



The sedition debate

Thoroughly overhauling Section 124-A is good, but repealing it is much better

Rulers everywhere tend to treat trenchant criticism as attempts to excite disaffection and disloyalty. That is perhaps the only reason that Section 124-A of the Indian Penal Code, enacted under colonial rule, remains on the statute book. There have been repeated instances of its misuse. Regimes at the Centre and the States have often been shown in poor light after they invoked the section against activists, detractors, writers and even cartoonists. Since Independence, many have seen the irony of retaining a provision that was used extensively to suppress the freedom struggle. Despite all this, Section 124-A has tenaciously survived all attempts by successive generations to reconsider it, if not repeal it altogether. The Law Commission, for the third time in five decades, is now in the process of revisiting the section. Its consultation paper calls for a thorough reconsideration and presents the various issues related to it before the public for a national debate. In particular, it has raised the pertinent question: how far is it justified for India to retain an offence introduced by the British to suppress the freedom struggle, when Britain itself abolished it 10 years ago? In an earlier report in 1968, the Law Commission had rejected the idea of repealing the section. In 1971, the panel wanted the scope of the section to be expanded to cover the Constitution, the legislature and the judiciary, in addition to the government to be established by law, as institutions against which ‘disaffection’ should not be tolerated. The only dilution it mooted was to modify the wide gap between the two jail terms prescribed in the section (either three years or life) and fix the maximum sanction at seven years’ rigorous imprisonment with fine.

The foremost objection to the provision on sedition is that its definition remains too wide. ‘Overbroad’ definitions typically cover both what is innocuous and what is harmful. Under the present law, strong criticism against government policies and personalities, slogans voicing disapprobation of leaders and stinging depictions of an unresponsive or insensitive regime are all likely to be treated as ‘seditious’, and not merely those that overtly threaten public order or constitute actual incitement to violence. In fact, so mindless have some prosecutions been in recent years that the core principle enunciated by the Supreme Court – that the incitement to violence or tendency to create public disorder are the essential ingredients of the offence – has been forgotten. However, as long as sedition is seen as a reasonable restriction on free speech on the ground of preserving public order, it will be difficult to contain its mischief. There can only be two ways of undoing the harm it does to citizens’ fundamental rights: it can be amended so that there is a much narrower definition of what constitutes sedition, but the far better course is to do away with it altogether.

Submerging markets

The increasing demand for the U.S. dollar is shaking currency markets across the globe

Emerging market economies continue to be in the spotlight for the wrong reasons as their currencies resume their prolonged slide against the U.S. dollar. The Indian rupee weakened past the 71 mark for the first time ever on Friday, registering a loss of about 10% of its value against the dollar since the beginning of the year. This makes the rupee the worst-performing currency in Asia. Other emerging market currencies, most notably the Turkish lira, the Argentine peso and the South African rand, have suffered much larger losses owing to a serious loss of confidence among investors. The Argentine peso, which has lost more than half of its value in 2018, for instance, witnessed a sharp loss of more than 10% on Thursday alone. This happened despite a 15 percentage point increase in interest rates by Argentina’s central bank in order to stem the outflow of capital and shore up the value of the currency. The Turkish lira, which has lost almost half its value this year, is another currency in the doldrums. The crises in both Turkey and Argentina have been intensified by domestic economic issues. But the common factor underlying the wider carnage among emerging market currencies is the increasing demand for the dollar across the globe. The tightening of liquidity in the West, with the U.S. Federal Reserve raising interest rates, has played a major role in the strengthening of the dollar since February this year. Investors who earlier put their money in emerging markets have recently preferred American assets, which now yield higher returns.

Such a widespread shift of capital across the globe owing to the variations in interest rates is normal whenever the global interest rate cycle turns. Emerging market countries, which earlier benefited from the easing of monetary conditions in the West, are now feeling the pain of a return to monetary policy normalcy. This does not, however, mean that emerging market economies can simply blame external economic factors for the present turmoil in their currencies and hope for better times. The management of these economies has generally been far from ideal, particularly when it comes to hard-hit economies like Turkey and Argentina. The chief among the troubles of emerging market economies is higher domestic inflation when compared to the economies in the West. It is only natural, then, that their currencies will slide in value over time against the dollar and other major Western currencies. Unless there is a drastic change in emerging market monetary policy *vis-à-vis* the West, this is likely to be the case for a long time. The mandate of emerging market central banks in the current scenario should be to let their currencies find their true value in a smooth manner.

India and the U.S. — it’s complicated

Creative thinking will be needed in the 2+2 dialogue to overcome challenges in bilateral ties



RAKESH SOOD

The first round of the India-U.S. 2+2 talks at the level of External Affairs Minister Sushma Swaraj and Defence Minister Nirmala Sitharaman and their counterparts Secretary of State Mike Pompeo and Defence Secretary James Mattis is scheduled for September 6 in Delhi. It is a significant development but one that appears perfectly logical when seen against the two-decade-old trend line of India-U.S. relations. True, the trend line has not been smooth but the trajectory definitively reflects a growing strategic engagement. From estranged democracies, India and U.S. can worst be described today as prickly partners.

Strategic convergence

Three factors have contributed to the emerging strategic convergence. The end of the Cold War provided an opportunity to both countries to review their relationship in the light of changing global and regional realities. Second, with the opening of the Indian economy, the American private sector began to look at India with greater interest. Trade grew and today stands at more than \$120 billion a year with an ambitious target of touching \$500 billion in five years. If U.S. foreign direct investment in India is more than \$20 billion, Indian companies too have invested \$15 billion in the U.S., reflecting a sustained mutual interest. The third factor is the political coming of age of the three-million-strong Indian diaspora. Its influence can be seen in the bipartisan composition of the India Caucus in the U.S. Congress and the Senate Friends of India group.

Yet, the engagement has not

been smooth sailing. The U.S. is used to dealing with allies (invariably junior partners in a U.S.-dominated alliance structure) and adversaries. India is neither, and is also determined to safeguard its strategic autonomy. Developing a habit of talking to each other as equal partners has been a learning experience for India and the U.S.

Both countries also consider themselves to be ‘exceptional’, the U.S. as among the oldest democracies and India as the largest! Both have a habit of preaching and problems arise when they preach to each other. Indians become wary of the U.S.’s attempts to drive unequal bargains, and Americans find the Indian approach rigid and sanctimonious. Despite this, significant progress has been registered over the years resulting in the 60-plus bilateral dialogues, to which the 2+2 is now being added.

Growing defence cooperation

Two parallel tracks of dialogue began in the 1990s. The strategic dialogue covering nuclear issues shifted gears following the nuclear tests of 1998 and imposition of sanctions by the U.S. The over a dozen rounds of talks between Jaswant Singh and Strobe Talbott during 1998-2000 marked the most intense dialogue between the two countries. It helped change perceptions leading to the gradual lifting of sanctions. The next phase was the Next Steps in Strategic Partnership steered by the then National Security Advisers, Brajesh Mishra and Condoleezza Rice. The momentum received a new impulse, thanks to the warmth between Prime Minister Manmohan Singh and President George W. Bush, eventually leading to the conclusion of the India-U.S. bilateral civil nuclear cooperation agreement in 2008.

The defence dialogue began in 1995 with the setting up of the Defence Policy Group at the level of the Defence Secretary and his Pentagon counterpart and three Steer-



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ing Groups to develop exchanges between the Services. A decade later, this was formalised and enlarged into the India-U.S. Defence Framework Agreement which was renewed for 10 years in 2015. Today, the U.S. is the country with which India undertakes the largest number of military exercises which have gradually evolved in scale and complexity.

During the Cold War, more than three-fourths of India’s defence equipment was of Soviet origin. This gradually began to change, and in recent years, the U.S. and Israel emerged as major suppliers. The Indian Air Force went in for C-130J Hercules and the C-17 Globemaster aircraft, along with Apache attack helicopters and Chinook heavy lift helicopters. The Indian Navy acquired a troop carrier ship and the P-8I long-range maritime reconnaissance aircraft. An agreement for 24 multi-role helicopters for the Indian Navy is expected soon. The Indian Army went in for the M-777 howitzers and artillery radars. From a total of less than \$400 million of defence acquisitions during 1947-2005, the U.S. has signed defence contracts of over \$15 billion since.

During the Obama administration, Defence Secretary Ashton Carter became a strong votary of closer defence cooperation between the two countries. He soon understood that a defence supply relationship needed to be backed by technology sharing and joint development and came up with the Defence Technology and Trade Initiative (DTII). Pathfinder projects have been identified un-

Story of a leaking ship

Crucial questions about development in the Andaman and Nicobar Islands



PANKAJ SEKHSARIA

In what can only be considered a prophetic coincidence, the online version of the Port Blair-based newspaper *Andaman Chronicle*, carried, on August 2, two very interesting and instructive news reports related to the Andaman and Nicobar (A&N) Islands.

A big meet

One of the reports was about a development that has been in the making for about a couple of years. This was the announcement that the A&N administration and NITI Aayog would be organising an investors’ meet in New Delhi on August 10 for tourism projects under a plan called ‘holistic development of the islands’. The projects on four islands – Long, Neil, Smith and Aves – are being undertaken as per decisions of the Islands Development Agency (IDA) and the specifics of proposals listed for the investors meet were indeed grand: “Develop 220 rooms Premium Island Resort in 42 hectares land at Long Island, 50 beach tents in 2.75

hectares land at Aves Island, 70 premium tents & tree houses in 25 hectares land at Smith Island and 120 rooms premium beach resort in 9.75 hectares land at Bharatpur, Neil Island.”

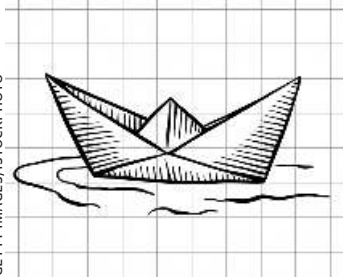
The projects also include the “setting up of infrastructure for power, water, floating jetty, adventure sports, banqueting and conferences”. The ambition and scale can be imagined from the fact that the administration is said to be simultaneously working on readying supporting infrastructure that includes “air strips, jetty, helipads, Roll On/Roll Off (RORO) ferry and roads works”. The investors’ meet in Delhi was attended by nearly 150 participants, including 40 entrepreneurs from the islands as well. Amitabh Kant, CEO of NITI Aayog, announced at the August 10 meeting that 100 islands in A&N and in the Lakshadweep could be opened up for tourism in the next 12 months.

These announcements have been received with considerable excitement in a section of the island population, given the possible economic and livelihood opportunities. It also plays up the aspirational dimension whereby one dominant narrative is of the islands as a world-class tourism destination, a potential that has so far remained unrealised. And there

can also be no space for opposition because the plan is to “provide world class and sustainable tourism infrastructure with low environmental impact and provision for socio-economic involvement of local population” with the projects also conforming to internationally acknowledged benchmarking standards. How can anyone have a problem with something as perfect as this?

Use of the smart language notwithstanding, however, many key questions remain. It’s all very well to say everything will be executed right, but how can we be sure that the promises will be delivered upon? How, for instance, will ecological and cultural sensitivity be ensured? Does a capacity really exist to ensure the safeguards when the scale and the ambition is so large? How much will it really benefit the local people and the local economy? And: Is it this that the islands really need?

The answer is visible, perhaps obliquely at first glance, in the second of the two reports in the *Andaman Chronicle*. Titled ‘Hole in the Hull of MV Swarajdweep Panics Islanders’, it related the horrifying details of a huge leak and of water filling up many feet in a key passenger ship with 343 passengers, including staff, on board. The incident happened in the early



GETTY IMAGES/ISTOCKPHOTO

morning of August 2 when the ship was on its journey from the islands to Chennai, 40 nautical miles from the island of Car Nicobar. The situation was retrieved only following the intervention of the Coast Guard that sent in a ship from Kamorta and flew in a special team of five divers from Port Blair. The passengers had to be all evacuated and alternative arrangements were made to send them home to the Nicobars or to Port Blair. The report said: “It was fortunate that the hole was noticed while it was in the safe zone. Had it been in between Port Blair and Chennai, it would have been a major disaster.”

Putting the two reports together offers a snapshot of a bizarre reality in these islands – an island set-up that is promising everything from air strips and floating jetties to premium resorts, not to mention ecological sensitivity, global benchmarking and overall socio-economic development, is un-

able to ensure that the local community has a safe and reliable, leave alone comfortable, ship to travel on. And that too in an island system where shipping is, or certainly should be, the lifeline. If such a basic and critical element cannot be ensured, what is the guarantee that the grand plans and promises will not meet the same fate?

About Chabahar

The second relates to U.S. sanctions on Iran after its unilateral withdrawal from the nuclear deal. Iranian crude imports have grown significantly in recent years and India also stepped up its involvement in developing Chabahar port. The port provides connectivity to Afghanistan and Central Asia. The Iran Freedom and Counter-Proliferation Act (2012) contains a waiver provision in case of activities for reconstruction assistance and economic development for Afghanistan, which is a U.S. priority too.

Creative thinking will be needed in the 2+2 dialogue to overcome these challenges, which should also ensure that there are no nasty surprises and difficult issues are settled through quiet diplomacy. In order to realise the Joint Strategic Vision for the Asia-Pacific and Indian Ocean Region (2015), both countries will have to nurture the habit of talking and working together to diminish some of the prickliness in the partnership.

Rakesh Sood is a former diplomat and currently Distinguished Fellow at the Observer Research Foundation. E-mail: rakeshsood2001@yahoo.com

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Cost to local communities

The important point to note here is that the cost is being paid by the local communities and the local environment. In its vision for achieving the grand and the ambitious, foundational and fundamental elements are being given the go-by and one cannot but ask whether the huge effort and the substantial human, planning and financial resources being spent for the tourism projects cannot be invested better and more productively?

A truly holistic development plan for an island system should have a robust shipping system as its first building block. What we have instead is a seriously leaking ship that should lead to serious questions about capacities and about priorities.

Pankaj Sekhsaria is the author of ‘Islands in Flux - the Andaman and Nicobar Story’

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.

On foreign aid

Declining foreign aid when a State is in the throes of a disaster of an unprecedented magnitude, might not be a strategic decision. When faced with such an unusual situation, the Centre could have gone a bit soft on rigid norms such as the inflow of foreign aid (Editorial page, “Pride and foreign aid”, August 31).

P. RAMYA,
Chennai

■ The point made in the article strongly resonates in the current climate of mistrust. Accepting foreign aid for party funding while at the same time denying aid to the people of a State in distress based on trumped up reasons of ‘self sufficiency’ will simply not do. The government needs to swallow its ‘pride’ and use all

the help it can to get Kerala back on its feet.

ANANY MISHRA,
Bhilai, Chhattisgarh

■ There should have been a pragmatic, need-based and realistic approach towards accepting aid offered from various sources, especially in a time of extreme disaster. Though the Manmohan Singh government turned down offers of aid after the 2004 tsunami, there could have been a bit more flexibility on such a policy decision. We must not forget about our offers of aid, which have been accepted. Today’s closely-knit world is about give-and-take and humanitarian practice. It should not be viewed every time through the micro-prism of politics, diplomacy and optics. When Greece faced disaster, EU nations

reached out to it. I do not think that Greece’s image in the eyes of the world has taken a hit.

A. MOHAN,
Chennai

■ India’s stand on the acceptance of foreign aid is consistent with earlier actions and has not been directed against one country also. We have declined to accept aid from even the U.S. and others in the West. It is also odd to be referring to aid from the UAE when it has been shown to be a myth.

MAKESH KUMAR D.K.,
Chennai

Money matters

Demonetisation was neither an unmitigated disaster, as claimed by the Opposition, nor an unqualified success, as trumpeted by the government (Editorial, August 31). The note ban has

exposed a serious flaw in the quality of our political discourse – lack of objectivity and nuance in debating policies implemented by the government. The political ethos that we have nurtured is based on an adversarial culture, with the government and the Opposition viewing each other as implacable enemies. But for independent media analyses about demonetisation, the people would be left wondering which story they should believe. We need a political culture in which the relationship between the government and the Opposition is based on mutual respect. Political narratives should inform and enhance people’s understanding of major issues.

V.N. MUKUNDARAJAN,
Thiruvananthapuram

Arrests and after

Dissent is no doubt necessary for the healthy functioning of a democracy but it should not lead to a situation where there is a leaning towards violence. Those in support of the arrested activists are also known to nurture a deep dislike for the present government. If the media, NGOs, activists, intellectuals, and other elements are now ranged against a key person in the government, they need to introspect over their actions. (“Democracy under threat”, August 31).

VIJAYA KUMAR,
Bengaluru

CORRECTIONS & CLARIFICATIONS:

Late correction: In the Ground Zero feature titled “A chopper, a boat, and a prayer” (Aug. 25, 2018), the photo caption erroneously said it was a rescue operation in Paravur in Kollam. Actually, it was North Paravur in Ernakulam district.

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