

11 EXPLAINED



SOCIAL INTELLIGENCE

I am very disappointed in China. Our foolish past leaders have allowed them to make hundreds of billions of dollars a year in trade, yet they do NOTHING for us with North Korea, just talk. We will no longer allow this to continue. China could easily solve this problem!

DONALD TRUMP, 34.8 million followers; after North Korea said it had successfully tested another ICBM.

36 yrs on, a hijack lands back in dock

On September 29, 1981, five radical Sikhs hijacked an Indian Airlines aircraft to Lahore, and were jailed in Pakistan until 1994. Two of them returned to India, and all five were subsequently charged with sedition. A Delhi court will hear the investigating officer today, setting the stage for a likely trial. NAVJEEVAN GOPAL recounts a fascinating story of twists, turns, and long legal delays.

What happened in September 1981, and why are those events back in the news after 36 long years?

On September 29, 1981, five activists of the radical Sikh organisation Dal Khalsa hijacked a New Delhi-Srinagar Indian Airlines flight to Lahore. The hijackers — Satnam Singh, Tajinderpal Singh, Jasbir Singh Cheema, Gajinder Singh and Karan Singh — demanded the release of Sikh preacher Sant Jarnail Singh Bhindranwale who had been arrested on September 19 that year for involvement in the September 9 murder of Lala Jagat Narain, editor of the *Hind Samachar* group of newspapers. The men also wanted the release of Sikh prisoners, and compensation for the deaths of Sikh protesters killed in police firing at Amritsar's Mehta Chowk after the arrest of Bhindranwale.

The hijackers were arrested on September 30, 1981 after Pakistani commandos entered the plane. There were no deaths or injuries. The men spent three years in a military prison, and were put on trial for the hijack in 1984. They were sentenced to life imprisonment on January 20, 1986. In 1994, after they had spent 13 years and one month in prison, the men were released. Two of the hijackers who subsequently came back to India — Tajinderpal Singh and Satnam Singh — now face the prospect of being tried for sedition by a court in Delhi.

How did the situation of a new trial arise?

In September 2011, Delhi Police filed a supplementary chargesheet before a Delhi court, charging the men with sedition, waging, or attempting to wage war, or abetting waging of war, against the Government of India, and criminal conspiracy. The prosecution alleged the hijackers had raised slogans of "Khalistan Zindabad", "Indira Gandhi Murdabad", Sant Baba Jarnail Singh Bhindranwale Zindabad, Bharat Sarkar Murdabad", "Raj Karega Khalsa", and other anti-India slogans during the hijacking. The Dal Khalsa, to which the men belonged, wanted an independent state for Sikhs, the prosecution said.

The court took cognizance of the charges in August 2012, and issued non-bailable warrants (NBWs) against all five hijackers. Tajinder and Satnam approached Delhi High Court in December that year, seeking the quashing of the supplementary chargesheet and cancellation of NBWs.

On May 18 this year, the High Court converted the NBWs into summons and ordered Tajinder and Satnam to appear before the trial court and seek bail. This they did on July 18, and got two days' interim bail. On July 20, the court granted them regular bail, and fixed July 31 — Monday — as the date of hearing, asking the investigating officer to present his report.

What happened between their release from prison in Pakistan and the Delhi Police action in 2011?

Gajinder Singh flew to Germany in 1996, but was refused entry and deported back to Pakistan. Karan Singh and Jasbir Singh Cheema travelled to Switzerland in 1995, and got asylum there. Tajinderpal, who is 64



now, sought asylum in Canada, but was deported back to Pakistan. He then went to Nepal, and crossed into India in December 1997. Satnam, who is now 66, knocked on the doors of the US in 1995, and was detained on arrival. After three years, his request for asylum was rejected, and he was deported to Pakistan. He arrived in India in 1999 through Nepal.

On August 9, 1999, Satnam surrendered before a court with an appeal that he be discharged in the hijacking case that was registered at Delhi's Palam Airport police station. His counsel invoked the principle of double jeopardy, arguing that "having served a sentence decided by a court of competent jurisdiction, the net effect of the sentence is that the offence is wiped out". On February 11, 2000, the court ordered his "discharge".

On July 17, 2000, Tajinder too approached the court, seeking similar relief. But this time, the court said it was not under compulsion to follow its previous order, and asked the prosecution if both Satnam and Tajinder should be investigated and tried. After seven years of dates and adjournments, on January 16, 2007, the prosecution submitted that it would investigate the case and submit a report. It took another four and a half years, until September 2011, to file a supplementary chargesheet, accusing the men of sedition.

What have Satnam and Tajinder said on the fresh charges?

Both have invoked double jeopardy, saying they have already been tried and punished for the hijacking, and that putting them on trial again violates the Vienna Convention, to which India is signatory. The



(Above) 1981 hijackers Satnam Singh (extreme left, in dark blue turban), Gajinder Singh (third from left, in maroon turban), Tajinderpal Singh (fifth from left, in white shirt) and Jasbir Singh Cheema (extreme right) at Kot Lakhpat jail in Lahore in this picture that the Dal Khalsa says was taken around 1986. The fifth hijacker, Karan Singh, is not in the picture. Also seen are three accused in another hijacking in which an Indian Airlines jet was taken to Lahore on July 6, 1984. (Left) The front page of the *Indian Express*, September 30, 1981. Photo from Gajinder Singh's Facebook page

defence counsel argued in court that the men have already spent 35 years in litigation and served a life sentence in Pakistan. "The instant is a classic example of double jeopardy... their entire life will go facing trial after trial for [the same offence]. They were first tried for hijacking in Pakistan and sentenced; thereafter they were again tried for same incident by Indian Court and discharged; now you can't change the denomination and try for the same incident under a different name... it is *per se* illegal," the counsel argued.

And what did the court say?

In Satnam's case, the trial court had accepted the plea of double jeopardy; the successor judge of the same court who heard Tajinderpal's plea, however, took a different view. Taking cognizance of the supplementary chargesheet in August 2012, in which the investigating agency had slapped charges of sedition, the trial court ruled that

the five hijackers would have to face trial for offences other than those of which they had been convicted, and sentenced in Pakistan. A fresh case of sedition was made out on the basis of the slogans the hijackers had raised, the magistrate said. According to Kanwarpal Singh, spokesman of the Dal Khalsa, Indian investigators reached their conclusion on the basis of the Pakistan court's judgment, which listed the slogans the hijackers had raised. The investigators have told the court that they have not been able to trace any of the passengers or crew of the hijacked aircraft.

How is the case playing out in Punjab?

Tajinder now runs a shop selling Sikh religious literature in Jalandhar, while Satnam lives in Chandigarh. His wife is a teacher who has recently retired.

The Amarinder Singh government offered legal help to the hijackers, but the Dal Khalsa rejected the offer; it wants the state

government to tell the Centre to call off the trial. Sikh seminary Damdami Taksal, which was once headed by Bhindranwale, too, has reacted sharply against the fresh trial.

Dal Khalsa has also alleged "double standards" — Bholu Pandey and Devendra Pandey, who hijacked an aircraft to protest the arrest of Indira Gandhi on December 20, 1978, had gone on to become MLAs after Indira returned to power, it has pointed out. "If the case against them could be withdrawn, why should Satnam and Tajinder face retrial after 36 years after undergoing a 14-year jail term?" Kanwarpal Singh asked. He also pointed to the pro-Khalistan slogans that are frequently raised by an assortment of groups at the Golden Temple, and said that Kashmiri militant Hashim Qureshi, who had hijacked an Indian Airlines aircraft to Lahore in 1971, had been "mainstreamed" by the Indian intelligence agencies after he had served a sentence in Pakistan. Qureshi now lives in Srinagar, Kanwarpal said.

MEANING PARANOIAC

BEFORE SCARAMUCCI, THERE WAS A LEGENDARY RUSSIAN NEUROLOGIST



Stalin, and a 1912 painting of Vladimir Bekhterev by Ilya Repin

ON JULY 27, *The New Yorker* published an account of a telephone conversation its correspondent Ryan Lizza had had with Anthony Scaramucci, the White House Director of Communications, in the course of which Scaramucci had launched an explosive-laden attack on Reince Priebus, the then White House Chief of Staff.

"Reince is a f***ing paranoid schizophrenic, a paranoiac," Scaramucci told Lizza. On the sidelines of the media commentary on the actors in this drama, a second, more literary discussion has been under way — on the word 'paranoiac', and on the history of its public use in a political, rather than medical, context.

Nearly a century ago, the same word was used by a man who was considered by many to be one of the most influential neurologists of his time. His name was Vladimir Mikhailovich Bekhterev, and the person he described as "paranoiac" was Joseph Stalin. Less than 24 hours later, Dr Bekhterev was dead — and the precise sentence that many historians believe led him to it was: "I have just examined a paranoiac with a short, dry hand."

The year was 1927. Dr Bekhterev had helped organise a meeting of neurologists in Moscow. While there, he was summoned to examine Stalin.

"He gave a lecture and went to the Kremlin and came back," said Dr Jürg Kesselring, a Swiss neurologist who wrote an article about it for *European Neurology* in 2011. That's when the Russian doctor shared his diagnosis with a few acquaintances.

Later that evening, Dr Kesselring said, "Some students came and offered him biscuits."

The next day, the previously healthy 70-year-old neurologist was dead. Later analyses would back up Dr Bekhterev's assessment of Stalin — that he was paranoiac in the official, clinical sense.

The Oxford English Dictionary definition of paranoiac is: "A person exhibiting paranoia. Also (more generally): a person showing unnecessary fear or an unreasonable and extreme suspicion of others."

The word "paranoiac" hasn't been used much in mental health literature since the 1930s. The word "paranoid" has, conversely, become so colloquial that people seem to have forgotten how serious it can be from a clinical standpoint.

THE NEW YORK TIMES

OUTGROUPING 101

Reading the ban on transgender soldiers as Trump's strategy

MAX FISHER & AMANDA TAUB

ON JULY 26, US President Donald Trump tweeted that transgender individuals are banned from the military. That decision, which apparently came as a surprise to the Pentagon and the Senate Armed Services Committee, would affect thousands of transgender individuals who are currently serving in the US military and reserves, and prevent others from enlisting.

The military, which is currently only about a month into the six-month review of the issue that Defence Secretary Jim Mattis ordered in June, has not called for such a ban. And a study by RAND, a think tank, concluded that allowing transgender troops to serve would have no significant impact on unit cohesion or combat readiness.

[Trump tweeted that the US military "cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail".]

In other words, this is about politics — a play to Trump's base, and a way to shore up his core supporters' enthusiasm. In following that strategy, the President has acted in accordance with a fundamental rule of human psychology: that the best way to strengthen a group identity is to threaten it. And one of the most effective ways to do that is to identify an "outgroup" — some other group of people who you can claim are a threat to the safety or values of the majority.

For a politician, that points to an effective strategy for maintaining public support. First, strengthen your base's sense of group identity by whipping up a sense of threat from some outgroup — preferably one without much po-



(Top) Air Force Staff Sgt Ashlee Bruce, who dresses as female at home but goes by her birth name, Matthew; Umuts Dursun, a Marine veteran who transitioned from female to male after his service. *The New York Times*

litical power. Then convince your base that only you will do what it takes to protect against the danger, subtly or not-so-subtly painting your political opponents as part of the threat. And watch your approval ratings climb at the expense of a vulnerable group. NYT

That's an oversimplification, of course, but not by much. For instance, after Russian President Vladimir V Putin faced widespread protests when he returned to the presidency in 2012, he warned of the growing threat of "homosexual propaganda", claiming that merely being exposed to the idea of homosexuality was dangerous to children and an affront to traditional Russian values, and passed harsh, repressive new laws. Analysts believe this was an outgrouping strategy: a way for Putin to strengthen Russian identity and paint himself as its protector against moral threat.

Many rightwing populist leaders in Europe have used similar tactics. They often rise by painting immigrants, asylum seekers, Muslims or other vulnerable outgroups as physical or moral dangers; the "them" who threaten "us". This has two effects. First, it rallies the ingroup, priming them to be led. People tend to respond to fear by seeking security among a familiar group; recall the sense of spontaneous community you feel on a roller coaster. Second, this message makes supporters more receptive to harsh policies that will protect "us" and control or punish "them".

Trump's ban on transgender members of the armed forces has all the hallmarks of the same strategy. He has identified an outgroup — in this case, transgender people. Transgender service members, the President implied, are a threat to traditional values, the military and national security, but he is here to protect America from that threat. Other Republican politicians have followed that same strategy with legislation targeting transgender people, like the "bathroom ban" in North Carolina.

That is basically outgrouping 101. We'll have to wait for the next round of polls to see if it has bolstered Trump's support. NYT

Under way, a voyage to explore the Earth's eighth, (sunken) continent

JACQUELINE WILLIAMS
SYDNEY, JULY 30

IT IS about half the size of the United States, and it has been hiding under everyone's noses — or more precisely, under the waves — for millions of years. Now, scientists have set sail to finally help solve the mystery of Zealandia, the lost undersea landmass being billed as the world's eighth continent.

Zealandia, an expanse of 4.92 million sq km, extends from far south and east of New Zealand up to New Caledonia and west to an area off Australia's northeast coast. It was part of Australia until about 75 million years ago, when it started to break away and move northeast. That movement stopped 53 million years ago, and scientists have slowly discovered the landmass, almost entirely submerged, over the past two decades.

"It's a long way from anywhere," said Rupert Sutherland, a Victoria University of Wellington professor who is on the month-long voyage from Australia to Zealandia, which began on Friday. "A few missions have been going there to look for some specific things, but there hasn't really been a coordinated plan of attack."

Scientists who are part of the drilling expedition said sediment would be collected to help answer questions about Zealandia — how and when it formed, and what has happened in the area over time. They also hope to understand better how the Pacific Ring of Fire, a hotspot for volcanoes and earthquakes, formed.

"What we hadn't realised until fairly recently was that the formation of the Ring of Fire greatly modified the continent of Zealandia," Dr Sutherland said. "It greatly changed the water depth, and it created topography." In February 2017, researchers used new



The research ship, *Joides Resolution*, carrying drilling equipment, set sail on Friday for the seas above Zealandia (left). *The Australian National University*

study, published as *Zealandia: Earth's Hidden Continent*, in the journal of *The Geological Society of America*, outlined all that was known about Zealandia and went through all of the criteria used to define a continent and evaluated Zealandia against that criteria. The findings have been widely accepted, said Dr Sutherland, who was a co-author of that study.

"The scientific value of classifying Zealandia as a continent is much more than just an extra name on a list," the study concluded. "That a continent can be so submerged yet unfragmented" makes it useful for "exploring the cohesion and breakup of continental crust". NYT

The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

HARD ACT

While the rash of false allegations under Section 498A demand a course correction, interventions could be as problematic

IN ORDER TO contain violence against women within the family, the operation of Section 498A of the Indian Penal Code was weighted against husbands and their birth families, and automatically presumed the complainant to be an innocent victim. Progressive discrimination was deemed necessary in a country which recorded a dowry death every hour, on average, and where violence against women has been regarded as normal. However, both the Supreme Court and the Women and Child Development Ministry have acknowledged that the law has been misused too often to be ignored, and moved to ensure that innocent men and their relations are spared the threat of summary arrest. Minister Maneka Gandhi has asked the National Commission for Women to be accessible to men who claim to be falsely accused, and the apex court has issued fresh guidelines prohibiting the immediate arrest of family members, except in cases involving physical injury or death. The automatic assumption of guilt has been seen as a problem, with police proceedings, seizure of passports and issuing of Interpol notices precluding any chance of a compromise.

While the principle of fairness demands it, striking a balance may prove to be difficult. Both the ministry and the court have recommended a filter to sift grain from chaff. Maneka Gandhi has recommended a more stringent filing process which insists on identity proof, and has warned that while opening a window to the victims of false claims, the NCW should not open the door wide to false counter-claims. The SC wants the establishment of family welfare committees in every district, to which all complaints are to be referred. Its members would have to interact with the complainant and the accused, and submit a report within one month. Police can proceed only thereafter and, given that the woman in question may fear severe bodily harm, the period seems to be far too liberal. Besides, the court has prescribed that bail applications must be decided on the date of application. Since bail is a right, courts may be more inclined to grant rather than withhold, which could again increase the risk to the complainant.

While the working of Section 498A was tilted in favour of women as a progressive intervention, a course correction is seen to be required in the interest of equality before the law and the prevalence of misuse, which is reflected in the data of the National Crime Records Bureau — less than one in five chargesheets filed has resulted in conviction. The law must retain its progressive bias in favour of wronged women, without inadvertently wronging men. In practice, it will prove to be a tough balancing act — an impossible feat, in the absence of police reform.

TALK AND TALK

There is no substitute to diplomacy in resolving the Doklam crisis. NSA talks in Beijing is a good beginning

NATIONAL SECURITY Advisor Ajit Doval's meeting with his Chinese counterpart, Yang Jiechi, last week, is a welcome sign that their two countries are engaging in the hard diplomatic work necessary to resolve the crisis on the Doklam plateau. Though neither side has issued an official statement on the talks, China's official news agency, Xinhua, said the two had discussed "major problems" in bilateral relations — a term that almost certainly includes the stand-off between the Indian Army and the People's Liberation Army in disputed territory in Bhutan that has dragged on through the summer. Earlier, Chinese foreign ministry spokesperson Lu Kang had asserted that "meaningful dialogue" was impossible until India withdrew its troops. Foreign Minister Wang Yi asserted the Indian troops were in Chinese territory, and thus had to return. India, for its part, called for dialogue, but quietly made clear it would not back down on its commitment to back Bhutan's claims to the Doklam plateau. New Delhi instead called on China to honour its past commitments not to alter the status quo on the plateau, and made clear it would only withdraw its troops to mirror a reciprocal move by China. Though some have cast the Doval-Jiechi meeting as a sign that China is prepared to back down, the end of the story may not yet be in sight.

Here's why. The Doklam stand-off is part of a string of similar incidents, where the PLA has pushed back against well-established Indian border positions, and part of a wider pattern of aggression on China's periphery. The aim is to signal China's displeasure at India's participation in what it sees as a US-led axis bent on its isolation, made up of Japan, Vietnam and Australia. From China's optic, coercion has worked in the South China Sea, terrorising small states into submission to its primacy. For obvious reasons, this is a dangerous lesson for China to have learned as it rubs up against militarily more-substantial states.

The fact is China's internal economic problems and the choking of its access to the US markets are likely to accentuate its fears of strategic isolation. This is not a reason for India to accede to China's often-unreasonable behaviour. However, India and other Asian states do need to engage in a dialogue with China on how the rapidly-changing structure of power on the continent is to be managed — or risk conflicts that are in the interests of none of them going out of control.

FREEZE FRAME

EP UNNY



The right to be left alone

Privacy is not just about Aadhaar or data protection; it's about letting people make free choices



ALOK PRASANNA KUMAR

THE FIRST THING to know when talking about privacy in India is that a majority of the population does not always understand what it means. It is at times confused with shame. It's also confused with the emotion we feel when we do something that does not meet our standards or our sense of what is right. Modern Indian languages do not seem to have an exact word which captures the meaning of privacy; they're usually some variation of the words for isolation, intimacy or secrecy, once again hinting at a conceptual confusion. This explains the reactions of many who wonder what's the big deal about privacy because they have nothing to hide from the government anyway.

Privacy, however, is not only about hiding something or keeping it secret. It is, at its core, the right to be left alone. It doesn't mean that one is withdrawing from society. It is an expectation that society will not interfere in the choices made by the person so long as they do not cause harm to others. It means that one's right to eat whatever one chooses, the right to drink what one chooses, the right to love and marry whom one chooses, to wear what one chooses, among others, are rights which the state cannot interfere with.

In a society where adults do not necessarily exercise most of these choices of their own free will (either because of family, caste or societal pressures), it is natural that the very concept of privacy seems incomprehensible. If you have grown up in a society where everything you do is dictated by someone else, and the cost of disobedience is high, to have the freedom to choose what you will in such important matters sounds like fantasy. But it is also a common misconception that the non-well-off in India do not know or care about privacy. Millions of men and women push back daily against the oppressive hold of their families and communities, and fight for the freedom to make their own choices. They may not have the right word for it, but they are creating space for themselves to exercise the right to privacy.

It is in this context that one must understand the hearings in the Supreme Court on

the right to privacy. Although the nine-judge bench has been constituted to decide whether there is a fundamental right to privacy protected under the Constitution in the specific context of the Aadhaar case, privacy has many more dimensions than just data protection or surveillance by the state. A fundamental right to privacy, enshrined and protected in the Constitution, would mean that all persons have the right to be left alone by the state unless such intrusion is necessitated by a just, reasonable, and fair law.

The nine-judge bench was necessitated in the first place because while multiple judgements have held that there is common law right to privacy (claimed against other individuals and entities), there was doubt as to whether such a right could be claimed against government. Obviously, the Constitution does not use the word "privacy" or we wouldn't be having these hearings. Where, then, does the right to privacy find a place in the Constitution?

To answer that it is necessary to go deep into what is meant by a fundamental right. At their core, such rights can be said to be the lines drawn by the Constitution delineating boundaries for the government's actions. Such boundaries necessarily imply, the petitioners' counsels have argued, that the Constitution guarantees that individuals have a right to be left alone by the state on matters of individual choice. They have argued that the earlier decisions in *MP Sharma v Satish Chandra* (1954) and *Kharak Singh v State of UP* (1962) were rendered relying on a narrow and pedantic interpretation of fundamental rights — an approach that has been discarded by the Supreme Court since the 1970s.

The Union government has argued that it does not think that the right to privacy is a fundamental right protected under the Constitution. Attorney General K.K. Venugopal has argued that while the right to privacy may be protected as a common law right or some element of it part of another fundamental right, by itself, it could not per se be guaranteed as a fundamental right. The arguments of the Union government and

state governments supporting it have been premised on an "originalist" interpretation of the Constitution — that the framers never intended privacy to be a fundamental right available to citizens. Given the Supreme Court's recent approach where it has not been hesitant to depart from the narrow interpretation of the Constitution when the situation demands it (such as appointment of judges), perhaps this approach may not find much judicial favour.

Far more worrisome is the argument that privacy is only the preserve of the well-off and the elite, and protecting it through law and legal institutions may stand in the way of "development" and poverty alleviation. This not only misunderstands what the right to privacy means but underplays its role in allowing individuals to make free choices. It is an argument of a paternalistic and patriarchal state that knows what's good for you and won't let you make your own choices. It also clashes with the ethos of a limited government enshrined in the Constitution.

A nine-judge bench of the Supreme Court holding that the Constitution guarantees a right to privacy will, however, only settle one issue — that there is a right to privacy guaranteed against state intervention. To what extent this right can be claimed and in what circumstances the state may be allowed to intrude will have to be decided on a case by case basis. At most, the court's judgment may outline the principles on the basis of which judicial review will be carried out, but it cannot be expected to prescribe an answer for every foreseeable situation.

Whatever the final judgment, the implications will go far beyond just the Aadhaar scheme and law. The law laid down by the Supreme Court on privacy could affect the course of development of the law governing reproductive rights, gay rights, beef bans, prohibition, among a host of other issues that the Indian state and society are grappling with.

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AT THE HALF-WAY MARK

The Swachh Bharat Mission has laid the foundations for a faster pace of change



NAINA LAL KIDWAI

INDIA IS MIDWAY into the Swachh Bharat Mission (SBM). Since its inception on October 2, 2014, the ministries of Urban Development and Drinking Water and Sanitation have been spearheading the programme, with implementation happening at the state level. The key differentiator with the SBM is the prime minister's ongoing focus which has percolated to district and block officials. It has also captured the imagination of the people of the country.

The SBM has witnessed several notable achievements in reducing open defecation thanks to the focus on behaviour change, need-based capacity building and constant measuring of outcomes. The last three years have seen an increase from 42 per cent to 65.02 per cent in national sanitation coverage. Five states, 149 districts and 2.08 lakh villages have already been declared Open Defecation Free (ODF). Nearly 22 per cent of the cities and towns have been declared ODF; 50 per cent of the urban wards have achieved 100 per cent door-to-door solid waste collection; and over 20,000 Swachhagrahi volunteers are working across urban local bodies, and over a lakh are working in rural India. The number of schools with separate toilet facilities for girls has increased from 0.4 million (37 per cent) to almost one million (91 per cent).

There have been numerous analyses, discussions and conclusions about the SBM. One recent media report mentions that the government is not measuring ODF, and

rather tracks funds spent on latrine construction while putting out numbers about sanitation. This is not entirely correct, as there have been efforts to measure ODF. Of course, the modalities for the same can be debated and there may well be scope for improvement in the measurement protocols. Several sectoral experts are members of the Empowered Working Group (EWG), which is responsible for examining the survey methodology and setting protocols for the government's upcoming national survey through the Independent Verification Agent (IVA) under the World Bank project.

One of the key differentiators of the SBM programme (and rightly so) is the decision by the government in November 2014 to make ODF the success parameter. It was made clear by the ministries concerned that progress will be tracked and evaluated only on this basis. This caused a paradigm shift in the thinking of the implementers as ODF measurement has a direct relationship with behaviour change. This policy shift led to ODF Monitoring Committees (or Nigrani Samitis) being formed at the village level, reflecting the community ownership of SBM. The monitoring committees' key tasks were not to count the number of toilets but to ensure that no individual from the village resorts to open defecation. Anecdotal information and feedback from NGOs and others in the field suggests good progress on this front.

Sanitation, in a diverse country like India, encompasses a number of factors which are

important determinants for the success of the mission. It has a direct relationship to caste, creed, religion and gender. A successful sanitation programme needs to address such factors, which makes achievement of safe sanitation a very complex exercise. Additionally, India has a large number of disabled people whose needs require customised solutions. Despite these challenges, we have seen a marked improvement in sanitation coverage since the launch of SBM.

Achieving ODF status alone is not sufficient for the success of SBM. Attention to the complete sanitation cycle is required, where toilets not only need to be built and used but the waste generated also needs to be collected and treated properly. The India Sanitation Coalition advocates safe and sustainable sanitation including design, implementation and practice. This is evident in the tagline BUMT (Build, Use, Maintain and Treat) to complete the entire sanitation chain.

Achieving ODF is the collective responsibility of the entire nation, not just the government. We have now reached a stage where the need for BCC (Behaviour change communication) has been recognised.

Turning a large and populous country like India around is not an easy task. However, in less than three years we see that India is already course correcting and with the momentum building, the pace of change going forward will be much faster.

The writer is chair, India Sanitation Coalition

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country like India, encompasses a number of factors which are important determinants for the success of the mission. It has a direct relationship to caste, creed, religion and gender. A successful sanitation programme needs to address such factors. Despite these challenges, we have seen a marked improvement in sanitation coverage since the launch of SBM.

JULY 31, 1977, FORTY YEARS AGO

CHAVAN QUILTS CONG FORMER CHIEF MINISTER of Maharashtra, S.B. Chavan, resigned from the Congress and joined the newly-formed Maharashtra Samajwadi Congress. Chavan said he had informed the Speaker of the assembly about his resignation. He, however, made it clear that he had not resigned from the membership of the Maharashtra Assembly.

PROHIBITION PLAN THE STATES AGREED to draw up a programme for introducing total prohibition in four years. The programme, which will include proposals for making prohibition laws, will be ready in a year. Complete prohibition in four years was one of the major recommendations of the

Central Prohibition Committee. Prime Minister Morarji Desai had also called for time-bound total prohibition while inaugurating the committee's meeting.

PAK DISPLEASURE PAKISTAN MADE KNOWN its displeasure at the recent statement of the US Deputy Secretary of State, Warren Christopher, that his country expects India to take a position of leadership in South. Pakistan's Foreign Office said that Christopher's views were surprising. A spokesperson said "any pronouncements suggesting acceptance of the doctrine of hegemony countenancing lesser sovereignty of certain states or promoting spheres of influence were incompatible with the establish-

ment of friendly relations among the nations and regional and global peace and stability".

JP ON LOK SAMITIS JAYAPRAKASH NARAYAN SAID in Patna that the preservation of democracy, which has been restored after tremendous sacrifices during the Emergency, had become the first charge on the people. This, he added, could be done only if all concerned assiduously built up lok samitis right from villages to the state level and with a proper awareness of values of righteousness and rectitude, which formed the bedrock of democracy and equality. If lok samitis were to succeed, they will need to wage a war against caste and class interests and help the downtrodden, JP said.



13 THE IDEAS PAGE

Everybody loves a good crop

The states need to pull up their socks, make farmers stakeholders, to ensure success of the Pradhan Mantri Fasal Bima Yojana

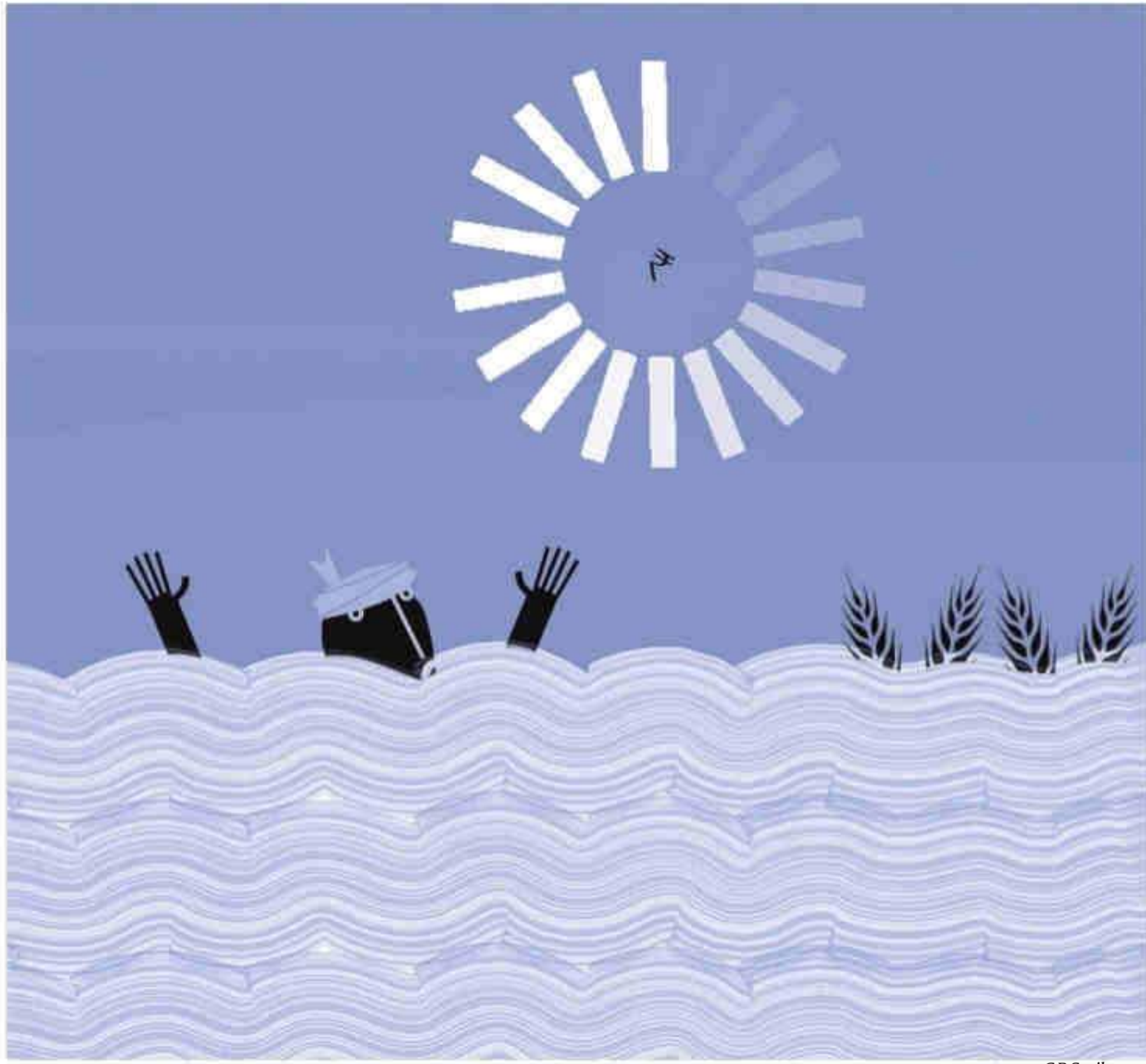


FROM PLATE TO PLOUGH
BY ASHOK GULATI AND SIRAJ HUSSAIN

RECENT FLOODS IN Gujarat, Rajasthan and Assam show that even in an otherwise normal monsoon year, farmers in certain pockets could still suffer due to natural calamities. The droughts of 2014-15 and 2015-16 exposed that the existing crop insurance schemes were not enough to alleviate farmers' woes. The sums insured under National Agriculture Insurance Scheme (NAIS), modified NAIS, and Weather Based Crop Insurance Scheme (WBCIS) were too low, as premiums were kept low. Further, the compensation was too meagre, and the long wait which the farmers had to go through meant that the relief wasn't meaningful. So, governments often used the National Disaster Relief Funds to address the situation. Unfortunately, it was not based on any robust scientific system and had its own loopholes.

The prime minister realised that and in kharif 2016, he announced a revamped Pradhan Mantri Fasal Bima Yojana (PMFBY), hoping it to be a game changer. The PMFBY raised the sums insured to realistic levels, basically to cover the cost of cultivation of farmers. The premiums were heavily subsidised by the Centre and the states in equal proportions, with farmers paying only 2 per cent of the premium for kharif and 1.5 percent for rabi (for horticulture crops it was 5 per cent). Farmers found the PMFBY attractive. Consequently, in the very first kharif season (2016), area (in ha) and number of farmers covered under PMFBY, both increased to 37.5 million. It was 47 per cent higher in terms of number of farmers, and 38 per cent higher in terms of area, over NAIS and MNIS schemes of kharif of 2015, a drought year. However, if compared to a normal kharif year, say 2013, the number of farmers opting for the scheme increased by 210 per cent in kharif 2016, and the area covered increased by 126 per cent. The sum insured on per hectare basis under the PMFBY increased by 51 per cent over kharif 2015. The number of non-loanee farmers opting PMFBY, as per the ministry's communication, also increased by about 23 per cent, driven primarily by Maharashtra. All these indicators show that the PMFBY is moving at a good pace and in the right direction.

But despite the increasing coverage, the premiums, as percentage of sums insured, increased. With greater competition, there is surely scope for negotiating lower premiums. But the litmus test of any crop insurance scheme is how fast it can settle the claims of farmers. It is here that the governance of the state is tested. There are three critical steps in this process: First, the state has to notify the crops, make clusters of districts, determine the sums to be insured based on district level committees, and invite tenders from insurance companies; second, the state and the Centre have to pay premium to the companies providing insurance; and third, in case of crop damages, quickly assess the damages and ask companies to pay the claims of farmers. Unfortunately, in this entire process, farmers have almost no role. That's the reason why its implementation and effectiveness has fallen between the cracks. If states



CR Sasikumar

delay notifications, or payment of premiums, or crop cutting data, there is no way companies can pay compensation to the farmers in time. It is exactly this slow pace and casual attitude of several state agencies that delayed compensations to farmers for losses in kharif 2016, and it may happen again in kharif 2017.

There is talk in certain quarters that the government is throwing away money to private insurance companies as claims are much lower than premiums paid. It may be noted that in any crop insurance business, companies make profits during normal times and incur losses during droughts and floods. So any meaningful comment on premiums and claims should look at at least a three to five year cycle.

In any case, just for FY2017, the total premium paid by the government and farmers is Rs 22,345 crore both for kharif and rabi, while the estimated claims of kharif 2016 alone will exceed Rs 10,000 crore, of which Rs 4,203 crore has been paid. In Tamil Nadu, which was affected by the worst drought of the century, Rs 976 crore was paid as premium in rabi and claims of Rs 1,213 crore have been paid.

It may be noted that most states did not claim any amount under on-account claim for mid-season adversity, which allows 25 per cent payment for quick relief to farmers. Similarly, most states failed to provide smartphones to revenue staff to capture and upload data of crop cutting, which continues to come with enormous delay. There is hardly any use of modern technology in assessing crop damages.

With the picking up of the PMFBY, area under the WBCIS reduced from 12 lakh ha in

The PMFBY has moved in the right direction and made substantial progress in terms of coverage, but failed in quick dispensation of claims to farmers. The primary reason behind this failure is lethargy and the casual attitude of state agencies. If the PMFBY has to succeed, farmers must have a bigger stake in its functioning. There is an urgent need to link insurance database with Core Banking Solution (CBS) so that when premium is deducted from a farmer's bank account, the bank sends him a message informing about the premium, sum insured and name of insurance company.

2015-16 to 1.8 lakh ha in 2016-17. Both Rajasthan and Maharashtra, leaders of WBCIS, delayed finalisation of their tenders and received high actuarial rates. The pilot scheme of unified package insurance (UPIS) in 50 districts has not taken off.

So what is the future of crop insurance in addressing farmers' woes from natural calamities? The PMFBY has moved in the right direction and made substantial progress in terms of coverage, but failed in quick dispensation of claims to farmers. The primary reason behind this failure is the lethargy and casual attitude of state agencies. If the PMFBY has to succeed, farmers must have a bigger stake in its functioning. There is an urgent need to link the insurance database with Core Banking Solution (CBS) so that when premium is deducted from a farmer's bank account, the bank sends him a message informing about the premium, sum insured and name of insurance company. IRCTC has a similar system in place for railway tickets and there is no reason why our technology-savvy banks and insurance companies cannot do it quickly. Currently, several loanee farmers may not even be aware that they are insured. If the system remains locked between state agencies and insurance companies, chances are that farmers will get short changed. It is time that the PM makes this flagship program farmer-centric with effective implementation. It can pay rich dividends.

Gulati is Infosys Chair Professor for Agriculture and Hussain is former Secretary of Agriculture (GoI) and currently Visiting Senior Fellow at ICRIR

WHAT THE OTHERS SAY

"There are more important things than Trump's twitter feed."

— THE INDEPENDENT

In the ruins of Magadh

The subtleties of literature, rather than cold political analysis, will help decode events in Patna



ASHUTOSH BHARDWAJ

WHILE IT IS easier to decry Nitish Kumar's BJP embrace as yet another instance of rotten politics, the Patna text demands a different reading. Here are eight propositions to decode its narrative.

One: Indian Politics is now an individualistic utilitarian act. It has moved beyond the Plato's advice in *The Republic* that true politics is ethics in action. It now involves the art of managing multiple partners simultaneously, with the sole aim to maximising pleasure and power. It celebrates and legitimises narcissism. Many have practised this art before Nitish, he will also have his successors, some of whom will perform this art on him too.

Two: The Patna episode was not a drama, but a novel. Such political coups, because of their curious turns, are often termed as "dramatic". In great novels, of Paul Auster's for instance, even the most bizarre twists of life appear predetermined and inevitable. Indian politics has now the ability to deliver the most curious scenarios with routine ease. It no longer surprises us, but reveals itself in chilling banality. The drama is over. Indian politics is now a novel waiting for its generous writers.

We already have an illustrious novel to exemplify it. Milan Kundera's *The Book of Laughter and Forgetting* begins with an 1948 incident in which the revered Communist leader and author Vladimir Clementis took off his cap and placed it on the fellow comrade and Prime Minister Klement Gottwald's head before an applauding crowd of several thousands in Prague. The sky sprinkled fresh white snow over Prague as Czechoslovakia ushered into a historic moment. Soon after, Clementis was charged with sedition and executed. His cap still remained on Gottwald's head, but few knew that it belonged to the persecuted leader.

Three: The phrase "U-turn" needs a review. We take many turns through our life, changing jobs, lovers and friends. Our choices often contradict each other. We move on, but quite often return to embrace those with whom we had a bitter separation. We can also lend some space to politicians to make such turns.

Four: His BJP embrace does not mean that Nitish is now "anti-corruption" but supports "lynching and communalism". To assume that he was a staunch advocate of secularism until his resignation but lost these credentials thereafter is a misleading interpretation of the human mind. He has hobnobbed with his new partners for decades. His life cannot be read as an oscillation between being "secular" and "communal". Can a human play a game of hide secular and seek communal, or seek secular and hide communal, through his life? If that sounds hilarious, then the prism through which we perceive secularism, communalism and many such phrases

needs an appraisal. One need not rusticate ethics from public life but one must acknowledge that a different psychoanalysis is required to comprehend the present politics. Continue to evaluate it on old anvils and it will escape every hit of yours. The moral goalposts have shifted.

Five: Nitish has been a major hope for some writers and intellectuals during the last three years. As they find this hope getting shattered and shame him, they must reflect that they allied with a "turncoat", who, according to their own yardstick, has been "communal" in the past. Ironically, it cannot be asserted that they would not welcome him back, should he ever make a comeback, a possibility that still exists.

Six: It cannot yet be said that citizens aspired for the Patna text, but many of them thoroughly enjoyed and applauded its dynamics. They described it as "a terrific masterstroke", "top political game". People seem to support such strokes, perhaps a reflection of their secret desires, and decry the parties that lag behind. The Congress could not form the government in Goa and Manipur despite being in majority, and yet the blame was not on the usurper, but on the party that let the "opportunity" slip by.

Seven: Though politics wants to be interpreted on its own terms and does not see its failings in Patna, one can still decode it as a human crisis. A crisis that the bearers of the topmost offices swallow their public remarks. For making any comeback to their estranged partners people offer themselves various reasons. Imagine the reasons these leaders might have submitted to their revolting souls for the reunion — that is, if they did so, and if that organ called soul is still capable of some basic functions. And if they did not, imagine the extent of the human crisis.

And eight, a poem: Will it make any difference if I say/I'm not from Magadh/I am from Avanti?/Of course it will/You'll be taken to belong to Avanti/You'll have to forget Magadh/And you will not be able to forget Magadh/You will live your life in Avanti/without knowing Avanti/Then you'll say/I'm not from Avanti/I'm from Magadh/And no one will believe you.No one will believe you are/From Magadh/No one will recognise you/In Avanti. (*Kya isse kuch fark padega/agar main kahun/main Magadh ka nahin/Avanti ka hun?/Magadh ke/maane nahi jaoge/Avanti men/pehchane nahi jaoge.*)

The poet is Shrikant Verma. The poem is from Magadh, among the finest poetry collections of modern Hindi. He was associated with Indira Gandhi for years and closely witnessed the Congress's decay. The poems of this collection came out of the tormenting conflict he faced between his twin loves, politics and poetry. This poem captures his soul, which conceals its nativity of a province in order to seek the residency of another. In the process, it loses its identity in the both. Replace Magadh and Avanti with Patna and Ahmedabad, Gottwald and Clementis with Indian politicians, and the contours of the human crisis suggested above might become clear. Human crisis, as we know, requires the compassionate nib of a novelist more than the clinical scalpel of a political theorist.

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NEXT DOOR NEPAL
BY YUBARAJ GHIMIRE

Wrecking the constitution

Key provisions are being challenged by political groups including the Maoists

THE THIRD GOVERNMENT in Kathmandu after the promulgation of the constitution 22 months ago, continues to harp, like its two predecessors, that its main responsibility is to implement the statute. This repeated assertion and claim by key political actors gives out the message that Nepal continues to be in a state of transition. Why should not the transition be declared over once the constitution has been delivered?

It seems the leaders, especially those in office, can undermine constitutional provisions and dilute the system of accountability during the transition. All the three cabinets formed under the new constitution — the first one led by K.P. Oli of the Communist Party of Nepal-Unified Marxist Leninist followed by Pushpa Kamal Dahal of the Communist Party of Nepal-Maoist Centre and the current one of Sher Bahadur Deuba of the Nepali Congress — came into existence by violating the clearly stated provision of the constitution that the size of the cabinet "shall not exceed 25". The eight-week-old coalition government of Deuba already has 28 members, and is likely to expand further as he needs to appease parties, big and small, for his survival in a hung parliament. No political party is likely to raise objections to

Deuba's outreach since almost all of them have been beneficiaries of this violation.

Mahendra Yadav, a Congress parliamentarian, refused to leave the prime minister's residence unless he was given a berth in the cabinet. His action almost delayed the scheduled swearing in at the President's House on Wednesday. Ultimately, Prime Minister Deuba gave in. Yadav rushed straight to the President's office for the oath ceremony in "slippers" since he feared that going home to get dressed in formal wear may deprive him of the opportunity. Having to yield to such tantrums at the cost of the prime minister's prerogative is not uncommon in Nepal: The PM will need to acquiesce to such demands for survival. Prime Minister Deuba, who included nine members in this round of cabinet expansion which took place 49 days after he assumed office, has conceded six seats to three different factions within the Nepali Congress, on the recommendation of the leaders of the respective factions.

However, more severe challenges may be in the offing. The Maoist outfit, the second largest party in the coalition government, is in a poor shape. Last week, Dahal said his party will demand — in parliament and from the streets — a directly elected ex-

ecutive president as a measure to guarantee political stability in the country. In other words, Dahal has challenged the constitution by opposing the existing arrangement of a "ceremonial president". No one knows whether Dahal's demand was a political ploy or if the Maoists intend to step up their tirade against the constitution.

Dahal, clearly, is trying to send a message across to the ruling coalition as well as his own faction-ridden party. In a recent extended party meeting, he said Nepal's transformation to a "secular, federal republic was the outcome of the revolution under my leadership and it is irreversible no matter whether our party remains, or we dissolve it". He probably wanted his own party leaders to shut up and follow him.

Dahal is not alone in demanding changes to the constitution. Last week, Kathmandu saw a huge procession led by former minister, Prakash Chandra Lohani, which was attended by many groups dissatisfied with the current constitution and the prevailing chaos. They demanded that Nepal revert to being a Hindu state under constitutional monarchy, which alone can provide "the much needed political unity and stability to the country". Dahal's opposition to a basic feature of the

constitution, which his party's had endorsed two years ago, has accorded legitimacy to all those who reject the constitution.

The pro-monarchy procession took place amidst a flood of messages on social media that wished the former king, Gyanendra Shah, who underwent angioplasty in local Norvic Hospital, a speedy recovery. The messages were also full of derogatory remarks and criticism about politicians, including Dahal, who have opted for expensive medical treatment abroad at state expense.

In the meantime, the government has formed a commission for delimitation of parliamentary constituencies. The move is aimed at reducing the number of constituencies to 165 from the current 601 in a month's time. This is certain to trigger large discontent at a time when the proposed provincial boundary and capital issues remain unsettled. Both parliament and provincial legislatures are to be elected by January 21. With so much confusion around, political groups riven by factionalism and key constitutional provisions being challenged by powerful players, there is a need for conciliatory efforts which are nowhere to be seen.

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LETTER TO THE EDITOR

FOCUS ON SCHOOL

THIS REFERS TO the article, 'The elephant in the room', (IE, July 28). Poverty alleviation schemes overwhelm the government's other social sector commitments, since the outcomes are more visible. Within the education system, higher education is projected as show-piece of India's growth story. The primary school infrastructure needs considerable attention. We need bright, enterprising individuals to illuminate our children's mind.

Sudip Kumar Dey, Kolkata

MATTER OF OPTIONS

THIS REFERS TO the editorial, 'Opportunistic' (IE, July 28). In a democracy, the welfare and well-being of people should be priority. Lalu Prasad treated his constituency as a family fiefdom. Everything was happening under Rahul Gandhi's watch. But he didn't intervene. Nitish Kumar seemed to be failing in exercising his authority as chief minister and could not halt the Lalu clan. He preferred, and rightly so, to give up on the alliance. It is a prudent step and will do good to the people of Bihar. It is wise to ally with the BJP.

Subhash Vaid, Noida

ONE SIDED

THIS REFERS TO the article, 'Flags of our forefathers' (IE, July 28). The author focuses on the ruling party's attempts to impose its ideology in university cam-

LETTER OF THE WEEK AWARD

To encourage quality reader intervention, The Indian Express offers the Letter of the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to editpage@expressindia.com or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301. Letter writers should mention their postal address and phone number.

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pus. But that is nothing new. Earlier governments have also made appointments of vice-chancellors on the basis of political ideology. School textbooks and university curriculum have been changed on political considerations. We need structural changes so that no government can impose its ideology in schools and universities.

Suchak D. Patel, Ahmedabad