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FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

REGION’S EDGE

Centre must urgently reach out to restive groups in Northeast, allay fears of demographic change

THE NORTHEAST, PARTICULARLY Assam, has reacted with agitation to the passage through Parliament of the Citizenship (Amendment) Bill, which makes illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan eligible for citizenship. The fear that the CAB will result in an influx of migrants from across the borders and alter the demography of Assam has provoked people to take to the streets. Many have defied the curfew to burn vehicles and target public buildings. Transport links to the region, and within it, have been disrupted and the government has shut down the internet. This situation threatens to undo the gains of the relative peace that the region has enjoyed in the past two decades. It could destabilise New Delhi’s Act East policy. Political players in the region and at the Centre must urgently come together and work to allay public fears and ensure calm.

The CAB, and the National Register of Citizens process before it, have stoked tensions that had flared in the region, especially in Assam, in the 1970s and ‘80s. The fear of demographic change has been the trigger for subnationalist movements, including the Assam agitation, in the 1970s, as well as the insurgencies in Nagaland, Manipur, Mizoram, Tripura and Meghalaya. It stemmed from the colonial era settlement policies for exploitation of the region’s resources and was sharpened by the fallout of Partition, which the region experienced twice, in 1947 and 1971, which saw an unsettling of populations, particularly in parts of Assam and Tripura. But these scars had started to heal over time, and a tenuous peace had set in. The NRC, which the BJP aggressively promoted in Assam, and now threatens to extend nation-wide, along with the CAB, have revived these fault lines. If the NRC process revived the “outsider” debate, the CAB pits Assamese against Bengali. Exemptions related to the Inner Line Permit (ILP) to allay the fears of Nagaland, Mizoram, Manipur, Arunachal Pradesh and Meghalaya, and the Schedule 6 areas, may have temporarily helped to avert a consolidated opposition to the CAB in the region. However, fears have been exacerbated in the Brahmaputra and Barak Valleys in Assam and Tripura that these places will have to bear the weight of the probable inward migration of Hindus from Bangladesh.

The onus is now on the Modi government to reach out to the restive groups and take the necessary steps to address and alleviate their fears. Electoral exigencies and ideological shibboleths cannot be the decisive factors in shaping the policy for the Northeast. Its repercussions will reflect in India’s relations with its neighbours apart from shaping domestic politics.

OR ELSE, BLACKLISTING

Present troubles of Hafiz Saeed in Pakistan are due to FATF pressure. Anti-terror watchdog must stay the course

THE FRAMING OF charges against Hafiz Saeed by an anti-terrorism court in Lahore is the direct result of actions that the international anti-terror watchdog, the Financial Action Task Force, has taken and further threatens to take against Pakistan if it does not crack down on terror. Pakistan is on the FATF “grey list”, and even if it is never moved to the blacklist, the possibility is dire. A blacklisting by the FATF, an organisation de facto run by the US Treasury department, would be ruinous for Pakistan. This is why it is now seen to be taking action it previously dragged its feet on — acting against terrorist groups with an address in the country, including the head of the Lashkar-e-Toiba/Jamat ud Dawa, found responsible by that country’s own investigators for planning and carrying out the 2008 Mumbai terrorist attacks. The Pakistan military has used these groups as a hedge in the region. Neither the impact of the Mumbai attack, nor the UN designation of Hafiz Saeed, could convince the Pakistan security establishment to treat him accordingly. Instead, his public stock was allowed to grow to a point where, last year, he could float a political party and field candidates in the general election. The farthest Pakistan went on Hafiz Saeed’s terrorist record before being hit by the FATF was to put him under house arrest every now and then, until the courts freed him.

Saeed’s present troubles date back five months, to a time when the FATF was snapping at Pakistan’s heels for compliance on its commitments made a year earlier. On July 3, Pakistan’s Counter Terrorism Department booked Saeed and a dozen other leaders under terror financing and money-laundering clauses of the Anti-Terrorism Act (ATA), 1997. The JuD was accused of financing terrorism through several of its non-profit organisations and trusts, including Al-Anfaal Trust, Dawatul Irshad Trust and Muaz Bin Jabal Trust. Saeed, now, has to appear at a trial that will be held everyday. Significantly, LeT also went quiet in the Kashmir Valley at about the same time.

It is important for India that the FATF stays the course with Pakistan because it is the only body that has had a demonstrable effect on the country’s approach to terror groups based on its soil. Saeed or the LeT/JuD are not the only terrorist entities across the border that have India in their crosshairs. Eventually, the action Pakistan takes against these groups will be judged by the impact it has in the region.

A BOY CALLED YUSUF

What would Dilip Kumar, who turned 97 on Wednesday, say on the identity debate today?

ONCE UPON A time, a boy born in Khyber Pakhtunkhwa, Peshawar, and raised in Nashik, Maharashtra, ran away from home, and eventually found work at Bombay Talkies for his proficiency in Urdu. On the advice of owner, Devika Rani, he adopted what was seen to be a more acceptable name, and went on to become one of Bollywood’s biggest stars. He would act as Devdas, the eternal romantic, Salim, the rebellious prince, Ganga, the dacoit, and Shankar, the tongawallah, giving Bollywood a new, more intense language. He would hold on to his mother tongue, the dying Hindko dialect of Peshawar, while learning to speak fluently in Urdu, Hindi, Bhojpuri, English, Punjabi, Marathi, Bengali, Gujarati, Pashto, Farsi, and Tamil. On December 11, as Parliament redrew the boundaries of what defined an Indian, he turned 97.

Pressed to put his identity down on paper in the post-Citizenship (Amendment) Bill India, the man who drew on words and poetry to sustain his art, drawing inspiration from both sides of the border, would struggle. Should he list himself as a Muslim, the religion he was born into, or a Hindu, the religion whose tag he embraced so easily? Under “home”, should he list Peshawar’s “Qissa Khwani Bazaar (the market of the storytellers)”, which, to his regret, he couldn’t visit in 1997, when he had received Pakistan’s highest honour, due to uncontrollable crowds? But, how could it not be Mumbai, the city from whose stories he remains inseparable?

Whether he saw the proceedings in Parliament on Wednesday or not, where one side used Jinnah to defend the bill and the other side invoked Hitler to denounce it, he could have lent the debate the weight of nearly a century’s history — strewn with names of big kings who fell and small heroes who rose. To those who come bearing their questions, “Tragedy King” Yusuf Khan alias Dilip Kumar would have stories from closer home with happy endings: About Prithviraj Kapoor from Peshawar who also made Mumbai his; and about another Khan from Peshawar, in another time, who also became the Badshah of Bollywood.

An encounter with injustice



MEERAN CHADHA BORWANKAR

We need to invest in four wings of criminal justice system — police, prosecution, judiciary, prisons

THE COUNTRY IS engaged in an intense debate on the heinous rapes and murders, the blatant use of force by criminals on bail and the sheer impunity with which they gangrape and then burn women. Shot at if they are too tired to dance and murdered if they want to live on their terms. One would have thought that the changes in the law and procedure post the December 2012 Delhi gangrape and murder case would curb the predators, but they do not seem to have any effect on them.

So shaken has the country been that rose petals were showered on the officers of the Telangana police that “encountered” the four alleged rapists of a doctor on the outskirts of Hyderabad. This has given rise to another debate about the actions of the police. While the woman on the street is happy that the “brutal rape” has been avenged and the parents of the deceased doctor and of the Delhi 2012 victim have expressed relief at the quick police operation, we must understand the full implications of the lure of “instant justice”.

The clamour for quick action — “teaching a lesson”, “on-the-spot justice” — stems from the fact that the criminal justice system has failed in the country. One main reason is the delay in trials. Even if a criminal is convicted, the appeals that follow lead to a further delay of more than five years. This has meant that citizens lose faith in the law and they hero-worship officers who “encounter” these criminals. They cite examples of the Delhi 2012 accused still in Tihar and Ajmal Kasab, who was hanged six years after the gruesome killing of innocent citizens in Mumbai. One taxi driver, while justifying the Telangana policeperson’s action, questioned me as to why we spent so much money on Kasab’s security. He also “informed” me that Kasab was served “mithai” in prison every day. He had no clue that I

There is a collective sense of resignation in the country. In this depressing scenario, we have a few shootouts by police, which are applauded because otherwise, nothing seems to be happening on the ground. This joyous reception of an ‘encounter’ and the ‘police officers’ involved only proves that people have lost faith India’s criminal justice system. It also shows that the malady runs deep and recovery is so distant that shortcuts have become the preferred mode of execution.

was chief of Maharashtra prisons at the time in question. This shows how rumours and misinformation further angers citizens who are already enraged at the late punishment to criminals.

And I understand their anguish. Last week, I received a summons from a special court in Mumbai seeking my presence at the trial of a criminal case. I had supervised its investigation as joint commissioner crime, Mumbai, in 2005. The case is still pending. The investigating officer informed me that he was now posted at a training institute and was not aware at what stage the trial was at nor was he aware that I had been summoned by the court. This is what is happening in most of the trials. They are so delayed that witnesses lose interest or do not attend hearings. Documents are lost, seized weapons are not traceable. The investigating officers get transferred and thus can not monitor trials. The complainant, after pursuing the case for some time, gives up.

There is a collective sense of resignation in the country. In this depressing scenario, we have a few shootouts by police, which are applauded because otherwise, nothing seems to be happening on the ground. This joyous reception of an “encounter” and the police officers involved only proves that people have lost faith India’s criminal justice system. It also shows that the malady runs deep and recovery is so distant that shortcuts have become the preferred mode of execution.

Instead of succumbing to the band-aids, we have to use all our resources and energy in putting the system back on track. While police investigation and presentation by the prosecutors need to improve, it is the judiciary that must rise to the occasion. Session courts need to finish cases at one go, within a week or fortnight, and not hear them in the piecemeal manner they are doing cur-

rently. They need to clamp down heavily on adjournments. Similarly, higher courts must dispose of appeals within a fixed time frame. Expenses for more judicial officers and their staff should be met by the Centre and state governments jointly. If a rape accused is sentenced and his final appeal disposed of within a year, I see no scope for encounters or the public’s agitation. It is because justice has become a rarity and criminals on bail are burning girls after raping them that citizens have lost their patience.

For police, medical officers, forensic experts, prosecutors and judicial officers to work together as a team, it is essential that formal interactive sessions between them are organised. Regular training workshops will lead to an exchange of information, knowledge-sharing and mutual trust among different wings of the criminal justice system. Today, each works in a silo with hardly any collaboration. The result is a very poor conviction rate that may not attract the immediate attention of citizens but reinforces a general feeling of lawlessness.

While the emotional response of a parent who has lost her daughter to rapists is totally understandable, as a nation, we have to invest in long term-solutions. That means investing in all four wings of the crumbling criminal justice system — police, prosecution, judiciary and prisons. That we are not doing so is amply proved by the need for officers to take up guns for causes they feel will not get justice. It is a sad commentary that we have acknowledged and, in fact, applauded that we are a “banana republic”. India, after more than 70 years of Independence, needs to be the lighthouse for the rule of law. Let’s make that happen together.

The writer, an IPS officer, retired as DG, Bureau of Police Research and Development

IN THE FARMER’S NAME

Farmer unions need to expand the scope of their advocacy



AJAY VIR JAKHARA

EVERY DAY, A gold miner in Russia leaves a mine with a wheelbarrow full of sand. Every day, the guard thoroughly checks the sand. On his retirement day, the guard asks the worker, “I know you have been stealing something, but can’t figure out what it is”. The worker whispers back, “I wasn’t hiding anything in the sand, I stole the wheelbarrows”. A similar predicament of limited perspective afflicts India’s farmer unions. The leadership of many unions, secure in their certainties, are oblivious to the larger picture. More likely, in order to hold on to their leadership role within the organisations they represent, they have simply confined themselves to issues that resonate with farmers.

The transformation of rural livelihoods across India based on minimum support prices, free electricity and cheap fertilisers is not sustainable. Advocating on limited issues for decades, farmer unions have been conceding the agriculture policy space to business-funded lobby groups. The likes of CII, FICCI, PHD Chamber of Commerce, ASSOCHAM, and the Fertiliser Association of India are always furthering the vested agenda of their members. A few individuals in the guise of representing farmer organisations have muddied the waters by becoming lobbyists for the farm-input industry, just like the international consulting firms. Of late, international donors like the Bill and Melinda Gates Foundation have shifted the nutrition policy to one of food fortification.

In order to make farmers’ prosperity the fulcrum of the debate, the unions have to

Affiliation to political parties has been a poisonous pill for the unions. Their leaderships have often become family affairs, where affiliation is rewarded by plum positions when political mentors are in power. Adding to the morass are those who commit the sin of simony by seeking caste concessions, which has led to a loss of trust, diluted leadership authority and destroyed the unity of farmers.

expand their advocacy to include all the issues that have a strong bearing on the future of farmers’ livelihoods. That should include the state of the national economy, governance issues, transparency, government revenue collections and allocation of resources. Equally critical are issues like the rupee exchange rate, relative inflation and improving nutrition by generating consumer demand for fruits, vegetables and proteins in India, which happens to be the amongst the lowest in the world.

I’m not a votary for reducing farm support, but for the inevitable repurposing of subsidies towards the farm eco-system services. This is going to be a very painful transition for farmers and a metamorphosis may be possible if farmer leaders reach out to them repeatedly to explain how the present structure of subsidies is not only self-defeating, but also shifts the costs to future generations. Only, and only then, will politicians conjure the political will and courage to initiate bold structural reforms.

Many organisations supportive of PM-Kisan or cash transfers as a solution don’t realise that the changing narrative is paving the way for the government to slowly abdicate on its constitutional responsibilities of providing primary healthcare, quality rural education, sanitation, farm extension, veterinary services, and public transport.

In the recently concluded Food Systems Dialogues, the former head of RAW, Alok Joshi, observed that the protesting farmer unions are unprepared to negotiate settlements, and are thus unable to bridge the lacuna between demand and delivery. Karl

Marx compared farmers to a “sack of potatoes”, as they only organise in response to specific issues and then drift back to work on the farms. Farmers are incapable of forming a consistent common identity, and the identity, rather than being a source of profound change, more often falters as a reaction to circumstances.

Affiliation to political parties has been a poisonous pill for the unions. Their leaderships have often become family affairs, where affiliation is rewarded by plum positions when their political mentors are in power. Adding to the morass are those who commit the sin of simony by seeking caste concessions, which has led to a loss of trust, diluted leadership authority and destroyed the unity of farmers. Having lost faith in the system and in farmer leaders, the momentary outpouring on localised issues will start to spiral into faceless protests and will manifest into widespread rural disobedience, whether fuelled by ethnic, migrant or caste conflicts, as in Haryana in 2016.

The BJP has gained politically by prioritising “food inflation mitigation measures”, which have come at a high cost of deteriorating farmer livelihoods. Farmers and those representing them need to introspect. Rather than continuously berate the government, they need to change tactics, stop behaving as losers and clearly understand that they are in a soup for no reason other than that they have developed a consistent tendency to vote on parameters other than their own stagnating economic condition.

The writer is chairman, Bharat Krishak Samaj

DECEMBER 13, 1979, FORTY YEARS AGO

CENTRE RULES ASSAM ASSAM, WHICH HAS been in the grip of continuous agitation for a few weeks, was placed under Central rule. The presidential proclamation to this effect was issued after an emergency meeting of the Union Cabinet. The state assembly has been kept in suspended animation. Fresh efforts will be made after some time to form another ministry. The Central intervention came in response to Governor L P Singh’s recommendation. In his report, the governor had sought imposition of President’s rule for a brief period following the breakdown of constitutional machinery and the deteriorating law and order situation. The governor had recalled the political developments in the state leading to the withdrawal of

support to the Hazarika ministry by the Congress, Janata and CPI. The ministry was thus reduced to a minority. The Union Cabinet met for half an hour to consider the governor’s report in particular and the latest political and law and order situation in the state. The Cabinet endorsed the governor’s plea for Central rule and recommended the same to the President.

AGAINST FOREIGNERS

PRESIDENT N SANJEEVA Reddy has said that the problem of foreigners in Assam is a national issue as has been adequately made out by the people of the state. Reddy is understood to have told this to B K Basumatari, Plains Tribals Council of Assam acting general secretary, when he called on him. He is

understood to have told Basumatari that foreigners, if any, would be identified and driven out. But the need of the hour was a government in Assam.

PHIZO’S RETURN

THE UNION GOVERNMENT is “not averse” to Naga leader A Z Phizo returning to India if it helps find a permanent political solution to the Naga problem, according to Z Ramyo, one of the signatories to the Shillong agreement. Ramyo, along with a five-member delegation, had separate meetings with Prime Minister Charan Singh, and Deputy PM Y B Chavan to explore the possibilities of reopening the peace efforts which had been bogged down after the former PM Morarji Desai’s meeting with Phizo in London in 1977.



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TABLE 1: CHANGES IN MPCE (MRP) SINCE 1993-94, ALL INDIA (IN 1987-88 CONSTANT PRICES)

Year	Rural MPCE		Urban MPCE	
	In Rs.	Change in % compared to previous survey	In Rs.	Change in % compared to previous survey
1993-94	162.56	-	268.38	--
2004-05	181.56	11.7	326.80	21.8
2009-10	192.93	6.2	368.99	12.9
2011-12	221.93	15.0	413.53	12.1
2017-18	--	-8.8*	--	2.0*

* Business Standard, November 14, 2019

Source: NSS Report No. 555, Level and Pattern of Consumer Expenditure, 2011-12, released in 2014. Note: 1999-2000 is not included due to comparison problems.

TABLE 2: PRIVATE CONSUMER EXPENDITURE OF NSS AS % OF NATIONAL ACCOUNTS STATISTICS

Year	Food	Non-food	Total
1972-73	118	83.3	94.5
1977-78	91.7	86.0	89.6
1983-84	81.5	66.1	75.1
1987-88	86.5	66.7	77.6
1993-94	71.1	50.8	61.9
1999-00	63.5	50.0	56.3
2004-05 (MRP)	62.5	42.0	50.2
2009-10 (MMRP)	74.2	42.9	54.2
2011-12 (MMRP)			46.9
2017-18			32.3

MRP: Mixed reference period; MMRP: Modified mixed recall period; Source: Rangarajan Committee up to 2009-10; Estimated by the authors for 2011-12 and 2017-18.

WHAT THE OTHERS SAY

“It is not enough to tackle Brexit. The next prime minister must tackle the causes of Brexit too — reaching out to the left-behind with plans for jobs and public services which show that the government will make a difference to their lives.” —THE GUARDIAN

Who is a citizen?

Constituent Assembly debates dealt with that question, and came up with the widest possible humanist answer



MANASH FIRAQ BHATTACHARJEE

THE CITIZENSHIP AMENDMENT Bill (CAB) was passed in the Lok Sabha on December 9 and in the Rajya Sabha December 11. It introduces special provisions for Hindus, Christians, Sikhs, Parsis, Jains and Buddhists fleeing persecution in Pakistan, Afghanistan and Bangladesh. Amending the Citizenship Act of 1955, the CAB makes partial gestures of inclusivity, but within an exclusionary framework. The idea of citizenship has been broadened to include persecuted migrants seeking asylum. But the criterion includes minorities only from Muslim-majority countries, and persecuted Muslims have been kept out. By excluding Muslim refugees from the CAB, and including everyone except Muslim immigrants in the proposed National Register for Citizenship (NRC), the government has closed the doors to India's largest minority from both sides.

The US Commission for International Religious Freedom issued a statement, that the CAB, “runs counter to India's rich history of secular pluralism and the Indian Constitution, which guarantees equality before the law regardless of faith”. The statement is a good reminder of how India is losing the promise of inclusivity.

In response to Algu Rai Shastri's question in the Constituent Assembly debates on January 8, 1949, who sought clarity on “who is a citizen of India and who is not”, Jawaharlal Nehru, responded, “So far as the refugees are concerned... we accept as citizens anybody who calls himself a citizen of India”. He based the idea of asylum on a combination of free will with affectivity. The decision to belong comes from the feeling to belong, and both deserve to be respected. This is perhaps the widest possible humanist consideration behind defining the citizen.

During the Debates, on August 12, 1949, Mahboob Ali Baig from Madras pondered why should any Indian (he did not specify religion) wanting to migrate from Pakistan “on account of civil disturbances” be put under question. Baig reminded the House that during the transfer of power, there was an agreement by both parties to protect and safeguard minorities. But, after the transfer, Baig said, “there was a holocaust. There were tragedies which compelled persons to migrate”. Arguing against the logic of suspicion, Baig stated, “to say those people coming to India might become traitors and therefore, they should not be allowed to come back, that is no reason at all. With this temperament you will never become strong.” Any nation based on paranoia cannot be strong.

Baig argued that people migrate out of “circumstances” where the mind is full of fear and doesn't work freely, or with clarity. It does not warrant any discrimination against those people based on their identity. There is no reason to deny them asylum. Nehru voiced a similar opinion, regard-

ing “Nationalist Muslims, who were driven out by circumstances and who having gone to the other side saw that they had no place there at all”. Considered “opponents and enemies”, when their lives were made miserable in Pakistan, these Muslims expressed a desire to return, and some did. Pakistan considered these Muslims its enemy not based on religion, but nationality (even ethnicity). Be it religion or nation, suspicion is a territorial sentiment. Trust must die, for the enemy to be born. In Nehru's account, the sentiment of warmth cancels suspicion. He also draws a tacit distinction between the circumstantial and the filial: Those who return home can reclaim their belonging.

Tabling the Bill in the Lok Sabha, Amit Shah said, “The Citizenship (Amendment) Bill wouldn't have been needed if the Congress had not allowed partition on basis of religion”. The logic of Partition is enhanced, not cured, by blaming the tragic event to justify a new law of segregation. It is a contradictory and self-serving logic, seeking to restore communal divisions by accusing others of it.

Bihar's Brajeshwar Prasad made the point during the debates that “the mischief of partition should not be allowed to spread beyond the legal fact of partition”. The communal politics of Partition, Prasad felt, must end after Independence. But it was inevitable that the logic — or the law — of that politics would linger. Partition is not just a legal, but a historical fact, and it was survived by the politics that created it. On the question of migration, Prasad raised the interesting argument that everyone under the colonial territory deserved to find asylum in India. It was an anti-colonial idea of citizenship. He said, if people who have “always lived in the Punjab and on the frontier have come and become citizens of this State; why cannot a Muhammadan of the frontier be so when we have always said that we are one?”

In contrast, Amit Shah said in the Rajya Sabha, the government was interested in persecuted non-Muslims from the three Islamic states alone. He scoffed at the Opposition for limiting its secularism to Muslims. The obverse logic is chilling: To consider the rights of Muslims is no longer necessary for secularism.

BJP leaders have consistently blamed Nehruvian secularism for being a politics of “appeasement”. Provoked by this accusation, Nehru had said during the debates: “Do the honourable Members who talk of appeasement think that some kind of rule should be applied when dealing with these people which has nothing to do with justice or equity?” The bogey of appeasement diverts attention from what minorities deserve. Nehru also defended the secular state by objecting to the impression that it is something “amazingly generous, given something out of our pocket”. The argument in favour of the secular state was never to imply something extraordinary. It was meant to cure people's historical prejudices, and keep a nation-state from relapsing into majoritarianism. Both these possibilities have today regained their hold on the polity and the social sphere. We are poised to lose, not find, the ethical understanding of who ought to be a citizen of India.

Bhattacharjee is author of Looking For the Nation: Towards Another Idea of India

LETTERS TO THE EDITOR

STRIKE IT DOWN

THIS REFERS TO the editorial, ‘Brute majority’ (IE, December 12). During the debate over Citizenship Amendment Bill in the Lok Sabha, Home Minister Amit Shah said that “reasonable classification” is allowed under Article 14 of the Constitution. But perhaps he forgot that in *Chitra Ghosh vs Union of India* (1969), the Supreme Court said that any classification based on language, caste, religion or place of birth is not reasonable. Therefore, it is likely that the SC will strike down provisions that bring in a religious criterion for citizenship.

Monu Kumar, Patna

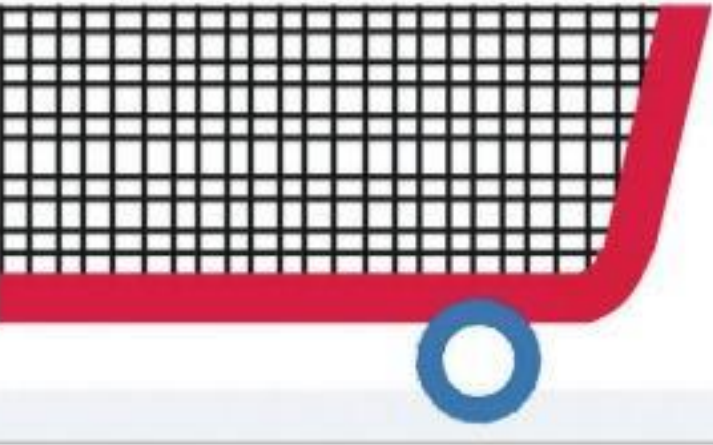
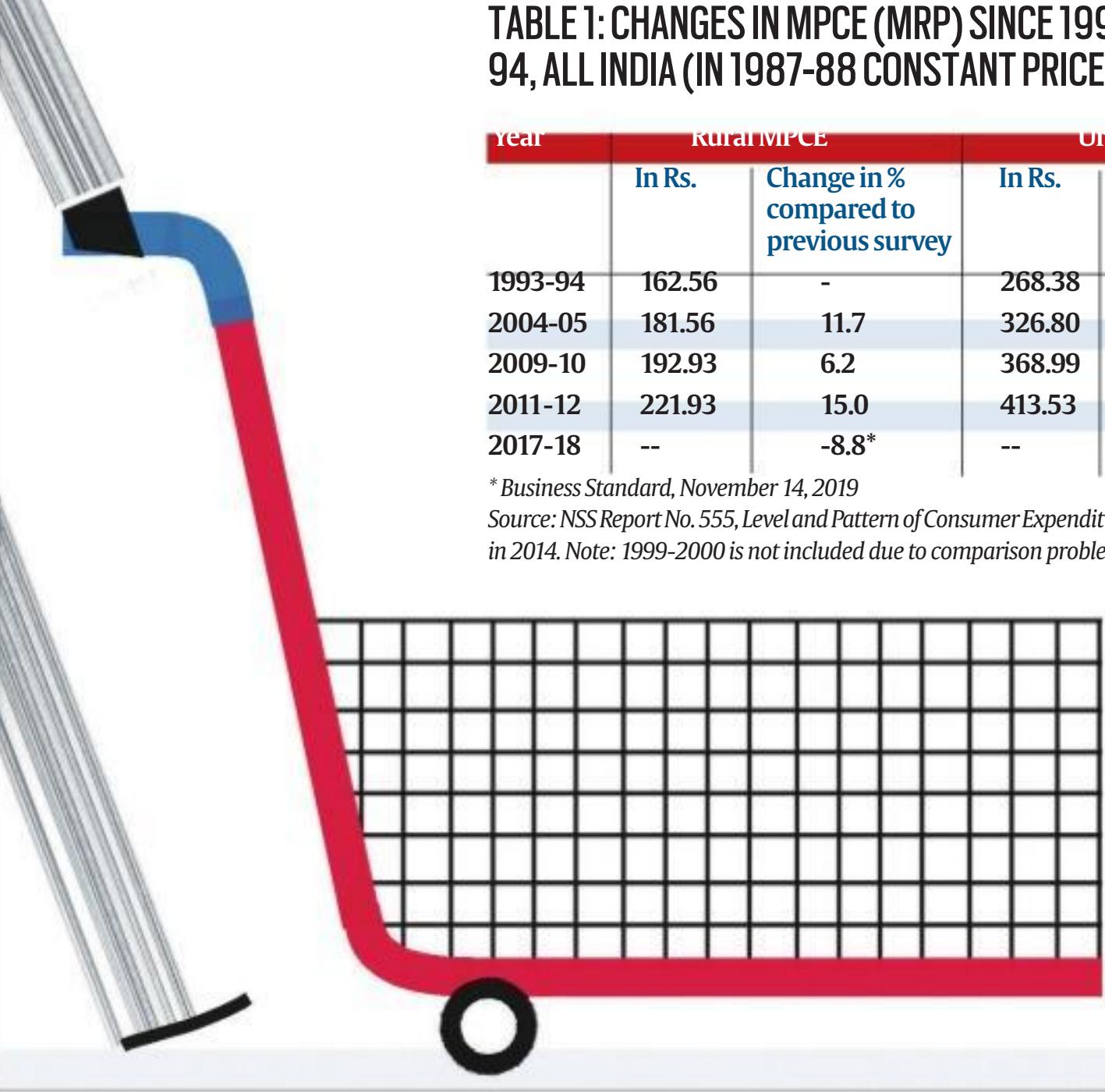
A BLIND PUBLIC

THIS REFERS TO the article, ‘The morning after CAB’ (IE, December 12). It seems that the BJP has mastered the trick of manipulating the public sentiment. The CAB is its latest ruse. It will be difficult for the Supreme Court to respond in this case. First, because the government presents the majority sentiment as public sentiment and second, the law itself relies on facts and evidence, which in recent years have been shaped, created or manipulated by propaganda and by silencing dissent.

Anurag Ekka, Ranchi

WOMEN'S HEALTH

THIS REFERS TO the article, ‘More equal care’, (IE, December 12). The out-of-pocket expenditure due to hospitalisation has been one of the factors that traditionally discouraged women from



CR Sasikumar

Mind the statistics gap

Growing divergence between consumption expenditure estimates from NSO surveys and GDP data is too big to be pushed under the carpet



C RANGARAJAN AND S MAHENDRA DEV

RECENTLY, WE HAD expressed concerns that with the GDP growth rate falling in the post 2011-12 period, the decline in the poverty ratio would be slow. During 2011-12 to 2018-19, both GDP and agriculture growth were lower than in the earlier period. The terms of trade were not in favour of agriculture and rural wage growth has declined. The economy has grown by 5 per cent and 4.5 per cent in the first and second quarters of FY20 respectively, and growth is expected to be around 5 per cent for this fiscal year. Thus, we have reasons to believe that the rate of decline in the poverty ratio will be low.

The leaked NSS consumer expenditure data for the year 2017-18, however, shows that the real monthly per capita expenditure (MPCE) has actually fallen between 2011-12 and 2017-18. It shows that real MPCE declined from Rs 1,501 in 2011-12 to Rs 1,446 in 2017-18 — a fall of 3.7 per cent at the all-India level. In rural India, it declined by 8.8 per cent, while in urban India it increased by 2 per cent over the same period. These findings do raise some questions. Most importantly, can MPCE fall when the income growth rate has been positive, both in aggregate and in per capita terms? There is no corroborative evidence to support the decline of MPCE. Even the report of Oxford University on the Global multidimensional poverty index shows that the incidence of multidimensional poverty had

almost halved between 2005-06 and 2015-16, climbing down to 27.5 per cent. We have to note that the terminal year of this study was 2015-16.

Is there any period in the past where MPCE has actually fallen? Typically, in recent years, the consumption expenditure surveys have been conducted after a five-year gap. Table 1 gives the trends in MPCE since 1993-94. In every survey, it has risen over the previous survey. The only exception is 2017-18. Even in 2009-10, which was a drought year, MPCE went up.

In an article, S Subramanian has carried out a full analysis of the 2018 survey data. The survey shows that while real mean consumption declined for all the deciles between 2011-12 and 2017-18, for the bottom decile, it declined by 1.3 per cent, while for the top decile, it declined by 17.4 per cent. It is interesting to see that the decline in mean consumption was much higher for the top decile. This study estimates poverty ratios for 2011-12 and 2017-18 using the Rangarajan Committee's poverty line. The estimates show that the poverty head count ratio increased from 31.2 per cent in 2011-12 to 35.1 per cent in 2017-18. According to this study, inequality declined from 28.7 to 25.8 in the same period.

What is disturbing in the survey data for 2017-18 is the alarming difference between the aggregate private consumption expenditure given by it and the figure provided by the national accounts statistics (NAS). These two estimates of consumption (NSS and NAS) do not match in any country; India is no exception. What is perplexing is that the difference in India between the NSS and the NAS consumption has been widening over time. From a difference of less than 10 per cent in the late 1970s, it has widened to 68 per cent in 2017-18, that is, the survey estimate is only 32.3 per cent of NAS estimates (Table 2).

The expert group (led by C Rangarajan) had carried out an analysis of the possible reasons for the difference between the esti-

What is disturbing in the survey data for 2017-18 is the alarming difference between the aggregate private consumption expenditure given by it and the figure provided by the national accounts statistics (NAS). These two estimates of consumption (NSS and NAS) do not match in any country; India is no exception. What is perplexing is that the difference in India between the NSS and the NAS consumption has been widening over time. From a difference of less than 10 per cent in the late 1970s, it has widened to 68 per cent in 2017-18, that is, the survey estimate is only 32.3 per cent of NAS estimates.

mates. It made some headway, but could not fully explain the difference. Therefore, it continued with the practice, initiated by the expert group, led by D T Lakdawala, and continued by the expert group led by S Tendulkar, of estimating poverty in India solely by reference to the size-distribution of private consumer expenditure based on the NSSO methodology. However, with the difference rising to 68 per cent, the time has come for a deeper analysis of the factors contributing to the difference.

According to NAS, private consumer expenditure increased from Rs 49,10,447 crore in 2011-12 to Rs 74,17,489 crore in 2017-18. This is an increase of 51 per cent. The per capita consumer expenditure increased by 41 per cent during this period. But, according to the survey, per capita consumption expenditure decreased by 3.7 per cent. The difference is too big to be pushed under the carpet. The NSSO Advisory Group or the National Statistical Commission must study the problem and come out with possible suggestions for improving the collection of data through both routes.

It may be recalled that government had difficulties in accepting the 2009-10 consumer expenditure data put out by the NSSO because it was a drought year. The then government recommended carrying out another survey, and it was undertaken in 2011-12. We think that the present government should also release the report and the unit level data of the 2017-18 survey, which can be analysed by researchers. The National Statistical Office can also give a note on the limitations of data in the report. The government can order another survey after analysing the reasons for difference.

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A constitutional obligation

Citizenship Bill makes distinctions that are reasonable, does not violate Article 14



HITESH JAIN

THE JOYOUS BIRTH of the Indian nation-state in 1947 is co-terminus with the horrors of Partition. A natural consequence thereof was the influx of migrants. Many Indian states were affected by the immigration, which challenged their demographic dimensions. Conversely, many minorities found themselves at the mercy of nations which followed a state-religion. At the time, the population of both Pakistan and Bangladesh comprised several non-Muslim communities. However, unlike India which is a secular nation, both Pakistan and Bangladesh are Islamic states. Considering the ancestral and spiritual ties, it is nothing short of an obligation for the Indian nation-state to provide refuge to non-Muslim minorities who have been persecuted for their “otherness” in these countries.

This obligation is constitutional in nature and its genesis can even be found in the Constituent Assembly debates. In accordance with this constitutional obligation, the Union government tabled the Citizenship (Amendment) Bill, 2019 in Parliament. Many doubts have been cast on the legality of the Bill. However, the Bill conforms to India's constitutional spirit. Here's how:

An examination of the text of Article 11 of the Constitution reveals that Parliament is empowered to make any law related to the acquisition or termination of citizenship, and all other matters related to citizenship. Further, it was the intent of the framers of the

Constitution for Parliament to have the power to include those who, at the time of the Constitution coming into existence, were not included within the fold of the citizenship laws. It is, therefore, well within the right of Parliament to enact this Bill.

A basic rule of interpretation is always presumption in favour of the constitutionality of a statute. The burden is upon the individual who attacks it to show that there has been a clear transgression of constitutional principles. The presumption may be rebutted in certain cases by showing that with regards to the facts of the statute, there is no classification or difference peculiar to any individual or class, and yet the law hits only a particular individual or class. It ought to be assumed that the legislature correctly understands and appreciates the need of its own people, and that its discrimination is based on adequate grounds.

In order to sustain the presumption of constitutionality, the Court may take into consideration matters of common knowledge, various reports, the history of the times and other necessary facts which may exist at the time of legislation. Thus, the legislation is free to recognise degrees of harm and may confine its restriction to those cases where the need is deemed to be the clearest. While good faith and knowledge of the existing conditions on part of the legislature are to be presumed, if no legal hindrance or adverse cir-

cumstance is brought to the notice of the Court — on which the classification may reasonably be regarded as based — the presumption of constitutionality cannot be always carried to an extent that there must be some undisclosed and unknown reason for subjecting certain individuals or corporations to be hostile or discriminating legislation.

The Bill fulfils the challenge posed by Article 14. At the outset, Article 14 says that, “the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India...” This has both a positive and negative aspect. It provides for equal protection of the law in its positive aspect. In the negative aspect of “equality before law”, what necessarily follows is that those in unequal positions ought not to be treated equally.

The exception to Article 14 is broadly the test of reasonable classification and intelligible differentia. The Bill stands the test of reasonable classification as propounded by the seven-judge bench of the Supreme Court in *State of West Bengal vs Anwar Ali Sarkar*. In this case, the apex court stated that “intelligible differentia” means that there ought to be a yardstick to differentiate between those included and those excluded from a group. In *Navtej Singh Johar vs. Union of India*, Justice Indu Malhotra further propounded the test of “intelligible differentia” to mean reasonable differentia. This means that even the yardstick

for inclusion or exclusion ought to be reasonable in itself. The classification adopted in the Bill, is clear and substantial, and there are sufficient reasons for making the distinction.

In *Paripons Agrotech (P) Ltd. v. Union of India*, the apex court held that once it is found that there is sufficient material for taking a particular policy decision, bringing it within the four corners of Article 14 of the Constitution, the power of judicial review would not extend to determine the correctness of such a policy decision nor to explore whether there could be more appropriate alternatives. It was held that the equality clause “does not forbid geographical classification, provided the difference between the geographical units has a reasonable relation to the object sought to be achieved”. So, merely because there is a distinction does not prima facie constitute a challenge to Article 14 of the Constitution.

The courts allow permissible classification, which includes selective application of a law according to exigencies wherever it is sanctioned. By introducing this Bill, the Indian state is enforcing positive discrimination which is necessary, expedient and legally-constitutionally permissible.

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