


**THE TIMES OF INDIA**
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## **'Pattanam site's importance isn't confined to Kerala or India ... it tells us the world was here 2,000 years ago'**

**Jiby J Kattakayam**

Archaeological excavations at Pattanam, a small village an hour's drive from Kochi, tell a fascinating story of a cosmopolitan people who traded with the Roman Empire around two millennia ago. The finds point to the fabled port town of Muziris mentioned in the Greek text Periplus of the Erythraean Sea and Muciripattanam in the Tamil Sangam literature. PJ Cherian, the project's spearhead at inception, has resumed the dig this year on behalf of Pama, a transdisciplinary research collective, after it stalled in 2015. He spoke to Jiby J Kattakayam:

### **What led you to Pattanam?**

Before a successful trial dig in 2004, we knew this could be an archaeological site with frequent reports of local people finding antiques. We visited the village and found the place was full of beads and potsherds. In 2001, a British museologist friend concluded after visiting the area that one pottery could be Italian because of its Vesuvius volcanic material. Many such factors, including ancient literary sources, prodded us to investigate further.

### **How do you conclude this village is Muziris?**

There is clinching evidence. The only question is whether Muziris is confined to the 70 hectares identified as an archaeological mound or goes beyond it. Definitely it goes beyond. It will take generations to complete the excavations. DNA extract analysis of human skeletal fragments conveys a cosmopolitan society. Of 11 samples, four suggested South Asian, four West Asian and three Mediterranean origin. So an amazing mix of people were here. We found material from Gibraltar to Catalonia to Southern China; Pattanam artifacts were discovered at sites like Hepu in China and Khor Rori in Jordan. Pattanam has the Indian Ocean region's largest cache of Mediterranean amphora jar sherds. Such culturally diverse material pointed to a port site.

Then came the wharf discovery confirming a port. We have 38 radiocarbon dated materials dated between 0-400 AD. Stratigraphy offers clarity on the mound which is an elevated area with four metres of cultural deposits. It is a perfect mound though not easily discernible. Typology of materials like pottery, jewellery, points to extensive foreign contacts. Literary sources say the port was inland and it was a riverine island, 25 stades away from the sea (4.5 kms), nearly same as today. Though the site is now landlocked, its geomorphology matches with textual sources in many ways.

### **Do the finds align with knowledge of that age ?**

The area that is Kerala today was part of the larger Thamizhagam (area inhabited by Tamil speakers) when Muziris existed. Sangam literature portrays Thamizhagam as a beautiful people in the humanist sense, as very rational, not too much into religion or warfare. They were open minded, believed in technology, welcomed foreign trade and contacts. Most of these elements are present in Pattanam's finds. We are yet to find weapons meant to harm people, cause injuries. There is only slender evidence of religion. Pattanam society was very organised, there was urbanisation and adeptness in technology. Despite digging just 1% of the 70-hectare mound, we have retrieved 1.3 lakh artifacts made of precious stones and metals like gold, iron, copper, lead, around one lakh beads and 45 lakh potsherds, and numerous terracotta works like ornaments. The variety of pottery, burned bricks and structures resembling warehouses, tiled roofs, toilets, ring wells, besides the wharf implies a very urban, organised society.

The site's importance isn't confined to Kerala or India. It is beyond our imagination that people from 30 cultures were coming and going with their goods, technology, ideas and languages. A port site cannot exist in isolation; it has networks, operations and interfaces with umpteen port sites and the hinterland. Pattanam tells us the world was here and we went out into the world. The Chera kingdom had surpluses to trade. As shipments increased, entire society had to be tuned into the production processes. The Muziris papyrus agreement between the Alexandria banker and local merchant reveals a sophisticated understanding of trade. The period till the Roman empire's fall was critical, but trade continued even afterwards.

### **Can technology help speed up digs ?**

In the 2014 digging season, Oxford University researchers suggested LIDAR and came with hugely expensive gadgets. The site is very clayish. Like any Kerala village, there is dense vegetation and an intense web of roots running across. Oxford said these two factors aren't helpful to electromagnetic study. Ground Penetrating Radar works in desert sites with sand and no clay. Unfortunately Indian agencies are behind the technological curve. Recently, Tamil Nadu introduced new technologies at some sites and their success could help everyone. In Pattanam, we have dug 66 trenches so far but because the site is intensely populated progress will be slow. However, the local people are enthusiastic partners. We are inviting civil society participation and professionals from all walks to join us. Every year, college students across India join us on the digs.

### **How did the Pattanam settlement end ?**

We have no indications how the site declined and the port disappeared. Geomorphic studies indicate Pattanam 2000 years back was some sort of riverine island with water bodies crisscrossing it. The usual flood theory was propounded but is inconclusive. However, many water channels are incapable of surviving beyond a few centuries because of silting. Modern Kochi port survives on dredging. Annual flooding might have pushed silt away at Pattanam for a long period and then stopped around 5th century.

### **How different or similar were these people to us ?**

They were great agriculturalists, traders, metallurgists. The papyrus document from 2nd century AD is the ancient equivalent of a WTO document. The loan agreement between the Muziris merchant and Alexandria banker had all the elements of insurance and guarantee and ensuring security for maritime goods trade across high seas. They were highly advanced, accomplished people, just like we assume ourselves to be. There is only slender evidence of religion at Pattanam, a piece of writing in Brahmi script

referring to an amana, from the sramana tradition of calling someone a teacher. I think they took religion for thought systems rather than rituals. Other finds like sphinx seal-ring and Goddess Fortuna engraving are not religious in today's sense: they were "pagan" attempts to attribute huge power to living things, to do good things. I believe people were totally irreligious. Modern society affected by historiography built on religion may want to re-evaluate their ancestors. We don't yet know Mohenjodaro's religion but a sculpture looking like a modern priest was given a religious garb. No weapons were found at Pattanam. I believe these were very sophisticated people about whom the world will know more as the excavations progress.

### **How has Pattanam upended Kerala historiography ?**

Kerala historiography doesn't approve of a society as advanced as in Muziris. General notion is pre-ninth century is a dark age. We assumed the ancient people were primitive and couldn't cross seas but fact is they went transoceanic. Tamil Nadu has no problem with the Pattanam evidence but it creates controversies in Kerala. Thamizhagam of the Sangam age that held sway over most of South has been neglected here. After Madras state became Tamil Nadu we dissociated with the cultural entity that existed before 900-1000AD.

## **THE ECONOMIC TIMES**

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### **Higher Minimum Wages To Boost Demand**

#### **ET Editorials**

In the US elections, Florida voters approved 60:40, a proposal to raise the state's minimum wage rate to \$15 an hour by 2026. President-elect Joe Biden supports an increase in the national minimum wage, unlike Trump. In high-income economies, a national minimum wage policy does raise incomes of low-wage workers, given better enforcement and governance standards. It also increases demand, with the propensity to consume higher at lower income levels. And that is crucial in the pandemic-struck economy.

Florida is the eighth state in the US to raise its hourly minimum wage to \$15. The change would be incremental. Employers are required to raise the minimum wage, currently \$8.56, annually by \$1 for the next several years; once the \$15-mark is reached, subsequent wage hikes would be inflation-adjusted. In the past, free-market economists like Milton Friedman have argued that a national minimum wage would lead to unemployment as firms would be unable to pay workers. But empirical evidence suggests otherwise. Britain, for instance, has had a national minimum wage policy since 1999, but the "effect on unemployment has been negligible".

Britain also has a much lower minimum wage rate for under 18s, a higher rate for 21-24-year olds, and the full minimum wages for those 25 and above. The Indian Constitution defines a 'living wage', and we have the Minimum Wages Act, 1948. Minimum wages are fixed state-wise, given huge disparities, which are mostly above market rates. But compliance has been weak, as abundant underemployed farm labour depresses wages. This constrains aggregate demand while hurting welfare.

## How to end pollution

***An independent regulatory agency with powers to penalise pollution can help***

**E Somanathan , [ The writer is Professor, Economics and Planning Unit Head Centre for research on the Economics of Climate, Food, Energy, and Environment at the Indian Statistical Institute ]**



Every year as air pollution spikes in northern India around Diwali, the media is full of it. Various arms of the government and judiciary take notice and announce a flurry of activity. By February, the media attention disappears. It seems that nothing is achieved, pollution gets worse every year, and is not a solvable problem.

Actually, some progress has been made as a result of public and media attention and government actions, just not enough yet. And pollution is very much a solvable problem. It just cannot be solved on an emergency basis. It has to

be dealt with firmly and gradually. If this is done, it can be brought down to developed-country levels within a few years.

Why gradually? Because there are many sources of pollution and it would be prohibitively costly to stop them or even significantly reduce them all at once (as the economic recession triggered by the pandemic and lockdowns has demonstrated). Although crop-burning and fireworks grab attention at this time of year, they are seasonal phenomena. The pollution during the entire winter and the lower but still deadly levels that persist through the summer are due to less seasonal sources. According to a comprehensive study by Chandra Venkataraman of IIT-Mumbai and other scientists, the biggest sources nationally are cooking fires, coal-fired power plants, various industries, crop residue burning, and construction and road dust. Vehicles are further down on the list. Cooking fires are the single largest source. Since particles diffuse with the air and are carried by winds, they do not stay in kitchens; they contribute to pollution throughout the country.

Dealing with all these sources will require a gradual replacement of existing technologies with new technologies. Smoky firewood, dung and crop residues that are burnt in kitchens all over rural India and some urban slums must be replaced with LPG, induction stoves, and other electric cooking appliances. Old coal power plants must be closed and replaced with wind and solar power and batteries or other

forms of energy storage, while newer plants must install new pollution control equipment. No new coal-fired power plants should be built — with renewables being cheaper, coal is obsolete for power generation. Other industries that use coal will have to gradually switch over to cleaner fuel sources such as gas or hydrogen while becoming more energy efficient at the same time. Farmers will have to switch crops or adopt alternative methods of residue management. Diesel and petrol vehicles must gradually be replaced by electric or hydrogen fuel cell vehicles running on power generated from renewables.

The problem is that investments in all these technological changes, although hugely beneficial for the country as a whole, are often not privately profitable at present. Businessmen, farmers, or even people deciding on their choice of cooking fuel, can't make their business or everyday decisions based on "national interest". The good news is it is easy for governments to make clean investments more profitable and dirty investments less profitable. All that needs to be done is to tax polluting activities and subsidise clean investments.

Our existing laws do not allow the central and state pollution boards to levy pollution fee or cess based on pollution emissions. Instead, they have to issue regulations, and then close down industries that don't comply. Since closing down an industry is a drastic step, it almost never happens.

The judiciary is more powerful but has far less scientific and technical competence. It does not have even the few scientific and technical staff available to our under-funded pollution control boards — it has no capacity to conduct pollution monitoring or scientific studies or even evaluate the results. It tends to act only during crises and focus on past mistakes rather than planning to prevent new ones.

One great advantage of having a regulatory agency (let us call it an Environmental Protection Agency or EPA) that can levy pollution fee or cess, is that the regulatory decision need not be an all-or-nothing decision. Pollution fees can start small, and the EPA can announce that they will rise by a certain percentage every year. This gives businesses time to adjust — they will then find it profitable to make new investments in non-polluting technologies.

Fees should be levied where the production chain is most concentrated. For example, a fee on plastic production at refineries (refunded if plastic is recovered, that is, a fee on non recycled plastic), since it is very costly to monitor small producers and retailers of plastic bags; a fee on fly ash or sulphur dioxide emitted by coal power plants, and a fee on coal use (to cover small coal users whom it is not cost-effective to monitor individually), a fee on diesel at refineries (since it is not practical to monitor pollutants from individual vehicles and pumpsets), etc.

The EPA has to be given some independence — a head appointed for a five-year term removable only by impeachment, a guaranteed budget funded by a small percentage tax on all industries, and autonomy to hire staff and to set pollution fees after justification through scientific studies. Otherwise, its announcement of a gradually rising pollution fee will not be believed and won't spur investment in new clean technologies. The revenue from the fee should be paid to the government that can use it any way it likes, perhaps by paying it out to affected industries so that they can upgrade their technologies. EPA independence will mean that political lobbying by affected industries to stop pollution fees won't work. Instead, political lobbying will be diverted to getting a piece of the pollution fee revenue.

A major attraction of an independent EPA for politicians in power is that they can pass on the blame for decisions on pollution fees to the EPA. A second major attraction is that pollution fees raise revenue for the government. If the law establishing an independent EPA is written to require that changes to

pollution fees and regulations must be published in advance, and cannot involve abrupt changes, then nasty surprises are avoided and industry opposition will be muted, especially if industry gets a piece of the revenue to invest in new technologies.

The PM Ujjwala Yojna that increased LPG access has made a big difference to the pollution from cooking fires although there is still a long way to go. The BS-VI regulations will reduce vehicular pollution over the next decade. We need to create the institutions that will multiply these successes. Our pollution problem has taken decades to grow into the monster that it is. It can't be killed in a day. We need the scientific and technical capacity that only a securely funded independent EPA can bring to shrink pollution down to nothing.

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## THE HINDU

*Date: 16-11-20*

### Protect our Republic, my lords

***The judiciary's quick intervention in the Arnab Goswami case turns the spotlight on other serious cases that languish***

**Sriram Panchu is Senior Advocate, Madras High Court.**



The facts are brief. Mr. Arnab Goswami of Republic TV, a media group perceived to be supportive of the ruling party, was arrested by the Mumbai Police on November 4, 2020 on a charge of abetting the suicide of Anvay Naik. The suicide note mentioned that the channel had not paid bills amounting to ₹83 lakh and this was a proximate cause of the act of suicide. The accused was remanded to judicial, not police, custody. He moved a writ petition for habeas corpus before the

Bombay High Court, wholly unusual, since that only applies to detention without cover of law; in this case he should have moved the Sessions Court for bail or discharge and then come to the High Court if unsuccessful.

**A contrast that is worrisome**

The High Court heard his case for five hours on a holiday, and said exactly this on November 9. Mr. Goswami did file such a petition. Strangely, he also moved the Supreme Court and his case is listed on November 11. It takes up the whole day, and that evening he is set free, and emerges pumping his hands in the air, much like a conquering public hero. Two whole days of judicial time of top constitutional courts have been spent in deciding whether this one man should get bail, when his case for precisely this relief was coming before the Sessions judge the next day. As regards the release itself, suffice it to say that once a court thinks there is no tenable case for continued detention, no man should be held imprisoned.

There is however the disturbing contrast between the breakneck speed of the Supreme Court in this case with other cases which involve large scale and serious violations of fundamental freedoms. And at the back of the discourse looms large two questions, almost too frightening to voice. Has the Court done the one thing which a separate and equal judicial arm never does, and that is to cease being the counter-majoritarian check to a powerful executive? Has the Court abandoned its role of judicial review over acts of government, reducing itself to an arbiter of private disputes?

### **What is of import**

I cannot but help recall what happened at Rashtrapathi Bhavan when the then chief Justice of India M.N. Venkatachaliah was sworn in to his office in February 1993. Prime Minister P.V. Narasimha Rao said that he looked forward to a cordial relationship between the Court and the government.

He received a riposte which can only be described as classical — “Mr. Prime Minister, the relationship between us has to be correct, not cordial. Cordiality between court and government has no place in our constitutional scheme of checks and balances.”

When comes another such Chief Justice of India? And what must the Bheeshma Pitamah, recently turned 92, be going through when he surveys the present Court and notes that there is not one decision in the recent past where the Court has held against the executive?

### **Judgments never made**

And that there are several where it is the writ of the executive that runs, simply because there is no judgment of the Court. Witness the petitions against the Citizenship (Amendment) Act, preventive detentions in Kashmir, and the challenge to the dilution of Article 370. And the appeal against the gag order of the Andhra Pradesh High Court preventing the reporting of the first information report about land grabbing by those with proximity to high places is still awaiting listing after two months.

And in one case, a decision comes in after the issue no longer survives, that of the Shaheen Bagh protest, where the Court decried the unregulated use of public spaces for protest. Leave aside the merits of the decision, the question is whether a gentler factual backdrop would not have been more advisable. Context matters, my Lords, context matters. It is not just every word of what you say that is examined, but in what kind of case you say it, as well as the cases where you say nothing. That all adds up to tote the balance you hold between us the people and our rulers. It also determines another balance, that of power between you and the ruling forces in politics and government. The unstated major premise of judicial realpolitik is that your power comes not from Articles 32 and 226 but from the public esteem and regard in which you are held, and that proceeds from the extent you act as our constitutional protector. In direct proportion. Sans that, there are only the trappings.

## Words of caution

Following on the heels of the Arnab Goswami release comes the Attorney-General for India's nod to book the stand-up comedian, Kunal Kamra, for contempt of court for his tweets about the Supreme Court in the instant scenario. (Incidentally, this is the man the Ministry of Civil Aviation banned from flying for accosting and berating Arnab Goswami on a flight.) What kind of message is being sent out here? The staple fare of comedians is to exaggerate to make a point; has our Supreme Court really come to the stage that it should be pricked by this? And then again, remember that in all courts, there was a special place reserved for the jester. Not just for humour, he also had the licence of satire to make pungent observations. In so doing, he served a valuable purpose — of telling the king what he needed to know, not what he wanted to hear. A stratagem to ensure that truth got spoken to power sans aggressive posture. Great kings valued their jesters like Akbar did Birbal and Krishnadevaraya did Tenali Raman, good kings tolerated them, the others beheaded or banished them. Mark you, also, it is very difficult to use the blunderbuss law of contempt to deal with a nimble jester, who incidentally, has now become nationally famous. Speaking of the Attorney General, one hopes that he will soon revert to what he is constitutionally mandated to do — to appear in Court in major cases of constitutional importance. He is our seniormost lawyer of constitutional vintage, with unmatched erudition and experience, and knows perfectly that he is the first law officer of the Union, not the lawyer for the government of the day or party in power, a distinction that seemingly evades his deputy, the Solicitor General.

## They remain unheard

May I present, my Lords, a solution. Extend the grace of your early hearing to Varavara Rao, poet, aged 80, suffering neurological and urological health issues. To Sudha Bharadwaj, aged 59, civil liberties defender, suffering hypertension, heart disease, diabetes. They have been incarcerated from August 2018. To Siddique Kappan, the journalist from Kerala detained on his way to Hathras in October this year. Take heed of the pitiable plight of Stan Swamy, activist, aged 83, suffering abdominal pain and multiple falls in jail; he is unable to hold a glass because of Parkinson's disease, his plea to use a sipper/straw in jail has been adjourned by three weeks to November 26. Let their cases too be posted emergently before the same Bench — which so instantly gave relief of personal liberty to Mr. Goswami — and let them be judged according to law. And then lead us on the path of constitutional purity so that our Republic may prosper.

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**Date: 16-11-20**

## A recipe to tear down trade unions

***The new labour laws are a brutal attack on workers' ability to safeguard their rights***

**Gautam Mody, [ The author is general secretary of the New Trade Union Initiative ]**

Labour law 'reform' has been on the table since 1991 as every government's favourite solution for economic growth. Yet, there was no consensus between governments, political parties, workers and their trade unions, and employers, on what this meant. Unlike other political formations, the BJP has been in unqualified agreement with employers that the existing labour laws needed to be replaced. During its

rule in 1998-2002, the BJP constituted the 2nd National Labour Commission and limited trade union representation in it. The consequent recommendations of the Commission were rejected by trade unions across the country.

This time too, the BJP-led Central government has actively excluded trade unions from pre-legislative consultations on drafting the new labour codes, repealing all existing labour laws and replacing them with four new labour codes. It saw these through Parliament in the absence of the Opposition, whilst ignoring substantive recommendations of the Parliamentary Standing Committee.

The BJP portrayed the now-repealed laws as serving only a small, exclusive section of working people, while claiming that what has now been legislated has a universal reach. This is just political chicanery. What is common to all the four codes is that they dilute workers' rights in favour of employers' rights, and together undermine the very idea of workers' right to association and collective action.

### **Long history**

Trade unions first emerged in the 19th century as self-managed organisation of workers in the face of extreme exploitation. They provided, and continue to provide, a collective voice to working people against employers' exploitative, unfair and often illegal practices.

It is through trade unions that workers have been able to win better wages, fairer employment conditions, and safe and secure workplaces.

In India, workers won the legal right to form trade unions under the colonial rule in 1926, when the Trade Union Act (TUA) was adopted. The law provided a mechanism for the registration of trade unions, from which they derived their rights, and a framework governing their functioning. The TUA also bound workers' actions within a legal framework by providing for deregistration if a trade union "contravened any provisions of the Act".

The TUA gave workers the right, through their registered trade union, to take steps to press their claims, and where necessary, as in the case of a malevolent employer, agitate for their claims and advance them before the government and the judiciary. It also provided members (workers) and elected officers of a union a degree of immunity, including against the law on criminal conspiracy. Importantly, the law recognised that actions based on collective decisions by workers were legal and did not constitute criminal conspiracy.

The so-called "simplifying" of labour laws, repealing the TUA, the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946, and creating the Industrial Relations Code (IRC), has a very sinister outcome for workers' right to association. The code enormously widens the grounds under which a trade union may be deregistered. Under the TUA, deregistration was limited to the internal functioning of a union — in case a union violated the financial rules set down under the law or its own constitution. The Standing Orders Act and the Industrial Disputes Act were concerned with conditions of employment and settlement of disputes respectively. They had nothing to do with the internal functioning, and, therefore, with the existence of a trade union.

### **Vague definitions**

Under the new IRC, a trade union can be deregistered for contravention of unspecified provisions of the code. It simply says that deregistration would follow in case of "contravention by the Trade Union of the provisions of this Code". The possibility of deregistering a trade union in this unspecified manner shifts the balance completely in favour of employers, who continue to enjoy protection under the Companies Act. This violates the principles of equality before the law and of natural justice.

When a trade union is deregistered, it can no longer represent its members (the workers) before the dispute resolution machinery or in court. And, the moment a trade union loses its registration, any collective decision taken by its members and elected officers can be treated as illegal. For example, a decision for strike action would leave employers free to either dismiss striking workers or charge them huge penalties for their claimed losses. It also means that the trade union's members and elected officers lose their immunity from prosecution for criminal conspiracy for collective decisions and actions, which is exactly what the TUA protected them against. The new code has cut and pasted from the TUA the provisions granting immunity against charges of conspiracy, but this is meaningless if the trade union itself is deregistered. The new code appears to be designed to deter collective action by workers' unions, and make them fearful of getting trapped in the cross hairs of the new, supposedly "simplified" code.

### **Extra-legal formations**

With the threat of deregistration ever-present, workers and their unions will be pushed to create extra-legal formations like 'struggle committees' and 'workers' fronts, such as existed before the TUA, in order to advance their demands against unreasonable employers. This would have two outcomes: first, it will push employment dispute resolution outside the legal framework, which, in turn, will lead to the second, even more damaging outcome, which is criminalising working class dissent, since workers' agitations will have to take place through extra-legal formations. The freewheeling provision for trade union deregistration in the IRC, apart from being an attack on a century-old universal right is, very importantly, also the withdrawal of an absolute right. Once a trade union is deregistered or is effectively silenced by a constant and amorphous threat of deregistration, workers effectively lose their fundamental right to freedom of association.

This has grave implications for the working class's ability to defend its rights at a time when it is up against a capitalist class whose greed is insatiable, a vengeful government, and a capricious judiciary. Undermining trade unions, as the new code does, bodes ill for democratic rights in this country.


*Date: 16-11-20*

### **चीनी विस्तारवाद**

**संपादकीय**

एशिया-प्रशांत क्षेत्र के कारोबारी समझौते रीजनल कांप्रेहेंसिव इकोनॉमिक पार्टनरशिप यानी आरसेप से बाहर रहने के अपने फैसले पर अडिग रहकर भारत ने यही स्पष्ट किया कि वह अपने आर्थिक हितों से समझौता करने के लिए तैयार नहीं। निःसंदेह चीन, दक्षिण कोरिया, जापान, ऑस्ट्रेलिया, न्यूजीलैंड समेत आसियान के दस सदस्य देशों वाला आरसेप सबसे बड़ा कारोबारी समझौता है, लेकिन भारत इसकी अनदेखी नहीं कर सकता कि इसमें चीन का दबदबा है और अपने विस्तारवादी रवैये के कारण वह इस क्षेत्र के लिए ही नहीं, विश्व व्यवस्था के लिए भी खतरा बन गया है। उसके इसी रवैये को रेखांकित करते हुए विगत दिवस लोगेवाला में प्रधानमंत्री नरेंद्र मोदी ने साफ तौर पर कहा था कि विस्तारवाद एक मानसिक विकृति है। एक ऐसे समय जब चीन अपनी विस्तारवादी प्रवृत्ति का परिचय हर क्षेत्र में दे रहा है, तब उसके प्रभुत्व वाले किसी कारोबारी समझौते में भागीदार बनना भारत के हित में नहीं हो सकता-इसलिए और भी नहीं कि एक तो इसका अंदेशा है कि चीन भारत को अपने उत्पादों से पाट सकता है और दूसरे, उसके साथ व्यापार घाटा अभी भी बहुत अधिक है। इसकी भी अनदेखी नहीं की जा सकती कि आर्थिक-व्यापारिक मामलों में चीन के मनमाने रवैये के कारण ही अमेरिका ने भी आरसेप से बाहर रहने का फैसला किया है।

चूंकि आरसेप समझौता 2022 में प्रभावी होना है और भारत को यह सुविधा हासिल है कि वह जब चाहे उसमें शामिल हो सकता है, इसलिए उसके पास अभी अवसर है, लेकिन इस मौके को भुनाने का फैसला तभी किया जाना चाहिए कि जब घरेलू आर्थिक-व्यापारिक हितों पर कोई विपरीत असर न पड़े। यह कहना कठिन है कि भविष्य में क्या सूरत बनेगी, लेकिन इसकी आवश्यकता तो बढ़ ही गई है कि भारत आरसेप और खासकर आसियान समूह के देशों के साथ द्विपक्षीय व्यापार समझौतों को अपने हितों के अनुरूप आकार देने के लिए सक्रिय हो। यदि इन देशों के साथ द्विपक्षीय व्यापार समझौतों को सही स्वरूप दिया जा सके तो ऐसी भी स्थिति बन सकती है कि भारत को आरसेप में शामिल होने की जरूरत ही न पड़े। जो भी हो, चीन जब तक अपने विस्तारवादी रवैये में बदलाव नहीं लाता, तब तक उसकी भागीदारी वाले संगठनों एवं समझौतों से भारत को दूरी बनाने पर ध्यान देना चाहिए। कम से कम उन संगठनों, समझौतों को लेकर तो सतर्क रहना ही चाहिए, जिनमें चीन का दबदबा है। यह सही समय है, जब भारत इसका आकलन करे कि ब्रिक्स और एससीओ जैसे संगठन उसके लिए कितने हितकारी हैं? यह भी समय की मांग है कि मेक इन इंडिया एवं आत्मनिर्भर भारत जैसे अभियानों को और प्राथमिकता प्रदान की जाए।

*Date: 16-11-20*

## नाकाम साबित होता न्यायिक तंत्र

**यशपाल सिंह, ( लेखक उत्तर प्रदेश के पूर्व डीजीपी हैं )**

हाल में गाजीपुर, उत्तर प्रदेश की विधायक अलका राय की वह चिट्ठी चर्चा में थी जो उन्होंने कांग्रेस की नेता प्रियंका गांधी वाड़ा को लिखी थी। इस चिट्ठी में उन्होंने सवाल किया था कि कांग्रेस मुख्तार अंसारी को क्यों बचा रही है? अलका उसी क्षेत्र से विधायक हैं, जहां से उनके दिवंगत पति कृष्णानंद राय पहले विधायक थे और नवंबर 2005 में दिनदहाड़े उनकी नृशंस हत्या कर दी गई थी। उनके शरीर से 21 गोलियां निकली थीं और उनके पांच सहयोगी/सुरक्षाकर्मी भी मौके पर मारे गए थे। उस मुकदमे की जांच सीबीआई ने की और मुकदमा भी दिल्ली में चला, परंतु 12 साल बाद आए फैसले

मैं सभी आरोपी छूट गए। इससे सभी हैरान हुए। चूंकि कृष्णानंद राय पर हमले का अंदेशा था, इसलिए उन्हें सरकारी सुरक्षा दी गई थी। वह हमेशा बुलेटप्रूफ गाड़ी से चलते थे। घटना के दिन उन्हें गांव के पास ही एक क्रिकेट मैच का उद्घाटन करना था, लिहाजा वह सामान्य गाड़ियों को लेकर ही चले गए। साजिशकर्ता शातिर थे। उन्होंने इस दो-तीन घंटे की चूक में ही अपना काम अंजाम दे दिया। घटना होते ही पूरे गाजीपुर जनपद को मालूम हो गया कि हत्या किसने की या कराई है, परंतु तंत्र को 12 साल में नहीं मालूम हो सका कि दोषी कौन थे? लगभग 12 साल आपराधिक न्यायदायी तंत्र की प्रक्रिया चली, परंतु समुचित साक्ष्य के अभाव में मुजरिमों को अदालत को छोड़ना पड़ा। सवाल है कि हमारे देश में न्याय मिलना इतना कठिन क्यों हो गया है?

शासन की पहली जिम्मेदारी हर नागरिक की सुरक्षा और न्याय दिलाना है। इसी को कानून का राज कहते हैं, परंतु यह हो कहां पा रहा है। कहा जाता है कि किसी खंडहर की बार-बार मरम्मत कर उसे कामचलाऊ बनाया जा सकता है, परंतु वह अंततः रहेगा खंडहर ही। उसमें सांप और बिछू आदि पलते-निकलते रहेंगे। दरअसल अंग्रेजों द्वारा हमें दिए गए वर्षों पुराने न्याय तंत्र रूपी खंडहर को जब तक गिराकर हम अपने देश, काल, सोच और मानसिकता के अनुरूप नया तंत्र नहीं खड़ा करेंगे, तब तक कुछ होने वाला नहीं है। अंग्रेजों ने ये सारे आपराधिक कानून 1857 के विद्रोह के बाद बनाए थे, जिनका एकमात्र उद्देश्य था कि देश में पुनः कोई विद्रोह न खड़ा हो। तब जिलाधिकारी पूरा तंत्र चलाता था। सारी शक्तियां उसी में केंद्रित थीं और जवाबदेही भी उसी की होती थी। उसका निर्णय ही सामान्यतः अंतिम निर्णय होता था। उस समय देश की सामान्य जनता की भी सोच और मानसिकता अपराध विरोधी थी। समाज अपराधियों का महिमामंडन नहीं करता था, लेकिन आज की स्थिति बिल्कुल उलटी है। पहले चंबल के डैकेत गिरोह भी सरेंडर नहीं करते थे। वे पूरा जीवन बागी बन मारे जाने तक बिता देते थे। आज तो अपराध एक धंधा हो गया है, जिसे सफेदपोश माफिया चला रहे हैं। अपराध करने के बाद उनके शूटर मौका पाकर तुरंत कोर्ट में सरेंडर कर देते हैं। बाकी का कार्य माफिया देखते हैं। वे उसका और उसके परिवार का पूरा ध्यान रखते हैं। कुछ नहीं होगा, इसकी भी उन्हें गांरटी होती है। वे पहले बाहुबली, फिर धनबली और फिर चुनाव के रास्ते महाबली होकर माननीय भी बन जाते हैं और हमारा जर्जर न्याय तंत्र उनके सामने प्रभावहीन हो जाता है। तंत्र में कई कड़ियां होती हैं। सबसे कमजोर कड़ी को वे साम, दाम, दंड, भेद से तोड़ देते हैं और क्षेत्र में बतौर नेता अपना स्वागत भी कराते हैं।

देखा जाए तो विश्व में आपराधिक न्याय व्यवस्था के दो तंत्र विकसित हुए हैं। एक है एडवर्सरियल (विरोधात्मक), जो ब्रिटेन में विकसित हुआ है। दूसरा है इनक्यूजीटोरियल (जिजासु), जो फ्रांस में विकसित हुआ और अधिकतर यूरोपीय देशों जैसे फ्रांस, जर्मनी और इटली आदि में लागू है। इस तंत्र में किसी मामले की विवेचना सीधे अभियोजन शाखा की देखरेख में की जाती है। इसमें न्यायिक सेवा के अधिकारी होते हैं और पुलिस जो विवेचना करती है, वह न्यायिक पुलिस कहलाती है। इसमें पुलिस, मुजरिम के पक्ष-विपक्ष, दोनों के साक्ष्य निष्पक्षता से एकत्र करती है। अगर अभियोजन अधिकारी को लगता है कि केस महत्वपूर्ण है और उसे किसी प्रकार की प्रशासनिक कठिनाई हो रही है, तो फिर विवेचना निर्देशक न्यायाधीश की देखरेख में होती है, जो अपने अनुभवी निर्देशों से विवेचना करवाते हैं। आरोप पत्र ट्रायल कोर्ट में तभी जाता है, जब अभियोजन अधिकारी साक्ष्यों से संतुष्ट हो जाते हैं। वहीं अपने यहां के ब्रिटिश तंत्र में सब कुछ उलटा है। पुलिस ने जो भी साक्ष्य/बयान आदि एकत्र किए होते हैं, उन सबको झूठ मानकर ट्रायल प्रारंभ होता है। तथाकथित सरकारी वकील स्थानीय अधिवक्ता होते हैं। सरकार उन्हें कुछ समय के लिए नामित करती है। हटने के बाद उन्हें उसी जनपद में वकालत करनी होती है। उनके नामांकन और कार्य मूल्यांकन में पुलिस अधीक्षक (एसपी) की कोई भूमिका नहीं होती। हाँ, अपराध होते ही पूरी जिम्मेदारी/जवाबदेही केवल और केवल पुलिस अधीक्षक की होती है। केस छूट जाने पर एसपी साहब अपनी इच्छा से अपील भी नहीं कर सकते।

तत्कालीन विधायक कृष्णानंद राय की जब हत्या हुई थी तो मैं उत्तर प्रदेश का पुलिस प्रमुख था। घटना और उसके बाद की कानूनी कार्रवाई, ट्रायल इत्यादि सभी से रिटायर होने के बाद भी परिचित रहा, परंतु अपराधियों को तंत्र से सजा नहीं दिला सका। तमाम ऐसी घटनाओं और उनके परिणामों पर जब आज सोचता हूं तो यहीं पाता हूं कि माफिया गिरोह आपराधिक न्यायिक तंत्र की पकड़ से बाहर हो चुके हैं। इसका प्रभाव अब कुछ साधन विहीन अपराधियों तक ही सीमित रह गया है। माफियाओं पर जो कुछ अंकुश है, वह पुलिस अपने तरीके से ही कर पा रही है। जाहिर है अब देश की आपराधिक न्यायिक व्यवस्था में अमूल-चूल परिवर्तन की आवश्यकता है, क्योंकि कानून के राज में ही देश और समाज का सर्वांगीण विकास निहित है। देश के बुद्धिजीवियों और न्यायविदों द्वारा इस समस्या पर यथाशीघ्र गंभीर चिंतन की आवश्यकता है।

# जनसत्ता

Date: 16-11-20

## रोबोट युग में रोजगार का संकट

### जयंतीलाल भंडारी

दुनिया में प्रौद्योगिकी के विकास के साथ ही एक बड़ा संकट रोजगार का भी खड़ा हुआ है। इसमें कोई संदेह नहीं कि तकनीक के विकास और मशीनीकरण ने दुनिया को बदल डाला है, लेकिन इसका दूसरा चिंताजनक पहलू यह भी है कि मशीनी विकास से लोगों का काम भी छिनता गया है। और आज तो हम रोबोट युग में हैं। रोबोटों के बढ़ते उपयोग ने इस चिंता को और गहरा दिया है कि आने वाले वक्त में क्या इंसान उत्पादन में किसी भी रूप में भागीदार नहीं रह जाएगा। हाल में भविष्य के रोजगार परिवृत्ति को लेकर प्रकाशित वर्ल्ड इकोनॉमिक फोरम की (डब्ल्यूईएफ) रिपोर्ट के मुताबिक अगले पांच साल यानी 2025 तक दुनिया में करीब साढ़े आठ करोड़ नौकरियां इंसानों से मशीनों के पास जा सकती हैं। इस रिपोर्ट में यह भी कहा गया है कि करीब नौ करोड़ सतर लाख ऐसी नई नौकरियों की भूमिकाएं भी विकसित होंगी, जिनसे इंसान और मशीनों के बीच सामंजस्य बन सकेगा। रोबोट के बढ़ते प्रयोग के कारण आगामी पांच-दस वर्षों में दुनिया भर में परंपरागत नौकरियां खत्म होने लगेंगी। कोविड-19 के कारण दुनिया भर में डिजिटल अर्थव्यवस्था और तकनीक की अहमियत बढ़ी है। इससे भी रोजगार क्षेत्र में बड़ी चुनौती खड़ी हो गई है। इस समय दुनिया में उपभोक्ताओं की प्राथमिकता में रोबोट की अहमियत लगातार बढ़ रही है। जापान जैसे देशों में तो घरेलू काम तक में रोबोट इस्तेमाल हो रहे हैं। ऐसे में कोविड-19 के बाद रोबोट वैश्विक अर्थव्यवस्था का एक अहम हिस्सा हो जाएंगे, इसमें कोई शक नहीं। जिन देशों में कार्यशील युवाओं की कमी है, उन देशों में रोबोट अत्यधिक लाभप्रद होंगे। लेकिन भारत जैसे अधिक कार्यशील आबादी वाले देशों में रोबोट के बढ़ने से रोजगार और नौकरियां जाने का खतरा बढ़ता जाएगा।

दुनिया की अर्थव्यवस्था में मशीनों यानी रोबोट की अहमियत कितनी बढ़ गई है, इसका अंदाजा अमेरिका के बोस्टन कंसल्टिंग ग्रुप की रिपोर्ट से लगाया जा सकता है। इस रिपोर्ट के अनुसार रोबोट का वैश्विक बाजार लगातार बढ़ रहा है। वर्ष 2010 में दुनिया में रोबोट का बाजार करीब पंद्रह अरब डॉलर मूल्य का था, जो इस साल यानी 2020 में करीब

तियालीस अरब डॉलर तक पहुंच गया है। अनुमान है कि 2025 तक यह सड़सठ अरब डॉलर का हो जाएगा। इस समय दुनिया में सबसे ज्यादा कार्यरत रोबोट जिन देशों के पास हैं, उनमें चीन, जापान, अमेरिका, दक्षिण कोरिया और जर्मनी प्रमुख हैं। दुनिया में विभिन्न प्रकार के रोबोटों की संख्या तेजी से बढ़ती जा रही है। सामान्यतया रोबोट दो तरह के होते हैं- इंडस्ट्रियल (औद्योगिक) रोबोट और सर्विस रोबोट। इंडस्ट्रियल रोबोट औद्योगिक एवं कारोबार इकाइयों में काम करते हैं, जबकि सर्विस रोबोट सर्विस से जुड़े विभिन्न क्षेत्रों में सेवा संबंधी काम करते हैं, जिनमें पेशेवर कामकाज वाले रोबोट, घरेलू काम में प्रयोग होने वाले रोबोट शामिल होते हैं। दुनिया में कोरोना वायरस से निपटने और अधिक से अधिक लोगों को कोरोना संक्रमण से बचाने के लिए रोबोटों का बखूबी उपयोग किया गया है। यह मशीनों के नए युग का संकेत है।

दुनिया में औद्योगिक गतिविधियों में इस्तेमाल होने वाले रोबोट की संख्या 2018 में करीब चौबीस लाख थी, जो 2022 में बढ़ कर करीब चालीस लाख तक पहुंचने का अनुमान है। औद्योगिक रोबोट चीन में सबसे ज्यादा हैं। वर्ष 2018 में चीन में करीब साढ़े छह लाख औद्योगिक रोबोट थे। चीन में प्रत्येक दस हजार कर्मचारियों पर सात सौ बत्तीस रोबोट काम कर रहे हैं। जबकि भारत में 2018 में कारखानों में करीब तेर्झस हजार रोबोट कार्यरत थे। पूरी दुनिया में औद्योगिक रोबोट के मामले में भारत ब्याहरवें स्थान पर है। भारत में औद्योगिक क्षेत्र में प्रत्येक दस हजार कर्मचारियों पर चार रोबोट काम कर रहे हैं।

दुनिया में औद्योगिक रोबोटों की तुलना में पेशेवर और घरेलू काम में मदद करने वाले रोबोटों की संख्या तेजी से बढ़ी है। वर्ल्ड रोबोटिक्स-2019 की रिपोर्ट के अनुसार वर्ष 2018 में 2.71 लाख पेशेवर सेवा देने वाले रोबोट बिके थे और वर्ष 2022 तक यह संख्या दस लाख को पार सकती है। इसी तरह वर्ष 2018 में एक करोड़ तिरसठ लाख रोबोट घरेलू उपयोग वाले बिके थे। अनुमान है कि 2022 तक इनकी बिक्री बढ़ कर करीब छह करोड़ के पार निकल सकती है। इसी तरह वर्ष 2018 में मनोरंजन साधन वाले इकतालीस लाख रोबोट बिके थे। माना जा रहा है कि इनकी संख्या बढ़ कर वर्ष 2022 में करीब साठ लाख हो सकती है। वर्ष 2018 में चिकित्सा संबंधी उपयोग वाले पांच हजार एक सौ रोबोट बिके थे, साल 2022 तक इनकी संख्या बीस हजार से भी अधिक हो सकती है।

रोबोटों के बढ़ रहे इस्तेमाल से दुनिया के दूसरे देशों के मुकाबले भारत का रोजगार बाजार अधिक प्रभावित होगा। ऐसे में हमें देश की विकास नीति में रोबोट की भूमिका पर भी विशेष विचार मंथन करने की जरूरत है। देश के विनिर्माण क्षेत्र की प्रतिस्पर्धा वैश्विक विनिर्माण क्षेत्र से है। इसमें कोई संदेह नहीं कि जब दुनिया रोबोट के इस्तेमाल की ओर बढ़ रही है तो भारत का विनिर्माण क्षेत्र भी उससे बहुत दूरी बना कर नहीं रह सकता। आइटी जैसे क्षेत्रों में भी रोबोट के महत्व से इंकार नहीं किया जा सकता। ऐसे में जहां एक ओर देश में जरूरी क्षेत्रों में उपयुक्त संख्या में रोबोट का उपयोग किया जाए, वहीं दूसरी ओर सरकार को रोबोट के बढ़ते उपयोग से पैदा होने वाली रोजगार चिंताओं पर ध्यान देते हुए देश की नई पीढ़ी को रोबोट जैसी आर्टिफिशियल इंटेलिजेंस (एआई) के उच्च कौशल से प्रशिक्षित करने सहित रोजगार के अवसर बढ़ाने की रणनीति भी बनानी होगी। मशीनों का मुकाबला करने और रोजगार बढ़ाने के लिए देश में उच्च कौशल प्रशिक्षण की बहुत जरूरत है। उच्च शिक्षा और कौशल विकास पर उपयुक्त ध्यान देकर रोजगार की चुनौतियों के बीच रोजगार की नई संभावनाओं को साकार किया जा सकता है।

विश्व बैंक की रोजगार रहित विकास नामक रिपोर्ट में कहा गया है कि भारत में नौजवानों की बढ़ती तादाद को ध्यान में रखते हुए हर साल इक्यासी लाख नई नौकरियां और रोजगार के अवसर पैदा करने की जरूरत है। इतने रोजगार के अवसर और नौकरियां जुटाने के लिए शिक्षण-प्रशिक्षण की गुणवत्ता में सुधार और सार्वजनिक व निजी निवेश में भारी

वृद्धि करनी होगी। विश्व बैंक का कहना है कि दुनिया के अधिकांश विकसित और विकासशील देशों में जनसंख्या वृद्धि दर तेजी से घटने के कारण कामकाजी आबादी कम हो गई है। भारत की पैसठ फीसद आबादी पेंटीस साल से कम आयु की है, इसलिए युवा आबादी उच्च गुणवत्ता और कौशल प्रशिक्षित होकर मशीनों की बढ़ती चुनौतियों के बीच भी दुनिया के लिए उपयोगी और भारत के लिए आर्थिक कमाई का प्रभावी साधन सिद्ध हो सकती है।

देश में अब डिजिटल रोजगार भी बढ़ रहे हैं। डिजिटल अर्थव्यवस्था में भारत की नई पीढ़ी के मौके बढ़ते जा रहे हैं। यह जरूरी है कि रोजगार में नए मौकों और तेज वृद्धि के लिए भारत को कारोबार, उत्पादन और निर्यात के वैश्विक केंद्र के रूप में विकसित किया जाए। भारतीय अर्थव्यवस्था दुनिया की पांचवीं सबसे बड़ी अर्थव्यवस्था है। साथ ही, भारतीय बाजार दुनिया का चौथा सबसे बड़ा बाजार है। देश में प्रतिभाशाली नई पीढ़ी के द्वारा बढ़ते हुए नवाचार, नए छोटे कारोबार, शोध और विकास, आउटसोर्सिंग और कारोबार संबंधी अनुकूलताओं के कारण दुनिया की शीर्ष वित्तीय और वाणिज्यिक कंपनियां भारत की ओर देख रही हैं। ऐसे में भारतीय बाजार में नए दौर के रोजगारों की संभावनाएं प्रबल हैं।

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