



Slow on sanitation

Policy makers have failed to use technological advances made in treating faecal sludge

The tragic death of six people who entered a septic tank in Tamil Nadu's Sriperumbudur town is a grim reminder that sanitation remains a low-priority area despite the high political profile of Swachh Bharat. Public understanding of the science of managing septic tanks continues to be poor, and the availability of cheap labour to clean these structures has slowed efforts to develop technologies that can safely remove and transport the waste. Sanitation thus remains a challenge in thousands of unsewered towns. What sets the incident apart from the several instances of people dying of asphyxiation in the tanks is that some of the victims were the owners of the property and not workers. Three people collapsed while inspecting their residential septic tank, and others who tried to save them also perished. Although workers were not affected in this case, it confirms Tamil Nadu's abysmal overall record at raising sanitation standards. Since 1993, when the first law was passed against manual cleaning, there were at least 144 worker deaths in Tamil Nadu as of November 2018, according to official data reported to the Centre for grant of compensation. Karnataka, Uttar Pradesh and Punjab also fared badly with a cumulative toll of 146 lives lost during that period. But this is obviously a gross underestimate, since the Safai Karmachari Andolan, which has litigated in the Supreme Court seeking to aggressively prosecute offenders, contends that septic tank cleaning claimed nearly 1,500 lives between 2014 and 2016. More reports of deaths continue to come in.

Every death of a manual worker represents a crime, since the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 makes the use of such labour to clean septic tanks an offence punishable with imprisonment of two years or with a fine of ₹2 lakh or both even in the first instance. If State governments are reluctant to prosecute offenders, they are also slow to adopt newer technologies such as Faecal Sludge Treatment Plants (FSTP), which can be combined with omniprocessors for safe treatment of waste. For the task of cleaning the tanks, indigenous innovation in robotics looks promising. A prototype is planned to be tested by the Indian Institute of Technology Madras and such devices can potentially transform sanitation in India and other developing countries. But the pace of adoption will depend on the priority that governments accord to the long-neglected problem. Last year, Tamil Nadu, and some other States, notably Andhra Pradesh and Odisha, announced plans to scale up FSTP infrastructure. This is a task that deserves the highest importance, and needs to be completed on deadline. What happened in Sriperumbudur highlights the heavy price that communities pay for the lack of scientific sanitation. If governments remain apathetic, citizens would expect the courts to step in to uphold the law against manual scavenging and make individual departments accountable. The science on sanitation has advanced, and policy must urgently catch up.

Saving Jet

With the airline landing in the laps of banks, the challenge now is to quickly find a buyer

The decision of Naresh Goyal and Anita Goyal, his wife, to step down from the board of Jet Airways and cede control to its lenders has come not a moment too soon. By hanging on to the troubled airline and refusing to let go, Mr. Goyal brought Jet to the brink, imperilling 16,000 direct jobs and ₹6,000 crore of outstanding debt to banks. Even as banks, obviously prodded by the government, stepped in with a rescue plan in February that would give them a controlling stake in the airline through conversion of a part of their dues, Mr. Goyal refused to keep his side of the bargain. In the meanwhile, the airline continued to nosedive with aircraft being repossessed by lessors, pilots threatening to strike work and schedules going for a toss. It is just as well that Mr. Goyal finally saw reason and resigned from the Jet Airways board. This signals the start of a rescue act to save the airline, but whether it succeeds will depend on a host of factors, including the ability of banks to quickly find a buyer to pilot it.

Meanwhile, the active role played by banks in devising the rescue plan and also committing fresh funds of ₹1,500 crore has already come under question. The Insolvency and Bankruptcy Code was enacted precisely to handle situations such as what Jet found itself in. In the normal course, the airline would have been dragged to bankruptcy court for a resolution as many other truant borrowers have been in the last two years. But, just ahead of elections, the government obviously did not want a high-profile bankruptcy with thousands of jobs lost and inconvenience to the public through disrupted flight schedules and higher airfares. While this explains why banks were prodded into rescuing Jet, the fact remains that they are ill-suited to run an airline. Besides, there is the risk of setting a precedent for other defaulters to try to stay out of the tentacles of the IBC. Already, fugitive economic offender Vijay Mallya, whose Kingfisher Airlines collapsed, is asking why he was not offered a bailout as Jet has been. That said, the priority of banks now is to exit from Jet as soon as they can with their money intact. That means finding an investor or a strategic buyer to offload their stake quickly. That is not going to be an easy task, but the alternative for the banks – of running the airline themselves – is not a practical option. The banks also have to guard against Mr. Goyal trying to stage a comeback in some manner in the event that the lenders fail to find a buyer. Such an eventuality would be a violation of the spirit of the IBC and also encourage recalcitrant borrowers.

The tragic heroes of the anti-IS war

Despite their historical role in destroying the IS Caliphate, the Kurds face risks of further aggression than recognition



STANLY JOHNY

With the liberation of Baghouz in eastern Syria last week, the physical structures of the Islamic State (IS) Caliphate have now been shattered. Baghouz had been the last slice of land the IS clung on to even as its territories continued to shrink in the wake of counter-attacks. Hundreds of IS fighters had surrendered in recent weeks, while thousands withdrew to the Iraqi and Syrian deserts.

Ongoing story

All this does not mean that the war against the IS is over. The IS is basically a terrorist insurgency and it had started moving back to its insurgency roots when the Caliphate came under attack. It still has its sympathisers, active members and sleeper cells in many parts of West Asia. Besides, it has branches in other countries which include Afghanistan, the Philippines, Nigeria and Libya. It is an ongoing story. But the neo-Caliphate announced by the group's leader, Abu Bakr al-Baghdadi, from the pulpit of the Great Mosque of al-Nuri in Mosul, Iraq's second largest city, in 2014 – which had erased the Iraqi-Syrian border and lured tens of thousands of youth from across the world – no longer exists. It is no small feat in the history of counter-terror operations. So who brought the Caliphate

down? There have been multiple players and factors in this war, in which the U.S. has played a pivotal role. U.S. President Barack Obama ordered American air strikes on the IS in August 2014, a few months after Baghdadi appeared in Mosul and when the militants were fast-expanding their territorial influence to the south and west of Iraq.

Since then the U.S. has carried out thousands of strikes, in Iraq, Syria, Libya and even in Afghanistan against the IS. The U.S. may not like to recognise it, but Iran has also played a crucial role in this war – directly in Iraq and indirectly in Syria. In Iraq, the Iran-trained Shia militias were at the forefront of the battlefield. It was a coalition of the Shia militias, the Iraqi national army and the Peshmerga, the armed wing of the Iraqi Kurdistan, with support from the U.S. that recaptured IS-held territories in Iraq such as Mosul, Fallujah and Ramadi.

The Syrian angle

In Syria, the war was more complex. If in Iraq, the national government had international recognition and support from both the U.S. and Iran, in Syria, the regime of President Bashar al-Assad, which was in the midst of a civil war, lacked international support. The Obama administration initially wanted Mr. Assad to quit. There was no united anti-IS front in Syria, but the regime had done its bit. Government troops, backed by Russia and Iran, defeated the IS in Palmyra and recaptured the ancient city twice. The survival of the regime itself acted as a bulwark against the further spread of the IS



from the east, where it established a de facto capital in Raqqa, to the west and the south. Had Mr. Assad's regime fallen, one possible outcome would have been the IS overrunning Damascus, just like the Taliban captured a battered Kabul in 1996 in the midst of a civil war and the collapse of the central authority. On the other side, the most dangerous and prolonged anti-IS battles were carried out by Syrian Kurdish fighters. It is this group that ousted the IS from Baghouz last week, sealing the victory against Baghdadi's Caliphate.

The beginning of the end of the IS was in Kobane, a small Syrian town on the Turkish border that was overrun by the IS and later recaptured by the Kurdish militia, the People's Protection Units (YPG). The battle for Kobane threw the Syrian Kurds, who were a non-entity in the civil war till then, into the centre of West Asia's most complex war. Though the U.S. started bombing IS positions months earlier, it saw the first major result in Kobane, after finding the Syrian Kurds as an ally on the

battlefield, in January 2015. But this opened up new geopolitical complications. The YPG is the armed wing of the left-wing Democratic Union Party (YPD), which is now in control of the Syrian Kurdish region. Both the YPD and the YPG have strong ties with the Kurdistan Workers Party (PKK) on the Turkish side, which has been designated a terrorist organisation by Turkey and the U.S. The rapid rise of the Syrian Kurds and their military alliance with the U.S. have upset Turkey, which saw a stronger Syrian Kurdistan (also known as Rojava), as a threat that could strengthen the PKK further. This drove a wedge between Turkey and the U.S., both NATO members.

Tip of the spear

To overcome this contradiction, the U.S. founded a new coalition, the Syrian Democratic Forces (SDF), which was led by the YPG and included Arab and other ethnic militias. The U.S. argument was that it was not directly helping the YPG but was supporting the SDF in the fight against the IS. But in effect, the SDF remained the official defence force of the Syrian Kurdistan; it is this force that has been the tip of the spear that destroyed the IS Caliphate.

After Kobane, the IS experienced a series of defeats on the Turkish border region. It lost Tal Abyad, Manbij, and then further east in Raqqa, the de facto capital. There was also Der Ezzour, one of the towns captured earlier by the jihadists and where it had been well-entrenched. In all these battles, the SDF did the ground fighting, clearing block after block and

street after street of IS militants. It did the same in Baghouz, bringing the Caliphate to an end.

Despite the historical role the Kurds have played in destroying the Caliphate, they face risks of further aggression than recognition. Turkey is alarmed by the SDF's victories. It has already carried out two attacks inside Syria, first to capture an IS stronghold on the border (which in a way stopped the Kurds from capturing that territory) and then drive Kurdish rebels away from Afrin, a border town. Turkey wants to create a buffer between its border and the Syrian Kurdistan. It has also threatened to attack the Syrian Kurdish militias, calling them a "terrorist army". Iran, which backs both the Iraqi and the Syrian governments, is wary of the Kurds as it has its own Kurdish problem. Recently, Turkey and Iran have announced a joint military campaign against the PKK.

The Syrian government has repeatedly vowed that it will retake every inch of territory lost during the civil war, which includes the Syrian Kurdistan where the PYD, the Kurdish party, is now in charge. This means the Kurds are surrounded by enemies. The U.S. is their only ally. But President Donald Trump has already announced the withdrawal of U.S. troops from Syria. Now that the Caliphate is destroyed, the U.S. has no strategic reason to continue troops in Syria. But if it pulls out troops without securing a deal for the Kurds, a tragic fate could be awaiting the heroes who brought down the IS Caliphate.

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A blow against Article 370

Presidential orders and the circumstances in which they were made have eroded J&K's special status.



MUSTAFA HAJI & KEVIN JAMES

On March 1, 2019, the 77th and 103rd constitutional amendments were extended to Jammu and Kashmir (J&K) by a presidential order, with the concurrence of the J&K Governor. These relate to reservations in promotions for Scheduled Castes and Scheduled Tribes in the State services and special provisions for the advancement of economically weaker sections, respectively. However, on March 18, this was challenged before the J&K High Court.

Background and status quo

The constitutional relationship between J&K and the Indian Union has been the subject of numerous discussions in recent times. This has rekindled the long-standing debate on the continued relevance of Article 370. As in Article 370, the provisions of the Indian Constitution do not automatically apply to J&K. To extend constitutional provisions and amendments to the State, a presidential order to that effect has to be passed. This order requires the concurrence of the State government, where the

subject matter does not relate to the subjects specified in the Instrument of Accession (defence, external affairs, and communications). For other cases, only consultation is required.

Accordingly, a 1954 presidential order extended various provisions of the Indian Constitution to J&K. This order was made with the concurrence of the State government and also ratified by the State Constituent Assembly. After the J&K Constitution came into effect in 1957, the State Constituent Assembly was dissolved. Since then, more than 40 such orders have been made, through which most constitutional provisions have been extended to the State. The sheer number of such orders, as well as the circumstances under which they were made, have considerably eroded J&K's special status under Article 370.

A slow death

From the 1950s there has been a gradual dilution of the procedural norms followed by these presidential orders. In passing the 1954 order, procedural propriety was followed in the fullest possible sense as the requisite concurrence was obtained not only from an elected State government but also the State Constituent Assembly. The presidential orders made after the dissolution of the State Constituent Assembly – except a 1986 or-



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der extending Article 249, and the present 2019 order – can be seen as the first level of dilution. This is so because for all these orders, while the concurrence of an elected State government was obtained, the State Constituent Assembly did not exist and, therefore, could not give its ratification. Although the Supreme Court upheld this practice in the Sampat Prakash case (1968), it has been criticised as being beyond the scope of Article 370.

The 1986 order represents a second level of dilution. This is because it was made when J&K was under Governor's rule as per Section 92 of the J&K Constitution. In the absence of an elected council of ministers, the Governor could not have validly given the requisite concurrence to the presidential order. Even if the Governor acting without a popularly elected government can be considered as a "state government" for the purposes of concurrence, the Governor must at least have had some

nexus with the State and some independence from the Centre. However, this is not the case in practice, since the Governor is not only an unelected nominee of the Central Government but also holds office during the latter's pleasure. Not surprisingly, the 1986 order was challenged in the J&K High Court; it is still pending.

If the 1986 order was problematic, the third level of dilution brought about by the 2019 order is almost the final blow. In December 2018, the President assumed all the functions of the State government and the Governor through a proclamation under Article 356. In an order passed on the same day, the President directed that all powers assumed by him would be exercisable by the Governor as well, "subject to the superintendence, direction, and control of the President".

This is the main point of distinction between the 1986 and 2019 orders. During Governor's rule, as was the case in 1986, the Governor is at least on paper expected to act independently. However, in the present case involving President's rule, the Governor is reduced to a mere delegate of the Centre and is expected to act as per the aid and advice of the Central Government. A presidential order made through obtaining such a Governor's concurrence is tantamount to the Centre talking into a mirror and

makes a mockery of Article 370.

Against federalism

The manner in which the 2019 order was made also goes against the spirit of federalism, which is a salient constitutional principle. President's rule is an exception to the general constitutional scheme that envisages representative government at the State level to accommodate regional aspirations. Extending constitutional provisions to the State during this exceptional state of affairs is suspicious. If the Centre had legitimate intentions, it should have waited until the formation of an elected government in J&K. In the absence of popular will backing it, the 2019 order clearly falls foul of the principles of constitutional and political morality.

Commenting on the 1986 order, the Sarkaria Commission had observed that "every action which is legally permissible may not be necessarily prudent or proper from the political stand-point". Not only is the recent presidential order against federalism generally and the spirit of Article 370 in particular but it also violates the letter of the Constitution.

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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.

Mission announcement

For an hour or so last morning, we were kept in suspense and fright. And then came the announcement – of India having successfully test-fired an anti-satellite missile, thus joining an exclusive band of nations with such capability. Technology-driven space wars are a recipe for the annihilation of the human race. While painting the picture of a 'Shining India', the government should not forget 'Suffering India'. The country, that has become a space power, cannot skirt the question of whether there is enough food for all. One also wonders the credit for the milestone could have been shared live with those who conceptualised and started the mission.

G. DAVID MILTON,
Maruthancode, Tamil Nadu

■ One wonders whether the announcement on national media, of India's newly acquired capability to take down enemy satellites, is a violation of the electoral

code of conduct now in place. The capability that India has acquired is a great achievement by our defence and space scientists and is more a device to be used when we are at war. It could have been announced in the form of a departmental press release. Being the head of government, the least the Prime Minister can do is to follow the code of conduct and set an example for others to emulate him.

S. KAMAT,
Alto St. Cruz, Goa

Promises and promises

If wishes were horses and promises magic wands, poverty would have been eradicated a long time ago. It is election time and promises will come thick and fast. Congress president Rahul Gandhi's minimum income guarantee offer is on the same lines as that of the Prime Minister's. One fails to understand where and how the government or the Congress, which has now come up with this offer, will get this money from. The

state will use taxpayers' money to feed the poor. The politics of opportunism to gain access to the corridors of power is deep-rooted in our political landscape. Happily, in the last 70-plus years of electoral politics if there is one thing our people have learnt it is not to take politicians at face value – there is a wide chasm between what they say and what they do.

PADMINI RAGHAVENDRA,
Secunderabad

Ponzi cases

Though the Supreme Court has transferred the multi-crore ponzi scams to the CBI, it is unfortunate that not much headway has been made in bringing the accused to book (Page 1, "Very, very serious matters in CBI report on Saradha case: SC", March 27). Can't the CBI explore other options such as tracing the routing of funds in order to make out a solid case? Instead of sticking to conventional methods of a probe, some out-of-the-box thinking is required by the CBI to get at the truth if it

finds itself in a situation where it is facing a hostile State. Meanwhile, hapless depositors wait with bated breath for the case to reach its logical conclusion and get back their hard-earned money. The matter is even more complicated with the involvement of politicians.

V. SUBRAMANIAN,
Chennai

Ukraine's place

Unlike India or China, Ukraine is too small a country not to be either pro-Russian or pro-western, as suggested in the Editorial ("A fight for Kiev", March 20). I was a student at Moscow University in the early 1990s when that country voted in a referendum to secede from Soviet Russia. And one of the very first students there, from South Korea, told me then that the only way for Ukraine to succeed was follow his country's model and work six days a week. I grew up in Siberia and could see how the Kremlin was supporting its satellites as the

shops there were selling rice vodka from Vietnam, cigarettes from North Korea, and sugar from Cuba. It was the same with the U.K. when I visited England in 1990 – fruits from Israel and clothes from West Berlin. But I saw no Ukrainian goods while re-visiting London in 2013. That may mean that there has never been a real fight for Kiev by the West as it has a lot on its plate now, stopping it from supporting our former East European satellites and the Baltic states in the EU and NATO. Who will win there we will learn pretty soon, but more important is who will be the higher bidder in Ukraine: Washington or Moscow.

MERGEN MONGUSH,
Moscow

CORRECTIONS & CLARIFICATIONS:

The report, "Congress's Naik-Nimbalkar the latest to switch to BJP" (some editions, March 26, 2019), erroneously referred to Ms. Heena Gavit, an MP from Nandurbar, as the daughter of Mr. Rajendra Gavit. She is the daughter of Mr. Vijayakumar Gavit.

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