

Take stalking far more seriously

The Chandigarh case follows a familiar and worrying script

Last week, a young woman was driving back from work. Two drunken men stalked her but she managed to alert the police and file an FIR. The two were arrested but got bail within a day. Does this sequence of events seem unusual? It's not. There have been so many episodes with similar scripts that it did not surprise us. However, the Chandigarh stalking case will, hopefully, not end tamely. The victim is the daughter of a senior IAS officer (who has promised to pursue it) and one of the accused, Vikas Barala, is the son of Haryana BJP chief Subhash Barala, making the case one tailor-made to generate strong public interest.

But first things first: A person can be booked for stalking under Section 354D if he follows a woman and contacts or attempts to contact her to foster personal interaction repeatedly, despite a clear indication of disinterest by her. The first offence is bailable and that is what helped the accused get away. What the Chandigarh police failed to do is not adding Section 365 (kidnapping) and 511 (attempting to commit offences punishable with imprisonment for life or other imprisonment) in the FIR registered against the duo, even as the woman alleged an attempt to kidnap. Moreover, the police now claim that there was no CCTV footage available that can be used against the accused. The BJP had not pulled up the father of the errant son either, at the time of going to press: Not for his son's hooliganism or for the public shaming of the girl they are now indulging in, using the usual tropes: She had a drink or two and she was out late at night. Haven't we heard these excuses earlier too?

Stalking has been on the rise in India. One of the reasons why stalking cases continue to increase in India is because women, unlike the lady in Chandigarh, do not come forward to report such cases; the targets are often picked for their vulnerability. While arrests are a deterrent, many get bail right away. The conviction rate for stalking cases continues to fall across India. Unless, this is reversed and police are allowed to function minus political pressure, such incidents will continue to spiral.

Don't devalue a seat in the Rajya Sabha

People who have no interest in public life should not accept nominations

Article 80(3) of the Constitution authorises the President of India to nominate (on the advice of the Government) 12 members to the Rajya Sabha. These members are people from outside the realm of politics and elections. These are people who have excelled in their respective fields, and whose expertise and vision can help shape legislation in the country. They are not expected to have stood for or won elections, but can contribute to legislation that can benefit from their perspective.

It is therefore disappointing that some of the current nominated members have done hardly anything to prove their value to the House. When celebrated cricketer Sachin Tendulkar (who has been a member of the House since 2012) showed up in Parliament last week, it was such a rare occurrence that it became news in itself. Mr Tendulkar has, in his five years as member, participated in no debates, introduced no bills, and his attendance in the house is a measly 7%. Actor Rekha is another nominated member with a dismal record. Also a member since 2012, her attendance is even worse than Mr. Tendulkar, at 5%. She has asked no questions, introduced no bills, and taken part in no debates in all these years. This is not to say that all nominated members are the same. KTS Tulsi has asked the most number of questions - 134 - and participated in the most number of debates - 54 - out of all nominated members. Even Olympic medal winning boxer Mary Kom, who was nominated in 2016, has already participated in three debates and has a 61% attendance record.

It is a devaluation of a Rajya Sabha seat to nominate members such as Mr. Tendulkar or Ms. Rekha; who seem to have no interest in the running of the House. It may have been better for them to have refused the membership, instead of accepting it and contributing next to nothing. The office is a chance for prominent citizens to make a difference; and only those who have an interest in the running of the country should accept the nomination.

History and science of mass hysteria

Fear and blame lie at the root of the frenzy surrounding incidents like braid-chopping

SHIV VISVANATHAN



Fear and anxiety often demand an articulation of a public performance. When it reaches the level of panic, it acquires an epidemic quality of a spectacle, rampant when it is present, forgotten and almost mysterious when it is over. Events such as these have a devastating effect on the psyche of a society. Such panics, from being invitations to storytelling, reveal the repressions of a society. All it needs is a rumour, an audience prone to gossip and anxiety.

One recent example was the Ganapati Festival but it had an almost endearing quality to it. I remember colleagues of mine in Delhi who went to temples to see the phenomenon come back feeling blessed. When I smiled sceptically, one of them explained to me "It is not how many academic degrees you have. You have to believe to see it. It is like punya. If you don't have it, you can learn it." Another said, a pujari whose temple was not the site of miracles has gone to the hills to meditate, do penance because he feels he has missed out. I offered to go to the hills but another said,

"Don't laugh at us, you have not been touched by God as we have. This is a faith which you won't understand. To believe is to be blessed."

I felt left out as Ganapati looked indifferently at me. I consoled myself by reading about a rationalists meeting, reading an edit about scientific temper. Why do such epidemics occur so often? I was reading about the braid cutting phenomena. Women in Haryana and other parts of north India are falling unconscious and coming awake to discover their hair has been cut.

Panic spreads quietly across town and women shut doors to keep out the evil force. While the Ganesh episode had a touch of the comic, the braid episode evokes the right touch of the sinister, the lethal. Where innocence ends, and conspiracy begins is difficult to decipher. Rationality dismisses the event but rationality cannot explain it.

Reading the origins of such an event, one senses a sequence. It usually is triggered, often innocuously, in moments of anxiety where the first event seems almost a joke, carrying the touch of the incredulous. It looks like a prank but is never fully dismissed as such. By the third or fourth report, rumour has acquired a tenacity of its own.

Forces of law and order are summoned but they make little sense of it. They ask people to be cautious, adding a few layers of paranoia to the anxiety. Explanations do not explain. Lucky charms seem to guarantee more safety than police escorts and cow dung and



A woman showing the chopped braids of her daughter in Gurugram

turneric, usually used to keep people at bay, become popular. Warding off evil becomes a local cottage industry as a community waits to zero in on the next report. It is generally a vulnerable group that is targeted. Children, women and the victims are both complainants and rumour-mongers. Forensic experts collect the braid for analysis but forensics is little match for witchcraft as the anxiety spreads. It is eerie watching official rationality and irrationality battle but what makes it sinister is the element of violence as superstition inevitably searches for a scapegoat as a cause. A Dalit woman, a migrant worker, a minority group meets a grey death that changes the narrative. The victim as complainant has an

innocuous story but rumours provide the agency of the narrative. The police then find their own scapegoats but few look at the social profile of anxiety, displacement, the appearance of a modernity that does not answer questions of meaning. Indeed, people prefer collective insanity to an individual recognition of problems.

Rumour constructs a monster, a demonology which is always amorphous. What it smashes is the usual routine of domestic life as suspicion cuts down on interaction and a fortress complex develops. There is a predictable quality of narratives. What one misses is the presence of groups, civil society activists, doctors who can tackle the event, civil society activists to initiate panchayat meetings. As hysteria mounts, violence increases. Yet a few weeks later after the 'criminal' is caught, few are able to explain what happened. Social scientists rarely follow up. The standard explanations hardly explain. Just as we have early warning groups to predict a stock market crash, we need groups that examine such explosions of irrationality as symptoms of what such societies are going through. Each event whether monkey man, braid women, or the much-saluted Ganesh becomes a fable unfolding the symptoms of trust and the contours of suspicion and anxiety. Here, the Ojha and the Shaman may be as necessary as the psychiatrist. Such crises can be a moment of collaboration between our different psychiatric systems. Constructing such epidemics as mere law and order problems adds little to understanding or healing.

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DEEPTROUBLE



Troubled by Donald Trump's apparent soft spot for Vladimir Putin, bipartisan majorities in both chambers passed a bill to impose more sanctions on Russia and to prevent the president from lifting any such penalties

For Donald Trump, the noose is tightening

The failure to repeal Obamacare and imposing sanctions on Russia are major setbacks for the US president

ELIZABETH DREW



Even with a new minder trying to bring some order to the White House, United States President Donald Trump remains in a heap of trouble. The recent installation of retired general John Kelly, formerly Trump's secretary for homeland security, as chief of staff, replacing the hapless Reince Priebus, has reduced some of the internal chaos and induced a bit more discipline in Trump's behaviour. But all this could change any day.

Kelly has put a stop to aides sauntering into the Oval Office whenever they felt like it and has demanded that papers and memos for the president be submitted to him first. Keen Trump observers expect that he'll soon begin to chafe under the discipline Kelly has encouraged. The recent failure of the Republican-dominated Congress to repeal Barack Obama's signature achievement, the Affordable Care Act was a humiliating defeat for Trump.

At the end of six months in office, Trump doesn't have a single legislative achievement to crow about.

While the healthcare bill was commanding most of the attention on Capitol Hill, another piece of legislation was moving

along in the Congress, representing another setback for Trump. Troubled by the president's apparent soft spot for Vladimir Putin, overwhelming bipartisan majorities in both chambers passed a bill to impose more sanctions on Russia and to prevent the president from lifting any such penalties.

Meanwhile, the investigation into Trump and his campaign's relations with Russia in connection with its meddling in Trump's favour in the 2016 election has continued out of the public's sight. That investigation has broadened to include Trump's son-in-law Jared Kushner and his son Donald Jr.

This spring, Trump let it be known that he wanted the special counsel running that investigation, Robert Mueller, a former FBI director who is highly respected by both parties, to be fired. By law he couldn't fire Mueller himself, so he tried to bully Attorney General Jeff Sessions into resigning.

But Sessions refused to resign. Republican senators, concerned that Trump might remove him during the August recess, established a procedure that would prevent Trump from appointing an interim attorney-general to fire Mueller.

Then, as Congress prepared to leave for the August recess, it was learned that Mueller - who hired highly regarded prosecutors specialising in international financial transactions, despite Trump's warnings not to investigate his finances - impeached a grand jury in Washington. The noose tightens.

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The DNA Profiling Bill has too many loose ends

The implications of creating regional and national level genetic databanks need to be fully understood

ELONNAI HICKOK



The first step towards a DNA Profiling Bill was taken in 2007 with the 'Draft DNA Profiling Bill' by the Centre for DNA Fingerprinting and Diagnostics. Since then, there has been a 2012, 2015, and a 2016 version of the Bill - the last not available to the public.

In 2013, the Department of Biotechnology formulated an Expert Committee to deliberate on concerns raised about the Bill and finalise the text. The "Use and Regulation of DNA Based Technology Bill 2017" and the report by the Law Commission is a further evolution of the legislation and dialogue. The 2017 Bill contains a number of improvements from previous versions - yet there are still outstanding concerns that remain.

Positive changes in the Bill include provisions for consent, defined instances for deletion of profiles, limitation on purpose of the use of data in the DNA Data Bank, defined instances for destruction of biological samples, and the ability for an individual to request a re-test of bodily substances if they believe contamination has occurred.

Despite these changes the Bill still has an overly broad schedule defining instances of when DNA profiling can be used and is missing a number of safeguards that would enable individual rights. These include a right to notification of storage and access to information on the DNA databank, the right to appeal and challenge storage of DNA samples, and right to access and review personal information stored on the DNA Data Bank.

It is concerning that the 2017 Bill has left the defining of privacy and security safeguards to regulation - including implementation and sufficiency of

THE USEFULNESS OF DNA-BASED TECHNOLOGY TO A LEGAL SYSTEM AND THE IMPACT ON INDIVIDUAL RIGHTS ARE DEPENDENT ON THE ENVIRONMENT THE TECHNOLOGY IS USED IN

protection, appropriate use and dissemination of DNA information, accuracy, security and confidentiality of DNA information, timely removal and deletion of obsolete or inaccurate DNA information, and other steps as necessary. Furthermore, though the Law Commission cites the use of the 13 CODIS (Combined DNA Index System) profiling standard as a means to protecting privacy in its report - this standard has yet to find its way in the text of the Bill.

The implications of creating regional and national level DNA databanks need to be fully understood and publicly debated. DNA is not foolproof - false matches can take place for multiple reasons. Importantly, the usefulness of DNA based technology to a legal system and the impact on individual rights is dependent and reflective of the social, legal, and political environment the technology is used in.

DNA based technology can be a powerful tool for law enforcement, and it is important that a robust process and structure is given to the collection of DNA samples from a crime scene to the laboratory for analysis, to the DNA Bank for storage and comparison, but this structure needs to also be fully cognizant of the rights of individuals and the potential for misuse of the technology.

As society continues to rapidly become more and more data centric, and that data increasingly is a direct extension of the person, it is critical that legislation that is developed has clear protections of rights. In addition to amendments to the text of the draft 2017 Bill, this includes enacting a comprehensive privacy legislation in the country.

It is worrying that in the conclusion of its report, the Law Commission has referred to whether privacy is an integral part of Article 21 of the Constitution as merely "a matter of academic debate." Privacy is recognised as a fundamental right in many democratic contexts - including many of those reviewed by the Law Commission as examples of contexts with DNA Profiling laws.

Policy needs to evolve past protections that are limited to process oriented legal privacy provisions, but instead to protections that are comprehensive - accounting for process and enabling the individual to control and know how her/his data is being used and by whom. Other countries have recognised this and are taking important steps to empower the individual. India needs to do the same for its citizens.

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DOUBTS HELP US ATTAIN WISDOM AND TAKE THE RIGHT DECISIONS

PP Wangchuk

Why do we doubt? Because we are not sure of ourselves or others; or we have had a bad experience? Or, is it that we doubt most of the time because of lack of understanding? Any of these may put us in a situation that leaves us with no option but to doubt.

The word 'doubt' is usually taken in a negative sense. And we always doubt a doubtful person. Even then there is nothing wrong in having doubts because doubts force us to make sure that we don't take a

wrong step. It is in having an obsession with doubt that spells our undoing, because doubting too much could mean we are always suspicious and negative. In other words, we become weak in our resolve and unable to take decisions. As a result, our journey of life to seek a purposeful existence gets lost. Nothing can be a greater loss.

It is good to have reasonable doubts. Galileo Galilei had said, "Doubt is the father of invention."

That means all good and great things

had doubts and queries in their origination. Even wisdom and truth have doubts at their base.

But let us be on a constant watch that we don't become victims of doubts because, as William Shakespeare says, "Our doubts are traitors and make us lose the good we oft might win by fearing to attempt."

(Inner Voice comprises contributions from our readers.)
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