

13 EXPLAINED



SOCIAL INTELLIGENCE

Sometimesfrost, Occasifrost, Semifrost.
CHRIS MEGERIAN, Climate change reporter for The Los Angeles Times, 17,500 followers on Twitter. Tweeted embedding a tweet by @nyclimate that said "We may need a new name for permafrost: more than expected could thaw in coming years, contributing to climate change".

EXPRESS ECONOMIC HISTORY SERIES

In loan waivers, 'moral hazard' and continued hope for political gains

IN FACT
 BY SHAJI VIKRAMAN
 EXPRESS EDITORS INTERPRET



Harischandra Sapkal (60), a farmer from Chincholi village of Latur district, breaks down while telling the story of his sugarcane crop ruined by drought last year. There is a strong demand for farm loan waivers in Maharashtra. Pradip Das

IN FEBRUARY 1990, in the months preceding the build-up to the balance of payments crisis the next year, Madhu Dandavate, Finance Minister in V P Singh's National Front government, announced a debt relief scheme for farmers to fulfill a promise made by the alliance in its election manifesto.

The scheme covered overdues or outstanding of farmers and artisans up to Rs 10,000 as on October 2, 1989 from public sector banks and Regional Rural Banks, and involved a fiscal cost of Rs.10,000 crore. In the Budget of 1990, Dandavate said the government would compensate banks suitably for writing off the debt, that the scheme would exclude wilful defaulters — those who had the financial capacity to pay but refused to do so — and that a "positive" measure like debt relief would contribute to better recoveries in the farm sector and better identification of wilful defaulters.

Banks, he said, were being told to put in a place a system to maintain a proper credit history of borrowers covered under the scheme. But the key point was the Budget's assertion that the scheme would neither be extended nor repeated.



Since then, governments at both the Centre and the states have come up with loan waivers, the latest being the one by the Uttar Pradesh government, writing off farm loans aggregating Rs 36,359 crore. What makes it remarkable this time is that Prime Minister Narendra Modi, known to be conservative when it comes to meeting key fiscal targets, made the first pitch at a political rally where he said, "I will make sure that the first cabinet decision after forming the government in Lucknow is to waive farmers' loans." That pronouncement cast the die for UP, a state already struggling under a huge debt burden.

Soon after the Modi government took over, many bankers and the RBI had warned the Finance Ministry of the dangers of such writeoffs. Interestingly, there was little support then from Delhi for the huge loan waivers announced by the newly formed states of Andhra Pradesh and Telangana. As the Modi government worked on its first Budget, bankers, led by SBI chief Arundhati Bhattacharya and RBI Governor Raghuram Rajan, got together to stymie the proposal — finally forcing the state governments to settle for a rescheduling of the loans.

The Governor then cited the RBI's master circular which lays down the ground rules for any such waiver. Writing off farm loans would be contingent on a failure of 50% or more in a catastrophe, and voluntary for banks — and they cannot be treated as bad loans, going by the circular. His point then was that these criteria had not been met in the cases of Andhra Pradesh and Telangana. Resistance from the regulator and banks managed to push back the populist impulse then.



Three years later, Rajan's successor, Urjit Patel, has voiced concern publicly over the latest loan waiver — saying it engendered a moral hazard and undermined the honest credit culture.

The Governor's views were in keeping

2008 AND AFTER: THE GREAT LOAN WRITEOFF RUSH

In the 9 years since Manmohan Singh's UPA government announced a Rs 65,000 crore debt waiver for well over 3 crore small and marginal farmers under the Agricultural Debt Waiver and Debt Relief Scheme, 2008, similar announcements have been made by 5 governments in 4 states — and at least 3 more governments are under great pressure to do the same. One of the waiver announcements was rejected by lenders.

UTTAR PRADESH: Chief Minister Yogi Adityanath earlier this month waived loans adding up to Rs 36,359 cr taken by about 94 lakh small and marginal farmers, fulfilling the BJP's pre-poll promise. The waiver amount includes Rs 5,630 cr taken by 7 lakh farmers whose accounts were declared non-performing assets (NPAs) by banks.

TAMIL NADU: Last year, late Chief Minister J Jayalitha waived the loans of 16.94 lakh marginal and small farmers who owned less than 5 acres of land, imposing a burden of Rs 5,780 cr on the state. Last week, the Madras High Court asked the Tamil Nadu government to waive additional farm loans to the tune of Rs 1,980 cr. The order is expected to benefit over 3 lakh farmers who were not covered under the loan waiver scheme.

TELANGANA: In 2014, K Chandrababhu Naidu's TRS government waived crop loans to the tune of Rs 17,000 cr to fulfill its pre-poll promise. The fourth and final instalment of Rs 4,000 crore was paid to bankers this week. Crop loans up to Rs 1 lakh of 36 lakh farmers were waived.

ANDHRA PRADESH: N Chandrababu Naidu's TDP promised a farm loan waiver worth Rs 1.50 lakh crore before the state elections in 2014. However, banks refused

to play ball, citing the size of the waiver and its likely impact on credit repayment discipline.

UTTAR PRADESH: In 2012, on the 74th birthday of Samajwadi Party chief Mulayam Singh Yadav, the Akhilesh Yadav government wrote off farm loans worth Rs 1,650 cr, fulfilling an election promise. Close to 7.2 lakh farmers who'd taken loans of up to Rs 50,000 from rural cooperative banks, benefited.

NEW DEMANDS MAHARASHTRA: Political parties have been clamouring for a waiver, but the BJP-led government is undecided. The waiver, if it comes through, is expected to benefit some 31 lakh farmers, and cost the exchequer Rs 30,500 cr.

HARYANA: Parties have been demanding a waiver of loans amounting to Rs 56,000 cr for 15.5 lakh farmers. The M L Khattar government has said it is considering the proposal.

PUNJAB: The government of Amarinder Singh is under tremendous pressure to announce a waiver. The burden could be backbreaking for an already cash-strapped state — farm loans are estimated to be between Rs 69,000 cr and Rs 88,000 cr. **GEORGE MATHEW**

with the RBI's 3-decade-long track record of objecting to loan writeoffs — a poor credit culture that had started to develop from the 1980s when a junior Finance Minister in the Congress governments, Janardhan Poojary, pushed "loan melas" at several places — and especially in his home state, Karnataka — forcing bankers to disburse funds without checking the antecedents of borrowers.

In 2014, the Indian Banks Association, the lobbying arm of Indian banks, cautioned the Finance Ministry about the negative impact on the loan repayment culture and credit discipline in the country. However, it is not that political leaders did not already realise the "moral hazard" of writeoffs encouraging borrowers to default in the future too — witness

weighing the pros and cons of the move, and after having taken the resource position of the government into account. The scheme featured a full waiver for marginal farmers and small farmers. The total value of overdue loans waived was estimated at Rs 50,000 crore, and the one-time settlement scheme relief on overdue loans at Rs 10,000 crore. That was the year when growth topped 8% and the revenue and fiscal deficits had declined.

Interestingly, once the decision was announced, there was no public voicing of any concern by then RBI Governor Y V Reddy. That appears to have been in keeping with his overall stance of restricting his concerns on policy choices, or voicing them only with the Finance Minister or the Ministry. Indeed, at the World Leaders Forum at Columbia University in April 2008, Reddy, during a discussion which also featured economist Jagdish Bhagwati, defended the government's move, pointing out that the farm sector, which provided livelihood to 50% of India's population, had seen a growth of just 1% when the rest of the economy was growing at near double digits.



A few days ago, when former Maharashtra Chief Minister Prithviraj Chavan invited former RBI Governor C Rangarajan to Satara to attend a function and sought his views on a farm loan waiver — a demand that his party has been pressing — Rangarajan said that an option could be to allow a moratorium on payment for a year so that the farmer would not be treated as a defaulter, and to try and restructure the loans over a longer period of time rather than a blanket writeoff. The other suggestion was to consider a graded waiver — and not a 100% writeoff.

The context too matters. As pressure mounts on the government to sort out the mess in the banking sector — marked by a huge portfolio of bad loans on the books of many banks — rationalising the sop to the farm community will be a major political challenge. Clearly, these debt waiver schemes are unsustainable, especially at a time when some of the largest states in India are weighed down by the burden of debt and the ongoing slowdown. Urjit Patel spoke on the need to create a consensus on promises of loan waivers — in the context of it eventually impacting the balance sheet of the sovereign. Whether the Finance Ministry resists such runaway schemes — and whether that succeeds in creating a dampener — remains to be seen.

shaji.vikraman@expressindia.com

Research hub, empty coffers: story of Panjab Univ's struggle

A Rs 240 crore budget deficit, no money to pay salaries, hand-to-mouth on bare essentials — KHUSHBOO SANDHU tells the story of a proud institution's crippling cash crunch, which burst forth in an unprecedented explosion of student frustration on campus this week.

ON TUESDAY, students of Panjab University fought pitched battles with police on campus, leaving 22 policemen injured, and provoking police to temporarily slap the extraordinary charge of sedition on 66 protesters. The violent protests, directed against a large increase in tuition fees, marked a dramatic escalation of tensions in PU, roiled for 2 years now by an acute shortage of funds that has triggered student and faculty unrest and brought the university to its knees. How did PU, which was ranked in the 226-250 band — the highest for an Indian institution, ahead of the IITs and IIMs — in the Times Higher Education (THE) World University Rankings for 2013-14, come to this pass?

Since when has PU been short of funds, and facing difficulty in functioning?
 In April 2015, the Akhil Bharatiya Vidyarthi Parishad (ABVP), the BJP's student wing, complained to the Home Ministry about alleged misappropriation of PU hostel funds, following which the University Grants Commission (UGC) set up a fact-finding committee, and central funding for the university was frozen. Subsequently, PU held back retirement benefits of former employees and, that August, the Board of Finance declared it would soon be difficult to pay salaries.

Over time, PU faced challenges in meeting essential day-to-day expenses. It could barely scrape through with paying power, water and minor maintenance bills. In July 2016, Vice-Chancellor Professor Arun Kumar Grover said there was no money to pay salaries — funds were subsequently diverted from other budget heads. In September 2016, during a meeting of the university Senate, the VC said that if the Centre did not provide funds, PU would shut down by January 1, 2017.

The Punjab and Haryana High Court took suo motu notice of the VC's statements and, in January, ordered the UGC to release a grant of Rs 30 crore within four weeks. When this was not done, PU failed to pay salaries for February to its staff, and approached the High Court seeking contempt proceedings against UGC.

Okay, so where does PU get its revenues?
 After the reorganisation of Punjab in 1966, the university was declared an "inter-state body corporate". Until the 1970s, Punjab, Haryana and Himachal Pradesh contributed funds, after which Haryana and Himachal withdrew. The ratio of funding between the Centre and Punjab was fixed at 60:40, with the Centre's share being released by the Home Ministry. The UGC has fixed the Centre's share at Rs 176 crore; however, the Punjab government, instead of paying its 40%, has put an annual ceiling of Rs 20 crore on its contribution. PU, whose other source of revenue is fees collected from students, has asked the state government for more money. PU's approved budget for 2017-18 is Rs 515.61 crore. Its total estimated income from all sources is Rs 271.33 crore and, the estimated deficit, Rs 244.29 crore. The estimated deficit this year is more than that of 2016-17

(Rs 217.73 crore). The expenditure on the salary and retirement account is estimated to be Rs 424.64 crore this year, and that under the non-salary head, Rs 90.96 crore.

When did the university raise fees? What was the last time it had done so?
 In September 2015, PU constituted a Think Tank headed by Vice-Chancellor Grover and comprising members of the university Senate, to discuss solutions to the financial crisis. PU authorities contended that the UGC wanted the university to generate more revenues in order to attract higher grants.

Among measures suggested to increase revenues was enhancing tuition and examination fees. The Think Tank also mooted proposals such as leasing out buildings and renting out rooftops to put up solar power panels. None of these other proposals has been implemented until now. In July 2016, PU raised examination fees by between Rs 500 and Rs 8,000 for various courses. During a meeting of the PU Senate in March this year, a decision was taken to raise tuition fees by 40% to 1,000%. This was the first time in 6 years that PU had increased tuition fees, and the blow, as a result, has appeared even harder.

With the higher fees, students at PU will pay Rs 10,000 annually for all MA courses. This is more than at Punjabi University, Patiala (Rs 3,600) and Guru Nanak Dev University, Amritsar (Rs 4,600), but less than Himachal Pradesh University (Rs 25,000). The annual fees for the MSc (General) course at PU will be Rs 15,000, whereas it is Rs 5,220, Rs 17,000, and Rs 75,000 respectively at the other three universities.

What has been the impact of the funds crunch and agitation on teaching and research at PU?
 The mood on campus has been angry and distracted. In the union HRD Ministry's National Institute Ranking Framework (NIFR), PU has fallen from rank 12 last year to rank 33 in the latest rankings released recently. In the Times Higher Education Rankings for 2013-14, PU had been placed in the 226-250 bracket, the highest for any university in the country. In the subsequent year, PU slipped to the 276-300 bracket along with the Indian Institute of Science, Bengaluru. In both years, PU was ranked ahead of the IITs. In 2014, PU took the No. 32 position in the Asian University rankings, and topped India. The good showings were due primarily to PU's research citations.

So, where does this situation go from here?
 PU has objected to UGC's fixing of its grant at Rs 176 crore, saying several other universities and colleges had had their grants raised by up to 15%. Last month, Chandigarh MP Kirron Kher met HRD Minister Prakash Javadekar, following which the Centre agreed to release a "one-time grant" of Rs 140 crore for PU. The university has not, however, received any official communication to this effect yet.

1.5 MILLION SQ MILES COULD TURN ICE-FREE WITH EVERY CELSIUS RISE IN TEMPERATURE



PAPER CLIP

FLAGGING INTERESTING RESEARCH

CLIMATE CHANGE
DISAPPEARING PERMAFROST
 Published in Nature Climate Change

AUTHORS: SE Chadburn, EJ Burke, P M Cox, P Friedlingstein, G Hugelius and S Westermann

Frozen polar soil set to thaw faster, over larger area

HENRY FOUNTAIN

AS GLOBAL warming thaws the permafrost, the frozen land that covers nearly 6 million square miles of the Earth, a big question for scientists is: How much will be lost?

The answer, according to a new analysis: more than many of them thought. A study published Tuesday in the journal Nature Climate Change suggests that as the planet warms toward 2 degrees Celsius (3.6 degrees Fahrenheit) above preindustrial levels, each degree Celsius of warming will lead to the thawing of about 1.5 million square miles of permafrost.

That figure is at least 20% higher than most previous studies, said Sarah E Chadburn, a researcher at the University of Leeds in England and the lead author of the study.

"Previous estimates of global changes in permafrost were done using climate models," Chadburn said. "Our approach is more based on using historical observations and



Dome-shaped pingos, mounds consisting of a layer of soil over a large core of ice, in the permafrost area in Canada. Chris Miller/The New York Times

extrapolating that to the future. It's a very simple approach." Permafrost thaws slowly over time, but

it is already causing problems in the Arctic, as slumping ground affects building foundations, roads and other infrastructure in places

like the North Slope of Alaska, Yukon and parts of Siberia. The thawing also contributes to climate change, as warmed-up organic matter is decomposed by microbes, releasing more greenhouse gases into the atmosphere. Chadburn and her colleagues looked at how much permafrost would thaw if temperatures were to stabilise at a warming of 2 degrees Celsius, long a target of climate accords, or at 1.5 degrees, which the 2015 Paris agreement set as an ambitious goal.

A 2 degree increase, the researchers found, would lead to a loss of about 2.5 million square miles of permafrost compared with a 1960-90 baseline, or about 40% of the current total. The study showed the advantages to be gained from limiting warming to 1.5 degrees: Thawing would be reduced by about 30%, or 750,000 square miles.

But the research also shows the potentially devastating consequences of missing either of those targets. Warming of 5 degrees Celsius (9 degrees Fahrenheit) would leave at most about 1 million square miles of per-

mafrost, or less than 20% of the current total. Edward A G Schuur, a permafrost expert at Northern Arizona University, said the study was "an important and interesting calculation of where permafrost will be at some distant point in the future as we undergo climate warming."

"What's really important is this is based on totally different assumptions," Schuur said. "It's useful because it gives us a different perspective."

Chadburn said her study did not delve into the details of how different permafrost areas might be affected. Schuur said that as the planet warms, more southerly regions, where the permafrost occurs in discontinuous patches, would be expected to thaw first. But there will still be changes even in areas of extensive permafrost in the far north, Schuur said.

"There will be surface changes that affect everyone who lives there," he said. "I don't think there's any place in the permafrost zone that's remote enough to escape changes." **THE NEW YORK TIMES**

The Indian EXPRESS

FOUNDED BY RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

BJP, not Congress-mukt

By accepting its 'notables', the ruling party is starting to resemble its political rival



CHRISTOPHE JAFFRELOT

THE SEDITION STAIN

Labelling protesting students as traitors — now in Panjab University — shines the light on a bumbling, insecure state

THAT THE COUNTRY'S sovereignty does not get threatened by a few slogan-shouting students should not need to be reiterated in a 70-year-old democracy. That students protesting a fee hike constitute no threat to the nation should have been obvious too. But such a sense of assurance seemed elusive in Chandigarh's Panjab University on Tuesday as the Chandigarh Police slapped a sedition charge on 66 students. That the charge was rescinded a day later only underlined the farce of imposing it on students for shouting "PU murdabad", "UGC murdabad", and "MHRD (Ministry of Human Resource Development) murdabad" in the first place. Even by the increasingly absurd yardsticks deployed to invoke the sedition law in the past two years, what happened in Chandigarh on Tuesday was bizarre.

Section 124A of the Indian Penal Code says that "whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government" is punishable by law, a fine and a maximum punishment of life imprisonment. But such legalese has a history of more than 140 years and was deployed by the colonial state to target those who questioned and opposed the Raj. The colonial administration found the sedition law helpful to mask the illegitimacy of its rule. In 1951, the country's first Prime Minister Jawaharlal Nehru described the law as "highly obnoxious". But in the decades after Independence, it was used against people criticising the Congress government. Successive governments have used this antiquated law to stifle dissent by social activists, intellectuals, journalists, and, now increasingly, students. In February, last year, Delhi Police charged three students of Jawaharlal Nehru University under Section 124A for shouting allegedly anti-national slogans. People have been hauled up for Facebook likes, or, as in the case of actor-politician Divya Spandana last year, appreciating "the people of Pakistan". It is unfortunate, that the country's law-enforcing authorities take recourse to this colonial era law when the Supreme Court has clarified that words and speech can amount to sedition only when an incitement to imminent violence is involved.

A sign of a mature republic is its willingness to stand up to scrutiny by its citizens, and accommodate dissent. In the Panjab University case, the complainant, the university's security officer, has clarified that his complaint has been misinterpreted. The general outcry over the police move also played a part in the Chandigarh Police dropping the sedition charges against the students. But their frequent invocation only shines the light on a state that appears as draconian as it seems insecure.

THE FACT THAT senior Congress leaders, including S.M. Krishna, a former Karnataka chief minister, have recently joined the BJP is revealing of the complex nature of both the Congress and the BJP. The hegemony that the Congress achieved after India's independence was based on a party-building pattern typical of the "parties of notables", to use political science jargon: This technique consists in amalgamating personalities who benefit from local influence as landowners, businessmen or money-lenders. Certainly, the party's core group was made of members of the intelligentsia who dedicated their lives to the freedom struggle in the wake of Gandhi — but these Congressmen had realised that to win elections, they needed notables holding "vote banks", a phrase coined by the Centre for the Study of Developing Societies (CSDS) in the 1960s, during the heyday of "the Congress system", a key notion introduced by Rajni Kothari.

As early as the 1930s, the Congress had let small and middle zamindars join the party. This trend accelerated before the 1937 elections. After Independence, Jawaharlal Nehru turned to former maharajahs of Rajasthan and MP, where they had supported the Ram Rajya Parishad and the Hindu Mahasabha; this is how Vijaya Raje Scindia got a Congress ticket in 1957. Even after the 1969 split that resulted in most of the party notables rallying around Congress (O), Indira Gandhi continued to indulge in vote bank politics. She won the 1971 elections on a populist mode, but let former Congress (O) notables return to her party to win the 1972 state elections.

This party-building pattern largely explained the conservative overtone of Congress policies and, in particular, the dilution of land reform. But this conservatism remained mostly unnoticed because of the progressive discourse of the top leaders, Nehru, Indira, then Rajiv. Their progressive attitude did not find expression in major social transformations, but it was genuinely anti-communal — at least till the 1980s. The Congress is the only national party which never joined hands with the Jana Sangh or the BJP, in contrast to the Lohia socialists (who formed local coalitions with the Jana Sangh in the name of anti-Congress-ism), or the BSP in UP.

But below these top leaders, many

Congressmen were sympathetic to the Sangh Parivar and crossed over. The list comprises ex-ministers or CMs who left the Congress for a Hindu nationalist organisation of the Sangh Parivar (or the Hindu Mahasabha) before and after 1947. The most prominent are N.B. Khare (former CM of Central Provinces and Berar), K.M. Munshi (former minister of Nehru), Gulzarilal Nanda (a former minister of Nehru, interim PM twice after Nehru and Shastri).

These turncoats were revealing of the shallowness of the Congress commitment to secularism at the local level, evident from the policies of many Hindu traditionalist chief ministers in the 1950s-60s: G.B. Pant, Sampurnanand, R.S. Shukla, etc refused to promote Urdu and passed the first anti-conversion laws. But these turncoats were also revealing of the intrinsic vulnerability of the Congress party-building pattern: Notables do not stick to a party because of its ideology, but because of power. When the Nehru-Gandhis stopped delivering on that front, some abandoned the party. In the 1990s, major Congress leaders created their own party: N.D. Tiwari and Arjun Singh, Mamata Banerjee, Madhav Rao Scindia. Some came back when Sonia Gandhi became party president — but Sharad Pawar left for this very reason.

Today, Congress notables who are after power and not unsympathetic to Hindutva are leaving again to join the BJP. Hindu nationalists cannot be surprised: In the 1950s, as Bruce Graham shows in his seminal book *Hindu Nationalism and Indian Politics*, "the founders of the Jana Sangh were strongly influenced by the theory that the Congress party, which they regarded as materialistic and lacking in genuine principles, was about to disintegrate". It took more time than they thought, but this is today a clear possibility. In the '50s, the RSS was convinced the Congress was a transitory phenomenon because of its reliance on local notables. In contrast, the Jan Sangh was a cadre-based party, with a clear-cut ideology and Deendayal Upadhyaya was not in a hurry to transform it into a mass party.

Today, by welcoming a large number of ex-Congressmen, the BJP is adopting the party-building pattern that was, according to Upadhyaya, the main weakness of the Congress in the 1950s. How can we explain this change? First, the Sangh Parivar wants

to destroy the Congress at any cost, evident from the BJP's motto of a "Congress Mukta Bharat". This revanchist attitude — unheard of in the history of India's democracy — partly stems from the fact that the Congress has been the only party that dared to ban the RSS.

Second, the BJP needs Congressmen because it has too few able administrators and seasoned parliamentarians. Third, while the turncoats coming from the Congress may be opportunists, they may not substantially affect the integrity of the BJP's ideology. Not only have there always been proponents of "soft Hindutva" in the Congress, but the party's apparatus remains in the hands of RSS-trained men. At each level, the BJP structure is dominated by former pracharaks who have become Sangathan Mantris (organisation secretaries). The BJP, therefore, is not at all a party of notables, in spite of the inflow of former Congress politicians.

This "steel frame" may, however, get eroded if Narendra Modi and Amit Shah try to emancipate the party from the RSS. If they don't or fail to do so, they'll have invented a new political animal, a machine combining features of three types of parties that political scientists, till now, considered incompatible: Those of a cadre-based party, a party of notables and a mass party relying on the appeal of a populist leader.

The only caveat pertains to the diversity argument: The Congress could create a hegemonic system because it recognised the diversity of India, today reflected in the strength of regional parties. This objection may not be valid any more: First, the BJP may join hands with new local interpreters like the Shiv Sena. Second, India's diversity may not be as resilient as it seems: Besides the cultural uniformisation fostered by new mass media, the convergence of consumption patterns and the craze for "development", the instrumentalisation of Hinduism and the exploitation of anti-Muslim sentiments may work across the country. The hegemony epitomised by the BJP is already different from that of the "Congress system", the Nehru era of "unity in diversity".

Jaffrelot is senior research fellow at CERISE Sciences Po, CNRS, Paris and professor of Indian politics and sociology at King's India Institute, London

BLAMING THE PEOPLE

Assam's draft population policy shows a government oblivious to public debate, one that has learnt nothing from past mistakes

ASSAM'S DRAFT POPULATION policy, announced by state Health Minister Himanta Biswa Sarma on Sunday, is a throwback to an era when governments imposed family planning through coercion. It chooses to ignore the lessons of those times and the debates and experiences from across the world since then on the most enlightened and efficient ways to address population growth. India's own aggressive sterilisation drive during the Emergency years and China's one-child policy were disastrous state interventions that had to be rolled back. India's National Population Policy of 2000 underlined "voluntary and informed choice" and consent of citizens while availing of reproductive healthcare services, and continuation of the target-free approach in administering family planning services. The policy discourse today is no more about population control, but focused on sexual and reproductive health and rights.

Assam seems oblivious of these conversations as it leans on coercive measures to drive what Sarma has called its "population control" policy. Arguably, the state government's concern about the high rate of population growth — the decadal growth stands at 17 per cent, though it has been falling — and its impact on the state's physical and financial resources is understandable. But the government is wrong to blame the citizens and to penalise them for it. The draft policy proposes to bar people with more than two children from accessing government jobs and makes it mandatory for government servants to "strictly follow" the two-child norm and to serve as "role models". It has also proposed to bring in legal provisions to disallow people with more than two children from participating in local bodies elections and to introduce minimum educational qualifications as eligibility criteria for contesting elections. What such a policy refuses to acknowledge is that high population growth rate is also the result of the government's failure to provide healthcare facilities to citizens. Studies suggest that improvement in institutionalised child delivery and post-natal care, and making contraceptives available in rural areas have a positive impact on population growth. This is the experience also of states like Kerala and Tamil Nadu, which stabilised their populations by improving public health facilities.

The proposals in Assam's draft policy will hurt the poorest and most vulnerable sections of society most by limiting their access to state resources and participation in the electoral process. A large percentage of Assam's poor are Muslims, who, many increasingly dominant narratives in the state blame for the rise in population, which gives a communal edge to Sarma's draft policy.

LAUGHING GAS

Sean Spicer must never be sacked. He brings comic relief to an administration that inspires only dark foreboding

SEAN SPICER HAS taken his foot out of his mouth, planted it directly on the gas pedal, and hurtled downwards. President Donald Trump's press secretary has turned a high-minded denunciation of Syria's Bashar al-Assad into an appreciation of Adolf Hitler. He has done this with impressive doggedness, for he could have got himself off the hook before he was really made to wriggle.

Spicer's statement, protesting that even Hitler had not stooped so low as to gas his own people, was immediately met with objections from the wild-eyed press, who were quite sure that Hitler had gassed over 6 million Jews, Roma, petty criminals, homosexuals, poets and other enemies of Nazism with Zyklon B. But he cavilled about method. The Nazis had herded their victims off to "Holocaust centres" (a term unknown in Holocaust literature, but obviously indicating death camps), industrial facilities sequestered from residential areas, instead of messing up whole neighbourhoods by gassing children in their beds.

It was Passover, and people had a hard time convincing themselves that this was not some sophisticated mode of Holocaust denial. Of course, one only has to give ear to Spicer, who speaks the semiliterate pidgin which is now the lingua franca of US political life, to be reassured that he is incapable of crimes of sophistication. He is an echo of his political master, who has drawn his hapless press secretary onto some wild rides, like the allegation that the media were trying to deflate the new president by under-reporting the turnout at his inauguration, and the even weirder claim that UK's GCHQ had tapped Trump's phones on behalf of Barack Obama. Spicer does a difficult and dangerous job, shining light upon a dark world in laughably novel ways. While humourless Democrats demand his head, he actually deserves every encouragement in his efforts.

MOB-POLICE AND POLICE-MOB

Between the two lies the anti-Romeo Squad



AAKASH JOSHI

DAYS AFTER "Yogi" Adityanath's appointment as chief minister of Uttar Pradesh, the state's police launched its anti-Romeo squads, ostensibly created to deal with crimes against women. Already, though, videos and stories of police personnel intimidating young people in public spaces have become commonplace. This moral policing is not being conducted by right-wing social outfits, but rather, by the police acting on the instructions of the recently elected government.

Meanwhile, despite repeated instances of intimidation, assault and murder — most recently in Alwar, Rajasthan — gau rakshaks, far from being vilified, are increasingly being given legal sanction by state governments. In May 2016, the Maharashtra government called for volunteers to serve as "eyes to monitor the beef ban". In Gujarat and Haryana, government-issued ID cards have been considered to separate "real" gau rakshaks from the "fake" ones. The question is: Whose job is it to investigate, prosecute and pass judgement even in cases of "genuine" cow slaughter — the police, government and judiciary or state-sanctioned cow protectors?

The basic principle of a constitutional democracy, one that ensures that the violence and coercion necessary to maintain peace and order in society is carried out only through due process, is being eroded gradually. The police's role in enforcing the law is being subcontracted to amateurs, and the

excesses of the police are being sanctioned by elected governments, leaving the victim of this new reality with nowhere to turn to.

A seemingly innocuous version of the citizen-cop can be seen in Bengal's civic police, colloquially referred to as "half police". This "volunteer force" consists largely of young men paid under Rs 6,000 a month. Apart from assisting the regular police, the "half police" help in traffic and crowd control. The force has been seen as a way for the ruling party to extend its base of cadres. That these volunteers dress in the party colours of the TMC does not help matters. The "half police", however, are only the tip of the iceberg.

Beginning in 2005, tribal youths were armed in Chhattisgarh and deployed as Special Police Officers (SPOs) and a part of the Salwa Judum militia to counter Maoist insurgency. These SPOs have been accused of violating due process and human rights. In 2011, the Supreme Court, while declaring the Salwa Judum unconstitutional, also articulated why the purported effectiveness of such forces cannot be a reason for circumventing the Constitution: "Whether SPOs have been effective against Maoist/Naxalite activities in Chhattisgarh would seem to be a dubious...proposition... Even if we were to grant that indeed the SPOs were effective against Maoists/Naxalites, the doubtful gains are accruing only by the incurrence of a massive loss of fealty to the Constitution, and

damage to the social order."

But the greater injury to the "Constitution and the social order" has come not from vigilantes, but the police and the state. Even as the mob becomes legal, the police is becoming the mob — and being rewarded for it. In November 2016, days after videos of Madhya Pradesh police shooting eight, possibly unarmed, SIMI activists who had apparently escaped from Bhopal Central Jail, became public, CM Shivraj Singh Chouhan announced an award of Rs 2 lakh for those who participated in the "encounter". While the courts stayed the reward, the fact remains that the government was eager to felicitate men who may be responsible for extra-judicial killings.

Neither the anti-Romeo squads nor the legitimisation of gau rakshaks, therefore, is a wholly new phenomenon. However, against police excesses, citizens had, at least de jure, recourse to the political executive, just as they could turn to the police in the face of the mob. The difference between the actual police force and the "moral police" was that the former was bound to act through and within the law. Vigilante groups, no matter how much political patronage they enjoyed, were not legal. Now, between the government sanctioned mob-police and the police-mob, the rule of law threatens to fade away in a sea of excesses, both rhetorical and violent.

aakash.joshi@expressindia.com

APRIL 13, 1977, FORTY YEARS AGO

CWC MEETING

THE CONGRESS AVERTED a threatened split in its ranks as the party's working committee and senior leaders from state units met to discuss the poll rout. The crisis was resolved to some extent when a reluctant Indira Gandhi agreed to attend the Congress Working Committee. D.K. Barooah, Kamalpathi Tripathi and Y.B. Chavan left the CWC meeting, drove to 1, Safdarjung Road and brought Mrs Gandhi along, having persuaded her to participate. What also helped to bring down tensions in the party was the letter Mrs Gandhi sent to the Congress president owning full responsibility for the election defeat. The discussions were marked by

a mood of introspection and acrimony. Barooah, Mrs Gandhi, Chavan and other leaders called for unity in the party. Mrs Gandhi and Chavan hinted that the Janata government would try to force Assembly elections on the Congress, which is ruling most states.

CONG CHIEF WHIP OUT

K. RAGHU RAMIAH resigned as Chief Whip of the Congress Parliamentary Party to the Lok Sabha in protest against the move to make K. Brahmananda Reddy president of the Congress.

JANATA MERGER MEET

THE JANATA PARTY'S foundation convention

is likely to be attended by over 10,000 delegates from the four parties, which are going to finalise their merger with Janata Party on May 1, the Janata Party general secretary, Nanaji Deshmukh, said. Deshmukh said the Jana Sangh would send about 5,000 delegates, Socialist Party 1,500 delegates, BLD 3,000, and the Old Congress 3,000 delegates. Before the convention, the four constituent units will formally dissolve themselves.

UP, BIHAR GOVTS SHAKY

THE CENTRE WAS likely to impose provisions of Article 356 against some Congress governments, including those of UP and Bihar, and order fresh polls.



15 THE IDEAS PAGE

New India, different China

Chinese reaction to the Dalai Lama visit to Tawang this time varied in tone and tenor from previous occasions. There are reasons for that



RAM MADHAV

GLOBAL TIMES, ONE of the most influential media organs in China, carried a provocative editorial on India last week in which it asked the rhetorical question: Is India capable of withstanding a "geopolitical" onslaught from an economically and militarily stronger China?

"With a GDP several times higher than that of India, military capabilities that can reach the Indian Ocean and having good relations with India's peripheral nations, coupled with the fact that India's turbulent northern state borders China, if China engages in a geopolitical game with India, will Beijing lose to New Delhi?" it asked mockingly.

The provocation was the visit of His Holiness the Dalai Lama to Tawang in Arunachal Pradesh. The Dalai Lama's visit was purely religious and spiritual. He has himself clarified that the visit was a routine one like the ones he had undertaken to that state on six earlier occasions. He restricts himself to preaching and sermons most of the time during such visits and occasionally participates in other events. Even in such secular programmes, the Dalai Lama's discourses are usually on universal wisdom and the greatness of the ancient Indian knowledge systems, etc. He hardly raises political issues, much less the happenings in Tibet or China.

Yet, every time he has visited Arunachal Pradesh, the Chinese media has reacted. Even the visits of other Indian leaders have attracted the umbrage of the Chinese. Whether it was President Pratibha Patil's visit or that of Prime Minister Manmohan Singh subsequently, they attracted criticism of varying degrees from the Chinese side. The Indian side also routinely rubbished the criticism as unwarranted interference in the internal affairs of our country.

But there is a difference in the Chinese reaction this time round. It was more aggressive; almost bordering on an open threat. It not only talked about the superior military and economic strength of China, but also issued a veiled warning about the situation in J&K.

One important reason could be the tussle over who the next Dalai Lama would be. The Chinese have already installed their own Panchen Lama, who is regarded as next only to the Dalai Lama in the Tibetan spiritual hierarchy. His Holiness the 14th Dalai Lama is at an advanced age. As per the Tibetan Buddhist tradition, indications about the next Dalai Lama would be left behind by the present one. The 14th Dalai Lama has so far not given any clear indication about the next one. He has fleetingly made statements like "the next Dalai Lama could be a woman" or "the Tibetans have to decide about the future of this institution of Dalai Lama".

But the Chinese seem to have their own worries about the matter. They seem to especially suspect that the Holiness might choose someone from India, or even from Arunachal Pradesh, as his successor, thus leaving the movement for Tibetan independence with another leader. There were occasional suggestions that China is contemplating declaring the next Dalai Lama, which have been rubbished by the Holiness himself. He has categorically stated



CR Sasikumar

that China can't do another Panchen Lama with the Dalai Lama.

The other reason could be its territorial claims over Arunachal Pradesh. Here, it needs to be mentioned that Chinese territorial claims over Arunachal Pradesh are of recent origin. During the 1962 war, Chinese troops had annexed half of what used to be called NEFA in those days. Their troops had reached up to Tezpur. New Delhi had almost concluded that Assam fell to them. Nehru infamously delivered a radio address to the people of Assam, bidding farewell to them.

But then the Chinese side announced unilateral ceasefire on November 21, 1962. Surprisingly, they decided to stay put in the areas they had annexed in the western sector in Ladakh, but withdrew to the pre-1962 positions in the eastern sector. Thus, instead of annexing Assam, the Chinese troops vacated all of western Arunachal Pradesh, including Tawang. This decision of Mao became controversial in China; many believed that Mao was wrong. Arunachal Pradesh became disputed in Chinese eyes only after the formal joining of Sikkim in the Indian Union in 1975. The Chinese side started raising the status of Arunachal Pradesh regularly since 1978. They have invented claims as far-fetched and fantastic as the Chinese people having the graves of their forefathers in Arunachal Pradesh and they would wish to have that territory as part of their motherland.

But the Chinese reaction in 2017 is markedly different in tone from previous occasions.

I am reminded of the term 'Finlandisation', coined by the German political scientist Richard Lowenthal in 1961. In the aftermath of the Second World War, Finland chose to follow a policy of not standing up to the Soviet Union militarily or economically, even while the country had remained a part of Allied Western Europe. 'Finlandisation' has become a pejorative of sorts that entails a gloomy prospect of a future "when West European nations may discover themselves militarily surrounded, economically beleaguered and psychologically isolated, having to draw the consequences", as Walter Hahn put it.

I am reminded of the term "Finlandisation", coined by the German political scientist Richard Lowenthal in 1961. In the aftermath of the Second World War, Finland chose to follow a policy of not standing up to the Soviet Union militarily or economically, even while the country had remained a part of Allied Western Europe. "Finlandisation" has become a pejorative of sorts that entails a gloomy prospect of a future "when West European nations may discover themselves militarily surrounded, economically beleaguered and psychologically isolated, having to draw the consequences", as Walter Hahn put it.

The Indian response thus far has been on the lines of Finlandisation, a classic example narrated by a senior Indian columnist recently: "In 2009, largely unnoticed by the Indian media, China and India had drifted close to war over the Dalai Lama's proposed visit to open a hospital in Tawang town. Conflict was averted when Prime Minister Manmohan Singh readily acceded to a request by Premier Wen Jiabao at an APEC meeting in Hua Hin, Thailand, to keep the international media out of Tawang and prevent it from giving the visit international significance."

Probably the Chinese feel that India is coming out of this Finlandisation under Prime Minister Narendra Modi, and hence, the serious warning.

The writer is National General Secretary, BJP, and Director, India Foundation

WHAT THE OTHERS SAY

"The shifting and contradictory stances of the US administration are concerning — but all the more reason for other western nations to work together."

—THE GUARDIAN

Holidays, yours and mine

Judges can avail of leave without doing it collectively



BIBEK DEBROY

THE SUPREME COURT of India issued a notice on March 23: "The Learned Members of the Bar are hereby informed that during the Summer Vacation, 2017, commencing from 11.05.2017 and ending with 02.07.2017, regular hearing matters will be taken up for hearing before the Vacation Bench from Tuesday to Friday, as per the guidelines and norms approved by Hon'ble Chief Justice of India." The Supreme Court Registry also issued an advance list of 5,298 cases, to be heard between May 11 and July 2. Subsequently, an unstarred question was asked (no. 5250) about this in Lok Sabha on April 5, enquiring whether government intended to discontinue the system of summer and winter vacations in courts.

Answering, the Minister of State for Law and Justice said this wasn't for the government to decide. The durations of vacations are fixed by high courts or the Supreme Court through rules and regulations, not by the government. For district or subordinate courts, they are fixed by high courts. Hence, the Supreme Court Rules of 2013. "The period of the summer vacation shall not exceed seven weeks... The length of the summer vacation of the Court and the number of holidays for the Court and the offices of the Court shall be such as may be fixed by the Chief Justice and notified in the Official Gazette so as not to exceed one hundred and three days (excluding Sundays not falling in the vacation and during holidays)."

Note that before 2013, there were the Supreme Court Rules of 1966. "The period of the summer vacation shall not exceed ten weeks. The length of the summer vacation of the Court and the number of holidays for the Court and the offices of the Court shall be such as may be fixed by the Chief Justice and notified in the Official Gazette so as not to exceed one hundred and three days (excluding Sundays) not falling in the vacation and during holidays." In 2013, the length of the summer vacation was shortened, but not the cap of 103. That cap of 103 is misleading; it doesn't include Sundays and other holidays (Holi, Diwali, Dussehra). At the time of the 2013 change, the then-Chief Justice told us, the Supreme Court works for 193 days, high courts for 210 days and lower courts for 245 days a year. A couple of years ago, the Jharkhand High Court also agreed to work through the summer vacation.

In August 2009, there was a report by the Law Commission, titled *Reforms in the Judiciary* (Report No. 230). A lot of people quote from this report. I am not necessarily convinced they have read the report.

They approvingly quote the following: "Considering the staggering arrears, vacations in the higher judiciary must be curtailed by at least 10 to 15 days and the court working hours should be extended by at least half an hour." This sentence certainly figures in the report, but as recommendations from a paper written by Justice Asok Kumar Ganguly in *Halsbury's Law Monthly*. Let I be accused of nit-picking, the 18th Law Commission did approve of Justice Ganguly's suggestions (there were others too).

The summer vacation system is invariably ascribed to a British colonial legacy, avoiding the hot Indian summer. Some time ago, there was an RTI application addressed to the Supreme Court, asking about the antecedents of the summer vacation. Since the Supreme Court came into existence in 1950, the Central Public Information Officer (CPIO) responded that they had no information about the antecedents. I suspect one should hunt for antecedents in the rules of the Federal Court of India or the Government of India Act of 1935.

There are 61,344 matters pending before the Supreme Court. Therefore, everyone will approve of the Supreme Court's order of March 23. But what's more interesting is the idea of a 365-day court, something that lawyers (Bar Council, Supreme Court Bar Association) don't seem to like either. In 2014, the then-Chief Justice of India wrote a letter to the chief justices of high courts, mooting the idea. "In other words, the courts should function all year round, giving individual judges the choice of holidays and vacations. For working of this idea, I had suggested that by the end of September, each judge should indicate holidays and vacations he or she wants to avail of in the succeeding year. The registry will then finalise the sittings having regard to the options given by the respective judges."

That's exactly the way the US Supreme Court functions. But there is great resistance to the idea of delinking individual vacations from collective ones (where the entire institution closes down), and this is true, in general, outside the court system too. In 2013, Suraj Parkash Manchanda filed a PIL in the Delhi High Court, asking this question. According to newspapers, the petitioner asked, "Why do all judges go on vacation at the same time and why can't there be a rotation as in the police and for doctors in hospitals?" The petition was dismissed and the bench reportedly remarked, "If there is no summer vacation, judges will go mad. Are they expected to work 365 days a year?"

I haven't been able to track down what happened to a similar PIL, filed before the Madras High Court. No one wants anyone to go mad. Everyone is entitled to leave. Three weeks of paid annual leave is an ILO entitlement. But does it have to be collective? Does India shut down for 21 days a year, defence, police and so on?

The writer is member, Niti Aayog. Views are personal

LETTER TO THE EDITOR

CHECK POPULISM

THIS REFERS TO the article, 'Preclude contagion' (IE, April 10). The judiciary should check imprudent measures like farm loan waivers, neither good in the short term, nor in the long term. Aren't populist politics a fraud on the voter's mandate? The Chief Justice recently spoke of holding parties accountable for their poll promises. But these should also stand the test of prudence.

Nishant Parashar, Chandigarh

DIGITAL DILEMMAS

THIS REFERS TO the article, 'Dear digital Indian' (IE, April 12). The author argues that it is up to the reader to choose what to read in the post-truth era. But that is easier said than done. With online platforms catering to hoaxes, pranks and fake news, it is difficult to navigate and make informed choices. The article rightly points out that algorithms are not designed to present a balanced viewpoint. Google's new fact check filter is a commendable countermeasure. In this age of big data and the Internet of Things, we need to graduate from mere internet literacy to empowering education of the internet.

Salini Johnson, Delhi

VIRTUES OF SANSKRIT

THIS REFERS TO the article, 'Living with Sanskrit' (IE, April 11). There is a generational link between all languages and Sanskrit could be described as the "grand mother". It's time we delinked the study of languages from gainful employment. Sanskrit is a tool to obtain historical and philosophical knowledge.

Syed Taheer Ahmad, Aligarh

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. Letter writers should mention their postal address and phone number.

THE WINNER RECEIVES SELECT EXPRESS PUBLICATIONS

JUSTICE FOR JADHAV

THIS REFERS TO the editorial, 'A bizarre charade' (IE, April 12). Today, who can believe that Pakistan is a democracy governed by the rule of law? The military prevails entirely on the civilian government in that country. Kulbhushan Jadhav was trapped by the ISI and tried in a closed military court. External Affairs Minister Sushma Swaraj has now said that the government will secure justice for Jadhav. One hopes that the government will fulfil this promise.

M.C. Joshi, Lucknow



TELESCOPE

BY SHAILAJA BAJPAI

Great Indian whitewash

From ads to daily soaps, TV promotes white or, at best, 'wheatish' skin

WHEN TARUN VIJAY says he did not mean what he said, perhaps we should give him the benefit of the doubt. In last week's discussion on "Racism against Africans in India" (*The Stream*, Al Jazeera), he blurted out the disastrous comment that if Indians were racist, they would not live with people from south India, on the defensive, after an African had said that most Indians "don't like black skin", treated them like "trash" and another Indian panelist, Mahesh Shantaram, agreed. Vijay angrily asked him, "Who are you?", before making his offensive remarks and launching a stout defence of his compatriots. "Indians have always been against racism. Indians are very nice people, to everyone in the world. Indians love you, don't generalise", he cooed, generalising himself.

What he said and what he meant may or may not be one and the same thing — that is something between him and his conscience now. He has apologised and that should be that.

We must, however, disagree with Vijay's conclusions. Hasn't he watched Indian television recently and if he has, is he colour-

blind? As everyone who does watch TV is only too painfully aware of, Indians like to whitewash everything, including the tint of their skin, which is why there are so many fairness cream TV commercials on air. Just saw one with Arjun Rampal to remove "dark spots". Many other Bollywood stars have advertised such demeaning products, including Shah Rukh Khan, and we haven't heard a word against them from Vijay or all those who are so busily demanding bans, most visibly and violently, on cow slaughter.

By the way, we see many cows on TV news nowadays: There they stand, white, brown, spotted, dotted — and black. Hmmm.

It's not just fairness creams. Most TV commercials — to generalise like Mr Vijay — employ the fair-skinned to advertise their products. Why, even the Zoozoos in the amusing Vodafone ads which have reappeared with the IPL (Sony Six) are all white. Commercials may feature foreigners — the Titan Skinn perfume one is actually in French — but with rare exceptions, they're white, fair.

Advertisements are the least of the problem. Close your eyes and think of TV news.

The overwhelming majority of prime time news anchors, editors on English and Hindi news, are, you got it, fair or of "wheatish complexion", as we Indians are fond of saying. TV news has striven for gender parity, so there are many female anchors and reporters across all news channels, but it's still mainly an "area of darkness" (thank you, V.S. Naipaul) as far as colour is concerned.

Entertainment. American or British TV shows, in affirmative action, very consciously strive for multicultural representation now. Shows like *Scandal*, *How to Get Away With Murder* have black lead characters; sitcoms such as *The Big Bang Theory* and *The Mindy Project* feature actors of Indian/Asian origin. Indeed, it is probably true that they may have more black people on their shows than we have in ours.

Mr Vijay said (Lord) Krishna is black but if you watch our mythologicals you will see precious few, if any, black gods, or human beings. Ditto TV serials. They mostly project fair and (therefore) lovely young people falling in and out of love and trouble. Of course there are "wheatish" characters too, but black and beautiful?

A few years ago, the soap *Bidaai* tried to explore the Indian preference for fair skin with its main protagonists, cousins Sadhana and Ragini, fair and dark, respectively, but that was a rarity.

Why just colour? Do TV serials reflect our diverse communities or regions? A Tamil channel will have Tamil characters but Tamils in a Hindi series or vice versa? Unlikely, unless it's in sitcoms. The one place you will find darker people along with all other shades is on reality shows: This year, for instance, *Indian Idol* was won by L.V. Revanth from Hyderabad, singing in Hindi.

The best advertisement we see for India's diversity is, wouldn't you know it, cricket — look at the IPL. Or any other game for that matter — take India's Davis Cup team seen in action last Sunday (DD National). They have all shades of players, and you may make it to a team for many reasons, but don't think skin colour is one of them.

Generally speaking, however, it would be fair to say there's a black-out on Indian television.

shailaja.bajpai@expressindia.com