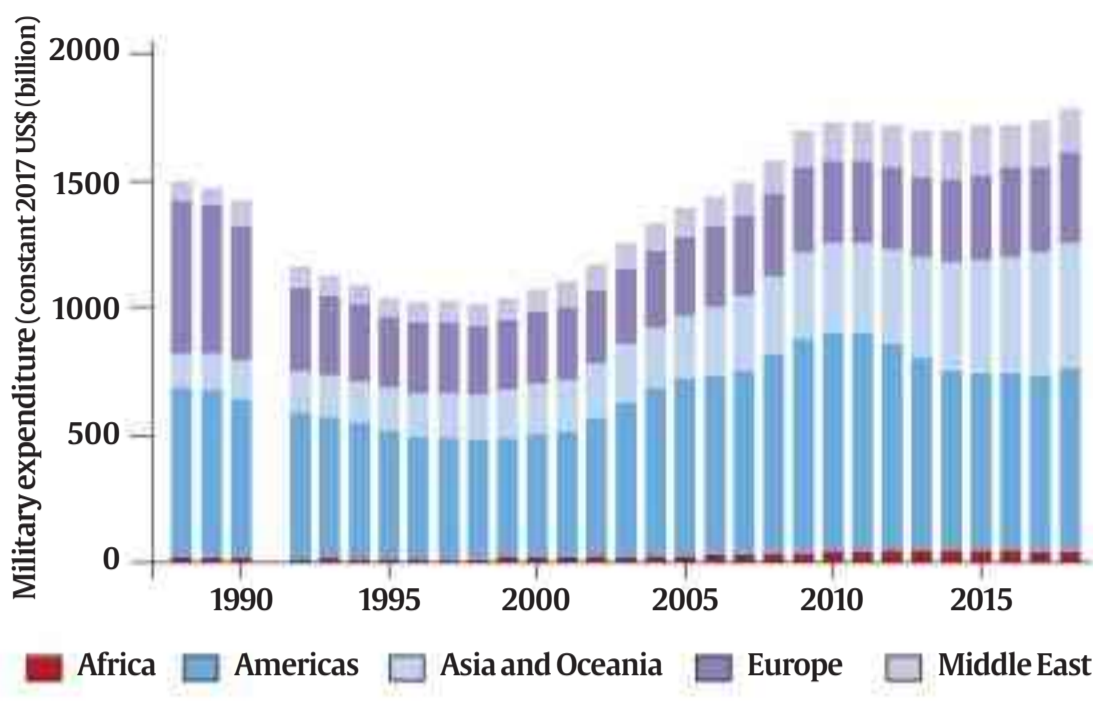


TELLING NUMBERS

US and China account for half of world's military spending: report



Source: SIPRI Military Expenditure Database, Apr. 2019.

TOTAL WORLD military expenditure rose to \$1,822 billion in 2018, representing an increase of 2.6% from 2017, according to new data from the think-tank Stockholm International Peace Research Institute (SIPRI). The five biggest spenders in 2018 were the United States, China, Saudi Arabia, India and France, which together accounted for 60% of global military spending. Military spending by the US increased for the first time since 2010, while spending by China grew for the 24th consecutive year, SIPRI found.

"In 2018 the USA and China accounted for half of the world's military spending," SIPRI quoted Dr Nan Tian, a researcher with its Arms and Military Expenditure (AMEX) programme, as saying. The higher level of world military expenditure in 2018 is mainly the result of significant increases in spending by these two countries." In 2018, India increased its military spending by 3.1% to \$66.5 billion, SIPRI found, while military expenditure by Pakistan grew by 11% (the same level of growth as in 2017), to reach \$11.4 billion in 2018.

Source: Stockholm International Peace Research Institute

TOP 5 DEFENCE SPENDERS IN 2018

Country	Spending (\$ bn) 2018	Change 2009-18	Spending as % of GDP 2009	Spending as % of GDP 2018	World share 2018
US	649	-17%	3.2%	4.6%	36%
China	[250]	83%	[1.9%]	[2.1%]	[14%]
Saudi	[67.6]	28%	[8.8%]	9.6%	[3.7%]
India	66.5	29%	2.4%	2.9%	3.7%
France	63.8	1.6%	2.3%	2.5%	3.5%

Figures within square brackets [...] are SIPRI estimates

THIS WORD MEANS

SUSKITYRANNUS HAZELAE

A relative of Tyrannosaurus rex, but just 3 ft tall



An artist's rendering of *Suskityrannus hazelae*. *Andy Atuchin/Virginia Tech*

dinosaur was at least three years old at death based on an analysis of its growth from its bones. The fossil dates back 92 million years to the Cretaceous Period.

Source: Virginia Tech

SIMPLY PUT QUESTION & ANSWER

Issues in India-US trade

Donald Trump says India is a 'tariff king', and his Commerce Secretary has complained about 'overly restrictive market access barriers'. How are the two countries negotiating their trade disagreements?

ANIL SASI NEW DELHI, MAY 8

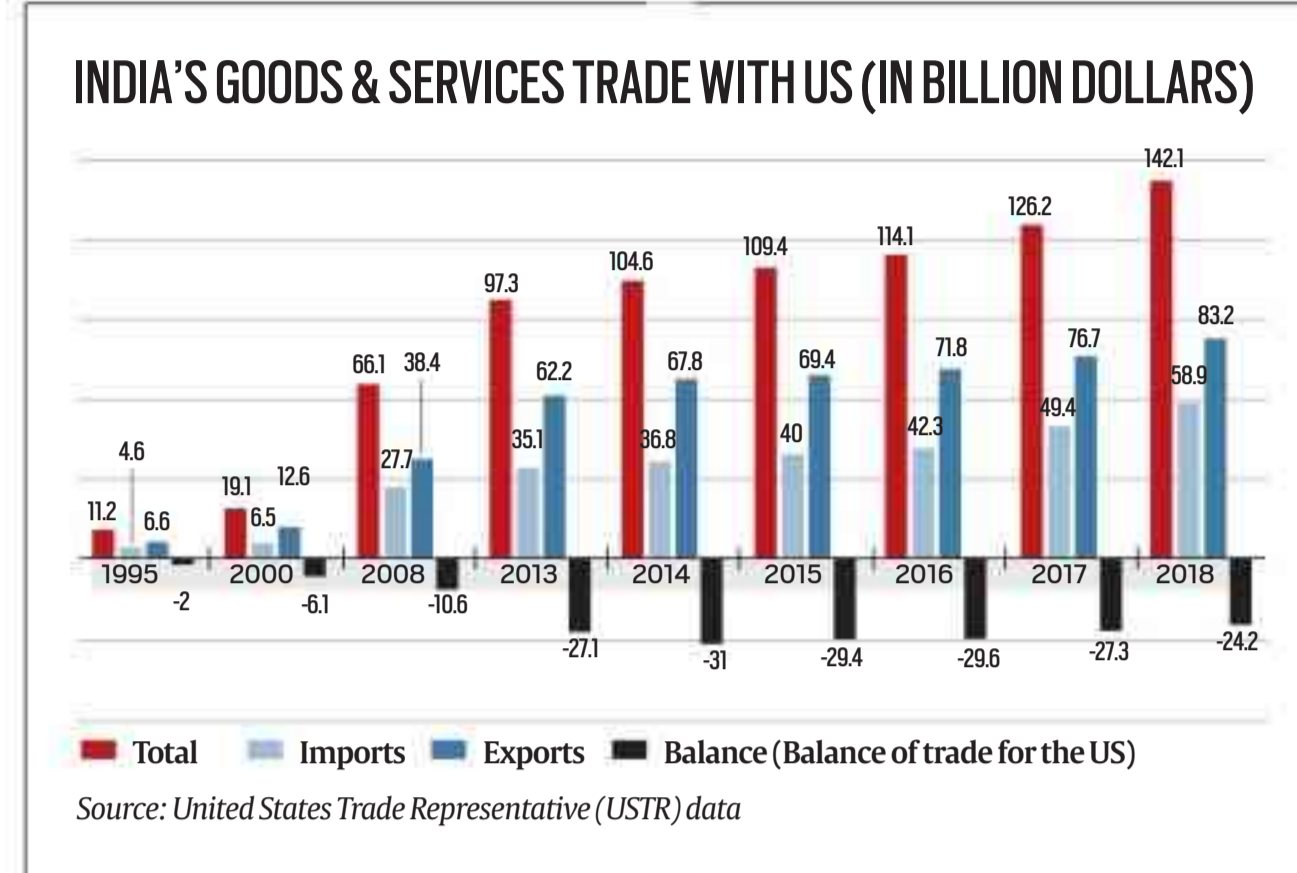
US Commerce Secretary Wilbur Ross fired a fresh salvo in the ongoing trade spat between Washington and New Delhi on Tuesday, telling business leaders that American technologies and expertise could play an important role in developing India's economy, but they had to grapple with difficult trade barriers and regulations.

Ross's criticism was in line with President Donald Trump's repeated claims that India is a "tariff king" and imposes "tremendously high" tariffs on American products. Trump has dismissed as inadequate the Indian government's decision to halve the import tariff on Harley-Davidson motorcycles from 100% to 50% last year, and has maintained that his administration is "fixing broken trade deals" to protect American workers.

What did Ross say, and in what context?

Ross spoke in New Delhi three days before enhanced US tariffs on imports from China were scheduled to kick in. A notice posted to the Federal Register on Wednesday said that starting Friday, the US would raise tariffs on \$200 billion worth of Chinese imports to 25% from the existing 10%. The notice, which cited the "lack of progress in the additional rounds of negotiations since March 2019", came just before the opening of a fresh round of talks aimed at salvaging the trade agreement between the two countries, and alongside several aggressive tweets from Trump saying higher tariffs were "great for U.S., not good for China!".

On Tuesday, with representatives of most of the 100-odd American companies that are visiting India as part of the US Department of Commerce's largest annual trade mission programme (called Trade Winds) in attendance, Ross asserted that India was at number 13 in the list of US export markets because of its "overly restrictive market access barriers". India's average applied tariff rate, he said, was "the highest of any major world economy". However, alongside the tough talk on "unjust" trade barriers, there were also indications of a softening of the US stance on some sticking points. The Indian side indicated the US delegation had conveyed the possibility of pushing back the final decision on the withdrawal of incentives to Indian exporters under its Generalized System of Preferences (GSP) programme that it announced in April, to after the formation of the new central government.



Source: United States Trade Representative (USTR) data

Where does the US currently stand on the GSP programme?

The possibility of the US displaying flexibility on the GSP programme is a positive for India. The GSP allows duty-free entry for over 3,000 products from designated beneficiary countries. India has been the biggest beneficiary of the GSP regime, and accounted for over a quarter of the goods that got duty-free access into the US in 2017.

Exports to the US from India under GSP — at \$5.58 billion — amounted to over 12% of India's total goods exports of \$45.2 billion to the US that year. The US goods trade deficit with India was \$22.9 billion in 2017.

The US had launched an eligibility review of India's compliance with the GSP market access criterion in April 2018. In March this year, the US Trade Representative's Office said that removing India from the GSP programme would not take effect for at least 60 days after notifications to Congress and the Indian government, and that it would be enacted by a presidential proclamation. Although India has stated that the withdrawal of these duty benefits under GSP would not impact its exports to the US, small exporters have asked for continuation of the programme. A group of 25 influential lawmakers had urged the USTR to not terminate the GSP programme with India after the expiry of the 60-day notice, saying

American companies seeking to expand their exports to India could be affected.

But is India's tariff structure indeed unusually high?

While India's tariffs used to be high until about the late 1990s, the peak customs duty — the highest of the normal rates — on non-agriculture products has come down steadily since: from 150% in 1991-92 to 40% in 1997-98, 20% in 2004-05 and, finally, to 10% in 2007-08. According to World Trade Organisation (WTO) data, India's average applied tariff is now around 13.5% — and there are plans to move towards ASEAN tariff rates progressively (approximately 5% on average). Over the last five years, however, there has been a move by the government to increase duties on a number of items.

Ross said on Tuesday that it was "especially unusual" that the US had a trade deficit with India in the services sector too. "We generally have services surplus with most countries. But in the case of India, the deficit is largely due to IT services," he said.

Seven disputes between India and US are at various stages of the Dispute Settlement Mechanism under the WTO. These pertain to, (i) poultry and poultry products from the US, (ii) countervailing duties against India's export of steel products, (iii) measures against import of solar cells and modules under the National Solar Mission, (iv) the US's Sub-Federal Renewable Energy Programmes, (v)

US measures concerning non-immigrant visas, (vi) India's export promotion schemes and, (vii) the US tariff hike on steel and aluminium products.

How does US industry view the positions taken by India?

The eligibility review of India's compliance with the GSP market access criterion was triggered after concerns were raised by the medical devices and dairy industries in the US. The Indian government's attempts to arrive at a "balanced" package that would address American concerns while protecting the interests of the Indian public have been largely unsuccessful.

In 2017, India capped the prices of cardiac stents and knee implants, slashing prices by over 70% and 60% respectively. The move impacted US giants like Abbott, Medtronic and Boston Scientific. India also said that the requirement that source animals for dairy products should never have been fed animal-derived blood meals was "non-negotiable" from a cultural standpoint — and that it could not dilute this requirement in its certification procedure.

In June 2018, India had intended to put higher tariffs on 29 goods imported from the US in retaliation for that country's decision to impose hefty tariffs on imported steel and aluminium products. The move, which could potentially impact products like walnuts, almonds, and chickpeas, has been deferred several times, most recently late last month.

Two issues that the US side has specifically raised during the latest round of negotiations are the "treatment of Walmart after their acquisition of Flipkart", and the problems on data localisation reportedly faced by companies such as MasterCard and Visa.

What is India's official position on these disagreements?

A senior officer of the Department of Commerce indicated that the government would continue to engage in "internal" discussions, and that the "scope for discussions" with the US was "always open". Commerce Minister Suresh Prabhu said after Tuesday's meeting that India would like to work with the US to resolve such issues in a way that benefits both countries. "We will address the issues with the United States in a manner that will make this relationship better not just between the United States and India, but for the rest of the world as well," he said.

What Google is promising for greater privacy

SHRUTI DHAPOLA NEW DELHI, MAY 8

AT GOOGLE'S annual I/O developer conference currently under way in Mountain View, California, CEO Sundar Pichai said: "People have clear meaningful choices around their data. We strongly believe that privacy and security are for everyone, not just the few."

Google has long faced criticism for collecting huge amounts of user data, which it has used to build an advertising juggernaut. Late Tuesday night, Pichai's pitch was privacy — that Google wanted to do more for users, but with less data over time. How would that work?

Federated Learning

Google Assistant, which is present on almost all Android phones, and relies on machine learning (ML) models for its intelligence, is set to get faster and more efficient. The ML models that Google currently employs collect raw data from the phone. Requests made to Google Assistant are sent to the cloud for processing, and stored there. Pichai called Google's new approach to

ML "Federated Learning". It would not involve collection of raw data from the device — instead, ML models would be shipped directly to the phone, which would update the model, and send it to the cloud. The entire updated global model would then be sent back to each device. The result: improvements with on-device execution of tasks, rather than collecting data from the phone.

It is not clear when this Federated Learning approach will become the norm across Google's products. Google's Gboard is using this approach for next word prediction.

Easier privacy settings

Google will make it easier for users to see the data they have saved across its major products. In the new account settings, the Google Account Profile picture will appear at the top right corner in Gmail, Drive, Contacts, and Pay. Users will be able to access privacy controls by tapping on their picture, and following the link to their Google Account. This one-tap access will roll out to more products, including Search, Maps, YouTube, Chrome, Assistant, and News. Users will also be able to manage their data more easily in Google Maps, Google

Assistant, and YouTube. It will let users review and delete location activity data in the Google Maps app itself, Google said.

Auto-deletion of data

Google has said it will let users cap the time for which their Location History and Web & App Activity data are saved. The options will range from three months to 18 months, after which the data will be deleted automatically. The new control, already available for Web & App Activity in the Google Account settings, will come to 'Location History' next month.

Incognito mode on Maps

Maps and Search will get an Incognito mode. The feature is already part of the Chrome browser and YouTube. When Incognito mode is turned on in Maps or Search, the user's activities (such as the places they search for, or the directions they seek) will not be saved to their Google Account, ensuring greater privacy.

Android Q and privacy

The Android Q operating system will have improved location privacy, and let users restrict the time an app gets to access location

data. Apple's iOS has several settings for location data, where a user can choose from never, all the time, and only when using the app for this particular information.

More privacy on Chrome

It will have improved cookie controls for increased privacy. Cookies are used to track browsing activity across the Web to serve personalised content and ads by third parties and advertisers. Chrome will provide more transparency on how sites are using cookies, as well as simpler controls for these cross-site cookies. Developers will have to specify which cookies are allowed to work across websites, and which are being used to track users.

Ads and transparency

Google will disclose new information about ads published on its properties and those of its publishing partners via an open-source browser extension that will work across browsers. The extension will let users see new information, including the names of other companies that were involved in the process, which resulted in an ad being shown to the user.

How China, followed by India, has led greening efforts across world

SOWMIYA ASHOK BEIJING, MAY 8

A NEW satellite-based study shows that China and India are leading the increase in "greening efforts" across the world. Published in *Nature Sustainability*, the study shows that the change driving these efforts emerges from China's ambitious tree-planting programmes and intensive agriculture practised in both countries. A group of researchers from the US, Europe, China and India had detected the greening phenomenon in satellite data from the 1980s; it was initially unclear whether human activity was the cause. Lead study author Chi Chen, from Boston University's Department of Earth and Environment, said this was especially unknown in the case of China and India, which saw quick economic development since the 2000s.

The findings

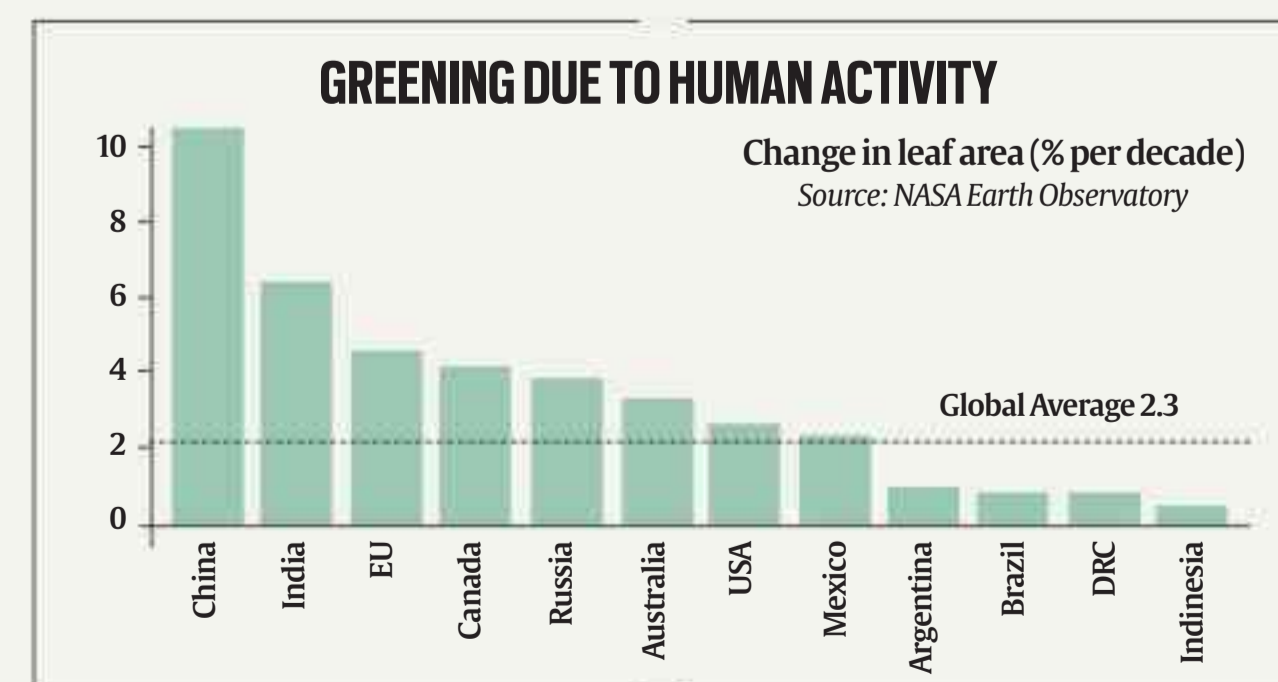
The research team set out to track the total amount of Earth's land area covered

by vegetation and how it changed over time (2000-17). Through NASA's Moderate Resolution Imaging Spectroradiometer (MODIS) data, the team found that the global green leaf area has increased by 5% since the early 2000s. "This translates to a net increase in leaf area of 2.3% per decade, which is equivalent to adding 5.4 x 10⁶ sq km new leaf area over the 18-year period of the record (2000 to 2017)," Chi said. This is equivalent to the area of the Amazon.

China alone accounts for 25% of the global net increase in leaf area. India has contributed a further 6.8%. The greening in China is from forests (42%) and croplands (32%) but in India is mostly from croplands (82%) with minor contribution from forests (4.4%).

Looking for reasons

The study was entirely based on satellite data with access to forest inventory data. There were no physical checks carried out in either China or India to assess what kind of trees or vegetation were preferred. "We only look at the abundance of leaves, not the



species," Chi said. "Our paper only talks about the abundance of leaves. The quality of trees are good in view of leaf abundance... Satellite data do not have the ability to accurately recognise the species at the global scale."

Ramakrishna Nemani, a co-author of the study and a researcher at NASA's Ames

Research Center, said in a statement at the time the paper was released, "When the greening of the Earth was first observed, we thought it was due to a warmer, wetter climate and fertilization from the added carbon dioxide in the atmosphere, leading to more leaf growth in northern forests, for instance.

Now, with the MODIS data that lets us understand the phenomenon at really small scales, we see that humans are also contributing."

The India growth

Chi noted that "with only 2.7% of the global vegetated area, India accounts for 6.8% of the global net increase in leaf area". About the growth being due to agriculture, Chi said: "It is as expected because most of the land cover type in India is cropland (2.1 x 10⁶ sq km). Total cereal production in India increased by 26% during the same period... There are only a few forests in India, and that is why their contribution is small."

Data show that since Independence, a fifth of India's land has consistently been under forests. The Forest Survey of India's State of Forest Report 2017 had recorded that forest cover had increased by 6,600 sq km or 0.21% since 2015.

The China growth

China traces its efforts back to 1978, marked by projects including the Three-



The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

In the garb of religion

Forcing a woman to adhere to purdah system is unconstitutional, so is dragging one out of it



TAHIR MAHMOOD

GIVE AND TAKE

US concern on trade imbalance with India is misplaced — it is hardly the result of deliberate policy

DONALD TRUMP IS on a mission. On Sunday, the US President announced a hike in tariffs on \$200 billion worth of goods imported from China to 25 per cent, from the 10 per cent imposed in July last year. The higher duty — already applicable on another \$50 billion of high-tech imports — will be effective from Friday, with threats of extending it “shortly” to an additional \$325 billion of Chinese goods. But it’s not only China that is under the line of fire for allegedly engaging in restrictive trade practices and discriminating against US companies. On Tuesday, US Commerce Secretary Wilbur Ross accused India of following policies leading to “trade imbalances” and “significant market access barriers” for American businesses. Proof of this, according to him, was the fact that while the US was India’s biggest market, accounting for a fifth of its total exports, India was only the 13th largest market for US exports.

The above argument is specious. Trade imbalances in today’s world are rarely a result of deliberate policy. Rather, they have more to do comparative advantage, wherein every country produces goods and services that it can supply relatively cheaper and imports those that are better left to others to deliver at a lower cost. The beneficiary is the consumer. The bulk of India’s exports to the US — textiles and apparel, gems and jewelry, IT services, generic drugs, marine products or even steel, organic chemicals and refined petroleum products — comprise things where India definitely enjoys a comparative advantage. The US, on the other hand, mainly exports aircraft, medical devices, patented drugs, telecom equipment and other high-tech goods plus assorted high-value agri-commodities such as dry fruits and apples to India. Moreover, it is an exporter of capital, which takes the form of foreign direct as well as portfolio investments by American companies. They, in turn, remit dividends, interest, royalty and other income from their operations in India. Simply put, there is nothing immoral or unnatural about rich countries running merchandise trade deficits with the likes of China and India. They may well offset that with surpluses in goods and services embodying proprietary technology and brand value.

That said, there are genuine US concerns India should address. There is, for instance, no justification in import duties of 50-60 per cent on motorcycles and cars. The Indian auto industry certainly does not require so much protection today. Equally silly are the restrictions on foreign e-commerce players — their being allowed to operate only as “market-places” and not as “retailers”. The losers from this aren’t just Indian consumers, but also the many employed in warehouses, delivery stations and logistics networks established by Amazon or Flipkart. Trade is ultimately about give and take. With Trump at the helm, some give on the part of India and China is unavoidable.

WAKE-UP CALL

UN report warns about species extinction, threat to ecosystems. Indigenous peoples and local communities hold key to revival

ON MAY 6, 16-YEAR-OLD Swedish climate activist Greta Thunberg tweeted that “the message is clearly not getting through”. Thunberg was referring to a major UN-backed report released this week, which has startling revelations about the battered state of nature globally. For starters, the report states that approximately one million animal and plant species now face extinction, many within decades. It offers stark statistics to map the destruction of nature caused by every sphere of human activity — from the fishing industry to mining and forestry to urbanisation.

The Global Assessment Report on Biodiversity and Ecosystem Services of the UN-backed Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has been compiled by experts from 50 countries over the past three years and evaluates changes over the past five decades. It concludes that there has been a systematic destruction of nature over the decades and that human activity has caused most of it. However, one aspect highlighted in the report holds out hope: “Nature managed by Indigenous Peoples and Local Communities is under increasing pressure but is generally declining less rapidly than in other lands.” This is significant since “at least” a quarter of the world’s land area is “traditionally owned, managed, used or occupied by indigenous peoples”. It’s unusual for an international report to admit that the world “would benefit from an explicit consideration of the views, perspectives and rights of Indigenous Peoples and Local Communities, their knowledge and understanding of large regions and ecosystems”. UN agencies have in the past undertaken projects to tap the knowledge systems of indigenous communities. For instance, during 2012 and 2014, it engaged with the local communities in the Solomon Islands, a vulnerable ecosystem. The aim was to document the practices of the villagers when it comes to preventing natural calamities. Similar outreach efforts have been tried in rural Ghana.

Yet, political orders continue to strip the indigenous across the world of their rights and homelands. In India, the International Work Group for Indigenous Affairs flagged the United Nations’ Committee on Elimination of Racial Discrimination (CERD) in March about violations of the rights of the indigenous peoples in the current Draft National Forest Policy. The world must cease to see indigenous communities through the prism of profitability and as impediment to the extraction of natural resources. The world may need to learn from them to ensure a harmonious natural order.

HEAVY METAL AT ANFIELD

Liverpool’s demolition of Barcelona marks the beginning of the end of an era and the preface to the making of another

IF ONE IMAGE summed up Barcelona’s torment on Tuesday night, it was of Lionel Messi urging his side to stay calm amidst the violence around them. Liverpool were 3-0, the deficit wiped out in a fashion reminiscent of that glorious night in Istanbul in 2005. Soon, they scored again, arguably the most historic goal in the most historic English ground of all and there was nothing the greatest player of this generation could do but agonise. How could Barcelona, winners of four European crowns in the last 13 years, let this slip? Many will point to Liverpool’s sheer desire, their wherewithal and doggedness to summon their very best football in adversity, which manifested in an excellent display of hard-pressing football.

But something else was also at play, an inexplicable, intangible force — the atmosphere of Liverpool’s den, the Anfield stadium, that has shaken several local and European powerhouses in the past. The venue’s notorious high-decibel section, the Kop End, was at its loudest. Liverpool’s German coach Jurgen Klopp has a name of his team’s frantic style of football — “heavy metal”. It wasn’t to Barcelona’s taste, a team that is accustomed to a more classical approach. The Barca players, who have won everything that football can offer, may have felt trapped in an inescapable crucible.

A passionate crowd, however, can only do so much. The players have to deliver, which they did. If Liverpool were chastened for profligacy in the first leg, the players ensured they were upright clinically this time. It was a brutal reminder of a power-shift — a diminishing, ageing Barcelona, dependent on Messi, and a resurgent Liverpool, with grand designs and grander ambitions. While it could be the beginning of the end for Barcelona, it could be the preface of a golden era that awaits Liverpool. Messi may have felt it the most, as he walked alone to the tunnel as Liverpool’s anthem, “You’ll Never Walk Alone”, scythed the sky.

“TO MY HUSBAND who took me out of purdah and spent the rest of his life regretting it”. This is how the dedication page reads in a Muslim woman author’s autobiography published a century ago. It speaks volumes about the age-old tradition of keeping women in purdah. Having originated in early Islamic history, the controversy as to which of a wide range of outfits — from the burqa (tip to toe gown covering entire body) to hijab (scarf covering head and shoulders) — answers the Quranic injunction on women’s dress code remains unabated till this day.

The burqa and hijab have been part of religious and social debates across the world and its total or partial ban anywhere makes international news. In recent days, the Indian media has given prominent coverage to three related developments — the ban on face-covering hijab in Sri Lanka after the devilish dance of terrorism on the island, the Shiv Sena’s demand for a similar state action in India, and a Kerala educational organisation’s circular to its schools directing that no girl student should cover her face on its campuses across the state.

In India, purdah has had a local variant called *ghoonghat* (long veil covering head and face) and both have generated legislation and case law. Since the days of British rule, there have been special provisions for *pardanashin* (literally, sitting in purdah) women in the laws of evidence and civil procedure, irrespective of their religion. In a Kolkata election case, two women voters — a Hindu and a Muslim — approached the High Court seeking exemption from the requirement of a photo identity card on religious ground (*Nirmal Sakdar 1961*). The court dismissed the Hindu woman’s plea: “The system of purdah is alien to our soil and never existed during the period of the Hindu civilisation. It may be that amongst very orthodox families women are not readily photographed. That however is not an inexorable social practice and in modern days it is neither widespread nor popular.”

The claim of her Muslim sister was also dismissed. Referring to the Quranic verses

on the hijab, the court said: “There is no express injunction about keeping purdah. Moderation of social intercourse is advocated and it has been laid down that women should cast down their looks and not display their ornament in public. Annotators hold that there is no absolute injunction against uncovering of the face or the hands. What have been laid down are questions of prudence and general deportment. The matter therefore rests not on religion but on social practice.”

In a similar case of a Muslim woman in Hyderabad, the judge deciding the matter however thought otherwise. “A citizen professing Islam cannot be put to election to act contrary to religious injunctions to be able to exercise his franchise or to observe the religious practice and forgo the right to vote,” the court said in *Peeran Saheb* (AP 1988).

In 2015, a purdah-related case reached the Supreme Court. The Central Board of Secondary Education conducting the AIPMT (All India Pre-Medical Test), in a bid to prevent copying in examination, announced a dress code that prohibited full-sleeve shirts and headscarves. Some Muslim women sought exemption from it on religious grounds and obtained relief from the Kerala High Court, subject to a direction to submit to necessary frisking by women investigators. An appeal to a larger bench of the court by the CBSE was dismissed. A Muslim students’ organisation tried to outsmart the board and in a bid to preempt further appeal approached the Supreme Court with a PIL. It requested the court to direct the CBSE to not apply its dress restrictions to Muslim girls in general. The organisation claimed that the code was repugnant to Islam and hence violated its members’ fundamental right to freedom of religion. But the apex court issued a reprimand: “Faith is not connected to the clothes you wear, your faith will not disappear if you go to the examination centre without headscarf.” The PIL was eventually withdrawn.

I am nobody — despite my command

In February this year, Saudi Arabia — the seat of Islam’s holiest places — appointed a woman member of the royal family as its new ambassador to the US. And early this month, Malaysia appointed a woman judge of its federal court as the country’s chief justice. Both these women are seen in public wearing hijab but faces fully uncovered. Will those who claim that face-covering by women is an essential Islamic practice take notice?

over Arabic and lifelong study of Islamic tenets through their original sources — to explain what the Quran actually says in respect of women’s dress code, as I do not belong to the clan that has monopolised the task of understanding Islam’s holy book. I would just draw attention of all concerned to the recent news items from two Muslim countries, both of which recognise Islam as their state religion and hold the sharia as their main source of legislation. In February this year, Saudi Arabia — the seat of Islam’s holiest places — appointed a woman member of the royal family as its new ambassador to the US. And early this month, Malaysia appointed a woman judge of its federal court as the country’s chief justice. Both these women are seen in public wearing hijab but faces fully uncovered. Will those who claim that face-covering by women is an essential Islamic practice take notice?

The ban on face-covering in Sri Lanka is a precautionary security measure and the Kerala educational organisation’s circular prohibiting the practice — notably, issued before the Sri Lanka incident — is an admirable attempt to put the record straight on the Quranic injunction concerning women’s dress. The Shiv Sena mouthpiece jumping into the fray may not measure up to the legal test of locus standi but the argument of religious freedom to justify face-covering — always and everywhere with no exceptions — will not stand the constitutional touchstone of such a freedom.

Commenting on some judicial decisions relating to purdah, I had once written: “Forcing a woman to strictly adhere to the purdah system against her wish is grossly unconstitutional, but so is dragging one out of it against her own personal decision.” Alas, I cannot invoke the Constitution anymore — in this or indeed in any other matter whatsoever — as we are now sadly living in an age when “Constitution? Who cares” is the order of the day.

The writer is professor of law and former chairman, National Minorities Commission



FALI S NARIMAN

THE LAWYERS’ MASTER

With the passing of NR Madhava Menon, India’s legal fraternity has lost its teacher

WHEN MADHAVA MENON completed 50 years as a law teacher in September 2009, I had said that “old warhorses like Madhava Menon never retire”. But now the inevitable has happened. The man who never retired is also no more.

Old teachers — like old lawyers — keep going not because of the need (or the greed) for money, but simply because there is a strange but stimulating pleasure in arduous work — be it manual or mental — which for some rare individuals like Menon gives complete satisfaction.

More than two decades ago, if fate (and some then-sitting judges) had not intervened, he would have been the first and only member of that special category of appointees to the Supreme Court set out in Article 124 of our Constitution: “... a person who is in the opinion of the President of India a distinguished jurist”. But it was not to be.

The ultimate goal of education was defined by Will Durant, the celebrated historian of the 20th century. He had once said that “education is the technique of transmitting civilisation”. Menon was in the privileged position of partaking of this sacred rite of transmitting civilisation to generations of law students.

As to how a teacher would want to be

remembered is illustrated by the story of that management guru, Peter Drucker, who died nearly 10 years ago at the age of 93. In life, he had once described his personal experiences that had taught him how to grow, how to change, and to how to age — without becoming a prisoner of the past.

In 1949, when Drucker first began to teach management courses at New York University, his father, then 73 years old, came to visit him from California and they both went to see an old friend of his father’s — the famous economist Joseph Schumpeter. Drucker’s father had already retired, but Schumpeter who was then 66 was world famous and was still teaching at Harvard. Peter Drucker recalls that the two old men had a wonderful time together reminiscing about the old days.

Suddenly Drucker’s father asked with a chuckle: “Joseph, do you still talk about what you want to be remembered for?”

And Schumpeter broke out into loud laughter. Schumpeter was notorious for having said, when he was just 30 years old and had published the first two of his great books on economics, that what he really wanted to be remembered for was (and I quote): “Having been Europe’s greatest lover of beautiful women and Europe’s

greatest horseman — and perhaps also one of the world’s great economists”!

But at age 66, Schumpeter now said: “Yes, this question is still important to me. I want to be remembered as having been the teacher who converted half a dozen brilliant students into first-rate economists.”

That is how the indomitable, the selfless, the-for-ever-hard-working Madhava Menon would want to be remembered — having trained, not just half a dozen but more than half-a-hundred brilliant students — as a first-rate teacher of top-class practising lawyers.

When a great oak tree falls, the forest is never the same. India’s greatest educationist has passed away and the citadel of the law is in a state of temporary eclipse. Menon was not only a great teacher of the law, he was its inspiration.

Let us not mourn Madhava Menon, the innovator of modern legal education in India. Instead, let us all silently say a small prayer that his noble soul rests in eternal peace and that the memory of his life’s work is never forgotten.

The writer is a constitutional jurist and senior advocate, Supreme Court



MAY 9, 1979, FORTY YEARS AGO

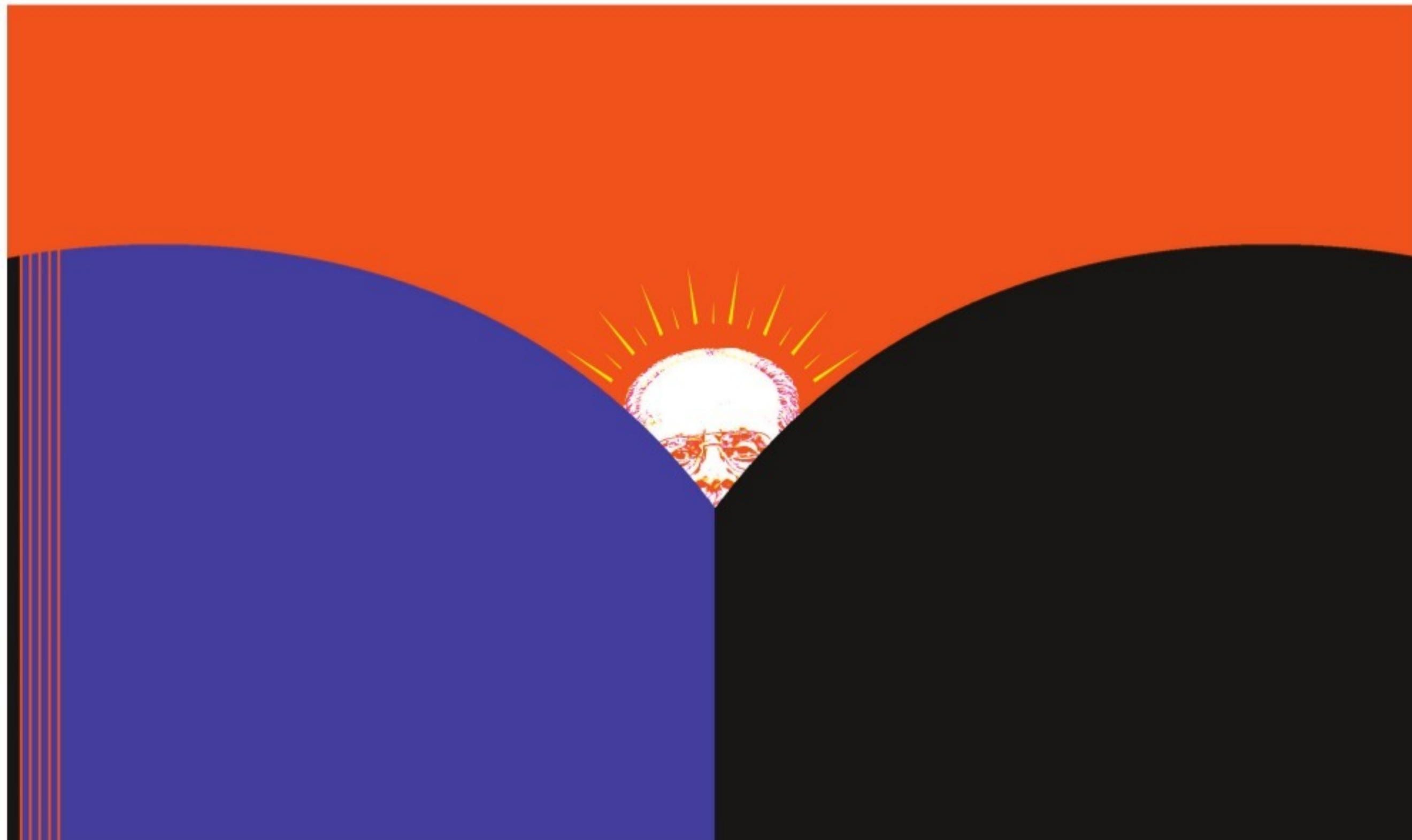
SPECIAL COURTS BILL
WITH THE LOK Sabha’s passing the Special Courts Bill, the decks are virtually clear for the trial of Indira Gandhi and some of her Emergency associates. The Special Courts Bill as turned out by Parliament will be sent to the President for his assent early next week. It is certain that the government, to begin with, will set up by the month-end two or three special courts in Delhi for taking up some of the key cases involving Indira Gandhi, Sanjay Gandhi and others who collaborated with them during the Emergency.

INDIRA’S BAD DEAL
FORMER PRIME MINISTER Indira Gandhi would have been the beneficiary of a pay-

off which did not come off because she went out of power. The minister of state for finance, Satish Agarwal, surprised the Rajya Sabha today with the disclosure of a deal on part of which Rs 8 lakh were credited in a Hong Kong bank. The money was to be paid to Indira Gandhi. Ironically, a member of her own party, Kalp Nath Rai, provoked the minister to come out with the reply when he had pursued a question on the violation of forex regulations. Rai, however, was not satisfied with Agarwal’s reply. Rai insisted on a reply on the “secret deal” involving Indira Gandhi, and Agarwal prefaced his remarks by warning that what was to come would be “very uncomfortable” to the member.

NEW TRADE TARIFFS
INDIA SUGGESTED AT the fifth session of UNCTAD today a fresh round of tariff negotiations among developing countries. Expressing India’s willingness to make full contribution to promoting economic relations among developing countries, the commerce minister, Mohan Dharia, proposed that the negotiations be held on the basis of 50 per cent tariff concessions on selected products of interest to developing countries and having a substantial trade coverage on a mutually advantageous basis. Dharia said that preferences would also have to be extended to non-tariff sectors and new mechanisms devised for translating the improved access into additional trade flows.

13 THE IDEAS PAGE



CR Sasikumar

A teacher, an institution

NR Madhava Menon's work and worldview has created a lasting legacy, will continue to inspire legal professionals



FAIZAN MUSTAFA

THE NEWS OF the passing away of Padma Shri N R Madhava Menon (1935-2019) has come as a jolt. Till early March, he was in perfect health and was travelling extensively. One is reminded of Jawaharlal Nehru's famous speech on the Mahatma's assassination, when he said that the "light has gone out of our lives". The legal fraternity feels the same way today.

A paradigm shift was brought in by Menon in the legal education space when he decided to take over as the first director of National Law School of India University (NLSIU) in 1986, after Upendra Baxi reportedly expressed reservations about leading the unique experiment. The rest is history, as Menon proved to be a great leader.

Menon had to start the law school in a car shed, with just Rs 50 lakh from the Karnataka government and Rs 20 lakh from the Bar Council of India. With limited resources, he recruited about a dozen teachers who enthusiastically agreed to work on the paltry salary. Being an old-school pre-liberalisation fellow, he was not a great paymaster.

The NLSIU experiment was such a grand success that today we have as many as 24 national law universities. Subsequently, Menon became the founder vice-chancellor of West Bengal National University of Juridical Sciences, Kolkata. When the National Judicial Academy in Bhopal was established, and the CJI required a person who could train senior judges, there was no better person available than Menon and, therefore, he was asked to lead the experiment of judicial education.

The NJA today imparts training to judges of several other countries too.

Menon was admitted to Aligarh Muslim University's LLM programme, and, subsequently, he was awarded AMU's first PhD in law for his work in the then upcoming field of white collar crimes. He also taught there for few years before joining Delhi University.

In the last few years, Menon acknowledged that there are problems in the current structure of legal education and the national law universities — which former prime minister Manmohan Singh had termed as "few islands of excellence in the sea of mediocrity" — had basically become elitist institutions. He was worried about the allure of corporate placements and therefore proposed an alternative legal curricula to cater to the litigation needs of rural and small towns. He organised a workshop at Bilaspur in 2013 and proposed that, in addition to mandatory LLB courses, 40 optional subjects may be taught to cater to the rural and tribal needs. He accordingly proposed that the fifth year of the undergraduate law degree should be devoted to experiential learning through social justice and legal aid clinics in tribal and rural areas.

In 1991, Menon, at NLSIU, started a refresher course for the law teachers who had put in five years of service. Most of the current vice-chancellors of national law universities are beneficiaries of these refresher courses. In the last seven years of his life too, as a Ford Foundation professor, Menon had been conducting such courses in different universities. He was worried about the paucity of good law teachers and attached a lot of importance to teachers' training courses. He was equally passionate about the training of lawyers and that is why he founded the Menon Institute of Legal Advocacy Training (MILAT).

When I was establishing the KIIT Law School in Odisha, he visited the state as a member of the Inter State Commission (Justice M M Punchi Commission). He called me to the Raj Bhavan where he was staying,

and I gave him courses developed by me besides question papers of the last semester exam, for his review. The next day, he handed me over six pages of hand-written comments. When, as founder vice-chancellor of National Law University, Odisha, I proposed to introduce Chinese law, he was the only one in the General Council who supported me. He said that despite some \$75 billion worth of bilateral trade between the two countries, we hardly know anything about Chinese laws and their legal system. He also supported my unique initiative at NALSAR to admit LLB graduates directly to the fully-funded PhD programme.

Menon has authored/edited more than a dozen books. As director of NLSIU, he produced *A Training Manual for Police on Human Rights* (1997). As the VC of NUJS, he edited a full series of nine volumes called *Criminal Justice India Series* (2001-2003), in which he examined the police, prosecution, courts and prison systems of nine states. As the first S Radhakrishnan Chair of Parliament, he edited *Education and Public Health* (2013), in which he critically scrutinised the legislative initiatives on public health from 1950-2000. Menon was also a member of several commissions and committees. The Malimath Committee (2003), of which he was a member, made several radical reforms in our criminal justice system including the dilution of presumption of innocence, burden of proof and adoption of some features of continental criminal law. He also chaired the expert group in 2008 that proposed the setting up of an Equal Opportunity Commission in India.

Menon has demonstrated that even a single individual matters and can really bring about change. One is reminded of the old Urdu couplet: *Hazaron saal nargis apni be-noori pe roti hai/ badi mushkil se hota hai chaman men deedarwara paida.*

The writer is vice chancellor, NALSAR University of Law, Hyderabad. Views are personal



JYOTI PUNWANI

Jawan and Kisan at Varanasi

It is farmers and a soldier that are challenging the prime minister

"JAI JAWAN, Jai Kisan." It's been more than half-a-century but this powerful slogan, given by a diminutive prime minister, remains imprinted in memory. In four words, it encapsulated the importance of the two sections of our society who were at that time invisible.

Who could have imagined that some day, it would be a jawan and a kisan who would challenge the prime minister in a Lok Sabha election! A pliant Election Commission has eliminated the jawan from the competition; it hasn't yet managed to get rid of the kisan.

Last month, 111 farmers from Tamil Nadu declared their intention to fight against the PM from Varanasi. Tamil Nadu is a long way from Varanasi, but these farmers had travelled a greater distance in 2017. They had spent 100 days in Delhi to draw the attention of the rulers, even stripping and burying themselves in mud to do so. Alas, nothing happened.

After the TN farmers, turmeric farmers from Telangana decided to fight Narendra Modi. Both sets of farmers knew this was a losing battle. What they hoped to gain from it was the nation's attention to their demands and to the PM's failure to fulfill his

2014 promises to farmers.

If in Lal Bahadur Shastri's time farmers and jawans were invisible, today they are among the most neglected sections of our society. If they are not invisible, it's because they go to extraordinary lengths to force themselves on our consciousness. Fighting the Lok Sabha election against the PM is one of these.

The irony of the Varanasi contest cannot be lost even to bhakts. After Pulwama, the army has become their one-point shield against any criticism. In his election campaign, their hero has used jawans to get votes like no one else has till now. Yet, a recently-dismissed jawan, Tej Bahadur Yadav, almost became his primary challenger.

Till 2017, when he posted a video showing the burnt rotis and watery, insipid dal served to jawans on the border, Yadav was part of the Border Security Force. These soldiers perhaps perform some of the toughest tasks in our armed forces. It took the BSF just three months to dismiss its jawan for indiscipline, but an inquiry into the truth of his allegations took a year.

So, is this Haryana jawan also an anti-national like all those who oppose Modi? And the kisans?

Of the 54 kisans who tried to file their nominations, only 25 could do so, thanks they allege, to harassment by the Varanasi police and the uncooperative attitude of the local EC. Finally, the papers of only one farmer from Telangana were accepted.

We will be reading more about these Davids, since both Yadav and the kisans plan to pursue their cause in the Supreme Court and the Central EC. It is appropriate to call them Davids because in this modern-day fight with Goliath, their names are irrelevant.

That's the second irony. In every election, be it for Parliament or a municipal corporation, almost all parties choose candidates keeping considerations of religious and caste identity in mind. But in this election campaign, speeches referring to religious identity have been made the most by the PM and his party president. So blatant have been their identity-based pronouncements and threats that the EC's clean chits to them have served only to disgrace an institution we were all proud of.

Yet, in Varanasi, the religious identity of the two most determined challengers to PM Modi has never been a factor. Of course, had they belonged to a minority community, it

would have been easier for bhakts and ruling party members, including its chief, to slander them. But they happen to be Hindus. That's just incidental, not a choice made by either candidate. What a contrast to the elaborate religious spectacle conducted by the PM of a secular country on the eve of filing his nomination, telecast live on national TV.

The only identity of Tej Bahadur Yadav and Istari S Narsaiah is their profession: Jawan and kisan. This is an almost unheard of phenomenon in our elections.

The final and most grotesque irony in this unique contest is that Lal Bahadur Shastri, the prime minister who made the jawan and kisan an unforgettable part of our consciousness, urged us to sacrifice for them and under whom India won an actual war against Pakistan, is now being appropriated by the BJP that wants to free him from his Congress identity.

In 2014, the Varanasi fight became historic because of another David: Arvind Kejriwal. This year, the fight is even more unequal, and hence more enthralling.

The writer is a Mumbai-based freelance journalist

WHAT THE OTHERS SAY

"US warships will continue to appear in the South China Sea. However, their voyage will have more symbolic meaning than actual significance."

— GLOBAL TIMES, CHINA

The five-year punchline

On the face of it, the NDA government, its supporters have given much fodder to comedians. But politics since 2014 has made genuine humour impossible



AAKASH JOSHI

THERE ARE two jokes, broadly speaking, that typify the classes of political humour. The first, of course, is the emperor in his "new clothes" — that is, the ridiculousness of all power, and those that preen with it — and the little boy in the crowd smart and foolish enough to tell truth to it. The second is the man going to work who slips on a banana peel and we all laugh at his pain, his embarrassment. The first, the boy who sees the absurdity in the proud parade of patriotic sentiment and brings it out for the rest of us, is the comedian. The second, far more crass, is to laugh at the tragedy of the sad clown.

Humour, when it is deliberately crafted, relies on exaggeration, even of the darkest themes. Dave Chappelle, for example, when talking about the crack-cocaine epidemic in the US through the 1980 and 1990s, has a disturbing and hilarious set about an aggressive baby suffering withdrawal. Even the laughter that Akshay Kumar elicits in *Hera Pheri* or *Singh is King* is based on playing characters that are relatable while still being completely over-the-top.

Since May 2015 — it would appear at first glance — there has been enough and more in Indian politics (remember the PM's subtly and tastefully emblazoned Republic Day suit?) for the comedians in the crowd to ply and hone their craft. After all, we have had a single-party majority government, a dominant majority, after three decades and a leader who inspires a zeal in his followers that lends itself to the most basic form of humour — absurdity.

And indeed, many careers have been made off the backs of the seemingly ridiculous in Indian politics: Kunal Kamra shot to YouTube celebrity with an incisive take on demonisation, as did Abhijit Ganguly; there's Sanjay Rajoura and Varun Grover, both of whom have taken the patent absurdity of the "bhakt" and the "offended" and run with it. The symbolism of the cow as mother, an animal long revered, has taken on a realism that can only cause laughter in those, who in their deracinated anti-nationalism, sometimes mistake the collective mater for a docile, economically important quadruped.

Each of these comedians, and so many more, have done an admirable job of making us laugh. But in the guffaws that they so expertly illicit, lies the tale of tragic failure. Through no fault of their own, these masters of political humour find themselves in both the best of times and the worst of times for their trade. There is indeed much to laugh about: A midnight session of Parliament — a ridiculous re-enactment of the "tryst with destiny" — to celebrate a complex way of paying taxes; the constant reference by a top leader to himself in third person; the spokespersons and their friends on tv shouting incessantly and saying nothing; the elevation and cel-

ebration of militant yogis and sadhvis (one would have thought this is a contradiction in terms). And demonisation. There are people worshipping PMs and US presidential candidates, and play-acting at assassinating the father of the nation.

Finally, the election season "interviews", where each question is a chance to repeat a slogan, or a personal triumph or even to extol with hitherto unseen mastery, the art of the humble-brag. The prime minister is asked about dealing with anger by a movie star, a Canadian citizen dressed in light linen and boat shoes as though ready to make his escape on a yacht should things go ill. The PM, dressed in Nehru jacket (yes, it's still a Nehru jacket), claims that he has never acted imperiously when in office in Gujarat or Delhi and declaims, at length, about how to win friends, influence people and various other self-help-type clichés. Even the movie star doesn't have a follow-up question.

Yes, there is indeed much to laugh about, if only as a response from the other side of tragedy. But the question is: Where's the joke? In the scenario we have found ourselves over the last demi-decade, we can be tickled by the repetition of the (often sad) absurdities mentioned above and more, but there is no exaggeration.

But how does one exaggerate the serious debates on the caste of Hanuman? Or the insistence that a fictional Rajput queen, in a fictional film offends the sentiments of real people? Pray tell, how can you make more ridiculous tales of childhood crocodile wrestling in Gujarat? Or authored guides, turning each nervous child into an *Exam Warrior*? What can be added to statements by leaders who use an exact count (un-sourced) of the condoms and cigarette and bidi butts found at a public university? But then, everyone is a chowkidar.

The near hegemonic presence of the current dispensation and its leaders are so grand in their novelty that they defy the craft of comedy. Yes, the context of the comedy club is different from the political rally or press conference. But in essence, all that seems possible is a repetition of the events and themes of our times, comical as they are, without adding all that much in terms of a joke.

So, if the comedians' form of humour is impossible, what are we left with? What are people laughing at in the gigantic rallies of the ruling party and sometimes even of the Opposition?

In these scenarios, we appear to be laughing at someone. The jokester, in the vituperative world of the contemporary political conversation, is no longer the boy in the crowd pointing out the emperor's foolishness. It is the demagogue, saffron-clad, on the pulpit. One who talks of Ramzade and Haramzade, of curses and killing. All those against this formation, including and especially the principal leader of the opposition, are the sad clowns slipping on a banana peel. And with the leader, we laugh at him for being incapable of walking down this treacherous street. The cruelty of this second kind of humour appeals to the worst in us; its joy is the revelry of the mob not the clever revelation of the outsider.

And, in the end, the joke may be on all of us.

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LETTER TO THE EDITOR

UNEQUAL COURT

THIS REFERS TO the article, 'No courts for women' (IE, May 8). The data for the women judges highlighted in the article is shocking. It is ironic that the institution that has delivered several verdicts upholding equality irrespective of gender and caste is suffering those same ills within itself. The Supreme Court must implement the egalitarian approach it has championed. The elevation of the women judges in the collegium is the first step in that direction.

Ankit Singh, Prayagraj

IRRESPONSIBLE DIN

THIS REFERS TO the editorial, 'Once upon a poll' (IE, May 8). The din created by the Opposition over the EVMs is astonishing. Do these leaders claim they came to office in Madhya Pradesh, Rajasthan and Chhattisgarh due to faulty EVMs? With these allegations, the global perception that India conducts the most transparent and fair elections is in the danger of being eroded. These political leaders, instead of blaming EVMs, should demand tamper-proof software.

Mayank Khatri, Ujjain

CASTE ASIDE

THIS REFERS TO the article, 'The OBCness of Narendra Modi', (IE, May 8). That

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.

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our prime minister does not speak about his caste unless absolutely necessary should go to his credit. The caste system is a curse and all right thinking and well-meaning Indians should endeavour to abolish it. Political mobilisation along caste lines is theoretically not only undemocratic but also immoral.

HN Bhagwat, via email