

# Swimming against the tide

Michael Phelps showed why leaders should get comfortable with being uncomfortable



HUMAN FACTOR  
SHYAMAL MAJUMDAR

Less than nine months before the 2008 Beijing Olympics, Michael Phelps slipped and fell outside his training facility and fractured his wrist. Even as the world wondered whether he would be able to resume competitive swimming after doctors said the fracture would take months to heal, Phelps and his coach, Bob

Bowman, had other ideas. After much coaxing from them, doctors surgically repaired the wrist — and the champion was back in water just 10 days later. The rest is history as Phelps won eight gold medals. Behind the astonishing success was incredible hard work. Phelps started swimming without the use of his arms at all as the fracture meant he could no longer count on his long and powerful upper body, and had to focus on the weakness of his legs. Finally, Phelps won many of the races at the Beijing Olympics using the strength of his powerful new kick. This is a perfect lesson in contingency planning — you and your team members must think through what you are going to do if things don't go perfectly. After he finished fifth in his first Olympic final in Sydney in 2000 as a 15-year-old, Phelps said he used his

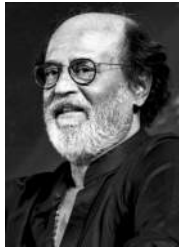
absence from the medal podium as motivation. So he decided to get into the pool the next day itself. Six months later, he broke his first world record. This just proves there is no shortcut to success even for the mega-talented. Phelps used to swim intensively six hours a day, seven days a week, 365 days a year, for almost two decades. As other swimmers took one day off in a week, this habit gave him 52 days of extra practice every year. “If you want to be the best, you have to do things that other people aren't willing to do,” Phelps said at the Hindustan Times Leadership Summit last week. His comments at the Summit were a fantastic lesson in leadership — the stuff champions are made of and their ability to embrace adversity and leverage it to their competitive advantage. Apart from the hard work day after day, here are some other lessons curated from Phelps's

comments in various forums. ■ Be prepared to succeed: Phelps showed why it was important to get comfortable with being uncomfortable. Thus, preparation for all possible contingencies is an important part of a leader's training. That way, nothing that happened during a swimming event would cause him to freak out or leave his comfort zone. In short, set a goal, figure out what you need to do to achieve it and then pursue it with everything you have. ■ Never give up: Phelps experienced many setbacks during the prime of his life, including the wrist fracture before the Beijing Olympics. But he fought back every time. Consider this: At the height of his career, a single photo, taken from a cell phone, showing him smoking marijuana at a college party sent his life into a tailspin. He was ridiculed, lost major contracts, was suspended by USA Swimming and was so depressed that he couldn't even get out of bed. But he did what only champions did: he accepted his mistake, made amends and then went on to recapture the magic. In his public engagements, Phelps has talked about the importance of fiercely protecting one's brand rep-

utation as it could take years and years to build a strong brand. But about 60 seconds of bad judgement can make you lose everything. ■ Set clear goals: Phelps did, as he found it helped to put his goals down on paper and to frequently look them over, especially after a tough day. While earlier he used to think about the next race or the next practice, now he tracks long-term goals — five, 10 and even 20 years from now. It's vital for a leader to adjust his thinking to think that far ahead. ■ Raise the bar after every success: Writing down your goals and reminding yourself about them is not enough. You will have to set audacious goals as an 8-year-old Phelps did. As Phelps said at the HT Summit, he was not chasing medals, he was chasing times. He knew the times of all his competitors, he knew his competitors better than they knew themselves. He knew the times he needed to get, so that no one could touch him — ever. That means he never compared himself with anyone else and always tried to beat his past performance. It is obvious from all this that the road to super stardom is not for the weak hearted.

## CHINESE WHISPERS

### Inspired by Amma Canteens?



Film actor Rajinikanth (pictured), quite like former Tamil Nadu chief minister M G Ramachandran, has played the role of a poor, hardworking man in many movies.

The title of one of his movies, *Uzhaipalli* (hard worker), has inspired Chennai-based Siddha medicine practitioner Veerababu to start a low-priced food outlet in the city. The Rajinikanth fan chose the south star's 69th birthday on Thursday to open his first Uzhaipalli Canteen, which will serve “herbal” lunch to daily wage earners and other poor workers for ₹10. There are plans to open more such canteens, he said.

### Azad's political party

After lying low for a while, Bhim Army founder Chandrashekhar Azad, who has now dropped his alias of Ravan, has announced his foray into active politics to “strengthen” the Bahujan movement. Bahujan Samaj Party (BSP) supreme Mayawati had dubbed him an “agent” of the Bharatiya Janata Party (BJP), although he had always been courteous towards the Dalit czarina. Azad, who commands considerable clout among the Dalit youth in western UP districts, is planning to launch his proposed political outfit with a rally in Lucknow, which would also serve as the party's headquarters. His political ambitions are sure to cause consternation among Dalit leaders in the BSP, the Samajwadi Party, and the Congress, while indirectly helping the BJP by splitting the Dalit vote.

### Absent please

The Rajya Sabha secretariat on Thursday released the names of the 16 MPs who were absent at the time of voting on the Citizenship Amendment Bill in the Upper House on Wednesday. These included all three from the Shiv Sena and two of the four of the Nationalist Congress Party. While NCP chief Sharad Pawar and Praful Patel voted against the Bill, Majeed Memon and Vandana Chavan were absent. Others absent included the BJP's Chunibhai Gohel and Anil Baluni, both of whom are unwell, as was the Samajwadi Party's Beni Prasad Verma and independent Amar Singh. The Trinamool Congress' K D Singh was also absent. The more intriguing part was the absence of two of the four Bahujan Samaj Party MPs. They were Rajaram and Ashok Siddharth. Interestingly, the Janata Dal (Secular)'s D Kupendra Reddy, its lone member in the House, went missing at the time of the vote though he had spoken against the Bill, as did his party chief H D Deve Gowda. The Telangana Rashtra Samithi's Dharmapuri Srinivas was absent, while the rest of the MPs of the party voted against the Bill.

# Who owns listed companies?

Institutional investors hold 41 per cent of the global market cap, with close to half of it as part of a passive strategy



OCASSIONAL ASIDE  
AMIT TANDON

How many listed companies are there across the world? Approximately 41,000 at the end of 2017. What is their market capitalisation? About US\$ 84 trillion, the same as global GDP that year. Where are these companies listed? Ten per cent by number, and 36 per cent by market cap are listed in the US. Asia accounts for the largest number 57 per cent, and 37 per cent of market cap. Exclude Japan, China, and other advanced Asian countries, the rest of Asia is home to 23 per cent of the companies, but a paltry 5 per cent of the global market cap. How many investors are there? The dataset refers to 77,456 unique investors. You can find out all this and much-much more from OECD's publication Owners of the worlds listed companies, released this October.

Institutional investors hold 41 per cent of the global market cap, with close to half of it as part of a passive strategy. The second highest ownership is by the state, at 14 per cent. Corporates, strategic investors and families together own about 18 per cent, with the residual being “free

float”, defined as direct holdings of retail investors and institutional investors “that does not exceed the required thresholds for public disclosures of their holdings”. Sixty-five per cent of these investors, in terms of market cap are in the US, 11 per cent in UK. That since US is the deepest market, foreign ownership in its market is low (15 per cent). Note that the ownership percentage given above is for the 10,000 largest companies and not the universe of 41,000 companies. These represent 90 per cent of the global market cap.

Should who own's companies matter? And what are its implications? Three according to this study. The first is, with institutions being the dominant owners, and the rapid growth in passive index-based investing, the quality of oversight investors exercise over companies is set to change. The top-down approach suggests that irrespective of the risk, funds may have no choice but to own companies. The weak oversight is also a consequence of the low fees the passive funds earn. While this is true in the aggregate there are exception. Larry Fink of BlackRock cited the fact that many of their funds are passive, and consequently may end up holding shares for a very long time, as being the very reason to build a team to focus on governance and engagement.

Though not covered by the study, the growth of institutional investors and in this the category of passive funds, has a few other consequences, two of which are worth highlighting. One the power shift from funds and fund managers to index providers who now get to decide where the money



should flow. The second is the growth of “smart beta” as an investment strategy. (Smart beta is nothing but a set of investment strategies that emphasise the use of alternative index construction rules to traditional market capitalisation-based indices.)

The second observation stems from state ownership as the government is the second largest owner. Needless to add, here too there are nuggets. That 56 per cent of the public sector is owned by central and local governments, followed by sovereign wealth funds, pension funds and state-owned enterprises. Dig even deeper, the Peoples Republic of China

accounts for “57 per cent of the total public sector investments in global equity markets”, which is estimated at \$10 trillion. (Surprisingly state ownership in Norway is also high at between 34-46 per cent.) More than 8 per cent of the listed companies have government ownership that exceeds 50 per cent. On this basis of this, the report concludes that given large government ownership “political priorities, directly or indirectly will influence corporate decisions”, something that will resonate with those investing in the Indian market.

One of the other findings is that concentrated ownership is not

uncommon. In half the world's corporations, the top three shareholders own more than 50 per cent of the equity. While it is usually families or strategic investors, in US and UK it is institutional investors. The 10 largest institutional investors own 43 per cent of the equity and in UK, 29 per cent. The third conclusion focuses on the implication of the concentrated ownership by institutions. The plus is that it in a sense does away with the agency problem that afflicts widely held companies. The negative is that the larger asset owners might abuse the rights of other smaller asset owners — although no evidence is provided to support this contention.

The OECD team is working on the ownership structure in India and has some preliminary findings, but using data in public domain, we find that institutional ownership, by December 2018, had increased 37.5 per cent (from approximately 22 per cent in early 2009). This was due to the surge in inflows to the domestic mutual funds, the maturing of the insurance sector and the take-off of the national pension scheme. While close to the global number of 41 per cent, this is balanced by the promoters/controllers shareholders holding about 50 per cent in their companies. And while the relationship between asset managers and business owners is evolving to take into account institutional ownership showing clear signs of higher levels of engagement, regulations and market behaviour is still largely based on the presence of a “controlling shareholder”. This is what needs to change.

The author is with Institutional Investor Advisory Services. Twitter: AmitTandon\_in

## INSIGHT

# The havoc liquor is wreaking



YOGENDRA YADAV

The YS Jaganmohan Reddy-led government's decision to introduce prohibition in Andhra Pradesh has once again exposed an ostrich-like head-in-the-sand attitude of our opinion shapers. By and large, they maintain a conspiracy of silence on the nation-wide menace of rising liquor consumption. But as soon as someone proposes prohibition, they all wake up and attack it as an unworkable and populist measure, without quite acknowledging the problem or ever bothering to advocate an alternative solution. After CM Reddy announced his plans for prohibition in a phased manner, editorials in the English media were quick to dismiss this as a populist move, a policy that was designed to fail, if not a moralist intrusion into matters of personal liberty. Anti-liquor activists and movements continue with their simplistic belief that complete prohibition is a fool-proof solution to the problem. Between them, the moralising prohibitionists and libertarian anti-prohibitionists have prevented an informed and constructive debate on an issue that deserves urgent national attention. The alcohol menace keeps coming up on the media radar and is pushed back every time. In recent years, the governments of Bihar, Kerala and Haryana have introduced different forms of liquor control measures. Bihar opted for complete

prohibition with mixed results. Kerala preferred a more sensible policy of graded reduction in liquor consumption. The new government in Haryana has announced a half-hearted policy of closure of liquor shops when demanded by 10 per cent gram sabha members. Maharashtra has witnessed strong anti-liquor movements leading to prohibition in three districts. Anti-liquor movements are strong in Tamil Nadu and Karnataka. I understood the significance of this issue in my padayatra of about 200 villages in the Rewari district of Haryana in July 2018. Without an exception, women in every single village listed increasing liquor consumption as the number one problem. They were desperate for any solution. Panchayats are no good, they said, as they get a commission in liquor sale (yes, there is a formal payment per bottle). They wanted, and tried, breaking down or burning of liquor vends, but to no avail. One woman took me aside and proposed poisoning of liquor to get rid of this menace once and for all! Metropolitan intellectuals and policy-makers have no idea of the nature of this problem. They continue to think of drinking through the prism of their own elite social practice. They don't realise that a peg or two in an upper-class drawing room is a very different thing from a quarter-a-day for a family that earns barely ₹300 daily. They think that any plea for liquor control is moralising. True, often Gandhian and religious prohibitionists do make drinking into a moral issue, which it is not. In our country, alcohol is a growing health hazard, economic problem and a social menace. Sadly, the denial by our opinion makers fits perfectly into the vested interest of the liquor lobby and their nexus with politicians to ensure that this menace grows undetected and unresponded to. This year, the Ministry of Social Justice and Empowerment published a major

report, ‘Magnitude of Substance Use in India’, based on a massive sample survey across India. Add to these findings the WHO's latest data on alcohol use in India from its Global Burden of Disease Study and Global Status Report on Alcohol and Health to understand the nature and extent of this problem. First, the extent of liquor consumption is higher than we imagine: about 33 per cent of adult males (but less than 2 per cent of adult women) consume liquor. The proportion of male drinkers is above 50 per cent in states like Chhattisgarh, Tripura, Punjab, Arunachal Pradesh, Goa and Uttar Pradesh. About 25 lakh children in age group 10-17 also drink. Second, drinking in India means ‘hard drinks’ or spirits (which comprises 92 per cent of total alcohol consumption, compared to 44 per cent global average) over wine or beer. This increases health hazards. Third, the amount of alcohol consumed by every drinker is 18.3 litre per year on an average, much higher than the global average. That works out to about 50 millilitres of pure alcohol, or five pegs, every day. The proportion of drinkers who engage in heavy drinking is 55 per cent in India, again higher than the world average. Fourth, nearly one-third of drinkers, a total of 5.7 crore people, are either dependent on or harmed by alcohol use. They need help, but only 3 per cent of them ever get medical or psychological help needed. Finally, there is a direct and measurable impact on health. At least 2.6 lakh deaths every year can be directly attributed to liver disease, or cancer or accidents caused by drinking. Besides health, drinking has serious socio-economic consequences, especially for the poor. An average rural family spends about 2.5 per cent of its income on intoxicants, which may be one-eighth of its disposable income once the basic necessities are paid for. An addict could be spending anything between one-fifth

to one-half of the total family income on his own drinking. In social terms, the brunt of drinking is borne by women. Wife and child beating, social violence, sexual abuse, family discord and break-up, and child neglect are some of the most obvious results of drinking. No wonder, most women hate drinking. By now it is an established fact that for every litre of liquor, the poor suffer more in terms of health and social consequences than the affluent. Given the seriousness of the problem, it is nothing short of a scandal that liquor control policy does not figure on India's national agenda. It is not hard to imagine what such a policy might be like. Total prohibition is unlikely to figure there because it has proven counter-productive far too often. While it does bring drinking seriously down, it tends to encourage smuggling, liquor mafia and spurious liquor. What we need is a national plan for gradual reduction and control of alcohol use. This would involve, first of all, reduction in the dependence of state governments on liquor revenues. It would allow the state governments to stop aggressively promoting liquor. Second, the existing rules and laws regulating the sale and retail of liquor, the location of shops, opening timings and surrogate advertising must be enforced. Three, liquor license within a village or urban residential area should not be granted if 10 per cent of local community objects to it. Four, innovative social campaigns, such as Muktipath in Gadchiroli district in Maharashtra, should be supported to wean people, especially the youth, from the culture of drinking. Finally, a certain percentage, say about one-fifth of the government revenue earned from liquor sale, must be spent on alcohol and drug reduction and rehabilitation programmes. Can feminist intellectuals and women's movement take a lead in developing a national consensus on this agenda? By special arrangement with ThePrint

The author is the national president of Swaraj India. Views are personal.

## LETTERS

### Listen to NE's concerns

This refers to “Anti-CAB protest rock northeast” (December 11). Amid intensifying protest in most parts of the northeast, both the houses of Parliament went ahead and cleared the Citizenship (Amendment) Bill (CAB) without giving much thought to the concerns of the people of the northeast. Over the years the very demography of this region is threatened because of the continuous influx of illegal immigrants. Our identity, language, culture is at stake. We have become a minority in our own country. However, CAB in the current form will push the indigenous people of the northeast to the brink. As I write 1,000 km away from my homeland, back in Assam, there is an indefinite curfew, internet has been suspended and the Army is on the standby. The nation should condemn this. Nilabh Mahanta New Delhi

### Pay heed to Trai

This refers to the editorial “Pricing power” (December 9). All the three private telecom operators have shown rare unanimity in asking the Telecom Regulatory Authority of India (Trai) to fix floor prices for mobile data services. This is somewhat unexpected as the market disruptor Reliance Jio, unlike the other two private operators, was not in

favour of any floor prices till some time back. However, it seems that Jio might have had a change of heart, as floor prices, if fixed by the regulator, would only strengthen its already strong position. However, the Trai has all along maintained that floor prices are not desirable. The editorial rightly makes a point that fixing floor price would be anti-consumer. Trai is mandated to protect the health of the telecom sector, of which the consumers are the biggest stakeholders. As such, Trai need not accept the plea of telcos for fixing floor prices. Warring telcos should settle their price war themselves and not make Trai a party to it. Also, it is a misplaced notion that voice and not data is an essential service and only the former should be under the forbearance regime. In fact, mobile data now has become quite an essential part of communication, at times, replacing voice calls due to the widespread use of free messaging apps. Only market should determine the price. Sanjeev Kumar Singh Jabalpur

Letters can be mailed, faxed or e-mailed to: The Editor, Business Standard Nehru House, 4 Bahadur Shah Zafar Marg New Delhi 110 002 Fax: (011) 23720201 • E-mail: letters@bsmail.in All letters must have a postal address and telephone number





## The right reaction

Govt steps in again to protect the IBC

The Union Cabinet has signed off on further amendments to the landmark Insolvency and Bankruptcy Code (IBC). The purpose of these amendments is to ensure that there is greater protection for successful bidders under the resolution process. In particular, they should not be subject to criminal action for offences that might have been committed by the previous management of the company or asset owner. In some recent cases, the winning bidder has explicitly sought such protection. The possibility of criminal proceedings is, after all, a major deterrence to many investors who might be interested in a stressed asset but do not want to take on the asset when there is an unknowable criminal investigation-related risk. In addition, a lack of insulation from criminal proceedings can lead to major delays in the insolvency process. But the IBC's effectiveness depends crucially on the mechanism working at speed. Thus, it is essential that these amendments swiftly be enacted into law.

Certainly, the question of criminal investigation interfering with the bankruptcy process should have been considered before. The National Company Law Tribunal has, in fact, had to ask the Ministry of Finance and the Ministry of Corporate Affairs to sort out which two legal processes — investigation and bankruptcy — should take precedence. The context was the sale of the assets of Bhushan Power and Steel Ltd (BPSL) to JSW Steel, which was derailed by the attachment of some BPSL assets by the Enforcement Directorate (ED), which comes under the Union finance ministry. Naturally, the attachment of assets means that a significant degree of uncertainty and delay has been injected into the process. Among the stakeholders who will be hurt by this are the banks who are dependent upon the insolvency process for recovery. If promoters or the management of a company admitted under the insolvency process needs to be investigated, it should be done separately without affecting the company assets. Clearly, greater legal clarity on the process was needed, and this is what has hopefully been provided by the Cabinet's intervention.

Once again, the government has demonstrated its intent to swiftly respond to emergent problems in the IBC process and plug loopholes. It is, of course, true that such a divergence should have been foreseen in law, and doubly true that the action of the ED should have taken into account that the IBC process was ongoing. There is something deeply wrong at the ED if it proceeds with automatic attachment of properties without sufficient application of mind. Systemic implications should be considered at a higher level than they are currently. But it is nevertheless a good sign that, as with previous changes to the IBC, the government has not let the grass grow under its feet.

It is to be hoped that the amendment will be drafted in a manner that it stands up in court. The government must continue to improve and patch the IBC norms wherever possible, and privilege the certainty and speed that are supposed to be built into the insolvency and bankruptcy process. It is, after all, the current government's landmark financial reform and unprecedented in its way. Constant attention is needed if it is to be institutionalised, and capital markets in India are to be rendered more flexible than they are now.

## Rating alarm

India needs policy intervention at multiple levels

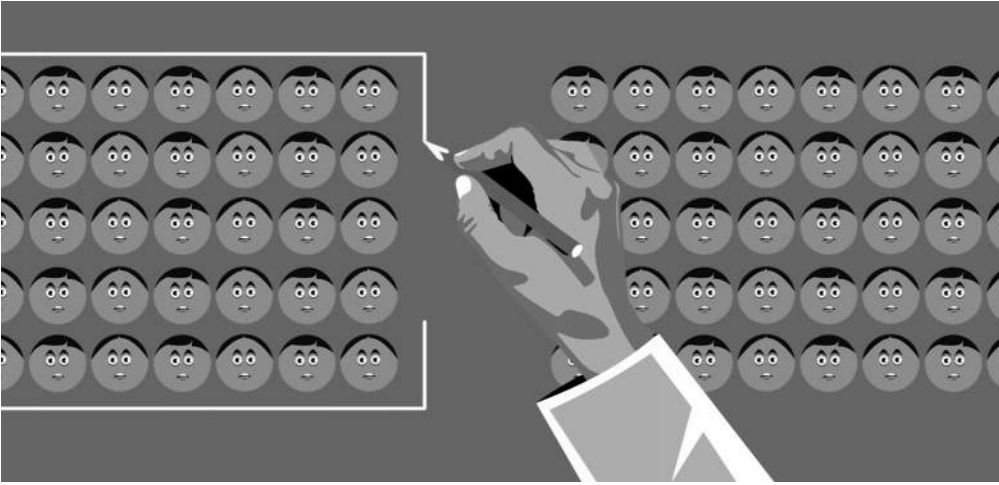
Persisting slow economic growth could affect India's sovereign rating, S&P Global Ratings has warned in its latest note. In a late night statement on Thursday, S&P said it could consider downgrading India's sovereign rating in case the economy failed to recover. Last month, another global rating agency, Moody's, changed its outlook for India's credit rating from stable to negative due to the economic slowdown, financial stress in the rural sector, and liquidity issues in the financial sector.

The Indian economy is in a difficult situation and the possibility of rating downgrades will only exacerbate the complications in economic management. Growth in the Indian economy slipped to a six-year low of 4.5 per cent in the second quarter of the current fiscal year and high-frequency indicators are not pointing to a sharp recovery in the coming quarters. Both transient and structural reasons are responsible for a sharp deceleration in growth. Even though S&P expects economic growth to pick up, it rightly notes that a return to sustained high growth will depend on structural reforms. Among other factors, stress in both the banking and non-banking financial sectors is affecting the flow of credit in the economy, resulting in lower growth. This has also limited the transmission of lower policy rates of the Reserve Bank of India, despite the availability of ample liquidity in the system. Till the system is cleaned up, and this may require large-scale capital infusion in both banking and non-banking financial companies, the financial sector would limit the possibility of economic recovery.

Further, as S&P correctly highlighted, complications in the implementation of goods and services tax (GST) created some disruption in the economy. The importance of addressing all issues in the GST system cannot be overemphasised. The GST Council should comprehensively review and urgently address all the gaps in the system. The underperformance of the GST system has also worsened the fiscal position of both the central and state governments. In fact, India's fiscal condition is another red flag. S&P expects India's general government deficit to rise to 74 per cent of gross domestic product (GDP) in the current fiscal year. The combined deficit is expected to come down to 7.1 per cent of GDP in the next fiscal year, assuming an improved macroeconomic backdrop. However, an increase in the fiscal deficit and debt accumulation can put pressure on sovereign ratings. Therefore, a significant fiscal expansion to revive economic growth, as being proposed by some commentators, is not a viable option for India.

The government will have to find ways to revive growth while remaining committed to maintaining the fiscal balance. Besides the pressure on sovereign ratings, higher deficit and borrowings can create distortions in the financial system, impeding growth in the medium term. Thus, the focus should be on easing restrictions on the functioning of markets, including factor markets such as land and labour, to push India's potential growth. The government should also revisit its approach to global trade. Stagnation on the exports front, as has been the case over the last few years, will restrict the possibility of returning to a higher growth path. The sharp deceleration in economic growth clearly suggests that India needs policy intervention at multiple levels. Policymakers would do well to not ignore the views of global rating agencies.

ILLUSTRATION: BINAY SINHA



## Decoding CAB

What the Citizenship Amendment Bill is intended to do and who it is intended for is unclear

It was Henry Kissinger (or perhaps it was Ludwig von Mises) who once observed that all foreign policy was really domestic politics. Meaning that the true impact of actions abroad was meant to be felt inside the country rather than outside. How is one to understand the Citizenship Amendment Bill (CAB) from this point of view?

If the CAB, which will soon be law, is meant to do something and is aimed at mobilising or motivating some group of voters, then which group is it? This is not easy to understand. There has been no organised action from minority Bangladeshis, Afghans and Pakistanis demanding citizenship of India because of historic persecution. Conversely, there was no large set of voters making demands on behalf of Lahore's Christians, Karachi's Parsis, Kabul's Sikhs and Dhaka's Hindus.

This is not to say that a small group of highly motivated Indians cannot affect policy. They can and they have. As prime minister Atal Bihari Vajpayee confessed he was unable to resist the influence of 100 middle class families (relatives of the hostages of IC 814) who forced him into releasing Masood Azhar and Omar Saeed Shaikh, creating the Jaish-e-Muhammad. But that was more personal, more pressing and more public a campaign. This law has been pushed through without any momentum behind it. Certainly, it is not like one of the three historic Bharatiya Janata Party (BJP) anti-Muslim policy thrusts concerning Ayodhya, Kashmir and Muslim personal law. As events in Assam show, a far larger number of Indians are against this law than those, if any, who have asked for it. That is what makes it strange. Why antagonise

real voters to please fictional ones?

Also, as others have pointed out, most notably former home minister P Chidambaram, the Bill excludes minorities from other immediate neighbours. There is no refuge under the CAB available to Sri Lanka's Tamils, who can surely claim persecution more credibly than the Parsi shipping magnates of Karachi.

Elsewhere, Bhutan is more theocratic than Pakistan, with a ban on proselytisation and absolute authority, both temporal and spiritual, vested in a hereditary Buddhist monarchy. However, this Bill does not address the problems of those Bhutanese who feel oppressed by this. So, it appears that the cited reason of standing behind such minorities is not entirely what it is claimed to be.

So, then, how are we to understand the CAB and what it is intended to do and who it is intended for? There are two things that one can narrow down to as the ruling party's motivation. The first is ideology. This sounds grand but is actually tawdry. The message is domestic, and to the Indian Muslim. We are telling them we have isolated them and their religion as not only unwanted but unwelcome in India and that is the message of the CAB. If this is the primary motivation, and I do not know if it is, it is not particularly effective because it will only make Muslims more determined and dogged in their resistance to their persecution. Inventing new ways of exclusion will not produce any particular positive benefit for this government and the ruling party.

The second way in which we can understand the CAB is through linking it with the grand exercise of the National Register of Citizens being planned



AAKAR PATEL

## Look West can't replace Act East

Soon after pulling out of the Regional Comprehensive Economic Partnership, the commerce ministry was suggesting placing renewed emphasis on the Look West Policy. This is clearly not an alternative to not joining the RCEP, and in some sense, not being a part of this century belonging to Asia.

India hardly has a presence in Asia. The South Asian Association for Regional Cooperation (SAARC) is non-functional. We don't yet have a fully functioning India-Asean free trade agreement (FTA), nor India-Japan or India-Korea FTA. These are just signed agreements but not operating as full-fledged FTAs. Even our India-Singapore FTA is in limbo, with differences over temporary relocation of labour issues. We are not a part of the Asia-Pacific Economic Cooperation (APEC) either. Hence, not joining the RCEP was a big blunder, unless our position was a tactical bargaining move.

The European Union and the US are not ideal for us to get into a binding FTA. Tariffs are near zero there, and these countries will be much more demanding than the RCEP not only in terms of lowering our tariffs, but also in non-trade barriers, intellectual property rights (IPRs), competition policy, investment policy, trade in services, and even labour and environmental standards. I don't see how our industry can meet these stiff demands. If they can, then why did we exit the RCEP?

India-EU FTA discussion has been ongoing since 2007, with little or no progress to date. This is on account of:

- India's inflexibility on lowering tariffs for cars.
- India's reluctance to fully liberalise the wines and spirits market.
- India's reluctance to fully liberalise professional services.

- EU's reluctance to provide a comprehensive Mode 4 visa to India.
- EU's reluctance to certify India as a "data secure" location within the FTA itself, in a manner that allows Indian regulators the primacy for enforcement.
- EU's reluctance to provide India with technical barriers to trade (TBT) assurances for key sectors such as textiles, engineering, agro-processed foods, pharmaceuticals and chemicals.
- IPR issues.

To resolve these issues, and to begin planning an India-US FTA, we need a strong Indian negotiating team that is up to date with key developments in trade and investment. Our negotiations with both



JAYANTA ROY

the US and the EU should take the following points in focus:

- Mode 4 of General Agreement on Trade in Services (GATS) was crucial in the 1990s and 2000s. Starting mid-2010s, increasing automation and artificial intelligence (AI) has made Mode 4 very limited.
- Mode 1 of GATS: Real focus is here. Anticipate future regulatory barriers around data privacy/security/localisation, as well as tariffs in the form of taxes that disincentivise offshoring of knowledge work such as high-end big data analytics, and code writing for AI, and app development and maintenance of remote medical consulting, legal, and financial research.
- On manufacturing the focus should be on processed food, textile/garments/chemicals/pharmaceuticals. Not on tariffs (already low) but on TBTs to ensure compliance at minimum cost for their standards.
- For engineering, the major focus would be to get a liberal Rules of Origin. This helps us use our mature engineering sector integrate with lower cost

across the country by the home minister. The numbers in Assam were not encouraging and it is being reported that out of the 1.9 million excluded, the majority were not Muslims. This was to the dismay of the Assam BJP, which is now insisting that the thing be scrapped.

The CAB will ensure that only the Muslims on this or any future list will be left to prove their citizenship and the others will be given cover by virtue of their religion. Here also, it is not easy to understand what the end game is. If we round up a million or two million people and claim they are foreigners, what will we do with them? Bangladesh, Pakistan and Afghanistan are not going to take them and there is no mechanism for us to send them. We cannot permanently jail them as is being planned through "detention centres" because the world will not allow it. Even if India's internal structures and a compromised judiciary are too weak to prevent industrial scale brutalisation of India's Muslims, it is safe to assume that the world will not let us get away with it in 2020 on the level that this is being imagined. If we believe we can get away with it, then that is naivety and not becoming of this prime minister.

Finally, even the well-meaning among us who genuinely feel for the minorities of Pakistan and Bangladesh might consider addressing existing discrimination in our society, including against those we are welcoming, rather than saving the rest of South Asia. We feel for Pakistan's Christians but with what credibility can we claim that India's Christians are treated better? If we ask this community what their thoughts are of freedom in India and particularly the India of the present times, the answers will not bring us comfort.

The *New York Times* reported on this matter a few months ago and interviewed a Hindu from Pakistan, producing the following words: "Bhagchand Bheel is one of the disappointed. When he migrated to India in 2014, he was grateful to leave the violence and pressure of Karachi, Pakistan's commercial hub. He boarded the Thar Express to Zero Point Station, the last stop before the border, where he and his family lugged their bags by foot into India, settling in a camp in the city of Jodhpur. He was among his people, he thought, and could finally be free. But he is of a lower caste, and when he tried to enter a Hindu temple, he was barred entry by the priest because of it, he said. And when a friend tried to drink from the community water well, he was physically assaulted by upper caste Brahmins who accused him of polluting it."

"In Pakistan, the only thing that matters is if you are Hindu or Muslim," said Mr Bheel, whose last name is derived from his tribe, "Because we are Hindus, in Pakistan we were discriminated against. But in India, I face discrimination because I'm a Bheel."

champions of intermediates in Vietnam/Thailand and do the finished products in India. Think of Pune, Chennai and Ahmedabad clusters being able to integrate into value-chains across Southeast Asia, and deliver value-added final products to these mature markets. This would also become a magnet for foreign direct investment (FDI).

■ In manufacturing, there is a case for protecting small cars for giving a good deal on higher priced vehicles (over \$20,000)

■ Buy time (10-year liberalisation with back-loading towards the end of the period) for e-vehicles, including e-scooters and bikes. Use the time to develop local industry at breakneck speed. Use the tariff protection and economies of scale to get investment and tech into the country.

■ For services, we should resist any protection to legal services and accounting (powerful vested interests), and e-retail, and go for liberalisation of media and airlines.

■ On IPR, we need to insist on not going beyond the World Trade Organization norms because that would impact our ability to have flexibility on innovation for years to come.

The bargaining issues discussed above are difficult to resolve especially with the current negotiating team in the commerce ministry. They will be matched with very competent United States Trade Representative and EU negotiating teams. We immediately need to create the Trade Policy Council that I proposed in my piece "PM Needs to Oversee Trade Policy and Negotiations, *Business Standard*, November 13). We need an experienced trade negotiator to strike a win-win trade deal with US and EU. On all accounts, it will take time for us to gain enhanced market access in these countries. Hence, we should definitely sign the RCEP in February 2020 and focus on Asia for immediate and lasting gains.

The writer is a former economic advisor to the Union commerce ministry

## A testament for women



### BOOK REVIEW

SEEMA GOSWAMI

It was a quote that made the headlines, as no doubt it was intended to. On a tour to publicise her latest book, Hillary Clinton was asked what was the gutsiest thing she had ever done. The former First Lady, former Senator and former Secretary of State of the United States, the first woman to be nominated as candidate for the American presidency, thought for a moment and then responded. The gutsiest thing she had ever done personally, she confessed, was to make the decision to stay in her marriage. The moment the words were out of her mouth, her daughter and co-author, Chelsea Clinton, clearly

overwhelmed with emotion, reached out and held her mother's hand. Of course, that answer put the focus back on the Clinton marriage, the soap opera that so many of us lived through in the 1990s with its serial infidelities that culminated in the Oval office affair with Monica Lewinsky, and led to Bill Clinton's impeachment, rather than the book Hillary was talking up. But as the saying goes, all publicity is good publicity.

And certainly, *The Book of Gutsy Women – Favourite Stories of Courage and Resilience*, could do with some talking up. This is an enormous tome, running to 442 pages, which brings together the potted biographies of a series of remarkable women — some famous, others not so well known — whom the Clinton ladies believe qualify for the title of "gutsy women". It is a very worthy effort but just a teeny bit boring, because of the earnest and sometimes dreary tone of the writing.

You can't fault the Clinton ladies for

organisation, though. The "gutsy women" of the title are divided into easy-to-sort categories. There are the Education Pioneers, the Earth Defenders, the Explorers and Inventors,

the Advocates and Activists, the Storytellers, the Groundbreakers, the Women's Rights Champions... well, you get the drift. Some of these women just get a quick look in, with their life stories compressed to a few paragraphs, while the stories of others get more detailed treatment.

There are chapters devoted to the usual suspects, the kind who keep turning up in books of this kind: Malala Yousufzai; Helen Keller; Greta

Thunberg; Marie Curie; Florence Nightingale; Eleanor Roosevelt; Billie Jean King; Jane Goodall; and many others. And though the book provides no new information or even any particular insight into the lives of these particular women, you could argue that it would not have done to leave them out in a book of this kind even if it does make for dull reading.

In fact, the book only truly comes alive when the Clintons write about women that they know personally, whether it is Hillary's schoolteacher, Mrs Elizabeth King, who pushed her to excel, Geraldine Ferraro, the first woman to run for vice-president of the United States, or Betty Ford, another Former First Lady who did so much to break the stigma around addiction and spoke openly about her breast cancer diagnosis at a time when

such candour was rare.

That same personal touch brings alive the story of Dr Mona Hanna-Attisha, the daughter of Iraqi immigrants to America, who first discovered that children in Flint, Michigan, were being poisoned by the lead in their water, and brought the water crisis to light. And the chapter on Coretta Scott King, the widow of Martin Luther King, sings because you can feel how moved Hillary and Chelsea are as they recount the highlights of her life.

My own favourite "gutsy woman" crops up near the end of the book. She is called Sophia Duleep Singh and is the daughter of the last Sikh Maharaja of India and a goddaughter of Queen Victoria. Brought up amidst immense wealth and protected by privilege, Sophia gets a rude awakening to the realities of life when she first travels back to India. Once she returns to England, she signs up with the Suffragist movement, refusing to pay taxes to a government that denied women representation. Sophia was among those intrepid women who stormed the House of Commons in 1910, demanding that women be given the right to vote, which

was finally granted eight years later.

The only other Indian woman who gets a look in (if you don't count Indian-origin woman, Reshma Sanjani, who started the programme GirlsWhoCode) is Ela Bhatt, who founded the Self Employed Women's Association (SEWA) in 1971. Hillary has had a long association with SEWA and Bhatt and recounts her first visit where nearly one thousand women arrived to hear her speak. "Fanning themselves in their sapphire-, emerald-, and ruby-coloured saris, they looked like an undulating rainbow," she recalls. After Hillary addressed them, all the ladies rose to their feet and began singing "We Shall Overcome" in Gujarati.

An overwhelmed Hillary writes, "In that moment, the thread connecting Gandhi's principles of nonviolence to the American civil rights movement came full circle, back to India."

It is moments like this that make plowing through this mighty manuscript worth your while. And which make it the ideal gift for young girls on the cusp of adolescence who need all the role models of "gutsy women" they can get.





TAKE AWAYS

Prime minister of India, Narendra Modi

I want to assure my brothers and sisters of Assam that they have nothing to worry after the passing of #CAB. I want to assure them- no one can take away your rights, unique identity and beautiful culture

Long-overdue legal cover for IBC-buyers

Investigating agencies like ED etc seizing properties of firms sold via IBC was threatening to derail the process

THE GOVERNMENT HAS done well to initiate an amendment to the Insolvency and Bankruptcy Code (IBC) that would shield prospective buyers of stressed assets from prosecution for offences committed by previous owners. In the absence of such protection, buyers were becoming apprehensive; indeed such a problem threatened to surface in the case of Bhushan Power and Steel. If the IBC has come such a long way, much of the credit must go to the NDA government for tweaking the rules of the code in timely fashion so as to protect the banks and ensure errant owners are not able to get their way. Had it not been for the government's prompt action, many of the cases might not have been resolved, including the high profile Essar Steel case where the erstwhile promoters were trying to regain control of the business claiming they were eligible to do so. Again, in June 2018, the rules for related parties were tightened with the list being expanded to include many more relatives such as grand daughters and grandsons. Lenders have been empowered to approve a plan with just 66% of the voting share from 75% earlier facilitating speedy resolution.

However, this paper has not been in favour of home buyers being accorded the status of financial creditors as it could lead to the process being stalled with vested interests taking over. In fact, the government has just initiated an amendment to prevent frivolous bankruptcy filings. From now on, if any proceedings initiated by financial creditors such as homebuyers or bondholders, the application needs to be filed jointly by a minimum 100 creditors belonging to the same category or not less than 10% of the total number of such creditors, whichever is lower. Also, all allottees need to be beneficiaries of the same real estate project. This provision was badly needed to prevent a handful of creditors taking up the matter in the NCLT and disrupting any other solution. Along with the government, the Supreme Court (SC) too has played a key role in the evolution of the IBC. The apex court's landmark judgement in the Essar Steel case re-established the primacy of secured financial lenders as the final arbiters of how sale proceeds from a stressed asset are to be distributed. The ruling came in the wake of operational creditors staking a claim to a bigger share of the spoils. The SC verdict was a big win for lenders, who despite their top place in the waterfall mechanism, were fighting other stakeholders. In fact, given how various benches of the NCLT have been interpreting the rules differently, it is important the SC weighs in on the matters from time to time. While the corporate insolvency resolution process (CIRP) has picked up pace with the total number of cases close to 2,550 in September, 2019, and every quarter since Q4FY17 having seen a rise in admissions, the bad news is that a very high number—23%—of the companies have been liquidated. In fact, just 42% of the value of claims admitted of ₹3.32 lakh crore has been realised by financial creditors. Recently, the framework of the IBC was expanded to include financial services providers, under Section 227, an excellent move given the crisis in the NBFC space. Although this is an interim measure, it highlights how responsive the government has been to the need of the hour.

A regulatory Google-y

Allowing defamation case against the company has repercussions

THE SUPREME COURT (SC) ruling that the 2009 amendment of the Information Technology (IT) Act that provides a safe harbour to digital intermediaries wouldn't apply to a pre-amendment defamation case against Google opens a regulatory Pandora's box. Visaka Industries, an asbestos sheet manufacturer, had filed a complaint against Google in 2009 before the amendment to the IT Act in October that year. The amendment, among other things, protects internet intermediaries from liability for offences like defamatory content posted by third parties on their platform, under Section 79. Visaka had issued legal notices to Google, asking it to take down a post made on Blogspot (Google's blogging service) made by the Ban Asbestos Network India that targeted it, claiming that Google had exponentially amplified the reach of the defamatory statements, without taking due care. Google had moved the Andhra High Court, but didn't get any relief. Now, the SC's ruling means that the safe harbour provisions in the IT Act won't be available to cases filed before the October 2009 amendment. The apex court seems to have given scant regard to the incongruence that results from an intermediary being simultaneously held liable and not liable for user-posts deemed defamatory, depending on the date of the post. Such regulatory schizophrenia militates against established principles of justice delivery. And, as important, it affects business confidence in the law of the land.

However, it is not just the SC ruling that is fuelling uncertainty. It is also the fact that the government itself has proposed a set of amendments that strips the protection the intermediaries enjoy. In December 2018, it had invited public comments on the draft Intermediaries Guidelines (Amendment) Rules that called for, among other things, intermediaries to "deploy technology based automated tools or appropriate mechanisms, with appropriate controls, for proactively identifying and removing or disabling public access to unlawful information or content". While what could constitute unlawful information or content is defined to an extent in the proposed amendment, qualifiers like "grossly harmful, harassing, blasphemous, defamatory, obscene" that have been used lend themselves to wide interpretation. That apart, proactive identification of unlawful content will mean that the intermediary has to screen content in a manner that could run afoul of the law on privacy—while companies are doing it on the basis of user reports so far, proactive identification could also be heald to mean that certain intermediaries that assure end-to-end encryption to users will have to find a way to decrypt posts. Apart from the ramifications this has for privacy, it will usher in a regime of censorship. Also, the draft rules are quite in line with the draft personal data protection law when it comes to intermediary being required to allow access to user information and provide assistance to the government in investigations. As this newspaper has pointed out, such sweeping powers for the government, without the right checks, would amount to gross violation of privacy. The SC order on intermediary liability, read together with the draft rules' provisions on proactive screening, respective privacy policies and sharing of data with the government, effectively means Google and other intermediaries are trapped in a devil-deep sea situation.

Documenting BIRTH

India has a large birth registration gap, Unicef's five-step plan could help bridge this

A RECENT UNICEF report, *Birth Registration for Every Child by 2030: Are we on Track?*, states that one in four children under the age of five—around 166 million—do not have birth registration owing to factors, ranging from lack of resources to investments in civil registration systems to policy and institutional obstacles. Over the decade, birth registrations went up from 63% to 75%. This is in line with SDG 16.9, which calls for providing legal identity to everyone by 2030. The increase in birth registrations has been due to the improvements in the South Asia region, especially India, Bangladesh and Nepal. India alone accounted for a huge rise, from 41% in 2005-06 to 80%. However, half of the unregistered births have been accounted for by five countries—India (14%) has the highest numbers. States like Bihar, Arunachal Pradesh, UP and Jharkhand recorded the lowest birth registrations.

In India, the problems range from poor infrastructure and awareness to the availability of multiple proxies. All of these may not be official, but still manage to find acceptance. Unicef proposes a five-step action plan. All children should be registered at birth through a universally accessible system. All parents should be empowered regardless of their gender to register their children, and to link them to social services. It also suggests the use of safe and innovative technology to enhance registrations. Finally, it makes the case for communities at large to demand birth registration. Birth registrations are fundamental to basic rights being ensured for each new born in the country; it is imperative state governments take note of the gaps and address these as not registering will cascade into deprivation of basic healthcare, educational and other social services.

THROUGH THE LOOKING GLASS

AS THE CENTRE AND STATES TRY TO FIND GST COMPENSATION CESS MONIES, IT IS TIME TO LOOK BEYOND THE PRESENT, TO SEE HOW THE FUTURE COULD UNFOLD FOR STATE FINANCES

State finances: Finding the monies

AKHILESH TILOTIA

Head, strategy and new initiatives, Axis Bank  
Views are personal



Expenditure. If there is a slowdown of funds at the Centre, or if there is any misalignment between the priorities of the Centre and the states, the fund-flow situation at the states could become challenging. Since chief ministers are expected to deliver on their promises, the states are face a near-continuous requirement of funds. Note that the states have built-up a lot of "committed expenditure", mostly on account on salaries (including pensions) and a plethora of social services that belong on the state list. The states also have defined fiscal deficit and debt targets that they cannot breach.

Over time, the states will again seek to build buoyancy in taxation. The only way for the states to keep to deficit and debt targets when expenditures are committed and growing is to increase revenues. Once the five-year GST transition period of committed annual 14% growth in revenues is over (in 2022), states may be required to find themselves new sources of revenues. We look at some possible sources that might come up: citizens and businesses should also remain cognizant about such scenarios.

**Better efficiency in tax collection:** Better implementation of existing taxing powers of the states by promoting greater compliance, making tax collections more user-friendly, and identifying taxes with large potential, say property taxes. The Economic Survey 2017 had identified that the states (and the cities)

do not do a thorough job in identifying, assessing and collecting property taxes—it had mentioned that "Bengaluru and Jaipur are currently collecting no more than 5-20 per cent of their respective potentials for property tax."

**Better collection on state services:** The states offer various services to its citizens like transport, water, electricity, schooling, primary health care, etc. User charges (in places which, and for citizens who, have the ability to pay), long recommended by economists, could start to become an important revenue source for state budgets. Many services may see refinement in eligibility criteria to sharpen targeting to genuinely-needy. As average incomes increase, the ability of citizenry to pay increases and requirement for subsidised services could reduce. Many areas which are currently completely in the purview of state governments (say transport services) could partially open up for private sector participation.

**Finding new sources of tax funds:** Necessity could be the mother of innovation: whatever one state does, it could quickly get copied across other states. Such taxes could be levied on products currently out of tax-net, or on goods and services that may be perceived to be luxury or 'sin goods', or be based on new ideas

(like say congestion pricing). State-backed lotteries or similar new products/services can create a revenue potential for the state. There are very few state PSUs that could be disinvested for meaningful sums of monies—in any case, these 'receipts' will be one-time and only available to a few states which may have such PSUs. Possibly, the states could start their own social-security collections?

**Land sales or value-capture:** Chinese cities created a significant revenue base for themselves by selling land in the city and on its periphery. Whether by issuing TDRs, or by allocating higher FSI near public infrastructure creation (like a metro station), or by charging a well-documented premium for converting agricultural land to non-agricultural (NA), states can come up with new solutions on these.

**Debt:** Along with all the cash flow initiations/optimisations that we discussed above, states could look at their debt-raising ability and its profile—after all fiscal accounting in India is cash-based and not accrual-based. A recent OpEd in *FE* highlighted that Telangana is now borrowing more long-term to avoid the short-term roll-over pressures.

Over time, many other states could come to similar conclusions: long-dated papers of state government could start to come to the markets.

These trends will emerge not only because of the current news flow on Centre and state fiscal relations but also because as India prospers, its tax-to-GDP ratio could increase to the levels of OECD countries—this will require both the Centre and the states to come up with new ideas, reasons and methods of collecting the monies.

EU'S GREEN DEAL

Don't slide into central planning

The challenge is not only to limit warming but also to align the massive state intervention with the EU's market economy

ANDREAS KLUTH

Bloomberg

**TWO CHEERS FOR** the EU, which on Wednesday embarked on the world's most ambitious effort to ameliorate climate change. Ursula von der Leyen, president of the European Commission, revealed her goal to make the EU carbon neutral by 2050. We need visions on that scale to save our planet.

But let us hold the third cheer for March, when the details start coming out in reams of legislation that will touch every aspect of Europe's economy and society. For the challenge is not only to limit warming but also to align this massive state intervention with the EU's market economy—to assure human survival but also prosperity. The EU mustn't accidentally slide into central planning, especially if others—China, India, the US—are ever to emulate the effort.

State intervention is certainly justified. The ongoing rise in greenhouse gases is history's most terrifying example of what economists call an "externality," a cost not reflected in the price of goods and services because it is borne by third parties, which in this case is all of us. This means that the best policy is to make the externality visible in prices. All prices. And the best tools for that are taxing carbon or putting a price on it.

Europe already uses both tools, though insufficiently. It has an emissions trading system, for instance, in which polluting industries, such as cement makers or airlines, buy and sell allowances to emit greenhouse gases. This gives them an incentive to make their production cleaner, so they need to spend less on certificates or get paid for selling their allotments.

Von der Leyen's best idea is to dramatically expand this system. The allowances for airlines, who are among the worst polluters, will be cut, raising their carbon costs (and thus ticket prices, which should lead to less flying). Shipping will also be included. Henceforth, firms in ever more industries will have to invest in technologies to cut emissions in order to stay competitive. This is market economics at its best.

The same policy also shows how intervention smashes into other economic values, such as free trade. Euro-

peans already "consume" more carbon than the EU's firms emit. You can view that as the EU "importing" carbon from other countries, or "outsourcing" emissions to them. If the EU were now to raise carbon prices only in Europe, EU firms would become less competitive relative to the world's, and even more carbon would be imported. Some Europeans would lose their jobs. And the earth wouldn't benefit.

That is why Von der Leyen is right to plan "carbon border adjustments". These are basically tariffs on imports based on how much greenhouse gas was emitted in their production. That sounds simple, but contains political and logistical dynamite. Measuring the carbon in stuff made inside the EU is already difficult. How exactly will we account for the goods from elsewhere?

As to the politics, a case could be made to the WTO that the new tariffs do not discriminate. They simply aim to put firms inside and outside the EU on similar footing, without changing their relative prices. But try telling that to China or the US, at a time when they're already waging trade skirmishes.

In principle, a high enough carbon price (or tax) should be enough state intervention, because consumers, producers and investors would all adjust to that signal. But Von der Leyen wants to go far beyond price signals, and that is where it gets tricky. She wants to make available—how is unclear—an additional 260 bn euros a year indefinitely.

It is certainly fine for the public sector, including the European Investment Bank, to fund basic research. After all, that is how the internet, among other things, was invented in the US. But governments are no better than private investors, and usually worse, at picking winning technologies. Should the EU lead in battery production? Perhaps. But maybe fuel cells are the future, or something else we can't name yet. Governments should certainly never pick winners among companies. But that is the risk in vague promises to subsidise, support or otherwise coddle "European champions". Von der Leyen promises an "industrial policy" that is allegedly nec-

essary to fight climate change and to compete with China and the US. In practice, firms will compete more as lobbyists than as innovators.

That is also the problem with the Commission labelling certain firms as environmentally more virtuous, in order to privilege their securities as "green bonds". There's even talk about the European Central Bank, which is already buying 20 billion euros worth of securities a month to keep interests low, to favour green ones (over the "brown" sort?). But that would exceed its mandate, which is to preserve price stability. It has no business guiding an ecological transition.

If Von der Leyen wants to help green, or any, innovators raise money, she has better options. One is to complete the long promised "capital markets union". Another is to perfect the so-called "single market", which may exist for goods, but not many services. If firms can get funding from, and sell to, the whole EU, they will thrive faster and greener.

Von der Leyen is on firmer ground again when she proposes a "just transition fund" to the tune of 100 billion euros over seven years. All change creates winners and losers, and this is the biggest since the industrial revolution. To maintain social and political cohesion, government must compensate the losers. In the EU, that means buying off countries like Poland that still rely on coal for their energy. Even so, you can expect the Poles to resist the Green Deal at this week's European summit. The existential challenge of our time is to reconcile ecology and economy. To do that the EU, and the world, should aim for as much market as possible and as much state as necessary. The solution, if humanity finds one, will lie in our ability to change our lifestyles and to innovate: by finding ways beyond planting trees to suck carbon out of the air for storage; by redesigning cities so we move around more efficiently; by using less energy and getting more of it from the sun and wind; and much, much more. The Commission must let, rather than make, that happen.

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

LETTERS TO THE EDITOR

On outcomes of CAB

With Citizenship Amendment Bill 2019 passed by the Narendra Modi government despite protests and violence across the country by giving citizenship to refugees from Pakistan, Bangladesh and Afghanistan, it is a dark day in the constitutional history of India. I strongly feel that with this bill, which is unconstitutional and dangerous, the Modi government has played vote bank politics putting the Indian minority community, like Muslims, completely isolated and considering them as the second class citizens of the country. The fact of the matter is that the country under present regime is heading for the disaster with divisive politics which may break the country in parts on the basis of caste and religion in no time. It is high time this Bill must be challenged by all the opposition parties in the Supreme Court immediately before the country is destroyed due to protests and violence in various parts. — Bhagwan Thadani, Mumbai

BHU's professor fiasco

Protest by BHU students over the appointment of Firoz Khan as a professor to teach Sanskrit has now forced him to step away to the Sanskrit programme at the Faculty of Arts. While he was qualified enough to teach Sanskrit, his appointment invited backlash from the students because of his religious affiliation. His step down has shown the BHU administration in poor light. It should be noted that without the energetic intervention of translators from Muslim dominated Middle East and Central Asia, none of our Sanskrit literature would have reached other parts of the world. As one of ancient languages of the world with rich literature, it cannot be reduced to the stiflingly narrow rubric of a religion. Denying a professor the right to teach just because he is a Muslim is a blow to the progressive, liberal and secular character of one of the tallest academic institutions of the country. — M Jeyaram, Sholavandan

● Write to us at feletters@expressindia.com



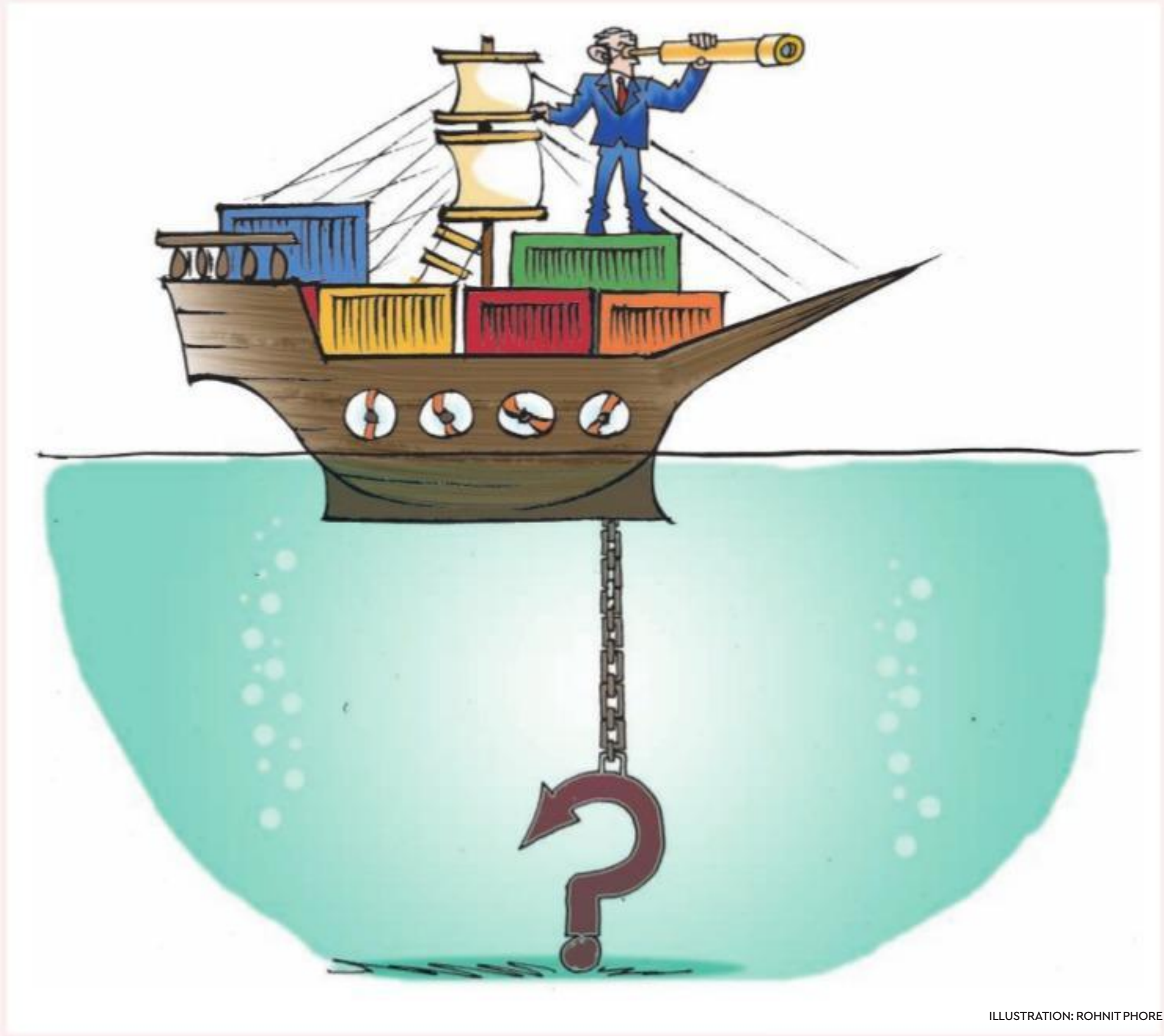


ILLUSTRATION: ROHNIT PHORE

**BORNALI BHANDARI & PRERNA PRABHAKAR**

Bhandari is senior fellow and Prabhakar is associate fellow, NCAER. Views are personal

● BACK TO THE PAST

# Energising India's external trade sector

In an environment of trade wars and protectionism, India can improve demand for its products by either developing new markets, or developing comparative advantages in products for which there is external demand, or being part of global value chains

## GROWTH RATES

Decadal average of (%)	GDP growth	Exports growth	Imports growth	Share of exports	Share of imports
1950-51 to 1959-60	3.9	-0.1	5.0	5.5	7.3
1960-61 to 1969-70	4.1	1.8	0.4	3.6	5.6
1970-71 to 1979-80	2.9	10.6	7.9	5.1	4.9
1980-81 to 1989-90	5.7	4.8	7.6	5.8	6.9
1990-91 to 1999-2000	5.8	12.0	13.3	8.2	10.1
2000-01 to 2009-10	6.3	14.3	14.0	17.0	19.2
2010-11 to 2018-19	7.0	7.6	7.4	22.5	26.0

Source: Authors' computations from MoSPI

**W**ITH THE GDP growth rate falling to 5% in the Q1 of 2019-20, and forecasts suggesting a further fall in the Q2 of 2019-20, there is an urgent need to look at all the demand drivers of economic growth, because that is what is driving the current slowdown in the short run. One of the key channels of demand is the external one. In fact, the year-on-year growth rate of exports and imports of goods and services fell to 1.5% and (-)6.9% in the Q2 of 2019-20, versus 26.1% and 32.9% in the Q1 of 2018-19, respectively. Essentially, we ask two questions in this article. First, what may India do to increase its growth rates of exports and imports? Second, does India have mechanisms present for gainers from trade to compensate losers as it opens up externally?

The current state of affairs is worrisome, especially when we look at it in the context of Indian economic history. We find that the ongoing decade has seen a fall in the average growth rate of exports and imports, but their shares to GDP have risen. The average growth rate of exports in 2010s is lower than in the past two decades, and the average growth rate of imports is the same as in the 1980s. Of course, world trade has also slowed down in the current decade, especially after the 2008 recession. Steps such as demonetisation and the implementation of the goods and services tax (GST) in India took a toll on the Indian external sector. But then how does one explain the rise in the shares of exports and imports. This is a puzzle and clearly a problem for a low-middle income country. In 2017, the share of Indian merchandise exports was 1.7%, and imports was 2.5% (World Trade Organisation, WTO). India ranked 20th in merchandise exports, and 11th in merchandise imports that year. The Indian share in total exports of commercial services was 3.5% in 2017, and for imports it was 3%.

There is both theoretical and empirical evidence in the economics literature

**India must focus on trying and finding out new markets in the short run, and in the medium term improve both export supply and demand conditions**

that trade is beneficial for economic growth. India's own economic history proves that infant industry arguments do not really work. Also, the presence of China cannot be held as an argument to hold back India from opening up, because internationally other countries like Bangladesh and Vietnam are benefiting from opening up their economies. However, there are always certain groups within a country that gain from international trade and others that don't. Mechanisms may be found for gainers to compensate the losers.

One needs to look at the supply and demand sides of both exports and imports to answer the first question. Export supply and import demand are affected by Indian GDP, prices and exchange rates, etc. Export demand depends on rest of the world income, prices and exchange rates. Import supply is assumed to be perfectly elastic.

The recommendations to improve supply of exports have been articulated many a times—improve the competitiveness of Indian products in the global economy. That would involve steps like investing in physical and digital infrastructure, revamping labour laws, filling the skill gaps, facilitating the availability of land at market prices, limiting the administrative procedural delays with regard to various steps involved in setting up or expanding units.

Can India try and improve demand for its products in an environment of trade wars and rising protectionism? It can, by either developing new markets for its products or developing comparative advantage in products for which there is external demand, or being part of global value chains (GVCs). Doing the latter two takes time. As Saon Ray and Smita Miglani's book *'Global Value Chains and the Missing Links: Cases From Indian Industry'* points out, India's engagement with GVCs has been limited, and India's imports are dominated by intermediate imports. The World Development Report 2020 notes that "a 1% increase in GVC participation is estimated to boost per capita income by more than 1%, or much more than the 0.2% income gain from standard trade."

The short-run solution is to find India new markets for its exports. In that context, not joining the Regional Comprehensive Economic Partnership (RCEP) may prove to be a costly mistake. Not being part of the RCEP essentially means that, in the short run, 20% of our weak external demand is further dampened. This argument is also supported in a general equilibrium framework in a paper submitted by the National Council of Applied Economic Research (NCAER) to the High-Level Advisory Group (HLAG) appointed by the government of India. Plus, the withering away of the WTO (The Economist, November 28, 2019) means that India is not a part of any significant multilateral trade block.

The second topic is that of exploring mechanisms to compensate groups that do not directly benefit from opening up of trade. Worldwide, there are two ways—either we give unemployment benefits and/or reskill them for different professions. India is in the process of developing fairly sophisticated systems for both. Here, identification of the beneficiaries would not pose a problem. Direct benefit transfers may be used as a mechanism to provide unemployment benefits for a particular period of time to people losing jobs from opening up of India's external sector. This can be combined with subsidised upskilling and reskilling programmes.

Therefore, the answer to the first question is trying and finding out new markets in the short run, and in the medium run improve both export supply and demand conditions. In response to the second question, India is developing quite rapidly in both social security and skilling mechanisms.

## Growth folly?

MEGHA JAIN

The author is assistant professor/senior research scholar, DRC/FMS, University of Delhi

### Is it right to consider GDP as the 'universal proxy' for growth?

**I**N THE PAST decade, the global climate crisis pushed away 20 million inhabitants per year from their households (equivalent to one every two seconds), as per the recent Oxfam report (2019) and COP25 Madrid summit. Undoubtedly, rising severity and frequency signal towards negative weather externalities. Given this backdrop, the current economic slowdown pressure might force the 'climate agenda' to take the back seat. It is in this context that the Kuznets curve hypothesis should be the focal reference point to find answers on the growth paired climatic depletion. This postulation establishes that climatic pressure increases up to a certain level as economic growth goes up, but after a threshold the relationship reverses. Essentially, 'growth' can't be construed to serve the present at the risk of future generations. So, the question is: Should GDP (materialistic) be considered as the sufficient measure to proxy economic, human and social growth (non-materialistic)?

There is evidence of noteworthy contribution by Sen, Stiglitz, Daly and Nayyar since the 1990s to link growth and income inequalities to contain emissions where they primarily contest the very structure of globalisation, and hence the GDP yardstick to revamp its basic discontents. They are of the opinion to *treat GDP as an input, a means to an end, and certainly not the end itself*. Probably GDP is the easiest, safest and linear of all the available measures that have adequately worked so far for India. But, at the same time, it is pertinent to identify as to what can substitute the de facto GDP measure in order to have an umbrella perspective?

The above could be partially answered by reports reference of OECD and UNDP, suggesting better measures such as Human Development Index (HDI) and Better Life Index to gauge *economic well-being with equity* for any nation. In fact, the recent HDI ranking has placed India at 129th rank in 2019 vis-à-vis 130th in 2018, despite falling economic growth that further confirms the relevance of replacing or using the right proxies to benchmark economic, environmental and social balance-sheet of any nation. In 2006, the New Economics Foundation suggested yet another human well-being and environmental indicator, i.e. Happy Planet Index. It is premised upon factors such as life expectancy and ecological footprint per capita, and one subjective indicator 'life satisfaction'. Further, the Economic Freedom Index by Heritage Foundation and Fraser Institute could really prove handy to comprehend the economic and political stance of any nation. Likewise, Genuine Progress Indicator (proposed in 1989) could be a superior measure to proxy the growth and well-being of individuals, primarily in the field of ecological economics. It is often debated that it is impossible to achieve sustainable decision-making aiming at sustainable progress and economic well-being if welfare is being considered from a purely financial point of view.

Alternatively, adjusting GDP to factor-in contemporary qualitative factors like environment and social could be a *sustainable* way forward. Tangible factors such as 'quality of life' and 'ecological integrity' could be less objective but more sustainable to capture negative externalities (economic 'bads') of increased consumption that expands the current GDP but indubitably jeopardising the future level. Actually, it has to be a *measure of economic welfare* instead of *economic growth* to assess the economic health of a nation.

Unquestionably, using 'GDP' has clear advantages. So, attempting to abolish GDP would be neither feasible nor recommendable. Still, economic activity decoded as GDP growth is leading the world back towards the brink of collapse. There is a growing global consensus that GDP does not provide a good measure of overall economic performance, at least in the long run. The classical GDP philosophy of 'the bigger the better' doesn't prove beneficial any more. Also, climatic disaster is an indisputable threat multiplier and certainly not going to discriminate. Therefore, there is an emergency to retreat the globalisation structure itself so as to have sustainable and egalitarian growth globally, as Stiglitz suggests. What matters is whether growth is sustainable and whether most citizens see their living standards rising year after year. Needless to mention, the world is in a dire need of new goals and ways to estimate progress towards these goals. Additionally, there is a requirement of global dialogue and consensus to opt for the appropriate economic measure as a global standard and also to keep a check, so as not to fall into the trap of *stagflation* similar to the GDP crisis of the 1970s. Time is running out for mankind. Probably a broader perspective on the measurement of economic and social progress could enlighten the sustainable way forward.

## E-PHARMACY RULES

**E**-PHARMACIES, IN recent years, have been able to fulfil unmet medical needs of the large Indian population by enabling access to affordable medicines to people in remote areas. In addition, they are also ensuring efficacy, transparency and reliability in delivering these items. Despite their noticeable advantages, e-pharmacies in India operate in a grey area from a regulatory standpoint. They have found themselves facing several litigations following concerns raised by traditional offline chemists and entities from the medical fraternity. To remedy this, the government resolved to introduce the final version of the draft e-pharmacy rules of the amended draft Drugs and Cosmetics Rules, 2018, within 100 days of its formation as part of its 100-day agenda.

Subsequently, the Rules were approved by two committees, the Drugs Consultative Committee (DCC) and the Drugs Technical Advisory Board (DTAB), this year. Despite this, the government has been unable to reconcile the demands of online and offline pharmacies within these Rules, leading to further delay in formalisation.

### Stakeholder concerns

Although the Rules seek to mitigate regulatory confusion and bring about a measure of uniformity in registration and licensing of all pharmacies, both offline and online, various stakeholders have taken objection to different aspects of the

# Clear regulatory direction needed

The government, it appears, hasn't acknowledged the observable distinctions between offline and online models

ABHINAV SAIKIA & APARAJITA BHARTI

Saikia is a policy analyst and Bharti is founding partner at The Quantum Hub

law. They have argued that the Rules do not provide sufficient clarity on FDI norms. This is partly due to the vague definition of e-pharmacies in the Rules that do not distinguish between the marketplace and inventory-based models. They feel FDI provides unfair advantage to e-commerce entities who are incentivised to introduce offers and discounts on medicines and offer them at cheaper prices. They fear that predatory pricing can hurt local players.

Another objection that the All India Organisation of Chemists and Druggists (AIOCD), a lobby group comprising 8 lakh offline chemists, has put forward is that

the Rules allow snapshots of prescriptions to be uploaded (while the original Drugs and Cosmetics Act requires the original prescription to be submitted). According to them, not only does this water down the prescription verification system, but they also allege it will likely help facilitate fraud, such as allowing consumers to forge or reuse prescriptions, resulting in exploitation of prescription drugs.

Licensing and monitoring clauses are yet another area of concern. Though the Rules provide that the e-pharmacy business premises will be periodically monitored by the central and state licensing



authorities, this will be hard to impose given how e-pharmacies are websites anchored online. The resulting ambiguity has thrown up questions as to whether e-pharmacies will require separate licences to operate across multiple states, so as to allow state authorities—who traditionally regulate drug sale—to monitor them?

Brick-and-mortar stores are not alone in their concerns, e-pharmacies too have voiced issues, such as ambiguity around clauses of state licensing and FDI norms. They also find the Rules compliance-heavy in many respects. For instance, the Rules dictate that e-pharmacies record large

amounts of data for every transaction and drugs dispensation verification on submitted prescriptions, which makes compliance extremely onerous and will result in poor-quality customer experience.

Another pressing concern is the Rules' prescription regarding securing customer data. In order to address the issue of data security, the Rules prohibit disclosure of information gathered through the online platform and do not make any exceptions for such data to be shared internally for improving the functionality of platforms. The Rules insist all e-pharmacy portals operating in India should be registered in India and the data generated by them be stored and processed locally. E-pharma organisations, such as Myra, have expressed concerns that such a requirement would hinder local companies from sharing critical information with drug manufacturers who may be based abroad. Certain Indian pharma companies are of the opinion that more clarification is required on how doctors will access records data hosted on these platforms.

The data localisation requirements in the draft Rules are also not in sync with either data processing requirements provided in the soon-to-be-tabled law on data privacy, the draft Personal Data Protection Bill, 2018 (PDP Bill), in its current form nor the proposed regulation for health data under the Digital Information Security in Healthcare Bill, 2018 (DISHA). While the PDP Bill allows cross-border flow of health

data, on the prerequisite that the individual has explicitly consented to it or because the transfer is necessary for emergency services, DISHA does not provide a mandate for localisation of data. Such difference in requirements can lead to regulatory confusion for handling health data for privacy purposes.

### The way forward

The draft Rules comprise of some ambiguous clauses and in some cases restrictive norms that can hurt both offline and online pharmacies. The government should ideally leave the subject of localisation of health data under the purview of the PDP Bill, and provide more clarity with respect to ambiguous norms, such as FDI and state licensing. In drafting these Rules, the government has largely adopted norms relating to offline chemists and has not acknowledged the observable distinctions between the offline and online models. E-pharmacies come with multiple advantages such as increased selection, less information asymmetry, vast reach, better tracking systems and more effective consumer redressal mechanisms. This is an opportunity to correct the huge imbalance in availability of drugs across the country riding on the increasing internet penetration. Given the huge positive externalities associated with e-pharmacies, it is imperative for the government to create an enabling regulatory environment for them to thrive.





## 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.



MEERAN CHADHA BORWANKAR

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

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

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*



AJAY VIR JAKHAR

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

## IN THE FARMER'S NAME

Farmer unions need to expand the scope of their advocacy

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.





# The Ideas Page

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**

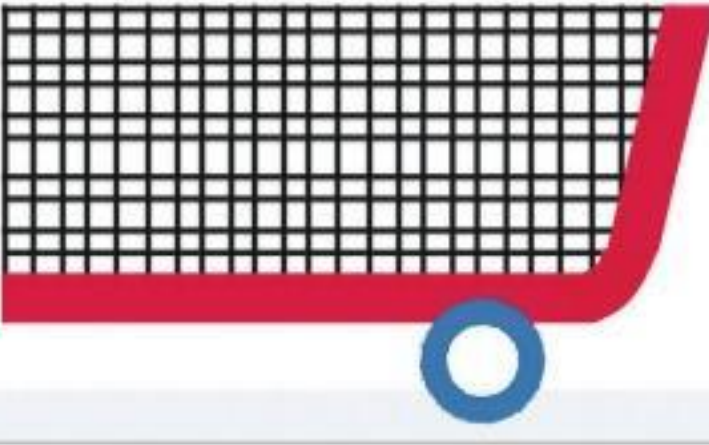
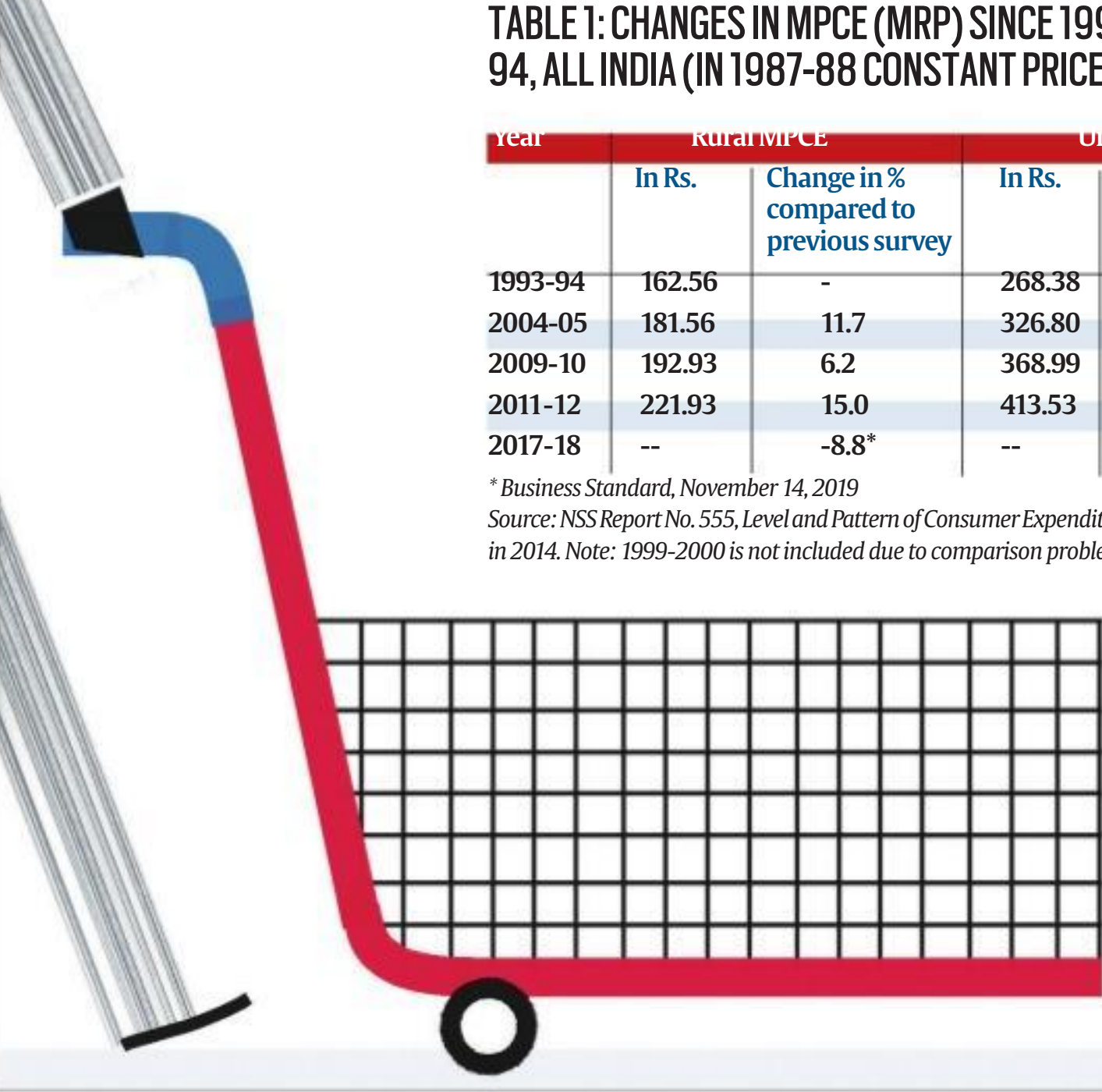
### A BLIND PUBLIC

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.

Rangarajan is former chairman of the Economic Advisory Council to the Prime Minister and former Governor, RBI. Dev is director and vice chancellor, Indira Gandhi Institute of Development Research

# 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.

The writer is a senior lawyer based in Mumbai, managing partner at Parinam Law Associates and director, Bluekraft digital foundation. A longer version of this article can be found on indianexpress.com



## बिज़नेस स्टैंडर्ड

वर्ष 12 अंक 255

## सतर्क करती चेतावनी

**एसएंडपी** ग्लोबल रेटिंग्स ने अपने ताजा नोट में चेतावनी दी है कि लगातार धीमी आर्थिक वृद्धि भारत की सॉवरिन रेटिंग पर असर डाल सकती है। गुरुवार देर शाम जारी एक वक्तव्य में एसएंडपी ने कहा कि यदि भारतीय अर्थव्यवस्था में सुधार नहीं नजर आता है तो वह भारत की सॉवरिन रेटिंग घटा सकती है। गत माह एक और वैश्विक रेटिंग एजेंसी

मूडीज ने भारत की क्रेडिट रेटिंग को स्थिर से घटाकर ऋणात्मक कर दिया था। इसके लिए आर्थिक मंदी, आवासीय क्षेत्र में वित्तीय तनाव और वित्तीय क्षेत्र में नकदी की कमी को वजह बताया गया था।

भारतीय अर्थव्यवस्था कठिन दौर से गुजर रही है और आर्थिक प्रबंधन के जटिल होने से रेटिंग में गिरावट की आशंकाओं में

इजाफा ही होगा। चालू वित्त वर्ष की दूसरी तिमाही में देश की आर्थिक वृद्धि दर छह वर्ष के निचले स्तर तक गिरकर 4.5 फीसदी रह गई। उच्च तीव्रता वाले संकेतक भी आने वाली तिमाहियों में किसी सुधार की ओर इशारा नहीं कर रहे हैं। वृद्धि में भारी गिरावट के लिए अस्थायी और ढांचागत दोनों तरह के कारण उत्तरदायी हैं। हालांकि एसएंडपी को आर्थिक वृद्धि दर में सुधार की अपेक्षा है लेकिन उसका यह कहना भी सही है कि सतत उच्च वृद्धि की वापसी काफी हद तक ढांचागत सुधारों पर निर्भर करेगी। अन्य कारकों के अलावा बैंकिंग और गैर बैंकिंग वित्तीय क्षेत्र में तनाव भी अर्थव्यवस्था में ऋण के प्रवाह को बाधित कर रहा है। इसका असर धीमी वृद्धि के रूप में देखने को मिल

रहा है। इसने भारतीय रिजर्व बैंक की नीतिगत दरों के पारेषण को भी प्रभावित किया है। जबकि व्यवस्था में पर्याप्त नकदी उपलब्ध है।

इसके अलावा एसएंडपी का यह कहना एकदम उचित है कि वस्तु एवं सेवा कर (जीएसटी) के जटिल क्रियान्वयन ने भी अर्थव्यवस्था में कुछ विसंगतियां पैदा की हैं। जीएसटी तंत्र की दिक्कतों को दूर करने पर जरूरत से ज्यादा जोर नहीं दिया जा सकता। जीएसटी परिषद को व्यापक समीक्षा करनी चाहिए और खामियों को दूर किया जाना चाहिए।

जीएसटी के कमजोर प्रदर्शन ने केंद्र और राज्य सरकारों की वित्तीय स्थिति को कमजोर किया है। दरअसल देश की राजकोपीय

स्थिति एक और खतरे का संकेत है। एसएंडपी का मानना है कि देश का सरकारी घाटा इस वर्ष में बढ़कर जोड़ीपी के 7.4 फीसदी तक हो जाएगा। वृहद आर्थिक परिदृश्य सुधरने पर अगले वित्त वर्ष में संयुक्त घाटे के 7.1 फीसदी रह जाने की आशा है। बहरहाल, राजकोपीय घाटे और संचयी ऋण में वृद्धि भी सॉवरिन रेटिंग पर दबाव डाल सकती है। ऐसे में आर्थिक वृद्धि को गति देने के लिए अहम राजकोपीय विस्तार का विकल्प अब व्यवहार्य नहीं रह गया है।

सरकार को वृद्धि दर बहाल करने के तरीके तलाश करने होंगे। इसके साथ ही उसे राजकोपीय संतुलन कायम करने को लेकर भी प्रतिबद्ध रहना होगा। सॉवरिन रेटिंग पर पड़ रहे दबाव के अलावा उच्च घाटा और

उधारी भी वित्तीय तंत्र में विसंगति उत्पन्न कर सकती है। इसका असर मध्यम अवधि में वृद्धि पर पड़ेगा। ऐसे में पूरा ध्यान बाजार की गतिविधियों पर प्रतिबंध कम करने पर होना चाहिए। इसमें कारक बाजार मसलन श्रम और भूमि बाजार भी शामिल हैं। ऐसा करके ही वृद्धि को गति दी जा सकती है। सरकार को वैश्विक व्यापार को लेकर अपने रुख पर भी नये सिरे से विचार करना चाहिए। बीते कई वर्षों से निर्यात में ठहराव है। यह भी उच्च वृद्धि दर की वापसी को बाधित करने वाला है। आर्थिक वृद्धि में तेज गिरावट स्पष्ट बताती है कि देश को कई स्तरों पर नीतिगत हस्तक्षेप की आवश्यकता है। नीति निर्माता अगर वैश्विक रेटिंग एजेंसियों के विचार की अनदेखी न करें तो बेहतर होगा।



अजय मोहंती

# अर्थव्यवस्था की स्थिति और सरकार का रुख

ढांचागत सुधारों का संबंध निजीकरण, भूमि और श्रम से उतना नहीं है जितना कि यह निजी उपक्रमों के दायरे में विस्तार और उन्हें अधिक प्रतिस्पर्धी तथा उत्पादक बनाने से है। बता रहे हैं देवाशिष बसु

देश के सकल घरेलू उत्पाद (जीडीपी) की वृद्धि दर इस वित्त वर्ष की दूसरी तिमाही में गिरकर 4.5 फीसदी रह गई। पूरे वर्ष के लिए यह अधिक से अधिक 5 फीसदी रहेगी। आम आदमी को यह समझ नहीं आ रहा कि पांच वर्ष से अधिक समय से देश पर विकास पुरुष का शासन होने के बावजूद वृद्धि दर 7.5 फीसदी से गिरकर 4.5 फीसदी कैसे रह गई। मायूसी की स्थिति है लेकिन इस अप्रत्याशित स्थिति को लेकर कोई आधिकारिक आर्थिक दलील सुनने को नहीं मिली जो हालात को स्पष्ट कर सके। अब जरूर सरकार की ओर से आर्थिक दलील सुनने को मिल रही हैं। प्रधानमंत्री की आर्थिक सलाहकार परिषद के चेयरमैन विवेक देवराय ने पत्रिका ‘ओपन’ में एक आलेख लिखकर मंदी के बारे में स्पष्टीकरण दिया है। उनकी मुख्य दलीलें इस प्रकार हैं।

1. हम अभी भी वृद्धि हासिल कर रहे हैं, प्रसन्न रहिए: भारत दुनिया की सबसे तेज विकसित होती अर्थव्यवस्थाओं में शामिल है। मेरा (उनका नहीं) मानना है कि लोग बिना मंदी को महसूस किए मंदी की बात करते हैं। परिभाषा की बात करें तो लगातार दो तिमाहियों में जीडीपी में

कमी आने पर ऐसा कहा जा सकता है। यह सच है लेकिन देवराय अनुमान बनाम हकीकत की बात पर चूक जाते हैं। लोगों ने मतदान बेहतरी के लिए दिया था या बदतरी के लिए? सन 2014 में क्या वाकई उन्होंने उम्मीद की होगी कि मोदी सरकार के पांच साल के कार्यकाल के बाद 5 फीसदी की वृद्धि दर मिलेगी।

2. मुद्रास्फ़ीति कम है, प्रसन्न रहिए: चूंकि जीडीपी के आंकड़ों का मुद्रास्फ़ीति के साथ समायोजन किया जाता है इसलिए यदि मुद्रास्फ़ीति 3 फीसदी है तो वर्ष की नॉमिनल वृद्धि 8 फीसदी होगी। वर्ष 2014 के बाद से सरकार की प्रमुख उपलब्धियों की बात करें तो मुद्रास्फ़ीति में कमी इनमें प्रमुख है। लेकिन इसकी अधिक सराहना नहीं होती। वह कहते हैं कि मुद्रास्फ़ीति गरीबों को अधिक प्रभावित करती है। वह याद दिलाते हैं कि यदि वास्तविक वृद्धि दर 5 फीसदी, मुद्रास्फ़ीति 10 फीसदी और सांकेतिक वृद्धि दर 15 फीसदी होती तो हालत ज्यादा खराब होती।

यहां कई बातें हैं। कम मुद्रास्फ़ीति कम समेकित मांग के कारण है। यह स्वतंत्र चर नहीं है क्योंकि मोदी सरकार के विभिन्न कदम वृद्धि और मुद्रास्फ़ीति में इस गिरावट

के लिए उत्तरदायी हैं। यह एक अनचाहा परिणाम है। इस बात का कोई प्रमाण नहीं है कि मुद्रास्फ़ीति को कम करके गरीबों को राहत देना सरकार का नीतिगत लक्ष्य था। हकीकत में मोदी सरकार का सबसे बड़ा वादा किसानों की आय दोगुनी करने का था। चूंकि देश कोई बड़ा कृषि निर्यातक नहीं है इसलिए इससे भारी खाद्य मुद्रास्फ़ीति उभरती।

3. कमजोर वैश्विक कारोबार का दोष है सरकार का नहीं: देवराय कहते हैं कि जीडीपी वृद्धि का कम से कम 3 फीसदी निर्यात से आता है। यदि निर्यात वृद्धि समाप्त हो जाएगी तो जीडीपी वृद्धि दर 6 फीसदी पर सिमट जाएगी। देवराय के मुताबिक निर्यात को तीन कारक प्रभावित करते हैं: वैश्विक मांग, वैश्विक आपूर्ति और विनिमय दर। इनमें से पहले के बारे में सरकार कुछ नहीं कर सकती और तीसरे में भी उसका मामूली दखल है। जहां तक आपूर्ति की बात है तो सरकार ने लॉजिस्टिक्स में सुधार के उपाय अपनाए हैं। यानी कुल मिलाकर विशुद्ध निर्यात सीमित बना रहेगा।

यदि यह सब जमीनी घटनाक्रम की तुलना में बहुत असंबद्ध और अकादमिक प्रतीत हो रहा है तो वाकई ऐसा है। सन

श्रम से ज्यादा लेनादेना नहीं होता। इसका संबंध निजी उद्यमों के दायरे के विस्तार तथा उनको प्रतिस्पर्धी और उत्पादक बनाने की इजाजत से अधिक है। इसकी शुरुआत कारोबार करने की छिटपुट लागत खत्म करने और राज्यों में भ्रष्टाचार के समापन से होनी चाहिए। वर्ष 2015 में एक आलेख में मैंने पूछा था कि आखिर भाजपा के इकलौते वोट जुटाऊ नेता (जो राज्यों के चुनाव में भी पार्टी के लिए वोट जुटाते हैं) प्रधानमंत्री मोदी भाजपा के शासन वाले राज्यों के साथ तालमेल करके हमें क्यों नहीं दिखाते कि राज्य स्तर पर कि सुधारों को अंजाम दिया जा सकता है।

कुल मिलाकर देवराय के मुताबिक 5 फीसदी की वृद्धि दर में दिक्कत की कोई बात नहीं। यह 6 फीसदी तक हो सकती है और अभी जो ‘साफ-सफाई’ चल रही है वह अर्थव्यवस्था को अधिक औपचारिक और क़ियायती बनाएगी। परंतु ऐसा सतौरात नहीं होगा। देवराय की बातें इस बारे में बहुत उपयोगी हैं कि आप इस सरकार से मंदी को लेकर क्या कदम उठाने की उम्मीद कर सकते हैं? आखिर हम सभी यह बात जानना चाहते हैं। इसका सीधा उत्तर है: कुछ खास नहीं।

# तीन ऐसे खतरनाक मिथक जिनसे बना रहा आशावाद

**मंदी** के इस दौर में मौजूदा सरकार जो कदम उठा रही है उन्हें देखकर लगता है कि वह वाकई अपने ही प्रोपगंडा पर यकीन करती है। कुछ लोगों की आशंका है कि असहज करने वाले आंकड़े छिपाने और निवेशकों तथा मतदाताओं के समक्ष गुलाबी तस्वीर पेश करने की उसकी प्रवृति बताती है कि सरकार निजी तौर पर सोचती कुछ है और सार्वजनिक रूप से बताती कुछ और है। परंतु यह गलत हुआ तो? यदि सरकार वाकई अपनी इन बातों पर यकीन करती हो तो?

इससे सरकार की आकलन और विश्लेषण क्षमताओं पर कुछ सवाल उठते हैं लेकिन यह उसे छल के आरोप से बरी करता है। सन 2014 से ऐसे आशावादी लोगों की कमी नहीं रही जो अर्थव्यवस्था को लेकर कम नकारात्मक सोच रखने की मांग करते रहे हैं। अब जबकि फिलहाल के लिए ऐसी अधिकांश आवाजें खामोश हो चुकी हैं तो दूसरे संदेह का लाभ दिया जाना चाहिए और पूछा जाना चाहिए कि किसी को ऐसे भ्रमित कैसे किया जा सकता है। दरअसल तीन मिथक हैं जिन्होंने हमें इस स्थिति तक पहुंचाया।

पहला मिथक: यह धारणा कि वर्ष 2012-13 का संकट समाप्त हो चुका है। नीतिगत पंगुता के उस दौर को याद कीजिए। उस वक्त ज्यादातर लोग मानते थे कि संग्राम सरकार पंगु थी और उसकी नीति निर्माण क्षमता और राजनीतिक पूंजी की कमी ने अर्थव्यवस्था को ठप कर दिया, निवेश में धीमापन आया और वृद्धि में गिरावट आई। ऐसे में जब 2014 में बहुमत की सरकार आई तो लगा कि संकट हल हो जाएगा। परंतु यह सोचना गलत था। सन 2012-13 का संकट किसी एक सरकार की नीतिगत पंगुता का संकेत नहीं था। यह सरकारी मशीनरी की नाकामी का संकेत था। नियमन इतने मजबूत नहीं थे कि वृद्धि और पारदर्शिता दोनों हासिल हो सकें, विवाद निस्तारण व्यवस्था कमजोर थी जिससे पूंजी दांव पर लग गई थी। निजी क्षेत्र के प्रतिफल को प्रभावित करने वाले सरकारी कदमों के कारण अतिरिक्त सतर्कता की स्थिति बन गई थी। इस दिशा में ऋणशोधन अक्षमता एवं दिवालिया संहिता जैसे कुछ कदम उठाए गए। परंतु संकट की बुनियादी वजहों का निराकरण नहीं किया जा सका।

हो जाता और निवेश को नए सिरे से गति नहीं मिल जाती। परंतु ऐसा लगता है कि यदि ऐसा संभव था तब भी मांग उस सीमा तक नहीं पहुंच सकी। निजी क्षेत्र ऋण की कमी से जूझ रहा है लेकिन उसे उन निवेश परियोजनाओं की धन के लिए पैसे की जरूरत भी महसूस नहीं हो रही है जो अचानक आकर्षक प्रतीत होने लगी हैं। दिक्कत यह है कि देश की उपभोक्ता आधारित अर्थव्यवस्था के आकार और उसके घटक को लेकर जरूरत से ज्यादा विश्वास किया जा रहा था।

ऐसी अर्थव्यवस्था जो विकास की हमारे जैसी अवस्था में हो वह निवेश और वृद्धि के लिए केवल घरेलू मांग पर निर्भर नहीं रह सकती। चीन ने वृद्धि का जो चमत्कार किया है या उससे पहले पूर्वी एशिया के देशों में जो हुआ उसकी वास्तविक व्याख्या यह है कि घरेलू आपूर्ति प्रतिक्रिया घरेलू के बजाय वैश्विक मांग से संबद्ध रही। दूसरे शब्दों में भारत को कारोबारी देश बनना होगा। शायद सरकार का यह सोचना सही है कि घरेलू उद्योग को व्यापारिक प्रभावों से बचाया जाए लेकिन यदि ऐसा है तो पहले दिन से सरकार का प्रयास यह होना चाहिए था कि भारतीय विकास को विश्व बाजार तक पहुंच बनानी चाहिए, बस चुनिंदा घरेलू उद्योगों को अस्थायी संरक्षण देना चाहिए।

खेद की बात है कि सरकार की दुष्टि केवल घरेलू मांग और उद्योग पर केंद्रित है। विश्व बाजार उसकी नजर से ओझल है। यानी सतत मांग की कमी के कारण निजी क्षेत्र में अतिरिक्त क्षमता की समस्या बनी रहेगी। परंतु यदि मध्यम अवधि में ऐसा आशावादी रुख रखना है तो यह इस बात पर निभाने करेगा कि क्या नकारात्मकता के इन स्रोतों को समाप्त किया जा सकता है? प्रशासनिक और कारक बाजार के ढांचागत सुधार की मदद से ही 2012-13 के संकट से उबरा जा सकता है। निजी क्षेत्र के सहयोग के साथ सरकारी व्यय की गुणवत्ता सुधारनी होगी, ऐसा करके ही सरकार के पूंजीगत व्यय की मदद से उत्पादकता और वृद्धि में सुधार किया जा सकता है और अतिरिक्त क्षमता का इस्तेमाल और निवेश परियोजनाओं की कमी दूर की जा सकती है। यदि ऐसा नहीं हुआ तो नकारात्मकता के बरकरार रहने की पर्याप्त वजह है।



### नीति नियम

मिहिर शर्मा

हम उसी संकट का परिणाम झेल रहे हैं।

दूसरा मिथक: यह धारणा कि भारी-भरकम सरकारी निवेश वृद्धि के लिए पर्याप्त है। यह विचार भी तमाम गलत धारणाओं से उपजा इनमें से एक थी चीन के मॉडल को गलत ढंग से समझना। सच यह है कि बेहतर बुनियादी ढांचा तभी मायने रखता है जब निजी क्षेत्र को उसका उपयोग फायदेमंद लगे। ऐसी बुनियादी परियोजनाओं की सार्वजनिक फंडिंग तभी काम आती है जब निजी क्षेत्र नई परियोजनाओं में निवेश कर अतिरिक्त बुनियादी ढांचे तैयार करता है। चीन की अर्थव्यवस्था राज्य संचालित है। वहां निजी निवेश को आसानी से ऐसा करने को कहा जा सकता है। भारत में इसकी संभावना कम है। खासकर तब जब निजी क्षेत्र के पास फंड की कमी हो। निजी क्षेत्र की दिक्कतों के मसलन अतिरिक्त क्षमता, कर्ज के बोझ, कर आंतक और कड़े नियमन को दूर किए बिना बुनियादी क्षेत्र में निवेश की अपेक्षा बेमानी है। ऐसे में राज्य का निवेश अपेक्षित नहीं था। यदि कोई ट्रक खरीदना नहीं चाहता या परिवहन के लिए वस्तुएं ही नहीं हैं तो राजमार्ग निर्माण का कोई मतलब नहीं है।

तीसरा मिथक: अतुल भारतीय घरेलू मांग का विचार। हमने कई ऐसे वर्ष देखे हैं जब मांग वृद्धि का सहयोग किया है या उससे पहले यह एक लोकलूभावन नीति का उत्पाद थी जिसने अस्थायी रूप से आय वृद्धि, घरेलू ऋण विस्तार का सहयोग किया। वहीं खाद्य और ईंधन मुद्रास्फ़ीति में ढांचागत कमी ने आपूर्ति क्षेत्र पर सकारात्मक असर डाला। इनमें से कोई घटनाई के मामले आ रही हैं। ऐसे में अनकही अपेक्षा यह थी कि मांग में तब तक तेजी बनी रहेगी जब तक कि निजी क्षेत्र में क्षमता का पूरा इस्तेमाल सुनिश्चित नहीं

### कानाफूसी

#### महिला सुरक्षा की कवायद

देश भर में महिला सुरक्षा का मुद्दा इस समय चर्चा में है। ऐसे में उत्तर प्रदेश में महिलाओं पर अपराध में हो रही बढ़ोतरी को देखते हुए प्रदेश के मुख्यमंत्री आदित्यनाथ के नेतृत्व वाली सरकार ने ऐंटी-रोमियो स्क्वाड को नये सिरे से प्रभावी बनाया है। इस स्क्वाड का गठन मार्च 2017 में भारतीय जनता पार्टी (भाजपा) के प्रदेश में सरकार बनाने के तत्काल बाद किया गया था। इस स्क्वाड की आलोचना भी हुई कि यह सार्वजनिक स्थलों पर बैठे युगलों को परेशान करता है। धीरे-धीरे स्क्वाड का काम शिथिल पड़ गया। अब जबकि हाल के दिनों में महिला सुरक्षा का मुद्दा नये सिरे से जोर पकड़ रहा है तो उत्तर प्रदेश पुलिस ऐंटी-रोमियो स्क्वाड तथा यातायात विभाग के पुलिसकर्मियों के लिए 25,000 ऐसे कैमरे खरीद रहा है जो शरीर पर लगाए जा सकेंगे। जिलों के पुलिस टीमों को भी महिला सुरक्षा से जुड़ी घटनाओं को लेकर संवेदनशील बनाया जा रहा है। इतना ही नहीं इन मामलों में पुलिस द्वारा अपराधियों के खिलाफ की जा रही कार्रवाई को सत्ताधारी भाजपा के पदाधिकारी ट्विटर पर अपलोड कर रहे हैं ताकि विपक्षी दलों के सवालों के जवाब दिए जा सकें।



अजय मोहंती

### आपका पक्ष

#### धर्मनिरपेक्षता पर सवाल करता विधेयक

संसद में नागरिकता संशोधन विधेयक लाना जितना आसान था उससे कहीं अधिक इसे पारित कराना और लागू करना है। सत्तारूढ़ भाजपा अपार बहुमत से सदन में है पर यह विधेयक कहीं न कहीं हमारे धर्मनिरपेक्षता और संविधान के मूल ढांचे पर एक प्रश्नचिह्न खड़ा करता है। अगर विवेक से सोचा जाए तो कहीं न कहीं यह देश के दो धर्म के समुदाय के बीच दूरियां बढ़ाने का काम करेगी। इसे लागू कराना कहीं न कहीं हमारे राष्ट्र निर्माताओं की सोच, उद्देश्य और उनकी कल्पना के भारतवर्ष का गला घोटने जैसा होगा। हम 1947 में काफी संघर्ष और बलिदानों के बाद एक स्वतंत्र देश बने और तुरंत हमारा विभाजन भी हो गया। हम धर्म की तलवार से दो भागों में बंट गए। अलग देश पाकिस्तान मांगने वाले जिन्ना ने मुसलमानों के लिए पाकिस्तान ले लिया और शेष भारत बचा रह गया। लेकिन हमारे राष्ट्र निर्माता



चाहे महात्मा गांधी, सरदार पटेल, जवाहरलाल नेहरू हों, किसी ने भी भारत को हिंदू राष्ट्र नहीं कहा। बल्कि यहां पर हर धर्म के लोगों को रहने, अपना गुजर-बसर करने और धर्म का प्रचार-प्रसार करने की आजादी दी। ये बातें संविधान के मौलिक अधिकारों में भी निहित है। एक सवाल उठता है कि अगर हम अपने पड़ोसी देशों के

अल्पसंख्यकों को आसरा देकर भारत के नागरिक बना सकते हैं तो फिर पाकिस्तान, अफगानिस्तान और बांग्लादेश ही क्यों, श्रीलंका के तमिल समुदाय के लोगों को

पाठक अपनी राय हमें इस पते पर भेज सकते हैं : संपादक, बिजनेस स्टैंडर्ड, 4, बहादुर शाह जफर मार्ग, नई दिल्ली - 110002. आप हमें ईमेल भी कर सकते हैं : lettershindi@bsmail.in पत्र/ईमेल में अपना डाक पता और टेलीफोन नंबर अवश्य लिखें।

क्यों नहीं? उनके साथ भी तो वहां भेदभाव होता है।

*धीरज कुमार, दरभंगा*

#### डेटा संरक्षण कानून हो मजबूत

सरकार डेटा सुरक्षा विधेयक ला रही है जिससे किसी व्यक्ति के निजी जानकारी की सुरक्षा की जा सके। वर्तमान में साइबर धोखाधड़ी की कई घटनाई के मामले आ रही हैं। इस धोखाधड़ी में किसी व्यक्ति की निजी जानकारीयों के आधार पर बैंक के खाते से पैसा निकाल लिया जाता है। हाल में ही सरकार ने संसद में बताया कि पिछले एक साल में ऑनलाइन बैंकिंग के जरिये डेबिट और क्रेडिट कार्ड या इंटरनेट बैंकिंग की धोखाधड़ी के मामले 34 हजार से बढ़कर 54 हजार हो गए हैं। इस धोखाधड़ी को रोकने के लिए सरकार जागरूकता अभियान चला

रही है लेकिन लोग ठग के झांसे में आ ही जाते हैं। अगर सरकार डेटा सुरक्षा कानून बनाती है तो शायद इस प्रकार की धोखाधड़ी के मामले में कमी आ सकती है। किसी व्यक्ति की निजी जानकारी आज इंटरनेट पर आसानी से मिल जाती है। सोशल मीडिया में किसी व्यक्ति की पूरी जानकारी अर्थात नाम, पता, जन्म तिथि, शैक्षणिक आदि होती है। इसके अलावा व्यक्ति डेबिट या क्रेडिट कार्ड से किया जाता है। ऐसे में उस व्यक्ति की बैंक खाते की जानकारी कोई चुप सकता है। ऐसे ही किसी व्यक्ति की जानकारी चुराने के बाद उनके खाते से राशि निकाल ली जाती है। इसे रोकने के लिए लोगों में जागरूकता के साथ सरकार को विशेष साइबर कानून बनाने की जरूरत है जिससे भुगतान करने पर कोई जानकारी लीक न हो। अतः सरकार को इन पहलुओं पर विचार कर डेटा संरक्षण कानून को मजबूत बनाना चाहिए।

*आरती कुमारी, नई दिल्ली*







## चिंता की दर

भारतीय अर्थव्यवस्था के लगातार कमजोर होते जाने को लेकर चर्चा बहुत पहले से शुरू हो गई थी, पर सरकार ने इसे गंभीरता से नहीं लिया। जब चालू वित्त वर्ष की दूसरी तिमाही में विकास दर घट कर साढ़े चार फीसद पर आ गई, तब सरकार के माथे पर चिंता की लकीर कुछ गाढ़ी हुई। फिर भी वित्तमंत्री ने कहा कि अर्थव्यवस्था की विकास दर कुछ सुस्त जरूर है, पर इसे मंदी कहना उचित नहीं। जल्दी ही विकास दर का रुख ऊपर की ओर मुड़ जाएगा। दूसरी तिमाही के नतीजों को देखते हुए भारतीय रिजर्व ने इस वर्ष की विकास दर पांच फीसद के आसपास रहने का अनुमान जताया। अंतरराष्ट्रीय मुद्रा कोष और विश्व बैंक ने भी भारत की विकास दर छह फीसद के आसपास रहना का अनुमान लगाया है। अब एशियाई बैंक ने भारत में वृद्धि दर 5.1 फीसद रहने का अनुमान लगाया है। यानी भारत के लिए यह गंभीर चिंता का विषय है। एशियाई विकास बैंक ने यह भी बताया है कि रोजगार सृजन की दर घटी है और फसलों के खराब होने और कर्ज की कमी के कारण खेती और ग्रामीण क्षेत्रों पर दबाव बढ़ा है। रोजगार की कमी की वजह से उपभोग की दर भी घटी है, जिसके चलते औद्योगिक विकास दर पर प्रतिकूल असर पड़ा है।

भारत की विकास दर में कमी अचानक नहीं आई है। इसकी रफ्तार पिछले चार साल से लगातार न सिर्फ सुस्त है, बल्कि इसका रुख निरंतर नीचे की तरफ बना हुआ है। पहले नोटबंदी की मार छोटे कारोबारियों पर बहुत गंभीर पड़ी थी। फिर जीएसटी लागू होने के बाद रही—सही कसर भी पूरी हो गई। इसमें करों का ढांचा तर्कसंगत न होने और नियम-कायदों की अव्यावहारिकता के कारण बहुत सारे छोटे कारोबारियों को परेशानी पैदा हुई। इसके चलते भी बहुत सारे रोजगार बंद हुए। जब छोटे कारोबार बंद होते हैं, तो रोजगार के बहुत सारे अवसर भी बंद हो जाते हैं। फिर बैंकों की बहुत बड़ी रकम बट्टे खाते में चली जाने और कर्ज वसूली न हो पाने के कारण भी न सिर्फ उनके, बल्कि दूसरे अन्य क्षेत्रों के कारोबार पर भी बुरा असर पड़ा। भवन निर्माण के क्षेत्र में कुछ तो नियमों की सख्ती की वजह से सुस्ती आई और कुछ लोगों की आय घटने या रोजगार जाते रहने से घट गई। इस तरह इस क्षेत्र में बहुत सारे लोगों के लिए रोजगार के रास्ते बंद हो गए। यों कुशल युवाओं को अपना रोजगार शुरू करने के लिए कर्ज मुहैया कराए गए, जिससे उम्मीद थी कि नए रोजगार पैदा होंगे, पर वह योजना भी कारगर साबित नहीं हुई।

इन तमाम स्थितियों के चलते भारतीय अर्थव्यवस्था की रफ्तार सुस्त होती गई। अर्थव्यवस्था के खराब रहने का बड़ा असर निवेश पर पड़ता है। निवेश रुक जाता है। विदेशी कंपनियां भी खराब अर्थव्यवस्था वाले देशों में कारोबार को लेकर उत्साहित नहीं होतीं। फिर जनकल्याणकारी योजनाओं के लिए विश्वबैंक आदि से जो कर्ज लिए गए होते हैं, उनके ब्याज चुकाने भारी पड़ने लगते हैं। यही वजह है कि सरकार का राजकोषीय घाटा भी बढ़ा है। ऐसे में सरकार के सामने चुनौतियां कई हैं। जब तक रोजगार नहीं बढ़ेगा, तब तक अर्थव्यवस्था मजबूत नहीं होगी और जब तक अर्थव्यवस्था कमजोर रहेगी, तब तक रोजगार के मोर्चे पर सुस्ती से पार पाना मुश्किल बना रहेगा। ऐसे में सरकार को बहुत सावधानी और संजोदगी से आर्थिक नीतियों पर विचार और फिर कोई व्यावहारिक कदम उठाने पड़ेंगे।

## सफर का तकाजा

न सिर्फ दिल्ली और दूसरे महानगरों में, बल्कि देश के लगभग सभी शहरों और कस्बों तक में सड़कों पर जाम एक बड़ी समस्या है। आमतौर पर सभी लोग इससे जूझते हैं, लेकिन शायद ही कभी इस समस्या पर गौर करने की जरूरत समझी जाती है। जाम की वजह से वक्त की बर्बादी और जरूरी काम न हो पाने से लेकर जान के जोखिम जैसी स्थितियां भी पैदा होती हैं। इस समस्या से निपटने के लिए यातायात महकमे की ओर से फौरी तौर पर तो कुछ कदम उठाए जाते हैं, लेकिन कुछ ही वक्त के बाद फिर से वही स्थिति कायम हो जाती है। अब इस मसले पर गठित राज्यसभा की एक विशेष समिति ने अपने अध्ययन के बाद कुछ सिफारिशें की हैं। अगर उन पर अमल होता है तो कम से कम दिल्ली में सड़कों पर कुछ राहत की उम्मीद की जा सकती है। समिति के मुताबिक एक विशेष लेन यानी मार्ग की व्यवस्था की जाए, जो खासतौर पर एंबुलेंस और दमकल जैसे आपात वाहनों के लिए हो। बेतरतीब चलने वाले दुपहिया वाहनों के लिए भी अलग रास्ता होना चाहिए। इसके अलावा, नए वाहन खरीदने की इजाजत तभी मिले, जब पुराने वाहन की समय सीमा खत्म हो जाए और खरीदार के पास पार्किंग की व्यवस्था हो।

यों, एक सुव्यवस्थित शहर में यातायात के लिए अलग से इन सिफारिशों की जरूरत नहीं पड़नी चाहिए। सड़क-निर्माण में विशेष लेन की व्यवस्था के साथ-साथ लोगों की आम आदत में जरूरत और उपभोग का संतुलन होना चाहिए। लेकिन हमारे यहां ऐसे दृश्य आम हैं कि सड़क पर पीछे से आ रहे वाहनों के लिए रास्ता छोड़ना मुमकिन नहीं हो पाता। शायद इसी वजह से राज्यसभा की समिति ने ऐसे वाहनों के लिए विशेष लेन की सिफारिश की है।

एक मुश्किल यह है कि कई लोगों के पास पहले से अपनी जरूरत के वाहन होते हैं, फिर भी वे नई गाड़ी खरीद लेते हैं। यह भी संभव है कि उनके पास वाहन की पार्किंग की जगह न हो। इससे सड़कों पर तो वाहनों की भारी तादाद बढ़े जाम की वजह बनती ही है, अक्सर मुहल्लों-कॉलोनियों में सड़कों के दोनों ओर वाहन खड़े कर दिए जाते हैं, जहां पैदल चलना भी मुश्किल होता है। सड़कों पर बहुत कम ऐसे लोग होते हैं, जो वाहन चलाते हुए यातायात के सभी नियम-कायदों का खयाल रखते हैं। जबकि ऐसे तमाम लोग हैं, जो न केवल लापरवाही से वाहन चलाते हैं, बल्कि कई बार नियम तोड़ने में अपनी शान भी समझते हैं। यह सड़क-निर्माण के मामले में बुनियादी ढांचे में खामी के बरक्स ऐसी समस्या है, जिसके रहते सहज और सुरक्षित सफर सुनिश्चित हो पाना लगभग नामुमकिन है। यानी व्यवस्थागत कमियों के समांतर अगर वाहन चालक और बाकी लोग अपनी गड़बड़ियों के बारे में अपने रुख में बदलाव नहीं करेंगे, तब तक सड़कें सहज और सुरक्षित नहीं हो सकेंगी।

## कल्पमेधा

### मनुष्य आश्चर्य पर मुग्ध होता है। यही हमारे सम्पूर्ण विज्ञान का मूल आधार है।

##### – इमर्सन

## चीन के लिए चुनौती बना हांगकांग

## ब्रह्मदीप अलूने

### हांगकांग की मुख्य कार्यकारी कैरी लाम पर भी जनता को भरोसा नहीं रह गया है। लोग उन्हें चीनी एजेंट के तौर पर देखते हैं। जनता को स्थानीय पुलिस पर भी भरोसा नहीं है। ऐसे में इस व्यापारिक केंद्र में कानून-व्यवस्था बड़ी चुनौती बन गई है। हाल के स्थानीय चुनावों में लोकतंत्र समर्थकों को शानदार जीत मिली है। इस जीत को एक तरह से जनमत संग्रह के रूप में भी देखा जा रहा है।

### हांगकांग की मुख्य कार्यकारी कैरी लाम पर भी जनता को भरोसा नहीं रह गया है। लोग उन्हें चीनी एजेंट के तौर पर देखते हैं। जनता को स्थानीय पुलिस पर भी भरोसा नहीं है। ऐसे में इस व्यापारिक केंद्र में कानून-व्यवस्था बड़ी चुनौती बन गई है। हाल के स्थानीय चुनावों में लोकतंत्र समर्थकों को शानदार जीत मिली है। इस जीत को एक तरह से जनमत संग्रह के रूप में भी देखा जा रहा है।

### हांगकांग की मुख्य कार्यकारी कैरी लाम पर भी जनता को भरोसा नहीं रह गया है। लोग उन्हें चीनी एजेंट के तौर पर देखते हैं। जनता को स्थानीय पुलिस पर भी भरोसा नहीं है। ऐसे में इस व्यापारिक केंद्र में कानून-व्यवस्था बड़ी चुनौती बन गई है। हाल के स्थानीय चुनावों में लोकतंत्र समर्थकों को शानदार जीत मिली है। इस जीत को एक तरह से जनमत संग्रह के रूप में भी देखा जा रहा है।

### हांगकांग की मुख्य कार्यकारी कैरी लाम पर भी जनता को भरोसा नहीं रह गया है। लोग उन्हें चीनी एजेंट के तौर पर देखते हैं। जनता को स्थानीय पुलिस पर भी भरोसा नहीं है। ऐसे में इस व्यापारिक केंद्र में कानून-व्यवस्था बड़ी चुनौती बन गई है। हाल के स्थानीय चुनावों में लोकतंत्र समर्थकों को शानदार जीत मिली है। इस जीत को एक तरह से जनमत संग्रह के रूप में भी देखा जा रहा है।

आर्थिक समृद्धि और आर्थिक सुधार पर आधारित नीतियों से संपूर्ण मानव अधिकारों की सुरक्षा नहीं हो सकती। लोकतंत्र पर आधारित समाज राजनीतिक अधिकारों में समानता, स्वतंत्रता, शांति और सुख-समृद्धि महसूस करता है, इसलिए उसे आर्थिक उच्च विकास के नाम पर खामोश नहीं किया जा सकता। आज हांगकांग इसी स्थिति से गुजर रहा है। दुनिया का सबसे बड़ा व्यापारिक केंद्र हांगकांग अब तक उच्च विकसित अर्थव्यवस्था के लिए पहचाना जाता था, लेकिन इस समय यह चीन की लोकतंत्र विरोधी नीतियों के खिलाफ मुखर होकर खड़ा है। यहां के युवा तेजी से अलगाववादी बन रहे हैं, हथियार उठा रहे हैं, हिंसक प्रदर्शन कर रहे हैं और अमेरिका जैसा देश उनका राजनीतिक समर्थन कर चीन को चुनौती दे रहा है।

यहां यह ध्यान रखना होगा कि आर्थिक और राजनीतिक मुद्दों के बीच अलगाव पैदा करने की डेंगशिहाऊ पिंग की चीन की पुरानी विदेश नीति भारत,

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

रूस, अफगानिस्तान या अन्य देशों में भले ही सफल हो जाए, लेकिन उसके अपने भाग हांगकांग में यह बुरी तरह परत पड़ गई है। जनवादी चीनी गणराज्य द्वारा प्रशासित पूंजीवादी हांगकांग में राजनीतिक उदारीकरण और आर्थिक उदारीकरण के बीच सामंजस्य कायम न कर पाने की चीनी नाकामी हिंसक होकर लोकतांत्रिक आंदोलन को कुचलने देने को आमादा है। साम्यवादी चीन हांगकांग के विकास को आर्थिक नीतियों से जोड़ कर वहां के बाशिंदों के राजनीतिक अधिकारों को नजरअंदाज कर रहा है और चीन की यह नीति जनता को स्वीकार नहीं है। चीन की यह मान्यता है कि वह अपने विकास के लिए अन्य देशों का शोषण नहीं करेगा, लेकिन उसकी राजनीतिक दृष्टि लोकतंत्र विरोधी रही है, इसलिए उसके अपने इलाकों में ही अंतर्विरोध देखा जा सकता है। एक तरफ चीन अपने अशांत इलाके शिनजियांग प्रांत में विकास कर लोगों को दबा रहा है, जबकि वहां बसने वाले मुसलमानों के राजनीतिक अधिकार छीन लिए गए हैं। जनता के राजनीतिक अधिकारों के प्रति साम्यवादी चीन का आक्रामक व्यवहार न शिनजियांग प्रांत के लोगों का विश्वास जीत सका है, न ही वह इस नीति पर चल कर हांगकांग के लोगों का भरोसा जीत सकेगा।

लोकतांत्रिक आंदोलन चीन के लिए विरोध का प्रतीक माने जाते रहे हैं और चीनी शासक और रणनीतिकार इसे बेरहमी से दबाने में भरोसा करते हैं। सन 1989 में चीन के छात्रों ने थियेनमान चौक पर लोकतंत्र की बहाली के लिए प्रदर्शन किया था, जिसे चीनी सत्ता ने सख्ती से कुचल डाला था। हांगकांग में चीन आर्थिक उदारीकरण बनाए रखने का समर्थक तो है, परंतु राजनीतिक उदारीकरण का विरोधी है। लोकतंत्र को दबाने की चीन की यह प्रवृति हांगकांग में भी सामने आई है।

इस साल अक्तूबर में हत्था के आरोपी एक हांगकांग युवा के ताईवान में प्रत्यर्पण की खबरों से भी लोग भारी विरोध पर उतर आए थे। चान टोंग-काई नाम के युवक पर पिछले साल ताइवान में अपनी गर्भवती प्रेमिका की हत्था करके भाग कर हांगकांग आने का आरोप है, लेकिन हांगकांग और ताइवान के बीच कोई प्रत्यर्पण संधि नहीं है। इस मामले के बाद चीनी सरकार ने प्रत्यर्पण कानूनों में बदलाव की योजना बनाई गई थी। चीन के इस कदम से नाराज हांगकांग के लोगों ने बड़े पैमाने पर विरोध प्रदर्शन शुरू कर दिए। प्रस्तावित कानून के आलोचकों का कहना है कि चीन में प्रत्यर्पण से कई लोगों को मनमाने ढंग से हिरासत में लिया जा सकेगा और उन पर मुकदमा चलाया जा सकेगा। हांगकांग के

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

लोग इस बात से भयभीत हो गए कि चीन यहां के लोकतंत्र समर्थकों को भी निशाना बना सकता है और उन्हें चीन में प्रत्यर्पण कर अत्याचार कर सकता है। हालांकि चीन की ऐसी मंशा को लेकर दुनिया को कोई संदेह भी नहीं है। हालांकि महीनों के भारी विरोध प्रदर्शनों के बाद सरकार को इसे औपचारिक रूप से वापस ले लिया, लेकिन प्रदर्शन अब तक नहीं थमे हैं।

हांगकांग में लोकतंत्र को निर्यंत्रित और प्रशासित करने के चीन के साम्यवादी प्रयास वहां की जनता के लिए विरोध का कारण बने हैं। साल 2017 में चीन ने यह तय करने का प्रयास किया था कि हांगकांग में निर्धारित निर्वाचन में भाग लेने वाले प्रत्याशियों के नाम का चयन चीन के साम्यवादी दल द्वारा किया जाएगा। हांगकांग के लोगों ने चीन की इस नीति को अपने मौलिक और पारंपरिक अधिकारों पर अतिक्रमण माना और यहीं से विरोध शुरू हुआ। हांगकांग के लोगों का मानना है कि

### हांगकांग की मुख्य कार्यकारी कैरी लाम पर भी जनता को भरोसा नहीं रह गया है। लोग उन्हें चीनी एजेंट के तौर पर देखते हैं। जनता को स्थानीय पुलिस पर भी भरोसा नहीं है। ऐसे में इस व्यापारिक केंद्र में कानून-व्यवस्था बड़ी चुनौती बन गई है। हाल के स्थानीय चुनावों में लोकतंत्र समर्थकों को शानदार जीत मिली है। इस जीत को एक तरह से जनमत संग्रह के रूप में भी देखा जा रहा है। चीनी शासन के विरोध में सभी आयु वर्ग के लोग लामबंद हो गए हैं और इसका असर वहां के जनजीवन पर भी देखा जा सकता है। लोकतंत्र समर्थक आंदोलन के छह महीने पूरे होने पर आयोजित जनसभा में लाखों लोगों ने काले कपड़े पहन कर भाग लिया और इसे चीन के विरोध के तौर पर भी देखा जा रहा है। हांगकांग की संसद में घुस कर युवा ब्रिटिश कालीन झंडा फहराकर अपना गुस्सा जता चुके हैं। चीन के राष्ट्रीय गान के प्रति कई मौकों पर असम्मान दिखाता है। इन घटनाओं का असर चीन की शक्तिशाली सत्ता पर पड़ना स्वाभाविक है। हालांकि छह महीने से चल रहे इस आंदोलन से हांगकांग की व्यापारिक प्रतिष्ठा को गहरी ठेस पहुंची है और यह देश आर्थिक और कारोबारी संकट से धिरने लगा है। जीडीपी में गिरावट दर्ज की गई है और मंदी का असर जनजीवन पर भी देखा जा रहा है। इन सबके बीच चीन का नजरिया इस लोकतांत्रिक आंदोलन को कुचलने

वाला ही नजर आता है। चीन को लगता है कि हांगकांग का आर्थिक विकास कर लोगों को खामोश किया जा सकता है, लेकिन उसकी नीति में लोगों को भरोसा नहीं है। हांगकांग के लोग बिना किसी नेता के लगातार प्रदर्शन कर रहे हैं। आंदोलनकारियों में अधिकांश युवा हैं। वहीं चीन के समर्थन में भी एक समूह है जो लोकतंत्र के पक्ष में खड़े नेताओं को निशाना बना रहा है। चीन की जल्दबाजी के चलते एक विकसित और अत्याधुनिक क्षेत्र गृहयुद्ध की ओर बढ़ रहा है। हांगकांग के लोग लोकतंत्र में विश्वास करते हैं। उन्हें साम्यवाद की आक्रामकता स्वीकार नहीं है। ये लोग अपनी भावी पीढ़ी के लिए साम्यवादी चीन की नीतियों को संकट की तरह देख रहे हैं।

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम

हांगकांग की मुख्य कार्यकारी कैरी लाम