



Interim bailout

A system for sharing the RBI's surpluses with the Centre must be quickly institutionalised

The decision of the central board of the Reserve Bank of India to transfer an interim surplus of ₹28,000 crore to the Centre should come as a big relief to the Modi government. Together with the ₹40,000-crore final surplus share for 2017-18, which the Centre received in the first half, the total receipts from the RBI this fiscal will be a tidy ₹68,000 crore. For a government strapped for finances and struggling to meet the revised fiscal deficit target of 3.4% of GDP, the RBI's largesse will be handy. The total surplus received by the Centre for 2018-19 is substantially higher than the ₹50,000 crore it got from the RBI in 2017-18, and this is the second successive year the central bank is making an interim transfer: last year it transferred ₹10,000 crore. Though there is nothing wrong in a shareholder demanding an interim dividend payout, the fact is that the Centre is advancing a receipt from the next fiscal to bail itself out in the current one. Should the RBI decide not to repeat this practice, the government's revenues will suffer because as much as ₹82,911 crore has been budgeted on this count for the next fiscal. Again, the central bank is not like a corporate enterprise, nor can the government compare itself with a company shareholder. The RBI's income and surplus growth cannot be measured in commercial terms since a large part of it comes from statutory functions it has to perform as a regulator.

The large payout this fiscal is bound to raise eyebrows, especially because of the recent history of conflict between the RBI and the Centre over the sharing of the former's accumulated reserves as dividend with the Centre. Pressure on this count was said to be a major reason for the resignation of Ujit Patel as RBI Governor. Though the practice of an interim payout started under Mr. Patel, there are inevitable questions over whether there was pressure from the Centre now for the transfer of a higher sum than last year. This is because the Centre had in the Interim Budget bumped up receipts under this head from the central bank, nationalised banks and other financial institutions to ₹74,140 crore from the original estimate of ₹54,817 crore made in the 2018-19 Budget. Clearly, the Finance Ministry knew what it wanted. There will, hopefully, be a system and a structure in place once the committee under former RBI Governor Bimal Jalan, that is now reviewing the economic capital framework for the RBI, submits its report. It was constituted to de-personalise and institutionalise a system for the sharing of the RBI's surpluses with the government, and is expected to come out with its recommendations by the end of the next month.

Clean power

A viable financial mechanism must be evolved to remove pollutants in power plants

The effort to clean up India's thermal power plants running on coal has never really taken off, despite the Ministry of Environment notifying emission limits for major pollutants such as suspended particulate matter, sulphur oxide, nitrogen oxide and mercury in December 2015. Considering that the cumulative impact of these pollutants on the health and well-being of people is severe, the Centre should have followed up the notification with a viable financial plan to help power plants acquire pollution control technologies. The economics favours such an approach for the larger plants, while for the smaller, older units, scaling down generation during the winter months when pollutants accumulate may prove beneficial. Originally, the compliance deadline was set for 2017, but that was missed and the plan now is to achieve the norms by 2022. Unofficial estimates prepared by one NGO, Greenpeace India, suggest the estimated cost of non-compliance by the original deadline has been about 76,000 premature deaths. Benefit-cost projections from another non-profit, the Center for Study of Science, Technology and Policy, put the positive outcomes from achieving pollution control at coal-fired plants by 2025 at potentially 3.2 lakh lives saved from premature death, and 5.2 crore respiratory hospital admissions avoided in the next decade. These are outcomes that need to be pursued seriously. It is in this context that the latest proposal from the Power Ministry to provide the equivalent of over \$12 billion (about ₹88,000 crore), mainly to remove sulphur from coal plant emissions, becomes important.

A viable financial mechanism must be evolved to remove pollutants in existing and upcoming power plants, without losing sight of the need to stop further long-term investments in a dirty fuel such as coal that contributes to carbon emissions. Optimally, the burden of incorporating pollution control should fall on the beneficiary-user, which in simple terms would translate into a tariff hike. On the other hand, achieving speedy implementation of the new processes covering both public and private power producers may require some form of immediate governmental support, such as grants. This is particularly relevant, given that power producers that have borrowed from several institutions, including state-funded ones, are reported to be under severe financial stress. India's coal use represents just over 54% of the present energy mix, and the fuel will continue to retain a high share of the overall generation. The challenge, therefore, is to identify the right instruments to fund the entire exercise, in the interests of pollution control and the wider social objective of extending electricity access to the unreached. There could be a positive spin-off from sulphur-removal, since it can yield commercially significant quantities of synthetic gypsum. But even if little else accrues from the effort, the benefits of clean air to public health would make the investment well worth the effort.

The importance of being humane

Opposition parties must make a new anti-torture legislation part of their common programme



GOPALKRISHNA GANDHI

Custodial torture is global, old and stubborn. Dismemberment was a method of torture practised with vigour in ancient India, crushing-by-elf-foot another. The Arthashastra prescribes mental torture through swear-words with or without physical assaults. Death by a thousand cuts was ancient China's speciality. The Tang Code (652 CE) describes judicial torture in detail. Ancient Japanese methods of torture numb the human imagination. Their modern avatar in Japan's World War II of biological and chemical experimentation on humans – prisoners, mainly Chinese – in Unit 731 stop the blood-flow to one's heart.

Cautioned by history

So, does that mean sadism is an inherent part of human nature? It certainly shows that the inflicting of pain is an inseparable part of human history. More specifically, the history of power, of authority and control.

The practice of custodial power is about men – and sometimes, women – who are in positions of power, even if for a brief while and over a limited terrain, having custody over a powerless person. It is about the use of custodial opportunity to torture the captive's body and mind. And there, in that arena of wantonness, it becomes something of a sport for the human "Gods" that rule mere humans. "They kill us for their sport," Shakespeare said of "the Gods".

Custodial death, when not 'natural', is the extreme end-point of custodial torture. The death penalty, notwithstanding 'due process', is a close kin to this lawless and heartless game.

In Greece, the pinnacle of culture, Socrates was in 399 BCE sentenced to death by hemlock, which was known to act slowly, incapacitating the person in stages, climbing from the lower extremities limb by limb to the heart. A little further to the east, around 30 CE took place what is ironically the only hallowed case of plain torture. After being stripped and scourged, the victim's palms, known in anatomy to be among the most sensitive of human limbs, were nailed to the cross's horizontal beam, his feet to the vertical. "I thirst," Mary's son said.

Torturers are invariably sadists. Mary Surratt is not a well-known name. She was the first woman to be hanged in the U.S., in 1865, under due process. Her crime: being part of the conspiracy that led to the assassination of Abraham Lincoln. Minutes before her end, she complained to the hangman that her handcuffs hurt. They won't hurt long, he said. Peering down the 'drop', she then said she hoped they would send her down neatly. Sure thing, they said. Sure enough they botched it. Her frame doubled up. "She makes a good bow," the hangmen jested. Lincoln must have screamed in his grave.

Hitler's torturing of his prisoners would shame Satan, if such a creature exists. He was as real as his poison gases, tooth-extractors. Stalin's, Pol Pot's, 'Papa Doc' Duvalier's examples would have embarrassed Hell, if such a place exists. The power-centres of these tyrants were hellishly real.

Apartheid South Africa had its torturers trained in Algeria to inflict pain without leaving any signs on the body. Imam Haron, Steve Biko and the Naidoo family are among the better known of the many less known and unknown brutalised by the apartheid regime.

The butchering last October of Saudi journalist Jamal Khashoggi tells us custodial torture and killing are no country's, creed's or



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culture's monopoly. Nor that of any clime-time. Torture seems to be, like the roach, co-terminus with Time. And co-extensive with homo sapiens.

Custodial torture is about the here and now. As I write and the reader reads this, we can be sure that not far from wherever we are, someone is being tortured by somebody. I am not referring to criminals torturing their captives, but of that somebody who has ephemeral custody, semi-legal, pre-legal, legal, over that someone's body and mind.

India has practised and continues to practise the 'third degree' with impunity. Let only him deny it who has caused to hide it.

But if torture is real, human revulsion with torture is also real. And it has shape, definition. It has scope.

Meeting on December 10, 1984, the UN General Assembly stirred the world's conscience. It adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Better known as the UN Convention against Torture, it sought to prevent torture around the world. More specifically, it "required states to take effective measures to prevent torture and forbade them from transporting people to any country where there is reason to believe they will be tortured (refoulement)". Most significantly, the Convention made state parties to undertake that "no exceptional circumstances whatsoever" will be "invoked to justify torture, including war, threat of war, internal political instability,

public emergency, terrorist acts, violent crime, or any form of armed conflict".

In other words, it foresaw every possible subterfuge and subversion by states.

The Indian case

India took 13 years to sign the Convention, but sign it did, on October 14, 1997, during the 11-month-old Prime Ministership of I.K. Gujral. Hat's off to him. He did what Rajiv Gandhi, V.P. Singh, Chandra Shekhar, P.V. Narasimha Rao, H.D. Deve Gowda could not, did not, do. But signing is only the first step. Unless a convention is ratified and followed or preceded by domestic legislation that commits the ratifying party to compliance, the original signing carries no meaning, India has not ratified.

India's non-ratification of the Convention is both surprising and dismaying. What is the constraint? A state which signs the Convention has to have a domestic law on the subject to outlaw and prevent custodial torture. Without such a law, there is no meaning to signing the Convention. And so, late as it was, the UPA II government introduced a Prevention of Torture Bill in the Lok Sabha in 2010 and had it passed in 10 days. The bill as passed by the Lok Sabha was referred to a select committee of the Rajya Sabha. The committee gave its report recommending the Bill's adoption later the same year. Citing National Human Rights Commission figures of reported torture cases, the report said the figures showed custodial torture was rising. It also pointed out that the number of reported cases being only a fraction of actuals, the situation was serious.

But that Bill was unlucky. It lapsed with the dissolution of the 15th Lok Sabha. And was not revived by the 16th, the present Lok Sabha. Ratification of the Convention remains in limbo. Custodial torture remains in position.

In reply to a question (May 11,

2016) whether the government was planning to ratify the Convention, the Minister of State for Home did not answer either in the positive or negative but spoke of amending Sections 330 (voluntarily causing hurt to extort confession) and 331 of the Indian Penal Code. The nature of these amendments has not been delineated and so, almost nine years after the report of the Select Committee and 21 years after signing the Convention, India is yet to legislate a law that will outlaw torture an enable it to ratify the Convention.

What is the constraint? Why is the Indian state unwilling to say, 'no custodial torture in India'? The answer can only be that the power over a captive's body and mind is not easily given up.

Waiting for a nudge?

Senior advocate Ashwani Kumar, former MP and Minister, moved a PIL in the Supreme Court in 2016 asking it to get Parliament to move forward in the matter. After a full day's exclusive hearing in the case, the court has reserved its orders. Can the Supreme Court indeed "nudge" Parliament? It knows best, in its wisdom and experience. This much, however, one can hope: In a matter that concerns 'life and liberty', the Supreme Court is the guardian of the Constitution's guarantees. And when the one being guarded says, 'I thirst', the guardian can only bring to its parched lips the waters of life. Whatever be the outcome of Mr. Kumar's PIL, it is imperative that the democratic opposition makes the ratification of the Convention and a new anti-torture legislation part of its common programme. The 17th Lok Sabha must take a stand on this matter. It has a choice: to join the civilised world in moving away from ancient barbarism or stay in the dungeons of blinding, numbing brutality.

Gopal Krishna Gandhi is a former administrator, diplomat and governor

The Saudi-India-Pakistan triangle

New Delhi should not be overly optimistic about prying Riyadh away from Islamabad



MOHAMMED AYOUB

There seems to be much exultation in New Delhi that the visit by Saudi Crown Prince Mohammed bin Salman, or MBS (left in picture), will lead to further strengthening of Saudi Arabia-Indian ties, a process that had begun with Prime Minister Narendra Modi's visit to Riyadh in 2016. Some of this jubilation is based on rational calculations regarding Saudi interest in expanding trade and investment in India and collaboration in the energy sector. Saudi Aramco is interested in partnering with the Abu Dhabi National Oil Company in developing an integrated refinery and petrochemicals complex at Ratnagiri in Maharashtra, a \$44 billion joint venture with Indian public sector involvement. Saudi Arabia is already one of the three largest suppliers of oil to India.

However, much of the euphoria is based on wishful thinking and vague statements such as Riyadh's declaration that India is one of eight countries with which it wants to intensify its strategic partnership in various fields. The Indian self-delusion is demonstrated, above all, by the speculation in

policy-making circles in New Delhi that the Saudi stance on Kashmir has now changed and its tilt toward Pakistan corrected.

The latter assumption is nothing more than a pipe dream. The Saudi Foreign Minister's statement in Islamabad during MBS's visit that Riyadh is committed to "de-escalating" tensions between India and Pakistan over Kashmir must not be read as an endorsement of the Indian stand but as an attempt to intervene in the dispute rather than accept its bilateral nature.

Key reasons

New Delhi should, therefore, not be overly optimistic that growing Saudi-Indian relations in the economic sphere will succeed in prying Riyadh away from Islamabad. There are various reasons that lead to this conclusion. First, Pakistan is far too important to Saudi Arabia for internal security reasons for Riyadh to sacrifice its stake in Islamabad in order to appease New Delhi. The Pakistan Army has more than once acted as the Saudi rulers' praetorian guard and given the uncertain hold of MBS on his country, despite impressions to the contrary, he may need the services of Pakistani mercenaries in the near future.

Second, Afghanistan has been a point of strategic convergence for Pakistan and Saudi Arabia going back to the 1980s when the Saudis



used Pakistan as a conduit for material assistance to the Islamist forces fighting the Soviet Union and its proxy government in Kabul. With U.S. withdrawal from Afghanistan and the consequent expansion of Taliban influence very much on the cards, Pakistan's strategic value as the Taliban's patron has grown exponentially. Saudi Arabia is interested in curbing Iranian influence in Afghanistan and needs Pakistan to contain Tehran's ability to influence events in that country after the American withdrawal through its Tajik and Hazara allies.

The Iran angle

Iran is Saudi Arabia's chief adversary in West Asia. The Saudi-Iranian rivalry is being played out across the region, from Syria to Yemen. Riyadh perceives Pakistan as a major asset it can use to check the spread of Iranian influence despite the Nawaz Sharif government's refusal to commit Pakistani

troops in the Yemen war on behalf of the Saudi-led alliance. It sees Pakistan Prime Minister Imran Khan (right in picture) and Pakistan Army chief General Qamar Javed Bajwa as more amenable to Saudi persuasion. Pakistan on its part perceives MBS as a valuable interlocutor on its behalf with the U.S. because of his excellent rapport with U.S. President Donald Trump. Islamabad deems this essential in light of the recent strains in U.S.-Pakistani relations over Pakistan's support to terrorist groups targeting U.S. forces in Afghanistan that led to stern rebukes from Mr. Trump and suspension of American military aid to Pakistan.

Moreover, Pakistan's relations with Iran, never easy, have hit a new low following the recent terrorist attack in the Sistan-Baluchistan Province that killed 27 Revolutionary Guards. Supreme Leader Ayatollah Khamenei pointed the finger at "the spying agencies of some regional and trans-regional countries", an obvious reference to Pakistan and the U.S. The commander of the IRGC said, "The government of Pakistan must pay the price of harbouring these terrorist groups and this price will undoubtedly be very high."

As Pakistan's relations with Iran deteriorate, it is likely to move further into the Saudi orbit. Increasing Sunni fundamentalism, bordering on Wahhabism, in Pakistan also makes it a natural ideo-

logical ally of Saudi Arabia and an ideological foe of Shia Iran.

Aid bailout

Saudi economic largesse matters greatly to Pakistan, which is in dire economic straits and has been forced to turn to the International Monetary Fund (IMF) for loans that are bound to come with strict conditionalities. Over and above the \$6 billion already promised by Saudi Arabia, MBS has promised a further \$20 billion in Saudi investment in Pakistan. A large part is earmarked for investment in the construction of an oil refinery in Gwadar on the Makran coast, which is being developed as a strategic port by China and features prominently in the China-Pakistan Economic Corridor (CPEC) plan.

In the context of this strategic and economic nexus between Saudi Arabia and Pakistan, it will be unwise for New Delhi to seriously believe that it will be able to wear Saudi Arabia away from Pakistan. India should take advantage of any benefit that accrues from India's economic relations with Saudi Arabia but should not pin much hope on Riyadh in the political-strategic sphere.

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LETTERS TO THE EDITOR

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After Pulwama

No one wants a full-scale war now, which, by all accounts, would be disastrous for both India and Pakistan (OpEd page, "India's options after Pulwama", February 19). Defence officials in India ought to brainstorm to counter the enemy's covert and overt plans. Border incursions should be stopped completely. As far as trade and travel are concerned, all kinds of punitive measures must be implemented without a time frame, till the aggressor feels the heat. Being able to convince China and Saudi Arabia about the sinister intentions of Pakistan may prove to be difficult. Finally, targeting and

eliminating the non-state actors of terrorism is the good suggestion.

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

■ Is it the fear of collateral damage that is holding India back from acting against Pakistan, as the writer seems to hint at? If we do not instil fear in terrorist groups that are entrenched in Pakistan, we are only going to be suffering more losses. While improving security measures and preventing radicalisation of our youth is a desirable long-term plan, our military also needs to act – act promptly and adequately to make enemies realise that fostering terrorism on our soil is no more an option.

ATUL KRITI,
New Delhi

Plastic ban

As a German tourist who was travelling in Tamil Nadu and Puducherry for three weeks (December 2018/January 2019), I want to express my deepest respect for the enormous challenge the authorities faced in banning single-use plastics in such a short time. I think it is important to do it as quickly and strictly as possible not only because it is a global issue but also out of the need to preserve the beauty of India. My wife and I tried to do our little bit to clean Mamallapuram beach, south of Chennai. We collected a few bags of plastic, in less than 10 minutes, but of course could only cover a few metres. We now fly back to Germany where the issue is less visible

but as big and challenging as it is in India. All nations have to rethink their behaviour as far as the environment is concerned. India has taken an excellent step – in my opinion.

ARMIN KRAUS,
Wuerzburg, Germany

Chemistry table

As a chemistry educator, I was delighted to come across an article in an Indian newspaper which focussed on an essential aspect of science ("Science & Technology" page, "The Table that defines chemistry turns 150", February 10). Apart from history, the periodic table is an important tool in chemistry to explain various fundamental concepts. Unfortunately, to most

students, it is a topic for rote learning as there is hardly any emphasis on interactive classroom activities.

ANURADHA MUKHERJEE,
Bengaluru

■ It took me back to the time when I had finished school and applied for college admission, in 1976. Eventually I went on to do my post-graduation in chemistry. On my first-ever visit to the leading book store, I came across a interesting title, *107 Stories About Chemistry*. I still remember the Russian authors depicting the arrangement of elements in the form of a story. Chemistry was made interesting.

S.V. VENUGOPALAN,
Chennai

Think tank ranking

The Hindu is a cherished national daily, especially among students, largely because of its quality news items, informative editorials and thought-provoking articles. Therefore, it is no surprise that *The Hindu* Centre for Politics and Public Policy, has achieved global recognition ("*The Hindu* Centre among top think tanks", February 19). Earlier it was quite a task getting the daily – it used to reach here by air and as back-dated copies – but with the commissioning of a printing press in Patna, the problem has been solved.

TUSHAR ANAND,
Patna, Bihar

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