

PAPER
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When sponges start to stink, don't clean; just throw them out

THE SQUISHY sponge found in kitchens across the world is a microscopic universe, teeming with countless bacteria. Some people think microwaving the sponge kills the bacteria — in fact, while microwaving nukes the weak ones, the strongest, smelliest and potentially pathogenic bacteria survive. Then they reproduce, and make the sponge even stinkier and nastier than it was earlier, suggesting a new study.

Bacteria are of course, everywhere, but previous research had underestimated their quantity and range in a kitchen sponge. By looking at the DNA and RNA in samples from 14 used sponges, Markus Egert, a microbiologist at the University of Furtwangen in Germany, and his team identified 362 different species of bacteria living within them. They were packed in extremely densely: about 82 billion bacteria were living in just a cubic inch of space.

"That's the same density of bacteria you can find in human stool samples," Dr Egert said. "There are probably no other places on Earth with such high bacterial densities."

The sponge attracts bacteria — which arrive via food, the skin or other surfaces — with perfect living conditions. There is lots of warm, wet and nutrient-rich space for them to thrive.

Among the bacteria was a microbe called *Moraxella osloensis*. It is widespread in nature, lives on the human skin, and can cause infections in people with weak immune systems.

Moraxella osloensis is primarily responsible for the stench of dirty laundry, and it may also be the reason that your sponge eventually emits a foul odour. The odour is a compound produced by the bacterium's metabolism. It eats fat. It excretes fat. And that fatty excrement stinks.

So what do you do when that happens? It's probably time to let the sponge go. Disinfecting does not necessarily work. You can microwave it, throw it in the laundry or dishwasher, douse it in vinegar or other cleansing solutions, or even cook it in a pot. But the researchers discovered more of the potentially pathogenic bacteria, on them. **THE NEW YORK TIMES**

Why Kashmiris want a fair probe into the killings of Pandits, prosecution of guilty

A J&K Police survey found 209 Kashmiri Pandits were killed by militants since 1989, leading to the registration of 140 cases in police stations across the Valley. Years later, chargesheets had been filed in only 24 cases. The festering wound of Pandit migration has remained a reason why even genuine political demands of Kashmiri Muslims continue to be viewed through a communal prism.



IN FACT

BY MUSAMILL JALEEL

EXPRESS EDITORS INTERPRET

WHEN THE Supreme Court last month rejected a petition seeking the reopening and investigation of the killings of several hundred Kashmiri Pandits by militants since the beginning of the insurgency in Kashmir, a chance was missed to dispense long-awaited justice to the victims. Such a probe could have worked towards ascertaining the facts, identifying and prosecuting the perpetrators of the violence against the Kashmiri Pandits, and help to begin a process of reconciliation in Kashmiri society.

The petition, filed by the Kashmiri Pandit organisation Roots in Kashmir, had sought the "transfer of all the FIRs/cases pertaining to murders of Kashmiri Pandits" out of Jammu & Kashmir, and their handling by "some other independent investigating agency like CBI or NIA... as till date, J&K Police has failed miserably to make any progress in hundreds of FIRs lying pending with them for more than 26 years".

A Bench comprising Chief Justice of India JS Khehar and Justice DY Chandrachud dismissed the plea, saying that 27 years had passed since the Pandit exodus from the Valley, and evidence "is unlikely to be available".

Reacting to the dismissal of the petition, the Jammu Kashmir Coalition of Civil Society (JKCCS), a well known Kashmiri human rights organisation, said in a statement that the "Supreme Court order is a complete departure from established law that 'crime never dies', and there exists no time limitation for justice under Indian and international law with regard to serious crimes such as murder".

The "killings of Kashmiri Pandits, other minorities and all violence in Jammu and Kashmir have never been fairly and credibly investigated. Thus far, Jammu and Kashmir has faced widespread, systematic and systemic violence, largely at the hands of the Indian State," the JKCCS statement said. "To date, despite the presence of evidence, virtually no prosecutions have been conducted against armed forces personnel in civilian courts."

The JKCCS also said that the (SC) "order is based, it appears, on an absolutely unsubstantiated presumption that no evidence is likely to be available after the passage of time".

According to the organisation, the SC "or-



In Simroo village of Pulwama, the once majestic mud-and-brick houses owned by Kashmiri Pandits are now crumbling. October 2016 file picture by Sofi Ahsan

der exonerates the State and its agencies that have chosen to protect the perpetrators of crime and have not allowed fair and credible investigations, thereby creating deterrence to families approaching courts.

"The delay is not attributable to victim families, many of whom have consistently sought to use all available forums to struggle for justice. Some victim families have not pursued cases due to the real fear and danger that seeking justice involves. It is the State, of which the judiciary has been a part, which has ensured delay and denial of justice."

A report compiled by the Jammu and Kashmir Police in 2008 on the basis of a survey of its own cases revealed that 1989 onwards, militants had killed 209 Kashmiri Pandits — 109 of them in 1990 alone. One hundred and forty cases were registered at police stations across the Valley, chargesheets had been filed in 24 cases, while in 115, the perpetrators were yet to be identified. Thirty one local militants had been booked in the 24 cases of killings of Pandits in which chargesheets had been filed, police said.

The investigation into the killing of retired judge Neel Kanth Ganju on November 1, 1989 at Hari Singh High Street in Srinagar, has been handed over to the Central Bureau

of Investigation. Ganju had passed the death sentence on Maqbool Bhat, founder of the Jammu Kashmir Liberation Front.

According to J&K Police records, the first Kashmiri Pandit to be murdered was a woman named Prabhavati, from Nawagari, Chadoora, in Budgam district. Prabhavati, police records say, was killed at Hari Singh High Street on March 14, 1989. Her killers were never traced.

The police statistics on the killings of Kashmiri Pandits by militants include the Sangrampora, Wandhama and Nadimarg massacres. Seven Pandits were killed during the intervening night of March 21-22, 1997 at Sangrampora village in Budgam; 23 were killed in Wandhama on January 25, 1998; 24 were killed at Nadimarg village on March 24, 2003.

The perpetrators of the Wandhama massacre remain untraced, the police report said. Police, however, identified Pakistani militants Abu Haris and Abu Khalid as the perpetrators of the Sangrampora massacre. Both militants were killed in an encounter at Hewader on March 24, 1997. The Nadimarg killings had been carried out by Zai Mustafá alias Abdullah of Rawalakot, Pakistan, police said.

In Srinagar city, 82 persons belonging to the minority community were killed, the po-

When I say something favorable about Trump, doesn't get nearly as many RTs.

IAN BREMMER, 304,000 followers, tweeting with a 'surprised' emoji. Bremmer, a political scientist, professor, author and keen watcher of global trends in politics and international affairs, is a frequent critic of US President Donald Trump, but is not partisan.

lice report said. Twenty eight each were killed in Ganderbal and Pulwama, 17 in Kulgam, 16 each in Budgam and Anantnag, 11 in Baramulla, four each in Kupwara and Handwara, and three in Awantipora.

In March 2010, the government of Chief Minister Omar Abdullah told the Jammu and Kashmir Assembly that 219 Kashmiri Pandits had been killed by militants since 1989. The then Revenue Minister Raman Bhalla told the Assembly that a total 38,119 families, comprising 1,42,042 individuals, had migrated from the Valley due to the turmoil. The bulk of the migrating families — 24,202 — were Kashmiri Pandit, Bhalla said.

In 2011, Kashmiri Pandit Sangarsh Samiti (KPSS), a Kashmiri Pandit organisation based in Srinagar, said at least 399 Pandits had been killed since 1990 — 75% of them in the first year itself.

"The first list of a survey done by us suggests that 399 Pandits were killed. Our estimate is that the total number of them killed will be around 650 in the last 20 years," KPSS president Sanjay Tickoo had said.

A senior leader of the ruling PDP told *The Indian Express* that a "comprehensive probe into all the killings of Kashmiri Pandits by militants during the 1990s would have helped to heal this festering wound in our society.

"And had such a probe been conducted in a free and fair manner, it would have helped begin true reconciliation within our society," the leader added.

■ ■ ■

The unresolved issue of the migration of the Pandits, a minuscule but hugely important part of Kashmiri society, has remained a reason why even genuine political demands of the majority community continue to be viewed through a communal prism. A large number of Kashmiri Muslims feel there has been a consistent campaign to tarnish the image of the entire community without a proper investigation into the events of 27 years ago, which led to the mass migration of Pandit families from their homes. The general feeling in Kashmir is in favour of a credible investigation that would lead to the identification of the perpetrators and their prosecution, justice for victims, and ultimately bring closure.

The lack of enthusiasm from the central government to act along these lines is ironic because the Sangh Parivar has used the Pandit migration as a political tool to polarise Indian society at large, as well as to push a militaristic approach to the Kashmir issue. A fair probe and prosecution of the guilty would halt further politicisation of one of the tragic chapters of Kashmir's recent history.

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Its presidential vote today, why Kenya is nervous, and the world is watching

RODNEY MUHUMUZA
KAMPALA, AUGUST 7

KENYANS VOTE Tuesday in a close presidential election between President Uhuru Kenyatta, who seeks a second term, and Raila Odinga, who lost the last two elections. The East African high-tech and commercial hub of 44 million people is often described as one of the continent's most politically stable countries. The issues around the vote:

The candidates

Kenyatta and Odinga are from storied political families. Kenyatta is the son of Jomo Kenyatta, Kenya's first President, and Odinga is the son of Jaramogi Odinga Odinga, and the country's first Vice President. One must win more than 50% of the vote to avoid a runoff election.

After losing the past two elections, this may be the last chance for 72-year-old Raila Odinga to claim the seat that eluded his father. Kenyatta, 55, wants to avoid becoming the first Kenyan President not to win re-election. He won in 2013 with 50.03% of the vote, triggering an unsuccessful legal challenge by Odinga.

The call of tribe

Most political organising in Kenya is tied to ethnicity. Many voters see Kenyatta as the candidate of the Kikuyu people, the country's largest ethnic group, and Odinga representing the Luo. The Luo have never produced a Head of State.

Kenyatta's running mate, Deputy President



Election officials and material on Monday, on the eve of the vote. Reuters

William Ruto, is expected to marshal the votes of his Kalenjin people. Odinga leads an alliance that includes political leaders of the Kamba and Luhya ethnic groups.

Ruto was an ally of Odinga's in 2007. He is now being challenged at home by an influential governor who supports Odinga, which could split the Kalenjin vote.

Corruption, poverty, land

Severe drought conditions in half of Kenya's 47 counties have worsened tensions over land as farmers face invasions from semi-nomadic herders seeking room to graze their cattle. Despite Kenya's expanding middle class and economic growth of 5.6% in 2016, according to national figures,

poverty remains widespread. More than 40% of people live on less than \$ 2 a day. Official corruption also feeds tensions.

Likelihood of violence

The al-Shabab extremist group, based in neighbouring Somalia, has already carried out a series of deadly attacks in border areas, which strains Kenya's security forces as they seek to keep the elections free of violence.

The torture and killing in late July of Christopher Msando, an official in charge of the electronic voting system, has fuelled concerns that the vote could be rigged. The biometric system malfunctioned in the 2013 election, leading to opposition claims of vote tampering. **THE ASSOCIATED PRESS**

INDIA & KENYA

PRIME MINISTER Narendra Modi paid a state visit to Kenya on July 10-11, 2016; President Uhuru Kenyatta paid a return visit to India on January 10-12, 2017. Six Indian ministers have visited Kenya since 2015, and a range of issues and partnerships have been discussed.

INDIA WAS Kenya's largest trading partner in 2014-15, with bilateral trade of \$ 4.235 billion. This, however, fell to \$ 3.15 billion in 2015-16, and to \$ 2.30 billion in 2016-17. Major Indian exports include petroleum products, pharmaceuticals, steel products and machinery; major imports from Kenya are soda ash, vegetables, tea, leather. According to the Kenya Investment Authority, India is the second largest investor in the country.

INDIANS form the third largest group of tourists to Kenya; around 65,000 Indian tourists visited in 2016. Around 80,000 persons of Indian origin live in Kenya, including an estimated 20,000 Indian citizens.

Source: High Commission of India, Nairobi

Others, too, fabricated Trump isn't the first US President to lie, even though he does it at a scale that is unprecedented

US PRESIDENT Donald Trump's trafficking in hyperbole, distortion and fabrication on practically a daily basis is seen to have raised what Hannah Arendt once called "the conflict between truth and politics" to an entirely new level. PolitiFact rates just 20% of Trump's statements it reviewed as true, and a total of 69% either "Mostly False", "False" or "Pants on Fire". Some lies, like his boasts about making the "all-time record in the history of *Time Magazine*" for being on its cover so often, or the size of his inauguration crowd, are about him polishing his ego; others, like his false claim that millions of undocumented immigrants had cast ballots for his opponent in the 2016 election, are far more dangerous.

And yet, fabrications have long been a part of US politics. Presidents have lied to puff themselves up, to burnish their *résumés* and to cover up misdeeds. Sometimes they have cited false information for what they believe are justifiable policy reasons. Clearly, lying in office did not begin with Trump.

DWIGHT D EISENHOWER (1953-61)

In May 1960, when an US U-2 spy plane was shot down in Soviet airspace, the Eisenhower administration lied about the mission, claiming it was a weather aircraft. But when the Soviets announced that the pilot had been captured alive, Eisenhower was forced to acknowledge that the plane had been on an intelligence mission. A summit meeting with Nikita Khrushchev soon afterwards collapsed in acrimony.

RICHARD M NIXON (1969-74)

In 1972, at the height of the Watergate

scandal, President Richard M Nixon was accused of lying, obstructing justice and misusing the Internal Revenue Service, among other agencies. He resigned rather than face impeachment. In 1976, Jimmy Carter won after telling the public, "I'll never lie to you."

BILL CLINTON (1993-2001)

Clinton was impeached for perjury and obstruction in trying to cover up his affair with Monica Lewinsky during legal proceedings. Chris Lehane, a former Clinton adviser, said Clinton's second-term agenda suffered, yet paradoxically his favourability ratings remained high — in part, Lehane said, because "the public distinguished between Clinton the private person and the public person".

GEORGE W BUSH (2001-09)

The President faced accusations that he and members of his administration took America to war in Iraq based on false intelligence about Saddam Hussein's alleged weapons of mass destruction. Bush emphasised, and in some cases exaggerated, elements of the intelligence that bolstered the case while disregarding dissenting information, leading critics to accuse him of lying. Among those who said Bush had lied was Trump.

BARACK OBAMA (2009-17)

In 2013, PolitiFact declared that Obama had uttered the "lie of the year" when he told Americans that if they liked their health care plan, they could keep it. Obama later apologised to people who were forced off their plans "despite assurances from me".

THE NEW YORK TIMES

The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

LAW'S LONG ARM

Justice must be done, be seen to be done, in Chandigarh stalking case. As the party in power, BJP is accountable

IT WAS AN event at once chilling and banal. Late on Friday night on the roads in Chandigarh, a young woman was stalked and harassed by two young men in an SUV, one of the accused the son of an influential politician of the party that rules Haryana. The two were arrested but charges against them were diluted. While the woman alleged an attempt to kidnap, they were booked only for the relatively milder charges of stalking and wrongful restraint, and bail was quickly granted. For her, the harrowing ordeal goes on, after the ordeal. There is victim-shaming: Why was she out on the streets alone, so late, she is asked, while the political party rallies protectively around the accused. Yet not all the elements of this sordid episode — that could be a replay of countless such dramas featuring young women and power-drunk men on other roads in our cities — seem foretold. At least two stand out: With great courage and dignity, the woman has broken the silence expected from, and foisted on, the victim in such cases. She has taken to social media to describe what happened to her on that Friday night in meticulous, horrifying detail. Her father, a senior bureaucrat in the Haryana government, has also spoken out, also on social media, with anger, and a poignant awareness of his own vulnerability in the system he is part of, and is taking on: “The goons must be punished and the law must take its course... Someone has to stand up. We are standing. So long as we can”, he wrote.

The BJP, as the party the father of the accused, Subhash Barala, belongs to, is accountable. Admittedly, as Haryana Chief Minister Manohar Lal Khattar has been quick to point out, Subhash Barala cannot be punished for the alleged crime of his son, Vikas. But at the same time, the climate of permissiveness and impunity that the son apparently benefits from because of his father's position and influence in the party, must not be allowed to prevail. The onus is squarely on the BJP to ensure that in this case, justice is not only done, but also seen to be done. The tamping down of the charges in the FIR, the public insinuations against the victim, have already sent out signals that are starkly at odds with the party's own slogans and campaigns on the empowerment of women in a state known for raging gender discrimination and inequalities.

The Criminal Law (Amendment) Act of 2013 defined stalking as an offence, one of the charges against Vikas Barala. But that is not all that changed after the December 16 case of 2012. Hopefully, the true legacy of the case that resonated throughout the country and awakened our collective conscience to the sheer dailiness and great enormity of crimes against women, is that they will no longer be denied or swept under any carpet — not in Delhi, nor in Chandigarh.

AN INTOLERABLE TOLL

Deaths in sewers point to laxity in applying Prevention of Manual Scavenging Act. The system must change

THREE LABOURERS SUFFOCATED to death in a municipal sewer in Delhi's Lajpat Nagar on Sunday. Four labourers lost their lives after inhaling toxic fumes in a water harvesting pit in Delhi 20 days ago. Three workers were asphyxiated to death in Cuddalore in March. Another three lost their lives while cleaning a manhole in Bengaluru, the same month. Three more died in Mumbai in February, poisoned by the toxic gases generated by rotting sewage. Manholes have been death traps for sewage workers for decades. The focus on sanitation projected by the Swachh Bharat Mission has not made their job any less perilous. What is even more outrageous is that despite the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, 2013, municipalities — or the agencies contracted to clear drains — do not provide protective equipment to workers when they enter these cesspools of carbon dioxide, methane, hydrogen sulphide and carbon monoxide.

The Act makes it incumbent on local authorities to provide “protective gear and other cleaning devices and ensure observance of safety precautions of people employed in cleaning sewers”. It also enjoins “every local authority and other agency to use appropriate technological appliances for cleaning of sewers, septic tanks and other spaces within their control with a view to eliminating the need for the manual handling of excreta in the process of their cleaning”. Any contravention would be “punishable with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees or with both”. Given the hazardous nature of cleaning sewage drains, the punishment has been deemed too light by activists. But no one has been booked under the Act, even though nearly 100 people die every year, while working in sewers — four years after the manual scavenging law was enacted.

“Prima facie, it appears that the four who were working in Lajpat Nagar had no links to either the Delhi Jal Board or the contractor in the area,” the Delhi Jal Board has said. Most workers employed to clean sewers are casual labourers, and even though the Prevention of Manual Scavenging Act applies to such workers, it's not difficult for the agency in question — the Delhi Jal Board, for example — to disclaim association with the deceased. The Delhi government has ordered an inquiry into Sunday's incident. Whatever its findings, a system that exposes people to such lethal work conditions has to be overturned.

RETOUCHING THE IMAGE

In the social media age, it seems that beauty lies in the eyes of AI

TIME WAS WHEN beauty lay in the eyes of the beholder. The great minds at work in Google and the Massachusetts Institute of Technology (MIT), however, can now do away with the little foibles that make a person who they are. Researchers have developed an artificial intelligence (AI) system that will automatically retouch photos taken on smartphones in the same way a professional photographer does. The AI, by deciding how people ought to look, brings out the hypocrisy of social media: The claim that standardised platforms and technologies on the internet can be a way to express individuality.

Take the idea that a “professional” retouching of photographs should be uniformly applicable. Any one who has regularly had to have passport photos taken in India can attest to the penchant of many photographers for making customers look fairer, or erasing marks and pimples. The ostensible advantage of the selfie-age is, we are told, the democratisation of information and expression. Every person's opinion mattered: No tweet is lesser than another, and the Facebook rant of the unrepentant troll is of the same order as the considered opinion of an experienced academic.

That an AI can — and likely will — decide the aesthetic behind an image erodes the very idea of choice and freedom inherent to the internet. Who's to say that the badly composed photographs taken by well-meaning parents at their children's birthday need to follow the rule of thirds? On social media, Instagram has already made pre-set filters and colour correction the norm for the manufactured artistry of enthusiastic amateurs. Retouched photographs are basically an extension of emoticons and emojis — clichés created and marketed by large corporations that make emotions and individuality a monetisable commodity. And that is the fundamental contradiction of social media and the internet — it provides the platform to catalogue every moment and thought, but then lays down normative “filters” about what form that expression ought to take.



PRATAP BHANU MEHTA

THE GOVERNMENT'S CHANGE of stance on whether Jamia Millia Islamia is a minority institution reminds us of one of the longest festering disputes in Indian constitutionalism. At the heart of the dispute is two visions of Indian constitutionalism that are articulated in relation to Article 30 (1), that gives religious and linguistic minorities the right to establish and administer educational institutions of their choice.

The core of the issue is whether this clause is meant as an anti-discriminatory and protective clause, to ensure that minority institutions are not discriminated against; or whether it confers upon minority institutions special privileges and a greater degree of autonomy that non-minority institutions do not enjoy. Every generation of the Indian Supreme Court, beginning with the benchmark Kerala Education Bill 1957 case down to the recent Pramati Educational And Cultural Trust Case, has replayed a version of this debate. But the net result has been more confusion than clarity.

A column has too little space to go into the legal intricacies of a particular case like Jamia. But the stakes in the constitutional issues around Article 30 (1) are high for a number of reasons. It will be politically tempting to communalise the debate over Article 30 (1), but that would be a mistake. But it is worth looking at the context beyond Jamia that makes the stakes in this debate high.

The big backdrop to these cases is the deep mess we have created in the regulation of education, and higher education in particular. Education policies, from admissions to recruitment, are now among the most litigated areas in law. This is because education itself is overregulated and the intricate degree of control we seek to exercise over it creates all kinds of anomalies. Till T.M.A. Pai, the right to run and administer education institutions was not even recognised as a general right; and even after the recognition of that right, it is subject to so much regulation and interdiction that it is not clear what it amounts to. Under these circumstances, being granted minority status became like a prized regulatory possession.

Under the “special privileges” interpretation of Article 30 (1), minority education institutions were given a degree of autonomy that many non-minority institutions rightly envied. Since education is a high-

Beyond Jamia

Let's ask: Under what conditions, which educational institutions need special protection, for what purposes?

stakes game, this also led to a process of greater minoritisation: More and more groups within states want to come under the ambit of minority institutions to claim these privileges. We actually don't know the full extent of minoritisation of institutions because government data largely concentrates on whether schools are aided or unaided.

The differential regulatory burden imposed on minority and non-minority institutions varies from state to state depending on the private universities acts of those states. But the idea that there is a differential burden of regulation is broadly correct. This differential regulation affects even colleges within the same university, say SRCC and St. Stephen's, over basic issues like what autonomy they should have over admissions. Differential burden itself would not be a problem if it were related to some clear principles.

Neither the financial character (whether an institution is aided or unaided), nor the educational purpose seems to matter with any degree of clarity. The courts rightly held that minority institutions can impart broad secular education. But it does create situations where institutions that are identical in purpose face differential regulation merely on account of who started it. In other words, differential regulation is no longer related to justice, or educational objectives, or protecting rights. It has become, in some instances, about merely giving an identity-based privilege. But it is important to remember this privilege is extended to a range of minorities within states, not just Muslims.

The framing of education regulation as rooted in identity-based privilege is reinforced in several ways. For instance, in the National Commission for Minority Educational Institutions Act, only minorities can be appointed to the Commission. There are not too many regulatory and quasi-judicial entities with these kind of extensive identity-based restrictions on membership. The Right to Education Act accentuated the problem of differential regulation. It exempted minority institutions from 25 per cent reservation for children from economically weaker sections.

If the objective of reservation was social integration, this exemption was even more anomalous. It again reinforced the perception that Article 30 (1) was really about giv-

ing special privileges, not about protecting minorities. Mahesh Giri has introduced a private members' bill in Parliament to rectify this clause in the RTE.

The stakes in the debate over minority educational institutions cannot be fully understood unless we recognise that in the backdrop are two large issues in education: Over regulation and a projected sectarianism in state policy. Courts have been largely responsible for this mess, since they have never clearly articulated what a right of non-minorities to set up and administer an educational institution of their choice might look like. So the issue of the rights of minority institutions has become the wedge to open the debate on regulation more generally. But in this debate we are likely to see two forms of bad faith. The BJP will most likely focus on institutions like AMU and Jamia that can also be inserted into a communal narrative.

It will do little to clarify the broader regulatory regime. The BJP's critics and the Congress will likely forget the fact that there is a genuine constitutional mess in the way in which the rights and identities of educational institutions have been conceptualised. We need to find a way of returning to first principles that asks under what conditions which kinds of institutions need special protection and for what purposes.

The stakes in these debates would be much lower if there were first a national consensus on the rights of educational institutions in general and it gave them the relevant freedoms. And if these rights were sensibly articulated, all kinds of institutions, including minority rights, would be protected. Minorities face special disadvantages, depending on the circumstances, and they have to be taken into account in making policy. But an Occam's razor principle might be useful: First see if a minority right or interest is better protected if it can be articulated as application of a more general right that everyone has, rather than as a special exemption. The AMU and Jamia cases will be decided on the statutes that govern them. But the communal character of this debate will not be defused unless the question of the larger freedom to run educational institutions is settled.

The writer is vice-chancellor, Ashoka University. Views are personal



JAGDEEP S. CHHOKAR

THE RAJYA Sabha election has once again brought to the fore what political unanimity means in India. I first encountered it in early 2001, when the Union of India filed an appeal in the Supreme Court (SC) against a decision of the Delhi High Court requiring candidates contesting elections to disclose pending criminal cases. Political unanimity was on display when several parties intervened in the case in support of the government. But the SC upheld the HC judgment.

Thereafter, 22 political parties joined hands against the SC judgment. The Representation of the People Act (RP Act) was amended *unanimously* in Parliament to render the SC judgment ineffective. The amendment of the Act was declared “unconstitutional” and “null and void” by the SC and finally, candidates had to submit affidavits disclosing pending criminal cases. This was in 2003.

In 2007, an application under the Right to Information Act was filed to the Income Tax department, requesting copies of Income Tax Returns (ITRs) of political parties. When the request was denied, first appeals under the RTI Act were filed. When these were rejected, a second appeal was filed before the Central Information Commission (CIC). Parties, without exception, argued that their ITRs must not be made public. The CIC, how-

PARTNERS IN DECEIT

Political parties stand together against transparency in politics

ever, decided otherwise.

In 2011, a complaint was filed before the CIC against political parties refusing to accept RTI applications; the parties claimed they were not “public authorities” under the RTI Act. Data was presented to show that six national political parties (BJP, Congress, CPI, CPM, NCP, and BSP) fulfilled the conditions stipulated in Section 2(h) of the RTI Act which defines a “public authority”. However, all six maintained that though they fulfil the conditions, the Act does not apply to them. A full bench of the CIC, in a unanimous decision on June 3, 2013, declared them to be “public authorities” under the RTI Act, and “directed” them to respond to RTI applications within six weeks. None of them, however, complied with the CIC decision. Notices issued by the CIC were ignored, which then said it was unable “to get its orders complied with” though there had been “wilful noncompliance” of its “final and binding” decision. The case is in the SC.

In March 28, 2014, a division bench of the Delhi HC held the BJP and the Congress guilty of violating the Foreign Contributions Regulation Act (FCRA), and “directed” the Government of India to take action under FCRA “within six months”. Both the parties filed appeals in the SC against the HC judgment. The government amended the FCRA in the 2016 Budget with retrospective effect.

However, during hearings in the SC, it was discovered the FCRA amended with retrospective effect was the one that came into force in 2010, whereas the HC judgment had clearly mentioned the conviction was for donations received in 2009 and earlier, under FCRA 1976, which was then in force. The lawyers for the BJP and the Congress withdrew their appeals. The conviction of the BJP and the Congress under FCRA stands, and has been implicitly endorsed by the Supreme Court.

Now the upcoming Rajya Sabha election. Both the BJP and the Congress have reacted against the provision of “None Of The Above” (NOTA) option. The Congress filed a petition in the SC and the BJP went to the Election Commission to get NOTA withdrawn. NOTA was ordered to be provided on the EVMs or the ballot paper by the Supreme Court in September 2013, and has been a part of all elections since then. Many wonder why the BJP and the Congress have now turned against NOTA. The reason is contained in the Supreme Court judgment, which says if more and more people use NOTA, “the political parties will be forced to accept the will of the people and field candidates who are known for their integrity.”

The writer is former professor, dean, and director in-charge of IIM, Ahmedabad

AUGUST 8, 1977, FORTY YEARS AGO

KEEPING OUT INDIRA UNION HEALTH MINISTER Raj Narain ruled out the possibility of Indira Gandhi returning to power for another 30 years. Narain said that pure and clean politics was alien to Mrs Gandhi. “She was never in politics and she will never be,” he said adding that the former PM only believed in manoeuvring. Referring to the demand by Marxists and others for the arrest of Mrs Gandhi, Raj Narain said the government would allow the law of the land to take its course. While making it clear that she would not be forgiven for the “misdeeds and atrocities committed by her,” the minister said the government would await the outcome of the commission

of inquiry. Pointing out that Mrs Gandhi “never understood politics,” Narain said it would be wrong to bracket her with people like Mahatma Gandhi, Jayaprakash Narayan and the late Ram Manohar Lohia.

DELHI FLOODS

THE FLOODS IN Delhi are expected to recede over the next 48 hours. This was indicated by the Chief Executive Councillor, Kidar Nath Sahani, who said that there was a “nominal improvement” in the situation at the Dhansa bund in the western part of the capital and that the flood situation was “well under control” and likely to improve with the expected drop in the Yamuna level. Prime Minister

Morarji Desai accompanied by Sahani and the Lt-Governor, D.R. Kohli, made an aerial survey of the flood-affected areas. Sahani said the survey showed extensive damage to railway tracks and highways.

RASHTRAPATI BHAVAN

In consultation with the Cabinet, President Sanjiva Reddy is understood to have decided to move out of the palatial building that now serves as Rashtrapati Bhavan into a smaller house. The government is also planning to demolish the old sprawling bungalows — also built in colonial times — in which many ministers, MPs and senior officials stay.



“The Trump presidency has made the use of sanctions harder, not easier. He denigrates multilateralism and cares little about human rights.”
—THE GUARDIAN

For Bihar’s sake

Financial rectitude and development focus are the USP of both Narendra Modi and Nitish Kumar. They have work to do together



N.K. SINGH

INITISH KUMAR COULD be an ardent follower of John Maynard Keynes and Paul Samuelson, both of whom had reportedly said, “When my information changes, I change my mind. What do you do?” Notwithstanding the criticism about his alliance with the BJP, Nitish could draw some comfort to conclude that facts and information have indeed changed. What are these?

First and foremost, in the public perception there has been a deterioration in the security environment. The compulsions of alliance politics, in which the RJD has been an important catalyst, have led to the somewhat lax law and order with excessive interference in the police machinery. Consider the table on convictions between 2006 and 2017. It brings out clearly that the alacrity of the criminal persecution system and the ability of the prosecutors to secure convictions have rapidly come down. Anecdotal evidence reinforces these perceptions, notwithstanding efforts by Nitish to arrest the slide.

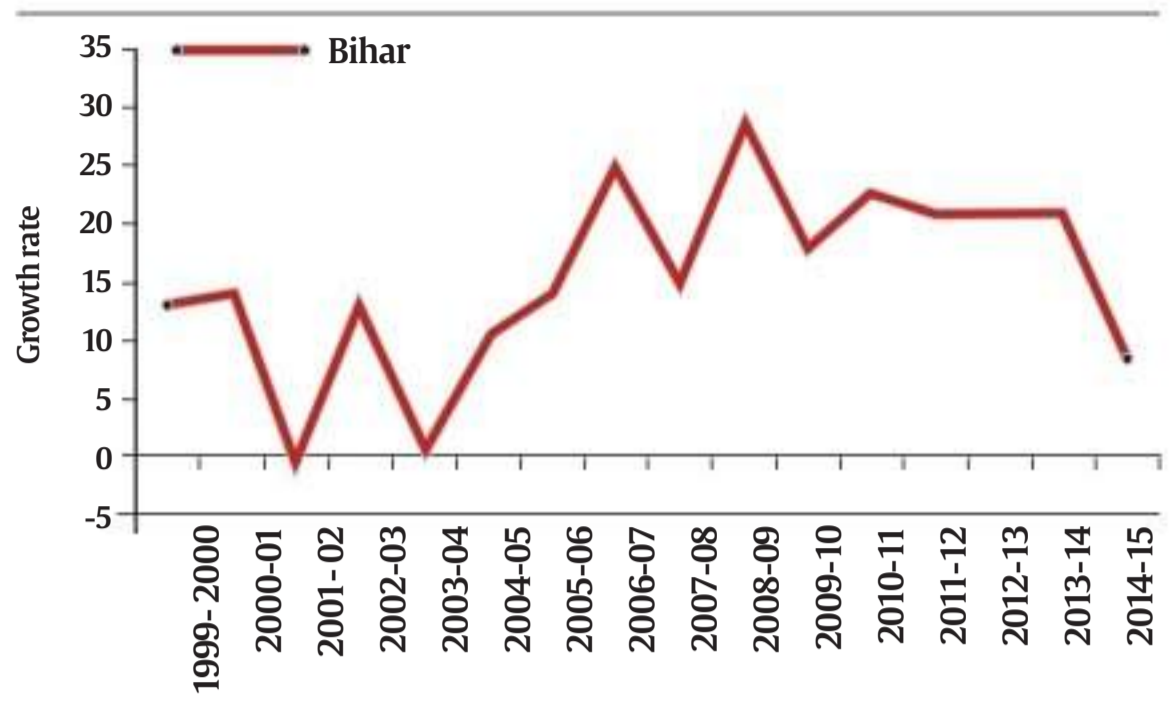
Second, the growth rate in Bihar has plateaued if not declined. *The New Bihar*, a study edited by Nicholas Stern and this writer and released in 2013, depicted this dramatic change. Growth took off after 2005-06 with the average growth and per capita income increasing from a meagre average of 0.9 per cent during 1999-2005 to 10.4 per cent between 2006 and 2012. The accompanying chart reveals that having achieved the high point of 20 to 21 per cent growth rate in 2010 and 2011, it declined in the subsequent years. This may have been due to the lack of a coherent and coordinated approach to governance, owing to the absence of coordination between the different departments and agencies, namely those headed by the JD(U) and RJD.

Third, financial rectitude and transparency are central to investor confidence. Morality and probity in public life secure social support and enhance credibility. Financial rectitude and focus of development have been central to the evolution of Nitish's unique political identity. Compromising either of these would devalue what Nitish has stood for in public life. Incidentally, both financial rectitude and development focus are also unique to Prime Minister Narendra Modi. It is not surprising that the two leaders have come together. Nitish recognises that identity politics has stymied a transformative social agenda. The malleability of a politician who practices identity politics can be masked only by robust development outcomes. Secularism cannot become an alibi to mask the deeply corrosive impact of financial malfeasance. Neither can it override development compulsions.

What next? In the near term, Bihar must pursue five important initiatives.

First and foremost, it must go back to the drawing board and revisit some of the earlier initiatives. The Raghuram Rajan Committee constituted to look into the backwardness of states had evolved a composite index based on per capita income, education, health, poverty, female literacy and urban and financial inclusion. It ranked Bihar at the near bottom of the development pyramid. This was done by measuring Bihar's distance from the national average on multiple criteria. The effort should be to enable Bihar to match the national average on some key development parameters over the next few years.

HOW BIHAR ECONOMY GREW BETWEEN 1999-2000 AND 2014-15



CONVICTIONS OF CRIMINALS BETWEEN 2006 AND 2017



Subrata Dhar

eracy and urban and financial inclusion. It ranked Bihar at the near bottom of the development pyramid. This was done by measuring Bihar's distance from the national average on multiple criteria. The effort should be to enable Bihar to match the national average on some key development parameters over the next few years.

Second, Prime Minister Modi during the 2014 campaign announced a special Bihar package of 1.25 lakh crore for multiple infrastructure projects. A special cell was constituted in the PMO to monitor the implementation of the Bihar package. Given other distractions, its rigorous implementation deserves renewed attention. I would propose the constitution of a joint implementation machinery involving both the Centre and the state to oversee implementation of this package.

Third, Bihar's growth in the past depended substantially on enhanced public outlays. This emphasis will no doubt continue, due to higher plan allocation and the PM's special Bihar package. The new alliance positions Bihar better to secure what can be called a peace dividend. The synergy between enhanced security and private investment flows is well established. Further, given that India is increasingly becoming a competitive investment destination, there must be a concerted attempt to attract foreign capital. Bihar's untapped and rich tourism potential and large central investments in North Bihar could attract foreign capital. The new emphasis on skill inculcation and employment can facilitate the creation of manufacturing hubs and start-ups and private entities can generate jobs. This could stem outward migration.

Fourth, given Bihar's abundance of labour, establishing competitive industries must be a priority. The NITI Aayog has identified some labour-intensive industries, some of which could be located and developed in Bihar. A special task force under the chief minister's office could be formed to set up labour inten-

Bihar government must go back to the drawing board and revisit some of the earlier initiatives. The Raghuram Rajan Committee constituted to look into the backwardness of states had evolved a composite development index. This multi-dimensional index was inter alia based on per capita income, education, health, poverty, female literacy and urban and financial inclusion. It ranked Bihar at the near bottom of the development pyramid. This was done by measuring Bihar's distance from the national average on multiple criteria. The effort should be to enable Bihar to match the national average on some key development parameters over the next few years.

sive hubs with a focus on exports.

Fifth, concerted action on key social infrastructure, namely health and education, is needed. Massive investment and upgradation of educational institutions are necessary to meet the needs of the state's young population. The government should constitute a special team to devise ways to turn Bihar into an educational hub. Technical education institutions should be built or upgraded. A massive teacher training programme is also necessary. Similarly, Bihar can become a health destination. Health infrastructure should be built to meet the state's own needs as well as to ease pressures elsewhere. If Bihar can develop education and health hubs, it will make a decisive difference to India's growth strategy. We need innovative thinking and out-of-the-box solutions to make this happen.

Bihar's political climate is presently amenable to realise these initiatives. The governments at the Centre and the state share a common vision and will seek a renewed mandate on development outcomes. Electoral politics in the state can't ignore caste and class compulsions. However, the development matrix can be a clever blend of both. Nitish and Deputy CM Sushil Modi shared a positive chemistry in the past. Even in the revised context — wherein the BJP is a resurgent force with a pan-India presence — this chemistry could prove decisive. Nitish has rightly concluded that there are no eternal allies or perpetual enemies. “Our interests are eternal and perpetual and these are our duty to follow,” he had said. History will judge Nitish on his ability to build a future and not letting it be a hostage of the past. The future of Bihar is more important than the future of Nitish Kumar.

The writer, a former Rajya Sabha MP with the Janata Dal (United), is now with the BJP

Doklam’s unintended consequence

If China makes no room for compromise, India will be forced to think about coping with its power, burying illusions of Asian solidarity



RAJA-MANDALA
BY C. RAJA MOHAN

WHATEVER THE eventual outcome in Doklam, the current stand-off is bound to significantly alter Indian perceptions of China. For one, the political goodwill in India towards China that was constructed over the last three decades will be increasingly difficult to sustain in the coming years. For another, India, which long resisted the idea of balancing China, is likely to move inevitably in that direction.

It took a lot of bold moves, including those by Atal Bihari Vajpayee as the foreign minister in the late 1970s and Rajiv Gandhi as the prime minister in the late 1980s, for the Indian elite to overcome the sense of Chinese betrayal in 1962. While leaders like Vajpayee and Rajiv Gandhi understood the imperatives of normalising relations with China, there was entrenched resistance in the political class and in the bureaucracy, armed forces and the security agencies that would take many years to overcome. Indian business too has been deeply fearful of engaging China.

The slow but definitive normalisation of relations was aided immensely by the pragmatism in Beijing, especially that of Deng Xiaoping, whose emphasis was on creating a peaceful external environment for the economic modernisation of China. But as China's power grew rapidly, Deng's successors have abandoned that pragmatism in favour of assertiveness. The current generation of leaders in Beijing believes China can now shape its external environment rather than merely adapt to it. As the newly predominant power in Asia, China may now see no reason to defer to Indian sensitivities.

The signals of China's new approach to India were evident since 2008 when China opposed the nuclear exemption for India at the Nuclear Suppliers Group. Thanks to strong support to India from then-US President George W. Bush, China backed off. Meanwhile, tensions on the border began to rise as the PLA improved the military logistics in Tibet. China's embrace with Pakistan has grown tighter and Beijing's penetration of South Asia deeper over the last decade.

On its part, the UPA government in Delhi downplayed the differences with Beijing and underlined the prospects for collaboration with China in the quest for a multipolar world. The Narendra Modi government had a taste of Chinese pressures in September 2014 when PLA's incursions into Ladakh coincided with President Xi's visit to India. Modi's followed his success in defusing this crisis by a strong effort to expand economic ties on a practical basis.

But the Chinese actions — brazen opposition to India's membership to the NSG, the reluctance to support international sanctions against known terrorists in Pakistan, and most recently the aggressive posture in the Doklam crisis — have dashed hopes for a positive turn in bilateral ties.

If Modi, as the strongest leader since Rajiv Gandhi, presented a rare opportunity to reconstruct Sino-Indian relations, Xi seems utterly uninterested. Sensible statecraft must, however, try and temper the pessimism of analysts with optimism about political agency. Hence, the unprecedented restraint in Delhi's language and its patient calls for a dialogue to resolve the Doklam crisis in the face of Chinese threats and demands for unilateral Indian concessions.

India sees no reason to pick up a needless quarrel with a neighbour and rising power like China. But Beijing might be terribly wrong in presuming that Delhi would simply fold up under pressure. Pushed to a corner, India has every incentive to simply dig in. If China sees itself as an irresistible force today, India could well turn out to be that immovable object. There will be no happy ending for this confrontation.

China appears to have been carried away by the success of its recent coercive diplomacy in East Asia and the South China Sea. Unlike China's East Asian neighbours, India has the capacity to absorb pressures from Beijing. With limited economic interdependence with China, Delhi can bear the costs of a severed commercial relationship. If India could turn its back on the dominant powers of the West for many decades during the Cold War, it could do that with China again.

China is also wrong to believe that asymmetry in power potential will automatically lead to surrender. China could learn from Pakistan's refusal to submit to the widening strategic gap with India. Beijing's haughty and unpleasant diplomacy in the current crisis will eventually lead to the conviction in Delhi that strategic defiance of China must prevail over the temptations for appeasement.

One of the consequences of power asymmetry is the pressure on the weaker power to turn to balancing strategies. Until now, India has deeply resisted walking down that road in the expectation that a reasonable accommodation of interests with China is possible. If China makes it clear there is no room for compromises, India will have to turn to both internal and external balancing of China.

One of the unintended consequences for China from the Doklam crisis would be an India that is forced to think far more strategically about coping with China's power. For nearly a century, sentimentalism in Delhi about Asian solidarity and anti-imperialism masked the more structural contradictions with China. Beijing's approach to the Doklam crisis could well help bury those illusions.

The writer is director, Carnegie India, Delhi and contributing editor on foreign affairs with *The Indian Express*

The classroom and the field

Agriculture education is in a poor state. ICAR must be revamped



AJAY VIR JAKHAR

ALTHOUGH AUTARKY on Indian farms is a distant dream, as the 71st year of Independence dawns, penury-ridden farmers are still committing suicide by the thousands — a consequence of decades of shortsightedness, while economists and scientists are still equating food sufficiency to farmer sustainability.

The occasion merits introspection on the core issues of farmers' distress. We must begin at the apex. The Indian Council of Agriculture Research (ICAR) mandate is agriculture education, research and farm extension. It contributed during the most challenging years of food scarcity. Though that success came at an environmental cost we didn't understand that when we were succeeding. The Green Revolution and a few small triumphs aren't enough to justify the status quo.

ICAR is no more the holy cow it once was, it can be safely taken to the slaughter house. Far from being an autonomous body, ICAR has become an extension of the Ministry of Agriculture and Farmers Welfare. It should be transformed into a truly autonomous body reporting directly to the prime minister like the Atomic Energy Commission. Its functions should be restricted to farm research, education and oversight of non-ICAR agriculture institutes. Farm extension services should be completely delegated to the state governments.

ICAR has historically evolved with a strong bias in favour of crop sciences at the cost of animal husbandry. Research that focuses on agriculture productivity without an alignment to its socio-economic consequences and farmer prosperity is passé. Yields for irrigated crops like rice and wheat are comparable with the best in the world, but research on rain-fed farms, pulses, oilseeds, fruits and vegetables lags considerably. Evolving consumer preferences, changing the narrative from farm to food, environmental impact, climate resilient agriculture require a reorientation of priorities and mindsets. The capacities for market intelligence and forecasting models have not been cultivated.

The deterioration in agriculture education is deplorable. Some state agriculture universities (SAU) are even conducting courses in fashion design. More appalling are the over 1,000 unregulated private agriculture colleges which have sprouted across the nation churning out degrees like street food. Many are without proper labs, infrastructure or farm land. As agriculture is a state subject ICAR/Central government jurisdiction doesn't apply to these proliferating private profiteers. They thrive because states haven't enacted a regulatory framework. The Punjab government has notified a regulatory act; other states must follow.

Of the three activities of ICAR, technology

transfer or farm extension is shared with the states and is the biggest disappointment of all. Since India became a cereal secure nation, complacency set in and public extension collapsed. The abdication by the state public extension system has allowed the private shopkeepers to usurp the role of farm advisories to disastrous consequences for farmers, human health and the ecology.

ICAR and the states exercise authority and jointly fund SAU activities. Around 700 Krishi Vigyan Kendras (KVK) funded by the ICAR are designated for capacity building and technology refinement and transfer but are neither fully staffed nor equipped. Practically, state governments barely manage to fund the SAUs. To offset the constant paucity of funds, SAUs are forced to augment their resources by seeking research grants irrespective of the state's priorities. For example, a particular state may want to focus on diversification from paddy in the kharif season, while much of the coordinated research is for the Rabi season crops. This happens because centre and state objectives differ.

Convergence between ICAR and state agriculture agencies has failed. If the PMO accepted the responsibility of agriculture research and education, SAU salaries would fall into the Central government basket and the KVKs could be transferred to the states. That would free up resources for states to focus

exclusively on farm extension.

ICAR cannot escape its share of culpability — recruitments are manipulated, inbreeding and nepotism are rampant. Salary structures based on government promotion rules of time-bound promotion do not recognise research output and talent is ignored. Most farmhands are women, but women are not even recruited in equal numbers. Inter-departmental coordination is lacking within the 71 agriculture universities and the whopping 101 institutes across India. It's time to prune the institute numbers by a third. Worse still, research is routinely stolen from ICAR institutes by private companies. Thus, IPR registrations and internal resource generation like that in the developed world universities is improbable.

To reach the promised land, apart from the stroke of the axe, budget allocations for agriculture R&D must be pegged as 2 per cent of the GDP from the less than 1 per cent at present. But, most importantly, a metric to audit outcomes and establish accountability is needed to resolve the crisis. Unfortunately, when decisions are made, the theoretical knowledge of policymakers supersedes the grounded experience of the practitioner, allowing these crises to fester indefinitely.

The writer is chairman, Bharat Krishak Samaj

LETTER TO THE EDITOR

ONION CRISIS

THIS REFERS TO the editorial, 'What's in a bulb' (IE August 5). Even before the reason for sudden increase in the price of tomato could be ascertained, onion prices in the wholesale and retail markets across the country have been rising. Monsoon is never distributed uniformly across the country. The government needs to take corrective measure to address drought and floods.
Sambhu Nath Chowdhury, Hooghly

FALTERING SCHOOLS

THIS REFERS TO the editorial 'Failing our children' (IE, August 7). Basic infrastructure, quality teachers, appropriate teacher-student ratio and a robust system of monitoring schools are some of the interventions required to ensure success of RTE. Teachers need to be trained to adapt to the system of Continuous Comprehensive Evaluation (CCE).
Sudip Kumar Dey, Kolkata

THIS REFERS TO the editorial, 'Failing our children' (IE, August 7). The scrapping of the no detention policy draws attention to a number of issues. The RTE Act was enacted to make primary education a fundamental right for children in the age group of 6-14. To target high enrollment and reduce dropouts, the policy mandated zero-detention, the rationality of which was questioned by many scholars and public policy-makers. That the NDP has relegated the learning outcomes of students to a significant low is a valid concern. The inadequate teachers-student ratio, untrained teachers and poor

LETTER OF THE WEEK AWARD

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THE WINNER RECEIVES SELECT EXPRESS PUBLICATIONS

infrastructure have militated against the success of the RTE.
Bibhuti Das, Delhi

MATTER OF DIGNITY

THIS REFERS TO the article, 'An immoral subsidy' (IE, August 7). There is no doubt that house helps are exploited. Employers must ask a few questions of themselves. When was the last time, they gave their house help a raise? Do they give their help weekly holidays? Do they treat them with respect?
Ashok Goswami, Mumbai