Toxic farming

India needs stronger regulation of insecticide sale and use to protect farmers

Reports of farmers dying from pesticide exposure in Maharashtra's cotton belt in Yavatmal make it evident that the government's efforts to regulate toxic chemicals used in agriculture have miserably failed. It is natural for cotton growers under pressure to protect their investments to rely on greater volumes of insecticides in the face of severe pest attacks. It appears many of them have suffered high levels of exposure to the poisons, leading to their death. The fact that they had to rely mainly on the advice of unscrupulous agents and commercial outlets for pesticides, rather than on agricultural extension officers, shows gross irresponsibility on the part of the government. But the problem runs deeper. The system of regulation of insecticides in India is obsolete, and even the feeble efforts at reform initiated by the UPA government have fallen by the wayside. A new Pesticides Management Bill introduced in 2008 was studied by the Parliamentary Standing Committee, but it is still pending. At the same time, there is worrying evidence that a large quantum of pesticides sold to farmers today is spurious, and such fakes are enjoying a higher growth rate than the genuine products. Clearly, there is a need for a high-level inquiry into the nature of pesticides used across the country, and the failure of the regulatory system. This should be similar to the 2003 Joint Parliamentary Committee that looked into harmful chemical residues in beverages and recommended the setting of tolerance limits.

It is incongruous that the Centre has failed to grasp the need for reform in the regulation of pesticides, when it is focussed on growth in both agricultural production and exports. Agricultural products from India, including fruits and vegetables, have been subjected to import restrictions internationally for failing to comply with safety norms. It is imperative that a Central Pesticides Board be formed to advise on use and disposal of pesticides on sound lines, as envisaged under the law proposed in 2008. This will strengthen oversight of registration, distribution and sale of toxic chemicals. There can be no delay in updating the outmoded Insecticides Act of 1968. A stronger law will eliminate the weaknesses in the current rules that govern enforcement and introduce penalties where there are none. Aligning the new pesticides regulatory framework with food safety laws and products used in health care will make it broad-based. After the recent deaths, Maharashtra officials have hinted at the loss of efficacy of some hybrids of genetically modified cotton in warding off pests to explain the growth and intensity of pesticide use. The responsible course would be to make a proper assessment of the causes. It is also an irony that the Centre has failed to use its vast communication infrastructure, including DD Kisan, the satellite television channel from Doordarshan dedicated to agriculture, to address distressed farmers. A forward-looking farm policy would minimise the use of toxic chemicals, and encourage organic methods where they are efficacious. This will benefit both farmer and consumer.

On dangerous footing

By undermining the Iran nuclear deal, Donald Trump endangers the non-proliferation goal

By refusing to certify the Iran nuclear deal, which curbed its nuclear programme in return for lifting global sanctions, U.S. President Donald Trump has put the two-year-old pact on dangerous footing. Under American law, the administration has to certify that Iran is technically in compliance with the deal that was struck between Iran and six other world powers, including the U.S., every 90 days. All other signatories, as well as the UN, insist that Iran is fully complying. But Mr. Trump, who had during his election campaign threatened to tear up the deal and as President continued to call it the "worst agreement in American diplomatic history", disavowed it days before the next certification was due. From its early days, his administration has taken a hawkish line towards Iran, imposing new sanctions on its missile programmes and joining hands with its regional rivals in West Asia. But even as he withdrew certification, he did not scrap the deal. Instead, he passed the buck to U.S. lawmakers. The Republican-controlled Congress now has 60 days to decide whether sanctions should be reimposed. It is unlikely to do anything radical in the near term as any sweeping legislation would require bipartisan support in the Senate. Nonetheless, the damage Mr. Trump's decision has done to the agreement and to American diplomacy in general is huge. He appears to be driven by political calculations rather than a realistic assessment of the agreement, which, by its own standards, is working.

With the withdrawal from the certification, Mr. Trump has put the final nail in the coffin of an Iran-U.S. reset that had appeared possible during the Obama days. Now the threat of sanctions will hang over the nuclear deal. This is a boon for hardliners in Iran, who have suffered a political setback in recent years. The deal became possible only because the reformists and moderates rallied behind President Hassan Rouhani's agenda, despite strong opposition from the Iranian deep state. Even Mr. Rouhani, who promised a solution to the nuclear crisis, got the deal done and won re-election this year, will now find it difficult to mobilise public opinion behind the agreement in the light of continued U.S. hostility. The larger question is, what kind of example is the U.S. setting for the global non-proliferation regime? The Iran deal, despite its shortcomings, was a shining example of the capacity of world powers to come together and sort out a complex issue diplomatically. It assumed greater significance given the recent wars and chaos in West Asia. It should have set a model in addressing other nuclear crises. Instead, by going after Iran even though it complies with the agreement, the U.S. is damaging its own reputation.

The right to read, and be read

Bans on books strike at the principles of justice that are meant to fortify our democracy

SUHRITH PARTHASARATHY

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Tributes continue to flow acclaiming the Supreme Court for its judgment delivered in *Justice K.S. Puttaswamy (Retd) v. Union of India*, where it recognised the existence of a fundamental right to privacy. The judgment has been hailed for its erudition, for its analytic rigour, and, more than anything else, for placing civil liberties at the heart of our constitutional discourse. But just weeks later, we're left grappling with the court's proclivity for illiberalism in *Poojaya Sri Jagadguru Maate Mahadevi v. Government of Karnataka*. On September 20, the court upheld a ban on a book without so much as considering the implications that such sanctions have on free speech. The order is the latest example in a litany of cases, going back to the court's inception, which calls into question the commonly held notion of our highest judiciary serving as a custodian of fundamental rights. In cases such as this one, the court doesn't see rights as trumps, but rather as abstract notions that lie at the state's whimsical behest.

Maate Mahadevi's book, *Basava Vachana Deepthi*, was banned in 1998, when the State of Karnataka invoked Section 95 of the Code of Criminal Procedure (CrPC). This law allows the state to forfeit and suspend publications that it deems to be in violation of certain provisions of the Indian Penal Code (IPC). In this case, the government found that the book's contents appeared to infringe Section 295A of the IPC, which criminalises speech that hurts religious sentiments.

Needless to say, both Section 95 of the CrPC and Section 295A of the IPC are remnants of India's colonial past, and ought to really have no place in a modern, liberal democracy.

Protecting the intolerant

Here, however, the law is only a part of the problem. The greater issue concerns its interpretation. In a just and tolerant society, one would imagine the courts would accord to rules of this kind the narrowest possible construal, allowing the greatest possible latitude to free expression. But, regrettably, the courts have distorted this vision. By refusing to interfere with the Karnataka High Court's verdict which had upheld the ban, the Supreme Court has effectively understood Section 295A as a shield that legitimately protects the intolerant against the merest hint of inconvenient speech.

In this case, Mahadevi's book was banned purportedly because she substituted the original words in Lord Basaveshwara's Vachanas. According to the government, she ought not to have changed the pen name of Basaveshwara from "Kudalasangamadeva" to "Lingadeva," as such a substitution would inevitably hurt the feelings and sentiments of the "Veerashaiva" community in the State. Her actions, the government claimed, militated against Section 295A, and, therefore, the ban on her book was entirely justified.

Now, the Karnataka High Court was certainly mindful of Section 295A's language. For an offence to be committed under the provision, not only must the speech or expression in question insult or attempt to insult the religion or the religious beliefs of a class of citizens, but it must also have been made with the deliberate and malicious intention of outraging such religious feelings. Inexplicably, however, both these conditions, the court found, were met by the book.

Mahadevi, the court said, had no right to "impose her philosophy on others". "She can certainly publish a book containing her own philosophy, but certainly she cannot speak her philosophy through some other person who is held in high esteem by a particular class of society," it wrote. "The petitioner knows full well that if she were to preach that philosophy, it may not be acceptable to all and obviously for that reason, she wants to advocate or propagate her philosophy through the mouth of Lord Basaveshwara by effecting certain changes in the Vachanas... which support her philosophy." This supposed knowledge that her philosophy would not have otherwise been acceptable, and, therefore, that the author transmitted her own views through Basaveshwara's name was, for the court, an indication of Mahadevi's deliberate and malicious intent to cause religious hurt.

Free speech and tolerance

It's certainly plausible that the contents of *Basava Vachana Deepthi* run counter to Basaveshwara's Vachanas. It's also possible that in substituting Basaveshwara's pen name Mahadevi had violated the original author's intentions. But should not a meaningful right to free speech come with an attendant obligation for tolerance? For the Karnataka High Court, clearly not. In its belief, speech is valuable and deserving of protection only when it bears no consequences. Religion, and religious conviction, in its view, are somehow exempt from the regular mandates of democracy. To the court, there exists a right not to be ridiculed or offended, a right that it placed on a decorated pedestal.

That Mahadevi's case is not an outlier, but that it typifies the malaise of censorship, that governments in India can ban books with such facile ease, ought to have represented good enough reason to merit the Supreme Court's intervention. If nothing else, this was an opportunity for the court to correct its own errors made in its 2007 judgment in *Sri Baragur Ramachandrappa v. State of Karnataka*.

There, the government had issued a notification banning *Dharmakaarana*, a Kannada novel written by P.V. Narayana on grounds, once again, that certain paragraphs which probed the character of Akkanagamma, the elder sister of Basaveshwara, could hurt the sentiments of the Veerashaiva community. Quite remarkably, the court found there that once the State government exercises its power to forfeit a book under Section 95 of the CrPC, the onus shifts to the author to disprove the government's claims.

What's more, as the lawyer Gautam Bhatia has pointed out, in *Offend, Shock, or Disturb: Free Speech under the Indian Constitution*, in addition to the substantive concerns over Section 295A, problems also abound over the procedure contained in Section 95 of the CrPC, which allows governments to ban books on mere surmises. Under this law, as interpreted currently by the Supreme Court, the state doesn't have to present any evidence to show that religious feelings have actually been hurt. It is sufficient if it "appears" to the government that such beliefs might be injured.

A ban on a book, howsoever pernicious its contents might be, should, under any circumstances, strike the court as a matter for serious consideration. Indeed, the court recognised this, in a short order delivered on October 13, when it dismissed a petition challenging the publication of Kancha Ilaiah's book, *Samajika Smugglurlu Komatollu*. "Curtailment of an individual writer/author's right to freedom of speech and expression should never be lightly viewed," it wrote. While this order is certainly welcome, any reasonable analysis of the court's judgments shows us that it invariably tends to sing a different tune when faced with active bans imposed by the state, thereby shading its jurisprudence with more than a trace of caprice.

Democracy's animating force

As Ronald Dworkin said, the preservation of individual autonomy is an essential requirement of a legitimate government. Upholding bans on books strikes at this legitimacy, at the principles of justice that are meant to fortify the republic. The court must always recognise, as it has done in Ilaiah's case, that the right to freedom of speech is really the animating force of democracy, that it's a liberty central to achieving an equal society.

To hold otherwise, by upholding bans on books on plain conjecture, violates this vision. It allows the apparent intolerance of certain groups to trump an author's right to free expression.

Suhrith Parthasarathy is an advocate practising at the Madras High Court

The case for a public health cadre

A service, on the lines of the IAS, will improve India's health-care delivery

DHARMESH KUMAR LAL

The idea of having dedicated personnel for public health management goes back to 1959 when advocated by the Mudaliar Committee, which observed that "personnel dealing with problems of health and welfare should have a comprehensive and wide outlook and rich experience of administration at the state level".

It was echoed too, in 1973, by the Kartar Singh Committee, which said that "doctors with no formal training in infectious disease control, surveillance systems, data management, community health related problems, and lacking in leadership and communication skills, with no exposure to rural environments and their social dynamics, nor having been trained to manage a facility or draw up budget estimates, were ill-equipped and misfits to work in public facilities".

It was also felt that "the medical education that [a doctor] receives has hardly any relevance to the conditions in which he would be required to work, either in the state-run health programme or even in private practice... since medical education is based almost entirely on the western model, and where he is more suitable for the conditions that prevail in western countries than in his own."

The 12th Five Year Plan and the National Health Policy, 2017 have also strongly advocated establishing a public health management cadre to improve the quality of health services by having dedicated, trained and exclusive personnel to run public health facilities.

Ground zero

Tamil Nadu took the lead in this and there has been a discernible difference in the way health delivery is done there *vis-à-vis* Uttar Pradesh. For example, in U.P., even in a tertiary hospital, according to media reports, simple record keeping of oxygen cylinders is not followed.

Recently, Odisha, with the support of the Public Health Foundation of India, has notified the establishment of a public health cadre in the hope of ensuring vast improvement in the delivery of health care. Despite the creation of a public health cadre finding mention in various reports and Plan documents, such a service at the all-India level has still to translate itself into reality any time soon due to a series of complex factors.

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Why have such a cadre? The idea is on the lines of the civil service – of having dedicated, professionally trained personnel to address the specific and complex needs of the Indian health-care delivery system which is grappling with issues such as a lack of standardisation, financial management, appropriate health functionaries and competencies including technical expertise, logistics management, and social determinants of health and leadership. Doctors with clinical qualifications and even with vast experience are unable to address all these challenges, thereby hampering the quality of our public health-care system. Now, doctors recruited by the States and the Ministry of Health and Family Welfare (through the Union Public Service Commission) are to implement multiple, complex and large public health programmes besides applying fundamental management techniques. In most places, this is neither structured nor of any quality. In the absence of a public health cadre in most States, even an anaesthetist or an ophthalmologist with hardly any public health knowledge and its principles is required to implement reproductive and child health or a malaria control programme. Further, at the Ministry level, the highest post may be held by a person with no formal training in the principles of public health to guide and advise the country on public health issues.

With a public health cadre in place, we will have personnel who can apply the principles of public health management to avoid mistakes such as one that led to the tragedy in Uttar Pradesh as well as deliver quality services. This will definitely improve the efficiency and effectiveness of the Indian health system. With quality and a scientific implementation of public health programmes, the poor will also stand to benefit as this will reduce their out-of-pocket expenditure and dependence on prohibitively expensive private health care. In the process, we will also be saving the precious resources of specialists from other branches by deploying them in areas where they are definitely needed.

The way forward

Such an exclusive department of public health at both the levels of the Ministry and the States will help in developing the recruitment, training, implementation and monitoring of public health management cadre. Doctors recruited under this cadre may be trained in public health management on the lines of the civil service with compulsory posting for two-three years at public health facilities. Filling the post of director general in the Health Ministry from this cadre with similar arrangements at the State level including the posts of mission directors will go a long way in improving planning and providing much-needed public health leadership. Financial support for establishing the cadre is also to be provisioned by the Central government under the Health Ministry's budget.

Lastly, another benefit will be the freeing up of bureaucrats and their utilisation in other much needed places.

Dharmesh Kumar Lal is a Senior Public Health Specialist at the Public Health Foundation of India, New Delhi. The views expressed are personal

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.

Rampant adulteration

The report on the adulteration in traditional medicines comes as no surprise as manufacturers are trying to cash in on the spurt of awareness about herbal medicines ('Sunday Special' – "DNA barcodes reveal adulteration in traditional medicines", October 15). The huge variety of plants and herbs whose 'components' traditional medicine makers claim to have added in their medicines are rare and not regularly available for round-the-year mass production. One wonders whether these medicines undergo stringent research and development testing. It is better to avoid self-medication by heeding hearsay and false advertising of those who manufacture these adulterated traditional medicines.

A. BALAKRISHNAN,
Chennai

Job creation

While there is a need for adequate job creation across India, the fact is that graduates, especially from our technical institutions, do not match industry requirements ("Six steps to job creation", October 14). Every year, the State and Central governments must come out with a paper on available manpower and the means to utilise this. There must be a plan on how to prepare graduates for employment.
Educational institutions should aim to integrate the need for manpower at different levels required across various job sectors. There should also be effective coordination between educational institutions and prospective employers.
The agriculture and rural sectors have to be brought into the picture. Education should also include skill development. The admission process, and later job hunting, should be pleasurable and not humiliating as it is at present for most Indians.

G.T. SAMPATHKUMARACHAR,
Mysuru

Aadhaar-phone link

There are a number of media reports about how biometrics are useful in certain situations, but I would like to focus on the directive about linking one's Aadhaar details with one's mobile phone number. Most of us are being bombarded with SMS-es that say: "As per Govt. of India directive, it is mandatory to link Aadhaar to your mobile number".
The finger prints of the elderly may not register due to the texture of the skin as one ages. In such cases, there has to be an alternate mechanism. Even in the U.S. visa process, those who are under 14 years or over 80 are mostly exempt from such requirements.

SARADA MOVVA,
Secunderabad

■ Those of us who are subscribers of private service providers are being subject to frequent SMS alerts and tele-calls in connection with linking one's Aadhaar details with one's mobile number. Many of these messages hold out the threat of disconnection if "not immediately completed". These are nothing but pressure tactics and the providers must remember that the directive from the Department of Telecom (which cites a Supreme Court order on security) to re-verify all existing connections with Aadhaar has a deadline of February 2018.
Why issue such empty threats? Those of us who rush to the "nearest centre" also find the linking process to be problematic. There are instances where the biometric machines at the service centres do not work and customers are asked to "return later". The elderly also face the problem of fading fingerprints. To be asked repeatedly to go through the process is a clear lack of application of mind. This is also a problem for those who live in towns and villages where access to a service centre is difficult. It is unacceptable that telecom firms are justifying such pressure tactics "in order to avert a rush before the February deadline" and that they are spending huge amounts of money to carry out this exercise.

DAISY ALEXANDER,
Palayamkottai, Tamil Nadu

The fishing plan

The plan to go in for deep sea fishing needs a reality check ("Is "deep sea fishing" the silver bullet?", October 11). Who will supply the 2,000 trawlers to replace existing fishing vessels? Why is there no such proposal to replace old fishing vessels operating off the other coastal areas? The private fishing industry is doing well by adopting fishing methods such as long lining and bottom trawling and so on. Even if all our shipyards work overtime, it will be next to impossible to supply 2,000 trawlers within three years. Earlier, there was a scheme to construct and supply fishing vessels from the Goa shipyard. The Central Institute of Fisheries Nautical and Engineering Training too was building wooden fishing boats and ferro-cement boats. There were no takers for these fishing boats. Finally, has any organisation done a scientific study of the potential of fishing off the coast?

P.K. BALACHANDRAN NAIR,
Elakollur, Konni, Kerala

Harvesting the rains

A standalone picture, "Battered by rain", about the state of the Durgam Cheruvu lake in Hyderabad", and a report, "Bengaluru records its wettest year" (both October 15) are reasons enough to explain why we are incapable of conserving and saving precious rainwater. One can hardly think of a State government that has given serious thought to rain water harvesting. Forget the government. None of those involved in real estate give thought to the need for RWH provisions. When India has sufficient rains, it is tragic that we let it run waste.

GANESH S.,
Hyderabad

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