



Safeguard undermined

Delhi govt.'s policy decision to grant sanction to prosecute in all cases is questionable

The law on granting sanction for prosecution imposes a duty on the government concerned to apply its mind to the facts of each case and render a decision based on its assessment whether, *prime facie*, a case has been made out. The process cannot be based on a uniform policy. The Aam Aadmi Party (AAP) regime's justification that it cleared the prosecution of former JNU students' union leader Kanhaiya Kumar and others on charges of sedition and conspiracy because it adopts a policy of non-interference in judicial matters is completely unacceptable. Superior courts have repeatedly stressed that giving sanction is not a mechanical process, but requires application of mind. The government is required to decide whether there is enough material to conclude that the speech or slogans had a tendency to create public disorder or contained incitement to violence. The prior sanction norm is a vital procedural safeguard against frivolous prosecution. The sanction requirement has seen criticism only in corruption cases, as the power could be used to shield corrupt public servants. However, the sanction contemplated by Section 196 of the CrPC, for "offences against the state" in the Indian Penal Code, as well as "conspiracy" to commit them, is different. Such sanction is also needed for Section 153A (promoting enmity between different groups) and Section 295A (malicious acts intended to outrage religious feelings). The reason is that a police officer's understanding of the offence should be subject to the government's scrutiny so that these provisions are not unlawfully used against free speech.

In reducing its role to a policy that only the judiciary can decide the case on merits, the Delhi government has done a disservice to those charged with the serious offence under Section 124A. Mr. Kumar and nine others were booked for allegedly supporting "seditious" slogans raised during an event at JNU on February 9, 2016. The Delhi police filed a charge sheet in January 2019. There was criticism from the ruling BJP that the AAP government was delaying the grant of sanction. There was a court deadline for the regime to give its decision. However, this did not mean that it was asked to accord sanction mechanically. After video footage purportedly showing the students raising "anti-India" slogans was found to be doctored, one would have thought the NCT government would be wary of endorsing the police claim. Moreover, the decision goes against the emerging body of opinion that the sedition provision needs to be revisited, if not scrapped altogether. The political narrative behind the belated grant of sanction may be that Mr. Kejriwal and his party might not want to concede the nationalistic space entirely to the BJP. What is of greater concern is that its action may end up legitimising the imaginary construct that these students and their supporters constitute a 'tukde tukde' gang bent on breaking up the country.

Bottom or mirage?

While data revisions have lifted first-half growth, actual numbers reveal a softening

Official estimates of gross domestic product for the fiscal third quarter have pegged growth in the festival demand-filled October-December period at 4.7%, a distinct slowdown from the revised year-earlier and preceding quarters' 5.6% and 5.1% paces respectively. Manufacturing, which contributes just under a fifth to gross value added (GVA), was the biggest drag posting a 0.2% decline and extending the sector's contraction into a second straight quarter. Output at electricity and allied utility services also shrank 0.7%, reflecting lack of demand from becalmed factories. And activity in construction, a generator of orders for goods from cement to steel, softened worryingly to a 0.3% expansion, prolonging the industry's slowdown for a third consecutive quarter. However, agriculture and the three largest services sectors, including public administration and defence, shored up overall GVA, with farm output expanding by 3.5% and the government-centred services growing by 9.7%, according to NSO estimates. The Centre was quick to assert that the economy appeared to have "bottomed out", with the Economic Affairs Secretary citing an improvement in output at the eight core industries as an uptick in momentum. To be sure, overall growth at the eight industries that include coal, refinery products, steel, cement and electricity averaged 2.2% in January, propelled by an 8% increase in coal production. And the survey-based IHS Markit India Manufacturing PMI for February pointed to an improvement in manufacturing, clearly a positive augury.

Still, a closer look at the actual numbers for private final consumption expenditure (PFCE) and gross fixed capital formation (GFCF) – key components of GDP – across the three quarters belies hope that the economy is out of the woods. While a downward revision of data for 2018-19 have lent a statistical boost of 0.6 percentage point to the first and second quarter GDP growth estimates, disconcertingly the second-quarter PFCE and GFCF figures have been revised downward from what was projected earlier. And of concern is the second successive contraction in capital formation. GFCF shrank 5.2% in the third quarter, after declining 4.1% over July-September, signalling that investment activity is just not recovering, the government's corporate tax cuts notwithstanding. Consumption spending too remains palpably soft with the pace of growth for all three quarters lagging the year-earlier levels even after the revision. With automobile sales still floundering, the RBI's consumer confidence survey pointing to a fall in non-essential consumption and the coronavirus outbreak's impact on global demand yet to be factored in, the bottom may still be some distance away.

The message from Delhi

More than mere 'communal violence', the recent events mark a disturbing turning point in contemporary Indian politics



SATISH DESHPANDE

Despite surface similarities, what happened in Delhi last week was not a "riot", at least not what we used to mean by that term. Nor is it accurately described by other old-fashioned terms such as "communal violence" or "pogrom". The truth is that we do not have a single word or phrase yet that can name this phenomenon, because it is really the newest stage of an ongoing project rather than a stand-alone event. Before discussing this project, it may be helpful to note some of the reasons why older descriptions do not fit.

Graphic depictions

If the 2002 riots of Gujarat were our first in the age of the mobile phone, the rampaging mobs of Delhi have scripted India's first encounter with public violence in the era of the smart phone. Despite the inevitable risk of fakery, this is undoubtedly the first time that copious audio-visual documentation of wholesale violence has emerged almost immediately. Video clips of horrific acts of wanton cruelty are criss-crossing social media, speaking eloquently of the unspeakable. Deeply shocking as these images are, their effect is even more stunning. Graphic depictions of inhumanity have not elicited remorse or changed minds; rather, they have deepened biases and hardened stances. At least this is how it seems a week later.

One explanation for this is the

media, particularly television and digital platforms. Our society has never been as media saturated, nor have our media been as blatantly one-sided as they are now. The bulk of the electronic media are strongly and blindly supportive of the ruling party and the government, and they fawn on the Prime Minister, who can do no wrong in their eyes. Even when confronted with damning evidence, the so called 'god' (or lap-dog) media finds ways to defend the indefensible, the more aggressive elements even going on the offensive with "alternative facts".

But the major part of the explanation lies elsewhere, and is far more important. The Delhi violence and its aftermath point to the truth that, today, a large mass of people have been injected with hate and inoculated against all antidotes. Such people are convinced that they already have all the facts they need. They are programmed to regard arguments against their worldview as proof of a conspiracy against it. Their staunch beliefs are not random perversions, or a legacy from the past. They are the fruit of long and painstaking ideological work at the grass roots. How to counter this work and undo its effects is the central question of our time.

The Shaheen Bagh model

Another striking difference from the major riots of the past is the absence of a clear and commensurable provocation; 1984 had the assassination of a Prime Minister by her Sikh bodyguards as the trigger, while 2002 had the Godhra train deaths attributed to Muslims. The year 2020 has nothing comparable, except the protests against the Citizenship (Amendment) Act, or the CAA, and the Na-

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tional Register of Citizens (NRC) iconised by Shaheen Bagh. More an inspiring model than a place, Shaheen Bagh is quite exceptional as a provocation for unrestrained brutality and killings. It is a peaceful protest led by women of all ages including the elderly; it constantly invokes nationalist symbols, speaks a non-sectarian language, and adopts the Preamble to the Constitution as its manifesto. Spreading quickly (albeit unevenly) across much of the country, the Shaheen Bagh model of protest is the first significant political challenge faced by the Modi-Shah duo since their rise to power in 2014.

No matter how annoying these protests were to daily commuters, and regardless of the local conflicts between rival groups of activists, there was nothing here to justify the organised looting, arson and murder that ensued. The argument that this was Delhi's "punishment" for rejecting the ruling party in the recent Delhi Assembly election is an inadequate explanation because the loss did not matter a great deal in the larger scheme of things. The acts of omission and commission of the Aam Aadmi Party (AAP) both before and specially after the violence point to another major truth about contemporary politics. It is one of the most significant achievements of the Modi-Shah project that no

Pushing the wrong energy buttons

The idea of India importing nuclear reactors is a zombie one with serious concerns about their cost and safety



M.V. RAMANA & SUVRAT RAJU

For more than a decade, no major meeting between an Indian Prime Minister and a U.S. President has passed without a ritual reference to India's promise made in 2008 to purchase American nuclear reactors. This was the case in the latest joint statement issued during U.S. President Donald Trump's first official two-day visit to India (February 24-25), which stated that "Prime Minister Modi and President Trump encouraged the Nuclear Power Corporation of India Limited and Westinghouse Electric Company to finalize the techno-commercial offer for the construction of six nuclear reactors in India at the earliest date".

Red flags in the U.S. deal

Because of serious concerns about cost and safety, the two organisations should have been told to abandon, not finalise, the proposal.

Indeed, it has been clear for years that electricity from Ameri-

can reactors would be more expensive than competing sources of energy. Moreover, nuclear reactors can undergo serious accidents, as shown by the 2011 Fukushima disaster. Westinghouse has insisted on a prior assurance that India would not hold it responsible for the consequences of a nuclear disaster, which is effectively an admission that it is unable to guarantee the safety of its reactors.

The main beneficiaries from India's import of reactors would be Westinghouse and India's atomic energy establishment that is struggling to retain its relevance given the rapid growth of renewables. But Mr. Trump has reasons to press for the sale too. His re-election campaign for the U.S. presidential election in November, centrally involves the revival of U.S. manufacturing and he has been lobbied by several nuclear reactor vendors, including Westinghouse, reportedly to "highlight the role U.S. nuclear developers can play in providing power to other countries". Finally, he also has a conflict-of-interest, thanks to his son-in-law and adviser, Jared Kushner, who accompanied him during the India visit.

In 2018, the Kushner family's real-estate business was bailed out by a Canadian company that in-



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vested at least \$1.1-billion in a highly unprofitable building in New York. Earlier that year, Brookfield Business Partners, a subsidiary of that Canadian company, acquired Westinghouse Electric Company. It violates all norms of propriety for Mr. Kushner to be anywhere near a multi-billion dollar sale that would profit Brookfield enormously.

What renewables can offer

Analysts estimate that each of the two API000 units being constructed in the U.S. state of Georgia may cost about \$13.8 billion. At these rates, the six reactors being offered to India by Westinghouse would cost almost ₹6 lakh crore. If India purchases these reactors, the economic burden will fall upon consumers and taxpayers. In 2013, we estimated that even after reducing these prices by 30%, to account for lower construction costs in India, the first year tariff for electricity would be about ₹25 per unit. On the other hand, recent solar energy bids in India are around ₹3 per unit. Lazard, the

major party is willing to take even the slightest risk of appearing to be pro-Muslim today.

Game-changing point

This argument can be taken further. The Delhi violence may mark a decisive turning point in the post-2019 phase of the Modi-Shah project when the nationalist-cum-anti-Muslim agenda has generated enough momentum to break free of electoral compulsions. If true, this is a momentous event. It implies that the Hindu-majoritarian agenda has won the political battle so decisively that it can even afford to lose elections. In other words, elections will be won or lost on "lesser" local or current issues, but both winners and losers will support Hindu-majoritarianism. Seen from the reverse angle, this means that challenges to Hindu-majoritarianism can only be staged outside of electoral politics.

But the Modi-Shah project is more than and different from a Hindu-majoritarian agenda. This distinction is vital because it is the only ray of hope for those who oppose both.

Put simply, the Modi-Shah project is a deeply authoritarian two-man bid for capturing and retaining power that is riding two horses simultaneously, namely crony corporatism and Hindu-majoritarianism. Only after its second consecutive landslide win in 2019 has the Modi-Shah duo acquired enough leverage to become the dominant partner *vis-à-vis* its allies, but it still needs both. Sites of probable friction between the dynamic duo and each of their two allies, or between the allies themselves, are the most productive sites for mounting a challenge to the Modi-Shah project itself.

The daunting but urgent task is

Wall Street firm, estimates that wind and solar energy costs have declined by around 70% to 90% in just the last 10 years and may decline further in the future.

How safe?

Nuclear power can also impose long-term costs. Large areas continue to be contaminated with radioactive materials from the 1986 Chernobyl accident and thousands of square kilometres remain closed off for human habitation. Nearly a decade after the 2011 disaster, the Fukushima prefecture retains radioactive hotspots and the cost of clean-up has been variously estimated to range from \$200-billion to over \$600-billion.

The Fukushima accident was partly caused by weaknesses in the General Electric company's Mark I nuclear reactor design. But that company paid nothing towards clean-up costs, or as compensation to the victims, due to an indemnity clause in Japanese law. Westinghouse wants a similar arrangement with India. Although the Indian liability law is heavily skewed towards manufacturers, it still does not completely indemnify them. So nuclear vendors have tried to chip away at the law. Instead of resisting foreign suppliers, the Indian government has tacitly supported this process.

to begin mapping these sites in concrete political terms. Frankly, this is uncharted territory, and the success of the Modi-Shah project has transformed the landscape. Challengers must contend with the almost complete subversion of all the institutions that are constitutionally designed to protect and nurture precisely this kind of democratic contestation, including the judiciary, the police, the bureaucracy, the media, universities, and even data-gathering organisations.

Looking inwards

In the last analysis, Delhi 2020 is different from earlier instances of "communal violence" for two main reasons. First because it marks the launching of a sophisticated campaign to "Dalitise" Muslims, a story that cannot be told here. Second, because it identifies a turning point in contemporary Indian politics. The clearest signs that we may have arrived at this point came not during but after the violence. A message was hidden in the decided lack of regret and in the shocking continuity of the same voices shouting the same slogans (including "*goli maaro*"), now calling it a "peace march". In the language of map apps, this message said that the mindset called "Hindu Rashtra" may no longer be our destination – it may have become our current location.

There is a crucial question that we Indians should be asking ourselves before it is too late, particularly the vast majority who identify, or are identified by others, as Hindus. Is this really what we want?

Satish Deshpande teaches Sociology at Delhi University. The views expressed are personal

Starting with the Tarapur 1 and 2 reactors, in Maharashtra, India's experiences with imported reactors have been poor. The Kudankulam 1 and 2 reactors, in Tamil Nadu, the only ones to have been imported and commissioned in the last decade, have been repeatedly shut down. In 2018-19, these reactors produced just 32% and 38%, respectively, of the electricity they were designed to produce. These difficulties are illustrative of the dismal history of India's nuclear establishment. In spite of its tall claims, the fraction of electricity generated by nuclear power in India has remained stagnant at about 3% for decades.

The idea of importing nuclear reactors is a "zombie idea" that, from a rational viewpoint, should have been dead long ago. In fact an earlier plan to install API000s in Mithi Virdi, Gujarat was cancelled because of strong local opposition. In 2018, Gujarat Chief Minister Vijay Rupani declared that the reactors "will never come up" in Gujarat. The Prime Minister should take a cue from his own State and make a similar announcement for the rest of the country.

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LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Bullet points

Apropos the report "No minority in Bengal will lose citizenship due to CAA: Shah" (March 2), it is unbelievable that pro-CAA BJP workers, carrying party flags, had the gall to shout the *goli maro* (shoot them) slogan *en route* to Shaheed Minar grounds in Kolkata, where Home Minister Amit Shah addressed a gathering. Significantly, top officials of the Kolkata Police, who were present at the scene, stood as spectators and the vociferous State Chief Minister, who also holds the home portfolio, went incommunicado. Mr. Shah's assurance is misleading since a heavily biased Act that grants refuge on the basis of religion adds to an ominous trend to further the BJP's own political ideology of Hindutva.

S.S. PAUL,
Chakdaha, Nadia, West Bengal

■ Slogans emerging from a political party's meetings can foretell a thing or two about its ideological trajectory. The

recent slogans emanating from the BJP's rallies do not leave anything to imagination as regards its proximate priorities. If the actions of the regime in Delhi is any indication, it is futile to expect that law enforcement agencies will bring the slogan-mongers to book.

A.VENKATASUBRAMANIAN,
Tiruchi, Tamil Nadu

A deal with the devil

When I was in Kabul as the representative of an international rehabilitation agency some years ago, the guest house I was staying in was right in front of a girls school. After learning about all that the Taliban had denied to the women in Afghanistan, it was wonderful to see girls of all ages flocking to the school chatting and laughing. I shudder to think what will become of that school now that the U.S. has inked an agreement with the Taliban (Editorial "A big, bad deal," March 2). It is dreadful to think that an organisation which was driven to the fringes of Afghan life for the

past two decades has managed to get the gates opened for a fierce re-entry into mainstream Afghan society. Leaving behind the days of periodically launching rockets from the mountains surrounding Kabul and causing havoc on the roads by diabolically planting IEDs, the Taliban can now march into the city unchecked and unopposed. By keeping the elected Afghan government out of the deal, the U.S. has paved the way for the Taliban to quickly overthrow Ashraf Ghani's regime and reinstall its own brand of medieval administration. It appears that the blood of 3,500 U.S. and ISAF soldiers and that of countless Afghans and others has been shed in vain, now that the Donald Trump administration has struck a deal with the devil himself.

JUDAH S.G. VINCENT,
Chennai

The first Prime Minister

Mahesh Rangarajan's article ("A plural legacy more vital than ever," March 2) makes the point that Jawaharlar

Nehru was seen by Mahatma Gandhi as the man with the ability to scan wider horizons and carry forward his message of unity in diversity. In the mind of Gandhi, Nehru was the quintessential democrat, accommodative of dissent, free from racial prejudices and religious bigotry and completely committed to secular principles. Besides, he was an undisputed man of the masses in 1947 and therefore a natural choice to be the first Prime Minister. Therefore, the vicious misconception doing the rounds that Nehru, in his ambition to become Prime Minister, divided India is a grotesque misrepresentation and travesty of fact. No Prime Minister after Nehru has enjoyed the international stature and acceptability Nehru did in the 1950s; so it is illusory to think that respect for India in the rest of the world has gone up only under Narendra Modi. On the contrary, a spate of questionable actions taken by the government has led to India forfeiting its claims to

being a plural, inclusive and secular nation.

R. RAVICHANDRAN,
Chennai

■ A secular democratic India couldn't have been possible without Nehru's legacy. That is why Khwaja Ahmad Abbas wrote in his autobiography *I Am Not An Island*: "When Nehru died, we died – for Nehru was us, the soul and spirit of India. If it was Gandhiji who raised us out of dust, it was Jawaharlal Nehru who gave us life, who gave us courage and the will to struggle for a better tomorrow. And when Nehru died, we died." But the legacy of Nehru was sullied when his own daughter dragged the nation into Emergency in 1975. The gruesome Turkman Gate

CORRECTIONS & CLARIFICATIONS:

The picture that accompanied a Science & Technology page story headlined "Zebrafish reveal how to run faster" (March 1, 2020) was not that of a zebrafish.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturba Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com