



A better test

India should quickly adopt the rapid, inexpensive, and sensitive saliva test

On August 15, six and a half months after the first novel coronavirus case was reported in the country, India crossed another grim milestone - 50,000 deaths. The total number of cases reported as on Saturday stood at nearly 2.6 million; India has been reporting the most fresh cases in a day in the world since August 2. More than the total death toll, now 51,045, what is troubling is the shorter time taken for the death toll to double. The toll count crossed 25,000 on July 16 and doubled to over 50,000 in just 30 days. It is certain that there is some extent of underreporting of deaths across the country, especially when deaths have occurred outside the health-care system. For instance, reporting of COVID-19 cases and deaths by States such as Gujarat, West Bengal and Telangana have been suspect right from the beginning; the pandemic-defying trend seen in these States is in stark contrast to the rest of the country. No combination of factors can explain the low daily mortality figures in Gujarat and Telangana. In fact, in the last one month, the death toll on any single day in Telangana has never crossed 15 and has been in single digits on many days; the State even reported zero deaths on July 26, while in Gujarat, deaths have never crossed 30, except on one day. However, under-reporting notwithstanding, it is unlikely to be huge enough to change the death toll several fold.

Like in most Southeast Asian countries, deaths per million population have been low in India. While the case fatality rate too has been low, the continuous dip in the rate might be due to more cases, including asymptomatic ones, being detected due to increased testing with rapid antigen tests. Also, large cities that witnessed strained health-care infrastructure due to the surge in cases, leading to more deaths, seem to have passed the peak. A big shortcoming of rapid antigen tests is their low sensitivity, and despite the ICMR's recommendation, most States have very low levels of validation of negative test results using the molecular method. Relying mostly on rapid antigen tests will result in many of the infected continuing to spread the virus. If speed, low cost and constraints of molecular testing capacity are the reasons why many States have embraced rapid antigen testing, the emergency use authorisation granted recently by the US's FDA for a saliva test developed by Yale University should be good news for India. This rapid, inexpensive, non-invasive and highly sensitive test that uses saliva samples will not only help detect more cases but also reduce the need for trained care workers to collect samples. With the testing protocol made freely available, India should facilitate rapid adoption of the tests by States, after local validation. Early results of the saliva test have been encouraging and India will hugely gain by embracing it in lieu of the unreliable rapid antigen test, particularly when the virus spreads to rural areas.

End of a run

Dhoni's retirement marks the end of an era in which India won all the big ones

Cricket in India has often been littered with stereotypes. Much akin to the great Indian rope trick, the game was reduced to the tropes of warty batsmen and magical spinners. The sport was also linked to ancient geographical contours, often linked to royalty or the erstwhile British Presidencies of Bombay, Madras and Calcutta. Despite these boxy references, Kapil Dev emerged as an allrounder from Haryana and after him, it was Mahendra Singh Dhoni's turn to stun the pundits. Hailing from Jharkhand, never previously known for its prowess in the willow game, Dhoni kept dismantling clichés as he built a splendid career that defied odds and technical benchmarks. As a batsman and wicket-keeper, aesthetics was not his strong point; but superb athleticism, innate talent, a calm head and remarkable effectiveness in the crunch, made him an outstanding player. If there was a pattern to him, it was his unpredictability, be it the way he dealt with opposition bowlers, led India and timed his good byes - from Tests in 2014 or limited-overs international cricket this Saturday. In the first instance, the BCCI issued a statement, and in the second, the former India captain picked Instagram as his medium. The initial reaction of overwhelming shock quickly became an acceptance of his quirky and then it sunk in - an era had ended in Indian cricket.

If Sourav Ganguly helped India tide past the match-fixing crisis of 2000, Dhoni took his side to greater heights and India became the number one team in Tests during 2009. But it was ODIs and Twenty20s that enhanced Dhoni's aura. It was in the abridged versions that he was at his supreme best, flexing those helicopter stokes, effecting mind-boggling stumpings, being astute in his field placements, running between wickets seemingly at the speed of light and making his men believe that they could win big trophies. As a leader, he anchored India to three ICC titles - 2007 World Twenty20, 2011 World Cup and 2013 Champions Trophy. In the chase, he was often in the zone and until age caught up with him, it was a certainty that Dhoni will guide India home. There was an earthy intelligence about him and during his years as the skipper, at times he would sit cross-legged in the corridor and give a pep talk to the youngsters. He had his unique style and Indian cricket will be poorer without him, though at 39, the sands of time were running out for him. Dhoni the cricketer would still be in vogue as the Chennai Super Kings captain in the imminent Indian Premier League (IPL). In the coming years, those IPL days will dwindle but his performance in the pantheon of cricketing greats is assured.



P.D.T. ACHARY

"The exercise of establishing a democratic and representative form of government for NCT of Delhi by insertion of Articles 239AA and 239AB would turn futile if the Government of Delhi that enjoys the confidence of the people of Delhi is not able to usher in policies and laws over which the Delhi Legislative Assembly has powers to legislate for the NCT of Delhi." So said the Constitution Bench of the Supreme Court in Government of NCT of Delhi vs. Union of India (2018). The issue before the Supreme Court was the jurisdictional conflicts between the government and its representative, the Lieutenant Governor.

Issues and possible solutions The judgment which runs into more than 1,000 pages analyses the contentious issues which hobbled the State government and attempts to resolve them. Very lofty principles concerning constitutional morality, co-operative federalism, constitutional confidence, pragmatic federalism, etc., have been enunciated in this judgment. It reminds the Lt. Governor what his real functions are. It tells the State government that it should remember that Delhi is a special category Union Territory and lays down the parameters to enabling the harmonious functioning of the government and the Lt. Governor.

The judgment clarified and settled many contentious issues such as the powers of the Lt. Governor vis-à-vis the executive government, his discretionary powers, the extent of the executive powers of the State government, etc. On the face of it, it did not very clearly delineate the issues in respect of which the Lt. Governor can refer a decision taken by the Council of

Ministers to the President in the event of a difference of opinion between the Lt. Governor and the State government. Nevertheless, the Supreme Court has settled the law in regard to the 'aid and advice' of the Council of Ministers by affirming that the Lt. Governor is bound to act on the aid and advice except in respect of 'Land', 'Public Order' and the 'Police'.

The Court has also made it clear that there is no requirement of the concurrence of the Lt. Governor and that he has no power to overrule the decisions of the State government. However, there is a catch here - in the operationalisation of Article 239AA (4) (proviso) which says that in the case of a difference of opinion between the Governor and his Ministers on any matter, the Lt. Governor shall refer it to the President for decision and act according to that decision.

In the meantime, if the Lt. Governor thinks that the matter is urgent he can take immediate action and refer it to the President. The provisions are back to square one. If a Lt. Governor, for example, wants to frustrate the efforts of the government, he can declare that there is a difference of opinion on any issue decided by the elected government and refer it to the President which in reality means the Union Home Minister. The Lt. Governor being its representative, it is easier for him to secure a decision in his favour. The State government will be totally helpless in such a situation.

Delhi riot cases

The recent appointment of prosecutors conducting the Delhi riot cases in the High Court is a case in point. As per the High Court and the Supreme Court, the appointment of prosecutors is exclusively within the purview of the State government. When the government decided to appoint them, the Lt. Governor referred it under proviso to Article 239AA (4) to the President stating that there is a difference of opinion between him and the government over this matter. In the absence of a President who appointed all the prosecutors whose names were submitted by



the Delhi Police and thus the State government's list was rejected. This episode clearly points to the fault lines which still exist in the power equations in the capital's administrative structure. The key question is whether the Lt. Governor can refer a routine administrative matter such as the appointment of prosecutors to the President.

A close reading of the Supreme Court judgment in the NCT Delhi case (supra) would reveal that he cannot just take a look at what the Supreme Court says. "The words 'any matter' employed in the proviso to Article 239AA (4) cannot be inferred to mean 'every matter'. The power of the Lieutenant Governor under the said proviso represents the exception and not the general rule which has to be exercised in exceptional circumstances by the Lt. Governor. Keeping in mind the standards of Constitutional trust and morality, the principles of collaborative federalism and the concept of Constitutional balance..."

Matters of jurisdiction

The Court further says, "The Lieutenant Governor should not act in a mechanical manner without due application of mind so as to refer every decision of the Council of Ministers to the President." The highest judicial forum in the country in its own majestic style directs the Lt. Governor not to refer to the President normal administrative matters as that would disturb the concept of Constitutional governance, principles of collaborative federalism and the standards of Constitutional morality. Referring to the appointment of Prosecutors by the Lt. Governor to the Presi-

dent seems to be a negation of these principles.

There is another point which emerges from the judgment and attention needs to be paid to it. That is that the executive power of the Union does not extend to any of the matters which come within the jurisdiction of the Delhi Assembly. Parliament can legislate for Delhi on any matter in the State List and the Concurrent List but the executive power in relation to Delhi except the 'Police', 'Land' and 'Public Order' vests only in the State government headed by the Chief Minister.

The Supreme Court says, "Article 239AA (3)(a) reserves the Parliament's legislative power on all matters in the State List and Concurrent List but clause (4) explicitly grants to the Government of Delhi executive powers in relation to matters for which the Legislative Assembly has powers to legislate."

This statement of law by the Supreme Court implies that the Union Government is not empowered to exercise executive authority on a matter which comes within the exclusive jurisdiction of the State government like the appointment of Prosecutors. The only occasion when the Union Government can overrule the decision of the State government is when the Lt. Governor refers a matter to the President under the proviso to clause (4). But this proviso cannot totally override the executive decisions of the State government laid down in clause (4).

The judgment of the Supreme Court resolves this apparent contradiction by enjoining the Lt. Governor to keep in mind while making a reference to the President the constitutional morality, principles of collaborative federalism, concept of constitutional governance, objectivity, etc. Although the Court did not specify the matters which can be referred by the Lt. Governor to the President, the high principles described above broadly indicate what can be referred and what cannot. In any case it is unambiguously clear that the executive decisions of the State government cannot be referred to the President merely because the

Lt. Governor has a different personal opinion about some of them. The top court wants the Lt. Governor and the Council of Ministers to use in full the mechanism provided in the Government of NCT of Delhi Act and the Transsectoral Business Rules to thrash out differences. The Court seems to elevate to a higher level the issues that can be referred to the President as distinct from the normal decisions taken in exercise of the executive powers of the State. The President is the highest Constitutional authority and his decision should be sought only on constitutionally important issues.

The last word

Finally, the Supreme Court gives wise advice to the Lt. Governor: "We may reiterate that the Constitutional scheme adopted for the NCT of Delhi conceives of the Council of Ministers as the representatives of the people on the one hand and the Lt. Governor as the nominee of the President on the other who are required to function in harmony within the Constitutional parameters. In the said scheme of things, the Lt. Governor should not emerge as an adversary having a hostile attitude towards the Council of Ministers of Delhi; rather, he should act as a facilitator."

So, when we analyse the reference by the Lt. Governor to the President the issue of appointment of prosecutors within the parameters laid down by the Supreme Court, we find that it is not in consonance with these principles enunciated by the Court. It is against constitutional morality which requires strict adherence to the constitutional principles of collaborative federalism, constitutional balance and the concept of constitutional governance. All these principles act as bulwark against the usurpation of powers of the State by the Union. When the Court declares the law and requires the constitutional authorities to follow it, they have to act in compliance and not in defiance.

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Judicial remedies for the J&K net restrictions

The Supreme Court must re-examine the government's weak reasons to limit the Internet in the erstwhile State



JAHNAVI SINDHU

During the novel coronavirus pandemic, a large part of the realm of freedoms protected by the Constitution, ranging from carrying on a business, to obtaining education, health care, and information, have all moved online. This has meant that we have had to discuss ways to improve access to the Internet for all. But even as we do this, the Internet restrictions in Jammu and Kashmir (J&K) have completed a whole year.

In response to the Supreme Court of India's stern approach in the recent hearing on August 7, the Central government has agreed to restore Internet in two districts on a trial basis. While this is a welcome step, the fundamental rights of the people of J&K will truly only have meaning if the Supreme Court maintains this stern approach and assesses the proportionality of the State's restrictions, and is willing to grant an effective remedy where disproportionate restrictions are identified. The Special Rapporteur on Freedom of Opinion and Expression of the United Nations and representatives of other regional organisations, in a Joint Declaration, have pointed out that neither the slowing nor the shutting down of the Internet is justifiable even on national security grounds. This is because Internet shutdowns or

slowdowns are an inherently overbroad restriction for it adversely affects millions of innocent civilians owing to the actions of a few. Indeed, the provision of 2G Internet on mobile phones since March 2020 has failed to provide any meaningful respite to the people of J&K. It has become impossible for them to adapt to the pandemic, by resorting, as the rest of India has, to online classes, working from home, tele-conferences with doctors or even video calls with family.

What is more, important industries such as tourism, handicrafts and agriculture have faced devastating losses. The president of the Kashmir Chamber of Commerce and Industry has estimated the loss to the region's economy this past year at \$40,000 crore. Moreover, experts have found shutdowns counter-productive in reducing violence.

Despite having heard two challenges to the restrictions since August 2019, the Supreme Court has remarkably not ruled on their validity. In January 2020, in *Anuradha Bhaini*, the Court granted limited relief by directing the government to publish reasoned orders and review the restrictions every seven days. A pandemic and a lockdown later, the Court faced criticism for its order in *Foundation For Media Professionals* where it set up an Executive Committee to review the 2G speed restrictions that had been imposed by the Executive in the first place.

Right of judicial review

Two arguments have been advanced to justify the Court's deferential approach. But both are un-



sustainable. First, that such decisions are not based on objective factors that can be presented to and assessed by a judicial body, but are based on the "subjective satisfaction" of officers who possess exclusive knowledge of the situation on the ground. This notion of subjective satisfaction can be traced back to English public law where Parliament could grant the Executive the power to exercise subjective satisfaction in certain cases. The English courts did not have the power to strike down legislation as invalid. The framers of our Constitution consciously moved away from this legal tradition while entrenching judicial review as a fundamental right under Article 32.

In 1956, Justice Vivian Bose emphasised this fundamental aspect of the Constitution, when he wrote that if the power of subjective satisfaction was conferred on executive bodies, then "there would be no point in these fundamental rights, for the courts would be powerless to interfere and determine whether those rights have been infringed". Two decades later, the Supreme Court, in

what is regarded as its nadir, held in *ADM Jabalpur* that detentions during the Emergency were based on the subjective satisfaction of the Executive and were not amenable to judicial review. In overruling this decision, in *K.S. Puttaswamy*, the Court affirmed that our Constitution guarantees that "judicial remedies would be available to ask searching questions and expect answers when a citizen has been deprived of these, most precious rights".

The second, and closely related, argument offered is that the Court does not have the competence to review matters of national security. However, this argument taken to its logical conclusion would imply that the Court cannot rule on any complex issue irrespective of its impact on fundamental rights. Indeed, the Court has often ruled on complex issues such as the ban on the use of crypto-currency and the linkage of Aadhaar to SIM cards and bank accounts on grounds of national security and money laundering, respectively, and even struck them down. In these cases, instead of choosing between either refraining altogether or substituting the decision of the government, the Court assessed the quality of the government's justifications.

The four-step test

The Court in *Anuradha Bhaini* recognised the proportionality test as the framework for such assessment. Under this, the government must provide a four-step justification. It has to show that the restrictions are in pursuance of a legitimate aim (in this case, national security), that they are suitable to

achieving that aim, that there exist no less restrictive alternatives that would limit the right to a lesser extent, and finally, that the adverse impact of the restrictions are proportionate to their benefit. In *Foundation For Media Professionals*, the government of J&K's own affidavit revealed that terrorist incidents have continued despite these restrictions. But the government failed to explain why less restrictive alternatives such as permitting the use of 4G on verified post-paid SIMs, blocking and intercepting sensitive numbers, websites or applications, issuing take-down orders of content that incite violence, and limiting restrictions to particular areas for shorter durations could not be applied. Finally, on the impact of restrictions, the government asserted that people can download e-learning applications, e-books and use websites and messaging platforms on 2G Internet. Not only is this statement factually incorrect, it also contradicts the government's own claim that the restriction to 2G speed is suitable as it restricts terrorists from communicating and circulating videos.

It is difficult to fathom how such weak and inconsistent reasons could have been the basis for restricting the entire realm of rights of 1,25,00,000 people. Indeed, these restrictions were unconstitutional the day they were imposed. One year on, it is imperative that the Court fulfils its constitutional duty by examining and going over any further reasons given by the State with a fine tooth-comb.

Jahnvi Sindhu is a Delhi-based advocate

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.

Rapid and accurate The 'SalivaDirect' test developed by a team from the Yale School of Public Health can be a ground-breaking rapid diagnostic test for COVID-19 (Page 1, "U.S. FDA not rapid, inexpensive saliva test", August 17). The news that this test is equally if not more effective than the more uncomfortable

nasopharyngeal swab testing could prove to be a game-changer. This test appears to be more straightforward as it does not require a separate nucleic acid extraction step and is relatively inexpensive, in an Indian context. Also noteworthy is that the test is an 'open source', allowing the scientific and medical

community to maximise the benefits. Hopefully, the Indian Council of Medical Research along with the Health Ministry will approve this new and innovative game-changer on a war footing, thereby increasing the capacity and efficiency of COVID-19 testing. Dr. THOMAS PALOCCANI, Yehuda, Tamil Nadu

I-Day speech I am not very sure whether the observations on the country's leader having mellowed are accurate (Editorial page, "Adversity has mellowed the leader", August 17). He is intelligent enough that he keeps his larger-than-life image intact with the help of the media and big industrialists. He may

sound mellow perhaps because he has run out of enemies and with COVID-19 playing spoilsport in his mind, and I perceived a sense of pride and achievement in his words. There is no reason for him to feel apologetic about the lockdowns or the pandemic spread in India of that. P. MANGALACHANDRAN, West Pompana, Kuttanad, Kerala



What is criticism and what is contempt?

Whether a comment constitutes criminal contempt would necessarily be decided on the facts of each case



GAUTAM S. RAMAN

A recent order of the Supreme Court found advocate Prashant Bhushan guilty of contempt for two tweets — one relating to the Chief Justice of India astride an expeditionary cycle and the other a comment that the Supreme Court, in his opinion, played a role in the destruction of democracy in India over the last six years.

Criminal contempt

For the purpose of the topic at hand we are concerned only with criminal contempt and not those wilfully disobedient litigants who ignore the orders of the courts. Section 2(c) of the Contempt of Courts Act, 1971 defines criminal contempt as the publication of any matter or the doing of any other act which scandalises or lowers the authority of any court; or prejudices or interferes with the due course of any judicial proceeding; or obstructs the administration of justice.

Does this mean that one can never voice any criticism of the judiciary? No. What the law permits you to say regarding the functioning of Indian courts forms the basis of this particular article, i.e., there is a thin line separating criticism and contempt.

Freedom of speech is a fundamental right guaranteed to every Indian citizen under Article 19(1)(a) of the Constitution, albeit subject to reasonable restrictions under Article 19(2). In *C.K. Jajaji v. P.P. Gupta* (1971), the Supreme Court held that the existing law of criminal contempt is one such reasonable restriction. That does not mean that one cannot express one's ire against the judiciary for fear of contempt.

As long back as in 1968, Lord Denning M.K. set out guidelines in matters of contempt of court. He stated that contempt is not the means to uphold the court's dignity. He said its jurisdiction is to be exercised sparingly and that protection of freedom of speech is paramount. While welcoming criticism, Lord Denning only requested that it be fair, just, and owing to the state, not in a position to refute the comments so le-



Prashant Bhushan. SHIV KUMAR PUDIPAKALA

velled against them.

What does the Indian judiciary deem permissible and impermissible? The Supreme Court has held that if a comment is made against the functioning of a judge, it would have to be seen whether the comment is fair or malicious. If the comment is made against the judge as an individual, the Court would consider whether the comment seeks to interfere with the judge's administration or is simply in the nature of libel or defamation. The Court would have to determine whether the statement is fair, bona fide, defamatory or contemptuous.

A statement would not constitute criminal contempt if it is only against the judge in his or her individual capacity and not in discharge of his or her judicial function. Criminal contempt does not seek to afford protection to judges from statements which may be exposed to as individuals. Such statements would only leave the individual liable for defamation. Statements which affect the administration of justice or functioning of courts amount to criminal contempt since public perception of the judiciary plays a vital role in the rule of law. An attack on a judge in his or her official capacity denigrates the judiciary as a whole and the law of criminal contempt would come down upon such a person unless it is

a fair critique of a judgment.

Various examples

Sections 4 and 5 of the Contempt of Courts Act are akin to a defense a person may take in a case of defamation i.e., fair comment. In *Re: S. M. Gokar v. Unknown* (1978), the Supreme Court held that the judiciary cannot be immune from fair criticism, and contempt action is to be used only when an obvious misstatement with malicious intent seeks to bring down public confidence in the courts or seeks to influence the courts. In this judgment, Chief Justice M.H. Beg opined that at times the judiciary adopts a "magnanimously charitable attitude even when utterly uncharitable and unfair criticism of its operations is made out of bona fide concern for improvement."

The same Justice Beg remarked post-retirement that Justice H.R. Khanna's famous dissent in the *ADM Jabalpur* case (1976) made no contribution to law but only to its popularity. The Allahabad High Court citing *Brahma Prakash Sharma* (1953) did not find Justice Beg guilty of contempt.

Former Law Minister of India, P. Shiv Shankar, referring to landmark judgments of the Supreme Court, said once: "Mahadhapais like Keshavananda and Zamindars like Gokhale navedh a sympathetic cour-

nowhere in the whole country except the Supreme Court of India. And the bank magnates... got higher compensation by the intervention of the Supreme Court in Cooper's case." He also said: "Antisocial elements i.e. FERA violators, bride burners and a whole horde of reactionaries have found their heaven in the Supreme Court."

Speaking for the Supreme Court in 1988, Justice Sabyasachi Mukherjee found that these statements did not impugn the administrative facts of justice. He only opined that the language could have been milder given the Minister's own legal background. He also said: "If antisocial elements and criminals have benefited by decisions of the Supreme Court, the fault rests with the laws and the loopholes in the legislation. The Courts are not deterred by such criticisms."

Truth is also a defence in matters of criminal contempt if it is bona fide and made in public interest, as held by the Supreme Court in *Indirect Tax Practitioners' Association v. R.K. Jain* (2010).

However, all these precedents did not come to the aid of activist Arundhati Roy when the Supreme Court found her guilty of contempt. A petition was filed against Ms. Roy, which was dismissed by the apex court. However, it was Ms. Roy's reply to the petition which was held to be in contempt. In that, Ms. Roy had admonished the Supreme Court for acting with undue haste in a frivolous petition and attributed it to her strong critique of the apex court's decision in the *Sardar Sarovar Dam* case. The Supreme Court held that a statement that the Court willingly issued notice on an unsubstantiated petition affected the reputation and credibility of the Court before the public and therefore found Ms. Roy guilty of contempt.

The above cases show that whether a comment would constitute criminal contempt or not depends entirely on the facts and circumstances of each case. In conclusion, tweets or remarks by conscientious citizens certainly do not affect the dignity of the Indian judiciary to quote Lord Denning "that must rest on surer foundations".

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Failing to rise up to challenges

Kerala faces the risk of losing its gains in human development and life standards



RAMESH CHENNITHALA

Caught between a surging COVID-19 pandemic and recurring natural calamities, Kerala is at a crossroads and facing the risk of losing its gains in human development and life standards. The exportations from the State whose remittances drive the State's economy are returning en masse, raising serious questions about the future of Kerala's economy. The agricultural and industrial sectors, which were on a decline over the years, have been hit further. The tourism industry, the biggest contributor to the State's GDP, is the worst hit.

Pandemic and natural disasters

Kerala was the first State to report a COVID-19 case in India. Sadly, it was also the first State to have officially announced community transmission of COVID-19 cases. As early as March, we had cautioned the LDF government not to treat the pandemic like the Nipah virus outbreak and come up with a mix of containment and mitigation strategies. However, the government went ahead with extreme containment measures alone. Though this contained the virus for a small period of time, it wreaked havoc on the State's economy. The treatment of a public health hazard as a public relations exercise also created a false sense of security among the people. The poor emphasis on mitigation measures led to non-discovery of hidden cases and led to a second surge of cases in June. Now, Kerala is witnessing over 1,000 cases per day and some coastal villages are seeing community transmission.

To tackle the situation, Kerala needs to ramp up its daily testing capacity to 75,000 tests a day. Mass testing in public places like markets and retail shops needs to be initiated and proper surveillance strategies are required to identify the super spreaders early. Further, mild and asymptomatic patients need to be identified and private hospitals need to be roped in as quickly as possible.

It is ironic that this government is approaching a healthcare crisis as a law and order problem. The government needs to withdraw its order of roping in the police for COVID-19 containment immediately and instead use professional healthcare workers for the same. COVID-19 cases need to be dealt with in a humane manner and not with an iron fist.

From the Ockhi cyclone in 2017 to catastrophic floods in 2018 and 2019, Kerala has been facing the brunt of natural calamities that are killing many and destroying property worth thousands of crores of rupees. The catastrophe continues this year too. About 10 days ago, landslides occurred in Pettimudi near Munnar. The death toll has increased to more than 50. It is unfortunate that the Rebuild Kerala Initiative, set up to address these issues, is a non-starter.

With the State seeing high rainfall in the last few years, the situation has aggravated further. That may have destabilised various areas that were not vulnerable previously. What Kerala requires now is an immediate blueprint on environmental land management and a landslide-prone areas in environmentally vulnerable areas. These need to be reviewed immediately.

Identifying the risk-prone areas of the State, ensuring that there is constant monitoring during the monsoon season, giving proper advisories to those living in risk-prone areas and ensuring their eviction during the initial signs of the calamity are also immediately required.

Not a model of governance

There are other problems too. For the first time in history, the National Investigation Agency has entered the State Secretariat with regard to a gold smuggling case. The Sprinkler controversy, where a U.S.-based firm was given the right to collect data of citizens without consent, left even the CPI(M) speechless. A communist Chief Minister took the bell at the London Stock Exchange for purchasing Masala bonds and the precarious dependence on foreign consular services have also put the Left ideology in the dock.

The backdoor appointments, including of a prime accused in the gold smuggling case; complaints of plagiarism to rampant malpractices during the COVID-19 pandemic; Commission (PSC) exams; and periodic expiry of PSC lists without appointments being made have even put the credibility of constitutional bodies at stake.

This government has also failed in bringing any big-ticket investments or projects to the State.

To summarise, a government which was touted as a model of federal governance has left the citizens of the State in search of better alternatives.

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In Bihar, a balancing act

The LJP needs to know when to stop with its demands and when to make some concessions

SANJAY KUMAR & NEEL MADHAV

With the Bihar Assembly election scheduled for October, political parties are busy staking claim for a greater share of seats within their own alliances. While the Congress has made it clear that it will enter into an alliance only if offered an "honourable" number of seats, the Janata Dal (United), reacting to attacks by Lok Janshakti Party (LJP) President Chirag Paswan on Chief Minister Nitish Kumar, has said its alliance is with the Bharatiya Janata Party (BJP).

A greater share of seats

Do Mr. Paswan's repeated attacks on Mr. Kumar signal a possible change in alliance in Bihar? Given the fact that the LJP's unwise wish, Mr. Kumar is not on any ideological or policy issue, the strategy seems to be to demand a larger share of seats. The LJP has six members in the Lok Sabha and its leader, Ram Vilas Paswan, holds a ministerial post, but in the State Assembly, the party has only two MLAs, so it is in a very poor bargaining position for seats. While it is fine for parties to devise bargaining strategies, like the LJP is doing, they also need to be mindful of how far they can stretch their demands. In the past, whenever the LJP went overboard in its demands, it suffered. Chirag Paswan has been very critical of Mr. Kumar over the last few months. He created ripples when he said that the BJP would decide who the face of the coalition will be. The JD(U) reacted sharply to this saying that the National Democratic Alliance (NDA)'s top leadership had already decided that the Assembly election would be fought under Mr. Kumar's leadership. Chirag Paswan also went to the extent of saying that the LJP is prepared to contest all 243 Assembly seats alone. While one cannot rule out the fact that he has his personal ambitions, Mr. Paswan's aggressive posturing shows an attempt to have multiple gains. Knowing well that being inexperienced, he may not be chosen to replace Ram Vilas Paswan in the Union Cabinet once the latter retires, Mr. Paswan wants to stake claim to a greater share in State politics. Demanding a substantial number of seats is the first step towards that.

There is another reason for his attacks on Mr. Kumar. The LJP contested the 2015 Assembly election in alliance with the BJP in 42 seats. It managed to get a sizeable number of seats as the JD(U) was in alliance with the Rashtriya Janata Dal and the Congress. Now, with the JD(U) back in the NDA, the LJP is likely to get far fewer seats compared to the previous election. What makes the LJP's claim even weaker is the strength of the JD(U) current Bihar Assembly, whereas the JD(U) had won 71 seats and the BJP 53.

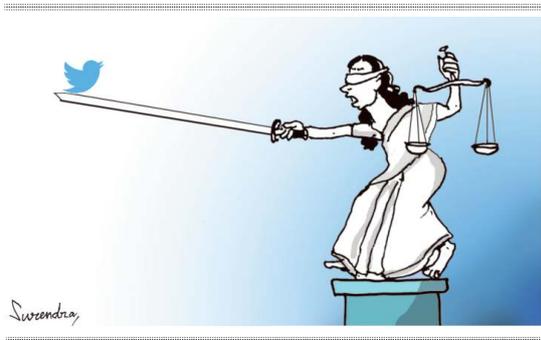
Mr. Paswan would be mindful of how the party suffered a severe setback during the October 2005 Assembly election. In the February 2005 Assembly election, the LJP won 29 seats but refused to extend support to anyone or join any coalition to form the government. Thus a hung assembly forced the State to go to polls again in October, in which the LJP won only 10 seats. The tough posturing of Ram Vilas Paswan in February 2005 did not pay any dividends. The party would need to be careful in this balancing act of making demands and making concessions.

Importance in the State

In spite of its poor presence in the current Assembly, the LJP still enjoys some bargaining power as it has a reasonable support base across the State. The BJP and the JD(U) are not able to win a large number of seats on its own, but the party's popularity amongst Dalit voters in general and among the Paswans in particular (NDA)'s top leadership had already decided that the Assembly election would be fought under Mr. Kumar's leadership. Chirag Paswan also went to the extent of saying that the LJP is prepared to contest all 243 Assembly seats alone. While one cannot rule out the fact that he has his personal ambitions, Mr. Paswan's aggressive posturing shows an attempt to have multiple gains. Knowing well that being inexperienced, he may not be chosen to replace Ram Vilas Paswan in the Union Cabinet once the latter retires, Mr. Paswan wants to stake claim to a greater share in State politics. Demanding a substantial number of seats is the first step towards that.

Knowing well the importance of the LJP in the Bihar election, Congress leaders invited the LJP to join their alliance. Mr. Paswan has time and again talked about his ambition to become Chief Minister. The question is, will Tejashwi Yadav and leaders of the UPA alliance be ready for this?

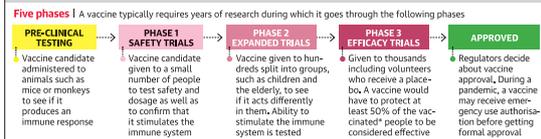
Sanjay Kumar is a Professor at Centre for the Study of Developing Societies (CSDS), Delhi, and Neel Madhav, a student of Journalism at the University of Delhi, is associated with Lokniti, a research programme of CSDS. Views are personal.



DATA POINT

Racing against the clock

More than 165 COVID-19 vaccine candidates are at various stages of development. About 20 of them have progressed to human trials. The number of candidates and the speed at which the trials are progressing are unprecedented. Two candidates from India are in phase 2 trials while one each from Russia and China were approved by respective nations for limited use



At various stages | The graph shows the split of vaccine candidates in various phases of trials. For instance, 135 candidates are in the pre-clinical testing phase

PRE-CLINICAL TESTING - 135
One such candidate by the University of Pittsburgh, called PIV005, is a skin patch tinged with 400 tiny needles made of sugar. When placed on the skin, the needles dissolve and deliver virus proteins into the body

PHASE 1 SAFETY TRIALS - 20
One candidate by an American firm is a DNA-based vaccine, which is delivered into the skin with electric pulses from a handheld device

PHASE 3 EFFICACY TRIALS - 8
One such candidate developed by Oxford University and AstraZeneca is based on a chimpanzee adenovirus called ChAdOx1. Another is developed by Moderna, a U.S.-based biotechnology company

Disease	Total vaccine candidates	Study start date
COVID-19	165	2020
Malaria	73	2007
Typhoid	68	2008
TB	62	2007
Dengue	35	2010
Ebola	65	2003
Pneumococcal Infection	15	1995
Zika	16	2016

SOURCE: THE NEW YORK TIMES, WHO, FDA

The Hindu

FROM THE ARCHIVES

FIFTY YEARS AGO AUGUST 18, 1970

Rounding up the naxalites

The Calcutta police seems to be slowly getting the measure of the naxalites and has arrested quite a few leaders of the movement in the city. Equally important has been the fact that the naxalite student terrorists are often meeting with strong opposition in the schools and colleges which they try to raid. There have been a number of clashes with rival organisations and some of the more serious ones have been with members of the Communist Party (Marxist). This is not surprising since the naxalites are a breakaway group from the C.P. (M) and the Public Service Commission (PSC) exams; and periodic expiry of PSC lists without appointments being made have even put the credibility of constitutional bodies at stake. This government has also failed in bringing any big-ticket investments or projects to the State. To summarise, a government which was touted as a model of federal governance has left the citizens of the State in search of better alternatives.

A HUNDRED YEARS AGO AUGUST 18, 1920

Memorial by Anglo-Indians

(From an editorial)

A memorial signed by about 30 Anglo-Indians, ladies and gentlemen, has been forwarded to the Secretary of State for India and H.E. the Viceroy emphatically protesting against the "serious and retrograde" steps being taken in certain European and Eurasian schools within and outside the city of Madras to abolish the vernacular in the curriculum of studies. The memorialists are of opinion that the proposed change in the curriculum took no account of the practical aspects of education as moulded by local conditions and the utility and importance of a working knowledge of the local vernacular in the case of a domiciled community. Apart from the utility of the knowledge of the vernaculars, their importance and value in service is a matter of common recognition. That Government should insist on the passing of vernacular test examinations in the case of I.C.S. men and other officers is a clear indication of their views in the matter.

The
Hindustan Times
ESTABLISHED IN 1924

Hold Facebook accountable

Treat it as a media company, and enforce the rule of law

According to an investigative report in *The Wall Street Journal*, Facebook in India has been complicit in enabling hate speech. Despite employees of the company repeatedly flagging posts by a set of Bharatiya Janata Party (BJP) leaders and activists, which would fall within the social media publisher's own definition of speech inciting violence and promoting enmity between communities, Facebook took no action. This was, according to the same news report, largely because the public policy head of the company argued that taking action would antagonise the government and the ruling party. By encouraging polarising and violent content, in an already fragile social context, Facebook chose political expediency and commercial gains at the cost of law and ethics.

This newspaper has consistently argued that large digital media companies — particularly Facebook and WhatsApp (which is owned by Facebook) — not only threaten the current media ecosystem in India, but also pose a serious danger to Indian democracy. They provide a platform for fake news that has misled citizens and created information asymmetry; they turn a blind eye to hateful content, which has translated into violence, lynching and vigilantism; they create an uneven playing field which can affect democratic choices; they take money and promote targeted content which can skew voting behaviour and elections; and with their predatory commercial practices, they threaten other sources of genuine news and information. While some argue that these companies have deepened democracy and enabled more citizens to participate in everyday discourse, this does not hold true anymore, for Facebook's practices have eroded the quality of democracy, not just in India, but elsewhere in the world too.

And that is why the parliamentary standing committee on information technology, led by Shashi Tharoor, is right in taking up the issue and calling Facebook for an explanation. What is now needed is a clear regulatory and policy approach that treats Facebook as a media company. The current instance shows that it is not a neutral platform, as apologists claim, but a social media publisher which exercises editorial choices on content. And as a media company, Facebook must fulfill all the legal, regulatory, commercial, and ethical obligations that come with being a publisher. India has been increasingly alert to the dangers of Chinese technological companies for its national security. It is time to be alert to global digital behemoths which pose an equal danger to democracy, freedom and social peace — all under the guise of just being a platform.

Joe Biden reassures India

His early interventions show India has no reason to worry even if power shifts

Offering clues about his broader worldview, the Democratic presidential candidate, Joe Biden, has spoken glowingly about India. But Mr Biden also made one or two critical comments about the Narendra Modi government's policies, for instance on Kashmir. All of this had led to much debate in India — most of which reads too much into far too little.

A United States (US) presidential candidate will make comments to please different voter and funding groups. These comments will sound contradictory because, at this point, they are far from having a well-thought-out foreign policy programme. A non-incumbent candidate will be particularly prone to have little or no view on what are marginal issues that do not affect US voters. This US election is unusually dominated by domestic issues, with a sprinkling of concern about China. All else is immaterial.

What matters is how much the core foreign policy views of the candidates differ from the mainstream. And this is where Mr Biden's comments are reassuring. He sees China as the primary strategic challenge of the US, making India geopolitically vital. He puts climate and terrorism as overriding global concerns, which resonates with New Delhi. On immigration and trade, he promises to be more generous than President Donald Trump. His foreign policy aides have indicated differences with India will be left to the diplomats to resolve. In other words, the drivers of the US-India relationship are shared by both candidates and India has little to worry about if a new administration comes to power.

The importance of Kamala Harris

The Democrats are banking on energising Blacks and women, without alienating White voters



AMIT AHUJA

Kamala Devi Harris, a Black-identifying woman of Indian heritage, has been picked as the vice-presidential candidate for the Democratic Party. African-Americans form only 12% and Indian-Americans under one per cent of the electorate. Overwhelming majorities of both groups already support the Democrats. Historically, three women have appeared on the presidential ticket before Harris. All of them have lost. So, then, why did Joe Biden pick Harris as his running mate in what many are calling the most crucial election in American history?

In diverse democracies such as America and India, identity-based fault lines often organise politics. We know that for a political party, having a voter base is not enough; whether it shows up to vote is what counts. Harris' selection will preserve the Democratic Party's support among Blacks and women — two groups that have been organised by the Black Lives Matter (BLM) and the women's movements, and boost their turnout in the November election.

Born to a Jamaican father and an Indian mother, Harris and her sister were raised as Black. She attended a prestigious historically Black college, Howard University, in Washington, DC. Blacks may be 12% of the electorate, but they contribute 25% of the Democratic Party's vote share. This should

give the group leverage with the party, but it does not. Republicans do not compete for their vote and the Blacks are stuck with the Democrats. In 2016, nine out of 10 Black voters voted the Democratic Party ticket. So, Blacks, as a one-party constituency in a two-party system, get sidelined. Brutalised by police violence and devastated by the pandemic, the African-American voters are hurt. They are tired of being taken for granted. The BLM movement was propelled by this injustice. These disappointed voters can punish the Democratic Party for its neglect by not showing up to vote. The 2016 presidential election signalled the Black disaffection; turnout of the group fell by 7% from the 2012 election. Black turnout is critical for winning in swing states such as Pennsylvania, Wisconsin, Michigan, and Florida. Trump won all four states in 2016. Biden and the Democratic Party have received this message. They are hoping that the presence of Harris, a strong and charismatic Black candidate, on the ticket will improve turnout among Black voters.

Seven out of 10 American voters are White, and Harris' nomination will allay old fear in American politics that by reaching out to Black voters, the Democratic Party will alienate White voters. A distinguishing feature of Harris' biography has been her embrace of her multiple identities, including her immigrant identity.

She has cut her teeth in the Democratic Party in California, America's most populous state, which is only 5.8% Black. To succeed, she had to lean on her multiple identities to amplify her appeal beyond Blacks. In California, she was able to build support among the White and Hispanic com-



Indians and Indian-Americans are rightly proud of Kamala Harris. But she's not on the ticket for her Indian heritage

munities, skills which should help her broaden her appeal at the national level. While race drives voter choices, gender doesn't have a similar hold on voter behaviour. In 2016, for example, White women voted for Donald Trump (47%) over Hillary Clinton (45%) by a small margin; a starting outcome given Clinton was the first female candidate, who also happened to be white, and Trump's blatant misogyny.

Harris' political, competent, and walks into the nomination with the necessary experience. These attributes do not protect her from the conscious and unconscious biases against female candidates in the electorate and the media. The prejudice is only harsher against women of colour. President Trump has already yelled out the longstanding trope of the angry Black woman against the senator, calling her nasty, mad, vicious and mean.

Angered by Trump's insults and the stories emerging from the Me Too movement, women have been mobilising since 2016. Biden and the Democratic Party are betting on this historic moment in which women and people of colour are energised against Trump. Biden already holds a lead of 25 points over Trump among potential women voters and he hopes to further bolster it after picking Harris.

While Harris' race and gender have received attention, her skin tone has not. Although her complexion may not have explicitly mattered for her nomination, implicit impulses may explain her ascent. Harris identifies as Black and phenotypically appears Black. She places on the lighter side of the skin colour spectrum among Blacks, though. Research on electoral effects of candidate skin tone suggests that the lightness of her skin tone enhances her electoral appeal. Studies find white skin colour does not predict who runs for office among African-Americans. It does impact which candidates win elections. Implicit bias against dark skin tone makes it more likely for lighter-skinned candidates to win than their darker-skinned counterparts.

Indian-Americans are a minuscule part of the electorate, few reside in swing states, and like other recent immigrants, their turnout is low. Indian-Americans and Indians are rightly proud of Harris. Her election to office in November would mark a substantial achievement for a person with Indian roots. Still, it is important to remember that Harris is not on the ticket for her Indian heritage. There are other parts of her identity, not to mention her competence that are responsible for her selection.

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NEP 2020 is silent on the contract teacher system

The system erodes the quality of education, affects motivation, and goes against the spirit of the Constitution



VIMALA RAMACHANDRAN

The draft National Education Policy (NEP) of 2019 made an unequivocal statement on the discontinuation of the unequal system of contract teachers/para-teachers at all levels, from primary right up to colleges and universities. It recognised the need to relieve teachers of non-educational duties, facilitate vibrant professional communities and give more autonomy in the classroom. It recognised that none of the ideas discussed in the draft policy would be possible without a roadmap to transform the way teachers are positioned in the system.

And the first step towards restoring the status of teachers was to ensure that all of them had the same service conditions, regarding pay, in-service teacher training, transfers and other benefits. Unfortunately, NEP 2019 does not make any unequivocal statement on discontinuing the practice of hiring contract teachers. It starts with a recognition that "the teacher must be at the centre of the fundamental reforms in the education system... (i) must re-establish teachers, at all levels, as the most respected and essential members of our society... (ii) must help recruit the very best and brightest to enter the teaching profession at all levels, by ensuring respect, dignity, and autonomy... (iii) recognises teachers "as the heart of the learning process", and thus, the need for "recruitment, continuous professional development, positive working environment and service conditions". The words recruitment and service conditions are neither explained nor qualified — leaving it open to multiple interpretations.

While discussing foundational literacy and numeracy as being a core objective of the new policy, NEP 2019 states: "Teacher vacancies will be filled at the earliest, in a time-bound manner — especially in disadvantaged areas and areas with large pupil-to-teacher ratios or high rates of illiteracy. Special attention will be given to employing local teachers or those with familiarity with local languages... Teachers will be trained, encouraged and supported with continuous professional development — to impart foundational literacy and numeracy". This is the uncomfortable part — what with basic qualifications and salaries of local teachers? Who will hire them? The schools or school complexes? Will they be paid a fraction of what regular teachers get and work on short-term contracts?

After discussing foundational learning, holistic development of learners, experiential learning, flexible course choices, multilingualism, new ways of assessment and related ideas, the policy document discusses teachers in sections 5 (page 96). This is where the policy marks a departure from the draft NEP of 2019. No one can disagree with the

opening statement in Section 5 about the need for "recruitment, continuous professional development, positive working environment and culture of schools... to maximise the ability of teachers to do their jobs effectively, and to ensure that they are part of vibrant, caring, and inclusive community of teachers... should be supported".

But the policy is notable for its silence on equal service conditions for all teachers. The idea of locally recruited teachers, without clarifying their service conditions, is worrisome. The practice of hiring contract teachers/para-teachers began in the mid-1980s without any policy-level approval in the 1986 policy. Why is this issue important? The total number of contract teachers was about 600,000 in 2017-18, according to the Unified District Information System for Education. Across India, in percentage terms, 12.7% of teachers are hired on contract today, with 13.8% being in the primary sector and 8.4% in secondary. States with an enrolment of 90 or less, as enrolment goes up, the presence of contract teachers decreases. In 2017-18, 68,445 schools functioned exclusively with contract teachers. During the lockdown, many states have not paid the contract teachers. We can only imagine the adverse impact on small schools and those that have only contract teachers.

Teachers argue that hiring teachers on contract is a blow to the profession. They also point out that the dual system (different pay for equal work) goes against the spirit of the constitutional guarantee of equal pay for equal work. Evidence from several countries reveals that short-term contractual appointments have a negative effect on the motivation and social status of teachers. Contract teachers are typically posted in the most disadvantaged or poor areas and poorly resourced schools.

Regular teachers get postings in well-connected, big schools. As a result, small schools have more contract teachers, many with basic qualifications and almost no in-service training opportunities. This unequal system needs to be set right by addressing by accepting the recommendation made in the 2019 draft NEP of discontinuing the practice of contractual appointment of school teachers and teachers in colleges and universities.

Vimala Ramachandran is an educational researcher and retired professor of teacher management, National Institute of Educational Research and Administration. The views expressed are personal.

How the Supreme Court let down poor workers during the pandemic

By effectively insulating employers from paying wages to workers, it has reinforced an unequal power dynamic



GAUTAM BHATIA

The coronavirus pandemic — and the measures taken by the central and state governments to contain it over the last five months — has led to widespread disruption across the country. A substantial part of all teachers, who are disproportionately affected, vulnerable and marginalised people, those unable to work from home, and so on. As we have seen, migrant workers have been particularly affected. The closure of shops, establishments, and industries, in accordance with the lockdown, led to large-scale migration, as workers were left with no source of daily wages to sustain themselves in the cities where they worked.

Needless to say, on March 28, the National Executive Committee, acting under the Disaster Management Act (DMA), issued an order requiring all employers to pay wages to their workers, on the due date and without any deduction, for the period that they had been under closure. The measure was an important one, as it sought to provide a source of basic financial support to workers, at a time at which they had been deprived of their source of livelihood. The order was subsequently withdrawn in May, and so — effectively — what it required was the payment of wages for a period of 54 days, by employers to their workers.

This order, however, was challenged before the Supreme Court (SC). It was argued, among other things, that DMA did not give to the government the power to mandate payment of wages, and that, in any event, it impinged upon the rights of the employers. The apex court was, therefore, asked to adjudicate upon whether the government had acted legally, and whether its direction for the payment of wages was valid.

Unfortunately, however, SC passed a series of orders that effectively decided in favour of the employers, and against the workers, but without explicitly doing so. First, it, for all practical purposes, stayed the direction by ordering that no coercive action could be taken against employers for failing to comply with the government's directions. It then took more than a month — and multiple hearings — to hear the case, even as the pandemic and lockdown were in progress, and the issue — involving the payment of wages to people who are compelled to live paycheck to paycheck — was an urgent one.

And finally, in an order on June 12, it adjourned the case to the "end of July", and directed the employers and workers to "negotiate" with each other, even as it extended its order insulating employers



The Court was asked to adjudicate on whether the State had acted legally, and whether its direction for the payment of wages was valid

from any coercive action for non-compliance with the government's directions. Needless to say, the case has not been heard after that.

The apex court's orders are unfortunate, as they effectively left workers in the lurch. On the one hand, SC has not yet found the payment of wages direction to be illegal or unconstitutional. Consequently, it remains in force, and is presumably valid. On the other hand, however, SC had prevented its enforcement, thus rendering it toothless, and a mere scrap of paper on the statute book.

The consequence of this has been that the class of people directly affected by the order are precisely those for whom non-payment of wages is — quite literally — an existential issue. The large-scale migration (and the suffering that this has unleashed), predominantly caused by the closure of industry and the absence of livelihood options for workers who are already existing in an extremely precarious economic situation, bears clear testimony to that.

Critically, the court's order to the employers and workers to "negotiate" is a particularly unkind one. The very reason for the payment of wages direction, in the first place, was the correct assessment that in India, employers and workers exist in a highly unequal relationship.

An "open negotiation" between the (relatively) powerful and the powerless is negotiation at all. Thus, staying the payment of wages and ordering negotiation is not any kind of balance. It has completely skewed the field in favour of the employers, without any judicial finding that the payment of wages direction itself was illegal.

As the end of August approaches, one hopes that the case will be taken up expeditiously by the Court, and resolved in clear terms.

Gautam Bhatia is a Delhi-based advocate. The views expressed are personal.



THE AGE DIVIDE IN INDIAN POLITICS

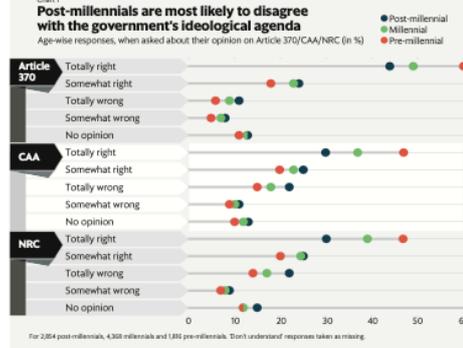
The growing reach of digital and social media, and rising assertiveness of the youth are changing the way a new generation approaches political issues

Rahul Verma & Anika Barthwal
NEW DELHI

For long, India's political parties and their leaders searched for the elusive youth vote without success. Young Indians were less likely to turn out at polling booths and were no more likely to favour one political formation over the other. Political analysts concluded that age is not a dividing line in Indian politics. More than age, caste, class, region and religion shape how young Indians engage in the electoral arena, conventional wisdom held. This changed with the arrival of Narendra Modi on the political centre stage. In 2014, the younger voters (18-25 years) was higher than the rest and this segment overwhelmingly voted for the Bharatiya Janata Party (BJP), post-poll surveys suggest. Data from the 2019 elections indicates a similar trend. As the median age of the Indian voter falls in the coming years, the importance of the vote of the youth will only increase. The age divide in political views is sharpening, with the post-millennial generation aged 23 or below appearing to chart a different path than older age groups. **Chart 1**, suggests data from the YouGov-Mint-CPR Millennial survey.

Post-millennials or Gen Z were most critical of government action on some of the contentious issues, such as the Citizenship (Amendment) Act (CAA) and the abrogation of Article 370, the survey shows. This trend holds across different geographies. Young respondents from tier II and tier III towns and cities are closer in their opinions to younger peers from the metros than to older people around them. Age may be acquiring a new salience in politics, the analysis shows. The YouGov-Mint-CPR Millennial Survey was conducted online between 12 March and 2 April across 184 towns and cities. The survey covered 10,005 respondents, of which 4,957 were millennials or Gen Z. The rest, 40-year-olds and above, have been classified as pre-millennials. Arguably, opinions about topical events could be considered fleeting and ill-suited to signal long-term implications. The age-wise differences in responses are, however, not just limited to current events. On the question of party identification as well, the youngest cohort of voters is least likely to identify with any party. This appears counter-intuitive when one recalls the wave of

MINT GRAPHITI

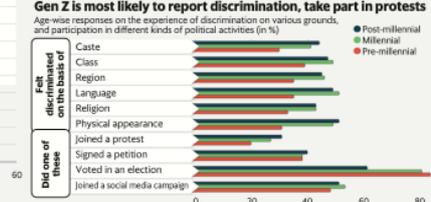
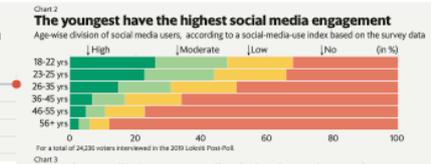


For 2,854 post-millennials, 4,308 millennials and 1,841 pre-millennials. Don't understand responses taken as average. Source: YouGov-Mint-CPR Millennial Survey (Mar-Apr 2020), Social Media & Political Behaviour, 2019 Report, Lokmitr-CSDS & KAS

young support that catapulted the BJP to power in 2014 and 2019 elections. The voting patterns from the Lokmitr-CSDS post-poll surveys shows that first-time voters are far more likely to vote for the BJP than any other party. In our view, the declining enthusiasm about the BJP's ideological agenda may not result in immediate and dramatic changes in voting patterns. However, it opens up a new cleavage in India's polity, with different age cohorts holding distinct political beliefs and opinions. This change is pregnant with many possibilities and could pose a

challenge to BJP's electoral dominance over the medium-run. What is the reason behind the recent divergence in political opinions across age groups? Two related factors may be driving this change. First is the ever-increasing reach of digital and social media. Estimates from a 2019 report by Kantar, a data consulting firm, suggest that half of the Indian population will have access to the internet in the next few months. Two-thirds of these users are less than 30 years old. The country also has the highest data usage per smartphone per month

globally, according to a June report by telecom giant Ericsson (see **Chart 2**). The Lokmitr-CSDS data presented in the accompanying chart suggests that young Indians are the most avid users of various social media platforms. Taken together with 24x7 media, this means an ever-ending news cycle for voters. The impact of the digital news explosion is likely to be felt more by a young audience that has not yet committed firmly to any particular political party or ideology and has little memory of previous governments. The current contention over Facebook action on



For 3,094 post-millennials, 4,656 millennials and 1,555 pre-millennials. ARIHANT BAZA HANUMANT

hate posts signals a growing recognition of the influence digital mediums wield in shaping political discourse in the country. The second catalyst of the growing assertiveness of the youth. We find that Gen Z is most likely to report discriminatory experiences they might have faced because of various identity markers such as caste, religion, region, language, and class. This does not imply an increase in discriminatory practices, but rather a greater self-confidence that recognizes such practices and does not condone them (see **Chart 3**).

The same assertiveness is visible in political actions. Gen Z is more active in online campaigns and protests than any other age group. This assertiveness suggests that the youngest age group is searching for a distinct political vision that is different from what older generations subscribed to. The surge in joblessness and anxieties in the post-pandemic world may only accentuate the generational divide. If the age cleavage in Indian politics sharpens, younger Indians could increasingly make entirely different choices than their older counter-

parts, in politics as well as in social and cultural life. The age divide in Indian politics would then, end up sharpening the ideological polarization in our society. The big question then would be whether India will begin to look like the US in the coming years, where a higher share of the old support the Republicans and many youth support the Democrats, and where friendships and romance rarely cross partisan lines. The authors are with the Centre for Policy Research (CPR), New Delhi feedback@ivemint.com

POLITICAL TWITTER DASHBOARD

Who are the most influential Indian political leaders on Twitter? How active were they last week? Most resonated with their followers the most? Presenting the Mint Political Dashboard of Twitter activity, which uses data extracted from the micro-blogging website to answer these questions for 20 most followed leaders across four categories in the political firmament.

Politician	Party	Most retweeted topic	Tweets and retweets	Followers (in million)
			Last week	Weekly change
MEMBERS OF PARLIAMENT—TREASURY				
NARENDRA MODI @narendramodi	BJP	Wishing Indians on Independence Day	73 7.4%	61.05 0.4%
AMIT SHAH @amitshah	BJP	Testing negative for covid-19	48 54.8%	22.22 0.7%
RAJNATH SINGH @rajnathsingh	BJP	PM Modi's address to the nation from Red Fort	88 319.0%	18.19 0.5%
SMRITI IRANI @smritiirani	BJP	PM Modi, wishing Indians on Independence Day	286 57.6%	11.26 0.2%
SUBRAMANIAN SWAMY @Swamy35	BJP	CBI enquiry in Sushant Singh Rajput's death	105 22.8%	9.59 0.6%
MEMBERS OF PARLIAMENT—OPPOSITION				
RAHUL GANDHI @RahulGandhi	INC	Death of poet-lyricist Rahat Indori	18 5.3%	15.61 0.6%
SHASHI THAROOR @ShashiTharoor	INC	Rahul Gandhi on corona curve not flattening	191 20.1%	7.65 0.1%
KAPIL SIBAL @KapilSibal	INC	Congress winning floor test in Rajasthan	5 68.8%	2.58 0.4%
SHARAD PAWAR @PawarSpeaks	NCP	Best wishes to M.S. Dhoni on his retirement	16 33.3%	1.88 0.5%
DEREK O'BRIEN @derekobrien	TMC	Asking PM Modi on RSS role in freedom struggle	52 16.1%	1.21 0.0%
CHIEF MINISTERS				
YOGI ADITYANATH @yogiadityanath	BJP	PM Modi's address to the nation from Red Fort	42 6.7%	10.97 1.0%
NITISH KUMAR @NitishKumar	JD(U)	Early recovery of ex-president Pranab Mukherjee	18 5.3%	5.91 0.3%
MAMATA BANERJEE @MamataOfficial	TMC	Anniversary of West Bengal scheme for girls	15 7.1%	4.62 0.4%
VIJAY RUPANI @vijayrupanibjp	BJP	PM Modi, wishing Indians on Independence Day	70 69.2%	2.74 0.4%
UDHAV THACKERAY @UdhavT1	SHS	State funeral for pilot killed in Kozhikode crash	-100.0%	-100.0%
PARTY CHIEFS				
ARVIND KEJRIWAL @ArvindKejriwal	AAP	M.S. Dhoni retiring from international cricket	41 0.0%	20.23 0.2%
AKHILESH YADAV @AkhileshYadav	SP	Remembering poet-lyricist Rahat Indori on his death	20 42.9%	12.35 0.3%
CHANDRABABU NAIDU @chc	TDP	Birthday wishes for actor Mahesh Babu	45 32.4%	4.75 0.2%
NAVEEN PATNAIK @Naveen_Odisha	BJD	M.S. Dhoni retiring from international cricket	21 27.6%	2.90 0.3%
KT RAMA RAO @KTRTRS	TRS	India needs to plant and preserve more trees	178 535.7%	2.50 0.4%

*Appears in multiple categories, included in most relevant role. Data for the week up to midnight of 16 August. Data compiled by HowindiaLives.com

JSY boosts child vaccination numbers

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MUMBAI

In 2005, the government rolled out the Janani Suraksha Yojana (JSY), a maternal health scheme for pregnant women to promote institutional deliveries. The aim was to reduce deaths among mothers and newborns. But the scheme has also given a boost to child vaccination, even though it was not a planned goal, new research shows. To assess the scheme's impact, researchers Prabal K. De and Lakshmi Timilsina use data from health and economic indicators, and vaccination rates from the 2004 and 2012 India Human Development Surveys. The study, whose first round covers

41,554 families in 384 districts, gives a pre-JSY and post-JSY comparison. The authors use the District-Level Health Surveys and Annual Survey to get data on cash transfers made under the scheme. The study collects information on three types of vaccines: BCG (against tuberculosis, Bacillus Calmette-Guérin), DPT (diphtheria, pertussis, tetanus), and measles. This is based on vaccination details from the last time each mother gave birth. The authors find that beneficiaries in districts with a higher coverage of JSY had a greater chance of also seeing their babies get each of the three vaccines. However, the likelihood was not as strong for the measles vaccine as it was for BCG and DPT.



Primarily meant to promote institutional deliveries, the scheme has also led to higher vaccination rates. PINKISHA PRASADHANT

A child in a JSY district was 4.4 percentage points more likely to get a BCG vaccine than a child in other districts. This difference was 4.8 percentage points for DPT and 2.5 percentage points for measles. The measles vaccine is administered nine months after birth. The authors also find links between socio-economic factors and the probability of getting vaccinated. For instance, parents' education levels raised the chances of babies being vaccinated, as did being a male child. Being poor reduced the chances. Also read: [Cash based maternal health interventions can improve childhood vaccination—Evidence from India \(bit.ly/2Y8mou4\)](https://www.bbc.com/health/international-stories-20190814).

NEWS IN NUMBERS

6,700 **What is it?** The number of people who have been arrested in Belarus since the presidential election on 9 August. **Why is it important?** The result, which gave 80.10% of the votes to incumbent president Alexander Lukashenko, has led to protests across the country. Tens of thousands of protesters took to the streets over the weekend demanding the resignation of Lukashenko, who has held on to power since 1994. He is also facing pressure from the rest of Europe to step down and possible sanctions from the EU. **Tell me more:** Sviatlana Tsikhanouskaya, who got 10.12% the votes according to official numbers, has said her vote share should have been in the range of 60-70%.

2 **What is it?** The number of world records set by Ugandan Joshua Cheptegei in 2020. **Why is it important?** In February, the 23-year-old runner finished the 5km road race in 12 minutes, 51 seconds, breaking the record of 13:22. Last week, he finished the 5,000m race in 12:35.36, almost two seconds faster than the record that had endured for 16 years. **Tell me more:** In December 2019, he had set a record in the 10km road race (26:38), but the timing was breached in January.

Data and text compiled by HowindiaLives www.howindialives.com is a search engine for public data

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OUR VIEW

MY VIEW | BARE TALK



Facebook's arbitrary approach can't go on

The social media platform is in the eye of a political storm over alleged violations of its own anti-hate norms. This episode underlines the need for state regulation of such online apps

Most social media ventures started off with lofty ambitions of catalysing conversations and deepening democracy, but have grown into self-directed arbiters of what can and cannot be said on their platforms. With so many users ready to spew hate and spread lies on the internet, intervention is plainly necessary. If an app's internal processes for this are bent in arbitrary and uneven ways, however, an uproar is sure to follow. And so it has in the case of Facebook, which finds itself in the eye of a political controversy over an alleged episode of its moderation norms being cast aside for the sake of its business interests in India. The allegations, which first appeared in a *Wall Street Journal* report, are serious enough for a parliamentary panel on information technology to take up for scrutiny. As reported, posts by a Bharatiya Janata Party (BJP) leader and three other "Hindu nationalist individuals and groups" were flagged by moderators for potentially "promoting or participating in violence", but then okayed at the instance of Facebook's top public policy officer in the country. If this is true, the case highlights the need for external regulation of social media.

For some time now, Facebook and other social media apps have tried to contain our rising alarm over their negative impact on social cohesion by claiming to have clamped down on false, hateful and other damaging posts. The latest scandal has revived suspicions of its filters being just a smokescreen, even as a war of words has broken out between the BJP and the opposition Congress. The latter has charged the ruling party with an attempt to use Facebook's two main platforms—WhatsApp

being the other—as political tools, while the BJP has accused its rival of similar efforts in the past. To be sure, this is usual fare in Indian politics. These social networks cannot fully be turned into instruments. WhatsApp alone has over 400 million users in India and their usage can be assumed to reflect the diversity of their views and preferences, by and large. Yet, the very fact that Facebook is increasingly being spoken of as an active player in our politics should make us sit up and worry. This is not an issue that can be left unaddressed.

Self-regulation was tried for advertising, but found to be untenable. If commercial messages now need to abide by a law framed by Parliament, the justification for regulating social media is even stronger. Examples abound of online violations of Section 153A, which outlaws enmity-stirring speech, under the Indian Penal Code. Complaints do get filed under this law, on occasion, but its existence has not served as an effective deterrent. In the US this June, several large advertisers had boycotted Facebook for what they saw as its reluctance to curb fake and incendiary content. This pressure tactic seems to have yielded only modest results there. In India, we need Parliament to lay down red lines for social media in accordance with our legal limits on what can be expressed. Our approach so far has blended liberal conceptions of free speech that permit dissent with pragmatic restrictions that are valid in our social context. This could guide our regulation of social media as well. In the interim, Facebook should publish its India-specific guidelines on moderation for public examination. The way it appears to have conducted itself here must not get a free pass. We can't let it behave like a law unto itself.

It might be time to rethink our inflation-targeting framework

The current regime seems neither suited to India's developmental needs nor as effective as claimed



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The first ever monetary policy committee (MPC) of the Reserve Bank of India (RBI) has held its last meeting. By and large, tributes have poured in for its believed role in reining in the rate of inflation in India. Simultaneously, given the recent spike in the rate of change in the consumer price index (CPI), analysts have reconciled themselves to RBI not cutting its policy rate till inflation falls. This shows the stranglehold of inflation targeting (IT) on our policy framework and mindsets. Both are unhealthy for India.

Let us be clear. Price stability matters. More precisely, a stable trend in the rate of inflation matters. High inflation acts as a tax on the poor. However, in practice, to assess its impact on them, we need the basket of goods and services from which it is calculated to be aligned with the basket of what they consume. Further, there is considerable disagreement on what constitutes high inflation. There was no basis to the 2% rate that is supposedly targeted by central banks in developed countries.

As for developing countries, India in particular, there is enough empirical evidence to suggest that a 4% inflation rate is too low a target. After analysing 40 years of data up to 2000, Robert Pollin and Andong Zhu (*Inflation and Economic Growth: A Cross-Country Non-Linear Analysis*, 2005), concluded that there was no justification for inflation-

targeting policies as they were being practised throughout the world's middle- and low-income countries—that is, to maintain inflation within a band of 3-5%. Madhu Sahrawat and A.K. Giri (2015) found the threshold level of inflation (above which there is an adverse impact on economic growth) to be 6.75% for India, while Wiston Adrian Rizzo and Edgar J. Sanchez Carrera (2009) estimated it at 9% for Mexico. In theory, price stability is the best guarantor of medium- to long-term economic growth. But, as shown above, the threshold level at which inflation turns adverse for growth is not a settled issue, nor are the causes of inflation and the agency of the central bank in achieving price stability. If central banks were instrumental in bringing down the inflation rate in the developed world, then their abysmal failure in pushing it up, despite repeated and increasingly reckless attempts to do so, explodes the myth of their efficacy.

The inflation generating process (IGP) is poorly understood everywhere. The Bank for International Settlements (BIS) wrote in its *Annual Report 2015-16*: "Inflation is a highly imperfect gauge of sustainable economic expansions, as became evident pre-crisis. This would especially be expected in a highly globalized world in which competitive forces and technology have eroded the pricing power of both producers and labour and have made the wage-price spirals of the past much less likely." In this explanation, the BIS almost lays out its theory of inflation. Wages matter a lot more than central bank mandates do. Indeed, that is why inflation targeting is a political economy project.

For developing countries like India, food prices are an important part of the IGP. In the "Technical Issues" that accompany the annual Article IV economic assessment of a country, the International Monetary Fund, in March 2015 (*India's Food Inflation: Causes and Consequences*), has documented and quantified the role played by rising food

prices in generating inflation in India. During the term of the country's first MPC, food inflation was rather well behaved. In the calendar years 2016 to 2019, food price inflation averaged 5.2%, 1.2%, 1.3% and 3.73%, respectively. This is due, in no small measure, to the moderate increases in minimum support prices that the previous National Democratic Alliance government had announced over the first three to four years of its rule.

The inflation expectations of Indian households have closely tracked the trajectory of food price inflation, and attributing it to the formation and functioning of the MPC is a case of confusing correlation with causation, as Barry Eichengreen and his co-authors do in a recent paper. This is so even in New Zealand, the first country in the modern era to target inflation (*Inflation Targeting Does Not Anchor Inflation Expectations: Evidence from Firms in New Zealand*, Brookings Papers on Economic Activity, Fall 2015).

In 2015, I had written in favour of India's inflation targeting framework in the light of the experience of persistent double-digit inflation up till 2014. Now, we have evidence of its performance for four years. In those four years, the MPC had disregarded the impact of food inflation on the overall inflation performance, and relied on its own inflation forecasts, causing it to keep monetary policy too tight in 2017 and 2018. In the process, it ignored financial stability and the growth implications of the collapse of IIFPS, and thus contributed, in part, to the recent growth outcomes in 2018 and in 2019.

On balance, a case can be made that India has been a precocious inflation targeter. The country may have sacrificed financial stability and economic growth in the process. So India may need to re-examine the appropriateness of the IT framework for its development needs and, failing that, at least revisit its target rate and range.

These are the author's personal views.

10 YEARS AGO



JUST A THOUGHT

The first panacea for a mismanaged nation is inflation of the currency; the second is war. Both bring a temporary prosperity; both bring a permanent ruin. But both are the refuge of political and economic opportunists.

ERNEST HEMINGWAY

MY VIEW | THE IMPARTIAL SPECTATOR

A people's court must be open to public accountability

SHRUTI RAJAGOPALAN



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The Supreme Court's recent contempt judgment against Prashant Bhaswan has again raised the question of what is considered legitimate criticism of India's higher judiciary. But first, we must define the identity of the higher judiciary, and its new relationship with the public. The Supreme Court has evolved the judicial appointment system and enlarged its public interest litigation (PIL) jurisdiction well beyond its original constitutional mandate, effectively converting itself into a people's court. This new identity requires new rules of accountability, criticism and feedback, to ensure checks and balances.

At the birth of the republic in 1950, the role of the Supreme Court mainly focused on disputes between state and Union governments and defining the relationship between the citizen and the state, achieved mainly by setting clear boundaries to define what a democratically elected government can and cannot do. From 1950 until the Emergency, the Supreme Court largely

stuck to this mandate, though it was attacked as an elitist institution not in touch with preferences of the public. But after Indira Gandhi's authoritarian rule during the Emergency and the related irregularities in judicial appointments, the Supreme Court went through a fundamental transformation on two accounts—judicial populism and judicial appointments.

In an effort to fend off the elitist attack, Indian courts embraced activism, mostly expressed by citizens, by expanding PIL jurisdiction. Legal scholar Anuj Bhuvanika has chronicled long-running and procedurally-fluid PILs on slum demolitions and industrial pollution. In the process, the Supreme Court played a governance role by issuing mandamus writs to executive authorities. These cases didn't follow the standard format of petitioner versus a defendant, because the function was not dispute resolution. Nor did these cases have judgements. Instead, the court issued a series of orders to the relevant executive authority and then monitored compliance. The court has set aside two days a week just to admit and hear such cases.

A writ petition filed by M.C. Mehta (No. 13029) in 1985 seeking directions for regulation of air pollution in Delhi is still pending.

In its 1991 order, the Supreme Court said, "This writ petition shall be deemed to be pending for the purpose of monitoring." Most recently, listed on 11 August 2020, the court took up the *Smog Towers Report No. 106* submitted by the Environmental Pollution Prevention and Control Authority, a body set up under its directions in 1998. That this case has gone on for 35 years is not due to a judicial delay, but because of constant judicial monitoring and supervision of executive action. According to the judiciary, democratically elected governments have shirked their responsibilities, and PIL jurisdiction attempts to solve this governance problem.

To resolve disputes between governments and define the relationship between the citizen and state, the judiciary must be independent. It requires the executive to follow the rules and procedures on appointments and transfers laid down in the Constitution. But, due to interference during the Emergency, the Supreme Court evolved new rules for the

appointment of judges, different from those originally under the Constitution, to eliminate executive interference. In 1993, in *The Second Judges Case*, the Supreme Court established a new method of appointing judges, under which candidate recommendations made by a collegium comprising the Chief Justice of India and the senior-most judges of the apex court became binding. In 1998, in *The Third Judges Case*, the Supreme Court clarified that this collegium shall comprise the Chief Justice of India and his four senior-most colleagues for Supreme Court appointments and his two senior-most colleagues for high court appointments.

These cases governed the system of judicial appointments until 2014, when Parliament passed the Constitution (Ninety-Ninth) Amendment Act, 2014, accompanied by the National Judicial Appointments Commission Act, 2014 (NJAC Act) to end the trend of a self-appointing judiciary and ensure that appointments were made by the executive

and judiciary together. In October 2015, the top court held both the constitutional amendment and the NJAC statute unconstitutional. In response, the government issued memoranda regarding the appointment of Supreme Court and high court judges, to clarify the procedure. While the judiciary continues to enjoy primacy, now the executive must again be included in the consultative process. The actual selection process is still not known to the public.

With the evolution of PILs, appointment procedures and jurisdiction over the years, India's constitutional architecture finds itself on shaky ground. For better or worse, the judiciary seems to have fashioned itself as a governance institution, though it is neither democratically elected nor appointed by a government that is, nor can details of the appointments of those who govern us be reviewed for accountability.

Such an institution demands a new set of checks and balances. A people's court will naturally receive feedback, if not criticism, from the very people it claims to govern. If the Indian judiciary wishes to remain a public governance institution, it must embrace some roles of public accountability that it has long enforced on other institutions of governance in the country.

A judiciary that sees a role for itself in governance should also be accountable to the governed

MY VIEW | A VISIBLE HAND

Let us reconsider the way that economic welfare is measured

Let's go beyond calculations of gross national output to take into account concerns of inclusive growth and climate impact



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Separated by a dozen years, the global financial crisis (GFC) of 2008 and the pandemic of 2020 have had a stereophonic economic impact on the world. Livelihoods, savings and discretionary spending have been threatened, especially reduced and lost. The impact on the real incomes of households around the world vary, dependent in part on governmental responses by way of relief and (livelihood) recovery. Inequality has inexorably risen in almost all countries.

The world is juggling these two crises amid the longer-term challenge of climate change. Already, in just the first half of 2020, we have seen climate change wreak havoc through hurricane Amphan in West Bengal, the hottest summer in six decades in the UK, a locust attack in Pakistan, and a longer season of wildfires in the western United States.

Let me begin with a confession. I come from a Hayekian persuasion in neo-classical economics. It is in the spirit of exploration and learning that I invite you to heterodox ideas in my columns. Since the mid 1940s, the preferred indicator for global prosperity has been growth in gross domestic product (GDP) and its close cousin GDP per capita. Noble laureate Simon Kuznets proposed the modern revival of GDP as a measure of the market value of all final goods and services produced during a specific time period. Kuznets presciently pointed out that "with quantitative measurement, especially, the definiteness of the result suggests, often misleadingly, a precision and simplicity in the outlines of the object measured". Even though Kuznets was careful to point out its limitations, it was adopted as the benchmark of growth and welfare at the Bretton Woods conference of 1944, and has remained so ever since.

In a world rendered even more unequal by the pandemic and one where extreme weather events threaten to make it worse, a new language of "prosperity" and "welfare" will have to be explored. Many alternate approaches have been proposed to measure "welfare" beyond mere "growth". The idea of gross national happiness (GNH) has remained a smart marketing slogan for Bhutan, even though it embeds interesting ideas of harmony with nature and other such "domains" of happiness. Some economists have asked the question whether "de-growth" may be a preferred state it can lead to greater welfare.

One promising conceptual approach has been the "doughnut" theory of economic welfare proposed by Oxford economist Kate Raworth. In Raworth's framework, the destination of economic welfare is reached when the goals of economic foundations are met without overshooting nine environmental ceilings. The inner ring of the doughnut represents the minimum social founda-



tions to be met, and the outer ring of the doughnut represents a boundary or ceiling on environmental impact. The idea is to leave no one behind in the "hole" of the doughnut. The social foundations that Raworth postulates are Maslowian ideals like food, clothing and shelter, combined with democratic one-like social equity, political voice, peace and justice. Environmental ceilings, in turn, refer to things like ocean acidification, climate change and biodiversity loss. Metaphorically, you might think of it as driving with a speed limit, both to reduce risk and optimize fuel usage.

Governments have been attempting to incorporate these elements in their policy goals. The idea of "inclusive growth" is an attempt to focus on social foundations at the same time as increasing the growth of GDP. A smart policy of emphasis or subsidy for solar power, for example, is an attempt to balance a country's energy sources with more environmentally favourable alternatives. However, the lesson from accelerating climate change and the pandemic is that this is not "far enough, fast enough".

In 2009, Tim Jackson wrote a pioneering report on *Prosperity without Growth* for the UK Sustainable Development Commission. Jackson says that "the conventional response to the common goal of growth is to call for 'decoupling': continued economic growth with continually declining material throughput". While the global economy has

achieved this to a degree, the decoupling refers to a situation where resource impacts decline relative to GDP in growth terms (that is, they grow slower). This is the case, for instance, with declining crude oil usage growth as a function of GDP growth. Jackson adds that "physical and mental health matter. Educational and democratic entitlements count. Trust, security and a sense of community are vital to social wellbeing". As we know from the pandemic, people suffer physically and mentally when these things are absent. Society itself is threatened when they decline.

The very word prosperity is made up of "pro" in Latin, meaning going well for, and "spere", in accordance with our expectations. A time of widespread pestilence reminds us that future notions of prosperity and welfare will need to embed inclusivity, equality and sustainability. Materialism, wanton consumption and untempered resource usage may have to be consigned to the rejection pile of history. Notwithstanding the simplicity of the GDP measure, we will have to add nuance to it in order to more accurately measure the welfare of individuals and communities.

P.S.: "The welfare of a nation can scarcely be inferred from a measurement of national income as refined by the GDP," said Simon Kuznets. *This is the first of a two-part series on rethinking received economic wisdom in the aftermath of the covid pandemic.*

MINT CURATOR



A parrot that gets its name from a characteristically bright belly

A failed attempt to save orange-bellied parrots

The story of the orange-bellied parrot, a small migratory bird that breeds in Tasmania's south-west before heading north for the colder months, holds lessons for scientists. Protecting the species when it is on the move is redoubtly difficult given the migrating birds fan out across the southern mainland and Tasmania's north-west. A simpler though still highly challenging path has been taken—to look after them in summer, when they gather to breed at Melaleuca, deep in the Tasmanian world heritage wilderness area. A study published on Monday finds this work at Melaleuca—led by Tasmanian government scientists, who have released captive-bred birds and provided nest boxes and food—has increased the number of birds that leave the breeding ground but had no impact on overall survival.

The Guardian

Hustlers are making millions by 'dropshipping'

Gabriel Beltran moved from Uruguay to Miami with the dream of making it big as a drummer...Then he made over \$20m (£15m) through a little-known online retail technique: dropshipping. The process is simple: the dropshipper goes to an online Chinese marketplace and identifies a cheap product. The seller sets up a flashy website, suggesting the product is made in the US or Europe, and adds a huge mark-up. The dropshipper uses social media for promotion, often paying influencers to add legitimacy. When an order is received, the seller collects the customer's money, and only then do they buy the product. Finally, the product is shipped directly to the customer from China. In practice, the vendors act as virtual middlemen or women.

BBC

An eatery that wants you to watch your weight

A restaurant in China has apologised after encouraging customers to weigh themselves before eating their food. The beef restaurant in the city of Changsha placed two large scales at its entrance, after it introduced a policy following a national campaign against food waste. As customers entered, they asked them to enter their measurements in an app. The app would then suggest menu items according to their measurements and weight. Signs reading "Eat lightly and diligently, promote empty plates" and "operation empty plate" were pinned up...The policy has caused uproar in China with many residents taking to social media to complain about the restaurant. The restaurant has since apologised, saying they're "deeply sorry" for its interpretation of the "Clean Plate Campaign".

The New Zealand Herald

Women are the big sufferers of this Asian war

The 21-year-old Indonesian's bag was put into the security scanner and she remembers agreeing to be searched. By the time officers had slashed open the lining of her backpack and dislodged the white crystals concealed inside, Yuni said she knew she'd been tricked...At that moment, Yuni became one of tens of thousands of women caught up in Asia's punitive drug wars. She was arrested in Hong Kong on suspicion of drug trafficking, a crime carrying up to life imprisonment in the city, and execution in other parts of the region. An overlooked consequence of Asia's drug wars is the outsider impact they have had on women. Today, jails in East and Southeast Asia hold the world's biggest proportions of female prisoners. In many nations, the majority are incarcerated for drug offences.

CNN

Holocaust denial seems to thrive on Facebook

Posts and pages spreading Holocaust denial and fascism are being "actively recommended" to Facebook users, research has found. The social media giant defended its policy on what it called "lies or content that is inaccurate", but the Institute for Strategic Dialogue (ISD) think tank said such content must be recognised as a form of antisemitic hate speech. Researcher Rosalind Wiseman said by Holocaust deniers to uncover 28 Facebook groups and eight pages that had almost 370,000 followers in total. "From clicking through to these pages, Facebook's recommendation algorithm led ISD researchers to further Holocaust denial pages," the report said. "Facebook also appears to promote content on the extreme right to those demonstrating an interest in Holocaust denial content."

The Independent

MY VIEW | BEHAVIOUR BY BRAIN

A glaring gap in the country's revised education policy

BIJU DOMINIC



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The recently announced National Education Policy (NEP) 2020 that aims to make "India a global knowledge superpower" has drawn praise from many quarters. But it has a glaring omission: It does not focus enough on character building. Much of its attention is on experiential learning, multi-disciplinary courses, critical thinking, and so on. As Martin Luther King, Jr., had said, "Intelligence plus character—that is the goal of true education."

School is the first social structure a child encounters. So it is an ideal place to learn the important beliefs or values shared by members of a society on what is right or wrong and desirable or undesirable. Knowing these does not spare essential to building character. Classroom activities can encourage students to adopt ethical principles and behaviours that are followed later in life.

Teachers are well suited to play a crucial role in the character-moulding process of students. They spend a lot of time with them in their formative years. They also hold pos-

sitions of authority in society. Most students will forget their chemical formulae, mathematical theorems and dates of important wars they learned in school. But even decades later, they will remember the names and faces of their school teachers. The longevity of this memory is a testament to the impact that school teachers have on one's life.

Every society wants to change several behaviours or inculcate new ones among its citizens. Schools can be one of the crucibles where this behaviour-shaping process is initiated. But just the introduction of a few courses on ethics, culture or values, as suggested in the NEP 2020, will not achieve character-building. The whole process will have to be institutionalised.

Military academies are an excellent example of institutions that perfectly combine the character-building and learning aspects of education. In *Absolutely American: Four years at West Point*, David Lipsky describes how this US military school is able to transform teenagers into leaders who are willing to give up their lives for the country. Every action at West Point is an act of learning. For example, strict adherence to protocols at the breakfast or dinner table "I forgot to put tea on the table and I killed a platoon". Strict

rules and punishments are key to moulding the behaviour of cadets.

The Salesians of Don Bosco who run several educational and skill-building institutions around the world have a very different approach to moulding behaviours. They do not use punishments at all in their educational methodology.

Called a preventive system, it stands in contrast to repressive systems that use severe punishments to keep students from doing anything wrong. In a preventive system, instead of punishments given, a friendly atmosphere created where the supervisor lovingly corrects students when they make mistakes, and thus manages to reduce wrongdoing.

An excellent example of schools being used as tools to mitigate social problems was the US Supreme Court's 1954 decision in *Brown vs. Board of Education*. The judgement led to the introduction of integrated schools as a state intervention to help bridge a racial divide in American society. Attitudes and beliefs are harder to

change as one grows older. Early exposure to people of various identities offers the best chance of removing biases and stereotypes. Long-term studies of high school and university students from the US, Europe and South Africa confirm that students in integrated schools demonstrate more tolerance and inclusive behaviours.

While it is beyond dispute that what is taught in classrooms has a significant effect on shaping students' thoughts and behaviours, the elephant in the room in any discussion on the use of educational institutions to mould the character of students is the syllabus.

Consider the case of Rwanda. In the mid-1990s, it faced one of the worst genocides in recent history after clashes broke out between ethnic groups. Its government understood that children who did not experience the horrors made up the "social seed" in which ideas of a new national identity could be planted. So, it used a new national curriculum to help create a new national identity. The basic education syllabus under

the curriculum included elements of myths, values and symbols that could help mould the new identity of Rwandans.

A similar experiment of a national curriculum might not be a good idea in a vast and diverse country like India. With thousands of years of history, it might not be easy—any, even impossible—to string together all the events of history in a single thread. There will be the risk of placing past events out of context or viewing them in the present context. This could create huge conflicts in society. The Indian educational system already has some excellent school- and college-based initiatives, like the National Cadet Corps and the National Service Scheme, that have contributed to character-building. A lot more could have been done in the NEP to strengthen such initiatives.

The NEP 2020 aims to bring pre-school education for children of ages 3 to 5 under the ambit of formal schooling. This age bracket has been recognized globally as crucial for the development of a child's mental faculties. Such students spend a few hours every day for several years in the controlled environment of an education system. This is an ideal opportunity to mould their character and behaviours. But the policy, it seems, has failed to take advantage of it.

The shaping of character at an early age is essential but the policy fails to give it due consideration

THE EDITORIAL PAGE

WORDLY WISE
"NEXT TO BEING SHOT AT AND MISSED, NOTHING IS REALLY QUITE AS SATISFYING AS AN INCOME TAX REFUND." — F J RAYMOND

The Indian EXPRESS

FOUNDED BY
RAMNATH GOENKA
BECAUSE THE TRUTH INVOLVES US ALL

MAKE IT LESS TAXING

Increasing burden of compliance on taxpayer is a bad idea. Better ways of checking tax evasion must be found

LAST WEEK, AS Prime Minister Narendra Modi launched the "Transparent Taxation — Honouring the Honest" platform, aimed at easing the compliance burden and rewarding honest tax payers, a tweet posted by MyGov India, a platform of the government, proposed an increase in the list of reportable financial transactions by individuals, apparently in a bid to widen the tax base. In a country where only a minuscule portion of the population pays taxes — the prime minister noted that only 15 crore paid taxes in a country of 130 crore — efforts to widen the tax base and curb leakages need to be encouraged. However, widening the list of reportable transactions, which will dramatically increase the compliance burden of honest taxpayers, and create even more space for harassment by an overzealous tax administration, is not the way to do this. While the tweet has since been removed, it may be indicative of the dissonance across various government departments on the approach to tax administration. Proposals such as these, bureaucratic overreach, and would increase the degree of complexity of the tax regime, adding to both the time taken and cost of complying with it — exactly the opposite of what the steps announced by the prime minister aim to achieve.

As reported in this paper, the proposal that was being contemplated entailed covering financial transactions, including, among others, hotel payments over Rs 20,000, life insurance premium above Rs 50,000, and health insurance premium over Rs 20,000. Such transactions are incurred by large sections of the salaried middle class — the honest taxpayers the government seeks to reward. It is possible that the costs of complying with such proposals are distorting for salaried individuals while being progressive for non-salaried taxpayers. But they would lead to an increase both in the internal and external price paid for compliance for all individuals. Further, most high value transactions today require an individual to disclose her permanent account number (PAN), which is linked to the Aadhaar number. Surely, in the age of big data, there are better ways of sourcing and cross-checking this data to check for evasion rather than putting the burden of compliance on taxpayers.

The dissonance between the prime minister's talk of a tax system that is "seamless, painless and faceless" and such proposals is too obvious to ignore. Complex laws and procedures, compounded by an inefficient and uncooperative tax department will further disincentivise compliance. Rather, the focus should be on building up the capabilities of the tax department to check tax evasion.

FACE IT

Social media platforms need to work with government but they must be seen to be agnostic to ideology

WITH GREAT POWER comes great responsibility, and social networking giant Facebook will need shoulders broad enough to bear the burden. A week ago, after US intelligence agencies warned of foreign interference in the impending polls and President Donald Trump grumbled about alleged postal ballots, Facebook, Instagram and Twitter in discussions with federal officials about cleaning platforms of misinformation which could influence the popular will. But in India, the *Wall Street Journal* reported, action against hate speech by at least four individuals or groups linked to the BJP was opposed on the plea that it would harm Facebook's business prospects. India is the platform's biggest market. Since it cannot operate in China, India is crucial for its future prospects.

Apart from Anant Kumar Hegde and Kapil Mishra, Telangana BJP MLA T Raja Singh was reported internally for crossing the line and his posts were flagged as "promoting or participating in violence". Apparently, employees policing the network suggested that action should be taken against Singh under the company's Dangerous Individuals and Organisations policy, under which content can be banned, but Facebook declined to invoke hate speech rules against these individuals and groups, the *WSJ* reported. In the communal violence in Delhi in February, it has been alleged that a video of Kapil Mishra of the BJP played a role, which Facebook took down after it went viral, but which continued to spread nevertheless on WhatsApp, also a Facebook property.

Mark Zuckerberg has argued that politicians need to be heard, but he has also said that Facebook must draw a line on hate speech. It must do so even-handedly, and irrespective of geography and business interests. Last year, just before elections, when it cracked down on fake accounts, it took down over 700 pages that were found linked to both the Congress and the BJP. As the digital technology hailed for giving voice to all turns into an echo-chamber in which hateful voices, amplified by the power they wield, carry far further than others, platforms cannot be seen to be playing favourites, anywhere. Facebook must be seen to be agnostic to ideology, and not succumb to the urge to reduce business risk in certain locations by shifting the goalpost or lowering the bar. If it acts against white supremacists and militant black organisations in Trump's America, it must do so with the equivalent of such groups in India, too. One of the problems seems to be that the people responsible for platform integrity also interface with governments and have to nurture relationships with the establishment. Stung by poll-related scandals in the US and UK, and by recent advertisers' boycott, Facebook should resolve this obvious conflict of interest, or risk losing brand value globally.

IMPORTANCE OF GRIT

Chetan Chauhan missed the hundred mark, but his tally is no less remarkable for it

IT IS IRONICAL that Chetan Chauhan, who was the long-time opening partner of the century-machine Sunil Gavaskar, never got to the landmark himself. He got close on at least 10 occasions, but was dismissed in the 80s seven times and twice in the 90s. Until Shane Warne tagged it, he held the dubious record of the most number of Tests without a hundred. Fans from his generation might have come to associate him with that bitter-sweet feeling of so-close-yet-far but team-mates have described him as "gutsy" and a "fighter" in tributes after he succumbed to COVID-19 on August 16.

Chauhan was a sturdy and gritty batsman who could produce four knocks if the situation demanded. His debut Test in Mumbai in 1969 provided a snapshot of what was to come: He took 25 minutes to get off the mark and his first scoring shot was a square-cut, a shot that would come to be associated with him. His next scoring shot was a hooked six, keenly watched by a teenager in the stands who would become his illustrious opening partner in the next decade. He was a batsman who was aware of his limitations and who played to his strengths — vast powers of concentration, a stronger off-side game, and sheer grit to blunt out the new ball. His partnership with Gavaskar averaged 53.75 in 59 innings together, superior to that of Virender Sehwag and Gautam Gambhir's Sehwag managed. They had 100 century stands, including the 213 against England.

He was a popular man in the team, with his full-throated laughter and a rare ability to laugh at himself. Most of his team-mates also talk about his unflappable temperament, which perhaps helped him in the chaotic world of Indian politics and the stormy climate that the Delhi Cricket Association. He was a twice-elected parliamentarian and was also the manager of the Indian cricket team, notably during the 2008 controversial Monkeygate series in Australia where his managerial skills helped save the day.



UPENDRA BAXI

THE "STRONG ARM of the law must strike a blow". With these words, in a judgment by justices Anilindhan, B.R. Gavare, Krishna Murari, two tweets by senior counsel Prashant Bhusan, a veteran social action jurisprudence exponent, were found to be based on "distorted facts" and making "un-doubtedly false, malicious and scandalous" allegations. Counsel was bound, as a "responsible officer of the court", to protect "the majesty of law", not to indulge in an act that "tends to bring disrepute to the institution of administration of justice."

In the first tweet, which included a photograph of the chief justice on a motorcycle, Bhusan is held guilty of making a knowingly "false statement" about the denial of the citizens' right to access justice, which is based on the fact that the court in trying times had conducted "a total of 879 sittings and heard over 12,700 matters" (in some of which Bhusan had vigorously participated). The second tweet was critical of the role allegedly played by the judiciary and the last four chief justices in weakening democracy. The court found that these tweets undermine the "dignity and authority of the institution of the Supreme Court and the CJ" and the statement "directly affronts the majesty of law".

A further ground is now added. Contempt proceedings must also consider the "effects upon national honour and prestige in the country of nations". This enhancement of the chilling effect is worrisome as any and every call for judicial accountability may be thus indicted. Will the stock-in-trade predictions of judicial outcome, an aspect of practising appellate law and doing legal science, now constitute a criminal contempt? Did the then incumbent four senior justices — Justices Jasti Chelameswar, Ranjan Gogoi, Madan Lokur and Kurian Joseph — lower the "majesty of law" by holding the press conference on January 13, 2018, commonly called a "judicial revolt"?

Many people believe that the right to free

Striking too hard

Judiciary has great power, including power to punish for contempt. It must use it sparingly, softly

Contempt proceedings must also consider the "effects upon national honour and prestige in the country of nations". This enhancement of the chilling effect is worrisome as any and every call for judicial accountability may be thus indicted. Will the stock-in-trade predictions of judicial outcome, an aspect of practising appellate law and doing legal science, now constitute a criminal contempt? Did the then incumbent four senior justices — Justices Jasti Chelameswar, Ranjan Gogoi, Madan Lokur and Kurian Joseph — lower the "majesty of law" by holding the press conference on January 13, 2018, commonly called a "judicial revolt"?

speech is near-absolute, accountability of justices is sacrosanct and even that of the office of criminal contempt should be hushed. Many others believe that such a power should exist and be fully exercised in apt cases. India-wide empirical studies are indispensable to provide/improve these views, but available only are the judicial statements about the tendency to lower the image of the judiciary in the public mind or activist assumptions of the "chilling effect". The 24th report of the Law Commission (2018) recommended continuation of the offence, but all cited was the high incidence of 586 pending cases between July 1, 2016 and June 30, 2017. Certainly, amidst divided public opinion, the apex court was right in 1974: "Contempt action should be substantial and mala fide interference with fearless judicial action, not fair comment or trivial reflections on the judicial process and personnel."

No doubt, many ironies lurk in the judicial discourse which endorses "gaily... the observations of Justice Wilmut... made as early as in 1765". He stressed a need for "a more rapid and immediate redress" whenever "men's allegiance to the law is... fundamentally shaken", because justices are "the channels by which the justice is conveyed to the people". The country of origin of these words was then on the verge of becoming a world empire, and yet a leading postcolonial court invokes these in 2020. While furthering the swadeshi jurisprudence, the court evokes phrases from 1765 on the eve of the 74th Indian independence Day! However, students of the judicial process know that the courts regard the law of law as a seamless web and the stern message of criminal scandalisation is not worthy too much about the sun setting on the British Empire and law reform altogether abolishing the offences.

The swadeshi jurisprudence, the court says, is clear and compelling. Did not Chief Justice Mohammad Hidayatullah (1970) con-

victa former chief minister of Kerala for making derogatory remarks on justices? Did it not comment even the Chairperson of the Bar Council of India (1975) awarding him a jail sentence for six weeks and incapacity to practise law for a period of three years? Did it not then say that the "right to continue to practise is subject to the law of contempt" and ask: "Can the legal profession be practised by committing the contempt of courts?"

Further, Article 129 declares the Supreme Court to be a "court of record" and bestows upon it "all the powers... including the power to punish for contempt of itself." But the "power to punish for contempt... itself" is a "constitutional power which cannot be taken away or... abridged by statute", even the constituent power or the judiciary itself may not do so lest the basic structure be offended.

Only judicial wisdom may determine the quantum of punishment. The court normally imposes the most minimal sentences — such as a small fine (slashed, in the Nambudripad case by the apex court to Rs 50 from the Kerala High Court award of Rs 1,000), a minimal sentence of incarceration till the rising of the court, or minor prison sentence now subject to bail in the COVID-19 situation as so ordered suo motu by the court itself. It has yet to decide an appeal by Yatin Oza, against the Gujarat High Court sentence depriving him of the status of a "senior" counsel.

The tasks of magnanimous justice end or begin when conviction has been recorded, is a difficult question that the court will now have to consider. However, a mere recall of Shakespeare may not cause any interference with the course of justice: "O, it is excellent to have a giant's strength, but it is ymagenous to set it like a giant."

The writer is professor of Law, University of Warwick, and former vice-chancellor of Universities of South Gujarat and Delhi



YOGINDER K ALAGH

BUILDING POST-COVID SOCIETY

Policymaking has to take the lead in addressing urban-rural disparities

AGRICULTURE HAS been the source of strength in these distressing times for the Indian economy. Policy groups — Justices have focused on the theme, IIM-A public policy alumni held a webinar on the issue at a global scale.

The monsoon has been good. Kharif sowing is at its peak. Government policies have been supportive. The challenges to maximise the growth impulse and strengthen it as much as possible so that the deceleration in the economy is compensated to the greatest extent. Markets and price support are a focus of policy. MSBs have been announced and market access has been emphasised. This is important for the Northwest region.

In the rest of India, procurement prices are largely irrelevant. India has the largest system of agricultural markets in the world. But what does a "market" mean? Most agricultural trade actually takes place outside APMCs. The facilities are abysmal. In this period, we can do much to strengthen both the first stage agro-processing infrastructure (supply chains) and the functioning of markets.

The real bottleneck in the COVID-19 kind of pandemic is the "lockdown". Markets are a place of trade. Trade and transport are two sides of the same coin as any regional economist will tell you. Lockdowns block transport. The railways are not functioning. A lot of agricultural trade uses the railway as its mode of transport. The doodhwallas and sabzi and fruit bins are dependent on regional and local trains as much as the "regu-

lar" passengers in the Nashik-Mumbai or Ahmedabad-Surat-Nadiad local.

Trucks can be subjected to random lock-downs by local authorities. One can't really criticise the authorities because COVID-19 is the waters of the Sardar Sarovar. We cannot quarrel with their priorities. Similarly, economists are not good on matters of death — they are trained to analyse matters of life. I was not surprised when my friends, Montek Singh Ahluwalia and Kaushik Basu, talked of life-after-COVID. The real challenge is actually the top-to-then policies. We have to suggest policies for agriculture within the context of the lockdown. One possibility is to allow trucks for agriculture transport under special conditions. The same can be designed at the government level for the railways.

A great movement has taken place from the small villages to the big ones and from there to small towns, but we have not supported this trend. More than a million farmers have moved to Census towns in most states. These don't get priority when it comes to providing marketing infrastructure. For example, even now, private warehouses are starved of funds. Generally, migrants get the short end of the straw. All this undermines the income potential of agriculture. It is also feared that the many generous funding and credit schemes being announced may face the same bottlenecks as has also been the case in covering the last mile.

Maybe we can do something in these difficult times.

Will it be possible to cover the last mile in reaching the small farmer and landless labourer? There should be a moratorium on announcing schemes till the ones in operation show progress. In Gujarat, my pain is the waters of the Sardar Sarovar. Water was diverted into the main canal in 2002, the year Prime Minister Narendra Modi became the chief minister of Gujarat. In the first week of August, around a sixth of the farmers in one minor (canal) did not get their share of water.

The desired strategy has to be one that links the large villages, medium and small towns with the urban areas, not only through the development of economic infrastructure (roads, markets, electricity etc), but also building social facilities in the "rural-urban continuum". We cannot only concentrate on public-private partnerships (PPP) in large cities. In the towns, CRISIL tells us, PPPs do not have much comfort in terms of paying capacity. Policymaking has to take the lead in addressing such disparities. Similar problems exist elsewhere. Difficult policy challenges have to be met. Nothing ever succeeds in India, is a well-told at a global meet. To which my riposte was, nothing also fails in India.

In the COVID-19 phase, shall we see to it that the successes are more than the failures? That will be the best tribute to the COVID-19 warriors in rural areas.

The writer is a former Union minister



AUGUST 18, 1980, FORTY YEARS AGO

UP ORDINANCE
UPPRADESH CHIEF MINISTER V P Singh reported there more deaths in Moradabad than in the rest of the state under the ordinance since last night are not available.

SRINAGAR ERUPTS
FOUR PERSONS WERE killed and two injured in Srinagar when the police opened fire to disperse crowds reacting against the Moradabad violence. Divisional Commissioner Anshu Kumar said that the police had repeatedly asked the crowd to not throw stones, but when the warning went unheeded it had to resort to firing.

persons endangering public order, peace, security and tranquility. Singh said that it wouldn't be used against political parties. Details of the arrests made under the ordinance since last night are not available.

DELHI-DHAKA THAW
INDIA AND BANGLADESH agreed on certain concrete measures for finding mutually unacceptable solutions to their bilateral problems. This was stated by Bangladesh Foreign Minister Shamsul Haq at the conclusion of the final round of talks with External Affairs Minister, P V Narasimha Rao. Haq said that the two countries had developed a better understanding of each other's position on regional and international matters. Bangladesh Foreign Secretary, S K Kibria said that on many issues, further discussions would be needed.

THE INDIAN EXPRESS, TUESDAY, AUGUST 18, 2020

THE IDEAS PAGE

India, Pakistan and Arab sovereignty

India's geopolitical interests are in close alignment with moderate Arab centre. Opposing forces of regional destabilisation must be at heart of new engagement with Middle East

RAJA MANDALA
BY C RAJA MOHAN

THE GEOPOLITICAL REALIGNMENT in the Middle East, marked by last week's agreement on the normalisation of relations between the United Arab Emirates and Israel, intersects with the equally significant reorientation of the Subcontinent's relationship with the region. As Pakistan rediscovers its tradition of aligning with non-Arab powers, India must renew its defence of Arab sovereignty.

If India welcomed the decision by Abu Dhabi and Tel Aviv, Pakistan was ambivalent and merely "noted" the move and its foreign office pointed to the "far-reaching" (negative) implications. On the face of it, the difference in the Indian and Pakistani statements can be explained by the fact that Delhi has diplomatic ties with Israel and Islamabad does not. But there is a lot more to this story.

Under Prime Minister Narendra Modi, the engagement with the Arab Gulf has become deeper. The last six years have also coincided with a significant deterioration of Pakistan's relations with the region, especially with the UAE and Saudi Arabia. Pakistan has been angry with UAE's invitation to India to address the Organisation of Islamic Cooperation in early 2019 and the reluctance of Saudi Arabia to convene a meeting to condemn Indian actions in Kashmir last August. Pakistan's foreign minister Shah Mehmood Qureshi threatened earlier this month to convene a meeting of foreign ministers of Islamic nations outside of the OIC, to attack India's Kashmir policy. As an angry Saudi Arabia called back part of its generous recent loan to Pakistan and threatened to suspend the credit facility for oil purchases, army chief General Qamar Javed Bajwa rushed in to pick up the pieces. He is in Riyadh this week to smooth things over.

Some in Pakistan dismiss the remarks as intemperate and attribute it to Qureshi's well-known habit of grandstanding. The problem appears deeper. It might be recalled that Prime Minister Imran Khan was all set to attend last December's meeting of the Islamic leaders called by the then Prime Minister of Malaysia, Mahathir Mohamad and backed by the Turkish President, Recep Tayyip Erdogan. Khan pulled out only at the last minute amidst reported pressure from Saudi Arabia.

Here is the essence of the emerging contradiction between Saudi Arabia and the UAE on the one hand and Pakistan on the other. Saudis and Emiratis see themselves as a threat to their kingdoms from both the Sunni Muslim Brotherhood backed by Turkey and Shiite Iran's regional expansionism. On the other hand, Imran Khan appears to be dreaming of a new regional alliance with Turkey and Iran. Pakistan is also betting that a rising China and an assertive Russia will support this new geopolitical formation as part of their own efforts to oust America from

the Middle East. The idea of such an alliance was publicly articulated by Iran's ambassador to Pakistan earlier this year and found much political resonance in Islamabad. On the face of it, the idea runs counter to Delhi's conventional wisdom that Pakistan and Gulf Arabs are joined at the hip. But the idea is non-Arab alliance, backed by outside powers, has some lineage in Pakistan's foreign policy. Pakistan enthusiastically embraced the Baghdad Pact that the British stitched together with Iran, Iraq and Turkey in 1955.

The Pact had to be renamed CENTO (Central Treaty Organisation) once Iran, the only Arab member, walked out in 1958. Turkey, Iran and Pakistan formed an economic adjunct to the CENTO called the ECO (Regional Cooperation for Development). Both were wound up in 1979 soon after Iran's Islamic Revolution.

But it was not easy to kill the idea of a non-Arab alliance. Iran, Turkey and Pakistan gathered again to form the Economic Cooperation Organisation (ECO) in 1985 and after the collapse of the Soviet Union, they brought in the newly independent Central Asian Republics. For Turkey and Iran, the new non-Arab alliance backed by Russia and China is an instrument to advance their role in the Arab world at the expense of the Saudis. Erdogan dreams of restoring the Ottoman dominion over the Arab world. The Muslim Brotherhood is his chosen instrument. Iran, which wants to wrest the mantle of Islamic leadership from Saudi Arabia, leverages the Shia population across the Arab states. Both Turkey and Iran now intervene with impunity in the internal affairs of the Arab world. Two other states have joined this Great Game. Malaysia's Mahathir fancied himself as a leader of the Islamic world. Arab Qatar, which is locked in a fraternal fight with the Saudis and the Emiratis, wants to carve out an outside role for itself in the Middle East.

It is no secret that Russians would like to bring the US down a notch or two in the Middle East. Beijing will be happy to do the Russians, Turks, and Iranians be the anti-American vanguard, while consolidating



C R Sankumar

Under Prime Minister Narendra Modi, the engagement with the Arab Gulf has become deeper. The last six years have also coincided with a significant deterioration of Pakistan's relations with the region, especially with UAE and Saudi Arabia. Pakistan has been angry with UAE's invitation to India to address the Organisation of Islamic Cooperation in early 2019 and the reluctance of Saudi Arabia to convene a meeting to condemn Indian actions in Kashmir last August. Pakistan's foreign minister, Shah Mehmood Qureshi, threatened earlier this month to convene a meeting of foreign ministers of Islamic nations, outside of the OIC, to attack India's Kashmir policy.

China's economic influence in the region. But why does Islamabad want to join the alliance against Saudi Arabia and the UAE that have lent so much economic assistance to Pakistan over the decades?

Islamabad is probably betting that America is on its way out of the Middle East, and that its all-weather strategic partnership with a rising China would give Pakistan new leverage in the changing Middle East. In the interim, the threat to ally with Turkey and Iran serves as an instrument to put pressure on the Saudis and Emiratis. Whatever might be the finesse that General Bajwa might come up with, Delhi must go back to the deepest source of regional policy — unflinching support for Arab sovereignty. That, in turn, expresses itself in five principles.

First, resist the temptation of telling the Arabs what is good for them. Support their efforts to reconcile with non-Arab neighbours, including Israel, Turkey and Iran. Second, oppose foreign interventions in the Arab world. In the past, those came from the West and Israel. Today, most Arabs see the greatest threat to their security from Turkish and Iranian interventions. Third, extend support to Arab economic integration, intra-Arab political reconciliation and the strengthening of regional institutions.

Fourth, recognise that India's geopolitical interests are in close alignment with those in the moderate Arab Centre — including Egypt, Jordan, Saudi Arabia, the UAE and Oman. Fifth, India can't be passive amidst the unfolding geopolitical realignment in West Asia. Some members of the insipient alliance — Turkey, Malaysia and China — have been the most vocal in challenging India's territorial sovereignty in Kashmir. The Qatar-based Al Jazeera spews more poison against India than Pakistan media outlets. Standing up for Arab sovereignty and opposing the forces of regional destabilisation must be at the very heart of India's new engagement with the Middle East.

The writer is Director, Institute of South Asian Studies, National University of Singapore and contributing editor on international affairs for The Indian Express

WHAT THE OTHERS SAY

"As we saw in neighbouring Syria, a civil non-sectarian movement can morph into deadly sectarian strife. That is a chapter of Lebanese history nobody wants to write."
— THE GUARDIAN

Hate TV

Political discourse is coarsened as biggest news barons look the other way, or make their peace with state patronage



DEREK O'BRIEN

"These people killed me..." — Congress spokesperson Rajiv Tyagi's last words to his wife, as he suffered a stroke and passed away after a heated television debate.

TYAGI'S DEATH, IN the past week, was a shock to all of us who knew him even remotely. Politicians who appear on television as spokespersons are familiar with each other and have at least a nodding acquaintance. Politicians disagree on political and policy issues — which is why we are in different parties — but, most often, there is a healthy mutual respect.

After all, each of us has at some point or the other defended and tried to explain a television position or been in a minority on a television panel.

For me, politicians from another party are political rivals, political opponents — not my enemies. If they attack me or the Trinamool Congress, I don't take it personally and give it back. There are some arguments you win and some where you live to fight another day. A television debate — or even an election — is not "the end". There's always another chapter, there's always a "next time".

But this thinking has begun to change. And Rajiv Tyagi's death, after an Aj Tak debate on the Bengaluru violence in which he was abused and called "jaichand" and a traitor, is a turning point. Our news television debates are a cruel game and targeted to bring out the worst and most superstitious emotions in participants. To some degree, a handful of ruling party spokespersons, cum trolls, who make shrill objectionable remarks and statements, are surely working to a brief outline by the topmost leadership in that party. Even more shameful is the role of media barons and their television platforms.

What are these media companies and television channels doing? Rather than stand up for good journalism and take editorial positions on principles or policies, they have mortgaged their channels to the ruling party and the government. At times, they make smaller "liberal" brands — whether channels or newspapers or editions — to "balance" and play to another gallery. But the mother brand is completely in cahoots with the ruling establishment and a ready mouthpiece for its most extreme views.

A few days after Rajiv Tyagi's passing, my party, Trinamool Congress, received an email from a Mumbai tabloid, a spin-off "liberal" brand published by the same, chameleonic media house that runs the country's highest-selling English newspaper and a slime-spewing TV channel. The

email sent a few questions on the nature of television debates, requesting that a spokesperson, specifically Derek O'Brien, answer. My answers were sent well in time for the Sunday morning publication.

In the written interview, I tried to be as honest as possible. So one of the questions and answers went like this:

Spin-off brand's question: Have lives of spokespersons really turned stressful with the high decibel debates? How do you personally deal with the stress? How do you unwind?

My answer: Glad that my party has a simple way to beat the stress. Just stay away. Why should political leaders go to channels that create noise not debate. Or to outlets that are shamelessly biased and agenda driven. So we avoid sending spokespersons to such channels. Our motto: You treat us with respect, we will reciprocate.

The next question allowed me to expand on this point.

Spin-off brand's question: Do you think there is a need for a change in the TV debate discourse and environment and platforms?

My answer: It's not only about TV debates, the political discourse even in Parliament and on many other platforms has changed a lot since two men moved into their bungalows in Delhi. No more time for tweets, there needs to be an overall change. All stakeholders have a role to play but the ones who need to stand up and be counted are the owners of these media networks. They need to reflect. They need to act. How do they sleep at night? Can't call them out, but will (you) publish the names? Or edit this line out! Jain, Purie, Chandra... and this is certainly not a complete list. Most anchors are partisan and eager to toe the editorial lines marked out by their media owners, their employers.

I had said what had to be said. It had been boiling within me — and with many right-thinking politicians and political followers — for quite some time. Much of news television has been reduced to Hate TV. When political parties choose not to send official spokespersons, channels find their own "sympathetic analysts" and try to pass them off as official spokespersons.

Abuse, incite, threaten — anything goes. Political discourse has been coarsened as the biggest and richest of our news barons have chosen to look the other way. And made their peace with state patronage.

Postscript: I sent my response to the Mumbai spin-off "liberal" brand on the morning of August 15. On the evening of August 15, I received a message saying the interview had been dropped from the issue dated Sunday, August 16, for "lack of space".

Of course, the right of the press to publish or, more importantly, not to publish something is sacred but... media barons!

The writer is Leader, All India Trinamool Congress Parliamentary Party (Rajya Sabha), and is Chief National Spokesperson

Own the disruption

Greatest challenge for successful rollout of new education policy is teacher training

AMEETA MULLA WAITAL

"IF WE TEACH students today, as we taught yesterday, we rob them of tomorrow." These words of John Dewey resonate across time. For decades, the education we received was different from what we needed. The realisation that school curriculum was focused on equipping students for the last century has been the driving force behind the changes reflected in the National Policy of Education (NPE). The policy has come at a time when schools have to adjust to new societal demands and expectations by transforming themselves. Much of the energy that will drive the economy was technological in the classrooms. It is clear that without a skilled workforce, no community will prosper and no industry will thrive. Despite the best efforts of educationists, governments and other stakeholders, schools are struggling to meet the evolving needs of students and their future employers. This policy will help change the landscape of employment opportunities.

The school curriculum and pedagogy have been reconstructed for the foundational years — preschool, nursery, kindergarten, class one and two. Learning will take place through activities and the play-way method. In the preparatory stages of classes three, four and five, experiential learning will be an acted across disciplines. In the middle-level of classes six to eight, there will be an emphasis on subject-oriented pedagogy. In the secondary stages for classes nine to 12, innumerable aspects of flexibility for subject selection, stu-

dent choices, break-out options for vocational training along with a gap year will help in developing various aspects of critical thinking, problem-solving, and decision making.

The NEP clearly states that the importance of school curriculum is inextricable from human wellbeing. For the first time, 21st-century skills will run like a thread through the curriculum and be woven across disciplines, crafts, practices and teaching strategies. Collaborative, innovative, critical thinking, problem-solving, decision-making will be coupled with digital literacy and information technology. Social and emotional skills will be embedded in the curriculum. Empathy, resilience, conflict resolution and relationship building are skills which offer the key to success in a rapidly changing world. The educational model envisaged in NEP will refine and re-engineer classroom transactions.

Students in senior schools have always grappled with the problem of selecting subjects across streams. With increased flexibility across subjects, their choices have increased manifold. However, changes at this level will have to dovetail into decisions and admission processes at the secondary level, else the NEP will be an exercise in futility.

The assessment pattern is a welcome change. The shift to customised models of assessment will compel educators to make pedagogical practices more child-centred and

policy-makers to review curricula and make them more skill-based. Such an approach will allow students to make mistakes, take risks, be creative and move away from rote learning. If we want our children to participate in PISA assessments and succeed, we have to change the way we teach and evaluate because the PISA does not test students on their memory. It attempts to assess if students can apply the knowledge they have gained. These tests affirm if countries have effective and inclusive education systems.

The greatest challenge facing us is teacher training. Teachers need to have an understanding of the method in which this extremely creative curriculum has to be transacted. At the grass roots level, the quality of education will be as desired. A large number of in-service teachers have no professional qualifications and are tasked with innumerable administrative and social responsibilities, leaving them with little time for hands-on teaching, let alone training. There are pockets of excellence and expertise, but they are few and far between. The fundamental pedagogical structures how we organise education have proved to be deeply resistant to change. This is one of the reasons that led to the failure and withdrawal of the continuous comprehensive evaluation (CCE) initiative.

If we want the NEP to succeed, we have to be careful to disrupt established norms. Every stakeholder at the state, district, sub-

district, and block level has to take ownership of the NEP. Principals have to be trained in advance. Many of them — even in the urban areas — do not have the skills required for such changes. It is important to plan the mapping of resources and skillsets of teachers before the policy is actually rolled out. Standalone workshops will not suffice. Consistent inter and intra school training is needed.

The CSE is the country's most progressive board. It can start with pilot programmes to ensure the efficacy of this policy. It already has integrated many of the concepts mentioned in the NEP in its curriculum and is involved in writing manuals and had conducted programmes and launched initiatives on competency-based education, joyful and experiential learning, art education, school quality assessments and a variety of other innovative pedagogies.

The Board can train master instructors, who, in turn, can train principals and teachers. A scalable and sustainable model can be created. Transformation will take place only if we collaborate and create communities of teacher training and provide them with real-time feedback on their levels of readiness.

The entire education system will need to have an adaptive approach to ensure that our children succeed and find their place under the sun, nationally and globally.

The writer is principal, Springdales School, Pasu Road New Delhi

LETTERS TO THE EDITOR

CAPTAIN COOL
THIS REFERS TO the editorial, 'The boy from Ranchi' (IE, August 17). No other cricketer can boast of three ICC trophies and Test world No. 1 rank in his CV. M.S. Dhoni could have had a ready career in the shorter format of the game had it not been for the COVID-19 pandemic. Anyhow, Dhoni's journey from a small town boy to becoming one of the most astute leaders in world cricket is the stuff of fairy tales. He inspired young cricketers from small towns to dream high.
Bal Govind, Noida

GULF REALITIES
THIS REFERS TO the editorial, 'An important moment' (IE, August 15). India has maintained diplomatic ties with Israel without compromising on its position of solidarity with the Palestinian cause. The technological prowess of Israel and its well-placed diaspora make it a strategically significant player in global geopolitics and international relations. Only 30 member states of the UN don't have normal diplomatic relations with Israel. The countries that don't acknowledge the Israeli state can contribute very little to the Palestinian cause compared to those who engage in normal diplomatic exchanges.
Sudip Kumar Dew, Kolkata

OLD AND NEW
THIS REFERS TO the article, 'Making Old Delhi new' (IE, August 14). In today's developing world, forgetting heritage and culture is easy. Cities like Delhi, on the one hand, and the preservation of their heritage, on the other.
Akshata Anil Rupnarayan, Pune

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WRONG MESSAGE
THIS REFERS TO the editorial, 'Guilty' (IE, August 15). The SC's verdict in the *Prashant Bhanushali* case sends the wrong message. It seems that the court believes that it is above criticism. At a time, when the SC's intervention is required on several important cases, it has chosen to devote time on a seemingly trivial issue.
Deepak Singhal, Chennai

NOT THE CURE
THIS REFERS TO the editorial, 'For better health' (IE, August 17). The NDHM will give every Indian a digital health ID that links up all her medical records but the reality is the lack of primary health facilities. Digitisation is welcome but it is no substitute for human resources and infrastructure in the health sector.
Sankar Paul, Noida