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## Middle Ground

### *Reasonable digital surveillance only possible with strict oversight*

#### TOI Editorials



The Supreme Court ruled recently, in a historic judgment, that the right to privacy is part of the fundamental rights guaranteed to Indian citizens. Nevertheless, the Union government is going about formulating rules and legislations that appear oblivious of the SC judgment. Soon after the home ministry order authorising ten intelligence, tax and law enforcement agencies to intercept any information stored in any computer, comes the report that government is considering amendments to the IT Act to force internet, chat and social media companies to de-encrypt content as

well as trace and identify people posting it.

Thus, messaging services like WhatsApp that provide end-to-end encryption of communications will be forced to re-write their software or install backdoors to access private messages. The problem with that is once such backdoors are in place, they are available for anybody to exploit, for whatever purpose they choose to. This is precisely why there is a demand for encryption technology in the first place, coming from companies who want to protect commercial secrets, to individuals who wish to keep their communications private. Ending that would hinder companies' ease of doing business, and many of them may choose to move out of India. The implications for people's right to privacy too are obvious.

That said it's also true that, as the government says, nefarious elements have taken advantage of these platforms to spread fake news and rumours that led to violence in the real world. But the antidote to that cannot be a China-style surveillance state. Moreover, if the aim is to deter criminals and terrorists, they will still have many ways of getting around regulations (by using unauthorised apps, for example). Overkill in regulation only ends up hurting legitimate businesses and ordinary citizens.

What's required is a middle ground that allows for reasonable surveillance subject to oversight by branches of government other than the executive. This means every interception request has to be treated on its own merit and only authorised after due process, with adequate checks and balances, to aid investigation. The government's blanket surveillance approach amounts to passing the buck for ground-level law and order failures. Digital interception should only aid law enforcement, not become a focus in itself. Otherwise the charge of violation of privacy will stand true, and companies too will not play ball.

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**दैनिक जागरण**

## जनतांत्रिक जीवनशैली अपनाने की दरकार

गिरीश्वर मिश्र , (लेखक महात्मा गांधी हिंदी विवि के कुलपति हैं)

संविधान को अंगीकार कर देश ने शासन के लिए 'जनतंत्र' को स्वीकार किया जिसने औपनिवेशिक इतिहास को पार कर राजनीतिक रूप से एक स्वतंत्र परिवेश में समाज को जीने का अवसर दिया। यह एक नए युग का सूत्रपात था जिसमें देश और काल दोनों ही बदले और हमें स्वयं को पुनः परिभाषित करने की चुनौती प्राप्त हुई। एक बड़े देश के रूप में जिस समाज को स्वतंत्रता की देहरी पर हमने खड़ा पाया था वह अपने स्वरूप में अद्भुत था। इस बिंदु पर भावनाओं के स्तर पर सभी छोटे-बड़े समुदाय एक किस्म की एकता के सूत्र में बंधे थे। समाज में सामाजिक-आर्थिक विषमताएं तो पहले से मौजूद थीं, परंतु अंग्रेजी राज की गुलामी की पीड़ा से भारतवासी आर्थिक, मानसिक और शारीरिक स्तरों पर त्रस्त थे। यह सबके लिए एक समान सा आधार था और इससे छुटकारा पाने के लिए सभी इच्छुक थे। वहीं भौतिक जीवन के स्तर पर सभी समुदायों की विशिष्ट पृष्ठभूमि थी।

भिन्न भौगोलिक और सांस्कृतिक परिस्थितियों में आकार पाने वाले विभिन्न समुदायों की समानता और भिन्नता के अपने-अपने दायरे थे जो आपस में जुड़ते और टकराते भी थे। देश के सांस्कृतिक मानचित्र में प्राचीन काल से ही धर्म और सामाजिक जीवन के कुछ आंतरिक सूत्र ऐसे भी विद्यमान हैं जो सबको आपस में जोड़ते रहे हैं। प्राचीन काल में ज्ञान की धारा भी देश के एक छोर से दूसरी छोर तक बहती थी। भिन्न-भिन्न स्थानों पर जन्म लेने पर भी रामानुजाचार्य, शंकराचार्य, वल्लभाचार्य, चैतन्य महाप्रभु, ज्ञानेश्वर, कबीरदास, गुरु नानक, महर्षि रमण आदि गुरुओं का प्रभाव क्षेत्र एक स्थान पर स्थिर नहीं रहा। वे सभी भारत नामक एक भाव-प्रवाह के अटूट हिस्से थे और उससे जुड़ना सबके लिए प्रीतिकर अनुभव होता था। गंगा, यमुना, गोदावरी, सरस्वती, नर्मदा, सिंधु और कावेरी जैसी नदियां भारत के हर कोने में पवित्र और पूज्य बन गईं। हिमालय, विंध्य, शिवालिक, मलय आदि पर्वत श्रेणियां और वनराजियों का आकर्षण सबको प्रिय है।

कृष्ण और राम की नानाविध उपस्थिति भी अखिल भारतीय स्तर पर दिखती है। ये सभी सांस्कृतिक एकता को ठोस आधार प्रदान करते हैं। विभिन्न भाषाओं के साहित्य में व्यत भावों और सरोकारों में भारतीयता के स्पंदन प्राप्त होते हैं। ऊपरी भिन्नता के कारण अपरिभाषित- सी दिखने पर भी यह भाव हमारे व्यवहार रूपों में कई तरह से व्यत होता है। सारी विविधताओं के बावजूद भावनात्मक एकता सबको निकट ले आती है। ऐतिहासिक परिप्रेक्ष्य में देखें तो भारत की धरती विभिन्न सांस्कृतिक प्रवाहों की साक्षी रही और परत-दर-परत उनके प्रभाव पड़ते रहे। भारत में शक, हूण, ग्रीक, कुषाण, मुगल, पुर्तगाली, पारसी, अंग्रेज जाने कितनी तरह की विदेशी प्रजातियां आती रहीं और आर्यों के साथ उनके रिश्ते बनते-बिगड़ते रहे। विदेशी प्रभाव अनेक प्रकार के थे। सामाजिक मेल-मिलाप के साथ इनके बीच ज्ञान, कला और कौशल का आदान-प्रदान भी होता रहा। भिन्न परंपराओं, रूढ़ियों और मतों के साथ भारत में अनेक तरह की सामाजिक व्यस्तताएं पनपती रहीं। अधिकांश विदेशी आक्रमणकारी भारत का दोहन और शोषण करते रहे। व्यापार से शासन सूत्र

तक पहुंच बनाने वाले अंग्रेज इस कार्य में सबसे चतुर साबित हुए। उन्होंने भारत को आर्थिक, सामाजिक और बौद्धिक हर तरह से योजनाबद्ध ढंग से कमजोर किया।

आर्थिक दोहन के साथ उन्होंने मानसिक अभ्यास और सभ्यता का ऐसा युगारंभ किया जिसकी गिरफ्त में आकर हमारे सोचने-विचारने का पूरा नजरिया ही उलट-पुलट गया। इसकी काट खोजना आज भी मुश्किल है और हम अभी भी खोया विश्वास वापस नहीं ला सके हैं। यहां की स्थापित और जांची-परखी शिक्षा पद्धति को निरस्त कर शिक्षित और सभ्य होने की जो प्रणाली अंग्रेजों ने स्थापित की वह आज भी काबिज है। आधुनिक भारत के निर्माण की दृष्टि से इस जटिल पृष्ठभूमि की अनदेखी नहीं की जा सकती, क्योंकि स्वतंत्रता मिलते समय समाज के रूप में जो कच्चा माल मिला वह विविधवर्णी था। यह सामाजिक विविधता भारत की नियति बनी जिसमें एक समावेशी दृष्टिकोण को स्वीकार कर और उसे साथ लेकर ही आगे चलना संभव था। इसी विचार से पंथनिरपेक्ष नीतियों पर चलने का निश्चय किया गया। सामाजिक सह अस्तित्व को स्वीकार करने वाला यही विकल्प सहज और स्वाभाविक भी था। विविधता और एकता के बीच सामंजस्य को साधना आसान नहीं होता, खास तौर पर तब जब विविधता को एकता से ज्यादा मूल्यवान बना दिया जाए। अब अति-विश्लेषण के दौर में समाज में भी समग्र या सकल को समझने की ओर हमारा ध्यान ही नहीं जा पा रहा है। सत्ता की दौड़ में हर अंश एक-दूसरे के साथ द्वंद करने के लिए तत्पर हो रहा है।

जनतंत्र को प्रायः हम एक ऐसी व्यवस्था के रूप में ग्रहण करते हैं मानो कि उसे प्राप्त करने के बाद हम उसके सारे लाभों के हकदार हो गए। सत्तानर्शी राजनेता जनतंत्र के दावेदार होकर उसकी व्यवस्था को अपने हित साधन का उपकरण बनाने लगते हैं। दूसरी ओर जब नागरिकों के मूल अधिकारों और मानव अधिकारों की बात होती है तो हम सब लोग अपने लिए कुछ न कुछ सुरक्षित करने के लिए और पाने के लिए आतुर रहते हैं, पर हम यह भूल जाते हैं कि जनतंत्र सिर्फ एक व्यवस्था नहीं है। वह एक जिम्मेदार किस्म की जीवनशैली भी है। जनतंत्र की शक्ति इस जीवन की शैली से ही आती है। पारस्परिक भागीदारी, भरोसा, भिन्न दृष्टियों को भी सुनना तथा सहना और देश तथा उसके जन की चिंता को सबसे ऊपर रखना इस शैली के प्रमुख अंश हैं। उसके अभाव में अधिकारों की बात सिर्फ अनधिकार चेष्टा हीबनी रहेगी। निवेश और परिणाम का सीधा रिश्ता होता है। हमारा शरीर चलता रहे और सक्रिय होकर हम विभिन्न लक्ष्यों को पा सकें इसके लिए ऊर्जा की जरूरत होती है। जब अपेक्षित ऊर्जा नहीं मिलती है (या उसका दुरुपयोग होता है) तो शरीर अस्वस्थ होने लगता है। इसी प्रकार जनतंत्र की ऊर्जा की सुरक्षा भी उसके मूल्यों की रक्षा करते हुए ही हो सकती है। चुनावी आहट के साथ सारे जनतांत्रिक मूल्यों को छोड़ नेतागण 'सीट बंटवारे' और 'दल बदलने' के गणित को बैठाते नजर आ रहे हैं।

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## The farm in the spotlight

*Government's efforts to increase farmers' incomes are unprecedented.*

**Amit Malviya, Kishore Desai, (Amit Malviya is the BJP's National Convenor, Information & Technology, Kishore Desai is a public policy professional.)**



The recent state assembly elections have brought the spotlight back on farm-loan waivers. This policy response has continued to divide analysts and stakeholders. Those who support loan waivers claim that the broader rural economy and more particularly farmers are facing stress. They say that the waivers would address this stress. Those who argue against the loan waivers question its efficacy. The claim that loan waivers, while consuming substantial fiscal resources, end up benefiting less than 10 per cent of the deserving farmers. But is this issue that straight-forward? The debate fails to

appreciate how the government's focus is being reoriented to comprehensively address the structural gaps that led to demands of loan waivers in the first place. The important specifics are detailed below.

By all accounts, India is predominantly a rural country with 70 per cent of its population living in rural areas. More than 60 per cent of rural households reported agriculture as their primary source of income. In some states, as much as 80 per cent rural families are dependent on agriculture. Therefore, it is not surprising why agriculture has always been crucial for all governments. However, interestingly, in the past, the agriculture development policy revolved largely around the "economic" aspect of agriculture. The "people" aspect got less attention. What does this mean? A recent paper by Ramesh Chand, Member NITI Aayog elaborates this point.

Chand writes, "Past strategy for development of the agriculture sector in India has focused primarily on raising agricultural output and improving food security.... The experience shows that in some cases, growth in output brings similar increase in farmers' income but in many cases farmer's income did not grow much with increase in output". The point being that while sectoral outputs and crop production grew considerably, the condition of farmers did not show proportionate improvement. This gap is precisely what the Modi government has been working to bridge in the last four- and-a-half years.

The policy focus is being re-oriented to bring farmers and their families to the centrestage. For the first time, doubling the income of farmers (as opposed to merely increasing outputs or crop production) in a time-bound manner has been adopted as a stated objective. A judicious multi-pronged strategy has been put in place for realising this goal. For all mandated crops, the Minimum Support Price (MSP) has been recently increased to 150 per cent of the production cost incurred in the season 2018-19. One of the steepest increase in the recent time, this was done to ensure that every farmer can earn at least a 50 per cent markup on his/her input costs. To ensure that the benefits of this MSP increase do not remain merely on paper, an umbrella initiative — Pradhan Mantri Annadata Aay Sanrakshan Abhiyan (PM-AASHA) — was also launched. This initiative comprises three different options (including piloting

procurement by private agencies) to help farmers realise benefits of the increased MSP even where government agencies fail to procure their produce.

These strategies are being complemented by measures to enhance farmers' access to markets and protect them from inherent risks that agriculture faces. To achieve the first goal, an agri e-marketplace (e-National Agriculture Market or e-NAM) has been setup. This marketplace integrates 585 agricultural mandis spread across 16 states and two union territories into one platform. To achieve the second, the Pradhan Mantri Fasal Bima Yojana (PMFBY) was launched. This is a low cost insurance plan that protects farmers against various risks. Data shows that till date, about 14.5 crore farmers have enrolled for this scheme with the claim ratio in the last kharif season (kharif 2017) reaching 86 per cent (an improvement from 73 per cent in the season 2016-17). The above re-orientation is being attempted without diluting the focus on sustaining the agriculture sector output. In fact, capital investments in agriculture have been stepped up by around 75 per cent — from around Rs 1.21 lakh crore during 2009-14 to around Rs 2.11 lakh crore during 2014-19. Most of these investments are targeted to improve critical infrastructure deficits such as storage, irrigation and logistics and modernise agriculture technology. Credit availability has also been increased consistently.

As a result, the output of foodgrains for 2017-18 is expected to reach record levels of around 285 million tonnes — from 252 million tonnes in 2014-15. The yield per hectare has also shown improvement. All this substantiates the fact that the broader agriculture economy is moving in the right direction. But it doesn't mean that things have become perfect for farmers. For years, governments failed to adequately address the challenges faced by farmers. As a result, they continue to remain entrenched in a chronic cycle of indebtedness. It is in this context that one needs to see the current reforms in the agriculture space.

By bringing farmers and their families onto the policy centrestage, the government is not only trying to assure incomes, but it is also trying to create a safety net for them. Increase in the MSP, and implementation of PM-AASHA, PMFBY and e-NAM are integral components of this strategy. In addition to these, efforts are also being made to provide basic essentials such as house, electricity, toilets and clean cooking gas to the needy households in rural areas. Include these, and one can visualise the various contours of the larger development programme being rolled out for farmers.

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## Listening Post

**In acquiring access to end to end protected communications, the government would undermine security for all.**

### Editorial

End to end encryption (E3), a security protocol that keeps internet communications completely private, opaque even to the service provider, has irked security agencies since 2016, when WhatsApp rolled it out. Russia, China and Turkey ban them altogether. In 2017, the UK passed the Investigatory Powers Act and in the first week of December, Australia passed similar laws that require providers to develop

technical solutions to offer plain text communications on request. Like India, these countries already had laws giving agencies access to data. Now, India plans to follow the trend and require E3 services like WhatsApp and Signal to provide access to encrypted “unlawful” communications on request, in plain text, with users identified.

A discussion over these moves on E3 has raged for a year now, and has ranged from plain speculation to reasonable arguments. Headlines claiming that E3 services can be “hacked” are highly speculative. But they can be backdoored or spoofed by the provider by what’s known as a “man in the middle attack”, possibly executed by putting malware on phones. And that, the reasonable argue, would endanger the security and privacy of all users. The Draft Rules for Section 79 of the IT Act, which makes it incumbent upon providers to offer technology solutions that reveal “unlawful” content to the government, and which were discussed with stakeholders at the Ministry of Electronics and Information Technology on Thursday, would probably have depended on some stratagem to weaken the security of all users. While the need for eavesdropping on the conversations of “persons of interest” is understandable, compromising security wholesale cannot be a reasonable trade-off.

Such steps lay open all users to scrutiny, effectively treating all as guilty until proven innocent. This would have a chilling effect on speech online, especially since “unlawful” content depends, greatly, on location and current perceptions. The detention of a journalist in Manipur last week under the National Security Act, for posting material derogatory to the government, is a case in point. The outrage last week over extending the provisions of existing law from phones to computers suggested a trust deficit between the public and the government. The state’s curiosity about encrypted communications can only intensify it, especially since the technology solution could be applied to all users, not to suspects alone.

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*Date: 25-12-18*

## **His master’s bureaucracy**

***Mass transfers of officers in states which saw change in government is the wrong beginning.***

**Shakti Sinha, (The writer is director, Nehru Memorial Museum and Library.)**

In a vibrant democracy like India, a change of government is normally characterised by enthusiasm and expectation, particularly when the new government belongs to a different party or alliance from the previous one. The hope is that their elected representatives would devote their time towards pursuing a development-oriented and people-centric agenda. Mandates tend to go sour when governments do the opposite of that. An example of how to avoid this is to concentrate on the task ahead and not resort to diversionary tasks that are counter-productive.

The recent mass transfers of senior officers in states which saw changes in government seems exactly the wrong way to begin governing. It is disheartening when the machinery of government, which is the primary instrument of policy development and implementation, is targeted. Transfers are a normal part of a civil servant’s career. But seeking to identify large numbers and then targeting them because they held “important” posts in the earlier dispensation is undesirable. What made the present round of large-

scale transfers worse was the open threat issued by certain political leaders, warning officers that they would be victimised for following legitimate orders of the incumbent government.

Therefore, when chief ministers devote their energies to completely overhauling the state machinery, guided by a sense of paranoia over the “loyalty” of officers, it evokes memories of attempts to create “committed civil servants” or a “committed judiciary”. These officials have been transferred even before cabinet formation. This leaves the state administration in a deep state of flux. On the face of it, these transfers can be characterised as victimisation and a search for “favourable” officers — such arbitrary transfers have the opposite effect of demoralising the bureaucracy. Worse, they embolden the corrupt and the cynical who are quick to spot opportunities for personal aggrandisement. The good and the honest often come to the perverse conclusion that it is better to not perform lest one is victimised later.

Fortunately, such efforts at creating a committed bureaucracy have been an exception at the national level. However, the totally unnecessary removal of the cabinet secretary and home secretary in the summer of 2004 only because they had been appointed by a previous government made for depressing reading. Particularly as the former was due to retire in a few months’ time, and it was nobody’s case that he was either partisan or inefficient. As a former civil servant who has worked with Prime Minister Atal Bihari Vajpayee, I was curious to see how the transition would be handled in 2014. Not only were senior officers not disturbed, even the individuals in the Prime Minister’s Office (PMO) and in the personal staff of the PM were not changed.

My batch-mate in the civil service, R Ramanujam, continued as secretary to the prime minister. The person selected to be the private secretary had worked in the PMO for the previous five years. A private secretary to the immediate earlier PM continued as joint secretary in the PMO, and is now the chief secretary of Jammu and Kashmir. In fact, all the joint secretaries and directors who were a part of the PMO on May 26, 2014 completed their tenures. The incumbent cabinet secretary, Ajit Seth, got an extension though his term was ending in June 2014. Nearly all the secretaries of the Government of India continued on their posts. Yes, in due course changes have been made, but selectively. While researching this article, I found out that when Narendra Modi became the chief minister of Gujarat in 2001, he did not change any incumbent. One could argue that it remained the same party’s government but if one remembers, there was considerable internal turmoil within the BJP and factionalism was rampant.

I am aware that the bureaucracy does not enjoy the best of reputations but is that reason enough to treat it as a punching bag or scapegoat? The Constituent Assembly debated the necessity or otherwise of continuing with the civil service. Many members who had faced the wrath of the Raj when they were fighting for independence were for its abolition. However, Sardar Patel, who was then working round the clock to unify India by ensuring the accession of princely states, stressed the need for the civil services in the form that we know today. He explained that the civil services were a government’s instruments, whose loyalty was to the state, and it was up to the government of the day to make the best use of them. He alluded to the success in stabilising the situation post-Partition and the handling of the largest migration in human history as proof that the system could deliver. April 21 is celebrated each year as Civil Services Day — it was on that day in 1949 that the Sardar addressed the first recruits of the Indian Administrative Service at Metcalf House.

A case can be made that chief ministers face a lot of local pressure and should be entitled to bureaucrats of their choice, but these should be selective and based on good reasons. It is also true that there are corrupt and inefficient officers. However, the answer would be to take disciplinary action against such

individuals, not mass transfers. The vast majority of civil servants is loyal to the system and happily works with the government of the day, irrespective of personal political preferences.

The same civil services, the same system, the same files — and, yet, the outcomes can be so different. The handling of the mass evacuation during Cyclone Phailin in Odisha, the organisation of the Kumbh, and the eradication of polio are examples that the system can deliver. In more recent times, the amazing achievements of the Swachh Bharat Abhiyan, Jan Dhan Yojana and the distribution of gas cylinders and burner sets under Ujjwala are examples that demonstrate that when political leadership sets clear and positive goals to enable the civil services to deliver, it will. The answer is clear — you can use the civil services as a scapegoat or make it deliver.

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