



The IndianEXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

Don't PROTEST IN UP

Anti-CAA mobilisations have taken the highest toll in Uttar Pradesh. Adityanath government has much to answer for

THE CIVIC PROTESTS against the controversial Citizenship Amendment Act (CAA) reported from cities across the country have been largely peaceful, barring in states ruled by the BJP — and especially in Uttar Pradesh. UP has seen the maximum violence, accounting for 17 of the 24 deaths reported so far. As this newspaper has reported, 14 of the 16 who lost their lives, all Muslims, died due to bullet injuries from firearms. Subsequently, there has been official confirmation that one person in Bijnor was killed in police firing. Reports are trickling in of the brutal police action inside the campus of Aligarh Muslim University, including in hostels; at least six students have been hospitalised with grievous injuries. There are serious questions concerning the conduct of the UP police and state administration and about how much their actions have contributed to the escalation in violence.

The right to assemble and protest peacefully is guaranteed by India's Constitution. That thousands of people, particularly young people, belonging to diverse faiths, regions, ethnicity and language, have chosen to contest the CAA despite the tame response from political parties is a sign of the argumentativeness of Indian democracy. However, the UP administration seems to be unabashedly unmindful of democratic niceties. Its tone has been confrontational; it has refused to allow any outlet for people to express their disagreement with the controversial Act. The government has detained thousands of people, including human rights activists such as retired IPS officer S R Darapuri and lawyer Mohammad Shoaib, banned mobilisations and curtailed the internet. The language used by UP Chief Minister Adityanath when the protests intensified — that his administration would extract "badla" (revenge) for the violence — does not befit a person holding high public office; it may even have set the template for the UP police to use excessive force against protestors. The fact is the UP police in the Adityanath regime has had a notorious record of ignoring due process while enforcing law and order. Officials have admitted to over 3,500 police encounters and nearly 80 killings of alleged criminals in a period of over two years, forcing the Supreme Court to intervene.

The UP government must rethink its adversarial strategy towards the citizens' freedom of expression, including the right to express disagreement. In this, it could take a cue from another BJP government. After the CAA protests in Mangalore turned violent and resulted in the death of two persons in police firing, Karnataka Chief Minister B S Yeddyurappa ordered a magisterial inquiry into the incident. Adityanath, too, should order a probe into the charges of police brutality against protestors in UP.

TRUMPING TRUMP

2020 is going to be a bitter year in US politics. India will recognise its own reflection in parts of it

DONALD TRUMP HAS become the third US President to be impeached by the House of Representatives, and like them, in all likelihood, he will be acquitted in the Senate. The House, controlled by the Democrats, voted for his impeachment on two articles. The first article relates to the abuse of power, by putting pressure on the Ukrainian president — by refusing to meet him and release military aid — unless he began an inquiry against Democratic presidential candidate Joe Biden's son's business interests in that country. The second relates to obstructing the work of Congress, with Trump charged for threatening witnesses in the congressional inquiry into the abuse of power. The House expectedly voted along party lines, and so will the Republican-controlled Senate.

This was well known before the process began. The Republican leader in the Senate had made it clear that he would do everything in his power to acquit the president. The Democratic argument for going ahead with a process that would be futile has been that Trump's transgressions are so egregious that an impeachment by the House was necessary in order to uphold the US Constitution. Now, in anticipation of the defeat in the Senate, House Speaker Nancy Pelosi has decided to delay the inevitable by not sending the Articles to the Senate, thus leaving Trump in the limbo of an inconclusive impeachment. She also hopes that in his eagerness to have his name cleared expeditiously, he will force the Senate to accept conditions that the Democrats want met for the trial.

If all this seems somewhat familiar to Indians, it is because the US is about as bitterly polarised between Republicans and Democrats over the Trump presidency as India is between Hindutva and non-Hindutva politics in the Narendra Modi regime. Pelosi's determination to have Trump impeached in the House in the name of the Constitution, but place a hold on sending it to the Senate, smacks of a kind of shortsighted politics that also plagues the Opposition in this country. It backfires, and provides the intended target the opportunity to play victim. Trump and his supporters will make much of the denial of the opportunity to defend himself immediately. Plus, with his candidature for a second term on course, he has about a year of campaign meetings in which to unleash his defence in the ways he does, and consolidate his Republican base. 2020 is going to be a bitter year in US politics. India will recognise its own reflection in some parts of it.

FREE VERSE

Poetry is metrical emotion, and protests like those unfolding today its most productive nurseries

HOW DO YOU name the nameless? With poetry. It gives courage in the face of nameless dread and rallies hearts and minds against the violent might of governments. "I am the people — the mob — the crowd — the mass," wrote Carl Sandburg, reversing the power differential, and pointing out that Napoleons and Lincolns are born among the people. How do you keep movements going when they flag in the face of insuperable odds? Poetry helps, a lightning rod for dissatisfaction and anger that touches everyone, and ignites whatever it touches.

In India, the movement against the Citizenship (Amendment) Act and the application of the National Register of Citizens nationwide has raised a fresh crop of protest poetry, mostly from younger voices like Amir Aziz, Varun Grover and Sabika Abbas Naqvi. In Assam, which encountered the NRC first, it had re-energised Miyan poetry, a tradition almost as old as India, which expresses the angst of immigrants from across the eastern border. Now, in the span of one week, protest poetry has become a national phenomenon. Along with new work, old favourites like Rahat Indori, Basheer Badr and Ram Prasad Bismil are thundering forth from loudspeakers. And interestingly, classics from Pakistan are being received by crowds at least as well as domestic poems.

Absolute power need only fear subversion, whose sharpest weapons are poetry and humour. Both have risen to the occasion. It is unlikely that the protests will come to nothing, since movements powered by public anger, and without a central command which can be conveniently decapitated, are notoriously hard to put down. But even if it cannot secure the repeal of the problematic Act, the movement will have compiled an outstanding body of protest poetry and black humour. The great poets of Black protest like Audrey Lorde and Langston Hughes would have loved it.



HARSH MANDER

THE SURGE OF protests in every corner of the country against the Citizenship Amendment Act and the National Register of Citizens will be remembered as an iridescent, significant moment in the journey of the republic. This is because these are, at their core, popular moral assertions founded on fraternity of the kind we have not seen for a long time. People are spilling onto the streets offering hope, solidarity and reassurance to those threatened by the politics of hate and fear. The protests mark a collective rejection of the toxic politics and policies that have come to dominate our public life in recent years.

The ruling establishment has responded with its well-used playlist of attempting to communalise and discredit the protestors; to confuse people with falsehoods; and to deploy crushing state force. But this time, none of it is working. The police brutalised students in the two national universities identified with India's Muslim heritage, Jamia Millia Islamia and Aligarh Muslim University. But the same night that news filtered in of injured Jamia students rounded up in police stations in Delhi, spontaneously large crowds gathered in the cold night outside the police headquarters and various police stations, and they refused to move until the police was forced to release the students. Students and faculty from more than 50 universities around the country gave their support. Sleep-deprived lawyers keep vigil every night outside police stations where protesters are detained.

The prime minister taunted the protestors, saying he could identify them by the clothes they wear, an unmistakable reference to their Muslim identity. In response, people of every visible identity joined the protests, interspersed with people in skullcaps and hijabs proudly waving the national flag, confident and spurred by the solidarity of their countrywomen and men. Young people, with funny creative posters, slogans and songs, began waging a non-violent battle for a country founded on love and hope.

In recent years, for the first time, I had found my optimism ebbing. My personal politics have always been grounded in a dogged, even naïve optimism, of the inevitability of human goodness, the belief that hatred and tyranny will not prevail. But during our journeys of the Karwan e Mohabbat

India's young have picked up mantle of an older battle — for a country that is equal, just and kind

The protests have already won. They have succeeded in rendering a national NRC highly improbable. This is an enormous victory, because it was the combination of the CAA with the NRC which threatened to thrust India's 200 million Muslims into the same vortex of dread and insecurity which has been the fate of Bengali-origin Assamese people for the past several years. Even allies who cynically voted with the ruling party in support of the CAA have now announced, influenced by the popular revulsion, that they would not implement the NRC. Several states, including Bengal, Bihar, Kerala, Odisha, Rajasthan and Andhra Pradesh, have ruled out the NRC. Many more will surely join in the coming days.

to families stricken by lynching, we found mobs, mostly of young people, targeting Muslim and Dalit victims with an inexplicable cruelty, proudly videotaping their brutal slaying of defenceless persons. No one came forward to save them. The police would encourage the mobs and criminalise the victims. The BJP was able to politically marginalise the Muslims by uniting every other caste and religious group in a pact of hate against them. I began to dread that India was trapped in a long dark night of hate. The protests led by young people celebrating Hindu-Muslim unity and the equal rights of people of every identity have reignited my hope. I am sure millions across India feel infected by this same optimism.

The import of this moment is that it is, in its spirit, the continuance of a battle which began 100 years ago. Mahatma Gandhi had returned from South Africa to lead India's freedom struggle, illuminated by a humane and inclusive nationalism, and the idea of a country which would welcome as equal citizens people of every faith and identity. The Hindu Mahasabha and the RSS had a different imagination, of a Hindu nation in which religious minorities would be forced to live as second-class citizens. The Muslim League, too, was convinced that Muslim minorities could never achieve equality and security except in a separate Muslim-majority country. Those holding power today seem determined to prove that Gandhiji was wrong, and Savarkar and Jinnah were right. Young Indians, 70 years after Mahatma Gandhi was killed for this idea, and Babasaheb Ambedkar incorporated the idea of secularism and fraternity into our Constitution, have picked up the mantle of this same battle for a country which is equal, just and kind.

The protests have led to perceptible unease in the ruling establishment. The Uttar Pradesh administration declares war on its Muslim citizens. The PM tries to defend his government with bare-faced falsehoods. He claims that his government never spoke of a national NRC, whereas Home Minister Amit Shah had announced it repeatedly in Parliament and outside, linking it with the CAA, signalling unmistakably that Hindus would be protected, but not Muslims. He adds that India has no detention centres, whereas I have entered these hell-like cen-

tres in Assam; Shah announced that states have been asked to build detention centres; and the construction of such centres is underway in many states.

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If the Union government still stubbornly perseveres with the NRC, it will create a constitutional crisis, because the NRC can be operationalised only through the state machinery. The Union government may dismiss recalcitrant state governments, but how many will it dismiss, and how many times? High civic vigilance is still imperative. Work on the National Population Register has already commenced, and this is the first step to the NRC. If states are serious about not implementing the NRC, they would have to also refuse to conduct the NPR. So far, only the Kerala government has announced that it will not allow even the NPR. A countrywide civil disobedience movement, with every citizen boycotting the NPR and the NRC by refusing to share any information or documents, will be the most robust defence.

Will the protests endure? It is still too early to know. But even if the protests end, they would have demonstrated that the agenda of the ruling formation to transform India into its majoritarian imagination is not invincible. That their project to isolate Indian Muslims to the political and social margins has failed. They would have placed the brakes on India's frightening descent into a republic of hate and fear. They would have shown that there are enough Indians who still believe in a country of hope and love.

Mander is human rights worker and writer



GURSHABAD GROVER AND TANAYA RAJWADE

THE PEGASUS MOMENT

Revelations of hacking call for a relook at India's surveillance regime

IN EARLY NOVEMBER, it became clear that several lawyers and human rights activists had been targeted by spyware that allowed attackers unfettered access to information stored on victims' phones. On November 29, in the Rajya Sabha, the Minister of Electronics and Information Technology was repeatedly asked whether any Indian agency had commissioned the attack vector "Pegasus" that was used in the attacks from the Israeli firm NSO. Where a categorical response would have sufficed, the minister chose to muddy the waters through vague assertions such as "standard operating procedures have been followed".

There are cogent reasons pointing towards an Indian law enforcement agency's hand in procuring Pegasus. First, NSO maintains that it only sells services and software to state agencies. Second, some of the known Indian targets of the vulnerability are human rights activists. These individuals work on India-specific issues and hardly qualify as serious threats in the eyes of a foreign government.

The government derives some of its powers to conduct electronic surveillance from Section 69 of the Information Technology (IT) Act. The procedures for such surveillance are defined in the IT (Procedure and Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009.

With the popularity of end-to-end encryption, surveillance may require the exploitation of vulnerabilities on end-users' devices. The Pegasus snoogate is an opportune moment to revisit the legal framework governing the state surveillance framework. First, it is crucial to dismantle state agencies that run surveillance operations despite lacking statutory authority. For other agencies, there is an urgent need to introduce judicial and parliamentary oversight.

It is these rules, and not the parent Act that define the terms "interception" and "monitoring" as "acquisition of the contents of any information through the use of any means" and "to view or to inspect or listen to or record information", respectively. These all-encompassing definitions seemingly permit authorised law enforcement agencies to use Pegasus-like tools.

However, the IT Act also penalises unauthorised access to computers without the owner's permission. These provisions, namely section 43 and 66, do not carve out an exception for law enforcement agencies. As lawyer Raman Chima highlighted recently, any action explicitly prohibited under the Act cannot be justified by procedures laid out in subordinate legislation. Therefore, no law enforcement agency can "hack" devices, though they may "intercept" or "monitor" through other means. Additionally, the Supreme Court's privacy verdict held any invasion of privacy by the state must be based on a law. As some of the agencies authorised to conduct surveillance (like the Intelligence Bureau) do not have statutory backing, surveillance by them is unconstitutional.

The use of spyware gives the state access to private conversations, including privileged communications with lawyers. Such an infringement of rights may be justified for militants suspected of actively planning an

armed attack. For academicians and human rights activists, the use of broad surveillance without any evidence or anticipation of such activities is unfathomable in a democracy.

With the popularity of end-to-end encryption, surveillance may require the exploitation of vulnerabilities on end-users' devices. The Pegasus snoogate is an opportune moment to revisit the legal framework governing the state surveillance framework. It is crucial to dismantle state agencies that run surveillance operations despite lacking statutory authority. For other agencies, there is a need to introduce judicial and parliamentary oversight. Depending on the concerns of law enforcement, it may be necessary to enact legislation permitting "hacking" into devices on extremely limited grounds.

Unfortunately, the government has taken a massive leap backwards by ignoring the standards laid down by the Supreme Court and Justice Srikrishna Committee's recommendations, and introducing unconstitutional surveillance enablers in the Data Protection Bill. Now is the time for Parliament to guarantee the privacy and security of Indians.

Grover and Rajwade are researchers at the Centre for Internet and Society (CIS). Views are personal. Disclosure: CIS is a recipient of research grants from Facebook

DECEMBER 25, 1979, FORTY YEARS AGO

REVISED PLAN THE PLANNING COMMISSION released the revised draft of the Sixth Plan (1978-83), envisaging an outlay of Rs 71,000 crore in the public sector, against Rs 9,380 crore estimated in the earlier draft. It carries a rider from the Deputy Chairman of the Commission, D T Lakdawala, who says in the preface to the document that a further increase in the outlay will be called for if prices continue to rise above the 1978-79 level. Since prices have actually spurted during 1979-80, an upward revision of the outlay appears to be a certainty. The revised draft envisages an overall economic growth rate of 4.7 per cent. Agricultural output is estimated to rise at an

annual average rate of 3.8 per cent and industrial production at seven per cent.

CONGRESS TO STAY THE CONGRESS IS not to pull out its ministers from the caretaker government, headed by Charan Singh, at the Centre. Talking to journalists near Jaipur, Congress President Devraj Urs said that "Having accepted the responsibility at the Centre, we will not abandon it just on the eve of the election." When asked about the possibility of withdrawing the Congress ministers from the Centre, Urs quipped that "how many days are left now? Today is December 24 and there is every possibility of the installation of a new govern-

ment at the Centre by January 10. So why withdraw," he added.

EXPUNGE JUDGMENT THE UNION GOVERNMENT has appealed to the Supreme Court vacation judge, Justice P N Bhagwati, for the expunging of certain remarks made by Delhi High Court Judge T P S Chawla in his judgment quashing prosecutions against Indira Gandhi and Pranab Mukherjee for refusing to take the oath before the Shah Commission. The government has asked for the expunction of 204 pages out of the 347 pages of the judgment on the ground that certain remarks were "unwarranted, unnecessary and irrelevant".



THE IDEAS PAGE

An economic price to pay

The politics of exclusion and disenfranchisement is hurting investment and the cooperative spirit — the building blocks on which an economy functions



ECONOMIC GRAFFITI

BY KAUSHIK BASU

WITH INDIA'S DEEP political troubles, and protest marches breaking out all over the country, it may seem odd to be writing on economics. Yet, it would also be wrong not to. India's economy is now spiraling downwards, and there is an urgent need for corrective action. Hence, despite my initial misgivings, I devote this column to India's economy and what the hard numbers tell.

The signs of an economic slowdown were visible from 2017. But, the numbers on the economy that have emerged over the past few months are alarming. The contours of the problem are visible from the broad macro-economic aggregates. From 2004, India got used to being referred to as one of the world's fastest-growing economies, and indeed, it was, for a few years, among three or four of the fastest-growing economies in the world. If we take the latest official growth rate figure of 4.5 per cent released by the government, and insert this in the chart of all countries' growth rates for 2019 constructed by the IMF, India is no longer in the top three or four. In fact, it is not in the top 30 or 40. This is an alarming drop in rank. Further, the nation's investment-to-GDP ratio is declining, and non-oil exports are actually shrinking. One strong indicator of the overall growth slowdown is electricity generation. Electricity generation growth is now lowest in at least three decades. It is even lower than what happened during the big economic crisis of 1991. In October this year, electricity output contracted by 12.2 per cent.

What is of greater concern is not just these broad, economy-wide parameters, but what the more micro-data reveal. The use of sophisticated statistical techniques for collecting data pertaining to ordinary people's economic well-being were designed in India by the physicist-turned-statistician, P C Mahalanobis. With encouragement from Jawaharlal Nehru, this method has been used in India to collect detailed data by the National Statistical Office (NSO) on household consumption and savings every five years. India is a global pioneer in this area. The 68th round of data collection happened in 2011-12 and the numbers were made available soon thereafter. But, the latest round of data, pertaining to 2017-18, has been held back from release.

There has, however, economists who have been using statistics from the leaked draft report. One of the most comprehensive and convincing analysis, done by S Subramanian of the Madras Institute of Development Studies, gives a "depressing message on the economy". Between 2011-12 and 2017-18, the percentage of people living below the poverty line has actually increased from 31 per cent to 35 per cent. This is very unusual since India has been, for quite some time, on a trajectory of high, but diminishing poverty. Between 2011-12 and 2017-18, for Indians living in rural areas (a vast majority), consumption has not just slowed down, but fallen. On a per capita basis, people are now consuming 8.8 per cent less than what they were doing five years ago.

How do we square the fact that while India



CR Sasikumar

is still growing (even though slower than before), large segments are actually getting worse off? This is because, from all accounts, inequality is getting worse. Credit Suisse has recently published data showing that in 2018, the richest 1 per cent Indians owned 53 per cent of all the wealth in the country. The government's official data, released as part of the Periodic Labour Force Survey Report 2017-18, shows that the country's unemployment rate has not been this high in 45 years. Since unemployment disproportionately hurts the poor, the gap between the rich and the poor is growing; and not just that, the rural poor are actually becoming poorer.

In short, the ground reality is grim, and it is the poor who are paying the biggest price. While policymakers no doubt have many urgent matters on hand, I would urge them not to ignore these festering wounds of the economy. As a short-run measure, we have to use and even strengthen some instruments of intervention that we already have in hand, such as the rural employment guarantee programme, so that the immediate hardship of those worst hit by the crisis is ameliorated. This has to be backed up with fiscal and monetary policies to revive growth and spread it better. For this, the main need is not money, but ideas and intelligent policy design, which have been in short supply. There is enough talent residing in India that can fill this gap in government. But to draw in talent we have to allow for dissenting opinion, which in recent times has been anathema.

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There is, however, a longer-run problem that goes beyond monetary and fiscal policies. There is currently a trust deficit in India, which has been caused by the growing politics of hate and disenfranchisement. This is hurting investment and the cooperative spirit — the building blocks on which an economy functions. What economists do not like to dwell on and what Karl Polanyi had noted a long time ago is that the economy is ultimately embedded in society, institutions and politics. When these are damaged, the economy begins to stall. It is like the plumbing in a home. We are unaware of its importance as long as it functions fine. It is only when it malfunctions that we realise its great significance. Once the immediate fall-out of the slowdown has been managed using standard economic policies, we shall have to turn to the harder task of rebuilding institutions and the cooperative spirit. Watching the current protests in which large numbers of Indians of all religions are standing together, refusing to accept the missives of hate, one sees a glimmer of hope that the cooperative spirit in the nation is alive, and that in turn gives hope for economic progress in the future.

The writer is C Marks Professor at Cornell University and former Chief Economist and Senior Vice President, World Bank

WHAT THE OTHERS SAY

"Mr Modi's hold on power remains firm, but the protests at home and abroad have demonstrated limits to how far Indians will allow him to go in pursuit of his Hindu-nationalist agenda." — THE NEW YORK TIMES

Moral and pragmatic inclusion

Through CAA, India has reaffirmed its tradition of embracing people of different races and religions, customs and climes



E SURESH KUMAR

FROM BEING A passive and reactive country, India has begun to transform into a truly modern nation that is conscious of its growing abilities and opportunities. The Citizenship Amendment Act (CAA) is the latest in a series of epochal measures that reflect the ability, wisdom, vision and determination that are characteristic of not just good leadership, but of statesmanship. And of the prime minister and his advisers it can be said, "Cometh the hour, cometh the man". The CAA is the combination of India's age-old spirit, and tremendous grit. It is an Act that helps define who we really are as a nation and a people.

The CAA is designed to give shelter to a people who have been neglected and oppressed for centuries. Our nation has welcomed diverse peoples throughout her glorious history. She has embraced the Greeks, and their knowledge, in the wake of Alexander; sheltered the Jews and the Parsis; and has been home for the first mosque built anywhere outside the birth place of Islam. Through the CAA, we have reaffirmed the tradition of embracing people of different races and religions, customs and climes. In doing so, we have followed the golden mean of balancing the head with the heart. The CAA protects the interests of everyone involved in the most optimal way possible — from our people and culture in the Northeast to the destitute, persecuted people who fled their countries for their lives and beliefs. It is a fact that India is doing today what the countries of origin of these people ought to have done, which is, to protect these minorities, and preserve their way of life.

It is well known that all civilised nations offer asylum in cases of political persecution or matters of conscience. In the case of the economic migrant Muslims, such a threat is clearly absent in Afghanistan, Pakistan and Bangladesh. In fact, a high-level adviser to the Prime Minister of Bangladesh has recently agreed to the repatriation of the Muslims who migrated from their country. For, illegal migration is a crime, and ought to be treated as one.

The Act is a carefully considered measure. It was presented to the public as early as 2016. It was examined by an all-party 30-member committee. In fact, genuine migrants were already granted different kinds of permits and visas for an extended stay, and this will be further legalised. Meanwhile, the Citizenship Act under the Third Schedule is in place. Only in the case of minorities from Afghanistan, Pakistan and Bangladesh, the eligibility has been lowered from 11 years to five years.

To begin with, the Act protects the people in parts of the Northeast through the inviolable Inner Line, reserving the land for

them exclusively. The core of the Assamese culture has been carefully conserved. The original people of the land, irrespective of their faith, will remain undisturbed, equal and safe in every way, ensuring their full growth. Interestingly, the constitutional guarantee given to the people of the Northeastern states is based on the British Inner Line System under the Bengal Eastern Frontier Regulation of 1873, which was designed to protect interests of the ruling classes of the British against others. The Government of India, through this Act, has protected the interests of the Assamese people with the same care as the British protected theirs.

The Act is pragmatic too. It recognises the limits that India can go to and stays within them. No country can afford to provide shelter, medical care, and livelihood to unlimited people. It is positively absurd that we should support people who have nations carved out explicitly and exclusively for them and their way of life when our own citizens are unemployed. It is a historical fact that Bangladesh, Pakistan and Afghanistan have had substantial minorities comprising of the very people who, if they are eligible, will be given Indian citizenship. The minorities in these countries have dwindled due to persecution and injustice simply because of their faiths. For us to abandon them would be to abandon our own culture, principles, and responsibilities.

It needs to be emphasised that the Act does not grant citizenship to the non-Muslim peoples of these nations simply because they are non-Muslims. Nor does it exclude those Muslims who may be persecuted for their views, political beliefs or any such. We have the example of a popular Muslim singer, whose father, a pilot in the Pakistani Air Force bombed Pathankot with devastating effect in 1965, who was given citizenship in India. This tradition continues. As per the government statistics, in six years, only about 2,830 Pakistani nationals were given citizenship, that is, about 470 per year — evidence of strict control.

It is needless to say, Indians following Islam will be completely untouched by the Act. They will not be asked to prove their nativity or any related matter. They face not even the slightest threat. The Act has a broader scope as well, as it plugs the loopholes in some other laws. For example, there were no provisions to revoke the OCI card of a holder committing unlawful activities. The Act seeks to close this gap, irrespective of faith or belief.

The great results of this Act are, in sum, the protection of the weak and the helpless of all faiths and the establishment of a more equitable society, sharing resources more justly. The repatriation of false economic migrants is happening in Western Europe to this day. In doing so, India is only following her own culture and laws. These laws have been endorsed by natural justice, international law and practice, reason, and compassion.

The writer is Vice-Chancellor of the English and Foreign Languages University, Hyderabad, Lucknow and Shillong

LETTERS TO THE EDITOR

BJP AND ALLIES

THIS REFERS to the editorial, 'Way from Ranchi' (IE, December 24). The BJP needs to understand that state elections are different from parliamentary elections. They cannot be referendum on Prime Minister Narendra Modi. At the Centre, the BJP may not need allies but in the states, the importance of alliance cannot be overstated. The Jharkhand Mukti Morcha won 26 out of 28 seats reserved for STs and the BJP has fared poorly in rural areas. As far as the Opposition is concerned, if it joins hands and put aside its ego aside, the BJP can be challenged in most states.

Bal Govind, Noida

JUSTICE DELAYED

THIS REFERS to the article, 'While the court fiddles' (IE, December 24). The axiom, "Justice is blind" does not mean that law ignores the subjective value of a case. The apex court not acting with urgency on the petitions against the citizenship law is disheartening. One might argue that justice delayed is not justice denied, but delay in action would certainly lead to a loss of faith in the judiciary.

Anurag Ekka, Ranchi

THE REAL ISSUES

THIS REFERS to the report, 'Soren turns table on BJP' (IE, Dec 24). The response of JMM leader Hemant Soren after winning the elections is a happy news for the people in Jharkhand. It is heartening that he has spoken about removing poverty and eradicating unemploy-

LETTER OF THE WEEK AWARD

To encourage quality reader intervention, The Indian Express offers the Letter of the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to editpage@expressindia.com or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301.

ment. It is important for a country like India to invest on uplifting the living standards rather than invest on measures such as the NRC.

Chandravir Singh, Agra

ABOUT EXCLUSION

THIS REFERS to the article, 'A deluded dissent' (IE, December 24). It notes that the new law intends to protect minorities in Pakistan, Bangladesh and Afghanistan from religious persecution. But the term "religious persecution" doesn't figure in the text of the Act. Moreover, the protests against the CAA in the country (expect in the Northeast) is not against providing citizenship to persecuted minorities, but to oppose the exclusion of one set of people based solely on their religion.

Ankit Gupta, Jhansi



RAM MADHAV

Firm policy, gentle politics

Vajpayee's humility made him a man of the people and won over adversaries

LEADERS ARE REMEMBERED for their oratory. Martin Luther King is remembered for his "I have a dream" speech, Winston Churchill for his scintillating words, "We shall fight on the beaches, on the landing grounds, in the fields and in the streets. We shall never surrender", in his "Our finest hour" address to the British Parliament in 1940, and John F Kennedy is remembered for his inaugural speech as the President of the US in which he called upon his fellow Americans to "ask not what your country can do for you, ask what you can do for your country".

Atal Bihari Vajpayee, India's 11th, 14th and 15th prime minister, belonged to the category of leaders who are exceptional orators. Churchill was famous for his lucid English, short sentences and choice of powerful words. Vajpayee's oratory was stirring at one level and heart-warming at another because it was laced with poetic expressions. His poetry was his added strength. "I might become an ex-prime minister one day. But I shall never become ex-poet," he used to say.

His famous address in the Lok Sabha while demitting office after his 13-day government lost majority in 1996 was one such memorable address. He remembered the occasion when Prime Minister Narasimha Rao sent him to the UN as the head of the Indian delegation. Vajpayee was the Leader of the Opposition at that time. "The Pakistani delegation was surprised at seeing me there," he said adding, "In their country, the Opposition

never cooperates with the ruling party even in a national cause. They always try to pull each other down. That is not our tradition or character".

Then came his thunderous eternal message for politicians: "Power games will go on. Governments will come and go. Parties will be made and unmade. But this country and its democracy should flourish eternally," he said, winding up his speech before announcing his resignation. This brings out the most important facet of Atalji's personality — he was a quintessential democrat. Democracies can't survive authoritarianism or recalcitrance from parties on both sides. Cooperation and consensus are key to the success of a democracy. Ataji, whether he was in the Opposition or the ruling party, embodied these virtues.

Atalji was an enigma to many during his lifetime. He endured the harshest criticism from his own people. One of his ideological fellow travellers once publicly described Vajpayee as a "petty politician playing into the hands of his policy advisers with doubtful credentials". Some of his critics, like Khushwant Singh, used to describe him as a "right leader in a wrong party". Atalji was neither. He was the most large-hearted and inclusive politician that India has seen in last seven decades. As for being in the wrong party, Atalji would himself dismiss it in his typical poetic style: "If the tree is bad, how come the fruit is good? If I am right, I can't be in a wrong party and if my

party is wrong, I can't be right".

Oratory, no doubt, was Atalji's asset. But his real strength was his silence. He used silence more powerfully than his words. Words he used to score political points, and silence, to build political consensus. A democracy of India's size and diversity is governed well through building larger consensus. Atalji's silence or his efforts at consensus building didn't make him weak. He is rather remembered for some of the milestones in India's history like catapulting the country into the league of nuclear powers or waging a decisive war against Pakistan at Kargil. His stern message to US President Bill Clinton on the eve of the Kargil war was, "We will get them out, one way or the other". His aide Brajesh Mishra would later reveal that "all options including nuclear" were open. On another occasion, Atalji had stood firm in refusing to send Indian soldiers to Iraq to join the US forces, despite acute pressure from the US.

As a statesman, he understood the inevitability of criticism in public life. During Atalji's period, India followed truly conservative economic policies. The government shed its extra burden and there was a ministry for disinvestment. Banking, investment and taxation reforms created a favourable climate for the country's economy. The result of all that was a return to healthy 8+ GDP growth starting in 2002-03, overcoming the challenge of the post-Pokhran sanctions. Atalji was criticised by opponents and a section of

his fellow travellers for pursuing liberal economic policies. He took the criticism in his stride and allowed his commerce minister, Murasoli Maran, to negotiate harder at the WTO. But India didn't leave the WTO, because Atalji believed that if the country were to become a global power it couldn't stay out of global institutions.

Atalji's politics was humane. Through his gentle demeanour he would win over the harshest of adversaries. That's why when he spoke about "Insaniyat, Jamhooriyat and Kashmiriyat" as the way forward for Jammu and Kashmir, people trusted and loved him. He may not have been saying something new but he was saying it differently. His personality added weight to his words. If there is one national leader whom the Kashmiris loved the most, it was Atalji.

Coalitions are always difficult. Atalji had successfully managed a 23-party coalition for a full five years. Atalji's humility was a big factor in his success. His politics took him to great heights in public life, his poetic heart weathered the storms and his humility made him the man of the masses. Reflecting upon his glory he once wrote: "Mujhe itni unchaie kabhi mat dena, gairon ko gale nahi laga sakun" (Never let me climb so high; That I am unable to embrace another stranger; Deliver me ever from such arrogance)".

The writer is national general secretary, BJP and director, India Foundation

TELLING NUMBERS

Mental disorders among 20 cr Indians: breakup among states

A STUDY by the India State-level Disease Burden Initiative, published in *The Lancet Psychiatry* last week, found that 197.3 million Indians (one in every seven) were suffering from mental disorders in 2017 (*The Indian Express*, December 24). The study describes the prevalence of mental disorders in Indian states between 1990 and 2017. The 197.3 million in 2017 included 45.7 million cases with depressive disorders and 44.9 million with anxiety disorders.

Among the disorders with the highest prevalence, idiopathic developmental intellectual disability affects most Indians, at 4.5 per cent, followed by depressive disorders (3.3), anxiety

disorders (3.3) and conduct disorders (0.8). Among depressive disorders, the prevalence is the highest in Tamil Nadu (4,796 per 100,000), followed by Andhra Pradesh (4,563), Telangana (4,356), Odisha (4,159) and Kerala (3,897). In case of anxiety disorders, the prevalence is highest in Kerala (4,035), followed by Manipur (3,760), West Bengal (3,480), Himachal Pradesh (3,471) and Andhra Pradesh (3,462). For conduct disorders, Jharkhand and Bihar have the highest prevalence, at 983 and 974 per 100,000 people. At 6,339 and 5,503 per lakh respectively, Bihar and Uttar Pradesh have the highest prevalence of idiopathic developmental intellectual disability.

PREVALENCE OF MENTAL DISORDERS IN INDIA, 2017 (%)			
DISORDER	ALL	MALES	FEMALES
Idiopathic developmental intellectual disability	4.5	4.7	4.3
Depressive disorders	3.3	2.7	3.9
Anxiety disorders	3.3	2.7	3.9
Conduct disorder	0.8	1	0.6
Bipolar disorder	0.6	0.6	0.6
Attention-deficit hyperactivity disorder	0.4	0.6	0.2
Autism spectrum disorder	0.4	0.5	0.2
Schizophrenia	0.3	0.3	0.2
Eating disorders	0.2	0.1	0.3
Other Mental disorders	1.8	2.1	1.4
All mental disorders	14.3	14.2	14.4

PREVALENCE PER 100,000		
DEPRESSIVE DISORDERS	CONDUCT DISORDERS	
Tamil Nadu	4,796	Jharkhand 983
Andhra Pradesh	4,563	Bihar 974
Telangana	4,356	Meghalaya 961
Odisha	4,159	Uttar Pradesh 927
Kerala	3,897	Nagaland 924

ANXIETY DISORDERS	IDIOPATHIC DEVELOPMENTAL INTELLECTUAL DISABILITY
Kerala	4,035
Manipur	3,760
West Bengal	3,480
Himachal Pradesh	3,471
Andhra Pradesh	3,462
	Bihar 6,339
	Uttar Pradesh 5,503
	Madhya Pradesh 5,216
	Assam 5,121
	Jharkhand 4,940

TIP FOR READING LIST

PENGUIN SCANDAL COVER-UP, UNEARTHED

IN 1910, surgeon and zoologist George Murray Levick accompanied the explorer Robert Falcon Scott on his tragic Antarctic mission. He himself did not accompany Scott on the South Pole mission that claimed five lives, including Scott's. Levick spent the southern hemisphere summer of 1911-1912 in a rookery of Adélie penguins and observed their behaviours, including courting, mating, and even homosexuality. He wrote about it, but his findings were so scandalous for the time that they were deemed not fit for publication.

In 1996, biologist and author Lloyd

Spencer Davis went on his own expedition and observed the same same-sex behaviour in Antarctic penguins. Initially, he thought he was the first to record this. Then in 2012, Levick's unpublished manuscript appeared in a scientific journal. Intrigued, Davis set off on another investigation - to find out why Levick's observations had been suppressed in the first place. Davis's new book, *A Polar Affair: Antarctica's Forgotten Hero and the Secret Love Life of Penguins* is the story of that investigation. In the process, it also throws light on Levick's survival story, besides the life of penguins.



DEEPTIMAN TIWARY
NEW DELHI, DECEMBER 24

ON TUESDAY, the Union Cabinet approved over Rs 3,900 crore for a National Population Register (NPR). Coming in the backdrop of nationwide protests over the Citizenship Amendment Act (CAA) and the proposed all-India National Register of Citizens (NRC), the NPR is being seen by many as the first step towards the NRC, while the Centre has sought to delink the two. The governments of Kerala and West Bengal have already announced that they will not implement NPR.

What is NPR?

The NPR is a list of "usual residents of the country". According to the Home Ministry, a "usual resident of the country" is one who has been residing in a local area for at least the last six months or intends to stay in a particular location for the next six months. NPR is not a citizenship enumeration drive, as it would record even a foreign national staying in a locality for more than six months. This makes NPR different from the NRC, which includes only Indian citizens while seeking to identify and exclude non-citizens.

How do I get enrolled in NPR?

The NPR is being prepared under provisions of the Citizenship Act, 1955 and the Citizenship (Registration of Citizens and issue of National Identity Cards) Rules, 2003. It is mandatory for every "usual resident of India" to register in the NPR. Only Assam will not be included (as per a notification by the Registrar General of India in August), given the recently completed NRC in that state.

NPR will be conducted in conjunction with the house-listing phase, the first phase of the Census, by the Office of Registrar General of India (RGI) for Census 2021. It is conducted at the local, sub-district, district, state and national levels. The RGI has already begun a pilot project in 1,200 villages and 40 towns and cities through 5,218 enumeration blocks where it is collecting various data from people. The final enumeration will begin in April 2020 and end in September 2020.

Is NPR connected to NRC?

The Citizenship Act empowers the government to compulsorily register every citizen and maintain a National Register of Indian Citizens. A nationwide NRC - if undertaken - would flow out of NPR. This does not necessarily mean that an NRC must follow NPR - no such register was compiled after the previous NPR in 2010. After a list of residents is created, a nationwide NRC - if it happens - could go about verifying the citizens from that list.

The Home Ministry issued a statement saying, "There is no proposal at present to conduct a nationwide NRC based on the NPR data." Home Minister Amit Shah too said in an interview to ANI that the two were not connected and that NPR data would not be used for NRC.

Earlier, Shah had said several times that there would be an NRC across the country and even repeated in Assam. Statements linking the NPR and NRC have been made by the government in Parliament and the Home Ministry's latest annual report. In November 2014, then Minister of State for Home Kiren Rijiju had told Rajya Sabha, in a written reply to CPI MP Dr TN Seema: "The NPR is the first step towards creation of National Register of Indian Citizens (NRIC) by verifying the citizenship status of every usual residents."

The 2018-19 Annual Report of the Home Ministry also says the NPR is the first step towards implementation of the NRC. "The National Population Register (NPR) is the first step towards the creation of the National Register of Indian Citizens (NRIC) under the provisions of the aforementioned Statute (Citizenship Act)," the Annual Report said.

What else makes NPR controversial?

Another debate has been about

SIMPLY PUT QUESTION & ANSWER

Why NPR isn't NRC, and yet...

Government has announced an allocation for the National Population Register. A look at the details that NPR will collect, what makes it contentious, and whether it has any connection with the nationwide NRC



DATA COLLECTION, THEN & NOW

Details of individual required for NPR in 2020

1. Name of person
 2. Relationship to head of household
 3. Sex
 4. Date of Birth
 5. Marital status
 6. Educational qualification
 7. Occupation/Activity
 8. Father's Name/Mothers Name/Spouse Name
 9. Place of birth
 10. Present address of usual residence
 11. Duration of stay at present address
 12. Nationality (as declared)
 13. Permanent residential address
- NEW**
14. Aadhaar Number (Voluntary)
 15. Mobile Number
 16. Date & Place of Birth of Parents
 17. Place of Last Residence
 18. Passport Number *
 19. Voter ID Card Number
 20. Permanent Account Number
 21. Driving License Number
- *If holder of Indian Passport*



Details of individual required for NPR in 2010

1. Name of person
2. Relationship to head of household
3. Father's name
4. Mother's name
5. Spouse's name (if married)
6. Sex
7. Date of Birth
8. Marital status
9. Place of birth
10. Nationality (as declared)
11. Present address of usual residence
12. Duration of stay at present address
13. Permanent residential address
14. Occupation/Activity
15. Educational qualification

Census forms being checked in 2011.

Express Archive

- Voter ID Card Number
- Permanent Account Number
- Driving Licence Number

In the test, the RGI is seeking these details and working to update the Civil Registration System of birth and death certificates.

What if one does not have such details?

According to Home Ministry sources, while registering with NPR is mandatory, furnishing of additional data such as PAN, Aadhaar, driving licence and voter ID is voluntary. "We are repositing trust on citizens," Union minister Prakash Javadekar said on Tuesday while announcing the Cabinet decision. The ministry has also floated the option of residents updating details for NPR online.

Why does the government want so much data?

While there are concerns about privacy, the government position is based on two grounds. One is that every country must have a comprehensive identity database of its residents with demographic details. In its statement issued after Cabinet approval to NPR, the Home Ministry said the objective of conducting NPR is to "prepare a credible register of every family and individual" living in the country apart from "strengthening security" and "improvement in targeting of beneficiaries under various Central government schemes".

The second ground, largely to justify the collection of data such as driving licence, voter ID and PAN, is that it will ease the life of those residing in India by cutting red tape. "It is common to find different dates of birth of a person on different government documents. NPR will help eliminate that. With NPR data, residents will not have to furnish various proofs of age, address and other details in official work. It would also eliminate duplication in voter lists," an official said.

Officials, however, insist that NPR information is confidential, meaning it will not be shared with third parties. There is as yet no clarity on the mechanism for protection of this vast amount of data that the government plans to collect.

What does one make of the defiance of West Bengal and Kerala?

These Opposition-ruled states are making a political point. Citizenship, aliens and naturalisation are subject matters listed in List 1 of the Seventh Schedule that fall exclusively under the domain of Parliament. Legally, the states have no say in implementing or ruling out NPR. However, given that the manpower is drawn from the states, the defiance could potentially result in a showdown.

privacy. The NPR intends to collect many details of personal data on residents.

The NPR is among a host of identity databases such as Aadhaar, voter card, passport and more that Home Minister Shah said he would like to see combined into one card. "We will have to end all these separate exercises," Shah said at the foundation stone laying ceremony for the new Office of Registrar General of India and Census Commissioner on September 24.

If there was a previous NPR, how and when did the idea originate?

The first such project dates back to the UPA regime and was put in motion by then Home Minister P Chidambaram in 2009. At that time, it had clashed with Aadhaar (UIDAI) over which project would be best suited for transferring government benefits to citizens. The Home Ministry then pushed NPR as a better vehicle because it connected every NPR-recorded resident to a household through the Census. The ministry push even put the UIDAI project on the back-burner.

The data for NPR was first collected in 2010 along with the house-listing phase of Census 2011. In 2015, this data was updated

by conducting door-to-door surveys.

However, with the NDA government picking out Aadhaar as the key vehicle for transfer of government benefits in 2016 and putting its weight behind it, NPR took a backseat. It was through a notification on August 3 by the RGI that the idea has been revived. The exercise to update the 2015 NPR with additional data has begun. Digitisation of updated information has been completed.

What kind of data will be collected?

The NPR will collect both demographic data and biometric data, although for the latter it will depend upon Aadhaar. In the last NPR in 2010, data were collected on 15 aspects; in the 2020 NPR, there are 21 data points. Again, three of the data points from 2010 (father's name; mother's name; spouse's name) have been clubbed into one in the 2020 exercise, so that, in effect, there are eight new data points, including the contentious "date & place of birth of parents":

- Aadhaar Number (voluntary)
- Mobile Number
- Date & Place of Birth of Parents
- Place of Last Residence
- Passport Number (if Indian passport holder)

Why Facebook is setting up an Oversight Board, what it means to users

KARISHMA MEHROTRA
NEW DELHI, DECEMBER 24

NEW DETAILS about Facebook's independent Oversight Board has put the company's internal justice system back in the news. The board is set to be constituted by the end of this year, and begin operations next year.

What does this mean for me?

If your post gets taken down on Facebook or Instagram, this would help present an appeals process. The board primarily will judge content moderation cases in consistency with the company's policies, as well as formulate policy suggestions. At least for the beginning, it is not dealing with posts that users want taken down.

In CEO Mark Zuckerberg's words: "We are responsible for enforcing our policies every day and we make millions of content

decisions every week. But ultimately I don't believe private companies like ours should be making so many important decisions about speech on our own. That's why I've called for governments to set clearer standards around harmful content. It's also why we're now giving people a way to appeal our content decisions by establishing the independent Oversight Board."

What's the process?

After exhausting all other moderation appeals processes, you can appeal your case by writing a statement to the board. Facebook says it will not edit your statement. Facebook can also direct cases to the board itself. The company will use a "case management tool" that will direct cases from Facebook to the board and its staff. The company can send some cases for "expedited review". Full-time board staff aid the process by reviewing case submissions before send-

ing them to a case-selection committee.

The case-selection committee chooses which cases to hear, categorised by significance and difficulty. Those tasked with this project recently told The Verge that they want to focus on geographical diversity. Facebook's report on its consultations states: "The board will also have access to outside experts in instances where cultural nuances are crucial to understanding the facts of the case."

"The board has the discretion to choose which requests it will review and decide upon. In its selection, the board will seek to consider cases that have the greatest potential to guide future decisions and policies," the Board's Charter states.

Board staff assign the case to a panel of members (with between five and 11), with at least one member from the region in question. The panel's composition may remain anonymous, while the entire Board

list is public.

The user can submit a written statement if their case is selected, and Facebook can send in case information. The board will have a set time in which the panel will need to hear a case. If it is doesn't make a decision that time, the case is rejected automatically.

All board members review a panel's decision and have the option of a re-review by a new panel. The Board publishes its decisions but leaves it up to the user to decide how much personal information they want to reveal.

The company will not abide by the board's judgment only if it breaks the law.

The company can also call for a "policy advisory opinion" in which it seeks the board's take on any rule. "How should it rule on nudity?" "How should it respond to fact-checking political content?" "How should it deal with religious issues in specific coun-

try contexts?" These are all questions that the board could dissect.

What is independent about the board?

The company has set up an independent trust that creates a three-pronged structure: a company, a board, and a trust.

To start, Facebook will select the "co-chairs". Co-chairs and the company will select board candidates, who will then be formally appointed by the trustees. After the initial setup, the board will select its own members with appointments by the trustees.

Trustees fund the board, while Facebook funds and appoints the trustees. News reports say the company is devoting \$130 million currently to the trust.

The public can propose candidates. Trustees can remove members for code of conduct violations, but not for their decisions.

The board will have between 11 and 40

members, who serve a three-year term with no more than three terms. Trustees oversee term renewals.

The company will pick members that do not have a conflict of interest and are familiar with issues of "digital content and governance, including free expression, civic discourse, safety, privacy and technology," according to the board's charter.

"The board's decision will be binding, even if I or anyone at Facebook disagrees with it," Mark Zuckerberg said in a blog post. "The board will use our values to inform its decisions and explain its reasoning openly and in a way that protects people's privacy."

What led to this?

The idea came into the discourse roughly a year ago. Thereafter, the company has met with industry experts, began developing the bylaws, recruiting the board members, and testing the appeals process.