



## Crowd of confusion

The polls may settle the churn in Maharashtra politics

A mix of national and regional issues are in focus as campaigning intensifies for the Maharashtra Assembly election of November 20. Personality clashes and the sectional interests of leaders and outfits are also at play in the State, that has seen considerable political churn since the last Assembly election five years ago. Key political actors are trying to make sense of the new landscape and shape it to their advantage, as was evident at *The Hindu's* conclave in Mumbai that brought them all together this week. While the Bharatiya Janata Party (BJP) and the Congress are concentrating on national topics, the regional parties, particularly the two factions of the Shiv Sena and the Nationalist Congress Party, are more focused on regional issues. In a speech on Friday, Prime Minister Narendra Modi raised Kashmir, accusing the Congress of echoing Pakistan's view. He said the Congress, which has the demand for a nationwide caste census as a central piece of its current politics, was creating a caste division. There is competitive welfareism at play between the ruling Mahayuti and the opposition Maha Vikas Aghadi (MVA). Sena leader Uddhav Thackeray has alleged that the BJP was undermining the State's interests in development projects and private investments.

The MVA's gains in the 2024 general election were largely based on a national narrative such as protecting caste-based reservation and the Constitution. The Assembly election involves contests in 288 seats, and the BJP-led Mahayuti has the advantage of a national narrative and the capacity to organise ground campaigning. Caste dynamics also could play out differently. The MVA is seen as a Maratha-dominated platform, while the BJP has room for accommodating a wider coalition of communities. All parties are invoking Shahu Maharaj, Jyotiba Phule and Babasaheb Ambedkar, iconic figures revered in Maharashtra, but with their individual twists. The BJP's campaign touches on caste justice by subtly challenging Maratha dominance and loudly proclaiming Hindu unity. The party is fielding Uttar Pradesh Chief Minister Yogi Adityanath as a star campaigner, while its partner Aitav Pawar has declared fealty to secularism as a guiding principle. Appeals to regionalism are a double-edged sword as Maharashtra is home to migrant populations from several States. The changing demography could reshape the politics of Maharashtra in the decades ahead. The polity is fragmented across six major parties in the two opposing coalitions. Additionally, numerous rebel candidates of all parties are in the fray. The ongoing campaign is a reflection of confusion and contradictions; the results may begin to settle the churn.

## The Musi's clean-up

The 'revitalisation plan' flows away from fixing the issue of severe pollution

Soon after winning the 2023 Assembly elections and becoming the first Congress Chief Minister of Telangana, A. Revanth Reddy proposed an ambitious plan to redevelop Hyderabad's Musi riverfront, with high rises, promenades, shopping complexes, and multiple bridges, in an attempt to replicate London's Thames riverfront. But much like Chennai's Cooum, Kolkata's Hooghly and Delhi's Yamuna, the Musi meanders through what was once the heart of Hyderabad; the ugly centre of an urban sprawl. Like most rivers in India's urban agglomerations, and indeed globally, the Musi has for long been the city's cesspool, carrying about 2,000 million litres of sewage a day, over 60% of which is untreated. There is also a large volume of industrial effluents flowing into the Musi, mainly from the city's bustling generic drug industry, making the river toxic. Yet, about one lakh people live along the riverbanks, some of them on parts of a dry riverbed and others on the flood plains, called the buffer zone that stretches about 50 metres on either side of the river. They have lived there for generations. And many more downstream depend on the river for farming.

Therefore, it was unsurprising that Mr. Reddy would face stiff resistance from the evictees when the government began demolishing 15,000-odd structures, mostly houses, on October 1, along what is colloquially called the Old City – the part of Hyderabad where the iconic Charminar is located. This area is home to many of the city's blue-collar workforce – ragpickers, and conservancy and construction workers, several of whom have long held land titles, power connections and have even been paying taxes. The government had proposed a rehabilitation plan of high-rises for the evictees, but these were in far flung places, affecting livelihoods. This is not a new phenomenon in India. This was seen in Chennai following the tsunami in 2004, when the government sought to rehabilitate several fishermen communities who have lived for generations along the coast. But even before this, there have been attempts to evict those living along the Adyar river that runs through Chennai. However, the problem with such beautification plans, including the Musi's, is that they are executed without consulting those who would be most affected. While Mr. Reddy's government says it was done, the evictees disagree. Moreover, the 'revitalisation plan', as the government likes to call it, is a cosmetic change – the eyesore disappears in the hope that it is replaced with a romanticised riverfront bustling with commercial activity. But it has not addressed the elephant in the room: permanently fixing the Musi's sources of pollution from chemical effluents and untreated sewage.

How things change within a year. Russia's President Vladimir Putin made only a brief digital appearance at the BRICS 2023 summit in Johannesburg, despite host South Africa's decision to provide him diplomatic immunity against an ICC-issued arrest warrant linked to the Ukraine war. As the host and Chair of the summit this year, Mr. Putin dominated the show. The three-day summit pushed news about the ongoing conflicts in Ukraine and West Asia to the back pages.

### Survival and a rejuvenation

The summit in Kazan, Russia (October 22-24, 2024) was the sixteenth in a series that began in 2009. Only four countries – Brazil, Russia, India and China – participated in the first two summits. South Africa joined the group at the third summit in 2011, giving it its present name, BRICS. The first decade recorded several accomplishments, but the second decade began on a difficult note. The outbreak of COVID-19 put China on the defensive; then the bloody clash between Chinese and Indian troops in the Galwan Valley in June 2020 brought ties between two member-states to a new low; finally, Russia's invasion of Ukraine in February 2022 triggered Moscow's confrontation with the North Atlantic Treaty Organization. All this made the grouping vulnerable.

Yet, it survived and showed signs of rejuvenation. The 15th summit's decision on expansion led to five new members: Saudi Arabia, the United Arab Emirates, Iran, Egypt, and Ethiopia. A disclosure by Mr. Putin that 34 more nations are desirous of joining the grouping signifies that BRICS is headed upwards. Post-summit, the Russian projection was that this grouping represents the 'Global Majority'.

This transition trajectory needs to be factored in while assessing the outcomes of the Kazan summit and their broad implications for the world. BRICS does not strive to create a new world order. It just wants to reform the present one so that it works for everyone. The grouping is driven by "the BRICS spirit", which is imbued with eight specific characteristics: mutual respect and understanding; sovereign equality; solidarity; democracy; openness; inclusiveness; collaboration; and consensus. It is committed to promoting intra-BRICS cooperation under three verticals: political and security; economic and financial; and cultural and people-to-people cooperation.

BRICS, initially a grouping of emerging economies, is now primarily a platform for Emerging Markets and Developing Countries (EMDCs). It is a combined grouping of the east and the south, juxtaposed to the Global North. There are notable anti-western tendencies within the BRICS, but its moderate members are



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committed to safeguarding its non-western orientation.

Pushing for comprehensive United Nations reform, the grouping devised at Johannesburg a careful formulation to support the aspirations of countries from Africa, Asia and Latin America, "including the BRICS countries" (meaning India, Brazil and South Africa) to play a more significant role in the UN, including its Security Council. This remained unchanged at Kazan; no further improvement was registered in favour of the three aspirants. None was expected as China's reluctance to go beyond this formula is an open secret.

Another significant element was the grouping's call for the elimination of unilateral economic sanctions. It depicts them as unilateral measures, aptly highlighting that they are contrary to international law and have far-reaching implications for human rights.

### Verticals and their focus

On the first vertical relating to peace and security, the summit focused on the conflict in West Asia, to which several paragraphs were devoted in the declaration. Paragraph 30 has scathing criticism for Israel's actions without any reference to the October 7 terrorist attack by Hamas. The grouping has called for an immediate and comprehensive ceasefire, unconditional release of all hostages, and the establishment of an independent 'State of Palestine'. Israel, whose military dominance of the region continues, was not impressed. Its response came in the form of a direct air attack on Iran, a member of BRICS.

With Russia as the chair of BRICS, the grouping said much less about the continuing war in Ukraine. Members were content with reiterating their national positions and calling for the end of war through dialogue and diplomacy while underlining the need to address "the root causes" of conflicts.

On the second vertical of economic and financial cooperation, the common currency issue received maximum attention. The decision taken was along expected lines. The use of local currencies in financial transactions between BRICS countries and their trading partners will be facilitated further. However, the issue of deeper financial and banking cooperation will continue to be studied by the Finance ministries of the member-states.

With Saudi Arabia still hesitant about joining BRICS fully, initial expectations of a massive capital injection into the New Development Bank remain unfulfilled. Therefore, the leaders restricted themselves to suggesting further improvement in the bank's workings and expressing their commitment to develop it into "a new type of MDB in the 21st century."

The third vertical aims to strengthen

people-to-people exchanges for social and economic development. Cooperation involving sports, culture, parliaments, civil society, business, and think tanks could have a beneficial long-term impact.

Finally, a crucial decision related to the grouping's expansion. The outreach session was held on the last day, with the participation of 34 states. Having approved the guidelines and criteria, a new category of 'partner state' was created. Thirteen countries have been invited to join the grouping as partner states. Latin America: Cuba and Bolivia; Eurasia: Belarus and Türkiye; Africa: Algeria, Nigeria, and Uganda; Southeast Asia: Indonesia, Malaysia, Thailand, and Vietnam; and Central Asia: Kazakhstan and Uzbekistan. Clearly, the third expansion will further augment the BRICS family's share of the world population, international trade and GDP. Between now and the next summit in Brazil in 2025, most of these states may be included as partners, but they are expected to clamour for their early elevation as full members. Hence, the transition may continue for some more time.

### From India's lens

From India's perspective, BRICS figures among the top six plurilateral groupings today – G-20, Quad, BRICS, BIMSTEC (The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation), G-7 (where India has a nearly permanent guest status), and the Shanghai Cooperation Organisation (SCO). BRICS helps India to promote multipolarity in the world, exercise its strategic autonomy, deepen its relations with Russia, and effectively advocate the interests and agenda of the Global South. In addition, the latest summit served as a useful platform for the first meeting in about five years between Prime Minister Narendra Modi and President Xi Jinping. Bilateral negotiations resulted in an agreement on border patrolling arrangements and disengagement. Hence, this meeting, held on the summit's sidelines, heralded the beginning of a rapprochement between New Delhi and Beijing. As China-India relations improve, the strategic space for India to deal with its western partners may also expand.

India attaches a high degree of importance to making BRICS an effective instrument for international cooperation. This nation has made a tangible contribution in this direction and is eager to continue doing so. Initial caution over expansion has now been replaced by a sober calculation that increased membership, if handled properly, will enhance the influence of this plurilateral grouping. Above all, BRICS allows India to serve as a bridge between the west and the east and between the north and the south, thus turning New Delhi into a geopolitical sweet spot today.

# Staying cool, but with clean tech, global collaborations

In a rapidly warming world, cooling is not merely a luxury but a necessity, especially for vulnerable populations. International cooperation on clean energy and cooling solutions is a crucial step toward addressing the climate crisis. On September 24, 2024, the Quad nations (Australia, India, Japan, and the United States) issued the Wilmington Declaration, which underscores the Quad's commitment to sustainable energy solutions, particularly focusing on high-efficiency cooling systems. This aligns with the earlier joint statement by India and the U.S., which detailed a road map for building resilient and secure global clean energy supply chains, placing a special emphasis on clean cooling technologies. Both statements highlight the urgent need to deploy affordable and energy-efficient cooling systems in climate-vulnerable regions while advancing global climate goals.

India's leadership in these efforts is particularly noteworthy. As part of the Quad's clean energy initiatives, India has pledged significant investments in solar and cooling infrastructure across the Indo-Pacific region. Along with the U.S. and India's joint plan to expand manufacturing capacities for high-efficiency air-conditioners and ceiling fans, these developments could significantly reduce the climate impact of cooling systems.

### Cooling-related emissions

The broader relevance of these international efforts can be seen through the lens of the Montreal Protocol and its Kigali Amendment (2016), which already set a precedent for collective global action on cooling-related emissions. As global temperatures rise, increasing demand for cooling makes it imperative for the world to adopt the lessons of these frameworks, reducing harmful emissions while transitioning to sustainable alternatives.

The Kigali Amendment expanded its scope to target hydrofluorocarbons (HFCs), potent greenhouse gases used in cooling appliances. Left



**Zerin Osho**  
Director of the India Programme at the Institute for Governance & Sustainable Development (IGSD)

unchecked, HFCs could contribute to 0.52°C of warming by 2100. Maximising the Kigali Amendment's impact requires aligning the HFC phase-down with energy efficiency improvements. More efficient cooling systems could deliver about two-thirds of total greenhouse gas reductions by cutting electricity consumption. This would reduce emissions, lower air pollution from fossil fuel power plants, and save costs for manufacturers and consumers.

Climate change has heightened two critical threats related to cooling: the indirect emissions from inefficient air-conditioning and refrigeration systems powered by fossil fuels, and the direct emissions from harmful refrigerants. However, many countries still lack integrated energy efficiency and refrigerant standards.

High-efficiency air conditioners using climate-friendly refrigerants are available, but inefficient models using outdated refrigerants still dominate many markets. Without stronger regulations, developing nations risk becoming dumping grounds for these inefficient appliances, exacerbating climate and energy challenges.

### Having a mission-mode approach

In 2024, parts of India experienced temperatures over 50°C, underscoring the need for cooling to ensure thermal comfort, preserve food, medical supplies, and industrial processes. India, one of the most climate-vulnerable nations, faces increasingly severe heatwaves that endanger millions. By 2030, an estimated 160 million to 200 million Indians could face deadly heatwaves annually. The country's workforce, heavily exposed to extreme heat, risks significant declines in productivity, health, and food security. Cooling demand is expected to surge, with air conditioner sales rising 16% for every degree over 30°C. By 2050, India may have the world's highest cooling demand, with over 1.14 billion air conditioners in use.

India ratified the Kigali Amendment in 2021, committing to reduce HFCs by 85% by 2047. The India Cooling Action Plan (ICAP) targets a

20%-25% reduction in cooling demand, 25-40% in energy consumption, and a shift to low-global warming potential (GWP) refrigerants, demonstrating leadership in climate-friendly cooling. A mission-mode approach is needed to tackle these challenges. A national mission for sustainable cooling would require focused leadership, cross-sectoral collaboration, and coordinated efforts across ministries. Establishing an inter-ministerial working group, planning a launch event, and allocating an initial budget are essential. National capacity-building initiatives and dedicated budget lines must follow for long-term success.

### COP29 and the momentum of COP28

International commitments to clean energy cooling are encouraging, but technologies must remain affordable. The U.S.-India partnership and the Quad's initiatives emphasise deployment and local manufacturing of high-efficiency cooling systems. The challenge is in ensuring equitable access, particularly in developing regions where cooling needs are the greatest. Rising global temperatures require scaling up energy-efficient solutions without straining fragile electricity grids or leaving vulnerable populations behind.

India's proactive approach to cooling challenges, especially through the ICAP, positions it as a global leader in sustainable cooling. The country can protect its population from heat while leading the global fight against climate change, ensuring thermal comfort for all.

At COP28 (Dubai), 63 countries pledged to reduce cooling emissions by 68% by 2050. The Global Cooling Pledge, though non-binding, could provide cooling access to 3.5 billion people by 2050 and save \$1 trillion in energy costs. However, global action must accelerate to make this a reality. COP29 must build on the momentum of COP28 by expanding cooling commitments. This includes increasing participation in the Global Cooling Pledge and enhancing partnerships across sectors and nations.

## LETTERS TO THE EDITOR

### Air quality management

There is no doubt that 'stubble burning' by farmers in some northern States adversely affects the air quality in these areas, including the National Capital Territory. It is also a situation where the Supreme Court of India has to repeatedly issue orders to try and address the issue.

But one is not quite sure if the Court intended to solve the problem only by fining those who carry out burning. It also leads one to think that there are no scientific alternatives other than punishing farmers. It is for agriculture scientists and planners in the government to find methods, other than burning, to dispose of the

stubble, safeguard the financial interests of farmers, and, finally, safeguard the health interests of the general public.  
**R.K. Raja,**  
Pandalam, Kerala

**Olympic Games bid**  
India's bid to host the 2036 Olympics is still in its very

early stages, but there could be several factors influencing the country's chances. India's investment in sports infrastructure could demonstrate its commitment to hosting international events. Collaboration with other countries, such as France, to exchange expertise is also a positive influence. India's

proposal to include unique disciplines could help.  
**Koluru Raju,**  
Kakinada, Andhra Pradesh

India's expression of interest may seem welcome in keeping with its aspiration to become 'developed' by 2047. However, the huge costs excluding investments in urban and transportation

infrastructure and the slew of abandoned and overgrown venues after the games are held, serve as reminders of catastrophic financial mismanagement to pose long-term planning. India can ill-afford such huge spending at this stage.  
**Dr. Thomas Palacaren,**  
Vellore, Tamil Nadu



# GROUND ZERO



Mohit Pandey's family and well-wishers protest in Lucknow, demanding compensation for his death and strict action against the police. Photo: Special Arrangement SPECIAL ARRANGEMENT

## In the name of the law

In October, at least two families in U.P. alleged that one of their members had died due to custodial torture. In the last few years, the government has been pushing for tough measures to maintain law and order. This has emboldened the police and is allegedly leading to torture and deaths in custody, reports **Mayank Kumar**

**T**apeshwari Devi recounts the night of October 25 with sadness and anger. Her son, Mohit Pandey, 32, had got into a minor dispute with their neighbour, Adesh Kumar, over a few thousand rupees.

At 7 p.m., the police arrived and whisked Mohit away to the Chinhat police station in Lucknow. Mohit, a manufacturer and supplier of school uniforms, had been detained for 'breaching the peace' under Section 352 of the Bharatiya Nyay Sahita (BNS), according to the police. When his brother, Shobha Ram Pandey, went to the police station to enquire about Mohit, he was also detained, for being intoxicated.

The next day, a CCTV video, allegedly from the lock-up at Chinhat police station, appeared in the public domain. It showed a man, who relatives say is Mohit, crumpled on the floor. Seven other inmates, including his brother, were seen rubbing his shoulders and shouting for help. At the end of the 77-second video, the inmates beg the police for help and Shobha Ram hands a bottle of water to his brother.

Later that day, Devi's phone rang. "The caller told me that Mohit had been sent to Ram Manohar Lohia Hospital as his health had deteriorated," she says, her eyes welling up. Devi rushed to the hospital only to learn that her son was no more.

The medical staff and the police apparently told her that the chief medical superintendent of the hospital, Vikram Singh, had confirmed that Mohit had been brought dead around 3 p.m.

Devi was shocked. "They killed him, and for what? Over such a minor issue," she says.

Mohit is survived by his mother, wife, and three children. His family staged a protest outside the hospital for two days, claiming that the police had beaten him up, which had led to his death. They said that the police took him to hospital so that the torture that he faced in custody would never be known.

Shobha Ram, who was released the day Mohit died, describes the police station as "filthy" and says they were treated badly. "When I asked for water, the police did not give it to us. They abused us. Mohit's health deteriorated that night," he recalls. Shobha Ram alleges that his brother died due to custodial torture.

Devi claims that no action was taken against the neighbour, Adesh. "It was due to the influence of Adesh's uncle, a political leader, that Mohit underwent such torture," she alleges.

**A dubious distinction for Uttar Pradesh**  
According to the United Nations, custodial deaths refer to the deaths of individuals while in custody of a law enforcement agency or a court. They represent among the gravest violations of human rights in societies governed by the rule of law. Such deaths may be directly or indirectly associated with events that transpire during the individual's confinement.

According to data shared by the Government of India in the Lok Sabha in July 2022, Uttar Pradesh ranked first in the number of custodial deaths in 2021-22, recording 501 out of 2,544 such deaths across the country. West Bengal accounted for the second-highest number (257 deaths).

"Many custodial violence cases get buried under the carpet. Only cases that get thrust into the limelight or are scrutinised by the media lead to

**They killed him, and for what? Over such a minor issue.**  
**TAPESHWARI DEVI**  
Mother of Mohit Pandey

action or punishment," says Gajendra Singh Yadav, an anti-torture activist and lawyer, who filed a complaint with the National Human Rights Commission (NHRC) over Mohit's death.

For instance, in June, a court in Sitapur convicted three police constables for abetment of suicide and illegal detention and awarded 10 years of rigorous imprisonment to each of them in a two decade-old case relating to the custodial death of a Dalit man.

Mohit's family visited the residence of Chief Minister Yogi Adityanath on October 28. Adityanath directed officials to provide them an ex-gratia compensation of ₹10 lakh, housing, free education for the children, and access to various government schemes. Adityanath, who has repeatedly said that U.P. was an anarchy under the Samajwadi Party government and that he would ensure law and order, also assured the family that those responsible for Mohit's death would face strict punishment.

Later, Devi registered a First Information Report (FIR) against Ashwani Kumar Chaturvedi, the station house officer of Chinhat; Adesh; and unidentified police personnel under Sections 103 (I) (relating to charges of murder) and 61(2) (relating to criminal conspiracy) of the BNS.

**Before Mohit, it was Aman**

Aman Gautam, 28, used to do electric work for daily wages. His sister, Sudha Gautam, remembers the night of October 11 when he was sitting at Ambekar Park in Sector 8 of the Vikas Nagar locality in Lucknow. That was the night he died.

The U.P. police said in a statement that following reports of gambling activities, they landed at the park and took him into custody. They claim that while he was on the way to the station, Aman's condition deteriorated. When he was taken to Lohia hospital, he was pronounced dead.

"He died due to torture by the police in the van. He was severely beaten by them," Sudha al-

leges. She describes the incident as a "conspiracy", as another man, Sonu Bansal, who was taken into custody, was unharmed.

"While we faced a lathi charge when we protested outside the Vikas Nagar police station, no case of murder was registered against the accused police personnel," she says. They demanded a case be registered relating to murder and criminal conspiracy against the officers. However, a case was registered under Section 105 (culpable homicide not amounting to murder) of the BNS and Sections 30(d) and 32(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, against four policemen.

The family alleges that while in the Chinhat death case, the government provided compensation, housing, free education, and government benefits to Mohit's family, they offered little help in Aman's case despite repeated assurances.

"Only Lucknow East MLA, O.P. Srivastava, provided ₹1 lakh as 'help'," Sudha says. "Where will we go? We are Dalit. So, this is the treatment we get," she says. Sudha is distraught but worries more than anything else about Aman's four-year-old daughter.

**A basket of failures**

Mohammad Haider Rizvi, an advocate at the Allahabad High Court and a human rights activist, says there are many reasons for the high number of custodial deaths in U.P.: the "lack of competence of law-enforcement agencies in investigating a crime, the pressure they face from their superiors, and the threats they receive of getting suspended or removed from the field if they do not 'show results.'" The other reason, he contends, is the "failure of human rights organisations to address the scourge."

Yadav, the anti-torture activist, says the U.P. government has emboldened the police with the aim of maintaining law and order. This, he believes, has contributed to extra-judicial violence. For instance, just months after coming to power in 2017, Adityanath declared that his government would bulldoze the houses of those who even considered perpetrating crimes against women or against marginalised sections of society. "Such measures lead to a regressive approach by the police in dealing with suspects," says Yadav.

In the run-up to the Jharkhand Assembly elections, Adityanath appealed to the people to vote in a government that will eradicate the mafia, like the "U.P. model" had. He was welcomed in Koderma, where the rally was held, by 11 bulldozers.



In U.P., the narrative is that the state is extremely powerful and will crush people who do wrong. That mindset is seen in the police force too

**D.R. SAHU**  
Head of the Sociology department, University of Lucknow

He said, "Before 2017, mafia groups roamed freely with pride, but since the bulldozers began their work, even the most notorious people have fled U.P. Mafia groups involved in mining, forests, animals, organized crime, liquor, and land have vanished from the State like horns from a donkey's head."

To make matters more difficult for victims and their families, the NHRC and the State Human Rights Commissions (SHRCs) are primarily recommendatory in nature. The NHRC and SHRCs have neither the power to punish violators of human rights nor to award any relief of any kind to victims. Their recommendations are not binding on the government. "These groups have become ornamental organisations and a haven for retired judges and bureaucrats," believes Rizvi.

Sociologists say a culture of unchecked power within law enforcement is also a factor. "In U.P., the narrative is that the state is extremely powerful and will crush people who do wrong. That mindset is seen in the police force in the State too," says D.R. Sahu, the head of the sociology department at the University of Lucknow.

**Rules and no implementation**

In an attempt to curb incidents of custodial deaths and harassment in police custody, U.P. director general of police, Prashant Kumar, issued comprehensive guidelines in July to all district police chiefs and field officers of the State. The guidelines state that an inquiry should be conducted to ascertain an individual's health status before they are taken to the police station; that a suspect should be brought in for questioning only after the police station-in-charge is informed about it; that if a suspect's health deteriorates in police custody, the entire sequence of events should be photographed and videographed; that medical facilities should be provided to them in such a scenario; and that only an investigation officer or the police station-in-charge should interrogate the suspect.

"But the problem is not with the rules," says Sulshan Singh, former DGP of U.P. "It is with implementation. India ranks 79 out of 142 in the Rule of Law Index 2024. It was 57 in 2015. This statistic reveals the real picture." The Rule of Law Index is published every year by the World Justice Project, a Washington-based organisation that works to build awareness and stimulate action to advance the rule of law worldwide.

On some other crime-related parameters too, U.P.'s performance is dismal. In the latest 2022 report of the National Crime Records Bureau (NCRB), the State recorded the highest number of crimes against women (65,743 cases such as rape, murder, kidnapping, murder after rape, and gang rape).

**No anti-torture laws**

India lacks specific laws against torture. The Prevention of Torture Bill, 2022, tabled in the Lok Sabha by E.T. Mohammad Basheer, aimed to prevent custodial torture and ensure that compensation is awarded to victims and that erring public officials are liable for punishment. "Sadly there is no hope that this will get passed," says Rizvi.

Critics of the BNS say the police themselves investigate cases of custodial torture, which is why there are such few convictions.

Yadav says he cannot forget the day when Ajay Yadav, a labourer from Jaunpur, visited him in Prayagraj. "He was so broken, he was ready to sell all his ancestral land and cattle to get justice for his brother, who was killed while being tortured by the police," he says.

The case dates to February 2021 when Ajay's younger brother, Krishna Yadav alias Pujari Yadav, died. Yadav, the activist, pursued the case in the High Court, pushing for a probe by the Central Bureau of Investigation (CBI). He says, "The probe unearthed facts about how the torture of the deceased was planned. Initially, the role of nine police personnel came to the fore; then, more policemen came under the radar. For nine months, the accused escaped the arrest warrant. But then they were arrested and have been in prison for more than a year." The policemen were booked under various sections of the Indian Penal Code, including 302 (murder).

However, this is an exception and not the norm. Between 2001 and 2020, more than 1,800 people died in police custody across India, but only 26 policemen were convicted, according to the NCRB's annual Crime in India report.

Although India signed the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment on October 14, 1997, it has not ratified it.

In its 13th report, the Law Commission of India recommended an amendment to the Indian Evidence Act, 1872. It said that in case of custodial injuries, if there is evidence, the court may presume that the injury was caused by the police who had custody of that person during that period. The Supreme Court of India, in the case of *Dilip K. Basu v. State of West Bengal and Others* (1997), reiterated the concerns relating to custodial interrogation and laid down guidelines for the police. It prohibited the police from using third-degree methods during investigation and interrogation of accused individuals, called for giving the police training and orientation, and emphasised basic human values.

The families of both Aman and Mohit are poor. Sudha says Aman is the fourth sibling she has lost. "I cry for not just his child but also my sister-in-law. She doesn't have a job. How will she manage? For Dalits like us, the trauma is endless," she says.



Mohit's mother, Tapeshwari Devi (centre), outside the Ram Manohar Lohia Hospital in Lucknow. Photo: Special Arrangement THE HINDU



## THE IDEAS PAGE

## Our biggest demand, in J&amp;K

People of Kashmir are resentful because of what was done to them after 2019, as was evident in the Lok Sabha polls. The BJP, fully aware of this anger, sought to deflect it in Assembly polls, but failed to do so



ZAMIR ABDULLAH AND  
ZAHIR ABDULLAH

AFTER AUGUST 5, 2019, when the Bharatiya Janta Party (BJP) regime undemocratically abrogated Article 370, it did something unprecedented in Indian history: Reducing one of the most empowered states into two separate Union Territories, stripping the region of even a semblance of autonomy offered by the much diluted Article 370. In doing so, it seized all powers and decision-making authority from the hands of the people, consolidating it within the central government. In an attempt to control the narrative around this abuse of power, the ruling forces suppressed the voices emerging from Jammu and Kashmir (J&K). Despite their profound anger and dissatisfaction over what was done to them in 2019, the people were too afraid to express dissent.

One of the main instruments used in muzzling dissent has been the Unlawful Activities Prevention Act (UAPA). Its sweeping, and arbitrary powers made it the perfect tool for the BJP government. Following the abrogation of Article 370, the administration began arresting an unprecedented number of individuals — targeting local politicians, journalists, photographers, human rights activists, or anyone who dared speak out. The UAPA became their weapon of choice, with fabricated and baseless charges levied against countless individuals. Before 2019, J&K saw an average of 50 UAPA cases annually. Combining both 2019 and 2022, this number surged dramatically to 573. By 2022, it rose to 371, making J&K the region with the highest UAPA arrests in the country. The administration also wielded the Public Safety Act (PSA) to further silence the people.

Given the region's history, the people harboured deep emotional connection with the incarcerated, seeing them as symbols of resistance against oppression. Ironically, in their attempt to quash dissent, the BJP government's actions post-2019 only intensified this emotional solidarity and galvanised a collective sentiment.

The BJP recognised that the National Conference (NC) was the only party which was vocal in opposing their agenda and has a history of being the only pro-people party in the region. As the parliamentary election campaign began, the BJP's NC appeasement was to be done well. While the BJP's campaign nationwide was in full swing and the party was desperate to retain power and put on a performance of normalcy, the Home Minister made a surprise visit to Srinagar. Since the BJP did not have a single candidate contesting any of the three parliamentary seats in Kashmir, this visit prompted many conjectures.

Coincidentally, perhaps, the course of the election campaign in North Kashmir changed. Instantaneously, the campaign of Sheikh 'Engineer' Rashid — who had been imprisoned since 2019 — changed from terror funding — gained momentum. Well aware of the deep emotional connection, the people of J&K have with those incarcerated, BJP saw Rashid's imprisonment as an opportunity to exploit this sentiment. They gambled on Rashid, hoping that he would speak enough



CR Sasikumar

votes to secure victory for their main proxy candidate. What they hadn't anticipated was the extent to which the sentiment would connect with the people.

In a bid to legitimise the illegitimate political changes in Kashmir, the party used the collective trauma of incarceration that runs deep in the hearts and minds of our people. For decades, the fear and reality of imprisonment have been a potent force. Since 2019, under BJP rule, the number of jailed individuals and undertrials has skyrocketed. This fact and its sentiment was exploited by the regime. They sought to twist it to serve their own agenda, fabricating a false sense of ratification of everything that transpired in and after 2019, aiming to turn imprisonment into a tool of coercion to endorse their actions in the region.

However, what they failed to foresee was that this would inadvertently bolster Rashid's campaign, turning him momentarily into a political Goliath. This unexpected victory left the BJP in a tricky position, as they now had to explain to the entire country how someone on trial for terror funding — someone who had historically advocated for Pakistan and secession — had won the election in 'Naya Kashmir' where they claimed 'normalcy' had been restored.

Until the 2024 parliamentary election, the powerful sentiments associated with incarceration in J&K had never been exploited so blatantly for electoral gains. However, the campaign for Rashid made an open appeal to the electorate specifically targeting mothers and the youth. Those campaigning on his behalf focused neither on issues of development nor on the abrogation of Article 370 or the question of statehood. Instead, the entire campaign revolved around an emotional appeal: 'To use the vote as a means of freeing Rashid. This resonated deeply with the electorate, securing Rashid's victory by a margin of two lakh votes.

For the BJP, the then-upcoming J&K assembly election was a final opportunity to shield itself from the political fallout of its actions post-2019. After converting the state into a centrally-controlled quasi-dictatorship that disregarded the aspirations of its people, the party needed to consolidate power to retroactively justify its decisions. Their strategy was clear: Consolidate their mandate in Jammu and fracture the vote in Kashmir.

During the recent assembly elections in J&K, for the first time in the region's history, an unprecedented number of independent

The very carceral state created by the BJP became the central pivot to further constrain the people of J&K, both metaphorically and literally. By manipulating the sentiment of imprisonment, the BJP has tried to turn the state's anger into a tool for its own political gain, using the people's trauma to entrench their own power. However, the second time round, the politically sharp and seasoned masses of J&K saw through the abuse of their trust.

candidates were fielded — many of them jailed individuals. Interestingly, this surge in independents was concentrated in Kashmir and not in Jammu, aligning perfectly with the BJP's strategy.

Why is this trend unfolding in such a peculiar manner? Because it aligns directly with the BJP's plan. The people of Kashmir are enraged and resentful toward the BJP for what was done to them after 2019, a sentiment that was clearly reflected in the parliamentary election results. The BJP fully aware of this anger, sought to deflect it by redirecting it toward an even deeper and more powerful emotion of incarceration. The entire situation is paradoxical. The very carceral state created by the BJP became the central pivot to further incarcerate the people of J&K, both metaphorically and literally. By manipulating the sentiment of imprisonment, the BJP has tried to turn the state's anger into a tool for its own political gain, using the people's trauma to entrench their own power. However, the second time round, the politically sharp and seasoned masses of J&K saw through the abuse of their trust.

The BJP government erased the constitutional rights, guarantees and safeguards of the people of J&K. The justification offered was that it was done in favour and in service of the people of J&K. However, with the result of the assembly election, these falsehoods lie diminished and sobered by the very people who it claimed to benefit. The people are calling out for their rights to be restored and the mandate for the NC is a mandate to struggle for the restoration of our lost constitutional rights and guarantees.

The political parties in the region have had to work to restore their faith in democracy and elections. The recent spike in voting percentages in J&K speaks to the last ditch effort by the people to vent their frustration with the powers that be and to use their vote to elect a party that has a long history of struggling for the rights of the people of the region. The NC has stood its ground against the divisive and corrosive politics of BJP. The central government now must respect the wishes of the electorate. J&K's biggest demand remains the demand for its rights, to be treated equally, fairly and without contempt or prejudice.

The writers are practising lawyers in the Delhi High Court and the Jammu & Kashmir and Ladakh High Court. Views are personal

## WHAT THE OTHERS SAY

"Despite attempts to 'Trump-proof' the conflict, the collapse of Germany's government, and the emboldening of the far right by Mr Trump's electoral triumph, will further complicate European efforts to support Kyiv."

— THE GUARDIAN

## Unshackle the rupee

Exchange rate needs to be able to respond freely to market forces



RAJESWARI SENGUPTA

RECENTLY, THERE HAVE been several reports about the stability of the rupee against the US dollar. This is typically described as a positive development. But the central bank's decision to control the exchange rate is deeply problematic.

Admittedly, the Reserve Bank of India (RBI) has always intervened in the foreign exchange market to smooth out fluctuations of the rupee. However, since 1991, the intervention has never been as great as it is today. The data speaks for itself. Over the two decades through 2020, the average annual volatility (that is to say, the movement) of the rupee-dollar (INR-USD) rate typically ran around 5 per cent. But between April 2023 and August 2024, the average volatility collapsed to 1.9 per cent, an extraordinarily low level not only compared to India's own past but also its emerging economy peers. To be clear, if exchange rate stability comes about as a natural outcome of market forces, it is welcome. For example, the euro-dollar exchange rate is one of the most stable, not because their central banks regularly intervene in the market — they do not — but because a vast number of players are free to take money in and out of these financial markets, creating huge but roughly balanced cross-border movements of capital, which keep the exchange rate stable.

The rupee's recent stability, however, has not been driven by market forces. It has come about due to an apparent change in the RBI's currency policy. Since late 2022, the RBI has decided to actively intervene on both sides of the foreign exchange market, on some days buying dollars to prevent the rupee from appreciating and on other days selling dollars to prevent depreciation. It is only a small exaggeration to say that without any announcement or public debate, the rupee has become pegged to the dollar.

There are several fundamental problems with this change in currency policy. To begin with, it goes against basic economic principles. For any country that aspires to be a developed economy, the price of any good, service or asset should not be determined by the state. Just as we do not want the price of tomatoes or computers to be fixed by the state, it is not a good idea to fix the price of the rupee either. The price should instead be left to the market. This is because the price system in a market economy performs a crucial function: It conveys information about demand and supply to buyers and sellers, who can then adjust their behaviour accordingly. As each group responds to this signal, demand is gradually brought into balance with supply.

In contrast, when the state sets the price, the information system gets distorted. One only needs to look at India's own history to see what can go wrong. In the pre-1991 era, controlled prices led to shortages of nearly every major good that

people wanted to buy, such as cars or telephones. Most scarce of all were imports, which people could not obtain easily because the pegged exchange rate led to shortages of foreign exchange. Ultimately, these problems led to the crisis of 1991, when the entire system broke down. This is not a uniquely Indian story. The list of countries that got into serious trouble after pegging their exchange rate is a long one, including major economies such as Argentina, Brazil, Mexico, Russia, South Korea, Thailand and Turkey. That is why nearly all emerging economies have decided in recent years to free their exchange rates.

So much for theoretical principles. What about practice? After all, sometimes the practical problems of a theoretically best policy can be so large that it simply needs to be abandoned. But that was not the case here, which brings us to the next problem with the new currency policy. It did away with a long-standing system that was working perfectly well.

The previous flexible exchange rate policy had two practical advantages. First, the exchange rate moved up or down over the business cycle which in turn helped smooth out output fluctuations. During periods of high growth when exports were growing and foreign capital was flowing in, the rupee appreciated which prevented the economy from overheating. When the economy was in a downturn, the rupee depreciated, making Indian goods and services more attractive to foreigners, and promoting an export-led recovery.

Second, because these ups and downs balanced each other out, over long periods there was stability in the real exchange rate, that is the exchange rate adjusted for the difference in inflation between India and its trading partners. In contrast, the new inflexible system has already led to a significant real exchange rate appreciation, thereby making India's exports more costly to foreigners, and potentially undermining the Make in India drive.

All these bring us to the final problem, the lack of transparency. The central bank seldom communicates about its currency policy. As a result, it is not well understood why the RBI felt the need to break with a long-standing practice and bind the rupee so tightly to the dollar. It is also not clear why this is a temporary policy or a more long-lasting change.

Consequently, private sector participants in the foreign exchange market are confused. They need to guess when they see imbalances in the market, such as capital flows exerting pressure on the exchange rate. Will the central bank intervene to prevent the exchange rate from moving? If so, when, by how much, or in which direction? No one knows. So, they do not know how to respond.

The exchange rate is the most important price in a market economy. If India wants to become a high-income economy, the exchange rate needs to respond freely to market forces, sending appropriate signals to market participants. If, instead, the market gets distorted merely to stabilise the currency, this may prove costly in the long run.

The writer is associate professor of Economics, IGIDR

## He's back with a vengeance

Trump's return is only a beginning — there is more disruption ahead



RAM RAJYA  
BY RAM MADHAV

FOUR YEARS AGO, in November 2020, when the results of the US presidential elections were announced, Donald Trump vociferously complained that the Democrats 'stole his election'. Despite rejection of his claims by election officials and the courts, his Republican supporters remained convinced, with a majority believing that a widespread fraud had denied Trump a second term. Four years later, when Trump returned to bid for a second term as US president, he literally 'stole the show'. It was a massive victory — not only securing a majority in the electoral college, but also a popular majority, majority in both Senate and the House, majority of state governors and majority in state legislatures. No Republican president in several decades could register such a comprehensive victory in one election.

The US electoral map looks very red, with a few blue dots on the West Coast and the Northeast. While the so-called swing states went to Trump, cracking the Democratic 'blue wall', states like Pennsylvania, Wisconsin and Michigan, which voted against Republicans since 1992, except on rare occasions like 2016. In what appears to be an inclusive victory, Trump garnered a substantial share in the Latino, Black American and minority vote.

This must be seen as a victory for Trump rather than just a defeat of Kamala Harris. She was pitted against many odds in this election. She was not the natural choice of the Democrats as she did not pass through the fire

test of the primaries. That led to lack of enthusiasm in the party and senior leaders like Robert Kennedy Jr and Tulsi Gabbard switched sides to support Trump. She had only three months for campaigning in a vast country, not enough to distance herself from the disastrous legacy of the Biden administration. Finally, entrenched sexism and gender dynamics in the American polity, that make it an uphill task for women candidates to prove their worth and win male votes too, did not help her. Despite these handicaps, she secured more than 47 per cent popular vote in a highly polarised election, indicating that the Democrat vote base remains substantially strong.

On his part, Trump faced unprecedented media bias. In fact, this election has once again exposed the extreme liberal bias of big media in New York and Washington. Trump enjoyed no-holds-barred support from Elon Musk, the flamboyant Tesla CEO who also controls Twitter, now known as X, in reaching out to the millennials and young voters. One important message from this election is the reiteration of the superior power of social media over the so-called mainstream media in carrying political messages.

This mandate, at one level, was a rejection of Biden's disastrous economic policies that led to high inflation. It was also a rejection of Biden's, and also Harris's, NGO-style politics that led to extreme levels of wokeism and cancel culture. One of the first presidential decisions signed by Biden in 2021 was to allow trans-

gender men to use women's toilets. With the overt and covert support of the liberal administration, woke groups converted university campuses into unsafe places for people with different ideologies, so much so that parents started fleeing for the safety of their children.

Trump's emphatic victory reiterated what authors John Micklethwait and Adrian Wooldridge described America to be: The Right Nation. Irrespective of whether they elect a Democrat or a Republican administration, Americans remain conservative at the core, the book argued in the early 2000s. Trump's campaign highlighted certain conservative concerns regarding issues like illegal immigration, abortion policies and wokeism, besides promising to 'Make America Great Again' (MAGA) through economic policies like increased import tariffs and 'Buy American' campaigns.

From his 'build the wall' programme in 2016 to creating the 'largest mass deportation programme in history' in 2024, Trump's campaign against illegal immigrants appears to have struck a chord with the American voters who were fed up with the policies of the Democrats on this question. War between the Democrats and Republicans over illegal migrants became so intense that the Republican governor of Texas dumped them in buses and deported them to New York where the Democrat mayor hired hundreds of rooms in hotels to settle the illegals. Not just hotel rates, but crime rates too went up, leading to Harris

struggling even in Manhattan, a hardcore Democrat county. During the campaign, Trump indicated that he would restrict legal migration too by reinstating his first-term policies like 'Remain in Mexico' and also a sort of 'ideological screening' for immigration seekers by restricting entry from certain countries in the Middle East and North Africa.

On issues related to LGBTQ and wokeism, Trump's poll-time rhetoric is bound to create a lot of heat and dust in the country. He took a reasonable approach on the abortion question, refusing to impose a federal ban and returning abortion regulation to state governments. That helped build the Democrat campaign in favour of full abortion rights to women, and also won votes from conservative women groups for the Republicans. However, it is on the transgender issues that Trump is expected to take a tough line — he declared that he would end the practice of 'boys in girls' sports' and also the mandatory DEI programmes in federal institutions.

Liberals are in shock. They thought that Trump would remain an accident, an exception and a historical blip. But he is back with a vengeance, demonstrating the potential to reshape American politics in a mould they abhor. Trump is going to redefine the global political landscape too. Woke liberals of the world have to brace for more shocks.

The writer, president, India Foundation, is with the BJP. Views are personal

## LETTERS TO THE EDITOR

## AMERICA FIRST

THIS REFERS TO the editorial, 'Ripples of victory' (IE, November 8). Trump 2.0 poses significant challenges, not just to the broader international order but also to America's allies. His repeated rhetoric that the world benefits at the expense of the US reflects a parochial approach that's out of sync with the forces of globalisation. His previous calls for NATO allies to shoulder a greater economic burden to see what can go wrong in nations. Moreover, his 'America First' policies, including protectionist tariffs, threaten global trade and risk triggering trade wars that could harm global markets. On climate change, Trump's retreat from international agreements weakens efforts to tackle environmental crises. A second Trump presidency is likely to result in a more fragmented world where unilateralism and nationalism prevail, undermining multilateral cooperation on critical issues.

Vijal Pant, Hempur

## IT'S STILL POLITICS

THIS REFERS TO the report, 'Akhara Parishad wants no shops of non-Hindus at Kumbh Mela, officials cite bidding process' (IE, November 8). This reflects a pattern that started with 2014 BJP-ruled states have seen similar restrictions — Karnataka's right-wing groups barring

Muslim vendors at temple fairs, and UP's administration ordering vendors to display names during Kumbh Yatra (later ruled unconstitutional by SC). This latest move at Kumbh Mela under BJP's UP government violates administrative rules. The claim that non-Hindu vendors selling tea, juice, and confectionery could corrupt Sanatan Dharma is bizarre — especially since this faith has survived millennia of changes. That such worldly demands come from a religion that has renounced material life reveals that this is politics by another name.

LR Murmu, New Delhi

## STAY RESOLUTE

THIS REFERS TO the editorial, 'Delhi to Srinagar' (IE, November 8). A day after the Jammu & Kashmir Assembly passed a resolution on special status — seeking dialogue with the Union Territory's elected representatives for its restoration and constitutional guarantees — the situation turned chaotic on Thursday. A brawl erupted when Khurshid Ahmad Sheikh, brother of jailed Lok Sabha MP Engineer Rashid and an AIP MLA, displayed a banner demanding the restoration of Article 370. The BJP, opposing the resolution, labelled it 'illegal' and demanded its removal. There can be no further delay in restoring statehood to J&K.

SS Paul, Nadia





## The Indian EXPRESS

FOUNDED BY  
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

## Defining minority character

In AMU case, Supreme Court has underlined minority rights and expanded the ambit for their institutions



FAIZAN MUSTAFA

PROTECTION OF MINORITIES is the hallmark of a civilisation. Franklin Roosevelt rightly reminded us that "no democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities". The Supreme Court's jurisprudence on minority rights, starting from the *Kerala Education Bill* case (1957), has been one that any constitutional court can be proud of. *S.A. Azeez Basha* (1967) was a rare exception that was widely criticised, with India's greatest constitutional law expert H.M. Seervai terming it as "productive of great public mischief". On Friday, a seven-judge bench, by majority of 4:3, overruled a 56-year-old judgment and laid down the indicia to determine the minority character of an institution that had been left unanswered even by the 11-judge bench in *TMA Pai Foundation* (2002). In *Anjumun-e-Rehmania* (1981), a two-judge bench noted these criticisms and referred the matter to the Chief Justice of India to constitute a seven-judge bench. In December 1981, Parliament amended the Aligarh Muslim University Act of 1920 and clarified the doubts about the word "establishment" in the long title and preamble of the original Act by deleting it. It explicitly declared in Section 2 (1) that Aligarh Muslim University (AMU) was established by the Muslims of India as an institution of their choice, which had originated as MAO College and was subsequently incorporated.

Chief Justice S.R. Das in the *Kerala Education Bill* case had said that minority institutions are primarily for the minority that has established the institution, and there shall be only a "sprinkling of outsiders" in such institutions. However, clarity on this issue came as late as the *St Stephen's* (1992) and *TMA Pai Foundation* judgments. AMU did not have Muslim reservations till 2004-05 — the subject of reservation in aided minority institutions was clarified only in 2005 when the 93rd constitutional amendment inserted clause five in Article 15 and exempted minority institutions from SC, ST and OBC reservations.

In 2005, AMU first sought the approval of the central government on its new reservation policy, which was confined to MD/MS courses. The central government issued a no-

tification on February 25, 2005, accepting AMU as a minority institution and permitting 50 per cent reservation for Muslims. This was challenged in the Allahabad High Court, which declared a few provisions of the 1981 amendment as unconstitutional due to what the court termed as "brazen overruling" of the Supreme Court's 1967 judgment.

In 2019, a three-judge bench headed by Chief Justice Ranjan Gogoi referred the matter to the seven-judge bench. It delivered its landmark verdict on the last working day of C.J.D. Y. Chandrachud. The dissenting judges found fault with the 1981 reference, as ordinarily two judges cannot directly refer a matter to a seven-judge bench if the C.J. is not on it. The Court rejected the argument that Muslims were not a minority in 1920 or did not think of themselves as a minority. It said the group must be a minority on the commencement of the Constitution and pre-Constitution institutions are also entitled to protection under Article 30, even when founding a university. The 1967 judgment by then Chief Justice K.N. Wanchoo took a formalistic and narrow view of the term "establishment" in Article 30 and attached undue importance to the long title, preamble and other provisions of the AMU Act, 1920, to return the finding that the university was neither established nor administered by the Muslim community. This excessive reliance on the 1920 Act did not find favour with the seven-judge bench, which has observed that courts must pierce the legislative veil to find the genesis — who conceived the original idea, who collected funds and who took necessary steps to get governmental approval. Mere statutory incorporation cannot *ipso facto* lead to a loss of the minority character of an institution. The courts interpret the statute holistically to find out if AMU relinquished its minority character on incorporation. The Court also held that Basha, after recognising the efforts by the Muslims between 1877 and 1920 to establish the institution, was wrong in ignoring history.

The majority of judges rejected the argument against AMU's minority character because it was mentioned as an institution of national importance in the Constitution. The

Court said Entry 63 of the Union List empowers Parliament to enact regulations in respect of AMU and does not amount to the surrender of its minority character. The C.J. observed that the terms "national" and "minority" are not at odds with each other. A minority institution can also be of national importance. The dissenting judges, on the other hand, considered this an important facet of the university's non-minority status. Relying on earlier judgments, the C.J. held that the admission of non-minority students, financial contribution by non-minorities, governmental grant of land or aid, degree recognition, and non-minority presence in the administration does not change the character of a minority institution. In the most liberal interpretation of Article 30, the C.J. observed that to determine minority character, it is not necessary that the administration must be vested in the minority itself. The right to administer is the consequence of the establishment of the institution. "To do otherwise, would amount to converting a consequence to a pre-condition," the C.J. opined. Wielding the ambit of Article 30, the Court also refused to attach much significance to the provision of religious instruction or the centrality of religious buildings, like the St Stephen's College church or AMU mosque. The only flipside of the majority opinion is that like in Basha, it has accepted the possibility of minorities giving up or surrendering their right to administer. Constitutionally, fundamental rights cannot be waived. In *Almshabad St Xavier's* (1975), the Court held that rights of future generations cannot be surrendered.

A three-judge bench, which will now determine the minority character of AMU, will no longer be constrained by Basha. It will be bound to apply the indicia laid down by the majority on November 8, when the Allahabad HC's judgments of 2005 were also based on the apex court's 1967 judgment, they no longer have much significance, though appeals against them are pending with the Supreme Court.

The writer is vice-chancellor of Chhatrapati National Law University, Patna. Views are personal

## A SPECIAL RIGHT

SC verdict paves way for AMU's minority status. It's also welcome pushback against political projects that impose uniformity

ON FRIDAY, THE Supreme Court stopped short of designating the Aligarh Muslim University (AMU) as a minority institution. But its 4:3 verdict has provided a firm jurisprudential backing for clearing the controversy around AMU's status. It lays the ground for satisfying the university's longstanding quest to define itself as a minority institution. The judgment reverses the 1967 SC decision in *S.A. Azeez Basha v Union of India* — the SC had then relied on a technical interpretation of the guarantee to religious minorities, in Article 30, to establish and run educational institutions. It had ruled that AMU was neither "established nor administered" by Muslims. Though the university evolved from the Muhammadan Anglo-Oriental College founded by Syed Ahmed Khan in 1877, the Court had held that the institution's legal status rested on the AMU Act 1920 — this legislation incorporated the social reformer's college and another educational body into one university. The *Azeez Basha* verdict thus concluded that AMU was actually "established" by a colonial government Act, later amended by two pieces of legislation in independent India. The SC ruled that "AMU had surrendered its minority status to the government". Friday's verdict, in contrast, draws on a more liberal reading of Article 30 to point out that the "minority character of institutions cannot be rejected if they are conferred legal character by government statutes."

In 1981, Parliament amended the AMU Act to negate the 1967 judgment. In 2005, the university drew on this legislation to reserve 50 per cent seats in postgraduate medical courses for Muslim students. The decision was challenged before the Allahabad High Court which relied on the Supreme Court's 1967 verdict to rule that AMU was not a minority institution. The HC struck down the reservation. This verdict was immediately challenged by the then UPA government at the Centre and the university's governing body. But the AMU lost the Centre's backing after the Narendra Modi-led NDA assumed office. In 2016, the Union government withdrew from the case, concluding that it did not acknowledge AMU's minority character. Friday's verdict draws on constitutional debates and the SC's earlier jurisprudence to arrive at an expansive and inclusive interpretation of Article 30 to insulate the university from the push and pull of the dominant politics of the day. The purpose of the Article is "to guarantee a 'special right' to religious and linguistic minorities that have established educational institutions. This special right is the guarantee of limited State regulation in the administration of the institution. The State must grant the minority institution sufficient autonomy to enable it to protect the essentials of its minority character," C.J. Chandrachud, who authored the majority verdict, said. Friday's verdict should give AMU the autonomy to frame its recruitment and academic policies.

The Court's interpretation of Article 30 is salutary at a time when the drive for uniformity in civil laws for all communities is picking up pace — the Centre and several state governments are pushing for the Uniform Civil Code, and the UCC is in the statute book of at least one state. In a large country with many diversities, the executive would do well to take a cue from the SC's emphasis on "special or additional protection... to ensure the cultural fabric of religious and linguistic minorities".

## BEING OLYMPICS-READY

India's bid to host the Games shows ambition — but there are challenges that will need to be met and there is no time to lose

WITH GREAT CULTURAL diversity and projected economic might on its side, India will stake a formidable claim at hosting the 2036 Olympics. But the country will also need to convince the International Olympic Committee that it can deliver a seamless Games. The letter of intent submitted last month will be scrutinised not merely for the capacity to translate on the ground fancy stadium designs, but also on India's ability to wear the cosmopolitan garb with ease, making the country feel welcoming to athletes and spectators around the world. India has a magnificent opportunity to get its house in order, and make bold strides.

India will need to acquire and hone the professional abilities to host the best levels of competition in various sports. The logistics of athlete accommodations, equipment quality controls, transport systems, upskilling of technical officials, besides raising athletes' performance in near-alien sports, will be a massive challenge. Every Games is judged on the ability of hosts to stay invisible and efficient, and India will need serious repairing of its poor reputation on punctuality and cleanliness. Its record in ensuring comfort for spectators has been spotty in cricket, and that aspect will need to be upgraded drastically. Also, while stadium aesthetics look pretty in PowerPoint presentations and 3D printing, leaking roofs or sub-par sustainability goals in construction won't help in India making the cut.

Climate change poses large challenges for any host, but more so for the India where quality of roads and construction will need tighter quality checks, given how flooding lashed top cities and wreaked havoc earlier this year, for instance. Six medals just 12 years before the proposed Olympics also point to the need for serious intervention and plans on imminent funding cuts don't bode well for the country. Ultimately, the Olympics are a sporting event, promoting amity and peace, so efforts will need to be made to send out the message that there will be zero tolerance for those who take the law into their own hands, or seek to cramp the rights and freedoms of others. India's leadership in promoting a multipolar world has been exemplary, and it holds a unique place as a big country not reviled by the under-developed world, or resented by the big powers. But ultimately, Olympics will be about that wooden floor board not coming undone and the roof not leaking onto the field of play, and athletes reaching the venues on time. India can pull off the fancy, but it will also need to ace the basics.

## DIGEST THIS

Himachal CID should be thankful samosas meant for CM weren't wasted. That would have been the real crime

IN THE LONG list of crimes involving the samosa — samosa manchiuran, chocolate samosa pay, to name two — where does the one involving a chief minister's visit and three boxes of misdirected deep-fried goodies figure? The Case of the Vanishing Samosas reportedly threw the Himachal Pradesh authorities into a tizzy. On October 21, when CM Sukdev Singh Sukhu went to the state CID headquarters to inaugurate a cyber wing station, samosas, along with cake, were ordered. Through a curious chain of events, they ended up being served to the CM's security staff instead.

No story of a crime — regardless of how trivial the malfeasance may be — is complete without a twist. Here, it turns out, the disappearance of the snacks, characterised by the embarrassed hosts as an "anti-government act", actually ended up doing the honourable guest a favour: Following a recent illness, CM Sukhu has been barred from indulging in deep-fried foods. Yet, the high-handedness of the investigators was not stayed by the fact that whoever was responsible for the snacks going astray may have helped the CM stick to his healthy diet. Five police personnel have been served with show-cause notices.

With the state government now distancing itself from the affair, it must be hoped that the CID will finally close the case. Because far from a crime being committed, one was actually averted — the crime of wasting perfectly good samosas. The destiny of food is only fulfilled when it is enjoyed by someone, whether that be a prince or a peon. If the CM



NARENDRA MODI

IT HAS BEEN a month since Shri Ratan Tata ji left us. From bustling cities and towns to villages, his absence is deeply felt across every segment of society. Seasoned industrialists, budding entrepreneurs and hardworking professionals mourn his loss. Those passionate about the environment and devoted to philanthropy are equally saddened. His absence has been deeply felt not only across the nation but also around the world.

For the youth, Shri Ratan Tata was an inspiration, a reminder that dreams are worth pursuing and that success can coexist with compassion and humility. For others, he represented the finest traditions of Indian enterprise and a steadfast commitment to the values of integrity, excellence and service. Under his leadership, the Tata Group ascended to new heights, embodying respect, honesty and credibility worldwide. He wore his achievements lightly, with humility and kindness.

Shri Ratan Tata's unwavering support for the dreams of others was one of his most defining qualities. In recent years, he became known for mentoring India's Startup ecosystem, investing in many promising ventures. He understood the hopes and aspirations of young entrepreneurs and recognised the potential they had to shape India's future. By backing their efforts, he empowered a generation of dreamers to take bold risks and push boundaries. This has gone a long way in creating a culture of innovation and entrepreneurship, which I am confident will continue to positively impact India for decades to come. He constantly championed excellence,

## A FORCE FOR GOOD

Ratan Tata's unwavering support for the dreams of others was a defining quality

uring Indian enterprises to set global benchmarks. This vision, I hope, will inspire our future leaders to make India synonymous with world-class quality.

His greatness was not restricted to the boardroom or helping fellow humans. His compassion extended to all living beings. His deep love for animals was well-known and he supported every possible effort focused on animal welfare. He often shared photos of his dogs, who were as much a part of his life as any business venture. His life was a reminder that true leadership is measured not just by one's achievements, but by one's ability to care for the most vulnerable.

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On a personal note, I had the privilege of knowing him very closely over the years. We worked closely in Gujarat, where he invested extensively, including in many of the projects he was passionate about. Just a few weeks ago, I was in Vadodra with the President of the Government of Spain, Mr Pedro Sánchez, and we jointly inaugurated an aircraft complex where C-295 aircrafts would be made in India. It was Shri Ratan Tata who started working on this. His presence was greatly missed.

I remember Shri Ratan Tata ji as a man of letters — he would frequently write to me on various issues, be it matters of governance, expressing appreciation for government sup-

port, or sending congratulatory wishes after electoral victories.

Our close interactions continued when I moved to the Centre and he remained a committed partner in our nation-building efforts. His support for the Swachh Bharat Mission was particularly close to my heart. He was a vocal advocate of this mass movement, understanding that cleanliness, hygiene and sanitation are vital for India's progress. I still remember his heartfelt video message for the Swachh Bharat Mission's 10th anniversary at the start of October. It was among his final public appearances.

Another cause close to his heart was healthcare and especially the fight against cancer. I recall the programme in Assam two years ago, where we had jointly inaugurated various cancer hospitals in the state. In his remarks, he had stated that he wishes to dedicate his final years to healthcare. His efforts to make health and cancer care accessible and affordable were rooted in a profound empathy for those battling diseases, believing that a just society was one that stood by its most vulnerable.

As we remember him today, we are reminded of the society he envisioned — where business can serve as a force for good, where every individual's potential is valued and where progress is measured in the well-being and happiness of all. He remains alive in the lives he touched and the dreams he nurtured. Generations will be grateful to him for making India a better, kinder and more hopeful place.

The writer is Prime Minister of India

## NOVEMBER 9, 1984, FORTY YEARS AGO

## LOK SABHA POLLS

PRIME MINISTER RAJIV Gandhi is believed to have decided to go in for the Lok Sabha elections in the last week of December or at most in the first week of January. His plans are to complete the election process latest by January 5, a fortnight before the end of the present Lok Sabha's term. An announcement about the polling dates is expected around Jawaharlal Nehru's birthday, November 14.

## SOMBRE ANNIVERSARY

THE BIRTH ANNIVERSARY of Guru Nanak, the first Sikh guru was celebrated with

solemnity in the city. Thousands of Sikhs and Hindus, forgetting last week's violent rioting, assembled in gurdwaras all over the capital and offered prayers to the guru. However, no procession in honour of or fireworks in connection with the guru's birthday anniversary celebration was allowed, in view of the prevailing tensions in the capital.

## R N RAO RESIGNS

THE SECURITY ADVISER to the Prime Minister, R.N. Rao, resigned following Indira Gandhi's death on Saturday. No official announcement was made. Rao said he had resigned "three-four days ago" and that his

resignation "has been accepted". He said he would hand over the charge in a day or two. The 70-year-old police officer said, "I did not have the heart to continue. Besides, I have passed the age of retirement."

## PAKISTAN'S PROMISE

PAKISTAN CLAIMED that it was determined to prevent anti-India propaganda during Gurdarshan's birth anniversary celebrations being held at Sikh shrines in Pakistan. The Embassy of Pakistan issued a statement following a news item that the Pakistani press is providing a forum to the so-called Khalistan supporters.









The  
Hindustan Times  
ESTABLISHED IN 1924

[ OUR TAKE ]

## No cop-out on climate crisis

COP29 must look beyond the US to progress on limiting emissions and raising finances for developing nations to transition from fossil fuels

National delegations and climate activists converge in Baku, Azerbaijan for COP29 beginning Monday in the backdrop of Donald Trump's return as President of the United States (US). The US President-elect is a climate-sceptic and his return is seen as a setback for climate negotiations, the progress the world has made on emissions, and raising funds for developing countries, issues set to dominate the deliberations at Baku.

The concern about Trump's intransigence on the climate crisis is understandable. The US is responsible for 20% of CO2 emissions between 1850-2022 and has per capita emissions of 18 tonnes of carbon dioxide equivalent (tCO2e) compared to the global average of 4.7 tCO2e. Currently, China leads global emissions followed by the US, India and the European Union. Any policy reversal by the US could derail efforts to limit global temperature rise to 1.5°C above pre-industrial levels when the UN is already warning of 3.1°C warming. Trump, not to forget, has threatened to terminate the Green New Deal and repeal the Inflation Reduction Act; his administration pulled out of the Paris Agreement in 2020. He has also said he will "drill, drill, drill".

However, several multilateral agreements on climate have laid down the path to deal with the climate crisis in the face of American unilateralism. In fact, the US election result should, perhaps, be seen as a prod for greater global cooperation to achieve the Paris Agreement goals. US administrations, in any case, have maintained a headline stance on climate and refused to acknowledge historical responsibility. They have demanded that emerging economies take on the burden of acting on climate and declined to provide adequate finance, weakening the very principles of equity and common but differentiated responsibilities. Trump 2.0 could make it worse.

How best can UN climate meetings be insulated from the shocks of regime changes? The first would be to recognise that the economic losses due to climate disruption are far higher compared to the costs incurred in limiting emissions. Second, climate finance must flow from developed countries to developing countries as laid down in the convention; without finance, there can be no transition, and the developed world will suffer equally if developing nations continue to depend on fossil fuels. Third, unilateral trade measures such as the Carbon Border Adjustment Mechanism (CBAM) can alienate and negatively impact developing nations. An open dialogue on these measures is a must before frictions increase. Fourth, countries must trust market forces for force corrections. At COP28 in Dubai, the world agreed to transition away from fossil fuels in energy systems in a just, orderly, and equitable manner. It also agreed to triple renewable energy capacity globally and double the global average annual rate of energy efficiency improvements by 2030. Even before Dubai, the declining cost of solar and wind power had provided the economic rationale for transitioning from fossil fuels. This is a global trend — though challenges of storage and transmission remain.

The onus may now be on other developed nations led by the EU, China, and India to step up the game and provide leadership based on principles laid down in the United Nations Framework Convention on Climate Change. Beijing is currently the leading emitter but also a leader in clean energy. It is an opportunity for India as well: The climate emergency is the existential crisis of our time and future legacies will be built around leadership provided to alleviate its impact.

## Empowering a generation of India's dreamers

Ratan Tata's life reminds us that true leadership is measured not just by one's achievements, but by one's ability to care for the most vulnerable

It has been a month since Ratan Tata left us. From bustling cities and towns to villages, his absence is deeply felt across every segment of society. Seasoned industrialists, budding entrepreneurs, and hardworking professionals mourn his loss. Those passionate about the environment and devoted to philanthropy are equally saddened. His absence has been deeply felt not only across the nation but also around the world.

For the youth, Ratan Tata was an inspiration, a reminder that dreams are worth pursuing and that success can coexist with compassion as well as humility. For others, he represented the finest traditions of Indian enterprise and a steadfast commitment to the values of integrity, excellence, and service. Under his leadership, the Tata Group ascended new heights, embodying respect, honesty, and credibility worldwide. Despite this, he wore his achievements lightly, with humility and kindness.

Ratan Tata's unwavering support for the dreams of others was one of his most defining qualities. In recent years, he became known for mentoring India's Startup ecosystem, investing in many promising ventures. He understood the hopes and aspirations of young entrepreneurs and recognised the potential they had to shape India's future. By backing their efforts, he empowered a generation of dreamers to take bold risks and push boundaries.

This has gone a long way in creating a culture of innovation and entrepreneurship, which I am confident will continue to positively impact India for decades to come.

He constantly championed excellence, urging Indian enterprises to set global benchmarks. This vision, I hope, will inspire our future leaders to make India synonymous with world-class quality.

His greatness was not restricted to the boardroom or helping fellow humans. His compassion extended to all living beings. His deep love for animals was well-known and he supported every possible effort focused on animal welfare. He often shared photos of his dogs, who were as much a part of his life as any business venture. His life was a reminder to us all that true leadership is measured not just by one's achievements, but by one's ability to care for the most vulnerable.

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Narendra Modi



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sanitation are vital for India's progress. I still remember his heartfelt video message for the Swachh Bharat Mission's 10th anniversary at the start of October. It was among his final public appearances.

Narendra Modi is Prime Minister of India

## The unbearable heaviness of financial conversations

I have answered reader, viewer, and listener questions about money for a long time. I have seen them change over time. There used to be entry-level questions about what to do with ₹50,000 in the bank, what stocks and funds to buy, portfolio questions around asset allocation, strategy questions — a whole range of questions around the deployment of money. But as I complete a year of my audio-only podcast, some deeper questions are beginning to come — hesitatingly, with most asking for anonymity, but more steadily. These are around the family and finances, inheritances and the difficulty of money conversations between spouses, and the absolute myth of a big happy large Indian family. We might party together during festivals, but will also see each other in court the next day over the 'Lajpat Nagar flat that papaji gave to bhaujiya and not me'.

The stress in families over finances begins to emerge at various life stages. It might begin post-marriage when different value systems, spending habits and lifestyle-related needs begin to present themselves as the couple moves from its first flush to fixing the leaking flush. I got a question from a listener who could not manage his wife's lifestyle-related needs. She, it seems, wanted a life that he could simply not afford and was unwilling to cut back on spending to stay within the single-income home. This was a train headed for disaster that would end in either debt or divorce, possibly both.

While data is not available for middle-class India and its reasons for marital discord, data from the United States (US) points to money being one of the key causes of divorce. A study by the Institute for Divorce Financial Analysis ([tinyurl.com/5h2ezjz](http://tinyurl.com/5h2ezjz)) put money issues as the third biggest reason at 22% of why a marriage fails, coming after basic incompatibility at 43% and infidelity at 28%. It also says that basic incompatibility also subsumes the tensions around attitudes and values around money. Such stories can work both ways. I personally know of couples where the wife earns and the husband lives on the wife's salary. The next stage is when adult children choose to stay at home with their parents. While large extended families living together are common in India, the new urban reality is mostly nuclear. But even in the cities, the option of living together is always there, especially as new asset creation for a young family is so difficult. Stress about money emerges around joint expenses and apportioning costs across the family. Purists sneer at any attempt to discuss these issues, but under the carpets in most three-seat-sofa living rooms, are stories of suppressed stress as one part of the family pulls harder. But judging by the increasing number of questions around this area to me, it is beginning to change. A good way to be fair, since young incomes are far smaller than those at the peak of their career, is to apportion joint spending on a pro-rata basis. Each contributes according to her means rather than an equal share of the expenses. At some point, this equation will tilt post-retirement of the older cohort — so an annual update is needed to change the ratios.

Possibly the most contentious stage is when there are inheritance issues. And in inheritance, property remains the biggest item of contention. Financial assets are far easier to bequeath and it usually takes a nomination backed by a will and death certificate to move the money, but it is the immovable properties that end up many times in court. A Centre for Policy Research report ([tinyurl.com/77fyf9r](http://tinyurl.com/77fyf9r)) estimates that about a quarter of all cases decided by the Supreme Court involve land



Monika Halan



Stress about money emerges around joint expenses and apportioning costs across the family

disputes and three-fifths of all civil cases in India are related to property disputes. Of course, not all are linked to inheritance, but these would make up a significant portion. However, parent money issues might not be as simple as who gets what, but can have many dimensions. One listener discovered a home loan that his mother, a school teacher, took just a year before her retirement. She expected him to take over the loan, totally destroying his hard-fought financial stability. Another wanted to find the money to compensate his sisters for the family home he had inherited.

Much of the discord can be avoided if only we would indicate clearly what we want to be done with our assets after we are gone. But even the topic of death becomes an emotional bomb in many homes. If a conversation is initiated by a son or daughter, there are two responses — you are greedy for your share or do you want me to die? Mostly it is neither, but just a desire to not have huge issues between siblings post the passing. The nominations and will are stage two decisions, the first is for us to decide who gets what after we are gone. As I answer more and more questions around these issues of money and relationships, I find that a non-emotional, baggage-free approach works best. If we can separate the iron chains of past events that inform our reactions today and make decisions on money keeping fairness, rationality and responsibility in mind, our lives will be lighter. So will be the situation in Indian courts.

Disclaimer: I only answer strategy questions on the podcast, do not practise commercially and do not recommend a specific product.

Monika Halan is the best-selling author of the *Let's Talk series of books on money*. The views expressed are personal

[ ANOTHER DAY ]

Namita Bhandare



## The 1984 anti-Sikh riots: India's unhealed wound

After the mob set Darshan Kaur's husband ablaze, she gathered her three children, the youngest just 15 days old, and bolted. In the frenzy, the baby slipped from 19-year-old Darshan's hands. But there was no time to stop. For the next three days, she and the remaining two children ran from the police station to gurudwara searching for a safe place.

There was none to be found. For three days following the assassination of Indira Gandhi on October 31, 1984, by her Sikh

bodyguards, the capital city was the epicentre of a mass massacre, as mobs, allegedly incited by Congress leaders and led by Rajiv Gandhi's statement, "When a tree falls, the ground will shake," targeted innocent Sikhs.

By government estimates, around 2,800 were killed in Delhi but senior advocate H. Phoolka reckons it was closer to 4,000. In Trilokpur, 12 of Darshan Kaur's male relatives were killed. She saw a man in dark glasses and a white *kurti pyjama* give instructions to the crowd. In court, she

identified him as the now-deceased Congress leader HKL Bhagat. He was never convicted.

Eventually, only 587 FIRs were filed, leading to barely two dozen convictions. It took 33 years for Sanjay Kumar, a Congress Member of Parliament at the time, to be sentenced to life in prison. On August 30 this year, a trial court judge ordered charges to be framed against another Congress leader, Jagdish Tytler.

"Are not citizens of the country who deserve justice?" asks Darshan Kaur. "But society just forgot about this."

To mark those days, Phoolka, who has for years appeared *pro bono* for the victims of the 1984 riots, is releasing a new series on his YouTube channel. Earlier this month, *The Kaur's of 1984* by Sanam Surtirath Wazir added to the limited literature on the riots.

While not easy to watch or read, these are essential additions in an age of truncated attention spans. If justice has failed, then at least there is a record of it, a documentation of one of India's most shameful chapters. Already, 1984 is receding from national

consciousness and those who lived through those days are now old or dead. I was in college then living with my parents in Civil Lines, Old Delhi. I remember looking up to see the sky red from the flames of the tyre shops at Jhandewalan, most owned by Sikhs.

Sonia was just three when her family, barring a 13-year-old sister, was killed. Her memories of those days are hazy, but she sees it as her responsibility to pass on to her son what her sister told her — how the mob targeted the men, even children. How so many girls and women were raped. Nobody filed a police complaint because of the shame.

Darshan Kaur was eventually reunited with her lost baby. Another woman had found him and kept him safe. It is perhaps the only silver lining in her story. Her 17-year-old granddaughter, Ishpreet, now in Grade 10, says she never knew her grandfather. "But because we never got justice, we can never forget."

Namita Bhandare writes on gender. The views expressed are personal

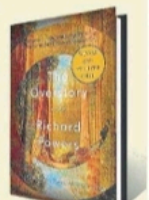
[ EDITOR'S PICK ]

HT's editors offer a book recommendation every Saturday, which provides history, context, and helps understand recent news events

## A STORY OF TREES

There couldn't have been worse news in the run-up to the climate talks at Baku, Azerbaijan — the average global temperature for 2024, the hottest year on record, will be 1.5°C above the pre-industrial level. Bear in mind that the Paris Agreement set limiting warming to 1.5°C as the aim. This triggered concern and conversations about the climate crisis.

There are, of course, many ways to talk about the climate crisis and environment. Richard Powers' 2019 novel *The Overstory* does this through fiction writing. People move its plot forward, but the reader knows throughout that trees are its real protagonists. Powers, a programmer turned writer, creates nine characters whose lives have featured trees in one capacity or another — a family "thiefdom", a saviour, even a villain (of sorts) — to talk about deforestation, its impact, and course correction. Without the tethers of non-fiction writing, Powers is able to make the problem less intellectualised and more bodily felt for the reader, thereby serving the climate cause.



The Overstory: Richard Powers Year: 2018