



Good and simple tax

A course correction is essential to fix the glitches in the GST regime

India's goods and services tax regime is nearing the end of its first full quarter since roll-out this July. Revenue collections from the first month appear robust, with just 70% of eligible taxpayers bringing in ₹95,000 crore. At this rate, the total tally could well surge close to ₹1.2 lakh crore. This would be significantly higher than the ₹91,000 crore indirect tax target for the Centre and the States on an overall basis. This initial trend will need to be corroborated by inflows for subsequent months, but with many more taxpayers registering in August, the GST appears to have begun well as far as the exchequer is concerned. If revenues remain healthy, the government would, over time, get the necessary fiscal room to rationalise multiple GST rates into fewer slabs and possibly lower levies as a stimulus. However, for businesses the going has been far from smooth, with firms of all sizes across sectors struggling to file their first set of returns under the GST due to significant glitches in the GST Network, its information technology backbone, and issues of connectivity. The government has extended the deadline for GST returns for the first month twice, with GSTR-3 now required to be submitted as late as November 10. A group of Central and State ministers has been tasked with resolving the GSTN's challenges. To inspire confidence, this group must act not only expeditiously but also transparently – especially with regard to the GSTN's operational capacity.

However, as it stands now the delay in filing returns for the first, and therefore subsequent, months means that taxpayers expecting a refund from the authorities on taxes already paid (for example, by exporters) will end up waiting for almost four months (for the period of July alone). This is bound to crimp their working capital availability and create an unjust burden on their finances, impacting their ability to scale up production ahead of the high-turnover festive season. The problem is most acute for exporters, for whom the Council has now formed a special committee under the Revenue Secretary. Provided there are no further setbacks on these timelines, these procedural problems need to be resolved as soon as possible for industry to be comfortable with this switch-over. Amid all this, the GST Council has already changed the announced tax rates on over 100 products and services within about 75 days of the roll-out. An ever-changing policy landscape is hardly conducive for attracting investment. The fact that industrial output grew just 1.2% in July may not be a coincidence. Clearly, a lot of things were not thought through or tested (such as the GSTN) when the government opted for a July 1 launch for GST instead of the September 16 date that the constitutional changes made last year allowed. Admitting to the errors of judgment so far is essential for a genuine course correction.

Fourth time lucky?

Angela Merkel's re-election as German Chancellor seems all but certain

Electors to the German Bundestag on September 24 come down to a simple question: will Angela Merkel, Europe's most influential politician, win her bid for a fourth term as Chancellor? The question appears to be a no-brainer. Except for leads in opinion polls early in his campaign, her challenger from the Social Democratic Party (SPD), Martin Schulz, has never looked a serious contender. Conversely, Ms. Merkel, of the Christian Democratic Union, has recovered much of the political ground she lost in the wake of her policy to open the doors to over a million, mostly Syrian, migrants in 2015. When the SPD announced his candidature in January, there was an element of novelty about Mr. Schulz, who had been out of German politics for long. His relatively clean record from the coalition compromises between the SPD and the CDU also may have worked in his favour. But whatever advantages may have accrued to this former president of the European Parliament were lost when the SDP was defeated in May in regional elections in North-Rhine Westphalia, its traditional stronghold. Moreover, there are few areas of major political divergence between the rival candidates. Not only do both leaders share a common vision for a closer Europe, they even advocate a multi-speed process of eurozone integration. Blurring whatever political divisions that remain, in her 12 years as Chancellor Ms. Merkel assiduously incorporated in her political plank several of the SPD's welfare policies. Her leadership of Europe and the broader Western alliance has become a critical factor after Britain's vote to leave the European Union and Donald Trump's pursuit of an isolationist course. Given this scenario, Germany's ever-cautious electorate is more likely to stay with experience rather than go in for an experiment. Thus, another grand coalition between Germany's two largest parties is not an unlikely prospect, should the CDU and its Bavarian partner, the Christian Social Union, fail to secure a majority. In the event an alliance between them does not materialise, the Greens and the much-weakened Free Democratic Party would be in the reckoning.

There has been considerable anxiety about the euro-sceptic, far-right Alternative for Germany party (AfD) making significant inroads, which would put the country's anodyne post-War centrist politics on notice. The AfD's rise bears close similarities to the increase in the popular vote of anti-immigrant xenophobic parties in other European countries. Although Ms. Merkel and the CDU have notched up consistently impressive leads in recent months, opinion polls point to a sizeable proportion of undecided voters. The coming week will see the contest move to a decisive phase, although it may be hard to speculate on who would gain from a strong turnout. Nonetheless, there appears to be little danger of erosion of the political centre in Germany yet, and the verdict could finally see off the populist upsurge that has threatened Europe this year.

At home and in the world

Deporting refugees would run counter to India's obligations under domestic and international law



SUHRITH PARTHASARATHY

Over the past month, from Cox's Bazar, in the south-east of Bangladesh, smoke can be seen billowing into the grey sky across the country's border. Villages, home to the Rohingya community, in the fractious state of Rakhine in western Myanmar, are being mercilessly, horrifically burnt down. Nurul Islam, a 30-year-old farmer, who had fled to Bangladesh by boat, told *The Economist* that he left his home in Myanmar after the military blasted bullets on villagers and set their houses on fire. They separated the women and men, the magazine reported, and raped Islam's 13-year-old sister Khadija, proceeding to then mutilate her body.

Despite living for centuries in Myanmar, the Rohingya, who are mostly Muslim, have been denied citizenship and have been rendered stateless. In February, a United Nations report had documented numerous instances of gang rape and killings, including of babies and young children, by Myanmar's security forces. Now, the army's viciousness, already unimaginably ghastly, has escalated even further.

Unfolding catastrophe

By any account, the Rohingya are at the centre of a humanitarian catastrophe of terrifying proportions. On Monday, the U.N. human rights chief, Zeid Ra'ad al-Husseini, called on Myanmar to put an end to this "brutal security operation". He termed the state's actions against the Rohingya as "a textbook example of ethnic cleansing". Some would go further. In October, 2015, a Yale Law School study warned that efforts were being made not merely to forcibly dis-



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place the Rohingya but towards committing the crime of genocide through the complete annihilation of the ethnic group.

Repercussions of the violence in Myanmar are now being felt around the globe, particularly in nearby countries; in India, where scores of Rohingya are lodged – reportedly totalling 40,000 – it must come to us as a matter of shame that the state is so much as considering returning the refugees back to the jaws of not merely political persecution but of mind-boggling terror and savagery. Going by the statements made by the Union Minister of State for Home Affairs, Kiren Rijiju, quite regrettably, it appears India might find itself committing a grave error of substantial moral purport. Although he's since backtracked from some of his assertions, Mr. Rijiju's message, delivered over the course of the last week, remains deeply troubling. "They are doing it, we can't stop them from registering, but we are not signatory to the accord on refugees," he said, in one interview, when asked about the registration of Rohingya as refugees by the UN High Commissioner for Refugees. "As far as we are concerned they are all illegal immigrants. They have no basis to live here. Anybody who is [il]legal migrant will be deported."

These threats are not only chilling on a humanitarian level, if translated into action, they would also constitute a contravention of India's obligations under both domestic and international law.

The case in court

Indeed, it is precisely such an argument that a pair of Rohingya refugees, Mohammad Salimullah and Mohammad Shaqir, have made in a petition filed in the Supreme Court. Their submissions rest on two broad planks: one, that any deportation would violate their fundamental rights to equality and to life, under Articles 14 and 21 of the Constitution, and, two, that any action by India in returning them to Myanmar would infringe international law, particularly the principle of non-refoulement.

When the case comes up for hearing next, on September 18, in response, the government may expand on Mr. Rijiju's statements. It could point out, first, that India is not bound to follow the principle of non-refoulement, since it is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees, and, second, that, in any event, any deportation would be saved by the exceptions to the principle, in that the Rohingya are guilty of committing crimes

against peace and are a threat to India's national security. On any close examination, however, these arguments ought to fail.

The principle of non-refoulement is articulated in Article 33 of the 1951 Convention. It mandates that no state shall expel or return a refugee to "the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion". However, it allows for an exception in cases where there are "reasonable grounds" for regarding a refugee as a "danger to the security of the country." What's more, the Convention also excludes generally from refugee status individuals guilty of, among other things, committing war crimes or crimes against peace and humanity.

Now, India is not a party to the 1951 Convention. But we need to heed the existence of sources of law that stretch beyond treaty obligations. These include norms of customary international law, where binding rules have been crystallised as a result of the practice of states. The principle of non-refoulement is widely regarded as one such rule. In fact, some scholars argue that the principle is so well enshrined that it constitutes a peremptory norm from which no derogation whatsoever is permitted. But even if one were to discount such arguments, there is no denying that non-refoulement is now nearly universally accepted as constituting a fundamental rule of international law.

At least two high courts in India have expressly held that the country is bound to follow the principle. In their judgments respectively in *Ktaer Abbas Habib Al Qutaifi v. Union of India* (1998) and *Dongh Lian Khan v. Union of India* (2015) the Gujarat and Delhi High Courts have virtually incorporated non-refoulement into the guarantees of Article 21 of the Constitution. "[The principle's] application," wrote the Gujarat High Court,

"protects life and liberty of a human being irrespective of his nationality. It is encompassed in Article 21 of the Constitution, so long as the presence of a refugee is not prejudicial to the law and order and security of India."

A foundational principle

Now, the Supreme Court in different cases has incorporated other principles of customary international law into municipal law, where there's no local statute embodying rules to the contrary. There's no reason why non-refoulement should be treated any differently. The Supreme Court can have little option but to recognise, as the Gujarat and the Delhi High Courts have done, that non-refoulement is a foundational principle that creates obligations under both domestic and international law alike.

On arguments concerning national security, it might well be true that the state must be accorded an element of latitude in shaping its policies. But, in the absence of any material, the government cannot plausibly be arguing that each of the 40,000 Rohingya constitutes a threat to India's safety, or that each of them is guilty of committing crimes against peace.

Ultimately, the petitions filed by the Rohingya refugees are an important test of both the Supreme Court and the Indian state's moral calibre. In an interview on Wednesday, Mr. Rijiju urged an end to the "chorus" branding India as a "villain," for its apparent stand seeking to return the Rohingyas, a "calibrated design," in his view, to "tarnish India's image."

However, the present crisis goes beyond matters of mere perception. It goes to the root of what it means to be a civilised state, of treating every person, irrespective of constructs of citizenship, with equal care, compassion and respect.

Suhrith Parthasarathy is an advocate practising at the Madras High Court

Creating corridors of certainty

The effort to link tiger reserves needs many more stakeholders and political will



NEHA SINHA

Ranthambore in Rajasthan is arguably India's most well-known tiger reserve, aglow with bold tigers posing for the camera. It has a fierce conservation ethic, a success story with few parallels. It is estimated that there are over 60 tigers in this relatively small tiger reserve. But what about the future? A genetic study suggests that Ranthambore's tigers suffer from low genetic diversity and isolation.

While the reserve itself is doing well in terms of tiger numbers, it is cut off from other forests. This is a microcosm for many other tiger reserves in India. Several are admirably run with healthy tiger numbers, but simultaneously they are also witness to fast-paced disturbance in the landscape around them. While numbers of tigers are stable inside reserves, connectivity between them is getting cut off.

Based on a study of samples from tiger post-mortems and collection from live tigers, a new study, which had inputs from

laboratories at the Wildlife Institute of India, the Centre for Cellular and Molecular Biology, Kerala Veterinary and Animal Sciences University, and Aaranyak has found that India has three distinct and genetically connected tiger populations. These are in: south India; central India, the Terai and north-east India; and in Ranthambore. The Ranthambore population has the least genetic diversity and may suffer from isolation. There are two issues here: populations require genetic flow to remain robust; securing healthy tiger numbers are not enough for tiger health. Second, we are in an age of active management. When tigers go extinct in an area, they are flown in or carried in from other areas – as was done in the case of Panna (Madhya Pradesh) and Sariska (Rajasthan). It appears, prima facie, that the problem is solved. But are these management devices a suitable proxy for genetic flow through actual habitat corridors?

Wild, but stranded

India has more than 60% of the global wild tiger population. Thus, the question is not just of today but also of tomorrow.

Several studies suggest that tigers do well in remote and dense forest. But tigers also need new forest to colonise, dispersing from



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their natal areas as they reach adulthood. Natural history has viewed the tiger to be the epitome of the 'wild' animal – doing well in areas with less human disturbance, taking down large prey, keeping a distance from people, and being fiercely territorial of space. Modern surveillance proves this theory demonstrating that tigers will traverse long, difficult distances to establish territories. As examples, we have had tigers moving from Ranthambore to Bharatpur (Rajasthan), from Pilibhit to Lucknow (both Uttar Pradesh), and from Pench (Madhya Pradesh) to Umred (Maharashtra).

Genetically isolated or stranded populations can suffer from genetic depression, and subsequently, mutations and ailments. This has already happened to species which have had stran-

ded populations such as the Florida panther and possibly the Great Indian Bustard. While the tiger is undoubtedly the epitome of wildness, its wildness is not restricted to being a fierce obligate carnivore which hunts to survive, dying when weakened. Wildness and wildlife conservation also include preserving ecological processes which hold their own evolutionary potential. A robust forest or habitat corridor between tiger reserves is an important means of maintaining these ecological processes and may hold the key to the survival and adaptation of the species.

Yet today there is a hard disregard for conservation outside protected areas. Even the cores of reserves are on the chopping block. Is this because there is contentment that tiger numbers are stable overall? In Madhya Pradesh, the Ken-Betwa river interlinking project will submerge a large part of the Panna tiger reserve and landscape. A new proposed irrigation project will submerge more than three lakh trees in the Palamu tiger reserve (Jharkhand). New highway proposals which will make wider cuts through Sariska, Kaziranga (Assam) and between the Kanha and Pench reserves are being considered or implemented. Clearly, a wildlife corridor or habitat is a bad word in the lexicon of

planning and development.

Not just numbers

The tiger story is built around a narrative of numbers. Undoubtedly, numbers are important. They indicate a continuous protection effort and that the habitat is doing well. But numbers are the beginning of the tiger story, and not the end.

The fact that the forest department carries out conservation but does not own land outside of the forest is an important factor. Thus an effort to link reserves would need many more stakeholders and political will. This is not easily done, but needs to be attempted as a conservation priority. Rajasthan recently created the Mukundra tiger reserve for Ranthambore's "spillover" tigers. Apart from moving tigers with human intervention, the corridor between the two reserves should be strengthened too. Other States need to start restoring corridors or stepping stones between forests.

With mounting human pressure, to ask for more acres of protected forests may be utopian. But conserving workable corridors is doable – and as science shows us, also necessary.

Neha Sinha is a wildlife conservationist

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.

A hapless people

The series of opinion articles, reports and candid accompanying pictures on the plight of the Rohingya have given many of us an insight into the situation these hapless people find themselves in after having been abandoned by their state and forced to flee across hazardous terrain. One is in agreement with the UN human rights chief that this is a clear example of ethnic cleansing. Whatever may be the political constraints, one hopes that India extends a humane and compassionate approach to these victims of violence as it did in the yesteryear when Bangladeshi and Sri Lankan refugees sought asylum in our country. May the spirit of Buddhism triumph over divisive and violent forces in Myanmar.

LEELA KALLARACKAL,
Chennai

■ Squaring blaming the Prime Minister and the BJP government will not solve

the problem of the Rohingya refugees. It is a very delicate issue which we have to handle very carefully, going by past experience.

Overcrowded slums, increasing crime, undue pressure on infrastructure are the result of inept handling of these issues. Condemning any kind of human rights violation is appreciable but not when it is in a partisan manner or intentionally blaming the present government.

K. SASIDHARAN,
Shivpuri, Panna

Fuel prices

The editorial views on keeping petrol/diesel prices low for the consumer are debatable (Editorial – "Slow creep", September 13). Low fuel prices discourage people from using public transport such as buses and trains. At least as far as Bengaluru is concerned, for less than the cost of a bus ticket, people use their two-wheelers. Unless the cost-benefit ratio is heavily

in favour of public transport, it is difficult to wean them away from using their own transport. This is borne out by the fact that the surge in metro passengers after both lines were commissioned is simply a transfer of traffic which was carried by the BMTC to the metro. The BMTC has seen a drastic reduction in its collection. That means that there are not too many people who have switched to the metro abandoning their personal transport. We have not seen any reduction in traffic jams either due to the metro. I would say that there is a case for a massive increase in fuel prices and for the use of this extra revenue to reduce bus fares to nil if possible. Of course it will be political dynamite!

N.K. RAGHAVENDRAN,
Bengaluru

Rahul's comments

It is not known who advises Rahul Gandhi as he is always found to be negative and

commenting adversely about the government and the Prime Minister. As a matter of fact, this boomerangs on him and his party as seen in election results. The Congress vice-president has also affected his image by commenting on the Prime Minister while on foreign soil. No sensible leader, however critical he may be of his political foe, especially when he is the Prime Minister, will think of bringing down the latter's image – which is the equivalent of degrading his own nation. It is unfortunate that the media is giving undue importance to Mr. Gandhi and seems only interested in sensationalism.

V.S. GANESHAN,
Bengaluru

■ It is easy to misread Rahul Gandhi's speech at Berkeley for only his ripostes against the BJP and Prime Minister Narendra Modi. A closer reading will show several takeaways that reflect the hard reality of Indian

politics. First of all, dynastic politics is here to stay and any party which is so squeamish about it needs only to look inside its own fold. Second, in spite of the cadre base that each party boasts of, their leaders are impervious to feedback from the people, and more so when the party is in power.

The saving grace is that parties learn to make all the right noises when they are out of power. Third, every political party in India which aspires to rule the world's largest democracy has no inner-party democracy to show. Partymen are bound together by blind loyalty or by something similar to 'omerta' (the unwritten enforced silence in the mafia) and thus truth and honesty are snuffed out. Political transparency becomes a casualty and service to people is reduced merely to a game of thrones.

V. NAGARAJAN,
Chennai

State of agriculture

I am glad that at last someone in our political circles has written about the real issues Indian agriculture faces ("We need to talk about rural distress", September 14).

As an agrarian country with huge tracts of arable land, India should strive to modernise and incentivise the agriculture sector. Instead, and tragically, we seem to be doing the opposite. Loan waivers are used as election sops and not as a measure to provide genuine relief to farmers. A loan waiver should be an exception and not the rule. It is frightening to see the number of farmers abandoning agriculture. This, along with shrinking arable land due to urbanisation and dwindling water resources will result in a serious food shortage.

RAVI ARAVELLI,
Cheepurupalli, Andhra Pradesh

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