

12 THE INDIAN EXPRESS, THURSDAY, AUGUST 20, 2020 THE EDITORIAL PAGE

The Indian EXPRESS

FOUNDED BY
RAMNATH GOENKA
BECAUSE THE TRUTH INVOLVES US ALL

REPAIR AND MEND

Delhi's outreach to Kathmandu, Dhaka is welcome. Engagement with neighbours needs to be constant and large-hearted

DELHI HAS BEGUN a long-overdue outreach to two important neighbours, Nepal and Bangladesh, with whom relations have been uneven in recent months. Prime Minister Narendra Modi and his Nepal counterpart Khadga Prasad Sharma Oli spoke with each other in a prelude to Monday's meeting between officials of both sides to discuss the territorial spat over the Lipulekh-Limpiyadhura-Kalapani trijunction. Foreign Secretary Harsh Shringla's two-day visit to Dhaka came at a time when the Sheikh Hasina government is in talks with Beijing for a \$1 bn loan for a project on the river Teesta. India has tended to take for granted neighbours with whom it has had traditionally good relations, so much so that even seasoned foreign policy hands in the Ministry of External Affairs appear to have failed to anticipate that Nepal's concerns about India's new map last year would escalate, or that the Citizenship (Amendment) Act, 2019, would provoke problems with Bangladesh. Down the years, the politics of the states on the borders has played an oversized role in setting, and skewing, India's foreign policy towards neighbours. Of late, though, the ideology and politics of the ruling party at the Centre has been a dominant force.

The ruling party at the Centre has sometimes sought to cast foreign policy in the region as an extension of the domestic ideological project, as for instance, in the case of the CAA in Assam and West Bengal, neighbours of Bangladesh on either side. On the way Nepal is perceived, by virtue of its Hindu majority, almost as a feudatory state. Bangladesh, on the other hand, must be watched with suspicion for who might be pushing over the border. In the strategic community, too, there has been an impatience with the South Asian neighbours for not seeing it India's way. But the neighbours, which have their own vibrant democratic polities, have sized up India's economic vulnerabilities and security pre-occupations, and are confidently leveraging the regional big power imbalance to serve their own interests.

Repairing these ties requires the recognition that each nation is an equal, irrespective of size, and has its own agency. Inversely, as the biggest country in the region, India must show a large-heartedness and generosity that has been missing for too long, replaced by a blunt transactionalism, in which each country is only a prize in an India vs China match. The engagement has to be constant and continuous, not episodic or in reaction to a Chinese loan here or with an eye on an election in a particular state. India and Nepal have had the most progressive relations in South Asia, with open borders and a free intermingling of people, almost European in vision and scope. India helped in the creation of Bangladesh. Delhi continues to have strong political and diplomatic relations with these countries. It must mine its own strengths, the deep people to people connections, and the shared histories of the region, to reset ties, not just with Kathmandu and Dhaka but across the region.

JOB OF THE STATE

Instead of reserving employment for 'children' of state amid economic distress, state governments need to be more creative

WITH THE COVID-19 pandemic aggravating the economic crisis, an already existing insular tendency on employment matters has become more pronounced. On Tuesday, Madhya Pradesh Chief Minister Shivraj Singh Chouhan went a step ahead of his predecessor in announcing that all government jobs will be given to the "children of the state". Last year, the Kanan Nath government had directed industries in MP to provide 70 per cent reservation to people from the state. The MP chief minister seems to have also gone by the playbook made familiar recently by his counterparts in Haryana and Telangana. In July, the Haryana government approved a proposal for an ordinance reserving 75 per cent jobs in the private sector for local people. And, on August 5, the Telangana cabinet approved a policy to reserve 60 per cent of skilled jobs and 80 per cent of unskilled jobs in "new industries in the state".

Conversations on reserving jobs for local people predate the pandemic, or the current economic crisis — the Shyama Prasad Mukherjee's rhetoric is infamous. In the 1990s, the Gujarat government directed industries to employ 80 per cent local people. The state, however, stopped short of enacting legislation on the issue, anticipating legal problems. A 2008 Maharashtra government policy — still in operation — requires industries that seek subsidies to employ 80 per cent local people. Some other states have used criteria such as language tests to accord preference to local people. But the dearth of jobs in several sectors in the past two years seems to have made the nativist sentiment much more strident and conspicuous.

Exigencies created by the economic downturn and the pandemic are, no doubt, compelling. But state-level protectionism is problematic. "Local" for one, is a contentious category that could add to the country's many fault lines. A long history of jurisprudence dating back to the 1950s makes the salient distinction between domicile and place of birth, between the place of education and work. A significant body of work has also underlined the role of labour fluidity in introducing skills, spurring innovation and enriching the cultural fabric of different regions. Moreover, reserving jobs for local people militates against the citizen's fundamental right to move and work freely within India and the idea of the country as one market. State governments need to talk amongst themselves and with each other to address current insecurities, to keep job flows going — populist solutions to economic woes could end up doing more harm than good.

103 NOT OUT

The determination with which senior citizens are fighting Covid-19 is an inspiration to younger generations

INKERALA, FOLLOWING the precepts of the ancients, the novel coronavirus gives due respect to age. Amidst a surge in infections, the state has reported astonishing survival stories of people who are vulnerable due to their age. There was jubilation when a couple aged 93 and 88 recovered and returned to their homes from the Kottayam Medical College. Then Asma Beevi of Kollam, aged 105, told the Grim Reaper where he got off. She is the oldest COVID survivor in the state, but not far behind is Parakkatt Veetil Paredi, aged 103, who has just been discharged from the Government Medical College Hospital in Kochi, emerging in a snappy black sweatshirt of the sort favoured by people one-fifth his age.

There were so many scare scenarios current in the early days of the pandemic, when the spread of the contagion was still poorly understood. Among those anxieties was the very real apprehension about its effect on the elderly, most of whom are compromised by age-related disorders. But the coronavirus is unpredictable, does not seem to respect logic. It has brought low young people while sparing many among the elderly, who were believed to be maximum risk.

The demographic dividend is attributed to the young, and values energy over experience. The survival of the elderly, including centenarians, reminds us that these attributes are not absolute. Indeed, the ageing need far more grit than the young when they face a foe whose powers remain largely unknown. And every survival in the oldest cohort is an exhortation, reminding us that we must not underestimate our resilience — the human factor which makes all the difference.



ASHUTOSH VARSHNEY

"YOU HAVE BEEN such a regular customer, so I hope you won't mind my question. I know white and know black — what are you?" Thus spoke my day cleaner in South Bend, Indiana, in 2000. A small town brought to national attention this year by Pete Buttigieg, the town's former mayor who ran the Democratic presidential primary with distinction, losing finally to Joe Biden. South Bend also houses the University of Notre Dame, a great educational treasure of America's Irish Catholic community. I taught there for two years, 1999-2001.

The dry cleaner's comment was not offensive or prejudiced — it simply embodied the cultural wisdom and reflected curiosity. The colour of my skin did not align with her pre-existing understanding of America's great racial binary. Historically, one could either be black or white, but the space in the middle was virtually non-existent in the US. It is this middle space — neither black, nor white — which acquires significance in Kamala Harris's vice presidential nomination, although it should also be clear that it cannot compete with the historical charge of black identity, which Harris also simultaneously represents.

In 1790, after independence, the US was roughly 80.7 per cent white and 19.3 per cent black. In 1960, the proportions were 88.6 per cent and 11.4 per cent respectively. After the Immigration Acts of 1917 and 1924, white Europeans were practically the only immigrants into the US (with some Latinos coming as white). Between 1880 and 1960, the Asian population of America remained below 0.3 per cent. That is why, once the indigenous Americans were reduced to statistical insignificance, US history for a long time did not have a third race. The Hispanics, now 18 per cent of the country, arrived mostly after the mid-1960s.

How many of the Asians were Indian? In "The Other One Percent", Sanjay Chakravorty, Devesh Kapur and Nirvikar Singh note that in 1940, there were only 2,405 Indians in the US, and although by 1960, when Kamala Harris's mother came from Delhi to Berkeley, the numbers had climbed, there were still only 12,296 Indians in the US. It is after the 1965 immigration reform, which abrogated national quotas, that the non-white immigration rose rapidly. Indian Americans today number about 4 mil-

The black part of Harris's identity is bound to be bigger, but the Indian part will not be suppressed

Because their numbers were small and their employment heavily skewed towards the educated and skilled professions, Indians have been invisible in America's mass politics. Engineers, scientists, doctors, business executives and professors, Indians have been present in the middle and upper echelons of America's biggest cities, but not in smaller towns like South Bend. The largest concentrations have been in the metropolitan regions of New York, Chicago, Washington, San Francisco, Los Angeles, Dallas-Houston and Philadelphia.

lion, a remarkable increase over 1960, but that is still only a little over 1 per cent of the US. Because their numbers were small and their employment heavily skewed towards the educated and skilled professions, Indians have been invisible in America's mass politics. Engineers, scientists, doctors, business executives and professors, Indians have been present in the middle and upper echelons of America's biggest cities, but not in smaller towns like South Bend. The largest concentrations have been in the metropolitan regions of New York, Chicago, Washington, San Francisco, Los Angeles, Dallas-Houston and Philadelphia. Average Americans in small towns have little direct experience of Indians. Almost certainly, the rise of Kamala Harris will make Indians more visible in America's public life, but how that will happen is complicated, and needs to be understood in its complexity.

For America's mass politics, Harris is primarily black and only secondarily something else. At one level, this is quite a paradox. Harris rarely talks about her father, a black immigrant from Jamaica and a former professor of economics. She often speaks of the strong influence of her Indian mother, who raised her as a single mom after the marriage broke down. But it is noteworthy that in addition to giving her daughter a sense of the mother's influence, she has also emphasised Harris's black roots, making it clear that the US would primarily view Kamala as a black woman. Such mixed upbringing was easy in a multi-racial California, but much tougher in a predominantly white Montreal, where the mother accepted a job. Harris lived in Canada for five years, completing her high school education there.

In a move whose wisdom and significance are unmistakable, Kamala went for her BA to Howard University, a black college established after the abolition of slavery in the 1860s. What better way to explore her black identity than being in a historic black college, surrounded by black students in a hugely formative period of their life? In part inherited from her father, Kamala's black identity was thus so socially constructed.

If one has both black and Indian ancestries, as Harris does, the former was always going to play a bigger role in American politics. The

WORDLY WISE

FOREIGN POLICY IS REALLY DOMESTIC POLICY WITH ITS HAT ON.

— HUBERT H HUMPHREY

An American Kamala

black community is 12 times larger, it has a longer and poignant history, and after the Black Lives Matter movement, its political significance has gone up significantly.

Equally important, research shows that younger Americans are much more racially tolerant than their parents were. As Barack Obama put it, the multi-racial character of protests after the killing of George Floyd in late May was qualitatively different from the overwhelmingly black civil rights movement of the 1960s. Picking a Harris thus sends a message to the black community that its voice is being heard by many more black Americans than can readily vote for such a ticket. Her background as a lawyer and her prosecutorial acumen also attract many.

That, however, does not mean that the Indian ancestry of Harris is politically irrelevant. America's president is elected by an electoral college, not by the popular vote. The college can make some small communities electorally critical in the so-called swing states, which often decide the presidency. In 2016, compared to Donald Trump, Hillary Clinton polled 3 millions votes more, but she did not win the college. In the three swing states that accounted for Trump's victory — Pennsylvania, Michigan and Wisconsin — Indian votes can be hugely important this November, as the Democratic party has already conceded. Clinton lost Pennsylvania by roughly 42,000 votes, Michigan by 11,000, and Wisconsin by 26,000. Pennsylvania has over 1.05 million Indians, Michigan nearly 1,00,000, and Wisconsin nearly 200,000. Florida is also expected to be in play. Trump won it by about 119,000 votes and lost over 1,300,000 Indians lives there. (The number of Indian votes could be lower.)

In short, the black part of Harris's identity is bound to be bigger, but the Indian part will not be suppressed. The logic of demography and identity, an inescapable part of democratic politics, shows why the Harris candidacy is generating excitement. It is aimed at a multi-racial America. It is a 21st century American reality Trump is trying to suppress.

The writer is **Sol Goldman Professor of International Studies and Professor of Science at Brown University**



VANDANA KALRA

THE RATHER GRAINY video of the documentary *Ramkinkar Baij: A Personality Study* has the pioneering modernist dressed in his trademark Chinese straw hat and white bush-shirt, being followed by filmmaker Ritvik Ghatak and his crew. He seems oblivious to their presence through most of the filming, sketching profusely even when in conversation with Ghatak. The artist tells him how he uses his larger oil paintings to prevent the damaged roof of his home from leaking when it rains.

Short in Sentimental in July 1978, the documentary remained incomplete as Ghatak passed away six months later. Nonetheless, it offers a glimpse into the persona of the enigmatic and eccentric genius who is now considered to be one of India's earliest modernist sculptors. His means were still meagre when the Padma Bhushan awardee died 40 years ago, on August 2, 1980, and it is perhaps only in the last two decades that his achievements and contribution to Indian art and modernism are being recognised.

At a time when art in India was largely centred on the British aesthetic and realism, Baij spoke a language that merged social commitment and traditionalism with cubism and abstraction. Though he explored western approaches, his art was rooted in India — in the red soil of Bihar and the tribal inhabitants of the region, the Santals, whose simplicity and resilience he celebrated in two of his most iconic sculptures — *Santal Family* (1938) and *Mill Call* (1956). The former is considered to be the first public modernist sculpture in India, and the latter is reportedly the last work made by Baij using the technique of throwing concrete inside the armature.

THE ROOTED MODERNIST

Forty years later, the art of Ramkinkar Baij remains important and resonant

ture in India, and the latter is reportedly the last work made by Baij using the technique of throwing concrete inside the armature.

Born into a family of barbers in Bankura, Baij had grown up admiring the terracotta sculptures of the Bishnupur temples and the idol makers in the region. An active participant in the Non-Cooperation movement of 1921, upon seeing Baij's portraits of national leaders, Ramananda Chattopadhyay, editor of the Kolkata-based magazine, *Modern Review*, had suggested that he learn art at Rabindranath Tagore's Visva Bharati. It was here that Baij truly discovered himself. While Tagore and Nandalal Bose were his teachers, his peers included Ramendranath Chakrabarty and Binode Behari Mukherjee. After seeing his first environmental sculpture in cement-concrete, Sujini, in 1935, Tagore reportedly said that he had allowed to sculpt as he wanted across the campus.

The non-conformist indeed believed in the existence of limitless possibilities. He experimented with medium and subjects alike, from evocative and spontaneous watercolours, to producing arguably India's first abstract outdoor sculpture, *Lamp Stand*. For oil paintings, he would replace expensive canvases with bedsheets and gunny cloths and thinned local packet colours with linseed oil. If there were no iron rods to create a frame for sculptures, he would turn to the humble bamboo sticks.

The artist shared a deep relationship with the communities around him, who were his protagonists as well as audience. His students

recall how when their teacher "Kinkard" presented plays of William Shakespeare in the Kala Bhawan campus, the local Santal villagers would be seated before in rapt attention.

Accustomed to autonomy while pursuing his creative ambitions, rather, unfortunately, his unconventional sensibilities were not appreciated and accepted by all. Indifferent to fame and worldly comforts and inept in money matters, he far exceeded the estimated time and budget while working on the seminal Yaksha-Yakshi statues guarding the doors of the RBB building in Delhi. The humongous pieces of Shivalik sandstone used to make them were famously transported in special waggons from Kargil valley's Shajpath to Delhi.

As recently as 2017, his Gandhi statue in Assam was in midst of a controversy when a politician stated that it should be replaced as it presented a "distorted image" of Gandhi. The immediate backlash was similar to one in 1979, when a minister in the West Bengal government suggested that Baij's Tagore bust at Balakrishna in Hungary should be replaced since it didn't "look like" the Nobel Laureate. Responding to him, a rather nonchalant Baij reportedly stated: "Let them smash it, who cares? I didn't ask them to install it."

It was Tagore's words that he had accepted as his command: "When you observe something, grab it like a tiger by the nape of the neck. And then, never look back. Those were his last words to me," the artist shared with Ghatak.

vandana.kalra@expressindia.com



AUGUST 20, 1980, FORTY YEARS AGO

UP TENSE CURFEW WAS STAMPED ON five police circles in the city of Allahabad and the army carried out a flag march following trouble in Khulabad. Another setback was reported in Aligarh where the police had to open firing resulting in the death of one person. The police resorted to firing when snipers fired at a police party resulting in injury to a constable. The Chief Secretary of Uttar Pradesh, Ram Bahadur Saxena, said that, but for those two incidents the situation in the state was fast returning to normal. The curfew was relaxed in few police thanas in the town of Bareilly where one person was killed in a stabbing incident

yesterday. A total of 1,100 arrests have been made.

A CONSPIRACY?

Because their numbers were small and their employment heavily skewed towards the educated and skilled professions, Indians have been invisible in America's mass politics. Engineers, scientists, doctors, business executives and professors, Indians have been present in the middle and upper echelons of America's biggest cities, but not in smaller towns like South Bend. The largest concentrations have been in the metropolitan regions of New York, Chicago, Washington, San Francisco, Los Angeles, Dallas-Houston and Philadelphia. Average Americans in small towns have little direct experience of Indians. Almost certainly, the rise of Kamala Harris will make Indians more visible in America's public life, but how that will happen is complicated, and needs to be understood in its complexity.

they found the dead animal hanging at the gates of the place of worship. But when the people had got in, they did not encounter the dead pig. The reports reaching the Home Ministry say that the pig was thrown in a tank. Allahabad and a number of other places in the state.

ISRAELI ATTACK

ISRAELI TROOPS AND aircraft attacked Palestinian bases in southeastern Lebanon late last night and early this morning. The attack killed four Israeli soldiers. The attackers killed 40 Palestinians. Israeli casualties were two dead and 11 wounded.

THE INDIAN EXPRESS, THURSDAY, AUGUST 20, 2020

THE IDEAS PAGE

Her right to property

Supreme Court order on coparcenary rights is enormously welcome. But overhaul of social attitudes and simplification of litigation processes will be necessary

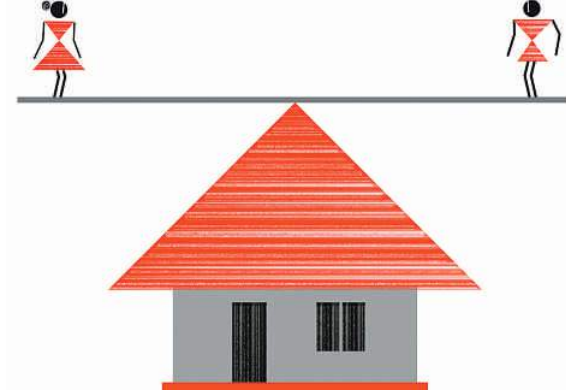


HENA SINGH AND
SWATI PARASHAR

DESCRIBING THE IDEA of natural rights as "anarchical fallacies" and "rhetorical nonsense", English Utilitarian philosopher, Jeremy Bentham, strongly argued in favour of positive legal rights, both for their comprehensibility and tangibility. Rights for Bentham were fruits of the law and of the law alone. It is difficult to challenge the scope of natural rights in a modern liberal democratic setup without invoking blowback from the votaries of political accountability, individual liberties and those who seek to curb state power. However, it is imperative that in order to gain efficacy, natural rights are dependent on progressive legislative interventions and executive capabilities, and most significantly on periodic judicial reviews and decrees. The expansive judicial interpretations of the Right to Life under Article 21 of the Constitution clearly set this out in the Indian context. Further, contestation between morality, legalities, customary practices, social values and norms are characteristic features of all societies; and it may not be that easy to settle these differences without a corresponding change in social attitudes and social norms. In this context, the Supreme Court's recent judgment granting coparcenary rights to women requires nuanced understanding.

The judgment delivered by a three-judge bench of the Supreme Court is praiseworthy simply for reiterating the idea that women are born as equals, and that it is the patriarchal mindset and embedded customary practices and traditions that accord them an inferior status. In real terms, the judgment is progressive on two counts. First, for highlighting the patriarchal practices of the Mitakshara School of Hindu law — the guiding force of the Hindu Succession Act, 1956 — and second, for settling the confusion created by two of its own antagonistic judgments in *Prakash v. Phulavati* (2016) and *Danamma @ Suman Saraju vs Amar* (2018) cases. In the first case, it had ruled that the amendments to the Hindu Succession Act (2005) applied only to women whose parents were alive on September 8, 2005, the date of the notification of the act. In the second case, it inferred that coparcenary rights were birthrights. The Supreme Court has now set forth the idea that coparcenary rights are birthrights free from limitations imposed by the dates of any legal notifications. As a natural corollary, property inheritance rights apply to all women retrospectively from 1956, the year of the codification of the Mitakshara laws as the Hindu Succession Act.

What makes this judgment epochal is the progressive change in the attitude of the courts, which now appear to be upholding the principles of substantive justice for women both in theory and practice. Indeed, the higher judiciary in India has generally been broad-minded in dismantling patriarchal practices and institutions. In that sense, the



C.R. Sankhamur

judicial sojourn that in a way commenced from the judgment delivered in the case of *C.B. Muthamma* (1979) or *Nargesh Meerza* (1981) continues to be persistent in breaking stereotypes, be it *Sabirima* (2018), or granting permanent commission to women officers in the Indian Army.

While the delivery of the judgement is one thing, its proper implementation quite another. Admittedly, this judgment accepts the natural equality of women, but several issues still need to be addressed. The issue of *streedhan*, as explained under section 14 (1) of the Hindu Succession Act 1956, is upturned in the light of this judgment. For example, the said section provides that women can acquire property as a full owner, and it can be carried over or retained post marriage as *streedhan*. There are cases where the movable property may have been given to a daughter by her father as an intentionally undeclassed and informal settlement between his descendants. At the same time, it is quite true that *streedhan* over time gave way to the unethical and illegal practices of dowry, but the issue of *streedhan* needs to be explained further in the light of this judgment. If women are seen as double beneficiaries of these laws (through lineage and marriage), can we anticipate that the ruling might impact dowry transactions that continue despite stringent anti-dowry laws?

Moreover, the right to possession may not be easy for women who are married and do not reside in their ancestral homes. Property transactions may be more convenient for urban settings. However, it may not be that easy in the rural context, where most of the property is in the form of agricultural land. Most women who may want to claim their share may end up spending the rest of their lives in litigation to get their names on the relevant documents. With patriarchy entrenched, it is doubtful if male heirs will share property-related documents, information or initiate legal processes in the interest of the women family members.

The right to possession may not be easy for women who are married and do not reside in their ancestral homes. Property transactions may be more convenient for urban settings. However, it may not be that easy in the rural context, where most of the property is in the form of agricultural land. Most women who may want to claim their share may end up spending the rest of their lives in litigation to get their names on the relevant documents. With patriarchy entrenched, it is doubtful if male heirs will share property-related documents, information or initiate legal processes in the interest of the women family members.

women family members.

Many educated, professional, middle-class women who have otherwise rejected patriarchal controls and demands, and fought against practices such as dowry, have been families. Most have chosen not to pursue the legal pathway, which is tedious, lengthy, and expensive. Most importantly, those who seek property rights undergo harrowing emotional abuses from their own families for asking what is rightfully theirs.

On occasion, the law and courts may turn out to be progressive. However, on no occasion can we expect the society to readily accede to progressive reforms. The challenge for economically dependent women in far-flung rural areas who are denied literacy, dignity and, sometimes, even a name and identity, in securing their rights is immense. In parts of Bihar we come from, there are areas where women are still addressed by their village names or more commonly as someone's wife. Family histories have conveniently wiped out any references to women, and what their lives were like, what became of them, and how they managed to survive in the absence of support from husbands and children.

To even as we welcome the court decision, we remain sceptical about its implementation and its actual benefits to women. Patriarchal attitudes are changing: Women asserting their rights, both in marital and property matters. However, there are significant cultural, religious, educational barriers and caste and class inequalities that require a massive overhauling of social attitudes to overcome. Besides, litigation processes need to be simplified and made accessible, inexpensive and time-bound, for women to claim their coparcenary rights if denied.

Singh teaches Political Science at Miranda House, University of Delhi; Parashar is Associate Professor at the School of Global Studies, Gothenburg University, Sweden

NEP, in fact

Policies matter. But those who implement policies matter more



KAPIL SIBAL

AN EDUCATED person is one who contributes to the well-being of others and is not driven by self-interest. Any education policy, therefore, must nurture human values that make an individual a contributor to the welfare of society. In this context, let us analyse the mindset behind the new National Education Policy (NEP) recently announced by the government.

First, the school syllabus for the current academic year has been reduced by 30 per cent because of COVID-19. The chapters deleted from the curriculum for Class 9 to 12 include federalism, citizenship, nationalism, secularism and democratic rights. These chapters perhaps were the most important part of the syllabus, which instead of being deleted needed to be emphasised. The NEP talks about innovative thinking for children to learn what they wish. The reality is that this policy is set by mindsets who are opposed to the autonomy of the mind. We have seen recently how voices of dissent are sought to be silenced by this government by unleashing terror on our young students. This mindset is reflected in the way the BJP in collaboration with the government and with the help of ABVP has sought to interfere in the university system and victimised those opposed to the dictates of a majoritarian culture. For any education policy to be successful, freedom of the mind for students to express themselves and discover their genius is paramount. The government must not

interfere and impose its party's ideology that seeks to control rather than celebrate autonomy. Incidents in JNU, Jamia Millia, University of Hyderabad or for that matter, how the heads of higher educational institutions are appointed, are all manifestations of an authoritarian disposition.

The second important attribute of any education policy is that it must not, in the initial years, be exam-centric. In modern education systems across borders, the teacher is a collaborator in the child's journey of discovery. The syllabus is not important. Textbooks limit the contours of knowledge. Policies must break down the limits of knowledge and allow children to expand the boundaries of their mind. Textbooks should represent the beginning of the discovery of the self and the universe. The NEP has no roadmap for such discovery.

Third, we need quality teachers who understand their role in building character and careers. Teachers in this country, in terms of both numbers and quality, are not fully equipped to discharge their responsibilities. The reason is there are not enough teacher-training institutions. The roadmap for education has to be firmly entrenched in those institutions, for the teachers alone can deliver on the objectives of an enlightened education policy. In India, teachers are poorly paid and teaching is not a profession of priority. Education being in the Concurrent List makes it difficult to implement policies set out at the

national level unless state governments give priority to this profession. In the absence of quality teacher-training institutions and making education a national priority, none of the roles envisaged in NEP can be realised.

Fourth, in the context of the pandemic, digital connectivity has become an educational imperative. The government should have realised this and put in place the necessary infrastructure at least for institutional connectivity. In fact, the very definition of education must include digital literacy if our children are to be provided with access to sources of knowledge.

It may be instructive to note that in the early years of UPI-II, the government was considering the Akash tablet for our students. What was envisaged was a national digital framework pursuant to the laying of optical fibre cables to provide connectivity to 2.5 lakh gram panchayats under the National Optical Fibre Network (NOFN). The government realised the need for our children to be provided with the necessary connectivity to be able to access knowledge. While we started to implement this roadmap, there was strong opposition to it both from my party and the then Opposition. It was unfortunate that when people cannot look beyond their nose, they wish to today for the sake of opposition without realising the benefits of such an initiative. Indeed, NOFN has been renamed BharatNet and the progress of connectivity is woefully slow. Of the 2.5 lakh

gram panchayats envisaged to be connected under NOFN, only 141 lakh have been connected so far.

While there is talk of educational training and skill development starting at the school level, there is very little homework done to standardise the same. It will take a long time before this is put into practice. We could have easily provided alternative solutions by setting up vocational and training centres in collaboration with industry.

The area of higher education, again the vision is far removed from what we have witnessed since 2014. The NEP may talk about emphasis on research and setting up a research fund but considering what we have seen so far, the funding will only go to institutions which owe the government's line.

The NEP envisages that public investment in education would be raised to 6 per cent of the GDP. However, under this government, expenditure on education as a percentage of the Union budget has declined from 4.14 per cent in 2014-15 to 3.2 per cent in 2020-21. Expenditure on education by the Centre and states as a proportion of GDP is 3.1 per cent in 2019-20 but remained stagnant at 2.8 per cent since 2014-15.

Policies matter. But those who implement policies matter more. With the present mindset, the NEP may be providing hope but only on paper.

The writer is a former Union HRD minister

WHAT THE OTHERS SAY

In a situation where desperate people will flock to volunteer for the trial given the hefty compensation, trial administrators must ensure participants express genuine consent and are aware of the benefits and risks of vaccination.

—DAWN

Lessons from Wangdang

From the pro-active forward positioning of Indian forces against China in 1986, political and military benefits accrued



ASHOK K MEHTA

IN AN ARTICLE 25 years ago, after the resolution on August 20 of the Wangdang intrusion along Sumdorong Chu, I had asked: 'Why are we quitting our territory?'

The question can be asked again. A study of Wangdang near the infamous Tagla Ridge — 20 km south of McMahon Line and beyond the limit of Indian patrolling — is instructive after the PLA incursions in eastern Ladakh. If only civilian and military officers had examined the earlier intrusion — the rapid reaction of local military commanders, swift concentration of forces, offensive spirit in dominating Wangdang and a firm negotiating strategy — we could have avoided the present fiasco.

On June 16, 1986, the PLA preemptively occupied Wangdang, a seasonal post that used to be held by the Subsidiary Intelligence Bureau, 12 Assam and 9 Guards occupied the Langrola and Hathungla Ridges by early July and by October, with forward elements of 12 Assam establishing posts along four spurs surrounding Wangdang — two forward checkpoints 150 yards from those of the PLA were created. 12 Assam was replaced by 3/5 Gorkhas. Had local commanders not been proactive, the PLA would have sneaked up to Langrola-Hathungla Ridges, as it did recently in Galwan, Pangong Tso and Depsang. By September 1, Exercise Falcon was launched to deploy and air-maintain two mountain divisions in a more strategic version of India's 1960 forward policy, like the three divisions posted now. Tawang which had no troops in 1962, was held with five infantry brigades at the peak of the face-off. India was able to exercise, for the first time, control up to its perception of the McMahon Line. Exercise Falcon was followed in 1987 with Exercise Chequerboard when the entire northern front was war-gamed in each of the three northern, central and eastern army commands facing China.

China asked for a mutual withdrawal in late 1986 but the Indian Army rejected it as it needed time to execute a forward policy. In 1993, India proposed a withdrawal to ridges separating Sumdorong Chu — the PLA to Tagla Ridge and Indian troops to Langrola Ridge — but the Chinese feared this would legitimise McMahon Line. The Indian Army's aggressive deployment was against the advice of the China Study Group and Ministry of External Affairs as PLA encroachment was beyond the Indian limit of patrolling, akin to the present locations of patrolling points.

From the pro-active forward positioning of Indian forces, a slew of political and military benefits accrued: Completion of forward deployment up to McMahon Line; moral ascendancy over the PLA; PM Rajiv Gandhi's visit to Beijing in 1988 and formation of a Joint Working Group; PM U.P. Singh's visit to India in 1991; the Peace and Tranquillity agreement in 1993 and Army Chief Bipin Jais's visit to China in 1995. China recognised India as a strong and rising power, which invested up to 4 per cent of its GDP in defence.

Talks on disengagement resulted in a

breakthrough nine years later on August 19-20, 1995, during the eighth JWC at New Delhi. India's negotiating strategy was firm: The vacation of Wangdang was to be without prejudice to each other's claims; those who advanced first, withdraw first — a PLA principle which was applied at Doklam; forces to withdraw to their original positions; mutual and equal security and mutual understanding and mutual accommodation, both derived from the 1993 border protocol.

Writing in the Pioneer on September 3, 1995, former foreign secretary, A.P. Venkateswaran, called the mutual withdrawal a historic step. On August 29, former foreign secretary, J.N. Dixit, also called it a positive turn in the Indian Express. But Deputy Leader of Opposition in the Lok Sabha, BJP's Jaswant Singh, asked the government: Why are we withdrawing from our own territory? Similar questions are being asked by Rahul Gandhi today.

Clearly, the terrain and internal lines of communication favoured India at Wangdang while multiple intrusions extending over 250 km in Ladakh recently caught military commanders of guard. Due to the COVID-19 pandemic and intelligence and operational failures, India was stunned by PLA intrusions and reacted tardily and timidly. At Depsang (2013), Chumar (2014) and Doklam (2017), India was able to work out a complete withdrawal of the PLA. At Doklam too, though India enjoyed an overwhelming terrain and logistics advantage, it failed to stop PLA from building fortifications after disengagement. The PLA returned a few months later to continue building a strategic road in the disputed territory but India did nothing. After disengaging militarily, the PLA has dug down on the Indian side of the LAC in Ladakh.

India's negotiating strategy did not factor in the lessons from Wangdang and Doklam. Military commanders, not high-level political engagement, set the parameters for withdrawal. A complex China-dictated template has permitted the PLA's cosmetic disengagement and unilaterally shifted the LAC westwards, annexing Indian territory while Indian soldiers are quarantined in buffer zones. The Chinese are even refusing to discuss their deepest intrusion at Depsang and the restoration of the April 19 status quo ante of the table. India failed to front-load the principle of disengagement/withdrawal without prejudice to each other's claims while insisting on de-induction to original positions. Northern Army Commander Lt General Y.K. Joshi's statement on July 25 — we will continue all efforts to restore status quo ante along LAC — confirmed Defence Minister Rajnath Singh's pessimism on the outcome of talks.

The Wangdang counter-intrusion offensive action was a positive turning point in India-China relations — a case of aggressive border management by 4 Corps. Now, the 14 Corps is stymied by the PLA's refusal to fully implement disengagement, potentially transforming the LAC in Ladakh into an LOC at immense cost for India. On August 15, PM Narendra Modi was being economical with the truth while describing the situation along the LAC after ordering over the PLA. PM Rajiv Gandhi's visit to Beijing in 1988 and formation of a Joint Working Group; PM U.P. Singh's visit to India in 1991; the Peace and Tranquillity agreement in 1993 and Army Chief Bipin Jais's visit to China in 1995. China recognised India as a strong and rising power, which invested up to 4 per cent of its GDP in defence.

Talks on disengagement resulted in a

LETTER TO THE EDITOR

BLINKERED ATTITUDE

THIS REFERS TO the article 'New policy, old mindset' (IE, August 15). Like the other much-touted policies and schemes of the NDA, the National Education Policy 2020 has inherent shortcomings. One problem is that the policy is not clear on how to have qualified teachers to ensure quality education, given the government's neoliberal economic policies. This is because it will be difficult to ensure the implementation of the model service conditions mentioned in the policy in private educational institutions. In fact, the NDA's blinkered attitude could be the bane of quality education.

Taransing Singh, Mahipalpur

NAGA ACCORD WOES

THIS REFERS TO the editorial, 'Peace is precious' (IE, August 15). Nagaland Governor R.N. Ravi's unwarranted encroachment of authority has complicated the long-standing Indo-Naga problem. The Centre needs to take the people's concerns on board, reiterate its commitment to finalising the Naga accord, and engage with the NSCN-IM without giving in to arbitrary demands.

Shib Samkar Paul, Nohla

AGE BAR

THIS REFERS TO the editorial, 'Make it same' (IE, August 15). Increasing the minimum age of marriage for women is an appreciable step. In many rural areas, girls are married off as soon as they turn 18. At this age, a girl is still an adolescent. Girls experience a lot of physical, hormonal and emotional changes during this age. Educating the girls and engaging them to understand what they exactly want in life.

Ayushi Singh, Agra

Why Facebook is wrong, yet again

Its commercial model incentivises hate speech, threatens democracy, and disrupts peace

powerful American Internet firms that operates in India, quietly falling in line with Facebook's corporate interests, while putting at risk the lives, let alone the social concerns and political hopes, of Indian citizens. Let us be clear that no one—neither Facebook nor the American corporate and online threats of violence to which Das has alleged she was subjected in the aftermath of the publication of the story. Separately, however, one would hope that no citizen of India—whether a supporter of the BJP or Congress—would be so foolish as to believe that the American tech titan, which also owns WhatsApp and Instagram. For Das—as Facebook's leading Indian policy voice, as someone who is empowered to speak for the Indian people to her chief executive Mark Zuckerberg—on the social concerns of all Indian citizens and not just Facebook's own commercial interests of Facebook. In this case, sadly, they did not.

The core issue here is that there exists a delicate tension for the company. On the one hand, it faces tremendous pressure to "do the right thing"; all things considered, Facebook's greatest asset still may be its brand—and, despite all the belly-blows the company has endured in recent years, the big blue app still stands tall in the eyes of most Indian consumers. That brand is a corporate asset

And yet, on the other hand, Facebook feels a constant pressure to cater to all political interests — and all too often, Facebook has caved in under that pressure. And indeed, in this case, Facebook decided not to do the right thing — which would have been taking down Rajia Singh's blatant

The situation is deeply concerning and should ring alarm bells. Here, you had an Indian employee of one of the most

UPCOMING ELECTION

He has transformed Bihar's development map for the better, empowered people, revived the image of the state

roads, electricity, drinking water, the girl child's education, women's empowerment and access to public services. This means that the expectations from him are enormous.

With such expectations, there will be some dissatisfaction which will also be expressed. But this is because he has set the benchmark very high and people feel confident in expressing their satisfaction and grievances. This is a sign of the trust that people repose in him.

His opponents may feel that anti-incumbency will work against him, but there is little evidence on the ground to support this. No other public figure or political opponent comes even remotely close to generating the

At the more subliminal level though, his appeal is also based on his having revived the image of Bihar, and all things Bihari, cutting across all castes and

While Biharis were once thought of as rustic and laggardly, today they are considered hardworking and persevering, thanks to the model of development pursued by the CM namely *nyay ke saath vikas* (justice and development).

One must remember that Bihar was in a dismal state when Nitish took charge in 2005. It soon moved to a double-digit growth rate through an entire decade. Successive governments led by Nitish had to work on many fronts — systemic reforms, robust governance and social

It was the first state to implement 50% reservation for women in panchayats. Bihar's espousal of many social engineering initiatives aimed primarily at empowerment, among them the girl child's education, prohibition, curbing child labour, and the *Jai Sevan Hariyali Abhiyan* targeted at addressing the climate crisis, have all been

important cogs in the wheel of Bihar's makeover that Nitish has diligently crafted over 15 years.

Not surprisingly, this makeover is integral to the consciousness of every individual. It can be seen in the way they conduct themselves in their daily lives, in the confidence with which many women transact business across the state, or even

self-help groups of Jeevika, in the images of young girls cycling through Bihar's village roads to schools and, indeed, in the ease with which trade and commerce are carried out daily.

revitalisation of their collective personal and national identity is too precious to compromise with. The modern voter is discerning enough to tell the difference between propaganda and real promises.

Sanjay Kumar Jha is national general secretary, JD(U) and minister, water resources, Government of Bihar.

our domination of the Indian social media market.

Time and again, the company finds itself having to wade delicately through these issues after the harm has already been done. This is because Facebook is, in essence, a machine designed to maximise consumer engagement for word-of-mouth monetisation. The reason that Raja Singh's posts go viral is not only because he has a political base that follows his brand of political leadership. It is also because it is psychologically appealing to a vast number of people. Hatred content is shocking, and often, we consume it because we cannot believe what we are seeing. We cannot believe that a public personality could say such things. And in many cases, we only want to know what is going on with us if we are in the marginalised group that politician is offending.

It is this sort of engagement that Facebook craves. Because so long as it has our attention, it can collect the data it needs to behaviourally profile us and capitalise on our personalities. This commercial incentive threatens the very nature of democracy—and this is not a characteristic solely of Facebook's, but rather is a theme across the breadth of the consumer Internet sector today.

National politicians in India must set the right example—not endorse the wrong ones or, worse, sidestep the issue entirely. Indian citizens need to have the tools necessary to hold the technology industry accountable—and that is an imperative that must start with policy action in New Delhi.

Dipayan Ghosh, PhD, is co-director of the Digital Platforms & Democracy Project at the Harvard Kennedy School, and author of Terms of Disservice. He has earlier worked at Facebook and in the Obama White House. The views expressed are personal.

In the Lalu Prasad-Rabri Devi years, the state had an inclusive development agenda. Nitish set the clock back

ment and crime. Outward migration from Bihar for work and education is the highest in the country. The CM has ruined the education, health, agriculture and industry sectors. Operating factories, sugar and jute mills were shut down and no new industries were set up. Public

healthcare has collapsed as is evident in the Covid-19 crisis. He gave powers to *mukhtiyas* (headmen) to directly recruit teachers and set the terrible precedent of hiring on a contractual basis. Corruption is institutionalised to such an extent that not a single bit of work gets down without bribing officials — from getting a caste/nativity certificate to filing the First Information Report. Bihar is perhaps the only state where bridges collapse even before their inauguration, roads cannot withstand one monsoon and dams are damaged by rats. As many as 67 huge scams involving colossal amounts of money have come to light.

Clearly, Nitish abandoned governance and public welfare from his second term onwards, and spent all the state's resources on trying to stay in power. Ties between the Janata Dal (United) and

between the Janata Dal (United) and the Bharatiya Janata Party (BJP) started worsening in his second innings. In 2013, he snapped ties with the BJP and made Jitan Ram Manjhi the CM in 2014. Then, in 2015, he joined hands with the RJD and became the CM again. True to type, he ditched us in 2017 and again tied up with the BJP and remained the CM. But this game of thrones has cost the state dearly in terms of development.

During his tenure, which still continues, Nitish has turned Bihar into a wasteland. For him, image is all. He announced the prohibition on alcohol and dowry to project himself as a reformer. But the reality is that there is home delivery of liquor, and no marriage takes place without a dowry. Thanks to a favourable media, he has got away with it by conveniently blaming others for his shortcomings.

But now the day of reckoning is approaching. In each election, he has gone out to seek votes, not based on his track record, but by making personal accusations against my family. He and his party will stop at nothing to come up with some evidence or the other to defame my family and our party. But it must be asked how these personal attacks are of any benefit to the state.

Over his 15-year rule, we have seen how this negative politics has proved disastrous for Bihar. It diverts attention from the bigger picture and puts paid to any prospect of progress. Now it is time to consider whether we should trust a person who constantly talks about the past to lead us into the future. The strength of electoral democracy is that the

I can only hope that the wisdom of my compatriots from Bihar will bring in a progressive government in this new decade, one which collectively works for the peace and prosperity of the beleaguered state.

Tejashwi Prasad Yadav is the leader of Opposition, Bihar

Reconciling mass-based activity with social distancing poses a challenge

Nitish Kumar, has no competition.

As Union minister, and then as CM of Bihar, he has gone through all the rough and tumble of politics. He has never strayed from his principles in his stewardship of the state.

He has used his successive stints as CM to deliver on basic amenities such as electricity, water, social security, road connectivity and, most important, law and order. So, it is little wonder that *bijli, sadak, paani* are issues of the week.

R. N. I. No. 593/1957 • Postal Reg. No. DLNDI-11/4558/2018-19-20 • Licensed to post without
 Printed & Published by JINESH MITTAL (Gst)

The Bihar of today is a far cry from the one that we inherited in 2005. We have round-the-year connectivity to the farthest corners of the state, thanks to the 27,600 kilometres of state highways and district roads and 96,473 km of rural roads completed over the last 15 years. We have moved to being a power-surplus state with all of Bihar's villages on the electricity grid. Today, even far-flung rural areas get 24-hour access of electricity.

The state's piped water supply scheme—Har Ghar Nalka Jal—which is close to connecting every household with piped potable water, on the lines of a similar central government scheme, was conceived by Nitish in the early days of his current term. It has been executed on schedule.

This August 15, the CM promised that, if re-elected, he would ensure water for every plot in Bihar. This will give agriculture in the state a critical push and help farmers harvest three-to-four crops annually. And the CM's record shows that he delivers on his promises.

Nitish's name has come to be associated, even in the remotest corners of the state, with

10001 and printed at HT Media Ltd. Presses at Plot No-8, Vidyapeetham, Bangalore-560025. www.himedia.com

OUR VIEW



Online thrills derived from a game of skill

Dream11's ascent as the title sponsor of IPL 2020 may be explained by the success of virtual cricket. But a closer look at the fantasy version suggests an appeal that's not quite the same

Covid is fast turning cricket virtual, and by that, we do not just mean the artificial cheers and claps that eerily follow the sound of willow thudding a ball into empty spectator stands. The ascendance of Dream11, a fantasy gaming platform, into the game's spotlight in India marks the coming of age of virtual cricket. The Mumbai-based company that owns this brand has put down big money, a reported ₹222 crore, for the privilege of playing the title sponsor of this year's Indian Premier League (IPL) tournament to be held in the United Arab Emirates next month. After bigger names like Tata Sons, Reliance Jio and Patanjali dropped out of the reckoning, it outbid e-learning start-ups Byju's and Unacademy. Dream11 replaces Vivo, the Chinese phone maker that had acquired title rights for five years until 2022 for an annual fee of ₹440 crore but had to retire hurt from the IPL arena after India-China ties came apart. Covid jitters and fewer bidders explain the cheaper sponsorship rights this year. Yet, ₹222 crore is a jaw-dropping sum for the 2008-founded Dream11. By one calculation, its revenues this year would have to be triple its 2018-19 estimate for the IPL outlay to be under one-tenth of its topline, the adspend proportion that big advertisers try not to overshoot, globally. But then, this is an internet unicorn, valued above \$1 billion, and is clearly betting on explosive growth.

It may turn out to be a worthy bet. This is because a larger than suspected part of the sport's appeal might lie beyond its physical thrills. Virtual cricket has beaten sceptics to succeed. At one time, only simple games were

deemed suitable for online play, the sort that involve each side trying to go one-up on the other's score of goals. In time, what had seemed like a disadvantage, the complexity of cricket's format, emerged as a key attraction. Of course, its high popularity in India has helped, but we can attribute some of its success to its unique blend of target-orientation and strategy, all of it enhanced by its 'glorious uncertainties'. The virtual version of the game leaves even more to chance. Throw in financial rewards, as Dream11 has done, and it offers a heady buzz of adrenaline without anyone having to move more than a finger or thumb. The platform that is hoping to lure millions of IPL fans does let its users make such decisions as team selection, a captaincy skill. But the game itself appears to go by random outcomes. To spice it up, the app allows one to predict how a player will perform and awards points for accuracy. Those who play for cash can win a pot of money—minus a service fee—filled by other participants.

Gaming is booming in India not just for the fun of playing, it seems, but for the thrill of playing for money. With covid keeping people indoors, market revenues could soar. Dream11 is not alone. Start-ups such as Nazara, Paytm First Games and Games24*7 are in the field too. All appear to have expanded their user bases vastly since the corona outbreak. Lofly profit projections are being made. Global investors are moving in. It is not a riskless business, though. Its tax and regulatory burden could tighten if it gets adjudged as a game of chance, rather than skill, someday. So far, Dream11's skill claims have legally been upheld. On this count, it has 222 on the board without loss.

MY VIEW | HERE, THERE, EVERYWHERE

What can be done about British education's festering class divide

Grades crunched out by algorithms have worsened a problem that calls for the breaking of barriers



SALIL TRIPATHI
is a writer based in New York. Read Salil's previous Mint columns at www.livemint.com/saliltripathi

Every society has inequalities, but some inequalities matter more: in the UK, it is race; in India, it is caste; in the UK, it is class. Education is meant to remove barriers that accidents of birth impose and traditions perpetuate.

Over the years, successive British governments have tinkered with ways to remove structural hurdles in the path of those historically disadvantaged. The British metaphor is the orderly queue. Most people join one uncomplainingly and resent those who jump the queue.

In Britain, being part of the "upper" class is the calling card for opportunities, internships and jobs. Those in the charmed circle have easier access to private education at schools and top universities. Education at Oxford and Cambridge universities opens doors and careers to the advantageously born. Students from state-run schools, or from poor families who qualify for free meals, find the path tougher, though many are making it. To be sure, elite universities have sought out candidates from deprived backgrounds, but it isn't enough.

Marks alone don't determine admission. The school you attend matters, as do admission interviews, where besides knowledge and intelligence, confidence, wit and alacrity are also evaluated. How these qualities are weighed is never known; each college has its own magic formula, but the consequences

are visible: A Sutton Trust study done between 2015 to 2017 showed that pupils from eight elite schools filled 1,310 places at Oxford and Cambridge; the rest of the 1,220 places went to students from 2,900 schools. This does not mean that all admitted students from elite schools are undeserving, or those from state schools are not smart; only that talented students from state schools find it harder to get in.

In his scathing book, *Waiting for the Exitions*, British commentator Nick Cohen pointed out the dangers of being in awe of the elite. Irish writer Fintan O'Toole has memorably described the Brexit disaster as an Oxbridge debate that went too far.

The fact is that only about 7% of British students go to private schools, which makes the disproportionality galling. Going to one enables the student to get closer to the front of the queue.

This is not unexpected. Private schools have smaller class sizes, ensuring more individual attention; parents are likely to be better educated and wealthier, and invest in extra-curricular activities; students have access to sports and libraries as well as opportunities to debate and travel abroad. These advantages tend to make the privately educated student outwardly more well-rounded than one from a state school.

A judicious system would set the imbalance right by aggressively seeking out talented students from state schools, and ensure fairer competition. Criteria that predetermine outcomes could be axed and different ways to assess aptitude explored, making the incoming class look more like today's Britain, not yesterday's.

Covid-19 has revealed the gloriously shambolic state of British education. Since examinations could not be held this year, authorities decided that an algorithm would assign student grades. The criteria apparently included class size, student performance, and the school's track record, mirroring reality.

Algorithms are good at mimicking how the mind thinks, to which they add ruthless efficiency. This has meant that bright students from underperforming state schools found it far harder to overcome the algorithmic bias; their grades got marked down, and admission offers were withdrawn. Privately educated students saw grades boosted by 4.7 points, three times the boost state-educated students got. Half of all privately educated students got excellent grades; only a fifth of state-educated students did the same. Clearly, the algorithm perpetuated injustice. Scotland was the first to realize the injustice and scrapped the outcome. Now the UK's other nations—England, Northern Ireland and Wales—have done the same and asked universities to accept the higher grade between the school-predicted and the algorithm-determined.

Britain will have an oversupply of graduates in 2023. Way too many, post-Brexit Britain have jobs for them? That is a longer term problem; as former prime minister Harold Wilson once said, a week is a long time in politics, and the headline-chasing Boris Johnson government isn't worrying about 2023 when it isn't sure of the post-Brexit future, now 18 weeks away.

Algorithms create the illusion of objectivity, in a nod to the Rawlsian logic of the "veil of ignorance." But that philosophical construct can produce inequitable outcomes, since the veil of anonymity hides the circumstances of the person on its other side.

There is a way out. Think of that classic illustration of a baseball game in a ballpark behind a boundary wall. Three ticketless boys want to watch the game. One is tall, and he can look over the wall. The other stands on a stool to see better. The third is too short even with the stool. That's reality. Put the middle child on a stool and give the shortest child two stools; that seems a fairer outcome. But then, true justice would be to let the wall fall. We are far from breaking down barriers.

10 YEARS AGO



JUST A THOUGHT

For once cricket has claimed you, it never lets you go.

MARCUS BERKMANN

MY VIEW | WORLD APART

RAHUL JACOB



is a Mint columnist and a former Financial Times foreign correspondent.

Rishi Sunak may be a former Goldman Sachs banker, but he has empathy for the industries that are hurting most because of the pandemic. Principal among them are restaurants, which employ 1.8 million people in the UK. This month, the 40-year-old chancellor of the exchequer subsidised up to £10 per person to get people out on between Monday and Wednesday. In the first week, 11 million diners took advantage. To help people overcome their covid anxieties, Sunak played waiter for cameras at the Wagamama chain in London. Last month, the goods and services tax for the sector was cut from 20% to 5%.

Sunak has also introduced a furlough scheme where the government pays most of the salary of employees of all industries who would have been laid off. It will cost the government £54 billion. He is also footing the bill for companies to hire and train 16-24-year-olds, who might otherwise remain unemployed at the outset of their careers. Each announcement has borne Sunak's call-

igraphy-styled signature on Twitter and Instagram.

Britain has not seen anything like it—at least not since Tony Blair's hot-to-populism as a similarly youthful leader of New Labour in the mid-1990s. "Governments, much less people, rarely get to choose the moments that define them," Sunak said in July, unveiling his mini-budget. Giddy predictions that Sunak, Infosys co-founder N.R. Narayana Murthy's son-in-law, is a future prime minister reached a crescendo, but these are early days. His predecessor quit in February after a bitter tussle with Prime Minister Boris Johnson's adviser Dominic Cummings. Since the pandemic erupted, Sunak has, unlike Johnson, scored no own goals—beyond not wearing a mask while serving at Wagamama. His polished delivery and sharp suits stand out beside Johnson, whose uncombed hair is a trademark. In March, the UK appeared to be pursuing a herd immunity strategy until Johnson did a U-turn on 16 March. A cocksure British exceptionalism underpinned Johnson's campaign to leave the European Union, but the UK now has the highest increase in death rates in Europe, which is shocking, given its high-quality National Health Service and that it boasts among the best medical researchers on

covid. Second-quarter gross domestic product (GDP) fell by a fifth, the largest drop among major European economies.

Sunak's willingness to use massive income-support schemes and industry subsidies stands in sharp contrast to the Narendra Modi government's wait-and-look-for-green-shoots approach. Rahul Khanna, co-founder of Mamagoto and Sly Granny restaurants, says that the UK government "has worked with municipal councils to make pedestrian-only areas to increase options for outdoor seating". Khanna, who plans to open a restaurant in London this October, complains that in India, "the government does not even recognize restaurants as an industry and clumps us with tourism".

Sunak's targeted generosity—the Treasury correctly decided last week that Tata's steel and Jaguar Land Rover businesses in the UK could arrange emergency financing without taxpayer help—looks more impressive against the Indian government's timid stimu-

lus of about 1-2% of GDP. Pronab Sen, India's former chief statistician, predicts India's GDP will decline by 12-13% this year. He worries that the government's fiscal stimulus in Delhi will act only after the first-quarter GDP data to be released end-August confirms that India, like much of the world, is in a once-in-a-century downturn. Supply chains and industry will suffer irreparable damage waiting for government disbursements that will likely take effect only in January.

Last month, Tarun Bajaj, economic affairs secretary, told *Business Standard* that reports of a severe downturn were "anecdotal" but promised bank recapitalization. "There is utility in not creating a panic," in Sen's words, "but denial does not help."

Sunak's big spending plans are not without risks. The UK's public debt-to-GDP ratio has breached 100% for the first time in 30 years. The increase in public debt will be more than £250 billion this year. But 10-year UK bond yields are at 0.22%, versus 3-4% during the global financial crisis. Govern-

ment austerity to balance the books, a skill a teenage Sunak got a start on while helping his mother at her pharmacy, will prove unpopular down the road. This week, a think tank warned that ending the furlough scheme planned, on 31 October, could lead to 2 million people losing viable jobs.

Few chancellors actually make it to 10 Downing Street, as Robert Shrimley, a *Financial Times* columnist, points out. Sunak has landmines aplenty ahead: industry disruptions once the transition to Brexit ends in December and a possible second independence referendum for Scotland are not challenges any other finance minister faced. A second wave of the pandemic, sparked conceivably by easing restrictions on pubs too soon, is a possibility. For now, Sunak is having what commentators indelicately call "a good crisis". His Stanford MBA-honed problem-solving approach looks thoughtful next to a bumbling Boris. Sunak may have built the foundation for a recovery—and has even given Britons reason to eat out. In 1933, during the Great Depression, John Maynard Keynes advised "consistently acting on the optimistic hypothesis (it) will be realised". At a bleak time, Rishi Sunak's choreographed optimism is sound economic policy.

Each announcement has borne Sunak's call-

THEIR VIEW

A dicey dollar could yet revive Keynes's Bancor currency plan

A well-funded IMF could act as the world's lender of last resort if America's Federal Reserve gives up that role or fails in it



BARRY EICHENGREEN
is professor of economics at the University of California, Berkeley.

The dollar is in free-fall! The global greenback is doomed! So scream recent headlines. Actually, such sensational headlines are "too sensational", to echo that noted authority on currencies, Miss Prism, in Oscar Wilde's *The Importance of Being Earnest*.

The dollar's fall in July to a two-year low against the euro was the immediate impetus for these stories. In fact, the dollar's recent slide is one in a series of readily explicable fluctuations. When the covid-19 pandemic went global in March, the dollar strengthened on the back of safe-haven flows into US Treasury bonds, as it does at the start of every crisis. By May, the Federal Reserve, acting as global lender of last resort, had accommodated this mad scramble for dollars by pouring buckets of liquidity into financial markets, and the greenback gave back its early gains.

The dollar's subsequent depreciation reflects the changing prospects of the US and European economies. With the spread of covid-19, the US outlook is deteriorating, so investors expect the Fed to keep interest rates low for longer. In the eurozone, the virus is under better control, and data from purchasing managers' surveys are surprising on the upside.

This improving outlook doesn't mean that the European Central Bank (ECB) will start raising its policy rate tomorrow. But it does incline investors to believe that it will start normalizing interest rates earlier.

This relationship—you tell me the outlook for interest rates, and I can tell you the change in the exchange rate—has a name, of course. As Miss Prism will remind you, it's called "interest parity". This theory doesn't work perfectly. But no theory of what determines the exchange rate does. When seeking to understand events, we shouldn't make the perfect the enemy of the good.

Seeking to explain euro bullism, some observers point instead to the agreement by European leaders to issue €750 billion (\$884 billion) of European Union (EU) bonds. This is bullism without the "ishness". Seven hundred fifty billion euros is less than 5% of the stock of US government debt held by the public. It's a drop in the bucket, in other words. And a drop does not a liquid market in safe assets make.

Even if this really is Europe's "Hamiltonian moment", ramping up EU issuance by a factor of 20 will take decades. That's how long Europe will need to create a benchmark asset with the liquidity of US Treasuries. And foreign-exchange markets trade on today's news, not on something that may or may not happen decades from now.

Indeed, the most striking takeaway from recent experience is the dollar's resilience. Normally, investors hold a currency when the issuer's



policies are sound and stable. US policy has been risky and erratic, despite having a "stable genius" at the helm.

Banks and firms held a currency when it is useful for invoicing and settling trade with the issuing country. But President Donald Trump's administration has done more than any in living memory to disrupt US trade. Governments, for their part, hold and use the currencies of their alliance partners. And, under Trump, the US today is no longer the reliable alliance partner it once was.

Given all this, it would appear that the stars are aligned for banks, firms and reserve managers to back away from the dollar. But the currency's international role has not diminished significantly. It has declined only along select dimensions—its share in central banks' foreign-exchange reserves, for example—and even there, only marginally.

The explanation for this stasis, as Margaret Thatcher famously put it, is "TINA": there is no alternative. The euro is not an alternative. The stock of safe euro assets remains segmented along national lines, and Alexander Hamilton is not coming to the rescue any time soon.

Nor is the renminbi a viable alternative. Given heightened tensions with China, no Western government will encourage its residents to depend on the People's Bank of China for liquidity, any more than they will encourage them to depend on Huawei for 5G.

With the Federal Reserve able and willing to act as lender of last resort to the world, the status quo is tolerable. One personnel change at the Fed will not alter how foreign officials view this situation. But one personnel change could augur another, at which point other countries will think twice. At that point, they will realize they have no other option to which to turn.

The only solution to this conundrum is more resources for the International Monetary Fund, so that it can supply countries in a crisis with the dollars that a future Fed fails to provide. This, of course, is the solution that John Maynard Keynes offered in 1944, albeit by another name.

The 80th anniversary of Keynes's "bancor" proposal is imminent. What better way to mark the occasion than by implementing it?

©2020/PROJECT SYNDICATE

THEIR VIEW

Filter out bad regulations to reduce the unease of living

PRADEEP S. MEHTA



is secretary general, CUTS International

Enhancing the ease of living has been a long-stated aim of the government. It has gained prominence in light of the challenges posed by the covid-19 pandemic. Prime Minister Narendra Modi himself has articulated this vision in many of his speeches, most recently at the launch of the National Education Policy 2020, wherein he highlighted the role of the youth in achieving this goal and assuring the poor a better life.

Egged on by the pandemic, many rich and poor countries, including India, are realizing that ease of living should be a duty-bound assurance of governments to their citizens. As a result, a citizen-centric shift is visible now in their policies, aimed at reducing the unease of living. A recent press release by the United States government (bit.ly/3f4eq4Z) has sought to highlight that its deregulatory actions are focused on creating greater opportunities and prosperity for US citizens than ever before.

Regulations that harm the interests of workers and disproportionately burden

consumers and low-income citizens are being rolled back. These deregulatory actions are likely to help citizens hugely through savings on time and money, and also raise productivity and wages.

More recently, a group of Republican congressmen in the US has sponsored a Freedom from Regulations Act to reduce the regulatory burden on citizens by ensuring government agencies comply with laws and act transparently. It intends to ensure that independent agencies comply with common sense regulatory restraints, so that the rules they make life easier for people.

The thought behind these initiatives is clear: sub-optimal regulations are a bane to the ease of living, and must be corrected. Unfortunately, it appears that such a realization has not dawned upon Indian policymakers yet. The government's idea of ease of living has been limited to perception surveys on the quality of life in cities, conducted by the Union ministry of housing and urban affairs (bit.ly/3grYk0n), and a nationwide survey on the delivery of basic services to assess households deprived of flagship schemes ([go.nic.in](https://bit.ly/3grYk0n)), done by the ministry of rural development.

In his recent address at the US-India Business Council's India Ideas Summit, Modi

also seems to have linked ease of living with the ease of doing business. Under the former rubric, he had earlier listed initiatives like the ease of making digital payments, and of obtaining passports and income tax refunds.

No doubt, these are important. However, ease of living is much more than the ease of doing business or framing citizen-centric policies. India's existing regulatory cholesterol needs to be reduced simultaneously. In other words, in addition to promoting the ease of living through new initiatives, we need to reduce the unease of living by reforming old policies.

How can this be achieved? A structured process informed by public consultation and cost-benefit analysis is the way forward. To this end, there is a need to create a publicly-available user-friendly repository of all applicable regulations. Such initiatives already exist in the country.

Thereafter, every regulation in the database needs to be subject to a three-step test of legality, necessity and proportionality.

This would involve asking three questions. First, is the regulation legal (or backed by legislation)? If there is no primary law from which it originates, or if some part of it exceeds the remit of the source legislation, it should be struck down as *ultra vires*.

The second question to ask of each regulation that passes the first test is whether it is necessary. This requires examining its objectives, the process involved in achieving them, and the relevance as well as possibility of their being achieved. If the stated objectives are no longer valid, or if the regulation is unlikely to achieve its goals, it should be done away with.

The final filter for each regulation that survives the first two should be the question: Is the regulation proportionate?

This would involve analysing direct and indirect costs and benefits imposed on stakeholders, to identify those who have been disproportionately impacted. In particular, we need to consider costs imposed on vulnerable stakeholders. Any such regula-

tion will need to be judiciously amended for the sake of proportionality.

The above three-step test could be implemented by setting up a "regulatory impact assessment" framework. This would ensure robust stakeholder consultation, particularly taking into account perspectives of those groups that typically remain unrepresented in regulation-making. It would also enable an analysis of the costs and benefits of various regulations and their alternatives.

For its success, this exercise would need to be conducted at central, state and local levels, and should involve all relevant government departments. Something similar has been attempted in the US through its Governors' Initiative on Regulatory Innovation, which aims to reduce outdated regulations, advance occupational licensing reforms, put people over paperwork, and align federal and state regulations. The initiative seems to work, with federal, state and local leaders having championed occupational licensing and other deregulatory reforms.

The Indian government must realize that reducing the unease of living is a pre-requisite for achieving the ease of living. The sooner this happens, the better.

Amol Kulkarni of CUTS contributed to this article.

MINT CURATOR



This animal can run at 30kmph and hadn't been spotted for 50 years STOCKPHOTO

Good news: The elephant shrew is alive and well

A mouse-sized elephant shrew that had been lost to science for 50 years has been discovered alive and well in the Horn of Africa. The shrews are crucial for life, can race around at 30km/h and suck up ants with its trunk-like nose. But it had not been documented by researchers since 1968. In 2019 scientists set out to search for the animal following tips from the region... from where the only past reports had come, but in neighbouring Djibouti. Locals were able to identify the creature from old photographs with Houssien Rayaleh, of Association Djibouti Nature, saying he had seen the animal before. The team tapped into local knowledge, and the fact that the shrews need shelter from birds of prey, to set traps in likely locations, baiting them with a concoction of peanut butter, oatmeal and yeast.

The Guardian

No 'smartphone zombies' in this city, please

When travellers get off the train at Yamato City, a commuter suburb popular with families about 30km from Tokyo, their eyes might be drawn to a few white cloth signs fluttering in the station forecourt. These signs are the only visible indication of a policy that attracted global attention: a ban on pedestrians using their phones while walking... Japanese streets are full of *aruki* (walk), a widely used term describing slow-shuffling, bowed-headed pedestrians glued to their screens. It's a portmanteau of the word *aruki* (to walk) and *sumafon* (smartphone), but its connotations are more along the lines of 'smartphone zombie'. In January, Yamato City conducted a study in two locations and discovered that around 12% of the city's 6,000 recorded pedestrians were using their phones while walking.

BBC

Batman to the rescue of Santiago's homeless

A stranger disguised as Batman is prowling the streets of Santiago delivering food to the homeless, providing sustenance and light-hearted solace to those in need following months of lockdown in the Chilean capital. The man, who wears a shiny batman suit complete with a coronavirus-ready sanitary facemask, delivers a few dozen plates of hot food to homeless people throughout the South American capital on a regular basis. He said he prefers not to be identified. "Look around you, see if you can dedicate a little time, a little food, a little shelter, a word sometimes of encouragement to those who need it", he said, adding the disguise was meant to bring good cheer and unite. Restrictions aimed at stemming the spread of coronavirus have devastated Chile's economy.

Reuters

The Great Barrier Reef could be worth \$56 bn

Three coral bleaching events in the past five years have state and federal governments worried for the Great Barrier Reef's health as they ask for public submissions on the 2050 reef strategy, which will shortly go to UNESCO. The reef supports about 64,000 jobs and contributes about \$6.4 billion to the Australian economy each year, mostly through tourism. "As an asset, its value has been estimated at \$56 billion," the joint federal and Queensland government study finds. The serious concerns are expressed in the draft Reef 2050 Long Term Sustainability Plan, which is now open for six weeks' public consultation. "The unprecedented nature of three mass coral bleaching events within five years cannot be overstated," the study says. "It confirms the urgent need to do all we can..."

The Sydney Morning Herald

The Pissarro artwork that Nazis had got hold of

A US appeals court has ruled that a Camille Pissarro painting a Jewish woman traded to the Nazis to escape the Holocaust in 1939 may remain the property of a Spanish museum that acquired it more than a half-century later. The unanimous ruling issued Monday by a three-judge panel of the 9th U.S. Circuit Court of Appeals is the latest—but possibly not the last—in a case that has wound through the courts of Spain and the United States for 20 years. At stake is 'La Rue St. Honoré', oil on canvas, 1898, an oil-on-canvas work of a rain-swift Paris street that Pissarro painted as he gazed at the scene from his hotel window. Its value has been estimated at \$30 million. Lily Cassier's father-in-law bought it directly from Pissarro's art dealer and left it to her and her husband when he died.

AP

HOLISTIC APPROACH

SHAPING FRUGAL & DISRUPTIVE INNOVATIONS FOR INDIA

The foundations of frugal and disruptive innovations will thrive on value-based education. When innovators are led by benevolence ahead of breakthroughs, the innovation becomes transformative.



DR VISHAL RAO

"When you think something is impossible, you do not disturb the person who is doing it."

— Amar Bose

With due respect to Thomas Carlyle's celebrated prescription, it is time we improvised it for the sake of innovation. Our responsibility does not just lie with doing what is clearly at hand but we also need to look at what lies dimly at a distance. Possibilitarian is a person who, in doing so, converts possibility into actuality.

Every successful organisation today needs such a 'Dreamer at the Top', a possibilitarian doing the impossible against all odds. This prime mover dares the team to dive deep and soar high towards timely thought and action but in a manner hearteningly devoid of provocation and intimidation.

Science would be deficient if it were only to remain a hope for the future. It will remain a potent force short of purpose if it fails to meet the pressing needs of today. The intention is the key driving force of innovation. No wonder, the right intention is the foundation of most scientific breakthroughs.

The Covid-19 challenge has thrown down a gauntlet of this century: The Virathon. Unlike prior hackathons, this lifehack has brought the entire innovation ecosystem to the brink of sev-

eral paradigm shifts. A case in point is the bench to bedside progression in science that spans, on an average, 17 long years — from lab research, clinical research and guidelines to clinical practice. Thanks to Covid-19, this time frame has shrunk to 17 days, making the bench seem right next to the bedside. As the Virathon continues, innovators and researchers are forced to take a big leap forward to create a hyperloop for knowledge aggregation.

If the end goal of education is knowledge and that of knowledge is service, we can leave this world by making it a tad better than from where we started. All you need to do is 'raise the right question'. When one swears allegiance to a principle, the 'answer' appears as soon as the question is right and ready, just like how the master appears when the disciple is worthy and ready. Innovations are the fountainhead to set this largely intuitive process in motion.

Frugal and disruptive innovations have found its earliest origins in India. If innovations represent our ambition, intentions should be the driving purpose behind them. Both collide within you, they are an inspiring combination and leave you transformed. An unknown force takes over, it drives your life to make you a witness of your unfolding idea, not its creator. If innovation is your passion, make compassion your purpose. If innovation is your power, make intention the underlying force.

At the end of one of my lectures, a starry-eyed medical student asked me: Sir, how do I get a brilliant idea? I replied: Develop a deep yearning to help one patient in need and do not stop un-



til you have solved his or her problem. The entire universe will conspire to flood you with the most brilliant ideas. Remember, perfection becomes effortless if the innovation is unflinchingly focused on removing an individual's pain, not tweaked to 'meet' the market potential. Any success achieved in solving an individual's problem seamlessly attains scope, scale and size, thereby impacting the masses and thereafter the markets in an organic manner.

During my interaction with students, I am often asked: "Which branch of medicine do I take up? Which branch has better scope?" I invariably surmise, "I don't know, ask yourself." One must necessarily look within to discover inherent interests and deliberate upon how they could benefit your patients. If one is sincere about this introspection, scope and fulfilment become a foregone conclusion.

En route your educational voyage, you will often come across a subject, a chapter or

a topic that 'speaks' to you. You will sense an instant connect, akin to a reunion with a long lost pal. This premonition of destiny will become your driving force! This has been my experience with oncology, as also my interest in research in the area of Voice. I connected with it from the first year of my medical school and relished exploring its depths. My professor Dr. Humberdodi inspired me to look at the voice box differently. We spent much time dissecting the nerve to the voice box; he would speak to me at length about the enigma and exceptional quality of the voice box.

Today, when I connect the dots, my ongoing work on Voice prosthesis innovation seems to make sense. The truth be told, you connect the dots when you turn back, not when you look forward. You need to keep creating the dots as you move forward in the path of innovations and stop intermittently. At some point, it will all make sense.

The former Chief Justice of India, Justice M.N. Ven-

katachaliah, has been one of the most revered mentors. He once told me, "We should examine India's development beyond GDP." This limited and inadequate economic parameter can even be achieved through immoral and illegal means, say by allowing pirates or criminals to run riot.

He shared with me a beautiful note, which etched in my memory for life: "If three doctors walk from their homes to the hospital, the GDP is low. If the same three buy a brand new BMW and drive it to the hospital, the GDP is way better. However, if on the way, the car meets with an accident and all three doctors lose their lives, our GDP may be turned out to be the best!"

GDP is but a feeble way to assess progress. Let us envision an India of holistic ideals and purposes, beyond mere economic goals, which stands tall to inspire the world towards scaling similar strides. We must envision India's development as an expansion of freedom across spheres. Through my

innovation of IS voice device, I only did my bit to expand the freedom of speech.

This ascetic spirit of India was envisioned by Swami Vivekananda. He and Jamssetji Tata met en route a Japan to Chicago voyage when Swamiji shared his aspiration with the visionary industrialist, "What a wonderful feat it would be if the philosophy of the East met the science of the West." Years later, Jamssetji incepted the Indian Institute of Science (IISc), donating almost half of his wealth for this noble cause. Jamssetji's letter addressed to Swami Vivekananda, which has been embossed on the IISc walls, is a towering inspiration to millions who harbour similar ambitions rooted in selflessness.

A COUNTERINTUITIVE APPROACH TO INNOVATION

During a Tuck School of Business global leadership programme conducted by renowned strategy and innovation expert Dr. Vijay Govindarajan, the Rolls-Royce team offered me a remarkable perspective on innovation: Unlike the 20th century when knowledge was power, today ignorance is power, as the offbeat views and lateral thinking of non-domain experts have become so very crucial to frugal and disruptive innovation, especially in these Covid-19 times. We need collaboration beyond conventional spheres, not a competition between warring cartels.

The ultimate truth about ideas defies popular perception: "Ideas never come from you, they come to you". Although they reach out to many, only the receptive pay heed and accommodate them. What if

we could share our ideas, maybe even allow someone to whisk them away, in the hope of a larger good to society through a better use. If we copyleft our work, it will help us evolve and also serve others in the true spirit of innovation. Such an attitude strengthens ideas through powerful collaborations. The copyleft principle (unlike the copyright) unleashes the power of an idea, its true potential, from conceptualisation to implementation.

Some time back, an innovator called me up for a possible collaboration on a similar voice device for throat cancer patients. The call was essentially to connect with me and clarify some of his doubts. We ended up discussing a few principles of speech and I urged him to study my designs. One of my colleagues glared at me in absolute perplexity as if I were insane beyond repair. When he asked me for my logic, all I told him was this: if this man were to disrupt the process or device for speech better than me (less than a \$), I will salute him. But I am more than confident about disrupting his innovation further, at a pace twice faster.

That is how innovators should compete to ensure that the world gets the absolute best. We must always 'pay it forward' to society, breaking free of fear, insecurity and conformity to the convention only to see the world anew each passing day.

We must never forget we are all dwarfs standing on the shoulders of giants. The greatest innovations of today could well turn out to be the biggest blunders of tomorrow. We live in an era of a vengeful generation gap. Our greatest competitors are our strongest collaborators.

What better time than this to harness the power of collaboration to its fullest, thereby expanding our outreach to masses for achieving far-reaching, measurable and sustainable social outcomes.

The foundations of frugal and disruptive innovations will thrive on value-based education. When innovators are led by benevolence ahead of breakthroughs, the innovation becomes transformative.

Sadly, in the current medical sphere, we are only innovating illnesses, not therapies. Worse, we are further innovating on top of these 'man-made' ailments innovations. No wonder, most medical students feel a compelling need to build a hospital to cherish what they assume is the crowning glory of a successful career.

Today, the holistic term healthcare is invariably held synonymous with the incidental term medical care. The latter is only a part of the former and it comes into play only when there is a deviation from health. Healthcare is about treating the root cause, not merely the effect which is only the tip of the iceberg. It is an indisputable fact that a healthy society thrives on as fewer ailments and hospitals as possible. High time we broke the conformal barriers that disallow healthcare innovations to serve the larger cause of humanity.

High time we neither raise eyebrows nor ring alarm bells that an integral member of the medical fraternity should be endorsing this critical need.

The writer is the Regional Director, Head Neck Surgical Oncology and robotic surgery and the Associate Dean for Centre of Academic Research at Healthcare Global (HCG) Cancer Centre, Bengaluru.

FIRST PERSON

A DOCTOR'S BATTLE WITH COVID-19 AND 'STIGMA' ASSOCIATED WITH IT

With so much misinformation about the pandemic, even a doctor is not untouched by the so-called stigma attached to the infection. Here's a personal journey of a doctor who thought he was infected with the virus and how he dealt with it.



DR ISHWAR GULADA

In the 'Covidomania' atmosphere that has been prevailing for over four months, anything from a headache, singular sneeze or cough reflex is construed as a Covid-related symptom. Apart from me, three other members of my family are doctors. My first daughter is an infectious disease specialist and a frontline Covid warrior. My second daughter is a microbiologist and my son-in-law is a radiologist.

I had a travel history — two international trips to Australia and Indonesia between 15 February and 2 March 2020. I took eight international flights and transited four times through Singapore. Thank-

fully, my next trip which was scheduled between 7-14 March was abandoned because the Conference on Retrovirus and International Infectious (CROI) in Boston got cancelled on the eve of its starting. That was a saving grace as Boston was on Covid-19 hotboiler.

Naturally, I always preferred to self-diagnose and self-medicate when I didn't feel well. Last month, during one night, I got a fever with shaking chills. Having noticed mosquitoes and a possible bite, I suspected malaria and started popping up anti-malaria pills. Last year I had suffered from chikungunya and overcame its debilitating consequences with great determination, physiotherapy and family support and also by popping up lots of homeopathy pellets. These pellets were suggested and shipped by my friend Dr. S.N. Modi's homeopath father from Mysore, as well as by my family friend Puja Ambwani. I also added HCQ (hydroxychloroquine) to that for a considerably long

period. Considering myself immune to coronavirus was natural in the wide-ranging discussion on HCQ's effects on Covid-19 prevention and its inclusion in the ICMR guidelines.

Next day, I self-tested for malaria, dengue and chikungunya with complete blood count. All came negative. With some acquaintance, with lab reports and patients during her counselling and supervisory stint at the clinic, my wife added ESR to the testing profile. We were astonished when the ESR was 120/hour (normal range is <15 for adult male). My low-grade fever continued, but it was in the evening when my headache started with some night sweats. Mild dry cough got added to the list. Now I diagnosed myself with another condition — tropical eosinophilia — and started diet/hydroxychloroquine drug to cure it after taking my younger daughter into confidence but also requested her not to tell the elder one.

Another round of blood work-up followed along with a sample for IgE to look for

any allergy. By then, the cat was out of the bag, and under pressure from my caring-turned-scaring family, we ran lots of tests to throw light on Covid-19 diagnosis along with a thyroid test. Nothing came conclusive, but the thyroid test reports were awaited.

Loss of 4 kg weight, pain in neck, loss of appetite and continued fever led us to suspect tuberculosis. Radiology and blood tests followed. In the back of mind also came the consideration of malignancy with my age being over 62. By now, all three doctors were fully involved and started discussing in their respective specialty circles. Arc radiologist Dr. Bhavin Jankharia suggested full-body PET/CT scan with radio-uptake study for thyroid. Next morning's appointment was fixed, which was to be followed by a swab test for Covid-19. A new development happened when I noticed some painful swelling in the lower end of my neck in the region of the thyroid. The TSH came very low. That was a saving grace

for me, as it was suggestive of acute inflammatory or infectious thyroiditis. Endocrinologists were consulted and we postponed the PET/CT. All along, I was reluctant to do the swab test and kept postponing it, owing to its associated stigma. But I did do my Covid rapid antibody test when my blood was drawn; which was negative for both IgM and IgG antibodies suggesting neither current nor past infection with Covid-19. A steroid course was started to treat thyroiditis. That gave me some relief as the fever started subsiding. Experience suggested all these can also happen in Covid-19 and that's pretty common.

But the debate on the possibility of Covid-19 never stopped. Both scenarios were discussed. If I turned positive, then all of us had been exposed, presumed positive and remained asymptomatic, so infection had come and gone in everyone. This was considered the most ideal scenario as the other seven would have escaped, considering the long duration of my symp-

oms. If negative, that's also fine, but the sword of Damocles was always on us with the possibility of Covid-19 in the future, especially with the escalating Covid-19 cases in Mumbai and my clinic and residence both being in the red-zones and my continuous medical practice with standard precautions.

I was left with no option but to succumb to the pressure and submit myself for the swab test. Home visit was preferred. Discussions continued on what to do if the test came positive. The technician who came to take swab had used hand-gloves, mask, disposable paper apron (costing Rs 20), that she removed from her backpack — supposedly reused several times since morning and head-shield in hand. This was all that in the name of PPE kit for which labs charged Rs 600 extra. The swab was put in my nose and I felt a terrible pain which I do not remember in recent times. Physical pain settled and psychological pain started. I was wondering, "What if the results

come positive?"

Though I have no co-morbidity, my age is considered high-risk. Whereas the children started discussing which hospital to prefer, which physician to consult, ambulance, oxygen support, ICU, ventilator and all the possibilities. That waiting night was terrible. My wife started listing assets and liabilities, credit card numbers, passwords, PIN and told me to show everything to children all in run-up to the winding-up mechanisms as if I won't return alive from the hospital. In the back of my mind, I was assured of a decent cremation with my wife and children in attendance, unlike what we had been seeing, though not expecting my wife drove me to the clinic. I don't drive and she has been driving me up and down for four months. Driver being from the containment zone was given off. Every hour discussion was on whether the report has come, but it kept postponing. While

returning from the clinic, we stopped by a cake shop and purchased a cake for celebration. Awaiting the report, the table was laid, cake decoration was done with confused faces around.

Report finally came — it was negative! It was a cause for celebration. Negative report was more solace for me as I had already lived and died. In my dream I had already got an array of medicines following different protocols — Ivermectin, Azithromycin and Favipiravir tablets, Remdesivir injections included, reached the so-called cytokine storm and got Tocilizumab shot, both were made available to me despite scarcity. I was just short of writing my own obituary. I am now much better on steroids with final diagnosis acute painful thyroiditis and doing my bit to better the course of the Covid-19 pandemic and for prevention of stigma and discrimination.

The author is the president at AIDS Society of India and governing council member of International AIDS Society.

WWW.THEDAILYGUARDIAN.COM

BIG QUESTION

Illegal constructions, unethical demolitions

What is the answer to illegal constructions spreading horizontally and vertically over land in complete defiance of building bylaws as well as environmental regulations?

OPINION

AMITA SINGH



Delhi has been waterlogged again after less than an hour of a downpour. Kerala, Assam and Bihar are flooded too and Mumbai, like many other cities, continues to pay the price for illegal constructions. Ironically, the most beautiful season of monsoon, which is still celebrated across traditional India as a season of dance and song, colours, peacocks and snake worship, has become a threat of a disaster.

An additive tendency to blame an open-ended target of human greed which is forever unaccountable like human desires hides the prodigious politico-administrative nexus that gives it a shape and a possibility. This man-made catastrophe has been a result of corruption with impunity as illegal occupation of legally prohibitive areas like coasts, shorelines, river banks, sanctuaries, national parks and forest areas continues unabated despite an independent judiciary, a watchful National Green Tribunal (NGT) and a plethora of laws to hook the nostrils of the nexus. Even though warnings against illegal constructions and imposition of penalties had already been issued to the South Delhi

Municipal Corporation (SDMC) during the last monsoon by the NGT, the Delhi Pollution Control Board and the Chief Secretary issued directions for strict compliance to the 'Flood Control Order, 2020' during the current monsoon. Yet, the Mayor of SDMC barefacedly defended her inaction on the lack of available manpower due to their engagement with coronavirus related duties. Notwithstanding the mutual blame game of authorities, the bigger question that awaits attention is to find out those individuals and institutions responsible for this seasonal calamity of misgovernance so that the nexus is gradually diffused.

City floods are usually a result of obstructing natural water channels which give way to rainwater from a higher to a lower ground area as water recedes to an underground aquifer, called a water bank, for future soil health. The devastating Chennai floods of 2015 were not a creation of the north-west monsoon alone but because the blocked drainage system failed to allow water to flow down. There was no timely desilting of drains despite receiving Rs 1,448 crore of funds under the Jawaharlar Nehru National Urban Renewal Mission (JNNURM) scheme. Over and above the need for desilting, there were clusters of encroachments at the banks of Cooum and Adyar rivers and also over the north Buckingham Canal which brought the crumbling down in a manner very similar to the Delhi Canal which washed away several houses at an upscale



FTO area due to overflowing this July.

When our research team visited the Kerala coastal zones in 2015 to assess the quantum of encroachments, the disaster was writ large on the state. Tea gardens, rubber plantations and other cash crops had replaced mangroves, seagrasses and natural water channels. Houses, multi-storied apartments and river embankments were all designed to promote tourism in negation of even basic norms of environmental conservation. An incessant promotion of dam construction and intensive outsourcing of most services, despite being a hand of the communists, meant there was little scope to put a stop to land grab even in the protected and environmentally fragile zones.

The massive protest of forest communities against the Aithirapally dam revived the spirit of the protest movement of the 1980s against the Silent Valley Project, in

which the 'ecology' and 'environment' had rediscovered themselves in more robust developmental linkages to the local flora and fauna. This cannot be simple and naïve human greed but a full-bodied illegal control through the nexus. Now that the Aithirapally dam has been given environmental clearance and hot tar has been manifestly thrown over a 25-year-old movement for preserving the rich and exotic biodiversity of Chulakudi river basin, vulnerability to disaster is explicit. This will be a replay of decisions which constructed more than 14 dams over River Periyar and its tributaries, causing the 2018 floods which affected more than a million people and killed around five hundred. Illegal constructions, whether big or small, which defy environmental norms, practices and law lead to disasters.

So, what is the answer to illegal constructions spreading horizontally and vertically over land in complete

defiance of building bylaws as well as environmental regulations? If corruption is easier than remaining ethical than most developers of dams and buildings would prefer remaining corrupt. It's a choice offered to them by clerks and administrators occupying high offices begging commissions and a cut in the project cost. How many of us have witnessed the thunderous crashing sound of bulldozers and excavation machines in the neighbourhood as buildings are demolished and an impression is created that misgovernance is undone?

But once broken down, these indented and serrated buildings continue to hold on for ages as an archival display of Bacchic politico-administrative nexus that nibbles on any hope for reclaiming good governance in the country. No one knows what to do with the debris as both the owners as well as the administrators are hopeful that once the dust settles down, there can be a possi-

ble resolution after charging some fee as a penalty. Some of the most aesthetic buildings are brazenly allowed to be constructed on public land and city slums mushroom in their vicinity overnight to settle migrant labour in their shanty huts. All this is done under the watchful and yet concealed eye of the city administrator. Surprisingly, this administrator is nowhere to be seen when demolition knocks down his decisions as corrupt and declares a serious breach of law and ethics.

Demolition comes with many unanswered questions about its CLUs (change of land-use certificate) timeline, building electricity-water clearances, CRZ Clearance, but the manner in which the Supreme Court insisted on compliance to regulations in its verdict to bring down the four Kochi apartments at the beginning of this year would dissuade any developer to keep intact the practice of illegal constructions through the corrupt munici-

pal nexus in a city. It suggests that the policy of demolition is embedded in thwarting the gap between an ethical state which razes them down and the unethical one that had earlier raised them up. It's the commonality of impunity with which the state 'razes' or 'raises' them. Generally, courts have defensively dawdled between the two situations till the demolition order on Maradu apartments was hammered down by a determined Supreme Court in a suo motu cognizance over Kerala's impertinent government in January this year. An unprecedented and bold decision against the infamous but magnificently designed apartments in Kochi boldly cleared the shoreline of the Vembanad lake on 12 January 2020. This blatant violation of the Coastal Regulation Zone (CRZ) Rules of 1991 and 2018 became more pronounced and focus shifted completely from the Atlantic (Nato) to the Indo-Pacific, and rightly so because of the rise of a malign power such as China. The focus is now on containing China and ensuring that it behaves responsibly as a great power should. In India, there is a belief that the Republicans are better for Indian interests than the Democrats, but this postulation may not be valid at a time when

lived in the utter mischief and injustice of CRZ regulations on Kerala's development by declaring 200m of the high tide line as a 'no development zone'. Even the SC acquitted a leading developer some time ago in a similar violation of illegal construction at the shoreline of the lake's backwaters by imposing a meagre penalty of just Rs 1 crore.

Inspiringly, the same court was more determined in the Maradu judgement when it not only ordered demolition but also ordered the Chief Secretary of the State to be present at the site and ensure strict implementation. The Supreme Court also questioned the intentions of the state in diverting and delaying the nature of the judiciary emerged as a determined annihilator of the nexus which constructs illegally. As the dream skyscrapers, H2O Holy Faith, Alfa Serene, Jain Coral Cove and Golden Kayalarom, were demolished and the Vembanad shoreline became visible, it launched a historic beginning of good governance in sync with nature.

Our current encounter with Covid-19 has made us wiser in making the right choice when it comes to selecting between glamorous and ostentatious expansion to become rich or the human desire to breathe and live through. Nevertheless, we are still far away from making the right choice between a nexus that delivers and the administration which looks obstructive but remains accountable and responsible. Once citizens learn to make this choice, demolition would no more be a political fire stick!

The writer is Professor of Administrative Reforms & Emergency Governance, Member Services, National Ethics Review Board, Jawaharlal Nehru University, New Delhi. The views expressed are personal.

PERSPECTIVE THE AGENDA

BIDEN'S STATEMENTS ON INDIA REASSURING

Democratic Presidential candidate Joe Biden's policy document, 'Joe Biden's Agenda for the Indian American Community' issued over the weekend, has a detailed section on India-US partnership. It makes for reassuring reading in the backdrop of the unpleasant statements made about India by Biden's team members and a combination of leftist-Islamist forces that seem to have gone mainstream in the Democratic party. For that matter, Biden himself did not help India-US relationship when, in 'Joe Biden's Agenda for Muslim-American Communities' issued in June, he put the world's most populous democracy in the company of China for its treatment of Muslims—an outrageous comparison, to say the least. The 'Muslim Agenda' raised the issue of 'human rights' in Kashmir and criticized

the Citizenship Amendment Act, apart from the National Register of Citizens, thus exposing the ignorance of Biden's campaign team and their susceptibility to fall for propaganda by interests arrayed against India. In effect, the Biden team segregated Indian-origin Muslims as a separate entity from Indian Americans, thus subverting the whole premise of equality, which Biden claims to stand for. Considering such worries about the state of India's democracy and 'secularism' find a mention in the latest 'Indian American Agenda', it is assumed that the earlier statement was an act of political expediency, tailored to suit the demands of a particular constituency. It is also assumed that the Indian 'Agenda' is an act of 'geopolitical expediency', which necessitates a strong alliance between the United



Democratic Presidential candidate Joe Biden.

States and India, two of the most important democracies of the world. In fact, from the direction that US India policy has been taking and the way bipartisan consensus has been developing about the need to have a close US-India partnership, especially to counter China, there is no

reason to believe that Biden is being everything to everyone. Hence, he should be taken at face value when he says, 'a Biden Administration will place a high priority on continuing to strengthen the U.S.-India relationship... Together, we will continue strengthening India's defense

and capabilities as a counter-terrorism partner...'. But then how does one reconcile the two 'Agendas'? There is growing consensus in the strategic and policy community that a Biden Administration, if it comes to power, may make occasional noises about 'human rights issues' under pressure from various lobby groups, but will be steadfast in enhancing its partnership with India, especially in the Indo-Pacific region. This finds a reflection in Biden's latest Agenda, which says that a 'Biden Administration will also work with India to support a rules-based and stable Indo-Pacific region in which no country, including China, is able to threaten its neighbors with impunity'. This is a significant statement, coming from someone who is believed to be more focused on the Atlantic and Nato as the pivot of his for-

eign policy. In a foreign policy speech delivered in New York last year in July, not once did Biden speak about the Indo-Pacific, but primarily about renewing the US relationship with Nato. But then policy can never be static and a year later it is hoped that a Biden administration, if he becomes President, will follow in the footsteps of the Trump administration, during whose time Obama's 'pivot to Asia' became more pronounced and focus shifted completely from the Atlantic (Nato) to the Indo-Pacific, and rightly so because of the rise of a malign power such as China. The focus is now on containing China and ensuring that it behaves responsibly as a great power should. In India, there is a belief that the Republicans are better for Indian interests than the Democrats, but this postulation may not be valid at a time when

China's aggression against India is inviting bipartisan condemnation in the US Congress. As for noises made by bobbies and vested interests about 'human rights issues', let's not forget that the strong ties between India and US during President Donald Trump's tenure have not deterred organisations such as the USCIRF from unfairly branding India as a 'country of particular concern'. Hence, this is a hazard we have to live with, whoever be the US President, Donald Trump or Joe Biden; or better still, this is something we have to preempt and counter proactively, which we have not been doing. India's messaging has to be better at a time when both countries' focus is on making the India-US partnership a defining one for the 21st century. As else the narrative gets hijacked unnecessarily.

JAYATEA BASU

6 LEGALLY SPEAKING

THE DAILY GUARDIAN
THURSDAY | 20 AUGUST 2020
NEW DELHI

WWW.THEDAILYGUARDIAN.COM

LEGAL TALK

Intra-court appeal must be allowed in Bhushan case

In both the suo-motu contempt cases, in view of the substantial questions of law on the interpretation of the Constitution of India and having serious repercussions on the fundamental rights, the matters require to be heard by a Constitution Bench.

OPINION

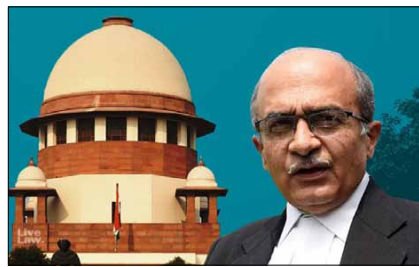
KURIAN JOSEPH



A three Judge bench of the Supreme Court of India has

decided to hear a few serious questions on the scope and extent of contempt of Court. Certainly, there are graver issues, involving substantial questions of law as to the interpretation of the Constitution of India. For example, whether a person convicted by the Supreme Court of India in a suo-motu case should get an opportunity for an intra-court appeal since in all other situations of conviction in criminal mat-

ters, the convicted person is entitled to have a second opportunity by way of an appeal. Under Section 19 of the Contempt of Courts Act, 1971, an intra-court appeal is provided where the order is passed by the single Judge of the High Court and in case it is by the Division Bench, appeal lies to the Supreme Court of India. This safeguard is provided probably to avoid even the remotest possibility of miscarriage of justice. Should there not be such a safeguard in the other Constitutional Court, the Supreme Court of India also, when there is a conviction in a suo-motu criminal contempt case? "Flat justitia ruat cælum" (let justice be done though the heavens fall) is the fundamental basis of administration of justice



by Courts. But, if justice is not done or if there is miscarriage of justice, heavens will certainly fall. The Supreme Court of India should not let it happen.

Under Article 145 (3) of the Constitution of India, there shall be a quorum of minimum five Judges for deciding any case involving substantial questions of law

as to the interpretation of the Constitution. In both the suo-motu contempt cases, in view of the substantial questions of law on the interpretation of the Constitution

of India and having serious repercussions on the fundamental rights, the mat-

Under Article 145(3) of the Constitution of India, there shall be a quorum of minimum five Judges for deciding any case involving substantial questions of law as to the interpretation of the Constitution.

ters require to be heard by a Constitution Bench. In the case of suo-motu contempt against Justice C. S. Karnan,

it was the collective wisdom of the full court of the Supreme Court that the matter should be heard at least by a bench consisting of the seven senior-most Judges. The present contempt cases are not cases involving just one or two individuals; but larger issues pertaining to the concept and jurisprudence of the Country regarding justice itself. Important cases like these need to be heard elaborately in a physical hearing where only there is scope for a broader discussion and wider participation. Men may come and men may go, but the Supreme Court of India should remain forever as the court of supreme justice. Justice Kurian Joseph has served as Judge, Supreme Court of India.

ANALYSIS

An analysis of SC verdict in the Sushant Singh Rajput case that paves way for CBI to investigate

While according approval for the ongoing CBI investigation, if any other case is registered on the death of actor Sushant Singh Rajput and the surrounding circumstances of his unnatural death, the CBI is directed to investigate the new case as well.

OPINION

RAHUL BHANDARI



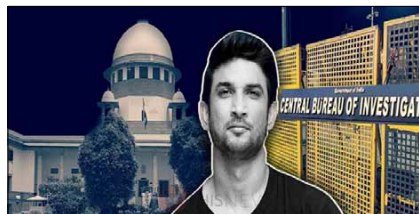
The case of fateful demise of young celebrity actor Sushant Singh Rajput generated a lot of speculation in the last few days among the public and media. Emotions were high demanding non-partisan inquiry into his sudden death. Initially, the Mumbai Police started investigating the case in terms of section 174 of CrPC without formal registration of a FIR. Successively, Bihar Police registered a FIR on the basis of complaint of father of deceased Sushant Singh Rajput under various sections of IPC, 1860 as against actor Rhea Chakrabarty and Ors. In due course, Mumbai Police and Bihar Police were at loggerheads over the investigation of the case. Both sides, the accused and victim were fearing no justice, leading to a lawsuit in Supreme Court. Finally, the Supreme Court on 19.08.2020 gave a judgment in Rhea Chakrabarty vs State of Bihar and Ors paving a way for Central Bureau of Investigation to investigate the case putting an

end to all kind of murmur. The case was filed by Rhea Chakrabarty under section 406 of CrPC seeking transfer of case registered by Bihar Police to Mumbai Police. Section 406 of Code of Criminal Procedure deals with power of Supreme Court to transfer cases and appeals from one State to another State, to secure the ends of justice. Additionally, Supreme Court Rules 2013 empowers a Single Judge of Supreme Court to deal with cases of transfers. Rhea Chakrabarty argued that she has been falsely implicated by the Mumbai Police and not with Bihar Police. And since the Bihar Police lacked the jurisdiction to register and investigate the case, she sought transfer of the case to Mumbai Police. And since the Bihar Police lacked the jurisdiction to register and investigate the case, she sought transfer of the case to Mumbai Police. And since the Bihar Police lacked the jurisdiction to register and investigate the case, she sought transfer of the case to Mumbai Police.

Rhea Chakrabarty argued that she has been falsely implicated by the Mumbai Police and not with Bihar Police. And since the Bihar Police lacked the jurisdiction to register and investigate the case, she sought transfer of the case to Mumbai Police. And since the Bihar Police lacked the jurisdiction to register and investigate the case, she sought transfer of the case to Mumbai Police. And since the Bihar Police lacked the jurisdiction to register and investigate the case, she sought transfer of the case to Mumbai Police.

der or direction for doing a complete justice in the matter, which is often termed as one of the most important tools of Supreme Court. The stand of the Bihar Government was that upon disclosure of a cognizable offence, it is mandatory on the police to register an FIR and investigate the case. Since the allegation of criminal breach of trust, cheating and defalcation of money from account of deceased was alleged, the Bihar Police is well within its jurisdiction to register a case. Also, since no FIR was registered by Mumbai Police, the action of Bihar Police in registration of FIR and consequent consent for entrustment of investigation to CBI satisfies the requirement of Section 6 of DSPE Act. Uniformly, it was urged by the father of Sushant Singh Rajput that since only an investigation (not a case or appeal) is pending at Patna, and a legally competent investigation has commenced, invocation of Section 406 power by this Court to transfer the investigation, is projected to be not merited.

The State of Maharashtra asserted that the Mumbai Police is seized of investigation and already examined around 56 persons and if it discloses commission of cognizable offence, the FIR will be registered and that every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction, the offence was committed. That further crime investigation cannot be routinely transferred to the Central Agency. The Union of India being also a party submitted that in the absence of any FIR by the Mumbai Police following the death of the actor on 14.06.2020, the FIR registered at Patna at the



instance of the deceased's father is projected to be the only one pending. Hence, the matter does not relate to two cases pending in two different states. Referring to the contradictory stand and the parallel allegation of state's Police being influenced by external factors in both states, Union prayed that this itself justifies entrustment of the investigation to an independent Central Agency. Answering these contentions, the Supreme Court framed four important questions of law. Coming to the first question of law 'whether under section 406 of CrPC a mere investigation' can be transferred'. Relying on a previous judgment rendered by Krishna Iyer of Supreme Court in *Ram Chander Singh Sagar and Anr. vs. State of Tamil Nadu*, (1978) 2 SCC 35, it has been held that only cases and appeals (not investigation) can be transferred under section 406 of CrPC. A mere investigation done by a Police Station cannot be transferred to another part of the Country.

Secondly, whether the proceeding under Section 174 CrPC conducted by the Mumbai Police to inquire into the unnatural death, can be termed as an investigation? Supreme Court held that "the proceeding under

Section 174 CrPC is limited to the inquiry carried out by the police to find out the apparent cause of unnatural death. In the present case, the Mumbai Police has attempted to stretch the purview of Section 174 without drawing up any FIR and therefore, as it appears, no investigation pursuant to commission of a cognizable offence is being carried out by the Mumbai police. They are yet to register a FIR. Nor they have made a suitable determination, in terms of Section 175(2) CrPC. Therefore, it is pre-emptive and premature to hold that a parallel investigation is being carried out by the Mumbai Police. Following the above, it is declared that the inquiry conducted under Section 174 CrPC by the Mumbai police is limited to a definite purpose but is not an investigation of a crime under Section 157 of the CrPC." To base this finding, the Learned Single Judge had relied on a judgment titled *Manoj K Sharma vs. State of Chhattisgarh* (2016) 9 SCC 1.

Thirdly, "whether it was within the jurisdiction of the Patna Police to register the FIR and commence investigation of the alleged incidents which took place in Mumbai? As a corollary, what is the status of the investigation by the CBI on

the consent given by the Bihar government". Answering this, it has been held that 'registration of FIR is the consent for the investigation by the CBI under Section 6 of the DSPE Act can be competently given by Maharashtra Government. Hence, this needs to be determined. Lastly, "What is the scope of the power of a single judge exercising jurisdiction under section 406 of the CrPC and whether this Court can issue direction for doing complete justice, in exercise of plenary power". Explaining this, it has been held while the CBI cannot conduct any investigation without the consent of the concerned state as mandated under section 6, the powers of the Constitutional Courts are not fettered by the statutory restriction of the DSPE Act and Supreme Court can pass appropriate directions by resorting to Article 142. Relying on the judgment rendered in *Monica Kumar (Dr.) and Anr. vs. State of Uttar Pradesh and Others* (2008) 8 SCC 781 on Article 142 of Constitution of India which stated that: "Under Article 142 of the Constitution this Court in exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it. The expression 'cause' or 'matter' could include any proceeding pending in court and it could cover almost every kind of proceeding in court including civil or criminal. This Court's power under Article 142(1) to do 'complete justice' is entirely of different level and of a different quality...."

Hon'ble Justice Hrishikesh Roy held that the "above ratio makes it amply clear that the Supreme Court in

bai police also possess the jurisdiction to undertake investigation on those circumstances. Therefore, in the event of a case being registered also at Mumbai, the consent for the investigation by the CBI under Section 6 of the DSPE Act can be competently given by Maharashtra Government. Hence, this needs to be determined.

Lastly, "What is the scope of the power of a single judge exercising jurisdiction under section 406 of the CrPC and whether this Court can issue direction for doing complete justice, in exercise of plenary power". Explaining this, it has been held while the CBI cannot conduct any investigation without the consent of the concerned state as mandated under section 6, the powers of the Constitutional Courts are not fettered by the statutory restriction of the DSPE Act and Supreme Court can pass appropriate directions by resorting to Article 142. Relying on the judgment rendered in *Monica Kumar (Dr.) and Anr. vs. State of Uttar Pradesh and Others* (2008) 8 SCC 781 on Article 142 of Constitution of India which stated that: "Under Article 142 of the Constitution this Court in exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it. The expression 'cause' or 'matter' could include any proceeding pending in court and it could cover almost every kind of proceeding in court including civil or criminal. This Court's power under Article 142(1) to do 'complete justice' is entirely of different level and of a different quality...."

Hon'ble Justice Hrishikesh Roy held that the "above ratio makes it amply clear that the Supreme Court in

a deserving case, can invoke Article 142 powers to render justice. In such backdrop, to ensure public confidence in the investigation and to do complete justice in the matter, this Court considers it appropriate to invoke the powers conferred by Article 142 of the Constitution. As a Court exercising lawful jurisdiction for the assigned roster, no impediment is seen for exercise of plenary power in the present matter. Therefore while according approval for the ongoing CBI investigation, if any other case is registered on the death of the actor Sushant Singh Rajput and the surrounding circumstances of his unnatural death, the CBI is directed to investigate the new case as well."

Hence, it becomes clear from a reading of the judgment that that every query has been methodically answered. It is not a first time that a Single Judge of Supreme Court has exercised powers under Article 142 of Constitution of India. Infact, in *Gaurav Jain vs UOI and Ors* reported in (1997) 8 SCC 114, the Supreme Court has already held that "a Single Judge of a Supreme Court can invoke Article 142 to issue appropriate orders/directions to meet the end of justice in a case. However, a point which is being argued post this judgment is that whether sitting in this roster such directions could have been issued, though this point according to me has also been taken care by the Hon'ble Single Judge. While we may continue to argue on various legal issues, the judgment had atleast put a final stamp regarding investigation which seems to be in the interest of both parties for the time being. Adv. Rahul Bhandari practices at the Supreme Court, Delhi High Court and district courts at Delhi.