



Prison and privilege

If illegal facilities are allowed to select prisoners, jails will lose their deterrent value

It is not uncommon for some influential prisoners to get concessions or privileges from obliging officials. The privileges and favourable exemptions that V.K. Sasikala seems to enjoy in the Parappana Agrahara Central Prison in Bengaluru appear to confirm what one hears only in corruption folklore. Initially, it was rumoured she had a makeshift kitchen and been provided with an inmate as a cook; it was said she had a special visitors' room with enough chairs for political confabulations. Now, dramatic footage has emerged showing her and her relative and fellow convict, J. Ilavarasi, entering by the prison's main door, suggesting that she may be returning from a trip outside the prison's precincts. It appears, in the video, that she has been exempted from wearing a convict's uniform. These are not fanciful charges emerging from unreliable quarters. These are part of purported evidence submitted to investigators by former Deputy Inspector General (Prisons) D. Roopa, who blew the whistle on Sasikala's special privileges weeks ago. Ms. Roopa has submitted the footage, presumably taken from a surveillance camera focussed on the prison's entry point, to the Anti-Corruption Bureau, which wanted proof of her earlier charges about rampant corruption among prison officials. Ms. Roopa had been transferred out from the post after she made the sensational allegation that the Director General (Prisons) and other top officials had taken a ₹2-crore bribe to extend these privileges to Sasikala. The former DG (Prisons), H.N. Satyanarayana Rao, who rejected the charges as baseless, has since retired.

The Karnataka government has ordered an inquiry headed by Vinay Kumar, a retired bureaucrat, into irregularities in the prison, while the Anti-Corruption Bureau is examining the corruption charges. These investigations should not be mere formalities as prison corruption poses a great danger to society. It is not only influential politicians but also offenders jailed for serious charges, such as Abdul Karim Telgi, the kingpin of the stamp paper racket that rocked the country over a decade ago, who are the beneficiaries of a suborned system. Overcrowding, ill-treatment, lack of infrastructure and inadequate facilities are some of the problems that the country's prison system has been facing for years. In recent years, newer vices have been added to the list of problems: availability of drugs, for instance, and access to mobile phones to prisoners to beat the communication protocol. Any inquiry into Ms. Roopa's charges cannot be limited to the facilities that one or two prisoners may enjoy, but should comprehensively address all these issues. Failure to curb the illegal facilities allowed to some prisoners will ultimately lead to the loss of whatever deterrent value a jail term has. To paraphrase Shakespeare, one must not make "a scarecrow of the law" that is set up to scare away birds, but lets "custom make it their perch and not their terror".

Derailed priorities

There must be a quick inquiry into the Khatauli accident, and a larger safety upgrade

Railway Minister Suresh Prabhu took several Rail Bhawan mandarins to task within hours of the latest tragedy on the tracks. Thirteen coaches of the Puri-Haridwar Utkal Express derailed at Khatauli, near Muzaffarnagar in Uttar Pradesh, killing at least 23 people. A portion of the track had been disjointed and was being welded in order to be put back in place as part of 'routine maintenance'. But no one bothered to put a traffic blockade in place, as required, and the welding could not be completed before the train passed through. A probe by the Commissioner of Railway Safety may reveal whether this was a systemic communication failure or an instance of a casual approach to a task that needed to be done but could have waited if traffic blocks were not feasible that day. Reposing confidence in the inquiry process may appear difficult as the CRS is yet to conclude its investigation into one of the deadliest railway mishaps in the past decade: the Indore-Patna Express crash near Kanpur last November, that killed 152 passengers. That process may have been muddled by suggestions of sabotage, from the highest levels of government, and accountability is yet to be fixed. But in Khatauli, evidence is available of serious lapses, including an audio recording of railway officers conceding bungling over the maintenance work.

Two engineers have been suspended, another has been transferred, and three top officials, including a Railway Board member in charge of engineering and tracks, have been asked to go on leave as 'exemplary punishment'. Action against Railway Board members is rare, and this sends out a strong signal. However, it is no substitute for a larger course correction. Nearly 70% of the 303 rail accidents reported between 2012-13 and 2015-16 were caused by carelessness of railway staff, which includes shortcuts in maintenance work and failure to heed safety norms. Derailments – often caused by defects in the tracks or the rolling stock – have been the second biggest reason for accidents and casualties over the past decade. The Railways has over 1.14 lakh km of tracks, but their renewal, the Ministry told the Parliamentary Committee on Railways, depends on the financial resources allotted in a given year rather than the length of tracks that need refreshing. The induction of coaches with anti-climbing features, that could minimise fatalities in incidents like Khatauli, remains far too sluggish. A five-year corporate safety plan, first announced in the Rail Budget for 2015-16, has been drafted, but is yet to be approved. Humans err, but when the system turns a blind eye to the obvious needs of a public utility, the wake-up call needs to go beyond rapping a few officers. As the Railways itself has said, unless operations are safe, there are no operations.

Rebooting India-Nepal ties

Indian interventionism having backfired, the Nepal PM's visit is an opportunity to raise the level of bilateral ties



KANAK MANI DIXIT

Nepal is run by a revolving door of political leaders who have weakened the polity and economy over the years, but who did battle the odds to promulgate a new Constitution. India, meanwhile, has a Chief Minister-turned-Prime Minister who has had to learn geopolitics on the job. Prime Minister Narendra Modi would have realised the limits of optics in geopolitics, and Nepal serves as a marker of adventurism gone awry.

With global geopolitics on the boil, and the Hindi-Chini relationship in free fall, it should be in India's interest to secure its own neighbourhood, and that can only be through letting national politics and governance of the smaller neighbours evolve without interference.

Impediments, implausibilities

New Delhi must use the visit of Nepal's newly anointed Prime Minister, Sher Bahadur Deuba, on Wednesday as an opportunity to hit the reset button on Nepal-India relations. Such a rebooting requires a cold and hard look at how Nepal was handled over the past decade, exemplified by the impediments placed in the writing, adoption and implementation of the Constitution.

True, India played a valued role in ending the Maoist insurgency in 2006, but the period thereafter was marked by escalating micro-meddling in Nepal's internal affairs. In Constitution-writing, there were attempts to define the new provincial boundaries according to Indian dictates – pushing first an unwieldy and unworkable plains-only province, then a two-province formula.

The presence of India's heavy hand contributed in numerous ways to the distortion of consen-



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sual governance needed in transitional times. Kathmandu's civil society was preoccupied with managing the fallout, and much time has been spent rallying around the flag rather than stabilising the new republican democracy, trying to end 'bhagbanda' share-the-spoils politics, and working to ensure that the inclusion enshrined in the Constitution is observed in practice. (The scarcity of Madhesi faces in the recent appointment of ambassadors, judges and government appointments is a case in point.)

For reasons best known to South Block, India 'noted' rather than welcomed the Constitution. A society trying to emerge from the April 2015 Great Earthquake was slapped with the punitive Great Blockade. Even today, New Delhi seems uneasy with the recognition of Maithili, Bhojpuri and Avadhi in Nepal, and prefers the elevation of Hindi as in India.

While keeping silent for years on Nepal's post-conflict transitional justice process, in November 2015 India's representative in Geneva cynically utilised the forum of the Human Rights Council to influence government change in Kathmandu. A year ago, Indian interlocutors pushed the Nepali Congress to renege on its promise to continue in coalition with the mainstream left Communist Party of Nepal (Unified Marxist-Leninist), and engineered what is the implausible current embrace of the Congress with the Maoist party of

Pushpa Kamal Dahal.

At the tactical level, New Delhi's motives behind the heavy-handedness of the recent past may have to do with electoral calculations related to the Bihar and Uttar Pradesh polls. On the Constitution, the idea of a 'buffer' province is thought to have been floated either to prevent third country militant infiltration or to control national-level politics in Kathmandu. Some point to an agenda to try to take Nepal back to 'Hindu state' constitutional status.

For the long term, Indian strategists may be seeking ways to get Kathmandu to allow the construction of high dams and deep reservoirs on Nepal's rivers – for flood control, navigation, urban use and irrigation in Bihar and Uttar Pradesh. A particular federal demarcation might make Kathmandu more amenable, goes this line of thinking.

In trying to push some or all of these goals, New Delhi made deep inroads into Nepal's political class, but none did it use more than the Madhesbaadi parties. Besides the fact that this has done great injustice to the plains-based Madhesi citizens of Nepal, the Madhesbaadi leadership is presently incensed that after all its goading New Delhi now seems to be backtracking – a recent example of this 'use and throw' policy is seen in how the Madhesbaadi leaders were made to stand against local government elections, followed by a volte-face of the Indian Embassy urging them

Newsrooms under siege

The fourth estate in India faces greater threats from within than outside



ABHISHEK SINGHVI

Public discourse on the media's ills through the media is relatively rare. The fourth estate of the world's largest democracy is fast acquiring a dark underbelly which threatens the vibrancy of democracy itself. Threats to press freedom are far greater from within than from without.

Paid news is no more a phrase elite national English newspapers condescendingly used to describe malpractices in small Hindi or regional language newspapers. 'Advertorial' is the new sophisticated catchphrase to legitimise and blur the distinction between reportage and paid content. Bribed reporters, ferociously lobbying senior editors and highly politically biased journalists and anchors preach to us every day as "independent" voices, in both the print and visual media.

Hidden influences

An association of ethical journalists (not always an oxymoron) has published an 18-country study of how "corruption and conflict of interest stalks the newsroom". Examples would be hilarious if they

were not tragic. Thus, TRPs are the craze because they determine advertising revenue and dictate how much sensationalism and how little sense are to be injected. The print media circulation calculation methodologies, though infinitely better, still leave much to be desired. TRP consultants have sprouted all over. They reportedly find the supposedly secret location of viewer meters, then approach that family with freebies such as a new 60-inch plasma TV, gifted so long as the family promises to watch the ordinary old metered TV for specific programmes at specified times!

Top newspapers send out marketing persons with a rate card to cover celebrity events and product launches, published the next day as news, occasionally with unreadable fine print at the bottom saying advertorial. A Press Council study has documented date-wise the lobbying report for a proposed government policy in established newspapers, which is followed, next day and for several weeks, by advertisements from the known beneficiary of that policy.

The recent elections in Uttar Pradesh and Punjab have innumerable documented cases by the Election Commission (EC) of paid news. No party's representative, just like virtually no media segment, can be sanctimonious on this issue. "Is hamam mein sab nange hain (no one is above board)" is the business-as-usual



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justification. Madhya Pradesh Minister Narottam Mishra is one of the rare subjects of a timely, completed judgment on paid news suppressed from election affidavit disclosures.

The corporate shadow

Corporate and political power has overwhelmed and overawed large sections of the media, both print and visual, where boldness and fearlessness are no doubt displayed but very selectively and in a slanted manner. Corporates have humongous financial interests in the media. First, they have large financial stakes in either print or visual media. Second, they have full ownership of both categories in innumerable cases. Third, they have significant control even of rival visual platforms. Fourth, instead of Chinese walls between managerial/ownership activities and editorial jurisdiction, the exact opposite prevails, the former is boss and the latter is frequently anonymous. Direct blackmail is no

to join.

As Mr. Deuba deplanes, indeed there are indications of a scaling back of Indian involvement. Hopefully this is a response to a growing realisation in New Delhi that a peaceful, stable Nepal that evolves of its own volition is good for India, and especially for the central Ganga plains.

From the Kathmandu perspective, politically micromanaging Nepal could not have but backfired. Take the Great Blockade, which forced the Kathmandu political leadership to reach out to Beijing and sign a slew of trade, transit and infrastructural agreements with it. Few know that Nepal is today better connected by air to Chinese cities than to India.

Pending matters

Once Nepal and India get past the era of interventionism as but a bad memory, the two can concentrate on the numerous matters that need concentration and resolution. An important issue is the open border itself, which is a unique joint heritage of the two countries. While it is Nepal's Left that has traditionally demanded restrictions on the border, the call now rises from the Indian security establishment.

As we speak, the Nepal plains are suffering from massive floods that have also affected downstream areas across the border. Besides the spread of settlements, a prime cause for the severity is that the Chure (Shivalik) hills have been gouged of rocks to build elevated roads and levees just south of the border, leading to inundation in Nepal. A permanent bilateral mechanism is required to save the plains population of Nepal from suffering, which is ongoing as this is written.

The Kosi Barrage and attendant embankments have the possibility of wreaking havoc because siltation of six decades has raised the riverbed within the levees far above the outlying tracts. The easy answer for the Indian politician is to demand a high dam in the hills of Nepal even as alternatives are not studied, such as redistribution of waters into various older channels

rare thing either.

The biggest joke is the concept of peer regulation, which India has borrowed from the U.K. with disastrous results. The Press Council of India (PCI) is a toothless tiger, though I would not want to insult the king of the jungle and prefer to call it a "legislatively impotent and powerless" club giving futile sermons which no one even listens to. A comprehensive study commissioned by the PCI itself, documenting specific cases of many of these abuses with facts, figures and data had to be shelved and buried because of peer pressure. The PCI can take solace in the fact that other peer regulators have probably done worse – for example, the Medical Council of India, or the Institute of Chartered Accountants of India, which none less than the Prime Minister recently admonished.

Whats for reform

What are the remedies? First, the zeal for reform must come from within, from senior print and television journalists who must dare to speak, write and expose more clearly the subject of this article. Second, the same persons must start publicly condemning, if not ostracising, clear examples of such abuse. Third, some ownership restrictions on cross holdings and aggregate holdings have to be legislated. The Telecom Regulatory Authority of India suggested a maximum of 32% market share,

of the Kosi in Bihar.

There are many other matters pending between Nepal and India, much of it due to neglect by the Kathmandu intelligentsia, such as regarding the impact of demonetisation and the application of Goods and Services Tax on Nepal's economy and citizenry. Similarly, Kathmandu prefers not to discuss the fact that the Nepali rupee is pegged to the Indian rupee and what it means for the long run. The rights of migrant Indian labour in Nepal and Nepali labour in India is a topic that rarely comes up. There are border disputes pending between the two countries – at Susta, Kalapani and the 'tri-junction' of Lipulekh – but Kathmandu has been timid in raising these matters.

Nepal has since long planned to sell electricity to India once it has a hydropower surplus, and the completion of the much-delayed Dhalkebar-Muzaffarpur transmission line was supposed to facilitate that. But along comes an Indian government directive that it will not allow import of electricity other than from power companies with more than 51% Indian equity.

The arbitrary blockages and go-slow at Indian Customs at border points, the selective use of quarantine for the export of Nepali agricultural produce, the increasing high-handedness of the Sashastra Seema Bal (India's frontier force in this sector) in dealing with Nepal's crossing over – these are only some of the other challenges on the bilateral plane.

Due to domestic political instability more than anything else, over the years Kathmandu lost its confidence in dealing with the Dilli Durbar. With the self-assurance that comes from Nepal moving towards normalcy under its new Constitution, and with India seemingly changing gears on its Nepal policy, one hopes for a threshold of maturity in relations between South Asia's oldest nation-state and its largest democracy.

Kanak Mani Dixit, a writer and journalist based in Kathmandu, is founding editor of the magazine 'Himal Southasian'

calculated on any of the following bases: customers, geographical area or languages. (Predictably they were laughed out.) Fourth, legislation must create mandatory Chinese walls between managerial and editorial departments. Fifth, the last will work only with 'provision of contracts and employment conditions for journalists that meet international labour standards and which give them the right, without fear of retribution, to refuse any form of work that infringes upon their professional codes or conscience'. Sixth, create 'genuinely independent and transparent systems for assessing circulation and ratings of media'. Seventh, introduce internal systems for disclosing potential conflicts of interest, deal with complaints and have mandatory disclosure of ownership or relationship conflicts at the end of each print article or visual programme. Eighth, similar disclosure, in bold letters, of paid-for news or any reporting must be done.

None of this will happen without penal legislation. I have no doubt that such legislation will not come in the foreseeable future because here we are talking of the most powerful club in the world.

Abhishek Singhvi is an MP, national spokesperson for the Congress party, former Chairman, Parliamentary Standing Committee, and former Additional Solicitor General. The views expressed are personal

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.

No prison

Earlier, jails were meant to be places for prisoners to feel contrition for misdeeds and crimes perpetrated by them; with the budding of self-reformation, the person was all set for course correction. Leaders such as Nehru, Gandhi, and Nelson Mandela wrote thought-provoking books while in prison which benefited society. Prisons were construed as edifices of sacrifice during the freedom struggle. Today, prisons have attained notoriety because of the connivance and complicity of greedy officials. Prisoners relishing feasts, using an array of cell phones to get instant updates from the outside world and even having access to narcotics, all reveal the dismal state of our

jails. That wealthy ones receive preferential treatment is evident as many cases have shown earlier. It is no wonder then that V.K. Sasikala has been able to get things done her way. For the people at the helm, the incident should serve as a pressing need to reform the system ('Exclusive report – "Did Sasikala go out of Bengaluru prison?"', August 21).

R. SRIDHARAN,
Chennai

Off the rails

The train accident at Khatauli in Uttar Pradesh is another entry to the sad accident statistics and misgovernance in the Railways. Train accidents seem to be occurring at regular intervals, which is alarming. It is also a fact that

a number of job vacancies in crucial departments are still vacant, which is leading to work pressure. Lopsided priorities such as attempting bullet train services without focussing on core issues such as poor track maintenance, a disproportionate increase in services without balancing maintenance, and not adhering to minimum safety precautions are resulting in a crisis. Sending a Railway Board member on leave – for the first time – is not enough. Safety must come first. If it means reducing services, a bold step has to be taken. Instead of rushing to conclusions such as sabotage, the Railway Ministry needs to constantly focus on the upkeep and maintenance of tracks, bridges and coaches. There

must be refresher courses for front-line staff at frequent intervals.

MURTHY PALAKODETI,
Hyderabad

It is regrettable that a blame game begins once a major catastrophe occurs. The pertinent questions are obfuscated. In this case, the main question should be whether the procedures laid down in railway operations when track maintenance were undertaken were followed correctly. In cases of major maintenance, trains are brought to a dead stop and then hand-signalled over the affected section. To alert approaching trains of a speed limit in force, a black and yellow warning board is placed well in advance of the speed limit indicator

board and at a distance adequate for a speeding train to slow down with a normal application of brakes. Media reports do not mention this. There should be a proper inquiry.

S. RAJARAM,
Chennai

Linking rivers

With the death toll as a result of floods on the rise in Assam, Bihar and Uttar Pradesh, it is time that the plan to interlink rivers is revived. Grim stories in the media – "Bihar toll touches 119; over 4 lakh evacuated", August 19; "Flood situation

grim in Bihar", August 20, and "88 more die in Assam, Bihar, U.P. flood-hit areas", August 21 – highlight the death and devastation. Some international organisations have come up with more details. There has been no move to interlink rivers which will drastically reduce the loss of precious lives, livestock and property. The needs of the affected people must be met with priority. Long-term projects must be thought of.

MANZAR IMAM,
Purnea, Bihar

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CORRECTIONS & CLARIFICATIONS:
The photo caption that accompanied the report, "Army to get only six Apaches" (August 21, 2017), wrongly referred to the helicopters as *Apache* helicopters.

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