

14 THE EDITORIAL PAGE

WORDLY WISE
DO NOT SWEAR BY THE MOON, FOR SHE
CHANGES CONSTANTLY.
— WILLIAM SHAKESPEARE

The Indian EXPRESS
FOUNDED BY
RAMNATH GOENKA
BECAUSE THE TRUTH INVOLVES US ALL

An opaque bench

Lack of transparency in judicial appointments must be addressed. It's time for the Collegium system to go



AJIT PRAKASH SHAH

MAYDAY OVER BREXIT

British prime minister survives trust vote, but needs to build a broad coalition to win parliamentary support for a revised deal

THE BRITISH PRIME minister, Theresa May, could not sell the House of Commons the deal on Brexit that she painstakingly negotiated over 18 months with the European Union. The House, however, could not get rid of May as the prime minister, for she survived the no-confidence motion a day after the political humiliation. Together, the two developments this week showcased one of the worst crises that the British democracy had to confront in recent memory. The twin failures also reflect the profound divisions within Britain. The British vote in favour of leaving the EU in the summer of 2016 was a narrow one. But the division was not along party lines. In May's Conservative Party, the fracture on Europe is deep and many decades old. The Labour, too, has had its share of Eurosceptics, including its current leader Jeremy Corbyn.

May, who voted to remain in the EU in 2016, has had the task of negotiating Brexit. She now has the even more enviable task of finding a way out of the mess that Britain finds herself in. If she learns from her mistakes in handling the Brexit challenge, ends her political rigidity and puts the country above the party, May could yet hope to succeed. May had presumed that she could bamboozle her party and Parliament into submission by saying either they accept the deal she has worked out or face the disastrous prospect of leaving EU without any deal. May had largely conducted the negotiations with Brussels with a small bureaucratic team. Few Cabinet members were involved in the exercise. Nor was there much of a consultation with the back-benchers in the party or the opposition Labour.

May has promised and begun a wider consultation before she gets back to Parliament with a road map on next steps. She can salvage the situation only by risking a potential split in her party. The hard Brexiters in her party are unlikely to accept any deal with the EU. Instead of pandering to them, May needs to build a coalition cutting across the party divide to win parliamentary support for a revised deal. Two silver linings around the dark cloud over Britain provide an opportunity for her. Moderates in both parties have come up with plans for softer variations on the Brexit deal she worked out. Meanwhile, the EU has begun to recognise that it has been too hard on May and must be a little more accommodative. If the EU extends the deadline for British withdrawal from March 29, it will create some political space for May to rework the domestic Brexit sums. For a happy ending, the second act in the Brexit drama will need a lot more statesmanship than we have seen in the first.

IN THE INAUGURAL session of the Supreme Court of India (SC), held 69 years ago, we were promised an independent judiciary that would be the third pillar in India's constitutional framework, counterbalancing the legislature and the executive. In the Constituent Assembly debates that preceded the creation of the SC, Jawaharlal Nehru, speaking on higher judicial appointments, said that the judges selected should be of the "highest integrity" and be persons "who can stand up against the executive government and who ever might come in their way". I fear that we may have forgotten these important words.

The process for the appointment of judges lies at the heart of an independent judiciary. Over the years, this process has manifested itself in the questionable form of the Collegium of judges, which decides on appointments to both the SC and the high courts. The recent decision of the Collegium to inexplicably replace two high court chief justices selected for elevation has reaffirmed my long-standing concerns about the methods of working of the Collegium.

The Collegium process has once again shown that it is opaque, with its members working as if in a cabal. More problematically, the Collegium is not accountable to any other authority. Its present decision to appoint Justice Dinesh Maheshwari and Justice Sanjiv Khanna, by retracting and superseding earlier selections of fine judges in their own right, is especially concerning. Justice Maheshwari was earlier rejected by the Collegium in its December 2018 meeting. Justice Khanna has been selected over his three senior colleagues, Justices Pradeep Nandrajog, Gita Mittal and S Ravindra Bhat. My issue is less about the seniority convention than about the lack of transparency.

Admittedly, the seniority convention for higher judicial appointments is not set in stone. While plenty of skirmishes took place between the judiciary and the executive in the early decades of the republic, the first major appointments-related decision that turned this convention on its head was the executive's move to anoint A N Ray, the fourth most senior judge of the SC at the time, as the Chief Justice of India. This was the era before the Collegium came into being, and was an appointment that provoked much-heated debate.

The Second Judges' case of 1993, which led to the formation of a collegium of high-ranking judges identifying persons for appointment to the SC and high courts, chose

to re-state the seniority convention in appointments. The decision clarified that "Unless there be any strong cogent reason to justify a departure, that order of [inter-se] seniority [amongst Judges of High Courts] must be maintained between them while making their appointment to the Supreme Court."

The decision to create a Collegium in the first place was disastrous in more ways than one. H M Seervai, for example, wrote that "never has a majority judgment of the Supreme Court reached a lower level of judicial incompetence". Justice Krishna Iyer described this judgment as "an egregious fraud on the Constitution". Lord Cooke of Thorndon also criticised this judgment in an essay that borrowed its title from Alexander Pope's famous words, "fools rush in where angels fear to tread".

In my view, one of the many problems of the Collegium is precisely that it emphasises excessively on seniority. That said, I must admit that following the seniority convention offers a semblance of certainty and transparency, even though it takes away from selecting judges on other objective (and far more important) criteria such as merit and competence. In the present instance, however, all notions of seniority have been thrown to the wind, for no apparent reason. The SC's exhortations that seniority should be deviated from only if there are "cogent reasons" to do so seem to have been ignored; at least, no reasons — cogent or otherwise — have been offered in this surprising decision. We should all be concerned.

There is also the matter of principle — the Collegium has decided that the sanctity of its own decisions no longer stands. Its own previous decision to appoint other persons to the Supreme Court was reversed, without any explanation or justification.

Besides this, of course, no one — still — knows how judges are selected, and the appointments made reek of biases of self-selection and in-breeding. Sons and nephews of previous judges or senior lawyers tend to be popular choices for judicial roles. With its ad hoc informal consultations with other judges, which do not significantly investigate criteria such as work, standing, integrity and so on, the Collegium remains outside the sphere of legitimate checks and balances.

In the last half a decade or so, there was some agreement that the Collegium system of appointments had failed, and that we needed a more transparent and accountable system. The proposal for a National Judicial

Appointments Commission (NJAC) came about, seeking to guarantee the independence of the system from inappropriate politicisation, strengthen the quality of appointments, enhance the fairness of the selection process, promote diversity in the composition of the judiciary, and rebuild public confidence in the system.

Unfortunately, the SC, in its majority decision declaring the NJAC unconstitutional, missed a terrific opportunity to introduce important reformatory changes in the functioning of the judiciary. It could have read down the law, and reorganised the NJAC to ensure that the judiciary retained majority control in its decisions. But it did nothing. It did not amend the NJAC Act to have safeguards that would have made it constitutionally valid. It also did not reform the Collegium in any way to address the various concerns voiced by one and all, including the Court itself. Instead, to the disappointment of all those who hoped for a strong, independent and transparent judiciary, it reverted to the old Collegium-based appointments mechanism.

As a democracy, it seems anomalous that we continue to have a judiciary whose essence is determined by a process that is evidently undemocratic. That reforms in the existing selection process are urgently needed is stating the obvious. Justice Chelameswar, the sole judge who upheld the NJAC, tried to make a statement on this front, by walking out of the Collegium and insisting on transparent procedures. The Supreme Court, too, had referred to the need to introduce reforms while deciding the NJAC matter. But I have been hard-pressed to find any apparent sign of reform in the system.

The lack of a written manual for functioning, the absence of selection criteria, the arbitrary reversal of decisions already taken, the selective publication of records of meetings — all of these point to the fact that the Collegium is not only as opaque as it was, it may perhaps have become worse. This is a time to revisit the Collegium issue, either through a Presidential reference to the Supreme Court, or a constitutional amendment with appropriate changes in the original NJAC law. We would do well to remember Nehru's words on the importance of identifying judges of the highest integrity for appointment to the highest courts of the land. This is the best we can do for our country, and this is what we deserve.

The writer was Chief Justice of the Delhi High Court

FEDERAL IMBALANCE

The order to involve the UPSC in the selection of state police chiefs violates the principles of federalism

THE SUPREME COURT'S directive that the states must select their police chiefs from a list of officers empanelled by the Union Public Service Commission is against the federal principles outlined in the Constitution. Public order is exclusively a state subject and hence, the appointment of the Director General of Police (DGP) should be left to the discretion of the state governments.

The SC, however, on Wednesday dismissed applications by five states that had sought a modification of the Court's order in July last year, where it had reiterated the directives issued in *Prakash Singh and others vs. Union of India & others* in 2006. In *Prakash Singh*, the SC had ruled that the DGP of the state shall be selected by the state government from a list of the three senior-most officers of the department who have been empanelled for promotion to that rank by the UPSC. It also said the DGP should have a fixed tenure of at least two years. However, only five out of 29 states had approached the UPSC for empanelment. Last year, the SC had reiterated the directions spelt out in *Prakash Singh*, whereby the states have to "send their proposals in anticipation of the vacancies to the UPSC well in time at least three months prior to the date of retirement of the incumbent on the post of Director General of Police" and indicated its disapproval of states appointing acting DGPs. There is no logic or reason for the UPSC, an institution under the Union government, to be involved in the selection process of DGPs. The responsibility of law enforcement is with the state government, which does it through the police machinery. Voters penalise the state government if it fails to enforce law and order. The involvement of the UPSC, whose members are appointed by the Union government, allows the Centre to have a foothold in what is clearly a domain of the states. This has implications for federalism: When the Union and state governments are run by different parties, it could become a matter of friction. The Supreme Court may have unwittingly upset the balance of federal powers in this matter and tilted it in favour of the Centre.

The SC has said the choice of a DGP has to be made "on the basis of their length of service, very good record and range of experience for heading the police force". A state government, surely, could be trusted to make this choice, especially since the police force, including the officers, serves under it.



SANJAY PASWAN

A TOOL FOR PARITY

Quotas for economically weaker sections will help de-stigmatise reservation

THE DEBATE ON reservation reminds me of an old fable in which a group of blind men approach an elephant. One of them, after touching the animal's trunk, thinks it to be snake, the person who touches the elephant's body believes it is a wall, and so on. Reservation is likewise interpreted largely on the basis of one's predispositions and experiences. For a member of a Scheduled Caste or Scheduled Tribe community, it is a tool for social mobility. The makers of the Constitution kept historical and sociological reasons in mind while framing provisions that gave preferential treatment to Dalits and Adivasis in education and employment.

The moral compass of reservation witnessed a fundamental shift only in the 1990s, when affirmative action policies were politicised. In contrast, the policy of reservation for SCs and STs was implemented without social turbulence — barring a few instances. The rest of the society was largely empathetic to the cause of the SCs and STs.

The recommendations of the Mandal Commission widened already-existing social cleavages. Landholding and affluent communities violently demanded a share in the pie. The essence of reservation was diluted. The intent with which it was envisioned was pub-

licly debated, and there were arguments for and against its continuation.

With the announcement of affirmative action for the poor, there is a new ray of hope. The 124th Constitution Amendment Act clearly says that the additional 10 per cent reservation would be in addition to the existing quotas for Dalits and Adivasis. The Act will draw a new course for social justice in India.

Unfortunately, a lot of misleading views are being expressed to discredit this move. It is alleged that the amendment would end up discrediting reservations as a whole. However, the established Dalit leadership from across the political spectrum has supported the Bill unequivocally. From Mayawati to Ram Vilas Paswan to Ramdas Athawale this bill has united the voices from within the community. There is a reason for this. Dalit leadership in the country is essentially the leadership of and by the poor. The Dalits remain the most socially, politically and economically disadvantaged section of society. Reservations may have improved the status of many in the community but a lot more needs to be done.

A section of elite Dalits, who have cornered the fruits of reservation, are speaking against it. But by and large, the middle-class aspirational Dalit is happy because he anticipates

the beginning of the process of de-stigmatisation of reservation. Dalits often struggle at workplaces where their merits are questioned. Once a large section of the economically backward start getting empowered through reservation, there would be empathy towards those who benefit from quotas.

There are pragmatic reasons for Dalits to support the move. The community has been a strong advocate of regularisation of government services and has raised its voice against contractual services, adhocism and outsourcing. It is only under the current government that Dalits were encouraged to venture beyond the conventional constitutional empowerment. Initiatives like MUDRA, PMJDY, Stand-up India and National SC/ST Hub have proved to be significant interventions towards ending financial untouchability. They have received institutional support especially with respect to loans and incubation centres have had a transformative impact on subaltern youth.

After the 124th Constitutional Amendment, reservations, which were viewed as "charity", will be viewed a tool of "parity".

The writer is a MLC in Bihar and professor at Patna University

CHINESE SPROUTS

Plants are growing on the dark side of the moon. The symbolism is tremendous, the science so-so

THE CHINA NATIONAL Space Administration's Chang'e-4 lunar mission is calculated to make headlines, while raising the bar in space science. The first mission to send a lander to the dark side of the moon, it also includes a little garden supporting a flourishing ecosystem — some sprouting cotton seeds, yeast and a few fruit flies. It will not survive when the water supply runs out, and it was known to good consequence in a simulation and many more. A warning that the time that humans have grown anything on another world, and set up a working ecosystem. It signals the tentative beginning of an era long-anticipated by science fiction, when the human race would be able to colonise planets.

But scientifically, the achievement is unspectacular. Lunar gravity is 17 per cent that of the earth, while plants have been grown in the apparent weightlessness of the International Space Station (ISS) for the last eight years, to see if they can serve as a food supply and regulate the cabin atmosphere on long-haul space flights. Geotropism, which causes roots to grow down and shoots to grow up, has been controlled, and use of artificial lighting in photosynthesis understood. In fact, in 2017, part of a crop of Chinese cabbage was eaten with relish by the crew of the ISS.

But every part of the first biological experiment on the moon is not a success. The potato seeds have proved to be tardy in sprouting, calling into question the plot of Andy Weir's *The Martian*, in which a marooned astronaut keeps himself alive by growing potatoes on Mars. He could have been better equipped with a pack of Chinese cabbage seeds to see him through his long ordeal.



JANUARY 18, 1979, FORTY YEARS AGO

JANATA CRISIS WANES THE JANATA PARTY crisis is as good as settled except for a slight hitch over giving the finance portfolio to Charan Singh. It is learnt that Prime Minister Morarji Desai does not think it would be prudent to disturb Finance five weeks before the presentation of the budget. Biju Patnaik, who is acting as an emissary, is believed to have communicated the diffidence of the PM to Madhu Limaye, who is close to Charan Singh. Charan Singh does not appear to be in a mood to make this an issue. He might be willing to assume the charge of Food and Agriculture, which may be expanded to include Irrigation. It is possible that as Deputy Prime Minister he

may have an overall charge of more than one Ministry. This move may satisfy Singh even if Finance is not given to him.

STATE AND INDUSTRY FORCEFUL PLEAS BY George Fernandes and Biju Patnaik for the nationalisation of such key industries as steel, aluminium and cars marked deliberations of the national executive of the Janata party. And it is likely that the party's top policy-making body will set up a committee tomorrow to consider the proposal of the two ministers along with the overall question of checking the concentration of economic power. While Patnaik's focus was on bringing the entire

private sector steel production in the public sector, Fernandes wanted nationalisation of aluminium and cars.

SATELLITE TO FALL ARYABHATA, INDIA'S PRESTIGIOUS satellite launched from Sriharikota in April 1975 might "come down" any time. S Sundaram Pillai, an officer of the Indian Space Research Organisation, Bangalore, told newsmen at the ISRO pavilion at the All-India Tourists' Trade Fair in Madras that the original life of the satellite was estimated to be only six months. But it was still in the orbit and was being tracked by the space centre at regular intervals.

15 THE IDEAS PAGE

Digital India versus Real India

In the run-up to the general election, global tech companies must find ways to live with populism, pandering and paranoia



BHASKAR CHAKRAVORTI

AS A DIGITAL destination, India is red-hot. After all, Prime Minister Narendra Modi, in his maiden appearance at Davos, had declared that he was replacing red tape with a red carpet; his administration had already embraced Digital India, the brand poised to displace the Incredible India of palaces, camels and yoga retreats. While Digital India is a mix of many public sector initiatives as well as private ones — such as a 4G network blanketing the nation with Internet access at throwaway prices — it needs the digital players from the outside. And these outside players have responded. Amazon was so gung-ho that it pledged \$5 billion on cracking India. In response, arch-rival, Walmart, raised the bar by putting down \$16 billion to secure its own toehold. Nevertheless, Amazon has dug in for the long haul; after “Prime” and “Alexa”, apparently, “India” is the third-most frequently used term in its recent letters to shareholders. Beyond the retail giants, there are the usual Silicon Valley suspects — Google, Facebook, Netflix, etc. — hoping to be the stewards of a digitally-emergent nation. Even Indian startups have felt the love. Ventures, mostly digital ones, have raked in over \$10 billion in funding from overseas for two years in a row.

Modi’s “red carpet” call was issued from the Swiss mountains a year ago — in 2018. But, for now, for election year, 2019, notably, an election year. The digital CEOs jetting in expecting that red carpet must recognise that this is a year when “real” India takes precedence. They must also be able to distinguish between the many faces of real India and frame their strategies appropriately.

First, there is the India of small towns and villages that makes for riveting case studies in business school classrooms. This is the India where the nawabs of the Net go native: finely calibrated products and processes are re-calibrated to suit the uniquely Indian context. Websites and apps are stripped-down to work with low-end phones. Local shopkeepers, whose businesses will be eviscerated by global e-commerce, are re-deployed to become the distribution agents of those e-commerce giants by taking to bicycles and two-wheelers to navigate the unpaved roads and unmarked addresses that Google Maps cannot locate. This is the India where digital players put aside their allergy to the analogue world and accept cold hard cash. This is the India where the Googles and Amazons must invest in translation to multiple language to ensure they are truly making inroads. Suffice it to say, any digital player serious about the Indian consumer has been working hard to figure out how to crack this facet of Indian reality.

Then, there is a second face of real — mostly urban — India attempting to grapple with the same struggles as their counterparts in the rest of the world: Balancing the conveniences and the sheer thrill of digital connectivity with concerns about violation of privacy and manipulation by nefarious groups. WhatsApp, India’s prime conduit for digital rumour-mongering, has taken several steps, ranging from public service advertisements and appointing a grievance officer (albeit one who is still based in California) and limiting forwarding of messages. It is unclear how effective these measures will be, particularly in advance of an election season. If the recent experience prior to the elections in



Suvajit Dey

Brazil — marked by an “unprecedented industrial use of disinformation” (according to the fact-checking organisation, AOS Fatos) — is any indicator, the Indian voters should brace themselves for a whirlwind ahead. The digital players are still fumbling in their attempts to address these concerns and will continue to grope around in the dark looking for a solution.

This brings us to a third face of real India that shows up prior to election season: A reality that is a perfect storm of populism, pandering and paranoia. For populism, one needs to look no further than the world’s digitally most connected politician. Prime Minister Modi continues to brand himself as a champion of the aspirational middle-class and has seized the political narrative using digital tools, such as the NaMo app. This is just fine, except that when the NaMo app comes pre-installed in 40 million Reliance Jio phones, the branding begins to feel a tad Orwellian. When Modi’s image is, in turn, used in advertisements for “Jio Digital Life”, the Orwellian circle is complete.

Then there is the pandering. Apart from the cozy connections with certain large businesses as evidenced above, pandering takes place in the form of protectionism on behalf of local businesses, both large and small. Recent draft government rules suggest a plan to require that Indian users’ data be stored locally. Since international digital players typically store data in servers around the world, this would drive up their storage costs disproportionately. This would, obviously, please local businesses and work in the current administration’s favour in an election. To pile on the munificence to local businesses, the Modi administration recently tightened rules on international e-commerce players, effectively preventing them from selling products from affiliated vendors or selling proprietary products at discounted prices. This, too, builds much-needed goodwill prior to elections. One can only hope that there is no demonetisation 2.0 that is sprung on the country given how well that worked in pandering to the “ordinary man”.

For populism, one needs to look no further than the world’s digitally most connected politician. Prime Minister Modi continues to brand himself as a champion of the aspirational middle-class and has seized the political narrative using digital tools, such as the NaMo app. This is just fine, except that when the NaMo app comes pre-installed in 40 million Reliance Jio phones, the branding begins to feel a tad Orwellian. When Modi’s image is, in turn, used in advertisements for ‘Jio Digital Life’, the Orwellian circle is complete.

Finally, to see paranoia in action consider the home ministry’s recent authorisation extended to 10 government agencies with rights to access user data “for the purposes of interception, monitoring and decryption of any information generated, transmitted, received, or stored in any computer resource”. All of this, of course, runs counter to the Supreme Court’s determination of citizens having a fundamental right to privacy. Even though government surveillance can, in theory, be carried out on anyone, it is fair to assume that it could have a chilling effect on the administration’s critics and political opponents.

Each of these pre-election moves can be confounding to the uninitiated international CEO and it is unclear if they are in the best interests of the users. I am afraid, even the world’s most sophisticated digital players haven’t figured out how to deal with this face of real India, that is, the politically charged India of the election season where the red tape abruptly returns and replaces the red carpet.

The lesson is clear: Digital India can never out-run the real India; the two must share the same road. Much like on the very real roads of India, digital players must learn how to swerve, speed up and hit the brakes at any time. They must constantly “blow horn” to make a noise and ensure their presence is felt. If it doesn’t figure out how to do the swerve-speed up-brake and blow horn routine, digital India will be on a collision course with real India — and there is little doubt which India will win.

Ever the wordsmith, Prime Minister Modi had remarked in an early trip to Japan: “We used to play with snakes, now we play with the mouse. When we move a mouse, the whole world moves.” My one piece of advice to Amazon, Walmart, Google and all others of their ilk: Don’t get too comfortable with that mouse. We still play with snakes.

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WHAT THE OTHERS SAY

“China won’t initiate an arms race with the US. Nor does China have the ambition to start a global military competition with Washington. China develops armaments to safeguard its national security, not for hegemony.”

— GLOBAL TIMES, CHINA

A dose of love

It isn’t money, medicine or power, but acts of love and caring that are the most potent influences on our well-being



VIKRAM PATEL

IF THE PURSUIT of a long and healthy life is the central goal of medicine, indeed humanity itself, then love is its most powerful intervention. This may seem like a fatuous declaration, and I might be undermining my own academic pretensions by using this word in preference to the scientific jargon which medicine shrouds itself in, but the facts speak for themselves. These facts come from a number of scientific studies focusing on different stages of our lives and examining the diverse ways in which love expresses itself.

From the earliest hours of our lives, being loved by our parents is the most important predictor of our well-being. Some of the mechanisms are obvious, for example being fed adequately. But there are more potent, less visible, pathways too. Parenting, the technical term used to describe the way a parent responds to their child with affection, attention and admiration, is profoundly important to stimulate the brain to learn effectively and manage one’s emotions competently, both essential to a healthy and long life. The experience of being loved by one’s child is, in turn, a driver of the parent’s well-being. During our youth, the range of relationships through which love can be expressed expands significantly to include our peers, teachers and even strangers in our neighbourhoods. Being excluded or friendless, or spending time in schools or neighbourhoods where hate or violence breeds with impunity, greatly damages our health. As we mature into adulthood and older age, it is our social relationships, not the number but their quality, which will determine how long we live and the quality of these years of life.

Perhaps the most celebrated study which provides compelling evidence on the potency of these factors is Harvard’s Grant and Glueck study which has been in progress for over 75 years. The study followed up two distinct groups of men, one comprising 456 men from poor families in Boston and the other comprising 268 Harvard graduates. Successive generations of researchers regularly carried out extensive health assessments of these men. Over time, many men died, and the researchers were able to study which factors, across the life course, predicted mortality. Not surprisingly, the usual medical suspects, from smoking to high cholesterol levels, were important predictors. But the factors which out-weighed all others, as the most important predictors of a long and healthy life, were the quality of the relationships the men had with others and the extent to which they were engaged with their communities.

There are other strands of research which complement this evidence, perhaps most vividly the impact of the loss of love on our well-being. The most grievous loss of love any of us will experience is that of our intimate partner, particularly after a long and fulfilling period of living together. An example of a study examining the impact of such

loss is the University of Michigan Health and Retirement Study. Researchers followed up 12,316 people for 10 years, observing who lost a spouse and then recording when they themselves died. Losing a partner dramatically increased the risk of dying, especially in the first three months after the loss when compared with those whose partners were alive, the risk increased by a whopping 66 per cent.

Many people will mock the idea of love being a potent medicine simply on the basis of such observations. They will demand proof, in the form of a plausible biological mechanism. How, for example, can soothing one’s crying baby and experiencing their joyful smile in response, hugging a friend and feeling their arms tighten around you, caring for one’s neighbour and knowing they will stand by you in your hour of need, experiencing mutual pleasure during sexual intercourse, enhance our well-being and extend life? We now know that such acts are associated with a range of bodily changes, for example due to the increased amounts of oxytocin, sometimes referred to as the “love hormone”, released in response to such behaviour. And, when acts of love are life-long investments, their effects are incremental because of sustained biological processes and behavioural choices.

The science pointing to the fact that our social relationships are profoundly important for our health would come as no surprise to most of us: After all, we can each look into our own lives and recognise the magical effects of being loved by someone and, equally importantly, loving them, on our own well-being. It would also not surprise evolutionary biologists who have long recognised that a foundational feature of our species is that we are social creatures. We need — indeed we thrive on — connections with others. And, importantly, these “others” are not restricted to our small circle of family and intimate friends. The power of love works just as well when we care for those who are lonely as they grow old or suffer mental health problems, those who are excluded or marginalised because they are different from the majority in one way or another, those whose lives we have authority over such as the persons who serve us in our homes or workplaces. The important point is that, far from this being an act of charity for someone we perceive as being less fortunate than ourselves, caring for others, through direct acts of compassion or by standing up for their rights, ultimately stands to benefit us just as much. It triggers the biological mechanisms which make us healthier and happier, and fuels the social mechanisms which make our communities harmonious.

The evidence is clear: It isn’t money, medicine or power, but our acts of love and caring for others and being loved and cared for by others, two mutually reinforcing pathways, which are the most potent influences on our well-being. To top this, the best news is that you don’t need to look far to find opportunities to exercise this potent dose, for people whom we can care for are abundantly present in our homes and our neighbourhoods. If you don’t already know this, just reach out to someone with love and experience the well-being seep into you.

Patel is the Pershing Square Professor of Global Health at Harvard Medical School and is affiliated with the Public Health Foundation of India and Sangath

LETTERS TO THE EDITOR

RULE OF LAW

THIS REFERS TO the article, ‘The law, ours and theirs’ (IE, January 17). The writer is correct when she states “even when a police officer is killed by Hindus, it is minorities that face the brunt”. In a scenario of rising intolerance, how can the family of Subodh Kumar Singh expect justice? The “untraceable” main accused in the inspector’s killing had even posted videos of themselves. Instead, three Muslims have been arrested for suspected cow slaughter. What India needs is reform that will make ministers and police officers legally liable for any kind of mass crime. The day police officers and politicians are jailed for standing by as innocents are killed will be the day India can begin to exorcise the ghosts of lynchings and riots.

Bidyut Kumar Chatterjee, Faridabad

SCREEN TIME

THIS REFERS TO the editorial, ‘Cinema Paradiso’ (IE, January 17). Congratulations to the people of Srinagar on getting on getting access to a multiplex. It is disheartening that the people of Srinagar have not had the opportunity to watch their impeccably beautiful region on a 70mm screen for years. Hopefully, this development will bring joy to the people of the strife-torn region.

Prakhar Agarwal, Hyderabad

BAD OPTICS

THIS REFERS TO the editorial, ‘Shadow games’ (IE, January 17). The Congress-JDS

LETTER OF THE WEEK AWARD

To encourage quality reader intervention, The Indian Express offers the Letter of the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to editpage@expressindia.com or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301. Letter writers should mention their postal address and phone number.

THE WINNER RECEIVES SELECT EXPRESS PUBLICATIONS

alliance has a comfortable majority in the Karnataka Assembly. As such, it should be left alone to conduct its business, not face the pulls and pressures from the immense might and money power of the party ruling at the Centre. In fact, the perception that the BJP is trying to break the government in the only South Indian state where it is a strong player makes it seem as though the party has no narrative to take to the people in the general election. The party has recently lost elections to assemblies of three big states

Astha K, via email



C RAMMANOHAR REDDY

The Anand Teltumbde I know

It’s absurd to think he would build a conspiracy to inflict violence

IN AN AGE when a form of abuse can be made to stick as a legal charge, “Urban Naxalism” threatens to consume one more victim under UAPA: Anand Teltumbde, the Dalit public intellectual among many other things.

A caring society will give protection to someone like Teltumbde; it instead threatens him with long years of incarceration under the dreaded legislation in the absurd Bhima Koregaon case.

It was 2005 in Mumbai on the occasion of a public lecture by the distinguished historian Romila Thapar, when an unassuming man in his 40s gave me a business card that said “Anand Teltumbde, Managing Director, Petronet”. At the time I was still new to Mumbai’s intellectual scene having become editor of the *Economic and Political Weekly* only the year before. I did not know of Anand Teltumbde. So, I was puzzled that the head of a public sector undertaking was attending a lecture on historical method.

I was to soon learn that Teltumbde was much more than a head of a PSU. This graduate of IIM Ahmedabad wrote prolifically, both newspaper/magazine articles and

books on a range of public issues, always offering insights with unconventional views. He had interests in education too, leaving his management job to teach first at IIT Kharagpur and then at the Goa Institute of Management.

For more than a decade, I had the privilege to first read his writings and then to publish his work in EPW. In 2010, the journal invited Teltumbde to write a monthly column on current affairs. If I am not mistaken this was the first time that a Dalit writer had his own column in the English language media. “Margin Speak” was an outstanding success. The column had a wider gamut than Dalit issues. There was no issue in politics and society that escaped Teltumbde’s comment. Unlike most columnists whose views you can predict after a while, this was one who frequently gave you unusual perspectives. Indeed, Teltumbde, who is married into B R Ambedkar’s family, often expressed views that did not endear him to Dalit activists. Yet, Teltumbde’s column was the most widely read of EPW’s columns and was often reproduced elsewhere.

Teltumbde’s pen is sharp but his de-

meanour is most unobtrusive. I was once in the early 2010s a fellow member of a citizens’ committee hearing a case on displacement of people by a major project of Mangalore Refineries and Petrochemicals Limited (MRPL). During the two-day visit he was quick to highlight the abuse of law and demonstrate empathy, but never one to thrust himself into the limelight. In a different setting, when I participated along with him at a conference in the Central University of Sikkim in 2013, there was the thoughtful and widely-read Teltumbde presenting an academic paper.

It is absurd to think that the same Teltumbde would use the Bhima Koregaon forum to build a conspiracy to inflict violence. For, his views on the Bhima Koregaon battle of 1818 seek to downplay the importance of the 19th century battle. In an article written in *The Wire.in* in early 2018, Teltumbde said that it was important for Ambedkar, during his time, to project the battle as one of the Mahars under the British fighting their Brahminical oppressors. But it was a “pure myth”, for it was historically inaccurate to

cast it as an oppressed versus oppressor battle. The myth had outlived its political purpose. Holding on to it in the 21st century had pushed Dalits, argued Teltumbde, into “an identitarian marshland”.

It is unbelievable that someone who holds such strong and contrarian views would use the Bhima Koregaon anniversary for some conspiracy against the State.

There is now a familiar pattern in the action of the law enforcement agencies. From making “sedition” charges against students of Jawaharlal Nehru University to booking alleged cow smugglers under the National Security Act to framing charges against intellectuals and activists under UAPA, they all seem to be accusations made on political motivation, to the benefit of the ruling dispensation. Those charged will all be eventually acquitted, but “eventually” after many years of lost lives. Should a society use its citizens as cannon fodder in cases that are built on trumped up charges?

Reddy is editor of The India Forum, an online magazine to be launched in February

TELLING NUMBERS

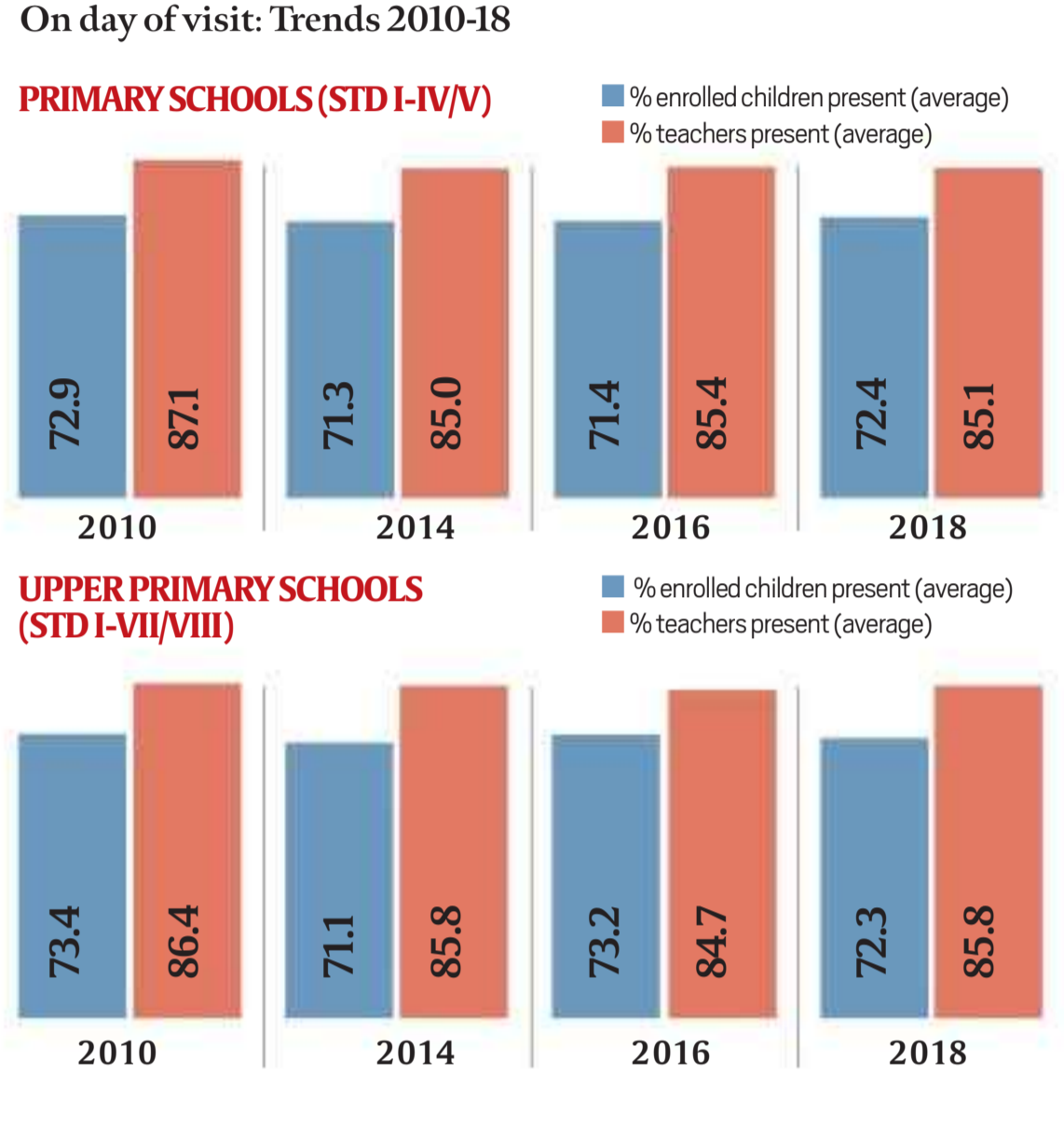
Studying and playing in school



A majority of rural schools have a physical education period and a playground, but not that many have a separate physical education teacher.
 Express Archive, for representation only

THE ANNUAL Status of Education Report (ASER), 2018, released Tuesday, contains data from government schools in rural areas in 596 out of 619 districts. In each sampled village, researchers visited the largest government school with primary sections.

ATTENDANCE OF STUDENTS AND TEACHERS



MULTIGRADE CLASSES

On day of visit: Trends 2010-18

Year	% schools where Std II children sitting with one/more other classes	% schools where Std IV children sitting with one/more other classes
2010	55.2	49.0
2014	62.8	56.8
2016	63.7	58.0
2018	63.4	58.0

Year	% schools where Std II children sitting with one/more other classes	% schools where Std IV children sitting with one/more other classes
2010	54.0	41.6
2014	59.9	48.4
2016	59.3	49.2
2018	60.9	48.1

PHYSICAL EDUCATION & SPORTS

On day of visit, 2018

% of schools with	Std I-IV/V	Std I-VII/VIII	All schools
Physical education period in timetable	58.4	69.1	62.9
Separate physical education teacher	5.8	30.8	16.5
Playground inside school premises	65.0	70.3	67.2
Availability of sports equipment	55.8	71.5	62.5
Supervised physical education activity	23.5	30.3	26.4

Data: ASER 2018

SIMPLY PUT QUESTION & ANSWER

Why Assam, N-E are angry

Citizenship Bill has sparked protests across the Northeast, particularly Assam, from citizens, Opposition parties and even BJP leaders and their allies. What makes the Bill so sensitive, why is govt still pushing it?

ABHISHEK SAHA
 GUWAHATI, JANUARY 17

What is the Bill about?

Passed by Lok Sabha on January 8, the Citizenship (Amendment) Bill is yet to be introduced in Rajya Sabha. It amends the Citizenship Act, 1955 by selectively relaxing the eligibility rules for immigrants in getting Indian citizenship. Under the existing Act, an immigrant must have lived in India for 12 of the previous 14 years. The Bill relaxes this to six years for certain sections of immigrants. Legal experts say that when the Bill is read together with a Home Ministry notification of September 7, 2015 on The Passport (Entry into India) Amendment Rules, 2015 and with The Foreigners (Amendment) Order, 2015, the cutoff for citizenship becomes December 31, 2014. This is for immigrants belonging to six minority (non-Muslim) religions —Hindus, Sikhs, Buddhists, Jains, Parsis, Christians — from Afghanistan, Bangladesh or Pakistan.

Why has this led to protests?

Protesters have expressed fears that the prospect of citizenship will encourage migration from Bangladesh. They have cited several grounds for opposing this. **DEMOGRAPHY:** This will change across Northeastern states, protesters say, as has already been happening in Assam and Tripura over decades of migration (see graphs). "Assamese could become the second language. Then there is also the question of loss of political rights and culture of the indigenous people," said former Chief Minister Prafulla Mahanta, who was the face of the Assam Movement (1979-85) against illegal immigration, and one of the signatories to the Assam Accord at the culmination of the movement. **BILL vs NRC:** Protesters say the Bill goes against the Assam Accord and negates the on-going update of the National Register of Citizens (NRC). The Accord and the NRC set March 25, 1971 as the cutoff for citizenship, irrespective of religion. To be included as citizens, applicants need to prove that they (or their ancestors) were present in Assam before that date. AASU adviser Samujjal Bhattacharya and activist Akhil Gogoi told *The Indian Express* that the Bill proposes to "protect illegal Bangladeshis who have come after 1971".

RELIGIOUS DISCRIMINATION: While the Assam Movement did not discriminate between Hindu and Muslim immigrants, the Bill proposes to grant citizenship on the basis of religion. The protesters call it unconstitutional. "The Bill plays with the Constitution, and that is very dangerous," Mahanta said.

Who are protesting?

They include leaders of non-BJP parties, BJP allies and a few of the BJP too, with influential groups such as the All Assam Students' Union (AASU), civil society organisations and leading intellectuals. Mahanta's AGP has pulled out of the BJP-led government. Protesters have held rallies and meetings, and observed a Northeast bandh called by the North East Students' Organisation (NESO) and AASU. Students have boycotted classes. A section of the protesters attacked BJP offices in Assam; four others were injured in police action in Tripura. One public meeting, in Guwahati on January 7, brought together former Assam Chief Ministers Tarun Gogoi (Congress) and Mahanta, with eminent citizens including intellectual Hiren Gohain and former Assam DGP Harekrishna Deka. For statements attributed to them, Assam Police slapped sedition charges were slapped on Gohain, activist Akhil Gogoi and journalist Manjit Mahanta.

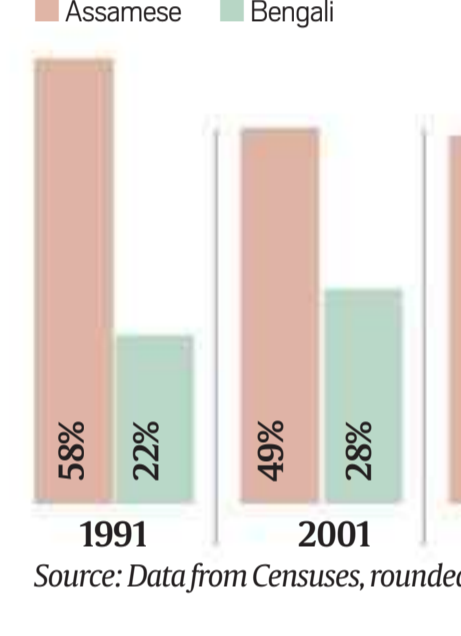
Why is the government intent on pushing such a sensitive Bill?

The Bill is not just for Assam and the Northeast, but for the entire country. In Silchar on January 4, Prime Minister Narendra Modi described it as an "atonement" for mistakes committed during Partition. In Guwahati Thursday, BJP general secretary Ram Madhav too cited Partition as a justification. While Parliament was in session, Home Minister

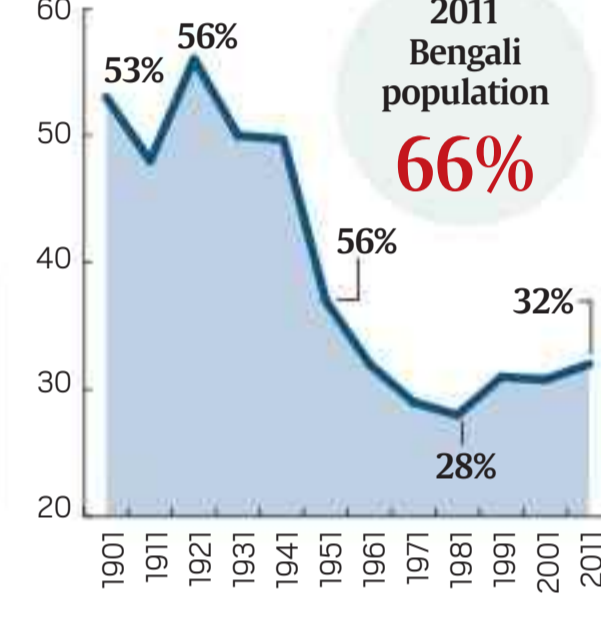


Citizens of Guwahati march against the Bill on January 9. PTI

LINGUISTIC GAP IN ASSAM POPULATION



TRIBALS AS A PERCENTAGE OF TRIPURA POPULATION



RIPPLES BEYOND ASSAM

TRIPURA: Parties representing indigenous tribes — including BJP coalition partner IPFT — have opposed the Citizenship (Amendment) Bill. A case demanding an NRC in Tripura is pending in the Supreme Court. Upendra Debbarma, adviser to the Twipra Students' Federation, told *The Indian Express*: "We are already a microscopic minority in our own land. If this Bill is passed, our demography will be threatened."

MANIPUR: BJP Chief Minister N Biren Singh was quoted by PTI as saying Thursday that his government will not support the Bill unless a provision is included for protecting the rights of the indigenous in the Northeast. To express Manipur's concerns, he had met Union Home Minister Rajnath Singh on January 12. The state is awaiting central assent for its Manipur People's (Protection) Bill, 2018 that proposes 1951 as the cutoff for eligibility to various protections. The state Cabinet issued a note on January 10, communicated to Rajnath Singh: "There is apprehension also that once [the Bill] is implemented, the state could be flooded with a large number of illegal immigrants and foreigners from neighbouring countries..."

MEGHALAYA: On January 10, the ruling alliance, which includes two BJP MLAs, passed a resolution against the Bill. Chief Minister Conrad Sangma has termed its passage in Lok Sabha "unfortunate". Assembly Speaker Donkumar Roy, president of BJP ally UDP, told PTI: "The Bill would open the gates for illegal immigrants from Bangladesh... We do not want the indigenous population to become a minority in our own state."

ILP STATES: To enter Arunachal Pradesh, Nagaland or Mizoram, Indians from other states need an inner line permit (ILP) under the provisions of the Bengal Eastern Frontier Regulation (BEFR) Act. Nagaland CM Neiphiu Rio (of BJP ally NDDP) said the state is protected but added the Bill in its present form needed review and expressed solidarity with communities who will be affected. Last May, Arunachal CM Pema Khandu (BJP) too said the state is protected by the BEFR Act 1873, while the state Congress has opposed the Bill. Mizoram CM Zoramthanga, whose MNF is part of the BJP-led alliance, told *The Indian Express* that his party was "very annoyed" about the passage of the Bill in Lok Sabha.

Rajnath Singh said the regularised immigrants would not be settled in Assam alone but be distributed among various states.

Those opposing the Bill, however, see an Assam context. In the NRC update, the draft final list leaves out 40 lakh applicants. In the absence of official figures, leaders across political parties have estimated that Bengali Hindus (seen as BJP voters) constitute a large section of the 40 lakh. With 30 lakh having filed claims, some of them are expected to be included later. In a TV interview, BJP Minister Himanta Biswa Sarma spelled out his estimate —

after the claims are disposed, the final NRC will leave out around 8 lakh Bengali Hindus who had migrated before 2014. Based on the distribution of these 8 lakh among Assembly seats, Sarma has made another estimate. "If the Bill is not passed, 17 Assamese seats, which elect Assamese people, will go the Jinnah way," he said at a press conference.

But will the Bill not affect demography?
 "There is no specific report on whether the refugee migrant population from Bangladesh is causing unexpected demo-

graphic changes of certain North-Eastern States," the Home Ministry told a Joint Parliamentary Committee (JPC) that had examined the Bill. The JPC quoted this in its report, but disagreed: "In fact, demographic changes have been indicated in successive census but the illegal migrants claim that they are original residents and citizens of India..." On another aspect, the JPC agreed with the Home Ministry: "In the Committee's opinion, the cut off date of 31 December, 2014 assumes greater significance as it has been intended to determine eligibility and prevent further influx into India, negating thereby the possible malafide design of the vested interests in the neighbouring countries."

Does that not contradict the 1971 cutoff?
 The Home Ministry told the JPC that "according to the Ministry of Law & Justice, the proposed Amendment appeared to be contrary to the Assam Accord". "The Department of Legal Affairs (Law Ministry), inter-alia, apprised the Committee that the proposed amendments appear to be contrary to the Assam Accord," the JPC report said. However, the Law Ministry's Legislative Department noted that "the proposed proviso to exempt persons belonging to certain minority communities coming from Afghanistan, Bangladesh and Pakistan has general application beyond the Assam Accord and is intended to apply to the whole of India".

How many will benefit from the Bill?
 On January 9, MoS (Home) Kiren Rijiju told Lok Sabha: "In the absence of any authentic survey, the accurate data of Hindus, Sikhs, Buddhists, Jains and Christians who came from Bangladesh, Pakistan, Afghanistan etc and settled in various parts of India including Assam up to December 31, 2014 is not available. However, as per available information, more than 30,000 persons belonging to such minority communities from these countries are staying in India on Long Term Visa." This was in response to a question by Badruddin Ajmal, AIUDF MP from Assam. The JPC had asked the Intelligence Bureau for data about the immediate beneficiaries from the Bill. From its records, the IB gave a count of 31,313 (25,447 Hindus, 5,807 Sikhs, 55 Christians, 2 Buddhists and 2 Parsis) who have been given Long Term Visas on their claim of religious persecution in the three countries. For citizenship, they have to prove that they had migrated to escape religious persecution, the IB said. In his deposition, the IB director noted that there could be many others who have come and have already got citizenship "by various means". In Assam, Mahanta agreed, "There is no concrete data." And added, "The fear in Assam is logical, although not statistical."

Measles Rubella Vaccination: Understanding the question of parental consent

ABANTIKA GHOSH
 NEW DELHI, JANUARY 17

DELHI HIGH Court put on hold Tuesday the Delhi government's plan for a measles rubella vaccination campaign in schools across the capital, saying the decision did not have the consent of parents. The court's order introduced a dimension to vaccination — the question of consent — that had not been adequately dealt with earlier.

The question in court
 Students of private schools in the city had approached the court through their parents saying "it is settled principle that choice of an individual, even in cases of life-saving medical treatment, is an inextricable part of

dignity which ought to be protected..."

Not a routine step
 The consent of parents is not sought during routine immunisation programmes. Dr V K Paul, Member (Health) at NITI Aayog, and former professor of paediatrics at AIIMS said consent in routine immunisation is implied because it is the parents or members of the family who bring the child to the hospital or healthcare centre. "For such a public good and for a vaccine that is tried and tested, there is ample evidence on safety and efficacy and something which is already a part of the universal immunisation programme, written consent should not be essential," Dr Paul said. Dr N K Arora, also a former professor of paediatrics at AIIMS, said: "The MR vaccine was recently introduced in the universal im-

munisation programme. It has to be administered to all children between ages 9 months and 15 years. But we also need to vaccinate those who did not get it earlier, and before they reach the reproductive age group. For vaccinations and such public health programmes we have never taken consent."

Why in schools
 Dr Paul said schools, rather than health centres or hospitals, were consciously chosen because nowhere else can such large numbers of children in the relevant age group be targeted. "It is only practical," he said.

Global best practice
 "Parental consent should be obtained prior to vaccination. This is the standard practice around the world," said Dr Mathuram

Santosham, professor at the Department of International Health and Paediatrics, Johns Hopkins University. The World Health Organization recognises oral, written, and implied consent for vaccination. A WHO survey in 2012 in 34 countries on consent procedures for vaccination in 6-17-year-olds found approximately half the countries used written consent. In a 2013 document dealing with the question, the WHO said: "...When children are present for vaccination unaccompanied by their parents, it is challenging to determine whether parents indeed provided consent... Countries are encouraged to adopt procedures that ensure that parents have been informed and agreed to the vaccination."

Dr N K Ganguly, former director general of the Indian Council of Medical Research, said: "Vaccination is always a voluntary

process, and there is never compulsion involved. Vaccines should be administered after people are sensitised about the disease and vaccine. In several US states, it is compulsory to provide vaccination records before seeking admission into school, so that the child is not a danger to others."

The MR vaccine
 The latest Global Measles and Rubella Update says India had 56,399 confirmed measles cases and 1,066 confirmed rubella cases in 2018. Measles is a serious and highly contagious disease that can cause debilitating or fatal complications, including encephalitis, severe diarrhoea and dehydration, pneumonia, ear infections and permanent vision loss. The disease is preventable through two

doses of vaccine. Congenital Rubella Syndrome, or CRS, is an important cause of severe birth defects. A woman infected with the rubella virus early in pregnancy has a 90% chance of passing the virus to her foetus. This can cause the death of the foetus, or CRS. "MR vaccine is safe and effective, in use for over 40 years across 150 countries. The vaccine being given in the MR campaign is produced in India and is WHO prequalified. The same vaccine is being given in the routine immunisation programme of India and in neighbouring countries like Bangladesh, Sri Lanka, Nepal and Myanmar. Private practitioners in India have been giving measles-rubella (MR) or measles-mumps-rubella (MMR) vaccine to children for many years," Dr Ganguly said.