

janata

Vol. 72 No. 18

May 21, 2017

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Doubts Persist on Growth Story

Mrinal K Biswas

It was inconceivable that the demonetization aftermath would escape any retarding if not crippling effect in the Indian economy. What is surprising is the Modi government mandarins' consistent claim that India's GDP growth story stays robust defying the critics' insistence of a dent in the third quarter of the 2016-17 fiscal because of the total withdrawal of 500 and 1000 rupee notes as legal tender in November last. The saga of sufferings because of severe cash shortage for months together leaves an indelible impression on the minds of the countrymen. However, economic consequences of demonetization still continue to be a living issue for those who have expertise on the subject in the country and abroad.

Former finance ministry chief adviser now back to US academy after a short stint in the World Bank Kaushik Basu feels it necessary that an assessment is now called for the country's state of economy as six months have elapsed since the demonetization/remonetization exercise, his tinge of doubts on the issue is not unknown though. Jagdish Bhagawati of Columbia University, widely believed to be a

Nobel laureate-in-waiting, had already contested Amartya Sen's anti-demonetization stand, and maintains that October-December 2016 period though supposed to be hard hit by the cash crisis shows only a modest dip of only one-half of a percentage point in GDP growth. Former Prime Minister Dr Manmohan Singh accusing the government of “loot” of the economy had ominously predicted 2 per cent drop in the GDP. Too many others pointed out to the near paralytic situation during the third quarter of fiscal 2016-17 against whom government claimed hard work not only stemmed any kind of rot in the economy while the country indeed is on the robust path of attaining 7 to 7.5 per cent growth in the 2017-18.

But what about the effects on the labour market? Contrary to government claims, the central labour bureau survey shows that during 2016 October-December period some 1.52 lakh temporary workers or daily wage earners lost jobs, some 46,000 temporary workers remained idle because their paymasters lacked cash. No such survey was however reported from

the agriculture sector. While this picture is discomfiting the claimed 7.5 per cent GDP growth becomes suspect when one gives a hard look into finance ministry estimates, given in the economic survey.

The survey itself after recording the growth figures of 2016-17 second quarter decided of a 7 per cent plus GDP growth for the fiscal as a whole. The big effect of the demonetization, which rattled the economy in the 2016-17 October-December third quarter (Q3 FY 17), was either not pre-estimated in the second quarter account or unrealistic assumptions were made. In the overwhelmingly cash-dependent unorganized sector, though this segment was bound to suffer heavily in Q3 FY17, the production indices were taken by referring to those of the organized sector without any economic rationale. This will surely distort GDP growth, according to some economists.

Another discordant version comes from the government-owned premier State Bank of India. Its group chief economic adviser Soumya Kanti Ghosh while giving credence to GDP in October-December 2016-17 (Q3 FY17) at Rs 30,27,893 crores found a serious afterthoughts in the Central Statistical Organization (CSO) which while giving the GDP of the same period previous year(Q3 FY16) changed the figures three times: Rs 28,52,339 crores estimated in on February 9, 2016, Revised to Rs 28,51,682 crore on May 31, 2016 and final revision was made at Rs 28,30,760 crore on February 28, 2017. Why?

Obviously the government will feel comfortable with the latest

estimate. Because the differences between Rs 30,27,893 crore of Q3 FY 17 and Rs 28,52,339 crore of Q3 FY 16 will give a GDP growth at 6.2 per cent. Similarly, revised Q3 FY 16 estimates (Rs 28,51,682 crore) vis-a-vis Q3 FY 17 estimates (Rs 28,51,682 crore) would again give the GDP growth at 6.2 per cent during the October-December 2016 period when the cash crunch hit hard the economy. Both these positions being unpalatable to the government the pliable CSO came out with another (final) revision of the October-December 2016 GDP growth at Rs 28,30,760 crore. By taking the revised figure of this Rs 28,30,760 crore of Q3 FY 16 the GDP growth in the tortuous October-December 2016 period dramatically touches 7 per cent, higher than the growth in the third quarter of 2015-16. Because the difference between Q3 FY 16 and Q3 FY 15 becomes larger at Rs 1,75,554 crore and increases the GDP growth at 7 per cent. The government thereby was freed from any damage control measure as to the alleged GDP dip in the demonetization exercise.

Finance Minister Arun Jaitley was quick to mention at the April G-20 meeting that India is on the path of a robust economic way of 7.5 GDP growth in 2017-18 fiscal against 7.1 per cent in 2016-17 while Prime Minister Narendra Modi attributed the positive growth rate to hard work.

But doubters are still not off the scene. They maintain gross value added (GVA) in the muddled third quarter would give a more realistic estimate than gross domestic production (GDP). There two ways of calculating GDP: First, on the production side GVA is measured by

taking into account the entire production in the cycle and then adding net indirect taxes to obtain the GDP figure. Second, on the expenditure side apart from government and private spendings, fixed capital formation, changes in stocks and valuables with exports minus imports estimates lead one to GDP. Usually, expenditure side is less than production side because of data lags pushing the shortfall under a head called discrepancies. Ghosh has shown that the first quarter of 2016-17 the discrepancy was Rs 30,645 crore. This was Rs 45,378 crore in the second quarter. But beyond any economic logic the third quarter showed an excess of Rs 6,767 crore, the inevitable shortfalls disappeared. This anomalous development, if taken at face value, would show GDP on the expenditure side was higher than production side. This is an absurdity, says Ghosh.

While he contends the impact of valuables on total estimates from the expenditure side tell the story of demonetization. Avijit Viniyak Bandopadhyay, MIT Economics professor in the US, says actual production indices of the most affected sector of the economy in the wake of demonetization was not available. Though the government firmly goes on claiming there was no setback and asserts that there was 7.1 per cent GDP growth in 2016-17 despite demonetization of 500 and 1000 Rupee notes from November 8, 2016.

Janata

is available at

www.lohiatoday.com

Nurturing Shared Values

Uday Dandvate

Some reflections as the Narendra Modi government completes three years.

First of all, I want to thank all of my friends on Facebook who are supporters of Narendra Modi for keeping me alert, aware and in a constant state of reflection through your comments. You have helped me re-examine many of the beliefs I inherited growing up in a family of social democrats. You helped me question my assumptions and focus on what is most important to me.

Let me start with the things that unite us and not the things that divide us. We all love India. We want India to become a land of opportunities for everyone. We all recognise that corruption in the system is a root cause of many problems that get in the way of India becoming a land of opportunities. We also want our children to grow up in an environment where they get the best education, nurturing and caring community support, freedom from fear, encouragement for applying their creativity, and reward for hard work. We agree that we deserve a system of governance where every voice is heard and every life is protected. Access to education, healthcare and justice should not be not a privilege but a fundamental right. We take pride in our culture and traditions but at the same time, we do not want traditions to become a barrier to progress nor an excuse for discrimination. Above all we deserve elected representatives and administrators who are driven by a genuine commitment to public service.

Now my thoughts on three years of Narendra Modi government. The government was elected in the backdrop of wide spread anger and resentment against corruption. While Anna Hazare's movement was able to galvanize aspirations for change, the movement did not throw up a credible alternative that was not a part of the established system. During the 2014 parliamentary election, instead of disrupting the system from outside, people opted for someone from within the system to take away power from the hands of the corrupt Congress party. Narendra Modi was able to sell the idea that a Congress Mukt Bharat would fix all the problems that had crept into India's political system.

This time there was a major shift in the narrative for change. In the past India's vision of change involved insulation from influence of big money on government, cultivation of inclusive values, and respect for Gandhian simplicity. With the advent of liberalization, and failure of both the Congress and other opposition parties to practice what they preached for seven decades, the masses were willing to give a chance to a leader who promised to demolish the corrupt Congress by hook or by crook. For several decades the Congress party had access to big money - to demolish the Congress party, Narendra Modi was able to surpass the Congress in using money power and expended it on a massive scale in the campaign. People did not care where that money came from. To demolish the

Congress party Modi was able to demonize the values that were traditionally sacrosanct in India - secularism, social justice, simplicity and liberal thought and replace them with aggressive Hindu Nationalism through the razzle dazzle of new age media blitz. The new narrative was "Restoring power and prosperity to the majority".

Mr. Modi is indeed delivering on what he promised with the audacity he demonstrated during his campaign. He is systematically cultivating a dominant place for Hindu traditions, rituals, culture and symbols in the political discourse. He is making every effort to demolish the Congress party and simultaneously working at debunking and discrediting the ideas of secularism, social justice and liberalism and removing them from popular imagination. He has blurred the boundary between politics and big money, as well as between politics and religion.

A new arrogance has set in amongst the ruling political class at the grass root level that reminds me of the arrogance of Wall Street investment bankers. Just as the frenzy for accumulating properties gripped the minds of home buyers prior to the sub prime mortgage crisis, India is beginning to invest in a home of Hindu Nationalism that we cannot afford and in the process squandering away the inclusive values that defined us and sustained us as a modern democracy and a stable society in a relatively unstable region.

We have entered a future where the Congress party has been replaced by the BJP. I can see a population cheering the demise of a corrupt party, but not realizing that the corrupting forces remain and are gaining more power. It feels like Half Time in football, where the teams have changed the position in the field but the game continues. The spectators are consumed by the loud

cheering and drum beating. The game is very intoxicating. The Jumla is working.

Some of us old timers refuse to give up on traditional values. We still believe that the values we all shared that arose out of our freedom struggle need to be nurtured if we want to avoid destruction of our social fabric and ensure equitable

progress and prosperity for the entire society. We must continue to engage in a conversation with our political opponents, however difficult it maybe to be heard above the loud cheering, and however small our voice maybe. Perhaps, even from acrimonious debates we may be abler to generate a shared set of values that will keep us progressing together.

People's Campaign Against GM Crops is Supported by Significant Statements of Scientists

Bharat Dogra

Although very high level lobbying by very powerful forces has been carried out in recent times for approval of GM food crops in India nevertheless it needs to be pointed out that the important points made by people's campaign against GM crops in general and GM Mustard in particular are supported by growing scientific evidence.

Several eminent scientists from various countries who constitute the Independent Science Panel have said in their conclusion after examining all aspects of GM crops, "GM crops have failed to deliver the promised benefits and are posing escalating problems on the farm. Transgenic contamination is now widely considered to be unavoidable, and hence there cannot be any co-existence of GM and non-GM agriculture. Most important of all, GM crops have not been proven safe."

In April 2009 the Union of Concerned Scientists published a report titled 'Failure to Yield' concluding that "after 20 years of

research and 13 years of commercialization, GM crops have failed to increase yields" and that "traditional breeding outperforms genetic engineering hands down."

In a widely quoted paper published in the *Ecologist* and titled 'The Biotechnology Bubble', Dr Mae-Wan Ho (head of Biodynamic lab of the Open University in the UK), Joe Cummins (Prof emeritus of genetics in Canada) and Hartmut Meyer have said that there are many signs of problems caused in genetically engineered organisms. These have been particularly disastrous for animal welfare. The scientists give several glaring examples. In a field trial of Bt cotton in Thailand, 30 per cent of the bees around the test fields died. Dr Sagari R Ramdas, co-director of Anthra, a veterinary research organization in India has written, "Between 2005 and 2009 Anthra, an organization led by women veterinary scientists researching the impact of Bt cotton on animals in different parts of India, has been closely investigating

the reported morbidity and mortality observed in sheep and goat flocks, which have been grazed on harvested Bt cotton crop in Andhra Pradesh. Shepherds unambiguously declared that their animals, which had never died or fallen sick while being grazed on regular cotton fields since the past ten years, began to exhibit morbid changes when grazed on the GM crop."

After pointing to many failures of genetically engineered organisms these scientists conclude, "It is important to realize that the failures are not just teething problems. They are very much the result of a reductionist science and a hit or miss technology. The transgenic foods created are unwholesome, because they involve stressing the developmental and metabolic systems of organisms out of balance. There are bound to be unintended effects including toxins and allergens, which current risk assessments are designed to conceal rather than reveal. The major problem is the instability of transgenic lines."

Disciplined India

D. K. Giri

India is being talked about as a big power in the making. The much vaunted magazine, the Forbes has an advice or two for Prime Minister Narendra Modi, on how he can make India a super power. It sounds promising. But, how is a super power measured? Is it by GPP growth (China), military might (USA and ex-Soviet Union), or any other criterion. The conventional tools to measure the might of the country are economy and military. If we recall Gandhiji gave us a healthy tool to assess the greatness of a nation. That is the character of its people. That indeed, should be the real measure. Character, which is a loaded, sensitive and contested term, can be simplified into discipline. Do we observe discipline as a nation? Certainly not. The Prime Minister is planning digital India, Swatchh India, and Make- in-India and so on, but, can we also talk about a 'Disciplined India'. To be sure, if we have discipline, life would be much easier, and a lot of stress, strife and soreness would be done away with. Some of our bad habits which can be called indiscipline signify our backwardness as a country. We have many aspects in our history and culture we can be proud of, which lend us greatness. However, they are in the realm of spirituality or our philosophy, one is referring here to our living culture on the streets; to our interactions with people, to our attitude towards others. Let us exemplify the charge of national indiscipline.

On punctuality, many Indians and foreigners talk pejoratively of 'India

time', which perhaps, means, whenever the expected person comes or the event happens. This is inefficient, unprofessional and disrespectful. Inefficient because, you lose time, waste other people's time, disrupt the process and outcome of any activity. It is unprofessional because one is not focused on the work. If one is late, making other people wait, it is disrespectful. There is a proverb, time and tide waits for none'. People in business sector, who tend to monetise things, would say 'time is money'. In the greatest Indian epic Mahabharata, the narrator would begin by saying 'I am the time', I decide things' etc. But, do we respect time? One is not comparing India with other countries, simply asking, are we punctual? Can we be punctual? In the olden times, with less technological support, people could reach in time; do things in time, but no more. Why is it getting worse? Arguably, this is largely because of growing individualism, consumerism and cynicism and absence of community-ness, public spirit and national purpose (not nationalism). Let us again illustrate how these tendencies play out in our daily life.

Honking is a major contributor to noise pollution. Have you noticed? If not, try it. Why people blow the horn, when and where. I bet, you will not be able to find out. People use the horn as a toy, blow it anywhere, anytime without rhyme or reason. One has to ignore it as most of these horns are meant for nothing, but if you do, you may risk being hit,

knocked off, or run over etc. You are in traffic, either in a congestion or red-light. As soon as the light is green, many behind you will blow the horn. Everyone is moving and alert, yet, horns are honked. One wonders why. Second, you are driving safely in a lane; there are five cars in front of you moving at a similar or higher speed, you get the horn from behind. Why? Is the guy asking you to move aside, you cannot, as the road is single carriage way or in a bigger road, the other lanes are occupied. Where do you go? How do you give him side? How do you respond to the horn? Only by turning a deaf ear. But can you escape the harassment and tension?

If you are a pedestrian, you have no 'right' to be on the road. Whether you are old, physically challenged, carrying a baby, you have to move fast or aside as soon as a car comes near you. The driver will not bother to look at your position in the road, you will get the horn and you must react. If you are fellow-car driver, you can withstand the bullying, but as a pedestrian, you cannot risk being hurt, the car will menacingly approach you as the horn would be blaring. The fact that, the drivers are uneducated, uncouth and insensitive could be the excuse. But, the educated ones are no less; they are equally noisy with their horns as others.

Breaking the queue is considered smartness and a show of strength and status. Just look at the bus-stops, railway stations, or now metro stations. There is no queue, and

people are jostling with each other to get in. If they are in a queue, it will be easier and comfortable for all. But that is not to be. In the metro stations, in Delhi, namely at the biggest junction, Rajiv Chowk, people stand in the queue and appear to be quiet and disciplined, busy with their cell phones. But as soon as the metro-train chugs in, all hell breaks loose, the queue is broken into pieces, as people jump over one another to enter.

Another interesting trend is seen in the shops. You go to a shop for buying something, you are being served, you may be waiting for another item, another shopper comes along, without waiting for your transaction to be complete, he shouts out his order. Even stranger is that, the shopkeeper also attends to him first, then comes back to you, and such queue-jumping takes place till the last customer. In the shop keeper's mind, you are hooked, you cannot leave without settling the bill or with items left to be picked up, and so he can attend to the new customer and sell to you at the same time. The shopkeeper also knows Indians are short on patience, cannot wait, so he cannot lose the second customer.

People hardly respect other people's space - physical as well as psychological. People will intrude into your space, if you are in a bus, train or even aeroplane, people will sit touching and nudging. In psychological terms, people do not respect other's space, become patronising and suffocate their juniors. Spitting and littering on the roads is so common. How does this habit sit with 'Swatch Bharat', Do we have enough common washrooms in the cities, spittoons kept in crowded places, and litter-

bins available. Where do the people throw their litter? It is a habit and discipline people must develop not to throw litter anywhere. Have you noticed people throwing banana peels or food-carriers out of the windows of flashy cars on the roads? Does it show any respect for fellow-travellers or concern for cleanliness. India is a hot climate, dust is unavoidable, but litter, plastics, cans, empty bottles are surely dispensable, and that could be nicely done.

Talking loud, interrupting others is common. If two people have a conversation, a third person, usually a friend or an acquaintance comes around and without notice, without waiting, s(he) would announce their presence by saying something louder than your voice, and forcing you to stop and look up.

How can we remedy such indiscipline? I make a distinction between habit and discipline. Habit is behaviour repeated over time and habits are inherited, followed consciously or unconsciously through generations etc, but discipline is taught through mentoring. You are trained to do certain things in particular ways. That is discipline since the changing habits mentioned above require a civilisational shift, which is not easy; one could inculcate new habits through training and creating a new 'discipline'. We have been advocating Indian youths to undergo conscription, a compulsory military training for a year before they take up any service either in private or public sector. This will give them all common training in similar habit-formation and public spirit. Second option is to draft people into National Social Service (NSS), which again should be made mandatory. NSS would infuse public spirit and

sense of sacrifice, concern and compassion for others. Third, all Indian should undergo citizenship training conducted by the trained social mobilisers. The syllabus for such training should be common throughout India although language could be state-specific. Anyone without citizenship training cannot vote in an election. After the training all voters will be given the citizenship cards which they carry as their I-card, too, or their training certificate included in the Aadhar card, so that by swiping the Aadhar one would know the citizenship status. It is a crying need for the country to be disciplined through the good habits of its citizens. If the simple habits are changed, the citizens would desist from committing bigger crimes like rape, violence, theft, and rioting etc. That is how we can become a big power have a healthy nation, and a strong state.

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No Use Asking ‘Eye for Eye’

Pannalal Surana

The mother of a Jawan killed by a terrorist near Poonch (J &K) on 30th April, 2017 was shown repeatedly on TV channels saying “Bring fifty cut-off heads to compensate head of my son”. Such utterances may be sympathetically listened to. But whipping up mass frenzy on that line of emotional outburst would only escalate chain reaction of violence - would that save lives of our Jawans and as also of inhabitants of the border areas? Violence begets violence. Only firm resolve to prevent terrorist attacks, backed by resolute action can ensure peace.

Any sober person would agree that cutting supply lines of finance and arms to terrorists can alone check terrorist attacks.

That does not mean that we should avoid forceful resistance if any terrorist intrudes and indulges in violence. The sentries posted on the border are expected to react instantly and effectively. But the policy should be to disable likely intruders to cross border or to resort to violence.

Terrorism thrives on unlimited supply of money and arms or explosives. They don't get it as a gift of God. Some crooked agencies and/or smugglers are responsible for their uninterrupted supply.

In the days of sputnik-aided IT and reconnaissance instruments, why does not our security men get information, or at least inkling of probable intrusion from across the border or of gathering 300 armed

persons in the thick jungle of Sukma District of Chhattisgarh? Is it so difficult to put live vigils on the LoC, all the area through which broad highway is being built? Surely that should be a child's play for the nation that prides in sending 104 sputniks in the sky in a single shot. Our army and security forces like CRPF and local police should seek, and get, the required designs and materials to erect necessary intelligence units. If neither is being attempted, all those occupying high posts in Defense and Home departments of Government of India must be held responsible. High technology that located and captured Osama Bin Laden should not be considered a monopoly of one nation. We can certainly devise radars, sensors and drones required for that. The legacy of the great APJ Abdul Kalam should not go waste.

Thanks to the uncanny ingenuity of our businessmen and Babus in devising escape route out of the regulatory network of RBI, identifying and deactivating sources of financial supply may be a little difficult, but not impossible. What is required is to form a small group of persons of impenetrable integrity and empower it to device and execute necessary operations. After all there can be only a few havala channels through which money would be flowing to the terrorists or Naxalites. What is needed is dedicated ruthlessness. Indian nation should not be found wanting it.

The rulers at the top should put aside their political agenda of Hindu Rashtra which in practice boils down

to Muslim baiting and weakening the unity of the nation. Instead of coining new slogans day in and day out, they should concentrate on the projects outlined above and that should be done without any pomp and show. Full concentration is all that is called for.

Can anybody chasten our frenzy-crazy media? Let it be left untouched. Instead all persons who want to save precious human beings should talk to the fellow countrymen through small gatherings, pamphlets and occasional marches, not only on thoroughfares but in the lanes and bye-lanes of localities inhabited by poor masses. Social media may also be put to proper use. Kabir's dohas may be recited as also utterances of saints and Buddha and Mahatma Gandhi.

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The Modification of India — the impact on Development and Gender*

Nandana Reddy

Introduction:

We live in very troubled times, times that are a combination of terror, anxiety, uncertainty. These are also times that bring a realization of the fragility of our democracy.

We live in times of an unprecedented evolutionary transition from the age of intellect and reason to an age of moral cowardice, spiritual bankruptcy and apathy towards the suffering of our fellow citizens and where hate and fear seem stronger than tolerance and humanity.

Unlike the 70's, we live in times where we easily give in to authority and the spirit of dissent seems to have evaporated.

Three years into Modi's rule and we have witnessed the flagrant violation of our fundamental rights. We are being told what to eat, what to wear, how to pray, what and what not to say. Our freedom of speech is curtailed. NGOs are threatened with charges of sedition and critics are labelled 'anti-national' or 'desh-drohi'. Development has taken on a new meaning — a fast track for the corporate houses and multinationals to seize our economy.

This smacks of an undeclared, amorphous, insidious State of Emergency, the second we have faced since India gained her independence.

Emergency Then and Now

There are both similarities and differences between the 1975 State of Emergency declared by Indira Gandhi and Modi's model.

The common factors are - self promotion as a cult figure; 'Indira is India' is now the *Modification* of India; the wardrobe, the slogans, the international events, a cultism built around catchphrases not actions. The other is the promise of sops. Every household will have a toilet, the Beti Bachao Andolan and the Swacha Bharath Andolan [that has resulted in the biggest garbage disposal crisis we have seen in recent times] all reminiscent of Indira's 20 point programme and 'Garabhi Hatao'.

Both these Prime Ministers hardly attended Parliament and while one muzzled the media; our PM of today just ignores them! One jailed thousands of dissenters, while the other just cuts off their source of funding. Modi has systematically dented the check list that defines a democracy — our right to dissent; freedom of association; freedom of speech including a free press; freedom to practice our religion,

speaking our language and enjoying our culture.

But they also differ in their modus operandi. Indira misused a Constitutional provision; Modi has not tampered with the Constitution. Indira used compulsion and coercion, mass arrests and press censorship, surveillance and tapping of telephones; Modi is using a clever combination of fear and seduction to obtain peoples' submission and compliance and his brigade of Hindutva hooligans are his executors. The nation appears to be responding to obsolete dogmas and outworn slogans.

Manmohan Singh's lament that our 'democratic institutions are under threat', rings true, but we must remember that it was during his tenure that the erosion began and paved the way for the undeclared 'Emergency' we are now experiencing. No one is blameless in this coup d'état; there are no 'innocents'. We are all culpable for allowing things to progress so far.

With each passing day I can't help but feel the gnawing sensation that the shadow of authoritarianism is

*This article was based on the Annual Endowment Lecture on Gender and Development in Memory of Dr Poornima Vyasulu on May 5, 2017

reaching its tentacles deeper and deeper into our lives, eroding our fundamental rights and freedoms.

Unfortunately, few recognise the signs. Forty years have gone by and the present generation have no knowledge of the 1975-77 Emergency and history has not recorded it. There are only a handful of us left with memories of those painfully dark and silent days. We who cling to our principles to protect democracy and its institutions are a mere handful, isolated and numbed by the sheer onslaught of the so-called modern, consumerist, *Modified* India. But we recognise Modi's dictatorial moves and authoritarian model of governance as elements of an undeclared emergency.

L K Advani, one of the survivors of the Emergency feels that now the *"forces that can crush democracy are stronger"*. He is right, because the environment is weaker. But his hope that having experienced *"Emergency"* once, India could have been inoculated against it is wishful thinking. This may have been true 20 years ago, when those who had experienced both the struggle for freedom and the State of Emergency were still alive. Today, Advani does not *"see any sign in our polity or any outstanding aspect of leadership that assures"* him as *"a commitment to democracy and to all other aspects related to democracy is lacking."* This is ironic coming from a senior leader of the BJP and yet rings true!

I was recently rereading 'The Anatomy of a Dictatorship' authored by CGK Reddy and circulated during Indira's Emergency in Europe to muster International support. It was distributed under George Fernandes' name as CGK was still

with The Hindu. It records the Indira recipe that led to the declaration and continuance of Emergency and her modus operandi reads like a text book with step by step instructions for a potential dictator. It would appear that Mr Modi and his backroom boys have studied her methods and learnt their lessons well and this time around have managed to usher in a dictatorial regime seemingly within the Constitutional purview and without having to resort to Article 352, which in any case has been made more difficult to use since its amendment in 1978.

On the contrary, in 2015 MJ Akbar said that *"now Indian Democracy is too strong"* for another emergency to be declared. This is a surprising statement for him to make when the present Government even then undermined every institution and smashed every vestige of democracy. But then as a newly recruited spokesperson of the BJP, I guess he would.

Meanwhile, wooing the masses with empty promises keeps the charade alive. While people with newly opened bank accounts wait for Modi to bring back the black money and deposit their share, Modi travels the world making friends and promoting his 'image'. While millions wait for basic needs like water, housing and sanitation, Modi twitters his elite twitter buddies in cyberspace. While communities are trying to resolve their differences, Modi's ministers spread the RSS ideology banning beef, telling our Muslim brethren to go to Pakistan and spout medieval patriarchal comments against women.

The Media

The fourth estate was meant to

act as a watchdog, to expose the ills in society by maintaining a check on the State and keeping citizens informed. But news has become black and white and there are no grey areas, no nuances, no attempt to tell it as it is. The media doesn't report news, they portray it according to their partiality and prejudices and who it is more lucrative to support.

Most sections of the media are now also misreporting, spreading misinformation and by that helping to push the Modi agenda. The recent reports on the Supreme Courts *supposed* verdict on the use of Aadhaar is one such example. On October 15, 2015, a five judge bench had heard a series of applications for multiple uses of Aadhaar and refused the plea.

However, the Attorney General, Mukul Rohatgi, not only suppressed this information before a three judge bench in an unrelated case but deliberately misinterpreted a casual comment as making UID mandatory for income tax and PAN cards. This is a serious breach of legal etiquette and a vile attempt to mislead the public when the legal position as of now is that even the use of UID is a contempt of court, let alone making it mandatory.

Though this has been explained in detail by several legal experts including Dr Usha Ramanathan, no newspaper has carried a clarification or correction. So the myth continues.

What Jürgen Krönig, the UK editor of Die Zeit says applies so aptly to India: *"So without a free press there is no public sphere, no informed citizen and thus no democracy. For a democracy to be sustained, we need informed*

citizens and an aware civil society. Instead, what we now have is an electorate which is highly informed about entertainment, consumer goods and celebrities, while being uninterested in and/or deeply cynical about politics, equipped with short attention spans and a growing tendency to demand instant gratification.” Be it the Trump’s victory in the US or Brexit, this appears to be a world phenomenon that we are yet to analyse and understand.

LK Advani had said during the Emergency *“that when journalists were asked to bend, they crawled; and now they are behaving like trained circus animals, jumping through hoops on Modi’s command. Worse, they have lost their credibility. So a few days back, when on World Press Freedom Day, the Malayalam newspaper Mathrubhumi blackened the front page of their daily, reminiscent of The Indian Express and The Statesman who ran blank editorials as a mark of their resistance during Indira’s Emergency; their true intentions were questioned by many. Was it sensationalism or a sincere form of dissent?”*

Social Media

On the other hand, the Modi campaign used social media to great effect. The branding of the ‘future’ Prime Minister, constructing the image of an effective strong administrator who would lead India into prosperity and the modern global era, won him the 2014 elections. Now the Modi strategists are employing social media to spread myths and rumours to induce fear and uncertainty. What they cannot do legally, is being achieved by making people believe it exists.

My husband got a WhatsApp message a few months ago. It said: *“The Central Police have issued an order that anyone who discusses politics or religion or passes on information regarding politics or religion will be arrested”*. This message had been doing the rounds for a while and no one had bothered to stop and think. Hey, we are a democracy, [at least the last time I checked], and our Constitution gives me the right to discuss politics and religion and anything else! And, we don’t have a ‘Central Police’ in India!

I got a message a few weeks ago. Many of you must have got similar messages. It was titled *“Ministry of Interior Regulation”*. It read as follows: *“From tomorrow e.i. 11/04/2017 onwards there are new communication regulations. All calls are recorded. All phone call recordings saved. WhatsApp is monitored. Twitter is monitored. FaceBook is monitored. All social media and forums are monitored. Inform those who do not know. Your devices are connected to ministry systems. Take care not to send unnecessary messages. Inform your children about this and to take care.”*

Interestingly this came from the sister in law of a union minister who was brought up in a Socialist household. I sent her the usual message reminding her that we are still a democracy — Modi or not — and such messages are a Constitutional violation. And we do not have a Ministry of Interior. She messaged back: *“I know it is against freedom of speech and the Constitution, but it’s still a scary thought.”* Who needs to amend the Constitution when we can be so easily taken in?

Martin Luther King, Jr. believed that: *“Any nation or government that deprives an individual of freedom is in that moment committing an act of moral and spiritual murder. Any individual who is not concerned about his freedom commits an act of moral and spiritual suicide.”*

Two years ago, I was at a lecture given by Gopalkrishna Gandhi in honour of JP, the founder of the People’s Union for Civil Liberties. He said:

“The fear that is prevailing in our country is the starkest and most palpable among the minority communities of India. This level of fear among those communities has precedence only in times of riots that have defaced the history of our country. But in times when there are no riots or riots in real time there has never been a time when fear has been so pronounced in the hearts and minds of the minority communities in India. JP would not have been able to stand or stomach the sight of a cow being slaughtered but he would not have allowed cow slaughter to become a political tool in the hands of a majority party which is using the majority community’s susceptibility, sentiments and heartstrings to needle the minority community, in this case the Muslim community in particular.”

“During the Emergency, ‘75-‘77, there was a kind of an attempt to combine socialist rhetoric with the realpolitik or opportunism. Today there is a great attempt at combining two pulls, two compulsions in the public. One is the inborn set of prejudices that all of us have about other communities, polarisation by bringing about things like temples, cow slaughter. But the other great

pull, the pull for the good life via the world model of globalisation, the corporate communal binary is like the great combination of two demi-gods wanting to snuff out dissent by a combination of fear and seduction.”

“The latter is even more difficult to resist than the former and in the Emergency which JP faced, the problem was fear not seduction except when it came to some small loaves and fishes of office. But today it is much more different and that is why it is much more important to resist. In the northern Hindi-speaking parts of India, JP was hailed as “andhere mein ek prakash, Jayaprakash, Jayaprakash” (in this darkness there is one light...) There is not an andhera yet but there is a kind of twilight that could slip into andhera, but I don’t think the people of India will allow that to happen.”

Two years later, I feel we are closer to *andhera* than we think. The hood is slowly but steadily clouding our judgment and fear has got our tongues.

Writing in *Young India* in 1922, Gandhi said, “*We must first make good the right of free speech and free association before we make any further progress towards our goal. We must defend these elementary rights with our lives.*”

Gandhi based his view on his belief that liberty of speech is indisputable even when the speech hurts and that “*freedom of association is truly respected when assemblies of people can discuss even revolutionary projects.*”

Among several others, Raja Ram Mohan Roy and Bal Gangadhar Tilak were committed to this too and civil

liberties became an integral part of the national movement and incorporated into the Constitution. They understood that while the freedom of worship is a part of democracy and a fundamental right, the foundation of modern democracy has to be the freedom of thought and expression.

Modi and Development

Modi proclaimed an 8 point development agenda; the Strengthening of the Federal Structure, Agricultural Reform, Urban Development and Infrastructure, Health Care for All, Children’s and Women’s Empowerment, Inflation and Price Control and Education and job opportunities for youth.

These are rather ambiguous statements. Who these moves will benefit is not clear. Will it be a pro poor pro farmer agenda based on social justice or to the advantage of big business?

Modi’s unilateral demonetisation ‘strategic strike’, was purportedly to clean up black money and stem corruption, but we all know that was not the case. The real motive was to usher in a cashless economy that would put small vendors and enterprises out of businesses and facilitate FDI in retail. Rural India, especially those just barely making a living as landless labourers or running small businesses selling vegetables or managing small eateries, unable to manage on credit, have been hard hit by demonetisation. Having no surplus to sustain them, they have been driven to sell their homesteads or the little land that they own, forcing them to join the ranks of the unemployed. Suddenly displaced and not having

the necessary skills demanded by the urban labour market, these rural refugees, mostly women struggle to survive.

Modi’s proposed land acquisition ordinance was to further ease the way for multinationals to buy agricultural land and with mechanisation and technology Modi’s promise of ‘more crop for every drop’ would be realised, except that the farmers would be landless and penniless.

The poor in urban metropolises is no different. The cash crunch in ATMs and the restrictions on the withdrawal on our own money is taking business away from small enterprises to the Reliance and Food World retail outfits.

This was essentially the Gujarat model. Guaranteeing investors, particularly big investors from India and abroad, land at throw away prices with no consideration for whom or how many were displaced as a result. As a third of our population reel under draught and the distress of our farmers escalate, the Modi budget brings them no relief.

Further, the proposed amendments to labour laws, undermining the protection for the working class by promoting a ‘hire and fire’ policy combined with outsourcing has weakened labour unions as never before. And the Goods and Services Tax [GST] has converted the whole country into a single common market wresting control away from the States to the Union Government. So much for his promise of strengthening the Federal Structure!

(To be concluded)

Free Speech, Nationalism and Sedition - II

Ajit Prakash Shah

We also have social media, where online trolls and threats of rape and murder are regularly made against people supposedly making anti-national statements. I am left to ask myself, which part of Indian culture permits or promotes the making of such statements threatening a girl with rape or murder. Who are these people on Twitter and other social media, who take comfort in their anonymity to make such aggressive threats against individuals?

Laws criminalising speech such as sedition, defamation, and blasphemy have been used against activists, dissenters, and even political cartoonists to silence and harass them. In such a situation, using these offences to deter a person from speaking, instead of engaging with the underlying concerns of their speech, is detrimental to democracy. In fact, the chilling effect and consequent stifling of free speech caused by the threat of invocation of these offences and tactics undermines the constitutional protection to free speech guaranteed by Article 19(1) of the Constitution. More worryingly, though, a debate around nationalism and patriotism prevents a real conversation about the social and economic problems that ail the country.

Having discussed the meaning of nationalism and the importance of free speech in some detail, it is appropriate for me to now turn to examine issues that are raised by nationalistic fervour, whether

sedition, the national anthem, the attack on universities, and cow slaughter. A common theme linking these topics is the idea of “cultural nationalism”, where cultural conformism is being foisted upon the entire nation, without consideration of people’s personal choices, values and regional differences.

Nationalism and Sedition

Sedition is a word, almost everyone in India has heard of today, because of the events at JNU last year. Historically, our conversation around sedition centred around British injustice in convicting and sentencing Tilak and Gandhi to prison for their publication of allegedly seditious material. Tilak, before his arrest in 1908, reportedly told a police officer, “The government has converted the entire nation into a prison and we are all prisoners. Going to prison only means that from a big cell, one is confined to a smaller one.”

Gandhi, in 1922, pleaded guilty to the charge of sedition, stating that he was proud to oppose a Satanic government.

These stories are shared with bristling outrage about the British misuse of this law and pride with which our freedom fighters opposed them. More than 90 years later, however, we are still grappling with the fact that the crime of sedition was invoked against a group of 20-something University students for

doing what students in a campus should feel entitled to do — raise slogans, debate, disagree, and challenge each other on complex, political issues that face the nation today.

Sedition laws were enacted around the 17th Century in England in a bid to protect the Crown and the State from any potential uprising. The premise was that people could only have a good opinion of the government, and a bad opinion was detrimental to the functioning of the government and the monarchy. It was subsequently introduced in the Indian Penal Code in 1870.

The first major case was when Bal Gangadhar Tilak was brought to trial for sedition in 1897 for his lectures and songs at the Shivaji Coronation Ceremony. Given that these speeches and songs made no mention of overthrowing or disobeying the government, the Court widened the interpretation of sedition by equating “disaffection” to “disloyalty,” and including within it hatred, enmity, dislike, hostility, contempt, and every form of ill will towards the government. This interpretation became a part of the legal text, when Section 124A was amended to add the words “hatred” and “contempt” alongside “disaffection”, which was defined to include disloyalty and feelings of enmity. Thereafter, in 1908, Tilak was again charged with sedition for the publication of a critical article in his magazine Kesari. He was held guilty and sentenced to six years’

imprisonment by the Bombay High Court, which ruled that no one was permitted to “attribute dishonest or immoral motives to the Government.”

The next landmark sedition case pre-independence was Gandhi’s trial for the offence of sedition for his articles in the Young India magazine. The trial itself was remarkable for his decision to plead guilty to the charge of sedition and Justice Broomfield’s reluctance to sentence him, because he did not believe that Gandhi deserved to be charged with sedition in the first place.

Interestingly, during the Constitution Assembly debates, there were two attempts made to include sedition as a ground for restricting free speech. Eventually, however, due to trenchant opposition by members of the Constituent Assembly and their fear that sedition would be used to crush political dissent, it was dropped from Article 19(2) and the Constitution. These actions of the framers were expressly noted by the Supreme Court in 1950 itself, in its decisions in Brij Bhushan and Romesh Thappar.

The decisions of the Supreme Court prompted the First Amendment to the Indian Constitution, wherein Article 19(2) was amended and “undermining the security of the State” was replaced with “in the interest of public order”. However, while speaking in Parliament, Nehru clarified:

“Take again Section 124-A of the Indian Penal Code. Now so far as I am concerned that particular section is highly objectionable and obnoxious and it should have no place both for practical and historical reasons, if you like, in any body of laws that we might pass. The sooner we get rid of it the better.”

Finally, in 1962, a Constitution Bench of the Supreme Court had the chance to authoritatively decide on the constitutionality of Section 124A of the IPC in *Kedarnath Singh v State of Bihar* in light of the “public order” restriction in Article 19(2). It had to grapple with conflicting decisions of the Punjab and Patna High Courts on the constitutionality of sedition. The Court upheld the constitutionality of sedition, but limited its application to “acts involving intention or tendency to create disorder, or disturbance of law and order, or incitement to violence.” It distinguished these acts from “very strong speech” or the use of “vigorous words” which were strongly critical of the Government.

The final case that I would like to discuss is the 1995 decision of the Supreme Court in *Balwant Singh v State of Punjab*, where it acquitted the persons who had shouted slogans such as “Khalistan zindabaad, Raj Karega Khalsa” outside a movie hall a few hours after Indira Gandhi’s assassination on charges of sedition. Instead of simply looking at the “tendency” of the words to cause public disorder, the Court held that “raising of some lonesome slogans, a couple of times... which neither evoked any response nor reaction from anyone in the public” did not amount to sedition, for which a more overt act was required. The Court took cognizance of the fact that the accused had not intended to “incite people to create disorder” and that no “law and order problem” actually occurred.

It is through this lens that one should view the JNU incident. The law, as we saw above, is quite clear on the distinction between strong criticism of the government and the incitement of violence, with only the

latter being related to sedition. Thus, regardless of whether the JNU students’ slogans were anti-national, hateful, or an expression of contempt and disdain against the government, as long as they did not incite violence, it does not get covered under sedition. As Upendra

Baxi reminds us, we should remember the distinction between “constitutional patriotism” (and fidelity to the Constitutional purpose) and “statist patriotism” (what Gandhi called “manufacturing affection for the state”). Keeping this in mind, I would like to express my anguish on the language of the Delhi High Court’s bail order and the unnecessary invocation of patriotism and nationalism.

Gandhi said, “Affection cannot be manufactured or regulated by the law. One should be free to give full expression to their disaffection unless it incites violence.” This, as we have seen above, is in fact the standard of *Kedar Nath*. Unfortunately, the broad scope of Section 124-A allows it to be used by the State to go after those who challenge its power, whether it is the JNU students, activists such as Hardik Patel and Binyak Sen, authors such as Arundhati Roy, cartoonists such as Aseem Trivedi, or the villagers of Idinthakarai in Tamil Nadu protesting against the Kudankulam Nuclear Power Plant. These examples are demonstrative of the misuse of the provision. The law is clear that mere sloganeering is not enough, and has to be accompanied by a call for violence. However, at the stage of registering the FIR and initiating criminal proceedings, the question of the interpretation of the section in line with the Supreme Court’s jurisprudence, does not arise. Thus,

sedition charges are easily slapped, but seldom stick, but cause immense harassment in the process. Even if one is eventually acquitted of sedition, the process of having to undergo the trial itself is the punishment — and more importantly, the deterrent against any voice of dissent or criticism.

The enforcement or the threat of invocation of sedition constitutes an insidious form of unauthorised self-censorship by producing a chilling effect on the exercise of one's fundamental right to free speech and expression. That is why the law needs to be repealed. However, it is unlikely that any government will give up this power, and it is therefore left to the courts to re-examine the constitutionality of sedition. It is not enough to expect an acquittal by the courts after 4-5 years; we need to stop the misuse of the law to silence dissent by removing the source of the power itself.

Interestingly, England, from whom we have inherited the offence of sedition, recently repealed the offences of sedition and seditious libel, along with defamatory libel, and obscene libel. In doing so, the Justice Minister, Ms. Claire Ward observed in 2009,

“Sedition and seditious and defamatory libel are arcane offences - from a bygone era when freedom of expression wasn't seen as the right it is today.... The existence of these obsolete offences in this country had been used by other countries as justification for the retention of similar laws which have been actively used to suppress political dissent and restrict press freedom... Abolishing these offences will allow the UK to take a lead in challenging similar laws in other

countries, where they are used to suppress free speech.”

Nationalism and the University Space

It seems that February is the season for targeting dissent. If it was JNU and azaadi in 2016, this February saw the Ramjas-DU protests. University spaces are traditionally meant to be spaces for dissent, where students engage and challenge each other and the dominant narrative, in an attempt to develop their own principles and beliefs. In fact, the best universities in the world are those that champion free thinking and disagreement amongst their students, faculty, and administration. However, this space is under challenge in India.

Just think about the events that have transpired over the last couple of years that have sought to undermine academic institutions and academic freedoms — from the backlash against University of Hyderabad's Rohit Vemula's mother, declaring that she was not a “dalit”; to the charges of sedition levelled against JNU students; to protests at Ramjas/DU about the organisation of a seminar; and the outcry against an undergraduate student's tweet.

As part of the FightbackDU campaign that was launched in response to the Ramjas protests, a 21-year old LSR student, Gurmehar Kaur, tweeted a photo “I am not afraid of ABVP”. A video, where she held a placard saying “Pakistan did not kill my father, war did” went viral and became the subject of intense national discussion and debate, with cricketers, actors, and politicians all joining in to criticise the girl. In fact, she was subject to such hostility, threats, and violence,

especially online that she had to get security and leave Delhi. Have we really reached such a stage of insecurity that a 21-year old's views have to be met with such backlash? That the Union Home Minister for the State has to tweet, “Who is polluting this young girl's mind?” The guarantee of freedom of speech rings hollow, if the State cannot guarantee freedom after speech.

The inaction of State institutions like the police in light of the violence and bullying by certain groups leads to a fear psychosis amongst students. Unless some remedial action is taken, we will produce an entire generation of students who will never have been encouraged to question the dominant ideas and encouraged to think differently. This will influence not just the nature of democratic citizenship, but will have a direct impact on the innovation and creative thinking that are necessary for economic progress of a nation.

Nationalism and patriotism

Before concluding, I would like to talk about two more issues connected to free speech and nationalism. The first relates to the Supreme Court's national anthem order requiring all movie-goers to “stand up in respect” for the national anthem before the start of a movie in order to “instill a feeling within one a sense of committed patriotism and nationalism”. The order of the Court, which seems a little short on reasoning to help understand how such an interim order was passed baffles, and seems contrary to the spirit of the Constitution and past precedent, Bijoe Emanuel, which made it clear that we cannot be forced to sing the anthem. It is important to remember that the right to free speech and expression also

includes the right not to speak or express ourselves. However, under the guise of “law”, the Court has now stepped in and restricted our fundamental rights.

As Pratap Bhanu Mehta points out, the order fails to understand a distinction fundamental to liberal democracy — everything that is desirable or makes for a better citizen does not, and should not, be made compulsory. In fact, making something compulsory undermines the very meaning of that action and the respect that is normally accorded to it. It is a form of, what I would call, “conscripted nationalism”. Just as joining the Army is a noble career path, our lawmakers have rightly decided that India will not follow conscription, presumably because they believe in the liberty of the individual and the right to choice. Unfortunately, the Judiciary thought otherwise.

I know of many people who considered themselves patriotic and would always stand when the national anthem was played. But the Supreme Court’s order has fundamentally changed their relationship with the anthem and has resulted in undermining its import. The order may have ensured that cinema audiences throughout are now standing before the national anthem plays, but what the Court fails to have realised is that such an action is a performance, motivated by fear of being beaten up, rather than genuine respect and love for the anthem. In the end, it has actually undermined patriotism amongst fellow Indians.

Similarly, preventing people from eating the food they want and effectively forcing a life choice on them undermines any feelings of

nationalism and unity, and is another insidious form of cultural nationalism. Recently, Mohan Bhagwat called for a national law against cow slaughter. But we must be wary of forcing a single ideology or way of living on the entire country, especially a country as diverse as India, where States such as Kerala, or the various states in the North East consider beef a staple part of their diet. One reads multiple reports about slaughterhouse crackdowns in UP, crackdowns that are primarily targeted at Muslim butchers, leaving lakhs of people with fear, but without stable employment. We also recently had the horrific incident in Una where seven Dalits were beaten by cow-vigilantes for alleged cow slaughter. And how can we forget the lynching of Akhlaq, who was suspected for allegedly storing and consuming beef, but where the first thing that was sent for forensic examination was not his body, but the food that is in the fridge. Is this what the value of human life comes to?

Nationalism, when it devolves into such a form of cultural nationalism, is disturbing. I am personally very proud of being an Indian and of the Indian culture. My wife and I practice Yoga. But I am not comfortable with the drive to make Yoga compulsory, to be foisted upon everyone, as if that were a badge of nationalism and Hindu pride.

Enforced nationalism cannot promote true culture. When a culture is arbitrarily prescribed and foisted, freedom of the creative spirit of man disappears or is suppressed. Only free souls can create abiding cultural values; they may physically belong to one particular class or geographically to a particular country; spiritually, they transcend all social and territorial limitations.

Conclusion

It has long been known that suppressing and censoring people’s speech will not remove the underlying simmering sentiment. In fact, it will only serve to alienate that section of the population further. If we have to give true meaning to the Prime Minister’s promise of “sabka saath, sabka vikaas”, then we must celebrate not only those who profess affection for the State, but also those, who believe that change is necessary or injustice is being committed. We cannot have an Orwellian situation, where the government speaks in one language, but then fails to walk the talk. After all, as Desmond Tutu said, “if you are neutral in situations of injustice, you have chosen the side of the oppressor.”

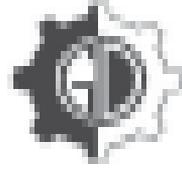
The strength of a nation is not gauged by the uniformity of opinion of its citizens or a public profession of patriotism. The true strength of a nation is revealed when it does not feel threatened by its citizens expressing revolutionary views; when there is a free and open press that can criticise the government; and when citizens do not resort to violence against their fellow citizens, merely for expressing a contrary view. That is when we will have achieved liberty of speech. And that is when we will be truly free.

I would like to end this speech with a short poem “Speak” from one of my favourite poets, Faiz Ahmed Faiz: Speak, for your lips are free; Speak, your tongue is still yours Your upright body is yours Speak, your life is still yours Speak, this little time is plenty Before the death of body and tongue Speak, for truth is still alive Speak, say whatever is to be said
(concluded)

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Published on Sunday, May 21, 2017 & Posted on Wednesday May 24, 2017 at Mumbai Patrika Channel, Mumbai GPO-1



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