



## A scheme before its time

A digital health mission needs to get all the fundamentals of the ecosystem right

Prime Minister Narendra Modi has announced the National Digital Health Mission, the most salient aspect of which is that all citizens will have the option of voluntarily opting for a Health ID, a 14-digit health identification number that will uniquely identify every citizen and will be a repository of their medical history. Illustratively, it will contain details of every test, every disease, the doctors visited, the medicines taken and the diagnosis. The portability this offers implies a person will, in theory, never have to haul around their reports. The doctor who is examining the patient can give more well-informed advice because it is possible that patients may not consider aspects of their medical history relevant to share with a doctor, or sometimes may forget about them, but which may be valuable for a better diagnosis. This id can be created by using a person's basic details and mobile number or Aadhaar number, and there will presumably be an app acting as a convenient interface.

As snazzy as all of this sounds, a digital health id right now is really a solution looking for a problem. There is no clear justification that the immobility of medical records is an insurmountable obstacle to the provision of affordable, high-quality health care in India. The challenge of health care in India, as decades of research and the experience with the novel coronavirus pandemic have shown, can be expressed quite simply. There are too few hospitals with trained staff to cater to all Indians. But expanding the health-care system will not be easy. India's federal structure, the size of its population – and a large rural one at that – the cost of researching, finding and buying appropriate drugs and treatment, competing systems of medicine and the very challenging nature of health itself, mean that the issues are manifold. The graver problem is that the technocratic sheen of a digital health id hides a mammoth store of personal data, which in the absence of a privacy law and little public awareness and control over their data, could be open to misuse. There is the danger that any large private insurance company could use sophisticated algorithms across the health and other databases to construct risk-profiles for people and make access to affordable insurance difficult. Also, data mining can prioritise certain rich demographics for their services and direct public and private resources to people who can afford a high premium for their services rather than to those who need them but cannot pay as much. For a digital health ecosystem to work, it is important that the fundamentals be fixed from the ground up.

## Change of guard

As Japan's new PM, Kishida will need to address its economic woes and inequalities

The election of Fumio Kishida as the ruling Liberal Democratic Party (LDP) leader opens a new chapter in Japan's otherwise status-quoist politics at a time when its geopolitical prominence is growing amid China's rapid rise and the United States' pivot to the region. Mr. Kishida, a former Foreign Minister, is certain to be elected the next Prime Minister when Parliament convenes next week, as the LDP controls the legislature. Japan was thrown into a leadership contest after the unpopular Prime Minister, Yoshihide Suga, announced his resignation earlier this month amid mounting public anger over his government's handling of the COVID-19 pandemic and the associated economic woes. The traditionally conservative, pro-business LDP, which has dominated Japan's post-war politics, was apparently not confident of going to the parliamentary polls in November under the leadership of Mr. Suga; his approval rating had plunged from 60% in January to below 30% in August. In the initial round of the voting on Wednesday among four candidates to lead the party, Mr. Kishida was neck-and-neck with Taro Kono, a serving Minister in the Suga government, who enjoyed higher popularity among the party's rank and file. But in the run-off, most legislators supported Mr. Kishida, who had the backing of the LDP establishment.

Mr. Kishida's most immediate big task is leading the party to the parliamentary elections within weeks. With the COVID situation easing, the LDP appears to be confident of victory under the new leadership. But winning elections would only be the first of a host of key challenges awaiting Mr. Kishida. He needs to come up with a programme to lift the world's third largest economy out of its sluggishness. Even when the U.S. and China had surged back to growth after COVID lockdowns, Japan's economy continued to falter under the long national emergency declared to fight the virus. Despite the LDP's conservative past, Mr. Kishida had taken a centre-left position on the economy during the campaign. He promised increased spending to revive the economy and asked corporations to distribute more of their profits to middle-class workers. What is to be seen is whether these were instances of mere election-time rhetoric or if Mr. Kishida would turn them into policies to address Japan's economic woes and widening inequality. A tougher challenge would be in the realm of foreign policy. After announcing the AUKUS alliance with the U.K. and Australia, under which Australia would be supplied nuclear submarines, the U.S. has made it clear that the Indo-Pacific is the new theatre of great power rivalry. Japan, an American ally in the Pacific with deep economic ties with China, would find it difficult to sit on the fence for long. Mr. Kishida, who called Taiwan "a frontline in the struggle by democracies against authoritarianism" and supported building Japan's missile-strike capability, has already indicated which direction he would be taking on China. If he walks the talk, tensions are going to rise in East Asia.

# A fund without a care for the RTI

The Government's claim that the PM CARES Fund is not a public authority is unacceptable



M. SRIDHAR ACHARYULU

It may not be an exaggeration to say that when it comes to seeking answers and information under the Right to Information (RTI) Act, the Prime Minister's Office (PMO) is consistent in putting up a screen. The manner in which the Prime Minister's Citizen Assistance and Relief in Emergency Situations (PM CARES) Fund was set up – with its acronym created to publicise the point that the Prime Minister cares for people – shows a bypassing of the statutory obligations of a public authority.

### The other funds

A statutorily constituted National Disaster Response Fund (NDRF), which was established under the Disaster Management (DM) Act of 2005, is deliberately ignored while a new, controversial, unanswerable, and 'non-accountable' vehicle is created; its character is not spelt out till today. The NDRF is mandated to be accountable, and answerable under the RTI Act, being a public authority, and auditable by the Comptroller and Auditor General of India. The Government seems to consider statutory provisions for enquiry and information seeking to be embarrassing obstacles. The DM Act provided for a Disaster Response Fund – state and district level funds (besides the national level) and also to collect and use the donations at the local level, with mandatory transparency and audit provisions. The PM CARES Fund centralises the collection of donations and its utility, which is not only against the federal character but also practically inconvenient.

There is the Prime Minister's National Relief Fund (PMNRF) operative since the days of Jawaharlal Nehru. The website says (https://bit.ly/39Plqdl): "In pursuance of an appeal by the then Prime Minister, Pt. Jawaharlal Nehru in January 1948, the Prime Minister's National Relief Fund (PMNRF) was established with public contributions to assist displaced persons from Pakistan. The resources ... are now utilised primarily to ren-

der immediate relief to families of those killed in natural calamities... and to the victims of the major accidents and riots. Assistance from the PMNRF is also rendered, to partially defray the expenses for medical treatment ... The fund is recognised as a Trust under the Income-Tax Act and the same is managed by [the] Prime Minister or multiple delegates for national causes." The fact is that there is substantial money also left in the PMNRF. But the Narendra Modi government does not want to use it. The PMNRF has the President of India and the Leader of Opposition also as trustees. The Centre now considers it as another obstacle and has created a new trust with the Prime Minister and his Ministers only.

While both funds, the NDRF and the PMNRF, have been relegated to the back burner, the PM CARES Fund is in the limelight. It has been created not by law, not by notification, but by the mere creation of a webpage, and set up last year in March to raise funds for those affected by the COVID-19 pandemic. The page lists its structure, functions and duties in an arbitrary manner. The official appeals for funds are made under the emblem of the Saranath lions and 'Satyameva Jayathe', which means "Truth Alone Triumphs". Therefore, the recent affidavit, where the Delhi High Court was informed that "the PM CARES Fund is not a Government of India fund and that the amount collected by it does not go to the Consolidated Fund of India", is strange. The affidavit was filed by an Under Secretary at the Prime Minister's Office (PMO), who added that the trust functions with transparency. The most significant lie of this sworn statement is that the Government has no control over the Fund.

### Query and response

After initial denials, the Government has conceded it to be a public charitable trust, but still maintains that it is not a 'public authority'. In his public speeches, the Prime Minister often makes assurances of transparency. The Bharatiya Janata Party also says it is committed to its promise made in its election manifesto – of there being zero tolerance for corruption. If these are true, then the PM CARES Fund should be declared as 'a Public Authority' under the



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RTI Act, and all RTI queries answered truthfully.

Going back to the affidavit about the PM CARES Fund, the Under Secretary's response reflects the adamance to not be transparent and is a stand in defiance of the RTI Act. The issue arose after a petitioner/lawyer, Samyak Gangwal, filed a petition seeking that the PM-CARES fund to be declared as the "State" under Article 12 of the Constitution. In another plea, he had sought for the fund to be designated as a "public authority" under Section 2(h) of the RTI Act (https://bit.ly/3uqfJk). The point is that the PMO operates the Fund, but says it cannot supply any information about the PM CARES Fund because it is not a public authority. The PMO completely glosses over the fact that the PMO is a public authority and has to give us answers about the fund under the RTI.

### More questions and gaps

Some of the claims made in the affidavit are: The PM CARES Fund was neither created by the Constitution of India nor by any statute. If that is the case, under what authority does it use the designation of the Prime Minister, designated symbols of the nation, the tricolour and the official (gov.in) website of the PMO, and grant tax concessions through an ordinance? Why does the Prime Minister make appeals for contributions to this fund saying it will help the Government fight COVID-19? The link, "About PM CARES Fund" (https://bit.ly/2Wm8Lvw), makes it clear.

The amount received by the Fund does not go to the Consolidated Fund of India. If it goes to the CFI, it could have been audited by the CAG. Because this Fund is not audited by CAG, the Government has to ensure that it is answerable and foreclose any possibility of corruption. It should be transparent when it comes to its sources and fund disbursement.

The third claim is: "This Trust is neither intended to be or is in fact owned, controlled or substantially financed by any Central Government or State Government or any instrumentality of the any Government. In other words, there is no control of either the Central Government or any State Government/s, either direct or indirect, in functioning of the Trust in any manner whatsoever". The Prime Minister is the ex-officio Chairman and three cabinet Ministers (for Defence, Home and Finance) are ex-officio members. A Government advertisement for the PM CARES Fund says: "PM announces new fund for people to donate towards Govt. fight against Coronavirus". Another advertisement makes the claim, "MY Govt or Meri SARKAR". It is interesting that the Prime Minister is the Chairperson of the Board of Trustees (https://bit.ly/3um6Of6), when the claim is that it is not connected with the Government. If the PM CARES Fund is unconnected with the Government, then the Fund could become an office of profit. And that could disqualify him and the three Ministers from holding those constitutional offices.

The composition of the board of trustees can never be a determinative factor to ascertain whether the respondent is a "public authority" or not; the Prime Minister as chairman and three Cabinet Ministers as members, in their official capacity, determines it to be a public authority. This board decides how to spend the funds collected, which is the prime function. The Prime Minister's Office administers the activities. This is 'substantial control' which is the test to determine its character as a public authority under the RTI Act as highlighted in the landmark judgment of the Supreme Court of India in *Thalappalam Service Coop. Bank Ltd. vs State of Kerala*.

The point that some Government officer provides ex gratia services to the public trust is of no relevance; a Government officer providing secretarial assistance on an honorary basis while discharging his official duties can never be a relevant consideration for declaring a body to be a public authority. By agreeing that it is a public trust managed by the Prime Minister and three Ministers in their ex-officio capacity, the Government cannot say that it was irrelevant to

declare it as a public authority. The Prime Minister and the Ministers do not take decisions in their personal capacity. They have to work to implement the objectives of the trust.

### Funding avenues

The mere grant of certain tax exemptions with regard to the voluntary donations made to a public trust is not a determinative factor for the purpose of Section 2(h) of the RTI Act. An ordinance was promulgated to amend Income Tax Act, 1961 and declare that the donations to the PM CARES Fund "would qualify for 80G benefits for 100% exemption". The official website and the Press Information Bureau (https://bit.ly/3D2cFcr) also declared that donations to the PM CARES Fund "would qualify for 80G benefits for 100% exemption under the Income Tax Act, 1961. Donations to PM CARES Fund will also qualify to be counted as Corporate Social Responsibility (CSR) expenditure under the Companies Act, 2013... PM CARES Fund has also got exemption under the FCRA [Foreign Contribution Regulation Act] and a separate account for receiving foreign donations has been opened". All this amounts to substantive funding.

Section 19 of the Indian Trusts Act mandates the trustees to present full and accurate information of the amount and state of the trust property to the beneficiaries. Because of this statutory access, all information about the PM CARES Fund should be accessible as per Section 2(f) of RTI Act; "information" here means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force" (this enables access to information of trust even if it is private, through the Indian Trusts Act). The claim that the PM CARES Fund is not a public authority is absurd to say the least.

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# The scorching rays of Assamese nationalism

The Darrang incident is not a lone wolf act but leads back to robust and embedded anti-Muslim sentiments



SURAJ GOGOI

The Darrang killings, in Assam, wherein there were casualties in police firing during an eviction drive, have unmasked an evil social character of Assamese nationalism and its further descent into darkness. The event was so macabre and grotesque that I will still call it an act of political sadism. How else can one characterise the emotional matrix of a group of people who defile a body after a person is shot right before their eyes and even go on to celebrate that act of humiliation? Erich Fromm, social psychologist, psychoanalyst, sociologist, has reminded us that the only way to understand the spirit of culture and social character is to pay keen attention to the 'emotional matrix'. Assamese nationalism should be evaluated and diagnosed, among others, for its emotional matrix and how it makes its followers turn to it, like flowers to the sun.

### Us versus them

The minority in Assam has been visited by violence so often that it has become part of their everyday life, although it is the tribals who are the historical subjects of evictions. Among the various minorities in the State, it is the Muslim minorities who are victimised the

most. Assamese society never opened its doors to them. Assamese nationalists are wont to say, 'become us' by speaking our language, but do keep your religion and culture private, or you may live like nobody. The language riots and the Nellie massacre (1983) drew definitive measurements of the horror and destiny of "Bangladeshi" bodies. The National Register of Citizens (NRC) is not the last nail in their coffin either.

It was declared much before independence that the Pakistanis, Communists and Bengalis were enemies of the Assamese. There is a convergence in how the Assamese and the Hindu nationalists think of their enemy in the Muslim or "Bangladeshi" figure in Assam. Somewhere, they both harbour the fantasies of the collective elimination of this figure. However, they have different histories and methods by which they arrived at this similar sentiment. While the latter flaunts its enemy and their desires publicly, a section of the former tries to hide behind the latter. To say that communalism in Assam and violence against the minority is only due to the Bharatiya Janata Party and the Rashtriya Swayamsevak Sangh is either a prayer or a fantasy – a beautiful camouflage.

### A marginalisation

Even with such clamour of hatred and enmity surrounding them, they have continued with their life, minding their own business and engaged in deep conversation with the soil and the water of the



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Brahmaputra. They did not have any community but their own. Everything they did was declared to cause decay to the Assamese and their existence, a danger to Assam. To echo Walter Benjamin, philosopher, critic and essayist, the minorities in Assam are prohibited from investigating (or even dreaming) about the future. They are, as the poet once said, "forever a silent sob".

In the Constituent Assembly debates on minority rights, Begum Aizaz Rasul rightly qualified that denying a child an opportunity to learn in their mother tongue is militant. The minority in Assam face such militancy in primary education and in all walks of their life. Everything to do with the Muslim is screened. Clothes, children, family, museum, poetry, food, dwelling; everything is questioned, hated, and profiled. Popular songs, newspaper cartoons, wall graffiti, bureaucratic documents, gossip in the streets, classroom interactions, vernacular prose and poetry, cricket practice camps, or even films, vilify and humiliate the "Bangladeshi". The poignancy of hate is so profound, commonplace and recurrent, that

any potential empathy towards the minority is hopelessly out of reach. Everywhere they look, and in everything they listen, they see their mutilated identity being projected with disturbing barbarity. Every social interaction they have with the majority in Assam is filled with dehumanisation and violence.

The reactions to the Darrang brutality expressed by journalists, politicians, and the foot soldiers of Assamese nationalism reveal how hatred has crystallised into the caste Assamese social structure, and how benumbed they are. Their narcissism will not stop even when political sadism is in such naked display. They are so consumed with their self-image that they fail to see any other reality. And like a psychotic, there is no reality but of what they see in and about themselves.

### A silence and its import

What can you say about the silence of the victims despite lakhs of them being declared stateless, kept in detention camps, hundreds of deaths by suicide and severe impoverishment? Imagine how deep a social and political legitimacy the NRC process enjoys wherein the victim, who loses everything, will not even protest. Alternatively, should they protest, they know the consequences that will visit their bodies, family and life too well. This absence speaks volumes about the degree of unfreedom the minority has and the brutality with which they are forced to live. Perhaps this silence

is also the reason that connects Nellie to Darrang. Ashis Nandy reminds us that the perpetrator remains permanently afraid that whom they have oppressed will strike back, nurturing ideas of revenge. So, they attack again. Was Darrang such an unfolding? I hope I am wrong.

### The connecting thread

The Darrang incident was neither an act of a lone wolf nor a disconnected event. The singular event reflects something larger than him. The action of the perpetrators is also connected to the past – to Nellie, Kherbari and the Assam Movement. The singular event takes us to the rightful owners of the sentiments – Assamese nationalism, with its distinct figure of the enemy. How do we erect psychological defences to such robust sentiments of hate for the Muslim distributed so evenly in Assamese society?

I am reminded of a Zapatista slogan that said that we need to learn to host the otherness of the other, not the sameness. Perhaps, there is a lesson there and a need to cultivate such a social character of hosting the otherness and the enemy. This is a possible way to come out of the psychosis and narcissism that plagues Assamese nationalists. As for Assamese political sadism, the only exit of it is to annihilate language and culture in its current form and interest.

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### The Punjab mess

The Indian National Congress has asked for it (Page 1, "Sidhu quits Cong. post, Punjab crisis deepens", September 29). Navjot Singh Sidhu's antics have only shown that the Gandhi siblings are naive and lack political acumen. The Congress party's

chances of retaining power are sure to have been dented now.

S. SANJEEVI RAO,  
Puducherry

■ Mr. Sidhu has turned out to be a raging bull in a china shop in Indian politics. The crisis in Punjab is the manifestation of

personality-oriented politics promoted by the high command and where people are selected for key positions mainly based on loyalty to the Gandhi family. Without an alternative ideology and intra-party democracy, the Congress party cannot remain relevant for long. Currently the party appears

to be in the grip of a death wish – to vanish.

MANOHAR ALEMBAATH,  
Kannur, Kerala

■ Ms. Priyanka Gandhi Vadra, who according to media reports, is responsible for Mr. Sidhu's elevation, has often been called the Congress's 'Brahmastra'. If

the mess in the Congress in Punjab is an indication, one wonders where she will lead the party to. The hype around her is unwarranted.

S. VENKATARAMAN,  
Chennai

### Getting monsoon ready

The report, "CM reviews status of flood prevention

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schemes" (Chennai, September 29), is heartening as there are days when the northeast monsoon causes the city much grief. We hope the advance planning makes things work.

HAFSA SIRAJUDEEN,  
Chennai