



## Ayodhya again

The Supreme Court breathes new life into the Babri Masjid demolition trials

A nearly moribund prosecution has been given a new lease of life by the Supreme Court. By ordering a joint trial into two cases arising out of the Babri Masjid demolition in December 1992, and demanding that the trial court in Lucknow hear the matter on a day-to-day basis, the court has reinforced the importance of reaching a speedy judicial resolution in a matter that has already been horribly delayed. It was a mere technicality that resulted in the case relating to the actual act of demolition by numberless kar sevaks being tried in a special court in Lucknow and another relating to BJP political leaders being tried in Rae Bareilly on the charge of inciting ill-will and hatred. The Uttar Pradesh government's failure to cure a technical defect in an earlier notification, and the failure of the CBI to challenge it at the relevant time, led to the situation of separate proceedings continuing for years. It is regrettable that a case relating to the promotion of communal disharmony, one that had a bearing on riots and reprisals in the following months, was mired in judicial stagnation and administrative apathy for a quarter century. The court order reinfuses life into this necessary prosecution and reinforces faith in the rule of law.

The Supreme Court has revived the charge of criminal conspiracy against senior BJP leaders L.K. Advani, Murli Manohar Joshi, Uma Bharti and others, a small but significant change in the nature of the prosecution in a case that relates to the speeches they made, which allegedly incited the kar sevaks to pull down the mosque. In political terms, this is an embarrassment for the BJP. It has always maintained that the Ayodhya case against its leaders was essentially political in nature, but this charge now has a hollow ring with the Supreme Court itself reviving the conspiracy charge and fast-tracking the trial. As for Mr. Advani, this draws a curtain on his long political career; if it is true that he nursed ambitions about becoming the country's next President, this almost certainly puts an end to that dream. But more than Mr. Advani and Mr. Joshi, Prime Minister Narendra Modi may have cause to worry about how to deal with the continuance of Ms. Bharti as a Union Minister. Given that the party had demanded the resignation of charge-sheeted ministers in the previous government, it will now face the uncomfortable predicament of one of its own facing a criminal trial. There is also the question about the propriety of allowing Rajasthan Governor Kalyan Singh, the man who was the U.P. Chief Minister on that fateful day in December 1992, to remain in the Raj Bhavan. While it is true that he enjoys constitutional immunity because of his gubernatorial office, he will be subject to the law the moment he demits office. There is no legal compulsion for either of them to quit, but the issue for a government that waxes eloquent about probity in public life is to ask if there is a moral case for their continuance.

## Red, blue, ordinary

Curbs on beacons is a fine start — but for an assault on VIP culture, more must be done

In a most welcome move, the Union Cabinet has decided to disallow the use of the red beacon on vehicles on India's roads. Starting May 1, only vehicles on emergency services, such as ambulances, fire trucks and police cars, will be permitted the use of a beacon — from now, a blue-coloured one. So-called dignitaries will no longer have the privilege of announcing their exalted status on the road by sporting beacons on their passenger vehicles. For this, the Central Motor Vehicles Rules of 1989 are to be amended, so that the Central and State governments lose the power to nominate categories of persons for the red-beacon distinction. As a symbol of an assault on India's over-reaching VIP culture, this is a good beginning. The flashing red beacon has become so closely associated with unchecked official power that in popular culture it is often all that is depicted to establish a character's place in the hierarchy. In fact, it is seen to be such a symbol of arrival in the country's power structure that at a workshop for first-time MPs in 2009, one of the main demands made was that cars with red beacons be allotted to them. Such demands have also made its very denial a low-hanging fruit for regimes seeking to establish their street cred as men and women of the people. For instance, over the last three years, governments in Delhi, Uttar Pradesh and Punjab, each of a different political hue, have limited the use of the red beacon.

But to meaningfully begin to dismantle India's VIP culture, doing away with status symbols such as red beacons is not enough. For one, this accessory is just one category among privileges that maintain a colonial-era overhang on the country's democracy, by publicly enforcing a subject-ruler separation. From pat-downs avoided at the security gate at an airport to a freer passage at the toll gate on a highway, there are numerous ways in which the culture of entitlement is asserted. Such visible reminders of a feudal separation apart, the power of official proximity is experienced by citizens most intimately while accessing government services — from getting a bed at a state hospital, or a seat for one's child in school, to cutting the waiting time for, say, a passport or an Aadhaar identity proof. To be, or to know, 'somebody' is far too often perceived as a requisite to getting one's rightful due in a political economy of shortages, sloth and rent-seeking. To refresh Indian democracy, the state needs to stop protecting MPs such as Ravindra Gaikwad who coast along on "don't you know who I am" bullying. But yet more importantly, it must also reform procedures and the work culture to provide a level playing field to citizens to get what is theirs by right.

# The king of trying times

While extradition isn't a certainty, there is nothing to suggest that India will fail to bring Vijay Mallya to justice



R.K. RAGHAVAN

Vijay Mallya's arrest by the London Metropolitan Police and the grant of conditional bail to him by a Westminster magistrate are significant events. They are likely to go into the annals of Indian criminal justice history as evidence of the government's determination to pursue a wanted swindler of public money. The cynicism marking discussions on the subject is unjustified.

### CBI to the fore

An undeniable fact is that a lot of hard work had been done by both the Central Bureau of Investigation (CBI) and the External Affairs Ministry before taking up the matter with the U.K. government. Also, under English law, an arrest is an act that carries high accountability. No public official can resort to it frivolously or irresponsibly. This is why I do not agree with those who contemptuously dismiss Mr. Mallya's detention — however short it might be — as nothing beyond symbolic. The arrest is greatly encouraging, because it sanctifies the material collected by the CBI against him. The decision to direct the Scotland Yard (also referred to as the Metropolitan Police) to arrest Mr. Mallya is presumed to have been taken at the level of the Secretary of State.

Laughable is a criticism that the CBI did not do anything to prevent the grant of bail. This was a routine judicial decision that aimed mainly at ensuring that the defendant did not elude the proceedings that were to follow by fleeing the U.K. The prosecution did not have any role in this. To accuse the CBI or



DEEPAK HARICHANDAN

the Indian government of not being serious in the regard is to make a mockery of the highest order.

While assessing the prospects of extradition, one must begin by remembering that the papers sent by India had been rigorously scrutinised by the U.K. government up to the level of their Secretary of State and then transferred to the competent court in Westminster with appropriate recommendation. This itself was success of a sort and an unbiased acknowledgement that there was indeed prima facie material against Mr. Mallya.

The battle now moves on to the magistrate who will examine on May 17 all the material placed before him. Any flippant request by an applicant country is bound to fail. From what I can gauge, this is certainly not a capricious demand for Mr. Mallya's blood.

### All eyes on U.K. judiciary

The debate on the subject has unfortunately become politicised. This is sad because the focus has mischievously been shifted to the probability of the accused being made to stand trial in an Indian court, rather than his inescapable criminality. No one in the government or the CBI has taken the position that extradition is a certainty.

Their stand is that the best of evidence has been handed over to the U.K. government that has now been passed on to the competent magistrate. If the CBI ultimately fails, it is not that it did not try, but possibly because the investigation did not measure up to the exacting expectations of the U.K. judiciary.

I must mention here the case of Samir Patel, an accused in the Khambolaj case which was one of the nine Gujarat riots cases handed over by the Supreme Court-appointed Special Investigation Team (SIT) led by me from 2008. Mr. Patel escaped from Gujarat after jumping bail more than 10 years ago and lived in the U.K. illegally and without a valid passport. The SIT was able to locate him through a Red Corner notice issued by the Interpol and moved the U.K. government for his extradition. He was recently extradited to India and is now facing trial. Although Mr. Patel did not contest his extradition, there is here an example of how India succeeded in extraditing an offender in the very recent past.

The proceedings before the U.K. magistrate will basically take the form of arguments by lawyers on both sides. There is normally no examination of witnesses who could speak to facts marshalled by

the CBI. The greatest strength to the prosecution flows from the fact that almost all the prosecution evidence is in the form of documents. It is possible that the magistrate may demand some more documents to fill any lacunae that come to his notice. This could at best delay progress at the court and nothing more.

### Odds stacked against Mallya

On the face of it, there is nothing to suggest that we will fail to get Mr. Mallya extradited. This optimism flows from the fact that the evidential documentary. There are also no eyewitnesses to be subverted, a phenomenon that painfully afflicts our criminal justice system.

What kind of defence is Mr. Mallya likely to put up? The speculation is that he will first refer to an alleged political witch-hunt against him citing some statements made by those against him in the political firmament. He may also say that he will not get justice in Indian courts because the enormous media hype that has been generated against him is likely to prejudice the mind of any judge who sits in a trial court. This plea is not likely to succeed because, except in a small number of nations, excessive media attention is the order of the day. A judicial officer is anyway expected to remain unswayed by extraneous factors and concentrate solely on the credibility of the evidence presented before him. The likely plea of harassment by the Indian authorities while facing trial in India will similarly be discounted by the magistrate. At best, the latter might demand an assurance from India that Mr. Mallya will be treated fairly and in accordance with universally accepted human rights standards, and that the offences with which he is charged will not, if proved, lead to a death sentence. It is highly likely that this stipulation may already have been

complied with in the application for extradition.

A crucial determinant will be the satisfaction of the criterion of 'dual criminality', namely, that the facts arrayed against Mr. Mallya amount to a crime recognised by the English criminal statutes as well. Germane here is the fact that Mr. Mallya is being accused not merely of a failure to repay loans sanctioned to companies chaired by him. If that alone is cited, he could get away under the cover of an unexpected dip in his commercial fortunes. There are the additional charges of cheating and money laundering in respect of the loan received by him from the IDBI. It is the CBI's emphasis on merely two categories of criminal misconduct — recognised by criminal statutes of constitutional government the world over — that is likely to tip the scale in favour of extradition. The existence of a Mutual Legal Assistance treaty is the sine qua non for lending assistance, and this is fortunately well in place between India and the U.K.

Given his flamboyant nature, Mr. Mallya is likely to use every trick of the trade. He has formidable money power that will fetch him a battery of high-profile lawyers. This is why India needs to match his might with a team of counsel that not only has legal acumen but also perseverance. I am told they will be required to assist the Crown Prosecutor who will be arguing the case for extradition.

Trying times are therefore ahead for Mr. Mallya. And definitely interesting times for all of us who will be closely watching the Westminster proceedings. What is important is that the outcome will send a message or two to those who would like to borrow from banks, but have neither the intention nor the capacity to repay.

R.K. Raghavan is a former CBI Director

# Trading away our digital rights

India must first secure its digital sovereignty before it can begin global trade talks



PARMINDER JEET SINGH

Global trade treaties are no longer just about reducing tariff. They represent a whole new global legal system supplanting national policy space and sovereignty, in the interest of global big business. With the digital phenomenon restructuring most social sectors, it is little surprise that global trade negotiations are now eyeing the digital area in an attempt to pre-emptively colonise it.

### Who owns big data

Big data is the key resource in the digital space. It is freely collected or mined from developing countries, and converted, or manufactured, into digital intelligence in developed countries, mostly the U.S. This digital intelligence forms a kind of "social brain" that begins to control different sectors and extract monopoly rents.

Uber's chief asset, for instance, is not a network of cars and drivers. It



GETTY IMAGES

is digital intelligence about commuting, public transport, roads, traffic, city events, personal behavioural characteristics of commuters and drivers, and so on.

To judge how the digital society is shaping, just extrapolate this situation to every sector; not only the regular commercial ones but also key social areas of education, health, agriculture, and, indeed, governance.

It is important to frame who owns data and digital intelligence, and how their value should be socially distributed. Most key data required for policymaking is increasingly with global data companies. Would the society or government then buy data and intelligence even for crucial public purposes from these digital companies, when the

data actually come from our various social and personal interactions over digital platforms? Does the ownership of the platform give corporations economic ownership of all the data so produced? Is ownership of data of sensitive sectors to be treated differently? These are key political economy questions that must be sorted out first.

### Accessing the network

Fronting for the global big business, developed countries make three key demands at digital trade talks. The first is a free and unhindered access to the "network" running throughout our society to mine social and personal data from every nook and corner. This includes full access to local networks, right to set up networks, no custom duties on digital goods, no requirement of local presence, no local technology use or technology standards commitments, and no source code transparency for digital applications that run through our social and personal spaces. Basically, India must give up its right to regulate digital technologies and networks within its territory.

Such regulation is required to ensure an equal playing field, open standards, privacy and security-re-

lated protections, promoting local technology content and other positive discriminations, like for open-source software which is Indian policy for public sector use, and for economic and social protections. We are being asked to give up our technology or digital sovereignty even before we have been able to identify and institute our digital rights, policies, laws and regulation.

The second demand in trade discussions is of ensuring completely free flow of data across borders, with no requirement of local storing, even for sensitive sectors like governance, banking, health, etc. Free global flow of data is a significant expression of self-declared ownership by global digital corporations over the social and personal data that they collect from everywhere, including India. The third key demand is the exclusion from future regulation of all services other than those already committed to a negative list, which will of course include e-versions of every sector.

India has been resisting global digital trade negotiations. But attempts will be made to flatter its self-image of an IT or digital superpower to seek concessions. India's global

IT business relationships are largely B2B where the principal party is abroad, and owns the involved data.

India has much native technical and entrepreneurial capabilities in the digital area, and to match them, a huge domestic market. Conditions are extremely good for developing strong domestic digital industry. But for this, India must stave off pressure for entering into binding global commitments that would forever kill any such prospects, apart from disabling Indian policymakers from appropriately regulating the digitisation of various sectors.

The WTO ministerial in Argentina in December 2017 will be a key battleground for whether WTO should start negotiating digital trade issues. These issues also figure in the Regional Comprehensive Economic Partnership talks among ASEAN-plus countries (including India). India must resist any digital trade negotiations at this time. It has little to gain from them, and much to lose. It must first build its digital sovereignty — and digital rights — before it can begin negotiating a part of it in global trade talks.

Parminder Jeet Singh works with the Bengaluru-based NGO, IT for Change.

## 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.

### Babri case revived

The remark by Union Minister Uma Bharti that she is "proud" to have participated in the Ram Janmabhoomi movement. Kalyan Singh, also in his eighties, is a Governor and so is immune from prosecution. The court solemnly claims that it has "the power, nay, the duty to do complete justice in a case when found necessary." And the court has given a generous period of two years to complete the proceedings! Isn't the court flogging a dead horse?

C.V. VENUGOPALAN, Palakkad

"Let justice be done though the heavens fall" is lofty rhetoric. The Babri case has been delayed for more than 20 years. L.K. Advani is nearly 90 years old and Murli Manohar Joshi is in his

eighties. Uma Bharti has said she is "proud" to have been associated with the Ram Janmabhoomi movement.

K.A. SOLAMAN, Alappuzha, Kerala

### Shades of VIP culture

Putting an end to the custom of using red beacons on VIP vehicles is a historic decision ("Modi shows red light to beacons of VIP privilege", April 20). Rather than lowering the status of VIPs, the government has raised the status of ordinary citizens through this move. The next step should be to abolish VIP counters in religious places like

temples. Everyone is equal before god too.

V.N. MUKUNDARAJAN, Thiruvananthapuram

Offensive appurtenances of power, like official cars flaunting the red beacon light, are symbols of political inequality that vitiate the democratic ethos of the Constitution. The elites seem to utilise the pompous display of power and privilege to remind citizens that,

notwithstanding what the law affirms about equality, some are more important than others. By doing away with this privilege, Prime Minister Narendra Modi has struck a massive blow for egalitarianism. The term 'VIP' is an anachronism; an inappropriate coinage that has surprisingly survived more than six decades of Independence. We must banish this terminology. Historically, language has been one of the tools employed by aristocrats to

perpetuate their hegemony over society. It is unfortunate that our political rulers and bureaucrats appropriated a feudal legacy to exhibit an imperial mindset. When the ruling classes refuse to imbibe and embody the concept of political equality as a way of life, there seems to be no alternative other than forcing them to be humble before the public.

V.N. MUKUNDARAJAN, Thiruvananthapuram

While Mr. Modi has done well by addressing the issue of VIP culture, there are still people like Shiv Sena MP Ravindra Gaikwad who act as though they are special, even violently asserting that attitude despite nationwide condemnation for the same. There are perhaps many Gaikwads in India. It is to be seen how the Prime Minister deals with them. We also need to do away with special privileges accorded to VIPs in trains,

airplanes and other places.

V.S. GANESHAN, Bengaluru

### Working till we drop

Critics of the government's proposal say the proposal will do nothing to tackle *karoshi*, or death from overwork ("Japan's 100-hour overtime cap sparks anger", April 20). It is a universally accepted fact that long hours of work with few or no breaks are counterproductive. While Japan's work culture is often seen as an example in many

countries, it is true that poor management of time is often the reason why people take more time to complete work. For instance, in India, several hours are wasted on unproductive meetings and phone calls. Reports state that Mr. Modi works 16-18 hours a day and U.P. Chief Minister Yogi Adityanath wants his officers to work 18-20 hours a day. Will this not lead to *karoshi* too?

N. NAGARAJAN, Secunderabad

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

**CORRECTIONS & CLARIFICATIONS:** >>A front page report, "PHFI loses FCRA licence for lobbying" (April 20, 2017), erroneously said that the Public Health Foundation of India's FCRA licence, which enabled it to receive foreign funds, was renewed in August 2017. It should have been August 2016.

>>Errors in "The Black List" (Page 1 graphic, April 19, 2017): The extradition requests in Vijay Mallya and Tiger Hanif cases are pending as mentioned in the graphic. However, the requests in the cases of Ravi Shankaran, Iqbal Mirchi, Nadeem Saifee and Raymond Varley had been rejected.

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LEFT, RIGHT, CENTRE

# Should we privatise water?



**HIMANSHU THAKKAR** is coordinator, South Asia Network on Dams, Rivers and People, and has been associated with water and the environment sectors for more than two decades

There is no case for water privatisation. In pushing for it, we are ignoring the key issue, which is better governance

← Privatisation of water is unwarranted, unjustified and unnecessary. In pushing for it, we are not really addressing the key issue plaguing the water sector, which is a need for better governance. We need a democratic, transparent, accountable and participatory governance in a bottom-up approach, on each aspect of the urban water sector where water privatisation is advocated.

**Widespread gaps**  
There are lacunae in the urban water sector which are being used as a

justification for pushing water privatisation. Lacunae include losses, inefficiency, unreliability, corruption, issues of quality, and mismanagement. All of these are symptoms; the root cause is lack of democratic governance.

If we look at the experiences anywhere in the world with privatisation of water, nowhere has it sustained over a long period of time in a comprehensive manner, encompassing most of, or even large parts of, the urban water sector. What has been attempted is privatisation of some small sub-sector, say, water distribution, keeping the rest of the

issues still in the public sector.

Water is not merely a commodity, and the urban water sector is not just about supplying fresh potable water to people in urban dwellings. The urban water sector also involves multiple layers, including sourcing of water, deciding which is the best among available options, getting potable water through purification plants for equitable distribution through huge infrastructure, and managing the sewage generated through another set of huge infrastructure.

It involves not only creating infrastructure at so many different levels and managing such created



infrastructure along with natural sources, but also aims to achieve a sustainable and optimum system. For example, how do we use rainwater in an optimum way, in connection with lakes, ponds, tanks, wetlands, groundwater aquifers, river and streams, and storm water drains? How do we manage all this? How and where do we treat sewage? What happens to treated sewage? How do we manage the system? Considering all aspects of the urban water sector comprehensively is necessary to achieve better water management and good governance. This becomes even more important

when the urban water footprint is growing fast and when changing climate is also affecting the way we deal with various aspects of the water sector.

**Not only a commodity**  
In many places where most of the water sector remains in the public domain even where some piecemeal water privatisation has been implemented, re-municipalisation is the trend. The private sector works on one bottom line: profit maximisation. But the management of water supply is an issue of rights and a basic need, as acknowledged by the judiciary. Moreover, water is embedded in the ecosystem. Any attempt to see water only as a commodity is bound to have multiple

disruptive consequences. When privatisation is mooted as a solution, it comes with a promise that it will create competition and that the consumer will benefit. A look at the power sector shows that this promise has not been delivered. The power sector is not only a monopoly but refuses to submit itself to public audit. This is not to suggest that people should not pay for the water they consume. Those who can must be made to pay. The current government in Delhi has not only provided free water to the lowest consumers, but has also managed to expand the distribution network and bring down losses. It is possible and necessary to improve public water governance and the only way forward.



**ARUN LAKSHANI** is chairman and managing director of Vishvaraj Infrastructure. The firm, in partnership with the Nagpur Municipal Corporation, supplies potable and reused water to the city.

Should we wait for the government to deliver on its promise on drinking water or try public-private models?

→ Water is an asset of society and cannot be owned by the government, let alone the private sector. The government is the custodian of water on behalf of the people it represents. Having said that, let us ask the question, has the government been able to perform its role of trustee efficiently and responsibly? The answer is a resounding 'No'.

**Problem of management**  
Thus we have over 50% non-revenue water (water put into the distribution network after being

treated is untraceable). We have irregular water supply hours ranging from a few hours daily to once a week or perhaps once in two weeks. We have 60% pipe coverage and hardly 4% metering, leading to large wastage of water with no accountability. In sewage, 38,000 million litres per day (mld) of untreated sewage is discharged in lakes and rivers. The Ganga receives 12,000 mld of sewage per day. The result is that 21% of diseases are water-borne; we lose over 10 crore person-days every year due to water-borne diseases.

The above situation is despite

the fact that even today we pump adequate amounts of water (135 litres per day per person) in 84 of the new 100 nominated smart cities. What's missing is management of this precious resource. Thus, as a society, should we just wait and watch for the government to improve and redeem its promise to deliver drinking water or try out models like public-private partnerships (PPP) where private sector efficiency can be harnessed with structures ensuring accountability, leading to sustainable development?

The PPP model too needs to add another P – to stand for people who have to come on board as the



largest stakeholder in the water sector. The involvement of the private operator, who will bring in the investment, would ensure long-term commitment to the cause.

Let me illustrate this with an example. In Nagpur, we are engaged with the city's municipal body, and the right to connect and disconnect water supply rests with the Nagpur Municipal Corporation, which decides on the tariff. The Corporation follows a telescopic tariff structure. The private partner, that is, us, gets paid a fee for every unit (metre cube) of water supplied, billed and collected. So tariff and fees are separated. The PPP model ensures that

every bungalow, flat, and slum gets tapped water that is metered and for 24 hours. The largest beneficiaries are the people in the slums who no longer have to wait in queues for six to eight hours to collect their bucket of water.

**Lessons from Nagpur**  
Nagpur has both a 24x7 water distribution project as well as a 100% privately funded 200 mld sewage treatment plant for reuse. The sewage treatment project with private funding has multiple benefits for society. If we are able to reuse treated water from thermal power stations in Nagpur (thanks to Central and State government policies and this is in an advanced stage), the city will be free of both

capital and operational expenditure for 30 years. The contamination of nearby rivers/lakes will stop. The 200 mld of fresh water being currently used by thermal power stations will be available for the city to use, sufficient for almost 18 lakh people, which means that their interests are taken care of for the next 20-25 years despite population growth.

In my view, of utmost importance is to deliver service to the people. Generations have gone by without getting benefits of clean, potable, tapped water.

It has been five years since we started work in Nagpur and my experience tells me that the well-being of the people is central to the water narrative.



**MIHIR SHAH** is secretary, Samaj Pragati Sahayog, an organisation dedicated to sustainable management of water resources

The SC's Public Trust Doctrine, rather than privatisation or nationalisation, is the answer to India's water problems

↑ When we ask the question "should water be privatised?", the underlying presumption is that currently water is not. But is that really true? India's most important water resource is groundwater. It provides 80% of our rural and urban drinking water, as also industrial water and more than two-thirds of water for agriculture, which takes up most of our water resources. Groundwater in India is governed by 19th century British Common Law, which states that whoever owns the land has the right to draw unlimited quantities of water from below that land.

Thus, private property in land extends to private control over water. In many respects, our water crisis today is the result of this privatisation of groundwater, which we inherited from the British.

**Water table problem**  
It is not adequately recognised that nearly two-thirds of India's land mass is underlain by hard rock formations. The natural rate of recharge of these rock formations is very low. Thus, once you extract water from these rocks, rainwater takes a long time to percolate below the ground and restore the water table to its original level. From the 1970s onwards, we started using

tube wells to extract groundwater. Private extraction of groundwater happened in a competitive race to get water from greater and greater depths. When one user went to 300 ft, his competitors drilled to 400 ft and once that happened, other competitors reached 500 ft and so on in a vicious infinite regress that ended up successively lowering the water table, so much so that today we speak of "mining" of groundwater, with both water tables and water quality falling precipitously. In Punjab, people are drinking water that has uranium in it; in Bengal there is arsenic. This is because groundwater has been treated as a private resource, which has been subject to destructive competitive



extraction. A classic example is that of a soft drinks giant depriving the people of gram panchayat Plachimada in Kerala access to drinking water.

So what is the way forward to overcome the obvious problems created by privatisation of water? Is nationalisation or a licence-quota permit raj the way forward? Certainly not. At last count, India had 30 million wells and tube wells. It is impossible to police 30 million groundwater users or to issue them licences and monitor them. This will be an administrative nightmare and only give rise to massive corruption. What we need to do instead is to recognise the common pool resource character

of water. One million farmers in the hard rock districts of Andhra Pradesh have already shown us the way. Once they understood the nature of their underlying aquifers, they came together to sustainably and equitably manage their shared groundwater. They adjusted their cropping patterns to bring them in line with the water available to ensure that the water would last them in good stead over a long period of time, while maintaining its quality.

**Common heritage**  
As the recently drafted National Water Framework Law (NWFL) states, "water is the common heritage of the people of India; an inseparable part of a people's landscape, society, history and culture; and in many cultures, a sacred sub-

stance, being venerated in some as a divinity". Such a resource must never be privatised.

Indeed, as the NWFL goes on to say: "The State at all levels holds water in public trust for the people and is obliged to protect water as a trustee for the benefit of all". And that no one's use of water should lead to depriving anyone of his or her basic right to water for life. So much so that even a "delegation of water service provision to a private agency will, in no event, constitute the privatisation of water".

Thus, the Public Trust Doctrine enunciated by the Supreme Court, rather than privatisation or nationalisation, is the answer to India's water problems.

Himanshu Thakkar and Arun Lakshani's views as told to Anuradha Raman

SINGLE FILE

## Closer to Brussels

Recent developments show that there is room for optimism in India-EU ties

GARIMA MOHAN AND CONSTANTINO XAVIER



While traditionally focussed on economics and culture, today the EU and India are taking bold steps to also deepen the strategic dimensions of their partnership. This week's visit to New Delhi of the EU's High Representative for Foreign Affairs and Security Policy, Federica Mogherini, will likely witness a frank Indo-European dialogue on the changing global and regional security environments.

While the EU and India share similar world views, especially on effective multilateralism, they have rarely found instruments to pursue objectives together and their relationship has stumbled over many impediments in recent years: stalled negotiations over the Free Trade Agreement, mutual recriminations on combating climate change, and divergent positions on Russia's role during the Crimean crisis. As a result, the strategic partnership has been far from "strategic".

However, recent developments have shown that there is room for optimism. Prime Minister Narendra Modi's visit to Brussels and the resumption of the EU-India summit in 2016, after a break of four years, marked a turning point. The summit saw a much stronger focus on security cooperation and the adoption of a joint declaration on counterterrorism.

Pivoting around "principled pragmatism", the EU's new Global Strategy (2016) underlines the "direct connection between European prosperity and Asian security". In their meetings, Ms. Mogherini and Foreign Minister Sushma Swaraj and National Security Adviser Ajit Doval should focus on converging foreign policy priorities into coordinated or common practices. Foremost is dealing with challenges in their shared extended neighbourhood, which stretches from Istanbul to Islamabad and from Moscow to Mauritius. This Eurasian arc of instability is of critical importance to Brussels and New Delhi's aspirations to stabilise their regional peripheries.

Afghanistan would be the logical starting point. Political coordination through an EU-India-Afghanistan trilateral, with regular security consultations to exchange assessments, could be the first step in this direction. The Indian Ocean region offers another potential area for cooperation.

With uncertainty surrounding American commitments and the formidable rise of China, the EU and India will also have to stop ignoring the dragon in the room. Delhi is keen to counter China's European offensive, including €50 billion worth of investments since 2000, a dialogue with the EU on the Belt and Road initiative, and the '16+1' mechanism in eastern Europe. As Europe realises the costs of dependence on China, the EU must have a serious dialogue with India and other partners on how to pursue Eurasian connectivity plans that are truly multilateral and sustainable.

Finally, the EU and India also have similar stakes in stronger international institutions and a liberal order that protects global commons cooperatively. If they agree to expand consultations on issues such as climate, trade and space, it is likely that Delhi and Brussels will find themselves agreeing far more times than usually expected.

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## CONCEPTUAL Longue Durée HISTORIOGRAPHY

Longue Durée, or long term, is an approach to history writing pioneered by historians of the Annales school such as Fernand Braudel. It focusses on events that occur nearly imperceptibly over a long period of time, on slowly changing relationships between people and the world. It relies on disciplines such as climatology, demography and physical geography. This is opposed to event-based history that is limited to short-term perceptible events.

An example would be a study of the Indian population and its density based on the evolution of river basins over a long period of time in the country.

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<http://bit.ly/venezuelaprotest>

## ACT ONE

### A red light to privilege

The Union Cabinet's decision to curb the use of beacons can change the perception of the state

KRISHNADAS RAJAGOPAL

Red beacons are synonymous with the "Raj mentality" and are the "antithesis of the concept of a Republic", the Supreme Court held in 2013.

The Union Cabinet's decision to curb the use of beacons is a decisive move to change the perception of the state and its functionaries from rulers to public servants who are to serve rather than govern. This was the vision of our founding fathers.

Speaking before the Constituent Assembly on the rights of all people to be treated equally, Jawaharlal Nehru said: "The word 'people' means all the people. I am myself a servant of the farmers. To work with them is my highest glory."

In a poignant note identifying the role of the government and its functionaries, Dr. Rajendra

Prasad, on August 15, 1947, said, "those who have so far been playing the role of rulers and regulators of the lives of our men and women have to assume the role of servants".

However, in the Supreme Court, the second UPA government's law officers had defended the use of red beacons for its officials and politicians. They argued in *Abhay Singh v. Union of India* that "certain dignitaries and category of officials constitute a class by themselves". They denied any illegality in the use of red lights on vehicles carrying a "large number of public representatives and public servants". They said red lights were "essential for effective discharge of their duties".

The court reacted by terming red beacons a "menace". "Red lights symbolise power and a stark differentiation

## FROM THE HINDU ARCHIVES

FIFTY YEARS AGO APRIL 21, 1967

### Surveyor-3 lands in moon crater, sends snaps

The United States yesterday [April 19] successfully landed its second unmanned spaceship on the moon. Surveyor 3, carrying a tiny shovel to scoop moon soil to test whether it can take the weight of a manned ship and its astronauts, may have come to rest inside a lunar crater, space officials said today. The exciting discovery was made as scientists studied the first of three batches of television pictures transmitted by the spacecraft. Its position would account for the unexpected solar glare which blurred the first pictures, they said. After the landing, they first reported a drain on the spacecraft's battery power supply. But an official announcement later said "our best telemetry shows the power drain now is normal."

A HUNDRED YEARS AGO APRIL 21, 1917

### Alleged breach of trust: A soldier convicted

Mr. A.R. Cox, I.C.S. as Justice of the Peace, disposed of a complaint against Private H.C.V. Warman, a soldier employed as Government Telegraph Operator, for alleged breach of trust in respect of a bicycle valued at Rs. 100, which he hired on the 3rd of March. It was stated that the accused sold the cycle to a cycle dealer from whom it was subsequently recovered by the Police. The accused pleaded not guilty and said that he bought it from an Indian. His Honour declined to believe the accused's statement and convicted him under Section 406 I.P.C. His Honour stated in the course of his judgment that his offence was all the more serious because it was comparatively easy to carry out.

## DATA POINT

### Unfair denials

February 2017 registered an abnormal increase in the number of passengers who were denied seats despite having booked air tickets and were either refunded or rebooked in other flights in India

