



Just recompense

Compensation for Bilkis Bano underlines the state's obligation for horrific crimes

Compensation to victims is a relatively less recognised component of criminal justice. In a system that focusses mainly on the accused, an order of compensation is a recognition of the state's obligation to victims of crime, especially horrific acts. In ordering the Gujarat government to pay ₹50 lakh to Bilkis Yakoob Rasool Bano, a gang-rape survivor of the 2002 communal pogrom in the State who has bravely fought her case, the Supreme Court has endeavoured to achieve restitutive justice. Handing over the fine amounts paid by the accused as part of their sentence is one aspect of such justice; another aspect is for the court to ask the government to compensate the victim from its own coffers. A group of rioters had raped her as well as two other women, and killed seven members of her family at Randhikpur village on March 3, 2002. The court noted that she had the misfortune of witnessing her daughter being smashed against a wall, as well as the devastation suffered by her family. She was also pregnant at the time of the incident. Further, the court was told that she was leading an itinerant, hand-to-mouth existence. It is in these circumstances that the Bench headed by Chief Justice of India Ranjan Gogoi awarded her ₹50 lakh, besides asking the State government to provide her with a government job and a house.

Ms. Bano's case is indeed a rare one: criminal prosecution resulted in conviction and life sentences to 11 persons. The sentences were upheld by the Bombay High Court. Further, the court found deliberate inaction on the part of some police officers and that the autopsies were perfunctory and manipulated. The Supreme Court has asked for the pension benefits of three police officers to be withdrawn. In short, this is a concrete instance of state inaction and negligence that would normally justify the payment of a hefty compensation. Not every crime would have a similar set of circumstances. While convictions are not easy to come by in cases of mob violence, victim compensation may often be the only way to ensure some justice. The Code of Criminal Procedure was amended in 2008 to insert Section 357A under which every State government has to prepare a scheme to set up a fund from which compensation can be paid to victims of crime and their dependants who have suffered loss and injury and who may require rehabilitation. The Centre has a Central Victim Compensation Fund. On Supreme Court directions, the National Legal Services Authority has prepared a compensation scheme for women victims and survivors of sexual assault and other crimes. Many States have notified schemes on these lines. While on paper there is a mechanism to assess rehabilitation needs and pay compensation, there is a need to streamline the schemes and ensure that the compensation process is not done in an *ad hoc* manner, but is based on sound principles.

Comedian's triumph

Ukraine's new President must quickly take on the geopolitical and governance challenges

What is extraordinary about Sunday's Ukrainian presidential runoff is that it turned out to be so predictable. The comedian Volodymyr Zelensky, a rank political outsider until he announced his candidacy over New Year's Eve, recorded the expected landslide victory. He had consistently led in the opinion polls, way ahead of incumbent President Petro Poroshenko and a former Prime Minister. The political neophyte's prospects were enhanced by a sequence of events. In February, Ukraine's top court struck down an anti-corruption law in a setback for several prosecutions and jeopardising aid flows to Kiev. Soon, Mr. Poroshenko was forced to ease out an ally in an arms trade scandal. The developments dented the government's image ahead of the elections in a country where the drive against graft has been a live issue for years. And a landslide became a probability with every passing day after Mr. Zelensky beat Mr. Poroshenko by a hefty margin in the first round of polling on March 31. Since Russia's seizure of Ukrainian naval vessels in November, Mr. Poroshenko had pitched his campaign merely on the need to bolster national unity against the threat from Moscow, and assert Ukraine's unique national identity. But the final battle turned brutal and bitter, even if the rival candidates' campaigns were woefully short on substance. Mr. Poroshenko, an ex-oligarch in confectionaries, attacked his opponent as a puppet of another oligarch. The reference was to Igor Kolomoisky, whose TV channel ran Mr. Zelensky's popular show, and has business interests spanning finance and media. The commercial bank he owned was nationalised by the outgoing dispensation as part of an economic clean-up, and Mr. Kolomoisky may have sensed an opportunity in the election to settle scores.

For his part, Mr. Zelensky used a final pre-election debate in Kiev to argue that his candidacy was a judgment on the incumbent, and that his bid was the result of Mr. Poroshenko's mistakes. As President, Mr. Zelensky enters uncharted territory. The first challenge before him is the parliamentary election later this year, in which he will have to work with established institutions and parties he had railed against during the campaign. There is also the continuing conflict with Russia in the rebel-held territories in eastern Ukraine, where his political inexperience might be a serious handicap. Finally, Mr. Zelensky will be expected to deliver results in the country's crusade against corruption. Progress in each of these areas will be crucial determinants in Ukraine's bid for European Union membership. The television star will soon discover that while theatre might be a good launchpad for the start of a political career, it is no preparatory ground for the real tasks of governance.

Beyond the free trade idealism

An ambitious 'Employment and Incomes Policy' must be the top priority for the next government



ARUN MAIRA

The U.S. has begun trade skirmishes with India. It objects to India increasing import duties on electronic goods and wants India to reduce duties on U.S.-made motorcycles. Meanwhile the World Trade Organisation seems to be in the intensive care unit. It is time to apply fundamental principles to reshape a trade regime that is fair to all.

On free trade

The macro-economic case for free trade is that if each person would do only what he or she does better than everyone else and all would trade with each other, everyone's welfare will increase. Also, the size of the global economic pie would be larger because there will be no inefficiencies. The problem is that, at present, many people in the world are doing what others, in other countries, can do better than them. To get to the economists' ideal state, many people will have to stop doing what they are doing and learn to do something else.

Dani Rodrik has estimated that for every unit of overall increase in global income, six or seven units of incomes will have to be shuffled around within. Moreover, according to this theory, people should not start producing what others are already producing, because they will produce less efficiently until they learn to do it well. According to this theory of free trade, Indians should not have bothered to learn how to produce trucks, buses and two-wheelers when the country became independent. They should have continued to import them from Ameri-

can, European and Japanese companies.

Free trade purists say that easy import of products from other countries increases consumer welfare. Consumers everywhere welcome a lowering of import barriers because it brings products into their shops they could only dream of before. Milton Friedman had observed that, in international trade, exports help companies and imports help citizens. Therefore, resistance to free trade does not come from consumers. It generally comes from companies which cannot compete: companies in less developed countries which are not able to compete until their country's infrastructure is improved and they have acquired sufficient capabilities, or even from companies in developed countries when producers in developing countries overtake them.

Job growth

However, to benefit from easy imports, citizens need incomes to buy the products and services available. Therefore, they need jobs that will provide them adequate incomes. Any government responsible for the welfare of its citizens has to be concerned about the growth of jobs in the country. Domestic producers can provide jobs. Ergo, a developing country needs a good 'industrial policy' to accelerate the growth of domestic production, by building on its competitive advantages; and by developing those capabilities, it can compete with producers in countries that 'developed' earlier.

When the 'no barriers to free trade' movement went into overdrive with the Washington Consensus in the 1990s, the concept of 'industrial policy', which had become associated with the idea of 'protection' of domestic industries, became a taboo. India liberalised imports in the 1990s and Indian consumers have benefited greatly since then from the variety



of products available to them from around the world. However, by 2009, when the second United Progressive Alliance government was formed, the weakness of Indian manufacturing industries had become a great concern. The manufacturing sector in India and China had comparable capabilities in 1990. By 2009, China's was 10 times larger than India's, and its capital goods production sector was 50 times larger. Not only was the Indian market being flooded with Chinese hand-tools and toys, China was also selling high-tech electrical and telecommunication equipment to India (and around the world too).

Signs were already visible then that India's impressive GDP growth was not generating enough employment for India's large youth population. Whereas India's economy should have been a powerful job generator, the employment elasticity of India's growth – the numbers of jobs created per unit of GDP growth – was among the lowest in the world. Some people in government recommended the need for an 'industrial policy' to stimulate the growth of domestic production. However, many Indian economists, along with others from the World Bank and the U.S., pushed back. 'Industrial policy' was a backward idea associated with Soviet-era planning, they argued. If Indian industry was not

Political careerism is fine but sad

Why a party spokesperson's defection to another group is especially unsettling



G. SAMPATH

Last week, Priyanka Chaturvedi, till then national spokesperson of the Congress and convener of its communications cell, quit the party. She claimed her decision was triggered by the party's move to reinstate some Congress workers who had been suspended for misbehaving with her. Had this been the only reason, her exit would have been truly unfortunate, both for her and the party. But the story did not end there. Within 48 hours of leaving the Congress, Ms. Chaturvedi joined the Shiv Sena.

The surprise factor

It is not unusual for politicians to switch parties. But there is something about this episode that makes it less palatable than the humdrum defections of Indian politics. It is not comparable to, say, a Shatrughan Sinha joining the Congress before the 2019 general election. On the face of it, Mr. Sinha's defection is far more serious: he was a sitting Bharatiya Janata Party (BJP) MP and a former Union minister. Ms. Chaturvedi, on the other hand, has never con-

tested a national election. But Mr. Sinha's defection barely raised an eyebrow, while Ms. Chaturvedi's came as a big surprise to many.

She has been a prominent face of the Congress. Over the past few years, she quickly climbed the party ranks on the back of high-voltage visibility afforded by her prime time television appearances. Her identity was that of a forceful defender of the Congress and an articulate votary of the party's ascribed values. Of course, these values have always been rather nebulous. But that doesn't mean nothing can be affirmed about them, even if only in the negative.

If there is one thing that can be said about the Congress's ascribed values – as opposed to the ones on display – it is that they are adversarial to those of the Shiv Sena, the BJP, and the extended Sangh Parivar. To be sure, this hasn't deterred a regular osmosis of politicians between the two camps. In the moral desert of Indian politics, and the even more barren discourse that dominates its coverage in the media, such behaviour is more likely to be commended as a sign of political ambition than censured as opportunism. There is a strong element of this worldview in the responses that have greeted Ms. Chaturvedi's switch, not least among other Congresspersons, who seem to harbour no sense of betrayal or resentment. On the contrary, her ex-colleagues have



wished her well for her new gig in the Shiv Sena from where, presumably, she will now attack with zeal the very party she used to defend with conviction. Yet her case is different: she was a spokesperson.

There is a difference between an MP, MLA or a senior leader switching parties, and a spokesperson doing the same. A 'plain' party leader's primary audience is her own constituency, and her party's supporters. But a party spokesperson's primary audience is the world at large, not merely her own or her party's followers. She represents the party to the world. When she addresses the public, she is the voice of her party, not – and never – speaking for herself. In other words, a spokesperson is not like any other party

growing, it was because India had not 'reformed' enough: India should reduce trade barriers further and government should get further out of the way of industry, they said.

The next step

By 2019, it has become clear that India's policy-makers must find a way for economic growth to produce more income-generating opportunities for Indian citizens. Employment and incomes are the most pressing issues for Indian citizens according to all pre-election surveys of what citizens expect from the next government. All parties are responding in panic with schemes for showering various versions of unearned 'universal basic incomes' on people who are not able to earn enough. This approach is unlikely to be economically sustainable. Therefore, an ambitious 'Employment and Incomes Policy' must be the highest priority for the next government.

While India seeks to capture larger shares of global markets, India's own billion-plus citizens' economy can become a stimulus for growth of millions of enterprises. If citizens earn more, they can spend more. The 'Employment and Incomes Policy' should guide the Industrial Policy to where investments are required, and also what is expected from those investments to produce more income-generating opportunities for young Indians.

The scope of 'industry' must be broadened to include all sectors that can build on India's competitive advantages. For example, the tourism and hospitality industry, taking advantage of India's remarkable diversity of cultures and natural beauty, has the potential to support millions of small enterprises in all parts of the country. By building on India's competitive advantage of large numbers of trainable youth, and with digital technologies to increase the reach

of small enterprises, manufacturing and services can provide many domestic and export opportunities that India has so far not seized.

There are lessons India can learn from its own history. With the government's insistence in the pre-liberalisation era that production and technology must be indigenised in phased manufacturing programmes, India's automobile sector was able to provide Indian consumers with good products. It now provides millions of people with employment and incomes in widespread domestic supply chains. Moreover, Indian auto-component producers and commercial vehicle producers export to the world's most competitive markets.

In contrast, the Indian electronics sector has languished, while China's has flourished. India signed the Information Technology Agreement of WTO in 1996 and reduced import duties on IT-related manufactured products to zero. China withheld for some time until its electronic sector was stronger. Now the U.S. and Europe are trying to prevent China's telecom and electronic goods in their markets.

To conclude, the WTO's governance needs to be overhauled to promote the welfare of citizens in all countries, especially poorer ones, rather than lowering barriers to exports of companies in rich countries in the guise of free trade idealism. And Indian economists, distracted by the mathematics of universal basic incomes, should return to the fundamentals of economic growth – more opportunities to earn incomes from productive work with development of new capabilities. A robust 'Incomes and Employment Policy', supported by an imaginative Industrial Policy, must guide India's trade policy.

Arun Maira was a member of the Planning Commission

member. A national spokesperson, by the very nature of the role, works closely with the top leadership. She has a deep understanding of, and affinity with, her party's avowed ideology and the leadership's vision. Typically, only a person whose loyalty is beyond question should get such a role.

At any rate, from a 'civilian' perspective, it is difficult to say which is more disturbing: the casual break with old-fashioned loyalty, or the cynical acceptance, and even admiration, of what, in plain sight, is a display of naked careerism.

Such careerism is par for the course in the corporate world, where you can be a spokesperson for Pepsodent one day and Colgate the next. God – and Mammon – forbid, it's no one's case that politicians cannot be careerists. Indeed, it would be difficult to pinpoint a politician today who isn't one. The dominant register of political discourse today is so quick to justify a politician's right to trample ideology and ethics in her fervid commitment to serving her own self that questions about public service are seldom asked. But asked they must be.

Commitment issues

In Ms. Chaturvedi's case, the questions are obvious. Was she ever committed to the values of liberty, equality (especially gender equity) and fraternity that she upheld as a

Congress spokesperson? If yes, what does one make of her commitment to these values now that she has joined a party whose political capital is rooted in the wilful desecration of those very values? If her espousal of those values was mere posturing, was she then making a fool of all those who took her seriously? Or is this question silly because no one took her seriously in the first place and everyone had known all along that one day she would join a party with a legacy of hate?

Perhaps Ms. Chaturvedi's defection rankles because she doesn't come from typical political stock. It rankles for the same reason that the kind of doublespeak seen as commonplace coming from other parties is suddenly outrageous when it comes from the Aam Aadmi Party (AAP). Perhaps it's because one has – or had, in the case of the AAP – higher expectations. There was something AAP-like about Ms. Chaturvedi. Not anymore. She was a political outsider who led us to believe that she joined politics for much the same reasons that many joined the AAP – to serve society, to do some good, ridiculous as this sounds. We know not to believe such posturing. But sometimes, one does so anyway. And when disappointment comes, as it invariably must, it carries a whiff of sadness.

sampath.g@thehindu.co.in

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.

The Pakistan obsession

Two nations created out of one at a critical juncture still have unresolved issues that will continue to fester as long as their leaders and citizens act irresponsibly (OpEd page, "India's perilous obsession with Pakistan", April 24). Instead of being caught in a whirlpool of hate, leaders on both sides should be solution-oriented so that there is some chance for peace. Moreover, both nations belong to a region of the world where there are unemployment, poverty and health issues. War is no solution. The need is to tone down the rhetoric and think of peace by keeping in mind long-term developmental goals.

JASPREET SINGH, Patiala, Punjab

■ The Partition generation was scarred by a narrative of animosity but it does not have to be so with the present generation and the future. War is not an option at all as nuclear-armed nations; a conflict will result in incalculable consequences for both. Pakistan, as a neighbour, cannot be wished away and it would be in the interests of Pakistan and India to find mutual ground to restart stalled discussions. There is much to be gained for both nations as the issues facing them are common.

H.N. RAMAKRISHNA, Bengaluru

■ Every Indian knows that we have an aggressive neighbour which pursues a state policy of terrorism as a tool to achieve its goal of bleeding India by a thousand cuts.

Whenever India is prepared to engage in peace talks, the fact is that Pakistan's army and the ISI derail the process. It also orchestrates trouble in Kashmir so that it is always on the boil.

A.M.N. PANDIAN, Tirunelveli, Tamil Nadu

No more Iran oil

The Iran-U.S. nuclear deal was a well-negotiated one under the Obama administration. If the U.S. President does not like it, let it be so. Why should America impose its will on the rest of the world? It is a matter of shame that India has buckled under U.S. pressure and decided not to import oil from Iran (Editorial, "In an oil slick", April 24). A country that aspires to be a superpower and seeks a permanent seat in the U.N.

Security Council is unable to withstand even a simple threat from the Americans. I call it simple because if India was able to convince other countries to import cheaper oil from Iran, it could have thwarted the U.S.'s threat.

T. ANAND RAJ, Chennai

■ India should see this as a blessing in disguise. It must deeply focus on renewables by creating a route map for sustained production of bio-energy. A comprehensive national biofuel policy encompassing all renewable energy sources will get India out of the energy rut.

SOURIYA RAY, Tiruchir

■ India, before brushing aside Iran outright, should weigh the pros and cons as

Iran is a leading trade partner. This is the real test of the mettle of the government of the day: how it shall turn the corner and keep its relationships between the U.S. and Iran on an even keel.

DEEPAK SINGHAL, Noida

Gold at Doha

If a cricketer hits a ton in the commercial Indian Premier League, there is disproportionate media coverage. But here is a girl without the dazzle and who has won an 800m gold

medal at the Asian Athletics Championship at Doha. The report on how the mother of Gomathi Marimuthu found out about her success was heart-warming (Tamil Nadu, "Gold medalist's mother learns of her feat from neighbour", April 24). Let us not forget that she is from an economically backward family, in Tamil Nadu. Such sportspersons who shine by dint of hard work need more appreciation and help.

SEKAR G., Chennai

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CORRECTIONS & CLARIFICATIONS:

The OpEd page article, "The court is not above the Constitution" (April 23, 2019), talked about the *Advocate General* and the Solicitor General having been listed as Parties to a *Suo Motu Writ Petition (Civil)* No. 1. It should have been the *Attorney General* and the Solicitor General.

The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300; E-mail:readerseditor@thehindu.co.in