



## In a safer lane

States should start preparing to implement the changes in the Motor Vehicles Act

The Motor Vehicles (Amendment) Bill passed by the Lok Sabha this week will take a little more time to come into force, since it has not cleared the Rajya Sabha in the Budget session. But the changes that it proposes to the Motor Vehicles (MV) Act of 1988 are significant. The Centre assumes a direct role in the reforms, since it will introduce guidelines that bind State governments in several areas, notably in creating a framework for taxicab aggregators, financing insurance to treat the injured and to compensate families of the dead in hit-and-run cases, prescribing standards for electronically monitoring highways and urban roads for enforcement and modernising driver licensing. There is a dire need to have clear rules and transparent processes in all these areas, since transport bureaucracies have remained unresponsive to the needs of a growing economy that is witnessing a steady rise in motorisation. The bottleneck created by their lack of capacity has stifled regulatory reform in the transport sector and only encouraged corruption. There is some concern that the move to amend the MV Act overly emphasises the concurrent jurisdiction of the Centre at the cost of State powers, but the proposed changes come after a long consultation exercise. A group of State Transport Ministers went into the reform question last year, while the comprehensive recommendations of the Sundar Committee on road safety have been left on the back burner for nearly a decade.

It may appear counter-intuitive, but research shows that imposing stricter penalties tends to reduce the level of enforcement of road rules. As the IIT Delhi's Road Safety in India report of 2015 points out, the deterrent effect of law depends on the severity and swiftness of penalties, but also the perception that the possibility of being caught for violations is high. The amendments to the MV Act set enhanced penalties for several offences, notably drunken driving, speeding, jumping red lights and so on, but periodic and ineffective enforcement, which is the norm, makes it less likely that these will be uniformly applied. Without an accountable and professional police force, the ghastly record of traffic fatalities, which stood at 1,46,133 in 2015, is unlikely to change. On another front, State governments must prepare for an early roll-out of administrative reforms prescribed in the amended law, such as issuing learner's licences online, recording address changes through an online application, and electronic service delivery with set deadlines. Indeed, to eliminate corruption, all applications should be accepted by transport departments online, rather than merely computerising them. Protection from harassment for good samaritans who help accident victims is something the amended law provides, and this needs to be in place.

## Another crisis

Some give and take is the only way out of Nepal's constitutional impasse

With Madhesi parties deciding to boycott local polls scheduled for May 14, Nepal is heading for another political crisis. The boycott decision came after the Communist Party of Nepal (Maoist-Centre)-led government tabled fresh amendments to the Constitution in Parliament. Ever since the country adopted the new post-monarchy Constitution in September 2015, Madhesi parties have been demanding a redrawing of federal boundaries to reflect the fact that the community, residents of the Terai area, and other minority groups are in a majority in some new provinces. The government led by CPN(M-C) chairman Pushpa Kamal Dahal, with the Nepali Congress part of the coalition, came to power in 2016 on the promise of accommodating these demands to the extent possible and forging a reasonable consensus across the political spectrum. The government had also initiated amendments that went some way in addressing Madhesi concerns, such as the formation of a federal commission to look into a redrawing of federal boundaries, and the recognition of local languages as national ones. These amendments were, however, rejected by Madhesi parties, which stuck to a maximalist position. The opposition Communist Party of Nepal (Unified-Marxist-Leninist) also rejected them, though for being too giving. Unable to forge any consensus, the government came up with the fresh amendments as a signal that it is willing to concede some of the Madhesi demands in return for their participation in the long-pending local polls. But the absence of substantive efforts to address the federal question has resulted in a Madhesi boycott.

Nine years have passed since elections to the first Constituent Assembly were held. Beyond Nepal's transition from a constitutional monarchy to a republic, the lack of consensus on other issues pushed the finalisation of the Constitution far beyond the original remit of the Constituent Assembly, which was to have concluded the process in two years. The new Constituent Assembly elected in 2013 was less amenable to changes, especially to the state structure, and the Madhesi parties refused to accept the finalised Constitution in 2015. The impasse on the state restructuring issue has given rise to disturbing trends – jingoism, that sees Madhesi concerns as reflecting the interests of external actors such as India, and voices of secessionism among Madhesi forces who suggest that the Nepali polity is incapable of addressing the plain-dwellers' concerns. This political battle of wits has taken away much-needed focus from the dire state of the economy, which is yet to recover from the shock of the devastating earthquake of 2015. Local elections are seen as a way to allow for a much-needed administrative presence everywhere, but this cannot happen without the participation of all political forces, especially Madhesi. The government has its task cut out to manage a compromise.

# Ending nuclear lawlessness

The attempt at the UN to ban atomic weapons is based on the premise that all countries deserve equal security



ZIA MIAN & M.V. RAMANA



DEEPAK HARICHANDAN

In the last week of March, at the United Nations in New York, history was made as diplomats from about 130 countries started formal talks on an international treaty to ban nuclear weapons. The goal is simple: declare it illegal for any country to produce, possess, stockpile, deploy, threaten to use, or use nuclear weapons. The final treaty could be approved and ready for signature before the end of this year.

Not surprisingly, none of the nine nuclear weapon countries showed up, India and Pakistan included. Numbers are not on the side of the nuclear weapons states, however. The U.S. Ambassador to the UN, Nikki Haley, staged a public boycott outside the negotiating hall but managed to rally only a ragtag band of about 20 diplomats, mostly from Eastern Europe.

Ms. Haley claimed that, as a mother, "there is nothing that I want more for my family than a world with no nuclear weapons" but she insisted that as an American "to ban nuclear weapons now would make us and our allies more vulnerable." Clearly, however, she was not willing to accord the same protection to all countries. Ironically, it took an Indian Ambassador to inadvertently puncture this claim to nuclear privilege: "The language of privilege and entitlement has no place in today's world."

The nuclear weapons ban talks are the fulfilment of a long-standing demand that all countries deserve equal security. For decades,

the world has pressed the handful of countries with nuclear weapons to free humanity from the nuclear danger. The very first resolution at the UN, passed in 1946, called for a plan "for the elimination from national armaments of atomic weapons."

### The Cold War race

The driving force for the demand for a nuclear weapon-free world is a simple humanitarian impulse, the love and compassion for other human beings – as even Ms. Haley realised. Nuclear weapons are the ultimate means of mass destruction and history has shown their use brings immeasurable death and suffering. It was this realisation that led to the November 1961 UN General Assembly resolution that declared: "Any state using nuclear and thermonuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity, and as committing a crime against mankind and civilisation."

During the Cold War, the United States and the Soviet Union argued that the world was in a life or death struggle and nuclear weapons were a tragic necessity. Both sides knew no one would win in a nuclear war but they prepared to fight

regardless. It was an insane and murderous logic: since neither side could allow the other to prevail, the only acceptable outcome to both was mutual assured destruction. A handful of states followed them down into this moral pit: answer mass destruction with mass destruction. Tragically, this included India, which was warned by none other than Mahatma Gandhi that "the moral to be legitimately drawn from the supreme tragedy of the bomb is that it will not be destroyed by counter-bombs".

### Resistance of the nuclear club

The end of the Cold War offered the hope of a new start for the world. The UN General Assembly asked the International Court of Justice to rule on the legality of the threat or use of nuclear weapons. In July 1996, the court issued an advisory opinion, with two key conclusions. First, "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law." And, second, "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict

and effective international control." The door opened to a nuclear weapons ban.

In the 20 years since the court issued its judgment, countries with nuclear weapons have simply refused to comply. Rather than starting "negotiations leading to nuclear disarmament", they have sought to block them, choosing to launch long-term costly programmes to maintain, modernise, and in some cases augment their nuclear arsenals.

Non-nuclear states and peace movement activists went back to basics. They launched an international effort to highlight nuclear weapons capacity to cause widespread suffering and indiscriminate harm. This won support from the majority of the world's countries. At the Vienna Conference on the Humanitarian Impact of Nuclear Weapons in 2014, officials from 158 countries showed up. This process led to the adoption of a historic resolution at the UN last October "to negotiate a legally binding treaty to prohibit nuclear weapons, leading towards their total elimination".

India and Pakistan abstained from the UN vote. India's main argument was that nuclear disarmament talks should only happen at the Conference on Disarmament in Geneva. The reason was simple: the Conference on Disarmament works by consensus, which means any state can block progress. India used this feature to try to block the Comprehensive Nuclear-Test-Ban Treaty in 1996, and Pakistan now uses this power to stop talks on a treaty to ban the production of fissile materials for nuclear weapons. Their prescription would mean continued inactivity on nuclear disarmament.

**Time to force the issue**  
Most of the other nuclear weapons

states, led by the U.S., did not try to hide behind diplomatic procedure. They simply insisted that the world wait for them to decide when they are ready to give up their nuclear weapons. After 70 years, the vast majority of countries around the world suspect that day may never come. After all, the world would never have banned slavery if we had to wait for all the slave owners to agree in advance that slavery was a bad thing and that they were ready to end it.

Rather than waiting for that day, the nuclear weapon-free countries have decided to take matters into their own hands. Their first step is the ban treaty. It lays down a clear marker for what weapons the world thinks no state can seek, possess and use in wartime. This is how other weapons have been banned, be they chemical weapons, biological weapons, landmines, or cluster munitions.

Of course, as has happened in Syria with chemical weapons, there are occasional violations of the international laws banning weapons of mass destruction, but the world now condemns such actions and decent people everywhere would support efforts to find the perpetrators and bring them to justice. The possibility of violations has never stopped countries from passing laws and agreeing on what should be prohibited. India, Pakistan, and all of the nuclear weapons states should prepare to give up their arsenals or be treated as outlaws.

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# Powering India-Nepal ties

This is an opportune moment to push for electricity trade with a long-term perspective



KIRIT PARIKH

An important step in promoting electricity trade between India and Nepal took place on February 14 when Energy Secretary-level talks – known as the joint steering committee (JSC) meeting – concluded in Kathmandu. Here, it was decided to endorse the detailed project report of the 400 kV Butwal-Gorakhpur cross-border transmission line. It follows the guidelines issued by India's Ministry of Power for cross-border electricity trade on December 5, 2016.

This is an opportune moment to push for electricity trade with a long-term perspective. Nepal is short of power and will need to import power for some years to accelerate its economic growth. India has surplus capacity at present. In the years to come, it can fruitfully import flexible hydropower from Nepal to balance its fast growing renewable generation and also provide a market for Nepal's electricity. With this market, Nepal's hydro potential can be developed faster.

India and Nepal have been talking about electricity trade and joint projects for many years now, but somehow these talks did not succeed. It was only in 2014 when India

and Nepal signed a Power Trade Agreement that the doors opened for Nepal developers/traders to access the Indian power market. At first, Nepal was apprehensive that it would not get a fair deal trading with a large neighbour, but power is now traded in India on exchanges transparently and the price is known to all, thus assuaging some of Nepal's apprehensions.

### What the data show

Due to political uncertainty, the development of Nepal's hydro potential has been delayed. Out of an economically viable and technically feasible potential of 43.5 GW, only 0.8 GW had been developed by March 2016. Thus, a great opportunity has been missed. By selling power to India, Nepal could have developed its economy at a faster rate. Bhutan has reaped the benefit of power export to India and its per capita income in purchasing power parity adjusted for international dollars increased from \$475 in 1980 to \$7,860 in 2015. India's was \$5,730 in 2015.

Electricity is required for economic growth and well-being. In 2015, Nepal faced load-shedding of up to 16 hours a day during the dry season, when the available capacity of Nepal's hydropower decreases to a third of installed capacity. Peak load outstripped domestic power generation capacity, causing serious power shortage, which was partly met with by import from India. Nepal's electricity supply in 2015-16 was around 5,100 GWh, of



GETTY IMAGES/ISTOCKPHOTO

which 3,300 GWh was domestic generation and remaining 1,758 GWh was import from India. Import has increased steadily from 746 GWh in 2011-12 to 1,758 GWh in 2015-16, an almost threefold increase. Nepal also exports electricity to India in some periods, although in very small quantity. Per capita electricity consumption in Nepal is one of the world's lowest, at 119 kWh in 2012. It has an ambitious target of reaching 16,500 MW of hydro capacity by 2030, which includes the joint project with India at Pancheshwar.

### Energy study

We at the Integrated Research and Action for Development (IRADE) have carried out a detailed modelling study which explored electricity trade potential on an hourly basis till 2045. (This study was carried out as a part of USA AID-supported South Asia Regional Initiative

for Energy Integration project.) The trade takes place at a price that is acceptable to both buyer and seller. Its macroeconomic impact has also been estimated. For example, Nepal's revenue from export of electricity to India increases its ability to import more goods and also to invest more in the economy. This increases its gross domestic product, consumption and use of electricity, which improves quality of life.

The prospect of electricity trade with India makes it possible for Nepal to develop its hydropower potential and has important consequences. Even though significant exports to India will begin only from 2025 because domestic capacity development takes time, Nepal could already benefit through larger import of electricity from India. Increased availability of electricity accelerates its economic development. The construction of transmission lines to import electricity become lines to export electricity by 2025. Nepal imports 0.7 billion kWh (bkWh) in 2020 but by 2025 exports 18 bkWh, which increases to 65 bkWh by 2030 and to 113 bkWh by 2040. Its annual export revenue from the electricity trade becomes NPR 310 billion in 2030, NPR 840 billion in 2040 and NPR 1,069 billion in 2045, at 2011-12 prices. By 2045, Nepal's GDP becomes 39% larger, its per capita consumption 23% higher and per capita electricity consumption 50% higher than if trade were to continue at its modest current level.

Trade also benefits India. Meet-

ing the evening peak in India when its large solar PV capacity would not be available becomes easier and cheaper. The gains in monetary terms are comparable for both Nepal and India.

Therefore, the sooner Nepal develops its hydropower potential, the earlier the benefits. For electricity trade to materialise, policy, institutional and technical infrastructure are necessary. Building hydropower projects and transmission infrastructure is highly investment-intensive. Without a stable, long-term conducive policy and an institutional environment in place, which ensures payment security, it is unlikely that investors will put their money in this risky business. Recently, the Indian government issued guidelines and draft notification on cross-border electricity trade (CBET) policy to enable Indian/Nepal producers/traders to seamlessly exchange power with neighbouring nations.

A climate of confidence and trust in the long-term trading relationship between India and Nepal can greatly help Nepal meet its ambitious target and provide an opportunity for Indian investors to invest in Nepal. This could help us smoothen our recently strained relations with Nepal as well as strengthen our historically friendly ties.

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## LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

### Bilateral tensions

It is a well-established fact that the civilian government of Pakistan has neither the power nor the authority to take on the Pakistan Army and the establishment at Rawalpindi, which is the real power centre in that country. Unfortunately, India has always been at the receiving end of Pakistan's unsavoury games, and we end up being made to look weak. Most of our carefully crafted agreements are just pieces of paper as nothing moves without the generals' approval. The Indian government must now rise from this state of political sluggishness and take strong and firm steps against Pakistan. We must have the faith and the confidence in ourselves to declare Pakistan a terrorist state and snap all ties and agreements; this includes the Indus Waters Treaty.

S.P. SHARMA, Mumbai

Iran's stand in this matter is quite significant as no country would risk siding with either party in such a complex situation unless it has substantial knowledge of what the truth is. It's time the world community stands for justice and stops this dirty game, which India had rightly called an act of pre-meditated murder – if it is carried out.

KIRAN BABASAHEB RANSING, New Delhi

It is really unfortunate that the case has taken a dark turn. It is shocking that military courts have so much power that even the Supreme Court of that country cannot intervene. India has never pronounced the death penalty on a Pakistani spy. Good sense must prevail and the Pakistan civilian leadership must draw the line on its Army's overreach.

J.S. ACHARYA, Shell Cove, NSW, Australia

### Ground situation

It is amusing that National Conference president and three-time Chief Minister of Jammu and Kashmir Farooq Abdullah feels that India is heading towards disaster under the leadership of Narendra Modi ("The Wednesday Interview" - "I see India heading towards disaster", April 12). Has he forgotten that unprecedented mega scams took place during the rule of his coalition partner, the Congress-led UPA government? As regards the recent violence in Kashmir, it is well known that it has been burning since the last so many decades not due to local issues but as a result of issues deliberately fostered by Pakistan. Since the NC government ruled the State for long, it should accept responsibility for the deterioration of law and order in the State.

KSHIRASAGARA BALAJI RAO Hyderabad

The Kashmir Valley holds tremendous tourism potential, but is being made a tinderbox in order to satisfy selfish political agendas of vested interests. Youth who should be contributing their mite to the region's development are instead being used as pawns to destroy their own home. And political leaders, instead of making positive interventions, are busy in a blame game. It would have been nicer had a veteran politician like Mr. Abdullah shared his vision on the future of politics in the country. There has to be a flow of constructive ideas in the matters of utmost importance – be it a region's development, the fight against corruption and terrorism, and even saving Kulbhushan Jadhav.

PANKAJ SHARMA, Chandigarh

### Killing research

In the present era of ICT

applications for research such as online reviewing facilities through e-books and e-journals, video conferencing, webinars, communication apps, other social media that are used in all stages of research – right from problem selection, tool construction, collection of data, analysis of data, up to preparing the report – time is not a factor. This means the academic supervisors can guide a greater number of scholars. Reduction in the number of wards/students affects both the quality and quantity of research output at the doctoral level.

Great attention should be paid to how to maintain quality in research without restricting the number of wards.

Periodic training for research supervisors, better quality checks and benchmarks, stringent evaluation processes of theses, encouraging original research and a dissemination of research findings will enhance present standards of research ("No place for scholarship", April 12).

P. PREMA, Thanjavur

MORE LETTERS ONLINE: www.hindu.com/opinion/letters/

### CORRECTIONS & CLARIFICATIONS:

The opening paragraph of the report headlined "Nepal link to Jadhav verdict?" (April 12, 2017) incorrectly referred to Lt. Col. (ret.) Muhammad Habib Zahir as a Pakistani army officer. Actually, he is a retired officer.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturba Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com

# India's epic dilemma

Our stories are richest when they are read as ethical texts, not ideological guides



PETER RONALD DESOUZA

Some days ago, during a discussion on the many ways to interpret episodes in the Ramayana and the Mahabharata, the issue came up of whether these are ethical texts or merely ideological ones. Should one regard them as repositories of moral conundrums, on the human condition, that needed to be decoded and debated by every age for itself, or whether their messages, about the nature of the dharmic order to which all must conform, were clear and without ambiguity. What gave rise to this debate were two stories that were being discussed: the case of Eklavya who willingly offered his thumb to Drona on the Guru's request, thereby assuring an anxious Arjun of his supremacy as an archer, and that of Ram beheading Shambuka for falling out of dharmic line. I wondered if one were a feminist, a Dalit scholar, a passionate nationalist of the current variety found among Ministers of State, or even a European Marxist, would one find morally grey areas in such episodes or would one see them as containing clear messages of how power and social relationships in a 'just' society should be ordered?

At this point let me step back a bit and carefully probe the distinction between an ethical and an ideological text. An ethical text is one which presents episodes as forks in the road where each path offered is attractive because it contains desirable goals. Choosing one path presents one with a quandary because the benefits offered by the other path would now have to be willingly foregone. Each path at the fork leads to the same destination. One only needs to decide what gains and losses one wished to forego.

For example, path A would offer to cut a journey short by four hours. But it would mean travelling on a bad road full of potholes and perhaps risking a bad back and a breakdown. Path B, in contrast, is longer and would get the traveller home past midnight. But it would be a smooth ride on a freshly metalled road that went through a forest. Travelling at night would risk a dacoit hold-up. An ethical text does not give a clear



moral message. It compels one to weigh options before making a choice.

The ideological text, in contrast, is like a road within the National Highway system. Clearly numbered exits are given to one's destination. You know where and when to leave the highway. Here there are no moral conundrums. There are just clear signposts prepared by a highways authority which tell you where to stop, at what speed to travel, which lane to follow, and where to exit. The highways authority offers a distinct route map for the whole society. It does so with the certainty of one who knows.

## Civilisational abundance

So are the epics ethical texts or ideological ones? I believe they are the former. I believe each episode is a site for debate, an opportunity for each moral position in society to be heard and to solicit adherents. An Iravati Karve can see in Bhishma an egoistical, old man who, never having fought a war, still accepts the generalship of an army at a ripe age extending into the eighties, a measure of his narcissism. The Jain Ramayana has Laxman, instead of Ram, killing Ravan because that was the only way for them to reconcile the central Jain doctrine of Ahimsa and still valorise the Maryada Purusha. It is only an ethical text which allows for an A.K. Ramanujan's *300 Ramayanas*, suggesting that the story is alive in the country as people and places interpolate into the text their own aspirations and values. Individuals and social groups, of all ages, have drawn from the epics to fight their moral

and political battles. This is what makes the epics so relevant to contemporary India. Today we need new interpretations to fight our political battles. The epics today need to be contemporised.

An ethical text is the organic fertiliser of a society. Being fully opened, it delights, beckons, and recaptures the deracinated Indian from the lure of the ideological camp. While it generates passion, it also respects diversity of interpretation. It represents life but, in contrast to life's chaos, also offers options. An ethical text is a living text. India is fortunate to be the land of several epics such as Silappatikaram in Tamil or Palnati Virula katha in Telugu and so on.

I am not saying something very new here but only presenting, in a binary way, the contrast between an ethical and an ideological text so that we can fight our current politics. Because the Indian tradition has always seen the epics as ethical texts, in contrast to the political trend today, we have great commentaries such as that of V.S. Sukthankar. The sophisticated elaboration by Mehendale on the rules of war and the consequences in terms of punishment of their violation, in his wonderfully slim book *Reflections on the Mahabharata war*, is another illustration of the Indian tradition of diverse interpretations. Critical commentaries, dissent, alternative readings are merely different forks in the road as we explore our national cultural heritage. Unfortunately today, with the rise of cultural vigilantes, these great epics are being converted into ideological texts.

Because they receive tacit support from the powers that control the state, they attempt to push everyone onto the highway and away from the byways of Indian society.

It bears repeating here that the National Highway is good for the movement of goods and traffic, for practical and efficiency purposes, but not for cultural journeys for which it is the byways that matter. They nurture the richness of our cultural life. It is through the byways that we will discover the cultural ecosystems that local communities have created through complex negotiations with each other.

## Isn't this anti-national?

The smell of the mahua tree, for example, means a great deal in central India but has little significance in coastal India where the smell of fish is more exciting. Unless of course the rishi Parashar aroused by Satyavati replaced her fish smell of *matsyagandha* with the heavenly smell of *yojanagandha*, making coastal people like me to think this to be a parochial tale. Such playful stories can only be told when the epic is an ethical text. The cultural vigilantes have created a climate of anxiety which the people in control of the state have done little to diminish, for it pays them political dividends. Do they not realise that while they may gain the country, they will lose a civilisation? Do they not realise how anti-national this is?

Peter Ronald deSouza is Professor at the Centre for the Study of Developing Studies. Views are personal

# Passage without scrutiny

We must move to a system where every Bill goes through the committee stage in each House of Parliament



M.R. MADHAVAN

The Budget session of Parliament that concluded on Wednesday was an eventful one. Lok Sabha clocked in 108% of the originally scheduled hours, while Rajya Sabha did 86%. The Budget dates were advanced to enable the discussion and passing before the beginning of the financial year. Several important Bills were passed. However, there were several instances when Parliament failed to perform its role in scrutinising Bills before passing them. This Session, 20 Bills were introduced, and to date none of these have been referred to standing committees of Parliament; one Bill – the constitutional amendment to create a national commission for backward classes – was passed by Lok Sabha and then referred by Rajya Sabha to a select committee.

In the last three years, just 29% of Bills have been referred to parliamentary committees. This is in contrast to the 60% and 71% of bills examined by committees in the 14th and 15th Lok Sabhas, respectively. The important contribution of committees is evident in the progress of the Bills referred to them. The Mental Healthcare Bill passed this session and the Motor Vehicles (Amendment) Bill passed by Lok Sabha this week incorporated most of the changes recommended by the committees.

## Some problematic Bills

Three Bills passed by Parliament may face constitutional challenges. The Specified Bank Notes (Cessation of Liabilities) Bill follows up on the demonetisation exercise. It provides a limited time period for citizens who were abroad between November 9 and December 30 to exchange their notes. Indian residents could do that until the end of March 2017, and NRIs till June. The Bill also made it an offence to hold more than 10 pieces of the old notes (25 for research or numismatic purposes). This Bill raises two significant constitutional issues. First, the notification of November 8 that denotified the notes allowed time till December 30 for depositing these, and said that any person unable to do so would be given further time to deposit them at specified RBI branches. On December 30, an ordinance was issued (the Bill is identical to the ordinance) that provided further time only to citizens who were abroad till that date. This is akin to expropriation of property without any compensation and may violate Article 300A of the Constitution. Also, if holding the notes is made a criminal offence on December 30,

and a person having them that day cannot deposit or exchange them, then this is effectively making an action an offence with retrospective effect and may be seen as a violation of a fundamental right.

The second Bill is the Finance Bill. Other than amending tax rates, it allowed the process of appointment, removal and service conditions of members of appellate tribunals to be determined by rules. That is, the terms of engagement of quasi-judicial bodies will be determined by the Central government by notification instead of being specified in the Act. This provision may contravene several judgments that lay out the independence of the judiciary as a basic feature of the Constitution. Another provision of the Finance Bill permits income tax officers to refuse to disclose to any court or tribunal the information that formed the basis for a raid; this may contravene the principle of judicial review of executive action.

The third Bill is the Enemy Property Bill which vests the rights over enemy property with the Central government. This amendment has been made with retrospective effect (going back four decades), and will affect all property that may have been sold (and resold) since then. The Bill also bars any court from hearing cases related to enemy property. These provisions may not adhere to principles of due process and judicial review.

## Taxation Laws Bill

The Taxation Laws (Amendment) Bill, that was introduced in Lok Sabha and passed within a week, too raises some concern. It makes several amendments related to the introduction of the Goods and Services Tax. In addition, it adds a section to the Customs Act, which requires various authorities to disclose to the customs officer any information required. The question is whether Lok Sabha examined the appropriateness of giving such powers to the customs officer.

Except the Enemy Property Bill, the other three were not referred to committees and were passed as Money Bills. The Enemy Property Bill was examined by a select committee of Rajya Sabha, and a note of dissent signed by six of its 23 members pointed out constitutional issues, but the suggested changes were not incorporated by Parliament while passing it.

The key lesson is the importance of detailed scrutiny by Parliament. Perhaps, it may be advisable to move to a system like that of the British Parliament where every Bill goes through the committee stage in each House. That may take more time to pass a Bill but will ensure that there is adequate deliberation by parliamentarians before they pass a Bill.

M.R. Madhavan is the President and co-founder of PRS Legislative Research

## SINGLE FILE

# Remember them at their best

The melancholia of watching our idols past their prime

ABDUS SALAM



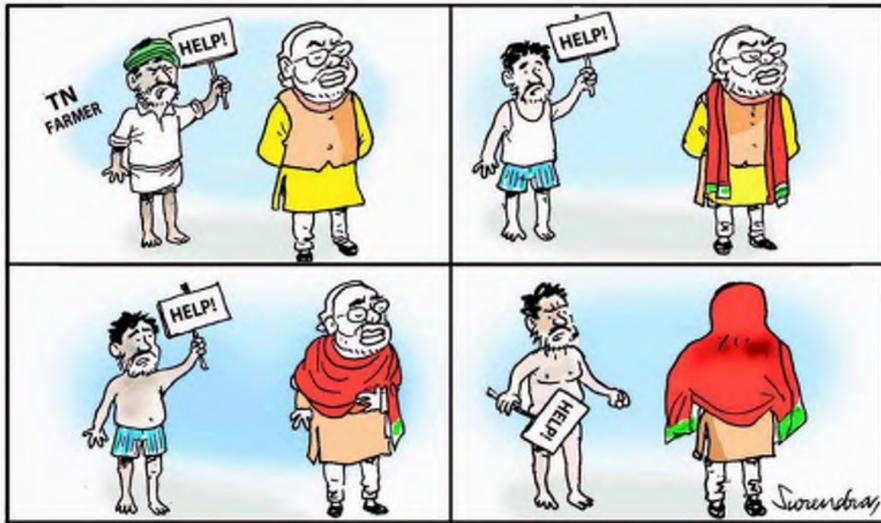
Months before he passed away in July 2012, Rajesh Khanna managed a rare self-deprecatory turn in a lifetime of ego trips. In what was apparently the first time he was appearing in a commercial (he'd done print ads in his heyday), and what was also claimed to be the first time he was turning out in a tuxedo on camera, he decided to laugh at himself, insisting no one could take away his legion of fans from him, as the camera panned to a stadium-full of rotating blades. Perhaps it was his

last sally at overturning years of oblivion for 'Kaka', as his legion of real fans called him, and the ad sure made a splash, especially after it proved to be his last celluloid offering. The abiding memory of it, however, is one of pathos, of being forced to see the shrivelled caricature of a man slipping away on account of terminal liver cancer. The gaunt face, the sunken eyes and the broken voice were a far cry from the splendid jawline, the impish eyes and the rich baritone of the romantic hero who became India's first superstar and introduced a whole generation of girls to the art of writing letters in blood and kissing car bonnets.

## Keeping the personal personal

While the jury is still out on whether the makers of the ad film 'used' a dying Kaka and if the ad itself was disparaging to his legacy, fact is that the actor willingly partook in the project. Such informed consent doesn't seem to have been the case with his peer and ailing yesteryear star Vinod Khanna as social media went hysterical with an image of him in hospital clothes last week. Flanked by his wife and son, Khanna looked virtually unrecognisable in his frail arms, scraggly grey stubble and barely open eyes. It led to feverish speculation about him suffering from bladder cancer, even as the hospital's official version had it that he was admitted for extreme dehydration. Khanna is much better now, his family has subsequently reported, but this image of him as a pale shadow of the man who was too good-looking to keep playing villain will remain etched in the mind, much like that of an Amitabh Bachchan outside a Delhi hospital a few years ago inside an SUV, slouching from abdominal pain.

That the personal is anything but personal for celebrities and those in the public sphere is a truism, but intrusions into one's private life *vis-à-vis* relationships is one thing, peering into one's litany of ailments and outing pictures of the ravages of time quite another. Khanna is a sitting Member of Parliament from Gurdaspur, and his health is of consequence to his constituents, but he should have had the agency to inform them at a time of his choosing. Unless non-disclosure is outright detrimental to public interest, it's best to let people be during their convalescence or slow march into the sunset. That is the reason why we haven't seen and heard much of Atal Bihari Vajpayee and George Fernandes these past few years. We remember them at their best.



## CONCEPTUAL Freudian slip PSYCHOLOGY

In *The Psychopathology of Everyday Life*, Sigmund Freud postulated that the slips or mistakes people make in spoken or written language could be on account of repressed impulses and intentions, often sexual in nature. Thus, failure of memory, mismatch of words, and bungled action are not accidental; they reveal a lot about a person's unconscious thoughts. Although extremely popular as a concept, the Freudian slip has been criticised on several counts. Sebastiano Timpanaro, for instance, argued that many of the slips referred to by Freud could be a result of 'banalisation': a 'wrong' more familiar word is spoken, read, or transcribed instead of a 'correct' less familiar one.

**MORE ON THE WEB**  
Playback singer Iman Chakrabarty after winning a National Award  
<http://bit.ly/2o6awqr>

## FAQ All about bitcoins

How to buy, send and invest in the digital currency

### K. BHARAT KUMAR

**How do people use bitcoins?** It is an electronic or digital currency that works on a peer-to-peer basis. This means that it is decentralised and has no central authority controlling it. Like currency notes, it can be sent from one person to another, but without a central bank or the government attempting to track it. The system depends on cryptography to control the creation of the currency. While no one authority controls the generation of the coins or tracks them, the system itself is designed in such a way that the network maintains a foolproof system of the record of every transaction as well as tracking issuance of the currency.

**Who can you send bitcoins to?** You can send bitcoins digitally to anyone who has a bitcoin address anywhere in the globe. One person could have multiple addresses for different purposes - personal,

business and the like. Receivers can get to spend them within minutes of receiving the coins. Once given away, like currency, there is no getting them back, unless the receiver decides to give them to you. A bitcoin is not printed currency but is a non-repudiable record of every transaction that it has been through. All this is part of a huge ledger called the blockchain.

**Where do you get bitcoins?** Bitcoins are available in bitcoin exchanges. You could also purchase bitcoins from other users. A bitcoin exchange traded fund could be another source in the near future. You can become a bitcoin miner by investing in software and hardware. More the power of the hardware that helps with encryption technology, higher the probability of your earning bitcoins. Unocoin is a Bengaluru-based company that allows users to buy, sell, store or use bitcoins. While bitcoin

usage is certainly not mainstream, there are said to be more than 500 merchants who accept bitcoins for payment in India.

**What is the value of one bitcoin today?** One bitcoin is worth roughly about \$1,200 now. An early investor in Snapchat has been quoted on the Web as saying that by 2030, the value could be as high as \$500,000. One of the reasons that could prompt you to buy a bitcoin today is not so much to use it for payment online but as an investment. Urban legend has it that someone who was doing a thesis on cryptocurrency bought 5000 bitcoins for \$27 in 2009. Do the math for the value today! And unlike traditional currency that is inflationary in nature, the bitcoin is a deflationary currency. In other words, if there are only so many bitcoins in use, and the demand for those rises, the value of a bitcoin would, logically, rise.

## FROM The Hindu ARCHIVES

FIFTY YEARS AGO APRIL 13, 1967

### First Nehru award to Thant

President Radhakrishnan to-day [April 12] presented the first Jawaharlal Nehru Award to the U.N. Secretary-General, U Thant, for his outstanding contribution to the promotion of international understanding and friendship among peoples of the world before a distinguished gathering at an impressive ceremony at Vigyan Bhavan here [New Delhi]. The President said the U.N. Secretary-General had made ceaseless efforts to end the senseless slaughter of innocent men, women and children in Viet Nam. U Thant's plan for peace in Viet Nam conformed to world opinion and "we hope that it may be possible to implement the scheme of U Thant with any small modifications if necessary." Dr. Radhakrishnan said U Thant being a true Buddhist aimed at peace without victory or defeat for either side but with reconciliation. Dr. Radhakrishnan said U Thant was a great servant of peace and understanding and paid a special tribute to Buddhist humanism, to which U Thant subscribed, as expressive of "the universality of all mankind".

A HUNDRED YEARS AGO APRIL 13, 1917

### Imperial delegates

The Freedom of Edinburgh was conferred upon Sir R. Borden, General Smuts and the Maharajah of Bikanir to-day, the Lord Provost presiding at the great assembly of citizens in the Usher Hall.

In his speech, Sir R. Borden said he and his fellow delegates had come to sit at the great council board of the nation to discuss vital questions of common concern. One of the delegates was an Indian Prince invested with splendid traditions of race and ancestry and united to the British Crown by ties of fealty and devotion which were never more strikingly manifested than during the past three years. Another was the distinguished soldier-statesman who had served the Empire splendidly for many years in both capacities although he had previously fought against us to the best of his great ability. To-day he and General Botha were the great assets to the Empire and to the world. The fact that his and General Smut's conceptions regarding future constitutional relations were substantially the same in spite of widely differing conditions of upbringing was evidence of the broad foundation of liberty, justice, autonomy and unity on which the British Empire stood secure.

## DATA POINT

### Lagging behind in poverty reduction

While India's other regions underwent a significant decline in poverty (urban and rural), the North-East registered a minimal decrease

Region	Rural Change# (% points)	Urban Change# (% points)	%BPL in 2011-12
North East	3.4	3.5	28.3
North India	13.3	8.6	25.6
South India	17.3	13.9	12.3
East India	18.9	10	29.3
West India	20.9	15.3	16.3
All India	16.1	12	21.9

\*BPL - BELOW POVERTY LINE #CALCULATED FROM POVERTY RATES ESTIMATED USING THE TENDULKAR COMMITTEE METHODOLOGY. STATE-WISE REGION CLASSIFICATION AVAILABLE AT [HTTP://BIT.LY/1NDIAREGIONS](http://bit.ly/1NDIAREGIONS)