

Closing in on civic authorities

Instead of civil action, the Supreme Court sanctions criminal prosecution



OUT OF COURT
M J ANTONY

There is hardly any city in the country which has a satisfactory water supply or sewage system. Civic authorities are generally insensitive to people's complaints and are not easily spurred into action. Even the pollution control boards avoid their responsibility to enforce environment laws because local heavyweights are involved and the outcome of legal

action is uncertain. But the Supreme Court has now ruled that the Municipal Councillor and Chief Officers of the Municipal Council could be criminally prosecuted. The ruling came in a 14-year-old legal battle between the Karnataka pollution control board and seven commissioners of Bangaluru and other Municipal Councils who had held the position at different times (Karnataka Pollution Control Board vs B Heera Naik). The judgment is also significant because it interpreted the term "company", widening its scope to include statutory bodies. The court asserted that a municipality is not a department of the government, as argued, but a corporate entity. The Water Pollution Act gives an expanded meaning, as "company"; means "any body corporate". Thus, all body corporates are included within the definition of company according to Section 47. The wide net

includes Municipal Councils. The criminal liability falls upon "every person who at the time the offence was in charge of, and was responsible to the company for the conduct of the business of the company". In order to escape punishment that person has to prove that the offence was committed without his knowledge or that he had done due diligence. Therefore the burden on those who hold the reins is heavy. In the case of Municipal Councillors, the responsibility is now more than that of directors under the Companies Act and the Negotiable Instruments Act. The high court had quashed the prosecution of these executives, maintaining that they were heads of department and not executives as in a company. Therefore, government sanction to prosecute was also necessary. The Supreme Court held that the high court was wrong. They can be proceeded against without sanction from the gov-

GoMs, then and now

They were synonymous with delays in decision-making in the UPA era. Under the NDA, they rarely make executive decisions

SUBHOMOY BHATTACHARJEE

That the National Democratic Alliance (NDA) under Prime Minister Narendra Modi has created an abundant number of group of ministers (GoMs) in its six years at Raisina Hill is hardly news. The surprise is that those GoMs tasked with specific roles such as disinvestment or telecom revival play only a supervisory role and rarely make the executive decisions.

This is where these teams of ministers differ from those set up during the two terms of the United Progressive Alliance (UPA). The Modi government has used a different moniker for GoMs, primarily because they had become synonymous with delays in decision-making. They are now called alternative mechanisms (AMs), and there are fewer of them than during the UPA regime.

When former prime minister Manmohan Singh left office, there were nine empowered group of ministers (EGoMs) and 21 group of ministers (GoMs) in operation. To date, the NDA government in its two terms has set up eight of them.

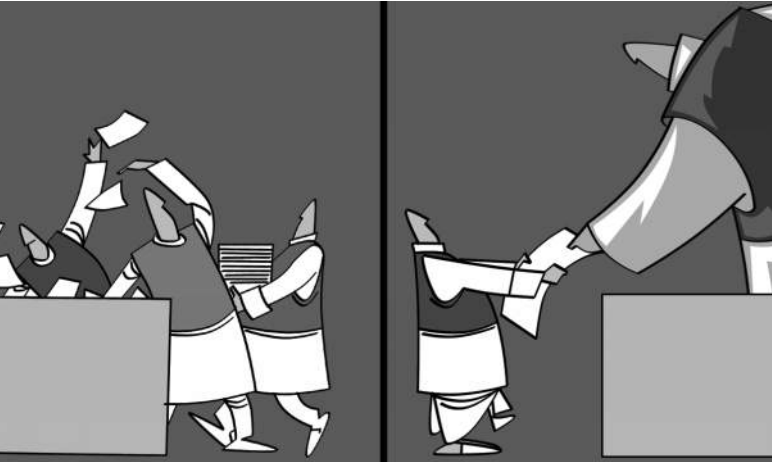
In a significant departure in their style of functioning from the UPA regime, the AMs mostly do not wield any executive authority to approve a decision. Instead, they inspect the decisions made by departmental secretaries

and their team of officers on the specific issue they have been tasked to do. Once they are satisfied, those decisions travel to the Cabinet, which gives its formal approval.

The Cabinet Committee on Economic Affairs (CCEA), for example, has approved the creation of two AMs in March 2019, to supervise the strategic disinvestment of central public sector enterprises. The AMs have come into being after the CCEA has already given an "in principle" approval for the disinvestments. The AMs remain subservient to the CCEA, will look into:

- (i) "The quantum of shares to be transacted, mode of sale and final pricing of the transaction or lay down the principles/ guidelines for such pricing; and the selection of strategic partner/ buyer" and so on
- (ii) "To decide on the proposals of disinvestment "with regard to the timing, price, the terms and conditions of sale" and related issues.

As a government release notes, the approval by the AMs means the decisions should be faster. "This will facilitate quick decision-making and obviate the need for multiple instances of approval by the CCEA for the same (company)". Under the UPA, the EGoMs had the right to act as a Cabinet and issue orders accordingly. The GoMs operated one rung below them and had to send their decisions to the



cabinet. For instance, the EGoM on food security was set up to "consider issues concerning procurement, management of food-grains stocks, revision of central issue prices of food-grains and the proposed law on food security". It operated like a cabinet with a wide ranging mandate co-terminus with the term of the government and with its own bureaucracy.

No NDA GoM has such a sweeping mandate. The nearest is a GoM to prepare a blueprint for the development in Jammu & Kashmir. Instead, GoMs are meant to answer specific questions like the one set up under Home Minister Amit Shah to work out the details of the government's major scheme to provide piped drinking water to every household. One of its deliverable is how to reinstate user charges for water. Similarly, the home

ernment. The board had accorded consent to the accused commissioners to discharge sewage effluent after treatment which had expired in 2006. It has not been renewed since. However, they have been continuously discharging untreated sewage into water bodies like ponds, lakes and natural valleys.

This decision allows pollution control boards to prosecute the authorities in charge of protecting water and air. The law elaborately lists the offences. Briefly, no person shall knowingly cause or permit any poisonous, noxious or polluting matter to enter into any stream or well or sewer or on land. Whoever contravenes these provisions shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.

The court has been passing stringent orders in cases of violations of environmental laws recently. In a judgment passed two weeks ago, it ordered Noida authorities, near Delhi, to "restore, maintain and protect the water bodies in the village". In this case, Jitendra Singh vs Ministry of Environment, the traditional water bodies were being filled up for the benefit of industries, flouting environmental laws.

Citizens have moved public interest petitions on civic woes earlier. The earliest was the celebrated Ratlam municipality judgment in 1980. The Supreme Court ordered Ratlam municipality in Madhya Pradesh to clean a locality, holding that budgetary constraints did not justify a municipality neglecting its statutory obligation to provide sanitation. Though the judgment is good reading, a visit to the city recently showed that there was little impact on the ground. Then came the M C Mehta cases in which the court is still passing orders. In 1996, Almitra Patel, the first woman engineer to graduate from MIT, moved the court on the issue of solid waste. Despite court orders over the years, the problem has only worsened. Recently, the government submitted a 850-page affidavit on the subject. The judges remarked that the paper bundle itself was "solid waste".

So far the main drive against polluters was civil action and compensatory. The Karnataka judgment hands down power to the pollution boards to prosecute civic authorities. Criminal action could be more effective than pious judgments in PILs. However, the big question is whether the regulators will have the courage to prosecute the bigwigs in the cities.

Committee, Committee on Accommodation, Cabinet Committee on Economic Affairs, Cabinet Committee on Parliamentary Affairs, Cabinet Committee on Political Affairs, Cabinet Committee on Security, Cabinet Committee on Investment and Growth and Cabinet Committee on Employment and Skill Development. Their number too is a political call but once formed, they are usually exist co-terminus with the term of the government in power.

The GoMs or the AMs are a different beast and reflect the political play within the government. The reasons for the plethora of GoMs under Singh was the need to give every political party in the coalition a space under the sun. Prime Minister Modi does not need to assuage any interest group to take the final call on any decision that belongs rightfully to the cabinet.

Compared to the AMs or GoMs that bring together only the central ministers, the groups which bring together the state ministers with central ministers have a more organised feel to them. This includes the GST Council, formed under the GST Act. Here even the sub-committees issue formal reports, like the GoM—for example, to suggest ways to resolve the crisis facing the real estate sector following the roll out of the GST. This GoM is headed Gujarat deputy chief minister Nitin Patel and includes the finance ministers of Kerala, Punjab, Karnataka, Maharashtra and Uttar Pradesh and Goa's Panchayat minister as members. Then, there is the one to examine the best practices in road safety and road transport sector, which is tasked with drawing up an actionable plan for implementation.

CHINESE WHISPERS

Pitfalls of internet curfew



The current internet blackout in Lucknow and some other districts in Uttar Pradesh following violent protests related to the Citizenship Amendment Act is not only inconveniencing people but hampering the work of the police. The cyber wing of the state police is burning the midnight oil to identify the perpetrators of violence. So far, it has arrested more than 100 people and registered 80-odd first information reports for uploading inflammatory posts on social media platforms. However, the suspension of internet services is making the task of identifying the culprits difficult for cyber wing sleuths.

Medicines, not liquor



Delhi Chief Minister Arvind Kejriwal (pictured) on Tuesday launched the Mukhyamantri Aawas Yojana for the residents of *jhuggi jhopri* (J) clusters in Delhi, which is going to the polls in February. Speaking at the event, Kejriwal said his government in the past five years had worked to ensure delivery of basic services to the people. "Aapke school ka intezaam kar diya, aapke paani ka intezaam kar diya, aapke dawa daru ka intezaam kar diya," he said, pausing to clarify that his government had ensured the availability of only "dawa" and not "daru". "Wah ek aadmi khush ho gaya wahan" (that man there got happy), Kejriwal said, pointing to a man in the crowd, to peals of laughter.

Policing with chocolates

The festive spirit has got to traffic police persons in Goa. Instead of penalising traffic violators, they have been distributing chocolates among them. To look the part, these policemen, patrolling the streets of Panaji, were also dressed as Santa Claus. That is not all. The violators had to also listen to a lecture on traffic safety and related regulation. Some found it amusing and were relieved to not get a ticket. Others were not sure if the exercise would drive the underlying message home.

INSIGHT

Chairman, CEO/MD positions: To separate or not to separate



J N GUPTA

The Kotak Committee on corporate governance reforms constituted by the Securities and Exchange Board of India (Sebi), recommended separation of the positions of a chairman and the CEO/MD. The logic was the leader of the board should not be the leader of the management thus providing a better-balanced structure of supervision and management. The guiding principles of the recommendation were:

- ensuring the board acts independently
- avoiding the risk of concentrating authority in a single individual
- offering role clarity without overlap
- reducing time commitment leading to focussed role play
- choosing the right fit for each role rather than clubbing skill sets
- making the board atmosphere more conducive to debate.

The committee, of which, the writer was a member, had considered international practices and after intense discussion among members, made the recommendations. The Sebi, following its inclusive consultation process, invited public comments and its board took a considered decision and amended the Sebi listing regulations to provide for the separation of the executive position from the chairman's position. The law is to come into effect from April 1, 2020.

While business performance cannot be predicted, the reaction of India Inc to changes in law can be predicted with

100 per cent certainty. Any law that puts more money in the pocket (like tax reduction) or reduces compliance or fines is welcome with open arms and implemented immediately. On the contrary, any law that disturbs the easy calm or status quo, is abhorred. The opposition to implementing such laws gains momentum as the deadline of implementation nears. The separation of the CMD position is one such law, opposition to which is gaining momentum as the deadline approaches.

One wonders why that reaction when the law was the result of extensive discussion with all stakeholders. To the writer, it appears either India Inc is not convinced about the virtues of good governance or it doesn't agree that separation is a measure of good governance. What is good governance? Whether separation does mean good governance is a subjective issue. It is not that Sebi has independently discovered and imported this alien concept. Much before the law was enacted in India, there was extensive debate all over the world mainly in developed economies on the virtues of separating the two posts resulting in a recommendatory provision with a "comply or explain" approach adopted in most jurisdiction. The OECD also recommends that the two positions be separated.

Looking at the recommendatory position in most jurisdiction, one would logically stand behind the demand of India Inc and suggest that the Sebi must also recommend and not legislate. A perfectly genuine demand. Unfortunately, copy and paste doesn't work in most Indian situations. Unlike other jurisdictions, where recommendatory provisions are respected as law, in India implementation requires the force of law with micro prescriptions. Voluntary guidelines are at the most thesis material for students striving to achieve a doctorate degree, doing statistical analysis of

failed voluntary attempts at reform. If voluntary provisions were indeed adopted by Indian Inc, many provisions of the law would still be missing from the Sebi regulations.

Therefore, if someone is to be blamed for a mandatory provision in place of recommendatory, it is India Inc, whose past performance in adopting voluntary provisions and waiting till the last date to implement a law speaks volumes about its approach towards voluntary guidelines. The contrast in approach is evident. As a recommendatory provision — in cases where the two positions are not separated — the USA SEC requires an issuer to disclose in the annual proxy sent to investors the reasons why the issuer has chosen...

"(1) the same person to serve as chairman of the board of directors and chief executive officer (or in equivalent positions); or "(2) different individuals to serve as chairman of the board of directors and chief executive officer (or in equivalent positions of the issuer)".

US corporations are adopting the recommendatory guidelines. An article in The Wall street Journal ("More U.S. Companies Separating Chief Executive and Chairman Roles", January 23, 2019) reports that in the S&P 500 group, about 60 per cent of the companies had combined the position of CMD in 2007, whereas in 2018, the number came down to 45.6 per cent even though the provision is recommendatory. In India, even though the provision was made mandatory, most companies adopted a wait and watch till the final day, hoping that the law would be scrapped. By the end of September 2019, almost 50 per cent of the top 500 listed companies were yet to comply with the law; not surprisingly, almost 80 per cent of the PSUs have not separated the posts. This explains the difference and answers the question why it is mandatory and not recommendatory.

A very strong argument is given

against separation — that it impacts the "unity of command" and creates two parallel power centres. On the face of it, the argument looks reasonable; but it lacks depth. The argument hinges on the assumption that both the board and the management have the same role. There is a fundamental flaw in the argument. Any text book on board working would lucidly explain the difference, which may not be as different as chalk and cheese, yet they are not very similar either. The Cadbury Committee (UK) in the Report on Corporate Governance (1992) noted that "given the importance and the particular nature of the chairman's role, it should in principle be separate from that of the chief executive. If the two roles are combined in one person, it represents a considerable concentration of power".

Another allegation is that the Sebi is importing global regulation, which may not be suitable to India's culture, history of entrepreneurship and ownership pattern. Indian corporations are family dominated, with concentrated ownership of promoters -- a reason why a majority shareholder should hand over reins to a person who does not have skin in the game. This is by far the strongest argument and would find a lot of support. However, this argument runs against the very concept of a "corporation" where there are three tiers and each must be separated -- owners, board and the management. If the owners control the board and the management, it affects the very foundation of a corporation. And the negative impact of such unity of command outweighs any perceived or actual negative impact of separation. This probably explains why other jurisdictions have not made the provision mandatory, as most jurisdictions do not have such concentrated family holdings.

Interestingly, whenever the ease of doing business issue is debated, intense criticism is meted out to Indian law

makers and at that time the arguments used are "international practices". However, in the same breath if any law implementing best practices from other jurisdiction is proposed, which disturbs the cosy status quo, the argument gets twisted and talks of "India is different from..." takes centre stage.

It is agreed that good governance is not a science but an uneven mixture of organisational culture, mind set and ethical values, and therefore the pace of implementation would be different and the impact will also be different. However, once it is understood that good governance is not meant to please the regulator, but is for the good of all stakeholders and value accretive, there is no reason why steps towards good governance should be delayed.

In case, India Inc sincerely feels that the separation of posts is not a good governance measure and not value accretive, it must spell out its doubts clearly to the regulator and give cogent arguments rather than mundane ones like India is different and so on. Ideally, such arguments must be made prior to the enactment of a law rather than after a law has been notified and the implementation deadline nears. This puts the regulator in a tricky position. If the regulator backtracks, it will be accused of either surrendering to pressure or introducing a half-baked law. Which certainly is not true in this case as an elaborate process of consulting stakeholders was followed by the regulator. One wonders why a regulator that adopts a transparent and consultative process has to bear so much pressure, whereas many other regulators that do not follow such process face no such pressure. Don't we want transparency and stakeholder consultation? Theoretically yes, practically no, because we comply only when mandated.

The author is founder and managing director of Stakeholders Empowerment Services

LETTERS

Time for course correction

This refers to "Lessons for BJP" (December 24). The Bharatiya Janata Party (BJP) needs to understand that state elections are different and cannot be a referendum on the centre or the Prime Minister. The role of regional allies cannot be over-emphasised, as at the centre, the BJP may not need allies as Narendra Modi remains the tallest leader in the country. However, it might be the other way round for state elections. Jharkhand Mukti Morcha won 26 out of the 28 seats reserved for Scheduled Tribes and the BJP has fared poorly in rural areas. This goes to prove that issues like poverty, unemployment do matter to the voters and it is time the BJP picked up lessons from this defeat and did a course correction in its policies and priorities. As far as the Opposition is concerned, if they join hands and put aside their ego then the BJP can be challenged in most states. The next elections are due in Delhi and West Bengal and both are going to be tough ones for the party.

Bal Govind Noida

Justice denied

Apropos the news report "Five sentenced to death by Saudi court over Jamal Khashoggi's murder" (December 23), even the very naive cannot digest the verdict. Khashoggi was brutally murdered by a 15-member team at the Saudi Consulate in Turkey, in October 2018. Besides the five sentenced to death, three have been given prison sentences, while three others, including the former deputy chief of intelligence Ahmed al-Asiri, have been exonerated. Justice should not only be done, but should also be seen to be done. The governments across the world may not criticise the verdict for fear of earning the displeasure of the oil rich nation, but people outside the kingdom cannot be silenced by the dictum "the king can do no wrong".

V Jayaraman Chennai

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Reviving economic growth

The IMF has some useful suggestions

The finance ministry, which is in the process of preparing the Union Budget for the next fiscal year would be well advised to consider some of the suggestions of the International Monetary Fund (IMF) made in its report on India. The IMF has listed reform measures that might help India increase economic growth to the baseline medium-term potential of 7.3 per cent. First, the clean-up of bank balance sheets should be completed along with strengthening governance in public sector banks (PSBs) and better oversight of non-banking financial companies (NBFCs). Although the government has infused a significant amount of capital into PSBs, there is practically no movement in terms of governance reforms. In the absence of such reforms, PSBs would remain prone to the same errors and undermine an efficient allocation of credit, which will affect overall economic growth in the medium term. Further, the central bank will need to augment regulatory capacity for better oversight of the system, including the NBFC sector.

Second, fiscal consolidation in the medium term should be anchored to the recommendations of the Fiscal Responsibility and Budget Management Act review committee. General government debt needs to be brought down to 60 per cent of gross domestic product (GDP) from about 69 per cent in 2018-19. Fiscal consolidation would require savings through rationalisation of subsidies and augmenting revenues by expanding the tax base. This will help reduce the crowding out caused by higher public sector borrowing requirement, which exceeds the net household financial savings of 6.6 per cent of GDP. However, the way the government manages its finances in the current and next fiscal year, to a large extent, will determine the possibility of attaining medium-term fiscal targets. In the current year, for instance, revenue collection is likely to fall short significantly.

Notably, the IMF has also highlighted the use of off-budget financing, which makes the headline deficit number less meaningful. There is an urgent need to improve transparency. Given the limited policy space, the IMF has suggested that fiscal stimulus should be avoided at this stage. Evidently, a significantly higher level of government borrowing will push up the cost of money. In fact, the Reserve Bank of India has started managing yields by buying longer-dated bonds and selling short-tenor bonds, which would also help the government borrow at lower rates. However, measures like these have limitations and could unnecessarily complicate policy management of the central bank. The government would need to be mindful of the risks associated with fiscal slippage at this stage.

Third, to boost growth, among other things, the government should focus on reforms in product, labour and land markets. Since the policy space on the fiscal side is virtually non-existent and there are limitations to the extent monetary policy can support growth in the given macro environment, the government should focus on wider reforms that will help increase growth in the medium term. For instance, comprehensively addressing the problems in the goods and services tax system will not only help augment revenue but also improve the ease of doing business. Further, there is a strong case for trade liberalisation to support growth and employment. The economy clearly needs policy intervention to help push up growth in a sustainable way.

Short-sighted aggression

Not in Indian interest to needlessly offend US legislators

Most of the major candidates for Democratic nomination to the post of the president of the United States have issued statements in the past week about Indian foreign policy. The immediate provocation for these actions is the decision by External Affairs Minister S Jaishankar to cancel a meeting with members of the United States Congress when the leader of the committee in question refused to exclude Washington representative Pramila Jayapal from the meeting. Ms Jayapal, who is a leader of the progressive caucus in the House and is a prominent Indian American, has provoked ire in the Indian government because she had asked questions recently about India's Kashmir policy. Several of the Democrats have said that no government should be able to pick and choose who is in a US Congressional delegation; Pete Buttigieg has pointed out that India and the US have a relationship based on shared values and that India should live up to these values.

Some of this will obviously be posturing for a domestic audience in the United States. But it also suggests that India's recent high-stakes attempt to push back against criticism of its domestic policy in Kashmir and Assam in particular is not meeting with the expected levels of success. It is far from clear what the foreign ministry was thinking. Surely, the external affairs minister is more than capable of holding his own in defending a policy—the reading down of Article 370 — that has been agreed upon by the Indian Parliament. Indeed, that is the job not just of the minister but of every Indian diplomat. Instead, however, a touch of overconfidence seems to have seeped into how the Indian government regards its status in Washington DC. The years of a strong relationship with India being a bipartisan consensus in the American capital no doubt have something to do with this sense of complacency. But recent actions by the Indian government have clearly led to a situation where this bipartisan consensus is in danger. For example, India's ambassador to the US, Harsh Shringla, caused much consternation in the US capital when he met and praised the right-wing ideologue Steve Bannon. Mr Shringla, far from suffering for this misjudgment, has just been appointed the next foreign secretary. Then there was the prime minister's ill-judged appearance with President Donald Trump at a political rally in Houston, in the course of which he repeated a political slogan that was widely viewed as an endorsement of Mr Trump, although officials subsequently walked back that interpretation. Fitting into this attempt to woo the global right wing is the decision to welcome a group of lawmakers from the European Parliament, many of whom were associated with the anti-Muslim hard right in that continent.

India has benefited greatly from the bipartisan consensus on Capitol Hill that a closer relationship between the US and India is in both countries' interests. By and large, this consensus has survived lobbying attempts by US domestic industry. But cosyng up to Mr Trump is not a well-thought-through idea — already it has been reported that his primary trade advisor has his sights on Indian trade policy. India is in any case isolated in multiple multilateral forums, and US backing will continue to be important. In this atmosphere, alienating members of the US Congress and the potential next president, if a Democrat, is dangerously short-sighted. There was no reason to run down carefully built-up political capital in this manner. The government had better make amends for its myopic behaviour in short order.

ILLUSTRATION: BINAY SINHA



Containing China

Access to American savings through the US securities markets provides China a lifeline without having to deal with its debt trap

First met Janos Kornai in Beijing in 1985 at a conference organised by the World Bank and the Chinese Academy of Social Sciences (CASS), during which we had an audience with Zhao Ziyang, the general secretary of the Chinese Communist Party (CCP) and the major reformer seeking to turn China away from the Plan to the market, as signalled by the paramount leader Deng Tsiao Ping. Kornai then left on a week's Yangtze cruise on the SS Boshan organised by Zhao through CASS, which was to provide Chinese economists with the views of various invited Western economists on the working of capitalist market economies.

Kornai was the star of the meeting as Julian Gewirtz (in *Unlikely Partners*, Harvard, 2017) documents. He remained a trusted advisor to Chinese reformers even after Zhao was purged following the Tiananmen Square massacre. He was the primary intellectual influence on the Chinese reformers who created the Chinese miracle. Yet in a recent letter to the *Financial Times* ("Economists share blame for China's 'monstrous' turn", 10 July 2019), he laments his and other Western economist's role as Frankenstein's creating a fearsome monster under Xi Jinping. "We all agreed that new life would be brought to China, which had frozen under Mao, by the electric shock of marketisation and private property. Now the fearsome monster is here". Its "aim is to become the hegemonic leader of the globe". Kornai advocates George Kennan's policy of containment of communism. He concludes, "What has happened already cannot be undone. But here we must stop, and we must take far more care to avoid carrying on the role of Frankenstein".

The need to contain China was also the conclusion of my recent book, *War or Peace*. It noted the even greater role played by the Frankensteins of Wall Street in China's rise. Investment banks led by Goldman Sachs and legal firms like Linklaters and Paine were "the creators of the New China of the twenty first cen-

tury". (C E Walter and EJT Howie: *Red Capitalism*, Wiley, 2011)

The model was provided by the creation of China Mobile in 1997 by Goldman Sachs out of a poorly managed assortment of provincial post and telecom entities. Its initial public offering (IPO) raised \$4.2 billion. There was no looking back. China's oil companies, and insurance companies sold billions of dollars in shares in IPOs. "All of these companies were imagined up, created, and listed by American investment bankers". By 2009, 44 of the firms in China's National Team were on the Fortune Global 500 list.

Today, China has 700 companies listed in the US stock and bond markets. These include egregious bad

actors like Hikvision, responsible for facial recognition technology monitoring the concentration camps holding two million Uyghurs in Xinjiang. Unwittingly, US investors are funding these technologies, and weapons systems for the People's Liberation Army (PLA) "because the US has no security-minded screening mechanism for capital markets which have roughly \$35 trillion under management." (Roger W Robinson Jr. "Why and how the US should stop financing China's bad actors", *Imprimis*, October 2019).

One of the largest public retirement funds, the Federal Thrift Savings Plan (TSP) with 5.7 million enrollees — including US military personnel — totals \$578 billion. It is planning to switch its \$50 billion international portfolio (on the advice of a Wall Street consulting firm) to the MSCI All Country World Index, which includes Chinese "companies such as AVIC, which makes fighter aircraft for the PLA and is China's biggest producer of ballistic missiles". This decision should be reversed.

Furthermore, Robinson Jr, who served on US President Ronald Reagan's national security council, suggests using a tactic to contain the Soviet Union, also in China. The Soviet Union faced a funding gap of \$16 billion annually, which was financed by Western governments and banks. Reagan succeeded in ter-



DEEPAK LAL

India needs to shift its economic model

Instead of debating at length the slowdown, its causes and remedies, we can take another perspective than a simple cyclical crisis in the context of a totally new global environment. Well beyond Modinomics or Modipolitics, India seems to be facing a structural challenge of its economic model whose evidences can be seen every day on the ground in the countryside, in medium-sized cities and, of course, in megacities in deep crisis. But solutions and opportunities emerge also from everywhere and suggest a cautious optimism for those who have confidence in the common sense of people.

Concerning the challenges, it is enough to travel in "real India" to observe:

(i) Massive unemployment and underemployment of young people, while India is unfortunately at its peak of demographic transition. So, the challenge of the demographic dividend has become the challenge of demographic liabilities, including from the socio-political point of view of a lost youth tempted by extreme adventurism (see Shankar Acharya's "The job crisis worsens", *Business Standard*, November 19).

(ii) The massive accumulation of environmental liabilities in the form of the accumulation of waste everywhere in the open air, a water crisis in both quantity and quality, an air crisis with particle indices now among the most dangerous in the world, detestable indicators of food quality and nutrition in general, with tangible signs of deterioration in the average health of the population, either through excessive sugar and fat consumption or malnutrition of the working classes. Finally, urban congestion whose costs are added to gross domestic product (GDP) but never subtracted to the real welfare.

Today, each growth point is probably offset by a corresponding deterioration in the quality of life in India. Paradoxically, the objective of maximising growth is nothing less than a goal of deteriorating the quality of development.

(iii) Rural stress related to the Green Revolution model has become a daily reality in the rural world, which represents half the Indian population.

Thousands of suicides are in reality only an epiphenomenon of a much larger depression that can be observed in Indian villages deserted by young people or by men who have left for the city to provide a minimum subsistence to their families.

(iv) With the inhabitants of urban slums, at least 500 million Indians are currently deprived of basic needs such as housing, food, education, and have such low subsistence incomes that they are still not integrated into the market economy with daily income levels ranging from ₹50 to ₹200 per person per day. And all the noise around the populist programmes of toilets, gas bottles or small *pucca* houses of the PMAY-G does not hide their miserable character for those who visit the Indian countryside. As with the demographic dividend, dividends from the Indian market have not yet materialised to the point that prices are increasingly declining with clear limits on the viability of companies, whether they are mobile phones or basic cookies like Parle.

Natural farming as a systemic paradigm shift

It is clear that the business-as-usual scenario has no chance of meeting these challenges. It would be necessary to have a proactive long-term vision, but unfortunately any transformation from above seems

minating this flow of discretionary cash, which led to the end of the evil empire.

China too has a serious internal debt crisis. Jim Rickards ("The great Chinese crack-up starts now", *Strategic Intelligence*, November 2017) has estimated that China's total debt (including official, corporate and individual) to productive gross domestic product (GDP) (normal GDP minus investment in ghost cities and white elephant projects) was 873 per cent in 2016. But this "will not necessarily cause a collapse anytime soon. As long as the WMP Ponzi (wealth management products held by individuals sold by banks offering higher deposit rates, with new WMPs sold to pay off old ones when investors want their money back— a classic Ponzi scheme) continues and banks aren't held to account for issuing new loans to replace bad debts, the game can go on. China also has \$1 trillion of liquid reserves to sort out its debt mess." However, if China uses these precautionary reserves "to bail out its bad debt, the country will jump out of the frying pan into the fire of a currency crisis."

It is in this context that the access of Chinese companies to American savings through the US securities markets, currently provides China a lifeline without having to deal with this domestic debt trap. Robinson supports the simplest solution of eliminating access to all Chinese enterprises to US capital markets. This would bring the Chinese "evil empire" to its knees as Reagan's actions did in denying Western technology and capital markets to the bankrupt Soviet Union. No doubt this would lead to howls from Wall Street. But these should be ignored in US national interests.

For their argument that closing US capital markets to China will lead it to go to another international exchange is implausible. For the US capital markets are roughly the size of the rest of the world's combined, and the US holds 60 per cent of the world's liquidity, "no other country has anywhere near the depth and volume" of US markets. "China's need for dollars is so voracious that it would likely use up the volume of a Frankfurt or London in months not years. There is nowhere for a player of the size of China to go."

In a speech to the Hudson Institute on October 4, 2018, US Vice-President Mike Pence laid out what is being termed the Pence Doctrine. "Pence made it clear that the current struggle between the US and China goes far beyond trade and tariffs"; it was "an epic struggle between an atheistic communist ideology bent on hegemony in Asia and the Western Pacific and a democratic America that seeks balanced relations in a rules-based system along with the promotion of liberal Western values". He predicted "a protracted and existential struggle between Western liberal values and a totalitarian disregard for human rights." (Jim Rickards: "Beyond the US-China trade war: Cold War II", *Strategic Intelligence*, July 2019).

In this new Cold War, the liberal world needs to remember and use the major instrument which delivered victory to the West—the use of its control of the world's money which allowed it to bring the last illiberal empire to its knees.

impossible because of a short view of the political class, which has its eyes fixed on the rolling electoral tests and seems to enjoy purely ideological confrontations. On the other hand, it is extremely reassuring to observe a deep movement from below (bottom up), where civil society and the business world are forced to be innovative to adapt to the crisis of the Indian productivist model of the 1990s. We are thinking of innovative business models along the lines of the Patanjali chain of stores, one of the few economic successes of recent years that has spread simple and healthy products in depth throughout India. But it seems obvious that the emergence of a mass movement around natural farming (NF) is today the real breakthrough innovation that could lead to a possible change in the Indian economic paradigm.

What are its solutions and why natural farming is much more than an agricultural issue. The results of our field surveys with Vijay Kumar in charge of Zero Budget Natural Farming in Andhra Pradesh (ZBNF) or the Indian guru of NF, Subhash Palekar, show that NF is a systemic response to the following challenges: Employment, gender equality, aspiration of young people to live a better life, quality food, better health, a response to climate change and environmental degradation, and the relocation of the Indian economy around dynamic rural areas and second- and third-level cities to overcome the structural urban crisis in India. It also includes the conceptual breakthrough of the great Indian economist Raghuram Rajan, as expressed in his book *The Third Pillar*: The urgent need to revitalise the community economy between the state and the market that have become incapable of bringing prosperity to all.

The writer is an economist at French Institute of International Relations

Teachable moments from a schoolgirl



BOOK REVIEW

CHINTAN GIRISH MODI

"Adults keeps saying that they must give young people hope. I don't want hope, I want you to panic, to take action. I want you to behave as if you were in the middle of a crisis, because that's what it is."

These words sound like they come from students thronging the streets of India with marches protesting the draconian Citizenship Amendment Act but they were spoken by Greta Thunberg, a 16-year-old climate activist, at the World Economic Forum in January 2019. She was castigating individuals, companies and

decision makers for sacrificing "priceless values" to "continue making unimaginable amounts of money."

Greta's Story: *The Schoolgirl Who Went On Strike To Save The Planet* is a book that I would recommend to anyone keen on learning about the power of civil resistance led by young people who rarely get a say in framing policies that determine their future. They are filled with rage because of the problems their predecessors have created, and they want to fix things before it is too late. They are unafraid to take on the bigwigs, and call them out for their incompetence.

With her work on the *Skolstrejk för Klimater* (School Strike for the Climate), Ms Thunberg's message has travelled beyond Sweden, the country in which she was born and raised. She has managed to rattle successfully US President Donald Trump, German Chancellor Angela Merkel, French

President Emmanuel Macron, Russian President Vladimir Putin, Italian Prime Minister Giuseppe Conte, and Australian Prime Minister Scott Morrison.

How did Ms Thunberg become an activist? Why does she care so much about climate change? Who inspired her to make noise instead of keeping quiet about what troubles her? Are her parents supportive? Do her teachers encourage her to pursue what she believes in? Where does she get the strength to deal with all the criticism directed at her? When does she make time for studies? Is she missing out on a "normal" childhood?



Valentina Camerini's book explores these questions with depth, sensitivity and affection. Ms Thunberg is not presented as a hero with superpowers but as a human being who responds to

GRETA'S STORY: The Schoolgirl Who Went On Strike To Save The Planet

Author: Valentina Camerini
(Translated by) Moreno Giovannoni
Publisher: OUP

doesn't speak in class and sits to one side, somewhere up the back. Nothing particularly exciting had happened in her life, or at least nothing that would make you think that one day she would

convince hundreds of thousands of children to follow her example," says Ms Camerini.

Enjoyed this book because it challenges attempts to characterise Ms Thunberg as a precocious white girl who is unaware of the issues at stake, and has an anger management problem. Such depictions try to erase the fact that she has inspired millions of young people around the world to skip school on Fridays, and make their governments prioritise climate action. The vitriol against her is a mix of patriarchy, ageism, and ableism. It is not uncommon to encounter men who feel insecure when they see young women who speak their mind and refuse to be sexualised.

If this book is anything to go by, Ms Thunberg is unlikely to step away from the fight. She draws inspiration from Rosa Parks, and American students demonstrating against laws that enable gun violence on school campuses. Ms Camerini writes, "At the age of 11, the doctors had diagnosed her with Asperger's syndrome. People who suffer from Asperger's often become interested

in a particular issue and think about it obsessively without being able to let go...makes people determined and capable of extraordinary commitment. For years, Ms Thunberg did in-depth research into climate change, building up a wealth of information, which was unusual for a girl her age."

Ms Thunberg has also been critical of lifestyle choices made by her mother Malena Ernman and her father Svante Thunberg. The former is an opera singer, and the latter is an actor and writer. She made them realise the environmental impact of air travel, meat consumption, and driving big cars. She firmly believes that individuals must take concrete actions though the climate crisis is a systemic one. The book concludes with a helpful section on discussing global warming with children, pointers about what we can do, and suggestions for further reading. As Ms Thunberg says, "Our house is on fire: our house, planet earth, is going up in flames. And the adults, the powerful, must act responsibly and act for the future of young people."

RationalExpectations

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Can't eat an Apple if left out too long

PMO wanted to exploit the possibilities from US-China tensions six months ago, but we missed it; US-China relations on the mend now

THE APPLE, MOST will recognise, is a fairly hardy fruit, but it does lose its flavour if left in the open for too long. So, it has to be worrying that little has happened even six months after the principal secretary in the PMO asked senior secretaries to make the most of “a golden opportunity (of) ...several global companies...in China...seriously considering an alternative location.” In the event, the PMO asked “that an enabling policy framework to seize this opportunity may kindly be designed”.

The PMO had companies like Apple and Samsung in mind—together they account for 60% of the \$500 bn global export market for mobile phones—but, six months later, when the US and China have started unwinding their aggressive trade positions, India is no closer to offering them a good reason to relocate a large part of their mobile phone production here. This, sadly, is not the only instance of the government—and not just the Narendra Modi one—failing to capitalise on the moment; that is why, between 1990 and 2018, Vietnam's exports rose 102 times from \$2.4 bn (13% of India's) to \$245.6 bn (75% of India's) while our exports rose just 18 times, from \$18 bn to \$325.6 bn.

The reason why the PMO, and others like NITI Aayog, were keen to get an Apple and a Samsung to produce in India is that though India's production of mobile phones rose dramatically—from 6 crore units in FY15 to 22.5 crore units in FY18—so did imports of components, from \$11.2 bn to \$21.9 bn. Were an Apple or a Samsung to shift a meaningful part of its production to India—while Apple still primarily produces out of China, Samsung shut its last China factory, which made 63 mn phones, in October—the argument was, they would shift their principal suppliers, and value-addition in India would grow dramatically.

Apple's exports out of China (iPhones, iPads, iWatches, etc), to put this in perspective, retail at \$200 bn and the firm employs (directly and indirectly) 47 lakh people in the country. For its part, when Samsung—it produces around half its mobile phones out of Vietnam—moved out of Huizhou, the Chinese city turned into a ghost town due to the main factory, and its ancillaries, shutting shop; the services economy, including the rental one, built around Samsung also collapsed. While Samsung has the world's largest mobile phone factory in the world in Noida—this has a capacity of 120 mn phones—it has several more, albeit smaller ones, in Vietnam; with half its 350-400 mn phones made out of Vietnam, not surprisingly, the country's exports are over \$52 bn today, or roughly 10% of the global exports market.

If India has to have any chance of meeting its exports target—the 2019 National Policy on Electronics (NPE) has a domestic sales target of 400 mn phones (worth \$80 bn) and an export target of 600 mn (worth \$110 bn) by 2025—a business-as-usual approach just won't do. Between FY18 and FY19, India's exports grew 125%, but they were still a mere \$2.7 bn. NPE, in fact, aimed at zero net imports of electronics (including mobiles) by 2020 while the actual imports were just under \$39 bn; the 2025 mobile-export target implies India is looking at a global market share of 19-20%!

It is true that Apple assembles phones in India, but doing this in, say, a Foxconn facility, without its entire ecosystem, isn't quite the same thing as there is little value addition. What makes the inability to get either an Apple or a Samsung to shift any significant part of their production setup in India even more tragic is that, even before the PMO wrote its letter, things looked like they were moving in the right direction.

Till then, while India boasted of having become a big producer of mobile phones, the truth was quite the opposite. While the government spoke of 268 units producing mobile phones/components in 2019—up from 120 in 2017—*FE* found that half had shut shop as there was little local value addition. Since the additional problem with the policy was that imports were burgeoning, in February 2019, the government came up with NPE 2019 that shifted the focus from domestic manufacture to exports, and from import-tariff protection to incentives for exports. Some months ago, finance minister Nirmala Sitharaman said she was designing policies to woo big manufacturers looking to move out of China; it was in this context that she cut the corporate tax rate from an effective 46% (including dividend distribution tax, DDT) to 15% (without accounting for DDT). The government also announced a ₹50,000 crore export incentive scheme to replace the existing MEIS and other schemes that were also falling foul of WTO norms.

While the temporary (?) patch-up between the US and China has meant that big producers in China have no immediate pressure to leave the country (with trade sanctions, their China exports would have been hit by import duties in the US); at the same time, the government has not made any concrete offer to the big mobile phone manufacturers either. Indeed, while estimates are manufacturing in India is around 19-23% more expensive than in China, and 10-12% as compared to Vietnam—due to poorer infrastructure here, and lower fiscal incentives—India has lowered the export incentives it gives for mobile phone exports; this was 4% of the value of the phone till January, when it was reduced by half, as a result of which, this year's exports are likely to be lower than last year's.

Postscript: This is, though, not the first time India has failed to seize the initiative. When China vacated the lower-end textiles markets, it was countries like Bangladesh and Vietnam that captured the markets. India's refusal to free up oil and gas markets has ensured investments in the sector remain poor; ditto for the mining sector. In the case of telecom, not scrapping licence fees in 2010—when spectrum was sold at sky-high prices—has resulted in the sector almost dying... The list of lost chances is a long one.

ToleratingINTOLERANCE

Sena's Mumbai episode, and other instances expose the intolerance hypocrisy of the political class

WHILE THE BJP is frequently accused of launching attacks against its critics online—trolling has been a standard feature—other parties are emulating this practice. Recently, some of the Shiv Sena cadre assaulted a person in Mumbai for making a post against their CM and party leader Uddhav Thackeray. According to a *Times of India* report, 25-30 people beat up the victim and tansured him for criticising Thackeray's Jamia-Jallianwala Bagh comparison. Although Shiv Sena is not new to this kind of response—Shiv Sainiks had ransacked the hospital of the relative of the girl who had commented on Bal Thackeray's death—domineering has become common across political lines. Earlier this year, police complaints were filed by TMC supporters against a BJP worker for creating a meme of the TMC leader and circulating it on social media.

If earlier attacks targeted people hurting or insulting religious sentiments, the rise in violent responses to expression of dissent shows political leaders themselves being granted god-like status. The deification has led to party cadre getting aggravated when citizens rightfully question their leaders, having chilling effects on freedom of expression, both online and offline—in the present instance, the victim was beaten up despite having deleted the offending post following threats. In the absence of strict police action, such cases are fast becoming a menace. The amount of frivolous litigation by party supporters against those criticising political leaders has been increasing. The episode reveals the hypocrisy of even those decrying intolerance.

● NCLAT's TATA VERDICT

THE ORDER OPENS UP UNRESOLVED QUESTIONS PERTAINING TO COMPANY LAW AND CORPORATE GOVERNANCE; INDIA INC MUST NOW BRING THESE INTO MAINSTREAM PUBLIC DISCOURSE

Making corporate India more democratic

MUKESH BUTANI & TARUN JAIN

Authors are Partners, BMR Legal
Views are personal



IN EXECUTIVE functioning by the majority can often lead to disillusionment of senior professionals, and is another way to thwart balanced pursuit of the corporate agenda. Fifth, retribution against the executive board for taking tough and crucial decisions, repeated go-slows and pressure to turn around, cartelisation of board members, etc, are also instances that effectively undermine minority interests. Those at the fringes are also shareholders, thus, there can never be any overwhelming rationale for practices that scuttle minority interests.

This raises several questions. Are Indian companies really governed democratically? How meaningful are the roles and responsibilities of elected directors; are they expected to stand up to promoters when faced with dilution of shareholder interests, etc? While these come up routinely in corporate functioning, they are not systematically addressed. This despite the overhaul of corporate laws in the past decade—the 2013 Companies Act being the most significant—and several expert committees have made far-reaching recommendations on board governance. Even the empowered regulator hasn't shied away from exercising its power. However, no external push to evolve governance style can ever be the solution. The underlying tenor of NCLAT's order, no matter which side it endorsed, is clear: One cannot expect the dawn of professional standards in corporate management unless self-restraint is imbibed by influential board figures with an agenda, and, simultaneously, the boards are empowered to ensure businesses are managed professionally. Given that public funds are involved, it is incumbent upon the boards to keep personal prejudices aside, giving way to evolved and mature decision-making. At any rate, boardrooms

should not become a wrestling theatre for testing dominance.

The NCLAT order puts a big question mark on the status of nominee directors. No doubt, they are expected to protect the interests of the institutions they represent. Does that imply, however, that interests of the entity and the shareholders can regularly be stonewalled? This is indeed a delicate balance. What happens in a situation where the interests of the institutions they represent conflict with the those of the investor board over which they preside? It is common to hold and exercise veto powers; can the exercise of such powers, if done under the company's constitutional documents, become a means of oppression and mismanagement? The NCLAT order is silent on this aspect. Nominee directors ensure that decision-making is consultative, no matter how disjoint and varied the views. Even if the order of NCLAT is overturned in further appeal, it makes a compelling case for corporate India to evolve a framework that delineates the role and responsibilities of nominee directors. This is particularly important for institutional investors, especially when they preside over large PSUs and banks. As a start, they must appreciate that written notes of dissent appended to minutes of board meetings carry significance, and instil probity in corporate functioning rather than thwarting the decision-making altogether.

While the correctness of the NCLAT's order will indeed be litigated, corporate India boards and lawmakers must not lose this opportunity to rein-vigorate the debate on governance and

bring it into mainstream public discourse. Anecdotaly, Indian shareholders do not exhibit resilience in situations of governance deficit, unlike their western counterparts. Silence in instituting probing inquiries against under-performing or digressing boards should not translate to promoter groups viewing them as gullible. In the Tata-Mistry tussle, shareholders did not have a voice (at the NCLAT), much less a viewpoint. Such trends could witness a reversal, with shareholders exercising their rights by way of class-action lawsuits, or through other legal means that impact shareholder worth when boardrooms become a battleground of warring factions.

Another issue worth pondering is the fate of the decisions taken by the Chairman and Board that stand ousted by the NCLAT order. Ideally, the NCLAT should have made corollary observations regarding the validity and consequences of the actions of the Chairman and Board. In the absence of such observations, are those decisions *per se* invalid, or will third-parties who acted upon them continue to exercise rights, notwithstanding the declaration of illegality by the NCLAT? Experts will invoke the doctrine of 'indoor management' to opine that third parties, which are not concerned with the correctness of the composition the board, would not be affected by (past) acts of the erstwhile Board. There is no assurance that past actions will not be revisited in a manner that has a bearing on the rights of third parties. This is a crucial aspect that NCLAT ought to have addressed. Finally, we wonder if the order is practical in terms of its implementation. Historically, in such situations, company tribunals have tried to find a workable solution, like a group of majority shareholders buying the minority, for instance. How practical is it for Cyrus Mistry to return, and will that be a workable solution for the Tata Group? Perhaps, both sides may work out an 'out of court' settlement.

Even if the order of NCLAT is overturned in further appeal, it makes a compelling case for corporate India to evolve a framework that delineates the role and responsibilities of nominee directors

Air India shouldn't fly past North East

The privatisation of Air India poses a challenge of integrating the North East with the rest of the country, and retaining air connectivity in the region

SATYENDRA PANDEY

Former advisor, Centre for Aviation (CAPA). Views are personal



AS THE DEADLINE for the privatisation of Air India approaches, much is afoot. This includes union opposition, a lack of investor interest, and an NCLAT judgment for one of Air India's suitors. The government, however, is firm in its resolve. After all, Air India continues to bleed, with no respite in sight. Its FY19 loss was ₹8,556 crore; FY20 will likely be worse. This, after the government infused ₹17,320 crore of taxpayer money over the last five years. Needless to say, the situation is unsustainable. Yet, in the rush to privatise, the connectivity to the North East may have been overlooked.

India's North East (NE) comprises of the states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura, also known as the seven sisters. An ethnically, culturally, and geographically diverse region, the NE is connected with the rest of the country through a narrow corridor of approximately 21 kilometres. Within the NE, connectivity initiatives are underway, the most famous being the Bogibeel bridge that connects Dibrugarh to Dhemajai, supplementing the Kolia Bhomora Setu. However, such projects have long gestation periods, and are focused on intra-regional connectivity. Air connectivity, therefore, continues to be the fastest and most economical means.

This connectivity challenge was partly addressed by the poorly thought-out Route Dispersal Guidelines (RDGs). But, in a classic case of intent versus impact, airlines started

plying on these routes for compliance rather than connectivity. As such, most airlines include routes that had high demand—Srinagar, Jammu, Guwahati, and Bagdogra—in their network. The structure of the network can be adjusted to ensure compliance.

When this did not work, the government, in 2016, launched the regional connectivity scheme UDAN. This included subsidies for NE routes. However, there have been few takers. In the four iterations of UDAN, UDAN-1 did not have any routes in the NE; UDAN-2 connected Tezpur, Jorhat, Lilabari, and Pakyong (Tezpur and Pakyong operations have since ceased); UDAN-3 connected Lilabari, Guwahati, Imphal, and Dimapur route, but all have been loss-making; and UDAN-4 has six airports from the NE listed as priority areas, and an additional 23 unserved airports. Several airlines have attempted to start operations in the NE, but without much success.

Airlinks are critical to the NE from a strategic and development perspective. Air India currently has 289 daily flights servicing 57 domestic destinations. These include seven cities in the North East. Alliance Air, an Air India subsidiary, has 111 flights daily, servicing the seven destinations in the North East. These include Guwahati, North Lakhimpur, Tezpur, Pasighat, Imphal, Shillong, and

Dimapur. Some of the Alliance Air flights are operated under an MoU with the North Eastern Council (NEC) and get funding support. Interestingly, Alliance has not turned a profit for several years, and most recent estimates peg its losses upwards of ₹250 crore.

The NE flights, for the most part, are loss-making due to cyclical demand, irrational cost structure, and low passenger volumes. In the event of a sale of Air India, any buyer will almost certainly revisit the airline network; the NE routes, which all estimates indicate are operating at a cash-loss, will surely be pruned. Airports that will lose connectivity completely include Lakhimpur and Tezpur in Assam, and Pasighat in Arunachal Pradesh. In others, such as Shillong and Mizoram, private operators like Indigo and Go Air will gain a monopoly status, which will impact pricing.

This poses a challenge for the government because the North East needs to be integrated with the rest of the country—this has been a core focus area politically, socially, and economically. The focus, thus, is enhanced, rather than reduced, connectivity.

As the privatisation or shutdown deadline for Air India nears, connectivity to the North East cannot be overlooked. And, this may force a revision of sorts.

In the event of a sale of Air India, any buyer will almost certainly revisit the airline network, and the NE routes, which are operating at a cash-loss, are sure to be pruned

LETTERS TO THE EDITOR

Partial victory

The massive student-led protests against the Citizenship Amendment Act (CAA) and National Register of Citizens (NRC) have already achieved partial victory in that they have convinced people of the wrongness of CAA and NRC, including leading chief ministers of various states to decline from participating in the exercise, and forced prime minister Narendra Modi to contradict his second-in-command Amit Shah on the NRC. Now, it will be extremely difficult for the Modi government to go against public opinion, which is clearly anti-CAA and NRC. The government of the day, or Parliament, for that matter, cannot ride roughshod over "We, the People". PM Modi, who made the veiled communal remark that arsonists can be identified by their clothes, has been forced into a climb-down on his government's ill-conceived moves, even making a statement that pan-India NRC was never on the table. The strength of the protests has forced the PM to put on hold what was planned as a major step towards India's transmutation into a Hindu Rashtra. Nevertheless, he has not yet come out with an assurance that his government has decided to shelve the NRC exercise. Perhaps, he refuses to rule it as his party has to defer to parent RSS's wish. We expect and hope that the nationwide protests will persuade the Modi government to shelve CAA and NRC, and stay away from divisive issues. Instead, we hope it strengthens national unity and tries to carry through with its promise to usher in *acche din*, raising the country's happiness index. — G David Milton, Maruthancode

● Write to us at feletters@expressindia.com



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India's lost year

This was a year where India could have turned a corner, with political stability and economic recovery. Instead, the year has been lost. It is possible that India's rulers will make some course corrections, and rethink what is important for making India truly great (which is at the heart of their vision)

IN RETROSPECT, THE arc of events in India in 2019 seems predictable. Early in the year, political events afforded the government with an opportunity to highlight external threats in the general election campaign. This was arguably a major factor in giving the ruling party an unassailable majority, and seemingly, a mandate to accelerate its political and societal agenda. Indeed, this is what has happened, with actions that are well-known, including the peripheries of Kashmir and the Northeast, but ultimately reaching at the heart of the idea of Indian democracy.

Meanwhile, the economy has continued to falter, with the government seemingly always a step or two behind in what needs to be done to restore both confidence and growth. There was an interim Budget before the election, a full one after, but each with policy changes that seemed to deal with symptoms and not causes, to be reactive rather than proactive, and never quite enough.

This month is seeing nationwide protests against the latest political

moves of the government, with young people leading the way in some cases. Their protests are driven by a concern for the kind of country they are going to live in for the majority of their lives. Other protests are motivated by fears of competition from immigrants. The protests are being met with police violence and internet shutdowns. It is not hard to see that the ebbing of hope in the nation's economic future is connected to both kinds of protests. India's potential demographic dividend is out in the streets, decrying the creation of fear and uncertainty about their futures, rather than moving forward with hope. And an atmosphere of fear, uncertainty, violence and repression, is not one in which economic progress is likely to thrive.

The government is clearly pursuing a well-defined, if narrow, strategic vision with respect to India's polity and society. It is proving to be bold, relentless, even rigid, in this pursuit.

There does not seem to be room for debate and discussion with respect to policy choices and implementation. Centralisation and concentration of decision-making are not favourable conditions for the complex economic policy making, let alone defining priorities. The post-election statements of the vice-chairman of the NITI Aayog, regarding a priority list of "big bang" reforms, seem like a mirage at this stage. Even the pollution that choked northern India in November, harming millions of people because of poorly understood and managed economic policies, has been overshadowed, even forgotten.

This was a year where India could have turned a corner, with political stability and economic recovery. Instead, the year has been lost. It is possible that India's rulers will make some course corrections, and rethink what is important for making India truly great (which is at the heart of their vision).

But it is just as possible that matters will be allowed to go on as they are proceeding, with the government's power over law and order and the media allowing it to impose its will. That course is unlikely to be good for the economy.

Authoritarian regimes have certainly succeeded economically, but they are also capable of generating catastrophes. Rigid and weak democracies may also allow problems to fester, but the global evidence suggests that democracies do better on average, in terms of economic growth. Nor does India's current course bode well for its global standing or its attractiveness to foreign investors, notwithstanding the currently strong stock market.

What is the way out, so that a lost year does not become a lost decade? India's citizens will not get a chance to render a new verdict nationally for over four years, though state elections may help send useful signals to the government. But given its current mindset, it may be that only a change in that mindset will make a difference. What is remarkable in the current situation is that India, despite its diversity, is 80% Hindu. All minorities in India have navigated this dominance, and the country's political and constitutional structures implicitly incorporated this imbalance, without making it intolerable for minorities. Despite many imperfections and inequities, the Indian model seemed to be reasonably stable, and a basis for finally making serious economic progress.

Instead of building confidence and trust by embracing and strengthening the positive features of Indian society, recent political actions have been based on a mindset of fear and victimhood. Again, this is remarkable in a nation where there is such a firm majority for one religion, with an associated culture that is even more pervasive. Other countries also treat minorities badly, and blame them unfairly. There is no evidence that this approach is good for economic progress, besides its negative implications for human rights. A lost decade for the economy can stretch out further, and can be a lost decade for society as well. Indeed, the arc of history is even longer, and may bend away from progress and general well-being for many decades at a time. It is remarkable and disquieting that India is facing this prospect as 2019 comes to an end.

The economy has continued to falter, with the government seemingly always a step or two behind in what needs to be done to restore both confidence and growth

WITH MULTI-YEAR high imports during FY19 estimated at 226.5 million tonnes, India is third-largest importer of crude oil, and likely to soon become the second largest. Crude oil also being the second-largest import item amounting to \$112 billion, nearly 25% of India's gross imports in FY19, contributes significantly to trade and current account deficits, and adds to the vulnerabilities associated with a buyer in an oligopolistic market for crude oil—wherein supplies are managed to meet the price expectations of producers.

If imports of estimated 1,660 million barrels is hedged with an option position of, say, \$64 per barrel of Indian basket crude oil (prevailing at the time of Budget 2018-19), the option premium payment obligation for one year call with an annualised volatility as in FY19 and a risk-free interest rate of 6.6% (364-days T-bill rate) tantamounts to ₹64,915 crore. Against this, the average price of Indian basket crude oil based on actual imports during 2018-19 stood about \$70 (69.88), resulting in an additional cost of ₹73,083 crore to the economic stakeholders. This illustrates a potential direct saving of about ₹8,168 crore with hedging using a call option. What are the other benefits?

Researchers estimate a 10% increase in crude oil will impact economic growth numbers by 0.1-0.15%. Besides, there is a strong correlation between the inflation parameters such as WPI (0.83) and CPI (0.8) with the price of Indian crude basket. No wonder, as unhedged energy exposure

Towards crude oil price hedging

What a hedged crude oil exposure would mean for the Indian economy

SHUNMUGAM

The author is head, Research, MCX. Views are personal

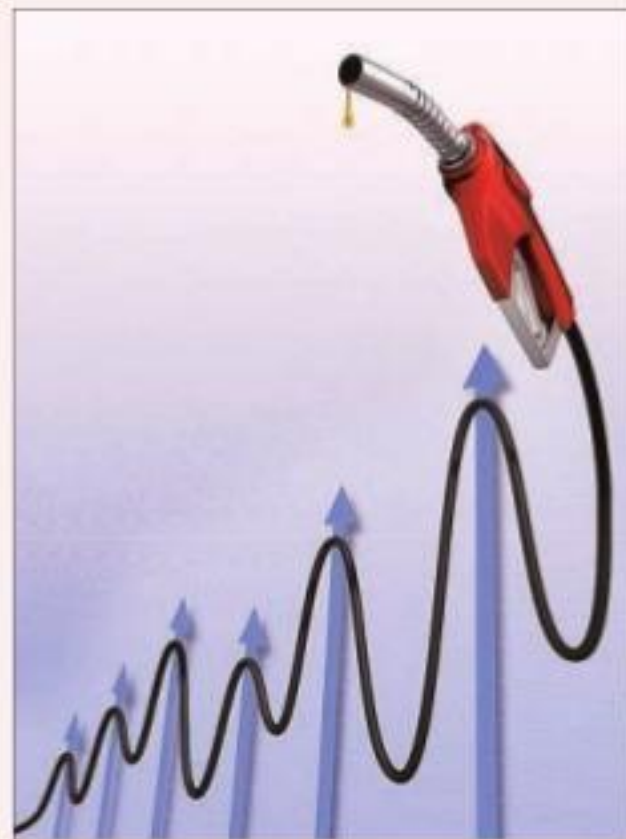


would tend to permeate in various ways into the pricing of various goods and services that form part of inflation numbers.

The estimated average price of crude purchases by oil marketing companies (OMCs) gets factored into various budget estimates, including the subsidy bill. Therefore, a hedged price of crude oil and an average of the same will provide for better stability to budgetary estimates and can provide for well-planned, low-cost fund-raising by the government and businesses. A stable and predictable pricing regime will also result in lower inflation, especially when crude and its derivative products together directly account for 13.25% and 4.4% of the wholesale and

consumer price index, respectively, and indirectly get priced in most goods and services, through cost transmissions through services and logistics that are energy-intensive, such as transportation. An RBI study (Mint Street Memo #17, January 2019) suggests that a rise of crude prices by \$10 can push inflation up by about 49 basis points and the fiscal deficit by about 43 basis points. To the common man, a stable crude oil price regime can translate into stable fuel spend and, therefore, stable expenses and savings.

An important positive externality from contained inflation with hedged crude prices is a stable interest rate regime, which moderates borrowing costs. Empir-



ical analysis of the past 5-year trends in inflation and interest rates indicates strong correlation between consumer price inflation and government borrowing rates—both short-term 91-day T-bill (0.64) and long-term 10-year G-Sec (0.71). With monetary policy largely dependent on the expected inflationary scenario for setting up of policy rates, the imported inflation due to pass-through of unhedged volatility in crude oil prices may drive domestic rates up, increasing borrowing costs as seen in the high crude price regimes during 2011-15. A back-of-the-envelope calculation indicates that a reduction in inflation by 50bps is likely to result in savings of ₹2,300 crore in interest

costs on government borrowing.

Besides, as energy and related sectors—refining, transportation, synthetic fibres, aviation, fertilisers, plastics—constitute about 15% of GDP, any instability in crude prices impacts these sectors. Unhedged oil price not only leads to actual price pass-on, but also the pass-on of premiums arising out of price expectations of market participants, a combination that can amplify the volatility impact on prices of goods and services as they pass through several hands before they are consumed. It is the reason fleet operators, including most airlines in the developed world with healthy balance sheets, hedge their fuel exposure, providing for competitive pricing.

The culture of hedging is associated not only with the availability of suitable financial instruments, but also with access to such instruments, besides the knowledge of hedging, a state mandate, a friendlier accounting regime, a regulatory requirement for risk and risk management reporting, etc. In the absence of all these, hedging is rare and random among businesses, which explains why crude oil prices are highly correlated with inflation in India unlike in developed economies.

Another important positive externality from stable crude prices is stable exchange rate regime brought in by certainty and predictability to external trade deals and hence current account deficit.

With an understanding of the benefits of hedging crude oil prices, the question is how to fund the cost of hedging? Three possible policy options may be considered.

The first is to mandate OMCs to hedge

their exposure and pass on the cost of hedging to consumers in the form of a hedging cess either directly or through appropriate fiscal measures. The second option would be to raise public funds through oil bonds at a discounted rate and a bonus linked to favourable crude oil prices movements (a 10% of MTM profits from favourable movement of prices). The third is to mandate all major user industries to gradually move towards hedging their crude oil exposures and pass the costs related to hedging to consumers.

In reality, finding a bank or treasury to offer all related hedge cover needs will not be possible and the same would need to be cultivated over a period of time through constant engagements in energy markets to seek option writer/OTC hedge provider institutions with the backing of appropriate market instruments. Meanwhile, it is crucial to develop domestic financial institutions and businesses to provide hedged covers to stakeholders in Indian energy markets, providing for development of domestic markets for OTC products.

Given the \$5-trillion ambitions and a heavy dependence on crude oil imports, energy volatility would remain a key hurdle for the economy till cost-efficient hedge instruments are popularised. Hedging against volatility of imported energy products would not only stabilise spending on energy products, but also safeguard against currency and interest rate instability, and safeguarding country's energy requirements against the impact of unpredictable geopolitics and the interests of producer groups.

INDIAN I-T RATES

Not as high as they are steep

**S
MURLIDHARAN**

The author is a CA, and a veteran columnist on taxation, finance, business and commercial laws

Let us start with 2.5% and gradually increase it by 2.5% for each slab

A FLAT RATE OF taxation doesn't sit well with income taxation because its bottom line is one-size-fits-all. One of the fundamental canons of taxation is tax according to one's ability or capacity—greater the income, higher the rate, the one that creeps up rather than shoots up dangerously. This ideal is met by progressive rates of taxation.

In 2018, Sweden's top personal income tax rate was 61.85%, Denmark's was 55.8%, and Norway's was 38.52%. Nordic nations follow a unique brand of capitalism—free enterprise, right to property, coupled with high rates of income tax so as to be able to pursue welfare economics across the board with education and health being universally free. Being peaceniks, they spend very little on defence, with Norway having no defence budget. In comparison, the Indian maximum marginal rate of 30% is not very high. On the contrary, what is questionable and needs immediate correction are the steep rates of progressive taxes in India—nil on income up to ₹2.5 lakh, 5% on income between ₹2.5 lakh and ₹5 lakh, 20% on income between ₹5 lakh and ₹10 lakh, and 30% on all income in excess of ₹10 lakh. Of course, these slabs are tweaked in favour of senior and very senior citizens. Now, 5% to 20% is a quantum jump; such leapfrogging is what encourages splitting of income.

Since income up to ₹5 lakh is completely tax-free, and it goes up significantly and steeply once you cross this danger mark, there is a natural temptation to contrive to reduce one's income to just ₹5 lakh or less. To wit, if one were to report an income of ₹5.5 lakh, he has to pay ₹22,500 as increased by education and health cess of 4%. With some tax planning, one could have avoided it by knocking off the extra ₹50,000 that is sticking out as a sore thumb. Businessmen in particular and non-salaried class in general who get considerable latitude in arranging their tax affairs would see to it that there are as many taxable units as possible, with each one not reporting more than ₹5 lakh as income. Such latitude or leeway is simply not available to the salaried class.

Contrast this with Singapore's rates, which go up gradually, almost imperceptibly, from 2% to 3.5% to 7% to 11.5% to 15% to 18% to 19% to 19.5% to 20%, before flattening out at 22%. This is as it should be. In other words, the bane of Indian tax rates is its steepness and not its highness. Let's start with 2.5% and gradually raise it by 2.5% at each slab. Let the maximum marginal rate be 40% or more to compensate partially for the resultant loss of revenue, but let it kick in at the levels of income beyond ₹50 lakh or more.

It is not only the Narendra Modi regime that is swearing by welfare economics, but other political parties across the political divide too are. Therefore, Nordic taxation should not be difficult to sell to our political class as well as people.

Upping the maximum marginal rate by 10 percentage points to 40% may not be compensation enough for the loss of revenue from making our tax rates gradually increasing. So, we may have to resort to other forms of direct taxes. Indirect taxes including GST are regressive, impacting as they do adversely the poor. Wealth tax may have to stage a comeback, albeit with a generous exemption thrown in. Late finance minister Arun Jaitley threw the baby out with the bath water when he abolished wealth tax in the 2015 Budget on the irrational ground that the collections therefrom were hardly enough even to justify on cost of collection touchstone. He should have realised that the fault with the then wealth tax regime was its selectivity—just six types of assets were targeted—whereas it ought to have targeted all assets. There is no reason why there shouldn't be wealth tax of 2% on net wealth in excess of ₹2 crore after exempting residential property or properties up to another ₹2 crore. No one is going to resent it when it is reasonable.

Estate duty too should stage a comeback. It has been in a suspended animation since 1985. Some states in the US impose estate duty or its variant inheritance tax almost at penal rates, close to 50% on the ground that nobody should get properties on a platter. A 10% estate duty on estate in excess of ₹5 crore cannot be assailed as excessive or unreasonable. Finance minister Nirmala Sitharaman should rationalise our direct taxes regime as above. When she does so, the charge of high rates of income tax would become muted.



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 protestors 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 snoopgate 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 snoopgate 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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allow for dissenting opinion, which in recent times has been anathema.

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.

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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. Atalji, 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 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

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 unemployment

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

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	Bihar 6,339
Manipur	3,760	Uttar Pradesh 5,503
West Bengal	3,480	Madhya Pradesh 5,216
Himachal Pradesh	3,471	Assam 5,121
Andhra Pradesh	3,462	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.



दान देने से आज तक कोई गरीब नहीं हुआ

एनपीआर की तैयारी

केंद्रीय कैबिनेट ने राष्ट्रीय जनसंख्या रजिस्टर यानी एनपीआर तैयार करने का फैसला करके उसी काम को ही आगे बढ़ाया है जिसे मनमोहन सरकार ने 2010 में किया था। यह भी ध्यान रहे कि इस काम की नींव तभी पड़ गई थी जब 2004 में मनमोहन सरकार ने ही नागरिकता कानून में संशोधन कर एनपीआर तैयार करने संबंधी प्रावधान जोड़ा था। इन तथ्यों के बाद राजनीतिक रेटिंगां सेंकते विपक्षी दलों के साथ-साथ आम जनता के समक्ष भी यह स्पष्ट हो जाना चाहिए कि मोदी सरकार कोई नया काम करने नहीं जा रही है। यह समझा जाना इसलिए जरूरी है, क्योंकि एनपीआर तैयार करने की घोषणा होते ही यह दुष्प्रचार शुरू हो गया है कि यह तो पिछले दरवाजे से एनआरसी यानी नागरिकता रजिस्टर तैयार करने की कोशिश हो रही है। दुष्प्रचार के इस दौर में यह भी समझने की जरूरत है कि एनआरसी तैयार करना भी कोई गैर जरूरी या फिर गैर कानूनी काम नहीं। दुनिया के हर जिम्मेदार देश ने यह काम किया है। इनमें से कुछ वे भी हैं जो भारत से कहीं पीछे हैं। समझना कठिन है कि नागरिकों का रजिस्टर तैयार करने में हर्ज क्या है? सवाल यह भी है कि आखिर कुछ लोग इस फालतू बात पर इतनी आसानी से यकीन कैसे कर ले रहे हैं कि एनआरसी तैयार करने का मकसद समुदाय विशेष को तंग करना है? आखिर जो काम पहले भी हो चुका है उसे लेकर हल्ला मचाने का क्या मतलब ?

चूंकि नागरिकता संशोधन कानून और एनआरसी को लेकर लोगों को गुमराह करने का काम अभी भी चालू है इसलिए इसकी प्रबल आशंका है कि एनपीआर को लेकर भी ऐसा ही किया जाएगा। सरकार को इसकी काट करने के लिए तैयार रहना चाहिए। हालांकि एनपीआर तैयार करने का कैबिनेट का फैसला आते ही गृहमंत्री अमित शाह ने उन कई सवालों के जवाब दिए जो उठते शुरू हो गए थे, लेकिन बेहतर होगा कि सरकार आगे भी यह सिलसिला कायम रखे ताकि विपक्षी दल अपने दुष्प्रचार से लोगों को भ्रमित न करने पाएं। यह संकतना बरतनी इसलिए और आवश्यक है, क्योंकि कई राज्य सरकारों एनपीआर से पीछे हटने का शोर मचा सकती हैं। यह संकीर्ण राजनीतिक हितों के लिए जनता के हितों से खिलवाड़ करने वाली राजनीति के अलावा और कुछ नहीं होगा। सच तो यह है कि यह गरीब विरोधी राजनीति होगी, क्योंकि यदि एनपीआर सही तरह तैयार नहीं होता तो इससे सबसे अधिक नुकसान निधन तबके की ही होगा। जो राजनीतिक दल पहले से ही नागरिकता कानून, एनआरसी और अब एनपीआर पर लोगों को भड़का रहे हैं वे यह समझें तो बेहतर कि राजनीतिक क्षुद्रता की भी एक सीमा होती है।

राज्यपाल का विरोध

ऐसा लग रहा है कि बंगाल के विश्वविद्यालय और खासकर जादवपुर यूनिवर्सिटी (जेयू) राजनीति का अखाड़ा बन गया है। अक्सर ही जेयू कभी प्रबंधन या छात्रों के बीच विवाद तो कभी नारे व अन्य गतिविधियों को लेकर सुर्खियों में रहता है। यहां ऐसा लगने लगा है कि पढ़ाई से अधिक छात्र-छात्राएं सियासी गतिविधियां व झंडा उठाने के साथ-साथ नारे बुलंद करने में लगे हैं। इस समय जेयू में जो हो रहा है उसको उचित नहीं कहा जा सकता। क्या बिना कुलाधिपति के किसी विश्वविद्यालय का दीक्षांत समारोह हो सकता है? परंतु ऐसा हुआ है। वह भी छात्रों के विरोध की वजह से बंगाल के राज्यपाल व कुलाधिपति जगदीप धनखड़ को एक बार फिर जेयू से लौटना पड़ा। मंगलवार सुबह जब जादवपुर यूनिवर्सिटी के कैंपस पहुंचे तो प्रदर्शनकारी छात्रों ने उनके काफिले को रोक लिया। इस दौरान हंगामे की वजह से अफरातफरी मची रही। गवर्नर का विरोध कर रहे छात्रों ने उन्हें कार से उतरने तक नहीं दिया। सुरक्षा बलों ने किसी तरह छात्रों को हटाने की कोशिश की। आज ही यूनिवर्सिटी का दीक्षांत समारोह प्रस्तावित था जिसमें उन्हें भाग लेना था। क्या सिर्फ इसीलिए कुलाधिपति व राज्यपाल का विरोध हो सकता है कि वह संसद व राष्ट्रपति द्वारा पारित कानून का समर्थन कर रहे हैं? कुलाधिपति होने के साथ-साथ बंगाल के संवैधानिक प्रमुख होने के नाते धनखड़ को हर विश्वविद्यालय में जाने का अधिकार है। जो छात्र उन्हें काला झंडा दिखा रहे थे और गो बैक के नारे लगा कर हंगामा बरपा रहे थे क्या यह उनका सही कदम है? छात्रों के इस कदम से विश्वविद्यालय का नाम रोशन नहीं हो रहा है, बल्कि बदनामी हो रही है। अगर छात्रों की कोई मांग है और उन्हें कुछ कहना है तो शांतिपूर्वक बिना किसी नारेबाजी व हंगामे के राज्यपाल तक बात पहुंचा सकते हैं। परंतु ऐसा नहीं हो रहा है। इससे पहले सोमवार को भी राज्यपाल से जेयू में छात्रों ने दो बार धक्का-मुक्की करते हुए उन्हें काले झंडे दिखाए थे। राज्यपाल धनखड़ ने अपने साथ हुए बतावं की कड़ी आलोचना करते हुए सीएम ममता बनर्जी पर इशारों में वार किया। उन्होंने कहा, एक चांसलर और गवर्नर के रूप में मेरे लिए यह बहुत दर्दनाक समय है। हमारे छात्र कन्वोकेशन में डिग्री पाने का इंतजार कर रहे हैं। वह उनके कटिन परिश्रम का फल है। प्रबंधन को चाहिए कि इस मुद्दे पर गंभीरता से विचार करे और छात्रों के साथ बैठकर ऐसी हालत फिर न बने यह सुनिश्चित करना चाहिए।

क्या बिना कुलाधिपति के किसी विश्वविद्यालय का दीक्षांत समारोह हो सकता है? परंतु, ऐसा हुआ है

भरोसा बढ़ाने वाला फैसला

डॉ. मोनिका शर्मा

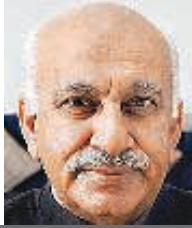
कुटिल साजिशों, भयावह दुर्घटनाओं, अपहरण, सामूहिक दुष्कर्म और हत्या तक के मामले वाले उन्नाव केस में दोषी विधायक कुलदीप सिंह सेंगर को न्यायालय ने उम्रकैद और 25 लाख रुपये जुर्माने की सजा सुनाई है। कोर्ट ने कहा कि सेंगर एक जनप्रतिनिधि था, मगर उसने लोगों का विश्वास तोड़ा। गौरतलब है कि 2017 में कुलदीप और उसके साथियों ने उन्नाव में नाबालिग लड़की को अगवा कर सामूहिक दुष्कर्म किया था। बाद में जेल में रहते हुए भी पीड़िता एवं उसके परिवजनों को प्रताड़ित किया। 2019 में पीड़िता के साथ सदिग्ध परिस्थितियों में सड़क हादसा हुआ। उसमें उसकी मौसी और चाची की मौत हो गई। लड़की के पिता की हिरासत में मौत का तकलीफदेह मामला सामने आया। फिर उसके चाचा को गिरफ्तार कर लिया गया। उसके परिवार के खिलाफ आपराधिक मुकदमे दर्ज किए दिए गए। यहां तक कि देश के प्रधान न्यायाधीश को भी उसका लिखा पत्र देरी से मिला। विवशता की हद देखिए कि न्याय की गुहार लगाने के लिए पीड़िता और उसकी मां

उन्नाव केस में आया फैसला समाज के हर परिवार को अपराध के खिलाफ लड़ने और डटे रहने की हिम्मत देने वाला है

द्वारा मुख्यमंत्री आवास के सामने आत्मदाह का प्रयास भी किया गया। बावजूद इसके हर तरह से आतंकित किए गए इस परिवार ने रसूखदार विधायक के खिलाफ कई मोर्चों पर लड़ाई लड़ी। हमारी व्यवस्था की खामियों से जुड़ने की हिम्मत दिखाई। यकीनन यह पीड़िता और उसके परिवार का साहस ही है कि वे नाउम्मीदी और असुरक्षा के हालातों में भी न्याय पाने के लिए संघर्ष करते रहे।

इस मामले से जुड़े जितने भी पक्ष सामने आए, वे सभी हमारी व्यवस्था की खामियों और निराश करने वाली स्थितियों को उजागर करने वाले रहे। यह घटनाक्रम एक ताकतवर नेता के आगे समाज के आम परिवार की बेवसी को बयान करने वाला था। जिसमें एक बेटी का मान ही नहीं लूटा गया, बल्कि आवाज उठाने पर उसकी और उसके अपनों की जान तक

विभाजन की गलतियां सुधारने की कोशिश



एमजे अकबर

पाकिस्तान भले ही अल्पसंख्यकों के बिना पूरा हो जाए, लेकिन भारत अपने सभी मुस्लिम नागरिकों के साथ ही भारत रह पाएगा

कहते हैं वक्त हर जख्म को भर देता है। ऊपरी तौर पर घाव और उनके निशान भले ही भर जाएं, लेकिन उनकी पीड़ा गहरी पैठ बनाए होती है। खासतौर से तब जब उन जख्मों से जुड़ी यातनाएं कई पीढ़ियों ने झेली हों। भारत का विभाजन एक ऐसा ही पड़ाव था। भारतीय इतिहास में विभाजन उनकी पीड़ा गहरी पैठ बनाए होती है। खासतौर से तब जब उन जख्मों से जुड़ी यातनाएं कई पीढ़ियों ने झेली हों। भारत का विभाजन एक ऐसा ही पड़ाव था। भारतीय इतिहास में विभाजन जैसी त्रासदी की मिसाल शायद मुश्किल से ही मिले। भारतीय सभ्यता पर इस क्रूर आघात के खिलाफ नैतिक एवं राजनीतिक तर्कों के अलावा एक व्यावहारिक दलील यह भी दी जा सकती है कि विभाजन के लिए कोई स्पष्ट भौगोलिक क्षेत्र नहीं था। देश के लगभग प्रत्येक गांव, कस्बे और शहर में आबादी बहुत घुली-मिली हुई थी। खासतौर से पंजाब और बंगाल जैसे उन राज्यों में तो यह मिश्रण बहुत ज्यादा था जिनकी पाकिस्तान की आबादी में सबसे ज्यादा हिस्सेदारी थी।

वर्ष 1916 में कांग्रेस और मुस्लिम लीग के बीच लखनऊ समझौता हुआ था। इसके अनुसार पंजाब में आधी और बंगाल में 40 प्रतिशत सीटें मुस्लिम लीग को देना तय हुआ। उनको मिली वह हिस्सेदारी उनकी वास्तविक संख्या से कहीं अधिक थी। आबादी में यह अनुपात तब भी बहुत ज्यादा नहीं बदला जब आस्था से अधिक राजनीतिक मंशा के साथ मुस्लिम नेता बने मुहम्मद अली जिन्ना ने वायसराय लॉर्ड लिंल्लिथगो के साथ मिलकर एकता के ढांचे के खिलाफ विषयबन शुरू कर दिया। 1946 के चुनावों में यह एक बार फिर

तब सिद्ध हुआ जब मुस्लिम सीटों के इतने बड़े पैमाने पर आवंटन के बावजूद मुस्लिम लीग को बंगाल और पंजाब में कहीं भी बहुमत नहीं मिला। बहरहाल ऐसे कोई आंकड़े नहीं थे जो बता सकें कि लोग जहां रहते हैं वहां बस्तियों में उनकी बसाहट कैसे थी? वास्तव में विभिन्न मतों के लोगों का शांतिपूर्ण सहजीवन भारतीय मूल्यों से जनि्त सौहार्द का जीवंत प्रमाण था। तब समय-समय पर लोग विभाजन को लेकर चेता रहे थे। इनमें पंजाब के अंग्रेज गवर्नर लर्लेसी भी शामिल थे। उन्होंने बार-बार चेतावनी दी कि विभाजन रक्तपात से कुप्रेरित अवधारणा है जो गृहयुद्ध को आमंत्रण है, मगर जिन्ना तो गृहयुद्ध चाहते ही थे। खासतौर से 16 अगस्त, 1946 को डायरेक्ट एक्शन डे के रूप में जकाद शुरू करके उन्होंने तेवर साफ कर दिए। उनकी इस घोषणा से कलकत्ता में वीभत्स हत्याओं का भयावह मंजर पैदा हो गया। इस ज्वालामुखी से निकले लावे ने जल्द ही नोआखली और बिहार को भी जद में ले लिया। हजारों लोग मारे गए। जनवरी 1947 में मुस्लिम लीग ने पंजाब में आगजनी शुरू की। इसका मकसद संघीय सरकार को नुकसान पहुंचाना था जो एक दशक से साबित कर रही थी कि पंजाब और भारत का शासन सहमति के साथ भी चलाया जा सकता है।

भारत में अंतिम वायसराय लॉर्ड माउंटबेटन ने जब दंगा प्रभावित क्षेत्रों का दौरा किया तो वहां के हालात सुनकर वह सिहर उठे। दस्तावेजों में दर्ज ब्योरे में जो वर्णन है उससे

असहमत नागरिकों का आचरण

नागरिकता संशोधन कानून और प्रस्तावित नागरिकता रजिस्टर यानी एनआरसी के विरोध के नाम पर उपजा उन्माद कुछ शांत होता तो दिख रहा है, लेकिन दुष्प्रचार का सिलसिला अभी भी कायम है। इसका कारण केवल कांग्रेस, तृणमूल कांग्रेस सररीखे दलों की यह रट नहीं है कि नागरिकता कानून संविधान विरोधी है और एनआरसी का असल मकसद मुसलमानों को परेशान करना एवं उन्हें घुसपैठिया करार देना है, बल्कि कुछ इसी तरह की भाषा का इस्तेमाल अन्य अनेक लोगों की ओर से किया जाना भी है। जो यह सब प्रचारित कर रहे थे या अभी भी कर रहे हैं वे संवैधानिक या कानूनी मसलों की सही-सटीक समझ न रखने वाले कोई आम नागरिक या फिर अनपढ़ लोग नहीं। वे तो अपने-अपने क्षेत्र के जाने-माने लोग यानी विशिष्ट नागरिक हैं। इनमें कई सेलेब्रिटी और बुद्धिजीवी कहे-बताए जाने वाले तो हैं ही, मीडिया के जाने-पहचाने चेहरे भी हैं। ये सब नागरिकता संशोधन विधेयक के कानून बन जाने पर सरकार एवं संसद के फैसले से असहमत भी हैं और आगबबूला भी-इस कदर कि उन करीब 60 याचिकाओं की सुनवाई का इंतजार करने की भी तैयार नहीं जो इस कानून को चुनौती देते हुए सुप्रीम कोर्ट में दायर की गई हैं। वे संविधान की शपथ भी ले रहे हैं और सड़क पर निकलकर संसद से पारित कानून को खांरिज किए जाने की जिद भी कर रहे हैं।

इस दुष्प्रचार अभियान में आतंकी को हेडमास्टर का बेटा समझने वाले लोग, 90 प्रतिशत भारतीयों को मूर्ख समझने वाले जज, अपने शो के लिए पहचान पत्र की अनिवार्यता तय करने और फिर भी कागज नहीं दिखाएंगे का स्वांग रचने वाले कलाकार, धारा 144 को आपाकाल का साफ संकेत समझने वाले फिल्मकार और वंदे मातरम पर बिदकने, किंतु तान उछाले जाएंगे को आदर्श तराना समझने वाले विद्वान भी हैं। इनकी कोशिश केवल इतनी ही नहीं है कि जो चुपचाप हैं वे भी सड़कों पर निकलें, वे तो उन सबको भाजपाई-संधी अथवा डरोपक होने का प्रमाण पत्र भी जारी कर रहे जो उनकी हां में हां नहीं मिला रहे या फिर इस नतीजे पर नहीं पहुंच रहे कि भारत अब बस हिंदू राष्ट्र बनने ही वाला है। ये विशिष्ट नागरिक फर्जी सूचनाओं का सहारा लेने के साथ यह भी बताते में जुटे हैं कि विरोध प्रदर्शनों के दौरान जहाँ-जहाँ आगजनी और तोड़फोड़ भरी हिंसा हुई वह वास्तव में पुलिस या सरकार अथवा उसके एजेंटों ने उन्हें बदनाम करने के लिए की। इनकी मांनें तो



राजीव सचान



दिल्ली, अहमदाबाद के साथ उत्तर प्रदेश एवं बिहार के कई शहरों में पुलिस ने ही पुलिस पर पथर बरसाए, पेट्रोल बम फेंके और मौका पाकर सरकारी और गैर सरकारी गाड़ियों को आग लगाने का काम भी किया।

असहमत नागरिकों के अतार्किक आचरण पर हैरानी नहीं, क्योंकि विवेक तब भी प्र जाता है जब उन्माद जरूरत से ज्यादा बढ़ जाता है। इसी उन्माद के कारण यह सिद्ध करने की कोशिश की गई कि अक्वल तो देश में कहीं कोई हिंसा नहीं हो रही और यदि कहीं हो भी रही तो उसका हमारे स्वघोषित अहिंसावादी प्रदर्शनकारियों से कोई लेना-देना देना नहीं। रेलवे की 90 करोड़ की संपत्ति नष्ट हो गई, दर्जनों वाहन जला दिए गए और सैकड़ों पुलिसकर्मी जख्मी किए गए और फिर भी रट यही कि हमारा विरोध प्रदर्शन को गांधी-आंबेडकर के हिसाब से चल रहा है। शांति का छद्म पाठ करने की ऐसी सनक सवार है कि उत्तेजक नारों की भी अनदेखी की जा रही।

इससे इन्कार नहीं कि हिंसा के विरोध के बहाने कुछ भाजपा नेताओं ने प्रदर्शनकारियों पर बेतुकी और उत्तेजक टिप्पणियां कीं, लेकिन इसका यह मतलब नहीं हो सकता कि देश खुली हिंसा को देखकर भी अनदेखा कर दे। विशिष्ट जन यही चाह रहे। वे यह समझने को तैयार नहीं कि आगजनी और पथरबाजी की घटनाएं देश

की बदनामी करा रही, क्योंकि दुनिया देख रही कि भारत में जगह-जगह गांधी के पोस्टर भी लहराए जा रहे और जमकर पथरबाजी-आगजनी भी की जा रही। शांतिपूर्ण विरोध की आड़ में पागलपन भरी हिंसा से भी शर्मनाक था उन लोगों की ओर से उसकी अनदेखी जो संविधान की दुहाई देने में लगे हुए थे। यह और कुछ नहीं देश की आंखों में धूल झांकने की कोशिश ही थी। सरकार को केवल यही नहीं सुनिश्चित करना होगा कि अराजकता फैलाने वाले दंड के भागीदार बनें, यह भी देखना होगा कि आखिर लोगों को भड़काने का काम किसने किया? उसे पुलिस सुधार पर भी अनिवार्य रूप से ध्यान देना होगा, क्योंकि कुछ जगह पुलिस की अनावश्यक सख्ती की शिकायतें आते तो कई जगह वह अराजक तत्वों के समक्ष संसाधनहीन और असहाय सी दिखी। सरकार और खासकर मोदी सरकार को यह भी समझना होगा कि एनआरसी को लेकर इतनी अस्पष्टता क्यों उपजी कि उसका फायदा विरोध की आड़ में अराजकता फैलाने वालों ने उठा लिया?

निःसंदेह एनआरसी ने भ्रम पैदा किया, लेकिन आखिर भ्रम निवारण का काम समय रहते क्यों नहीं किया गया और वह भी तब जब यह साफ दिख रहा था कि लोगों को भ्रमित ही नहीं, भयभीत करने का सुनियोजित अभियान छिड़ा है? नागरिकता कानून और एनआरसी के विरोध के नाम मुस्लिम समाज के लोगों को खास तौर पर सड़कों पर उतारने वाले अपने सुनियोजित दुष्प्रचार अभियान की सफलता पर खुश हो सकते हैं, लेकिन वास्तव में उन्होंने इस समाज की बड़ी ही कुसेवा की है। मुस्लिम समाज को यह आभास हो तो बेहतर कि अपने शांति एजेंटों को पूरा करने के लिए उसे सड़क पर उतारने वालों ने उसे बदनाम करने का ही काम किया। क्या वह मिसाल फकी नहीं पड़ी जो अयोध्या विवाद पर सुप्रीम कोर्ट के फैसले के बाद मुस्लिम समाज ने शांति और संयम का परिचय देकर कायम की थी? यदि कोई तथाकथित मुस्लिम हितैषी सपने में भी यह सोच रहा है कि आज के इस युग में कोई देश अपने यहां के करोड़ों नागरिकों को गैर-नागरिक घोषित कर सकता तो वह या तो चीन में रह रहा है या फिर अंध विरोध से इस कदर ग्रस्त हो गया है कि अपनी तर्कशक्ति पर भी भरोसा करने को तैयार नहीं। ऐसे लोग किसी का भला नहीं कर सकते-न अपना और न ही उनका जिनके हितैषी बनने का दम भर रहे हैं।

(लेखक दैनिक जागरण में एसोसिएट एडीटर हैं)

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अवधेश राजपूत

किसी का भी मानवता में विश्वास हिल सकता है। गांधी जी ने अगस्त 1947 के पहले हफ्ते में पंजाब का दौरा किया। उनका हृदय द्रवित हो उठा। उनके मुख से बरक्स निकला, ‘इतनी कब्रंता’, ‘इतनी पाशविकता!’ गांधी जी को अपनी सहयोगी डॉ. सुशीला नैयर को एक शरणार्थी शिविर में रखना पड़ा ताकि भारत में शरणार्थियों के प्रवेश तक उन पर कोई हमला न हो। यही गांधीवादी तरीका है।

विभाजन के पीड़ितों के लिए केवल भारत ही स्वाभाविक शरणगाह था। पाकिस्तान निर्माण की मुहिम से जुड़कर अपने सपनों के देश में कूच करने वाले तमाम भारतीय मुसलमानों का जल्द ही उससे मोहभंग हो गया, लेकिन वह एक अलग कहानी है। अकाट्य सत्य यही है कि भारी तादाद में भारतीय मुसलमान अपनी मातृभूमि में ही रह गए। ऐसे तल्छ माहौल में भारत और पाकिस्तान ने अपने-अपने देशों में अल्पसंख्यकों की सुशा के लिए छह दिन की वार्ता के पश्चात 8 अप्रैल, 1950 को एक समझौता किया। इसे नेहरू-लियाकत समझौते का नाम दिया गया। इसका क्या हासिल हुआ

वह इसके अगले कुछ दशकों के हैरतअंगेज आंकड़ों से मालूम पड़ सकता है। इस दौरान पाक में अल्पसंख्यकों की आबादी 25 प्रतिशत से घटकर महज दो प्रतिशत रह गई जबकि भारत में मुस्लिम आबादी की संख्या बढ़ती गई। यही एक लोकतंत्र और धर्मांध देश में अंतर है। ऐसा नहीं था कि विभाजन के सूत्रधारों को इसके विरोधाभासों या दुष्परिणामों का अंदाजा नहीं था। असल में वे संवेदनहीन बने हुए थे। जिन्ना के साथ अपनी वकालत की शुरुआत करने वाले एमसी छागला, जो बाद में इंदिरा गांधी सरकार में विदेश मंत्री भी बने, ने अपनी आत्मकथा ‘गेजेज इन दिसंबर’ में लिखा कि एक बार उन्होंने जिन्ना से पूछा कि अगर पाकिस्तान बना तो उत्तर प्रदेश और बिहार के भारतीय मुस्लिमों का क्या होगा? इस पर जिन्ना ने जवाब दिया कि उन्हें इसकी परवाह नहीं।

वास्तव में जिन्ना को परवाह तो बंगालियों की भी नहीं थी। पूर्वी पाकिस्तान के अपने इकलौते दौरे पर ढाका में उन्होंने दो-टूक कहा कि उन्हें बंगाली भूलकर उर्दू को अपनी मातृभाषा बनाना होगा। शेख मुजीबुर्रहमान के

नेतृत्व में पूर्वी पाकिस्तान के लोगों ने संघर्ष छेड़कर 1971 में पश्चिमी पाकिस्तान के धर्मांध ठपे को छुड़ाने वाली भाषिक परंपराओं के साथ अपने देश की नए सिर से नींव डाली। हालांकि 1975 में शेख मुजीब की त्रासदपूर्ण हत्या से इस प्रक्रिया में कुछ गतिरोध आया, लेकिन सकारात्मक सामाजिक शक्तियों ने उसे पलट दिया। उनकी बेटी शेख हसीना ने अपने पिता की विरसत को और समृद्ध किया।

विभाजन बहुत नृशंस कवायद थी और किसी शरणार्थी से बेहतर इसे और कौन समझ सकता है? डॉ. मनमोहन सिंह भी ऐसे ही एक शरणार्थी रहे। यही कारण है कि उन्होंने 2003 में राज्यसभा में शरणार्थियों के लिए नागरिकता का मुद्दा उठाया। संयोग देखिए कि तब गृहमंत्री रहे लालकृष्ण आडवाणी भी शरणार्थी रहे थे। निवर्ति और भाग्य ने मनमोहन सिंह को 2004 में देश का प्रधानमंत्री बनाया जिस पद पर वह दस साल तक काबिज रहे। इस दौरान उन्होंने उस मां को पूरा करने की दिशा में कोई पहल नहीं कि जिसे कभी उन्होंने ही उठाया था, लेकिन उनके बाद की सरकार ने अवश्य इस दिशा में कुछ किया।

हंगामे के इस दौर में जब अफवाहों और गुमराह करने वाली राजनीति की जा रही है तब नागरिकता संशोधन कानून को लेकर यह स्पष्ट करने की जरूरत है कि इससे किसी भी धर्म या वर्ग के भारतीय नागरिक का कोई अधिकार नहीं छिनने जा रहा। यह सिर्फ विभाजन के समय की गलतियों को दुरुस्त करने के लिए उठाया गया कदम है। इससे फिलहाल और भविष्य में भी किसी भारतीय मुसलमान के किसी अधिकार पर कोई आघात नहीं होगा। हमें यह याद रखना होगा कि पाकिस्तान भले ही अल्पसंख्यकों के बिना रह ले, लेकिन भारत अपने सभी भारतीय मुस्लिम नागरिकों के साथ ही भारत रह पाएगा।

(लेखक राज्यसभा सदस्य एवं वरिष्ठ स्तंभकार हैं)

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आनंद के रास्ते

इस धरती पर कोई ऐसा शख्स नहीं होगा जो अपने ईश्वर से यह मांगता हो कि हमें अपार कष्ट दे दीजिए, शरीर रोगग्रस्त हो, धन की कमी हो और हमें सुकृप की नींद न मिले, बल्कि हर व्यक्ति अपने इष्टदेव से आनंद और आम जीवन ही मांगता है। जो खुद को नास्तिक कहते हैं तथा ईश्वरीय शक्ति को नकारते हैं, वे भी अंतर्मन से परमानंद की सत्ता को स्वीकार कर आनंद ही चाहते हैं। ऐसी कामना के बावजूद अधिकांश लोग यत्र-तत्र दुखी होने का रोगा रोते दिख जाते हैं। दरअसल आनंद के कई रास्ते हैं। व्यक्ति पंचमुखी चाहिए पर खड़ा होकर यदि सभी रास्तों की जानकारी नहीं करेगा तो वह एक ही रास्ते पर चलता रहेगा। ये पंचमुखी रास्ते हैं पंच ज्ञानेंद्रियां। अब कोई व्यक्ति केवल स्वाद के लिए जिण्णा तो संसार के अदभुत दृश्य, श्रवण, गंध और स्पर्श से वंचित हो जाएगा। सभी ज्ञानेंद्रियों से आह्लाद व्यक्ति ले तो वह एकांगी नहीं होगा। व्यक्ति को श्रवण के लिए सत्संग में प्रवचन, संगीत, मंत्रों के पाठ को सुनना चाहिए। इससे भी मन को सुकून मिलता है। दृश्य के लिए प्रकृति को भरपूर देखना चाहिए।

सुयोदय के चरण-स्पर्श, छोटे बच्चों को खूद लेते तथा खेलने से भी ऊर्जा मिलती है। काशी हिंदू विश्वविद्यालय का निर्माण जब हो रहा था तो उसके संस्थापक पं. मदनमोहन मालवीय रात में जाकर मजदूरों द्वारा बनाई गई दीवारों को पुत्रवत् स्पर्श कर आह्लादित होते थे। इन सभी उपायों से वैविध्यपूर्ण शरीर में आनंद के रसायनों का जो निर्माण होगा, वह व्यक्ति को दुखी नहीं होने देगा। वर्तमान भौतिक दौर में व्यक्ति सिर्फ भौतिक समृद्धि के लिए यदि उतावला होगा तो उसका जीवन एक ही रस पाएगा जो आगे चलकर नीरसता उत्पन्न करेगा। इसलिए व्यक्ति को चाहिए कि वह ईश्वर द्वारा प्रदत्त पंचज्ञानेंद्रियों का हमेशा सदुपयोग करे।

सलिल पांडेय

वे क्या करते हैं यह बात किसी से छुपी नहीं है। नौजवानों को रोजगार देने के बजाय सरकार उलटा रोजगार को खत्म ही कर रही है।

वेद मामूरपुर, नरेला

जनता सिखाएगी सबक

नागरिकता संशोधन कानून व एनआरसी के संबंध में विचार विमर्श एक साथ ही आमजन तक पहुंचा। नागरिकता संशोधन कानून लोकसभा व राज्यसभा से पास होकर व एनआरसी लागू किए जाने की सरकार की भावी योजना है। मोटे तौर पर पहले में प्रावधान है कि तीन देश बांग्लादेश, अफगानिस्तान और पाकिस्तान से आए हिंदू, सिख, ईसाई व बौद्ध धर्म के अल्पसंख्यक समुदाय को देश की नागरिकता दे दी जाए और दूसरे में प्रावधान है कि देश से घुसपैठियों को बाहर कर दिया जाए। लेकिन मोदी विरोध व भाजपा विरोध में कांग्रेस व अन्य पार्टियों के नेताओं ने इसे देश की जनता खासकर मुस्लिमों के समक्ष इसे इस तरह पेश किया जैसे सरकार कि सखी मुस्लिमों को देश से बाहर निकालना है।

मनोज कुमार, सोनीपत

इस स्तंभ में किसी भी विषय पर राय व्यक्त करने अथवा दैनिक जागरण के राष्ट्रीय संस्करण पर प्रतिक्रिया व्यक्त करने के लिए पाठकगण सादर आमंत्रित हैं। आप हमें पत्र भेजने के साथ ई-मेल भी कर सकते हैं।

अपने पत्र इस पते पर भेजें :

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खतरे की घंटी

साल के आखिरी हफ्ते में भारत की अर्थव्यवस्था को लेकर एक बार फिर खतरे की घंटी बजी है। अंतरराष्ट्रीय मुद्रा कोष (आइएमएफ) ने सोमवार को जारी रिपोर्ट में साफ-साफ कहा है कि भारत की अर्थव्यवस्था में इस वक्त मंदी का जो माहौल है, वह किसी गंभीर संकट से कम नहीं है और मंदी से उबरने के लिए सरकार को तत्काल नीतिगत कदम उठाने की जरूरत है। आइएमएफ की यह चेतावनी अर्थव्यवस्था के मोर्चे पर भारत की विफलता को बताने के लिए पर्याप्त है। भारत की अर्थव्यवस्था में मंदी की शुरुआत साल भर पहले हो चुकी थी। लेकिन उस वक्त सरकार मंदी की बात को खारिज करती रही और स्थिति बिगड़ती चली गई। अब विश्व बैंक सहित दुनिया की बड़ी रैंटिंग एजंसियां और यहां तक कि भारत के रिजर्व बैंक ने भी आर्थिक वृद्धि में गिरावट के जो अनुमान व्यक्त किए हैं, वे इस बात का स्पष्ट प्रमाण हैं कि अर्थव्यवस्था में भारी मंदी है और इससे भी ज्यादा चिंताजनक बात यह है कि हाल-फिलहाल इसमें सुधार की कोई उम्मीद नहीं है। इस संकट से निकलने के सरकार को नीतिगत स्तर पर जो काम करना चाहिए, उसका अभी अभाव दिख रहा है। आइएमएफ की चिंता भी इसी को लेकर है।

भारतीय अर्थव्यवस्था में मंदी के कारण जो भी रहे हों, उनके समाधान अगर वक़्त रहते होते रहते तो आज हालात गंभीर नहीं होते। मंदी के जो चक्रीय कारण होते हैं, उनसे निपटना कहीं आसान होता है, लेकिन भारत में समस्याएं सुलझने के बजाय ज्यादा उलझती जा रही हैं। इसीलिए आइएमएफ ने वित्तीय क्षेत्र के सुधार पर टिप्पणी करते हुए कहा है कि जिस रफ्तार से वित्तीय क्षेत्र में सुधार के बारे में सोचा रहा था, वह उतना तेज हो नहीं पाएगा। इसका मतलब साफ है कि वित्तीय क्षेत्र की हालत सबसे खराब है। सरकारी बैंक एनपीए की समस्या से जूझ रहे हैं। बैंकों को संकट से निकालने के लिए सरकार ने पिछले कुछ सालों में भारी-भरकम पैकेज भी दिए, लेकिन आज भी बैंक लड़खड़ाए हुए हैं। वित्तीय संस्थानों में हुए बड़े घोटालों ने भी अर्थव्यवस्था पर चोट की है। आइएलएंडएफएस के एक लाख करोड़ से ज्यादा घोटाले, पीएमसी, घोटाले, दीवान हाउसिंग फाइनेंस जैसी कंपनियों के हजारों करोड़ के घोटाले बता रहे हैं कि बैंकिंग क्षेत्र के बाद गैर-बैंकिंग वित्तीय कंपनी क्षेत्र भी अर्थव्यवस्था के लिए बड़ा सरदर्द बन गया है। इन सबका असर यह हुआ है कि बैंक और वित्तीय संस्थानों ने उद्योगों को कर्ज देने से हाथ खींचने शुरू कर दिए हैं। इसलिए छोटे-बड़े उद्योगों में मंदी छाई हुई है। इस वक़्त बड़ी चुनौती बचत, खपत और निवेश के असंतुलन को दूर करने की है। मंदी की मार से त्रस्त ज्यादातर उद्योगों में नौकरियां नहीं हैं और लाखों लोग बिना रोजगार के बैठे हैं। ऐसे में सरकार मांग और उत्पादन बढ़ाने पर जोर देने की बात कर रही है। प्रश्न इस बात का है कि लोगों के पास जब काम नहीं होगा तो खर्च करने को पैसा कहां से आएगा और कैसे बाजार में मांग बनेगी? जब मांग नहीं होगी तो फैक्ट्रियां और कारखाने बनाएंगे क्या? जब औद्योगिक गतिविधियां सुस्त होंगी तो कैसे विकास दर बढ़ेगी? अर्थव्यवस्था की सुस्ती का सबसे बुरा असर तो यह पड़ा है कि राजकोषीय घाटा बढ़ता जा रहा है। विदेश व्यापार चौपट हालत में है। ग्रामीण अर्थव्यवस्था का जिस तरह बंटोधार हुआ है, उसकी कल्पना भी नहीं की जा सकती। सरकार बार-बार यह दावा रही है कि अर्थव्यवस्था की बुनियाद मजबूत है। पर सवाल है कि फिर क्यों नहीं हम मंदी मार से उबर पा रहे?

हादसों की सड़क

सड़कों पर दुर्घटनाएं और उसमें होने वाली मौतें चिंता के नए विषय नहीं हैं। लेकिन इस चिंता के मद्देनजर समस्या से निपटने के लिए क्या ठोस पहलकदमी हुई, इसकी सच्चाई हर कुछ समय बाद आती रहती है। स्वास्थ्य पत्रिका लॉसेट में सोमवार को प्रकाशित एक ताजा अध्ययन के मुताबिक भारत में 2017 में हुए सड़क हादसों में करीब सवा दो लाख लोगों की मौत हुई। इसके अलावा देश भर में पंद्रह से लेकर उनचालीस साल के बीच की उम्र के लोगों की समय से पहले मौत की सबसे मुख्य वजह के रूप में सड़क दुर्घटना को दर्ज किया गया है। यह तथ्य अपने आप में बताने के लिए काफी है कि अलग-अलग वजहों से होने वाले सड़क हादसों में मरने वालों और इससे जुड़ी व्यापक समस्या को लेकर सरकार की रीति-नीतियां किस कदर उदासीनता की शिकार हैं। इतनी बड़ी तादाद में होने वाले हादसों से न केवल बहुत सारे परिवार टूट जाते हैं, उनके विकास पर उल्टा असर पड़ता है, सामाजिक नतीजे त्रासद रूप से प्रभावित होते हैं, बल्कि देश की अर्थव्यवस्था को भी भारी नुकसान पहुंचता है। सवाल है कि इतने बड़े पैमाने पर होने वाली जान-शक्ति को क्या एक गंभीर समस्या के रूप में दर्ज नहीं किया जाना चाहिए?

लॉसेट की इस रिपोर्ट में दर्ज यह तथ्य चिंताजनक है कि इन हादसों में मरने वालों में आधे से ज्यादा लोग पैदल यात्री और मोटरसाइकिल सवार थे। यह आंकड़ा वैश्विक औसत से भी अधिक है। सलीकों की बात करें तो यह माना जाता है कि सड़क पर पैदल यात्रा करने वालों का पहला हक होता है। कई देशों में यह यातायात की संस्कृति बन चुकी है कि अगर कोई पैदल सफ़र कर रहा व्यक्ति सड़क पार करने की कोशिश में होता है तो वाहन चालक गाड़ी को रोक लेते हैं। लेकिन हमारे यहां अगर इतनी बड़ी तादाद में पैदल चलने वाले दुर्घटनाओं के शिकार हो रहे हैं, तो यह सोचने की बात है कि क्या इसके लिए केवल पीड़ित जिम्मेदार है या फिर सड़क निर्माण, ढांचे और यातायात के कायदों में कोई ऐसी कमी है कि उसमें पैदल यात्रियों को गैर-महत्वपूर्ण माना जाता है! क्या सामान्य से लेकर व्यस्त सड़कों तक पर पैदल यात्रियों या दोपहिया वाहनों के लिए विशेष व्यवस्था नहीं हो सकती है? लेकिन इसके उलट कई जगहों पर यह देखा जा सकता है कि पैदल चलने के लिए सड़कों के किनारे बने फुटपाथ की जगहों को वाहनों की पार्किंग के रूप में इस्तेमाल किया जा रहा है। यह किस तरह की यातायात नीति है?

सही है कि सड़कों पर होने वाले हादसों के लिए मुख्य रूप से यातायात नियमों से लेकर उनके पालन में लापरवाही सबसे बड़ा कारक है। लेकिन क्या सुव्यस्थित सड़कों के लिए जरूरी बुनियादी ढांचे के मामले में भी कमी नहीं दिखती है? सड़कें मानव संसाधनों के बेहतर उपयोग और आर्थिक विकास का एक सबसे महत्वपूर्ण साधन रही हैं। लेकिन यही सड़कें अगर व्यापक स्तर पर मानव संसाधनों की क्षति की वजह बन रही हैं तो क्या सोचने की जरूरत नहीं है कि क्या इनके निर्माण में वैज्ञानिक पद्धति के लिहाज से कोई कमी है या फिर क्या उनमें कोई सुधार की जरूरत है! विडंबना यह है कि हर थोड़े अंतराल पर आने वाले अध्ययनों और रिपोर्टों में यह बताया जाता है कि इस तरह के हादसों की प्रकृति क्या है, उनकी वजहें क्या हैं, उनसे मरने के रास्ते क्या हैं, लेकिन यह समझना मुश्किल है कि इतनी गंभीर समस्या के प्रति सरकारों की अनदेखी की वजह क्या हो सकती है! आखिर हर साल लाखों लोगों के नाहक ही जान गंवाने के मसले के प्रति इस स्तर तक उदासीन कैसे रहा जा सकता है?

कल्पमेधा

झूट बोलना तलवार के घाव की तरह है।
घाव तो भर जाएगा, लेकिन उसका निशान हमेशा बना रहेगा।

- शोख सादी

जनसत्ता

जाहिद खान

असम की मिसाल सबके सामने है।
एनआरसी को लेकर पिछले पांच साल में राज्य में जो अफरा-तफरी मची, उसने सभी को परेशान करके रख दिया। अपने आप को भारतीय साबित करने के लिए लोगों को वया-क्या जतन नहीं करने पड़ रहे? राज्य की पूरी प्रशासनिक मशीनरी इस कवायद में उलझी रही। इतना समय और अरबों रुपए खर्च करने के बाद जब अंतिम मसौदा सामने आया, तो उसमें लाखों वास्तविक भारतीय इस सूची से बाहर हो गए।

असम की मिसाल सबके सामने है।

पू्वोत्तर राज्यों से लेकर सारे देश में एनआरसी यानी प्राष्ट्रीय नागरिकता रजिस्टर और नागरिकता (संशोधन) कानून, 2019 का विरोध हो रहा है। विरोध की आग चारों तरफ फैल गई है। लोग बिना किसी राजनीतिक दल के नेतृत्व में स्वतः स्फूर्त इन कानूनों के खिलाफ आंदोलन में शामिल हो रहे हैं। सरकार, देश के नागरिकों की चिंताओं और मांग को सहानुभूति से देखती-सुनती-समझती, इसके उलट वह उनके दमन पर उतर आई हैं। चारों तरफ अव्यवस्था, आराजकता और डर का माहौल है। नागरिकता बिल को संविधान के खिलाफ बताते हुए सुप्रीम कोर्ट में कई याचिकाएं भी दायर की गई हैं। केरल, पंजाब, पश्चिम बंगाल, मध्य प्रदेश की सरकारों ने तो अपने यहां नागरिकता संशोधन कानून लागू करने से मना कर दिया है।

सरकार के संसद में इस आश्वासन कि उन राज्यों में नागरिकता संशोधन विधेयक लागू नहीं होगा, जो इनर लाइन परमिट या छद्मी अनुसूची के दायरे में आते हैं के

गिरीश पंकज

मेरा ही क्या, अनेक लोगों का यही अनुभव होगा कि अकेले में अकसर निराशा का भाव जन्म लेने लाता है। लेकिन समूह में रहने से मन में जीवंतता बनी रहती है। यह और बात है कि साधना या सृजन-कर्म के लिए आमतौर पर एकांत ही अनुकूल होता है। लेकिन मैं सामान्य स्थितियों की बात कर रहा हूँ। मैंने कुछ लोगों को देखा और महसूस किया है कि अकेले में वे कुछ-कुछ उदास ही रहते हैं। मगर जब कुछ मित्रों या परिचितों के साथ होते हैं, तो चेहरे पर प्रसन्नता की तितली मंडराने लगती है। एकाकी-जीवन मनुष्य को कुछ कुछ वीरगानी किस्म का बना देता है। जबकि समूह में व्यक्ति सांसारिकता से जुड़ा रहता है। हताश-निराश व्यक्ति अगर अकेला रहे तो उसके मन में न जाने कैसे-कैसे गलत या निराशाजनक विचार उमड़ने लगते हैं। किसी प्रतियोगिता या परीक्षा में विफल विद्यार्थी को अकेले नहीं रहने देना चाहिए। अकेले में हताशा में वह गलत कदम भी उठा सकता है।

मेरे एक मित्र जब सेवानिवृत्त हुए तो उन्हें लगा कि अब जीवन में कुछ खास करने को नहीं रहा। वे निराशा के भंवर में डूबने-उतराने लगे। घर पर ही रहते। धीरे-

सबका त्योहार

हमारा देश दुनिया का सबसे बड़ा धर्मनिरपेक्ष देश है। यहां हर धर्म के त्योहार को हर धर्म के लोग मनाते हैं। हर धर्म और हर धर्म के त्योहार-पर्व हर धर्म के लोगों को इंसानियत और सबका सम्मान करने की शिक्षा देते हैं। क्रिसमस ईसा मसीह (यीशु) के जन्मदिवस के उपलक्ष्य पर मनाया जाता है। यह सारी दुनिया में बड़ी धूमधाम से मनाया जाता है। ईसा मसीह ने अपने उद्देश्यों ‘सुसमाचार’ में दुनिया को इंसानियत का संदेश दिया है। आज जिस तरह समूची दुनिया में वैर-विरोध, हेराफेरी, बेईमानी, नफरत, हिंसा आदि दुनिया को पतन की ओर ले जानी वाली कुरीतियां बढ़ रही हैं।

अगर दुनिया का हर ईसान अच्छी राह पर चलना शुरू कर देगा तो दुनियां में फैली सभी कुरीतियों का खान्सा हो जाएगा और दुनिया जमीन पर ही स्वर्ग बन जाएगी। विश्वास है कि क्रिसमस वाले दिन ही सांता क्लॉज अपनी झोली में बच्चों के लिए तोहफे लेकर आता है। यह हर कोई अपने बच्चों को बताता है। लेकिन इसके साथ सभी अपने बच्चों को यह बताएं कि सांता क्लॉज सबको यह संदेश देता है कि ज़िंदगी में कभी गलत रास्ते पर न चलें। न बेईमानी, हेराफेरी करें और न ही कोई अनैतिक काम करें तो इससे बच्चों के कोमल मन में अच्छी बातें घर करेंगी। त्योहार कोई भी क्यों न हो, किसी भी धर्म से संबंधित क्यों न हो, उसे मनाने के साथ उसके इतिहास और उसकी शिक्षा का अनुसरण भी हर किसी को करना चाहिए।

- राजेश कुमार चौहान, जालंधर*

आग का दायरा

दिल्ली के अनाज मंडी इलाके में हुए भयानक अग्निकांड की त्रासदी अभी शांत भी नहीं पड़ी थी कि सोमवार तड़के महानगर के किराड़ी इलाके में कपड़े की गोदाम में लगी आग ने नौ लोगों की ज़िंदगी छीन ली।

बावजूद आंदोलनकारियों पर कोई असर नहीं हुआ है।

मातृम हो कि छठी अनुसूची जनजातीय परिषदों को ज्यादा स्वायत्तता देती है। नया प्रावधान पूर्वोत्तर के आदिवासी इलाकों में लागू नहीं होगा। असम के कुछ ही जिलों में छठी अनुसूची लागू है। चूंकि असम इनर लाइन परमिट वाला राज्य नहीं है, इसलिए यह पूर्वोत्तर का अकेला ऐसा राज्य बन जाएगा, जहां बांग्लादेश से आए अवैध हिंदू शरणार्थी बसाए जा सकेंगे। यही वजह है कि असम में ही इस कानून का सबसे ज्यादा विरोध है। पूर्वोत्तर के सभी राज्यों सहित असमिया लोगों की मूल समस्या बांग्लादेशियों के बढ़ते सामाजिक, सांस्कृतिक और राजनीतिक प्रभुत्व की है। उनका डर है कि नागरिकता संशोधन कानून के अमल में आने के बाद उनकी जमीन, भाषा, पहचान और रोजगार पर संकट आ जाएगा। पूर्वोत्तर के सात राज्यों में दो सौ अड़तीस मूल जनजातियां ऐसी है, जो आस्था से हिंदू नहीं हैं, लेकिन बावरी लोगों को यहां बसाने की किसी भी कोशिश के खिलाफ हैं। वे बांग्लादेशी घुसपैठियों को धर्म और भाषा के आधार पर अलग नहीं करते। असमिया लोगों की नजर में सारे बांग्लादेशी उनका हक मार रहे हैं। यही वजह है कि वे सभी से एक समान नफरत करते हैं। इन राज्यों में अवैध अग्रवासियों के खिलाफ हिंसा में सिर्फ बांग्लादेशी मुसलमान ही नहीं मारे गए हैं, बल्कि बांग्लादेशी हिंदू या बांग्लाभाषी हिंदू भी इसका शिकार हुए हैं।

15 अगस्त, 1985 को तत्कालीन केंद्र, राज्य सरकार और ऑल असम स्टूडेंट यूनियन (आसू) तीनों के बीच जो असम समझौता हुआ था, उसमें सहमति बनी थी कि 1971 से पहले जो लोग असम में आ गए हैं, उन्हें नागरिकता दी जा सकती है। समझौता स्पष्ट तौर पर कहता है कि 24 मार्च, 1971 के बाद आए सभी अवैध प्रवासियों को वापस भेजा जाएगा। असम समझौते की मूल भयाना को देखते हुए ही राज्य में एनआरसी अमल में आया। एनआरसी का मकसद भारतीय नागरिकों और बांग्लादेशी घुसपैठियों की पहचान करना था। बहरहाल एनआरसी का जब अंतिम मसौदा सामने आया, तो उसमें उन्नीस लाख लोग ऐसे निकले, जो अपने आप को भारतीय साबित नहीं कर पाए। इनमें भी तेरह लाख लोग गैर मुसलमान यानी हिंदू और अन्य आदिवासी समुदाय के लोग थे। इनमें पांच लाख चालीस हजार बांग्लादेशी हिंदू हैं। असम हो या पश्चिम बंगाल, ये हिंदू प्रवासी ही भाजपा के बड़े वोट बैंक हैं। इन्हीं के वोटों के सहारे पाटी असम और पश्चिम बंगाल के आने वाले विधानसभा चुनाव को फतह करना चाहती है। यही वजह है कि हिंदू प्रवासियों को अपने साथ जोड़े रखने के लिए

केंद्र सरकार ने आनन-फानन में संसद के दोनों सदनों से नागरिकता संशोधन विधेयक, 2019 पारित करवा लिया।

नागरिकता संशोधन कानून में अफगानिस्तान, पाकिस्तान और बांग्लादेश से साल 2014 तक आए हिंदू, सिख, बौद्ध, जैन, पारसी और ईसाई धर्म के सभी अवैध प्रवासियों को नागरिकता देने का प्रावधान है, सिवाय मुसलमानों के। यही बात इस कानून के विरोध की सबसे बड़ी वजह है। देश का संविधान सभी भारतीयों के लिए नागरिकता के अधिकार को गारंटी देता है, चाहे उनका धर्म, जाति, भाषा, संस्कृति, लिंग या पेशा कुछ भी हो। नागरिकता संशोधन विधेयक लोगों के इस अधिकार को खत्म करता है। धर्म के आधार पर किसी की नागरिकता तय करने का अर्थ है, देश के संविधान को नकारना। जबकि देश की ताकत एक धर्मनिरपेक्ष लोकतंत्र है, जिसका अहम पहलू अल्पसंख्यक समुदायों के अधिकारों की रक्षा करना है। नागरिकता संशोधन कानून के अलावा

असम की मिसाल सबके सामने है। एनआरसी को लेकर पिछले पांच साल में राज्य में जो अफरा-तफरी मची, उसने सभी को परेशान करके रख दिया। अपने आप को भारतीय साबित करने के लिए लोगों को क्या-क्या जतन नहीं करने पड़ रहे? राज्य की पूरी प्रशासनिक मशीनरी इस कवायद में उलझी रही। इतना समय और अरबों रुपए खर्च करने के बाद जब अंतिम मसौदा सामने आया, तो उसमें लाखों वास्तविक भारतीय इस सूची से बाहर हो गए। इनमें बड़ी संख्या में असम में रह रहे हिंदीभाषियों के नाम भी शामिल नहीं थे। जिन लाखों लोगों के नाम छूटे, उनमें असम की पहली महिला मुख्यमंत्री सैयदा अनवरा तैमूर, पूर्व राष्ट्रपति फखरुद्दीन अली अहमद के रिश्तेदार, साहित्य अकादमी पुरस्कार विजेता दुर्गा खटीवाड़ा और असम आंदोलन की पहली महिला शहीद बजयंती देवी के परिवार के सदस्य, स्वतंत्रता सेनानी छबीलाल उपाध्याय की प्रपौत्री मंजू देवी सहित अनेक नामी-गिरामी हस्तियां हैं। जिन भारतीयों के नाम इसमें शामिल नहीं है, उनमें बिहार, उत्तर प्रदेश और पश्चिम बंगाल से आकर असम में बसने वालों की संख्या ज्यादा है। ऐसे भी लोग हैं जिनके पास आधार कार्ड, पासपोर्ट आदि जरूरी दस्तावेज हैं, लेकिन उनका नाम इसमें नहीं है। विदेशी न्यायाधिकरण ने इनका नाम जबरन निष्कासन सूची में डाल दिया है। कुछ मामले ऐसे भी सामने आए, जिनमें विदेशी अधिकरण ने कुछ लोगों को महज इसलिए विदेशी घोषित कर दिया कि उनका नाम एनआरसी में तो था, लेकिन वे या उसका कोई प्रतिनिधि अधिकरण के सामने पेश नहीं हुआ था।

अभी तक यह स्पष्ट नहीं है कि एनआरसी के तहत देश के नागरिक के रूप में पुष्टि के लिए कौन-कौनसे दस्तावेज वैध माने जाएंगे। अभी तक जो बात सामने आई है, उसके मुताबिक लोगों को करीब एक दर्जन दस्तावेज देने होंगे। ऐसे में एक गरीब एवं अपभूढ़ व्यक्ति ऐसी जटिलताओं से कैसे निपटेगा, यह बड़ा सवाल है। सरकार ने अवैध घुसपैठियों एवं शरणार्थियों की पहचान के लिए क्या मापदंड तैयार किए गए हैं? यही वह वजह है, जिससे देश का हर नागरिक डरा हुआ है, खासतौर से दलित, आदिवासी और अल्पसंख्यक समुदाय। उन्हें डर है कि नागरिकता साबित करने की आड़ में कहीं उनके साथ भेदभाव तो नहीं किया जाएगा। उनके संवैधानिक अधिकार, तो प्रभावित नहीं होंगे, क्योंकि एनआरसी में नाम न होने की वजह से उन लोगों के नागरिक अधिकार, संपत्ति और तमाम सरकारी लाभ आदि एक झटके में छिन जाएंगे। जबकि अवैध आप्रवासियों को नागरिक संशोधन कानून भारत की नागरिकता प्रदान कर देगा।

असम की मिसाल सबके सामने है।

समूह का सुख

धीरे वे अपने पुराने मित्रों से भी कटने लगे। यहां तक कि घर के सदस्यों के साथ भी घुलना- मिलना कम कर दिया। नतीजतन वे अवसाद में जाने लगे। आखिर वही हुआ, जिसकी आशंका थी। वे बीमार रहने लगे और ह्रदय रोगी बन कर एक दिन बिस्तर पकड़ लिया। फिर कुछ दिनों बाद ही वे संसार से कूच कर गए। मन में उत्साह कायम रहता तो शायद ठीक-ठाक जीवन जी लेते, मगर लोगों से कट कर जीवन को अनुपयोगी समझ कर हताश होना भारी पड़ गया।

जबकि उनके साथ ही सेवानिवृत्त हुए एक अन्य मित्र स्वस्थ और सानंद जीवन जी रहे हैं, क्योंकि उन्होंने जीवन को रसमय बना लिया है। सुबह से शाम तक खुद को सामाजिक गतिविधियों में कुछ ऐसा व्यस्त किया कि वे अनेक लोगों की जरूरत बन गए। वरिष्ठ नागरिकों के समूह में तो उनका नियमित रूप से जाना होता है और वहां वे देश-दुनिया की चर्चा करते हैं और मगन रहते हैं। पहले वाले मित्र भी शुरू-शुरू में वरिष्ठ नागरिकों के उस फोरम में आते थे, पर कुछ दिनों के बाद आना ही बंद कर दिया। कुछ लोग फितरत से अंतमुछी होते हैं। ऐसे लोग सबसे मिलना-जुलना पसंद नहीं करते। यह कोई अच्छी आदत नहीं, पर इसे भी कुछ लोग गर्व से बताते हैं कि मैं तो किसी से ज्यादा मिलता-जुलता नहीं। मैं

दुनिया मेरे आगे

दूसरी घटनाओं की तरह इस घटना में भी आग की वजह शॉर्ट सर्किट बताया जा रहा है। दिल्ली में शॉर्ट सर्किट की वजह से कई घटनाएं हो चुकी हैं। कुछ समय पहले जामिया इलाके में इसी वजह से लगी आग में छह लोगों, तो अप्रिंट होटल में लगी आग में सत्रह लोगों को काल का ग्रास होना पड़ा था। आंकड़े बताते हैं कि 2017-2018 में 29,423 दुर्घटनाएं हुई थीं, जिनमें 1267 लोग घायल हुए और 318 लोगों को अपनी जान गंवानी पड़ी। दिल्ली में हर महीने इस तरह की घटना होती रहती है, लेकिन जिम्मेदार संबंधित महकमे और अधिकारी अपनी आंखें मूंदे रखते हैं। दिल्ली में आग की एक मुख्य कारण

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