



## Protecting prisoners

Prison reforms must be directed at securing the rights of inmates

The focus of public and judicial concern over the situation prevailing in India's prisons has in recent times been related to overcrowding and long spells of incarceration faced by indigent inmates too poor to obtain bail. On some occasions, such as when the horrific blinding of prisoners in Bhagalpur took place over three decades ago, the stark human rights situation also attracted attention. The brutal murder of a woman life convict in the Byculla women's prison in Mumbai on June 23 has brought the focus back on custodial violence, especially the vulnerability of inmates to authoritarian behaviour. The allegation that prison guards targeted Manjula Shette, a lifer brought to the jail a couple of months ago from the Yerwada Central Prison in Pune as a warder, over some missing rations is indeed startling. It is said she incurred the wrath of the guards because of her rising popularity among the women prisoners. This suggests that until her arrival the inmates may not have been accustomed to even rudimentary care from the jail authorities. Eyewitnesses say that when the warder was severely assaulted by the guards, it led to a riot-like situation among the prisoners. It is not difficult to surmise that simmering discontent over the prevailing conditions, and an intense animus between the guards and the inmates, were behind the events. It is some consolation that the police have arrested six prison officials for the custodial murder.

It is disconcerting that the untoward incident took place at a time when the Maharashtra government had been directed by the Bombay High Court to undertake a comprehensive review of the conditions in three major prisons in the State. As per the March 2017 court order, an empowered committee was to be constituted to look into all aspects of the jails in the light of Supreme Court decisions, the Model Prison Manual of 2016 and relevant UN resolutions. In particular, the panel was to suggest measures to create modern jails and modernise amenities. In the last half century, the superior courts have passed a series of orders to reform jails. The issues range from prisoners' rights, health, hygiene and access to legal aid, to the condition of women inmates and their children. The judiciary's approach has been anchored in the belief that fundamental rights "do not part company with the prisoner at the gates". The Union Home Minister released a model jail manual last year. It makes clear that the state is under an obligation to protect the residuary rights of prisoners after they surrender their liberty to a legal process. One can only reiterate a principle already enshrined in it: the management of prisons must be marked by firm discipline, but also due regard to the human rights of prisoners. Prison reforms are not only about amenities and conditions; they must also address the prisoner's right to life.

## Missile diplomacy

The U.S. needs to be inventive in responding to the North Korean provocation

In early January, Donald Trump, then the U.S. President-elect, tweeted that North Korea would never develop a "nuclear weapon capable of reaching parts of the U.S.". But Pyongyang appears to have done exactly that, defying warnings issued by Washington. Tuesday's test of an intercontinental ballistic missile, that appears to be capable of striking Alaska, poses perhaps the greatest foreign policy challenge so far before Mr. Trump. And he appears to be lost for an effective response. While senior officials of the Trump administration have consistently talked tough, they have banked heavily on China, North Korea's most crucial political and economic ally, to rein in its missile programme. Mr. Trump had even offered China a better trade deal for its help in addressing the crisis and appreciated President Xi Jinping's efforts. But neither the tough posturing nor banking on China's help seems to have worked, and Kim Jong-un, North Korea's Supreme Leader, remains as defiant as ever. Washington's response to the missile test was typical. The U.S. and South Korea immediately conducted missile exercises to counter "North Korea's destabilising and unlawful actions", and the State Department asked for more UN sanctions on the North.

But had sanctions and threats been effective as a strategy, Mr. Kim would not have carried out the ICBM test in the first place. Ever since he took power in 2012 he has steadily expanded North Korea's missile programme; challenging the U.S. is central to his foreign policy doctrine. All these years the U.S. has stepped up sanctions and taken an incrementally harsher line towards the Kim regime. Mr. Trump has simply followed the Obama administration's stick-and-sanctions policy towards the North, but with a China emphasis. But he is now back to square one, with very few options. Though the administration has said all options are on the table, even a limited military strike would be dangerously risky. Given the unpredictability of the Kim regime, any attack could be tantamount to a declaration of war on the Korean peninsula. Another option is to continue the tested-and-failed policy of sanctions and international isolation, which would mean more trouble for the North Korean people with an uncertain effect on the roguish regime. It is also unclear whether China will back such isolation. A third option, something that both the Obama and Trump administrations have seemingly overlooked so far, is to hold direct negotiations with Pyongyang. It may appear strange given the current hostility, but that remains the only realistic option before Washington. Mr. Trump has a counterpart in Seoul, Moon Jae-in, who is more inclined to addressing the issue through diplomacy. Besides, there is the history of the North freezing its nuclear programme for nearly a decade in 1994 after a deal with world powers. Mr. Trump should take a realistic view of the crisis rather than immediately opt for retaliatory and punitive measures.

# Before the sluice gates close

The Sardar Sarovar project cannot be complete without resettlement of the thousands displaced or affected



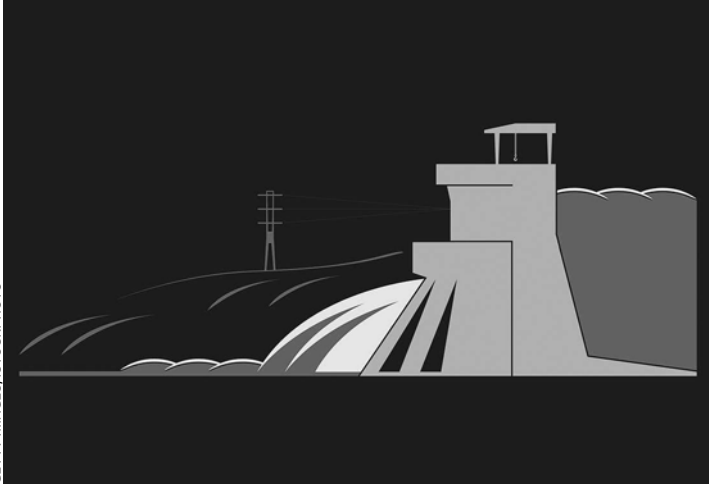
MEDHA PATKAR

The decision to close the 17-m-high (55 feet) gates of the Sardar Sarovar dam was taken on June 16 by the Narmada Control Authority – 56 years after the then Prime Minister Jawaharlal Nehru laid the foundation stone in 1961 – and published by the mainstream media as a "historic decision". No one remembered that Nehru had, in his speech, warned that the people from the first six villages whose lands were taken away, overnight with standing crops, should be done justice to. How tragic it is that those 300 families (now grown into 900) are still not compensated for their lands and properties not declared as "project-affected", even though their lands are used for the Sardar Sarovar Project offices, staff quarters, roads and storages, parking lots, all for the dam project.

### The sanitised version

Media reports didn't refer to the agitation by the project-affected, including Adivasis from resettlement sites and submergence areas within Gujarat, under way at Kevadia Colony near the dam site. The agitation's leaders were arrested and hundreds stopped by the police as recently as June 6-7, when supporters and activists of the Narmada Bachao Andolan too faced arrest at the Gujarat-Madhy Pradesh border.

There is no mention of protests in most of the villages in Madhya Pradesh (and a township, Dharampur) that would be flooded, partially or fully, when the waters would rise to 138.68 m, 55 ft higher than the 122 m crest level (dam wall height) at which the dam was stopped for the last eight years. The 'completion' of the project will likely be used as the main plank in the ruling Bharatiya Janata Party's



GETTY IMAGES/ISTOCKPHOTO

(BJP) campaign for the next Assembly polls in Gujarat. This, when the ground reality is starkly different in the densely populated submergence area. Can all lives and livelihoods be resettled and rehabilitated by July 31, the deadline given by the Supreme Court's order of February 8, 2017, when no orders have been passed by the Grievance Redressal Authority by June 8 as directed? The rehabilitation sites are not ready, with no drinking water, no proper roads, drains and culverts, no grazing grounds and other amenities which are mandatory. Tenders are just floated for crores of rupees worth of works and timelines stretch way beyond the deadline.

### Game of numbers

In the Narmada Control Authority's meeting on June 16, the State governments, including those of Madhya Pradesh, Maharashtra as well as Gujarat, all belonging to the BJP, reported full compliance on rehabilitation, which is an utter falsehood.

The apex court has taken cognisance of the 'tentative figures' of families yet to get land, but the court is obviously far removed from ground zero to know the hardships, massive corruption, cheating, exclusion that the farmers, labourers, potters, artisans, shopkeepers and all occupational categories have faced over the

years. Their insistence upon full and fair compliance of law (the Narmada Tribunal Award), the States' rehabilitation policies and Supreme Court judgments of 2000, 2005 and now 2017, have led the state to blame the movement as anti-development and anti-national.

The game of numbers (of project-affected families being reduced by thousands) just before the decision was taken to raise the dam height and submerge more lands and houses was exposed by none else but the Supreme Court itself in its 2005 judgment. Much more has taken place since 2008. The backwater levels were declared as reduced and the houses of 15,946 families declared as out of submergence area, after having those acquired and transferred to the Narmada Valley Development Authority of Madhya Pradesh. The remaining rehabilitation benefits to these families were withheld without following any legal procedure.

The hill Adivasis of Maharashtra, Gujarat and Alirajpur district of Madhya Pradesh had to be allotted land as per law, as they did not accept cash in lieu of land and insisted on land to resettle. However, hundreds remain to be given land, hundreds are yet to be declared as affected, and hundreds – especially poor women – are yet to receive civic amenities at the sites.

# Speaking the language of change?

The World Bank's reports show that social movements may be shaping the bank's language



NISSIM MANNATHUKKAREN

Democratic Centralism entails popular participation in formulating the plan at the enterprise level. – World Bank Romania country report, 1979

The World Bank's 'World Development Report 2017: Governance and the Law' is a remarkable document. Remarkable, because it is hard to believe that the World Bank authored this document. When the report cites Michel Foucault – that incandescent French thinker, who showed us how supposedly free and rational institutions of modernity are indissolubly linked with power and social control – it is time to pay attention.

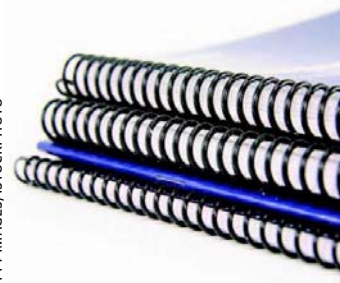
### Politics and power

The report focusses on politics and power in development policy, and endeavours to move them "from the margins to the core of development thinking and action". Essentially, this goes against the soul of seven decades of development thinking – technocracy: reliance on capital, technology and (Western) experts and supposedly above

politics and power – perpetrated by international financial institutions (IFIs)/development agencies controlled by the Global North.

Contrast the report with scholar Bruce Rich's assessment of the World Bank during the presidency of Robert McNamara when the bank expanded phenomenally: "McNamara's grandiose vision involved a wager that was indeed Faustian – a risky experiment with life and nature, using simplistic technologies, and a fatal hubris about the bank's ability to know, plan and direct the evolution of human societies and the natural systems they depend on." This Faustian notion informed development projects in the Third World, whether inspired by the imagination of American economist W.W. Rostow in the 1960s, or that of neoliberal capitalist policy prescriptions of the Washington Consensus from the 1980s.

Reading the report in this context is like reading a treasure trove of ironies. There is a lot in it for those who oppose development as technical fixes and as Northern imperialism. The report, remarkably, emphasises public goods and public spending on health, education and infrastructure. It expresses concern that inequalities are growing, that inequality has a multiplier effect, and stresses that "ultimately, growth and inequality are



GETTY IMAGES/ISTOCKPHOTO

jointly determined".

For the report, development is not the expansion of economic freedom, but following Amartya Sen, is the removal of all kinds of "unfreedoms" so that governance delivers the three goals of security, growth and equity achieved in ecologically sustainable ways. The report also gives a nuanced account of the democratisation processes. It has a useful survey of elites from 12 countries. The report's comparative scope is one of its strengths, giving interesting facts such as how multi-party elections led to the reduction of infant mortality rates in Sub-Saharan Africa!

This reinforces what critics of the World Bank and other IFIs have always argued – that there is no solution to problems of development but substantive democracy. But the most important question is what has changed since the days

when the bank, as Rich documents, applauded the Communist dictator Ceausescu's centralised economic control and state planning and helped Romania become one of its largest borrowers.

### As a social document

The answer lies in reading the World Bank report as a social document. It is not just about the World Bank studying society, but turning the lens back on the World Bank. The bank is not detached from but is a part of the same social processes that it describes. Ironically, then, we have to follow the report's prescriptions: "taking politics seriously in development points directly to the need to challenge the interests of the power holders that control institutions – something that many development organizations have not yet decided they are willing to do".

What is different from four decades ago is that the bank is also responding to multifarious challenges to the development hegemony of the North (secured also by the participation of Southern elites). This hegemony ensured that the bank has always been headed by white American males (until the current president) when the planet is virtually kept alive by women who constitute 60% of the agriculture force in Asia and Africa. Unsurprisingly, many

World Bank presidents previously worked in defence departments and private corporations.

The resistances by social movements have led the bank to speak the language of the people. Hence, the increasing focus on issues such as gender rights, equity (the 2006 report was titled 'Equity and Development'), etc. Besides, the rise of China and India and their decreasing reliance on the bank makes the latter less powerful than before. Thus, acknowledging politics and power relations is one way to defuse the challenges to the bank's dominance.

There is a telling statement in the report: "The development community is talking the talk of politics. How much it will walk the walk is not yet clear." Ultimately, the question is whether the World Bank itself is willing to walk the walk. A 2015 United Nations Report called the World Bank as a "human rights-free zone" and that its policies consider "human rights more like an infectious disease than universal values and obligations".

Perhaps, it is time for those who control the World Bank to read its own 'World Development Report 2017'.

Nissim Mannathukkaren is Chair, International Development Studies, Dalhousie University, Canada

## LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

### Liquor-free zones

I for one was overjoyed to see the order of the Supreme Court, which came up with the order that National and State highways should be liquor-free zones. It comes as a shock now that it may be open to the sale of liquor on city highways ("SC open to liquor sale on city highways", July 5). It is strange that we care very little for those who are claimed by liquor. A family can lose a breadwinner and the workplace a good employee. If State governments are unable to find means to meet their revenue shortfall, they should perhaps look deeper for alternative remedies such as re-auctioning of bus routes, government buildings and taxing those who deplete natural resources. It is a poor situation where a state that is supposed to pursue the

welfare of people does things that are detrimental to them.

VINOTH RANGASWAMY,  
Chennai

Thousands of citizens like me are shocked by the clarification issued by the Supreme Court. I wonder if the court had the benefit of comparative statistics showing the number of accidents involving drunken driving on thoroughfares and within city limits.

L.T. MANOHARAN,  
Chennai

### A gulf with Tehran

From India's insistence on buying oil from Iran during the period of economic sanctions to Iran's Ayatollah's call for backing Kashmir, the tide has turned ("Signs of a Persian gulf", July 5). A possible alliance between Iran, Russia, China and Pakistan

can pose a huge threat to India. Not only will it isolate India in Asia, but it will also square off India with its eastern and western allies. Iran's changed stance needs to be handled tactically. The key to this has to be energy and defence cooperation. As far as Kashmir is concerned, the OIC has always had Pakistan speaking on it so we know why it results in such a stand. India could use the Balochistan issue as a lever since Iran is also a party to it and use Tehran to push Pakistan into eliminating terror.

NAVEEN RATTU,  
Chandigarh

### China talks tough

Riding high on the strengths of its economic and military power, China appears to be adopting an intractable stand ("Chinese envoy rules out compromise", July 5). Its frequent reference to

'history' on territorial issues with India conveys an element of arrogance. Subtle reminders of the 1962 debacle are irrelevant in 2017. Creating issues and then calling for dialogue is unacceptable. It is time China shed its hard line.

S. RAJAGOPALAN,  
Chennai

The Chinese Ambassador's remarks are perhaps the most belligerent and hawkish statements emanating from a mid-level Chinese official in recent times. Such preconditions are obviously unacceptable to India from a political and military point of view. A PLA spokesman reminding India of the debacle in 1962 shows a lack of maturity. At the same time, some of our defence personnel ought not to have joined in the war of words. With neither side prepared to blink first, one

only hopes that the tense situation does not escalate into a military conflagration.

S.K. CHOUDHURY,  
Bengaluru

### The key to Wimbledon

Despite the 'slowing nature' of grass that gives time for tennis players to hit the ball back from the baseline, there are fringe players who still believe in serve-and-volley tennis at Wimbledon ("Weekend Sport" page – "Net-rushing not dead", July 1). A close observation will reveal that the maximum number of highly seeded players at Wimbledon suffer early exits against unfancied opponents who rush to the net at the first opportune

moment. A classic example is Rafael Nadal, who won only two Wimbledon titles, two U.S. Open titles and an Australian Open title against 10 French Open titles in 15 years.

Those who camp at the baseline hoping for an unforced error from their opponents suffer from a distinct disadvantage of losing a match. Players who are good in all departments of the game alone can fancy their chances of winning. Proactive tennis, and not passive tennis, yields results at Wimbledon.

V. LAKSHMANAN,  
Tirupur, Tamil Nadu

MORE LETTERS ONLINE:  
www.hindu.co.in/opinion/letters/

CORRECTIONS & CLARIFICATIONS: A sentence in a report, "Pandemonium in J&K Assembly over GST" (July 5, 2017) read: "Consensus over the GST continued to elude the State Assembly as Opposition leaders barraged the *Treachery* Benches with allegations, ..." It should have been *Treasury* Benches.

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