



Reform with caution

The Centre must act on the Malimath report on criminal law revamp, but with due care

It is not a bad idea to revisit old committee reports with a view to considering their possible implementation. However, such an exercise must be pursued with care and caution. The Centre's decision to revisit the 2003 report of the Justice V.S. Malimath Committee on reforming the criminal justice system needs to be examined through the prism of civil rights. It includes controversial recommendations such as making confessions to a senior police officer admissible as evidence, and diluting the standard of proof required for a criminal conviction. It also contains valuable suggestions to revamp the administration of criminal law, covering the entire gamut of the justice system from investigation to sentencing, from matters of policy to the nuances of criminal procedure and the law of evidence. The committee made 158 recommendations, and since then some of these have become law. Its suggestion on permitting videography of statements has been implemented. The definition of rape has been expanded and new offences against women have been added. Its advocacy of substantial witness protection has not been realised, but victim compensation is now part of law. The Centre would do well to ignore the recommendations relating to making confessions to high-ranking officers admissible, and increasing the period of police custody from 15 to 30 days. These provisions were available only in anti-terrorism laws that are now no more in force. There is no need to bring them into general criminal laws.

The Malimath report suggests a standard of proof lower than the current 'beyond reasonable doubt' standard. It moots a 'clear and convincing' standard, that is, it is enough if the court is convinced that something is true. Such a measure would have adverse implications for suspects, and requires considerable deliberation. There is some understandable disquiet about the state of criminal justice administration in the country and there is a crying need for a wide range of reforms. As the Madhava Menon Committee's 'Draft National Policy on Criminal Justice' (2007) noted, such popular dissatisfaction arises from the low rate of conviction, the apparent role of money and influence in the outcome of cases, delayed and denied justice, lack of protection to witnesses and inadequate attention to crime victims. The widespread perception that there is corruption on the one hand and a deep nexus between crime syndicates and politicians on the other, has added to the erosion of public confidence in the justice delivery system. Despite all these considerations, any move to make substantive changes in the way criminal justice is administered will have to be done with great circumspection, lest vital constitutional safeguards against abuse of police and judicial powers are violated in the process. In the name of revamping the law, investigation and trial should not be altered in a way that undermines the principles on which the justice system was founded.

A risky recovery

Countries will need to move beyond monetary stimulus to boost their economies

A broad-based recovery in global growth may be gathering steam, but the price the world will have to pay for it is still unknown. According to the IMF's January update of the World Economic Outlook, the global economy is all set to clock its best growth rate in seven years in 2018 following a pick-up since mid-2016. The IMF estimated that the global economy could accelerate to 3.9% in both 2018 and 2019, an upward revision of 0.2 percentage point over its previous estimates in October for both years, boosted by a cyclical recovery in global growth and the historic tax cuts in the U.S. India's economy is projected to grow at 7.4% during the financial year 2019, and at an even faster pace of 7.8% the following year. If the IMF's predictions come true, India will be the fastest-growing major economy next year as China's growth is expected to slow from 6.6% this year to 6.4% in 2019. What comes as a further surprise is the upward revision in growth forecasts for many countries in Europe, thanks to stronger demand. The IMF, however, was not oblivious to the threats that could severely derail the broad-based economic recovery. In particular, it warned about the "troubling" rise in debt levels across countries, including the U.S., which could pose a huge risk to financial stability and drag down economic growth.

It is no secret that since the 2008 financial crisis the global economy has been propped up mainly by the unprecedented easy money policies adopted by global central banks. In fact, the absence of substantial structural reforms to complement central bank stimulus measures has been another feature of the present global economic recovery. Such a recovery comes with the inherent risk of being derailed whenever easy monetary conditions that fuelled it cease to exist. While central banks until now have been careful not to spook markets with the prospect of higher interest rates, it is unlikely that they can keep markets calm forever. As the IMF has pointed out, the possible end to the era of abundant liquidity and debt-fuelled economic activity is likely to cause disruption by affecting asset prices. As interest rates reach higher levels, it is likely to also expose the various real economic distortions created by a low interest rate policy, particularly across borders. While it is hard to predict the next downturn, it seems the day of reckoning may not be too far as consumer price inflation begins to push central banks to rethink their dovish stance. The IMF is right to urge countries to make use of the current rosy conditions to enact useful structural reforms. It is time countries recognise that monetary policy alone won't solve all growth problems.

Battleground Karnataka

In the fractious run-up to the Assembly elections, the first round may have gone to the Congress



VALERIAN RODRIGUES

A favourable verdict in the elections to the State Assembly in Karnataka is important for both the Congress and the Bharatiya Janata Party (BJP) for reasons more than one. For the Congress, which has not won any State election, barring Punjab, after 2014, a victory here would help it cash in on it elsewhere, boosting its campaigns in other States which go to the polls later in the year. More importantly, the party is now attempting to forge a distinct social support base across the country which involves overt recognition to religious belonging as a counterweight to the Hindutva agenda, reaching out to the farming community as a whole, and holding forth as the champion of the backward classes, the minorities and the poor. In other words, the Congress is increasingly veering round a package of values such as respect to religious commitment, social justice and equality, and human dignity as its mantras, without necessarily disowning secularism.

For the BJP, while winning the State may not be very crucial to its overall dominance at present, losing it may have ominous significance. Karnataka was the first State it came to power in in South India and its inability to repeat this performance may tell badly on its future in the South. Karnataka has a weighty presence in the Union ministry, which includes Defence Minister Nirmala Sitharaman, a Rajya Sabha member elected from here, and the State's religious pluralism has often played truant to the homogenising call of Hindutva.

There is also a third player: former Prime Minister H.D. Deve Gowda's Janata Dal (Secular), with

its base among the Vokkaligas, the dominant farming community in Southern Karnataka.

Significance of caste

Caste has always been an important factor in the political process of Karnataka since wider ideological struggles such as non-Brahmanism in the erstwhile Madras or Bombay provinces, or socialism in Kerala and the united Andhra Pradesh did not leave much of a trace here. Instead, Kannada, and the culture it embodied, became the rallying cry for the unification of Karnataka. However, alongside such a call for unity, it was the rivalry between dominant communities that played itself out in the electoral arena. In the 1970s, Devaraj Urs, the then Chief Minister, tried to reinforce the base of the Congress party among the Backward Castes, the Scheduled Castes and Scheduled Tribes, and minorities through land reforms and an assertive reservation policy, and undercut the importance of the Lingayats and the Vokkaligas, the two dominant communities.

While the Vokkaligas found a strong foothold in the Janata Dal led by Mr. Deve Gowda, the success of the BJP in the State lay in attracting the Lingayats to its fold by the early 1990s. Meanwhile, in the 1980s, various Hindu sects and traditions prevalent in Karnataka were brought on a common platform by the rising tide of Hindutva, led by the Vishwa Hindu Parishad, which had a powerful impact in the erstwhile Bombay-Karnataka region, in coastal Karnataka, and in urban centres such as Bengaluru. While this platform downplayed caste, and tended to other religious minorities such as Muslims and Christians, caste and sect remained important players in the electoral arena. This partly explains the troubled relation of B.S. Yeddyurappa, a Lingayat, with his own party, the BJP, whose State unit he currently heads. The motley medley of sects, urban



middle classes, upper castes and the rural elite that have gathered under the umbrella of the BJP, with Hindutva as the cementing force, have made it a viable force to win elections, almost on its own in 2008. However, apart from charges of widespread corruption, the play of internal divisions within led to its downfall in 2013.

Under the Congress

Between 1999 and 2004, S.M. Krishna, as Congress Chief Minister, attempted to wean the Congress from its social justice platform to a strong development-centred agenda, with industry and service sector on the lead. But such a strategy did not succeed against the rising tide of Hindutva and the backlash from the State's sprawling rural hinterland. In 2013, the Congress won the election under the leadership of Siddaramaiah by reconnecting itself to the backward castes, Dalits and the minorities, with a promise to heal the rural-urban divide. While the Siddaramaiah regime has done little to overhaul social relations in the State, unlike Devaraj Urs whose legacy it claims, it has introduced numerous schemes to alleviate distress, waived small farm loans, regularised squatter holdings on government lands, and conferred title deeds on the settlements of itinerant pastoral communities. It has also assiduously cultivated symbolisms, conferring public recognition on heroes and saints, and

banning rituals that it has regarded as superstitious and inappropriate to human dignity. Token grants have generously been made available for such activities. Mr. Siddaramaiah has also succeeded in keeping the Dalit flock together, by balancing the representation of major Dalit castes, which, the BJP had succeeded earlier in splitting.

However, it is his intervention on four fronts that has been politically very savvy. He has: kept the volatile Kannada lobby in good humour, often through his own witty criticisms deeply rooted in the traditions of the region; utilised the addition of the Hyderabad-Karnataka region to Article 371 of the Constitution to ensure that the demand for a separate State does not resurface; taken the battle straight to the BJP camp by making Basava, founder of the Lingayat sect, the icon of Karnataka, covertly stoking the popular demand of the Lingayats to be recognised as a separate religion; and ensured that the fallout of riparian conflicts does not boomerang on the Congress by cultivating farmers' leaders, including Mr. Deve Gowda. It is also important to point out that as an astute financial administrator, he has kept much of the corporate sector in good humour, in spite of the mounting problems of urban facilities/civic issues especially in Bengaluru.

Although the JD(S) won 40 Assembly seats and 20% of the vote share in 2013, it is no longer a fighting force in the State even though Mr. Deve Gowda has begun visiting temples and shrines. Mr. Siddaramaiah has made deep inroads into the voter base of this party, and a section of the Vokkaligas supporting the party are favourably disposed towards the BJP.

The strategy

So how have the main contenders in the electoral arena positioned themselves in the political scene? The BJP has clearly marked out Mr. Siddaramaiah, rather than the Congress, as its enemy number

one. It has already charged him as being "anti-Hindu", and will try to polarise the vote by appealing to a thick Hindu identity. Such an appeal is also necessary to keep the BJP's flock together in a State with diverse religious forms such as Shaivism and linga worship traditions, Jainism and Buddhism, bhakti and devotional sects and rich folk-cults. In this context, the early induction of Yogi Adityanath, the Chief Minister of Uttar Pradesh, into the electoral arena becomes understandable as he represents the renouncer traditions of Hinduism. Alongside, there will be the predictable attack on corruption in the State where Mr. Siddaramaiah has much to account for; a sharp focus on its "Vikas" mantra, promise of change in northern Karnataka under its charge, and a vow to remove all constraints in Bengaluru to claim its status as a megapolis. The BJP will also seek organisational consolidation by closely monitoring the voting process from booth level upwards. Given the internal fissures within the BJP in the State, much of the organisational work will be entrusted to the Rashtriya Swayamsevak Sangh (RSS), even using its cadres from outside the State.

But the first round in the gladiatorial ring has already gone in favour of the Congress, particularly Mr. Siddaramaiah. He has already started asserting himself as a truer Hindu than the protagonists of Hindutva. Muslim and Dalit votes are likely to stay with the Congress as also those of a significant section of the backward castes, and the small Christian community. While there are divisions within the Congress, especially between Mr. Siddaramaiah and Dalit aspirants for chief ministership, they all know well, however, that they will be worse off if the baton passes on to the BJP.

Valerian Rodrigues is Ambedkar Chair, Ambedkar University Delhi

Making our roads safe

The Motor Vehicles (Amendment) Bill, 2017, will rectify systemic issues



PIYUSH TEWARI

The process of introducing legislation for road safety has been in the making for the past four years. The Motor Vehicles (Amendment) Bill was passed by the Lok Sabha in 2017. If passed by the Rajya Sabha, it will be the first of its kind to extensively reform existing legislation on road safety, the Motor Vehicles Act, 1988. The Amendment Bill is robust and rectifies several systemic issues by providing for a uniform driver licensing system, protection of children and vulnerable road users, rationalising penalties, and much more.

Going digital

The World Health Organisation (WHO) points out that for effective road safety management, it is imperative to have an institutional-

ised and sustainable data system. This includes information pertaining to drivers, such as types of licences held and a record of violation of traffic laws. The driver licensing system in India controls and filters the number and quality of drivers on the road. Currently, the procedure is largely manual, while the number of licences issued per year is over a crore. The inefficiencies of a predominantly manual system, given the scale of licences issued every year, results in lakhs of licences being issued without the prescribed checks and balances. In the absence of a central registry, often multiple licences are held by one person for different States. Low penalties for licensing offences allow erring drivers to be behind the wheel and get away with life-threatening violations.

The Bill addresses each of these challenges by introducing technology in the licensing procedure. A digitised, uniform and centralised driver licensing system will go a long way in ensuring ease of access, efficiency and transparency in the filtering process.



The Bill also proposes to introduce digitisation in the monitoring and enforcement of traffic laws. Electronic monitoring and enforcement can already be seen in practice in Kerala. The State has a 'city surveillance and traffic monitoring system', and automated traffic enforcement systems to detect traffic light violations as well as speeding. The enactment of the Bill will facilitate the replication and creation of such digitised systems for all other States.

Children in focus

Since 2008, in India, over 55,000 children have lost their lives in road accidents. In 2016 alone, 7%

of road crash deaths were attributed to children below 18 years. The WHO asserts that using child-restraint systems in vehicles decreases the risk of death in a crash by about 70% for infants and 54-80% for small children. In the current piece of legislation, there is no provision for protection of children, and this lacuna has been addressed for the first time.

The Bill proposes to mandate the use of protective headgear by every person above the age of four driving, riding or being carried on a two-wheeler. It provides for measures to be laid down for the safety of children below the age of four. Similarly, the Bill mandates the use of safety belts and child restraints for those under 14 years and introduces a fine of ₹1,000 for the driver or guardian for the violation of the same.

Penalties

For decades, penalties for behaviour that results in fatalities and grievous injuries have remained minimal, largely unrevived, and, consequently, have failed to deter violators. This Bill promises to ra-

tionalise these fines. For instance, the penalty for drunk driving has been increased to ₹10,000 for the first offence and ₹15,000 for the subsequent one.

For exceeding lawful speeds, the penalty has been increased to ₹1,000 for light motor vehicles and ₹2,000-4,000 for medium and heavy motor vehicles. For the non-use of helmets and seat belts, the fines have been increased from ₹100 to ₹1,000.

As a signatory to the Brasilia Declaration on Road Safety, India has committed to reducing, by 2020, the number of road crash fatalities and serious injuries by 50%. This will be impossible to achieve if the sole statute governing road safety in India, the Motor Vehicles Act, 1988, is not overhauled. The Motor Vehicles (Amendment) Bill, 2017, will serve as the first and most essential step towards fulfilling this vision.

Piyyush Tewari is the CEO of SaveLIFE Foundation, a non-profit working on road safety and emergency medical care in India

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 truck with Congress

The Opposition parties should realise that without effective opposition unity, they will find it difficult to take advantage of chinks in the BJP's armour or breach its citadels, especially as it is emerging triumphant in election after election. It is imperative to contemplate a joint strategy. The CPI(M) needs to recognise the fact that there is general disenchantment with its ideology and policies and that it needs to ponder over radical reform in order to reconnect with the masses. It is confronting a severe existential crisis. If the Opposition fails to respond, these parties will only continue to face electoral setbacks (Editorial - "Two States", January 23).

GAGAN PRATAP SINGH,
Noida, Uttar Pradesh

■ The draft resolution f the Central Committee of the CPI(M) should come as no surprise to any political observer who has followed

the track record of the party over the years. While the party, out of its political compulsions, has had to fight the Congress tooth and nail in bastions such as Kerala, Tripura and West Bengal, it has also had no hesitation in extending wholehearted support on the pretext of keeping 'communal forces' at bay.

The same applies in the case of policy and developmental issues too. Even in the States it ruled/rules, the CPI(M) adopted two different strategies in the form of the "Bengal model" or the "Kerala model", where entrepreneurs and industrialists are welcomed or greeted with black flags, respectively. The biggest failure of the Left movement in India, especially that of the CPI(M), has been its inability and failure to adapt itself to changing times.

Instead of blindly opposing the Congress and the BJP, the CPI(M) needs to strengthen its roots and evolve an alternative and effective

policy or programme if it is to remain politically relevant. It needs to initiate mass mobilisation programmes and address the bread and butter issues.

B. SURESH KUMAR,
Coimbatore

■ The CPI(M), with its obsessive preoccupation with the theoretical question of the class character of the Indian state, has failed to take note of the emerging importance of caste mobilisation in India and now stands reduced to the status of a marginal political player. Similarly, the ongoing sterile debate as to whether BJP rule is extreme enough to justify a tie-up with the Congress party is diverting its focus from the abyss in front. The burgeoning strength of right-wing forces is posing a serious threat to the democratic and secular foundations of the republic. If the CPI(M) believes that it can fight the BJP at the national level without some kind of adjustment with the

Congress, it is living in a fool's paradise. The proper course of action would have been to balance the real conflict of interest in Kerala and West Bengal by retaining the option of separate regional tactical lines. There has been hardly any perceptible difference in the economic policies of the CPI(M)-led LDF and the Congress-led UDF in Kerala. The real issue, therefore, is the personal rivalry between Prakash Karat and Sitaram Yechury.

MANOHAR ALEMBATH,
Kannur, Kerala

State of democracy

Many may agree with the description of India being a "functional democracy". But, currently, there are dangerous symptoms of it reaching mobocracy status as seen in a tendency to gloss over growing social, economic and political tensions, a sense of insecurity among the minorities and growing inequality. The present

government is proud of its political successes and majoritarianism but it should also realise that it is in a better position to be able to implement long-pending reforms – electoral, administrative, police and judicial – to make all pillars of democracy efficient. Creation of a cashless society, Aadhaar for every personal activity, from cradle to grave, and bullet trains in a nation where a considerable percentage of people still struggle to meet their basic needs and live in a dignified manner are not going to help much ("Getting back on the democratic path", January 23).

RAMEEZA A. RASHEED,
Chennai

CORRECTIONS & CLARIFICATIONS:

The caption of a standalone photograph with the title, "On the prow!" (Front Page, January 21, 2018) said: *A crane* looks for a meal ... The bird is *Great Egret*.

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