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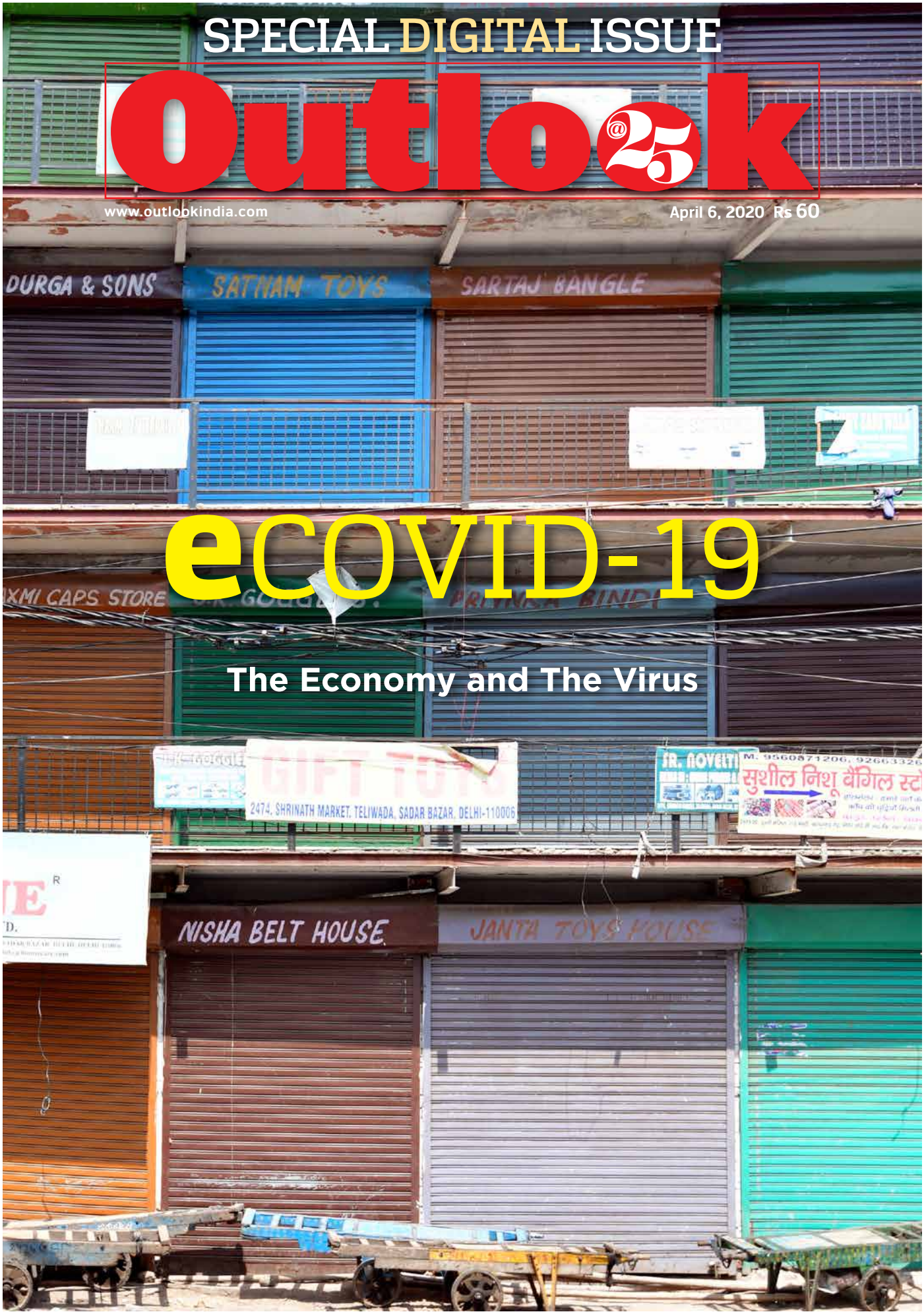

eCOVID-19

The Economy and The Virus

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‹ NAVIGATOR ›

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FROM THE EDITOR

RUBEN BANERJEE
EDITOR IN CHIEF

Digitally Yours

FEAR is in the air and I am not entirely exempt from it. Ever since the COVID-19 pandemic began wreaking havoc, prompting our bustling and normally boisterous nation to slip into an eerily quiet lockdown, I have started displaying a phobia—that of touching doorknobs. Be it at home or office, I am rudely kicking open doors, adhering to a hands-off policy.

That I am using my legs is good. Desperate times need desperate measures, and this certainly is one time when we need frantic steps to save ourselves from the rampaging novel coronavirus. That we all are washing our hands with soap, both furiously and intermittently, to me has a larger meaning. For me, the current emergency we are confronted with is no time for mere handwringing. Notwithstanding the inconvenience and disruptions caused, we must continue to be proactive and do whatever it takes to win this war against the pandemic.

At stake is whether we live or die and there certainly cannot be half-measures in this battle. Never immune to surroundings or situations, we at *Outlook* have been doing our bit to help the cause. We began by encouraging people to work from home and not step out unless absolutely essential. But as the grim struggle to worst the virus continues, we have now taken another important step: for the first time in our 25 years of existence, we are temporarily suspending printing of your favourite magazine.

Our hands were forced obviously by the near-collapse of our daily routine. Printing a magazine when movements are severely restricted poses immense challenges. Even if we print, distribution of copies at a time when flight and train services have been halted, and several states have ordered border closures, would be a veritable nightmare. Though all of us are currently under stress, it still makes sense to think rationally. And this decision of ours, though a difficult one, has been made after much consideration. Among everything else, we don't want our staff to take unnecessary risks. At the same time, we do not wish to enhance your exposure to anything that has passed through several hands, increasing the risk of a possible contamination.

We are proud that the relationship that *Outlook* has had with its subscribers and readers have been long and time-tested. And no matter how trying the times are, I assure you that our bond will continue to be as strong and we will continue to inform, engage and converse with you in the digital space at www.outlookindia.com. Also, no matter the disruptions, my colleagues and I will do our very best to ensure your favourite magazine is available online, with all its cutting-edge news reports, incisive opinions and balanced analysis.

All these and more are for taking precautions and not to panic. It is understandable that we might fret and fume a bit under the lockdown, but we must not ever allow ourselves to lose our cool. I am particularly distraught at reports that fellow citizens, particularly from the Northeast, are being targeted at certain places. In this battle to protect mankind, all of us must prove once again what humanity is all about.

The task at hand is onerous, and it certainly will take more than banging utensils. Our deeds must match the din we raise to express our gratitude to those fighting the pandemic on the front line. To clap the loudest one day and to ostracise the brave hearts the next in an attempt to drive them away from their homes over fears of contamination is criminal. As human civilisation faces its stiffest challenge, we must show civility and courage in equal measure. Please stay calm and be safe.

(RUBEN BANERJEE)

23/3/2020

Hero Or Zero?

VARANASI

Indu Shankar Dube: This refers to the cover story *Hero Or Hype* (March 23). Nowadays, Opposition leaders try to become famous by criticising the Prime Minister and his decisions. They relentlessly endeavour to create a third front or fourth front to defeat BJP. Same is the case with Kanhaiya Kumar. After the collapse of communist states across the world, the people of India too have rejected the ideology. The defeat of Kanhaiya in Begusarai against the BJP candidate by a margin of more than four lakh votes instantiates this. Moreover, the charges of sedition are often difficult to substantiate, that is why Kanhaiya is confident of his acquittal. Sometimes, the media exaggerates—this reflects in this cover story too. The media should maintain a balance while reporting about any movement or tenderfoot like Kanhaiya.

DEHRADUN

Rakesh Agrawal: I was a scholar for years in the vibrant JNU campus and witnessed the seeds of debate, discussion and dissent being sown, growing into a tree of democracy that provides shade to the deprived and disenfranchised. Kanhaiya Kumar is the product of that culture, giving voice to the voiceless.

LUCKNOW

M.C. Joshi: There have been so many presidents of JNU Students' Union and Kanhaiya was just one of them till he shot to fame for the wrong reasons. After the row at the event on Afzal Guru in February 2016, he started speaking against Modi and his policies. As happens in the case of Modi-baiters, he became the hero of Opposition parties and leftists. For others, he is just a rabble-rouser. It is surprising that *Outlook* took Kanhaiya to be a leader of such calibre that you dedicated a cover story to him and discussed whether he would be able to prevent a seasoned leader like Nitish Kumar from winning a fourth consecutive election.

ON E-MAIL

Harish S.: The cover story on Kanhaiya was a waste of space. There were so many important stories that week and you chose one not worth the time and effort.

GOA

M.N. Bhartiya: Kanhaiya is neither hero nor hype; the perception is that he is a great leader in the making. Kanhaiya very aptly said in his interview: "Democracy has been reduced to elections. How to democra-

Party's Over

SECUNDERABAD

Padmini Raghavendra: This refers to *Royal Shift Ruffles The Middle Kingdom* (March 23). Congress seems to be doing everything to make itself extinct. If the plan is to die, there is no better way to kill it than the course being followed in the past few months. The Congress is not devoid of good leaders, but they simply cannot muster the courage to think beyond the Gandhi family. Whatever its other failings, BJP allows for a degree of internal discussion and dissent. Congress is living in its own cocoon. This is a sad situation for a party once associated with India's freedom struggle.

BANGALORE K.S.

Jayatheertha: Will Jyotiraditya Scindia's exit

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tise society—what is the process?" No politician thinks of democatising society. The present state of affairs suits them better. The reason is simple, as Osho points out: "The majority consists of fools, utter fools. Beware of the majority. If many people are following a thing, that is enough proof that something is wrong. Truth happens to individuals, not to crowds." The present majoritarian governments are proof enough of who they are representing—damn fools.

ON E-MAIL

Vishwanath Dhotre: Kanhaiya does not deserve to be on a magazine cover. It looks like you are leaning towards leftist ideas. Mr Banerjee, have you buried the principles with which *Outlook* was founded?

BANGALORE

Rangarajan T.S.: The name Kanhaiya instantly evokes a strong spiritual feeling among millions in our nation because Lord Krishna is fondly called by that name. After JNU, Kanhaiya Kumar is now trying to make himself relevant in politics. JNU has become a paradise for so-called deprived students who, on the pretext of getting a degree, enjoy a highly subsidised life. Biharis who vote later this year won't take much time to choose between a seasoned administrator like Nitish and a novice like Kanhaiya.

FROM THE Daak Room

20 November 1941

My dear wife and sons, I'm sure that you understand that I would like to know more details about your situation, which worries me greatly. I received the packages that you sent, including a food parcel...As for me, I am fine. I am still hopeful that we will be together again as we were in the past. One of my friends was released from here, Ehrlich, did he visit you? If you can, send me a little oil and vinegar in a bottle and some onions in the next package. I ask you my dear ones that in the next card, each one of you three write in your own handwriting. I am signing off. [You need to] be even more courageous, and don't lose hope that soon we will be together again, as we were in the past. I hug you very tight, and again, one more time, we will see each other soon.

Your husband and father.
No tobacco or cigarettes in the next package
p.s. regards to little... Send him a hug from me

Hope above all Excerpts of last letter from Isaac K., a Jewish man, during the Holocaust

lead to a revolt in Congress? Will more leaders emulate him and leave the sinking ship? That will be the case if the party does not correct its style of functioning. It must first resolve the leadership crisis. This decision has to be taken within the family. Then comes the reorganisation and restructuring of the party. The Congress has to fight not only national parties, but also regional forces emerging in many states.

KOCHI

George Jacob: The defection of Jyotiraditya Sinha to BJP shows not only the hunger for trappings of power, but also sends out a clarion call to 'the grand old party', which refuses to let go of the Gandhis. That once formidable power centre that has lost relevance and become redundant in India's radically changed political milieu.

ON E-MAIL

L.J.S. Panesar: There have been no serious attempts by party leaders to break away from the Nehru-Gandhi dynasty's leadership. Whenever the question of leading the party comes up, why is the focus only on the first family when there is no dearth of talent among the younger generation?

MUMBAI

Arun Malankar: This refers to *Curse Of The Coronavirus* (March 16). Whispers in political corridors as well as the international media say that the pandemic might have been the result of a failed experiment to create a biological weapon of mass destruction. Unconfirmed reports are pointing fingers to a secret collusion between the ruling clique of a theocratic country and the governments of a couple of nations professing the doctrine of atheism.

MYSORE

J. Akshobhya: This refers to *Yes, You Are In Queue* (March 23). So deep-rooted is the rot in the country's financial system, there is no knowing when the best in the business would collapse like a house of cards. Till only the other day, Yes Bank was considered one of the better private sector lenders, enjoying enormous goodwill among the public and the financial community. P. Chidambaram says that the mismanagement of financial institutions under the BJP government is responsible. The Congress leader would do well to remember that during his tenure as finance minister, UPA was was embroiled in several scandals. At that time, the Opposition had been proactive in pointing them out. The pot should cease calling the kettle black.

Petrol and diesel prices can rise further as the Finance Bill passed by Parliament allows the special additional excise duty to be hiked by Rs 18 and Rs 12, respectively. The present limit is Rs 10 for petrol and Rs 4 for diesel.

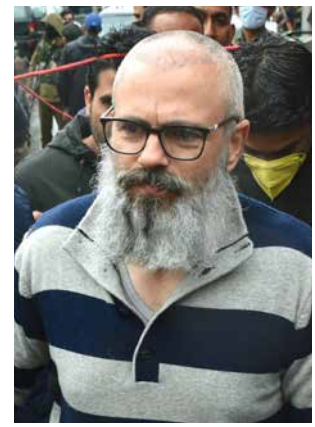
The Delhi government increased the 2020-21 budget for water and sanitation by around 70 per cent. Up to 20,000 litres of free water and 200 units of free power were key to catapulting AAP to power in Delhi for a third time.

Seventeen security personnel were killed during an encounter with Maoist guerrillas in Chhattisgarh's Sukma district. Twelve of the slain personnel were from the District Reserve Guard and five from the Special Task Force. Their bodies were recovered in a search operation on Sunday.

A Tale of Two Kashmiris

Omar Abdullah is free, but Yasin Malik could be in for a long haul

Naseer Ganai in Srinagar



Former J&K CM Omar Abdullah after his release (left); JKLF chairman Yasin Malik

IT was quite a sight outside the Hari Nagar guesthouse near former CM Omar Abdullah's official residence in Srinagar on March 24. Surrounded by people wearing masks due to the Covid-19 pandemic, the National Conference leader stepped out of the guesthouse where he had been detained for 232 days. He was sporting the white beard he had vowed not to shave until his release. In his first post-release tweet, Omar said it is "a very different world today to the one that existed on August 5, 2019" when J&K was put under lockdown to prevent unrest following the abrogation of Articles 370 and 35-A.

Days before Omar's release, a TADA court in Jammu framed charges against Jammu Kashmir Liberation Front chairman Yasin Malik and six others in a case involving the killing of four air force personnel in an attack by militants in Srinagar on January 25, 1990. The framing of charges three decades after the CBI filed the charge-sheet in August 1990 could mean a long haul in jail for the former militant currently held in Delhi's Tihar Jail in connection with a case of alleged terror funding of separatist activities being probed by the NIA.

On March 7, the court of the additional sessions TADA judge III, designated for hearing the 1990 case, said there was enough evidence to frame charges. Yasin's family members claim he has been wrongly charged in a trumped-up case. "Why have they raked up a 30-year-old case now?" asks Yasin's sister Abida. "He is not being produced before the court. The hearing is done through video conferencing and the line gets disconnected whenever he starts speaking. My brother has decided to go on hunger strike from April 1."

Yasin's family has shared with the media an open letter written by him in jail after the charges were framed. "During my stay in jail in 1992, top intelligence officers and several civil society members, like Kuldip Nayar, Rajmohan Gandhi, ex-Chief Justice Rajinder Sachar and Wajahat Habibullah, visited me," he writes. "They wanted me to give peace a chance. I was told that if I shunned the path of armed struggle and returned to peaceful non-violent struggle, we would be provided with a genuine political space and efforts would be made for the resolution of the Kashmir dispute."

Referring to his decision to declare "unilateral ceasefire" in 1994 and adopt non-violent means of struggle, Yasin writes: "It was an unpopular decision and I was declared a traitor by many. I miraculously escaped a bid on my life when I was kidnapped by some militants. Many of my colleagues lost their lives.... All the governments from 1994, led by prime ministers like P.V. Narasimha Rao, H.D. Deve Gowda, I.K. Gujral, Atal Behari Vajpayee and Manmohan Singh, honoured the pledge made to us by the Indian government in 1994."

Cops across the country have enforced the lockdown with the lathi. Here's an example from Calcutta.

SURESH K. PANDEY

INTERVIEW

'BSP wants Bahujans only to hoist the party flag'

Bhim Army chief ***Chandrashekhar Azad*** *has launched a new party—the Azad Samaj Party. In an interview to* **Preetha Nair**, *Azad explains why he thinks his party will be an alternative to the Bahujan Samaj Party. Excepts:*

The Bhim Army has been an organisation fighting for the rights of Dalits. What will be the Azad Samaj Party's main focus?

→ As a political party, our effort will be to mobilise historically marginalised castes and communities, and to build an alliance among them. We will ensure that the Constitution is implemented in letter and spirit, and will agitate against any law that is against the interest of society. Our ideology is rooted in the ideals of Kanshi Ram, Babasaheb Ambedkar and other revolutionaries. Kanshi Ramji floated the BSP so that leaders of Bahujan society could lead the party. If the BSP had worked on Kanshi Ram's ideology, the status of the backward community would have improved by now. Unfortunately, the party has lost its direction and is represented by Brahmin leaders in Parliament. What is the difference then between the BSP and the BJP-Congress? We need leaders from Bahujan society to lead the party. The BSP has compromised on its ideology and wants Bahujans only to hoist the party flag. It has used the Dalit community only as a vote bank. That's why I had to launch a party for the Dalits and the backward community.

What do you think of the existing opposition parties?

→ Opposition parties have failed to question the BJP government on price rise, unemployment and economic crisis, among other pressing issues When the Opposition fails to fulfil its responsibilities, the government becomes dictatorial. Did anyone question this government on the sale of public-sector companies? I have tweeted to PM Narendra Modi that our private hospitals should be nationalised the way it was done in Spain. We need public-sector institutions more than ever.

Do Dalits need a separate party? How different will the Azad Samaj Party be from other parties?

→ If the National Population Register and National Register of Citizens exercises are implemented, the Dalit community will be the most affected. But nobody is talking about it. We called a Bharat Bandh on February 22 to protest against the Supreme Court's ruling that reservation is not a fundamental right. How many parties came out on the street against it? No party raised a hue and cry. Every day, there are reports of atrocities against Dalits and the parties use Dalits solely for electoral benefit. Our aim is to put an end to the caste system, and seek equal representation for young people, women and all the marginalised communities. Like the scheduled castes and schedule tribes, the OBCs and the minorities also need political representation, which is now being enjoyed only by Brahmins and other elite castes.

Will you contest the forthcoming Bihar assembly polls and Uttar Pradesh panchayat elections? Any talk of alliances?

→ We will contest in Bihar and Uttar Pradesh. First, we have to strengthen our cadre in all states. I will embark on a Jan Jagriti Yatra after the coronavirus pandemic is over. No discussion with parties has taken place in Bihar so far, but we are willing to join hands with like-minded parties to defeat the BJP. That's our strategy in UP too.

"We are willing to join hands with like-minded parties to defeat the BJP."

AAP was hot favourite in the 2017 Punjab polls, until it lost the plot

and all other sections of society."

Ahead of the 2017 polls, Kejriwal had led AAP's Punjab campaign from the front, holding rallies across the state. The party predicted winning 100-plus seats in the 117-member assembly, but ended up with just 20. Later, Sukhpal Singh Khaira, who had taken over from H.S. Phoolka as leader of opposition, was removed from the post following allegations of bribery. First-time MLA Harpal Singh Cheema, was appointed in Khaira's place. Though the Punjab unit appears more stable now, it needs a strong organisational structure to take on the well-entrenched Congress, Shiromani Akali Dal and the BJP. "Things are changing for our party, and the results will be visible soon," says Cheema. Things seem to have changed for AAP's state unit president, Bhagwant Mann, too. At a recent press conference, Mann announced he would welcome Navjot Sidhu into the party, though he had opposed the cricketer-turned-politician's entry before the 2017 polls. "I have made him (Sidhu) an offer, but there has been no formal meeting so far," the second-time MP from Sangrur told media. Sidhu, who resigned from the state cabinet last year, met Sonia Gandhi this February, and said he was given a patient hearing.

Meanwhile, AAP's Punjab core committee chairman Budh Ram, a first-time MLA from Budhlada, has said AAP will announce its CM candidate by August 2021, realising perhaps that not doing so before the 2017 polls cost it many seats.

HI, MUMBAI

IF Venice can have its dolphins back after the crowds left, so can Mumbai. Videos of humpback dolphins swimming along the south Mumbai coast are swooning social media. "Shutdown of cities is not so bad after all," Juhi Chawla pontificates. Another theory ascribes their resurgence to the lack of fishing and movement of ships due to the shutdown.

ENEMY? ME?

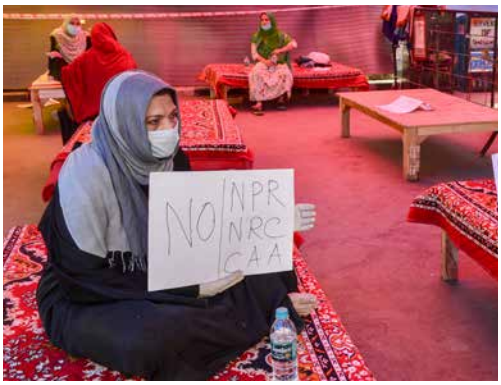
HOW many roads must a man walk down...before he realises there is a lockdown? The answer, my friend, is blowing in unique public advisories. Police in Madhya Pradesh have been handing out pamphlets that say, "I am an enemy of society. I will not stay at home," to people stepping outside. Many other governments are pasting notices outsides the houses of those advised to self-quarantine. And in case they still sneak out? They have also stamped their hands lest they decide to go gallivanting about town.

People dashed to markets even before the PM finished his lockdown address. But something was missing from the Indian shopping list. Toilet paper. We don't need them. We have the 'shooter', sprinkler, mugga, lota, or plastic cola bottle. That's not the case in the West. When Europe and America went into a shell to stop the coronavirus from spreading, people emptied out entire shelves of toilet paper. No wonder, the pandemic has come to be known as the Great Toilet Paper Crisis. But how much do you really need? At www.blitzrechner.de/toilettenpapier, curious users can work out how long their stockpile will last. The website says: "For a 'number one', one or two sheets should suffice." We say, use a lota; or a bidet at least.

Love Lock

Who knew Kanye West's 2008 song *Love Lockdown* would come prophetic in India 2020? But in these dire times, everything is possible—evident from the surge in sale of condoms and pills. Ardent lovers are stocking up on vital personal protection equipment. But those envisioning a bacchanalian lockdown locked in their lover's arms, beware! In neighbouring China, coronavirus propelled casualty figures, and divorce rates. Time to pay heed to the Bollywood song, lockdown *kiya to nibhana...*

ILLUSTRATIONS: SAAHIL; TEXT CURATED BY ALKA GUPTA



"We will be back"

Anti-CAA protesters aren't dispirited and say they will come back in full force

Preetha Nair

FOR over three months now, part of Shagufta Ahmad's daily routine was to pass through the mirror between two worlds. On one side was the crushing banality of life in the 'ghetto'—no wonderland. On the other, the call of history. And as if on a mission, she toggled between the two. After winding up her household chores, the 43-year-old would join thousands of women at the Shaheen Bagh protest site at 6 am and leave for home at 7pm. Her beauty salon was temporarily closed and her school-going children's life was in chaos. But her children are proud of their mother being a part of an iconic protest. It unfolded "in a corner of Okhla", as a right-wing commentator had scoffed, but it was a corner that attracted international attention, and will lure historians in the future.

Now that the Delhi government cleared the Shaheen Bagh protest site on March 25—everyone seemed to be itching for it—Shagufta's salon may start functioning soon, the lockdown permitting. But there's one thing she's certain of: the protests have only hit a comma, not a full stop. It merely goes into hibernation for the duration of the COVID-19 emergency. She wants the government to revoke the new citizenship law, and the NPR/NRC process: she sees them as the enemy of her future, and that of her children. She is among lakhs of debutante protesters in India—none of them career activists—who behold the CAA as a discriminatory law, a harbinger of statelessness.

The leaderless Shaheen Bagh movement has been heralded by many for creating a new narrative, one that invoked the Constitution and saw ordinary women coming out to claim their voice and space in public discourse. The manner and mode of its disbanding—at least a temporary dispersal became increasingly inevitable, in view of the social distancing protocol—itself was a matter of controversy. Had the protest lingered beyond its utility? It had survived the severest winter, and stayed resolute as 'riots' convulsed another part of the city. Would it now not heed the public responsibility brought on by a pandemic?

Some feel the protest stretched on for too long and must be reshaped.

Shagufta is affronted that the question is even asked. They had shifted to a symbolic protest, with only five women, during the 'janata curfew' on Sunday, she says. Political activist Kavita Krishnan tweeted that the police cleared away "a protest site that the brave women had already cleared". Ritu Kaushik, a protester, wonders why the government removed them since they adhered to all the COVID-19 protocols. "We used to sit in small groups, followed all the guidelines. If the government was concerned about us, why didn't they discuss our demands?" she asks.

JITENDER GUPTA

Empty Garden A flat-topped truck carries away installations from Delhi's Shaheen Bagh after police removed protestors from the site

The fate of the protest had been hanging ever since the Delhi government imposed a post-corona lockdown. It had appealed to the protesters, who were not ready to budge. Ritu now says the protests will resume with vigour after normalcy returns: "It's a temporary phase. The protests will grow. It's not about numbers alone...Gandhi ran a campaign alone. The government will have to bow before the public."

Women's right activist Kalyani Menon Sen sees it as part of the state's hostility. "Our thaali-banging leaders have removed them from a safe space where they were maintaining COVID-19 protocols in a socially responsible way, and shoved them into a place where their safety is compromised in every sense," says Sen.

The protest, started by a handful of women in mid-December, had hit many roadblocks in its 101 days. Shaheen Bagh was widely berated in the media for allegedly blocking traffic between south-east Delhi and Noida—the Supreme Court itself has found time to be seized of the matter—though few know it was Delhi Traffic Police that had actually barricaded the main arteries. "In the past 100 days, we braved many things. There were attacks on us, the government ran fake news campaigns against us, they try to blame us for the Delhi riots," says another protester.

For Syed Taseer Ahmad, Shaheen Bagh is not a traffic-stopper but a path-breaker for all of India. "We'll come back in full force. We were planning a jail bharo campaign before the corona scare. We will intensify our agitation when things become normal," says Ahmad. Yet, questions about its future shape are not coming from only critics. One section feels the protests in their present shape have stretched on too long, with diminishing returns, and they should be given a new shape. Another argues that a movement that sparked a new political awakening must continue.

Syed Irfan Habib, the Delhi-based historian, belongs to the first lot. He believes the Shaheen Bagh women have "made their point" emphatically. "They can't stretch it forever. The protesters have to retreat at this point and prepare for future plans," Habib tells *Outlook*. Protests in other cities like Lucknow, Patna, Bangalore and Calcutta too had been called off in the wake of the corona pandemic. Political activist and Congress worker Sadaf Jafar agrees with Habib. Jafar was jailed by the Uttar Pradesh government for leading an anti-CAA march in Lucknow in December. An active participant of the Lucknow sit-in, she says the women protesters have written a letter to the police commissioner, saying they are calling off their 66-day-long protest temporarily in the wake of the outbreak. "We are taking a break, we will continue the fight," says Jafar. They have no faith in the government since it shows no intention of budging from its stand, she says, but nor will they. "We did not start the protest thinking it will impact the government," she tells *Outlook*.

On March 12, Union home minister Amit Shah assured the Rajya Sabha that no one will be marked as doubtful citizens during the NPR exercise and documents are not necessary. However, concerns have been exacerbated by the recent affidavit filed by the government in the Supreme Court. In its reply to the PILs on CAA, the government said the Citizenship Amendment Act, 2019, is a "benign" piece of legislation, and that there is limited scope for judicial review on a law passed on the issue of citizenship by Parliament. The government has also said the proposed NRC is a necessary exercise. Constitutional expert Faizan Mustafa says the affidavit has many contradictions. "It's shocking that the government affidavit is at variance with the promise made by the prime minister at the Ramlila grounds and the categorical assurance given by the Home Minister barely a week ago. The affidavit does not answer any of the objections raised by the petitioners," Mustafa tells *Outlook*. In short, the reason that brought Shaheen Bagh to life still lives, and the body politic too has developed the antibodies necessary to resist it and keep itself healthy.

THE AUTHOR IS A CULTURAL CRITIC AND COMMENTATOR. HIS NEWEST BOOK IS GOD IS NEITHER A KHOMEINI NOR A MOHAN BHAGWAT

This Rubicon Must Be Crossed

Indian Muslims have lost faith in national institutions and 'secularism'. They must mobilise politically.

THE communal violence that rocked Northeast Delhi two weeks ago, the massive human and material losses Muslims had to suffer and the indifference of all political parties to their plight make one conclusion inevitable: the only option left for Indian Muslims is to organise themselves politically. All other choices they have so far exercised have been utterly futile. A political formation led by members from within would have improved their chances of effective resistance against marauding mobs. That Delhi did not have a single recognisable leader from the Muslim community to speak and act on its behalf in this crucial hour is proof that the usual practice of dependence on, and exploitation by, the so-called secular parties is no longer tenable.

Four Reasons

There are four reasons why Indian Muslims should seriously think about bringing a major chunk of the community under a single political umbrella. First, the subjectivity of an Indian Muslim at the current juncture is very different from that of even her ardent non-Muslim secular supporter. Tweets by Yogendra Yadav and Nidhi Razdan during the violence are illustrative of this difference in subjectivities. Both worried about the reputational damage to India during the visit of the US President. Although their commitment to Indian pluralism is beyond reproach, their social location allowed them the luxury of worrying about the country's image, while a Muslim citizen could have only prayed for survival. For the Muslim, the pogrom threatened to kill her and her family and destroy her property. The CAA/NRC/NPR posed a direct threat to her citizenship. She cannot open her door and tell the murderous mob with equanimity: "Friends, the President of America is here. The image of the country will suffer if you kill us and torch my house. Please come back a couple of days later".

Second, dependence of Indian Muslims on 'secular' parties benefited the latter immensely throughout the period after Independence, but did little to protect the former during communal riots or to improve their material condition. No top leader from any 'secular' party had the courage to descend on the scene during the violence and offer their support to victims, primarily because they feared the loss of Hindu votes. They believed, perhaps correctly, that a substantial segment of Hindus has bought into the Sangh Parivar propaganda about Hindu victimhood. Had there been a strong political leadership within the Muslim community in Delhi, they would not have had the luxury of shirking their responsibility. Apart from the possibility of such a Muslim leadership standing by their people, they would also have been able to curb fanatical elements within the community that went berserk, attacking innocent Hindus in neighbouring areas.

Our history shows that marginalised communities are empowered when they organise politically.

Third, our political history has demonstrated that marginalised communities tasted political empowerment and a modicum of self-confidence only when they organised themselves politically--BSP, SP, RJD, IUML are some examples. Fourthly, a right-thinking social and political leadership for Muslims now is the best bet against possible radicalisation and foolhardiness. The political situation now is so completely pitted against the community that extremist elements wanting to fish in troubled waters will find their task much easier. Our pride in the fact that only a few hundred Indian Muslims out of 200 million ever joined the ranks of global Jehadi outfits may soon become passé. Indian Muslims never fell for jehadi adventurism precisely because the sense of equal citizenship the Constitution granted them made them feel at home in spite of it being far from equal in reality. Now they feel a sense of betrayal by allies on one hand and a sense of psychological disenfranchisement and imminent denial of citizenship, even physical annihilation by enemies, on the other.

Muslims have lost faith in all institutions in the country—government, police, judiciary, media, civil society and political parties. They know that hate against them is spreading like wildfire among Hindus. They also know that among the disseminators of hatred are people who hold the highest positions in the land, who meticulously work on new laws and policies aimed at consigning Muslims to an infernal existence in their own country. This kind of an abject situation is fertile for radicalism and extremist tendencies to take root. Unless a political and social leadership—with a strong moral fibre and committed to the values and ideals of

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Muslims know that hate against them is spreading like wildfire

the Constitution—emerges within the community, the existing leadership vacuum will be filled by impetuous zealots and cynical rabble-rousers.

Contours of a New Muslim Politics

This new Muslim politics should be Gandhian in its inclusivity, in its acceptance of diversity within and outside the community, in its commitment to Hindu-Muslim unity, in its adherence to non-violence. It should not only be open to, but must proactively include within its ranks and leadership its overwhelming diversity—various sects, devout, atheist, irreligious, Sunni, Shia, gay, lesbian, transgender, freethinkers. In other words, anyone who is likely to be targeted as Muslim by Hindutva forces should have equal space in it. Second, women should take the lead in the formation and running of the political formation. History shows us that menfolk, imbued with macho patriarchy, have always subordinated greater common good to selfish motives. Shaheen Bagh has shown us spectacularly how a women-led movement can be qualitatively different, not prone to violence and remarkably stubborn. The coming out of Muslim women to take charge can be the beginning of a much-needed social churning within the community.

Third, the new formation should eschew religious symbols and slogans, and instead choose symbols and icons of Indian nationhood. Shaheen Bagh proved the efficacy of that approach not just as a tactic, but also as an inspiring model of citizenship assertion. The impassioned resort to the symbols and icons of India's pluralist history and the reading of the preamble to the Constitution there and elsewhere created a new idiom of secular, yet not deracinated resistance. Fourth, it should not be a monolith, but a loose umbrella of regional or state-based outfits. Because the political situation in the states differs from each other, a monolith will be counterproductive. It can also lead to a particular region or state developing hegemony over others. The only common ingredient at the national level should be a set of ethical principles and the dream of restoring India to its saner self.

Fifth, it should keep out of electoral participation for at least a period of 10 years, focusing instead on organisational work, political education, social welfare and interfaith communication. Jumping into the fray will make it susceptible to all that is wrong in Indian politics. The suggestion is not to boycott polls, but to avoid them until such time that the community feels is ripe to form reliable electoral alliances. Sixth, it should build bridges with civil society groups to fight communal forces, environmental destruction and the denial of civil liberties and human rights. The difference between most such civil society groups and so-called secular parties is that the former is less likely to betray their ideals for temporary gains than the latter, which are prone to compromises and deception. One example of this is that a majority of 'secular' parties have formed alliances with the BJP at one point or the other.

Seventh, it should not do or say anything that will provoke more Hindus into the Sanghi fold. They should always maintain in their words and deeds the distinction between Hindutva and Sangh Parivar on the one hand and the larger Hindu society on the other. Eighth, the new political formation should keep away the temptation to indulge in identity assertion and focus on citizenship assertion. Harsh Mander recently said: "The Muslim brothers and sisters and children who are present here are Indian by choice. The rest of us are Indians by chance. We had no choice. We had only this country. But you (Muslims) had a choice and your ancestors chose to live in this country. Today, those who are in the government are trying to prove that Jinnah was right and Mahatma Gandhi was wrong."

> **Muslim women taking charge can be the beginning of a social churning within the community.**

It is the moral and historical duty of the Indian Muslims to prove Jinnah and Savarkar wrong, for that is the best tribute they can pay to their forefathers who chose to stay on in India.

(Views are personal.)

LAWYER AND MP.
FORMER UNION MINISTER

A Case in Point

Judicial independence needs a fresh look in the context of jurisprudence of checks and balances

THE enormous difference between former Chief Justice of India Ranjan Gogoi's nomination and previous selection-elections of retired Supreme Court judges to the Rajya Sabha need to be evaluated in the context of the vast increase in powers of the office of the CJI before and after the Advocates-on-Record versus Union of India case in 1993, Re–the Second Judges case. This case tripped both the intricate doctrine of balance of power between the executive, judiciary and the legislature, as well as the theory of checks and balances that lies at the heart of the Indian constitutional scheme.

With the institutionalisation of the collegium system post the Second Judges case, the chief justice, being the de facto head of the respective Supreme Court collegiums, has become the fulcrum that has the propensity, given an inclination, to exercise weight upon the entire judicial apparatus of the country from a civil judge to a high court Chief Justice.

India's judicial apparatus is divided into three distinct levels. At the bottom are the district courts and its subordinate infrastructure—the tehsil/munsif courts on the civil side and the magistracy courts on the criminal side. These judicial organs are the origin point of adjudication of most civil disputes and criminal matters. These include both civil courts wherein a party/individual first goes to report a dispute or where minor criminal offences are prosecuted, followed by the district and sessions courts where, in most cases, the first appeal lie. The two most important individuals in a district court are the sessions judge and the chief judicial magistrate. The sessions judge is senior most officer in the district and it is his/her prerogative to distribute work amongst the different courts under him/her. Judges in a district, be it a sessions judge or a judicial magistrate first class, are selected by a written examination and are transferred once every three years.

Under our constitutional scheme, district and sessions courts are administered by the high courts. Ordinarily, each district is superintended by a judge of the high court who is known as the 'administrative judge'. The administrative judge pens the annual confidential reports and oversees the general working of a particular district. These reports are placed before the full court of the high court, i.e. all high court judges sitting together. Administrative judges, therefore, are capable, at least in theory, of exerting pressure on the judges in the district as annual confidential reports written by them form the basis of promotions of the subordinate judiciary. Actually this oversight is meant to bolster public confidence and act as a check against corruption, bias and prejudice.

Constitutionally, high courts are insulated institutions removed from all other branches of government. Everything from their workings to their procedures is self-regulating. Each high court is charged with evolving its own procedures. Impeaching a high court judge requires a two-thirds majority of Parliament. In theory, this isolation and insulation is required so as to enable the court (high courts) to check executive overreach. The only control that any institution has over high court judges is that of appointment and transfer. This lacunae has been exploited overtime to unfortunate effect.

If you can control the CJI, you can in theory control the judiciary, thereby raising the spectre of institutional capture.

The SC like the high court is responsible for evolving its own procedures and its judges are equally insulated from removal—unlike the high court they cannot be transferred out. The constitutional insulations provided should, in an ideal world, make them the perfect guardians of our fundamental freedoms. Constitutionally, the apex court is not the administrative superior of any high court. It possesses no power to give any direction or mandate to any facet of the working of any high court.

Yet, over the years, the constitutional paradigm has broken down. The Second Judges case, initially hailed as epoch making, introduced the collegium system. The judiciary assumed to itself powers of appointment and transfer of high court judges and appointment of SC Judges. The collegiums themselves exist in a hierarchy. There is a high court collegium made up of the top three high court judges which recommends names for elevation from amongst eligible candidates to the Supreme Court collegium. The SC itself has two collegiums. The top three judges (we can call them SC collegium 1) is responsible for approving or disapproving names sent by the high court collegium and is also responsible for overseeing transfer of judges from one high court to another. The top five judges (we can call the SC collegium 2) are responsible for selecting individuals to fill vacancies that might arise in the apex court. Both SC collegiums are headed by the CJI.

ILLUSTRATION: SAAHIL

So to recap, district court judges report to their administrative judge who is a high court judge. A high court judge, after the Second Judges case, is appointed by a SC collegium and can also be transferred by the said collegium. Finally, for a high court judge to make his way to the SC, he/she must be approved by the second SC collegium.

This is where the CJI comes in. Being the de-facto chairperson of both SC collegiums, he in theory can exert 'control' over any high court judge. A non-cooperative high court judge may find himself being transferred. He or she can wake up one day to hear that his/her services have suddenly become essential in a far-flung state away from the present place of posting.

THE authority of transfers also gives the powers that be capacity to mould high court collegiums. Often free-spirited and independent judges in high court collegiums find that just as they enter the collegium on account of their seniority their legal acumen is suddenly in greater demand in another high court where they are less senior and where they don't come in the collegium. The threat of transfer like the sword of Damocles hangs over every high court judge and through him over the district he administers. At the centre of this great power is none other than the chairman of the Supreme Court collegiums, the CJI. If you can control the CJI, you can in theory control the judiciary, thereby raising the spectre of institutional capture.

It is in this context that the recent Rajya Sabha nomination of Justice Gogoi needs to be understood. Justice Hidayatullah's unanimous election as vice president of India or former CJI Ranganath Misra or for that matter Justice Bahrul Islam's Rajya Sabha sinecures happened when the powers of the CJI were severely restricted.

The UPA government, in its second avatar, tried to correct the skewed balance by introducing the Judicial Standards and Accountability Bill 2010. I had personally led the discussion on that bill from the treasury benches on the December 28, 2011. Even though the bill was passed unanimously in the Lok Sabha on March 29, 2012, it lapsed as the then government did not take it to the Rajya Sabha for inexplicable reasons.

When the NDA/BJP government assumed office, it brought the National Judicial Commission Appointment Act and the 99th Amendment to the Indian Constitution Though passed near unanimously by both houses of Parliament and ratified by more than half the state legislatures, it was struck down by the Supreme Court on the specious premise that it subverted judicial independence. "It is difficult to hold that the wisdom of appointment of judges can be shared with the political-executive. In India, the organic development of civil society has not as yet sufficiently evolved. The expectation from the judiciary, to safeguard the rights of the citizens of this country, can only be ensured, by keeping it absolutely insulated and independent, from the other organs of governance," Justice J.S. Khehar, the presiding judge on the five-judge Constitution Bench, explained in his individual judgment. Later, justice Kurien Joseph, one of the judges ruling in favour of striking down the NJAC, expressed regret over his judgment.

The whole question of judicial independence needs a fresh look in the context of the jurisprudence of checks and balances. The two critical issues are appointments and transfer of judges to the higher judiciary. The collegium system can be allowed to continue. However, the collegium recommendation's after security vetting by the government must be sent to Parliament. Parliament must constitute a Permanent Standing Committee co-chaired by both the chairperson of the Rajya Sabha and the Speaker of the Lok Sabha. It must have eleven other members. All judicial appointments must require two-thirds majority for confirmation of every judge. A similar process must be put in place in the states also for the subordinate judiciary over time. The committee in that case should be chaired by the Speaker of the Vidhan Sabha and where legislative councils exist, chaired jointly. The Judicial Standards and Accountability Bill should be reintroduced in Parliament and passed. Similarly, all post retirement reappointments must go through a similar confirmation process. This is an idea whose time has come.

(Views are personal.)

The CJI has become the fulcrum that has the propensity to exercise weight upon the entire judicial apparatus.

Heartland Heartburn

Caught between aspirations of loyalists and new entrants, Shivraj Chouhan will have to walk the tightrope as he assumes charge as MP chief minister

Puneet Nicholas Yadav

AFTER a 15-month interlude, the BJP maneouvered its way back to power in Madhya Pradesh on March 23 with Shivraj Singh Chouhan sworn in for the fourth time as chief minister. That the BJP's return to power in the state it ruled for 15 years from 2003 to 2018 was not on the back of a popular mandate but one aided by rebellion within the Congress is public knowledge. Earlier this month, erstwhile Gwalior royal Jyotiraditya Scindia ditched the Congress to join the BJP and triggered a rebellion by loyal MLAs against Chouhan's predecessor, Kamal Nath.

For nearly a fortnight, Nath and Congress veteran Digvijaya Singh made desperate efforts to win back the rebels. Singh, along with a dozen party leaders and ministers in the Nath government, went to Bangalore to "rescue the legislators held captive by the BJP" at a resort but was detained by the Karnataka police. Governor Lalji Tandon demanded that Nath prove his majority through a floor test in the Vidhan Sabha but the CM dithered, arguing that the 22 MLAs must first return to Bhopal. The now familiar Supreme Court intervention for destabilising an incumbent government on the ground that it had lost confidence was sought. Nath's time ran out.

There is no denying that for the crisis-hit Congress, the loss of its government in MP—and frontline leader Jyotiraditya—is a twin blow. Yet, within the party's state leadership, the heartburn over losing hard-earned power aside, there are also muffled whispers about the "possible long-term benefits" of the loss. Likewise, within the BJP, under the loud cheers of victory, there is disquiet over the "many compromises" that Chouhan and the party may be forced to make and how difficult it may be for the leadership to "strike a balance between old loyalists and new entrants." The common factor between these myriad feelings is Jyotiraditya.

"For Chouhan, the real test begins now. During nearly 13 years that he was chief minister before 2018, he had managed to rein in dissenters within the state BJP who saw his popularity eclipsing their own political mobility. Now, he will have to tread more cautiously because his party heavyweights from the Gwalior-Chambal region—some of whom are his rivals—will not want to play second fiddle to Jyotiraditya," says Bhopal-based political commentator Rakesh Dixit.

The chief minister's immediate challenge will be in forming his council of ministers. Six of the 22 Congress rebels who helped topple the Congress government and are now in the BJP were cabinet ministers under Nath. Can Chouhan accommodate all of them with cabinet berths? Of these former ministers, at least four are from the Gwalior-Chambal region. If Chouhan brings them into the cabinet, can he ignore ministerial berths to the BJP veterans including Jyotiraditya's aunt, Yashodhara Raje Scindia, who held important portfolios in the earlier Chouhan government and represent the Gwalior-Chambal division? Even when machinations were still on to topple Nath's government, BJP veteran Narottam Mishra, sources say,

PTI

was lobbying for the post of deputy chief minister if Chouhan returns as the CM.

"I have been an MLA for 40 years and have never lost an election. Even when the BJP had only two seats in Parliament, I had won my assembly seat. I am not in politics for power but I hope the party will keep my record in mind to decide what responsibility I should get," Bhargava tells *Outlook*. Chouhan may be able to hold off Jyotiraditya's pressure for ministerial berths for his loyalists on the ground that they must spend the next few months in their constituencies to explain to their voters the reasons for quitting the Congress. The 22 legislators have resigned from the state assembly and bypolls will be held for their constituencies over the next six months. Besides these 22 seats, there were also vacancies in the Vidhan Sabha on account of the death of two elected BJP members.

In the Vidhan Sabha, the BJP currently has 107 MLAs while the Congress, which had won 114 seats in 2018, is left with 92 members after the resignation of the 22 rebels. The current half-way mark of 103 seats gives

The comeback man, Shivraj Singh Chouhan after he was sworn in as the Madhya Pradesh chief minister

the BJP a slender but comfortable majority for now, along with the possible support of seven legislators who won independently or on BSP and SP tickets. However, results of the bypolls to 24 constituencies could significantly impact the stability of the Chouhan government if the BJP doesn't win a bulk of the seats.

"The MLAs who resigned had sought votes against the BJP in 2018 and were elected because of the promises the Congress made. With what face will they now go to the people and explain the betrayal?" asks Laxman Singh, Congress legislator from Chachoura and younger brother of Digvijaya Singh. The Chachoura MLA also expressed confidence of the Congress's return to power within six months.

BJP leaders concede that the party will have to walk a tightrope. "Even assuming that we give tickets to all rebels, will they all win? Some of them defeated our senior leaders in 2018. Will these veterans work for the newcomers? There is bound to be some sabotage. If we field the veterans again, the rebels may get disillusioned and start working against the BJP," says a senior BJP leader.

Chouhan's immediate challenge will be to form his new ministry.

In the 2018 polls, BJP veterans Rustam Singh, Lal Singh Arya, Jaibhan Singh Pawaiya, Ramlal Rautel and Rakesh Shukla were defeated by Jyotiraditya loyalists. Of these, Pawaiya has been the fiercest critic of not just Jyotiraditya and his father, the late Madhavrao Scindia, but of the entire Gwalior royal family. A former Bajrang Dal leader with strong bonds in the Sangh Parivar, Pawaiya tells *Outlook* that "Jyotiraditya is welcome in the BJP but must work like an ordinary karyakarta now... we will not treat him like a maharaj, he has to earn his place". The BJP will also need to pacify Guna parliamentarian K.P. Singh Yadav who defeated Jyotiraditya in the Lok Sabha polls. A former confidante of Jyotiraditya, Yadav had switched to the BJP in 2017.

There is yet another challenge that the BJP may find difficult to navigate. Over the past 15 months, Chouhan and his colleagues had vociferously alleged that the Nath regime was corrupt and a lot of the allegations centered on portfolios that were held by the six Jyotiraditya loyalists. Now that these loyalists are in the BJP, can Chouhan afford to have the alleged scams—particularly in Nath's scheme of combating food adulteration which was piloted by Tulsi Silavat's ministry—investigated?

Nath has, for now, said he would stick to state politics and ensure that the "welfare schemes started by our government are continued by the BJP" and that steps taken by the new government out of political vendetta will be resisted. Congress sources say the party also plans to launch a campaign soon to inform the electorate of "the good work that the Nath government did in 15 months and how the BJP used money and muscle to topple the government". Much of the responsibility of reviving the Congress now, say sources, will lie on Digvijaya Singh, whose area of political influence includes the Gwalior region.

Irrespective of what may become of the Congress's plans, Chouhan's second coming is not expected to be as smooth as his earlier chief ministerial stint which continued uninterrupted for nearly 13 years despite personal allegations of his alleged involvement in the Vyapam scam and the state's thriving sand mining mafia.

ANNIE ZAIDI IS A MUMBAI-BASED WRITER OF ESSAYS, REPORTAGE, STORIES, POEMS AND PLAYS

Our Violating Society

A screed of horrific rapes; a litany of justice miscarried. More than the closure offered by executions, society needs an overhaul.

I often make lists. Words, lined up neatly on a page, add up to something—meaning, or purpose. Some lists, however, add up to numb horror. Sample this:

2013 College student. Abducted while she was walking home, gangraped in a factory. They slit her throat after tearing her up between her legs, up to her navel. They called it the Kamduni rape case.

Nine men accused. Death to three; life sentences for three; two acquitted. One died during the trial.

2014: More than one case from Badaun has made headlines, so they call it the 'Badaun sisters' case. Two teenage girls strung up on a tree. Post mortem report initially said rape and death from 'strangulation while still alive'. CBI report later said, no rape. Three men arrested, granted bail. (In the other Badaun case, the victim struggled to get the police to file a report, then killed herself)

2014: The Sowmya case. Fatal head injuries. Thrown off a train and raped. The accused, a history sheeter, was sentenced to death, but commuted to life imprisonment by the Supreme Court.

2014: Esther Anusuya. Raped, murdered, body burnt. Accused was sentenced to death.

2015: Man accused of raping a five-year-old child. He was the victim's neighbour. The Supreme Court commuted the death sentence to life.

2015: Woman abducted, gangraped in Haryana. Stones, blades, sticks forced inside her. Seven men sentenced to death. The eighth was a minor. One killed himself.

2015. Manipur court sentenced someone to death for raping and murdering a four-year-old.

2016: The Jisha case. Law student killed inside her own home, her body badly mutilated. Reports mention 'intestines', like in the Nirbhaya case. Death sentence.

2016: Delta Meghwal's body was found in a water tank. She lived in a hostel and had supposedly informed her parents about being raped by a PT teacher. Police allegedly took away her body in a municipal garbage vehicle. Three men booked for abetment of suicide, not for rape or murder.

2019: Six-year-old in Tonk raped and strangulated with her own school uniform belt.

2019: In Bharatpur, eight men arrested for killing an eight-year-old boy. They tried to rape the child's mother, who is disabled. The child had tried to protect her.

2019: Woman set on fire while she was on her way to testify against her rapists. The case was from Unnao, but it cannot be called the Unnao rape case because there's more than one.

In the other case, an MLA was the accused rapist. The victim's father died after being taken into police custody. Ultimately, the victim herself was in a suspicious road accident that nearly killed her. The MLA got ten years for rape.

Individually, and in gangs, men emulated tortures they heard of during coverage of the Nirbhaya case.

Which crime was rarer, which more horrific? We can't be certain, but we can wager a guess about who will be executed based on how much property they own, individually and collectively; local caste equations; the investigating officers' integrity. Consider the 2018 Kathua case. Eight-year-old Asifa was abducted, raped, killed inside a temple. Seven men were arrested, four of them police officers. Nobody got the death penalty.

Which aspect of this case was most heinous? The child's age? The venue of the crime? The fact that several people actually took out rallies in support of the accused? Or the fact that policemen had conspired and they got only five years.

We like to believe that justice is served when a murderer goes to the gallows. Death offers closure. It also shields us from the awful truth that a society where such crimes happen with alarming regularity is broken, and requires a drastic overhaul. We experienced it as broken in 2012, when details of the Nirbhaya case emerged. The masses roared on the streets, demanding that something get fixed. The accused were arrested, and seven years later, have been executed.

Someone mentioned videos. I didn't want to look. I didn't want any more detail about those men. Already, I find it hard to forget that they were desperate to stay alive, filing appeal after appeal. I confess, I don't know what they deserved. Fourteen, twenty-five or fifty years does not seem to balance the scales of justice. But it is also true that I feel neither relief nor cheer. I feel weary, and much, much more afraid than I was in 2012.

The cases I've mentioned above are a tiny selection from English press

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Justice relayed Citizens exult in front of Delhi's Tihar jail after the executions

reports. Some of those 'rarest of rare' crimes were undertaken after the accused in the Nirbhaya case were arrested, and people were baying for blood. A death sentence was almost a foregone conclusion. Yet, the rarest of rare crimes recurred. Individually, and in gangs, men emulated the tortures they heard of during media coverage of the Nirbhaya case. One thing was different though: they made sure to kill the victims.

In Uttar Pradesh, a 2019 report mentions five incidents where rape victims were burnt. Unnao, Fatehpur, Chitrakoot, Sambhal. In Bihar, a 16-year-old's body was found with the head hacked off and burnt with acid, making identification difficult. The police called it an honour killing, but there were protests from people who allege a faulty probe. In Telangana, a veterinarian was gangraped, killed, the body burnt. Investigations were not even concluded, when the police shot the accused dead in an 'encounter', after the men supposedly tried to flee. We are expected to simply trust the police version of events.

Let's recall the Ayesha Miran case then. In 2007, in Vijaywada, a 19-year-old student was raped and murdered in her hostel bathroom. A man called Satyam Babu was arrested. He was accused of fleeing from police custody, but was quickly 'apprehended'. A lower court sentenced him to fourteen years imprisonment, even though he had a disease that didn't allow him to walk properly. He alleged third degree torture, and had to be carried into court hearings. Even the victim's family wasn't persuaded; they said that the police had implicated Babu in order to shield another man, who was politically connected.

In 2017, a High Court judgment acquitted Babu, and awarded compensation for having imprisoned him for eight years. The CBI was ordered to investigate. In 2019, a news report suggested that the politically connected person was interrogated. Not arrested. Not given the third degree. Definitely not taken to a spot that was neither his home nor a police station, where he might do something that would require someone to shoot him in self-defence.

What if Babu had been given the death penalty or was 'encountered' by the police during his alleged escape bid? And how many rapists were deterred through his torture and incarceration?

In 2017, India was reporting 92 rapes a day. Rape is discussed in newspapers and on TV often because it is clubbed with murder and torture, and grave familial betrayals. Men have raped sisters and nieces. The rape and torture of men in custody barely make the news. Is it because that kind of crime is not 'rare', or do we not view it as crime at all? And if it can deter perpetrators, then why do we not hear loud demands for the death penalty after riots or pogroms?

We sort of know. Police, judiciary, politicians are human. At their best, prone to prejudice and egotism; at their worst, rapists and torturers. We would do well to remember how racism has coloured law enforcement in the global west. The case of the 'Central Park Five' in the US is warning enough. Five teenage boys were accused of raping a white woman in 1989, beating her badly and leaving her for dead. In 2002, all five were exonerated, after the actual rapist confessed.

If it can deter perpetrators, why no demands for the death penalty after riots?

That we are in a hurry to take a life because we believe a man guilty does not say much about our thirst for justice. It might say something about us being in denial about our own limitations. We are not God. We cannot bring anyone back to life. And if the idea of executing the innocent does not appall us, there is very little left to say.

(The author's views are personal)

COVER STORY
ECOVID-19
LOCKDOWN

Lola Nayar and Jyotika Sood

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NEW DELHI

JITENDER GUPTA

By March 11, 2020, when the WHO declared COVID-19 as a pandemic, its impact was being felt across the globe, by the 7.8 billion humans living on the planet. With an overwhelming majority of them in no position to help themselves. India has not evolved to a stage where those ratios—of humanity feeling the pain—can be assuaged by the State in any appreciable manner. In an evolving crisis, when no one is able to say for sure when it will be contained and what its long-term impact could be, the stress will be placed unequally on the individual and society, and on the government—which takes the responsibility for anticipating risk and putting in the structural buffers. And the structural risk, which affects everyone, is as economic as it is biological.

India has the recent experience of demonetisation: a sudden, unannounced alteration to our basic economic grammar. Globally, many are drawing parallels with the financial crisis of 2008 and the Great Depression in the 1930s. The present IMF chief, Kristalina Georgieva, is only the second woman to be in that position—at a time when the IMF chief economist too is an Indian woman, Gita Gopinath. Which is appropriate because the effects of most economic crises are unequally borne by women. Our "financial systems are more resilient now," Georgieva said, to assuage anxieties, comparing it to 2008. But, given that no one is sure how long the crisis will last or unfold, even she found it necessary to say: "Under any scenario, the global growth in 2020 will drop below last year's level. How far it will fall, and for how long, is difficult to predict, and would depend on the epidemic, but also on the timeliness and effectiveness of our actions."

India's internal buffers ensured that it was not too affected by the financial crisis of 2008, even if our GDP growth slipped from 8.5 per cent to 6.5 per cent. But this time, given the pre-existing economic slowdown on which the COVID-19 crisis is acting, the fears are of GDP growth falling below 4 per cent—officially. To put India in perspective, the overall global economic health is itself expected to be hit—especially in countries that depend on exports, tourism and other services sectors, some worse than others.

There's one crucial difference, though. The biggest saving grace has been technology—the internet and telecommunication—that is enabling a lot of people to be working around the globe without compromising or running a risk to their own and other people's health in their pursuit to keep working and the economy ticking.

Still, that's only a buffer. A lot of our economic life still unfolds offline. That's why someone like Madan Sabnavis, chief economist at CARE Ratings, feels the impact will be stark: COVID-19 has already affected several nations, including the main drivers of world economy—the US and Europe, China and Japan. "It does look like that growth for 2020 could be in the region of 1 per cent—from the 2.25 per cent expected earlier, going by the way the virus has spread, affecting global output and trade in both goods and services," says Sabnavis. Going by experience, adds Georgieva, about one-third of the economic losses will be direct costs: from loss of life, workplace closures and quarantines. The remaining two-thirds will be indirect, reflecting a retrenchment in consumer confidence and business behaviour and a tightening in financial markets.

Which means an economic effect enduring way beyond the lockdown, or the immediate health emergency. Demand will suffer as consumers cut spending throughout the year, as even McKinsey agreed in an assessment on March 16. In the most

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affected sectors, expect higher corporate layoffs and bankruptcies throughout 2020, feeding a self-reinforcing downward spiral. The financial system will suffer significant distress too, but a full-scale banking crisis will most likely be averted because of the strong capitalisation and the macroprudential supervision now in place. (In simple language: don't run on the banks.) Yet, our fiscal and monetary policy responses may prove insufficient to break the downward spiral. Especially given that the global economic impact is severe, expected to exceed the 2008 crisis on scale. Also expect the GDP to contract significantly in most major economies in 2020, and for any sign of recovery to begin only in Q2 2021—a year from now.

"As a best-case scenario," says Viswanathan Rajendran, partner, global management consultant Kearney, "a lot of businesses are hoping for a V-shaped economic recovery—a sharp decline, followed by an equally sharp recovery, once restrictions are relaxed." But there's a caveat. "One of the scenarios we are looking at is also a much more prolonged slowdown, driven by a longer phase of restrictions."

There are studies now that indicate the virus could potentially come back again in communities that have "flattened the curve" and then relaxed restrictions, potentially needing governments to impose multiple waves of lockdowns till a vaccine is discovered. In such a scenario, we are potentially looking at an economic impact lasting for 12-18 months, which is the earliest timeframe expected for a potential vaccine.

> Down the class pyramid, without WiFi and WFH, things will be far more desperate.

According to one of the various assessment studies, major European economies will experience dislocations as the virus spreads and countries adopt restrictive responses that curb manufacturing activity at regional hubs, including in northern Italy. The UN projects that foreign direct investment flows could fall between 5 and 15 per cent to their lowest levels since the 2008-2009 global financial crisis.

At the sector levels, tourism and travel-related industries will be among the hardest hit. Also, social forms of consuming art/culture/entertainment. The International Air Transport Association warns that COVID-19 could cost global air carriers between $63 billion and $113 billion in revenue in 2020, and the international film market could lose over $5 billion in lower box-office sales. Thank previous governments for the information connectivity backbone on which you consume content on YouTube and OTT platforms like Netflix and Amazon.

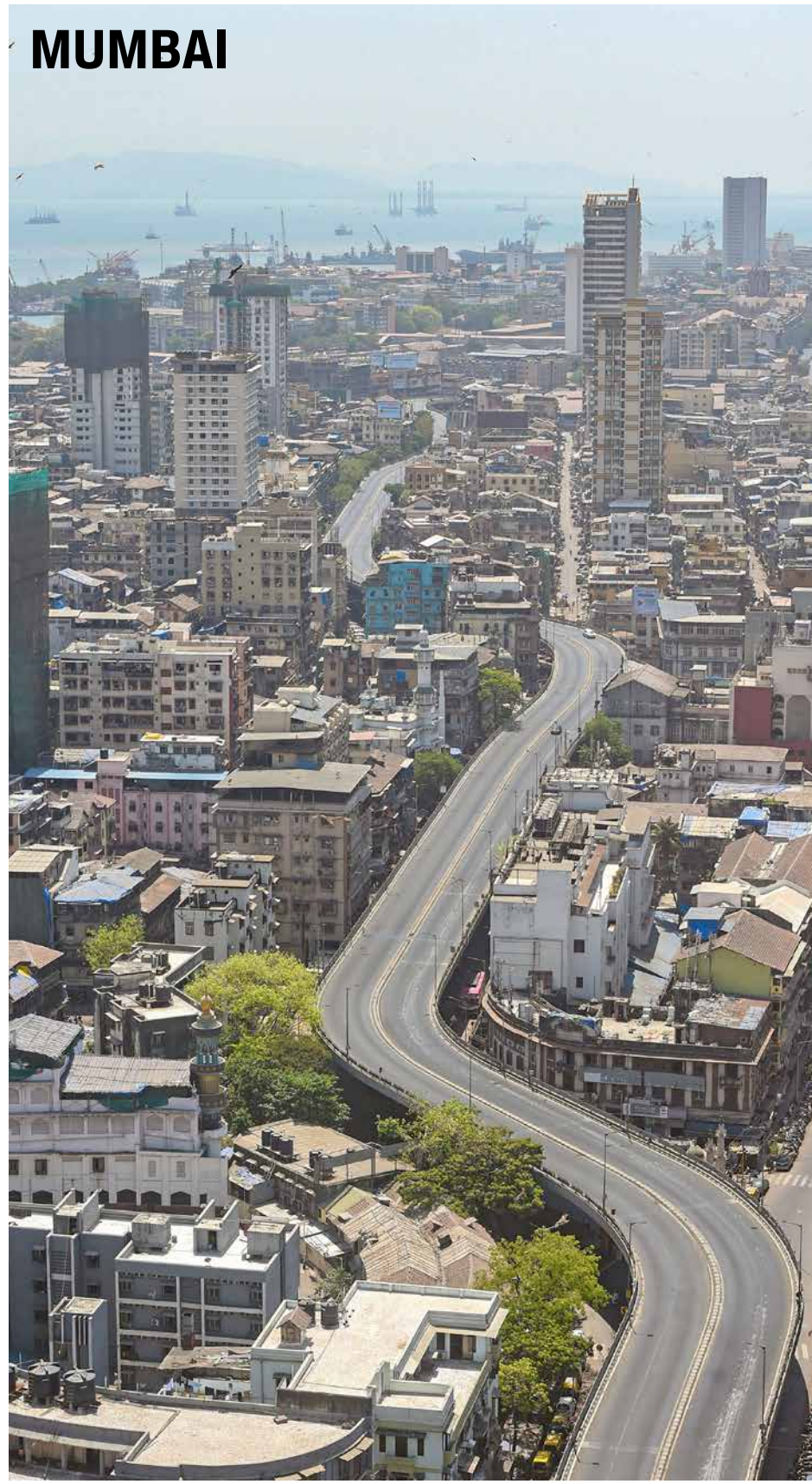
But before clicking the play button on your favourite web series, contemplate the world—and India. Even before this crisis, the global economy had been faced with mounting structural challenges with total global debt reaching $188 trillion at the end of 2018, up by $3 trillion from just 2017. Says Ajay Sahai, director general & CEO at Federation of Indian Exports Organisation (FIEO): "We're already seeing disruptions in global trade, global economy and Indian exports. As per a rough estimate, roughly 30 per cent of orders have been put on hold. And we expect that 50 per cent of that may not

materialise subsequently." As of now, the situation is extremely bad for labour-intensive sectors because they are heavily dependent on exports to advanced economies of Europe and North America. And both are going through a tough phase. Think leather footwear, apparel, handicraft, carpets...and the countless workers and specialised artisans dependent on it.

The first lockdown order that related to 75 districts had already covered production hubs like Varanasi, Ludhiana, Erode, Chennai and Mumbai among others. But when Prime Minister Modi announced at 8 pm on March 24 that "every state, every district, every lane, every village will be under lockdown" for 21 days, those were words that could affect lifetimes. "This is going to hit the MSMEs in particular as they will be burdened by fixed costs without business, putting a lot of pressure on them. A tough aspect is that they are supposed to pay wages to the workers, who will otherwise be in a difficult situation. I don't know whether they will have enough liquidity to sail through the crisis," Sahai told Outlook. The human effect? As NYT reported: "Long lines of migrant wokers streamed out of recently closed railway stations, with thousands of men, almost none wearing masks, marching close together to far-off villages, potentially spreading the virus deep into the countryside."

A recent IMF paper projects that the growth decline would be extremely sharp, with a huge rise in global unemployment, an almost 9 per cent expansion, mostly in the informal sector across the globe, more so in developing countries like India. Think millions of daily-wagers, small entrepreneurs, rehriwallahs—sabzi is essential service, but not pakoda, samosa, bhelpuri, chana, bade ka tikka, cut fruit and the hundreds of other things you take for granted. And self-employed carpenters, plumbers, car mechanics, and small shops that would have been buzzing in a week from now with orders to clean ACs, and the rest of it. You, as a member of the elite or middle class, may manage to survive on good WiFi bandwidth and WFH. Down the class pyramid, things will be way more desperate.

Then there's the formal sector, which gets counted. The biggest challenges here would be for services: aviation,



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shipping, tourism, hotels, restaurants, travel agency portals et al. In manufacturing, supply chains, especially for auto, electronics, engineering, chemicals, metals, would be affected for sure. Recovery too will be phased out: it will start with services and only then, gradually, move over to the manufacturing sector.

Dr Sachin Chaturvedi, director general at the Research and Information System for Developing Countries (RIS), points to the larger global picture that is emerging. Given the disruption in China, its ability to supply goods is expected to be hit by 2.5-4.7 per cent. And it could get worse if the current situation continues. There are expectations that China could emerge out of all of this only by April 15. Many countries, like the US, Australia and the EU nations, which depended on China for many of their essential supplies, are now pushing domestic industries to help reduce import dependence. India too iws looking at improving its own supply lines. That will especially be the case with medical devices and pharmaceutical products, given the new plans for setting up special zones and switching to productivity-linked incentives. So there will be some concentrated buzz there.

SANDIPAN CHATTERJEE

BUT make no mistake. The scenario is particularly challenging for developing countries like India, which do not have efficient public health systems, response capacity or social security. But the seeds of a recovery are always embedded within a crisis. "Looking at the economy globally, this is definitely a strenuous phase and millions of jobs are going to be affected. Nonetheless, history has enough examples to demonstrate that after a time of economic difficulty, industry and countries have always bounced back," says Prof Janat Shah, director, IIM Udaipur. We need to be prepared for the recovery, and remember the vital lessons learnt, he says, with fundamental changes that need to be made in how we approach health, in India as well as globally. A simple but enduring aphorism from him: "We cannot expect economic growth if public healthcare is kept on the backburner".

Calling COVID-19 the biggest global issue after the Great Depression, with all of 165 countries affected, N.R. Bhanumurthy, professor at the National Institute of Public Finance and Policy, points out that the impacts on both the global and Indian economy are still evolving. Only the disruptions have started, he says, and at this stage it is going to be very difficult to predict anything very concretely about the future. Much depends on how long the crisis stretches. Even the usual data-backed analysis is cramped for space, and we will need to wait for future economic historians for a final tally. At the present moment, "this crisis is disturbing how all the economic activity is conducted," says Bhanumurthy. "The impact is going to be across the board. Now we have to wait and watch how the India story is going to play out. We will know only after this lockdown period....."

Economic effects will endure way beyond the lockdown and the health emergency.

We will have abundant leisure to count our losses later. Profits? Well, humans have invested in and profited from various forms of social misery. But staying alive and viable in tough times is a natural instinct. An overall economic shock obviously means millions of individual repercussions, many of them drastic: loss of jobs and earnings, and temporary shortages of several products and services. At the same time, the crisis will test, at least in the short and medium term, the ability of individuals to think in terms of savings and investments. Will this bring about a philosophical change in how people approach their lives? If there are interim income losses, will savings and investments rise? And can that make up? At present, the answer to the last one seems to be a huge 'No'. This is one of those rare, and horrifying, situations when all asset categories are down. Globally, stockmarkets have crashed by a third, or more. Ditto with India. We are already into a real estate slump that has lasted for a few years—2020 was supposed to be the turnaround! After coronavirus, it seems like realty will be down for the next several quarters. The indices will stay at home.

How should investors think about this moment? Well, the extreme volatility in commodities and crude oil can be both helpful and stressful to nations. But for investors, even the professional ones, it is risky as the price swings are huge, and one doesn't know when the tide may change within a few hours, or because of one event. Everyone initially felt that bullion, or rather gold, would be the safe place to park one's money. Initially, gold prices zoomed, which indicated the truth of such a belief. However, in the past few weeks, gold prices have come down by 10 per cent. One isn't sure if it is safe. More importantly, how much gold can one buy? In the following series of articles, we talk about the impact of the coronavirus on different asset categories, as also the investment strategies that can help you safeguard your principal, if not help you earn profits, and also keep your financial head above the turbulent waters. And also, plenty scope to think about the human fundamentals that gird all of that.

AP

From Valentine to **Quarantine**

Indian bourses tanked over 37% in 25 sessions amidst sharp jump in trading volume and turnover

Yagnesh Kansara in Mumbai

STOCK markets across the globe have been bleeding post-Valentine's Day, since the outbreak of the COVID-19 contagion assumed dangerous proportions. And everyone associated with the markets have been forced to undergo quarantine in terms of their investment. With the COVID-19 outbreak declared a pandemic by the World Health Organization (WHO), panic gripped financial markets, including in India, where the benchmarks have shed in excess of 37 per cent in only 25 trading sessions. This works out to be a fall of 1.48 per cent on an average a day in the past five weeks.

All the leading global benchmark indices of Nikkei, Hang Sang, Dax, CAC, FTSE, DJIA have been bleeding profusely. Back home, Indian benchmarks, Nifty and S&P Sensex, have also lost 37.15 per cent and 37.02 per cent respectively as on March 23, in 25 sessions beginning February 13, 2020.

The severity of the panic is that in less than a week's time benchmark indices in India have hit circuit-breakers. The bourses have clocked alarming level of trading volume and dramatic rise in the turnover. The trading volume (number of shares traded) of Nifty during the period has risen from 62.35 crore shares to 107.23 crore. This indicates a rise of 72 per cent. During the same period, the average daily Nifty turnover has risen 44.38 per cent, from Rs 20,760 crore to Rs 37,321 crore. What is a more worrying fact is that the broader index Nifty-500 and BSE-500 have lost more value than benchmark indices. Both these measures have lost 37.33 per cent and 37.72 per cent respectively during the period.

Ankur Maheshwari, CEO, Equirus Wealth says, "COVID-19 has disrupted economic activity in multiple ways. With what started in China largely as supply chain disruption, given that it is a manufacturing hub for many firms across the globe, the economic impact has now spread to more than 100+ countries. Domestically too, almost all sectors have got impaired in varying degrees owing to disruption in economic activity and 4QFY20 earnings will be severely impacted. Given that we are still in midst of COVID-19 outbreak, it is difficult to assess the extent of impact completely. That said, FY21 earnings estimates are expected to be downgraded anywhere between 10-20 per cent vis-à-vis estimates at the end of the December quarter."

Way ahead for investors

Investors would do well to note that the markets have historically faced such situations and, more importantly, recovered from it, albeit over varying time periods. If it was a banking crisis in 2008, now it is due to the novel coronavirus and the, still as yet unascertained, damage to the global economy and also to India especially, coming on the back of an already slow economic growth of 4.7 per cent in Q3FY20. The difference in this market scenario is that there is a definite recovery point for which investors can look out for. A slowing growth rate in new infections around the world, or especially in the developed nations, could be a trigger for the market recovery.

A slowing growth rate in new infections around the world, especially in developed nations, could be a trigger for market recovery.

Chinese infections have dropped off while the infection rate in other countries seems to be following the same trajectory. We will reach a point when that rate starts tapering off, and that would be a good indication that the virus threat is being controlled. The sharpness of the recovery would depend on how fast the threat recedes and how fast the global economy is expected to get back on track. Long-term investors would do well to buy into the extreme bouts of volatility that we may witness and ensure to accumulate quality stocks during this period.