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What it means to be out of NRC

Why a road-safety rule has upset some Sikhs

Who are Dhangars, why demand for ST status is a challenge for Maharashtra
What it means to be out of NRC
• Introduction of the **plantation economy** in the 19th century.
• The colonial state brought in **tribal labourers from Chota Nagpur and Bihar** to work the plantations.
• Encouraged the migration of **Muslim farmers from Bengal**.
• 1947 – Partition
• 1951 – 1st NRC published
• 1950s and 60s – mass migration from East Pakistan
• 1971 - Bangladesh liberation war
• 1979 - 85 – Protests led by **All Assam Students’ Union** (AASU) to evict all immigrants
• 1985 - **Assam Accord** between govt and AASU
Religion in Assam (2011)[78]

- Hinduism (61.47%)
- Islam (34.22%)
- Christianity (3.7%)
- Buddhism (0.2%)
- Jainism (0.01%)
- Sikhism (0.01%)
- Animism (0.01%)
- Other or not religious (0.3%)

Languages of Assam in 2011[85]

- Assamese (48.38%)
- Bengali (28.92%)
- Bodo (4.54%)
- Hindi (3.21%)
- Sadri (2.29%)
- Mishing (1.98%)
- Nepali (1.91%)
- Karbi (1.64%)
- Others (7.13%)
National Register of Citizens (NRC)
• 3.29 crore applicants for inclusion.
• 2.89 crore citizens are in the list
• 40 lakh applicants (12 % population of Assam) who were not included in the NRC can become ‘stateless’?

• It is a draft - There is scope for filing claims and objections
• Final list on 31 December 2018
Who is ‘IN’ the 2\textsuperscript{nd} draft of NRC?

- Surviving citizens from the 1951 NRC are automatically eligible for inclusion
- Anyone who was in the voter list before 1971 (and their descendants) or has any document proving residence here before 1971.
- Others will need to prove that they or their ancestors were citizens on or before March 24, 1971
- The excluded 40 lakh submitted papers that were not enough to establish this linkage
Once the final NRC is published, what happens to those who will still be out of the register?

They can take approach any of the state’s 100 Foreigners Tribunals (quasi-judicial bodies established in 1964), The Gauhati HC and SC

Will they be sent to Bangladesh?

Bangladesh has never officially acknowledged that any of its citizens migrated illegally to Assam.

6 Detention camps for illegal migrants within existing jails. Proposal to build a new one with a capacity for 3,000
Non-citizens

- Grey area.
- India has no fixed policy for “stateless” persons
- will not have voting rights.
- May be provided certain facilities on humanitarian grounds or with work permits

- Rights to work, housing and government healthcare and education??

*Modern nations are products of migration, and all the richer for it.*
Who are Dhangars, why demand for ST status is a challenge for Maharashtra

Why it is in news?
As Maharashtra grapples with the Maratha agitation for quotas in jobs and education, the state Dhangar Welfare Association has convened a meeting to discuss street protests of its own to press the community’s demands.
About The community:

➢ The Dhangars are a shepherd community who live mostly in Western Maharashtra and Marathwada.

➢ 1 CRORE of Maharashtra’s roughly 11.25 crore population (9%)

➢ play a key role in election outcomes at four (Baramati, Madha, Solapur, Satara) of the state’s 48 Lok Sabha seats, and 30-35 of the 288 Assembly seats.
Their demand:

- Dhangars are currently on the list of **Vimukta Jati and Nomadic Tribes (VJNT)** in Maharashtra.
- They have been **demanding Scheduled Tribe (ST) status** for the past several decades.
- A typographical error - "Dhangar" "Dhangads".

- Of the **52% reservation** in Maharashtra,
  - SCs 13%  
  - STs 7%  
  - OBCs 19%,  
  - Vimukta Jati/Denotified Tribes, SBC and Nomadic Tribes = 13%

**Dhangars are a ‘Nomadic Tribe’**.
Government stand:
➢ In elections of 2014, the BJP had promised the Dhangars ST status.
➢ 2015 - state asked the Tata Institute of Social Sciences (TISS) to establish whether Dhangars met the criteria to be identified as ST or are they same as “dhangad”
➢ Study is in an “advanced” stage

The politics:
➢ Over the past two decades, almost all parties including the Congress, NCP, and BJP have supported the inclusion of Dhangars in the ST category.
Why a road-safety rule has upset some Sikhs:

What is issue?

➢ Earlier this month, the Chandigarh Administration made it mandatory for everyone except a Sikh man or woman wearing a turban, to wear a helmet while riding a two-wheeler.

➢ But the order has triggered protests from Sikh groups who want all Sikh women, including those who do not wear a turban, to be exempt from wearing helmets.
The changed rule:

➢ Chandigarh Administration notified an amendment in Rule 193 (Use of Protective Headgear) of the Chandigarh Motor Vehicle Rules, 1990

➢ replacing the blanket exemption for women with a narrower exemption restricted to “a Sikh person (including woman) wearing a turban”.

➢ The notification came out after observation of Punjab and Haryana High Court that road accidents “do not see the gender of the victim”
The opposition:

➢ The Akal Takht (the highest temporal seat of Sikhism, and members of the SGPC have opposed the order, saying it against “sikh code of conduct”

➢ They define sikh women as “A woman whose surname is Kaur and who does not trim her hair is considered a Sikh as per Sikh Rehat Maryada (code of conduct).

➢ SGPC member Kiranjot Kaur said: “Any kind of topi is not allowed in the Sikh religion as per Sikh tradition. Only turbans are allowed.”
Why I gave out my number

My Aadhaar number is 7621 7768 2740
Now I give this challenge to you: Show me one concrete example where you can do any harm to me!

1:44 PM - 28 Jul 2018
1,825 Retweets 3,110 Likes
• False flags - Data leak in EPFO was presented as an Aadhaar data leak because the records of EPFO beneficiaries have their Aadhaar numbers in the data.
• Aadhar is empowering millions of people who get subsidies into their account or obtain other benefits.
• Widespread adoption of Aadhaar has started affecting those who want to game the system for tax evasion, benami properties and other such activities.
• By creating a scare, their objective is to discourage people from sharing the Aadhaar number, thus allowing the vested interests to continue to play as before.
• “To reassure everyone that Aadhaar was indeed safe to share in actual use, I disclosed my Aadhaar details.”
The little done, the great un-done

• Srikrishna panel submitted a draft personal data protection Bill, 2018
• India Is one of the few major democracies in the world without a national privacy and data protection framework.
• Privacy and data protection regulators present in Canada, the UK, European states, several North African and Latin American nations, Philippines, Hong Kong, Singapore, Australia and New Zealand.

• Supreme Court’s Historical Judgment On Puttaswamy Vs Union Of India in 2017 - Right to Privacy is an integral part of Right to Life and Liberty (Art. 21)
• Process to improve elements of Indian data protection and communications privacy law has been on for some time.

• Srikrishna Data Protection Committee was born in a situation of pressure.

• It deal with the judicial concerns triggered by the Union government’s arguments against the fundamental right to privacy

• Lack of effective regulation of private sector use, transfer, abuse of data that arose in the Supreme Court hearings on the challenge to the transfer of Indian user data from WhatsApp to Facebook, following its acquisition.
• Srikrishna Report provides several elements of a foundation for an Indian data protection regime

• Data protection must be about protecting the rights of individuals, and about a society that respects privacy, given its importance to liberty, autonomy, and individual dignity.

• Cambridge Analytica fiasco – technology firms aiding surveillance
• Silicon Valley has admitted that more regulation is needed

• Indian Government is prioritising the interests of the “digital economy” and NOT the privacy of citizens
• GoI is the data collector and user - It proposes that the basic requirement of notice-and-consent could be lowered or waived altogether for “state functions” or social welfare purposes.
2 year period loophole - promoting the *hoovering* up of data until a law is enacted and brought into force.
• Without surveillance reform - It will be an incomplete Law
• As of now - free of judicial oversight and at the near-arbitrary will of bureaucrats.
• Judicial pre-approval for surveilling our protected information
• Reforms required in the broken Aadhaar Act
• It is the institutions that make our republic operate better.
• The Union government must consult all stakeholders and send a stronger bill to Parliament.
A RERA for the shareholder

Shortcomings in corporate governance.

Nepotism, favouritism, conflict-of-interest, quid pro quo, transparency, accountability — these terms are used with reference to the failures of management.
About the Case

- Misconduct surfaced with regard to a loan to Videocon of Rs 3,250 crore a consortium of banks

- After the case became public – a review was ordered by the board of ICICI.

- The review was done internally by the bank and the report was never made public

- Conflict-of-interest was also NOT disclosed to SEBI

- Over two months - no explanation has been submitted to SEBI

- Bank may face a penalty of up to Rs 25 crore

- CEO Kochhar may be fined up to Rs 1 crore
• Some rumours that ICICI bank and Chanda Kochhar may file for settlement proceedings with SEBI for the compounding of offences.

• As per the Securities and Exchange Board of India (Settlement of Administrative and Civil Proceedings) Regulation, 2014, no settlement or compounding of acts of a fraudulent nature, which caused substantial losses to investors, is allowed.

• These offences should be treated as being of a criminal nature
• Penalty amount should be decided on the basis of the benefit & Loss Suffered By Investor
Real Estate (Regulation and Development) Act (RERA), 2016 to protect home buyers

- Special act like this is required for when equity investors lose money due to bad corporate governance to protect equity capital investors in the stock market.

- The stakeholders are not protected from poor corporate governance.
THANK YOU

Dr. Mahipal Singh Rathore

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