Back to Front?

The TMC and the TRS would like a third front, but it can only be a post-poll coalition

A third front is, by definition, destined for the third place. In its very formation, such a coalition concedes the dominance of the other two players. When Telangana Chief Minister K. Chandrashekar Rao mooted a non-BJP, non-Congress 'federal' front, he was already defining the alliance negatively, in terms of its opponents rather than as a coming together of like-minded parties. No wonder he found ready support from West Bengal Chief Minister Mamata Banerjee, whose Trinamool Congress is fighting the Left and the Congress on one side, and the BJP on the other. A coalition put together on such a loose foundation may not find much resonance among voters nationally. Indeed, in India's political history, the only instances when non-Congress, non-BJP coalitions came to power were in the ninth and eleventh Lok Sabhas. In each case, the governments were supported from the outside by either the Congress or the BJP. While the V.P. Singh government survived on the BJP's support, the Chandra Shekhar government was at the mercy of the Congress. The two United Front governments, with H.D. Deve Gowda and I.K. Gujral as Prime Ministers, were likewise propped up by the Congress. These governments were all formed in post-poll confabulations, and not through pre-poll alliances. Political circumstances have changed and it is unclear whether the BJP and the Congress will support a grouping of smaller parties just to keep each other out of power. In any case, the third front as proposed by Mr. Rao cannot be an electoral alliance in the proper sense. The parties Mr. Rao seems to have in mind do not add to each other's vote banks: they are mostly fighting their own battles in their own areas. The Trinamool Congress and Mr. Rao's Telangana Rashtra Samiti of course have nothing in common, other than a shared antipathy to the BJP and the Congress.

After his meeting with Ms. Banerjee, Mr. Rao spoke of a political alternative with a development programme that will "depart from the routine kind of administration" provided by the BJP and the Congress. As a regional party with the Congress as its main rival, and the BJP a potential threat, the TRS is at present irrelevant outside of Telangana. A third front in whatever form is Mr. Rao's vehicle to arrive on the national stage. Both Telangana and Andhra Pradesh are scheduled to have Assembly elections along with the Lok Sabha polls in 2019, and without the pretence of being a part of a national-level alliance, the TRS will struggle to be seen as a serious player in the parliamentary election. By all accounts, Mr. Rao and Ms. Banerjee covered little common ground. Unlike Mr. Rao, Ms. Banerjee was non-committal on keeping the Congress out. For the Trinamool, the Left and the BJP remain the principal threats, and at the national level the Congress is still a partner Ms. Banerjee can do political business with. The federal front can only be a hastily formed post-poll alliance.

Accord under strain

Colombia's parliamentary vote highlights the danger to the truce with the FARC

Colombia's presidential election, due in May 2018, will have a bearing on the fragile peace accord of 2016 that ended one of the longest civil wars in history. The result of the parliamentary election held this month has framed the stiff challenge the pro-peace parties face. The accord between the Colombian security forces and the Revolutionary Armed Forces of Colombia (FARC) had won President Juan Manuel Santos the Nobel Peace Prize; it is to his credit that the government managed to implement the accord in bits and pieces despite unremitting hostility from the right-wing opposition led by former President Álvaro Uribe. Now, in the March 11 parliamentary vote, Mr. Uribe's Democratic Centre Party has emerged as the largest bloc in the Senate with 19 seats. Two other right-wing parties, Radical Change and Conservative Party, finished second and third with 16 and 15 seats, respectively. In all, the anti-accord parties have 50 seats in a House of 102. They may not have a clear majority, but the popular support they have mustered is undeniable. The ruling Social Party of National Unity won just 14 seats. FARC, contesting polls for the first time, finished with less than 1% of the vote, but is assured representation in parliament thanks to the accord.

Over the last year, the record of implementation of the steps in the peace accord has been patchy, though major strides were made in the form of demilitarisation and disbanding of the FARC and its conversion into a legitimate political force. The other key aspects of the accord required Bogota to protect mainstreamed FARC leaders and to prevent right-wing militias from targeting left-wing leaders sympathetic towards the FARC. Yet, in the past year, several left-wing activists – such as leaders of teachers' unions and mining workers' unions – have been assassinated by right-wing militia groups. This has prevented the possibility of a similar peace accord with the other remaining insurgent group, the National Liberation Army (ELN), whose leadership fears reprisal by militias if they lay down their weapons. Moreover, while the FARC leadership is committed to the accord, some elements of the group are holding out in the jungles, refusing to demilitarise and instead keep fighting. The next couple of months will be crucial for the pro-accord forces, with the parliamentary vote showing how much work they have ahead of them if they want to convince a sceptical electorate – for which memories of the civil war are still quite raw – that peace deserves a chance. For this, they will have to take dedicated steps to overcome the urban-rural disconnect in Colombia. If this not done, the chances of the accord coming undone are dispiritingly high.

Separate freedoms

Why did the court extend the deadline on linking Aadhaar to various services, but refuse to grant one for welfare plans?

SUHRITH PARTHASARATHY

Last year, before a nine-judge bench of the Supreme Court in *K.S. Puttaswamy v. Union of India*, the Central government posited a frightening thesis. The Constitution, it argued, does not recognise a fundamental right to privacy. One of the main planks of this submission revolved around a notion that privacy was a purely elitist concern, that a liberty of this kind, whenever and wherever it can be promised, will always be overridden by the government's duties in a welfare state. The court, however, decidedly thought otherwise. Indeed, its categorical rejection of the government's arguments was a cause for much celebration. The court showed us, at least in theory, that it was willing to treat every citizen with equal dignity, care and respect, that the inviolability of rights was not conditional on a person's position in society.

Protecting privacy

"The refrain that the poor need no civil and political rights and are concerned only with economic well-being has been utilised through history to wreak the most egregious violations of human rights," wrote Justice D.Y. Chandrachud in his opinion on behalf of himself and three others. Privacy, he added, could never be a privilege doled out only to a select few. "Every individual in society irrespective of social class or economic status is entitled to the intimacy and autonomy which privacy protects... The pursuit of happiness is founded upon autonomy and dignity. Both are essential attributes of privacy which makes no distinction between the birth marks of individuals." Justice R.F. Nariman, in his separate opinion, was equally dismissive of the government's arguments. There can be no "antipathy whatsoever between the rich and the poor," he wrote, on the existence of a fundamental right to privacy.

In its reach, however, the judgment in *Puttaswamy* went even further. Not only did the judges see a general guarantee of privacy as foundational, and as subject only to the limits on freedom expressly provided by the Constitution's language, but, even more significantly, a clear majority on the bench also placed their faith in a system that saw fundamental rights as unassailable, in a system where an individual will not be waiving her liberties simply by accepting grants and benefits from the government. In other words, the court acknowledged that the state wasn't doing anyone a favour by providing them benefits and subsidies – these were as much an entitlement that sprang from the Constitution as the other freedoms flowing from the document's text.

Selective extension

Now, therefore, we must ask ourselves this: what brought about a volte-face in the Supreme Court's thinking, in its interim order delivered on March 13, in the ongoing battle over the validity of the Aadhaar programme? Here, the court extended the government-mandated deadline on linking Aadhaar to different services, including one's banking and mobile phone accounts, until it delivers a final judgment. But, markedly, it refused to grant a similar extension for notifications made under Section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016. These notifications make a person's entitlement to a host of welfare schemes, including subsidy programmes, conditional on the individual possessing an Aadhaar number. Aren't citizens enrolled to receive benefits from government entitled to the same freedoms as others?

Originally, the state told us that by providing every Indian a unique identity number, by collecting biometric information from us, including our fingerprints and iris scans, the government can ensure an equitable distribution of benefits to the poor. But there were many problems with this vision. For one, it lacked any legislative backing, and was, therefore, clearly introduced without due process. What's more, the state displayed a complete lack of care or concern for a person's right to privacy, in commencing a project which it couldn't have even been sure would satisfy its purported objectives. After all, the government had barely conducted any disinterested study before the project was piloted to examine its costs and benefits. As a result, several petitions were filed in the Supreme Court, questioning the project's constitutional validity.

However, when these cases came up for hearing before a three-judge bench, in 2015, the government argued that the Aadhaar programme couldn't be questioned, because the Constitution, in any event, didn't guarantee any right to privacy. Faced with this astonishing claim, the court, later that year, referred the cases to a larger bench, to answer what ought to really have been a rudimentary question: does the Constitution recognise a fundamental right to privacy? While making this reference, though, the court also delivered a brief interim order.

The production of an Aadhaar card, it wrote, cannot be made mandatory for obtaining any benefits otherwise due to a citizen. Additionally, Aadhaar could only be used for a specific list of purposes, such as the enforcement of schemes under the Public Distribution System. In October that year, a bench modified this order to include certain other schemes for which Aadhaar could be used, but, at the same time, was careful to clarify that the project was entirely voluntary and that no person could be compelled to enrol in the programme.

Clause on subsidy

In the meantime, in March 2016, even as these petitions were pending before the Supreme Court, the Union government introduced in the Lok Sabha a draft legislation, in the form of a money bill, with a view to legitimising the creation of the Unique Identification Authority of India (UIDAI), which runs the Aadhaar programme. This law, the Aadhaar Act of 2016, describes enrolment with the UIDAI as voluntary. But, in Section 7, it authorises both the Central and State governments to make Aadhaar mandatory for anyone wishing to receive a subsidy, benefit or service, for which expenses are borne from the Consolidated Fund of India. Although this clause, at the same time, demands that the government must accept alternate proofs of identity from persons without an Aadhaar number, since the law's enactment the state has notified more than 130 schemes in which beneficiaries of different welfare measures have been mandated to enrol with the UIDAI. These programmes include schemes that affect access to the public distribution system, to midday meals for children, to pensions for the elderly, to public health care, to food subsidies under the National Food Security Act, to maternity benefits, and to an array of other such necessities.

Simultaneously, the government has also made a series of declarations under various different laws, directing individuals to secure an Aadhaar card and to link this number with their income tax PAN, bank accounts, financial services such as mutual and provident funds, and insurance policies, among others. Now, although the deadline for seeding Aadhaar with these services expires on March 31, much like the deadline for linking Aadhaar for the purposes of the schemes notified under Section 7, the benefit of the Supreme Court's interim order, delivered last week, will enure only to the former.

The consequences of this classification are enormous. It creates a fait accompli on Aadhaar for economically and socially deprived persons alone. Every day stories abound on denial to individuals of one benefit or another – access to rations, to food, to health care and to pensions – because of a failure in biometric authentication. Given the substantial concerns raised over er the efficacy of Aadhaar-based biometric authentication, why, we might be tempted to ask, did the court separately rank notifications under Section 7?

Does the court's order tell us that rights are not sacrosanct; that individuals seeking benefits from the state exist purely at the government's mercy? Is the court reneging on the glorious promises it made last year? Regrettably, the order offers no explanation. Indeed, there can be no rationale for this classification. The court has every power to now amend its interim order. Unless it does so, the social contract, undergirding the Constitution, faces the grave threat of being reduced to rubble.

Suhrith Parthasarathy is an advocate practising at the Madras High Court

Awash in water crises

Business-as-usual approaches to water security are no longer sufficient

JAYAKUMAR RAMASAMY

As World Water Day draws closer (March 22), this year's World Water Development Report makes it clear that nature-based solutions – which are also aligned with the principles and aims of the 2030 Agenda for Sustainable Development – can offer answers to our most pressing water-related challenges. Business-as-usual approaches to water security are no longer viable.

Nature-based solutions hold great promise in areas which also include sustainable food production, improved human settlements, access to drinking water supplies and sanitation, water-related disaster risk reduction, and helping to respond to the impact of climate change on water resources.

Water hotspots

The water-related challenges we face today are immense. The world's population is expected to increase from 7.6 billion (2017) to between 9.4 and 10.2 billion people (2050), with two-thirds of them living in cities. UN estimates are that more than h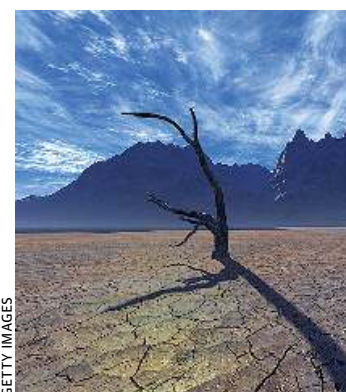alf of this anticipated growth will be in Africa (1.3 billion) and Asia (0.75 billion). Therefore, those most in need of water will be in developing or emerging economies.

Climate change is also impacting the global water cycle with wetter regions generally becoming wetter and drier regions drier. An estimated 3.6 billion people now live in areas that could face water scarcity for at least a month in a year, with that number increasing to 4.8 and 5.7 billion by 2050. The International Water Management Institute estimates that total demand could increase from 680 billion cubic metres (BCM) to 833 BCM by 2025, and to 900 BCM by 2050.

By 2050, countries already facing water scarcity challenges may also be forced to cope with the decreased availability of surface water resources. India faces major threats to its water security, with most water bodies near urban centres heavily polluted. Inter-State disputes over river resources are also becoming more intense and widespread.

Deteriorating water quality

Along with water scarcity, there is the issue of water quality. Since the 1990s, water pollution has worsened in most rivers in Africa, Asia and Latin America, according to the UN Environment Programme (UNEP). An estimated 80% of industrial and municipal wastewater is released without any prior treatment, with detrimental impacts on human health and ecosystems. Given the transboundary nature of most river basins, regional cooperation will be critical to addressing projected water quality challenges.

A Central Pollution Control Board report indicates that almost half of India's inter-State rivers are polluted. Sewage from 650 cities and towns along 302 polluted river stretches in the country increased from 38,000 million litres per day (MLD) in 2009 to 62,000 MLD in 2015. It found that the untreated sewage and industrial waste was a major cause of pollution in 16 of 40 inter-State rivers in the country.

Nature-based solutions can address overall water scarcity through "supply-side management," and are recognised as the main solution to achieving sustainable water for agriculture.

Environmentally-friendly agricultural systems like those which use practices such as conservation tillage, crop diversification, legume intensification and biological pest control work as well as intensive, high-input systems. The environmental co-benefits of nature-based solutions to increasing sustainable agricultural production are substantial as there are decreased pressures on land conversion and reduced pollution, erosion and water requirements.

Constructed wetlands for wastewater treatment can also be a cost-effective, nature-based solution that provides effluent of adequate quality for several non-potable uses (irrigation) and additional benefits that include energy production. Such systems already exist in nearly every region of the world. Natural and constructed wetlands also biodegrade or immobilise a range of emerging pollutants. Recent experiments suggest that for some emerging pollutants, nature-based solutions work better than "grey" solutions, and in certain cases may be the only viable option.

Watershed management is another nature-based solution that is seen not only as a complement to built or "grey" infrastructure but also one that could also spur local economic development, job creation, biodiversity protection and climate resilience.

Nature-based solutions are closely aligned with traditional and local knowledge including those held by indigenous and tribal peoples in the context of water variability and change.

Case of Chennai

Chennai in Tamil Nadu is a textbook example of how nature is being ignored in urban development-posed challenges . Unplanned urban development and unwieldy growth with no hydrological plan are causing many problems. Earlier, when there was heavy rain in catchment areas in the Chennai region, lakes, ponds, tanks, rivers and interlinked drainage systems helped replenish groundwater, hold back some water and release the excess to the ocean. With development, a number of tanks and lakes in and around Chennai have been encroached upon by various stakeholders. Major rivers and canals such as the Cooum, Adyar and Buckingham Canal which are meant to carry excess rainwater to the Bay of Bengal now serve as the city's drainage outlets. The Pallikaranai marsh which acted as a sponge to soak up excess rainwater is now an over-run.

Nature-based solutions are crucial to achieving our Sustainable Development Goals. Adopting them will not only improve water management but also achieve water security.

Jayakumar Ramasamy is Senior Programme Specialist and Regional Hydrologist, UNESCO Regional Office for Eastern Africa, Nairobi, Kenya

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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.

Work in progress

The two Chief Ministers, K. Chandrasekhar Rao and Mamata Banerjee, have at least set the ball rolling by exploring the possibility of a federal front to take on the BJP in 2019 ("Mamata, KCR move to form federal front", March 20). The principal motive behind this front should be collective leadership for a large nation with diverse cultures, religions and languages as one-party rule, which has almost been dictatorial so far, does not fit in a federal system. However, the million dollar question that arises is whether ego-centric Chief Ministers will be able to unite the flock of political parties with the sole goal of ensuring effective good governance. The federal front should not end up a non-starter like in the past after much fanfare and promises.
K.R. SRINIVASAN,
Secunderabad

Changing course

The 2014 Lok Sabha election was a mandate for governance, but the party which was chosen by the masses for the sake of development is definitely not going in the direction of development, instead focussing on all things regressive. There is also a threat to constitutional principles. It doesn't really matter whether it is the BJP or the Congress or any other political party in power, but if there is an attempt to alter the basic structure of our Constitution it should be strongly condemned ("A stoppable juggernaut", March 19).
KARAN CHOUDHARY,
Pathankot, Punjab

Party plenary

It is a pity that during the Congress plenary session in Delhi, the proceedings were punctuated with ritualistic and scathing attacks on the BJP government, by speaker after speaker (Editorial - "Towards 2019", March 20). There was no alternative blueprint or road map to revive the economy, catalyse industrial development and generate employment opportunities. Merely harping on the Sohrabuddin encounter case or the bank scam will cut no ice with the people nor improve the Congress's poll prospects. The leaders of the grand old party and its allies are guilty of grave corruption charges. With an inexperienced and immature leader such as the Congress president at the helm, the Congress is bound to face an uphill task in winning back the confidence of the people.
P.K. VARADARAJAN,
Chennai

Adjourned for the day

Parliament is meant to take up national issues of importance and it is disturbing that every session is being washed out deliberately without transacting any business, thanks to the political agendas of various parties with an eye on the election in 2019. Parties conveniently resort to a blame game. When will there be a debate on burning issues such as the agrarian crisis, unemployment, health and growing NPAs of banks?
KSHIRASAGARA BALAJI RAO,
Hyderabad

A middle path

People often lament India's poor research culture forgetting that it is like attempting a steeplechase (Editorial - "Bending the rules", March 20). There are many hindrances in the form of a multitude of government agencies and activists. The India-based Neutrino Observatory is a project way behind schedule, and a classic example of a "should we build it or not?" syndrome. We must not forget that 'development' and 'environmental change' go hand in hand.Be it mining, road construction, expanding the railway network, dams, or any other infrastructure projects, these factors go hand-in-hand. Since India is a developing country, it can't stall all projects due to environmental concerns. The key is to follow the 'middle path' – between development and environmental protection. It's also called 'sustainable development'.
ABHISHEK KUMAR ANSHU,
Patna