizens, this amendment allowed an exception for Pakistani Hindus from being considered illegal migrants, claiming that they were a persecuted community: India had begun to abandon the territorial idea of citizenship in favour of ethno-religious notions.

The current amendment to the Citizenship Act relies on the same idea. It intends to give shelter and protection to persecuted minorities by welcoming them as refugees and to grant them a fast track to citizenship by naturalisation after a period of six years. But it is prepared to do it in a discriminatory manner, preparing the ground for a faith-based definition of citizenship. Indeed, the CAB would only apply to undocumented "Hindus, Sikhs, Jains, Buddhists, Christians, and Parsis" from Afghanistan, Bangladesh and Pakistan. Such migrants would become "refugees" whereas Muslims and members of other minorities, or atheists, would remain illegal. The Gol argues that Muslims cannot be oppressed in countries where Islam is an official religion, but Ahmaddiyas and Shias are in Pakistan, like Hazaras (also Shias) in Afghanistan. The CAB also ignores other neighbouring countries, including Sri Lanka and Myanmar, where Tamils and Rohingya are at the receiving end of the state.



C R Sasikumar

These contradictions reflect the majoritarian dimension of this reform. After its inability to secure passage of the Bill in early 2019 because of the opposition or abstention of a majority of MPs in the Rajya Sabha, the BJP re-activated the discourse on the citizenship amendments during the 2019 election campaign. BJP's president and now the country's home minister, Amit Shah, had termed the infiltrators as "termites" in one of his election speeches and promised to "throw them out" of India while protecting "refugees" if voted back to power. During the 2016 state elections in Assam, the BJP had already promised to "clean" this province of "illegal migrants" through the CAB.

On top of that, the government has pledged to bring an all-India National Register of Citizens (NRC) to drive out the undocumented "migrants", repeating the exercise recently completed in Assam. In the contentious final NRC draft of Assam, 19 lakh people were left out from Indian citizenship; at least one third of these people, according to estimates, are non-Muslims.

Hence, after the new citizenship law is passed, these non-Muslims will become refugees (and Indian citizens after six years), whereas an ethno-religious criterion will guide the exclusion of the Muslim migrants from citizenship. These developments are bound to change the political demography of Assam, making the Hindu voters a clearer majority.

A nation-wide combination of the CAB and NRC will mark India as the natural habitat of Hindus while deriding some Muslims as "foreigners". Indians will be called Indians not only on territorial grounds but also on ethno-racial and religious lines. This worldview is well in tune with the vision of V D Savarkar, the architect of the Hindutva ideology, who wrote: "The Hindus are not merely the citizens of the Indian state because they are united not only by the bonds of the love they bear to a common motherland, but also by the bonds of a common blood. They are not only a nation but a race-jati."

However, Savarkar, interestingly, added: "Any convert of non-Hindu parentage to Hindutva can be a Hindu, if bona fide, he or she adopts our land as his or her country and marries a Hindu, thus coming to love our country as a real Pitrubhumi (Fatherland), and adopts our culture and thus adores our land as the Punyabhumi (Sacred Land)."

The CAB would not only change how the state views its citizens' rights but, it would also revise the conception of group rights in India. There has always been some tension between the liberal idea of individual rights and group-based rights in the Indian Republic. Until now, group rights have been used for emancipatory purposes to undo the historical wrongs — for instance, through quotas in public education and jobs for OBCs and Dalits.

In other words, for Savarkar, conversion to Hindutva (sic) was a way to become a citizen of India, but such a convert had to marry a Hindu too. This definition of the Indian identity has strong affinities with the ethno-nationalist ideologies of the European ideologies from whom the promoters of Hindutva drew their inspiration in the inter-war period. M S Golwalkar, for instance, refers to many German theoreticians of the ethnic nation in his 1939 book, *We, or Our Nationhood Defined*.

The CAB would not only change how the state views its citizens' rights but, it would also revise the conception of group rights in India. There has always been some tension between the liberal idea of individual rights and group-based rights in the Indian Republic. Until now, group rights have been used for emancipatory purposes to undo the historical wrongs — for instance, through quotas in public education and jobs for OBCs and Dalits. In that sense, the hierarchy of rights on class, caste or gender lines in India is meant for a gradualist, progressive social change. At other times, group differentiation has been used to respect diversity — through special cultural rights of religious as well as linguistic minorities and tribals, and by re-drawing the internal map of India on linguistic lines. The Modi government plans to radically reformulate the logic of community rights in India to exclude some Muslims from Indian citizenship. In turn, this new definition of group rights will worsen the socio-economic conditions of Muslims, who are already experiencing some decline.

The questioning of the autonomy of India's only Muslim-majority state, Jammu & Kashmir, the Supreme Court's decision to give Babri Masjid land to build a Ram Mandir, and a nation-wide NRC coupled with the proposed CAB would further change the character of the Indian Republic. India may no longer be a de facto Hindu Rashtra, but, to some extent, a de jure Hindu Rashtra with legally sanctioned religion-based exclusions effected without changing the Constitution. It is now for the courts to decide whether some of these changes will stand the test of constitutionality or not.

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WHAT THE OTHERS SAY

"The US is the most powerful country in the world and yet it is the number one destroyer of order. This is the misfortune of the 21st century."

—GLOBAL TIMES, CHINA

Enablers of a slowdown

Opposition during UPA years, and Supreme Court judgments, must share responsibility for the current economic mess



KAPIL SIBAL

THE MACHINATIONS TO form and topple governments may be a priority for grabbing and sustaining political supremacy. However, with the economy tumbling for six straight quarters and GDP growth at 4.5 per cent (July-September quarter), we are in trouble. Tax receipts in Q2 (April-October) at Rs 6.83 lakh crore, with an expenditure of Rs 16.55 lakh crore are worrying. The output of eight core industries in October contracted by 5.8 per cent compared to October 2018 with six of the eight sectors witnessing negative growth. Coal production fell by 17.6 per cent, crude output by 5.1 per cent, steel production by 1.6 per cent, natural gas by 5.7 per cent, cement by 7.7 per cent and electricity consumption by 12.4 per cent. Various international agencies have cut down their GDP predictions for the current financial year by 1.5 per cent on an average. The RBI, too, on December 6 lowered the growth estimate to 5 per cent in 2019-20 from 6.1 per cent. What is required is not patience, as the finance minister persuades us to believe, but urgent prescriptions to address structural issues.

What are these issues? First, the wheels of economic growth are undergoing qualitative changes. Automation and artificial intelligence are replacing manpower. Consequently, Indian industry is bound to suffer. While the adoption of both AI and automation by domestic industry is inevitable, it will also lead to a substantial loss of jobs. In recent years, we have seen job losses in IT and other labour-intensive sectors, which have in the past fueled growth. Second, it is imperative for our labour force to acquire skills to meet the needs of the fourth industrial revolution. To do that, we need to affect structural changes in our education system as children move from school to higher education. Instead, the Ministry of Human Resource Development is more concerned with changing the way we look at our past than reflecting upon the needs of the future. One might resurrect the heroes of the past but what we need is to put in place an environment to discover and encourage our heroes of the future. Unless we create an ecosystem in which our graduating students acquire the skills to meet the demands of the economy, we will not get the appropriate labour force required by industry.

Third, the contribution of both the Opposition during the UPA years as well as judgments of the Supreme Court to the economic mess that we find ourselves in. The C&AG's preposterous theory of presumptive loss in telecom latched on to by the then Opposition, resulted in a judgment cancelling telecom licences, which killed the goose that laid the golden eggs. Subsequent auctions of spectrum resulted in high bids. The revenue earnings of telecom operators were insufficient to discharge the debt to banks for loans taken to buy spectrum. Little was left for investment

in infrastructure for mobile telecom efficiency. The result is, today, the sector which was efficient and highly competitive is reeling with a debt of close to Rs 8 lakh crore. Soon, the telecom sector may see the emergence of a duopoly. The telecom sector would have thrived but for the legacy of unsustainable prescriptions forced upon it. Auction money was viewed as a source of revenue to enrich the treasury rather than ploughing it back into the sector for investments in infrastructure.

The story of another sector, coal, is even more depressing. The SC, in an allegedly historic judgment, set aside all coal allocations since the early '90s. The government, upon such cancellations, assured the Court that coal production will see a new sunrise with the auction of coal mines. The result was the opposite. The auctioned coal mines had no takers and those who participated in the auction, preferred to have their securities encashed rather than pay the balance amount for the auctioned mines. Consequently, the import of coal has increased at an alarming pace, adding to cost since coal is the raw material for several industries. Coal India has not been able to meet the increasing demands of our emerging economy. Coal is the life blood of every industry including power, steel, and cement. As a result of these auctions and the SC judgment, the power sector is in the doldrums. The NPAs of banks reaching more than Rs 10 lakh crore is partly the result of the mindless protests by the Opposition and the SC judgments.

Fourth, is the crisis in agriculture as we promise to double farmers' income — a daunting task with agricultural growth at 2 per cent per annum. We need innovative policies in agriculture. Use of technology to increase productivity per acre, rational policies to reduce the mindless exploitation of groundwater and remunerative returns for the farmer are imperatives. The plight of indebted marginal farmers too must be addressed.

Crucial sectors of the economy that generate employment are in decline. Thirty million of the 100 million employed in the textile industry, our second largest employer, for a variety of reasons both domestic and global, have lost their jobs. Close to 3.5 lakh workers in the automobile industry have been laid off as auto sales have slumped to a two-decade low. With increasing incidents of lynching, the leather industry is facing challenges with local units closing down.

The cumulative effect of all the above coupled with the mindless decision of demonetisation followed by the implementation of a flawed GST made matters worse. These decisions paralysed the economy. The result: Economic growth is eluding us. Tax breaks for industry already flushed with cash will see no immediate outcomes. The key is to boost incomes of those at the bottom of the pyramid.

Finally, government must recognise that fear and enterprise don't go together. Keep the ED and the CBI at bay and ensure that income tax authorities act within the law. Enterprise alone can help fuel our economy. Otherwise the Ides of March are not far away.

The writer, a senior Congress leader, is a former Union minister



INDU BHUSHAN

More equal care

PMJAY can help bridge the gender gap in availing of healthcare services

THERE IS A large gap in the use of public services in the country. The "2018 Gender Gap Index" of the World Economic Forum and its sub-index, "Health and Survival" — India ranks 108 in the overall index and 147th out of 149 in the sub-index — shine a light on this challenge.

Girl children face discrimination even before they are born and continue to experience bias during their life, including in the provision of nutrition and use of health services. Faced with limited resources, families, in general, prioritise the healthcare, nutrition and other needs of men at the cost of women. Some cultural factors, such as the reluctance of women in some regions to consult male doctors, also constrain their access to healthcare services. The National Family Health Survey (4th round) shows that the main reasons women do not seek healthcare services are because these services are unaffordable, they are not easily available and there aren't enough women healthcare providers.

Ayushman Bharat PM-JAY seeks to bridge the gender gap in the use of healthcare services by addressing a key constraint — healthcare costs. Cashless services through PM-JAY are helping to narrow the gender gap in availing healthcare. Learning from the experience of earlier schemes like the Rashtriya Swasthya Bima Yojana, PM-JAY's design incorporates several features that will improve the use of healthcare services by women and girls. First, families with no adult male members is one of

the deprivation criteria for identifying target beneficiaries, which will help a large number of women. Second, there is no cap on the size of families. A cap of five beneficiaries from a family in earlier schemes worked against women. It was observed that large families preferred that their male members be beneficiaries. Finally, the packages include a large number of health conditions that exclusively, or primarily, affect women. Of the 1,393 health benefit packages under PM-JAY, 116 are women-centric, 64 are for only men while 1,213 are common to both.

The initial data for utilisation of services under PM-JAY shows that the use of services is more or less evenly balanced among men and women. Of all hospital admission requests, 52 per cent were for men and 48 per cent were for women. In fact, the gender gap starts to show up at only above 50 years. In the age groups from 0 to 50 years, use of services by women is either equal to or greater than that by men.

It is important to note that some health conditions are prevalent either only among women or men. Looking at conditions that are likely to affect both men and women equally provides better insights. The disaggregation of data on utilisation of major specialty services shows mixed patterns. Use by women patients is higher in 10 specialties — OPD diagnostics, radiation oncology, follow-ups, palliative care, burns management, ophthalmology, pediatric cancer, PHC and surgical on-

cology. However, in others like pediatric surgery, general medicine, urology and cardiology utilisation by male patients is higher.

There are variations across states as well. For example, at the national level, 66 per cent of all treatment in orthopedics were received by men. However, in Kerala, the proportion is 53 per cent while it is much greater in UP and Maharashtra — 70 per cent. There are variations at the level of procedures. For example, within orthopedics, women are the majority users of packages such as total knee replacement — 57 per cent. There are state-level variations in this respect as well — with 83 per cent utilisation by women in Kerala, and only 40 per cent in Jharkhand and Punjab.

Among the three major specialty services provided by PM-JAY — oncology, cardiology and nephrology — a majority of the users of oncology services are women. However, there are large gender gaps in the use of cardiology and nephrology-related services. PM-JAY will need to analyse the reasons for this.

Some of the variation may be explained by the gender-wise difference in the prevalence of various diseases. Men and women may also have varying incidence of certain diseases because of the degree of exposure to the proximate cause or an individual's biological disposition. An analysis of these factors will need to be undertaken to effectively assess the potential gender gap in the use of services.

The overall message from the analysis of initial PM-JAY data is that the scheme seems

to be on the right track, even though more effort is needed to achieve total gender parity. There is no gender-gap when it comes to people seeking several specialty services in many states. Up-to-date data available with PM-JAY will help in continuously assessing the gender pattern of health-service use, analysing the reasons for any gender-based discrimination and providing cues for corrective action.

Monitoring the disaggregated service utilisation data will help sensitise implementing agencies and district authorities about possible gender gaps. Gaps, if any, can be addressed by more informed and gender-sensitive planning, including targeted IEC (information, education and communication) campaigns. Women might need to be informed about their eligibility for the scheme so that they can get their e-cards made and seek treatment in time. In addition, tele-consultations with women healthcare providers might be required in case there are cultural barriers in consulting with male doctors.

PMJAY has a strong potential to empower women to take decisions on their health and wipe out the gender gap in use of health services. Within the deprived and vulnerable population that PMJAY seeks to serve, women constitute a particularly marginalised section. The scheme will be successful only when it can ensure that women and girls receive their due in the use of healthcare services.

The writer is CEO, PM-JAY

LETTERS TO THE EDITOR

NONSENSE PREVAILS

THIS REFERS TO the report, 'Hounded out, Sanskrit professor changes BHU post, students celebrate' (IE, December 11). Is this a curtain-raiser or an isolated aberration? Despite nationwide condemnation of the students' protest against the appointment of Firoze Khan as faculty of Sanskrit Vidya Dharma Vigyan, BHU, nonsense has prevailed over common sense. Vidya and Vigyan are the biggest losers, so is "merit", no matter how you define it.

I R Murmu, Delhi

ENCOUNTER CULTURE

THIS REFERS TO the article, 'Instant injustice' (IE, December 11). The "encounter" of those accused in the Telangana rape case promotes the lynching culture in India to the next level. Has the custodial killing really helped to combat the problem of women safety? No. The article clearly elucidates that rather than celebrating such encounters, people should shift their anger on questioning the slow court trials and poor utilisation of funds for women safety.

Rajeshwar Brar, Patiala

ONE-SIDED STORY

THIS REFERS TO the article, 'A law that

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.

includes' (IE, December 11). The author argues that the Citizenship amendment bill (CAB) is part of our long tradition of safeguarding persecuted people. It's true that we have the rich legacy in this regard, whether during the apartheid era in South Africa or welcoming the Dalai Lama. But the CAB has nothing to do with that tradition. The CAB does not address the persecuted Rohingya of Myanmar, nor the Uyghurs of China, Lhotshampa living in Bhutan and the Tamils of the Sri Lanka. These are people in our neighbourhood states.

Suchak D Patel, Ahmedabad