



Sedition annoyance

The lower judiciary should not act reflexively on frivolous, politically motivated complaints

The registration of a case of sedition against 49 prominent citizens at a police station in Bihar's Muzaffarpur for writing an open letter in July to the Prime Minister has caused understandable outrage. There was nothing in the appeal, which asks for steps to stop lynching and other hate crimes, especially in the name of religion, that even vaguely connoted an attempt to promote disaffection or any prejudice to national integration. In these polarised times, it is not surprising that a lawyer took it upon himself to initiate criminal proceedings against the film-makers, artists and writers such as Shyam Benegal, Adoor Gopalakrishnan, Aparna Sen and Ramachandra Guha for signing the open appeal on a matter of public concern. That a chief judicial magistrate had taken this vexatious complaint on file and directed the police to register an FIR is perplexing. Magistrates indeed have the power to order a police investigation into cognisable offences. And the Supreme Court has, in *Lalita Kumari vs. Uttar Pradesh* (2013), laid down that registration of an FIR is mandatory if information received by the police discloses a cognisable offence, and that in some cases, a preliminary enquiry may be conducted before the FIR is registered. However, in this case, it is quite astounding how the court or the police could conclude that the contents were seditious or indicative of any other offence.

While private complaints targeting public figures are not unusual, courts should not, without sufficient cause, indulge the motivated outrage of litigious complainants. Superior courts do intervene to quell attempts by those claiming to be offended by some remark or public statements, but it is time the lower judiciary stopped acting reflexively on frivolous complaints. Surely, the court should have been aware of the ongoing national debate on retaining sedition as an offence under the IPC's Section 124A and growing demand for its abrogation. The pervasive disregard for public opinion against the indiscriminate use of the sedition provision is disappointing enough. It is worse if the magistracy disregards Supreme Court judgments that say sedition is attracted only if there is incitement to violence, and does not apply to statements that contain mere opinions, howsoever strong they may be. It is unfortunate that the court did not see that the complaint was nothing more than a political counterblast to what the complainant saw as criticism of the Prime Minister. One can only hope that the Patna High Court puts an end to this farcical attempt to use the judiciary for political ends, and also examine how its supervisory powers can be used to sensitise the magistracy to the constitutional provisions protecting free speech.

Best friends for now

India and Bangladesh share a great relationship, but areas of concern remain

Frequent meetings between neighbours are hallmarks of a strong friendship, and Bangladesh Prime Minister Sheikh Hasina's four-day India visit, the first full bilateral meeting since both countries went to polls, marks a new chapter between New Delhi and Dhaka. The two nations have come closer over a decade-long engagement that began with Ms. Hasina's return to power in 2008, with an improvement in the strategic sphere, and alignment on regional and global issues, connectivity and trade. During this visit, the two countries have committed to upgrading port facilities, implementation of India's under-utilised Lines of Credit, a coastal surveillance system, and agreements on education, culture and youth. They will also coordinate better border management and counter-terror cooperation, and are also working on a regional trilateral energy sharing arrangement with Bhutan. Mr. Modi and Ms. Hasina inaugurated three projects, which includes one for the availability of LPG to India. Where they have failed to make headway yet, despite many forward-looking paragraphs in the joint statement, is on river-water sharing agreements. Chief among them is the Teesta agreement, for which a framework agreement was inked in 2011, but which has not moved forward since, chiefly because of tensions between the Central and West Bengal governments. The long-pending upgrading of the Ganga-Padma barrage project, the draft framework of interim sharing agreements for six rivers — Manu, Muhuri, Khowai, Gumti, Dharla and Dudhkumar — as well as the draft framework of interim sharing agreement of the Feni river are also pending. This task must not be taken lightly between two countries that share 54 transboundary rivers, and where water management is key to prosperity, and often a source of tensions and humanitarian disasters.

Growing concerns in Bangladesh over the National Register of Citizens (NRC) in Assam are another source of tensions, and the government must not ignore questions Ms. Hasina raised with Mr. Modi, in New York and New Delhi. While Bangladesh appears to have taken at face value the explanations by Mr. Modi and the External Affairs Minister that the NRC is in its early stages, that it is a judicial process, and is at present an internal matter for India, it is worried by statements to the contrary by Home Minister Amit Shah. Even in the past week, he has said that India will deport all non-citizens — he has often called them "termites" — and has taken credit for the NRC as a policy the government will pursue across the country, rather than a court-mandated process. The divergence in the two sets of statements proffered by New Delhi will ensure the issue gets raised again and again by Dhaka, and could cast a shadow over what one Bangladesh official otherwise described as the "best of the best" of ties between two neighbours.

A Bill that undercuts key constitutional values

There is ample evidence that the protection of minorities is not the genuine objective of the Citizenship Amendment Bill



GAUTAM BHATIA

Last week, while speaking about implementing a National Register of Citizens in West Bengal, Home Minister Amit Shah said, "I want to assure Hindu, Sikh, Jain, Buddhist and Christian refugees, you will not be forced to leave India by the Centre." These words sparked an immediate backlash as Mr. Shah had evidently omitted one religious community, Muslims, from his statement. But his statement was not merely a communal dog-whistle: he was echoing the provisions of the Citizenship Amendment Bill, which the previous National Democratic Alliance government introduced in Parliament before the last election, but was unable to enact because of widespread protests in the North-east Indian States. Mr. Shah made it clear, however, that the new government would re-introduce, and pass, the Bill in the next parliamentary session, or soon thereafter.

Umbrella Bill

So, what is the Citizenship Amendment Bill? As its name suggests, it makes an amendment to the Citizenship Act, the umbrella law that sets out the elements of Indian citizenship. The Amendment stipulates that "persons belonging to minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan... shall not be treated as illegal migrants for the purposes of that Act". These individuals are made eligible for naturalisation as Indian citizens, and furthermore, the normal precondition for naturalisation — having spent 12 years in the country — is halved to six years. In simple language, therefore, the Citizenship Amendment Bill does two things: it shields a set of individuals from being declared illegal migrants (and, by extension, shields them from detention or deportation); and it creates a fast-track to citizenship for these individuals. The problem, of course, is that it does so on an explicitly communal basis: it categorically excludes Muslims from its ambit. The implications are clear: if the government goes ahead with its plan of implementing a nationwide National Register of Citizens, then those who find themselves excluded from it will be divided into two categories: (predominantly) Muslims, who will now be deemed illegal migrants, and all others, who would have been deemed illegal migrants, but are now immunised by the Citizenship Amendment Bill, if they can show that their country of origin is Afghanistan, Bangladesh or Pakistan.

The last bit is important, because it shows that non-Muslims who are left out of a hypothetical nation-wide NRC will not immediately receive legal immunity, but will have to jump through further hoops before they are protected. That apart, however, the fact remains that by dividing (alleged) migrants into Muslims (but also, as we shall see below, Jews and atheists) and non-Muslims, the Citizenship Amendment Bill explicitly, and blatantly, seeks to enshrine religious discrimination into law, contrary to our long-standing, secular constitutional ethos.

Of course, neither the Bill nor the government directly admits that it is targeting Muslims. Both the text of the Bill and its 'Statement of Objects and Reasons' refers to "minority communities" from Afghanistan, Bangladesh and Pakistan. The logic appears to be

that as these three countries are Muslim-majority, they may be subject to persecution on account of their faith, and, therefore, need refuge in a country such as India.



that as these three countries are Muslim-majority, they may be subject to persecution on account of their faith, and, therefore, need refuge in a country such as India.

Flawed logic

If that is the logic of the Bill, however, then it is so evidently flawed that it borders on irrationality. First, as the PRS Legislative Research website points out, if the objective is the protection of minorities, then there is no explanation for why Jews and atheists (to take just two examples) have been left out. Second — and more importantly — there are Muslim religious minorities within these three countries who are subjected to grave and serious persecution: the classic example is that of the Ahmadis in Pakistan. And third, there is no explanation for why only these three countries have been singled out. Lately, the Rohingya community in Myanmar, another neighbouring country, has been subjected to prolonged persecution, ethnic cleansing, and potentially genocide. However, the government has been openly hostile towards the Rohingyas and has even argued for their deportation before the Supreme Court.

It is therefore evident that the protection of minorities is not the genuine objective of the Citizenship Amendment Bill: the gap bet-

ween that stated objective and the actual text of the Bill is wide enough that a ship can sail through it. But if that is not the objective, then there remains no conceivable justification for the language of the Bill: it is religious discrimination, plain and simple.

Violating the Constitution

Now, some people have argued that even if this is true, Article 15 of the Constitution — that bars religious discrimination — applies only to citizens. But what these arguments forget is Article 14 of the same Constitution, which guarantees to all persons equality before the law, and the equal protection of law. Discriminatory treatment and especially, discrimination that is arbitrary, and classifications that are unreasonable violate the essence of the equal treatment clause. A state that separates individuals and treats them unequally on palpably arbitrary grounds violates the prescription of Article 14, and the heart and soul of the Indian Constitution: respecting the dignity of all.

Beyond issues of strict constitutionality, there are other disturbing issues raised by the Citizenship Amendment Bill. The first is how it dramatically seeks to alter the basis of citizenship in India. During the framing of the Indian Constitution, it was agreed that the primary basis for Indian citizenship would be *jus soli* — or, citizenship by birth (in the territory of India). Over the years this principle has been diluted to an extent, with citizenship by descent replacing *jus soli* in certain respects. The Bill, however, will be the first time that religion or ethnicity will be made the basis of citizenship. That would do grave damage to the very idea of India as an inclusive and diverse polity, where religion has no bearing on who can become a full member of society.

Second, the Citizenship Amend-

ment Bill is closely linked to plans for a nationwide National Register of Citizens. The link was explicitly drawn by the Home Minister: that the Citizenship Amendment Bill is required to protect (predominantly) non-Muslims who are excluded from the NRC.

Argument and reality

However, apart from the now-public knowledge of how flawed the NRC process has been in Assam, there is a key question: why do we need to have a national NRC? Mr. Shah has stated that it is required for national security, and that India cannot "run smoothly under the weight of so many intruders". However, there is absolutely no evidence to suggest that there is a huge influx of illegal migrants into India: in fact, recent evidence suggests that the rate of migration has been declining. The Assam NRC arose out of a very specific historical experience, and Assam's own position as a border State; however, for the rest of India, Assam's own experience shows that an exercise such as this — flawed and riddled with errors as it is — will only lead to misery and exclusion on a national scale, with no reason whatsoever to justify it.

The coming months, therefore, will present a serious challenge to fundamental constitutional values. A nationwide NRC will replicate the flaws of the Assam NRC on a much larger scale; and for those who find themselves on its wrong side, the discriminatory Citizenship Amendment Bill will protect some — but only some — based on their religion. Both exercises, therefore, need to be urgently challenged, at the level of popular movements, in the domain of Parliament, and of course, before the sentinels charged with guarding our fundamental rights — the courts.

Gautam Bhatia is a Delhi-based lawyer

A road to economic revival runs through agriculture

The current growth slowdown is an ideal time to implement doable agricultural reforms



NAVEEN P. SINGH & RANJITH P.C.

One of the world's fastest growing economies, India, is now facing sluggish growth, with the Reserve Bank of India sharply cutting GDP growth forecast to 6.1% for 2019-20, which is lowest in last six years; there has been a sharp decline in the performance of key sectors.

While some economists feel this slow pace is also a stage to bounce back and is cyclical, others (policy pundits) see this as a gross failure of economic reforms and even a colonial legacy, which only time will tell. Whatever the reason for the slowdown, the opportunity to speed up must accommodate a diverse body of opinion and options for sustainable and inclusive growth.

The conventional approach of fiscal and monetary stimulus options to address the relics of a slow pace would only give immediate relief and not an enduring solution. Hence key policy measures as they exist now must reach out to emancipate that which is drag-

ging growth while stimulating key sectors.

Effect on primary sectors

The ripples of the slowdown are gradually moving to the primary sectors which is already reeling under an unprecedented confluence of pressure. Real agricultural and allied gross value added (GVA) grew by 2.9% during 2011-12 to 2017-18, while in the National Agricultural Policy (2000), it should have been around 4%, to attain an overall economic growth of 8%. A highly skewed and unprecedented monsoon, erratic rainfall, and extreme natural events are creating havoc as far as farms and farmers are concerned which in turn are likely to disrupt supply chains, fuel inflation and have a negative impact on consumption, all of which can further dampen the prospects of revival of the economy.

In addition, the current growth rate in the farm sector is less than adequate to take on developmental challenges originating from the Sustainable Development Goals, mainly zero hunger, no poverty, life on land, and gender equality. Hence any key reforms packages in improving the economy should also take cognisance of the crisis in the agricultural sector.

The key to addressing the slow-



down lies in a selective group of reforms in the key sectors.

As always the push must start with the primary sector. First, there is a great need to accept the role of agriculture in invigorating crucial economic segments. The sector is a potential enabler and employer for more than 50% of the population; it also has the potential to revive "animal spirits" by ensuring farm viability: increasing the ratio of farm to non-farm income to 70:30 by 2022-23 from the present 60:40. According to the agriculture census 2015-16, the real income of farmers doubled in almost 20 years from 1993-94 to 2015-16. As the target to double farmers' income by 2022 is nearing, there must be fast-lane options and swift actions to ensure curated reforms on land, market,

price, and ameliorate supply side constraints. As reiterated in the past, the Agricultural Development Council (ADC) in line with the GST Council is a dire need to make agricultural reforms more expressive and representative. For better income distribution, there is also a need to revisit regional crop planning and the agro-climate zone model at the highest possible level so as to make agriculture the engine of sustainable economic growth in India 2.0 by 2022.

Second there is a strong case to believe that deindustrialisation 2.0 and creative destruction is under way from the decreasing growth rate, and that slowly fading reform to stimulate the traditional sectors is adding to unemployment and job loss. There is immense need to promote occupations which are less influenced by the slowdown such as farming, handloom, handicrafts and others.

Investment and jobs

Third in the Economic Survey 2018-19, the working age population will continue to rise through 2041. Therefore, there is urgent need to increase the job-to-investment ratio which is currently very low. Some estimates say that ₹1 crore investment in India can create only four formal jobs. What has been less noticed and assessed

in any survey is that inter-State migration has a huge impact on personal consumption expenditure. Giving a policy nudge to *in-situ* employment creation is a must for a stable income and spending. Also, there must be efforts to have an accurate picture of unemployment data in order to have policy that is closer to facts. Fourth, there is a need to reconsider the few distorting reforms that are often stated to revive the short-term chaos in the long run. Finally, the sweet spot created by low oil prices in the past is slowly taking its turn to hit the economy to further cut down aggregate demand.

The occasional dip in growth due to various reasons will slow the pace to achieving a \$5-trillion economy by 2024. This is the right time to execute a slew of doable agricultural reforms as the role of agriculture in reversing the slowdown is immense in the light of its nearly 20% contribution to a \$5-trillion economy. Therefore, a blend of efforts from a range of sectors, agriculture and allied sectors is warranted to enable overall growth.

Naveen P. Singh and Ranjith P.C. are with the ICAR-National Institute of Agricultural Economics and Policy Research, 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.

Open letter

Strange are the ways of the judiciary in India. On the one hand, it is firm about protecting the liberty and freedom of individuals as enshrined in the Constitution of India while on the other, a judicial magistrate passes orders to file a first information report or FIR, against citizens who write to the Prime Minister expressing concern over growing incidents of mob lynching (Page 1, "49 booked for sedition for anti-lynching letter", October 5). The freedom of expression too is a constitutional right and it is the prerogative of the Prime Minister to respond suitably when such open letters are addressed to elected leaders of the state. There is no rhyme or reason why a party member should implead himself as another

representative of the people to seek to defend the Prime Minister. And what a colossal waste of judicial time, apart from the implied directive to the police to act on pursuing the first information report to its logical end. As if our courts are not already burdened with mountains of undisposed cases.

ANAND ARAVAMUDHAN,
Chennai

Every right-thinking Indian will be concerned and perplexed over this appalling and worrisome development. Is the citizen's right to criticise the actions and policies of the government in jeopardy or coming to an end? People should not be faulted if they start asking a crucial question: Where is the nation heading? It would be only in the fitness of things if the Prime Minister himself takes exception to the filing

of the FIR against the celebrities.

C.G. KURIAKOSE,
Kothamangalam, Kerala

Significance of Aarey

The Amazon rainforests which are said to be the 'lungs of the world' are still burning and almost every country has expressed concern over the consequences of such a loss. In such a compelling situation, the Maharashtra government's move to start felling the trees in Mumbai's Aarey colony to pave the way for a Metro rail project is atrocious ("Aarey in lockdown as trees are felled" (Inside pages, October 6). While no less a person than the Prime Minister has been taking steps to reduce global warming and pushing the idea for a greener earth, it is strange that the government in Maharashtra thinks otherwise when it comes to environmental issues. The

Maharashtra Chief Minister should realise that there are ways to go ahead with the project. In the process the Aarey trees can still be saved.

MANOHARAN MUTHUSWAMY,
Nabadwip, Nadia, West Bengal

The Clarion calls to Indians to be environment-conscious appear to be hackneyed and trite. Some of our leaders are quick to proclaim at international fora that India will be in the forefront to stem climate change. While civil society, NGOs and youngsters try to contribute their mite to preserving nature by responding to such calls, ruling establishments appear to be going their own ways.

R. SRIDHARAN,
Chennai

Of course, politicians are busy campaigning for the Maharashtra Assembly elections and will have no time for "small issues" such

as the felling of thousands of trees. An ecosystem such as Aarey's takes decades to create and cannot be replanted overnight. There are many viable options that experts have suggested. If nothing can be done to save the Aarey trees, why should there even be a "Ministry of Environment, Forest and Climate Change"?

ROMIT CHANDRAKAR,
Raipur, Chhattisgarh

It is disgusting that the government in the name of development is now causing serious ecological damage. Many of us concerned citizens are praying that some good sense will prevail. Despite celebrating World Environment Day every year,

CORRECTIONS & CLARIFICATIONS:

A 'Weekend' supplement story on the Jodhpur RIFF (Rajasthan International Folk festival) (Oct. 5, 2019) erroneously called it the 13th edition of the festival. It should have been the 12th.

The Reader's Editor's office can be contacted by Telephone: +91-44-28418297/28576300; E-mail: readerseditor@thehindu.co.in