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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

CRIME AS PUNISHMENT

Killing of Hyderabad rape accused by police, voices of support for it, point to a brutalisation that must worry all

WHEN A CALL for summary execution goes out from Parliament, a democracy is pushed to the brink of lawlessness. That's where India stands, after the Telangana police shot down four men accused of raping and murdering a woman in Hyderabad. The brazen choreography of events — the four men, unarmed and in police custody, are taken at midnight to the spot where the veterinarian had been violated and shot dead when they allegedly grabbed the policemen's firearms — reflects an idea of medieval mob justice that was heard, over and over again, in the Lok Sabha and Rajya Sabha, as legislators called for, among other things, the "lynching" of rapists. It was an abdication of their role and responsibility as lawmakers sworn to the Constitution.

More politicians have come out in praise of the police action. BJP MP and former minister Rajyavardhan Rathore called it the "victory of good over evil". BJP leader Shaina NC termed it "natural justice". BSP chief Mayawati exhorted other state police departments to take inspiration from the Telangana cops. Samajwadi Party MP Jaya Bachchan, who had called for a lynching, said "better late than never". Congress leader and Chhattisgarh chief minister, Bhupesh Baghel, said "I can say that justice has been done (in the case)". Former Madhya Pradesh Chief Minister Shivraj Singh Chouhan tweeted that "demons of Hyderabad have been punished for their sins... the wicked should be treated in this manner". Images of people cheering the Hyderabad police or showering them with rose petals might explain the narrow political logic of such statements. But it only underlines that India's political class is choosing to whip up a toxic primal anger that never lies too far beneath this grossly unequal society. They are choosing to not just cheer, but lead the bloodthirsty mob.

In the name of the people, the call is going out to junk due process and the established norms by which a civilised society decides to affix guilt and punishment, the checks and balances that stand up to the excesses of power. The many lynching incidents in the last few years have already warned how a corrosive search for the "enemy" is leading to brutal violence, whether against "child-lifters" or "cow smugglers". Moreover, in an iniquitous society, public outrage is easily gamed when those in the dock are the "others" — the poor and the working class. The same political class that cheers vigilantism is noticeably muted when the powerful are the accused. In Hyderabad, now, the question to ask is not just "what if the four men were innocent?" But also, "what if they were not?" Their guilt ought to have been established in the court of law and punished. If the impatience with a long-drawn out legal process is being used to justify police lawlessness, the judiciary must urgently step in to stanch this anti-democratic spiral.

TAKING IT PERSONALLY

While Personal Data Protection Bill strikes a balance between privacy and security, one provision does disservice to its objective

THE PERSONAL DATA Protection Bill is designed to fall between the laissez faire approach of US law and the much stricter regimen of the General Data Protection Regulation in force in the European Union, striking a balance between the imperatives of privacy and security. It includes features which have entered the legal lexicon only recently, like the right to be forgotten, and is a much-needed stepping stone towards a mature digital economy and society. But there is concern because a provision appears to compromise the security of personal data, instead of securing it.

This is the proposal of voluntary verification, which is designed to make social media companies more responsible, and make fake news easier to deal with, by marking apart unverified accounts for closer scrutiny. However, the efficacy of this strategy is questionable. Twitter already has such a verification service, with vetted accounts visibly ticked blue. But it seems to have had limited impact on fake news, since verified accounts also spread it, and the trolls just carry on regardless. For marginal gain, therefore, users would be handing over their personal details to social media companies, the biggest of which, Facebook, has not been a trustworthy fiduciary of public data internationally. It may also be recalled that one of the legitimate objections to Aadhaar was the handling of personal data by private contractors, who collected it outside the government silo. Besides, out of ignorance or callousness, the maintainers of government websites repeatedly exposed Aadhaar data to the internet. Now, if verification is made a feature of social media in India, the possibility of companies leaking data must again cause concern. Besides, there is no guarantee that companies would not use the data internally to profile users more accurately than they do already. Just adding an address and a phone number to the dataset of an individual's movements on a city map would bring in a new depth of meaning. In which case the bill, intended to secure privacy, would achieve precisely the opposite.

The need felt by the government, and by citizens who had suffered harm from misinformation or malicious communications on social media, was that traffic across platforms must not be so anonymous as to be untraceable. It is only specific posts which cross the line and cause public harm that need to be traced home. All bona fide users should not have to disclose their personal details to make that possible.

CITIZEN KUNDERA

Milan Kundera did not need his Czech citizenship restored. It was an act of contrition for an era of exclusion

THE JUSTIFICATION FOR Milan Kundera's first expulsion from the Communist Party of Czechoslovakia was at least partially accurate, even honest. Kundera did indeed possess "individualistic tendencies", though whether he was "hostile" to the Party in 1950 remains an open question. At any rate, the Party and State were certainly hostile to him, and in 1979 stripped Kundera of citizenship after the publication of *The Book of Laughter and Forgetting*. Last week, the Czech Republic restored his citizenship.

Kundera, now 90 and among the most celebrated novelists of the 20th century, has little to gain from his restored citizenship. In fact, the memory of Prague, and the fact of Paris, where he has lived since his exile, have defined his work. The restoration of citizenship, then, is an act of contrition. It is an apology for a time when the state saw the citizen not as a bearer of rights, as an individual who, through criticism, can enrich the whole but instead, a thing to fit an ideological end. Kundera's exile — he did not denounce socialism — stemmed from the insecurity of a state that thinks it is strong, but lacks the magnanimity to tolerate even the slightest dissent and difference.

Kundera's early work was critical of totalitarianism, but his later novels are more philosophical than ideological. He wrote of love, memory, forgetting and a nostalgia that freezes places and times — human themes, in a place where people are not human. The state, then and now, too often wants the citizen to be dutiful, to be a good fill-in-the-blank, to exclude those who do not fit perfectly into its scheme. For many governments at the helm today, there is a lesson in the restoration of Kundera's citizenship. Forty years later, narrow-minded registers of inclusion and exclusion could well require acts of contrition.

Strangers in their own land



GAUTAM BHATIA

Proposed citizenship law is immoral, will unleash a legally-sanctioned regime of discrimination

ON DECEMBER 4, the Union cabinet cleared the Citizenship Amendment Bill (2019), paving the way for its introduction in Parliament. Ostensibly, the CAB is a legislation designed to protect persecuted minorities. It stipulates that "Hindus, Sikhs, Buddhists, Jains, Parsis and Christians" from "Afghanistan, Bangladesh and Pakistan" shall not be treated as illegal immigrants. Individuals belonging to these categories are also granted a fast track to citizenship by naturalisation (after a period of six years).

The CAB's stated objective — to give shelter and protection to persecuted minorities — is laudable. The text of the Bill, however, not only undermines that objective, but also rends the plural fabric of the Indian Constitution. In its careful listing of protected communities, it explicitly — and intentionally — leaves out Muslims. The message it sends, thus, is one of discrimination, exclusion and second-class citizenship based on religion.

What justifications may be advanced for the CAB in its present form? The first is that Pakistan, Bangladesh and Afghanistan are Muslim-majority countries where Muslims, by definition, cannot be persecuted. This is false. The Ahmadiyya community in Pakistan has been subjected to sustained discrimination and violence. Religious communities — and nations — are not monoliths, and frequently persecute those who are ostensibly their own. And so, if the CAB is motivated by considerations of protecting the vulnerable, then what matters is not the religion of those who are persecuted but their humanity.

Furthermore, there is no explanation for why the CAB has picked out Pakistan, Bangladesh, and Afghanistan — and only those countries. If the criterion is undivided, pre-Partition India (as the CAB's Statement of Objects and Reasons mentions), then Afghanistan ought not to have been a part of the list. If, on the other hand, the criterion is neighbouring nations, then there are a host of countries surrounding India that have visited terrible violence upon minorities. The Rohingya Muslims of Myanmar have been subjected to ethnic cleansing and genocide. Sri Lankan Tamils have suffered systematic discrimination and state-sponsored persecution. It is suggested in the CAB's Statement

It is abundantly clear that the CAB has been designed in a manner that specifically excludes Muslim refugees from the possibility of amnesty and citizenship, for no reason other than their religion. To start with, this is morally indefensible, and a betrayal of the egalitarian and pluralistic values that guided our freedom struggle and the founding of our Republic. It is also unconstitutional. Article 14 of the Indian Constitution guarantees to all persons equality before the law, and the equal protection of laws. As the Indian courts have often held, Article 14 prohibits the state from engaging in irrational classification of persons, from arbitrary action, and from treating people unequally for no legitimate reason. The CAB manages to violate each of these three principles.

of Objects and Reasons that Afghanistan, Pakistan, and Bangladesh have an official state religion (Islam). But so does Sri Lanka (Buddhism).

When viewed objectively, therefore, it is abundantly clear that the CAB has been designed in a manner that specifically excludes Muslim refugees from the possibility of amnesty and citizenship, for no reason other than their religion. To start with, this is morally indefensible, and a betrayal of the egalitarian and pluralistic values that guided our freedom struggle and the founding of our Republic. It is also unconstitutional. Article 14 of the Indian Constitution guarantees to all persons equality before the law, and the equal protection of laws. As the Indian courts have often held, Article 14 prohibits the state from engaging in irrational classification of persons, from arbitrary action, and from treating people unequally for no legitimate reason. The CAB manages to violate each of these three principles. Its exclusion of Muslims from the list of protected communities in Pakistan, Afghanistan, and Bangladesh — in the teeth of the documented persecution of the Ahmadiyyas — is an irrational classification if the goal is to protect persecuted minorities. The restriction of the CAB to just these three countries is entirely arbitrary, as there is no underlying principle that connects them. And the design of the CAB — that first selects Muslim-majority countries and then offers amnesty only to religious minorities within those countries — creates religion-based distinction between those entitled to protection, and those excluded from it. This is an affront to the secular foundations of the Indian Republic, and therefore, an illegitimate legislative purpose.

There are two further factors that exacerbate the immorality of the situation. In response to widespread protests from the North-eastern states the last time the Bill was introduced, the CAB's new iteration now exempts the amendment from applying to the "tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule of the Constitution." This is an entirely unprincipled manoeuvre. The purpose of the Sixth Schedule of the Constitution was — and is — to protect the distinct culture and way of life of India's indigenous populations. It has nothing

to do with separate citizenship regimes. In order to secure smooth passage, therefore, the Union cabinet appears to have tacked on a purely political exemption to an already unconstitutional legal regime. This is the very definition of arbitrary state action.

Secondly, the CAB cannot be viewed in isolation from the proposed National Register of Indian Citizens (NRIC). The home minister has repeatedly vowed that the NRIC will be implemented shortly, in order to identify and remove "infiltrators" from the country. This follows upon the heels of the hugely expensive and disastrously-managed NRC process in Assam, that ended with the exclusion of 19 lakh individuals who now face the prospect of statelessness. The NRC process saw widespread panic, fear, and suffering — especially among the poor and marginalised — as it imposed onerous documentary requirements upon people. The NRIC will replicate this suffering on a national scale, but when it is combined with the CAB, it becomes clear that that suffering will be specifically visited upon India's Muslims, who will be facing the brunt of the NRIC without the prospective shield of the CAB (a shield that will be available to all other communities).

Together, the NRIC and the CAB constitute a pincer movement against India's Muslims. Their combined effect is to deny to Muslims equal moral membership in the polity. In the history of the 20th century, such legally-sanctioned regimes of discrimination have been seen before: In fascist states, the epitomes of morally and ethically bankrupt regimes.

The CAB, therefore, must be strongly opposed. It must be opposed by all those who continue to believe in a plural, egalitarian, and democratic India, where religion is not a brand that can condemn individuals to perpetual second-class citizenship. And it must be opposed in the courts, as a flagrant violation of equality and the rule of law. It is only principled opposition that can reclaim from naked power politics the fundamental values that animated India's freedom struggle, and that lie at the heart of the Indian project of secular and democratic republicanism.

Bhatia is a lawyer and author of *Offend, Shock or Disturb: Free Speech Under the Indian Constitution*



BADRI NARAYAN

B R AMBEDKAR once said, "I was born a Hindu... but I will not die as a Hindu". Hence, before his death, he chose Buddhism. Inspired by him, a section of Dalits also converted to Buddhism. So soon after his Mahaparinirvan Divas, December 6, we need to ask: What is the relationship between the ideals and lived reality of Dalit life in the context of growing Hindutva?

There is a trend among members of a section of newly-educated Dalits in north India of adopting Buddhism. But during field work in the villages of Uttar Pradesh and Bihar, we observed that their conversion, in terms of religious memories from Hinduism to Buddhism, is not yet complete: Some, for instance, are unable to stop themselves from celebrating Hindu festivals and worshipping Hindu deities, alongside worshipping Buddha and Ambedkar.

In UP, one may find Ambedkar statues in and around the Dalit *bastis* of many villages. Ambedkar is a symbolic inspiration for Dalits and the marginalised. This kind of symbolism provides them social confidence. In some of these *bastis*, the youth offer their prayers to Ambedkar statues after achieving any success in life or on special occasions. They find a kind of divinity in the symbol of Ambedkar. The Hindu Dalits, Dalit followers of Kabir and Ravidas, worship Ambedkar alongside their *panthic* deities and gurus: As we know, most

AMBEDKAR WITHOUT CASTE

Babasaheb's legacy is being re-engineered to suit the Hindutva agenda

Dalits in North India are followers of Hinduism, the Kabir panth and Ravidas panth. Despite criticism of the caste system, these sects comfortably interact and work within various Hindu religious public spheres.

Ambedkar remained strongly critical of the Hindu caste system. However, the Hindutva movement is trying to reconfigure Ambedkar as a symbol that is respectable for everyone by downplaying his criticism of the caste system. They want to extricate the criticism of the Hindu caste system from the version of Ambedkar they are trying to propagate. If all Hindus across castes start respecting Ambedkar, then his criticism of Hinduism maybe sidelined from the memory of Dalits and subaltern communities.

Ambedkar is also projected as the brand ambassador of the *samrasta* campaign run by the Hindutva parivar. One may find Ambedkar calendars and portraits at many RSS offices and public programmes. The BJP has taken various steps to showcase its concern, and respect, for Ambedkar's memories and memorials: More than what the Congress did when it held office.

Although Kabir *panthis* and Ravidasis presented an alternative religious space and identity, they have a close relationship with Hindu religious memories due to their roots in the Bhakti movement. The aspiration to assert themselves as Hindu is growing among

a section of subaltern communities. In villages near Allahabad, Sonbhadra and Mirzapur, smaller Dalit castes like Nats and Mangata — who had liminal religious identity till a few years ago — are now worshipping Hindu deities. These communities aspire for social dignity by appropriating mainstream religious identities. Hindutva forces understand these growing aspirations, and try to project themselves as a social-cultural group working for the welfare of all Hindus. They also assert themselves as political-cultural groups following the ideals of Ambedkar. It is not easy for the Hindutva parivar to appropriate the symbol of Ambedkar, but they are consistently producing narratives — visual, cultural and political — to create a selective remembrance, and forgetting of, the original image of Ambedkar.

The social memories created by the Hindu religion, and the Hindutva version of Ambedkar's symbol, are creating a situation where the Hindutva parivar is easily accessible to a section of the larger Dalit community. It is interesting to observe that an emphasis on Hindu religion and values — once a major criticism of the RSS by Dalits and subalterns — is now providing fertile ground to the Hindutva parivar.

The writer is professor, Govind Ballabh Pant Social Science Institute, Allahabad

DECEMBER 7, 1979, FORTY YEARS AGO

NAGPUR VIOLENCE

AN 18-YEAR-OLD BOY was killed and eight others injured in police firing in Sitaburdi and Gaddigodam areas of Nagpur when a mob agitating for the renaming of Marathwada University after B R Ambedkar turned violent. More than 500 persons were arrested for violating prohibitory orders. The deputy inspector-general of police, Rangaraju, said the police had to fire 12 rounds and burst more than 200 teargas shells, and resorted to repeated cane-charge as the agitators went on a rampage.

MULLING QUOTA

IN A DESPERATE pre-election move, Charan

Singh is again toying with the idea of reservation of jobs for backward classes in government services. According to informed sources, though the "idea" was not put on the agenda for the cabinet meeting, the prime minister is expected to bring it up before his colleagues. Singh had earlier thought of bringing an ordinance or issuing an executive order to give this concession to the backward classes. Singh had dropped the idea because of reported disapproval by the President, on the ground that it would be contrary to his advice that the caretaker government should not take policy decisions or give concessions to any section of society for electoral gains.

ENGINEERS' STRIKE

THOUGH THE UP power engineers called off their strike last night, they did not turn up for duty. Enquiries showed that they were awaiting the release of their arrested comrades. While, according to official sources, the number of the engineers arrested is about 300, the association claims that 1,350 engineers are in jail.

FERNANDES EXIT

GEORGE FERNANDES DENIED reports that he was likely to join the Janata Party. He described a Calcutta report attributed to Jagjivan Ram as "just so much unadulterated nonsense".



15 THE IDEAS PAGE

Fall of Indo-Pak Berlin Wall

Kartarpur Corridor shows the way for reconciliation between two parts of a common civilisational community



SUDHEENDRA KULKARNI

KARTARPUR SAHIB: EVEN when the dark night seems endless, hope for a hint of light never dies. That's how it is with India-Pakistan relations. Just when everything looked bleak, the Kartarpur Sahib Corridor opened. Showing welcome grace, Prime Minister Narendra Modi thanked his Pakistani counterpart Imran Khan for making it happen. In a more significant comment, he likened the inauguration of the corridor to the "Fall of the Berlin Wall", since that day, November 9, marked the 30th anniversary of the event that accelerated the end of the Cold War. "Two different streams had come together and taken the pledge to make a new beginning. Today, the Kartarpur Corridor has started with the coordinated efforts of India and Pakistan."

If Modi genuinely wants the "Berlin Wall" of hostility between India and Pakistan to fall, he must now walk the talk. But, how? The answer lies in the words he himself spoke — "coordinated efforts" of the two countries to "make a new beginning".

Desirable outcomes call for determined actions. Boldness alone breaks deadlocks. Mao and Nixon demolished the "Bamboo Wall" and normalised relations between China and the USA. Gorbachev showed immense audacity and foresight to bring the Cold War to a bloodless end by initiating "coordinated efforts" with Ronald Reagan and mature European leaders of the time. The leaders of India and Pakistan must now show the same courage, commitment and innovativeness.

A significant testimony of that innovativeness is the Kartarpur Sahib Corridor itself. Earlier this month, I went on a pilgrimage to the gurdwara that marks the place of his departure from his mortal existence in 1539. I travelled not through the corridor, but from Lahore. The sight of the unending caravan of cars and buses bringing yatris to the gurdwara was unbelievable. Almost all of them were Pakistanis, unlike those who come through the corridor, who are mostly Indians. Ramesh Singh Arora, a former member of the Pakistan national assembly, told me, "There were nearly 20,000 yatris today, of which only around 1,800 came from India through the corridor. Muslims far outnumbered Pakistani Sikhs, because they are proud that Nanak Baba, who was born and passed away here, is part of Pakistan's heritage."

"This looks like a silent social-spiritual revolution," I said to Arora, who is a member of the gurdwara's management committee. His response, "This is just the beginning. The Indian media is painting a wrong image of Pakistan, as a place where Muslims hate non-Muslims. People in India should know that not a single political party in Pakistan opposed when our government built the world's largest and finest gurdwara complex here. There was no opposition in our media either."

The word "yatri" has a profound meaning in the context of the opening of Kartarpur Sahib. The idea of opening a road to bring mainly Sikh pilgrims from India to Kartarpur, located just 3 km from the India-Pakistan border, was first mooted in the talks between prime ministers Atal Bihari Vajpayee and Nawaz Sharif in 1999, when the former had



C R Sasikumar

come to Lahore on his landmark "bus yatra". I was privileged to have travelled with him on that "peace bus". Even though it took two decades for the idea to fructify, the irrefutable fact is that the "Berlin Wall" between India and Pakistan has been pierced.

In Germany, the Berlin Wall fell because tens of thousands of ordinary citizens, desiring the reunification of the two Germanys, dealt hammer-blows on it. Something similar, though not identical, has happened between India and Pakistan. The Kartarpur Sahib Corridor has opened mainly because of the intense desire of the people, mostly Sikhs. Their prayers acted as silent "hammer-blows", which the leaders could not ignore. Unlike in Germany, they do not want re-unification of our two countries, but reconciliation between two parts of a common civilisational community.

Once this fundamental truth is realised, Modi and leaders of Pakistan's military-civilian establishment can think of opening many more corridors of peace and reconciliation, including some linking the two sides of Kashmir, without either side feeling insecure or threatened. But this requires bold and out-of-the-box thinking in both New Delhi and Islamabad. Here is a suggestion. Modi should invite Imran Khan and Pakistan's Chief of Army Staff, General Qamar Javed Bajwa, for talks to New Delhi. Alternatively, he should go to Islamabad and meet them.

Why should Modi meet both Imran Khan and General Bajwa? For three reasons. One, both are responsible for opening the Kartarpur Sahib Corridor and have demonstrated their commitment to a breakthrough in India-Pakistan ties. Two, there is an entrenched view in India that Pakistan's military does not want good relations with our country. This is only partly true. If India treats its smaller neighbour on the basis of sovereign equality leading to an "honourable peace" — rather than "triumph" for India and "loss" for Pakistan — the military establishment in Rawalpindi can deliver better results than the wobbly civilian

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leadership in Islamabad.

Three, in General Bajwa, we have a Pakistani military chief who genuinely wants peace with India. I am saying this on the basis of my discussions with numerous Pakistanis who are well-informed about the power equations in their country. The messy controversy over his extension in office will soon end. We can count on him to back a valiant peace process with India.

There is a precedent for Pakistan's PM and army chief (along with the ISI chief Lt General Faiz Hameed) visiting a foreign capital together and holding talks with the leadership of that country. In October, they went to Beijing, just two days before Chinese President Xi Jinping came to India for the second informal summit with Modi at Mahabalipuram. General Bajwa had also met Xi Jinping in Beijing in September 2018.

Critics and cynics will ask: "China has a special clout with Pakistan, which India lacks. Will Pakistan's army chief talk to an Indian PM? Never." The belief that China matters more to Pakistan than India is flawed. Although China is important for Islamabad, all farsighted Pakistanis, including those in the military and civilian establishments, know that their country's long-term security, stability and progress is impossible without normalisation of relations with India. Furthermore, the untapped social, cultural, spiritual and historical ties between India and Pakistan are far deeper and stronger than anything that exists between Pakistan and China. For proof, come to Kartarpur Sahib Gurdwara.

Does Modi have it in him to break the Indo-Pak "Berlin Wall", in coordination with General Bajwa and Imran Khan? Or will they allow inevitable provocations to interrupt the peace process, as has so often, and so sadly, happened in the past?

The writer is founder of the Forum for a New South Asia - Powered by India-Pakistan-China Cooperation

WHAT THE OTHERS SAY

"(Hong Kong) Citizens voted overwhelmingly for pro-democracy candidates. It was a clear signal to Beijing that the protests are not a foreign plot." — **THE NEW YORK TIMES**

Criminals in uniform

Encounters should not be encouraged by the political leadership. Until judicial process is put back on the rails, these short-cuts will continue



JULIO RIBEIRO

WHEN I WAS a young student of law, those accused of heinous crimes like murder or rape were tried swiftly and punished or set free, as the evidence on record dictated, within a year. The average time taken was eight or nine months, during which time the accused were in the custody of jailors. The hearings were held daily, and no adjournments were asked for or given. The public prosecutor and the lawyer of the accused were invariably present in court to rise in their seats when the presiding judge entered at the appointed hour of the morning. The witnesses were kept ready outside the court and would be ushered inside the courtroom when his or her name was called by the judge's clerk.

There was great precision and solemnity to this whole process. Sadly, this has disappeared now with advocates for the prosecution or the defence seeking adjournments, often on flimsy grounds. Sadder still, they are able to obtain it without any difficulty. The entire atmosphere has been transformed into one witnessed routinely in the courts of the lower judiciary.

Delays in the disposal of trials of those accused who are charged with murder and rape, or other heinous crimes, has warped the judicial system. If those who dare to commit such crimes feel that there is laxity within the system, where the chances available to suborn witnesses are enhanced, then the threat of law catching up with offenders retreats. An atmosphere of lawlessness creeps in.

It is exactly this atmosphere of lawlessness that presently prevails. The middle-class, who form the bulk of the opinion makers in any country, put pressure — subtle or overt — on the governments of the day to preserve their sense of security in any way possible. Since the judicial system does not operate as smoothly as it used to in the past, popularly elected governments, in turn, put pressure on the police forces to use other methods to solve the problem.

I remember Gopinath Munde, deputy chief minister and home minister in the first Shiv Sena-BJP coalition government in Maharashtra, standing up to critics in the legislative assembly and countering them by proclaiming openly that he had ordered his police chief to dispose off criminals by shooting them at sight. He was not con-

cerned by the legality of what he said he had ordered the police to do, and, surprisingly, the Opposition also seemed to have concurred.

Third-degree methods adopted by the police and the fake encounters which have become a part of the police and public lexicon, are short-cuts that have become accepted, and almost formalised, because of public support. A beleaguered society that knows not what ails the system, openly supports short-cuts adopted by the police to circumvent the failures of the judicial process. The public is unaware of the fall-out of this new practice of fake encounters: A whole new breed of criminals is born. They are known as "encounter specialists".

These "specialists" are hero-worshipped by this puzzled society. Even films and biopics are made on their patently illegal deeds. In the process, they turn into criminals in uniform, willing to take on private requests for a price. That they are in uniform gives them an immunity that is doubly dangerous. Many of them have become filthy rich. If they contest elections after retirement, they declare assets that are clearly beyond the capacity of police inspectors to accumulate.

The Telangana police unit which shot dead the four suspects in the veterinary lady doctor's rape-cum-murder offence were likely carrying out a mandate entrusted to it by their own leaders who, in turn, will have received instructions from political superiors. The public baying for blood is a symptom of a puzzled and ill-informed society.

Until the system of judicial process is put back on the rails, these short-cuts will continue. How does the government — with the judiciary, the Bar and the police, all components of the judicial process — correct all these flaws in the system? For starters, the courts must hold daily hearings in such cases without any interruption. No adjournments should ever be given. If lawyers are busy with other cases, they must take steps to send their juniors to attend those other cases instead.

All stakeholders in the judicial process must sit across the table and take a decision to speed up the trials of rape and murder cases, at least. No encounters should be encouraged by the political leadership. In fact, there will not be any such demand from the public if the offenders are charged and punished swiftly. After all, the public, specifically the middle classes, who have a vested interest in law and order, want the legal system to work. They will not ask for illegal methods to be adopted if they enjoy a feeling of security.

The writer, a retired IPS officer, was Mumbai police commissioner, DGP Gujarat and DGP Punjab

LETTERS TO THE EDITOR

IT'S A RECESSION

THIS REFERS TO the editorial, 'No cut in time' (IE, December 6). While the government describes the economic situation as a slowdown, all indicators suggest it is, in fact, a recession — manifested through unemployment, depression, frustration and mass suicides. Don't show the GDP growth rate. It could be artificially pushed up by government borrowing and spending, allowing lenders to buy up shares and assets. The need is to increase "production" and "productivity"!

Varin Dhir, Ahmedabad

OUTRAGE, NOT SHAME

THIS REFERS TO the article, 'Only shame' (IE, December 6). The writer points out that a minimum qualification for a constable is Class 10 and to expect him to respond with sensitivity and professionalism is wishful thinking. That is terrible thinking. Constables should be trained and that is the responsibility of the police department. You do need to feel shame if you have not done anything about it.

Jagruati Desai, Mumbai

THIS REFERS TO the article, 'Only shame' (IE, December 6). In the long run, we need to address the structural bias against women in our various political, administrative and social institutions. Liberal education at the elementary level can act as a catalyst for this.

Anaiza Goel, Panchkula

RESTORE CALM

THIS REFERS TO the article, 'An Ayodhya story, from 1857' (IE, December 4). In 1992, a BJP held office in the state and in 2019, it is the same party that holds office at the Centre. Politics is always a game for more power, but it shouldn't mean shedding the blood of inno-

LETTER OF THE WEEK

DATA VOID

THIS REFERS TO the article, 'Between lines of a survey' (IE, December 4). It is premised on the fact that there is a "deliberate respondent bias" in government surveys and data collectors and enumerators are "poorly trained". This is either an erroneous argument or suggest that the programmes are targeted at the wrong beneficiary. The authors say that correcting this state-of-affairs will take time. It is disconcerting to the ordinary citizen that the country will be living in a data void for an unspecified period of time.

Varin Dhir, Ahmedabad

cents. We need aware citizens, a strong Opposition, unbiased judiciary and rational authorities to ensure that law and order is respected.

Zainab Gausiya, Chandigarh

BIASED BILL

THIS REFERS TO the editorial, 'Two-nation citizen' (IE, December 6). The proposed Citizenship (Amendment) Bill will make the process of acquiring citizenship by way of naturalisation more lenient for listed communities from selected countries. People like Taslima Nasrin and Asia Bibi will be left to the mercy of Western countries. India needs a refugee policy consistent with its long tradition of accepting and assimilating asylum seekers.

Sanjay Vijayan, Greater Noida



SANDEEP MAHAPATRA

BINOY VISWAM, RAJYA Sabha MP from the Communist Party of India, in the context of the ongoing protest at Jawaharlal Nehru University, has made references to the RSS in unsavory terms without any basis ('Bastion of humanism', IE, November 29). The propensity to link the RSS with anything and everything happening in educational institutions has become the hallmark of the reasoning of left-leaning politicians and academics.

Post the February 2016 "tukde tukde" episode, the reasons for JNU being in the news has worried an alumnus like me. In the age of social media and 24X7 news media, all kinds of labels have been heaped on the varsity. JNU has been vulnerable to criticism ranging from being called a "den of anti-nationalists" to the university being accused of being a "waste of public money". The negative campaign has gone to the extent of demanding the "shutting down" of JNU by some.

The impression created by the "tukde tukde" has coloured the perception of the protest over the fee hike as well. The counter to such a reaction has various facets, from extolling the virtues of JNU to bringing in the argument of its contribution to our national life, which are justified and need to be articulated at all available platforms. At the same time, we must also analyse the role of those who

have considered JNU their fief and anointed themselves the sole arbiter of what is good for the varsity.

We cannot sidestep the role of these "JNU fief-tainers", both inside and outside the campus, in causing the current perception deficit about the institution.

Protest and agitation by students in JNU has been a common feature. But a certain unwritten decorum has always been followed, even during a highly-charged atmosphere. Students always refrained from taking teachers, who are invariably manning administrative positions, as hostages to further their cause.

The fee hike protests saw this understanding breached. The right to protest turned ugly and some examples prove this beyond doubt: A woman teacher was unable to leave for 30 hours and videos have surfaced seemingly showing her being pushed and shoved by female students, a hostel warden was woken up in the dead of night and surrounded by hundreds of students professing the ideology of the Left. Such incidents bring a bad name to JNU, and many may even agree, rightly so.

What is even more worrisome is that the teachers body, JNUTA, otherwise a highly vocal union, chose to remain a mute spectator.

So, the issue that needs to be examined is whether these so-called students of the "left persuasion" are being prodded to take this inhuman approach by the "JNU fief-tainers" who cannot think beyond the motivation of their writ running large in the campus. The country's premier university has been shut and academic activities have come to a halt with these "protesters" locking the schools/departments with brute force. This has put a question mark on conducting the end semester examinations, supposed to be just days away.

Whether these protestors are helping the cause of the students, largely from the deprived section of the society for whom a degree from JNU could well be a ticket to come out of such deprivation, is something no "JNU fief-tain" seems to be bothered about. It seems that all the "protesters" and that their handlers are interested in is to further their cause, clearly at cross purposes with the issue of a fee hike being detrimental to the deprived students. And it is this Gordian knot that needs to be unravelled soon.

What comes out clearly from the protests is the time-tested methodology of alluding to a higher cause to divert attention. If it was "struggle against imperialism" from the Seventies till the late Nineties, it is now the illusory "machinations of the RSS" that are set

to "destroy the ethos of the varsity".

Reams of newsprint have been devoted to this newfound justification for the protest without realising that facts prove otherwise. The RSS, through its many social activities, has been instrumental in providing education all over the country and thousands of its volunteers, many of whom are JNU alumni, have devoted their entire lives for this noble cause. Having been at the forefront of student activism in JNU, I can proudly claim that right-wing student activism in JNU was always independent and self-motivated and in the worldview of the RSS, this campus was and still is like any other institution of higher learning.

Let's look at the facts. The UGC and HRD ministry have rolled back the fee hike and the powerful committee set up by the MHRD has asked the authorities to take decisions only after consulting the stakeholders, including students. Why are these students still agitating?

Being an erstwhile student leader myself, I am not against student activism or justified agitations. But one must also move ahead with classes once demands are met.

Mahapatra is an advocate, and former president, JNUSU



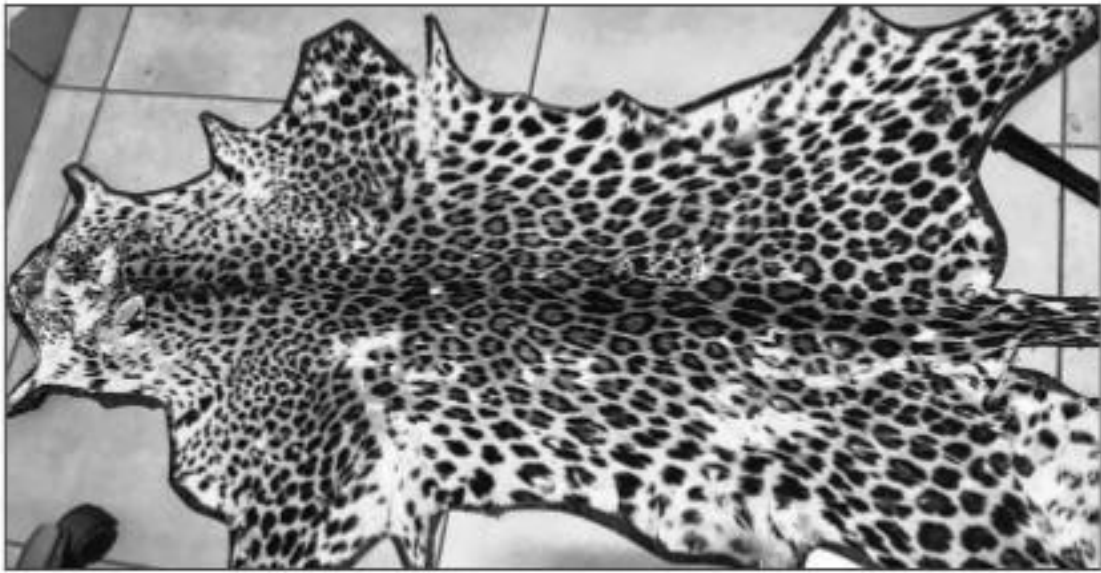
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TELLING NUMBERS

388 wildlife crime cases last year, over 20% were about leopards



A leopard skin seized in Ballabhgarh (Haryana) in 2018. Express Archive

IN 2018, 388 cases of wildlife-related crimes were registered under the Wildlife Protection Act, according to a reply tabled in Parliament by the Ministry of Environment, Forest and Climate Change.

In nearly one in every three cases — 123 of the 388 — the species involved was leopards or tigers. Leopards alone accounted for over one in five cases, at 81, while 42 cases involved tigers. In between the two big cat species were scheduled birds, which accounted for 61 cases, or a little over than one in seven.

Just five species accounted for two in every three cases — 259 of 388 — with leopards (21%), scheduled birds (16%) and tigers (11%) being followed by star tortoises or turtles (10%) and deer (9%). Ten species accounted for over 90% of the cases, the other five being elephants (7%), snakes (5%), rhinos (4%), mongooses (4%) and pangolins (a little under 4%). The remaining 10% were cases that involved 10 other species, including Tockay geckos and monkeys.

Overall, the number of cases of wildlife crime has come down since 2016, when 565 were registered, and risen slightly since 2017, when 342 were registered.

The ministry said a Wildlife Crime

WILDLIFECRIME IN 2018

SPECIES	CASES	SHARE
Leopard	81	20.9%
Scheduled birds	61	15.7%
Tiger	42	10.8%
Star tortoise /turtle	39	10.1%
Deer	36	9.3%
Elephant	27	7.0%
Snake	19	4.9%
Rhino	16	4.1%
Mongoose	15	3.9%
Pangolin	14	3.6%
Others	38	9.8%
Total	388	100%

Source: Ministry of Environment, Forest and Climate Change

Control Bureau has been set up to gather intelligence about poaching and unlawful activity in wildlife trade in wild animals and animal articles. Under centrally sponsored schemes such as “Development of Wildlife Habitats, “Project Tiger” and “Project Elephant”, funds are provided to the governments of states and Union Territories, it said.

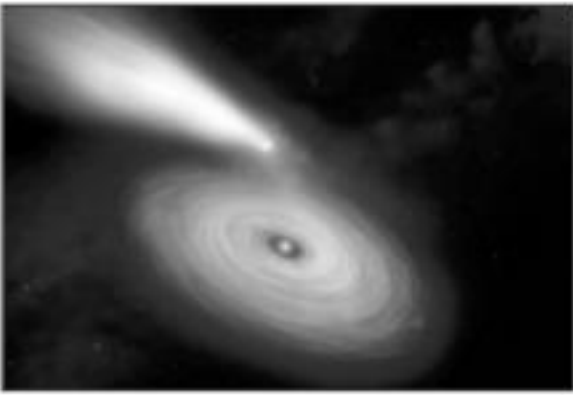
FACT CHECK, GROUND REALITY

WHY PLANET ORBITING WHITE DWARF STAR IS A BREAKTHROUGH DISCOVERY

SOME 4.5 billion years from today, our Sun will run of fuel and shed its outer layers. In the process, it will destroy Mercury, Venus and probably Earth, and is expected to radiate enough high energy photons to evaporate Jupiter, Saturn, Uranus and Neptune.

What will remain of the Sun is called a “white dwarf”. Can any planet orbiting a star survive such an event? New evidence suggests it can. Astronomers from the University of Warwick and the University of Valparaíso have reported the first indirect evidence of a giant planet orbiting a white dwarf star (WDJ0914+1914). It is the first time any such planet has been found. The study, in the journal *Nature*, suggests there could be many more planets around such white dwarf stars waiting to be discovered.

The Neptune-like planet orbits the white dwarf every ten days, and cannot be seen directly. The evidence is in the form of a disc of gas (hydrogen, oxygen and sulphur) formed from its evaporating atmos-



Artist's impression of the discovery. University of Warwick/Mark Garlick

phere. Spikes of gas were detected by the Very Large Telescope of the European Southern Observatory in Chile. The discovery is significant, because while there was growing evidence accumulated in the past two decades that planetary systems can survive into white dwarf stars, only smaller objects such as asteroids had been detected so far. This is the first evidence of an actual planet in such a system.



EXPRESS IN MADRID

AMITABH SINHA
DECEMBER 6

ALMOST HALFWAY through the climate conference in Madrid, one big thing it had to resolve — disagreements over setting up a new carbon market — remains contentious as ever. Carbon markets, which allow for buying and selling of carbon emissions with the objective of reducing global emissions, is an unfinished agenda from last year's meeting in Katowice, Poland.

The market mechanism

Under the Paris Agreement, every country has to take action to fight climate change. These actions need not necessarily be in the form of reduction in greenhouse gas emissions, which can constrain economic growth. India, for example, has said it would reduce its emissions per unit of GDP. Only the developed countries have included absolute emission cuts in their action plans. Yet, there is scope for absolute emissions reductions in developing countries too. For example, a brick kiln in India can upgrade its technology and reduce emissions. But because India does not need to make absolute reductions, there is no incentive to make this investment.

It is to deal with situations like these that the carbon market mechanism is conceived. Markets can potentially deliver emissions reductions over and above what countries are doing on their own. For example, if a developed country is unable to meet its reduction target, it can provide money or technology to the brick kiln in India, and then claim the reduction of emission as its own.



A protest against carbon markets at the Madrid talks venue. Reuters

Alternatively, the kiln can make the investment, and then offer on sale the emission reduction, called carbon credits. Another party, struggling to meet its own targets, can buy these credits and show these as their own.

Carbon markets also existed under the Kyoto Protocol, which is being replaced by the Paris Agreement next year. The market mechanisms being proposed under the Paris Agreement are conceptually not very different, but are supposed to have more effective checks and balances, and monitoring and verification processes.

How to set up a market

The provisions relating to setting up a new carbon market are described in Article 6 of the Paris Agreement. These are enabling provisions that allow for two different approaches of carbon trading, more or less on the lines described earlier.

Article 6.2 enables bilateral arrangements for transfer of emissions reductions, while ensuring that they do not double-count the reductions. Article 6.4 talks about a wider

carbon market in which reductions can be bought and sold by anyone.

Article 6.8 provides for making 'non-market approaches' available to countries to achieve targets. It is not yet very clear what these approaches would constitute, but they could include any cooperative action, like collaboration on climate policy or common taxation, that are not market-based.

What is contentious

The main tussle is over two or three broad issues — what happens to carbon credits earned in the Kyoto regime but not yet sold, what constitutes double-counting, and transparency mechanisms to be put in place.

Developing countries have several million unsold CERs (certified emission reductions), each referring to one tonne of carbon dioxide-equivalent emission reduced, from the Kyoto regime. Under the Kyoto Protocol, only developed countries had the obligation to reduce emissions. In the initial phase, some of these were interested in buying CERs from projects in India or China, which were

THIS WORD MEANS: VIRTUAL AUTOPSY

How to inspect bodies without cutting them up

death. Virtopsy can be employed as an alternative to standard autopsies for broad and systemic examination of the whole body as it is less time consuming, aids better diagnosis, and renders respect to religious sentiments.” (*Journal of Forensic Dental Sciences*; K B Tejaswi and E Aarte Hari Periya)

When is this service likely to start?

In his reply to a starred question from Rewati Raman Singh of the Samajwadi Party, Dr Harsh Vardhan said: “The All India Institute of Medical Science (AIIMS), New Delhi and Indian Council of Medical Research (ICMR) are working together on a technique for postmortem without incising/dissecting the body. This technique is likely to become functional in the next six months.”

But what is the need?

As the Minister acknowledged, the traditional postmortem often makes members of the dead person's family uncomfortable. That, in fact, is the primary reason for the increasing use of virtual autopsies internationally. Dr Harsh Vardhan said ICMR and AIIMS have studied global practices, and taken up this project for “dignified management of dead body”.

According to a paper in *The Lancet*, the advent of virtual autopsy owes to the “Longstanding public objection to dissection of cadavers (that) re-emerged in the UK as a major issue after organ retention scandals in the late 1990s. Some groups — notably Jewish and Muslim communities — have religious objections to autopsy, and demand for a minimally-invasive alternative has increased.” (‘Post-mortem imaging as an alternative to autopsy in the diagnosis of adult deaths: a validation study’: 2012, Ian S D Roberts *et al*) A virtual autopsy is also faster than a traditional one — 30 minutes against 2½ hours, Dr Harsh Vardhan said — and more cost-effective.

Is this currently practised anywhere?

According to a 2016 article titled ‘The Rise of Virtual Autopsy’ in the *Journal of Forensic Pathology*, virtual autopsy began in Sweden, but is now a “standard technique” in major centres in Japan, the US, Australia, and many European countries.

In the 1990s, a “post post-mortem” MRI service for “selected non-suspicious deaths” was introduced in Manchester, UK. This followed demands from the Jewish community for a non-invasive autopsy. Later, the Muslim

community in the northwest of England too, joined in the demands.

The Royal College of Pathologists UK has issued guidelines for virtual autopsies.

How accurate is a virtual autopsy?

According to the 2012 paper by Ian S D Roberts and others in *The Lancet*, “Radiologists provide a cause of death that is accepted by the Coroner with no autopsy in 90% of cases”. In 2018, in an article in the *Journal of Pathology Informatics*, Russian and Italian scientists compared the results of virtual autopsy and traditional postmortem.

“Out of 23 cases for which the traditional post mortem examination found a cause of death, 15 (65%) were diagnosed correctly using virtual autopsy, these cases were considered as true positives. For one case for which the cause of death was unascertained, the same result was also obtained during the virtual autopsy. This case was considered as true negative. Overall, in 16/25 (64%) cases, virtual autopsy results matched that of the traditional autopsy,” they concluded. (‘Virtual Autopsy as a Screening Test Before Traditional Autopsy: The Verona Experience on 25 Cases’, Vito Cirielli, *et al*)

What ad hoc teachers’ protest tells us about Delhi University recruitment

SUKRITA BARUAH
NEW DELHI, DECEMBER 6

AROUND 4,500 *ad hoc* teachers of Delhi University, who comprise around 40% of the university's teaching force, have been agitating since August over a circular by the university, which they saw as an attempt to hire them as guest teachers instead. After a call for a strike and boycott of examination duties by the university teachers' association, thousands of teachers stormed the vice-chancellor's office on Wednesday. On Thursday, the Ministry of Human Resource Development called for a meeting with the vice-chancellor in which it was decided to take certain steps to address teachers' concerns.

What triggered the unrest?

It began when the university sent out a letter to all constituent colleges and departments on August 28, advising them to “fill up the permanent [teaching] vacancies at the earliest and till permanent appointments are made, Colleges may appoint guest faculty, if required, against new vacancies arising first time in academic session 2019-20”.

This resulted in confusion over what ex-

actly these “new vacancies” were: new posts created in 2019-2020, or vacancies created with the expiry of *ad hoc* teachers' 120-day contracts last month, which were to be renewed by November 20. As a result, several colleges had not extended renewal of appointment of *ad hoc* teachers or released their salaries, and teachers have seen this as a move to do away with the *ad hoc* system and to move towards the less stable guest teacher system.

How far have the issues been addressed?

In Thursday's meeting between senior UGC and ministry officials with the vice-chancellor, it was decided that the circular shall be amended to “The colleges/institutes shall fill up the permanent vacancies before the start of the next academic session without fail. During the interim period, if vacancies which have to be filled for maintaining smooth academic functioning of the colleges/institutions, *adhoc*/temporary/contract guest faculty can be appointed.” What this effectively does is put a cap of July 2020 to fill all permanent posts. It also means all *ad hoc* teachers who had served during the current academic year can continue until then.

In the meeting, it was also decided to tweak norms for shortlisting candidates for



Teachers protest outside the VC's office on Wednesday. Praveen Khanna

interviews for assistant professor appointments to favour *ad hoc* teachers, by giving greater weightage to their work experience.

The teachers' association, meanwhile, has said the strike and current boycott of duties for end-semester exams will continue.

Why are there so many ad hoc teachers in Delhi University?

A decade ago, the number of *ad hoc*

teachers in Delhi University was estimated at just around 500, which has multiplied to the current 4,500, or 40% of the university's strength. Several factors have led to this.

According to Rudrashish Chakraborty, teacher at Kirori Mal College and former Academic Council member, one reason was that between 2008 and 2013, almost 1500 teachers retired, creating vacancies. Second, in 2006, central universities were given additional teaching posts to adjust for the larger student intake on account of OBC reservation. Delhi University was given around 2,600 posts, of which around 1,300 were released in 2007. While the number of vacancies ballooned, the recruitment process for permanent teachers stalled, and university departments and colleges began to resort to *ad hoc* recruitment. Many teachers have been working in an *ad hoc* capacity for years, some for over eight years.

But why was recruitment of permanent teachers in stalled?

The recruitment system has changed several times, which has led to agitation, litigation and court stays. This happened in 2010 against the introduction of the Academic Performance Indication score system to screen candidates before inter-

views, and in 2013 against the introduction of a 200-point roster. Even when posts have been advertised, interviews have not been conducted. This has been due to a centralised, elaborate process, which has often got stuck because the university simply did not send panels of experts to colleges to interview the shortlisted candidates.

How is ad hoc hiring done?

According to the university's guidelines, an *ad hoc* appointment may be made “In case there is a sudden, unexpected and short vacancy, arising out of sudden sickness or death, on medical grounds (including maternity leave), abrupt leave or any other situation that may disrupt the normal process of teaching learning...”

Every year in June and November, the university draws up an *ad hoc* panel of applicants, to be forwarded to colleges looking to recruit. The interviews in the colleges are held by a selection committee. An *ad hoc* teacher is paid on the same scale as a starting-level permanent teacher, coming to around Rs 80,000 per month in hand. However, this amount is not subject to annual increment. Those working for many years in an *ad hoc* capacity have only got dearness allowance hikes. They are ap-

pointed for a period of 120 days at a time, with rules and conditions specified for leave and vacation with salary, and possible placement and promotion. While most colleges have decided to renew appointments at the end of the 120-day period, some like Shaheed Rajguru College of Applied Sciences for Women hold interviews once a year, and some even after every 120-day period.

What is different for guest teachers?

The qualifications required are the same for *ad hoc* and guest teaching. However, while *ad hoc* teachers are appointed for 120-day periods and paid a monthly salary on the same scale as an entry-level professor, guest teachers are hired and paid per lecture. According to UGC guidelines, guest teachers are to be paid Rs 1,500 per lecture, and cannot be paid more than Rs 50,000. Moreover, teaching in the university effectively only happens for eight months a year, so guest teachers can only be employed and paid for those months. They are not entitled to leave and vacation with salary. The guidelines also state that “Guest faculty will not be treated like regular teachers for the purpose of voting rights for becoming the members of various statutory bodies of the university”.