



## Capturing crime

The increase in crimes against women must prompt better policing and all-round reform

The National Crime Records Bureau data for 2016 on two important aspects, violent crime and crime against women, should prompt State governments to make a serious study of the underlying causes. Not all States are equally affected; Uttar Pradesh and Bihar record the maximum number of murders. The national tally on crimes against women, which includes rape, abduction, assault and cruelty by husband and relatives, is up by 2.9% over that of 2015. Going by the data, there is a distinct urban geography as well for violence against women, with Delhi and Mumbai appearing the least safe: Delhi recorded a rate of crime that is more than twice the national average. As several studies have shown over the years, the annual data is useful in reviewing trends of extreme events, such as murder, but less so in the case of other offences that tend to be underreported. Viewed in perspective, the murder rate today has declined to the level prevailing in the 1950s, which was 2.7 per 1,00,000 people, after touching a peak of 4.62 in 1992. But that macro figure conceals regional variations, witnessed in U.P. and Bihar, where 4,889 and 2,581 murder incidents took place during 2016, respectively, while it was 305 in densely populated Kerala. One question that needs to be analysed is, how much does social development influence a reduction in crime?

In the years since the Delhi gang rape case of 2012 that shook the country, the definition of the heinous offence has been broadened, police forces have been directed to record the crime with greater sensitivity, and some measures initiated to make public places safer for women. This approach could lead to a reduction in violent crime over time. A focussed programme to universalise education and skills training would potentially keep juveniles from coming into conflict with the law. Last year's data indicate that there is a rise in the number of cases involving juveniles. There are also basic issues that need urgent reform, such as modernising the police, recruiting the right candidates and teaching them to uphold human rights. The orders of the Supreme Court on police reforms issued in 2006 have not been implemented in letter and spirit by all States. With genuine measures, Ministerial superintendence over the police would become more transparent and socially accountable, eliminating political interference in its working. This would lead to a reduction in crimes committed with impunity and raise public confidence in the criminal justice delivery system. As a measure of data improvement, it should be mandatory to record not just the principal offence in a case, as the NCRB does, and list all cognisable offences separately. Rather than view the available data passively, governments would do well to launch serious studies that result in policies and measures for freedom from violence.

## Bit of a bubble?

It is difficult to account for the dizzying increase in the value of cryptocurrencies

One lakh rupees invested in bitcoin in 2010 would be worth a few hundred crore rupees today. That is the kind of extraordinary return the digital currency has given investors as its price has witnessed a meteoric rise, from just a few cents in 2010 to hit a lifetime high of over \$11,000 last week. In 2017 alone, bitcoin price has increased by over 1000%. In fact, all it took for the currency to reach \$11,000 after breaching the \$10,000 mark was a single day. True to its nature, however, soon after hitting \$11,000, bitcoin witnessed a sharp drop of 20% before recovering some of its losses to close the day almost flat. Other cryptocurrencies like Ethereum too have shown equally impressive gains and falls, particularly over the last year. Enthusiasts argue that cryptocurrencies like bitcoin are rapidly transforming into mainstream money that will offer serious competition to national currencies issued by central banks. Therefore they see bitcoin's current price rise as merely a reflection of its bright future as a stateless currency. Its limited supply and the blockchain technology on which it functions, they say, have also added to its exotic appeal. Sceptics, however, have pointed to the Tulip Bubble of the 17th century and Internet stocks of the late 1990s as cautionary examples. The most notable among the critics has been J.P. Morgan chief executive officer Jamie Dimon who called bitcoin a "fraud" that will make its investors poor.

Whether bitcoin holds huge fundamental value as a medium of exchange, as many of its supporters claim, is yet to be seen. The blockchain technology may well have some merits, as shown by increasing interest in it even among central banks and other financial institutions. Many have even started offering financial products and services centred around bitcoin. Yet the fundamental value of any currency is based not on its underlying technology but on its general acceptability as money for the purpose of commerce. Bitcoin, or any other cryptocurrency, is nowhere close to widespread use as a medium that helps in the exchange of goods and services. Earlier this year, a Morgan Stanley research note concluded that bitcoin's acceptance "is virtually zero". In fact, it found that the acceptance of bitcoin among the top 500 online retailers actually dropped in the last year. What then explains bitcoin's huge price rise? The fear of missing out on extraordinary gains, achievable within extremely short periods of time in the case of bitcoin, has likely pulled people from all walks of life into the digital currency. This is typical of bubbles that are driven by emotion rather than value. It is also a telling sign of the times where easy monetary policy has pushed investors starved of yield in traditional assets into highly risky assets like bitcoin.

# The gag on free speech

Recent actions by the Indian judiciary suggest a trend of creeping censorship



GAUTAM BHATIA

On Wednesday, a special Central Bureau of Investigation (CBI) Court, hearing the Sohrabuddin Sheikh and Tulsi Ram Prajapati fake encounter cases, issued a gag order prohibiting the press from reporting on the court proceedings. This order, allegedly issued at the behest of the lawyers for the defence has come only a few days after the Allahabad High Court gagged the media from reporting on an ongoing case concerning an alleged instance of hate speech by the Chief Minister of Uttar Pradesh, Yogi Adityanath, in 2007, who was then a Bharatiya Janata Party parliamentarian from Gorakhpur, Uttar Pradesh.

### A growing trend

These two instances, which are not isolated, are representative of an alarming trend of creeping judicial censorship, increasingly across large domains. The Indian judiciary has had a historically ambivalent relationship with free speech, from upholding the constitutionality of sedition in 1962, to endorsing the law of criminal defamation in 2016. Recently, however, it has begun to go further than simply rejecting constitutional challenges to the state's speech-restrictive laws. Traversing well beyond the bounds of the Constitution, it has begun to actively censor or compel speech of its own accord, without even the existence of a parliamentary law on the subject. Recent, notorious examples include the Bombay High Court constituting a "committee" to recommend cuts to the satirical film, "Jolly LLB 2", the Madras High Court telling condom manufacturers to have the illustrations on



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their packets cleared by the Advertising Standards Council of India, and the Supreme Court directing cinema halls to play the national anthem before the screening of every movie.

However, the CBI Court and the Allahabad High Court's gag orders, are significantly more serious because they strike at the heart of our system of democratic governance. The task of courts under the Constitution is to deliver justice, and a functional democracy is defined by a justice system that is open, transparent, and, above all, public. The authority of judges and courts, we must always remember, stems not from popular consent and periodic elections, but from their fidelity to the laws and the Constitution, and the strength and quality of their legal reasoning. For these reasons, "secret justice" – bringing to mind the infamous trials of the Star Chamber in medieval England – is a paradox in terms. As the great British judge, Lord Diplock, noted, "if the way that courts behave cannot be hidden from the public ear and eye, this provides a safeguard against judicial arbitrariness or idiosyncrasy and maintains the public confidence in the administration of justice."

### Tracing the line

Unfortunately, however, the judicial gag orders, by the CBI Court and the Allahabad High Court, were enabled, at least in part, by

the judiciary's own ability to decide controversial cases objectively.

Second, and more importantly, the 2012 Supreme Court judgment failed to adequately limit the kinds of cases in which these exceptional "postponement orders" could be passed; it failed to limit the duration for which they could be passed. In fact, by using subjective words such as "reasonable" and "proportionate", it left the door wide open for future courts to issue sweeping gag orders, insulating themselves from public reporting and, thereby, public criticism. As media and civil rights lawyer Apar Gupta noted at the time, the judgment was so "open to interpretation and probable abuse" that, in the course of the years, it could well transform itself into a "gag writ." The recent orders of the CBI Court and the Allahabad High Court indicate that this is precisely what has happened.

### Handling misreporting

It is often argued that the media reports court proceedings inaccurately; judicial observations are published out of context just to provide good headline copy, and sometimes, there is outright misquotation. In fact, this was precisely the reason cited by the Allahabad High Court to justify the gag order, although the court did not provide any examples of "misquotation". There are, however, laws to deal with inaccurate reporting, especially the Contempt of Courts Act, which the judiciary has never shied away from invoking. Perhaps more importantly, however, there is a more straightforward way of dealing with the spectre of misreporting: to make written transcripts and audio or video recordings of court proceedings available to the public. Until that happens, to ban reporting of court proceedings by invoking "misquotation" is to invoke a bogey at worst, and to throw the baby out

with the bathwater at best.

Of course, there might be situations where inaccurate reporting could cause imminent damage. Imagine, for example, the cross-examination of the principal accused in a communal riot, in an already charged atmosphere. There might also be situations where a case involves arguments pertaining to national security, which cannot at that time be made public. In these situations, a temporary halt on reporting could be justifiable, but it is in the very nature of these situations that the bar would be limited to a single hearing, and only in the most exceptional of situations. The CBI Court and the Allahabad High Court's sweeping gag orders do not even come close to satisfying that condition.

Ultimately, the trial courts and the High Courts take their cue from the Supreme Court, which is the ultimate driver of jurisprudence. And unfortunately, earlier this year, the Supreme Court passed a sweeping gag order of its own. While convicting (the now retired) Justice Karnan of contempt of court, a bench comprising the seven senior-most judges of the Supreme Court ordered that "no further statements issued by Shri Justice C.S. Karnan would be publicized". Whatever the special circumstances of that case, there is little doubt that such a command sends a clear message about the appropriateness of sweeping gag orders, should a court feel that they are necessary.

The CBI Court and the Allahabad High Court's gag orders demonstrate an urgent need for some conscious course-correction by the judiciary. They come with a democratic cost that is simply too high to pay: sunlight, they say, is the best disinfectant. Often, it is the only disinfectant.

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# A misleading hunger index

In its calculations, the Global Hunger Index assigns a disproportionate value to child undernourishment



RAMESH CHAND & SHIVENDRA KUMAR SRIVASTAVA

Per capita food production in India has increased by 26% (2004-05 to 2013-14), while it has doubled in the last 50 years. While this kind of growth rate in food production is expected to reduce hunger significantly over time, the Global Hunger Index (GHI) prepared by the International Food Policy Research Institute (IFPRI), shows India's hunger level in very poor light.

### A closer look

The 2017 GHI score has India ranked 100 out of the 119 countries listed. While a casual reading would create the impression of India being among the worst performers and underachievers in addressing food and nutrition security, closer scrutiny shows that it should not be taken at face value as it is neither appropriate nor representative of hunger prevalent in a country. However, despite improvements, India still faces a problem of undernourishment and poor child health.

The GHI for 2017 is calculated as a weighted average of four stan-

dardised indicators, i.e. the percentage of population that is undernourished; percentage of children under five years who suffer from wasting; percentage of children under five who suffer from stunting, and child mortality. Undernourishment and child mortality each make up a third of the GHI score, while child stunting and child wasting make up a sixth of the score, and together make up a third of the score. Three of the four indicators, refer only to children below five who constitute only 11.5% of India's population. Further, the percentage of the undernourished population is inclusive of undernutrition among children. This way, the GHI assigns 70.5% weightage to children below five who constitute only a minor population share and 29.5% weightage to the population above five, which constitutes 81.5% of the total population. Therefore, the term "Hunger Index" is highly biased towards undernutrition of children rather than representing the status of hunger in the overall population. It would be more appropriate to term the conceptualisation and composition of this composite index as a "Global Hunger and Child Health Index" than as a "Global Hunger Index".

Evidence shows that weight and height of children are not solely determined by food intake but are an outcome of a complex interaction of factors related to genetics,



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the environment, sanitation and utilisation of food intake. The IFPRI acknowledges that only 45% of child mortality is due to hunger or undernutrition.

Without undermining the need for improvement in reducing wasting, stunting and mortality of children, our calculations show that if child health indicators are not included in the GHI, India will move to the 77th spot. India's ranking in terms of child mortality, child stunting and child wasting is 80, 106 and 117, respectively.

### Calculating hunger

The incidence of hunger is taken as the proportion of the population whose food intake provides less than its minimum energy requirements. The figure of the incidence of hunger depends on energy norms and the methodological approach used in its estimation.

There is still inconclusive debate on the cut-off for minimum energy requirement calculation. At a global level, the Food and

Agriculture Organisation of the United Nations (FAO) has an average norm of 1,800 kcal, while the Indian Council of Medical Research-National Institute of Nutrition (ICMR-NIN) specified average norm of 2,400 kcal for rural areas and 2,100 kcal for urban areas in India, varies across age, gender and activity-level. There is a strong case to revise the ICMR-NIN norms as the actual requirement of energy is decreasing due to a shift towards mechanisation and more congenial work conditions and environment.

There is a large difference in the incidence of undernourishment (hunger) reported by the FAO and estimates prepared by various experts. It follows from the large variation in the choice of norm and methodology and data used for such an estimation. The unit-level National Sample Survey Office (NSSO) data on Household Consumption Expenditure for the latest year (2011-12) indicate that 72% of India's population consumed less food than required to meet the calorie norm specified by ICMR-NIN. Applying the ICMR-NIN norm, a significant percentage of the population even in rich income households is undernourished. This shows that either the ICMR-NIN norm is on the higher side or these people voluntarily chose to eat less than what the ICMR-NIN considers normative. If we apply the FAO norm to the hou-

sehold consumption data of the NSSO, the proportion of the population with caloric deficit was 37.32% in 2004-05 and 29.55% in 2011-12. On the other hand, the FAO's State of Food Security and Nutrition in the World report has placed the incidence of undernourishment in India at 20.9% for 2004-06 and 17.5% for 2010-12. The much lower estimate here is because it overestimates the proportion of food crops used as food and underestimates the share going for non-food uses such as feed and industrial use. The FAO approach underestimates hunger and undernutrition in those countries where exact and up-to-date estimates of food output diverted to non-food uses are not available.

The FAO norm applied to NSSO data on Household Consumer Expenditure indicates that in 2011-12, about 30% of India was undernourished or suffered from hunger, as per the UN definition of hunger.

To avoid confusion about the status of hunger and undernourishment, India should regularly prepare and publish official estimates of hunger, like that of poverty. It will also help in tackling hunger.

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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.

### HIV prevention project

A report, "AIDS medicine brings positive results for sex workers" (December 1), on how "in the past two years, there has not been a single HIV+ case among the 700 sex workers in Kolkata's Sonagachi red light area", primarily focusses on PrEP or Pre-exposure prophylaxis that is being piloted in Sonagachi. The report cites Dr. Smarajit Jana, principal of the Sonagachi Research and Training Institute and also the chief adviser of Durbur, the largest collective of sex workers with 65,000 members, as saying that "Sonagachi is the only place in India where the study on the drug is being carried on such a large population." This is factually incorrect. The World Health

Organisation is piloting PrEP, with the requisite permissions from the National Aids Control Organization and the Ministry of Health and Family Welfare, in Karnataka's Mysuru and Mandya districts, apart from the programme in Kolkata. These three sites have been chosen by WHO as the sex worker community is empowered in these sites and would serve the purpose of bringing out accurate results on the efficacy of the drug. Ashodaya Samithi, a sex workers' organisation (I am its legal adviser and well-wisher), with its head office in Mysuru and working in Mandya, Chikmagalur and Kodagu districts of Karnataka, has been entrusted with piloting the

drug in Mysuru and Mandya. There are over 650 sex workers who have been a part of the programme here since June 2016 and there has not been a single case of infection. SREERAM S.V., Mysuru

### Storm watch

The cyclones and storms that originate in the Bay of Bengal have been battering India's southeastern coast for ages. It is no use blaming global climatic changes arising out of the greenhouse effect. Ironically, India's dry southern plateau, barring Kerala, eagerly awaits a cyclone-induced monsoon to sustain life and livelihood. It is wiser to plan the minimisation of losses and destruction by

preventing the encroachment of river banks and lake beds. Settlements should be away from the sea coast and water bodies. Each year, India pumps in tax payer's money in rescue operations. In spite of advance warnings, fishermen venture out in the hope of a better harvest and invite trouble. Sentiments and emotions run high. Wanton violation of safety precautions should be reined in. SIVAMANI VASUDEVAN, Chennai

Given the widespread devastation it caused, Cyclone Ockhi has caused a calamity of enormous proportions. A natural disaster affects everybody, but those on the margins of humanity suffer the most.

They must be helped to return to their livelihoods and rebuild their lives. Yet, not all news is bad. That youth joined hands with the State machinery and disaster management agencies and undertook relief and rehabilitation operations is heartening. PRANEEL SUNDAR, Palakkad

The lack of rain, or when in excess causes suffering. In Chennai city, there is hardly any rain barring a phase and when there is a large-scale depression or a cyclone. Despite the advantages of abundant and advance forecasting, the government seems to have failed miserably in preventing flooding and saving precious rainwater. Storm water drains which should have been cleared, are

overflowing, mixing sewage with clean rainwater, while encroachments which should have been cleared have prevented the storage of water. The bounty of rainwater is again being lost. NAGARAJAMANI M.V., Hyderabad

### Stamping his supremacy

"Comparisons are odious", but one cannot help but compare Virat Kohli to West Indian great Viv Richards. Virat is the Richards of modern cricket and the batting maestro's Test records stand testimony to this comparison. Kohli has been unmatched in all three versions of the game. It is just a matter of time before he becomes Tendulkar II. K. PRADEEP, Chennai

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