Economics of Solid Waste in India(WasteDisposal,epw)

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This article provides an overview of the economics of solid waste, and related issues. Public attention to solid waste and recycling has increased in India. In response, economists have developed models to help policymakers choose an efficient mix of policy levellers to regulate solid waste management and recycling activities.

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For many years, economists engaged in research studies related to municipal solid waste (MSW) were hampered by the general lack of data. Very few municipal governments bothered to keep accurate data on the quantity of waste generated, its composition, information about landfills, and any data on the economics of MSW. Therefore, India has no time series data or panel data in connection with solid waste. Economists found it very difficult to gather solid waste generation data. For example, there was inadequate data regarding cost analysis in most municipal governments. It was difficult to understand the empirical relationship between costs and the benefits of MSW management policies.

Rapid urbanisation and population growth increased solid waste generation in the past decade. Inadequate solid waste management policy and the absence of appropriate guidelines led to serious health and environmental problems all over India. The Municipal Solid Waste Management Handling Rules, 2000 indicated that all the municipal authorities should take the responsibility of waste collection, transportation, disposal, and segregation of solid waste. But most municipality solid waste management practices proved to be highly inefficient.

The "environmental Kuznets curve" suggests that environmental pollution would initially increase with per capita gross domestic product (GDP) and after a point the per capita GDP and emissions become delinked. Although to our knowledge, there is no research or survey to validate the environmental Kuznets curve for solid waste generation in India, a large number of studies had been carried out in developed countries—Mazzanti and Zoboli (2009) in Italy, Johnstone and Labonne (2004) in Organisation for Economic Co-operation and Development (OECD) countries, and Yamamoto and Ichinoe (2009) in Japan. Most studies on India carried out only preliminary analyses in relation to solid waste management. There are a large number of issues such as the difficulties in decision-making and the problem of cost planning in India. For example, data unavailability and the inaccessibility of areas were the most common problems of solid waste management planners in India.

Solid Waste Disposal and Costs

In India, municipal agencies spend about 5%–25% of their budgets on solid waste management. Although, most local governments manage MSW collection and disposal in many parts of Indian states, many states had inefficient construction and operation of MSW landfills and incinerators. A review of recent literature on solid waste management in India point out that institutional and financial issues are the most important ones which had shown improvements in solid waste management.

Very little was known until a few years ago, about external costs. Economies of scale for factors for MSW since Hirsch (1965), DeGeare and Ongerth (1971), Clark et al (1971), Wilson (1981), Moon (1994), Fullerton and Kinnaman (1996), Callan and Thomas (1997), Kinnaman and Fullerton (2000), and Bohm et al (2010), have mainly predicted the collection and recycling costs and the future generation rates of MSW, and provided evidence that the procedure could be used as a simple planning tool. The works cited in MSW economic literature focused on specific regions in the developed world. There seemed to be no efforts made in the cited literature at providing generated cost functions which were applicable to developing countries like India.

In India, the cost function of solid waste management had not been studied properly. In Delhi, the per capita expenditure on solid waste management was found to differ widely. For example, the Federation of Indian Chambers of Commerce and Industry estimates costs at Rs 431 per tonne, The National Institute of Urban Affairs (2005) at Rs 135, and the National Solid Waste Association of India (2010) puts it at Rs 497.

Landfills become increasingly expensive because of rising costs of construction and operations. Yet, the available space for landfills decreased and land prices rose, while the environment had either no price or had non-optimal prices assigned to it, which in turn had led to overuse or over-exploitation of these functions and resulted in misallocation of resource. Therefore, environmental problems such as solid waste management are problems of non-optimal pricing and misallocation, which means overuse of resources, and unforeseen externalities.

In India, urban local bodies spend around Rs 500 to Rs 1,500 per metric tonne of solid waste, out of which 60% to 70% is usually spent on collection alone, and 20% to 30% is on transportation. An improper solid waste management approach resulted in all types of pollution — air, solid and water — and as much as 95% was discarded as MSW. Health and safety issues also arise from improper solid waste management which increases environmental and health costs all over India, and waste workers or scavengers, are worst affected due to constant exposure and frequent injuries.

Economic Instruments

Solid waste management had traditionally been addressed with command and control (CAC) regulations, which regulated behaviour directly by prescribing specific legislations and standards which should be achieved and by enforcing their compliance through the levy of penalties. Economic Instruments (EIs), such as environmental taxes and subsidies sought to change the behaviour of persons indirectly by changing relative prices (and hence incentives) that individuals and businesses had to bear. In the context of solid waste management, it was ineffective in India. Examples of EIs that could be used for solid waste management include product and input taxes, deposit-refund schemes, and quantity-based waste collection charges.

The use of EIs increased in developed countries and they could be effective in reducing waste generation, diverting waste from disposal to recycling, and by converting waste to energy. Till date there had been few studies on using economic instruments for waste management. Das, Birol and Bhattacharya (2008) had studied solid waste management to improve local environmental quality and public-health choice in West Bengal. They had found that the Indian population demanded improved solid waste management services in the study area municipalities and that they were even willing to pay for it.

In addition, the polluter pays principle (PPP) could also be invoked. In the context of solid waste management, PPP implied that all waste generators, including households and companies

were responsible for bearing costs associated with wastes they had generated. The PPP means that both producers and consumers should pay in India. Yedla and Parikh (2001) had found that waste disposal expenses for a tonne of waste by the landfill system with gas recovery in Mumbai, were found to be much less than those of the existing practices of waste disposal in other areas, and a huge saving of about Rs 6.4 billion per annum was calculated. It was found that a properly managed landfill system could even yield some good profits. Paul P Appasamy (2004), in his study had calculated that biomethanation had high benefits and high costs compared to the sanitary landfills approach. The cost of the sanitary landfill was completely dependent on the price of the land that was available. The large negative benefit was due to the fact that the land costs were estimated to be about Rs 25 crore. Both biomethanation and sanitary landfill systems emit greenhouse gases, the main difference being that sanitary landfills emit some methane (even after the provision for gas collection), which is much more detrimental to the environment than carbon dioxide. The benefit to society of Rs 45 crore consisted of not only the net social benefits of biomethanisaiton, but also the costs averted due to the landfill system.

Waste and Poverty Reduction

At present, new forms of disposal had arisen in most societies due to the process of globalisation and other modern developments. Cities have an increasingly important role to play in societies as the pace of urbanisation and globalisation becomes more rapid. Cities have to managed more responsibly for their dwellers (Lazarev 2008). *The New York Times* (in a letter it published) re-emphasised India's enormous waste problems, with special reference to scavengers and ragpickers. The inefficient mechanism of waste collection and recycling by municipalities has led to a growing informal economy, based on the collection of reusable wastes by ragpickers, which amounts to more than $280 million annually in economic value (Kapur 2011). With slow, scattered, and inefficient government initiatives to solve India's solid waste problems, the country might find a solution, or a part of the solution, in the informal networks that currently exist in the country.

India generates more than 100 million tonnes of municipal waste every year. On a per capita basis, this was far lower than most developed countries, but the amount of garbage generated has been growing fast. The OECD estimated that only about 60% of the municipal waste in the country is collected and a far smaller proportion recycled. Martin Medina, an expert in the management of the informal waste sector, had estimated that scavengers or ragpickers collected more than 10,000 tonnes of reusable waste across India every day. The informal waste recycling involves the urban poor and marginalised social groups that engage themselves in waste picking as a source of income, and often, as their only survival strategy. In an unequal society, however, informal waste recycling would continue in the foreseeable future also.

Many thousands of people in developing cities depended on the recycling of materials collected from waste for their livelihood. With the focus of the Millennium Development Goals on poverty reduction and of waste management strategies for improving recycling rates, one of the major challenges in developing countries is about how best to work in this informal sector to improve livelihoods, working conditions, and efficiency of recycling (Wilson, Velis and Cheeseman 2006).

Worldwide, more than 15 million people make a living in the informal collection, recycling, and handling of solid waste. Informal refuse collection could be a profitable activity. The informal refuse collectors of Cairo, popularly known as Zabbaleen, earn about three times the city's minimum wage. A research study had found that informal refuse collectors operating in the Mexican city of the Nuevo Laredo, on the tax border, had earned five times that of the

minimum wage putting them in the top 3% of income earners in that city (Medina 2008). In Brazil, for example, waste picking had been recognised as an organised sector, and workers enter into informal agreements or even formal contracts with business, industry, and with neighbourhood associations to gain access to recyclable materials or to sell materials or manufacturing items. In a survey conducted in six Latin American countries, more than 90% of waste pickers had reported that they liked the job that they did and considered it a decent job (Medina 2008). Recycling by waste pickers saved municipalities much money while reducing the volume of waste that had to be collected, transported, and disposed.

In Mumbai, more than 30,000 waste pickers had recovered reusable items that could be recycled from the stream of waste. Waste pickers had created more than 400 micro enterprises that processed waste materials and made consumer products out of them. The economic impact of these activities had been estimated at $600 million to 1 billion a year (Medina 2007). For example, Madurai has more than 500 waste pickers engaged in waste collection. I spent a month with waste pickers in the village of Vellakkal (solid waste dumping area in the Madurai District). One respondent, Periya Mariyappan, who was about 62 years old has been in collecting garbage in the area for more than three and half decades with his wife Palaniyammal who was about 51 years old. Both of them said they now earned more than Rs 500 a day. Another waste picker name Veerammal, who was about 48 years old, had been working more than two decades in waste collection. She said this work was of huge help to her family and she had been for earning Rs 250 per day, and had saved more than Rs 45,000 for her daughter's wedding to be celebrated next year. Waste pickers were important in the waste recycling process, but they are not recognised formally and they face several problems every day in the course of their work.

Conclusions

The external costs of waste should be estimated in every municipality in India. As noted earlier, very few economic analyses have been conducted and hence further research around solid waste management has to be carried out. The government aims to consider environmental protection with the market activating both preventive tools to asses and reduce damage to the environment and mechanisms to enhance good market functioning. New solid waste plans acquire management features rather than following the previous logic based on final elimination of goods discarded. The polluter pay principles extends to all actors: producers, consumers and institutions. There is a need to evaluate, in advance, the impact of the targets set by the laws for recycling by taking into consideration region-specific needs, so that proper polices are developed for all actors. Recycling chains could benefit thousands of low-income and vulnerable sections of people at the national level and it will contribute to the fight against climate change.

Army's Transborder Raid in

Myanmar Interrogating the Claims(IR,EPW,Defense)

Some reasonably astounding claims have been made about the commando raid carried out by the Indian Army on rebel camps in Myanmar. A long-time observer of the region and military operations there separates the chaff to prise out the possible grain of truth.

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Reporting the Indian transborder strike in Myanmar, a top news- paper headline said "Soldiers Crawled to Targets, Finished Operations in 45 Minutes." That is where the tale hangs, on what has been projected as a bold move of the Modi government, a fitting riposte to the 4 June ambush by insurgents in Manipur that left 18 soldiers dead. The army's Additional Director General of Military Operations, Major General Ranvir Singh, claimed the operations were along the India–Myanmar border and "significant casualties" were inflicted on the militants.

However, subsequent reporting, driven by the Union Minister of State for Information and Broadcasting Rajyavardhan Singh Rathore's claims of "strikes deep inside Myanmar," has run riot on casualty figures, locations and assumptions; of this last, the most worrying is that such attacks can be repeated in Pakistan. It has been claimed that Indian military helicopters did not cross the international border but dropped the troops on the border and left them to trek and crawl into the rebel camps for a surprise attack. It has also been claimed that the whole operation was over in 45 minutes.

What Camps, Where

Anyone aware of ground realities along the India–Myanmar border, especially the jungles of Sagaing region where the assault reportedly took place, would know that if the para-commandos were dropped at the border and hit a rebel base and returned within 45 minutes, the base would not be "deep inside Myanmar." Knowing the punishing Sagaing terrain where these rebel camps are located, it would be too much to expect, even from the toughest of commandos, to make even two to three kilometres on the run with heavy weapons like rocket-propelled grenades and medium machine guns, hit the camp and de-induct within 45 minutes. Even if they had the benefit of guides from the anti-Khaplang faction of the National Socialist Council of Nagaland (NSCN), who have broken off from the Burmese Naga rebel chieftain three months ago, it would be an impossible task.

So it would be more accurate to imagine that perhaps the camp(s) attacked were right on the border or very close to it. If that was the case, it would be naive to expect that the commandos could retain the surprise as the noise made by helicopters in such desolate jungle terrain would be picked up by ever-alert rebel sentries even from a substantial distance. If the rebels pick up the noise of the helicopters—as indeed they would if the drop was near

rather than far from their camp—they would either rush to predetermined ambush locations   around their camps to welcome the commandos or just abandon it, if they felt that they do not have enough strength and were not confident of making a fight of it.

The commandos would then "destroy" an abandoned camp without rebels in it. That rules out the preposterous claims of casualties in rebel ranks—100 to 150 in some, at least 20 as claimed by army sources, 50 or more claimed by Home Ministry sources and 38 specifically claimed by a TV channel quoting "those involved in the operation." The Manipur People's Liberation Army has admitted to one of their "border transit camps" coming under attack but the rebels insist that they beat back the attack without any casualties. The United Liberation Front of Asom (ULFA) has backed that claim and the NSCN-Khaplang has denied any attack on their camp, suggesting the camp attacked by the Indian commandos was not theirs.

What has added to the confusion are claims by a former colonel who headed a military think tank after retirement that the commandos were not only dropped at the location by helicopters but also had been "provided firepower support by attack helicopters." His inside contacts in the military make his account more believable than those of the gung-ho media warriors who have claimed 150 militants dead. He claims more than 20 militants killed. That would be more of a likely figure if the Indian attack helicopters went straight for a dive and fire attack, firing heavy ammunition and with commandos slithered down firing to finish off. But initial military claims that the assault took place between 1 am and 4 am IST would mean the sun had not yet risen on Sagaing when the assault peaked. To hit a small rebel camp in the dark from the sky in the thickly forested Sagaing terrain and claim it was a "surgical strike" may be as incredible as Rathore's claim of hitting "deep inside Myanmar."

Implications and a Lesson

There was surely a military assault on a rebel base, on the border with Myanmar or somewhat inside it, the commandos did engage the rebels and they are claiming they could inflict some casualties which the rebels deny. Whatever may have been the actual course of events will never be fully known, but there are two pointers that emerge from this attack which are encouraging.

First, it does point to a new aggression in the Indian security establishment to exercise the option of a transborder raid. Even if the rebel camp attacked on the border is just one of the many transit camps that dot the India–Myanmar frontier and serve as a "hop-in" point for bigger rebel squads coming into Indian territory from deeper—and bigger—rebel bases, it would have some effect in combating insurgency in the northeastern states.

In Tripura, much of the success against transborder tribal militancy followed joint operations by state police and military intelligence to destroy the "transit camps" on the border by using surrendered rebels. The "transit camps" allow bigger rebel squads to rest after a long march from deep inside Myanmar and observe movement of Indian security forces or factional rivals (many amongst Naga groups) before they enter Indian territory for operations. Destroying them systematically will limit the Khaplang-led rebel coalition's ability to sustain hostile operations inside Indian territory.

Second, it is always a good idea to take the battle to the rebels rather than concentrate forces around the spot of the ambush, from where the rebels have made-off long before the security forces arrive. Such operations at the ambush site end up invariably causing human rights violations on innocent civilians. That is why there are few such allegations of human rights violations in Tripura, because the whole focus was hitting rebels inside Bangladesh, by using surrendered rebels in jungle bases and using Bangladeshi mafiosi to target rebel leaders

in safe houses in Dhaka and Chittagong. Since the decision to strike the rebels on or across the border was taken this time, there have been few reports of human rights violations in Chandel after the 4 June ambush.

But covert operations achieve results when kept secret. After all, this is not the first time such operations have happened. Tiny Tripura and its publicity-shy Chief Minister Manik Sarkar neither denies nor owns up to the more than 20 transborder strikes by surrogates but those in the know are aware that the Chief Minister's Medal he conferred on a military intelligence officer was to recognise his stellar role in organising such raids. The army recognised this officer's contributions much later, conferring a Sena Medal on him.

India's War against Itself A View from Manipur (InternalSecurity,epw)

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Delhi's chest-thumping journalists are becoming mere stenographers of power, forgetting to ask questions and interrogate offi cial narratives. A journalist from Manipur recounts the events leading up to and around the 9 June 2015 "surgical strikes" by the Indian Army against insurgents and explains the event in its contexts.

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There is something very strange about the ongoing operations against the National Socialist Council of Nagaland-Khaplang (NSCN-K), and other North-East militants in the wake of the 4

June devastating ambush on a convoy of the 6 Dogra Regiment of the Indian Army which left 18 soldiers dead and 14 more injured. All news of these operations, including the surgical commando strikes deep into Myanmar territory on 9 June, emanate from New Delhi and are loudly relayed through the many 24-hour TV channels and columns by North-East experts based in that city.

Virtually nothing of these is known in Manipur or Nagaland, where the operations are launched from. Even the state governments are left in the dark, as the Chief Minister of Manipur, Okram Ibobi said in a candid reply to a query from a journalist on the sidelines of an official function on 11 June; "We have been depending on what is revealed to the media in New Delhi for information," he said.

Maybe, the Chief Minister is being dutifully discreet, for these are supposed to be swift and secret operations, and at stake is the country's diplomatic relations with Myanmar, but his act of discretion is appearing ridiculous amidst all the loud celebratory drumbeats and chest thumping in New Delhi. Some resourceful journalists and commentators of Delhi are apparently even privy to the battle plans used by the elite strike forces, latest satellite imageries shared between Indian and Myanmar government authorities immediately before the operations were launched, etc.

The other scenario is, if Ibobi's government is actually being left in the dark, nothing can be more humiliating. Nothing can be a louder testimony of the centre–state relations with regard to the North-Eastern states too. This should place even the debate over the Armed Forces (Special Powers) Act (AFSPA) in proper perspective. Who can now say it is up to the North-East states to do away with the draconian act merely by not extending the Disturbed Area Act in their states?

Some Obvious Questions

There are other unexplained points as well, and the longer these remain unexplained, the already darkening cloud over these "surgical strikes" will thicken.

The first of these unexplained points is, no clinching evidence of the two strikes, such as a picture of the destroyed camps, or those of dead militants, etc, has been provided. If pre-strike satellite imageries were available to be shared with the Myanmar government, as some columnists were so sure they were, there should be post-strike satellite imageries of these destroyed camps too, specially so after the unending orgy of celebratory drum beats and chest thumping in New Delhi; the secrecy argument can hardly be convincing now.

The second unexplained point is, the Myanmar government is now denying there were strikes within their territory. They did not do so immediately, probably because they too were unsure, as the areas where the strikes took place have very thin Myanmar government presence. Up north in the territory where Khaplang holds sway, government presence is virtually nil which is precisely why Khaplang can provide safe sanctuary for North-East militants. But in the past few days, quoting its northern army posts, Myanmar government is saying, quite definitively too, that the Indian operations did not spill into its territory.

On 9 June, the local media in Manipur and Nagaland on their usual beats were also confirming these reports from their own sources, chiefly the police and local army spokespersons. The army sent out a brief press release in Imphal saying there were encounters along the international border during operations, but did not specify numbers of casualties or whether the international border was crossed.

Local newspapers also contacted police stations in the border area, and only the Chassad police station reported hearing sounds of gunfire exchanges from the direction of the border on the morning of 9 June. Villagers of Bhaiko, under their

jurisdiction, reported army helicopters landing near their village. Seventeen kilometres from this village is Ningsom village near which, along the international border, an encounter took place, but this was with cadres of the Revolutionary People's Front (RPF), whose armed wing is the People's Liberation Army (PLA). This encounter has since been corroborated by the RPF/PLA in press releases to the local media with photographs of what they claimed are ammunitions left behind by their attackers. They claimed no casualties on their side.

Known rebel groups from Nagaland and Manipur have all clarified, either through press releases or else phone calls to the press, that they know of no such attacks on their camps. As it is, in the Kabaw Valley most of them do not stay in camps, but in the townships, merging with the local populations and only reassemble when duty calls.

From Chassad and adjacent Kamjong hilltop villages, and further north Chinghai, you can see deep into the Kabaw Valley and the Angoching range flanking the other edge of the valley. You can also see the Somra Tract in the north. At night you can see the flickers of lights in the townships and villages. This region is not altogether abandoned by the Myanmar security establishment. Understandably, Khaplang's sway also does not extend here, and probably this is the reason why the Chandel ambush was not a sole NSCN-K mission. This being so, the surgical strikes by Indian troops and destruction of rebel camps here would also have come to be known within hours. And if there is anything burning it would be seen from the Chassad police station.

Up north, where the Patkai Range watershed is the international boundary in the Nagaland–Arunachal Pradesh sector, the mountainous region east of the Patkai is more wild and out of reach of the Myanmar government. Two journalists from Assam had, two years ago, trekked there to meet United Liberation Front of Asom (ULFA) chief Paresh Baruah and

Khaplang, confirming this among others. If the surgical strikes had been in this region, it is likely to have missed official notice for long. From the reports so far however, this is not where the strikes were, at least not one of them.

There is yet one more uncertainty. The insurgents are not faceless people. They are in many ways prodigal children of families in Manipur and Nagaland, and their families are always in deep anxiety about their individual fates. Families do everything to woo their children back, and whenever there are news of encounters, they head for the mortuaries in town to identify bodies. Many mothers are known to suffer anxiety disorders. This is why insurgents are compelled to announce deaths of their cadres promptly, otherwise the families and communities of the dead fighters would turn against them. In the 4 June ambush, two militants, one Naga and another Meitei, also died. Within a day, they were both identified. If 15 to 100 militants have been killed in the border area of Myanmar on 9 June, it is unlikely this would have remained unconfirmed through this channel by now, unless all those killed belonged to Myanmar.

This could also be if the borders are sealed watertight, but this hardly is the case. This border, except in the Manipur sector where there are 38 boundary pillars erected in 1896, hardly has exact markers.

In the Manipur sector, the border was officially made in 1834. After ending Ava (Burmese) occupation of Manipur and Assam in 1826 at the end of the first Anglo–Burmese War and the signing of the Treaty of Yandaboo, the Chindwin River was deemed the boundary of the British protectorate Manipur, putting the Kabaw Valley under Manipur. But in 1834, upon repeated complaints by Ava, and seeing that the valley could be much better administered from Mandalay (the Ava capital) than from Imphal, the British persuaded the Manipur king that a new boundary should be negotiated, and Captain R Boileau Pemberton as the Boundary Commissioner drew what came to known as the

Pemberton Line along the foot of the "Murring Hills" on the western edge of the Kabaw Valley.

In 1881, this boundary was realigned by the then British Political Agent in Manipur, Major James Johnstone. The objective was to contain the then restive Chassad Kukis, against whom punitive measures were becoming difficult because they would claim to be domiciles of Burma when pursued by Manipur and vice versa when chastised by the Burmese (A detailed account can be found in Alexander Mackenzie's book TheHistory of British Relationship with the Frontier Tribes of Bengal). Johnstone's line included the Chassad Kuki settlements in Manipur. In 1896, another British political agent in Manipur, a colonel Maxwell, put 38 boundary pillars along this boundary which then came to be known as the Pemberton–Johnstone–Maxwell Line.

In the Naga Hills sector, the Patkai Range watershed was considered as the boundary by the 1834 demarcation. The boundary between the Lushai Hills (Mizoram) and Chin Hills (Chin State in Myanmar) were demarcated in 1901 with minor readjustments in 1921 and 1922. The boundary between India and Myanmar was ratified by the two independent countries on 10 March 1967 in Rangoon along these lines.

Khaplang's Importance

The 4 June ambush has suddenly awoken the Government of India (GoI) to the fact that it has to take every player in this conflict theatre on board for a comprehensive peace formula in the North-East. There are now allegations that the current crisis is a result of a misconceived plan of some officials of the Ministry of Home Affairs (MHA) to sideline the NSCN-K, so it can come to a settlement with National Socialist Council of Nagalim (Issak-Muivah)—NSCN-IM—led by Khaplang's rivals Thuingaleng Muivah and Isak Swu, both from the Indian side of the border. The Indian government has been on a truce with both factions; with the NSCN-IM from 1997 and with the NSCN-K

from 2001. The government has also been holding peace talks with the NSCN-IM but not with the NSCN-K, a fact resented by the latter.

The allegation is that the union MHA engineered a split in the NSCN-K and patronised a faction within which was opposed to Khaplang, to ensure that the latter leaves the peace process with the GoI. There are two reasons for suspecting this. First, Khaplang being a Myanmar domicile, it would have been out of the question for the GOI to think of reaching a political settlement with him. Second, the NSCN-IM wanted the Khaplang faction out of the equation. The MHA officials probably wanted to wash their hands off Khaplang, leaving him to settle his scores with the Myanmar government.

Things, it is proving now, were never so straightforward. Khaplang, as the two Assamese journalists who trekked to his camp noted, is reverentially referred to as Baba, and is a very respected leader in his home grounds in the upper Sagaing Division of Myanmar, and his territory is today virtually a liberated zone where only his writs command respect. In an interview to the journalists, he revealed, he has an interest in the presence of many rebel soldiers of the North East, for the size of fraternal troops on his land is a deterrent for the Myanmar Army. His call for a united liberation front of Western South East Asia, therefore was readily accepted by all in his sanctuary. The MHA and the Indian intelligence should have read this possibility. Had they done so, they probably would not have gone so wrong in assessing the threat potential of Khaplang and writing him off so casually.

Embedded Media

In the aftermath of the 4 June ambush and the "surgical strikes by Indian troops within Myanmar territory," another reality has dawned. The days of the media as the tough and uncompromising interrogators of the establishment and the authorities in power, are on the way out.

The 18 deaths in the ambush was tragic, and there cannot have been anybody whose heart did not bleed seeing pictures of the families of these soldiers in Himachal Pradesh. In Manipur, there would have been many who cursed the attackers, except for the incorrigibly bitter who probably have had personal misfortunes at the hands of the security forces, a prospect not so uncommon or unimaginable in a land torn by conflict and subjected to oppressive laws. When the combing operations and manhunts for the militants began and Chandel District was sealed off by the Army, people waited with bated breath praying that no "collateral damages" may result. Fortunately, nothing of this sort has happened, to the extent known so far.

On 9 June, there was the "breaking news" emanating from New Delhi of the surgical strike by special commandos neutralising (the sanitised term for killing) "a significant number of militants." Nothing abnormal so far; this is war and in a war, it is natural for combatants to fall, was the general reception of the news in Manipur. But from here on, the media in New Delhi, in particular the TV channels took over. The "significant number" began to have definite two-digit figures. Some even pushed it to three digits quoting unnamed authoritative sources. Talking heads were rushed to studios and the mood everywhere was one of celebration. The blood thirst in the scrolling headlines on screen would have made anybody shudder: "revenge," "retribution," "you hit us we hit back harder." Many of these words soon became the adjectives for Manipur and Nagaland, making residents of these states uneasy, embarrassed, and on cooler reflection, furious.

In the evening of the same "breaking news" day, when newspapers in Manipur also sat down to take stock of things, they had with them just two press releases from the Press Information Bureau's Defence Wing and from the state police to depend on. Neither had anything that signified hot pursuit into Myanmar territory, so local papers wrote their stories accordingly, though the bolder amongst them used the stories

from the websites of these TV channels to make their stories juicier.

In all the TV shows, there was not a single voice that exercised or recommended healthy doubt, which all students of journalism are trained to imbibe. Nobody questioned these sources, and instead simply joined the celebration—of death. This thought itself was gory, even if those killed were enemies. Gone was also the notion that insurgency is a tragic internal war, in the words of Sanjib Baruah, "India fighting itself." If American journalists were accused of being embedded with their military in their invasion of Iraq in 2003, who can now say Indian journalists, in particular, the frenetic TV channels, are not guilty of the same objectionable practice?

Tianxia A Distinctly Chinese Vision of Global Hegemony(EPW,IR)

An exploration of a new Chinese vision of international relations which positions the erstwhile "Middle Kingdom" as the 21st century's lodestar of global stability and progress.

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There are two views of China, broadly speaking, in the United States (US). One, the so-called liberal internationalist view, sees the "rise" of China in terms of the challenges of accommodating to, and possibly jointly managing world order with, this new force. The other, the more hawkish view, returns to a Cold War mindset and reduces China to an Oriental Soviet Union, albeit one that is cash-rich and has figured out how to make things cheaply and well. Both views see the oft-declared decline of the US as premature and overstated; the former because the Chinese have not shown the ability or desire to replace US hegemony with any

viable alternatives and the latter because US military power is still far in excess of any other country's capabilities across all force domains. Both views are currently in need of serious revision.

More than a Match

The event that has changed the prevailing geopolitical calculus is the formation of the Asian Infrastructure Investment Bank (AIIB) in October 2014. Intended to be a classic international development bank on the lines of the Asian Development Bank (ADB) and International Bank for Reconstruction and Development (World Bank), the AIIB is, at one level, a response to the pressing need for infrastructure investment in Asia, estimated to be as much as $8 trillion by the ADB. Although the bank will be based in Beijing, the first multilateral discussions about the bank's structure and functioning took place in Kunming—a suitably symbolic location—capital of Yunnan Province and China's beachhead into mainland Southeast Asia. Future infrastructure investments in neighbouring Myanmar, Laos, Vietnam, North-East India and Thailand will expand and deepen existing corridors for trade and capital flows, tying these regions even closer to Southwest China. In a second important symbolic gesture, the next prep meeting was held in Mumbai.

If the geo-economic benefits of the AIIB are easy enough to see, the geopolitical fallout is where the new bank has the greatest significance. What most shook Washington was the surprise decision by the United Kingdom (UK) to join the AIIB, opening the door for other US allies, including Germany and Australia, to do the same. The only major holdouts, other than the US, are now Canada and Japan. The UK's reasons for joining the bank appear to be driven primarily by finance, especially the desire to establish the City of London as Europe's clearing house for the renminbi, even at the risk of threatening their "special relationship" with Washington.

The US reacted furiously to what it perceived as rank betrayal by its closest partner, but the damage was done as, following London, one European state after another scrambled to join the bank as founding members before the deadline passed. China's bold decision to create the first major and credible alternative to existing international institutions appears to have paid remarkable political dividends.

If the formation of the AIIB represents China's most direct riposte to the liberals that China can be accommodated within the existing US-led international institutional structure with only minor adjustments, China's message to the hawks is equally blunt. China's aggressive behaviour in the South China Sea a year ago when it set up an oil-drilling rig in a disputed part of the Paracel Archipelago visibly demonstrated the other side of China's rise. Tensions with Vietnam, in particular, escalated. Other Association of Southeast Asian Nations (ASEAN) countries expressed their concerns and the Philippines decided to refer its long-standing territorial dispute with China to the International Court of Justice.

After two months, the Chinese decided to withdraw the rig, but since then have engaged in other provocative behaviour in the region and beyond. A naval base on Hainan Island, overlooking the South China Sea, is being expanded to serve as a home for a growing fleet of new attack submarines. Recent satellite images show extensive reclamation and building taking place on islands in the Spratly, off the coast of the Philippines, over 1,000 kilometres from China. China and Russia have announced they will conduct joint naval exercises in the Mediterranean in May 2015, their first ever such venture outside the Pacific. US global naval power is still far in excess of anything China can compete with, but in a regional theatre they may soon be more than a match for each other. The perennial question returns: What does

China want?

Centre of World Authority

Debates within China do not always provide clear answers. Official pronouncements are, of course, unanimous that China is committed to the formation of a "harmonious" world order and intends to play a constructive role in that regard. A somewhat more complex and less benign view emerges from the writings of the philosopher Zhao Tingyang, a leading proponent of the *Tianxia* or "All-Under-Heaven" perspective. This view updates the ancient Zhou dynasty strategy of bringing peace and stability to the world through a highly structured and hierarchical ordering of political authority. Zhao Tingyang's idea of Tianxia transported to contemporary international politics sees a single centre of world authority as the only sensible arrangement of sovereign power, a curious meeting of Plato and Kant that Prasenjit Duara summarises as "order over freedom, elite governance over democracy and the superior political institution over the lower level."

Zhao is particularly dismissive of democracy and the common people, describing them as "blind followers, selfish, foolish…vulgar." They are led by people no better suited to rule, namely, "swindlers, petty people, whores, idiots and scoundrels." William Callahan expands on Zhao's reconceptualisation of Tianxia (and his corresponding popularity among Chinese elites) by explaining that not only does Tianxia mean the world, the world-governing institution, and the people of the world, but also refers specifically to China. Zhao's writings, Callahan explains, resonate widely, even if they are flawed intellectually, because they speak directly to a crucial aspect of China's internal debates about its place in the world, namely, the need to articulate a Chinese approach to world order as a necessary intellectual complement to its still-growing economic and political might.

The search for cultural difference has been a consistent theme of Asian responses to Western hegemony since at least the beginning of the 20th century. As is well known, Indian, Japanese, and Chinese thinkers of various political hues searched for ways of restoring their national self-esteem and sovereignty through privileging the differences between spiritual and harmonious "Asian values" against Western norms of militarism and materialism. With the advent of independent nation states in the mid-20th century, this anxiety reduced in intensity. The most prominent example of Asian accommodation to prevailing international norms was the China–India–Burma declaration of Five Principles of Peaceful Coexistence, called *Panchsheel* in India, which sought especially to foreground national sovereignty and external non-interference in domestic affairs.

Panchsheel was in this sense very different from the turn to essentialised visions of Asian cultural difference that began to become prominent in the 1990s in Southeast Asia. What is taking place in China today is closer to that latter moment, and to the zenith of fin de siècle imperialism, as scholars of *Guoji Guanxi Xue* (international relations) seek to articulate a vision of Chinese hegemony consistent with their international standing.

Old Template, New Print

A distinctly Chinese vision of global hegemony, Tianxia, appears to have been joined by a new willingness to assert Chinese power, hard and soft, in the Xi Jinping era. Even as Xi is systematically consolidating his power at home, the creation of the AIIB and renewed muscle-flexing in the South China Sea would appear to mark the end of an earlier moment characterised by Deng Xiaoping's dictum of "hide your strength, bide your time." The time seems to have come to show China's strength and to be willing to pay the price for international concern and regional unpopularity. Within Southeast Asia at least, long running fears of Chinese dominance

are back with a vengeance. The recently concluded ASEAN summit in Malaysia included a statement saying that developments in the South China Sea had eroded "trust and confidence" and could "undermine peace, security, and stability," strong language for this normally conciliatory regional forum, and in spite of the hosts' desire not to alienate China.

Stepping back from the details of recent developments, the "rise" of China has now begun to address both the liberals and the hawks directly. New institutions, backed by China's huge financial reserves, have led to a flood of bandwagoners, including key US allies. In its maritime "backyard," China has begun to assert its dominance over a huge space backed by massive capital investments and a willingness to act aggressively even at the cost of losing carefully cultivated goodwill.

But, it should be noted, these actions have little to do with the principles expressed in neo-Confucian conceptions like Tianxia. If anything, the Chinese are taking a leaf out of the American imperial playbook. Through two centuries, beginning with the Monroe Doctrine telling "old Europe" to keep out of the Americas, and leading up to Dumbarton Oaks and Bretton Woods, when the institutions that shaped the next four decades of international interactions were inaugurated, the US created a distinctively new template for world order, a structure that is now in disarray.

The Chinese have, for the moment at least, decided that the template is good enough even if the Americans no longer appear to be united or statesmanlike enough to carry through on their imperial vision. The perennial question can hence be reframed: Is the limit of Chinese ambition to reproduce American-style hegemony "with Chinese characteristics" as these recent developments seem to suggest, or, does it reach further? Are these only the first steps in instituting a new global order that takes its cues from the immensely ambitious conception of Tianxia?

Modi's Israel Stake(IR,epw)

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An ideological impetus has been given to a growing, albeit difficult, relationship.

It was an announcement which was expected from the day Prime Minister Narendra Modi took office. It has always been a question of when, and not if, Modi would visit Israel. And, yet, the announcement of the Prime Minister's trip to Israel later this year comes at a time when it makes the least diplomatic sense and when the costs may well be high. For a Prime Minister who wears his "realism" on his sleeve, this appears to be a deeply ideological move driven by his and his party's solidarity with Prime Minister Benjamin Netanyahu and the State of Israel. For Modi, this will be his second visit to Israel; he had gone there earlier as the Chief Minister of Gujarat.

It is ironical that at the very moment that Israel, under the leadership of Netanyahu, faces the greatest international isolation in its existence, Prime Minister Modi has decided to expend political capital on Israel. Given this reality, it is really difficult, despite the

contortions of India's foreign policy experts to do so, to explain this decision without accounting for Modi and Netanyahu's shared "common enemy."

Yet, India–Israel relations have had a cross-spectrum support in India. It was under then Prime Minister P V Narasimha Rao that India established diplomatic relations with Israel in 1992. It was during the United Front government of H D Deve Gowda (with a communist home minister to boot) that India made its first major defence purchase from Israel (the Barak surface to air missiles). It was during the previous National Democratic Alliance government under Atal Bihari Vajpayee that defence relations were ratcheted up many degrees and Israel's then Prime Minister Ariel Sharon visited India.

Even if India–Israel relations were kept away from the glare of the media during the United Progressive Alliance (UPA) period, government to government relations prospered. Bilateral trade has grown significantly in the decade of UPA rule and Israel has opened technology missions and projects in India related to agriculture and water conservation. One of the significant sectors in bilateral trade has been diamonds and a few dozen Indian diamond merchants (a demographic which has been a loyal supporter of Narendra Modi) have a significant presence in Israel's diamond exchange.

Defence cooperation has also grown with Israel supplying India with unmanned aerial vehicles or drones, missiles, airborne early warning radars and various other arms and armaments. There have also been training and operational cooperation as well as intelligence sharing. It also needs to be remembered that India's defence cooperation with Israel has been recorded from at least the time of the India–China war of 1962. India was again helped by Israel in 1965 and 1971 while India helped Israel during 1967. Even if all these were done covertly, they laid the foundations of India's relations with Israel.

Added to this has been the layer of human relations, with a few thousand Israeli tourists coming to India each year and many Indians going to Israel to visit the Christian holy sites. Taken together these have put India–Israel relations on a foundation from where trade and defence cooperation can only grow. Despite this growing relationship, India has been able to, with a few missteps, keep its pro-Palestinian diplomatic position intact over the past two decades, even if that relation has become more ritualistic than substantive.

In the last two decades, Israel has pushed for a maximalist position with regard to Palestine and by its aggressive settlement policy, brazen war crimes and diplomatic squeeze on the Palestinian Authority, has rendered the two-state solution largely obsolete. Not just its strong supporters in Europe but even large parts of the United States' establishment are distancing themselves from Israel's "hard line" position and the visibly vulgar display of racist oppression of the Palestinians. The Boycott–Divest–Sanction (BDS) campaign has gained unprecedented support among people even in countries where Israel has traditionally enjoyed popular backing.

Given the present dispensation in/of the Government of India, it would be quite futile to talk in terms of principles and human rights and that Israel stands accused of a colonial occupation of Palestine. Prime Minister Modi would, on the contrary, perhaps feel happy to learn some "tricks of the trade" from its new best friend, all in the name of fighting "terrorism." While Israel does provide some important defence inputs and scientific collaborations, there does not seem to be any gain for India's strategic position from the type of visibility and rise in profile a prime ministerial visit will give it. Prime Minister Modi seems to be putting the achievements that a few generations of realist foreign policy have accrued to the Indian State by insisting on coating a thick layer of ideological

solidarity on this delicate relationship.

It would therefore be futile to remember that Mahatma Gandhi had called the manner in which Israel was formed by the forcible dislocation of the Palestinians and their large scale killings a "crime against humanity" and "naked terrorism". Rather than use India's growing collaboration with Israel to push for justice to the Palestinians, the ominous signs are that the Modi government will learn how to better militarise civil disputes and further securitise the State.

The Noodle Muddle(EPW,Food)

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The essential discussion should be about the poisons in our food chain.

The Maggi Noodles controversy has triggered a much-needed debate on food safety standards in India. Unfortunately, as with most such debates, attention tends to focus on the specifics, in this instance the culpability of the multinational company Nestle in marketing a product that allegedly contained not just monosodium glutamate (MSG) but also contained lead above permissible levels, instead of discussing how and why this happens.

The question of whether Nestle was negligent about the quality of its product, and deliberately mislabelled it as not containing MSG when it apparently did, is still being debated as the tests on the product varied from one government certified laboratory to another. Rather than establish conclusively that its product was safe, the company chose to withdraw it. Yet, the problem is far from resolved and many questions remain unanswered. If, as some laboratory tests proved, the noodles did have higher than permissible levels of lead, how did this happen? Was it through the wrapping, which is outsourced by Nestle to another company, was it due to the water used in manufacturing the product or from the machines used to manufacture it? Apart from the lead, did the company add MSG to the product but claim it did not, knowing India's lax regulatory regime? Or did the tests show up other types of glutamate that are present in the ingredients but are not necessarily MSG? These are questions that need to be answered as the issue is not just about the culpability of this one multinational but any number of other companies, including Indian companies, that could face similar challenges if their products are tested.

The second, and related, aspect is the promotion of such products as healthy, and targeting them at children. Maggi Noodles has conducted a particularly aggressive advertising campaign using well-known actors to promote the product as convenient, tasty and a healthy snack for children. Even if the product did not contain MSG or lead, is it really a "healthy" snack? The consumption of such convenience foods and other junk foods and their link to obesity and other health problems in children has been a subject of much debate in the West. In India, the opening up of the economy has brought with it "global" aspirational products leading to a switch from traditional and healthy home-cooked foods to such instant products.

The results are now evident in the levels of under-nutrition in children who are being fed a

diet of such junk. One must remember that the promotion of such foods is not very different from the selling of infant formula in the 1970s, incidentally by Nestle, as the best way for mothers to ensure that their babies are healthy. What happened was precisely the opposite. From safe breastfeeding, mothers switched to infant formula. Only after doctors across the world launched a campaign against Nestle did the company change its marketing strategy and acknowledge that there was no substitute for breast milk.

Apart from the specifics of the Maggi issue, one crucial aspect of this debate is that of food safety standards in India and the regulatory system, evidently something of a work in progress. A multitude of laws dealing with food standards was finally brought under one law, the Food Safety and Standards Act, 2006. Two years later, the Food Safety and Standards Authority of India (FSSAI) was established and only in 2011 were the regulations put in place. Although there are five central food-testing laboratories and government and private accredited laboratories in all states, many of these are poorly equipped and inadequately staffed. Despite these constraints, once in a while, they manage to catch an offender. But for every Maggi Noodles caught there are scores that get away.

However, the problem is not limited to packaged goods. Every year, an inestimable number of people, including young children, fall ill or die because they consume food that is either substandard or is contaminated. Milk, fruits, vegetables or meat are loaded with all manner of contaminants from pesticide residues to trace metals. In fact, what is missing in the discussion is the source of the contamination. Over the years, there have been numerous incidents of pesticide residues found in bottled drinks and in milk. The link to the overuse of pesticides and the resultant contamination of soil and water is more than obvious. Yet, this aspect remains unchanged, and if anything, has become worse. Similarly, lead finds its way into the food chain because of the careless processes involving recycling of lead-based products and the continuing use of lead in paint and in water pipes. While it is important to focus on contamination of foods and possible deliberate neglect, we also need to tackle the source of contamination. The grim reality is that poisons have infected the entire food chain. Regulations alone will not curb food contamination unless we look closely at the process of food production in this country.

Estimates and Analysis of Farm Income in India, 1983-84 to 2011-12(Fodder on Agriculture , epw,essay)

This paper presents estimates of farmers' incomes from agriculture over the past three

decades. The income earned by farmers from agricultural activities after paying for input costs and the wages for hired labour has seen low to high growth in different periods during the last three decades. In none of the periods do farmers' income or profitability of farming show any squeeze. The pace of growth in farmers' income that began around 2004-05, which reduced the disparity in growth in incomes of farmers and non-farmers, could not be sustained after 2011-12. It looks like the growth in farm income after 2011-12 has plummeted to around 1%, and this is an important reason for the sudden rise in agrarian distress in recent years.

Data, Urbanisation and the City(SciTech,Plity ,epw)

By using the enormous processing capacity of computing that is now available, we can, it is claimed, improve how cities are governed—make them smart! This review attempts to illuminate how data reveals relationships between citizens and the state and thus facilitates an informed debate on whether data can be deployed to build a more inclusive and constructive relationship between citizens and their government. As urbanisation deepens, we see struggles around who gets to decide what is to be governed and how the data is to be collected and deployed and what technologies and skills are to be deployed for implementation. The papers in this collection can be viewed in three groups, respectively, dealing with three issues: data collection processes, intra-urban spatial inequities and use of new sensing technologies.

The Four Parts of Privacyin India(epw,essay,)

Privacy enjoys an abundance of meanings. It is claimed in diverse situations every day by everyone against other people, society and the state. Traditionally traced to classical liberalism's public-private divide, there are now several theoretical conceptions of privacy that collaborate and sometimes contend. Indian privacy law is evolving in response to four types of privacy claims: against the press, against state surveillance, for decisional autonomy and in relation to personal information. The Supreme Court has selectively borrowed competing foreign privacy norms, primarily American, to create an unconvincing pastiche of

privacy law in India. These developments are undermined by a lack of theoretical clarity and the continuing tension between individual freedoms and communitarian values.

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In a celebrated paper in 2006, a leading privacy law expert invoked the despair of God who, like the playwright in Jorge Luis Borges' story "Everything and Nothing," invests the world with a diversity of meanings but lacks one himself (Borges 1985). Privacy, he contends, is similarly amorphous with several connotations but no exact meaning (Solove 2006). Likening the world to a play is not new (Shakespeare 1603), but Borges' playwright was also bemoaning a lack of personal depth when compared to his literary characters. It is true privacy defies definition, but it certainly does not want for depth. There are several theoretical conceptions of privacy, some with rich philosophical and juridical histories. This article will briefly visit a few such conceptions before reviewing four contemporary elements of privacy in India that are influencing the evolution of privacy law.

Privacy in Everyday Life

Privacy expectations are commonplace. This is apparent from the diversity of contexts in which privacy claims are made. Privacy is most easily understood in relation to the body, where the law enforces social norms to protect against unwanted physical contact including assault, but does not criminalise staring. Recent controversies over the wearing of the hijab reveal conflicting expectations of privacy in relation to non-intimate personal features such as the face. In the 2014 case of *S A S* vs *France* (2014), the European Court of Human Rights (ECHR) found the hijab was not protected by the right to privacy to endorse demands for its removal in public places. Privacy is also widely claimed with respect to property. Notions of territorial privacy derive from classical liberalism and the protection traditionally given to homes and family life, which is discussed in more detail later. The castle doctrine—which was summarised by Edward Coke: "An Englishman's home is his castle"—demonstrates the common law's relatively early recognition of the inviolability of the home and the privacy of its residents.

The current global debate on the limits of surveillance deals with communications privacy which, according to some early cases in the United States (US), flowed from the protection given to property. Not all communications are protected. While the old English offence of eavesdropping punished the surreptitious listening of a private conversation in a general setting, current Indian law only protects telephonic, electronic and postal communications from unauthorised interceptions. The privacy of a person's location was recently in issue, when the Indian Penal Code (IPC) 1860 was amended to include the new offence of stalking in Section 354D. But locational privacy is impugned more by telephone and internet service providers as well as police investigation techniques such as cell tower triangulation and even handset-based global positioning system (GPS) tracking.

Data protection is another burgeoning field of law to regulate information privacy. Information that can result in the identification of a person, or "personal data," is strongly protected in Europe and the manner in which it can be collected, processed, stored, used or disclosed is heavily regulated. In contrast, Indian law offers very little protection against commercial or state uses of personal data. While direct marketing through telephones or email has received attention, the manner in which personal data has been commoditised, monetised and non-consensually shared has not. Privacy claims against the state have been raised in relation

to the collection of biometric information for the issue of unique identity—"Aadhaar"—numbers.

The Meaning of Privacy

It is important to make a distinction between privacy, intimacy and secrecy since they are often wrongly conflated. What is intimate is private, but what is private need not be intimate (Gerstein 1978). For instance, the nature of a person's sexual relations is both intimate and private whereas information about that person's credit history may be private but is not intimate. Privacy and secrecy are also confused (Cohen 2010, Neocleous 2002). In everyday usage, secrecy usually conceals wrongdoing that may be, but is not necessarily illegal, such as an illicit extramarital affair (Posner 1979). On the other hand, in certain legal contexts imbued by state interests, secrecy restricts the disclosure of information that may affect the integrity, both real and imagined, of the nation state. Hence, while the intimate life of a minister may, with exceptions, be private, the deliberations of that minister during meetings of the cabinet are secret.

Once synthesised from its semantics and contexts, privacy appears to have three distinct meanings. First, privacy means spatial control. This meaning creates private spaces out of territory; but, while many such privacy expectations are socially negotiated, such as an imagined zone immediately surrounding our bodies, the law only protects these spaces when the territory is privately owned, such as a house (Lessig 2002, Goldring 1984, Litman 2000). Second, privacy means decisional autonomy. This protects personal choices that are intimate, such as a person's reproductive or contraceptive preferences, as well as choices that are played out in public, such as a person's faith or dress sense (Clark 1974). And, third, privacy connotes informational control. While the nature and limits of this control is debated, many laws seek to shield a certain vital amount of personal control over information from others (Westin 1967, Fried 1968).

Beate Rössler likens the meanings of privacy to the layers of an onion (2005). The centre of the onion, the innermost layer, she says, encompasses privacy of the body and other intimate interests. The second layer is compared to the classical liberal understanding of privacy that flows from the traditional public—private divide to protect the family and the home. And the third, outermost, layer of the onion describes economic structures or public civil society in opposition to the state, such as private corporations. This multilayered understanding of privacy appears to survive cultural differences (Zarrow 2012, Pow 2009).

Theoretical Conceptions

The primary conception of privacy flows from the classical liberal construction of the private sphere, based on the understanding that the home, the family, the place of worship, and other intimate spaces and relationships must be shielded from society and the state (McCloskey 1974, McCloskey 1980, De Bruin 2010). The private sphere competes with the public sphere—where private people gather to articulate the needs of society with the state, according to Jürgen Habermas—which invites state activity and regulation (1991). Liberal theorists from John Locke to John Rawls have reiterated the primacy of the family and the home in defining the private sphere and the privacy rights that arise therefrom (Locke 1689, Rawls 1971). But this traditional notion of the public—private divide is patriarchally encoded to presume heteronormative families led by men who solely populate the public sphere, confining women to the home and even shielding domestic violence against women with privacy (MacKinnon 1989, Gavison 1992, Allen 1988). Conceptions of privacy that emanate from the private sphere must survive this foundational critique of liberalism to be persuasive.

In 1890, Samuel Warren and Louis Brandeis built on classical liberal theory to argue a new

conception of privacy, which they called the "right to be let alone" (Warren and Brandeis 1890), a phrase borrowed from Thomas Cooley (1888). The expansion of the press in England and the US had led to greater scrutiny of the lives of public figures without an equivalent expansion of legal protection. Warren and Brandeis presented two central arguments. First, they proposed an extension of John Stuart Mill's "harm principle" (1859) to defend against the injury caused by prurient gossip and related invasions of privacy. English common law did not recognise a general tort of privacy, but it did offer the tort of nuisance as well as actions under the laws of defamation and confidence, which they found inadequate. Second, they argued intellectual property law failed to address the mental distress caused by unauthorised publication of personal information. In other words, they critiqued the failure of copyright law to treat the peace of mind of a person as a morally relevant quality, which is what classical liberalism sought to protect in the private sphere.

Warren and Brandeis said the essence of the right to be let alone was not private property but "inviolate personality," but they failed to offer a framework for enforcing this claim. By virtue of the principle of inviolate personality, was information about a person under her control? Yes, according to Alan Westin, who claimed that privacy is the ability of a person to control what information about her should be known to others (1967). This conception of privacy, as control over information, was shared by Charles Fried who pointed out that love, friendship and trust are conditional upon privacy (1968), thereby introducing social utility to the control theory. Julie Inness added nuance by stating that the imperative of control attaches with greater moral force to intimate information rather than impersonal information, bringing the privacy–intimacy distinction into focus once again (1991). However, this conception fails to explain what the control of information should be predicated on. It is a defining characteristic of property that a person who owns it may control it without encumbrance. But, is information about us our property (Moore 1998)?

David M O'Brien disagreed, and criticised the theoretical reduction of privacy to the single value of information control. Instead, he claimed privacy denoted "an existential condition of limited access to an individual's life experiences and engagements" (1979). This conception of privacy in terms of the inaccessibility of a person is improved upon by Ruth Gavison, who says privacy and accessibility are inversely proportional; hence, the greatest degree of privacy is attained when a person is completely inaccessible (1980). But, inaccessibility-based conceptions of privacy must be interrogated to survive two questions: is the sole inhabitant of an inaccessible place really more private than she is isolated (Schoeman 1984, Solove 2002); and, does a person who is confined to an inaccessible place against her will really enjoy more privacy than she suffers a loss of control (Westin 1967; O'Brien 1979)?

With regard to information privacy, perhaps the most convincing conception is proposed by Helen Nissenbaum who argues that privacy is the expectation that information about a person will be treated appropriately. This theory of "contextual integrity" believes people do not want to control their information or become inaccessible as much as they want their information to be treated in accordance with their expectations (Nissenbaum 2004, 2010, 2011). Since privacy suffers an embarrassment of meanings, its epistemological diversity is an asset, allowing different distillations of the norm to inform dissimilar claims.

Privacy and Press Freedom

An analysis of the debate regarding privacy in India reveals four types of privacy claims. The first claim relates to press freedom. According to Thomas Emerson, while privacy and a free press can coexist mostly in harmony, there are two potential areas of conflict: the first concerns the tort of privacy and the second the right to know (1979). The tort of privacy is

an American creation; two of its components clash with the right to publish (Prosser 1960; Emerson 1979). These are cases of (i) embarrassing disclosure of private facts, and (ii) the public casting of a person in false light. Significant attention has been devoted to finding the balance between privacy and press freedom in these cases.

With regard to embarrassing disclosures, some courts have tended to uphold invasive publications when deemed newsworthy, such as a US federal appeals court in *Virgil* vs *Time, Inc* (1975) which contrasts with the English cases of *Campbell* vs *Mirror Group Newspapers* (2004) and *Mosley* vs *News of the World* (2008) and the ECHR decision in *Von Hannover* vs *Germany*. In false light cases, courts have wavered between permitting and disciplining sensationalist but non-defamatory speech such as, for instance, the US Supreme Court judgment in *Time, Inc* vs *Hill*. Despite the Ohio Supreme Court's recognition of the false light tort in *Welling* vs *Weinfeld* 866 N E 2d 1051 (2007), there is a trend of reducing the scope of false light cases for impeding free speech, evidenced by the Florida Supreme Court judgment in *Anderson* vs *Gannett Company* 994 So 2d 1048 (2008).

However, several jurisdictions such as the United Kingdom (UK) and India do not recognise the tort of privacy. English courts have steadfastly refused to declare a tort of privacy, a position confirmed by the House of Lords in *Wainwright* vs *Home Office* (2003). In the absence of a privacy tort to protect against press intrusions, claimants have tried to imaginatively bend other legal principles to their will (Markesinis et al 2004). See for instance, *A* vs *B plc* (2003) and *Douglas* vs *Hello!* (2003) which argued the equitable remedy of confidence, and *Ellis* vs *Chief Constable Essex Police* (2003) which argued administrative law principles governing police powers.

This is not to suggest individuals are at the mercy of a mischievous press; on the contrary, the ease with which defamation claims are made with a view to silence the press, especially investigative journalism, is worrying (Dhavan 2008). Emerson identifies three interesting differences between defamation and privacy: (i) in defamation law truth is a defence, for privacy, truth is the grievance; (ii) defamation seeks to protect reputation, privacy protects peace of mind; and (iii) defamatory attacks on reputation can be publicly ameliorated, whereas public participation aggravates privacy injuries (1979).

In 1961, Lord Mancroft proposed the House of Lords codify a right to privacy to restrain invasive publications. The press could defend itself by proving the claimant was the subject of "reasonable public interest" for any of three reasons; namely, her occupation of a position of authority, her fame as a result of some achievement, or her insertion into the public eye due to a contemporary event1 (Neill 1962, Pratt 1979). In 1971, the Law Commission of India's 42nd report proposed to make a beginning for privacy law in India by legislating to prevent eavesdropping and unauthorised photography. This formula, adopted by the Indian Penal Code (Amendment) Bill in 1978, proposed a new chapter on privacy. However, it did not examine press freedom and eventually lapsed. In 1981, V N Gadgil of the Congress Party introduced a Right to Privacy Bill in the Lok Sabha, which was fortunately defeated. His motivation appeared to be the prevention of exposes of politicians, an effort he renewed in 1994 (Rahman 1994; Noorani 2011). The 1982 Second Press Commission chaired by Justice K K Mathew rejected Gadgil's bill, endorsed the lapsed proposals of 1978, proposed an extensive categorisation of matters that invited the public interest defence, and ceded the authority to judge improper privacy invasions to the Press Council of India (Government of India 1982).

Privacy and the right to know—often framed as the right to information from public sources—sometimes compete. But this tension is greater than the sum of its parts, for in the 1994 case of *R Rajagopal* vs *State of Tamil Nadu* (1994), the Supreme Court (SC) settled the law

on the proposition that only the personal privacy of public officials, consisting of intimate actions and information, is protected. Discord occurs when privacy is claimed in lieu of a breach of confidence remedy which, in my view, is the basic flaw in Ratan Tata's ongoing petition in the Supreme Court in respect of the government's unauthorised disclosure of Niira Radia's intercepted communications and their subsequent publication (*Ratan Tata* vs *Union of India* (2010). However, the "iniquity rule"—described by the maxim "there is no confidence as to the disclosure of iniquity"—would apply to protect the publication of confidential information that reveals culpability.

Privacy from State Surveillance

The second type of Indian privacy claim is in respect of state surveillance, both of property and communications. Liberal societies protect the privacy afforded by private property by requiring agents of the state to obtain warrants prior to entry. In the early 20th century, American courts went a step further to exclude from evidence anything seized from within private property in the absence of a search warrant (*Weeks* vs *United States*). The "exclusionary rule" strengthens privacy by discouraging illegal searches, and the "fruit of the poisonous tree" principle disqualifies evidence gathered with the assistance of illegally obtained evidence. These principles, which protect privacy rights through rules of criminal procedure and evidence, are at odds with English law, which is solely concerned with the relevance of the material, not its pedigree (*Kuruma, Son of Kaniu* vs *R* (1955). The English position was imported in *R M Malkani* vs *State of Maharashtra* (1973) following which Indian law permits illegally obtained evidence.

In 1928, the Supreme Court of the United States (SCOTUS) was asked in the case of *Olmstead* vs *United States* to extend the exclusionary rule to telephone conversations wiretapped without a warrant. In a close decision, with Justice Brandeis—the co-author of the 1890 article on the right to be let alone—dissenting, the court declined because the cables that carried the telephone conversation were not solely confined to private property. This facile reliance on the notion of private property was overruled in 1967 when people, not property, were declared to be the objects of privacy in *Katz* vs *United States*. In the 1996 case of *People's Union for Civil Liberties* (PUCL) vs *Union of India* (1997), the Indian Supreme Court declared telephone conversations were protected by a construction of privacy that flowed from the right to "personal liberty"—guaranteed by Article 21 of the Constitution, thereby triggering a 1978 judicial test requiring wiretaps to be conducted under a just, fair and reasonable law of Parliament (*Maneka Gandhi* vs *Union of India* (1978)).

However, India's past jurisprudence of surveillance regulation is sketchy. In the 1962 case of *Kharak Singh* vs *State of Uttar Pradesh* (1964), the first surveillance-related constitutional privacy claim was mostly rejected by the Supreme Court when the majority refused to locate privacy in "personal liberty"; however, they did prohibit warrantless entry into the houses of "history-sheeters." Justice Subba Rao famously dissented, finding privacy constituted the essence of "personal liberty" and surveillance had a chilling effect on free expression. In *Gobind* vs *State of Madhya Pradesh* (1975), profiting from the evolution of new American privacy jurisprudence in the intervening years, the court leaned towards, but ultimately held short of, recognising a constitutional right to privacy. The court found if the right to privacy did exist in India, it was subject to the test of "compelling state interest" from which it did not emerge intact.

This scepticism has aided the perpetuation of a relatively stringent communications surveillance regime. The interception provisions of the Telegraph Act 1885 in Section 5(2) and its close cousin the Post Office Act 1898 in Section 26 were enacted to bolster colonial

control over a subjugated nation, and were disparaged by P Ananda Charlu and Bishamber Nath who were Indian members of the Imperial Legislative Council.2 After independence, despite the Law Commission of India's 38th report suggesting in 1968 the reading down of the interception provisions for travelling beyond the pale of constitutionality, the Supreme Court cursorily tested the interception provisions against the right to free speech in the 1996 PUCL case and found they survived. In 2008, similar provisions were included through Sections 69 and 69B of the Information Technology Act 2000 to enable the interception and monitoring of electronic communications. Alarmingly, in the appeal of *State* vs *Navjot Sandhu* (2005) concerning the 2001 attacks on the Indian Parliament, the Supreme Court permitted wiretapped evidence illegally obtained outside the boundaries of these already severe laws, a move likely to embolden the police into greater illegal invasions of privacy.

Privacy as Decisional Autonomy

The third privacy claim is in relation to decisional autonomy, and is founded on the belief that privacy is an essential constituent of liberty, the deprivation of which prevents people from making fundamental choices about themselves. Such a conception of privacy has flourished in the US where the national polity is marked by a greater expectation of individual sovereignty against the impositions of society and the state (Lane 2009). The SCOTUS enforced this account of privacy in two landmark decisions in 1965 and 1973. In the former case of *Griswold* vs *Connecticut*, the court struck down a law that criminalised birth control for violating the inherent privacy of marriage. The majority declared couples had a right to privacy that protected their choices regarding contraception, and this right emanated from the "penumbras" of the other rights in the US Bill of Rights, which together created a "zone of privacy." In the latter case of *Roe* vs *Wade*—more controversial for its subject matter: abortion—the court upheld a woman's decisional autonomy to terminate her pregnancy afforded by the right to privacy, but located this right firmly in the constitutional guarantee of "personal liberty," not amongst the penumbras of other rights.

However, decisional autonomy cases have been inconsistent. In *Bowers* vs *Hardwick* in 1986, the SCOTUS failed to protect private and consensual adult homosexual sex based on an unsound heteronormative application of the classical public–private divide. Dissenting judge Harry Blackmun, who had delivered the primary judgment in *Roe*, condemned the majority's "wilful blindness" to the privacy interests of gay people. In 2003, *Bowers* was overruled by *Lawrence* vs *Texas*which returned the privacy of sexual choice to an expanded interpretation of "personal liberty" in the Bill of Rights. Ironically, while Indian privacy jurisprudence borrows the idiom of personal liberty, it has only applied it with limited success in surveillance-related cases—*Kharak Singh*, *Gobind* and PUCL—where the privacy interests in homes or communications are obvious and bear no relation to decisional autonomy. The sole attempt to enforce decisional autonomy flowing from a right to privacy emanating from the constitutional guarantee of "personal liberty" was made by the Delhi High Court in *Naz Foundation* vs *Government of* NCT *Delhi* (2009), but was unconvincingly—in my view wrongly—overturned on appeal by the Supreme Court in *Suresh Koushal* vs *Naz Foundation* (2014) 1 SCC 1.

These and other failures suggest Indian privacy law has not matured to protect individual sovereignty, especially against the depredations of society and the state, which purport to enforce the morals of the community. For instance, there are currently concerted legislative and judicial attempts to prohibit an individual's right to privately view obscene content (*Kamlesh Vaswani* vs *Union of India* (2013), a freedom long upheld elsewhere under an implied right of privacy, such as in the US case of *Stanley* vs *Georgia*. In a similar vein, banning the private consumption of certain foods on grounds unrelated to safety, for instance the bans of

beef and pork, negates the decisional autonomy of an individual's private right to eat. Although this claim has not been successfully advanced in India yet, it is being argued in the Bombay High Court in *Haresh Jagtiani* vs *State of Maharashtra* (2015).

Information Privacy

The fourth and final privacy claim, which is relatively recent in India, is made in relation to personal information. Personal information is that which can cause the identification of a person, whether used directly or in conjunction with other information. Personal information is required by the state to provide governance and is sought by commercial entities, both public and private, in order to provide goods and services. Information privacy law seeks to regulate the collection, use, storage, disclosure and destruction of personal information in order to protect the agency and expectations of the individuals to whom that information pertains.

State authorities have long collected personal information for the general purpose of governance, such as the decadal Census of India; or to issue identification documents, the production of which are a condition precedent to access many services and freedoms, such as ration cards, driver's licences, passports, electoral photo identity cards, and others. The latter documents serve the unwritten dual purpose of establishing identity in everyday life. State collections of personal information went unopposed for decades before the creation of the Aadhaar scheme in early 2009 to collect and store biometric information of all people resident in India. The Aadhaar scheme is consensual, no forcible collection of biometric information is provided for; and, the Supreme Court has temporarily disallowed condition precedential demands for Aadhaar cards to access government services in two orders of 23 September 2013 and 16 March 2015 in *Justice K S Puttaswamy* vs *Union of India* (2012). Nevertheless, privacy concerns regarding the security of the centralised database and the sharing of personal information remain, in addition to serious procedural infirmities stemming from the absence of an enabling statute (Greenleaf 2010).

On the other hand, a 2004 amendment to the Citizenship Act, 1955 permits the compulsory registration of citizens to enable the creation of the National Population Register (NPR), which also seeks biometric information, namely fingerprints and iris recognition scans. The NPR is the first countrywide biometric information collection effort, but there have long existed provisions in Indian criminal law to permit the forcible collection of fingerprints for forensic uses in certain cases. Section 73 of the Indian Evidence Act, 1872 permits such a collection of fingerprints, as does the Identification of Prisoners Act, 1920 which was further amended by Tamil Nadu in 2010 to enable the collection of blood samples. Indeed it is a common practice in most countries to forcibly collect fingerprints during the criminal justice process; therefore privacy interests demand the conditions that trigger forcible collection are reasonable to safeguard against capricious or arbitrary exercises of power.

Commercial collections of personal information have been largely unregulated in India despite the advance of information privacy law in Europe and other parts of the world. With the expansion of India's data processing industry, fuelled in large part by incoming personal information from Europe, pressure mounted on India to introduce legislation to comply with the outsourcing requirements of European privacy law (Greenleaf 2011a). In 2010, a European-commissioned assessment of Indian data privacy laws revealed large gaps in protective coverage to necessitate corrective action (Greenleaf 2011b). This remediation was dual: on the one hand the Department of Information Technology (DEITY) in the Ministry of Communications issued rules to institute a basic data protection regime (the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011),

and on the other hand the Department of Personnel and Training (DoPT) in the Ministry of Personnel, Public Grievances and Pensions began drafting a comprehensive privacy bill.

The anomaly of two ministries in the same government attempting to make law on the same field appears to have been lost on observers. Law ought to be clear, but DEITY's rules were carelessly drafted prompting the department to issue a press clarification a few months later which in turn was dubious since law cannot be made or interpreted by press releases. In parallel, one year earlier, the DoPT had issued a white paper for privacy legislation where it counter-intuitively claimed: "India is not a particularly private nation" (Department of Personnel and Training 2010). Inchoate claims of this nature suggest tension between communitarian values and individual rights (Etzioni 1999, Etzioni 2000, Walzer 1990); they strike at the heart of the liberal construction of the citizen as an autonomous rights-bearer free from the impositions of society and the state. Nevertheless, the resultant draft privacy bill was considered by a Committee of Secretaries in May 2011 whereupon it was returned to the DoPT for substantial modifications. The latest avatar of the bill has not been publicly released for comments yet, so a discussion of its merits would be premature.

Future Tense

If they receive sustained legislative or judicial attention, these four categories of privacy claims could form the basis for the creation of a coherent corpus of Indian privacy law. Such a law need not be omnibus, as the DoPT's first draft bill was in 2011. Indeed, the multiplicity of privacy claims, the diversity of the attendant legal principles, and the various challenges of enforcement would muddy the waters of any possible omnibus legislation. In the first place, there is a difference between the *in rem* public right to privacy against society and the state and the private "bundle of rights" afforded in tort law and by actionable claims (Dhavan 1979). This fundamental distinction has been blurred on several occasions, including by the Supreme Court in *R Rajagopal*, to warrant a clear demarcation in future law. Further, the technical and commercial expertise required to regulate data protection bears little relation to the constitutional, criminal and administrative law concerns that govern surveillance, free speech or decisional autonomy. For these and other reasons it is best if the individual constituents of Indian privacy law are left to mature in their silos.

However, there is a larger dissonance in Indian privacy jurisprudence that requires resolution before actual progress can be achieved. This is twofold. On the one hand, past privacy case law has failed to achieve theoretical clarity, and as a result a jumble of contending concepts confuses the law instead of substantiating it. For instance, in the *Gobind* case, which dealt with the limits of police surveillance on private property, the Supreme Court devoted most of its judgment to studying the emerging American ideal of decisional autonomy, which is chiefly concerned with protecting intangible choices rather than property. Yet, after having approved decisional autonomy, the Court abjectly failed to apply it when legitimately called upon to do so in the *Suresh Koushal* case. To use a litigator's yardstick, there is no test for privacy; no Indian judge has fashioned a judicial model of privacy that is logical, predictable, and supported by reason, not even the inimitable Justice Subba Rao whose contribution to privacy law continues to tower over the field.

On the other hand, as long as India's law and polity remain ambivalent about the rights of the individual against the community, privacy law will suffer. By whatever term the law employs to describe the undefined claims of the community—public interest, public morality, public order, or national security—the price of frequently privileging these claims over the freedoms of the individual is the loss of privacy. Since government policy has historically favoured

homogenised notions of state interest and public order that imagine no space for privacy, an unwavering stand in favour of individual freedoms and privacy from interference by the community and state must be judicially taken by the constitutional courts

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Comparing Census and NSS Data on Employment and Unemployment(epw,Fodder for GS)

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The census and National Sample Survey both provide employment and unemployment data. This article identifies broadly comparable indicators of employment, underemployment and unemployment from the two data sets and finds that Census 2011 estimates of unemployment are far higher than those of the NSS 68th round. This article suggests this is so because the census unemployment estimates also include students and women primarily engaged in domestic duties who are seeking work.