CA, Facebook & you

The controversy is a wake-up call to press ahead with a robust data protection law

The world has just learned how a data analytics firm, Cambridge Analytica, harvested the data of 50 million Facebook users and used that information to feed strategies such as 'behavioural microtargeting' and 'psychographic messaging' for Donald Trump's presidential campaign in the U.S. Chris Wylie, a former CA employee-turned-whistle-blower, set off a storm with revelations of how the company had deployed a 'psychological warfare' tool for alt-right media guru Steve Bannon to try to sway the election in Mr. Trump's favour. CA chief executive Alexander Nix, who was suspended a few days ago following an undercover report by a British TV broadcaster, said the company has used other dubious methods in projects worldwide – including honeytraps to discredit clients' opponents. The combination of using personal data without consent and tailoring slander campaigns, fake news and propaganda to discovered preferences of voters is a potent and corrosive cocktail. Facebook has said its policies in 2014, when a personality profiling app was run on its platform, permitted the developer to scrape data not only from those who downloaded the app but also from the profiles of their Facebook 'friends'. Yet it did not make sure the data were destroyed by the app's developer Aleksandr Kogan, a Cambridge University academic, nor by CA itself when it came to light that Mr. Kogan had sold the data to CA, a third party. Facebook founder and CEO Mark Zuckerberg has offered an apology and expressed willingness to cooperate with inquiries and potentially open up Facebook to regulation.

This episode has brought to light several issues that need to be addressed. First, companies have been collecting data and tailoring marketing campaigns accordingly. The issue here is particularly prickly because politics and elections are involved. Second, regardless of whether what Facebook and CA did was legal or not, something is broken in a policy environment in which the data of millions are taken and used when only 270,000 people knowingly or unknowingly gave consent. Third, technology is evolving at a rapid pace, raising the question whether laws need to be reframed mandating an opt-out approach universally rather than an opt-in approach. Individuals often share their data without being aware of it or understanding the implications of privacy terms and conditions. Fourth, there must be clear laws on the ownership of data and what data need to be protected. Personal data cannot be the new oil. Individuals must own it, have a right to know what companies and governments know about them and, in most cases, that is, when there are no legitimate security or public interest reasons, have the right to have their data destroyed. The CA issue is a wake-up call for India; the government is still dragging its feet on framing a comprehensive and robust data protection law.

Curbing misuse

Protecting innocent persons is fine, as long as the SC/ST Act is not de-fanged

Will laying down procedural safeguards to curb false accusations work against the interest of protecting the oppressed from discrimination and caste-based atrocities? This is the salient question that arises from the Supreme Court verdict that has taken note of the perception that the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is being rampantly misused to settle personal scores and harass adversaries. On the face of it, it is difficult to fault the court's approach. It is settled law that the mere scope for misuse of an Act is not a ground to invalidate it. Constitution courts seek to preserve the spirit of such legislation on the one hand and to evolve guidelines to prevent its misuse on the other. This is precisely what the two-judge bench has aimed to do. It has ruled that Section 18, which bars grant of anticipatory bail to anyone accused of violating its provisions, is not an absolute bar on giving advance bail to those against whom, *prima facie*, there is no case. In addition, the Bench has prohibited the arrest of anyone merely because of a complaint that they had committed an atrocity against a Dalit or a tribal person. In respect of public servants, no arrest should be made without the written permission of the official's appointing authority; and for private citizens, the Senior Superintendent of Police in the district should approve the arrest.

In doing this, the Supreme Court has sought to strike a balance between protecting individual liberty and preserving the spirit of a law in favour of oppressed sections. Without any doubt, atrocities against Dalits are a grim social reality, necessitating a stringent law to combat it. The Act was amended in 2015 to cover newer forms of discrimination and crimes against Dalits and tribals to add teeth to it. It is true that conviction rates under the Act remain low. The lackadaisical approach of investigators and prosecutors to bring home charges against perpetrators of such crimes among the dominant castes is reflected in statistics. Even if courts are right in taking note of the tendency to misuse this law, society and lawmakers must be justifiably worried about the sort of messaging contained in their rulings and observations. In an ideal system, as long as every charge is judicially scrutinised and every investigation or prosecution is fair and honest, one need not worry about misuse and its adverse effects. However, social realities are far from being ideal. It ought to concern us all, including the courts, that some laws designed to protect the weakest and most disempowered people do not lose their teeth. Words of caution and rules against misuse may be needed to grant relief to the innocent. But nothing should be done to de-fang the law itself.

Terms of separation

The move to recognise Lingayats as a separate religion must be seen in a political and historical context

CHANDAN GOWDA

"Don't say, 'Who is he? Who is he?' Say, 'He is one of us. He is one of us.'" This excerpt from a popular *vachana* (a saying in verse form) of Basava, which views the Lingayat community as a boundless entity where there is no outsider, offers a glimpse of the radical theology of Lingayat dharma, which he founded in the 12th century. In another *vachana* of his, shedding "disgust" towards "others" is held out as a moral imperative alongside other foundational ones that forbid theft, murder, lies and slander for attaining inner and outer purity (*shuddhi*).

The Lingayats evolved elaborate rituals to mark the distinctiveness of their dharma from the Brahminical, Jaina and folk faiths existing at that time. Composed by men and women from all "castes" (or occupational backgrounds), the extensive body of *vachanas* are in Kannada, not Sanskrit. They elevate labour to a spiritual ideal and emphasise the equal worth of different kinds of work. They reject temple worship and forbid animal sacrifice. The Lingayats are strict vegetarians. They have their own priests to officiate over ceremonies, their own cooks. They don't cremate the dead, but bury them. These are but a few ways in which they have fashioned their distinct theology and ritual life.

Contested terrain

The scholar M.M. Kalburgi, who was assassinated in 2015, took great pains to establish the separateness of Lingayat dharma from Hinduism. Denying such a separation, other scholars like Chidananda Murthy have argued how the concept of *shoonya* (nothingness) and the idea of the body in Lingayat theology derive, respectively, from the Upanishads and from older discussions of yoga. But using the latter as evidence for viewing Lingayat dharma as a sub-component of Hinduism would be anachronistic as those texts came to be viewed as "Hindu" texts many centuries later. Further, the creative transformation of borrowed notions needs independent attention.

Since its founding in the 12th century, Lingayat dharma spread across Karnataka and parts of Maharashtra and Telangana. Unfortunately, historical research on the efforts of the dozens of *mathas* in acquiring new converts to the Lingayat faith and, more generally, functioning as moral authorities in their regions has been scanty. The conversion (*linga deekshe*) of individuals into the Lingayat faith continues to happen in *mathas*, albeit with reduced frequency.

The Lingayats were recorded as a caste within the Hindu religion for the first time in the 1881 census done in Mysore state. Their request to be classified as a separate religion instead was turned down at the time the Indian Constitution was being finalised. The rationale: How can Shaivites not be Hindu? Still, the idea that Lingayat dharma was a distinct religion stayed alive in scholarly and public discussions.

In 2013, the All India Veerashaiva Mahasabha, the umbrella caste association founded in the early 20th century, had taken the old request to the Manmohan Singh government. The Ministry of Home Affairs turned it down noting that Lingayats were indeed Hindu. It is comical that the Ministry had based its decision on the views of 19th century British officials like C.P. Brown and Edgar Thurston.

At a large Lingayat rally in Bidar last July, when Chief Minister Siddaramaiah was asked to help recognise the Lingayat dharma as a separate religion, he offered to consider the request. Half a dozen massive rallies followed up on that demand in different parts of North Karnataka. Heads of several Lingayat *mathas* and a few prominent Lingayat politicians from the Congress and the Janata Dal (Secular) took the lead in mobilising the grassroots support.

Reflecting the changed nature of Lingayat mobilisation, the six-member Nagamohan Das committee, which was constituted three months ago, views Lingayats and those who believe in Basava's philosophy as belonging to a separate religion. The latter criterion is an opening offered to Veerashaivas who are clubbed with Lingayats in official documents despite their theological differences with the latter. The Siddaramaiah government has now asked the Centre to endorse the committee's view that Lingayats form a separate religion.

Lingayats versus Veerashaivas

The five Veerashaiva *mathas*, which predate Basava, revere Renukacharya more than Basava, and cherish scriptural texts which, unlike the Lingayat texts, are said to be accommodative of Vedic rituals. The Veerashaivas, who form a tenth of the total Lingayat population, are also known to discriminate against the Lingayats in marriage relations and other civil matters. Indeed, a few Lingayat swamis accuse the Veerashaiva *mathas* of bringing in caste and gender inequalities, temple worship and other practices inside a dharma that explicitly rejected them.

The Veerashaiva responses to the recent events have varied from a disavowal of the need to become a separate religion to the religion being termed "Veerashaiva-Lingayat."

Political considerations

Termed "a dominant caste" in social science scholarship, the Lingayats are about 13% of the State's population of nearly 6.5 crore. At present, 47 of the 224 MLAs are Lingayats. Electorally significant in about a hundred Assembly constituencies, the Lingayat community matters in elections.

In 2011, the then Bharatiya Janata Party (BJP) government in Karnataka declared Basava Jayanthi as a State holiday. And, last year, the Congress government mandated that a portrait of Basava adorn the walls of all government offices.

After being solidly behind the Congress until the mid-1970s, the Lingayats moved towards the Janata Party when Chief Minister Devaraj Urs began to sideline the dominant castes within the party. After the JD(S) became the more successful inheritor of the Janata Party under the leadership of H.D. Deve Gowda, a Vokkaliga, they gravitated, in the late-1990s, towards the BJP under B.S. Yeddyurappa, a Lingayat.

During Mr. Yeddyurappa's two years away from the BJP, after he formed a separate party, the Karnataka Janata Paksha, in 2012, the loss of Lingayat support badly hurt the BJP's performance in several constituencies in the 2013 State Assembly elections.

Since the Lingayat support is decisive for the BJP's electoral fortunes in Karnataka, the party's alarm about the Lingayats pulling away from Hinduism is real. But thwarting their wish to be a separate religion is not an easy option for the BJP. While the party's spin doctors work overtime to blame the Congress for "dividing Hindus", Mr. Yeddyurappa, the BJP's projected chief ministerial candidate, has offered to go along with whatever the All India Veerashaiva Mahasabha decides vis-à-vis the separate religion status for Lingayats. Indeed, he was among the signatories to the 2013 petition that the Centre had turned down.

A cultural episode too

With the recent consolidation of the Lingayat vote behind the BJP, the Congress as well as the JD(S) are keen to re-establish a support base among them. While the Siddaramaiah government's support for recognising Lingayats as a separate religious group cannot be seen outside of that strategy, it cannot have come in the absence of an already existing wish for it among them. The Lingayat swamis, in fact, were quick to express gratitude to Mr. Siddaramaiah for honouring their request.

A minority religion status does mean financial gain for the Lingayat *mathas* which run dozens of higher education institutions. But this factor cannot fully explain their struggle. The speeches, articles and interviews of Lingayat swamis bespeak a genuine concern about not letting the distinctive Basava philosophy be subsumed under "a sanatana Hindu dharma." Concerns about how contemporary Lingayat culture has made space for casteism and other practices abhorrent to its founding philosophy are also seen. The present controversy asks the Lingayats to re-examine their relationship with their rich moral tradition. Media discussions have served us poorly by keeping the focus on political motives and electoral gain. The episode in question offers a precious moment for self-introspection too: what makes my community different? What lies behind the rituals at home? Why were my grandparents named that way?

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Meeting India's electricity needs

Till the central grid becomes reliable, a solar- and wind-powered microgrid is the way to light up remote areas

R.B. GROVER

One often comes across news about variable renewable energy sources like solar photovoltaic and wind having reached 'grid parity'. What is the concept of grid parity? Electricity grid is a very complex system. It involves long-distance transmission of electricity at high voltage, step-up and step-down transformers, and a distribution network at load centres. Various electricity generators and consumers are connected to it.
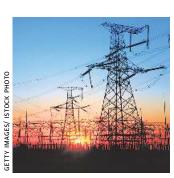
Complex network

Grid parity can be seen in two different ways: generator-end grid parity and consumer-end grid parity. Generator-end grid parity is limited to the plant boundary and does not include the cost of the grid system. To ensure that electricity is always available to consumers on a reliable basis, a grid manager has to contract enough electric supply from generators available on demand at all times. In India, the peak demand occurs in the evening, when solar is not available and wind may or may not be blowing. Therefore, the capacity of generators capable of despatching electricity on demand, i.e. despatchable sources, connected to the grid should be more than the peak load.

It has to be more because some generators will be under long-term maintenance and some will not be available for the short term due to technical faults. The cost of the grid system is, therefore, more than the cost of towers, wires, and transformers. It also includes capital and operating cost of storage capacity when provided for and capacity charge paid by the grid manager to meet the peak load. When a grid manager is not able to pay adequate capacity charge, the result is load shedding.

However, priority feed-in accorded to solar and wind forces the despatchable generators to lower electricity generation despite their capability to continue operation at full capacity. Thus, while capital investment has to be made in despatchable generators to meet the peak demand, they are not given the opportunity to work on a 24x7 basis by the prevailing policy framework. Despatchable generators have to suffer loss of generation because of intermittency of solar and wind, and this is an aberration for a capital-scarce country like India. The result is stranded assets.

To compensate for intermittency of solar and wind, despatchable generators have to ramp up generation or back down, and the frequent change in generation level causes wear and tear of machines and increases maintenance costs. All costs are ultimately paid by the consumers or as subsidy by the government – that is, tax payers.

To analyse consumer-end grid parity, one will have to add system costs to the plant-level costs, and when so examined, solar and wind are far from achieving grid parity. Therefore, a factually correct statement is that 'solar and wind have reached generator-end grid parity and more research and development is needed before they achieve consumer-end grid parity.' Such an articulation provides a correct picture to the policymakers.

The cost factor

Energy economists use the concept of levellised cost of electricity generation to compare various electricity generation options, but limit calculations to the plant-level costs. This doesn't capture differences in grid-level costs of different technologies. In view of increasing penetration of solar and wind, it is desirable to replace the concept of plant-level levellised cost with system-level levellised costs.

Appropriate ways to deploy solar and wind can be decided by recognising their three characteristics – zero fuelling cost, low capacity factors and intermittency. Solar and wind are eminently suitable for isolated deployment such as for powering irrigation pumps. An irrigation pump directly connected to a solar panel can be useful for a farmer as he doesn't have to depend on the grid. In this application, intermittency of solar is of no consequence.

In India, there are still communities that have no access to the central electricity grid, or the supply from the central grid is unreliable. A microgrid getting electricity supply from solar and wind, and connected to consumers in an isolated remote community, is helpful in providing electricity for lighting, in charging mobile phones, and small livelihood applications. A storage battery is an integral part of such an isolated microgrid and this increases the cost of electricity. Experience from such installations indicates that consumers are willing to pay for it in return for reliable electric supply. Consumers connected to a community managed microgrid can meet their minimum needs. Until the reliability of the central grid can be assured, solar- and wind-powered microgrid is the way forward for rural and remote communities.

Hopefully, ongoing research in battery technologies will bring down the cost of electricity storage and improve safety of storage, thereby paving the way for a large deployment of solar and wind. One can expect the International Solar Alliance to direct technology development towards the needs of all developing countries. Another option for large-scale penetration of solar and wind is to install gas-based power plants which can be ramped up and down fast. This will be possible only if overland or undersea pipes can be commissioned to transport gas from Central Asia and Iran to India.

Nuclear, hydro options

But solar and wind cannot meet even a quarter of India's projected electricity requirements. A major share has to come from large hydro, nuclear and coal. Out of these three technologies, one has to prefer low-carbon technologies that is hydro and nuclear. Until electricity generation from hydro and nuclear picks up, coal has to continue to meet India's electricity requirements. Along with investment in solar and wind, the government must plan for increased investment in both hydro and nuclear.

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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.

Data breach

This episode should set alarm bells ringing around the world on the reliability of online platforms in keeping data safe ("Cambridge Analytica, Facebook and data breaches", March 22). Facebook has become such an integral part of our lives that disconnecting from it, as many are suggesting, would not only be a difficult decision to make but would also be a complex process. Moreover, it would not solve the problem. Facebook founder Mark Zuckerberg may have apologised but he has a lot of questions to answer. This also brings into focus the continued push for digitisation in India where a big question mark remains on the efficacy of data security systems, if they exist. Instead of making a veiled threat to Mr. Zuckerberg, the Union Minister for Information and Technology should first try to put in place a sound cybersecurity system.

V. SUBRAMANIAN,
Chennai

This data breach is a result of all of us being careless in giving permission to various apps to access our data. It is also often difficult to remember various passwords, so many of us have the habit of logging in to different sites through Facebook or email. No one could have imagined that there exists such a sophisticated way of sabotaging elections. Having said that, Indians seem more ignorant about how their data can be used than people may be in the U.S. Data protection laws should be formulated before democracy faces a drubbing at the hands of big data capitalists.

UTKARSH AGRAWAL,
Allahabad

The assertion made in the Supreme Court that Aadhaar data will remain safe even as the massive data breach involving Facebook and Cambridge Analytica is unravelling is ironical to say the least ("Aadhaar data safe, govt. asserts in SC", March 22). There is no guarantee that Aadhaar data will not be misused. It is imperative for the government to first set up a committee to look into all the cases where Aadhaar data have already been leaked as the poor may lose their entitlements.

A.V. NARAYANAN,
Tiruchi

Running dry

Everywhere you see there's a water crisis ("Conserve every drop", March 22). The groundwater in Punjab and Haryana is very poor because of the indiscriminate use of pesticides and fertilizers in agriculture. Lakes and wetlands are polluted because waste is dumped into them, an example of which is Bellandur in Bengaluru. In Tamil Nadu, natural wetlands have been captured by the real estate sector, which resulted in the 2015 floods. The major rivers such as the Yamuna and Ganga are completely polluted. Even purified packaged water has microplastics which are harmful to health. Water from hand pumps has high levels of arsenic and iron. To tackle this crisis, we first need awareness campaigns on how to use water judiciously, and we need to promote organic farming to prevent pesticides from seeping into groundwater.

DIWAKAR PRASAD TIWARI,
Satna

That Bengaluru may run out of drinking water should serve as a wake-up call for the Siddaramaiah government. The Chief Minister is busy projecting his government's achievements, but this crisis is larger than all those achievements put together.

V.S. GANESHAN,
Bengaluru