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## Make the action plan work now

To clean the Ganga, Gadkari must start with the tributaries

In a bid to give a concerted push to the Centre's clean Ganga action plan, Prime Minister Narendra Modi on Sunday gave minister of road transport and highways Nitin Gadkari additional charge of the ministry of water resources, river development and Ganga rejuvenation. While it is too early to debate on whether Mr Gadkari will manage to turn around this critical project, if critics are to be believed, we now have minister who is a good administrator but with limited understanding of river ecology replacing a colleague (Uma Bharti) who had some understanding of river systems but was not a top-of-the-line administrator.

Mr Gadkari has his work cut out because the ministry still does not have a clear-cut plan. According to the Namami Gange Mission, rejuvenation implies restoring the "wholesomeness" of the river and that includes three things: Aviral dhara (continuous flow), nirmal dhara (unpolluted flow) and ecological and geological integrity. Yet the ministry is overly focused on nirmal dhara but not aviral dhara, forgetting that nirmal dhara is only a subset of aviral dhara, not the other way round. To ensure that there is aviral dhara, the focus cannot be only on the main river. The ministry has to work on the smaller rivers since these feed the main river. What needs to be seen also is how Mr Gadkari balances his new job with his existing interest in water highways. To ensure water round the year for the monsoon-fed rivers of India for water highways, barrages have to be built. This will go against the plan of aviral dhara.

The other critical issue is of pollution: The business-as-usual strategy won't work. The main problem with sewage treatment plants was not only that they could not cope with increasing pressure, but also bad maintenance. The Centre built them but the states and municipalities did not have the wherewithal to maintain them and the contractors made a killing. With two ministries on his plate, Mr Gadkari's hands will be full. But, if he can turn this round, he will be doing not just the BJP but the country a huge service.

## The US has no alternative to the Iran nuclear deal

Washington seems to have no evidence that Tehran is violating the agreement

The US-Iran nuclear deal lives to fight another day. The International Atomic Energy Agency last week once again certified Iran was in compliance with the nuclear agreement that Tehran signed with six other countries. The IAEA's continued green light is important because it denies legitimacy to United States President Donald Trump's hostility to the Iran nuclear deal.

The importance of the Iran nuclear deal cannot be stressed enough. While it allows Iran the right to enrich uranium, it keeps the weaponisation of its nuclear capability on hold for a decade in return for a lifting of international economic sanctions. Without the agreement, Tehran would be free to pursue nuclear weapons and the international community would face two bad options. One would be to accept Iran as a de facto nuclear weapons state with the likelihood this would trigger a nuclear scramble among other regional powers including Saudi Arabia. The other would be to carry out military strikes against Iran's nuclear facilities, with the hugely disruptive consequences that would follow — including a wider regional war and a superspike in global oil prices.

The Trump administration may feel Iran has been given too free a rein given its record of violating its international treaty obligations on nuclear issues. But it has provided no real alternative to the present Iran nuclear deal. It has also provided no evidence Tehran is in violation of the deal, even though the US refusal to follow other countries and lift sanctions against Iran is violative of the spirit of the agreement. Fortunately, the US seems to accept the weakness of its case. Trump has twice certified that Iran is in compliance to the US Congress. But the US president's attitude and the potential for disagreement on Iran's military sites is a reminder that stability in the Persian Gulf has weak roots.

## Modi will always keep us guessing

It is a mark of the NDA government's strength that nothing ever gets leaked, unless deliberately

VIR SANGHVI

There is only one clear, unequivocal message from Sunday's reshuffle of the Union Cabinet. India has never seen a prime minister like Narendra Modi. One reason why all predictions about his likely actions fail is that there is no precedent for many of the things that Modi does and, therefore, no reliable way of assessing what he will do next.

For days before the reshuffle, television channels ran wall-to-wall coverage of what was likely to happen. With one possible exception (the inclusion of former Mumbai Police Commissioner Satyapal Singh), nearly every prediction was wrong. Even after the new ministers were sworn in, journalists made fools of themselves by declaring that there would be no defence minister and that Arun Jaitley would keep the portfolio. I did not see one report that predicted the elevation of Nirmala Sitharaman.

Weak governments leak all the time. During UPA II, everybody, from the prime minister's Office to the Comptroller and auditor general to the lowliest junior minister, leaked. It is a mark of the strength of the

Modi government that nothing ever gets out — unless he wants it to.

Ministerial appointments are one example. Nobody expected Smriti Irani to be made HRD Minister, nobody thought she would be shifted to textiles and nobody predicted her sudden return to prominence.

This is as true of the states. One reason why the BJP avoided naming a chief ministerial candidate before the Uttar Pradesh elections was because Modi had Yogi Adityanath in mind all along. And hardly anyone guessed what he was up to.

So it has been with many of the prime minister's other initiatives. Who knew that he was flying off to Pakistan to wish Nawaz Sharif on his birthday? Even as massive an enterprise as demonetisation was kept secret till the moment that Modi went on TV to announce it.

Disappointed journalists have made the point — in the aftermath of the media's humiliation — that neither Modi nor his key aide, Amit Shah confide in the press. This is indisputable. But, to focus on the Modi-Shah duo's allergy to the media is to miss the big picture. Many of the (completely wrong) reports about who was in and who was out emerged out of briefings from top BJP sources. Clearly these people also knew nothing.

But equally some people *must* have known. Many of those being elevated were consulted. Modi's bureaucrats, who apparently prepared performance reports about his ministers, must have had some idea of what was going to happen. But they never let



Prime Minister Narendra Modi after the reshuffle at Rashtrapati Bhavan

PTI

a word slip.

Similarly, the Foreign Office knew about the prime minister's surprise trip to Pakistan. Various bureaucrats, Reserve Bank of India officials and those at the mint knew about demonetisation. But not one hint got out — even to the Cabinet.

No prime minister has been as much of a secretive loner as Modi. He is often compared to Indira Gandhi but she had a kitchen cabinet and then, a full-fledged court. If you were close to first, PN Haksar and later, RK Dhawan, you knew what was coming. Modi has no kitchen cabinet, no high-profile advisors, no courtiers and no cronies.

As for the reshuffle itself, it follows none of the patterns predicted by political ana-

lysts. We were told that the Rashtriya Swayamsevak Sangh (RSS) would play a key role but while some RSS favourites have been included, this is not an expansion that benefits gaurakshaks.

We were told that non-performers such as Radha Mohan Singh would go. They have survived. We were assured that poll-bound states such as Himachal Pradesh and Gujarat would get greater representation. They have not.

We were informed that Arun Jaitley's star was on the decline, that he might even lose finance. In fact, he seems stronger than ever. The two great promotions have gone to Modi's protégés, Piyush Goyal and Nirmala Sitharaman.

So, is there an overarching pattern to the reshuffle? Well, it confirms two things. One: Modi won't give in to pressure. So despite a chargesheet, Uma Bharati stays. Suggestions that ML Khattar would be removed from Haryana and given a face-saving Cabinet portfolio after the Ram Rahim fiasco have also proved wrong.

And we know that Narendra Modi likes bureaucrats. So there's lots of them in the ministry, though not necessarily in areas where they have any expertise.

Hardeep Puri was one of our ablest diplomats but he's been parachuted into Urban Development. Nor is it clear why KJ Alphons should get tourism or RK Singh should be placed in energy.

But there is nearly always an internal logic to Modi's moves. The trouble is: we can't predict these moves and the logic is something that only he understands.

Till we figure out how his mind works, he will keep India guessing.

The views expressed are personal

### JUDICIAL OUTREACH



In 2013, Section 326A and B of the IPC (acid attack) and Section 376D IPC (gang rape) provided for a fine for medical expenses and rehabilitation of victims

RAJ K. RAJ/HT

## Put the victim at the centre of the justice system

Several rulings have been in favour of compensation and rehabilitation of the aggrieved. Now states must deliver

SIDHARTH LUTHRA

India's criminal justice system has long relegated the victim to the periphery. But things have changed for the better in the last 20 years. The chatter on social media over the inadequacy of the sentence to former Dera Sacha Sauda chief Gurmeet Ram Rahim Singh is an indicator of society's cry for justice.

While the courts are empowered to decide on punishment, statutory amendments have wrought changes in the manner in which victims may receive compensation and be rehabilitated. In 2013, Section 326A and B of the Indian Penal Code (acid attack) and Section 376D IPC (gang rape) provided for a fine for medical expenses and rehabilitation of victims. The Justice Malimath Committee (2003), which suggested that victims be assured of some rights, led to Act No. 5 of 2009, which amended the Criminal Procedure Code, 1973, and conferred victims the right of appeal for the first time.

Similarly, Sections 357A to C of the Code of Criminal Procedure, also brought in 2009, introduced the Victim Compensation Scheme, directing states to provide compensation to victims or dependents, irrespective of the status of the trial and also empower the

State and District Legal Services Authority to provide compensation and/or medical aid. Parliament in 2009 and 2013 and the Supreme Court have also directed states to compensate victims of rape. The SC also upheld the right to reproductive choices of a woman, who had been raped in a State-run welfare institution. This judgment was recently upheld by the SC bench in the privacy case.

In *Ms. Z vs. State of Bihar* (2017), the rationale of the Suchita Srivastava & Anr. Vs. Chandigarh Administration (2009) 9 SCC 1 has been pushed further by the bench. The Bench came down heavily on the State's delay and at the HC and the insistence on the consent of the father/husband, which resulted in a lady allegedly subjected to rape having to continue with her pregnancy as the period under the Medical Termination of Pregnancy Act lapsed and there was danger to her life if the pregnancy was attempted to be terminated at a late stage.

Recognising her suffering and injury caused by the State negligence, the court held that a compensation of ₹3 lakh and then ₹10 lakh be paid. The Supreme Court also directed that medical care be provided to the child to be born. While *Ms. Z vs. State of Bihar* (2017) is a decision in exercise of writ jurisdiction, it sets the bar high for the determination of compensatory and rehabilitative measures. It will also go a long way in interpreting the 2009 and 2013 amendments in the CrPC and the IPC.

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## Pakistan will stand up to Trump's intimidation

Officials believe the US strategy gives an open cheque to New Delhi to act against Islamabad



IMTIAZ GUL

A unanimous parliamentary resolution in Islamabad on August 30, which denounced United States President Donald Trump's "complete disregard for Pakistan's vast sacrifices" in counter-terror efforts and called on the government to consider suspending cooperation with the US, possibly defined the new contours of ties with Washington. Also, the tone and tenor of Prime Minister Shahid Khaqan Abbasi while unveiling his new Afghan and South Asia strategy indicated that after a decade-and-a-half of rocky ties Pakistani civilian and military elites have decided to collectively reject Trump's intimidation of Pakistan.

With this Pakistan drew the line between its own course of anti-terror action and the demands placed by Trump. It went into an "enough is enough" mode in unison, and foreign minister Khawaja Muhammad Asif put off his Washington visit. Both Abbasi and army chief General Qamar Bajwa rebuked Trump for singling out Pakistan as the cause of Afghanistan's troubles, and instead demanded "due" recognition of its material losses (up to \$125 bn) and human sacrifices (nearly 70,000) in the anti-terror war. Abbasi went to the extent of forecasting doom for Trump's Afghan policy.

And there are cogent reasons for this bravo in Islamabad.

First, Trump and Prime Minister Modi's ascendant views on Pakistan have fuelled frustration and driven the political Right and Left into believing that the "unholy colusion" comprising India, Afghanistan and the US is aimed at hurting the interests — not only of Pakistan but also of its political allies such as China and Russia. Even the Pakistan Peoples Party (PPP), an ardent supporter for friendly relations with India, and Imran Khan's PTI, appeared incensed over the India-US synergy on Afghanistan.

UNLIKE TRUMP AND MODI, CHINESE, RUSSIAN AND IRANIAN LEADERS THINK DIFFERENTLY ON THE PEACE PROCESS IN AFGHANISTAN AND ARE MORE ALIGNED WITH THE PAKISTANI VIEW ON THE WAY FORWARD.

Second, most Pakistani officials insist, that the Trump strategy gives an open cheque to India to act against Pakistan, and hence are extremely suspicious of the motives.

Third, Pakistan's security establishment views the Trump strategy as an excuse for long-term presence in Afghanistan with the ultimate objectives of containment of China, a check on a resurgent Russia and preventing both from turning the Shanghai Cooperation Organisation (SCO) into a formidable regional bloc.

Security officials don't rule out economic sanctions or intensification in kinetic attacks on targets inside Pakistan if the Trump administration decided to ramp up pressure. But General (ret) Nasir Khan Janjua, Pakistan's national security adviser, cautions against the use of force on either side of the border: "One should not try to win war in Afghanistan by way of vengeance.... this will further spread the conflict and spiral things out of control," Janjua said in his meeting with US ambassador David Hale. Janjua's message implied that responsibility for peace in Afghanistan rested on all, who must seek the "closure of the conflict", instead of trying to win it through military means.

Fourth, is the message related to "bullying" by the US. If a chance of Pakistan bending under pressure ever existed at all that would have been before China offered its strategic embrace through the China-Pakistan Economy Corridor in 2015.

Fifth, unlike Trump and Modi, Chinese, Russian and Iranian leaders think differently on the chequered peace process in Afghanistan and are more aligned with the Pakistani view on the way forward in Afghanistan.

Sixth, Pakistan is forging ahead with its new "border management mechanism." However displeasing it may be for Afghans, who historically prefer to see the Durand Line as border, Pakistan is setting up new security posts, digging protective trenches and placing fences at critical segments of the 2,560-km border with Afghanistan.

Without confronting the US head-on, Pakistani officials hope to blunt the Trump-led allegations of Pakistan being the "source of violence" in Afghanistan. The silver lining lies in what US secretary of defence James Mattis said in Washington last Thursday. "We intend to work with Pakistan in order to take the terrorists down. I think that's what a responsible nation does," Mattis said when asked as to "what kind of relationship the US wanted to keep with Pakistan".

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THIS TEACHERS DAY, MEET YOUR FIRST GUIDE AND SAY THANKS

Prem K Menon

In India, 5th September is celebrated as Teachers Day — a red-letter day to express gratitude to our teachers for building the foundation of our future. Teaching is a noble profession and apart from imparting knowledge, teaching has the unique quality of enhancing the mental and intellectual well-being of an individual. Also, a kindergarten teacher's job calls for that extra something, because she injects the initial dose of knowledge into the student's system.

A kindergarten teacher's task is much more challenging than a teacher attached to the secondary section or a college professor because she takes into her fold a child who for the first time is introduced to a new environment outside home.

The teacher tries to make the child feel at home, even when the child is away from it. She is the epitome of patience and has to bring out the best in the student. Good manners, the importance of cleanliness, healthy attitudes and other basic human qualities are inculcated into the student by her,

besides teaching him or her how to read and write with proper pronunciation and accent. Moreover, the teacher acts as the perfect bodyguard and guide, providing protection and direction to the little ones in more ways than one. This Teachers Day, take out time from your busy schedule, meet your kindergarten teachers and show some love.

(Inner Voice comprises contributions from our readers.)

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