

# It is important to contextualise the NRC

Errors aside, the process was rigorous, methodical and did not target any particular community



The National Register of Citizens (NRC), which was expected to land with a bang in Assam, seems to some as having landed with a mere whoosh. Bharatiya Janata Party (BJP) leaders are particularly upset as it has belied their hopes of netting a huge number of immigrant Muslims in a dragnet – reportedly, a majority of those left out are Hindus. The All Assam Students Union (AASU) has expressed disappointment, arguing that the numbers did not tally with earlier figures mentioned by the government. Minister Himanta Biswa Sarma has even given dark hints of ‘other measures’ in store to offset the ‘errors’ in the NRC.

On the other hand, former Chief Minister Prafulla Kumar Mahanta has welcomed it as satisfactory. Pradip Bhuyan, whose PIL galvanised the process of preparing the NRC; The Forum Against Amendment of the Citizenship Bill, which I chaired; and organisations representing immigrant Muslims have also welcomed it, while pointing out that such a massive and complex exercise in a country where official documentation is still at a rudimentary stage is not likely to be foolproof.

Those expressing their disappointment ignore that the rigorous procedures and methodical cross-verifications were not put in place to fulfil some people’s fantasies. The previous figures cited by the government in earlier times were not based on any systematic procedure.

### Rhetoric and reality

The concerns over the migration of Muslims also mask a social phenomenon. As Dr. Ilias Ali, a surgeon and crusader for family planning, and Abdul Mannan, a retired professor of statistics, have shown, the Muslims’ swelling numbers are the result of widespread poverty, illiteracy, early marriage and lack of birth-control measures rather than migration. However, this is not to deny that some migration did take place.

The results should also set at rest



People in Guwahati, Assam, checking their names on the final list of the National Register of Citizens. • GETTY IMAGES

the tireless campaign by certain well-meaning but ill-informed people in the academic and media circles to paint the NRC as a vicious plot by some ‘xenophobic Assamese’ to oppress and torture Muslims. The process was impersonal and its strict machine-like operation pre-empted the targeting of any particular community. While there may have been errors and lapses, there is no truth to the allegation of bias.

People outside Assam have very little idea of the terrible times Assam lived through from the 1980s to the late 1990s. Social unrest, ethnic conflict, militancy and insurgency under different flags created a monstrous and stifling atmosphere. There was a complete lack of security, loss of trust between different communities and uncontrolled violence. The government’s attempt to quell these with the Army and the police made matters worse.

On the other hand, there was also an attempt by a group of civil society activists and saner political elements to mobilise support for peace. At that juncture in the late 1990s, popular Muslim clerical leaders came aboard and publicly declared their support for the Assam Accord, which they had opposed tooth and nail for a decade after 1985. This was a watershed moment, when the demand for an NRC gained greater traction.

Earlier, since 1979, a turbulent stir

in the State against a perceived threat to native identities had practically held the government to ransom, disrupted businesses and put a stop to education. The curtains were drawn on these scenes in 1985 after the signing of the Assam Accord, which set 1971 as the cut-off year for determining citizenship. Immigrant Muslims initially considered it a betrayal and even formed their own political party but, as mentioned above, they began expressing support for the pact in the late 1990s.

### The colonial roots

‘But why is there so much hue and cry about migration, which is a natural human phenomenon?’ wonder many outsiders who do not know the history of Assam. Such an attempt to naturalise sociopolitical events is an intellectual folly. The roots of the State’s discontent can be traced to the early decades of the 20th century. The British colonial rulers, after fleeing poor East Bengal peasants for more than a century, apprehended a massive peasant revolt and promoted the latter’s migration to Assam. The relocation, which began as a trickle in the early decades of the 20th century, turned into a deluge in the 1930s and ‘40s.

Running with the hare and hunting with the hounds, the British also set off an alarm among native Assamese people about their lands being

‘seized’ and their culture ‘being’ buried. Provocative remarks like those by Census superintendent C.S. Mul-lan in 1931 made the situation worse, turning anxiety into panic. Muslim leaders like Maulana Bhasani breathed fire into this by demanding both land for new immigrants and inclusion of Assam in Pakistan. However, following Independence, it was a grim acceptance by the immigrant Muslims of their fate, patient negotiations with Congress leaders and sheer grit that saw them through.

Fortunately, there was also a strand of Assamese national culture that tolerated diversity of faith and promoted peaceful coexistence and fraternal relations. Cultural icons like writers Jyoti Prasad Agarwala, Bish-nu Prasad Rabha and singer-musi-cian Bhupen Hazarika upheld that tradition and until the Assam Move-ment, which began in 1979, the relations remained cordial.

### The fate of the excluded

Now that the NRC has ended, what are we to do with the 19 lakh people left out? The problem is that their fate will be decided by Foreigners’ Tribunals which are short of mature and judicially trained members and which have so far leaned on reports of the Border Police. An option of appeal to the higher echelons of the judiciary does exist for those excluded but that is likely to be expensive and sometimes unaffordable. The government has promised legal aid but we have to wait and watch if it is dispensed impartially.

And what will be the fate of those left out, most of them poor and hap-less, after these appeals are exhausted? Deporting them is not an option. However, many of the Assamese people, living in a State that is still under-developed, are not willing to bear their burden at a time when their own lot is facing difficult times due to the annual floods, a drying up of natural resources and the cut-throat competition. They are scared of losing whatever political power they have enjoyed. It is the Centre’s responsibility to rehabilitate and look after those who are left out after the exercise. In the meantime, patience and a refusal to take the bait of rumours and inflammatory rhetoric may see the Assamese through.

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# Putting accident victims at the centre of vehicles law

The new Act focusses more on penalties than compensation



G. S. BAJPAI & ANKIT KAUSHIK

It is well known that India is one of the most accident-prone countries in the world, accounting for nearly 1,50,000 deaths – 10% of all motor vehicles-related fatalities worldwide. However, the debate often revolves around how to minimise road accidents by incorporating deterrents into laws and ignores the interests of the victims. The discourse concerning the Motor Vehicles (Amendment) Act 2019 has only followed this trend, as is evidenced by the disproportionate press coverage given to the enhanced penalties to be levied on offenders.

This lack of victim-centricity in the discourse, though deplorable, is unsurprising. The fact that the National Crime Records Bureau does not collate data pertaining to the socio-economic and demographic profile of victims of traffic accidents is a testament to the relative apathy shown by the state machinery.

The amended Act gives the victims some respite as it provides for an enhanced insurance compensation of ₹5 lakh in case of death of a person in a traffic accident and ₹2.5 lakh where there is “grievous hurt”. The compensation to be awarded following hit-and-run accidents has also been raised to ₹2 lakh when a victim dies and ₹50,000 when he/she suffers a grievous injury.

### Cashless treatment

Additionally, the Act now requires insurance companies and the government to notify schemes relating to cashless treatment during the ‘Golden Hour’ – the period of first 60 minutes from the occurrence of an accident when the risk of fatality can be minimised to the greatest extent. Further, it mandates compulsory insurance of all road users, including pedestrians, who will be covered through a ‘Motor Vehicle Accident Fund’. Lastly, it also provides for interim relief to be provided to the claimants.

These provisions, well-intentioned, are no doubt steps in the right direction. However, much more needs to be done if the accident victims are to be provided complete justice.

First, closer attention needs to be paid to the formula used to calculate the quantum of compensation. In the case of *Arun Kumar Agarwal & Anr v. National Insurance Co. Ltd*

& Ors (2010), the deceased was a homemaker. The Accident Claim Tribunal reduced the amount of compensation from the calculated sum of ₹6 lakh to a sum of ₹2,60,000, stating that she was unemployed. In light of the same, on appeal, the Supreme Court commented that: “The time has come for the Parliament to have a rethink on properly assessing homemakers’ and householders’ work and suitably amending he provisions of the Motor Vehicles Act... for giving compensation when the victims are women and home-makers.” The amended Act, however, does not account for such nuances.

Second, many of the problems with the Motor Vehicles Act highlighted by the apex court in the case of *Jai Prakash v. M/S. National Insurance Co. & Ors* (2009) either remain unaddressed or are inadequately addressed by the amended version. For instance, though vehicle users who don’t give passage to emergency ambulance vehicle are liable to be punished with fines, such punitive measures are likely to remain ineffective in the absence of an effective implementation mechanism. Further, other factors that lead to a poor response time, including lack of road infrastructure, also need to be taken into account.

### Delays in settlement

Another problem highlighted by the apex court for which the new Act does not provided any remedy is that of procedural delays on the part of tribunals in claims settlement. The provision for interim compensation is bound to bring some respite to the victims but another unaddressed concern makes this stipulation susceptible to criticism.

An absence of in-built safeguards in the compensation mechanism allows for the money to be frittered away by unscrupulous relatives, touts and agents, especially in cases where the victim or his nearest kin are poor and illiterate. It is to address this concern that the Supreme Court in *Jai Prakash* suggested payment in the form of monthly disbursements of smaller amounts over a longer period of time to victims or their kin, as against a lump-sum award. This has been overlooked by the new Act.

Understandably, many of the points raised above cannot be specified statutorily. Hence, the government needs to notify an institutional framework which encourages advocacy for victims and facilitates access to the various services.

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# India’s climate score: high on vulnerability, low on resilience

Disaster management plans must be prioritised

VINOD THOMAS

HSBC’s 2018 assessment of India being the country the most vulnerable to climate change is of great significance. However, against scientific warnings, carbon emissions continue to rise in China, the U.S. and India, three of the biggest emitters.

Brazil, under its President Jair Bolsonaro, is encouraging – under the false pretext of promoting economic growth – unprecedented deforestation of the Amazon rainforest. As forest fires worsen global warming, the hardest hit by the resulting floods, storms, heatwaves and droughts will be in India.

Amidst this dangerous setting, global leadership must act with far greater urgency, and countries, including India, ought to switch rapidly from polluting fossil fuels to cleaner renewable energy, while building much stronger coastal and inland defences against climatic damage. Brazil must reverse course on the mindless destruction of the Amazon rainforest.

### A self-defeating tactic

Brazil is not alone in mistakenly thinking that slashing environmental regulations would raise economic growth. The U.S., India and others are following this prescription to varying degrees. To be sure, cutting hurdles to investment can boost short-term growth and benefit interest groups. But damaging the environment in this way would be self defeating in today’s fragile ecology, as it would impact long-term growth and well-being.

HSBC’s index and other such measures relating to the climate risk consider the exposure or sensitivity of countries to climate impacts on the one side, and their ability to cope on the other. Add to these two factors the intensity of the climate hazard itself and we can see how India’s ranking on the index is, in all likelihood, worsening each year.

A number of Indian States have experienced extreme heatwaves in the past three years, and the nation’s capital recently recorded a tempera-

ture of 48°C, its hottest day in 21 years. India’s exposure to climate hazards is heightened by the location of its vast coastline in the eye of the storm, across the Indian Ocean, Bay of Bengal and the Arabian Sea. It also has a high population density located in harm’s way. For instance, Kerala, which experienced intense floods and landslides in 2018 and 2019, is among the States with the highest density.

How badly this exposure will affect lives and livelihoods depends both on the degrees of vulnerability and resilience to climate impacts. Increasing temperatures and changing seasonal rainfall patterns are aggravating droughts and hurting agriculture across the country. Extreme storms like the one that hit Odisha this year and the floods that swept Chennai in 2015 are the new normal. These events become more damaging when infrastructure is not resilient.

### Building resilience

In the face of such danger, India is not doing enough to boost its coastal and inland defences. It also needs to do more to build resilience in the sectors of agriculture, fisheries, manufacturing, energy, transport, health, and education. The priority for spending at the national and State levels for disaster management needs to rise. Adequate resources must also be allocated for implementing climate action plans that most States have now prepared.

Indeed, India should be alarmed at ecological destruction even in faraway places like Amazon. As the country that is most at risk for climate damage, it should lead in pressing the global community to take sweeping climate action. Meanwhile, the nation must reinforce its infrastructure and adapt its agriculture and industry. Equally, it also needs to replace urgently its fossil fuels with renewable energy.

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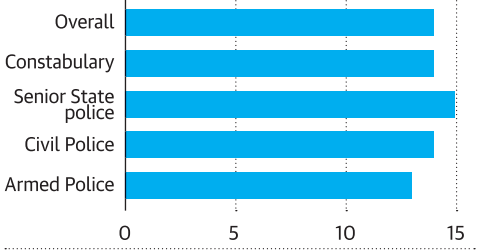
## DATA POINT

### The police story

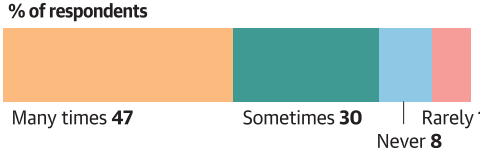
An overwhelming majority of police personnel in India, across gender, rank and contingent, work more than 14 hours a day, but don’t get paid extra, a survey\* has concluded. But, this over-work has not had much of an impact on their morale, with 50% considering their pay to be on par with their work and more than 75% saying that they are evaluated in a neutral way. By **The Hindu Data Team**

**‘Mean’ hours** | Average number of hours worked by police personnel in a day was 14, the survey reported

- Only 13% personnel reported average working hours as eight. 24% of them work more than 16 hours a day
- Odisha police work 18 hours a day on an average, the highest among States. M.P. and Jharkhand personnel clocked 11 hours, the least among big States

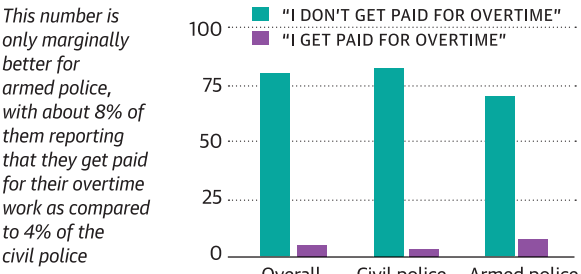


**Odd hours** | Nearly one in two police personnel stay back many times after duty hours in a week. Only 8% said they never stay back



**\*\*Status of Policing in India Report 2019\*** is based on a sample survey of 11,834 police personnel across 105 locations in 21 States. The survey was conducted by Centre for the Study of Developing Societies between February and April 2019

**More hours, same pay** | Four of every five police personnel reported that they do not get paid for the overtime work



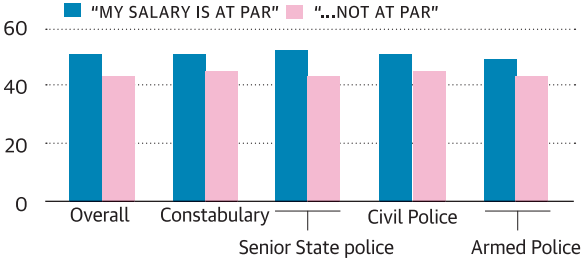
### ... still mostly satisfied

A little more than half of police personnel reported that their salary is at par with the kind of work they do

• 3/4th of the personnel also reported that their work is evaluated in a neutral way

• 70% police personnel in Haryana agreed that their pay is on par - the highest among States

• 25% in Chhattisgarh said the same - the least among States



## The Hindu

### FROM THE ARCHIVES

FIFTY YEARS AGO SEPTEMBER 5, 1969

### Ho Chi Minh dead

President Ho Chi Minh, the father of Viet Namese Communism, died in Hanoi of a heart attack yesterday [September 3]. The official Hanoi Radio announced in a broadcast today [September 4] that the 79-year-old leader died at 9-47 yesterday morning [September 3] Hanoi time (7-17 I.S.T.). A communique issued in the name of the Central Committee of the Viet Nam Workers (Communist) Party, the Standing Committee of the National Assembly and the Council of Ministers said: “We feel boundless grief in informing the entire party and the entire Viet Nameese people that Comrade Ho Chi Minh, President of the Central Committee of the Viet Nam Workers’ Party and President of the Democratic Republic of Viet Nam, passed away at 9-47, September 3, 1969, after a very sudden serious heart attack at the age of 79.” Death came to the frail, wispy bearded Communist leader, a legend in his own life-time, just one day after the 24th anniversary of his country’s independence from France. North Viet Nam immediately went into seven days of official mourning. The body lay in state in Hanoi, and the funeral will take place next Wednesday (September 10). The date was announced in Paris by Mr. Xuan Thuy, head of the North Viet Nameese peace talks delegation.

A HUNDRED YEARS AGO SEPT. 5, 1919

### Caste Spirit: a lecture.

Mr. K.V. Sessa Aiyangar M.A., B.L., delivered a lecture last evening in the Kellett Hall, Triplicane, on the “Caste Spirit” before a large audience when Sir P.S. Sivaswamy Aiyar presided.

The Forum Against Amendment of the Citizenship Bill, which I chaired;The lecturer first distinguished between the caste system as prevailing among the Hindus and the caste spirit found in all countries in diverse forms and observed that the caste spirit might linger longer than the caste system. The root cause of caste spirit was selfishness and vanity of human nature and oftentimes it showed itself in contempt for others. That spirit was declining and bound to decline. The decline of the caste spirit was evident from the evidence of Indian representatives before the joint committee of the House of Commons. The foremost cause of the decline of the caste spirit was education which brought about the understanding of nations. With the spread of culture which gave rise to self-restraint, tolerance, respect for the feelings and right of others, the caste spirit must decline.