

## OUR VIEW



## Matters of justice that need clear enunciation

The Supreme Court is expected to take up some of the broad issues thrown up by Prashant Bhushan's contempt-of-court case. Above all, we need clarity on criticism of the judiciary

In the tide of judicial affairs, there comes a time when matters of law and justice delivery call for deep deliberation. Such an occasion may be upon us now, thanks to a run-in with the legal system by Prashant Bhushan, an eminent lawyer held guilty of contempt on Friday by the Supreme Court for a couple of tweets. On Monday, at a hearing on similar charges against him in an earlier case, a bench of the apex court raised two big questions of Indian jurisprudence that it said should be settled now for the sake of future cases. One, "In case you have a grievance against a judge, what should be the process? In what circumstances can such allegations be made?" And two, "When some matter is subjudice, to what extent can the matter be argued through media and another mode?" It is for the judiciary to offer clarity, of course, and a larger bench is soon expected to take up these issues. Yet, while the interpretation of legal provisions is one thing, whether we need revisions done is another. Laws that can be considered eternally valid are rare, some would say non-existent, and it is sometimes worthwhile to re-examine them in the light of shifting contexts.

In a classic justice system, the dignity of courts needs to be assured and the reputation of judges shielded so that their rulings are honoured and not defied. This holds especially true in India, where the writ of courts has to be enforced all too often. But we have long lacked an open mechanism by which complaints could be made against judges. Impeachment is a long-winded parliamentary process that can only be invoked for gross misconduct. A window for whistle-blowers is an idea, but one

that is unlikely to work in the sphere of dispute resolution, unfortunately, given all the axes that various parties have to grind. Still, the judiciary could devise a way to filter out the noise and address grievances that are plausibly real. Likewise, the issue of cases under trial being discussed in public would call for a nuanced response. Unlike the US, where trials can turn into televised spectacles, India keeps court affairs out of the public glare, and wisely so. Despite this, an incessant blather on TV channels in the guise of debates often threatens to prejudice popular perceptions before courts get to rule one way or another. This has the same effect as casual aspersions cast on the judiciary. Taken to extremes, it could even lend itself to mass approval of mob justice. This danger, though, could also act as a criterion for what ought to be permissible and what not. A sober analysis that is devoid of rhetoric and polemics, for example, is unlikely to pose any risk on that count, and should be fine.

Overall, we could do with far greater clarity on what is deemed harmful to the cause of justice and what is not. In an era suffused with online opinions, for instance, what criticism can be directed at the justice system or judges without falling afoul of our contempt law? Bhushan is to be punished for a tweet that alluded to the chief justice of India's social life and links, and another that sought to blame four past chief justices of India for an allegedly weakened democracy. Similar and sharper comments are routinely aired on social media. This makes our contempt law seem much too harsh for the times we live in. It needs to be either excised or eased. Either way, we need the rules spelt out clearly.

## India's bureaucratic 'killer apps' that businesses would like axed

The humble NOC and mighty PIL are among the 'apps' that can constrain the ease of doing business



R. JAGANNATHAN  
is editorial director, 'Swarajya' magazine

During the years of the Narendra Modi government, India has moved dramatically up the World Bank's rankings on ease of doing business, from No. 142 at the end of the United Progressive Alliance regime to No. 63 last year. Last week, the central government announced a taxpayers' charter and other measures to make an assessee's interactions with the taxman "seamless, painless and faceless".

All these, no doubt, constitute "progress", but why do we not hear whoops of joy in the business community beyond the usual politically correct statements from industry associations that things are improving? The answer is that India continues to be a world beater in terms of bureaucratic "killer apps", or rules and regulations that trip business folk at every step. And often unobtrusively.

A blog written by an entrepreneur, titled, *I tried starting a manufacturing unit in India...*, reads like a horror story that could deter almost anyone from trying to set up shop in India. The piece is about the rediscovery of the biggest business killer app of them all: the humble NOC, or no-objection certificate. One would think that no one ought to have any objection to someone starting a business and creating jobs, but no. Apparently, you need a non-agricultural certificate to make products in a rural area. For the blog's author, getting

this document meant getting NOCs from 13 other agencies, including the local public works department, power distribution company, irrigation and health departments, forest department, pollution control board, etc. The request for an NOC from one agency often led to the need for a couple of more NOCs from yet other agencies.

This story, however, had a happy ending. The blogpost was removed after it was discovered that the NOCs were supposed to be obtained by the revenue department itself, and some lower-level staffer forgot to add this entrepreneur's needs to its to-do list and sent him scurrying from one government office to another. This was the state of affairs in Maharashtra, the country's top business destination. One wonders what the situation is like in states that are not so "business-friendly".

However, the NOC isn't the only business killer app around. We must add "show cause notice", which is used with lethal effect in the public sector to kill all initiative by making employees worry about whether even bona fide decisions will attract the Vigilance Commission's adverse attention, and tax demands. It is the last problem that the Modi government has tried to address with its taxpayers' charter and "faceless" interactions with the revenue department's eager enforcers. Then, there are affidavits and declarations to be made to the effect that if anything goes wrong, the state will not be held responsible. You must take on this liability through a self-declaration.

PILs deserve a special mention as business disablers, for they can be initiated by almost any body on almost any claimed grounds of "public interest". Worried about drunken driving? File a PIL, and you can look forward to a court the ground reality is. We have taken an axe to such business killer apps before we can claim genuine improvement in the ease of doing business.

processes were used to allot telecom spectrum or coal mines, our courts are unlikely to hold the government responsible for the mess. The alleged beneficiaries of wayward decisions have to pay the price, as licences get cancelled wholesale and investments worth hundreds of crore are reduced to cinder. Pollution in the city? The Supreme Court can mandate that no sport-utility vehicles will be registered in Delhi and even impose an extra tax on new registrations—something that is exceedingly odd, since the Constitution does not grant the judiciary taxation powers.

And if there is a dispute over the term "adjusted gross revenues" in telecom, the courts will not only stop at an interpretation of the term, but even decide how and when these dues are to be paid, and look into issues like whether companies already in insolvency courts can sell available "assets" such as spectrum. Several judicial decisions seem to bear a disposition that is inclined less towards business logic, and more towards causes like protecting government revenues or enforcing some standard of probity in how public resources are handled. Last year, senior counsel Harish Salve alleged that court rulings were a large contributing factor to the current economic slowdown, and there is some truth in this assertion.

The devil, they say, is in the details. India does not always need big ticket reforms or bold vision statements to speed up growth. It needs these micro-reforms that often escape notice, for they seem logical in the regulatory scheme of things. A staffing services firm, TeamLease, released a report in July pointing out that companies have to grapple with over 1,500 laws, 69,000 compliances, and 7,000 filings at various levels of government. While these laws may not apply in all states and to all firms, the sheer numbers tell you what the ground reality is. We have taken an axe to such business killer apps before we can claim genuine improvement in the ease of doing business.

### 10 YEARS AGO



### JUST A THOUGHT

Law and justice are not always the same. When they aren't, destroying the law may be the first step toward changing it.

GLORIA STEINEM

### MY VIEW | EX MACHINA

## The internet could regain the openness envisioned for it

RAHUL MATTHAN



is a partner at Trilegal and also has a podcast by the name Ex Machina. His Twitter handle is @matthan

When Tim Berners-Lee invented the World Wide Web, the internet was just a network of computers housed in universities and other academic institutions. Many have said that his idea of building connections using a hypertext markup to connect different pages of content gave us the web of information we rely on heavily today. While that may be the case, the internet would never have grown to what it has had it not been for the fact that he chose to build it as an open and decentralized system.

The internet today is far from decentralized. Even though nothing much has changed at the level of the underlying architecture, all our interactions on the internet take place through a few giant platforms that give us access to content, allow us to engage in commercial activities and socialize with one another. The experience layer that these platforms have built on top of the open architecture of the web has, for most of us, become the only way in which we engage

with the internet. As a result, each of these platforms has become a valve through which information on the internet flows, allowing them to derive an unprecedented level of understanding about the things that affect us.

In a post back in 2018, Tim Berners-Lee bemoaned what his invention had become: "[F]or all the good we've achieved," he said, "the web has evolved into an engine of inequity and division; swayed by powerful forces who use it for their own agendas." His solution was to build a new, user-centric alternative to what the internet had become, one that he called Solid. Instead of giving internet platforms control over our data, Solid allows users to store their data in pods that they can share as they see fit in a tightly permissioned way, so that they can control how this data is subsequently used and by whom.

As interesting as this is, it is possible to solve the centralization problem by approaching it from a different direction. The recently released Bechn protocol stack aims to do just that. Rather than tackling the issue from the ground up, Bechn is looking to offer an open and interoperable alternative to the closed and self-contained platform of the commercial internet today. If successful, it will give businesses of all

shapes and sizes an opportunity to leverage the true promise of the internet without being beholden to dominant platforms.

At the moment, Bechn is a protocol that offers a range of commercial functionality and sector-specific applications that can be used by a wide variety of commercial enterprises to carry out business activities. Think of it as a box of Lego bricks that can be assembled into different configurations to suit the needs of a specific commercial enterprise. Currently, a store owner can only get such "Lego" blocks from one, or at best two, vendors. Bechn opens this market up dramatically, allowing one to get these blocks from a wide variety of vendors.

If, for example, you are a local grocery looking to establish a digital presence, Bechn can help you display your inventory online, find service providers to take and process your orders, and an entirely different set of service providers to deliver them to your customer. Every service that you string together like this forms yet

another Bechn-enabled business, which, just like yours, would have designed its offerings to be available in this modular and contributive way.

Bechn achieves this sort of interoperability by unbundling the packet transmission layer from the experience layer, so that the core elements of commercial transactions—discovery, order booking, payment, delivery and fulfillment—are processed in a standardized fashion. At the same time, Bechn makes it possible for developers to customize the user experience on top of that, giving rise to a wide spectrum of modular processes that can be combined in virtually infinite ways to serve various requirements, both at the customer and the provider ends, all the while talking seamlessly to each other through the underlying transactional layer.

Bechn isn't attempting to become another e-commerce platform. To the contrary, it is looking to design the digital scaffolding on which providers of goods and services can

build open and interoperable commercial modules that could be combined to create a platform for everyone to benefit from and contribute to. It promises to take any existing commercial service offering and make it digitally accessible. At scale, it will allow any location-aware commercial operation—from fleet operators to last-mile delivery services, from large department stores to your neighbourhood grocers—to leverage the power of the open internet for outcomes that are advantageous to all involved.

Bechn is ambitious in scope. In order to become the foundational e-commerce architecture that it aspires to, it will have to convince existing businesses to make their services interoperable with other Bechn providers. Until it achieves critical mass, many will hold back, preferring to take their chances on their own or with more established digital commerce platforms that take a risk on a new idea.

But if there is a country in which this idea has a chance of taking root, it is India. We've already demonstrated that we can build penetration-scale platforms in various sectors. And while the world's big platforms have a strong presence in the country, there are vast swathes of the population they have still not been able to reach.

**Adoption of the Bechn protocol stack could decentralize e-commerce and let new players thrive**

| MY VIEW | CAFE ECONOMICS

## Will our economic recovery be led by better profits or wages?

The revival of India's economy will call for some difficult decisions involving trade-offs that are best left to the political class



**NIRANJANA RAJADHYAKSHA**  
is a member of the academic board of the  
Meghnad Desai Academy of Economics

How is economic pain shared during a crisis? Some recent data on the Indian labour market can provide a useful context. Employment has normalized as restrictions on movement were eased by the government. However, the recovery has been uneven. Mahesh Vyas of the Centre for Monitoring Indian Economy wrote in *Business Standard* this week that informal jobs have returned, but formal jobs have not. He estimates that 17 million salaried jobs were lost in the quarter ended June.

A persistent puzzle is whether or not workers in the unorganized sectors have got back their old jobs at the same wage rates as before. Meanwhile, early corporate results for the first three months of the current financial year show that many large companies have slashed employee costs during the quarter. Companies in most sectors brought down wage costs by either cutting salaries or letting people go. A broader picture of the share of wages in gross value added will be available only when the *Annual Survey of Industries* for this year is released.

A lot of economic research has been done in recent decades on how exogenous shocks, such as the one we are facing right now, get amplified through the economy. In a report released earlier this month on economic growth in times of covid, J.P. Morgan economists Sajid Chinoy and Toshi Jain wrote about two key amplification channels. A wave of corporate bankruptcies could hit bank balance sheets, create unemployment and reduce the economy's productive capacity. The banks themselves will likely become even more averse to taking risks through lending. "The depth and duration of India's slowdown will also hinge crucially on whether the covid-19 shock amplifies through India's financial and labour markets," the economists wrote.

This column asks a related question. As the economy hobbles back to normal in the coming quarters, who will help absorb the pain? The two obvious shock absorbers are the government budget and the banking system. The Indian government has kept much of its fiscal firepower dry so far. A lot of the early intervention has been focused on credit guarantees rather than direct spending, which is a good idea, given the need to prevent capital destruction.

However, higher fiscal spending will be needed to support aggregate demand if the economy gets back on track. As this column has argued earlier, since risk aversion among households and firms could lead to higher precautionary savings as well as demand for safe assets such as government bonds, it is possible to support a higher fiscal deficit for some time. There is also some space for extra money creation by the Reserve Bank of India.



The other traditional shock absorber is the banking system, especially when banks act as an arm of the country's fiscal authority by supporting growth through rapid credit creation. China is a classic example. Banks can absorb an economic shock in two ways—either by massive recapitalization at the end of the credit cycle, or by some form of regulatory forbearance in terms of less-stringent accounting rules. The second, which the Indian central bank has chosen for now, is the easier though less sustainable policy option.

India entered the covid crisis with a weak fiscal balance and a stressed banking system, and so these two may have limits on their ability to absorb the covid shock. What are the other options? Here are three of them, though the list is not exhaustive. First, labour acts as a primary shock absorber through structurally lower wages. Second, companies learn to live with lower profit margins. Third, savers underwrite the gradual recovery through negative real interest rates in a system based on financial repression. (A friend who I discussed this issue with also pointed out that a significant burden may fall on the unorganized sector that is credit constrained.)

Each option comes with a few significant risks. For example, a sustained income shock will under-

mine domestic consumer spending at a time when corporate investments as well as foreign demand are weak. Lower corporate profits will cut into the ability of companies to deleverage. And negative real interest rates sometimes result in households moving their savings from financial assets to real assets such as gold.

The adjustment process after a period of economic stress is always complex. The links between different parts of a recovering economy have to be carefully traced. However, the challenge is not purely an economic one, and has important political-economy questions embedded within it.

A lot of the ongoing debate over India's economic policy is whether our recovery plan should be focused on the supply- or demand-side. An equally important issue is whether it should be led by profits or wages. Choosing between the two is a complicated task. Higher real wages will lead to rapid growth in demand for industrial products, but also put marginal enterprises under immense profit pressure. Real wage rises will have the opposite effect. A similar tough choice has to be made in protecting the interests of either savers or borrowers when it comes to financial repression. Ideally, these choices should be made by the political system, rather than by economists.

| THEIR VIEW

## A tale of two surveys and the behaviour of respondents

TULSI JAYAKUMAR



is professor of economics at P  
Jain Institute of Management  
and Research, Mumbai.

Two sets of surveys released recently suggest a paradoxical situation that India faces. On one hand, there is the biannual *Mood of the Nation Survey* (MOTN) conducted by a private group to assess the nation's mood on several fronts. On the other hand, there is a set of Reserve Bank of India (RBI) surveys involving consumers, households, manufacturers and professional forecasters, and their expectations of the future. While the two sets have not always been in tandem in the past, their divergence appears stark in the current scenario.

The MOTN survey, with respondents drawn from 19 states, including those worst hit by the covid pandemic, suggests that the proportion of people critical of the government's handling of the situation, relative to that of the earlier United Progressive Alliance (UPA) government, has gone down since January 2020. As many as 72% of its respondents felt that the Narendra Modi government has handled the economy well. The approving rating of the Prime Minister, at

78%, is reported to be at its highest ever.

RBI's set of five surveys ([bit.ly/3g8t0G0](http://bit.ly/3g8t0G0)), in contrast, suggests deep despondency. Consumer confidence, at 53.8 in July, was at its lowest point. Households expect inflation to go up by at least 10 basis points both three months and one year ahead. The order books, inventories and capacity utilization of manufacturers suggest fewer orders, lower use of capacity, a stable finished goods inventory to sales ratio, and a higher raw material inventory to sales ratio, all of which point to depressed demand conditions in the future. The business assessment index had fallen sharply from 102.2 in the fourth quarter of 2019-20 to 55.3 in the first quarter of 2020-21. Finally, a panel of 32 professional forecasters has predicted a contraction in all key macroeconomic variables, including real gross domestic product (GDP), consumption spending, investment and total gross value added by the economy's three major sectors.

Kahneman and Tversky's seminal work on behavioural economics provides a good starting point for the reconciliation of these apparently contradictory survey results. Another relevant concept here is that of behavioural hyperbolic discounting.

As against traditional economics, which

assumes a constant discount rate, people in reality do not value the present the same way they do both the future and the past. For instance, most people would rather have a large piece of cake today, than wait for a year to get a larger weight loss reward. The reason is that they see the future as distant and value the present far more.

The principle of hyperbolic discounting suggests that people prefer smaller rewards sooner over larger ones later. They seek immediate gratification. Similarly, people tend to assess the subjective costs of smaller losses incurred in the near future as higher, and those of larger losses to be incurred later as much lower. This gets intuitively with a natural tendency to delay negative consequences.

While much of the work in behavioural economics is related to the future, there is work which suggests that discounting of the past follows a similar hyperbolic curve, with the distant past appearing smaller than the immediate past. The analogy we can draw is

that of a driver who looks at both the rear and front mirrors while driving. Distant objects will appear smaller in both cases.

How do people view an economic situation at a given point of time? Kahneman and Tversky's work posits that events will be seen as gains or losses based on a reference point. What are the refer-

**Insights of behavioural economics may explain high approval of the government amid such gloom**

ences point? These are the reference points of respondents in those two surveys? It is apparent that they have different reference points. The MOTN respondent seems to look at the present in relation to the past, while the RBI survey respondent looks at the future in relation to the present. Both discount the distant past and future far more. While RBI surveys capture the respondent's views on "what is happening/likely to happen to me/the economy", the MOTN survey appears more concerned with "who is responsible for the situation".

Our representative respondent looks at the state of our economy as particularly bad today compared to the future, expecting the situation to improve later. The respondent's

reference point, with the current crisis, has likely shifted to the preservation of life rather than livelihood (the economic scenario). In this sense, the government's attempt to save lives through lockdowns is seen as a gain. Its "*Jaan hai, jahaan hai*" slogan may possibly explain why the MOTN survey's results vary so much from RBI's.

Similarly, the UPA government's handling of economic crisis is seen in the distant past. While this should make the current economic slowdown appear larger, given that it still isn't over, the shift in reference point due to covid may explain why the Modi government got better ratings in August than in January's MOTN survey.

The other real problem is that of the TINA (There is No Alternative) factor. Fone here to imagine a business with competition, the reference point for its assessment would be the appeal of other businesses. With no viable national alternative in Indian politics today, respondents would compare the incumbent government only with itself, and then assess each situation based on shifting reference points. Rather than approach the two surveys with scepticism, our political parties should ponder their role in contributing to this apparent paradox.

These are the author's personal views

MINT CURATOR



Dr Peter Scott-Morgan wants an exoskeleton to encase his upper-body. [TWITTER](#)

### Meet Scott-Morgan, the world's first 'cyborg'

Peter Scott-Morgan stands, wide-eyed and tearful. "Good. Grief," he says quietly. "It's quite extraordinary. It really is." Using an exoskeleton, Dr Scott-Morgan is experiencing what it is like to stand for the first time in months after being diagnosed with Motor Neurone Disease (MND) in 2017. The remarkable step, however, is just the first in the 62-year-old's bold journey to control his disease by becoming the world's first, fully-fledged cyborg. "Think of it as a science experiment," he laughs. "This is cyborg territory, and I intend to be a human guinea pig to see just how far we can turn science fiction into reality." Eventually, Dr Scott-Morgan wants the exoskeleton to encase his upper-body, giving him superhuman strength and the ability to tower above "flesh and blood" humans.

*The Telegraph*

### Run around the planet and you can join this club

Jesper Olsen was just two days into his inaugural attempt to run around the world when he found himself on the verge of quitting... It was after this journey, upon returning to his native Denmark, that Olsen co-founded the World Runners Club, a curious coterie that remains arguably the most exclusive travel club in existence, and certainly the hardest to join. To be eligible to gain membership to the World Runners Club, you have to have completed a fully documented run around the Earth—but it's not quite as straightforward as that. "You have to cross four continents from one major ocean to another; cover (at least) 26,233km in total; pass through antipodal (opposite) points of the Earth; and start and finish at the same point. They're the main rules," explained Tom Dennis, who co-founded the club.

*BBC*

### Visit a public park in Tokyo for a loo with a view

It sounds like the worst kind of anxiety dream—a public toilet cubicle that appears to offer the promise of blessed relief, but which on closer inspection turns out to be entirely see-through. That, though, is the design feature behind several toilets that recently opened in public parks in Tokyo. The "transparent" toilets, created by the Pritzker prize-winning architect Shigeru Ban and more than a dozen other leading designers, are made from coloured "smart glass" that turns opaque when the cubicles are occupied. The conveniences opened this month in five locations in the capital's Shibuya neighbourhood as part of the Tokyo Toilet Project, organised by the nonprofit Nippon Foundation... Using new technology, the foundation said the cubicles' glass outer walls turn opaque after the door is locked.

*The Guardian*

### A cosmic gas cloud with a rhythmic 'heartbeat'

Scientists have found an unusual, mysterious "heartbeat" coming from a cosmic gas cloud. The cloud—which is otherwise unremarkable—seems to be "beating" along with the rhythm of a neighbouring black hole, researchers say. As such, they appear to be connected to each other, the researchers write in a new journal paper. But it is not clear how the gamma-ray "heartbeat" of the cloud can be connected to the black hole, which lies 100 light years away. The research team found the heartbeat after looking through 10 years of data from NASA's Fermi gamma-ray space telescope. They were looking at a system known as S433, about 15,000 light years away from us, which includes a giant star that is about 30 times the mass of our sun as well as a huge black hole.

*The Independent*

### Death Valley sizzles its way into record books

California sizzled to a triple-digit temperature so hot that meteorologists need to verify it as a planet-wide high mark. Death Valley recorded an scorching 130 degrees (54.4 degrees Celsius) Sunday, which if the sensors and other conditions check out, would be the hottest Earth has been in more than 80 years and the third-warmest ever measured. The temperature, measured at the aptly named Furnace Creek during a blistering heat wave, would be the hottest temperature recorded on Earth in August, said Arizona State University professor Randy Cerveny, who coordinates the World Meteorological Organization's extreme temperature team, which is already investigating the mark. That 130 only barely makes it into the record of 134 degrees (56.67 Celsius) at nearly the same spot in 1913.

*AP*



## 6 EDITORIAL



## Tussle in Tamil Nadu

The leadership debate in the AIADMK hides faultlines in the party and in its ties with BJP

**T**he raging debate that Tamil Nadu's ruling AIADMK witnessed last week over its choice for the office of Chief Minister for the 2021 Assembly election might have been premature, but it highlighted the sharp divide between the camps of CM Edappadi K. Palaniswami and Deputy CM O. Panneerselvam. For now, the leaders have decided not to address the issue and asked party functionaries not to discuss it in public. The debate, apart from the timing, was strange as Tamil Nadu, with a history of personality cult politics, is not known to have the tradition of principal parties declaring Chief Ministerial candidates. Until the debate erupted, Mr. Palaniswami and Mr. Panneerselvam, who was briefly CM three times in the last 19 years, gave the impression of having worked out a successful cohabitation arrangement, in the party and the government. But, Mr. Palaniswami must be wondering why the issue came up. As the incumbent CM, he could have reasonably expected to be projected as the party's nominee.

Also, the controversy has much to do with the AIADMK's relationship with its ally, the BJP. While Mr. Panneerselvam appears to be upset over the lack of prominence given to him in government events and the delay in the constitution of a steering committee for the party, his son, O.P. Ravendranath Kumar – the only AIADMK candidate elected during the 2019 Lok Sabha election – was not nominated to the Union Council of Ministers. To date, the Union government has no AIADMK representative. Mr. Palaniswami was evidently cautious, keeping in mind the presence of seniors in the parliamentary party and also of the advisability of sending his party's nominees to the Centre when the popular mood in the State is not favourable to the BJP. There is a view within the AIADMK that any tie-up with BJP for 2021 would be as disastrous as it was in 2019. Besides, their differences on policy matters seem unending. In recent months, the Palaniswami regime has made known its opposition unequivocally, be it on the issue of the three-language policy, or free power for agriculturists or revision of norms for determining the creamy layer among OBCs, eligible for quota in education and jobs. The BJP's State unit too has been adopting aggressive posturing, especially on Hindu deities and religious matters. Its leaders are aggrieved that even though the police have taken action on a row over 'Kanda Sashti Kavasan', a compilation of Tamil hymns, the AIADMK leadership chose not to comment on the matter, but Mr. Palaniswami was quick to condemn an incident in Pudukkottai, of the statue of AIADMK founder MGR being draped in a saffron shawl. Whether or not the alliance survives this phase, the signals from the ground are not encouraging. Before taking a call on its alliance with the BJP, the AIADMK must set things right and settle the issue of the Chief Ministerial candidate for 2021.

## Troubled waters

EU and Turkey should not let tensions in the eastern Mediterranean lead to open conflict

**T**ensions in the eastern Mediterranean soared last week, with Turkey sending an exploration vessel, accompanied by a Navy fleet, to the disputed waters and France dispatching warships to assist Greece. The trigger for the recent hostility between Turkey and Greece, which have historically shared troublesome relations, has been the discovery of gas in the Mediterranean waters. The EU's plans to transport the gas to its mainland, which would help reduce its dependency on Russia, have raised the region's geopolitical profile. Turkey and Greece have overlapping maritime claims. But when EU members and its allies in West Asia and North Africa made plans to build a gas pipeline from the Mediterranean to Europe's mainland, they kept Turkey out of it, which infuriated Ankara. Earlier this year, the EastMed Gas Forum was formed by Cyprus, Egypt, Greece, Israel, Italy, Jordan and Palestine, and Turkey was again excluded. But Turkey challenged the pipeline project and reached an agreement with Libya's Tripoli-based government, which Ankara is backing, to form an exclusive economic zone (EEZ) from its southern shores to Libya's northern coast across the Mediterranean. Greece claimed the Turkish zone violated its maritime sovereignty. Later, Greece announced its EEZ with Egypt, which clashes with Turkey's zone. Immediately thereafter, Turkey sent its survey ship over.

The highly complicated issue now has the potential to involve Europe, West Asia and North Africa. It is difficult to demarcate the maritime boundaries in the eastern Mediterranean, which is dotted with Turkish and Greek islands. Cyprus is physically divided with the southern part ruled by the internationally-recognised government and the northern part controlled by Turkey. Turkey's survey ship plans exploration activities around Greece's Crete Island, which lies just outside the Turkish-Libya economic zone, and Greece and Cyprus call it a violation of their sovereignty. France, the EU's most powerful military force, has thrown its weight behind Greece and Cyprus. Now, an alliance is emerging among Greece, Cyprus, Italy and France, which is backed by Egypt, Israel and the UAE. Turkey stands almost isolated, but remains a key power in the Mediterranean, which requires the EU to tread cautiously. If the EU wants to transport gas from the coast of Israel to Europe via Cyprus and Italy, an open conflict with Turkey cannot help. What is in everybody's interest is to dial down tensions and find a diplomatic and mutually acceptable solution to the gas contest. Excluding Turkey, which has a long Mediterranean coast, is unwise. Allowing a resurgent Turkey to bully smaller powers in the region would be strategically disadvantageous. The EU has to strike a balance between these two options.

## Time for India and Nepal to make up

The mending of the most exemplary inter-state relationship of South Asia must be as dramatic and rapid as the rupture



**W**hen the Nepal-India dispute over the Himalayan territory of Limpiyadhura flared up in May, New Delhi opinion-makers presented it as the doing of an upstart nation run by a renegade Prime Minister turning its nose at India, that too at Beijing's instigation. Kathmandu's polity bristled at the accusation and the entire political spectrum came together in nationalist climax to adopt a new map which included Limpiyadhura.

There has been much blood-letting over the past four months, with one side (India) petulant, the other angry. New Delhi pointedly says it will sit for talks only after the COVID-19 pandemic and some north Indian TV channels have targeted Nepal's Prime Minister K.P. Oli with reviling coverage. In turn, he abandoned diplomatic decorum to question India's commitment to 'satyameva jayate' and then claimed the true birthplace of Lord Ram was situated in present-day Nepal.

This tussle must be halted so that the most exemplary interstate relationship of South Asia may recover. De-escalation must happen before the social, cultural and economic flows across the open border suffer long-term damage.

## Fear of abandonment

Right off the bat, New Delhi analysts must try and understand why Nepal does not have an 'independence day'. It would help them in unravelling the Limpiyadhura tangle and accepting the need to go back to the archival papers (and misdemeanours) of the East India Company and the successive Viceroy and Governors General – right down to the imperious present.

From the Kathmandu perspective, Indian diplomacy seems increasingly unresponsive under the centralised control of the Prime Minister's Office. As geopolitical capacity dwindled, Indian commentators have returned to lambasting hapless Pakistan while ig-

norning China, the true would-be adversary.

With regard to China, New Delhi has nurtured a paralysing paranoia regarding the Himalayan range that goes back to the 1962 debacle, a condition now worsened by the Galwan intrusion. Nepal, Bhutan and India's own Himalayan arc are regarded merely by as strategic buffers under this ossified policy. In addition, there is the constant preoccupation with neighbours who have supposedly sold out to China. A confident nation-state without fear of abandonment would have behaved differently on Limpiyadhura.

The cause of the claim that has opened up between Kathmandu and Delhi relates to the disputed ownership of the triangle north of Kumaon, including the Limpiyadhura ridge, the high pass into Tibet at Lipu Lek, and the Kalapani area hosting an Indian Army garrison.

New Delhi's position on the dispute is based on its decades-long possession of the territory, coupled with Kathmandu's implied acquiescence through its silence and the omission of Limpiyadhura on its own official maps.

Nepal's claim is centred on the Treaty of Sugauli (1816), whose preamble reads the 'Rajah of Nepal renounces all claim to the countries lying to the west of the River Kali'. No agreement has preceded this treaty, and so no subsequent cartographic chicanery by the Company Sarkar or successor governments can undermine the 1815 document. Essentially, Nepal wants to stay with what was considered the upstream Kali at the time of the treaty's signing 205 years ago.

While the colonised parts of South Asia have had to deal with western surnames that pervade their maps and frontiers, such as Nepal, McMahon and Durand, a historically evolved country such as Nepal would tend to rely more on proof of continuous state administration. Journalist Bhabar Rimal (who celebrated his 93rd birthday on August 13) was the government of India's choice for the national census in the Limpiyadhura villages, whose citizens also voted in the first democratic elections of 1959. He was the first to set up the district headquarters of Darchula



and Baitadi until access was blocked in the 1960s by the Indian base at Kalapani.

Kathmandu responded with sensitivity to Indian strategic concerns before and after the 1962 China-India war by allowing the Indian army post to be stationed within what was clearly its territory at Kalapani and not publicly demanding its withdrawal. However, following the advent of democracy in 1990, the demand for evacuation of Kalapani gained momentum.

Kathmandu's diplomats deny the accusation of passivity over the decades, saying that as the weaker power, Nepal preferred quiet diplomacy and that Kalapani had never been off the table since talks began in the early 1980s. As for the 'possession' argument, if control of a disputed region were to confirm ownership, then what of China's continual hold over Aksai Chin since Independence? Regarding the suggestion of Nepal acting on China's 'behalf', in fact Kathmandu considers China complicit on Lipu Lek, and has lodged strong protests with Beijing regarding its joint plans with New Delhi on use of the high pass.

## Road to Lipu Lek

From the time when a joint communiqué was issued in 1997 during UK, Gujarat's prime minister ship down to the present time of Prime Minister Narendra Modi, the two governments have agreed that a territorial dispute exists on upstream Kali and have assigned negotiators. A border demarcation team was able to delineate 98% of the 1,751 km Nepal-India frontier, but not Susta along the Gandaki flats and the upper tracts of the Kali.

In 2014, India's External Affairs Minister Sushma Swaraj agreed to the establishment of a Border Working Group, which was announced by Prime Minister Narendra Modi and Prime Minister Sushma Swaraj.

## Empowered circles, impatience and injustice

There is flawed logic in the reactions of those who mistrust an institution of power but accept the 'solution' it puts forth



**T**he weirdest thing about mainstream Indians today is that, often, the very people who legitimately critique a police force for being corrupt, incompetent or unaccountable, turn around and demand that any 'suspect', rounded up by the same police force, should be summarily lynched or 'encountered'.

## Background and response

Take the sad case, in July, of journalist Vikram Joshi, who was shot in the head in Ghaziabad, presumably by men he had accused of molesting his niece. It was reported that the local police had ignored a complaint by Mr. Joshi about the molestation. Social media was understandably incandescent with righteousness over the crime. A journalist, shot in open daylight, with a prior complaint ignored by the police: there were good reasons for protest. But soon, the same police announced that they had arrested the 'culprits', and the people who had been criticising the police force started tweeting about the press-

ing need to decapitate, grievously torture, lynch or 'encounter' the suspects.

These were educated people. Their blithe twittering on social media – Twitter, Facebook, Instagram – led – indicated that they were educated people. So, one assumes, they had the intelligence to notice a logical flaw in their posture: how can you trust a police force that you consider incompetent, corrupt or apathetic to arrest the right 'culprits'? That is why, in law, the people arrested are never 'culprits'. They are only suspects, and their guilt needs to be proven by due process of law.

I disagree with people who put absolute trust in any institution of power, but I understand their logic when they support any action whatsoever by these institutions of power. In general, such people are called 'fascists' – which is a system of power that is justified in and as power, and hence it can exist on both the 'left' (Stalin) and the 'right' (Hitler). However, what is the logic of people who mistrust, and who support any action whatsoever by these institutions of power but then turn around and accept the 'solution' that the same institution puts forth? How, in other words, can you accuse a police force of not doing its job and then be ready to lynch any suspect produced by the same police force? How can you consider a force cor-

rupt or incompetent in its approach to a crime and then accept it as having honestly and competently arrested the right 'culprits'? This is obviously no logic in such a position.

But that does not mean one cannot understand it. One fails to understand it only if one sees it in the light of right and wrong, accountability and power, justice and injustice, law and crime. Because, even though its adherents think it is about these matters, it is about something else altogether.

## What it is about

First, it is about impatience. Then, it is about self-righteousness. And third, it is about 'getting it over with'. These are all dominant ingredients of our age, particularly in circles with some degree of empowerment – perhaps best indicated in a country such as India by the index of twittering literacy. All three are 'human' tenden-

It too failed to make headway. In August 2019, India's Minister for External Affairs S. Jaishankar and Nepal's Minister of Foreign Affairs Pradip Gyawali assigned the task to the two Foreign Secretaries. That was where matters rested, with India dragging its feet on the Foreign Secretaries' meeting, when things went awry.

Nepal has been keen to sort out the matter away from the limelight. It was after India published its new political map in November following the bifurcation of Jammu and Kashmir and Ladakh that the pressure arose for Kathmandu to put out its own map incorporating the Limpiyadhura finger. The government cartographers got busy.

Knowing full well the dangers of taking on the Indian lion, Prime Minister Oli held off on the map release while waiting for New Delhi to come to the table. But diplomacy did not get a chance, with the Ministry of Defence evidently having kept even South Block in the dark until India's Defence Minister Rajnath Singh, with much fanfare, publicly 'inaugurated' the unfinished track to Lipu Lek on May 8.

Prime Minister Oli's position became untenable, and he proceeded with the constitutional amendment to certify the new map. Indian diplomats lobbied to keep Nepal's Parliament from adopting the amendment, but Kathmandu needed it for the sake of cartographic parity with India in future talks.

Truth be told – that the Limpiyadhura triangle exists now on the maps of both countries should not obstruct negotiations, when you consider that the smaller area of Kalapani, too, has remained on the maps of both countries for decades. And, life has gone on.

## Dousing the volcano

The ice was broken on August 15 when Prime Minister Oli called Prime Minister Modi on the occasion of India's Independence Day, but that is just the beginning. Talks must be held, for which the video conference facility that has existed between the two Foreign Secretaries must be activated.

Delay will wound the people of Nepal socially, culturally and economically. As the larger country, Nepal must think it will hurt less, but only if it disregards its poorest

citizens from Purnanchal to Bihār and Odisha, who rely on substantial remittance from Nepal.

India does have experience of successfully resolving territorial disputes with Bangladesh, Sri Lanka and even Pakistan bilaterally and through third-party adjudication. Given political will at the top-most level, it should be possible to douse the Limpiyadhura volcano just as quickly as it has erupted.

One difficulty is the apparent absence of backchannel diplomacy between the two capitals, which helped in ending the 2015 blockade. Today, India's Prime Minister's Office exercises such exclusive power that all channels have dried up. The Rashtriya Swayamsevak Sangh leadership might have been approached, but that was the very category Prime Minister Oli riled with his Ayodhya-in-Nepal claim.

There is an immediate need to de-escalate and de-compartmentalise. The first requires verbal restraint on the part of Prime Minister Oli and India's willingness to talk even as the pandemic continues. While India's Foreign Office has thankfully remained restrained in its statements, India is required to maintain status quo in the disputed area. The means halting construction on the Lipu Lek track, which is the immediate cause of the present crisis.

With the Prime Ministers setting the tone, the negotiating teams must meet with archival papers, treaties and agreements, administrative records, communications, maps and drawings. The formal negotiations should begin with *ab initio* public commitment by both sides to redraw their respective maps according to the negotiated settlement as and when it happens.

Not to prejudice the outcome, if Nepal were to gain full possession of Limpiyadhura, it should declare the area a 'zone of peace and pilgrimage'. The larger area must be demilitarised by both neighbours to ensure security for themselves, while the Kailash-Manasarovar route is kept open for pilgrims. The idea is certainly worth a thought: a Limpiyadhura Zone of Peace and Pilgrimage.

Kanak Mani Dixit, a writer and journalist based in Kolkata, is a founding editor of the magazine, *Himal Southasian*.

ties, but then everything done by human beings is a human tendency. Human beings do not have the tendency to flap their arms and fly in the air, or grow their feet as roots into the earth. But when we talk of mercy, fairness, good, evil, tolerance, xenophobia, forgiveness, hate, love, trust, distrust, generosity, selfishness, etc., we can always talk of some human tendency or the other.

Take patience, for instance. One can claim that patience is a trait of many complex organisms. When a cat crouches by the hole of a mouse, waiting to strike, it is being patient. By the same token, one can talk of a cat that gives up the crouching after another cat, as less patient. But 'impatience' might well have a more human dimension.

For instance, certain lifestyles might breed impatience. Farmers, who depend on agricultural seasons, are characteristically seen as patient people – though often the derogatory word, 'slow', is attached to them – compared to city dwellers. Neoliberalism, with its focus on short-term profit, arguably breeds an even more impatient lifestyle than classical industrial capitalism.

'Getting on with it' is an aspect of this lifestyle: most of us recognise it in the empty lamentation that we occasionally offer about

the withering away of human relations, the 'abandonment' of aged parents, the shrinking 'attention span' of younger people, etc. And finally, self-righteousness is a particularly human tendency, because of our complex awareness of our self.

**A complexity**  
Other animals can be said to be aware of their self in certain ways – obviously always. The present and, to a reduced degree, in the past and future (as is indicated by squirrels that hoard nuts). But the complexity of human self-awareness is unmatched on this earth: among other things, it consists of ethical issues that can only be encountered by a species with a highly developed, abstract language. One natural danger of this is self-righteousness, which is further exacerbated in an unequal world – where we need to justify our own privileges to ourselves.

And hence, when we legitimately criticise a police force for corruption or incompetence but then want to lynch any 'suspect' arrested by the same force, without due process of law, we are not motivated by justice. We want to get it over with, and return to our zones of comfortable twittering.

Tabish Khair is an Indian novelist and academic who teaches in Denmark.

## LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

## Kamala Harris

There is a palpable excitement, bordering on frenzy, in India on the nomination of Kamala Harris as the running mate of Joe Biden in the November US elections. Her South Indian ancestry gives us all a sense of pride, but how far is it a tool of convenience in fostering India-US relations is a question to which an answer should wait for another day. Multiple issues are involved in the political churn of an-

country and America, by virtue of being the conscience-keeper of the entire world, needs to balance numerous factors – the positives and the negatives of an earlier administration, the ugly rise of racial issues, keeping immigration matters under check, lifting the economy by its bootstraps, providing a sturdy defence against a predatory virus, demonstrating the economic and military power to quell aggressive intentions of other

countries, and showing diplomatic skill in aligning with supporting nations. Kamala Harris is no doubt eminently qualified to handle all these issues in the background of her very successful stint as a Senator and Attorney General of California. She would do best for her country, as any of us in a similar position would, but she will always

have to be aware of the fact that brought her to this position. We should, therefore, not judge her by her off-the-cuff remarks on India and give her due as a woman of substance. R.K. CHAKRAVARTY, Chennai

India and give her due as a woman of substance. R.K. CHAKRAVARTY, Chennai

**Taking a bow**  
True to his modesty, Mahendra Singh Dhoni kept his retirement announcement simple. The Jharkhand great was unique because he systematically developed great traits such as a batting self-belief, a stoic demeanour and an emotional equipoise. Think of Dhoni and the first thing that is bound to fly through

the mind is his fearlessness in nerve-wracking match situations. This instantly connects us with his gorgeous six hit in the 2011 World Cup final. As Dhoni has called time on his illustrious career, vignettes remain – helicopter shots flying around the stadium, of him handing over the ball to Joginder Sharma to bowl the last over in the 20 World Cup final in 2007, and of the inscrutable smile that said little.

R. SIVAKUMAR, Chennai

G.G. KURUMAKOBE, Mangalore, Karnataka, Kerala

## Aiming to decolonise through colonial logic

The Committee for Reforms in Criminal Law locks subjugated groups out of the consultation process



ARUSHI GARG &amp; RISHIKA SARHAL

In July, the Ministry of Home Affairs (MHA) constituted the Committee for Reforms in Criminal Law to undo the "colonial foundations of our criminal law". The precise mandate of the Committee has not been put into the public domain, but it is apparent that the Committee aims to recommend an overhaul of the Indian criminal justice system. Among others, judges, lawyers, and activists have voiced their concerns about the composition and operation of the Committee. Reforms based on the Committee's recommendations will have serious ramifications for every person who is subjected to the criminal justice system. A smoothly functioning legal system determines our freedom to live authentic lives as full citizens in a democratic polity. The (mal)administration of criminal justice shapes the boundaries of whom we love, what we say, whether we complain about violence, how we respond to hate, and many other foundational aspects of our lives. Despite the pervasive ways in which criminal laws interact with our most intimate decisions, the scope of these laws is now going to be determined by a process that is exclusionary for most of the Indian citizenry.

If the aim is to decolonise the law, by disabling democratic deliberation, the Committee has set itself up for failure from its very inception. Decolonisation was not a moment in 1947. Decolonisation is an ongoing process, which requires a commitment to undoing the colonial logic of domination governing citizen-state relations. The Committee's methods, on the other hand, entrench structures of oppression. As we analyse below, they treat a majority of the population as having nothing valuable to offer to the reform process.

## Disabling participation

The Committee's procedures are designed to disable broad-based participation. The exclusive route to participation is the Committee's website. However, only about 40% of the population actively uses the Internet. In-

GIFTS: MANDAN B. LOKUR

ternet usage itself is limited to structural barriers. For example, women are less likely to have Internet access; and in Kashmir, Internet services that were suspended in August 2019 are yet to be fully restored. Further, all the Committee's documentation and background resources, including 89 reports of the Law Commission of India (LCI), are in English. The most reliable estimates suggest that only 10% of the Indian population speaks English, and most such persons reside in urban areas.

Moreover, the life cycle of the Committee coincides with the COVID-19 pandemic. The pandemic has wrought havoc on people's lives and livelihoods. With several marginalised groups struggling to secure even rudimentary healthcare, education and employment, it is inconceivable that they could participate meaningfully in a reform exercise of this scale at this moment in time.

Finally, there appears to be no representation on the Committee from subaltern caste, gender, sexual, or religious groups. As far as we can tell, there is no representation from working class or disabled communities. Let alone fraught areas of conflict, there are no members on the Committee based outside of a limited geographic region in north India. It is crucial for a Committee tasked with transforming criminal justice to be more representative. It must include members who can speak to the experience of the many public persons governed by the criminal law.

Oppressed communities across India are over-policed and under-protected. Religious minorities as well as the impoverished Dalit and Adivasi communities bear the brunt of criminal



laws through police violence, long periods of undertial detention, harsh punishments and poor legal representation. Women, transgender people, and sexual minorities, who overwhelmingly experience gender-based violence, are frequently let down by the criminal justice system. The Committee's composition and operation render democratic participation from these groups impossible.

## Disabling deliberation

Opacity has characterised the Committee's mandate and working from the outset. There are no published Terms of Reference. There is nothing to explain why an ad hoc Committee was set up for a task of this relevance and magnitude when such questions of law reform are typically entrusted to the LCI, which has established procedures to ensure inclusion and transparency. The Committee has not undertaken to publish the representations it receives from the public during its consultation process. Nor has it explained the circumstances under which the MHA logo was added to its website and then removed, raising doubts about its autonomy.

Why was the membership of the Committee, as originally advertised, altered without explanation? There can be no contestation, debate or deliberation without the Committee communicating openly and honestly with all its interlocutors.

The Committee's procedures also inhibit deliberation. The Committee is carrying out consultations from July to October. Within three months, respondents are expected to form and articulate reasoned opinions on almost every conceivable issue of cri-

iminal law, procedure or evidence. In contrast, the Malimath Committee, which had a comparable mandate, took five times as long as this Committee to submit its report. Just the first of the current Committee's six consultative questionnaires contains 46 questions, several of them deploying controversial legal concepts as if they have a neutral or objective meaning. There is no formal documentation explaining the context and relevance of these questions, diminishing the prospects of productive deliberation among stakeholders.

## Deliberative democracy

A deliberative vision of democracy requires that all members of society are able to participate in collective decision-making, and that decision-making takes place through reasoned deliberation. It recognises that participation in political processes is hindered by structural inequalities produced by intersecting systems of oppression, including caste, patriarchy, disability and communalism. As a response to these hierarchies, deliberative democracy requires that everyone participates in decision-making by giving reasons for why they prefer a particular course of action. This reasoning must be made publicly available for others to contest. Where political decision-making takes place in an open and transparent manner, oppressed groups can influence it through the strength of their reasons. This can mitigate the extent to which a lack of economic, social or political power will otherwise compromise their participation. An inclusive, transparent and meaningful public consultation process for law-making is one practical way to implement a deliberative version of democracy.

Unfortunately, the Committee falls patently short of these ideals. It locks subjugated groups out of the consultation process so that they have no way of challenging the dominant systems of knowledge and governance that currently shape our criminal laws. It is deeply ironic that a Committee underpinned by this colonial logic professes that its primary aim is to decolonise the law.

Arushi Garg is a Lecturer in Criminal Law at the University of Sheffield and Rishika Sarhal is a PhD candidate in Law at the University of Oxford

## Resurrecting the right to know

The All Assam Students' Union has taken a progressive decision to release the High Level Committee report in public interest



MANDAN B. LOKUR

A significant development in the right to information campaign has largely gone unnoticed. The resurrection of the right to know is momentous considering that we are increasingly witnessing an unfortunate denial of information while forgetting the right to know.

## Releasing the report

A High Level Committee (HLC) chaired by a retired judge of the Gauhati High Court and including, among others, the Advocates General of two Northeast States was constituted by the Home Ministry through a gazette notification of July 15, 2019. Its mandate was, among others, to recommend measures to implement Clause 6 of the Assam Accord and define "Assamese People".

The HLC finalised its report by mid-February 2020 and submitted it to the Assam Chief Minister soon after. He handed over the report to the Union Home Minister on March 20. With the Central government apparently "sitting idle" over the report, the All Assam Students' Union (AASU), which was represented in the HLC, released the report on August 12. The proffered reasons for the release were the Central government's inaction on the report and the people's right to know.

Sitting idle over a report is not an uncommon phenomenon. The Vohra Committee report on the alleged nexus between politicians and criminals was kept under wraps for almost two years. It was tabled in Parliament following a public uproar on the murder of Naina Sahni by a prominent politician.

The right to know was recognised nearly 50 years ago and is the foundational basis of the direct emanation for the right to information. In *State of U.P. v. Raj Narain* (1975), the Supreme Court carved out a class of documents that demand protection even though their contents may not be damaging to the national interest. For example, Cabinet papers, foreign office despatches, papers regarding the security of the state and high-level interdepartmental minutes. A pragmatic view was canvassed by Justice Mathew who held that "the people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for

transactions which can, at any rate, have no repercussion on public security." This view was endorsed in *S.P. Gupta v. President of India* (1981) and a few other decisions. In *S.P. Gupta*, Justice Venkataramiah observed that "the tendency in all democratic countries in recent times is to liberalise the restrictions placed on the right of the citizens to know what is happening in the various public offices. The emphasis now is more on the right of a citizen to know than on his 'need to know' the contents of official documents."

In *Yashwant Sinha v. Central Bureau of Investigation* (2019), the Supreme Court referred to the decision of the U.S. Supreme Court in *New York Times v. United States* (1971) wherein Justice Marshall declined to recognise the right of the government to restrain publication of the Pentagon Papers. Our Supreme Court held that a review petition based on three documents published by *The Hindu* was maintainable since the provisions of the Official Secrets Act, 1923 had not been violated. It held that there is no provision by which Parliament had vested power in the government either to restrain the publication of documents marked as secret or from placing such documents before a court of law which may have been called upon to adjudicate a legal issue concerning the parties. Justice K.M. Joseph referred to Section 8(2) of the Right to Information Act, 2005 which provides that a citizen can get a certified copy of a document even if the matter pertains to security or relationship with a foreign nation, if a case is made out. Therefore, it is clear that the right to know can be curtailed only in limited circumstances and if there is an overriding public interest.

## Being more transparent

Keeping in mind the view expressed by the Supreme Court over nearly 50 years, it is clear that the Official Secrets Act is not attracted to the disclosure of the HLC report. There is no doubt that a bold and progressive decision has been taken by AASU to release the report in public interest. Hopefully, this will encourage governments to effectuate the citizen's right to know and be more transparent in public interest, as long as the security of the country is not jeopardised. As observed by the Supreme Court in *S.P. Gupta*: "If secrecy were to be observed in the functioning of government and the processes of government were to be kept hidden from public scrutiny, it would tend to promote and encourage oppression, corruption and misuse or abuse of authority, for it would be a shield for the exercise of power without any public accountability."

Justice (retd.) Madan B. Lokur is a former Supreme Court Judge

## Erring on the side of caution

The Supreme Court has again declined to weigh in on the legality of sex-selective abortion rules

GAREMELLA SUBRAMANIAM

Last week, the Supreme Court deferred a pronouncement on the legality of the Centre's now-lapsed controversial notification relating to the rules of the law banning sex-selective abortions. The judges viewed the matter as closed for now, as the April 4 notification pertaining to the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) (PCPNDT) Act was left to expire by the government on June 30.

The apex court similarly erred on the side of caution in June, choosing not to stay the Ministry of Health and Family Welfare's gazette notification. The inference was that such an option would be warranted only if the suspension of relevant rules was extended beyond June. The petitioner's concerns have thus largely been allayed that the April 4 notification loosening the rules, ostensibly to cope with the pandemic, would dilute the law.

## Suspension of rules

One of the impugned rules requires a five-yearly renewal of registration of genetic laboratories, ultrasound clinics and imaging centres, subject to the fulfilment of eligibility criteria. Another mandates these diagnostic establishments to submit monthly records on the conduct of pregnancy-related procedures to the designated authority. State governments and Union Territories are required to furnish quarterly reports to the Centre on the implementation of the law. The Union Health Ministry had maintained that various procedural deadlines were relaxed in the wake of the public health crisis and that such flexibility would in no way jeopardise the larger objectives of the law.

On the other hand, activists saw no rationale whatsoever behind the suspension of rules, since the operation of diagnostic laboratories had been declared essential services. They were understandably apprehensive that the freeze would result in large-scale violations. It is one thing to condone delays in the completion of formalities via an administrative order, but altogether another to declare a freeze via a gazette notification.

ation, they argued.

In any case, the 25-year jurisprudence around the PCPNDT legislation does not justify a sanguine approach on the enforcement of its various provisions. A case in point is the ongoing litigation regarding the eligibility of medical practitioners to conduct ultrasound procedures. In February 2016, the Delhi High Court struck down the requirement under the 2014 PCPNDT rules of a six-month training period for personnel carrying out ultrasonography. In challenging that ruling in the Supreme Court, the Indian Radiological and Imaging Association (IRIA) stressed the lack of preparation in an MBBS programme to conduct ultrasound procedures, which was part of the discipline of radiology. IRIA also cited the variant Medical Council of India guidelines based on the law. The Supreme Court stayed the Delhi High Court judgment in 2018 as an interference in legislative policy intended to further the objectives of the law in the face of grave misuse of pre-natal diagnostic procedures.

## Adherence to public policy

The Supreme Court last year ruled that the non-maintenance of medical records as per Section 23 of the PCPNDT Act could serve as a conduit in the grave offences of foeticide. The Bench hence dismissed the plea of the Federation of Obstetrics and Gynaecological Societies of India to treat inaccuracies in paperwork as clerical errors. In its 2016 judgment, in response to the Voluntary Health Association of Punjab petition, the Court authorised the seizure of illegal equipment from clinics and the suspension of their registration as well as speedy disposal of relevant cases by the States. Many of the court's strictures go back to the litigation in the early years of the legislation spearheaded by the Centre for Enquiry into Health and Allied Themes.

Crucially, the alarming decline witnessed in recent decades in India's sex ratio at birth calls for an uncompromising adherence to public policy, more than is evident from evolving case law.

garemella.subramaniam@thehindu.co.in

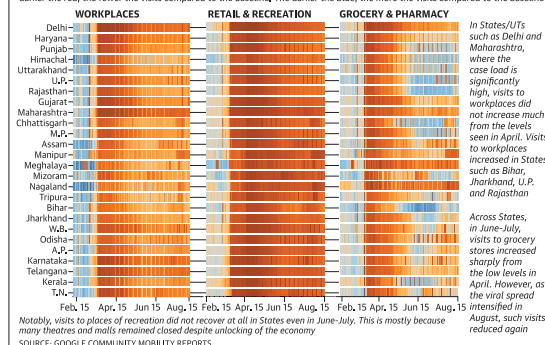


## DATA POINT

## Staying home once again

After improving in June-July from the very low levels recorded in April-May, public mobility in many States has once again declined sharply in August. Grocery visits increased dramatically in June-July following the unlocking of the economy, but as daily cases started crossing the 50,000 mark in August, people chose to stay home. By The Hindu Data Team

The charts show the increase or decrease in visits and length of stay at places in India compared to a baseline value. The baseline is the median value for the corresponding day of the week during the 5-week period (January 3-February 6). The darker the red, the fewer the visits compared to the baseline. The darker the blue, the more the visits compared to the baseline



## THE HINDU

## FROM THE ARCHIVES

FIFTY YEARS AGO AUGUST 19, 1970

## Aichi meets PM

The Japanese Foreign Minister, Mr. Kiichi Aichi, who arrived here (New Delhi) last night (August 17) on a goodwill mission, had his first round of talks to-day with the External Affairs Minister, Mr. Swaran Singh, before calling on the President, Mr. V. V. Giri and the Prime Minister, Mrs. Indira Gandhi, with special messages of greetings from Emperor Hirohito and Premier, Mr. Eisaku Sato, to them. Mr. Aichi's talks with Mrs. Gandhi lasted 45 minutes. To-day's talks with Mr. Swaran Singh which lasted 2½ hours were in the nature of a tour-de-horizon of South East Asia and the Pacific region — with the accent on what India and Japan could do to bring about a peaceful settlement of the Indo-China war. The two Foreign Ministers and their advisers will get down to detailed discussion on both regional and bilateral issues tomorrow before Mr. Aichi leaves for Pakistan on Thursday morning by the land route from Amritsar to Lahore. He will be the first foreign dignitary to cross the Indo-Pakistan border at the sensitive Wagah-Attari check point after the 1965 conflict.

A HUNDRED YEARS AGO AUGUST 19, 1920

## The Meston Award.

(From an editorial)

Reuter's summary of the Joint Committee Report seems to emphasise the obvious and leave the obscure points as they are, so that we think it better to defer comment on the latter. We shall for the present be content with referring to the Committee's decision regarding the Meston Award. That decision unfortunately is that the Award, which is to be given legislative sanction by Rules 12 to 28 of the Devolution Rules under the Government of India Act, is to stand in all its essential features. This most arbitrary and unjust award, which has evoked the most bitter protest from all the provinces alike, one which has failed to satisfy anybody, neither the Provincial Governments nor the public, is defended by the Committee on the title and easy grounds that it is inevitable and that it is impossible, "by a stroke of the pen, to remove inequalities which have resulted from long-standing historical causes." We are sorry that it did not occur to the Committee that the stroke of the pen which has the audacity and coolness to seek to perpetuate age-long injustices might as well have the power to remedy these injustices, if those who wielded it were so minded.



# 10 THE INDIAN EXPRESS, WEDNESDAY, AUGUST 19, 2020

## THE EDITORIAL PAGE

WORDLY WISE

MUSIC IS A HIGHER REVELATION THAN ALL WISDOM AND PHILOSOPHY. — LUDWIG VAN BEETHOVEN

### The Indian EXPRESS

FOUNDED BY  
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

## PEACE IS PRECIOUS

Centre and NSCN-IM should keep the conversation going, show wisdom and sagacity to conclude agreement

THE NEW CONTROVERSY over the 2015 Framework Agreement between the Centre and the National Socialist Council of Nagalim (NSCN-IM), which represents the largest faction of Naga nationalists, is a rewind to past Naga grievances — flag, sovereignty — plus one: The Naga group wants a new interlocutor. The framework agreement did not address the details of the contentious demands, and while the differences that existed on these issues between the Centre and the NSCN(IM) are well known, the NSCN(IM), with which the government has been dealing for nearly 25 years, has declared it no longer trusts the interlocutor, R N Ravi, who it has accused of altering the original framework agreement. It is pertinent that this new turn in the Naga peace process was triggered after Ravi, in his capacity as Governor of Nagaland, recently expressed concern in a letter to Chief Minister Neiphiu Rio about “armed gangs” in the state “running a parallel government” and extortion rackets. The NSCN(IM) called the letter “despicable” and incompatible with the spirit of the framework agreement.

Governor Ravi's words appeared to reflect interlocutor Ravi's frustration that a peace agreement that should have been wrapped up long ago — Prime Minister Narendra Modi has been keen to reach an agreement quickly — is being delayed by the NSCN(IM). The impatience has been evident from last July, when Ravi, within months of being appointed governor last July, blamed the “procrastinating attitude” of the NSCN(IM) for the delay, and for imagining elements that were not there in the framework agreement. When Ravi was appointed governor, it was welcomed by all sides as a decision that could push the framework agreement in the right direction. In hindsight, it seems it would have been better not to combine the two offices in one individual, as the two roles demand different functioning styles. From the beginning of the Naga peace process, the role of the interlocutor has been low profile, in keeping with the demands of the complex, protracted negotiations on an issue that has persisted from as far back as India's independence. The governor, on the other hand, occupies a constitutional office, and is a public persona, and his remarks, especially if addressed to the state government, take on political meaning.

But the gains of the 25-year-old peace process are real, and too important to be frittered away in a dash of personalities. A majority of Nagas still trust Ravi as an able interlocutor. The NSCN(IM) is the largest rebel group, and a durable peace in the Northeast would be impossible without it. Both sides must show wisdom and sagacity, and step back from the war of words, so that the dialogue continues.

## MAKE IT SAME

There is no reason why minimum age of marriage for women should be lower than that for men

THE GOVERNMENT'S DECISION to reconsider the minimum age of marriage for women is a welcome step. Currently pegged at 18 years for women and 21 for men, the minimum age of marriage is a product of personal laws that mostly do not have equal rights for women. For Hindu women, the change from child marriage being a norm to outlawing it has been an arduous fight against religious and social conservatives. The Indian Penal Code in 1860 criminalised sexual intercourse with a girl below the age of 10, introducing the first legal framework for a minimum age of consent for girls. Increasing the age by even just two years to 12 in the Age of Consent Bill in 1927 was opposed by many nationalists who saw the move as imperial interference with local customs. In 1929, the barrier was further raised to outlaw marriage of girls below 16. From then, it took nearly five decades to bring the law to its current standard of 18 years for women and 21 for men.

There are two crucial reasons that make it necessary to update the law again. First is to improve female health. According to a United Nations Population Fund report, India is home to one in three child brides in the world. Early marriages causing early pregnancies are inherently linked to higher rates of malnourishment, maternal and infant mortality. Although maternal mortality rate has been declining, the move to increase the minimum age of marriage could boost the fight. Second is the promise of equality made to women under the Constitution. There is no reason why the law makes the presumption that the minimum age of marriage must be different for men and women. It perpetuates benevolent sexism or the stereotype that women are more mature and therefore, can be given greater responsibilities at a younger age in comparison to men. The reflection of patriarchy in personal laws must change to fit the framework of the Constitution.

Despite the well-intended reasons, a change in law will not suffice in ending discrimination against women. Policymakers will do well to define age of marriage and age of sexual consent as teen pregnancies happen outside of marriage too. Laws that prevent child marriages and sexual exploitation of minors must be implemented effectively. Without improving other welfare mechanisms including educational and employment opportunities for women, the increase in age of marriage will only delay the problem and not remedy it.

## MUSIC OF THE GODS

Pandit Jasraj blended classicism with preferences of audiences to evolve a unique, personal and popular style

PANDIT JASRAJ, WHO passed away in New Jersey aged 90, was one of the last great Hindustani classical vocalists. *Birbal My Brother*, a nondescript film released in 1975, has a jugalbhandi of Pandit Bhimsen Joshi and Jasraj. For years, admirers have argued over who fared better in this rare Malkauns; Joshi, the Kirana gharana legend or Jasraj, the Mewati gharana master who was eight years junior to Joshi? There was no conclusive answer because both the musicians refused to confine themselves in their gharanas and included what they liked in other schools to embellish their own personal styles.

Like Joshi, Jasraj too didn't consider music an elite art. He added elements of the thumri to the khayal, giving the latter more malleability and making it more audience-friendly. This would have been considered blasphemous half a century ago, when the khayal was serious business and the bandish would be sung with a certain indifference. He brought harmless sangit to the stage and introduced Jasragi — the male-female duet in different ragas — in concert performances. He also added bhajans to his repertoire, which enabled him to reach a wider audience.

His initial training was in tabla. But when a senior musician questioned his knowledge of music by saying he only “pounded dead flesh”, a hurt Jasraj decided to master vocal music. And master he did. The audience loved him. How could he, drawn to music in his childhood by the voice of the great Begum Akhtar, not be sensitive to his audience? He was friendly with them, never high strung and impatient, unlike many of his illustrious contemporaries. He would oblige their fancies and sing popular pieces such as *Mata Kalika* and *Mero Allah Meherban*. His singing evoked the feeling of being in a place of worship, a space with a heightened level of energy, where God sat with us and listened to the music in admiration.



NAINA LAL KIDWAI

WE DON'T KNOW how long the COVID-19 pandemic will last, but one thing is clear: This is our chance to reset, to create a fairer, stronger, safer and cleaner country. In doing so, we can build resilience to future pandemics and to other risks, like climate change, extreme flood events, and ecosystem destruction. This journey starts with taking an honest look at the stark reality of urban inequality.

Home to 461 million people, and generating 65 per cent of the country's GDP, India's cities are at the frontlines of the pandemic. The frightening images of makeshift hospitals in stadiums and clubs are stark reminders of the under-capacity of healthcare systems. About two-thirds of India's cities are in Mumbai, Delhi and Chennai. Their population density makes the spread of the virus difficult to control. That's why the COVID-19 crisis demands our thinking about Indian cities in particular.

It's time to rethink water. India has 152-216 million people living in dense informal housing or slums where access to piped water is often restricted, and resuming and arduous. Coupled with dense living conditions, this makes self-isolation and hand-washing very difficult. In short, access to clean piped water will make or break the best laid plans for tackling COVID-19. That's why the government must prioritise the basic needs of the most vulnerable, including improving drinking water and sanitation services. The FCII Water Mission is focused on the reuse of waste water and grey water which deserves much attention as we look to conserve scarce resources.

It's time to rethink food and nutrition. Food insecurity is rapidly intensifying. India is home to 15.1 per cent of the world's undernourished population, causing informal workers to face impossible choices between risking contracting the virus or losing their income, housing and sustenance. That's why the government must continue to provide legal entitlements for food and nutritional security and expand efforts to ensure food is available at affordable prices (or even free) for poorer families.

The pandemic has also highlighted the need to decongest slums to protect people's health and wellbeing. The Swachh Bharat

COVID exposes underinvestment in cities. India must rethink its approach for an inclusive, resilient future

Finally, it's time to rethink how we power our lives. Two-thirds of global ambient air pollution deaths are caused by fossil fuels. And new research suggests that exposure to pollution increases the susceptibility and severity of COVID-19 infection — yet another reason to press for sustainable universal energy access. The good news is that India is already a leader in renewable energy. For three consecutive years, our investment in renewable energy has topped fossil fuel investments. This trend must be maintained, not in spite of, but in furtherance of the pandemic recovery efforts.

Mission (SBM) has been one of our strongest tools to fight the coronavirus. The spread of COVID would have been much worse if we had faced it prior to 2014, when over 60 per cent of our population used to defecate in the open and when hand-washing was not pushed through active communication. The India Sanitation Coalition continues its work reinforcing Swachh behaviour like washing hands regularly, not spitting in public places, managing waste safely, and most of all, always using a toilet — these are critical for the hygiene and health of our citizens.

Ever since the first phase of ‘Unlock’, SBM and Jal Jeevan Mission construction work has begun in full swing and has generated employment under the Garib Kalyan Rozgar Yojana for many migrant workers who have gone back to their villages. We also need targeted investment in infrastructure to construct modern buildings and streets, sewage and water systems, and toilets. And since cement is already responsible for about 7 per cent of global carbon emissions, this also requires innovation to reduce the carbon content and enhance the use of green building materials. The way we design our buildings, rate them and regulate compliance to greener building codes makes economies and environmental sense. Building designs can reduce the air conditioning required — it is not just what materials we use but also the design that deserves attention.

Thankfully, Indian cement companies have emerged as sector leaders in the movement to reduce carbon emissions. As this momentum pervades through the industry, commitments should be secured by leading companies and innovation must be supported to ensure best practices.

Finally, it's time to rethink how we power our lives. Two-thirds of global ambient air pollution deaths are caused by fossil fuels. And new research suggests that exposure to pollution increases the susceptibility and severity of COVID-19 infection — yet another reason to press for sustainable universal energy access. The good news is that India is already a leader in renewable energy. For three consecutive years, our investment in renewable energy has

topped fossil fuel investments. This trend must be maintained, not in spite of, but in furtherance of the pandemic recovery efforts.

It's time to rethink how we live and move. India accounts for about 2 per cent of motor vehicles globally, yet is responsible for more than 11 per cent of road traffic deaths. With public transport less busy than usual, this is a good time to invest in public and non-motorised (for example, bicycle) transportation. In the short term, it can create jobs. Evidence from other countries suggests that investment in public and non-motorised transport infrastructure creates significantly more jobs than the same level of investment in roads and motorways. And in the longer term, this will make roads safer and improve access to jobs. Stepping up digital infrastructure will help make the work-from-home trend permanent.

These aren't just good ideas. They are popular good ideas. People are demanding improved working and living conditions. More than 90 per cent of individuals recently surveyed want improved air quality, with over two-thirds supporting stricter regulations to tackle air pollution. It is time for policies and finance to follow the people. And while we need targeted emergency assistance now, to help communities weather this storm, finance must also be targeted to restoring and rethinking cities after the pandemic. To make it count, this funding must go hand-in-hand with combatting the climate crisis.

We know that thriving cities make prosperous countries. Investments in low-carbon measures in cities would be worth at least \$23.5 trillion globally by 2050. We must find the courage and the vision to seize this moment for what it is — an opportunity to reset; to rethink our governance models for cities. It's time to rectify what the COVID-19 crisis has exposed — a well-overdue need to invest in India's cities.

Kidwai is member, Global Commission on the Economy and Climate; chair, FCII Water Mission, and the author of *India's Urban Future*. Action Agenda for Sanitation, Water, Pollution and Green Finance

## NEW POLICY, OLD MINDSET

NEP 2020 comes short on providing an enabling milieu for teachers



DISHA NAWANI

SCHOOL TEACHERS, particularly in India, are caught in a strangely paradoxical situation — they are revered and ridiculed at the same time. The framing of teachers and perceptions around them is rooted in mindsets. Hence, the rhetoric to closely supervise, monitor and hold them accountable has now become the norm rather than an exception.

The National Education Policy (NEP) 2020 reiterates the importance of teachers and aspires for outstanding students (mentioned at least nine times in this section, without explaining what it really means) to choose the teaching profession. Several measures are suggested for the same including scholarships, housing, ensuring “decent and pleasant” conditions in school and providing opportunities for their continuous professional development (CPD). The measures are good and need to be carried out.

However, there are three key assumptions in this section which must be examined. One, outstanding candidates, if attracted to the teaching profession will enhance the quality of education. While one agrees with this assumption, one is not convinced with the measures suggested in the NEP to attract “outstanding” talent. They indicate minimal conditions for teachers to work and can hardly be seen as making any value addition to their professional lives. In fact, security of tenure and salary of a government school teacher in India is a privilege for most people, but in the neo-liberal regime, even that is under threat. So why would “outstanding” youngsters be interested in making this career choice? Linked to this is the oft-repeated idea of “passion” amongst teachers, as if passion alone will see teachers thrive and improve the quality of education.

Good salaries, regular increments, rigorous entrance exams, professionally valued degrees for teachers, autonomy in curriculum development and student assessment are part of this reform process. However, the one remarkable feature which stands out is the implicit belief that teaching, caring and educating children is a highly demanding job and cannot be measured by quantitative measures alone.

Two, a comprehensive system of teacher assessment will lead to greater efficiency and accountability on the part of teachers. There is value in developing a system of assessment which will be used to reward some teachers and motivate others but would it be fair to assess (based on peer reviews, attendance, commitment, hours of service to CPD and other forms of service to the school and community) all teachers by the same yardstick when they are working in starkly varying conditions? None of the parameters listed take cognisance of the backgrounds of children they teach. For example, students in teachers equipped with social and cultural capital will do well even with minimal inputs from the teachers, and vice versa. Moreover, to entirely discredit the experience gained by teachers which comes with years of service may not be appropriate.

Three, good teacher education programmes would prepare good teachers. One can hardly contest this assumption, but the question is whether that alone will ensure effective teaching and meaningful learning in the classroom. For example, an outstanding teacher could crumble under pressure if her class has a huge number of students. Similarly, a teacher trained in a rigorous programme may also excessively depend on a textbook, if the externally designed student assessment system is rigidly tied to it.

In the current context, there is increasing talk of connecting teacher accountability with externally tested learning outcomes of students, irrespective of the differences among them (that's where government school teachers receive maximum fail), excessive monitoring through use of CCTV cameras,

techniques such as deep breathing, meditation to calm their mind, and equating an enabling environment with personal attributes such as passion and motivation. In an environment where cameras unabashedly chase them, records/documentation take precedence over teaching and the educational discourse is replete with voices which support the hiring of under-paid, contractual teachers who perform better than supposedly smug government schoolteachers, the morale of all teachers is low.

Despite variations in social contexts, if one were to understand how Finland, the world's finest education system, transitioned from mediocre academic scores to outstanding results, one will find teachers at the centre of reform. Good salaries, regular increments, rigorous entrance exams, professionally valued degrees for teachers, autonomy in curriculum development and student assessment are part of this reform process. However, the one remarkable feature which stands out is the implicit belief that teaching, caring and educating children is a highly demanding job and cannot be measured by quantitative measures alone. Therefore, even if students do badly, unwavering trust in teachers ensures that they are never in the radar of suspicion.

Implementing these ideas in our context may require a 360-degree change in mindsets, away from the current obsession with marks, but that's exactly what our education system requires. A turnaround of our attitude and policies towards teachers.

The writer is professor and dean, School of Education, Tata Institute of Social Sciences, Mumbai

## AUGUST 19, 1980, FORTY YEARS AGO

ASSAM TALKS FAIL. THE FORMAL TALKS between the Centre and leaders of the Assam government got bogged down on the question of total withdrawal of all repressive measures, including action against government employees before coming to grips with the basic issue of foreign nationals in Assam. Yogendra Mahawana, Union Minister of State for Home Affairs who represented the Centre at the talks said the ASSU and AAGSP delegation tried to put pre-conditions before any fruitful discussion could be had on the issue. The representatives of ASSU and AAGSP said that unless the repressive measures were

withdrawn, they would not talk about the main issue.

PM ASSURES MINORITIES. PRIME MINISTER INDIRA Gandhi expressed serious concerns in Parliament over the growing communal disharmony in the country. She said that though there was an atmosphere of violence all over the world, the poorer sections in India suffered irrevocably. Her intervention provoked the members of the Bharatiya Janata Party to protest against what she called an “irresponsible insinuation”. Making it clear that whoever was responsible for the

Moradabad incidents would be dealt with sternly, the PM however, said that there is a need to look beyond blaming the police.

REVOKING PROHIBITION. UTTAR PRADESH CHIEF Minister Vishwanath Pratap Singh announced the scrapping of prohibition in the state. But it will continue in the five hill districts of the state — Uttarakashi, Pauri Garhwal, Chamoli, Tehri Garhwal and Pratapgarh — and 16 religious places, where it has been in force since 1948. All the other 16 districts that had become dry after the rule of the Janata-Lok Dal government have become wet.



THE INDIAN EXPRESS, WEDNESDAY, AUGUST 19, 2020

# THE IDEAS PAGE

## Seoul and the Indo-Pacific

South Korea's balancing of defence ties with the US and economic dependence on China shapes its outlook on the FOIP. But it cannot continue to sit on the fence for long in the ongoing US-China tug-of-war



SUJAN R CHINYO

TO BE OR NOT to be is the question that confronts South Korea. It is one among many nations that today face a Hamlet-like dilemma in regard to their vision of the Free and Open Indo-Pacific (FOIP).

The Korean Peninsula is no stranger to China's overbearing ambition. China lost a major land-sea battle to Japan in 1895 trying to dominate the Korean Peninsula, and ended up having to cede Formosa (Taiwan) to Japan under the Treaty of Shimonoseki. In 1950, China plunged into the Korean War against a US-led UN force, apprehending a threat from McCarthyism, and created a division that still haunts the region.

Today, Seoul eyes with a sense of foreboding China's aggression, from the Senkaku Islands in the East China Sea and the Spratly Islands in the South China Sea to India's land borders in Ladakh. Far from being an "attention-grabbing idea" that would soon "dissipate like ocean foam", as Chinese Foreign Minister Wang Yi once put it, the Free and Open Indo-Pacific (FOIP) and the Quadrilateral Security Dialogue (QUAD) are acquiring form and substance.

In the wake of the pandemic, the QUAD countries — the US, Japan, India and Australia — have held regular consultations with others in the region, including with South Korea, which is now also being roped into the "Five Eyes" Anglophone intelligence-sharing arrangement, to better contend with North Korea's military threats. Seoul's participation in the QUAD PLUS format, both at the official and ministerial levels, highlights its importance as a key member of the liberal democratic and economic order.

There is apprehension in Seoul that China would take a dim view of an alliance partner of the US on its borders embracing a strategy long suspected by Beijing to be a containment play. Seoul's approach to the FOIP is tempered by Chinese sensitivities. After all, China is South Korea's biggest trading partner and its top investment destination. Besides, the memory of its giant neighbour's strong-arm tactics is still fresh. As part of its economic coercion during the THAAD crisis in 2017, Beijing had targeted Seoul's entertainment industry, tourism and particularly, the letter cheebol that had provided land for the proposed missile system, resulting in a painful loss of billions of dollars. To ease tensions, South Korea subsequently agreed to "three noes" — no additional deployment of THAAD batteries, no integration into a US-led regional missile defence system and no trilateral alliance with the US and Japan.

The navies of South Korea, Japan and the US have engaged in joint missile warning exercises since June 2016 and joint search and rescue exercises (SARX) every year. The Joint Chiefs of Staff of the three nations have also met several times since July 2014. Ostensibly, North Korea's provocations provide the binding glue, but Seoul's unease with suggestions that the trilateral arrangement also factor in China's provocations is clearly palpable.



ISHAN BAKSHI

OVER THE PAST few months, the Reserve Bank of India, along with the monetary policy committee, has undertaken a slew of measures to arrest the economic slowdown, and address the fallout of the COVID-19 pandemic. Yet, their actions, guided by multiple considerations — inflation and growth management, debt management and currency management — have inadvertently exposed the limitations of the inflation-targeting framework in the central banking framework in India.

Take the monetary policy function. The MPC is guided by the goal of maintaining inflation at 4 plus/minus 2 per cent. Since February 2018, the MPC has, and rightly so, attached primacy to reviving growth, lowering the benchmark repo rate by 250 basis points. However, in its August policy, despite dire growth prospects, it chose to maintain the status quo. This decision was driven, in part, by elevated inflation which continues to average above the upper threshold of the inflation-targeting framework. This raises the question: At the current juncture, should the MPC be driven by growth considerations or should short-term inflation concerns dominate?

That there is considerable uncertainty over the trajectory of inflation is beyond debate. But at its core is a question: Is COVID-inflationary or disinflationary? Will it be inflationary in the short run (retail inflation is elevated largely due to supply disruptions) but disinflationary over the medium term (with demand falling)? Or does the MPC believe that it will remain inflationary over the medium term with supply-side disruptions outweighing the ef-

The traditional rivalry between South Korea and Japan ensures that a trilateral alliance with the US in Northeast Asia will remain a chimera. Seoul's unreasonable demands for wartime reparations have led Tokyo to retaliate by curbing exports of critical materials required by Samsung and SK Hynix for the manufacture of dynamic random-access semiconductors (DRAMs), a large part of which, ironically, is supplied by the Korean firms to China's Huawei for the manufacture of 5G and Artificial Intelligence (AI) systems. Such thrusting and parrying between Japan and South Korea nearly wrecked their bilateral General Security of Military Information Agreement (GSOMIA). Japan and Seoul's participation in the "DIO Club" summit, featuring G7 members, India, Australia and South Korea, will instil greater confidence in Seoul that a collective approach to telecommunications security can succeed in fending off Chinese pressure in 5G systems.

Seoul's tightrope walk between defence ties with the US and economic dependence on China continues to shape its outlook on the FOIP. During the June 2019 Moon-Trump summit, President Moon Jae-in favoured regional cooperation on the "principles of openness, inclusiveness and transparency" for "harmonious cooperation between Korea's New Southern Policy (NSP) and the United States' Indo-Pacific Strategy".

South Korea takes a benign view of China's Belt and Road Initiative (BRI), regarding it as an opportunity to capitalise on its own New Northern Policy and Eurasia Initiative. Besides, President Moon's "New Economic Map" goes beyond an economic vision for the Korean Peninsula. It envisages a regional connectivity paradigm that interlocks with Russia's New Eastern Policy and Mongolia's Prairie Road initiative, using China's BRI as a bridgehead. Notably, Seoul's membership of the Asian Infrastructure Investment Bank (AIIB) has facilitated its engagement with China's many regional initiatives.

For his part, President Donald Trump has not cut South Korea any slack when it comes to leaning on alliance partners to contribute more towards their own security. Although the US-South Korea alliance continues to be the lynchpin for security in Northeast Asia,

faultlines have appeared on cost-sharing and Seoul's demand for a bi-national wartime command headed by a Korean general. These differences add to the divergence on Seoul's policies towards North Korea and China.

South Korea has vital stakes in the dynamics of the Indo-Pacific. Its key trade and energy lanes traverse the Indian Ocean. This provides a genuine basis for deeper defence cooperation with QUAD and ASEAN countries. India has already induced the K9 VAJRA self-propelled howitzer, which has its roots in South Korea's K9 Thunder. In a welcome development, Seoul has carried out nascent defence projects with Indonesia, Malaysia and Vietnam as well.

A hesitant "middle power", South Korea is supportive of a US-led rule-based order that preserves peace on the Korean peninsula. Its membership of "MCKIA", the grouping of middle powers, can boost ties with Australia and Indonesia in the Indo-Pacific. Yet, given its own mercantile moorings, South Korea tends to regard ASEAN primarily as a trading bloc and secondarily as a fulcrum for free and open rule-based order in the Indo-Pacific.

So far, Seoul has displayed scant hesitation in docking multilaterally with the regional economic architecture headed by China. However, when it is abundantly clear that China will never abandon North Korea, however wayward the behaviour of its surrogate, yet then does Seoul prevaricate when it comes to aligning with an Indo-Pacific architecture backed by the US?

Seoul cannot continue to sit on the fence for long in the ongoing US-China tug-of-war. Even if decoupling from China in trade proves a hard nut to crack, there is little doubt that the world is rapidly spiralling into mutually exclusive technology spheres that pits China against the US. A top-notch economy like South Korea, regarded as a key potential alternative to China in global supply chains in telecom, digital and AI, can ill afford to procrastinate in taking a decision.

The writer, a former Ambassador of India to Japan, is currently the Director General of the Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi. Views are personal

## RBI's dilemma

Current crisis has exposed limitations of central banking framework

fects of a fall in demand?

In large part, the current rise in inflation (CPI had fallen from January to March) is driven by supply-chain disruptions owing to the lockdowns. This is evident from the growing disconnect between the wholesale and consumer price index. Since April, while WPI has been in negative territory, CPI has been elevated, indicating excess supply/demand at the producer/wholesale level but excess demand/low supply at the retail/consumer level, suggestive of dislocations in the intermediate supply chain. Accepting this implies that the spurt in retail inflation will be temporary and will begin to trend lower as these disruptions ebb.

Monetary policy is supposed to be forward looking. So, if on balance, COVID is likely to be disinflationary over the medium term, although this will show up with a lag, then there is a case for looking beyond the current spike in retail inflation. And given the collapse in the economy and that the transmission of rate cuts takes time, it tilts the balance in favour of further easing. Worries of lower rates translating to higher future inflation may prove to be misplaced considering the extent of the fall in demand, the idle capacity in the system, and the little pricing power of producers.

Considering that the MPC expects inflation to trend lower in the second half of the year, presumably due to easing of supply-side disruptions, its stance in the August meeting was puzzling. The MPC's mandate is to deliver stable inflation over long periods of time, not just a few months. Yet, it would appear as if it is more concerned about elevated inflation in the

short run. Will a few more months of data and its uncertainty that this is not a cyclical deviation but a structural downward shift? Perhaps. Unless the current MPC believes that it has approached the limits of conventional easing, it would be hard to see the monetary policy at the current juncture, and thus the limited options before the committee other than to hold, and keep the power dry. But this argument is driven more so by the absence of policy levers available to the committee than the repo rate. Expanding the range of policy levers available to it may well render this argument void.

Equally puzzling is the refusal to provide any firm projection of future inflation. While there is considerable uncertainty over economic conditions, surely, the committee members are basing their decisions on some expectation of future inflation and growth. These should have been publicly disclosed. While it is possible that the minutes of the MPC meeting shed light on their expectations, ideally, all MPC members should provide their individual estimates of inflation and growth.

This growth-inflation conundrum is just one part of the story. The current crisis has also brought to the fore the inherent contradictions between the MPC's operations, and the RBI's debt and currency management functions, pointing towards a larger structural challenge.

As manager of the government debt, the RBI is tasked with ensuring that the government's borrowing programme sails through smoothly. To this end, it has carried out several rounds of interventions popularly known

as operation twist. These interventions involve the RBI buying longer-dated government bonds, while simultaneously selling an equivalent amount of shorter-dated securities — pushing down long-term Gsec yields, and exerting upward pressure on short-term yields as a consequence. In doing so, the RBI ended up doing exactly the opposite of what the MPC was trying to achieve by cutting short term rates, and this is against the very limit of its conventional policy response.

Further, the RBI's interventions in the currency market — intervening in order to prevent the rupee from appreciating — have constrained its ability to carry out open market operations as these would have led to further liquidity injections into the system. Put differently, its debt management functions have run up against its currency management functions. Underlining the complexity of all this is the talk of sterilisation — the opposite of injecting liquidity in the system.

The central bank must develop a clear strategy on what to do. At the one end, it is legally bound to an inflation target. Yet, at this juncture, there is a strong argument to look past the current spurt in inflation, and test the limits of both conventional and unconventional monetary policy. At the other end, while it may want to intervene to prevent the rupee's appreciation, in doing so, it is constraining its debt management functions which will have its own set of consequences. There are no easy answers.

ishan.bakshi@expressindia.com

## WHAT THE OTHERS SAY

"People across the UK understand how important education is to social mobility. The idea that this year's exam results would reinforce existing patterns of inequality, while denying individual students the chance to realise their dreams, rightly provoked fury."

—THE GUARDIAN

## Endorsement of PM CARES

Supreme Court dismissal of PIL should clear the confusion about the Fund



JP NAIDOO

ON TUESDAY, the Supreme Court of India dismissed a petition filed by the Centre for Public Interest Litigation (CPIL) demanding the transfer of funds from PM CARES Fund to the National Disaster Relief Fund (NDRF). The Supreme Court categorically ruled that the funds in PM CARES Fund (Prime Minister's Citizen Assistance and Relief in Emergency Situations) are meant for charitable trust, with a purpose entirely different from that of the NDRF. Once again, the hypocrisy of the PIL lobby, that has often tried to bully the judiciary to adopt their twisted stances, has been called out. The lobby's unjust and obstructive stand, distant from arguments rooted in rationality and sound logic, has rightly been set aside for public welfare.

PM CARES Fund has proven to be a great example of reinvigorating the trust of the public at large in government, judging by the response to it. From celebrities to the common people and from history to small children, the unprecedented response has seen few parallels in the history of independent India. The Narendra Modi government too, sensing the weight of the trust placed on it, has responded with its hallmark transparency by regularly updating the people of India all that has been made possible by their contributions. The PM CARES Fund allocated Rs 3,100 crore for India's fight against COVID-19, of which Rs 2,000 crore helped to buy 50,000 ventilators. Another Rs 1,000 crore has been used for the care of migrant labourers and the balance Rs 100 crore was given to support vaccine development, which has reached the critical stage of trials.

The PIL lobby staffed and led by the ancien régime against the Khan Market Gang has been, of course, an inspiration to the likes of Rahul Gandhi, member of Parliament from Wayanad. He has only the choicest of bizarre allegations to hurl at anything and everything going on being attempted in India. Perhaps it stems from an underlying sense of sheer frustration of not matching the popularity of Prime Minister Narendra Modi and his court with the people that challenges his sense of entitlement. That is the only sane reason that explains Rahul Gandhi's opposition, clearly inspired by the puzzling position of the Khan Market Gang to the PM CARES Fund.

While Rahul Gandhi tries to muddy the waters by engaging in obfuscation of facts and clever-by-half arguments, it is time to remind him of the kind of underhanded dealings his own party has undertaken with national funds. The Prime Minister's National Relief Fund (PMNRF) was forced during the UPA government to transfer the public's hard-earned, tax-paid donations to the private Rajiv Gandhi Foundation managed by the Gandhi family. Ironically, this was revealed on the RGF website. For that matter, there are other equally serious questions that Rahul Gandhi should answer. Why has the Rajiv Gandhi Foundation, enriched by the largesse of successive Congress-led governments, refused to be audited by the CAG? Or why was the PMNRF audited by a firm of a life-long Congress politician during UPA years? Think about it. The PMNRF board had Sonia Gandhi as member. It was donating to the Rajiv Gandhi Foundation, whose chairman is Sonia Gandhi. And the PMNRF was audited by a Congress politician's firm. It was as if the PMNRF during the UPA was a fund of the Congress, for the Congress and by the Congress.

Rahul Gandhi has a habit of playing Cassandra, which is increasingly visible from his irresponsible behaviour during the ongoing COVID-19 pandemic. Using Goeblesian tactics, he has engaged in a campaign of misinformation to spread fake news and mislead the public about the pandemic response. Be it the question of the lockdown and its necessity, crying wolf about the status of COVID-19, or insinuating nefarious use of PM CARES Fund, Rahul Gandhi and his associates have been caught on the wrong foot multiple times. However, this has proven not to be a deterrent for the Wayanad MP, and his cesspit of toxic politics. Contrary to the narrative of the prime minister's encouragement and acknowledgment of our COVID warriors, and it becomes evident just why Rahul Gandhi still has a long way to go.

Maybe Rahul Gandhi should realise that his politics of negativity fails to connect with the people, especially when they need hope and inspiration. While the Khan Market Gang has been, of course, an inspiration to the likes of Rahul Gandhi, member of Parliament from Wayanad. He has only the choicest of bizarre allegations to hurl at anything and everything going on being attempted in India. Perhaps it stems from an underlying sense of sheer frustration of not matching the popularity of Prime Minister Narendra Modi and his court with the people that challenges his sense of entitlement. That is the only sane reason that explains Rahul Gandhi's opposition, clearly inspired by the puzzling position of the Khan Market Gang to the PM CARES Fund.

The writer is national president, BJP

## LETTERS TO THE EDITOR

### NEW MINDSET

THIS REFERS TO the article, 'Own the disruption' (IE, August 18). The implementation of the NEP requires child-centric pedagogy and skills, which call for a complete transformation of the mindsets of teachers and heads of schools. As such, the training programme envisaged for them should focus on this. It would be difficult to do so because it is easy to learn skills but hard to change deeply ingrained attitudes and behaviour. Yet, such a change is vital for the success of the NEP.

Y G Chonksey, Pune

### ALLOW CRITICISM

THIS REFERS TO the article, 'Striking too hard' (IE, August 18). The Indian needs a more liberal view of contempt, else "contempt" could become a tool for ideological Contempt of Court should identify contempt with the people's voice and not the court or the institution per se. Criticism will only make Supreme Court stronger as an institution.

Rajiv Boochand Jain, Zirakpur

### GREAT GAME

THIS REFERS TO the article, 'India, Pakistan and Arab sovereignty' (IE, August 18). Pakistan is the only Muslim country which is openly a nuclear weapon state. It has been using this as a shield to justify its foreign policy by pushing Islamabad's domestic agenda in multilateral fora. But the fissures in the Muslim world in the last couple of years are part of a larger design hatched in Beijing to undermine traditional centres of power in West Asia and dislodge US hegemony in the region. Pakistan is merely a humble pawn of China's great game in the middle-east.

Sudip Kumar Dey, Kolkata

## IDEAS ONLINE

ONLY IN THE EXPRESS

- ▶ **TAME THE PANDEMIC:** PALASH GHOSH
- ▶ **LIBERAL EDUCATION IN** ILIBERAL TIMES: JYOTHSI

www.indianexpress.com

### BEYOND ONLINE

THIS REFERS EDITORIAL, 'Face it' (IE, August 18). Social media platforms have become a legitimate medium of communication, so much so that the fourth estate is rattled by a few tweets. All official or non-official communications are now disseminated through social media. The report into the plagiarism of Facebook via a tweet by the BJP is not surprising. These are commercial entities. It is also the responsibility of the top leadership to rein in their hate mongers who dilute social harmony. Fostering the back to social media platforms is uncalculated.

Deepak Singhal, Chennai

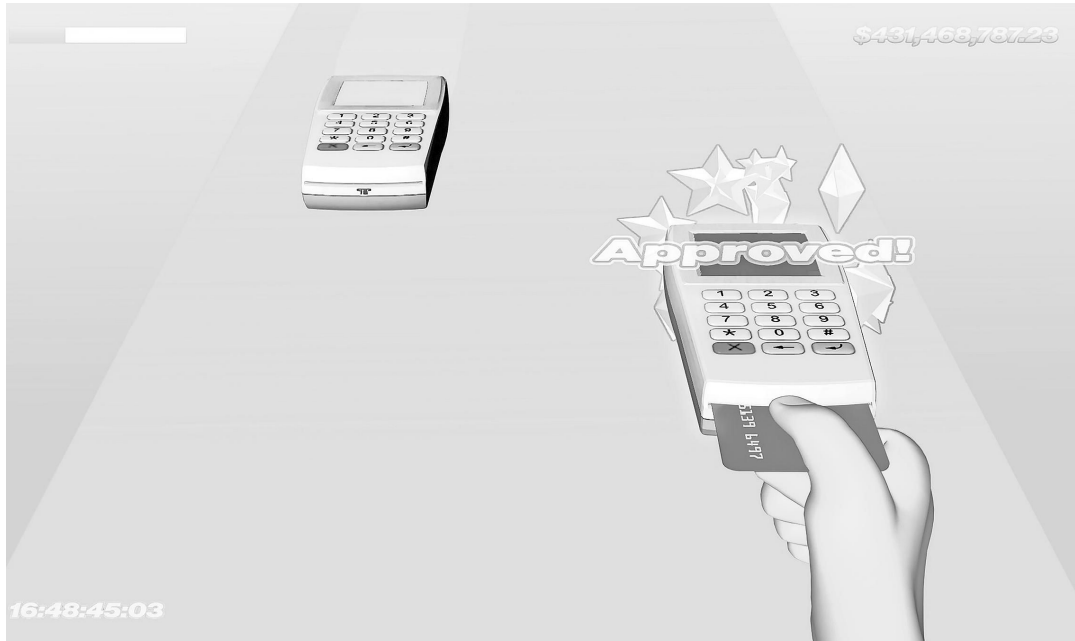
THIS REFERS TO the editorial, 'Face it' (IE, August 18). Social media is a scapegoat? Only in part. Facebook inc has an outside influence on the Indian society and polity. Many figures on social media considered trolls are followed by leaders of the ruling party. The WSJ revelations only add to the feeling that right-wing politics has been aided the world over, perhaps inadvertently, by social media.

Biswadeep Chatterjee, via email

# Opinion

## Is gaming the future of the virtual world?

During the pandemic, digital three-dimensional environments are where much of life is taking place.



**Ruchir Sharma**  
Contributing Writer

Even before the pandemic and the lockdowns, digital games were fast emerging as one of the world's favorite pastimes. But when live entertainment came to a halt, the virtual kind just took off.

Since April, every week has ended with U.S. box office receipts down at least 97 percent and gaming revenue up by more than 50 percent, compared with the same week the year before. Driven by widening bandwidths that make digital games fun to play on mobile phones, global gaming revenues have risen steeply from under \$20 billion in 2010 and are on track to hit \$160 billion this year — more than books, music or movies.

But gaming is doing more than displacing other forms of entertainment. It is also providing digital three-dimensional environments in which people can interact freely, develop

content and pass on knowledge in new ways. Though built by a creative class of coders for the purpose of play, these rapidly growing platforms are shaping the future of the virtual economy — indeed, the future of the virtual world.

During the lockdowns, gaming platforms have been thriving as venues for all manner of events. Savvy teachers are holding online classes where their students are already spending their time: on game-focused sites like Twitch and Discord. People have held beach weddings inside Animal Crossing and concerts inside Fortnite. Students at the University of Pennsylvania, the University of Chicago and other universities built 3-D replicas of their school settings inside Minecraft, and some held graduation celebrations there.

These 3-D worlds are good business. Consider Fortnite. Made by Epic Games, it uses the "freemium" model: Players are allowed into the game's 3-D world free of charge, but once there, they can buy virtual accessories — equipment, outfits ("skins"), dance moves, even branded merchandise

from outside vendors like the National Football League. Fortnite made an estimated \$1.8 billion last year, most of it from sales of virtual goods to its more than 350 million registered players. The game is seen as the harbinger of a day when consumers move seamlessly between physical and virtual commercial spaces.

**Gaming is doing more than displacing other forms of entertainment.**

Aware of the threat posed by gaming companies, internet giants like Apple, Amazon and Google are racing to control stakes in what is sometimes called the "metaverse" — a term borrowed from Neal Stephenson's 1992 sci-fi novel "Snow Crash," which anticipated the arrival of a parallel online world. Companies like Microsoft have already bought out online gaming pioneers like Mojang Studios, the creator of Minecraft, and have the resources to swallow many more. Critics accuse the internet giants of taking an unfair cut of the nearly \$120

billion global market for mobile apps, three-quarters of which is spent on gaming apps. It is a sign of the times that one company bold enough to take on the tech giants is a gaming company: Epic. On Thursday, after Apple and Google banished Fortnite from their app stores for dodging the 30 percent cut that they take from app purchases, Epic shot back with lawsuits, calling the cut an "oppressive" tax.

The tech giants are not as invincible as they may appear. Remember that IBM, Intel and Microsoft were once seen as too big to challenge for supremacy in the digital age — but they weren't. The virtual world is young and rapidly evolving, and no company can claim a permanent place in it.

Many gaming companies have reached the stage where Google and Facebook were a decade ago — attracting millions of users but not yet making as much money on each user as they might. In other words, they have room to grow. These companies also have powerful backers: The Chinese tech giant Tencent, for instance,

holds a stake in the companies behind seven of the 10 top-grossing games since 2008, including Epic.

The prospect of a virtual world built on gaming platforms may unsettle those who see digital games as a mind-deadening waste of time at best and full-immersion training in antisocial behavior at worst. But this is an outdated view. There is even evidence to suggest that playing these games can have beneficial effects, including improvement in spatial skills, motivation and learning concepts.

What gaming is likely to do is take the common 2-D online experience and add a richer third dimension. The result would be fully realized "worlds" where people can work, play, study and shop in a more immersive way, fostering greater social interaction, creativity and innovation.

**RUCHIR SHARMA** is the chief global strategist at Morgan Stanley Investment Management and the author, most recently, of "The Ten Rules of Successful Nations." This essay reflects his opinions alone.

## Biden dreams of Camelot

Trumpworld dismisses Kamala Harris as calculating. But we need a woman who can calculate a way out of the mess this president has made.



**Maureen Dowd**

**WASHINGTON** One wintry day in 1992, my boss drolly told me to try to look young.

We were meeting Richard Nixon and the fallen president preferred to talk to reporters who were not old enough to have covered his Waterloo of Water-gate.

We had our coffee with him two years before he died. Some of his observations on the presidential race were smart but one seemed more vengeful than visionary.

He warned that Bill Clinton's campaign would have to be careful about how it deployed Hillary Clinton. "If the wife comes through as being too strong and too intelligent, it makes the husband look like a wimp," he said, adding that unfortunately some voters concurred with Cardinal Richelieu's pronouncement, "Intellect in a woman is unbecoming."

I wondered if he was still smarting that Hillary Rodham had been a lawyer for the House Judiciary Committee's impeachment inquiry. And I didn't agree with him. Arkansas voters had a period of adjustment with their governor's formidable wife. But on the national stage, it was Bill Clinton's inability

to control his appetites that made him seem weak — not having a strong partner.

Without missing a beat, nearly three decades later, William Bennett went on Fox News after Joe Biden anointed Kamala Harris and picked up right where Nixon had left off.

"She is a very ambitious person," Bennett told Bret Baier, about how the California senator might overshadow Biden. "She'll be out there doing tons of interviews. Where will Joe be? Will he still be in the basement? There could be some problems here that arise."

It won't fly. All those old tropes about castrating women are threadbare as Trump's despicable attempt to recycle the birther smear he used to slime Barack Obama, this time against Harris, the daughter of a Jamaican father and an Indian mother. She was born in Oakland, Calif.

Biden looks confident for choosing an accomplished woman who delivered a haymaker in a debate. After Donald Trump's petty vindictiveness, Biden rising above grudges is a lovely thing to behold.

President Trump represents the last primal shriek of retrograde white men afraid to lose their power. He's a dinosaur who evokes a world of beauty pageants, "suburban housewives," molestation, cheating on your wife when she's pregnant, paying off porn stars, preferring women to be seen and not heard, dismissing women who challenge you as nasty, angry and crazy.

Even as Fox hacks lambasted Harris as "transactional," Michael Cohen dropped an excerpt from his tell-all



**Senator Kamala Harris.**

describing life with Trump as a mob movie: "I bore witness to the real man, in strip clubs, shady business meetings, and in the unguarded moments when he revealed who he really was: a cheat, a liar, a fraud, a bully, a racist, a predator, a con man."

In his nefarious attempt to suppress

the vote, Trump is ruining that great American achievement, the U.S. Postal Service. He's complimenting Marjorie Taylor Greene, the winner of a Republican primary in Georgia who openly flirts with the insane QAnon cult and says she's going to Washington to get rid of that "bitch," Nancy Pelosi. (Let us

know how that goes.) And, inexplicably, the president is talking about undermining Social Security, not only touching the third rail of politics but picking it up and putting it in his mouth.

Yet our mad king has the gall to dismiss Harris as "sort of a madwoman." Trump's hard-core base of white misogynists and his yammering sewing circle of Bill Barr, Rudy Giuliani, Sean Hannity and Tucker Carlson will eat it up.

Is America ready for a shallow, hectoring, rich lady whose only real fans work at hedge funds and MSNBC? Carlson said, hectoring. Harris has shown that she can throw a few elbows, that she doesn't worry about always being nice, and I like that about her. The effort to cast her as an Angry Woman will not succeed; the country is rapidly moving past such caricatures. Besides, women should be angry. Trump's feckless response to the coronavirus has forced parents to play Russian roulette with their kids and schools.

It's rich that the campaign of the phony in the Oval called Biden's running mate "Phony Kamala." If Team Trump wants to depict her as calculating, bring it on.

After all the Trump flailing, some calculating would be welcome. We need the daughter of a scientist — as a little girl, she washed her mother's test tubes at the research lab — to calculate the best way to get us out of virus Groundhog Day, the president who fought masks and who bungled testing is dispatched. We need someone who worked in law enforcement to calculate the best

**DOWD, PAGE 11**



## TECH

## Navigating online job interviews

BY JULIE WEED

The in-person job interview went away when offices emptied this spring because of the coronavirus pandemic. On the plus side, no more flying to company headquarters and staying at hotels, just for a day of meetings in an uncomfortable suit before heading right back home. On the downside, technical glitches and fewer body-language clues can make the online process feel fraught.

To successfully make the jump to team member from virtual job seeker, you can brush up on classic interview techniques and then adapt them to the new world of internet interviews.

## RESEARCH THE COMPANY

Interview basics still apply, so start by learning about the company, delving deeply into its website, related news coverage and employee reviews like those on Glassdoor or Indeed. Know why you want to work there, because you are sure to be asked.

To research publicly traded companies, Amelia Ransom, senior director of engagement and diversity at the tax compliance software company Avalara, suggests delving into their online 10-K forms, which summarize annual performance, paying close attention to the key challenges a company is facing in the "Risk Factors" section.

"Connect how hiring you can help them solve those challenges," she said. Check out your interviewer's LinkedIn profile to understand his or her background and perhaps find things in common.

In case your interviewer is checking you out, too, make sure that your own LinkedIn profile is up to date and that you've asked past managers to post a recommendation.

## SET THE SCENE

For video interviews, make sure your lighting, camera angle, outfit and background help you look polished.

Best bets for lighting are sunshine from a window that is facing you, a lamp bouncing light off a wall that reflects softly, computer screen clip-on lights or a ring light, which needn't be expensive.

Place your computer camera at eye level or slightly above and tilted down (a stack of books underneath can help). Wear a professional-looking top that makes you feel confident.

Virtual backgrounds can be tricky, so it's best to find a clean, uncluttered space, with nothing to distract the interviewer. Shut the door in case someone walks by.

"Do the best with what you have," Ms. Ransom said, "but don't worry too much about it."

Recruiters understand the limitations of home-based interviews.

"Don't beat yourself up if your child wanders by looking for a snack or the dog bursts in," she said. The interviewer is sitting at home "dealing with the same things."

## DOUBLE-CHECK THE TECH

Technical difficulties are understandable, but do all you can to avoid them, said Eliot Kaplan, a former vice president of talent acquisition at Hearst Magazines who is now a career coach.

Start by ensuring that your Wi-Fi is as strong and reliable as possible. That might mean setting up your video call in



the part of your home that gets the best reception, asking housemates to stay off the network during interviews or paying for better Wi-Fi for a few months while you are job hunting.

Make sure your laptop is fully charged. Keep your cellphone by your side (on "do not disturb") with the interviewer's phone number handy in case you need a backup communication method.

Close other apps on your computer so that you are not distracted by pop-ups.

Double-check what will be in sight, because video programs differ in how they crop web-camera views.

## DO A TRIAL RUN

Think ahead about common questions and how you will answer them without sounding too rehearsed.

So-called behavioral questions are in vogue, asking for examples of how you overcame an obstacle, led a team or creatively solved a problem.

It's important to answer concisely

and listen closely, especially on a phone interview because you can't see the interviewer's responses or other visual cues, said Karen Amatangelo-Block, a talent acquisition executive at a global hotel company, and a private coach.

"You'll definitely lose them after five to seven minutes" if you don't, she said.

For video interviews — and even for phone interviews — practice your posture, Ms. Amatangelo-Block said, because it's important to communicate that you are engaged in the conversa-

tion and excited about the opportunity. Pull your shoulders back to convey confidence. A tip she learned from newscasters is to sit on the edge of your seat, which helps you sit up straight.

"If you don't think about your presence down at will notes she had prepared, such as how her skills matched the job requirements."

Set up a video call with a friend to check settings and your posture, and to practice questions.

## CONVEY YOUR VALUE

Think of three things you can bring to the job that are not on your résumé, and communicate them, Ms. Ransom, of Avalara, said. "Maybe you are going for an engineering job but are also a great public speaker," she said.

As an interviewer, she wants to know the candidate beyond the résumé page and understand "their motivations and communication style, their personality: How will they expand the company culture?" Ms. Ransom said. Mr. Kaplan, the former Hearst magazines executive, said that some of the qualities companies have traditionally looked for — adaptability, flexibility, showing up as a self-starter and an independent worker — are more important than ever in a work-from-home world in which the boss isn't around to see what you are doing. One way to demonstrate those qualities is to talk about what you've done during the pandemic.

Though basic techniques still apply, there are some tips unique to working from home that can help you impress employers.

"If you've used the extra time at home to pick up a new skill or take on extra work responsibilities to help out your team, let the recruiter know," he said. If you have relearned 10th-grade geometry to help your high schooler pass a math class, that's impressive, too.

## QUESTIONS FOR THE INTERVIEWER

Interviewers often conclude by asking, "Do you have any questions for me?"

Let your curiosity shine through and ask something that will help you decide if the position will be a good match for you, Ms. Ransom said.

"Asking something like 'Tell me how you got to where you are' feels like a template question" and won't help your decision-making process, she said.

## AFTER YOU HANG UP

Always send the interviewer a thank-you email and make it as specific as possible, mentioning a topic you discussed or something that inspired you.

If you don't have their contact information, send an email to your recruiter requesting it.

## BUILD UPON YOUR EXPERIENCES

Emily Chang, a recent graduate of Duke University, interviewed with 10 companies by phone or video before accepting a job as a researcher for Rubius Therapeutics, a cell therapy biotechnology company in Cambridge, Mass.

Ms. Chang said that after each interview she would "think of something that could have been done better and file it away for the next time."

She said that signing into the interview web link 10 to 15 minutes in advance to make sure it was working, and taking time to collect her thoughts, helped her avoid feeling rushed. She also placed a glass of water just off camera and set up slips of paper she could glance down at with notes she had prepared, such as how her skills matched the job requirements.

After being interrupted a few times, Ms. Chang started listing the things she would be interviewing.

Specifically, she said, "I had to ask my dad not to play the piano."

## I tried, and failed, to live without the tech giants

Breaking free of Facebook, Amazon and their ilk is an exercise in frustration

BY KASHMIR HILL

The chief executives of Amazon, Facebook, Google and Apple were called before a congressional antitrust committee late last month, ostensibly to answer questions about whether they have too much power and whether that hurts consumers.

The tech bosses, who appeared via videoconference, fended off questions about being "cyberbarons," saying that they have plenty of competition and that consumers have other options for the services they offer.

But do they? Last year, in an effort to understand just how dependent we are on these companies, I did an experiment for the tech news site Gizmodo to see how hard it would be to remove them from my life.

To do that wasn't easy. From my years writing about digital privacy, I knew these companies were in the background of many of our online interactions. I worked with a technologist named Dhruv Mehrotra, who designed a custom tool for me, a virtual private network that kept my devices from sending data to or receiving data from the tech giants by blocking the millions of internet addresses the companies controlled.

Then I blocked Amazon, Facebook, Google, Apple and Microsoft, one by one — and then all at once — over six weeks. Amazon and Google were the hardest companies to avoid by far.

Cutting Amazon from my life meant losing access to any site he hosted by Amazon Web Services, the internet's largest cloud provider. Many apps and a large portion of the internet use

Amazon's servers to host their digital content, and much of the digital world became inaccessible when I said goodbye to Amazon, including the Amazon Prime Video competitor Netflix.

Amazon was difficult to avoid in the real world as well. When I ordered a phone holder for my car from eBay, it arrived in Amazon's signature packaging, because the seller used "Fulfillment by Amazon," paying the company to store and ship his product.

When I blocked Google, the entire internet slowed down for me, because almost every site I visited was using Google to supply its fonts, run its ads, track its users, or determine if its users were humans or bots. While blocking Google, I couldn't sign into the data storage service Dropbox because the site thought I wasn't a real person. Uber and Lyft stopped working for me, because they were both dependent on Google Maps for navigating the world.

I discovered that Google Maps had a de facto monopoly on online maps. Even Google's longtime rival Yelp used it to tell computer users where businesses could be found.

I came to think of Amazon and Google as the providers of the very infrastructure of the internet, so embedded in the architecture of the digital world that even their competitors had to rely on their services.

Facebook, Apple and Microsoft came with their own challenges. While Facebook was less debilitating to block, I missed Instagram (which Facebook owns) terribly, and I stopped getting news from my social-media friends the birth of a good friend's child. "I just assume that if I post something on Facebook, everyone will know about

it," she told me when I called her weeks later to congratulate her. I tried out an alternative called Mastodon, but a social network devoid of any of your more obscure products and services that are hard to untangle from tools we rely on for everything we do, from work to getting from point A to point B.

Many people called what I did "digital veganism." Digital vegans are deliberative about the hardware and software they use and the data they consume and share, because information is power, and increasingly a handful of companies seem to have it all.

There were two very different types of reaction to the story. Some people said that it proved just how essential these companies are to the American economy and how useful they are to consumers, meaning regulators shouldn't interfere with them. Others, like Representative Jerrold Nadler, Democrat of New York and ex officio member of the House's antitrust subcommittee, said at the time that the experiment was proof of their monopolistic power.

"By virtue of controlling essential infrastructure, these companies appear to have the ability to control access to markets," Mr. Nadler said. "In some basic ways, the problem is not unlike what we faced 130 years ago, when railroads became the life of American life — both enabling farmers and producers to access new markets, but also creating a key chokehold that the railroad monopolies could exploit."

If I were still blocking the tech giants today, I wouldn't have been able to watch last month's antitrust hearing online. C-SPAN streamed it live via YouTube, which Google owns.

After the experiment was over, though, I went back to using the companies' services again, because as it demonstrated, I didn't really have any other choice.



it's not possible to do that. It's not just the products and services branded with the big tech giant's name. It's that these companies control a thicket of more obscure products and services that are hard to untangle from tools we rely on for everything we do, from work to getting from point A to point B.

Many people called what I did "digital veganism." Digital vegans are deliberative about the hardware and software they use and the data they consume and share, because information is power, and increasingly a handful of companies seem to have it all.

There were two very different types of reaction to the story. Some people said that it proved just how essential these companies are to the American economy and how useful they are to consumers, meaning regulators shouldn't interfere with them. Others, like Representative Jerrold Nadler, Democrat of New York and ex officio member of the House's antitrust subcommittee, said at the time that the experiment was proof of their monopolistic power.

"By virtue of controlling essential infrastructure, these companies appear to have the ability to control access to markets," Mr. Nadler said. "In some basic ways, the problem is not unlike what we faced 130 years ago, when railroads became the life of American life — both enabling farmers and producers to access new markets, but also creating a key chokehold that the railroad monopolies could exploit."

If I were still blocking the tech giants today, I wouldn't have been able to watch last month's antitrust hearing online. C-SPAN streamed it live via YouTube, which Google owns.

After the experiment was over, though, I went back to using the companies' services again, because as it demonstrated, I didn't really have any other choice.



Important Editorials from read to succeed 19<sup>th</sup> August