



Snooping or saving?

Proposed rules for online monitoring should balance legitimate interest with privacy

Laws seeking to regulate online activity, especially on social media, will have to be tested against two fundamental rights: free speech and privacy. Regulations that abridge these rights tend to operate in both positive and negative ways. For instance, statutory norms relating to data protection are seen as essential to protect citizens from any breach of their informational privacy; but attempts to regulate online content are seen with suspicion. The latter category evokes doubt whether they violate their freedom of expression (as enforcement of such rules may involve blocking websites, disabling accounts, removing content and intercepting communication), and amount to surveillance that breaches privacy. Two official documents, one of them a draft proposal, that seek to introduce changes in the way rules for interception and monitoring of computer-based information are applied have caused a furore. The first was an order authorising 10 agencies under the Centre to implement Section 69(I) of the Information Technology Act, as amended in 2008, which allows interception, monitoring and decryption of information transmitted through or stored in a computer resource. The other is a draft proposing changes to the rules framed in 2011 for “intermediaries” such as Internet and network service providers and cyber-cafes. While the order listing 10 agencies does not introduce any new rule for surveillance, the latter envisages new obligations on service providers.

A critical change envisaged is that intermediaries should help identify the ‘originator’ of offending content. Many were alarmed by the possibility for surveillance and monitoring of personal computers that this rule throws up. The government has sought feedback from social media and technology companies, but it appears that even services that bank on end-to-end encryption may be asked to open up a backdoor to identify ‘originators’ of offending material. There is justified concern that attempts are on to expand the scope for surveillance at a time when the government must be looking at ways to implement the Supreme Court’s landmark decision holding that privacy is a fundamental right. Some of these rules, originally framed in 2009, may have to be tested against the privacy case judgment, now that the right has been clearly recognised. It is indeed true that the court has favoured stringent rules to curb online content that promotes child pornography or paedophilia, foments sectarian violence or activates lynch-mobs. While the exercise to regulate online content is necessary, it is important that while framing such rules, a balance is struck between legitimate public interest and individual rights. And it will be salutary if judicial approval is made an essential feature of all interception and monitoring decisions.

Battle for Dhaka

Bangladesh goes to the polls amid allegations of high-handedness by the government

Demands by the Opposition in Bangladesh for the resignation of the Chief Election Commissioner just days ahead of the December 30 parliamentary election reflect the bitter divisions that have undermined the credibility of government agencies. The Bangladesh Nationalist Party, the main constituent of the Opposition Jatiya Oikya Front, claims that 9,200 of its activists have been arrested since the election schedule was announced. The country has seen a spike in political violence, mainly targeting the Opposition. The government of Prime Minister Sheikh Hasina denies the allegations and blames the BNP for violence. Last week, Mahbub Talukdar, an election commissioner, said there was no level playing field between the ruling Awami League and the Opposition. In a report published on December 22, Human Rights Watch said that “arrests and other repressive measures... have contributed to a climate of fear”. Ever since democracy was restored in 1990-91, election seasons have been tumultuous. In the past when the BNP was in power, it had refused to step down after its tenure ended. In 1996, the Awami League led mass movements for elections, while in 2006 a military-backed caretaker government postponed the election, which was finally held in December 2008. Since then, Ms. Hasina has held power.

This time, she is seeking re-election with a formidable record in government. During the last 10 years the economy has seen a relatively high growth rate, hitting 7.8% last fiscal. Bangladesh also improved on social indicators over the past decade. While the Sheikh Hasina government takes credit for this as well as its tough stand on Islamist militancy, it faces criticism for its authoritarian turn. The passing of the Digital Security Bill and the crackdown on student protests in Dhaka drew flak even from Awami League supporters. On the other side, the Opposition is trying to channel the resentment towards the government. Khaleda Zia, BNP leader and a former Prime Minister, is disqualified from contesting as she is in prison for corruption, and the Opposition has brought in Kamal Hossain, a jurist who was a minister in Sheikh Mujibur Rahman’s government, to lead the alliance. But the Opposition’s tacit alliance with the Jamaat-e-Islami, the militant Islamist party whose registration with the Election Commission was revoked after a 2013 court ruling, has been alarming. BNP workers too have been involved in violent incidents. For the Awami League, the election should have been an opportunity to break with the history of violence and seek the mandate based on its performance. But its increasing tendency to use force against the Opposition and the violence by its party activists have already marred the election process.

India needs ‘individual acts of bravery’

We are at a juncture where fundamental notions of modern India are under existential threat



AJIT PRAKASH SHAH

Events over the past few years have prompted many to revisit the idea of individual freedom. Indeed, not just in India, but elsewhere too, the idea of individual freedom is under intense scrutiny. Are governments across the world increasingly posing a threat to liberty? By corollary, are fascist policies and rhetoric on the rise?

Persons with a liberal bent of mind, who prize individual freedoms like free speech, gender and racial equality, are especially troubled, for our country appears to be at a juncture where fundamental notions of modern India are under existential threat.

About secularism

One particular freedom that has come under fire is the freedom of practising one’s own religion. Personal freedom is very often associated with secularism, which, as received from the Western canon, is the separation of church from state. Sometimes secularism is also seen as a negation of religion completely. Indeed, many religious leaders taught that secular people do not believe in gods. But in my view, even if you are a temple-going Hindu or a devout Muslim, you can still be secular.

Unfortunately, those of us who value religious freedom have been disillusioned by multiple governments once too often. The current BJP-led government has no pretensions about its dislike for the secular idea. Even those governments that proudly flaunt the label of “secularism” have subjected us to their non-secular realpolitik. Take the politics of Rajiv Gandhi, for instance, often touted as a “secular” Prime Minister: his government not only overturned the Shah Bano judgment, but also banned Salman Rushdie’s *The Satanic Verses*

and had the locks of the Babri mosque in Ayodhya opened to Hindus. Every political party, including the Congress and the BJP, has played communal politics with everyone in India – Hindu, Muslim, minorities – in the search for pliable vote banks.

In contrast, an exhibition of true “secularism” would be opened, either agnostic or, at the other extreme, in a country like India where faith is so central, multi-religious. Most importantly, at its heart, true secularism would be driven by universal values of truth, compassion and equality, which are fundamental values that straddle all religions.

In *21 Lessons for the 21st Century*, Yuval Noah Harari captures the essence of these values beautifully. Truth, not to be confused with belief, has no sole custodian. Truth is based on observation, evidence, and inference, and is accessible to all. Compassion comes from an understanding of suffering: a compassionate person does not kill not because their faith tells them not to, but because they know that killing causes immense suffering. And the universal value of equality comes from a recognition of both truth and compassion, empowering people to never substitute “uniqueness” with “superiority”. Everyone may be unique in their own way, but they are all still equally unique – no one being more specially so than the other. Ultimately, we cannot find truth, or learn compassion, or appreciate equality if we have no freedom to think, to question, to seek, to find these for ourselves. These freedoms are, ultimately, the most valuable. Recognising these freedoms was central to the politics of Mahatma Gandhi. Sadly, our leaders since have either forgotten or chosen to turn a blind eye to these ideas completely.

Constitution as saviour

What can we do to change this? We need not look to foreign shores or to long-forgotten pasts. We only need to open India’s nearly 70-year-old liberal manifesto. The Constitution contains all the decla-



rationes essential to a nation that preserves individual liberties. It is for us to protect it from neglect and disrepair.

It was B.R. Ambedkar, the key driver of the Constituent Assembly, who said: “The assertion by the individual of his own opinions and beliefs, his own independence and interest as over and against group standards... is the beginning of all reform.” These ideas also find their way into the Constitution.

Even as the Constitution was being written, even as the leaders of the independence movement were negotiating for our freedom, Hindutva forces present at the time – the days of the advent of the Hindu Mahasabha, of Veer Savarkar and B.S. Moonje – were suspicious of secular ideas. They were, instead, great admirers of Hitler and Mussolini, with Moonje even going to Italy to meet the latter, and Savarkar justifying Hitler’s treatment of Jews.

This suspicion continues amongst the legates of the Hindu Mahasabha, in their mistrust of the Indian Constitution, for it is this document borrowed from Western ideals, they believe, that obstructs the idea of the Hindu Rashtra. In today’s India, as a result, the most liberal document that we have, the Constitution, is at risk.

Fascism on the horizon?

In his new book, *How Fascism Works: The Politics of Us and Them*, Yale University philosophy professor Jason Stanley identifies 10 characteristics that define fascist political movements. For example: “Fascism always promises to return us to a mythic past.” Similarly, fascist politicians use propaganda, for example, about anti-corruption campaigns, even when they are transparently cor-

The optics of the Third Front

Distancing and aligning is the new strategy for 2019



AJAY GUDAVARTHI

Politics is the art of the possible as much as it is a vision of the future. It needs to speak to the existing reality and re-signify it to change the terms of discourse to create new possibilities. If it is too utopian, it fails to become experiential – and if it is too pragmatic, it fails to change anything substantially.

The Sangh’s narrative

In this changing landscape of the political discourse, the Bharatiya Janata Party (BJP) and the Rashtriya Swayamsevak Sangh (RSS) have managed, in a rhetorical and metaphorical sense, to capture this essence of politics, while containing it within the limits of their regressive/authoritarian vision of the future. They have appropriated the urge for change and all that was potentially liberating to en-

force the status quo. They managed to tie the process of deepening caste representation to a militant Hindu identity, and the emergence of an aspirational generation beyond the pale of patronage to a corrosive neoliberal corporatisation. The BJP-RSS combine has seized the moment of breakdown of patron-client relations to create an authoritarian imagination. It is in this context, more than ever before, that the content and contours of Muslim politics becomes very significant in deciding what direction the political narrative is set to take.

The Sangh Parivar has been at the forefront of redesigning new strategies, given the immense social power it wields. Among other things, new electoral strategies, unthinkable a few years back, have become not only acceptable but also decisive, to which all other political formations are now responding. One such strategy has been to forge unlikely alliances in order to garner a numerical majority, including the BJP’s now unravelling pact with the Peoples Democratic Party in Jammu and Kashmir, the coalition with Nitish



Kumar’s Janata Dal (United) in Bihar, and various understandings across the Northeast.

On similar lines, the BJP has been crafting the strategy of distancing itself and taking on parties before the polls to find its strength, and then aligning with them in a post-poll arrangement. This strategy was on display in the Assembly elections in Telangana. The Telangana Rashtra Samithi (TRS) had an undeclared pact with the BJP, but during the campaign both took on each other to consolidate the constituencies they were appealing to, without cutting into each other’s votes. The Third Front strategy initiated by Chief Minister K. Chandrasekhar Rao of

the TRS clearly represents this kind of a strategy. He met Prime Minister Narendra Modi this week (in photo) and declared the possibility of a post-poll alliance in 2019, even though he had attacked Mr. Modi and the BJP during the Assembly campaign for being “Hindu-Muslim” in everything.

This strategy of distancing and aligning also opens up pre-fabricated political spaces for weaker and less influential political formations, and one such force is that of Asaduddin Owaisi’s All India Majlis-e-Ittehadul Muslimene (AIMIM). Mr. Owaisi has decided to align himself with the TRS, while continuing to distance himself from the BJP and the Congress. This equidistance from the BJP and the Congress allows him to play a distinct Muslim-identity politics, while aligning with the TRS that has supported the BJP in all important votes, including in the Presidential and the Vice-Presidential elections. The AIMIM will continue to garner Muslim votes citing the threat of the BJP, and the BJP will consolidate the majority Hindu votes. They consider this strategy as mutually beneficial,

without eroding their respective social bases.

Curious two-step

As part of the theatrics of this emergent strategy, the BJP-RSS continue to remind the electorate of the Telangana of the past, including the autocratic rule of the Nizam culminating with the violence unleashed by the Razakars, while the AIMIM mobilises support by playing on memories of glory days of the Hyderabad princely state. This empty rhetoric of the Owaisis perfectly fits into what the BJP-RSS wants in order to expand and grow in Telangana.

Muslim politics needs new content and imagination that can beat this majoritarian strategy of distancing and aligning, if it intends to break out of this perpetual cycle of vulnerability and dependence. Unfortunately the current experiment of the Third Front is representative of both the political might of majoritarianism and the willing submission of regional parties and minority politics.

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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.

Shocking callousness

The story of how a pregnant woman was given HIV-infected blood is heartbreaking (“State govt. to give ‘high quality’ treatment to HIV-infected woman”, Dec. 27). If a government hospital is so callous, I would go as far as to say that this points to a total absence of governance in Tamil Nadu. The government is busy with its damage-control exercise, but its responsibility does not end with terminating the services of three employees of the hospital. The woman must be properly compensated. The Health Minister should step down just as Lal Bahadur Shastri did after a rail accident in 1956. But expecting politicians today to step down on moral

grounds is perhaps a tall order.

R.M. MANOHARAN,
Chennai

The incident raises doubts about whether we can trust hospitals to even carry out simple blood transfusions. Merely sacking the staff is not enough. Were protocols followed? Do we need to test blood samples more often than currently required? These and more questions need to be asked. This is a very costly lapse by the authorities. State-run hospitals need to do more to win the trust of the public.

G. VENKATAPUSPUSWAMY,
Bengaluru

Low prospects

The people of Tamil Nadu are aware that the ruling

AIADMK is ineffective, as was seen in the killing of protesters by the police in Thoothukudi (“AIADMK-BJP electoral alliance in the offing?”, Dec. 27). The people of the State are also angry with the BJP for the NEET fiasco, the Mekedatu dam issue, for allegedly not sanctioning funds in the wake of disasters like Cyclone Gaja, and the inhuman treatment of protesting Tamil Nadu farmers in Delhi. If these two parties ally, they will only face defeat. Not even Rajinikanth can save the BJP.

SHALINI GERALD,
Chennai

Poaching crisis

The rich and elite seem to have a passion for killing wildlife (“Golfers’ joyti Randhawa held on

poaching charge”, Dec. 27). This can only be stopped if we implement laws rigorously. I hope this will start with the Randhawa case, but given how the blackbuck poaching case was handled, one doesn’t have much hope.

BIDYUT KUMAR CHATTERJEE,
Faridabad

Khan’s provocation

With Asia Bibi celebrating Christmas in hiding, and watchdog Open Doors listing Pakistan as among the world’s worst persecutors of Christians, Pakistani Prime Minister Imran Khan’s statement on minorities shows his lack of political acumen (“Imran’s distorted logic”, December 27). Unless the Janus-faced country stops being so intolerant towards its

minorities, it can never maintain cordial relations with any nation.

E.S. CHANDRASEKARAN,
Chennai

Imran Khan’s tweet is baffling. Forget Christians and Hindus, even Ahmadis and Shias are persecuted in Pakistan, an ‘Islamic Republic’. Even hypocrisy and whataboutery have their limits.

Y. MEENA,
Hyderabad

CORRECTIONS & CLARIFICATIONS: Late correction: In the Oped page article “Tyanny of the majority” (Dec. 10), the reference to certain amendments to the Constitution moved by Madan Mohan Malaviya should be corrected to read as Govind Malaviya.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers’ Editor’s office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers’ Editor, The Hindu, Kasturi Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers’ Editor are on www.thehindu.com