

THIS WORD MEANS

HAEMOPHILIA

A condition that is marked by excessive bleeding. On World Haemophilia Day, a look at the science that makes men more vulnerable than women, and the history that led to its description as a 'royal disease'

EXPRESS NEWS SERVICE
NEW DELHI, APRIL 16

WEDNESDAY, April 17 is World Haemophilia Day. Haemophilia is a medical condition, mostly inherited, in which the ability of blood to clot is severely reduced, so that even a minor injury can cause severe bleeding. Because of the genetics involved in the way the sex of a child is determined, men are more vulnerable to haemophilia than women.

Boys and girls

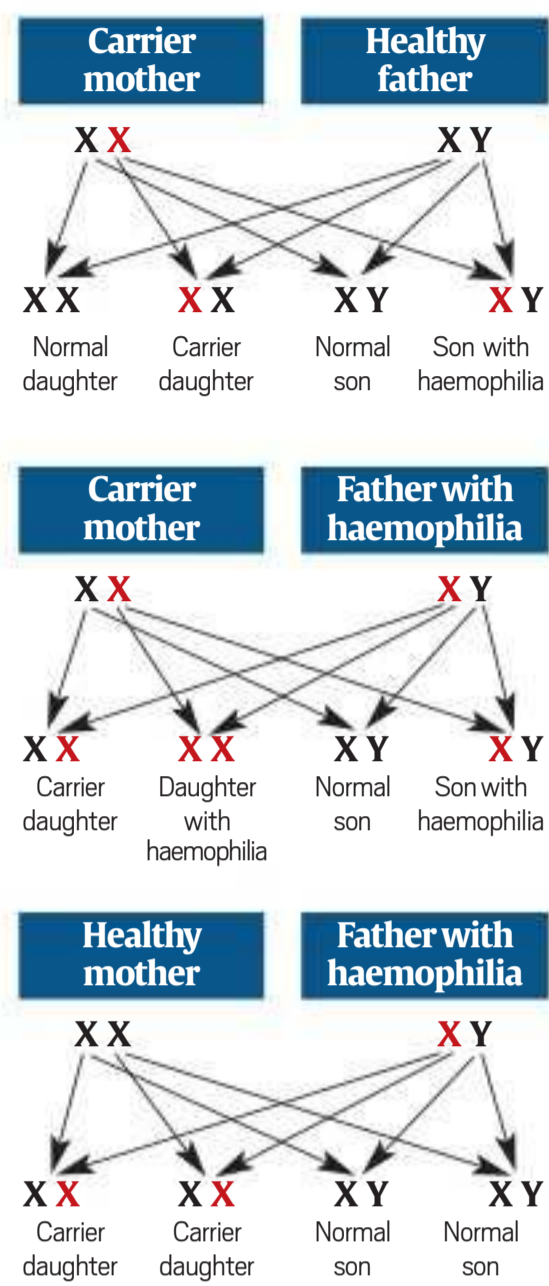
The sex of an individual is determined by a pair of "sex chromosomes" (a chromosome is a DNA molecule that contains genetic information). Females are identified with an XX pair of sex chromosomes, and males with an XY pair. When an X chromosome from the mother pairs up with the father's X chromosome, the offspring is XX (female); when an X chromosome from the mother pairs up with the father's Y chromosome, the offspring is XY (male).

Haemophilia is caused by a defect in the X chromosome. If a girl is born with one defective X chromosome, her other X chromosome can compensate for it. In such a case, she is a carrier of haemophilia but will not suffer from the condition herself. Only if both her X chromosomes are defective will she suffer from haemophilia herself. On the other hand, if a boy is born with a defective X chromosome, he does not have the second X chromosome to compensate for it, and will suffer from haemophilia. That is the reason haemophilia is more common among men.

'Royal disease'

Britain's Queen Victoria (1819-1901) is the world's most widely known carrier of haemophilia. From her, the condition spread among a number of European royal families, which is why haemophilia was once known as the "royal disease". Victoria passed on a defective X chromosome to three of her children. Her son Prince Leopold died at age 30 as a result of loss of blood after injury. Leopold's daughter, Princess Alice of Albany, was a carrier whose son inherited haemophilia and died at age 21.

Among Victoria's children, the other two who inherited a defective X chromosome were daughters. Both Princesses Alice and Beatrice were carriers who passed on haemophilia to several other royal families, notably those of Spain and Russia. One of these cases — that of Alice's grandson Prince Alexei (1904-18) of Russia — changed the course of history. Alexei's mother Alexandra relied on the monk Rasputin to cure her son, and many historians believe that Rasputin's closeness to the royal family hastened the Russian revolution of 1917. Alexei did not die of haemophilia but was executed along with others of his family. A study of his remains, published in *Science* maga-



An XX combination is female while XY is male. Haemophilia is caused by a defective X chromosome.

zine in 2006, established that the young prince did suffer from haemophilia.

Haemophilia in India

It is a rare disorder worldwide — one type, called Haemophilia A, occurs in about 1 in 5,000 births, while Haemophilia B is even rarer at about 1 in about 20,000 births. A vast number of cases, however, are believed to go unreported, particularly in India. According to the World Federation of Haemophilia's Annual Global Survey 2017, released in October 2018, there were over 1.96 lakh persons living with haemophilia across the world in 2017. In the country-wise data, India emerges with the highest count at nearly 19,000. On Tuesday, experts quoted by PTI estimated that 80% cases go unregistered, so that the actual count is close to 2 lakh.

REGISTERED CASES

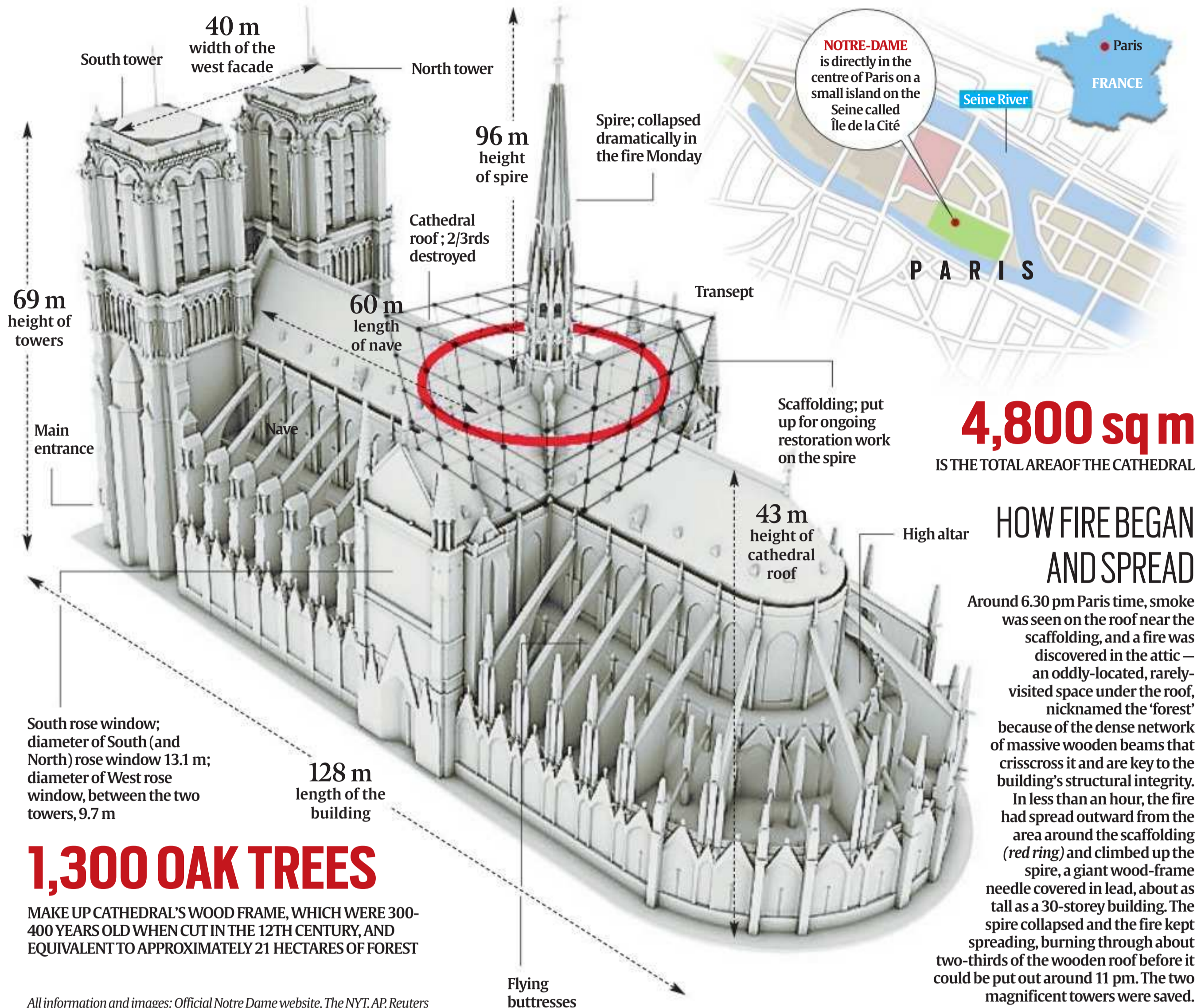
India	18,966
US	17,750
China	14,390
Brazil	12,432
France	7,524
World	1,96,706

Source: Annual Global Survey 2017 (released October 2018), World Federation of Haemophilia

SIMPLY PUT QUESTION & ANSWER

How fire ravaged a French icon

Notre Dame is a religious landmark, and a national, cultural, historical emblem of France. The fire in the holiest week of Christianity has done 'colossal damage'. How did it happen, and what happens now?



4,800 sq m
IS THE TOTAL AREA OF THE CATHEDRAL

HOW FIRE BEGAN AND SPREAD

Around 6.30 pm Paris time, smoke was seen on the roof near the scaffolding, and a fire was discovered in the attic — an oddly-located, rarely-visited space under the roof, nicknamed the 'forest' because of the dense network of massive wooden beams that crisscross it and are key to the building's structural integrity. In less than an hour, the fire had spread outward from the area around the scaffolding (red ring) and climbed up the spire, a giant wood-frame needle covered in lead, about as tall as a 30-storey building. The spire collapsed and the fire kept spreading, burning through about two-thirds of the wooden roof before it could be put out around 11 pm. The two magnificent towers were saved.

South rose window; diameter of South (and North) rose window 13.1 m; diameter of West rose window, between the two towers, 9.7 m

1,300 OAK TREES

MAKE UP CATHEDRAL'S WOOD FRAME, WHICH WERE 300-400 YEARS OLD WHEN CUT IN THE 12TH CENTURY, AND EQUIVALENT TO APPROXIMATELY 21 HECTARES OF FOREST

All information and images: Official Notre Dame website, The NYT, AP, Reuters

WILL BE REBUILT, WON'T BE THE SAME

WHEN AND HOW: Notre Dame was declared structurally sound after a preliminary inspection Tuesday, but the wood-and-lead roof and lacy spire, built of 750 tonnes of oak lined with lead, is gone. There are three huge holes in the vaulted ceiling, and a part of the vault has collapsed. The surface of the stone could have suffered due to being doused with cold water while very hot. A detailed assessment will take numerous tests, likely over many months.

COST OF RESTORATION: It is expected to be in the range of at least hundreds of millions of euros. The LVMH Group — which owns Louis Vuitton, Christian Dior and Givenchy — and its CEO Bernard Arnault, the third richest person in the world, pledged €200 million. François-Henri Pinault, CEO of the Kering Group which owns Gucci and Yves Saint Laurent, and oil and gas giant Total promised €100 million each. President Macron has said France will launch a global fundraising campaign, and European Council president Donald Tusk has appealed to EU member states to contribute.

EARLIER RENOVATIONS: This is probably the worst damage the cathedral has ever suffered. The present edifice was built after the original was destroyed by fire, and another fire led to more work between 1230 and 1240. Louis XIV and Louis XV remodelled it in the 17th and 18th centuries. In 1786, the original spire was replaced. The cathedral was damaged during the French Revolution, and there were overhauls from 1844 to 1864, when the spire and flying buttresses were re-done. In 2017, a €160 million renovation began, which was ongoing.

WHAT'S LOST: Enough detailed information is available for France's highly developed restoration industry to produce a technically precise reconstruction. But it will never be the same cathedral again. Most of the chestnut and oak beams in the roof were originals from 800-900 years ago, from trees cut around 1160, when they were perhaps 300-400 years old. Such massive trees, and so much wood, is simply not available any longer. Also, the stone will be cut by machines rather than by hand.



CROWN OF THORNS SAFE

SURVIVED: Notre Dame's most treasured relic, a band of rushes supposedly from the original crown of thorns placed on Jesus's head during his crucifixion (above); the 13th century Tunic of Saint Louis; at least one of the cathedral's immense stained glass windows.

FATE UNKNOWN: Numerous other works of art and statues, including the 8,000-pipe great organ, Nicolas Coustou's *Descent From the Cross* sculpture, and the purported fragment of the cross and a nail used in the crucifixion of Jesus.

WHY IT MATTERS

"Notre Dame of Paris is our history, the epicentre of our lives," President Emmanuel Macron said Monday. "It's the many books, the paintings, those that belong to all French men and French women, even those who have never come... We will rebuild it." The cathedral whose construction began in 1160 and which was consecrated nearly two centuries later in 1345, is arguably the greatest symbol of Paris, visited by 13 million people annually — nearly double the 7 million who visit Eiffel Tower. The beloved landmark has been an inalienable part of the cultural history of France, inspiring the paintings of Marc Chagall, and immortalised in Victor Hugo's *The Hunchback of Notre Dame*. It is the seat of the Archbishop of Paris; where England's Henry VI became, in 1431, the King of France; where Napoleon was crowned Emperor in 1804; where Joan of Arc was baptised in 1909. The great masterpiece of French Gothic architecture has survived, albeit not unscarred, the French Revolution, the Paris Commune of 1871, the two World Wars.

How Justice Chandrachud's dissent on Aadhaar influenced Jamaica ruling

KAUNAIN SHERIFF M
NEW DELHI, APRIL 16

IN A recent ruling striking down Jamaica's National Identification and Registration Act, which would have allowed collection of biometric information from all citizens to be centrally stored, the Supreme Court of Jamaica relied heavily on Indian SC Justice D Y Chandrachud's dissenting judgment on the Aadhaar Act last year. Justice Chandrachud had expressed the sole dissenting opinion in a 4:1 verdict that had upheld the Aadhaar Act. Jamaican Chief Justice Bryan Sykes and Justice David Batts chose to go by his view rather than the majority ruling.

Chief Justice Sykes
BIOMETRIC SYSTEMS: CJ Sykes referred to Justice Chandrachud's observation that when biometric systems are adopted in the absence of strong legal frameworks and strict safeguards, the technologies can pose "grave threats to privacy and personal security" as their application "can be broadened to facilitate discrimination, profiling and mass surveillance". He also referred to Justice Chandrachud's observations about recent

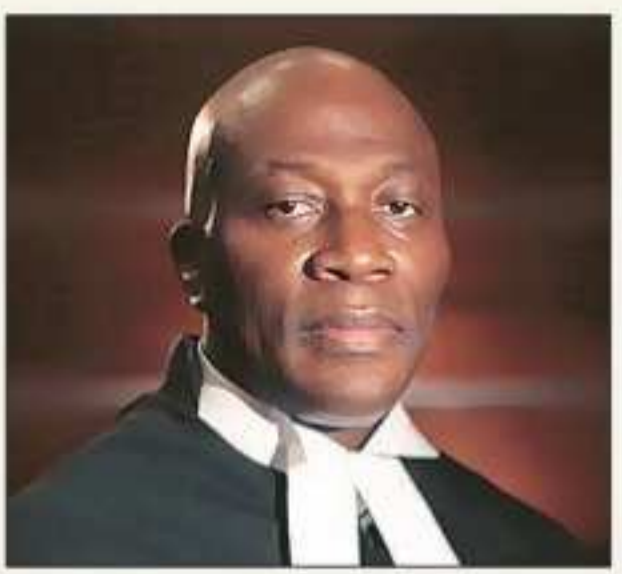
trends indicating "reluctance of developed countries to deploy biometric technology", including scrapping of the National Identity Register and ID cards in the UK, and Germany's decision to reject a centralised database when deploying biometric passports.

The Jamaican CJ observed that Justice Chandrachud "destroyed the notion" that "merely because similar or identical information is already in the possession of the state", that "in and of itself makes taking of such information again legitimate". Justice Sykes opined that Justice Chandrachud "demonstrated a greater sensitivity to the issues of privacy and freedom that is not as evident in the judgments of the majority". "His Lordship had a clear-eyed view of the dangers of a state or anyone having control over one's personal information and generally I preferred his approach to the issue over that of the other judges," CJ Sykes wrote. **DATA PROTECTION:** CJ Sykes relied on Justice Chandrachud's observation that while the Aadhaar Act creates a "regime of criminal offences and penalties", the "absence of an independent regulatory framework" renders the Act largely "ineffective in dealing with data violations". "What is important to note is that the



'Generally I preferred his approach to the issue over that of the other judges,' Jamaican CJ Bryan Sykes observed, about India's Justice Chandrachud (left)

majority and Dr Chandrachud J proceeded on the premise that oversight of the data controller was necessary. The difference was that the majority thought that the existing structure was sufficient and Dr Chandrachud J thought that it was not. While respecting and understanding the view of the majority I prefer Dr Chandrachud J on this aspect." He also cited Justice Chandrachud's ob-



servation that "a fair data protection regime requires establishment of an independent authority to deal with the contraventions of the data protection framework as well as to proactively supervise its compliance". "The point I take from this passage is the need for a strong independent and autonomous body which has the power to examine the operations of the Authority and report to an institution that is independent

of the Authority," CJ Sykes wrote.

Justice Batts

Justice Batts, too, stated that he is inclined "towards the view" of Justice Chandrachud. "This judge, in his dissent, applied the same proportionality test as did the majority but arrived at a different result. His decision is sufficiently important, and so reflective of my own views," Justice Batts wrote. Justice Chandrachud had observed that the "proportionality test failed because the Act allowed private entities to use Aadhaar numbers". Justice Batts wrote: "This he said would lead to commercial exploitation of the personal data and profiling without consent. Profiling can be used to predict market behaviour and preferences and even influence the choice for political office. These are contrary to privacy protection norms. Susceptibility to communal exploitation renders the relevant provisions arbitrary. The failure to define 'services and benefits' also was unreasonable and disproportionate." Justice Batts added: "The state, said he [Justice Chandrachud], had failed to demonstrate that less intrusive measures other than biometric authentication would not serve the purpose... The state failed to demonstrate

that the targeted delivery of subsidies entails a necessary sacrifice of the right to individual autonomy, data protection and dignity. As the Judge said, 'One right cannot be taken away at the behest of another'." Justice Batts observed that Justice Chandrachud "found disproportionate and excessive the effort to link Aadhaar to all account based relationships". "The provision, he said, operated on the presumption that all account holders were money launderers. There was no distinction made based on the nature of the business relationship, the value of the transaction, or the actual possibility of terrorist or money laundering. He came to a similar conclusion with regard to the attempt to link the Aadhaar number with mobile phone use," Justice Batts wrote. Justice Batts concluded that he wishes to adopt Justice Chandrachud's view as his own, and quoted him: "The technology deployed in the Aadhaar scheme reduces different constitutional identities into a single identity of a 12-digit number and infringes the right of an individual to identify himself or herself through a chosen means. Aadhaar is about identification and is an instrument which facilitates a proof of identity. It must not be allowed to obliterate constitutional identity."



The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

No more half-measures

Reviving growth requires better coordination between fiscal and monetary policies



NEELKANTH MISHRA

TO GET ONE of the largest economies in the world to maintain a seven to eight per cent growth pace requires effort, in the form of continuous reforms. With election results expected in about five weeks, the discourse must now move to the reforms or just administrative steps that are imperative to stem the steady decline in momentum we have seen recently in India, and hopefully reverse it. Growth expectations for the current year have already fallen from 7.4 per cent to 7 per cent, and are likely to slip further.

The current slowdown is baffling to many. Unlike in the 2011 to 2014 period, there are no smoking guns: There is no crisis with the currency that warrants a sharp slowdown in domestic demand, no freeze in decision-making driven by successive corruption scandals, or no uncoordinated over-investment in sectors like power generation that created significant overcapacity. This year, while nearly every company one talks to complains of slowing demand, almost no one is able to explain why.

A major cause very likely is shortage of money. For the last few years, retailers and distributors have continued to complain of there not being enough money to get the markets to function smoothly: "Market mein paisa nahin hai", they say. But how can there be a shortage of money when the RBI is printing so much that currency in circulation is 17 per cent higher than at the same time last year? That is a fair question.

The answer lies in understanding the different measures of money. Currency in circulation is about Rs 21 trillion currently, but the money that much of the formal economy uses for transactions, and see as bank deposits, is around Rs 154 trillion. This is called M3. The system that converts base money (M0: This is mainly currency in circulation) to M3 is currently not functioning: This is the financial system. When banks give new loans, they "create" money. When the financial system is not functioning effectively, this process of money creation slows down, and the ratio of M3 to M0 (also called the money multiplier) falls.

This exposes the risk of attempting a stealth privatisation of the banking system. In the aftermath of the surge in non-perform-

ing loans, most of which seemed to be with government-owned (PSU) banks, there was a realisation of structural problems with a state-owned banking system. But explicitly selling off these banks is politically difficult, and therefore it was assumed that the financial sector would get privatised slowly through the PSU banks losing market share. After all, such an approach had worked in airlines (Air India) and telecom (BSNL). However, unlike in airlines and telecom, a slowdown in credit availability could hurt economic momentum. For a few years, non-banking finance companies (NBFCs) stepped in to support aggregate credit growth, but starting late last year, as they got pulled into a funding crunch, and eschewed growth to ensure survival, system-wide credit growth has slowed sharply.

This leaves the government on the horns of a dilemma: If the PSU banks are asked to grow again, one runs the risk of another build-up of bad loans; but if they do not grow, economic growth slows further. Removing the logjam from the largely private NBFCs may also be a solution, but involves some moral hazard, and could open another can of worms. Whatever the approach, this issue needs resolution.

A second challenge is in better coordination of fiscal and monetary policies, starting with improved communication. Currently, government bond yields, which form the benchmark for the interest rates on a lot of debt in India, are significantly higher than the rates set by the Monetary Policy Committee (MPC). This gap, called the term premium, has come down from a recent peak, but is still among the highest recorded this decade.

Two major reasons come to mind: First, the market's fear of fiscal slippage. As discussed in this column earlier as well, India's general government (that is, central plus state) fiscal deficits are among the highest in the world, but compared to India's own history, the targets for this year are the third lowest ever. There has been some concern on excessive borrowing by public sector enterprises, but at least till two years back, for which comprehensive data is available, aggregate public sector savings were still positive. Further, forward-looking analysis of fis-

cal trends must incorporate the fiscal space that opens up with the pay commission now behind us. In the fifth and sixth pay commissions, the increase in the combined salary and pension bill of central and state governments was two to two-and-a-half percent of GDP: On both occasions the fiscal deficit had shot up. The seventh pay commission is now over, and the aggregate deficit is still unchanged. Till the eighth pay commission in 2026, as salaries and pensions rise slower than nominal GDP growth, significant fiscal space would open up.

The second reason is a reported drop in the households' financial savings to GDP ratio in 2017 to 9.4 per cent: The argument being that there aren't enough savings available for both the government and the private sector to be funded adequately. However, a deeper dig into the estimation of financial savings shows possible under-estimation, primarily with respect to mutual fund inflows (these have been very strong, but not visible in the savings data as reported), and small savings schemes which have now crossed one per cent of the GDP. Even assuming that there are no errors, the reported ratio has jumped to 11.1 per cent in 2018, and we estimate may have improved further to 11.3 per cent in 2019, a nine-year high.

Due to confusion on both these issues, even as the governments have tried to rein in spending to control the fiscal deficit, the easing this should have caused on the monetary side has not occurred. The constraints in the financial system have further worsened the monetary tightness. As growth continues to slow and inflation stays below the target, interest rates may keep falling, but likely not fast enough to revive growth quickly.

Several other challenges are well-flagged and often discussed: A weak and ailing real-estate market, problems in agriculture, worrying levels of external dependence in India's energy ecosystem, crumbling municipal infrastructure, and stagnating capital flows, among several others. But easing monetary conditions may be paramount to stemming the current growth slowdown.

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UMPIRE STRIKES BACK

With a strong institutional response to transgressions of the Model Code of Conduct, the EC has taken back control

IN A SIGNIFICANT setback to laissez-faire politics, the Election Commission has unsheathed its extraordinary powers to put on ice four leaders who have been firing from the lip in the course of what is turning out to be a very vituperative election campaign. UP Chief Minister Yogi Adityanath and Azam Khan of the Samajwadi Party have been taken off the campaign trail for 72 hours, while BSP chief Mayawati and BJP minister Maneka Gandhi have got off lighter, with 48 hours. This institutional response to disregard for the Model Code of Conduct (MCC) was overdue, and desperately necessary for maintaining the integrity of the poll process and the perceived validity of the next government which takes office.

The offences of the four campaigners, cutting across party lines, are similar. Mayawati has been pulled up for appealing explicitly to Muslim voters in Saharanpur and Bareilly, though the MCC forbids references to particular religions. Gandhi's offence was similar — she had indicated that she would be unsympathetic to Muslims of Sultanpur who did not vote for her. Her position disregards constitutional assurances of equality, and the obvious principle that an elected representative must stand for her entire constituency. Adityanath had expressed a loaded religious binary, and Khan had made a gender-insensitive remark about Jaya Prada, the BJP candidate from Rampur. Khan has been treated as a serial offender, and is the only one of the four who was not given a chance to explain himself.

These strictures were extremely necessary not only to ensure the sanctity of the polls, but also to salvage the institutional reputation of the EC, which has suffered some damage in the course of this campaign. This is how institutions should assert themselves when they are treated with impunity. In the past, the custodian of the world's biggest election has been globally admired as the gold standard, thanks to the exertions of reformist chief election commissioners, the most radical being T N Seshan, who put every polling booth and every voter under watch. But this year, 66 former bureaucrats felt impelled to write to the President about the EC's perceived reluctance to deal with poll code violations, especially when the ruling party transgressed. Having clipped the wings of four major leaders, the institution is regaining its footing, though it remains to be seen if it is prepared to deploy its maximum powers when the most powerful campaigners in contemporary politics transgress. Perceptions matter. How tall an institution stands is gauged by the shadow it casts. In Seshan's time, booth capturing parties feared the EC as the wrath of God. It has stood diminished in recent weeks on account of lethargic responses, but now, it appears to have got a grip on the situation.

INDELICATE IMBALANCE

Doordarshan must give equal airtime to parties and leaders, especially during elections

THE ELECTION COMMISSION has pulled up Doordarshan for giving twice as much airtime to the ruling BJP as it has given to the most important opposition party, the Congress. The portion of the CPM is much worse: It has been allocated only a tenth of the Congress's airtime and a twentieth that of the BJP. The broadcaster has argued that that it is a reflection of ground realities — the BJP controls more governments and has more legislators across the country — but that cuts no ice. At this time, when voters are exercising their choice, candidates should be given equal opportunity, irrespective of their parties' legislative strength. Otherwise, the national public broadcaster, funded by the taxpayer and autonomous under the Prasar Bharati Act, would be seen as a captive channel of the ruling party, as it was in Indira Gandhi's time.

In the US, an equal time rule for political candidates was spelled out in the Radio Act of 1927 and the Communications Act of 1934, on account of the fear that in its absence, television networks would be able to sway elections simply by blanking out one side. The Federal Communications Commission (FCC) also imposed a fairness doctrine from 1949 to 2011, which did not apply to candidates but to issues, and ensured that all sides of a debate were equitably represented on air. However, this was withdrawn as an impractical principle, since one side of a debate is sometimes patently absurd. In 2014, the BBC Trust in the UK pulled up its journalists for skewing coverage of science issues by, for instance, giving climate change deniers equal representation in debates. But in political matters, it has supported equal opportunity. In 2003, BBC staff were required to reflect "significant opposition to the conflict" (in short, protesters) in coverage of the invasion of Iraq, and "allow the arguments to be heard and tested".

Doordarshan is publicly funded and is insulated from government interference by law. If the apportioning of its airtime is seen to favour the ruling party, it is failing in its duty as a public broadcaster. Prasar Bharati CEO Shashi Shekhar Vempati has spoken of the pressures of competing with commercial channels. The argument is irrelevant, since the primary responsibility of a public broadcaster is not to compete for eyeballs, but to present news and opinions in a balanced manner so that intelligent viewers can make up their own minds.

SELECTION BLUES

A wobbly middle order could hamper Team India's prospects at the upcoming cricket world cup

LAST TIME INDIA won the cricket world cup in 2011, they had Yuvraj Singh at No 4. In 2015, when India lost in semi-finals, they had an in-form Ajinkya Rahane. This time, they go in with a rookie at that pivotal position and with a brittle lower order that is likely to struggle if the pitches aren't flat. For a country that gave birth to the world's richest T20 league, for a country that took over ODI cricket in a way that the world was left watching in awe about the commercial potential, it's quite stunning that India go into a world cup with an untested No 4 with nothing but just leap of faith. This isn't a lament against Vijay Shankar — good luck to him, he has the skill but just hasn't been allowed to grow into the role — but it's a statement on how messed up the preparation was that India enter the most prized event in international calendar on a whim and a prayer.

Now, it's all up in the air. What if MS Dhoni doesn't find bowlers as easy to take on in the end overs as he does in IPL where teams always have a couple of weak links? The difference between taking the game to the last over and meandering without purpose would be stark. Worse, what if the top order fails at crunch time? The middle order can't be really trusted to bail them out from tough situations. There has been much outrage at the absence of Rishabh Pant but he is far from a finished product. The best-case scenario for him was to replace Kedar Jadhav lower down, but he doesn't provide bowling options that Jadhav offers.

For all of last year, they tried out different options for middle order in a haphazard manner and were blinded by the fact that the bowling attack and the combination of Virat Kohli and Rohit Sharma were winning games. Until Australia humbled them at home, winning three games in a row, the seriousness of their problems hadn't hit. Was it the selectors' short-sightedness or did the team management have the blinkers?

SPECTRE AFTER CHRISTCHURCH

Live streaming of violent crimes adds a dangerous dimension to a volatile scenario



HGS DHALIWAL

ANSI ALIBAVA AND her husband Abdul Nazer were migrants from India who had dreamt of an idyllic life in New Zealand, one of the most peaceful countries in the world. Central Christchurch symbolised everything an immigrant aspires to: The city readily welcomed and assimilated people from diverse ethnicities.

On Friday, March 15, something changed forever and Ansi Alibava became one of the 50 victims of the shootings at the two mosques. While Abdul Nazer chooses to live on in Christchurch, his world and our world in the new age of "social media shootings" will never be same again. The world has experienced some horrific mass shootings in religious places as well as educational institutions. The wounds of mass shootings at Sandy Hook Elementary School, Virginia Tech, Stoneman Douglas and Army Public School, Peshawar are still raw. But, what has fundamentally changed post Christchurch is the addition of a horrific dimension — live streaming of crime.

Even though the world media was largely responsible, the vivid videos, imagery and graphics in form of "video gaming" of the incident across various social media platforms presents a gargantuan problem for law enforcement agencies across the world. The common citizen in me hopes and prays that this is a one-off incident. But, my instincts as a police officer portend that with the mass murderer in Christchurch, a diabolical dimension has been added to the tinderbox of so-

cial media, racism, bigotry and xenophobia — live streaming — which was in itself a highly flammable compound. The incident is likely to be a new catalyst to all the deranged minds who may have been trying to tread a destructive path, even though live streaming of a crime is not entirely new.

Would this incident have occurred if New Zealand had less liberal gun laws? Or if there were a lack of options to live stream the shooting? There are no definite answers to these questions. In the absence of access to guns, the deprived minds who suffer from extremely fragmented worldviews combined with murderous tendencies have used innocuous means of transportation like cars and trucks as weapons. From Westminster to Nice to West Bank, vehicles have been used to kill innocents. For a police officer, to ensure public safety across the spectrum, no set of tools and strategies is foolproof. Social media streaming has just added a new dimension to an already complex challenge. However, the prognosis need not be fatalistic.

First, these are times when most of us have social media tools in our hands. And we love to use them. This is part of the problem but also holds the beginnings of a solution. It is time to share content in a responsible manner. Second, post Christchurch, there is a new sense of urgency on part of social media giants like Twitter, Facebook and YouTube to be more proactive in identifying and remov-

ing violent content. For potential mass murderers, personal recognition and highlighting of their worldview through media is a big draw. Due to this reason, in 2016, the American Psychological Association issued a press release and urged news media and social media enthusiasts to not publish names and pictures of the perpetrators.

On the face of it, New Zealand, a peaceful nation, may seem an odd choice to be the torch-bearer in leading the effort to control such acts of violence. But the cruel ironies of fate have thrust the mantle on it. The early signs of unanimity among its public representatives to pass stringent gun laws relating to automatic weapons, enacting legislation to proscribe circulation of violent content and a real-time coordination of its law enforcement agencies with social media giants, may be the most potent measures to check the damages from any potential live streaming of future incidents.

Perhaps this mantle has rightly fallen on Prime Minister Jacinda Ardern, who with her grace, dignity and compassion has handled the crisis that struck her country. With the measures being contemplated by her government, New Zealand may show a way forward to the world in comprehensively tackling this new phenomenon.

The writer, a 1997 batch IPS officer, is currently director, security, Airports Authority of India

APRIL 17, 1979, FORTY YEARS AGO

PM IN DHAKA

IF PRIME MINISTER Morarji Desai's banquet speech in Dhaka is any indication — minding no words he moved right into the heart of the problem on harnessing water resources of both countries — then it can be safely assumed that during the private conversation he had this morning with Bangladesh President General Ziaur Rehman, without any aides, all major bilateral issues were discussed. In fact, what filtered through from the official spokesman of both sides confirmed that the question of augmentation of Ganga waters, illegal traffic across the borders, economic cooperation and commercial relations, maritime boundary and the land

boundary were all taken up in earnest.

BIHAR VOTE

BIHAR CHIEF MINISTER Karpuri Thakur is determined to seek a vote of confidence from the Janata Legislature Party on April 19 as scheduled, resisting attempts being made by some central leaders to put it off in view of the communal strife in Jamshepur. Thakur told newsmen that when Chandra Shekhar, the Janata chief, rang him up at Jamshepur on the night of April 14 suggesting postponement on the ground that "a senior central minister" had also desired it, "I told him that I was anxious to get it over (confidence-vote) once for all because they (dissidents) were

harping on it and trying to harm me".

UGANDA GOVERNMENT

INDIA HAS IN a way recognised the new regime in Uganda. An official spokesman confirmed that the Indian High Commission in Kampala has started dealing with the new government headed by President Yusuf Lule. This amounts to New Delhi's providing recognition to the new regime. The houses of Indian High Commission staff have been looted in Kampala in the wake of recent fighting. The Indian High Commission was ransacked. According to information from Kampala, the looting was not particularly directed against the Indians.



WHAT THE OTHERS SAY

"The fire leaves an untreatable wound — for Parisians, for the French, and for the countless millions of visitors who have stood gaping at the cathedral's wonders."
— THE WASHINGTON POST

Standing up for openness

SC's verdict on Rafale goes beyond the case: It reaffirms rights of free media, privileges RTI over the Official Secrets Act



ALOK PRASANNA KUMAR

ONE OF THE many failings of legal education in India has been the acontextual manner in which judgments of constitutional courts are presented without proper historical and political context. Only those who discover the writings of historians and political science experts end up appreciating the importance of placing judgments in context. Only recently has legal pedagogy accepted the importance of such contextual readings.

On the face of it, the Supreme Court's judgment in *Yashwant Sinha v Union of India* on April 10, affirming the admissibility of the Rafale Papers first published by *The Hindu* newspaper, seems a very minor one. It does not lay down any new principle of law, only re-affirms all the well-known judgments concerning freedom of speech and the right to information, and merely sets the stage for the next round of litigation on the Rafale acquisition issue. The main question — whether there is a need to investigate the Rafale acquisition by the Union government — remains undecided.

CJ Ranjan Gogoi's judgment (also signed on to by Justice Sanjay Kishan Kaul) is laconic: We never really get the full context as only the bare minimum of facts are recorded. The judgment has nothing to say about the content of the documents being contested and barely records the arguments advanced on behalf of the petitioners but methodically and carefully dismisses every one of the arguments made by the Attorney General of India, K K Venugopal, on the admissibility of Rafale papers. As an answer to an essay-type question, it would not be out of place — correct on the law and facts but seemingly inconsequential.

It is therefore to Justice K M Joseph's concurring judgment that we must turn to, to really understand the context and importance of this case. Much longer than Gogoi's, it starts by foregrounding the importance of a press free of fear and bias to the functioning of a democracy. Joseph painstakingly goes through the Right to Information Act, 2006, in relation to the Official Secrets Act, 1923, pointing out the underlying paradigm shift which informs the new legislation — that openness in government is the new norm, and secrecy limited to situations where necessary. He is conscious that this is no mere procedural order in just another litigation and says as much as he ties up the issues of free speech and transparency in government with the main issue in this case: Corruption at the highest levels in government.

Why, one could ask, did Joseph bother? After all, the Union government has not in any way attempted to prosecute *The Hindu* under the Official Secrets Act. As of writing, it has not made any attempt to stifle or limit *The Hindu's* (or any other newspaper's) reporting of the details of the Rafale acquisition and the many sins of commission and

omission it entailed. What was the need for a concurring judgment — that too one longer than the main one?

A concurring judgment is not always an appendage. From a thoughtful and visionary judge, such a judgment outlines the primary, effectively becoming the law of the land even if the majority of judges have not necessarily signed on to it. Justice O Chinnappa Reddy's concurring judgment on tax avoidance and tax evasion in *McDowell v Commercial Tax Officer* is cited far more often than the majority judgment in that case. Justice Krishna Iyer's ability to dissent while ostensibly concurring and yet effectively laying down the law was practically an art form. A well-written and cogent concurring judgment can shape the law far more effectively than the majority judgment.

This is what Joseph's judgment does. While Gogoi's judgment reads like a dialogue between him and the AG, Joseph's is aimed squarely at the public. In all the hearings in the Rafale case so far, he has taken an almost inquisitorial approach to grilling the government's lawyers. He has probed and prodded Venugopal on the law and pushed back strongly against some of the more egregious arguments addressed in the last set of hearings. The concurring judgment is thus him telling us, the public, that the exchanges in court are not just performative sparring but an attempt to push back and assert some core foundational principles of the republic.

The context for the Supreme Court's judgment here is not just the AG's arguments on the Rafale papers, or even the Rafale deal alone. At a time when the powerful have attempted to de-legitimise independent media through accusations of "bias" and "fake news" (when they haven't fully co-opted the co-optable sections of the media), the court has said very clearly that it will stand for the right of independent media to bring facts to public light. When there is an active and concerted attempt to dismantle the RTI Act and the institutions which enable it, the court has firmly put itself in the camp of transparency vis-a-vis the government.

It is, however, necessary to sound a note of caution before celebrating this judgment. The court's commitment to free speech and transparency will be tested when these principles are applied to its own actions. Will the Constitution Bench (which has just reserved judgment) bring the office of the CJ within the ambit of the RTI or find ways to avoid it on flimsy grounds of "judicial independence"? Will the court put a firm end to the practice of "sealed covers" for all and sundry matters? Will the court pull up lower courts which pass bizarre orders banning everything from websites to games to books simply for the asking?

Consistency has never been a virtue that can easily be associated with the Supreme Court's civil rights jurisprudence. It has lurched wildly from one extreme to the other, traversing long and winding roads, making a mockery of notions of precedent and stability of the law. That, however, is a discussion for another day, and for the moment, the Court's order in the Rafale papers case is an unmitigated win for the public.

The writer is a senior resident fellow at Vidhi Centre for Legal Policy, and is based in Bengaluru

LETTERS TO THE EDITOR

GANDHI AND RSS

THIS REFERS TO the article, 'What Gandhi really said' (April 16), by Rajmohan Gandhi. The aura of Mahatma Gandhi may be the only hurdle to the RSS takeover of India. Manmohan Vaidya's article was aimed at twisting Gandhiji's opposition to the RSS worldview. Gandhiji and M S Golwalkar were opposites in every sense. Gandhi reflected the noblest traditions of Vedantic Hinduism. The RSS is a parody of European fascism and propagates hate and mindless violence against Muslims.

JS Bandukwala via e-mail

SPACE FOR NEW

THIS REFERS TO the article 'Level-playing fields matters', (IE, April 16). In Rousseau's words, "Laws are always useful to those with possessions and harmful to those who have nothing." State funding of elections could lead to registered political parties cornering public resources at the cost of new political formations. Political formations should reflect the changing dynamics of our demography.

Sudip Kumar Dey, Kolkata

COURSE DISCOURSE

THIS REFERS TO the editorial, 'Abusing

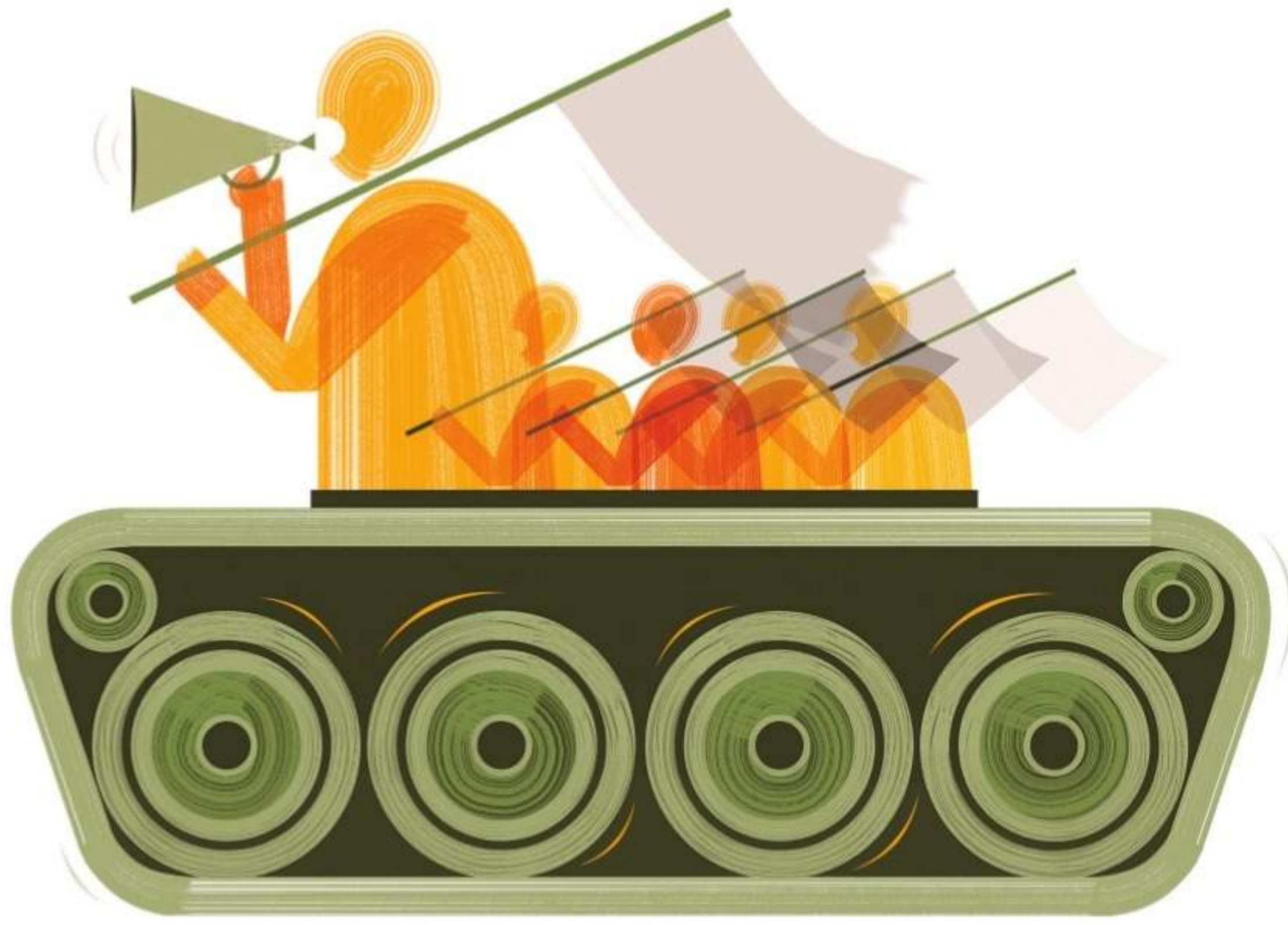
LETTER OF THE WEEK AWARD

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

women' (IE, April 16). Provocative speeches, controversial and insensitive remarks have become the order of the day in the ongoing general elections. The EC needs to send out a more stronger message. Azam Khan's comments are highly condemnable.

Bal Govind, Noida



CR Sasikumar

The twain can't meet

Electoral concerns cannot drag armed forces into party politics. The military and elections are separate landscapes, and must remain so



SUSHANT SINGH

TWO INCIDENTS, INVOLVING politicians and military officials in public, have been in the limelight in the past two months, both gaining visibility due to social media platforms. Both the countries are democracies from the British Commonwealth, which means that the two armies are also similar in their ethos, culture and norms to the Indian Army.

To recapitulate, the first incident happened in Canberra, Australia, where Chief of the Defence Force, Angus Campbell, tapped the defence minister, Christopher Pyne, and asked all the military officers present on the stage to step aside as the minister answered a political question from the Press. The second incident has to do with a video which went viral: It shows four British soldiers undertaking shooting practice in Kabul, using a photograph of Labour party leader, Jeremy Corbyn, as a target. The photographs of various leaders were available with this group of soldiers for training as "guardian angels" — for close protection — and the incident caused a lot of outrage. An initial investigation reportedly failed to find any evidence of links to fascist or far-Right political groups, but the four paratroopers have been flown to Britain to face court martial for breaking the army's strict disciplinary code.

Meanwhile, here in India, the election campaign season is on and the Army is in the spotlight, forming a major part of the ruling party's campaign agenda. Uttar Pradesh chief minister, Yogi Adityanath, described the Indian Army as Modi's army, and got away with a mild rap on the knuckles from the Election Commission. Union minister Mukhtar Abbas Naqvi used the same phraseology a few days later and seems to have gotten away scot-free. Former Army

chief and current Union minister, V K Singh went on record taking objection to anyone naming the Indian Army as "Modiji ki sena", but backtracked a few hours later.

As witnessed during the release of the ruling party's poll manifesto, the major plank of Modi's reelection campaign is a muscular stance on national security, particularly against Pakistan. It has been the cornerstone of his election campaign so far, despite a group of military veterans writing to the President to put an end to the politicisation of armed forces by political parties during the election campaign. Going by the evidence so far, that appeal is likely to fall on deaf ears with even the defence minister, Nirmala Sitharaman, criticising the appeal.

This is not the first time that the armed forces have been dragged into the spotlight during an election campaign. In 1999, the general elections happened in the aftermath of the Kargil war, where Vajpayee's government was up for re-election after losing the vote of confidence. The then Army chief, General V P Malik, in his book *Kargil: From Surprise to Victory*, revealed that he complained to Vajpayee about the BJP's election posters that featured the three military chiefs. Vajpayee ensured that it did not happen again.

Giving other instances of soldiers being used for electoral purposes by the BJP and its affiliates during that period, General Malik further noted that, "The armed forces were anguished because they were getting sucked into electoral politics as a result of the blatant effort to politicise the war for immediate electoral advantage. At one stage, in desperation, I had to send across a strong message through the media: 'Leave us alone; we are apolitical.'"

Times have changed since then. Two decades ago, a serving chief was forced to send the message — "Leave us alone" — but it is unlikely to be repeated by any of the service chiefs now. Even the military veterans arguing for the armed forces to remain apolitical are dragged into controversy, with the focus being shifted away from the real issue of shielding the army from party politics. This cavalier approach seems to suggest that some people are totally unmindful

of the detrimental consequences of politicising the armed forces. They have willy-nilly forgotten that the armed forces have to be not just apolitical, they have to be seen as being above all kinds of party politics. The valour of our soldiers is not to be used to procure votes for any party.

The fundamental reasons for the armed forces staying away from politics is simple: It is reflective of the professionalism of the armed forces, developed over the past 72 years, and one of the norms underpinning our constitutional democracy. Dragging the armed forces into partisan politics will threaten military credibility and diminish the respect that they carry across all sections of society. It needs no reiteration but has to be said that the armed forces only serve the Constitution by following democratically elected civilian officials, without regard for which political party is in power, or what partisan positions are publicly hailed.

While military veterans are rightly concerned about maintaining the professionalism of our armed forces, citizens have to also look at its consequences for our democracy. As professional managers of violence, our armed forces are tasked to further a democratic government's political aims externally. But influencing domestic politics is a taboo for them, for that would mean creating a military like that of Pakistan or Egypt. The armed forces would then become a political-economic actor that operates not only externally but also internally to protect its own political and economic interests. That would shift the delicate balance of power in a carefully crafted constitutional setup which has served India adequately since Independence.

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VIEW FROM THE RIGHT

KASHMIR CROSSROADS

THE EDITORIAL in *Organiser* says Jammu & Kashmir is at a crossroads and the separatist elements are being cornered physically and financially and that their masters in Pakistan are also passing through a difficult phase. The editorial says the constituency for "Azadi" is shrinking by the day and nationalist voices are gaining ground not just in Jammu and Ladakh but also in the Valley. "The separatists and their intellectual masters all over the country are getting exposed. Now is the time to push hard and stand by the nationalist forces in the State and all over the country to ensure real 'freedom' for all as envisaged by the Constitution makers so that neither any region nor the country becomes a 'fiefdom' of any family or party," the editorial says. It claims that political parties of the Valley are voicing the separatist stand in the ongoing hearing in the apex court over Article 35A. Quoting PDP leader Mehbooba Mufti and

National Conference patron Farooq Abudullah, the editorial describes these remarks as "seditious blackmailing". The editorial adds that the national ally of NC, the Congress is silent on the issue and is talking about revoking the AFSPA in the Valley. "These monopolists of the narrative on J&K know very well that J&K is and will always be an integral part of India. They also know that Article 370 has neither served its purpose nor has it contributed to the development of the State. What they are bothered about is saving their fiefdom, the Srinagar valley and its resources. They are concerned about Yasin Malik, who is facing charges of murder, but not the soldiers of armed forces and the police personnel (who are) getting killed in their houses in broad daylight. People like Rashtriya Swayamsevak Sangh swayamsevak Chanderkant Sharma, who was killed for working incessantly in border areas for the welfare of people, do not even figure in their concern for 'Kashmiriyat'," the editorial says.

THE SHAH SHOW

AN ARTICLE in *Organiser* says the fielding of BJP national president Amit Shah from Gandhinagar Lok Sabha constituency has made the things easier for the party in Gujarat. It says the BJP is banking on the popularity of Prime

Minister Narendra Modi and his work of the past five years. "But there is an addition too. On March 30, when BJP president Amit Shah filed his nomination, there was a show of strength," the article says. While NDA leaders like Ramvilas Paswan and Prakash Singh Badal were present, the presence of Shiv Sena supremo Uddhav Thackeray was a surprise. Shiv Sena has been critical of the Modi government. So, Uddhav's presence became the headline in Gujarati media, also because many people are fans of Shiv Sena ex-chief late Balasaheb Thackeray who they consider as Hindu Hriday Samrat. The article says that Shah's candidature from the Gandhinagar seat, which had sent stalwarts like Purushottam Mavalankar, L K Advani and Atal Bihari Vajpayee to Parliament, will enthrone the BJP worker. The article says in 2014, Gujarat gave all 26 seats to the BJP as "Narendrabhai" was the PM candidate. Though the BJP was restricted to 99 seats in the assembly elections, political observers believe that it will be different this time.

POLITICS OF FEAR

THE COVER story in *Organiser* claims that the recent killing of RSS leader Chanderkant Sharma and his PSO in Kishtwar is part of a well-thought-out policy to use terror proxies

as strategic assets and deploy "low cost, high yield" tactics to further the objectives of the Pakistani deep state. A report in *Panchajanya* says the killing of Sharma was a fresh attempt to create fear among the Hindus. The report in *Organiser* claims the broad daylight murder of a devoted RSS leader and his police guard by jihadi terrorists in Kishtwar town, Jammu cannot be treated as a stray incident. It is part of a bigger game plan as in the last six months since this is the second such incident in the area. It claims that two BJP leaders, the Parihar brothers, met a similar fate in November last year. "The evil intent of Pakistan is to drive out all Hindus from the area and then stake claim to them, saying these areas are after all Muslim-majority areas to which it had a natural claim. This is the reason for the attacks on minorities in Kishtwar, Doda, Ramban, upper reaches of present Reasi district and even in Akhnour. These attacks have been witnessed on the minorities in Poonch and Rajouri also... They have only one purpose, driving out the Hindus from the areas already mentioned to give a concrete shape to the concept of Greater Kashmir, which in itself is not the end but only a means to an end," according to the report.

Compiled by Lalmani Verma