

# New India formula?

The 15th Finance Commission's job will be especially tricky in the time of GST

The Centre has moved swiftly to notify the presidential order setting up the Fifteenth Finance Commission, within five days of the Cabinet's approval. The constitutional body is tasked with recommending a fiscal road map and a sharing of resources between the Centre and the States. On Monday, former Revenue Secretary N.K. Singh, who has been appointed chairman of the Commission, held preliminary discussions on its "wide-ranging" terms of reference and decided to hold expeditious consultations with stakeholders at all administrative levels as well as with political parties. Think tanks and academics will be consulted. The Commission has less than two years to complete its deliberations and submit its report by October 2019, giving the government a little over a quarter to consider and implement its recommendations for the period from April 2020 to March 2025. Accepting the 14th Finance Commission's recommendation to raise the States' share in the divisible pool of taxes to 42% from the previous 32% level, Prime Minister Narendra Modi had told Chief Ministers that although this meant less money at the Centre's disposal, his government had decided to strengthen the States' capacity to move away from a 'one-size-fits-all' approach. While Mr. Modi's disdain for Central planning is well-known, the terms of reference for this Commission seem to suggest that the re-

cord hike in the tax transfer rate to States is pinching.

The Centre has urged the Commission to finalise its tax-devolution formula after factoring in the impact on the Union's fiscal situation, keeping in mind "the continuing imperative of the national development programme including New India - 2022". Taken together with its need for resources for essential spending in areas such as defence, security, infrastructure and climate change, the Centre seems to be seeking a rollback of the 42% share for States. The government's top brass has repeatedly asserted the need for revenue to maintain public spending in the face of flak for high petroleum taxes. But a reduction from the 42% rate could dent States' faith in the Centre's claims of cooperative federalism. The rollout of the goods and services tax, which marks a new chapter in tax administration with both the Centre and States working together through the GST Council, makes the challenge trickier. The Centre is committed to compensating States for any revenue losses arising out of GST implementation till June 2022, thus covering nearly half the period for which the Commission is to recommend a formula. Its mandate includes formulating performance-linked incentives for States on a range of desirable outcomes such as attaining a replacement rate in population growth, deepening the GST net and improving the ease of doing business. Devising a fiscal nudge for development goals sounds attractive, though the challenge would lie in quantifying the good from the ugly – especially when one has to reward a State for showing 'control or lack of it in incurring expenditure on populist measures'.

# With that smile

Shashi Kapoor, from big-budget romance to indie innovation to theatre revival

nashi Kapoor made his debut as a hero well into Hindi cinema's Golden Age in 1961 with Yash Chopra's Dharmputra. The story of a Hindu family bringing up an illegitimate Muslim child, it brought the ghosts of Partition to the fore and underscored the necessity of addressing the trauma, violence and bigotry that arose out of that fissure. In time, Chopra would cast him in Waqt, among the first multi-starrers and which marked the start of another, splashier era in Hindi films. It would seem that Kapoor, with his crookedtoothed good looks, amiable manner and acting skills that would never outpace the demands of the film at hand, had always been around. The youngest son of Prithviraj Kapoor, after Raj and Shammi, he would also nominate himself as the inheritor of the family's theatre legacy. For all the easy-breezy romancing of his bigbudget films, he widened his canvas, becoming the first successful crossover actor with roles in, say, Merchant-Ivory productions (The Householder, In Custody), and producing landmarks such as 36 Chowringhee Lane. Through it all, his body of work was held afloat by an underlying spirit of progress, inclusion and innovation.

Like Raj Kapoor, he set up a production house. However, unlike the more mainstream RK Films, Film Valas was all about providing support to alternative voices and indie cinema, much before the term was even coined. It was a rare, selfless gesture from an industry insider for those on its fringes. In a way, it was a private version of the government's National Film Development Corporation and, despite incurring huge losses, it delivered landmark films like Shyam Benegal's Junoon and Kalyug, Aparna Sen's 36 Chowringhee Lane, Govind Nihalani's Vijeta and Girish Karnad's Utsav. These films also gave Kapoor a platform for his acting skills, given that the big directors had by the 1970s caged him in romances and multi-starrers. He was smouldering as the Pathan lover of a young British woman in Junoon and fascinating as Karan in Kalyug, a modern-day interpretation of the Mahabharata. He brought alive in Vijeta the dilemmas of a man in a troubled marriage even as his son is trying to find himself, and was unrecognisable as the wily Samsthanak in Utsav. Kapoor's most dedicated stint was in establishing Prithvi Theatre. In his boyhood, he would travel across South Asia with his father's travelling Prithvi Theatres. In 1978, along with wife Jennifer Kendal, he built the theatre in Juhu as a tribute to Prithviraj and to his own roots. To know it would outlast him would surely have given him the greatest joy.

# India's plural soul

An assassination, a demolition and a portrait's unveiling together spelt the polarisation of India



The partitioning of India broke us, shamed us. It is estimated that nearly two million were slaughtered during the weeks around Partition, almost no Muslim surviving in East Punjab and no Hindu or Sikh in West Puniab. About 7.5 million Muslims left India for the newly formed state of Pakistan and about 7.5 million Hindus trekked to the new India from Pakistan. Both sets of displaced persons were seeking the security of a religious majority, their

Gandhi's scorching presence, the new government's unwavering commitment to pluralism and the humanity of millions of ordinary people saved the tragedy from becoming a cataclysm.

### The triptych of an agenda

After that traumatic year, three dates, three events, shook Indian pluralism again. Gandhi's assassination - January 30, 1948; the Babri Masjid demolition - December 6, 1992, and the unveiling of V.D. Savarkar's portrait in Parliament House – February 26, 2003

The first of these three saw a believer in the criticality of India's pluralism being put to death. The second witnessed a pre-eminent Islamic monument reduced to rubble. The third valorised a man who believed India was meant to be a Hindu Rashtra. The first was murder, the second vandalism, the third a celebration.

Those three form a triptych. All three occurrences singed India's plural soul.

Their "work" is still on. It is still affecting ways of thinking, acting,

The assassination was a carefully planned plot by people who



owed allegiance to the concept of a Hindu Rashtra. Its aim was threefold: punish, by murder, one who believed India to be the home of all the faith traditions in it, reverse Gandhi's idea of "Ishvar Allah Tere Naam", pronounce the primacy and power of Hinduism in India. It was meant to tell the Muslims of India that they were here by leave of the Hindus and that all talk of Hindu-Muslim unity and equality was sentimental and meaningless.

Gandhi's killing traumatised the country. It devastated Muslims in India. Who would, hereafter, be its rakhvala (protector)? Nehru said that evening: "The light has gone out of our lives and there is darkness everywhere." For India's Muslims who had said "no" to Pakistan and stayed back in India because they had faith in Gandhi's India, that darkness was real. Along with the light, the oxygen of confidence in the air fled, too.

Several years and countless Hindu-Muslim riots later, the unhealed wound on India's plural ethos was violently cut open once

# **Another dateline**

Ayodhya, December 6, 1992 is a dateline, a hate-line, a fate-line.

Babri Masjid, the 16th century mosque was built spitefully, it is said, on the exact spot in Ayodhya, where Rama was born. In fact, the pious say, a temple stood where the mosque came up. The mosque had, over the years, become a contested site, a Hindu v Muslim akhara. And on that day, Hindu muscle power asserted itself. Watched by unwitting, unsure or captive seniors of the Bharatiya Janata Party (BJP), and with a police force unable or unwilling to intervene, 1,50,000 delirious Hindu kar sevaks brought the mosque down.

In the rubble lay all hope for Hindu-Muslim concord. In it lay shattered Muslim trust in India's secular future. And in it lay tattered, the Constitution's guarantees about the freedom of religious

The broken stones said more: Here rises, at long last, they proclaimed, Veer Savarkar's dream of a Hindu Rashtra.

India partitioned was now India polarised.

Savarkar's spirit must have felt more than fulfilled.

## **Moving over to Parliament**

A decade later, the BJP in power at the Centre, decided that for Savarkar's fulfilment to be complete. due ceremony was in order. It decided to place in Parliament House's Central Hall, along with portraits of the Greats of India's freedom struggle, a portrait of this freedom fighter as well. Savarkar was, of course, a fighter for India's freedom. On his terms, in his own light. With Mohammed Ali Jinnah, also a freedom fighter according to his own terms and his own lights, Savarkar believed that Hindus and Muslims formed Two Nations. Jinnah realised his goal with Partition. Savarkar did not, could not,

for India insisted, through its Constitution, its laws and public policy pronouncements, that it was secular. Asoka's Lion Capital was, after all, the Republic of India's new emblem.

Savarkar' dream remained unrealised until the unveiling of the portrait. That completed the triptych.

The unveiling in Parliament House did three things. First, it placed against the Indian Republic a conceptual alternative - Hindu Rashtra. Second, it made demolition the exact co-relative of construction. Third, it made Veer Savarkar, the precise opposite number of Mahatma Gandhi. And thereby, his peer, alternative and equal. It juxtaposed the Two Nations theorist against the One Nation preceptor.

### An agenda at work

The assassination, the demolition and the portrait's unveiling, together, go to spell a long word with a short agenda: polarisation.

The ghastly terrorist attacks in Mumbai of 1993, in Parliament House of 2001 and again in Mumbai in 2008 may or may not have been retaliatory for Ayodhya. I believe the attacks would have happened, Ayodhya or no Ayodhya. For such is the blind bloodlust of terror, such the radicalisation of unemployed, callow youth in Pakistan. And such the mutually nourishing agenda of polarisation.

That agenda, as I said, remains at work. The Ayodhya dateline etched hate, stretched fate - the fate of secularism – to its limits. It continues to do so.

The demolition in Ayodhya was the first step. Like a bhumi-puja. The second step is the building of the temple. The third, its consecration. And there will be as many more steps as the rites of polarisation require.

The building of a Ram temple at the site of the Masjid is not going to be easy. But keeping the idea of that building alive is all too easy.

For polarisers, better than a temple built is a temple that is waiting to be built. It keeps spirits up, tensions high. It keeps terrorists on the other side activated. And it keeps cadres on this side motivated.

December 6, 1992 is not a fading date in history; it is marked ochre red in the future calendars of the Hindu Rashtra. For those who hailed it, the 25th "anniversary" of the demolition promises future sport. For those who were aghast by it, it promises future struggle.

The struggle to keep polarisation at bay will be unrelenting for the memories of Partition and the mayhem of terror will keep churning up hate, fear. Bigots face each other, unblinkingly. Their bigotry feeds each other, untiringly. The higher the Hindu bigotry in India, the happier the Islamic zealotry in Pakistan. Polarisation is their common nourishment.

But hate and fear are not a normal condition; fanaticism not a natural emotion. Plain common sense and Gandhi's miraculously still-alive spirit have staved off communal frenzy. Never more effectively than when bloodthirsty terrorists sought to mutilate life in Mumbai in 1993 and then to maim the House of India's Parliament in 2001. All of India could have erupted then into communal frenzy, but it did not. Likewise, when Gujarat 2002 could have spread, but did

The India of Asoka, Akbar, Gandhi, Nehru, Ambedkar is strong but pinioned under the blades of the Two Nations theory. It is for the inheritors of their India to match the date-lines of hate and the fate-lines of death with the lifeline that Gandhi made from the essences, the intangible susman of his belief that India is One Nation and Ishvar Allah two names, among other ones, for the One.

Gopalkrishna Gandhi is a former

# Of crime and punishment

Low conviction rates and a lack of a lawful definition of crime mark criminal administration in India



olice reform in India has been concerned with political interference ever since the landmark Supreme Court judgement, in 2006, on the subject. The focus should really be on reorganising criminal administration.

The annual publication of the National Crime Records Bureau (NCRB), "Crime in India 2016", which was released recently, presents a dismal picture of the key performance statistic with only 47% convictions in Indian Penal Code (IPC) crimes at the national

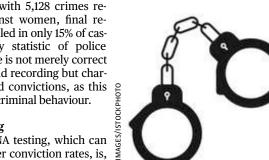
Delhi provides an interesting case study, where there is no political interference and the Police Commissioner reports to the Lieutenant Governor, and not the Chief Minister. With a population smaller than Mumbai, it has two times the number of police stations. Yet, in Delhi, while 1,90,876 persons were sent to trial last year, there were only 9,837 IPC convictions in the year. In Delhi only 58% of those arrested were chargesheeted, while in Mumbai, more persons were chargesheeted than were arrested for IPC crimes. In Delhi, 13,803 crimes against women were reported and no char-

gesheets filed in 4,371 cases (32%); in Mumbai with 5,128 crimes reported against women, final reports were filed in only 15% of cases. The key statistic of police performance is not merely correct reporting and recording but chargesheets and convictions, as this impacts on criminal behaviour.

In Delhi, DNA testing, which can secure higher conviction rates, is, inexplicably, a low priority. There is only one forensic testing laboratory, with around 9,000 samples pending for examination. Over 5,000 are DNA samples. Delays in this crucial evidence, which plays an important factor in acquittals, are a setback as samples deteriorate with time. Consequently Delhi has a conviction rate of only 21%, 24% and 30% in cases of kidnapping and abduction, rape and murder, respectively.

The Delhi Police website says that it is perhaps the world's largest metropolitan police force and arguments that Delhi accounts for 38% of the total crime under the IPC because of its migrant population are a simplistic explanation. Delhi accounts for five times the IPC crime when compared with Mumbai, and 33% of violent crime in metros when compared with 13% in Mumbai. Crime prevention is affected by conviction rate, beat patrolling, and by the police and community working together.

There is a need to distinguish



between accountability and operational responsibility. For example, 'the Mayor of London is responsible for setting policing priorities that will hold the Met Police Commissioner to account. Operational decision-making on day-to-day policing remains the responsibility of the Metropolitan Police Commissioner. The Police and Crime Plan 2013-2016 has clear performance measures that focus on results such as 20% reduction in key neighbourhood crimes, 20% reduction in delays in the criminal justice system, and 20% reduction in reoffending by young people leaving custody. The plan was based on extensive consultation which included town hall meetings, additional stakeholder forums, focus groups and an online survey.

### **Unresolved issues** In addition to those related to

roles and responsibilities, there

are also systemic issues. Despite the recommendations of Law Commissions and the Supreme Court, as well going by experience in the developed world, we do not have separate wings for investigation of crime and for law and order. Related to this reform is the debate whether the police is a functional "service" based on skills of investigation or a "force' oriented towards "effect" which on command will operate regardless of the cost to itself or the social fabric. Similarly, in most countries, the prosecutor, and not the police, has discretion on whether to press charges as they involve adjudication. Years ago, the Law Commission had suggested a directorate of prosecution independent of the police to guide investi-

Second, there is still controversy over which kinds of conduct are best controlled by the application of criminal law and which kinds by other means.

For example, special and local offences account for as much crime as under provisions of the IPC, with nearly 60% of cases under liquor and narcotics offences at the national level. Causing simple and grievous injures under rash driving accounts for 11% of IPC crimes; theft also accounts for 16.6% of IPC crime at the national level.

For Delhi, half of theft cases involve motor vehicles. Cases related to liquor and motor vehicles ac-

count for more than a third of all cases. The criminal justice system should be limited to crimes under the IPC, while enforcement of administrative law and social legislation requires a different approach involving summary trials, changing societal attitudes and modes of behaviour. For example, in Britain part-time lay judges outnumber full-time judges, leaving the judici ary to concentrate on the real crime.

Third, the effectiveness of prisons is now being questioned. Nearly two-thirds of the prison population is awaiting trial and half the number of undertrials are normally acquitted. Over 80% of prisoners are sentenced to terms less than three months, 40% are under 30 years old, semi-literate and convicted under special and local acts. Criminologists now feel that short-term sentences expose such prisoners to criminal indoctrination in jail and social condemnation on release, with a strong case for greater reliance on compounding, probation and parole.

The main purpose of criminal administration should be the prevention of crime, and the police cannot be an instrument of social change. Administrative measures and fines levied by honorary and executive magistrates will change behaviour better than penal ac-

Mukul Sanwal is a former civil servant

# 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.

# Rahul's elevation

Congress vice-president Rahul Gandhi's conduct, especially while on the electoral trail in Gujarat, shows that he has much to

His political immaturity, which shows in his barbs against Prime Minister Narendra Modi, and his shallow insight into governance, will prove to be his biggest stumbling blocks. His elevation as leader of the party is nothing to look forward to ("Rahul is sole nominee for post of Congress president", December 5). His so-called questions about Gujarat need no answers. There is much to account for in Congressgoverned States, both past

and present. The Congress party also has to give us a long account about its tall promises to abolish poverty, uplift the downtrodden people, ensure fair wages, overcome unemployment and ensure corruption-free governance. India will not forgive and forget the multitude of scams that occurred under Congress rule. M.R. NATARAJAN,

■ Rahul Gandhi's election is a foregone conclusion. The grand old party will have a young president. Those who feel that the election has been rigged or manipulated can always approach the judiciary. Rahul Gandhi has

been into active politics for a while now, and with mixed results. It is strange that the Prime Minister should ridicule the political development in the Congress party. Is inner party democracy encouraged in his BJP party, especially where senior leaders have been sidelined for long after Mr. Modi's rise? D.B.N. MURTHY, Bengaluru

### **Refocus on tobacco** The estimates in the report

of the India State-Level Disease Burden Initiative. prepared as part of the Global Burden of Disease Study 2016, will go a long way in raising awareness about preventing premature deaths in India (OpEd page,

"A tool kit to think local", November 27). While the study describes three types of risk factors for major diseases in India, it does not mention tobacco use, smoking and chewing to be among them. Studies in India and other parts of the world have shown that 50% of smoker fatality is on account of these habits; this category also has a shorter life expectancy when compared to a nonsmoker. Tobacco smoking is a major risk factor in developing cardiovascular disease, stroke, cancer and chronic obstructive lung diseases. It also increases a person's risk of developing tuberculosis. Dr. GAJALAKSHMI VENDHAN,

#### A movie icon The passing of Shashi Kapoor

is sad. He will be long remembered for his films such as "Junoon", "Deewar", "Kabhie Kabhie", "Trishul" besides his English films, "Shakespeare-Wallah", "Householder" and "Siddhartha". One can never forget the beautiful performance by his wife, Jennifer, in "36 Chowringhee Lane". I consider myself fortunate enough to have watched one of the plays by the Shakespeareana Company at Lucknow years ago. It was directed by Geoffrey Kendal

and the cast included

In the world of Bollywood,

Shashi Kapoor was a rare

Utpal Dutt.

Jennifer, Shashi Kapoor and

■ With the passing of Shashi Kapoor, the era of the

actor, a thorough gentleman

and the perfect family man.

C.B. TRIPATHI,

flamboyant, versatile, romantic hero and the original superstar is over. An ardent film buff and his countless fans can never forget his style of acting which was filled with energy, zeal and enthusiasm. For him, life was an endless journey. The memories of his films

will never fade away from the hearts of his innumerable fans like me. SUNNY JOSEPH,

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