

The
Hindustan Times
ESTABLISHED IN 1924

'Bodily integrity' is sacrosanct

The attorney general's defence of Aadhaar is bogus

Defending the Centre's decision to link citizens' Aadhaar numbers to their PAN cards, attorney general (A-G) Mukul Rohatgi on Tuesday told the Supreme Court that the right over one's body is not absolute and called the arguments of bodily integrity "bogus". He added that Aadhaar biometrics are no more intrusive than photographs used in other identity documents and that an individual does not have absolute authority over their body because the government was already regulating abortions in women and collecting fingerprints from criminals. The A-G also argued that the leaks did not come from the central database and so the Aadhaar database cannot be called unsafe.

The argument that an individual's bodily integrity is "bogus" is shocking. It undermines individual freedom and raises several disturbing questions including whether the next step could be DNA profiling. In cases involving violations of "bodily integrity" such as rape, the notion of consent is invoked. Consent implies that an individual has complete authority over their own body that no one can violate. By claiming this is "bogus", the A-G has done a great disservice to the rights of citizens. The bedrock of the modern legal system is the assumption that an individual is innocent until proven guilty. But to collect biometric data because criminals surrender fingerprints is to turn that maxim on its head. As Justice AK Sikri pointed out, "The State has the obligation to maintain the dignity of an individual". The argument that the government cannot be blamed for the leaks is a 'bogus' argument. Given that details of 135 million Aadhaar numbers may have been leaked, it matters little where that breach came from. The fact remains that citizens have no way to ensure the safety of their information.

Aadhaar will also be connected to bank accounts and other deeply personal aspects of a person's life. It would give the State massive powers over the individual. And given the rate at which the system is leaking, and the amount of scope there is for misuse of such information, Aadhaar is an invasive database that must not be made mandatory without checks and balances.

Doctors on duty need State protection

A central legislation can help curb attacks on them by patients and their relatives

Concerned over rising violence against them, 1,500 resident doctors from All India Institute of Medical Sciences have decided to learn taekwondo so that they are equipped to defend themselves. A study by the Indian Medical Association (IMA) suggests more than 75% doctors in the country have experienced some form of violence while on duty. Although attacks on doctors, nurses, and hospital staff in India are not new, of late their frequency and brutality has assumed frightening proportions. On May 3, taking note of the incidents, the Delhi High Court sought a report from the Centre and the AAP government on provision of security to the doctors, nurses and staff in public hospitals in the Capital, within 10 days.

All talk about a central law to protect doctors is up in the air. The Doctors Protection Act 2010 is in force in just 19 Indian states but implementation remains lax. The police register FIRs but hardly ever arrest relatives of patients who've resorted to violence against doctors. In Maharashtra, a brutal attack on an orthopaedic doctor by more than 20 relatives left him with loss in vision. A few days later, a doctor in Mumbai was beaten up by relatives of a 60-year-old patient who had died of a kidney disease. In March, after three incidents of violence in three days, more than 3,000 resident doctors went in Maharashtra on strike for five days. Expressing solidarity with them, their colleagues in Delhi wore helmets while attending to patients.

A 2014 article titled 'Violence against doctors in India' published in *The Lancet* mentioned delays in attending to patients, seeking advance payments, withholding a deceased's body until settlement of bills and unethical practices among reasons that could provoke relatives to attack doctors. While the doctors need to inculcate soft skills that will help them empathise with the patient and their kin, the government should ensure there is adequate security to prevent any attacks on the doctors.

India is witnessing Maoism Mark V

The rebellion is under siege. But that will not stop the Red Army from mounting spectacular attacks

SUDEEP CHAKRAVARTI



Each time a significant Maoist strike takes place, nightmare scenarios are indignantly discussed in media. It has happened again since April 24, when 25 troopers of Central Reserve Police Force (CRPF) were killed in a Maoist ambush in southern Chhattisgarh.

Media reaction has ranged from calls for engaging the Army in this conflict over lack of governance and development, to near-nuking the rural areas where Maoist rebels conduct guerrilla warfare — and so, bring peace to urbanising, modernising India.

This is a dangerous pitch for escalating war instead of escalating peace. It also ignores that Maoists have suffered far greater reverses than police and paramilitary forces, whittled to an estimated quarter of their strength from a decade ago through a combination of deaths, arrests, surrender and rehabilitation.

Perhaps most importantly, it ignores reasons why leftwing extremism has persisted since the igniting of the Naxalbari movement on May 25, 1967, in three hamlets near the

eponymous village in northern Bengal. It's what provided Mao-worshipping communists of the extreme Left their media-manufactured moniker: Naxal, and its derivative, Naxalism.

Surely there must be flaws of governance in a system that has repeatedly annihilated leftwing movements since the time of India's Independence — the Tebhaga movement in rural Bengal, for instance — only to have these rearing their heads more emphatically with each cycle of resurgence, persisting through socio-economic development and growth of the power of the state. It's nearly 50 years to the day since 'Naxalbari'.

We need to consider why people go against the might of India's State apparatus; an estimated 16,000 leftwing rebels and sympathisers have died since the late-1960s. What drives hitherto law-abiding citizens to pick up bows and arrows, axes, and looted guns ranging from ancient .303 rifles to more modern INSAS and AK series weapons to defend themselves and everyday aspirations of people they consider to be India's most downtrodden, demeaned, and dispossessed of democracy?

India is witnessing what I term Maoism Mark V, a rebellion under siege. This comes after Mark I in the late 1960s and early 1970s across eastern, central and southern India; a splintered but stubborn Mark II in the 1980s; a present Mark III in the 1990s with the spread into the Dandakaranya region in central India and the seed of a guerrilla force —



■ We need to consider why people go against the might of India's State apparatus HT

the Peoples Liberation Guerrilla Army; and the conglomerate of the Communist Party of India (Maoist), the beginning of Mark IV.

A joint press communiqué was issued on October 14, 2004, by Muppala Laxman Rao, or 'Ganapathy', the general secretary of Communist Party of India (Marxist-Leninist) People's War and now chief of the unified CPI (Maoist), and Prashant Bose, or 'Kishan-da', the general secretary of the central committee of Maoist Communist Centre of India who assumed the second position in the merged entity. It could have been Mao Zedong talking: "This revolution will be carried out and completed through armed agrarian revolutionary war, i.e. protracted people's war with the armed seizure of power remaining as its cen-

tral and principal task, encircling the cities from the countryside and thereby finally capturing them... while urban work will be complementary to it."

That phase peaked in 2010 with spectacular strikes and great gain in operational geography — at one time affecting a third of India's districts in forms from acute to mild — before massive counter-reaction by police and paramilitaries began to box in Maoists. They are now under severe pressure and largely contained in a few forested or rural parts of Chhattisgarh, Odisha, Maharashtra, Jharkhand, Andhra Pradesh and Bihar. Encircling cities, as Mao did in the 1930s and 1940s, to ultimately take over Beijing in 1949, is a fantasy.

Let me qualify the statement. The rebels will continue to fight even if their operational geography reduces. Even accounting for the guerrilla doctrine of attacking in strength and retreating when weak, Maoists will occasionally mount a spectacular attack just to remind the establishment — and prospective recruits — about the sting in their tail.

Besides the May anniversary, July 28, 1972, is the day Charu Mazumdar, co-founder of the 'Naxalbari' movement died in police custody in Kolkata. Maoists take Mazumdar's declaration in a 1971 issue of his party's journal, *Liberation* — "Naxalbari has not died and will never die" — in letter and spirit.

It will likely be a time of activity in Maoist zones, certainly in the "liberated area" in southern Chhattisgarh. It's a matter of great shame for India, a continuing reflection of its failings, that they have any at all.

Sudeep Chakravarti is the author of several books including *Red Sun: Travels in Naxalite Country*. The views expressed are personal.

MIXED MESSAGE



■ No Indian institution figured in the top 200 list of the Times Higher Education World University Rankings 2016-17 ARVIND YADAV/HT

Instead of building walls of valour, focus on education

India must celebrate its heroes, but more needs to be done to enhance the quality of learning in our campuses



DK SINGH

The government's advocacy for "walls of valour" at universities to instil patriotism in students is set to revive the debate on nationalism in educational campuses and outside. A brainchild of Tarun Vijay, former editor of *Rashtriya Swayamsevak Sangh* mouthpiece, *Panchjanya*, these structures will come up at a thousand campuses, to start with.

It comes when public memory about the allegedly seditious activities by some students in the capital's Jawaharlal Nehru University has just started fading. It also feeds into the nationalistic fervour generated by Pakistan's "dastardly" act of beheading of our soldiers on the border and unrest in Kashmir.

The proposed "walls of valour" have the potential to turn the debate in campuses on patriotism — and not on whether our education system has been able to respond to 'Make in India', 'Digital India', or 'Skill India' visions. These walls will have portraits of 21 param vir chakra — the country's highest military decoration — winners. HRD minister Prakash Javadekar showered encomiums on Tarun Vijay while launching his pet nationalism project.

The endorsement of Vijay's initiative comes as no surprise. His questions in the Rajya Sabha last year ranged from "anti-na-

tional activities" in JNU to compulsory military training for senior students in universities. He wants the government to establish chairs in universities to study the growth of Indian nationalism since the Vedic days.

It's not that only India is witnessing a debate on nationalism and patriotism; it's resonating across the globe. Donald Trump has declared his inauguration day as National Day of Patriotic Devotion. Vladimir Putin has declared patriotism the only possible national idea in Russia. China is re-writing history books to extend the 1937-45 Sino-Japan war by six years — to predate it from 1931 — to provide "patriotic education".

Nobody can find fault with Javadekar for espousal of patriotism. A country must celebrate its heroes. But the question he should ask himself is whether he is doing enough to create the enabling environment in our educational institutions to create more heroes.

No Indian institution figured in the top 200 list of the Times Higher Education World University Rankings 2016-17. Barely 40% of engineering graduates find placements. Only 47.8% of Class V children can read a Class II level textbook, according to the annual status of education report.

The draft national education policy, submitted by a committee in May 2016, is gathering dust as the NDA government completes three years in office this month. Javadekar now wants to set up another committee.

Walls of valour are welcome but the education minister must serve the country better by focusing on the quality of our education system and take advantage of the demographic dividend Prime Minister Narendra Modi speaks of with so much optimism.

■ deepak.singh@hindustantimes.com

Sumitra Dabas

Life gives us just about what we expect from it. American author and activist Helen Keller said: "No pessimist ever discovered the secrets of the stars or sailed to an uncharted land or opened a new heaven to the human spirit." Optimists have done it and they continue to do so.

A true optimist manages her thoughts and improves her thinking. It's an inner belief. One of the best ways to do this is to improve the quality of your personal envi-

far & near

KANISHK THAROOR



Aadhaar is an electronic leash on citizens

Despite having strong privacy laws, most western nations don't have biometrics-based identity cards

What's in a name? Shakespeare once asked of roses. The 21st century version of this thorny question is: "What's in an ID?" With great leaps in digital and biometric technology, the possibility that all individuals can be "known" by states and other institutions has become tantalisingly real. Until the coalescence of nation-states in the early 20th century, most people didn't have identity cards of any kind.

Now with more than one billion people registered with the Unique Identification Authority of India (UIDAI) for Aadhaar numbers, India boasts the largest biometric database in the world.

Though wrapped in often opaque and cumbersome legalese, the debate over Aadhaar at the Supreme Court in the past week asks one of the most important questions of our time. In the age of big data, how much should the state know about individuals? It is a classic duel of two rival imperatives: The desire to expand the capacities of the State against the fear of the State developing illiberal powers over individuals.

I have a US green card, an ID loaded with biometric information that also allows me to live and work in the United States. I've willingly made the bargain of surrendering my bodily data for the purpose of residing in a country. At the same time, here in the United States, citizens are not obliged to possess any single form of identification. The Social Security Number, the unique identifying number most equivalent to Aadhaar, is not connected to biometric data or even a photograph.

There is an admirable reluctance in much of the West to grant too much to the State. In Britain, a plan to require ID cards for British citizens and residents was scrapped in 2010 in large part because it threatened to erode civil liberties. Many western countries have legal protections for privacy that don't exist in India.

IN THE UNITED STATES, CITIZENS ARE NOT OBLIGED TO POSSESS ANY SINGLE FORM OF IDENTIFICATION. THE SOCIAL SECURITY NUMBER IS NOT CONNECTED TO BIOMETRIC DATA OR EVEN A PHOTOGRAPH

The United States and Britain are much more robust states than India, with far greater and more sophisticated capacities to identify (and therefore tax) the people within their borders. The Aadhaar card is an attempt to strengthen the Indian State, a shortcut to circumvent the incremental process of institution-building and social development that has enabled wide-scale tax collection in the West.

Proponents of Aadhaar insist that the card will allow the poor easier access to services and benefits. An ID card can certainly be an empowering tool. In New York City, where I live, hundreds of thousands of undocumented migrants form an inextricable part of the life of the city. A unique form of municipal identification called NYC ID allows them access to basic city services, a way to open bank accounts, to enter public buildings, and to report incidents to the police.

But after the election of Donald Trump, who pledged to deport millions of undocumented migrants, the NYC ID became a liability. If the Trump administration got access to that database, it would be more able to round up many New Yorkers. The city is no longer keeping personal information associated with new NYC IDs and will delete its existing database if the federal government comes knocking.

Governments should earn our trust, not demand it. As individuals living in ostensibly liberal, democratic states, it is our right and obligation to be sceptical. Big data exponentially increases the knowledge and power of the State, but no amount of buzzword-strewn technoptimism should extract our complete confidence.

Without serious privacy protections, we should be wary of these efforts to make all people known and knowable. They remain ripe for abuse and error (already, lakhs of Aadhaar numbers have been accidentally leaked). Aadhaar will not only grant the State an "electronic leash" on citizens, but also allow corporations to build invasive financial profiles of people's habits and histories.

Why should we either repress faith in private sector whose ultimate interests is its own well-being, or surrender so much trust to state institutions with long traditions of incompetence?

Kanishk Tharoor is the author of *Swimmer Among the Stars: Stories*. The views expressed are personal.

(Inner Voice comprises contributions from our readers. The views expressed are personal) ■ innervoice@hindustantimes.com

innervoice
MAKE THE ENVIRONMENT AT HOME AND WORK PLEASANT FOR A BETTER LIFE