

# We are not mere subjects of the state

In a democracy, citizens have the freedom to criticise laws that violate their idea of dignity



APOORVANAND

"It has become a fashion of the day to make a hue and cry about personal liberty," the Maharashtra government lamented before the Supreme Court in early December. The government said this in response to activist Gautam Navlakha's plea that his arrest by the State police in the Bhima Koregaon case was without sufficient evidence. The unease of the Maharashtra government with the idea of personal liberty should have caused alarm. Political parties should have critiqued it. After all, does not our system of parliamentary democracy depend on the idea of freedom of individuals to make their own choices independently, without restrictions from any authority? But nothing of that sort happened. There was hardly a murmur in the media. It almost seems as if we agree with the Maharashtra government that individual liberty is a luxury and is at the mercy of state authorities.

**Problem with individual liberty**  
The Maharashtra government is neither the first nor alone in expressing its disquiet with the idea of individual liberty in recent times. Let us recall the argument of the Indian state in the Aadhaar case. Attorney General Mukul Rohatgi had said in 2017 that individuals cannot have an absolute right over their bodies and that such an idea was a "myth". He also said that even if you would like to be forgotten, the state will not be willing to forget you. This is clearly a Kafkaesque expression. Not being allowed to get away from the gaze of the state is a surreal feeling, but this is where we seem to be heading. Being remembered is very often confused with being loved.

Even before the arrest of the activists and the Aadhaar case, at a joint conference of Chief Justices of High Courts in 2015, Prime Minister Narendra Modi had warned judges not to let their orders be influenced by perceptions that are often driven by "five star activists". Why did he choose to make the idea of an activist



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elist?

For the state, every individual has the potential to turn into an anti-state actor. That is the premise of extraordinary laws like the Unlawful Activities (Prevention) Act, which criminalises even the intent to indulge in what the state perceives as unlawful. This is an excuse to rob a person of his or her individual liberty.

Let us be honest in our arguments as well. There is no denying the fact that some of those arrested, not to forget Delhi University professor G.N. Saibaba who is at present languishing in Nagpur Central Jail, do support Maoist ideas. But that cannot become an excuse to deprive them of their individual liberty. So long as they are not involved in any violent act, they cannot be stripped of their right to entertain and express their ideas. For many, the very idea of a Hindu Rashtra is as dangerous and anti-constitutional as the idea of an Islamic democracy or a Sikh nation, but you don't jail them for espousing these ideas. India's first Prime Minister Jawaharlal Nehru rejected the suggestion by R.K. Karanjia that organisations like the Rashtriya Swayamsevak Sangh should be banned for opposing the constitutional idea of India as a secular state.

Nehru said ideas need to be fought with ideas and not with the coercive power of the state.

Why? Because the state is also an idea or ideology backed by not only arms but also powered by the law. All states claim to have the best notion of goodness and welfare for their subjects. They try to implement laws that are seemingly non-violent and that are framed through consensus. But we know that such consensus is always temporary and can be subject to change.

## Democracy and subjectivity

Do I have the freedom to criticise or challenge the idea of welfare and goodness propounded through these laws? If not, I am a mere subject of the state; I have not attained my subjectivity. The journey towards democracy is closely tied with the discovery and realisation of this subjectivity. For Karl Marx, capitalism is bad because it does not allow subjectivity to flourish, or because it deifies hierarchy in subjectivities. For him an ideal state would be one in which human beings self-govern or self-rule.

The objective is to realise the essence of human nature. In this struggle is born the idea of individuality. It

is a complex and relatively new notion for us humans who seem to be programmed to think that the standards of human nature are issued from some authority and we are simply its creatures. It is therefore not surprising that the transfer of loyalty from religion to nation is almost seamless. Or, that the nation itself replaces god. The state becomes the sole bearer of the idea of the nation and takes it upon itself to protect it from violators. To criticise the state thus becomes a blasphemous act.

The state seeks to present itself as a living being. But Mahatma Gandhi rightly said that it is not superior to the individual since the state is a soulless machine whereas the individual has a soul. B.R. Ambedkar also unequivocally placed the individual not only above the state but also above society: "The aim and object of society is the growth of the individual and the development of his personality. Society is not above the individual." Quoting Jacques Maritain, he said: "Man is an individual who holds himself in hand by his intelligence and his will; he exists not merely in a physical fashion. He has spiritual super-existence through knowledge and love, so that he is, in a way, a universe in himself, a microcosm, in which the great universe in its entirety can be encompassed through knowledge." He added: "Man's life is independent. He is born not for the development of the society alone, but for the development of his self." Of course, what one derives from this principle is that a noble society can only be a community of free individualities.

The tension between the state or any authority and individuality will remain. A democratic state is not a citizenry which only has the freedom to elect lawmakers. It is more than that. It is one where citizens have the freedom to criticise and disobey laws that they find violating their idea of dignity and goodness.

In a democracy, I attain my individuality by first recognising this right and then by expressing it. I don't hand over my judgment to authorities. If the state seeks to restrict me, it becomes my holy duty to resist the state. Only by doing so can I proclaim my individuality.

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# A river running dry

The Ganga basin is becoming increasingly fragile with more and more hydropower projects coming up



MEETA KHLNANI

From aiming for *Aviral Dhara* (uninterrupted flow) of the Ganga to *Nirmal Dhara* (unpolluted flow), the government is now simply focussing on a Swachh Ganga (Clean Ganga). While the whole focus of the Clean Ganga project has been on setting up sewage treatment plants and cleaning ghats and banks, the main issue, which is that the river does not have adequate flow of water, has been ignored. With severe pollution destroying the river, and developmental projects critically affecting its flow, the Ganga is in a dire strait.

## A fragile region

Today, several hydropower projects are mushrooming at the source of the river, which is the Garhwal range of the Himalayas. Unlike other ranges, the Garhwal is narrow. It is from here that many rivers and tributaries of the Ganga basin emerge. These spring-or glacier-fed rivers join one another at different points to form an intricate riverine ecosystem in the Himalayas. The entire basin falls in the seismic zone 4-5, and is highly prone to landslides and land subsidence.

The understanding that hydropower projects mean development needs to change. To construct a hydropower project, large sections of land are cleared of forests. But what happens when such deforestation takes place in an already fragile mountain area? Many studies have been conducted near the existing dams along the course of the Ganga. The immediate impacts of these projects have been loss of agriculture, drying of water sources, and landslides. As construction in such projects progresses, there is also dumping of muck, which can pose severe threats. Muck dumping during construction of the Alaknanda hydropower project caused devastation downstream in Srinagar in the 2013 flash floods. Such muck is dumped either into the river or in forest areas. After all the massive deforestation, muck dumping, blasting and tunnelling, the hydropower projects thus constructed eventually dry up the river bed as the water is diverted into tunnels. This causes severe distress to aquatic life, and the river bed is no longer even wet in certain stretches. As the Ganga is diverted into long tunnels, de-silted, and directed to powerhouses to churn turbines and generate

power, the barren landscape, dried water sources and the obscene muck slopes narrate a story of destruction. This is a far cry from the promise of development.

The irony is that even after all this devastation, electricity is not generated as per the intended capacity. For example, the installed capacity of the Maneri dam is 90 MW but it only works at below 40% of its capacity. This is because there is too much silt during the monsoon and reduced flow of water in winters. As glaciers continue to retreat, the silt in the rivers is only going to increase. As the reason for diminished output is natural and not technical, and therefore cannot be remedied, this is only going to cause more problems for future projects. For example, the flow of debris was stopped by barrages in the Alaknanda hydropower project. This escalated the impact of the 2013 disaster, according to the expert committee of the Supreme Court.

In the case of the Ganga, these projects also prevent sediments from going downstream. This affects the fertility of the delta downstream and also destroys the unique self-purifying properties of the Ganga.

## Reports of committees

Twenty government committees and reports warn about the anthropogenic activities in these fragile areas and recommend conservation of these areas for food and water security. When the late G.D. Agarwal, crusader of the Ganga, failed to invoke the government to act against these projects, the government proposed an e-flow notification for the Upper Ganga River Basin. It specified that during the dry season (November-March), 20% of monthly average flow has to be maintained, and during the monsoon season, 30% has to be maintained. The notification stated that existing hydel projects that do not meet e-flow norms must comply within three years. The 20% recommendation is less than the scientific recommendation of 50% (only for existing projects). If the government intended to rejuvenate the river, it would have specified that e-flows are only for existing projects. Instead it has opened the floodgates for several such projects as long as the compromised e-flows are maintained.

The result of such a relentless push for hydropower projects is that only 80 km of a 2,500 km-long river now remains in the *Aviral-Nirmal* state. Unless we question these projects now, we will not be able to save the Ganga, the lifeline of millions of people.

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## SINGLE FILE

# Befriend thy neighbour

How India can develop deep collaborations with China, bypassing the West

UDAY BALAKRISHNAN



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For a few years after it opened its doors to the world in the 1970s, China was still a socialist economy, unused to the ways of the capitalist world. My friend, Stefan Messman, a professor at Central European University, Budapest, and an authority on socialist law,

was a key member of a Volkswagen team that finalised a deal with China. He was astonished at the kind of barter that had to be negotiated to set up a car plant in a country that had no market economy at that time.

China has come a long way since then. Today, it is unrecognisably capitalist, albeit with a communist face. In terms of purchasing power parity (PPP) it is the dominant economic power in the world, directly competing with the U.S. for supremacy in science and technology. India ranks third in PPP.

Rarely do we ask ourselves how a country that was no better off than India until the mid-1980s, and that suffered deprivations under Communist Party Chairman Mao Zedong, has left India so far behind. Lacking good institutional mechanisms to understand China, Indians tend to fall for simplistic explanations such as, "We're a democracy, China is not." There is more to that country's spectacular rise than just that one factor.

For all its vaunted institutions, the West is yet to get a grip on China, but it is constantly seeking to solve the riddle of China's rise. For example, a recent issue of *The Economist* examined "How the West Got China Wrong", and *Foreign Affairs*' magazine attempted to fathom "how China hid its global ambitions" in an article titled "The Stealth Superpower". Even as the West continues to snarl at China, some of its best institutions and universities have collaborations with that country running into millions of dollars. Harvard University, for instance, has several ongoing programmes with the Chinese government as well as leading universities like Peking and Tsinghua in engineering, the sciences, management, environment, design and the humanities.

Since science and technology are powering China's growth, we need to make sense of those by setting up well-funded, world-class interdisciplinary centres not just in universities like Jawaharlal Nehru University but also in the Indian Institute of Science (IISc) and the Indian Institutes of Technology which have the best technical and scientific minds in the country. Through these centres we should be able to arrive at our own in-depth understanding of China.

The time is also right to launch a China-India version of the Needham-Cambridge study on science and technology in China, to take a dispassionate view of how our countries have evolved through history and how they can collaborate to make their rise environmentally sustainable and equitable.

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## FAQ

# Chasing peace in Yemen

The events that led to the Stockholm peace agreement, and the way forward

STANLEY JOHNY

## What triggered the truce?

The ceasefire between Yemen's Houthi rebels and forces loyal to President Abdrabbuh Mansur Hadi in the port city of Hodeida came into existence on December 18. The agreement was reached in UN-mediated talks held in Stockholm earlier this month. At the time of the negotiations, the city was almost in the hands of the Saudi-led coalition. The coalition had blockaded the port, the main conduit for humanitarian aid to enter Yemen, for months, and the fighters, mostly UAE soldiers, were battling the rebels. But Saudi Arabia came under increased global pressure to stop fighting in Yemen after the murder of journalist Jamal Khashoggi inside its consulate in Istanbul triggered a global outcry. The spotlight on Yemen and its deteriorating humanitarian situation has

been so strong after the Khashoggi affair that even the U.S., which supports Riyadh in the war, cut down its involvement by ending refuelling of coalition aircraft. With the UN also pushing for talks, the Yemeni government backed by Saudi Arabia gave the green light for talks.

## How bad is Yemen's humanitarian situation?

Since the Saudi intervention in 2015, at least 10,000 people have been killed in Yemen, according to the WHO. The widespread damage caused to infrastructure by the coalition airstrikes and lack of supplies of food and medicines due to the blockade have pushed Yemen into a humanitarian catastrophe. About 12 million people are at the risk of starvation if aid doesn't reach them fast. The country has also seen a massive cholera outbreak. A child dies every 10 minutes in Yemen from

preventable causes, says UNICEF.

## Why is Saudi Arabia in Yemen?

Saudi Arabia interfered in Yemen after the Shia Houthi rebels captured Sana'a, the capital city, and the internationally recognised government of President Hadi moved to the country's south. The Saudis accuse Iran of bankrolling the Houthis and "destabilising" the Arabian peninsula. The Saudi plan was to expel the Houthis from Sana'a and restore the authority of the government. But almost four years since they launched the attack, the Houthis still control Sana'a and much of the north of Yemen. They also fire short-range missiles across the border into Saudi Arabia, which has become a major security concern for Riyadh.

## Will the ceasefire last?

Barring some violations, the ceasefire held on the

second day on Wednesday. Both sides are under pressure. The war reached a stalemate long ago. The Houthis have seen loss of territory in recent months, while the Saudi coalition is facing growing international pressure. According to the agreement, all combatants should withdraw from Hodeida in 21 days. UN observers will set up a monitoring team of government and rebel representatives to oversee the truce. But the Stockholm agreement is primarily focussed on Yemen's humanitarian conditions. That is why the ceasefire was agreed only in Hodeida. The question is whether the warring parties can extend the truce to other areas of conflict. Both parties are well-entrenched in Yemen's fractured political landscape. A solution to the conflict can be found only if the rebels and the government make some political concessions.

## FROM The Hindu. ARCHIVES

FIFTY YEARS AGO DECEMBER 20, 1968

## U.S. offers fresh economic aid

The aid climate showed signs of distinct improvement with the announcement here [New Delhi] to-day [December 19] that the United States would sign aid agreements with India in the next few days for \$231 million of project and non-project aid, and \$167 million of food aid. At the same time, there were indications that Britain would make a special contribution to the International Development Association, as Canada and some European countries had done in response to Mr. Robert McNamara's appeal, to enable the I.D.A. to resume lending to India. The U.S. Ambassador, Mr. Chester Bowles who announced the impending American aid, said it would amount to \$398 million (Rs. 298.5 crores), out of which \$194 million (Rs. 145.5 crores) will be non-project aid to finance imports of fertilizers and industrial raw materials and spare parts and \$37 million (Rs. 27.75 crores) as project aid for the expansion of the Trombay fertilizer plant.

A HUNDRED YEARS AGO DECEMBER 20, 1918.

## Steamer gutted.

The Henderson Liner "Tenasserim", which arrived in the [Rangoon] port a few days ago was destroyed by fire this morning [December 19] while lying under Rangoon in the river opposite to the B.O.C. pipe line. She was to have left on Monday with a large number of passengers for England, chiefly ladies. No cause for the fire is assigned and an early rumour was that the vessel was sinking, the sealock having been opened a couple of days ago. The Captain prosecuted two of the crew for insubordination and assault... It has 600 tons of oil fuel on board for her own use and also a quantity of ammunition. Should the latter explode, the ship will probably sink and there is great danger to the shipping on the river from the risk of burning oil in the event of an explosion. Water is being pumped on the steamer with the object of preventing the flames from reaching the ammunition. Two men were injured by the flames and removed to Hospital.

## CONCEPTUAL J-curve effect

ECONOMICS

This refers to a phenomenon wherein the trade balance of a country worsens following the depreciation of its currency before it improves. Generally, any depreciation in the value of a currency is expected to improve the economy's overall trade balance by encouraging exports and discouraging imports. However, this may not happen immediately due to some other frictions within the economy. Many importers and exporters in the country, for instance, may be locked into binding agreements that could force them to buy or sell a certain number of goods despite the unfavourable exchange rate of the currency.

## MORE ON THE WEB

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