



A thought for today
Civilisation is the progress toward a society of privacy

AYN RAND

Plug The Gaps

Aadhaar's legal ecosystem needs big upgrade as it becomes a must for many services

Aadhaar's reach has been extended once again with government making it mandatory for TB patients who wish to receive state aid for treatment. For sure, Aadhaar is an important tool to prevent misappropriation of resources in delivery of welfare schemes but the speed of its dissemination is worrisome. Not just welfare schemes, even in areas such as filing income tax returns it's now mandatory. Yet, the legal ecosystem around Aadhaar has gaps. Unless these gaps are filled there is a danger they will hamstring a potentially transformational project.

India today is in urgent need of a tight legislation on personal data protection. Digitisation of society is proceeding at a remarkable pace but relevant legislations going back to 1885 and 2000 are inadequate. One defence of the current situation has been that technology outpaces



regulation. But this is a lame excuse as sections of government have worked on data protection laws for seven years. Even as two governments have been unable to come up with a law, BJD parliamentarian Jay Panda filed a private members data privacy and protection bill. Government is better equipped than individuals and should take the lead in legislating on personal data protection.

The Aadhaar legislation is over a year old. One of its highlights was an attempt at data protection. But developments during this period show there are problems which need to be ironed out. For instance, there are far too many crucial aspects of its working which are delegated to subordinate legislation. This removes an important layer of oversight. Delegating far too much power to the executive is not prudent. Another weakness is looseness on grievance redressal. Absence of a stand-alone legislation on data protection and privacy makes Aadhaar's weakness in grievance redressal dangerous.

Aadhaar is a voluntary scheme and the legislation aims to target delivery of subsidies. Making it mandatory for other areas such as provision of a driver's license is unnecessary and amounts to disabling red tapism. Here it is best if Aadhaar is just added to the list of existing identifiers. Government's priority now should be to deal with the dangerous gaps in the legal ecosystem which governs India's digitisation. This trend has the potential to transform society. But the potential will be fulfilled only if government carries out its duty of mitigating the risks people face on this journey.

Abuse Of Law

Celebrating a sports victory – even that of a Pakistani team – is a far cry from sedition

Providing more evidence that the sedition law – Section 124A of the Indian Penal Code – is prone to serious misuse, several people across the country have been booked under its tough provisions when all they were doing was celebrating the Pakistani cricket team's victory over India in the recently concluded Champions Trophy final. Reportedly, five people were slapped with sedition charges in Rajasthan, 15 in Madhya Pradesh and another two in Karnataka. It's welcome that the sedition charges in MP have now been dropped, but using such a draconian legal provision in the



first place for something as frivolous as a sports celebration is both absurd and unjust.

The sedition law is a relic of the colonial era that's seriously out of place in our modern democracy. Yet it has been repeatedly used against activists, protesting students and political opponents who criticise government policies or voice opinions that are contrary to those of the ruling dispensation. Sedition charges being slapped against protesting students in JNU or those protesting against the Kudankulam nuclear power plant in Tamil Nadu prove the illiberal law is used all too liberally, despite the Supreme Court ring-fencing the definition of sedition.

In Kedar Nath Singh vs the State of Bihar a Constitution Bench had stated that the charge of sedition must demonstrate an intention or tendency to subvert the government by violent means. It follows that mere criticism of government and voicing controversial opinions do not fall under the purview of sedition. And celebrating a rival team's cricket victory – even if that team is Pakistan – is certainly a far cry from sedition. In the interest of democracy and justice it would make sense to scrap the sedition law altogether.

Collect calls

People and their passionate hobby to gather all sorts of odd things

Jug Suraiya



My travel writer friend Garry Marchant is a self-confessed laborphillist. No, he's not some sort of underworld operative for whom Interpol has put out a red alert.

Garry is a hobbyist who collects labels taken from beer bottles, an activity known as laborphilly. As a globe-trotting travel journalist, he's managed to collect beer labels from over a hundred countries, including a Rosy Pelican label from the now defunct Haryana product of that name.

Beer label collectors, however, are not to be confused with people who collect beer mats and beer coasters from bars and are termed tegetologists.

When you go to a restaurant do you pick up and pocket those little sachets of sugar and artificial sweeteners left on the table for putting in your tea or coffee? If you do, the chances are you could be a latent sucrologist waiting to come out of the closet. Sucrologists are people who collect sugar and other sweetener packets.

If you find it hard to throw away all those Archie and Jughead and Amar Chitra Katha comic books, you might well have contracted a mild dose of pannapictagraphy, which is a passion for collecting comic books.

Philatelists, of course, are people who collect stamps – and who also sometimes go by the alias of timbrolologists – and are distinct from deltiologists who gather postcards.

What is behind this obsession with collecting all manner of things? It would be both uncharitable and inaccurate to dismiss it as a mere acquisitiveness.

All such collectors play by a set of self-imposed rules, which they will not break to add to their collections. Garry, for instance, collects only the labels of beers he has sampled, and won't accept such 'donations' from well-meaning friends.

Could the motivating drive behind collecting objects be an innate human desire to create harmony and order out of the randomness of things, a cohesive bringing together of scattered but similar elements? Perhaps.

But what about collectors who collect the different names given to people who collect things? What should they be called? Omniterminologists?

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New Servants For New India

Civil services need to reinvent themselves and become proactive agents of change

LC Goyal

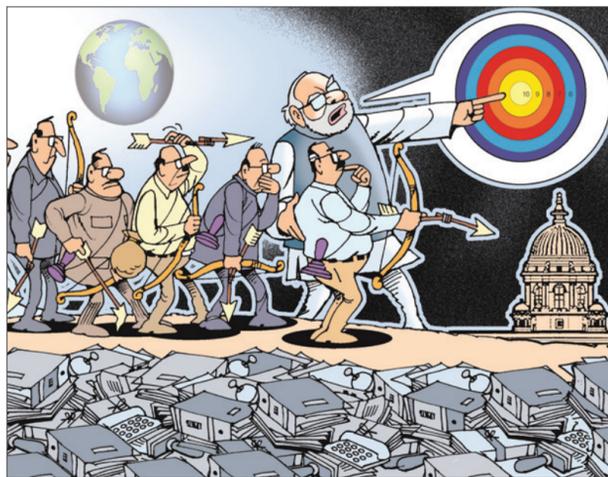


Credible institutions are essential to ensure good governance – political executive and civil services are two such institutions. The current political leadership, particularly at the Centre, is widely recognised as strong and decisive and as being focussed on both policy and implementation. Making of New India is the new normal. This essentially comprises specific steps to facilitate higher economic growth, providing the poor and middle class their due, and a society based on greater equity and social justice. In order to realise this vision of New India propounded by Prime Minister Narendra Modi, civil services will need to reinvent themselves. Public servants must redefine their role and become proactive 'agents of change', disrupting the status quo.

Indeed, they would need to possess a deeper sense of commitment to public service or the common good, and function as servants of the public rather than as officers. They can no longer have any excuses on this score. Equally, officers who take bona fide decisions in public interest and for the larger common good should be encouraged and provided protection in the event of false allegations or unsustainable inquiries initiated against them.

In 2013, when I worked in the cabinet secretariat as special secretary, we had issued instructions that no action will be taken against officers merely on the basis of anonymous or pseudonymous complaints. Further, we had also, in association with DoPT, initiated certain amendments in the Prevention of Corruption Act that, inter alia, are aimed at ensuring there is a clear distinction between misconduct and criminal misconduct and that retired officers are also protected from unnecessary investigation or prosecution for bona fide decisions taken by them.

Such amendments are still a work in progress. There is an urgent need to go through with these amendments to protect upright and diligent officers for



doing their work conscientiously. However, accountability of public servants needs to be enforced more vigorously. It is generally believed that government officials are able to get away without adverse consequences for not doing work or not taking decisions. In other words, non-performers run no risk of being held accountable. This is not to deny that there are a good number of officers who do their duty sincerely, quietly and professionally.

It is welcome that Modi government has been taking steps to ensure accountability at higher levels of administration. Similar action is warranted below the level of joint secretary too. A majority of decisions are taken largely based on the notes written by director and under-secretary level officers.

Integrated Finance Division (IFD), which is headed by a joint secretary or an additional secretary level officer as financial adviser, also needs to be more positive and flexible in taking forward the agenda of New India, while adhering to the principle of financial prudence. They need to keep the big picture in mind.

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Indeed, the whole IFD system merits an analytical review to enable quicker decision making and release of funds. A paradigm shift is needed in the mindset of officials working in IFD, to be in sync with the requirements of an India aspiring to be a global power. In my view, senior officers of civil services should also own responsibility to change their hackneyed approach.

The issue of accountability is even more critical at the lower rungs of bureaucracy at the state and sub-state levels, for the common citizenry has to come in frequent contact with lower level government functionaries and

very often has to face their rent seeking behaviour, in other words petty corruption. Greater use of IT and making mandatory online delivery of public goods and services within given timelines at the Centre and particularly in states, with fines to be imposed on negligent and erring officials, will go a long way in enforcing accountability.

Another imperative of good governance is to ensure minimum government and maximum governance, as enunciated by Modi when the present government came to office in 2014. This essentially means greater ease of doing business and requires that rules, regulations, systems and processes of government functioning be rationalised and simplified. These need to be easy to understand and should not result in any delay. This would also require increased use of technology in every manner of interaction with government and government functionaries.

A lot of work is now being done at the Centre and in many states but a lot more remains to be done. This would not happen on the scale needed unless senior members of civil services show greater passion and initiative in this regard.

Apart from continued simplification of processes and systems, there is an urgent need to achieve rightsizing of government at different levels. The lesser the number of ministries/departments, the better it is for governance. Such rationalisation or merger of certain ministries/departments aims to reduce multiple structures, achieve better synergy and affinity between related subjects and ensure the desired outcomes in terms of better policy formulation, coordination and implementation. This exercise will also entail abolition of certain secretary level posts.

Public servants need to reaffirm their deep commitment to converting the vision of New India into reality. They should feel impatient and inspired to work with the political leadership in changing the status quo and making India a strong and inclusive country in its march towards being a global power.

The writer is CMD of India Trade Promotion Organisation

'Saudi Arabia and Iran have a common interest in fighting IS ... blockade has to do with Qatar links with Muslim Brotherhood'

In an orderly but unusual move, King Salman of Saudi Arabia has promoted his 31-year-old son Mohammed bin Salman as next in line to the throne. DP Srivastava, Distinguished Fellow, Vivekanand International Foundation and former Indian ambassador to Iran, spoke to Anam Ajmal about what this reshuffle means for the oil-rich kingdom and peace in the region:

■ What are the causes and implications of the Saudi king replacing the kingdom's heir with his son?

This is a very unusual move and in the history of House of Saud this is just the second time it has happened. King Saud bin Abdulaziz was earlier replaced by his family but it was after he had a stint. I would not like to comment on internal reasons, which are probably connected to the family issue, but its implications are going to be far reaching because it breaches the system that House of Saud had.

How this change is going to work out will only be known in the future as it depends on how the national guards react to the situation because they are under Prince Mutaib bin Abdullah.

■ What are the reasons behind the Qatar blockade by Saudi Arabia?

I would not like to connect this to Qatar's links to Iran as has been speculated. Oman has been closer to Iran than Qatar. The reasons have more to do with Qatar's support for Muslim Brotherhood,

which is an anathema to Egypt, Saudi Arabia and UAE. It also has a lot to do with Al Jazeera's role in Arab Spring, which is unsettling for most regimes in the region.

■ Has the change in policies of Trump administration been reflected in the blockade?

I will not read too much into the US role in the blockade since it has a lot to do with Qatar's relation with the Muslim Brotherhood. But as the situations worsens, it creates a dilemma for the US.

■ What are the prospects of mediation now?

In 2014 also Saudi Arabia and UAE had ruptured diplomatic relations with Qatar but this time it will take more time (for normalcy to return). The Emir of Kuwait had mediated last time but the standoff lasted for eight months. This time he is again mediating but the situation is worse. Still, it is in the interest of both sides to move forward. The blockade has not had much of its desired impact as life in Qatar has continued as usual. So, both sides will realise the limits to the current approach.

■ Does the Qatar blockade reflect the failure of bodies like the Gulf Cooperation Council?

It is important to state here that Saudi Arabia cutting ties with Qatar is not literally a blockade. What these countries have done is cut off their communication via land, air or sea with Qatar. In fact Qatar continues to supply

gas to UAE, which is about 25% of their total gas consumption. Yes, GCC's role has been weakened because it has failed in the purposes for which it was formed, like keeping a check on Iran.

■ Could President Hassan Rouhani winning the recent Iranian election with a large majority translate into some stability in the area?

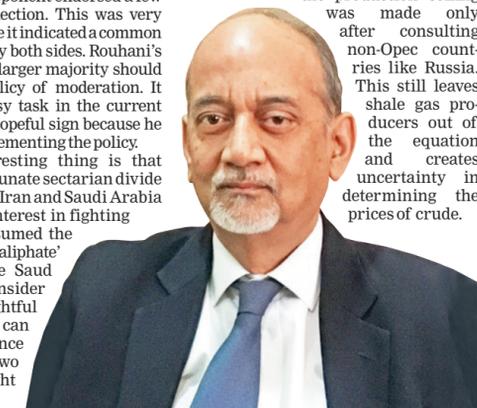
President Rouhani fought on the plank of economic reforms and moderation in internal policies. So far as foreign policy was concerned, the most important aspect was the nuclear deal, which incidentally his opponent endorsed a few days before the election. This was very significant because it indicated a common factor supported by both sides. Rouhani's re-election with a larger majority should strengthen his policy of moderation. It will not be an easy task in the current climate but it's a hopeful sign because he has a stake in implementing the policy.

Another interesting thing is that beyond the unfortunate sectarian divide in the region both Iran and Saudi Arabia have a common interest in fighting IS, which has assumed the title of being the 'caliphate' going against the Saud family, who consider themselves the rightful kings. So there can be a convergence between the two countries to fight the extremists.

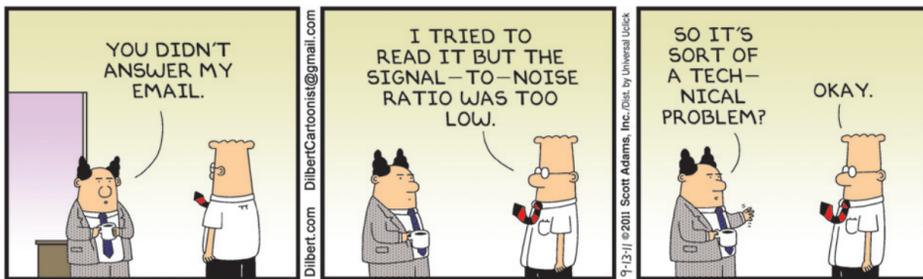
■ Does the fall of oil prices in the region suggest that traders are losing faith in international bodies like the Organization of the Petroleum Exporting Countries?

The problem of fluctuating oil prices predates a lot of issues. Price fluctuation is a long-term demand-supply problem which is not necessarily confined to the dynamics of the Middle East. Opec's role has become less significant because it is now responsible for just 1/3rd of the global crude oil production. The Opec agreement recently to restore the production ceiling was made only after consulting non-Opec countries like Russia.

This still leaves shale gas producers out of the equation and creates uncertainty in determining the prices of crude.



dilbert



Awakening Of Intelligence And What Is

Talk: J Krishnamurti

Awakening of intelligence implies having an insight into all our problems – psychological problems, crises, blockages and so on. The word 'intelligence', according to a good dictionary, means reading between the lines, partly. And to have deep, true insight – not an intellectual comprehension, not resolving the problem through conflict, but having an insight into a human issue. That very insight awakens this intelligence. Or, having this intelligence there is the insight – both ways.

Having an insight involves no conflict, because when you see something very clearly, the truth of the matter, you don't fight against it, you don't try to control; you don't make all these calculated, motivated efforts. From that insight, which is intelligence, there is immediate action.

We are educated from childhood to

exercise as deeply as possible, every form of effort. We make tremendous efforts to control ourselves, to suppress, to adjust, to modify ourselves to certain conclusions, pattern ourselves according to some patterns, or according to an objective that you or another has established, and so there is this constant struggle ... Is it possible to live daily life, without a single conflict?

Most of us are dissatisfied. When you are young this dissatisfaction becomes like a flame, and you have passion to do something; so you join some political party, the extreme revolutionary, and so on.

By joining, adopting certain attitudes, certain ideologies, that flame of discontent fades away, because you are then satisfied. You say, 'This is what I want to do' and you pour your heart into it. And gradually you

find, if you are at all awake to all the problems involved, that doesn't satisfy. But it is too late: you have already given half your life to something which you thought will be completely worthwhile, but when you find later on that it is not, then I am afraid one's energy, capacity, the drive, has withered away.

Discontent with regard to politics, discontent that questions religious attitudes, and dogmas, the orthodoxy of the priest, the gurus – the discontent questions it, doubts it. And gradually you like somebody, or some idea ... so you adjust yourself to that pattern. Gradually this real flame of discontent withers away.

Most of us unfortunately, if we are at all alive to things, are discontented ... But to allow this flame to keep on burning, not be satisfied with anything, then superficial satisfactions have no place.

This very dissatisfaction is demanding something much greater than the ideals, gurus, religions, establishment, ecology, and so on, they've become totally superficial. And that very flame of discontent, because it has no outlet, because it has no object in which it can fulfil itself, that flame becomes a great passion. And that passion is this intelligence.

And insight implies observing 'what is' with a mind that is completely free and therefore empty to observe 'what is' – and therefore you have an insight. That is, when you are violent and you do not escape from violence, avoid it, try to transform it into some nonsensical non-violence and so on, then you are free of all that burden. Being free, the mind is empty; that emptiness gives you insight. And when you have insight into violence you are no longer violent.

(Abridged from the opening of JK's fifth public talk in Saanen, July 1977, Courtesy: KFI.)



the speaking tree

Sacredspace

Growing Population

Talking about ecology, land or water conservation without controlling human population is not going to make a difference ... You cannot cap human activity because that will amount to capping human aspirations. You can only cap human population.

Sadhguru Jaggi Vasudev