



## Justice, 34 years on

The conviction of two men offers a glimmer of hope to other victims of the anti-Sikh pogrom

The conviction of two rioters for their role in the 1984 anti-Sikh violence in Delhi marks a rare success in the long struggle to bring the perpetrators to justice. Of particular significance is that this case, relating to a mob attack on shop-keepers in Mahipalpur, was resurrected after being closed as ‘untraced’ in 1994. The attack with deadly weapons left two Sikhs dead and three wounded. The Central government’s decision in 2015 to form a Special Investigation Team (SIT) to reopen serious cases related to the 1984 riots has yielded results. Yashpal Singh, a goods transporter, has now been sentenced to death, and Naresh Sehrawat, the local postman when the mob attack took place, to life. The trial court has rightly brushed aside minor discrepancies in evidence and technical objections to the fresh investigation being taken up, and concluded that the testimony of key witnesses, who were themselves injured, was cogent and reliable. It is possible to argue that there is little justice, or even meaning, in securing the conviction of those who may have been sucked into the mob frenzy that followed Indira Gandhi’s assassination. However, it cannot be forgotten that obtaining a conviction in instances of communal and sectarian riots is quite rare. Investigators and prosecutors seldom succeed in nailing political leaders and their key henchmen. Impunity for participants in pogroms has been the norm, and successful prosecution the rare exception. The last time a person involved in the anti-Sikh riots was sentenced to death was in 1996. But Kishori Lal, known as ‘the butcher of Trilokpuri’, managed to get his death sentence commuted to life.

Investigation into the 1984 riot cases has been severely hampered by the fact that large sections of the police connived with the rioters, who included Congress functionaries and supporters. The slow judicial process was made even more excruciating by manipulated investigation and shoddy prosecution. In this very case, a long-time Congress functionary, Jai Pal Singh, had been tried and acquitted by a magistrate’s court as early as in 1986. However, the witnesses who identified Naresh and Yashpal among the 800-odd rioters at Mahipalpur, had once again said Jai Pal Singh was a prominent participant in the attack. This is just one instance of how influential men have managed to evade the law. An appeal challenging the acquittal of Congress leader Sajjan Kumar is in the Delhi High Court. Apart from the cases that have been reopened by the government-appointed SIT, the Supreme Court constituted a team to investigate 186 cases. The latest verdict demonstrates that the efflux of years need not be an impediment to the project of securing justice. It offers a glimmer of hope for substantial justice despite the passage of 34 years.

## War without end?

The horrific attack in Kabul must prompt greater momentum in peace talks

The attack on a religious gathering in Kabul that killed 55 people, including several scholars and clerics, is another signal of Afghanistan’s descent into chaos. The clerics had gathered to mark the birth anniversary of Prophet Mohammed when the suicide bomber blew himself up. The Taliban denied responsibility and blamed the attack on “seditionary circles”, alluding to the Islamic State. Given the manner of the attack, it could well be responsible. In June, the IS had claimed an attack on another gathering of clerics. In Afghanistan the group has carried out a series of attacks on Shia religious gatherings and mosques. Hardline Sunnis consider venerating the Prophet’s birthday sacrilegious, making the clerical gathering a target for extremists such as the IS. But beyond the specific reasons behind the attack, the fact that a major religious gathering in the Afghan capital can be so easily assaulted by terrorists is worrying. Despite repeated promises by the government, the security situation has deteriorated, and markedly. Afghan forces face a war on two fronts. One is with the Taliban, which is mostly attacking government offices and soldiers. The other is with the IS, which is targeting civilians, minorities and clerics. It is almost certain, after 17 years of war, that the government cannot stabilise the country using force.

This stalemate has prompted the Afghan government and its international backers to look for ways other than war to find a solution to the conflict. The U.S. has already appointed a special envoy to Afghanistan, Zalmay Khalilzad. He has held talks with Taliban representatives in Doha. Russia has also stepped into the peace process by hosting an international conference in Moscow, in which both Taliban and Afghan representatives participated. These attempts are actually exploring the possibility of a peace deal between the Taliban and the Afghan government to end the insurgency. It is not going to be easy. The Taliban insists on international troops being withdrawn from Afghanistan as a precondition and wants changes in the Afghan Constitution. The government wants the Taliban to accept the Constitution, while the Americans say a troops pullout is not a matter of discussion with the Taliban. Still, the Taliban has made it clear that it is ready for talks, which is in itself a change given the group’s approach towards the conflict. It had, for the first time, agreed to a brief ceasefire with government forces around Id earlier this year. The reason is that the Taliban realises that it cannot win the war, at least not as long as the U.S. supports the government. It is also facing heat from the IS. The question is whether the government can seize the moment, strengthen its own counter-insurgency measures and negotiate from a position of strength, with backing from international actors. It’s indeed a tall ask.

# The RBI concedes a vital principle

Its openness to the board discussing all policy decisions may well be a paradigm shift



T.T. RAM MOHAN

The angel was in the detail of the terse press note that the Reserve Bank of India (RBI) issued after the meeting of its board of directors on November 19. Every one of the four decisions taken, including three decisions related to regulation, was ascribed to the board. The note also mentions that the constitution of a committee to examine the economic capital framework of the RBI, which was one of the decisions taken, will be jointly determined by the RBI and the Government of India.

These announcements constitute a significant departure from what has appeared to be the position of the RBI thus far: policy decisions, especially those relating to regulation, are the exclusive province of RBI management. Any departure from this position amounts to an infringement of the RBI’s autonomy.

The government and some of the current nominee directors on the RBI board have contended that all policy decisions must be deliberated by the board. The outcomes of the November 19 meeting suggest that the RBI has conceded this vital principle. This augurs well for the relationship between the government and the RBI management hereafter. Indeed, it may well constitute a paradigm shift in the functioning of the RBI.

### A grey area

The precise relationship between the RBI board and the RBI man-

agement is something of a grey area. Various experts have made the point that the RBI Act vests all powers in the board and, concurrently, it vests those very powers in the RBI Governor. Whether the board can issue directions to the RBI Governor in the event of a difference of opinion between the two is not clear; some experts reject the suggestion outright.

Many contend that the RBI board has played an advisory role in the past and should continue to do so. Well, corporate boards too play an advisory role for the most part even though they enjoy full powers in the running of the corporation. They tend to leave most decisions to management. However, corporate boards do step in and play a more active role where management is found wanting.

Surely, this applies to the RBI board as well? It can be nobody’s case that the statute has conferred powers on the RBI board that were never meant to be exercised. Let us accept that these powers should be exercised rarely. Let us grant that the RBI board must play a largely advisory role. Even so, it is legitimate to expect that all policy matters would be deliberated by the board. The RBI management may or may not accept the inputs of the board. But the board must have its say. This is elementary corporate governance. In accepting this principle, the November 19 meeting of the RBI board marks a big step forward.

### Raiding the reserves?

Let us turn now to the decisions taken at the meeting. How much capital the RBI needs has been hotly contested in recent years. The government’s position is that the RBI’s reserves are in excess of reserves typically held by central banks elsewhere. Some commen-



V.V. KRISHNAN

tators have described the government’s position as an attempt to ‘raid the reserves’ of the RBI to fund its fiscal deficit. The suggestion seems to be that the RBI has cash which the government wants to steal for its own purposes.

This is a crude mis-characterisation of the position. The RBI’s reserves fall into two categories: revaluation reserves (which have mostly to do with the change in the rupee value of the RBI’s holdings of gold and foreign currencies) and contingent reserves (which represent plough back of a portion of the surplus earned by the RBI every year, the remaining portion being transferred to government as dividend).

Contingent reserves are intended for risks related to the RBI’s balance sheet. Let us suppose that these should not be touched. Revaluation reserves are an accounting entry. The RBI can reduce some of the revaluation reserves on the liability side and extinguish an equivalent value of government securities on the asset side. The latter step would lower the stock of debt owed by the government. This would provide headroom for the government to raise debt for meeting its future expenditure (including recapitalisation of public sector banks).

# Retweeting brahminical patriarchy

It is either mischievous or ignorant to claim that ‘brahminical’ only refers to brahmins



G. SAMPATH

Imagine a celebrity Indian CEO going to the United States and having himself photographed with women of colour while holding a poster that said, “Smash racist patriarchy”. And then, imagine white Americans coming down on him like a tonne of bricks, accusing him of inciting hatred and violence against white Americans. Sounds absurd? Good. Now imagine him actually apologising to the American public for wanting to end racist patriarchy. Sounds even more absurd? Well, this, or at least a version of this, has actually happened. Not in the la-la land of Donald Trump, but right here, in the world’s largest democracy.

### The act and reaction

Recently, the Twitter CEO, Jack Dorsey, on a visit to India, had an informal discussion with a group of Indian women journalists, activists and writers about their experience on Twitter. In the course of the meeting, he was gifted a poster by one of the participants. It said,

‘Smash Brahminical Patriarchy’. When a group photograph of Mr. Dorsey posing with that poster surfaced on Twitter, it became an immediate target of outraged trolling. Both Mr. Dorsey and the organisation he heads were angrily accused of inciting hatred and violence against a “minority”, namely, brahmins.

The furious tweets spanned the whole gamut of indignation from A to B. Mr. Dorsey was accused of being a “brahmin-hating, racist bigot”. He was accused of propagating hatred towards “people who constitute 5% or less” of India’s population. Many compared the sentiment expressed in the poster to antisemitism, asking if he would dare pose in the U.S. with a placard advocating hatred of Jews. A serving civil servant even deemed it “a fit case for registration of a criminal case for attempt to destabilize (sic) the nation”. Mr. Dorsey’s apologetic critics wanted an immediate apology. And they got it, too.

While Twitter clarified that the content of the poster was “not a statement from Twitter or our CEO”, the company’s legal and policy head put out a tweet saying, “I’m very sorry for this. It’s not reflective (sic) of our views. We took a private photo with a gift just given to us – we should have been more



REUTERS

thoughtful. Twitter strives to be an impartial platform for all. We failed to do that here & we must do better to serve our customers in India.” This public apology was tweeted out in its wordy entirety not once, not twice, not three times, but eight times. The whole episode raises two simple questions: What was wrong with that poster? And what is wrong with Twitter?

### Social order of caste

The first is disposed of easily enough: nothing. Someone patient enough to carefully poke through the mass of outrage piled up against Mr. Dorsey and his poster might discern the vague outlines of an argument, which essentially boils down to brahminical patriarchy coming to the defence of brahminical patriarchy.

First of all, it is a truth universally acknowledged (except in the pa-

So, yes, reducing reserves enables the government to spend – but not by stealing the RBI’s cash! It’s an idea that merits consideration. Whether reducing reserves from their current level via the accounting entries indicated above is appropriate for the RBI is for the proposed committee to judge.

### Flow of bank credit

The other outcomes at the RBI board meeting have to do with increasing the flow of bank credit and easing the problems of borrowers, especially small and medium enterprises (SMEs).

Banks are subject to capital adequacy requirements – that is, they have to hold a minimum of capital against every rupee of loans they make. The RBI’s requirement of capital adequacy is one percentage point higher than that of the internationally accepted Basel norms laid down by the Bank for International Settlements. The government would like to align Indian banks’ requirements with the Basel norms as that would reduce the demands for capital made on it by public sector banks (PSBs).

The RBI did not yield on this point at the recent meeting. However, it has agreed to defer an increase in the capital requirement of banks of 0.625% under another head by one year. This does give the government some breathing space in respect of additional infusion of capital into PSBs.

The RBI has also agreed to consider the government’s suggestion for easing the norms for Prompt Corrective Action (PCA) for banks. The PCA imposes restrictions of various kinds on banks, including restrictions on lending for the weakest banks. The idea is that banks that are very weak should not create problems for themselves by making more loans. They

should focus on getting their balance sheet right by reducing costs, selling some of their non-core assets and the like.

This is fine in principle. However, if many banks face lending restrictions for a prolonged period, it could create serious problems for the economy. Large corporates could get into distress because of their linkages with distressed SMEs. So can the healthier banks that are exposed to these corporates. To use the jargon, a PCA regime has significant negative externalities. A relaxation in PCA norms, by translating into higher credit flows, could relieve stress in the broader economy. This also applies to the decision, approved at the meeting, to allow restructuring of SME assets of up to ₹25 crore.

The strident demand to enhance flows to non-banking financial companies (NBFCs), which was heard ahead of the meeting, finds no mention in the press note. It appears that the difficulties in rolling over NBFC debt that followed the collapse of Infrastructure Leasing and Financial Services (IL&FS), a leading NBFC, have abated somewhat. Evidently, the RBI was able to make a persuasive case on this point at the meeting.

It is the broader message of the November 19 meeting that is reassuring. As a public institution whose actions have enormous welfare implications, the RBI management cannot rule by fiat. Its actions must flow from a consultative process. It must explain and justify its actions. It must be seen to be accountable. The RBI board could be an important mechanism for ensuring that these conditions are met.

T.T. Ram Mohan is a Professor at IIM Ahmedabad. E-mail: tr@iima.ac.in

community. By Brahmanism I mean the negation of the spirit of Liberty, Equality and Fraternity. In that sense it is rampant in all classes and is not confined to the Brahmins alone, though they have been the originators of it.”

The term (spelled as ‘brahmanism’ or ‘brahminism’), then, has been in currency for a long time as a descriptor of a social order marked by the graded inequality of caste. Therefore, this sudden eruption against it makes no sense except as a reactionary backlash against the steady mainstreaming of anti-caste politics on social media. Given that caste remains a powerful determinant of status and life chances in Indian society, such a backlash is perhaps not entirely surprising.

But what is, is the alacrity with which a powerful multinational firm, with pretensions to liberal values, chose to pander to feudal sentiment. It makes one wonder what, if anything, Mr. Dorsey and his organisation learned from their closed door interaction with Indian women journalists about their experiences on Twitter. Whatever it was, the need to support Indian women against caste oppression and patriarchy wasn’t a part of it.

sampath.g@thehindu.co.in

## 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.

### Belated justice

Decades after the anti-Sikh riots shook Delhi in the aftermath of the assassination of Prime Minister Indira Gandhi, there seems to be some justice, but delayed (Page 1, “34 years after anti-Sikh riots, man sentenced to death”, November 21). The court’s verdict will be of some consolation to those who lost their loved ones in brutal acts committed by misguided elements. The wheels of justice have been turning at a snail’s pace which has also enabled some of the accused to stay out of reach of the long arm of the law. One of the most shameful and infamous episodes in the history of free India, the riots were a blot on the country.

C.V. ARAVIND,  
Bengaluru

### Going the 3D way

An amalgam of an Industrial Revolution 4.0 and sunrise additive manufacturing

technologies presents a pathway for India to achieve rapid growth. Such a thrust towards the manufacturing sector was long overdue and is what is essential to maintain the viability of India’s rising ambitions. India needs to be receptive towards such disruptive technologies (Editorial page, “Make it the Indian way”, November 21). There is a need to rectify the flaws in our skill development regime so that we are able to reap the dividends of our demographic abundance. High-tech manufacturing offers twin benefits: it will consolidate our already robust software ecosystem as well as create net value addition in the languishing manufacturing sector.

ATIN SHARMA,  
Jammu, Jammu and Kashmir

■ The technology has great potential in the field of health services, where organs can be created and transplanted quickly. Given

the poor condition of organ transplants in the country, 3D bioprinting can also help reduce costs.

SIMRAN SINGH,  
Lucknow

■ Merely emulating a particular technological set-up such as 3D printing from the West and portraying it as an industrial revolution that is the long-lost solution is not the answer. Other factors such as power, labour and transportation costs and bureaucratic hurdles are still obstacles that need to be overcome before we can pave the way for a transformative industrial revolution in India.

MANAK SONI,  
Bikaner, Rajasthan

### A dishonest system

The thought-provoking reflections on the ‘systematic’ collapse of ‘institutions’ are sure to find an echo across the country (Editorial page, “Amid institutional decline”,

November 21). The series of attacks by the powers-that-be on established institutions with a view to render them pliable and subservient to petty political interests amount to a weakening of democracy itself. The collateral damage, especially on the body politic of the nation as such, is beyond description. The solution lies in overhauling the system to usher us into “that heaven of freedom”.

S.V. VENUGOPALAN,  
Chennai

■ The malaise currently afflicting the body politic is fast spreading. It is easy to guess who the writer was referring to when he says an “‘honest’ Prime Minister who tolerated dishonesty under him”. Not only did the leader tolerate dishonesty, he also tried to justify it by calling it “coalition dharma”. Integrity is not only not taking bribes but also being intellectually honest.

K. NEELAKANTAN,  
Bengaluru

■ General moral decline will lead to institutional decline. Success at any cost has become the new mantra. The only far and few exceptions are individuals. The truth is that those who uphold honesty and rectitude have become ‘misfits’. They have no godfathers and their only source of inspiration and strength is their own conscience. People get the leaders and governments they deserve. Who is to be blamed when dishonest and corrupt politicians register handsome victories in elections and occupy seats of power? Individuals have to change themselves before they set out to change society.

C.G. KURIAKOSE,  
Kothamangalam, Kerala

■ Institutional health may not be very robust in India when compared to the West but it seems premature to set alarm bells ringing. One institution conspicuous by its absence in the list of affected institutions mentioned in the

article is Parliament. The symbiotic relationship between the integrity and rigour of the political system, in particular the party system, and institutional independence is too important to be ignored. Political parties have colluded to perpetuate the ruling party’s control over the CBI and State police. What prevented the Opposition from moving a Bill in Parliament to insulate the CBI from political interference? Why is it that no State government, irrespective of the party ruling it, has implemented police reforms mandated by the Supreme Court in 2006? Parties have collaborated to preserve the opaqueness in political funding which is a major contributor to corruption. The delay in the implementation of the Lokpal Act is inexplicable and inexcusable.

V.N. MUKUNDARAJAN,  
Thiruvananthapuram

MORE LETTERS ONLINE:  
www.hindu.com/opinion/letters/