Striking a balance

The RBI's nuanced approach in the revised circular on stressed assets is noteworthy

The efforts of the Reserve Bank of India to clean up the non-performing loans mess in the banking system suffered a setback in April when the Supreme Court shot down its circular of February 12, 2018, terming it *ultra vires*. Version 2.0 of the circular, titled "Prudential Framework for Resolution of Stressed Assets", issued by the central bank on June 7, manages to retain the spirit of the original version even while accommodating the concerns of banks and borrowers. The RBI has achieved a good balance between its objective of forcing a resolution of stricken assets and giving banks the elbow room to draw up a resolution within a set timeframe without resorting to the bankruptcy process. Banks will now have a review period of 30 days after a borrower defaults to decide on the resolution strategy, as compared to the one-day norm earlier. They will also have the freedom to decide whether or not to drag a defaulter to the insolvency court if resolution does not take place within 180 days of default. Banks had no such option earlier. By making an Inter Creditor Agreement between lenders mandatory, the RBI has ensured that they will speak in one voice, while the condition that dissenting lenders should not get less than the liquidation value puts a floor on recovery from the resolution process.

The RBI's nuanced approach now is noteworthy. There will be disincentives in the form of additional provision of 20% to be made by banks if a resolution is not achieved within 180 days and a further additional provision of 15% if this extends to a year. If that is the stick, the carrot is that they can write back half of the additional provision once a reference is made to the insolvency court and the remaining half can also be clawed back by banks if the reference is admitted for insolvency resolution. This approach will give banks the freedom to explore all options before referring a defaulter to the insolvency process. Instead of treating banks like truant schoolchildren who need to be disciplined with the stick, the RBI has graduated to treating them like responsible adults who know what is good for them when it comes to handling defaulters. Of course, the RBI was forced to wield the stick originally only because banks resorted to evergreening loans and pushing NPAs under the carpet. It is to be hoped that they will now uphold the trust placed in them by the RBI. The central bank, anyway, retains the right to direct banks to initiate insolvency proceedings in specific cases by drawing on its powers under Section 35AA of the Banking Regulation Act. Meanwhile, the government has to assess what ails the insolvency resolution process, which has got bogged down in the case of several high-profile defaulters, beginning with Essar Steel. The delays in resolution are not good optics, and the gaps that defaulters typically use to subvert the process must be plugged. Ultimately, the RBI's efforts will be negated if banks, put off by the long delays in the resolution process, choose not to refer cases to the insolvency court.

A dozen in one

Nadal burnishes his greatness in an era of greats with a record at the French Open

Roy Emerson's record for most Grand Slam titles won by a male singles player stood for a good 33 years. It was in the summer of 1967 that he won the last of his 12 trophies and only in 2000 did Pete Sampras surpass it. But little did anybody expect a man to rack up an equivalent number at just one Major, let alone in a span of just 15 years. On the Parisian clay on Sunday, Rafael Nadal did just that, capturing his 12th French Open and 18th Major overall. This is an era in which along with Nadal, Roger Federer, the all-time leader in Majors (20), and Novak Djokovic (15), have taken turns to relentlessly redefine the limits of greatness. But even by those exalted standards, Nadal's achievement is unparalleled. His record at Roland-Garros is a whopping 93-2, and he has bagged more trophies there than any man or woman has at a single Grand Slam. The victory didn't come easy; he had to overcome a spirited Dominic Thiem, widely touted, and quite rightly, as the Spaniard's heir apparent on the surface. The 25-year-old Austrian had in fact beaten Nadal on dirt in each of the last four seasons and was a much improved player from the time he lost the 2018 final. But the challenge of mastering a physically fit and mentally sharp Nadal is beyond most.

The triumph also came on the back of a testing few months for Nadal. The 33-year-old ended 2018 under the cloud of injury and had to endure a deflating loss to Djokovic in the final of the Australian Open this January. In the lead-up to the French Open, he was on the cusp of not making a final on his beloved clay for the first time since 2004, until he put together a winning streak at the Italian Open. But once in Paris, he was a transformed man and turned in what could arguably be his most complete performance. From the backcourt he displayed the kind of athleticism and shot-making that belied his age. Federer bore the brunt of it as he succumbed in straight sets in the semifinals. His play in the forecourt, an underrated part of his game, was lethal, coming in only for the assured kill, as the 23 out of 27 points won at the net against Thiem indicates. Even as Nadal established himself as a near constant among men, the women's game threw up yet another surprise winner, this time in Australia's Ashleigh Barty. The 23-year-old's style is delightfully old-school, with a beautifully constructed point preferred to murderous first-strike tennis. Combined with a ruthless calm, she completely unnerved the 19-year-old Marketa Vondrousova on Saturday to end her nation's long wait for a new slam champion.

Foreign policy challenges five years later

In an unpredictable global environment and with resource constraints, India needs to shape a domestic consensus

RAKESH SOOD

As Prime Minister Narendra Modi begins his second term, the world looks more disorderly in 2019 than was the case five years ago. U.S. President Donald Trump's election and the new dose of unpredictability in U.S. policy pronouncements; the trade war between the U.S. and China which is becoming a technology war; Brexit and the European Union's internal preoccupations; erosion of U.S.-Russia arms control agreements and the likelihood of a new arms race covering nuclear, space and cyber domains; the U.S.'s withdrawal from the Iran nuclear deal and growing tensions between Saudi Arabia and Iran are some of the developments that add to the complexity of India's principal foreign policy challenge of dealing with the rise of China.

Redefining neighbourhood

As in 2014, in 2019 too Mr. Modi began his term with a neighbourhood focus but redefined it. In 2014, all South Asian Association for Regional Cooperation (SAARC) leaders had been invited for the swearing-in. However, the SAARC spirit soon evaporated, and after the Uri attack in 2016, India's stance affected the convening of the SAARC summit in Islamabad. Since an invitation to Pakistan was out of the question, leaders from the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) countries (Bangladesh, Bhutan, Nepal, Sri Lanka, Myanmar and Thailand) with Kyrgyzstan, added as current Shanghai Cooperation Organisation chair, highlighted a new neighbourhood emphasis.

Yet Mr. Modi will find it difficult to ignore Pakistan. A terrorist attacks cannot be ruled out and it would attract kinetic retaliation. Despite good planning there is always the risk of unintended escalation as Balakot (this year) and the downing of an Indian Air Force (IAF) MiG-21 showed. In the absence of communication channels between India and Pakistan, it appears that the U.S., Saudi Arabia and the United Arab Emirates played a role in ensuring the quick release of the IAF pilot, Wg. Cdr. Abhinandan Varthaman, thereby defusing the situation. Unless the Modi government wants to outsource crisis management to external players, it may be better to have some kind of ongoing dialogue between the two countries. This could be low-key and discreet, at whatever level considered appropriate, as long as no undue expectations are generated. A policy in-between diplo-hugs and no-communication provides both nuance and leverage.

Relations with countries on our periphery, irrespective of how we define our neighbourhood, will always be complex and need deft political management. Translating India's natural weight in the region into influence was easier in a pre-globalised world and before China emerged in its assertive avatar. Today, it is more complex and playing favourites in the domestic politics of neighbours is a blunt instrument that may only be employed, in the last resort; and if employed it cannot be seen to fail. Since that may be difficult to ensure, it is preferable to work on the basis of generating broad-based consent rather than dominance.

This necessitates using multi-pronged diplomatic efforts and being generous as the larger economy. It also needs a more confident and coordinated approach in handling neighbourhood organisations – SAARC, BIMSTEC, the Bangladesh, the Bhutan, India, Nepal Initiative, the Bangladesh-China-India-Myanmar Forum for Regional Cooperation, the Indian Ocean Rim Association. This should be preferably in tandem with bilateralism because our bilateral relations provide us with significant advantages. With all our neighbours, ties of kinship, culture and language among the people straddle boundaries, making the role of governments in States bordering neighbours vital in fostering closer linkages. This means investing attention in State governments, both at the political and bureaucratic levels.

GETTY IMAGES/ISTOCKPHOTO

Managing China and the U.S.

China will remain the most important issue, as in 2014. Then, Mr. Modi went along with the old policy since the Rajiv Gandhi period that focussed on growing economic, commercial and cultural relations while managing the differences on the boundary dispute through dialogue and confidence-building measures, in the expectation that this would create a more conducive environment for eventual negotiations. Underlying this was a tacit assumption that with time, India would be better placed to secure a satisfactory outcome. It has been apparent for over a decade that the trajectories were moving in the opposite direction and the gap between the two was widening. For Mr. Modi, the Doklam stand-off was a rude reminder of the reality that the tacit assumption behind the policy followed for three decades could no longer be sustained.

The informal summit in Wuhan restored a semblance of calm but does not address the long-term implications of the growing gap between the two countries. Meanwhile, there is the growing strategic rivalry between the U.S. and China unfolding on our doorstep. We no longer have the luxury of distance to be non-aligned. At the same time, the U.S. is a fickle partner and never has it been more unpredictable than at present.

In 2014, Mr. Modi displayed unusual pragmatism in building upon a relationship that had steadily grown under the previous regimes, after the nuclear tests in 1998. The newly appointed External Affairs Minister, S. Jaishankar, had played a key role as the then Ambassador in Washington. Later, as Foreign Secretary, he successfully navigated the transition from the Obama administration to the Trump administration while keeping the relationship on an upward trajectory.

Despite this, a number of issues have emerged that need urgent attention. As part of its policy on tightening sanctions pressure on Iran, the U.S. has terminated the sanctions waiver that had enabled India to import limited quantities of Iranian crude till last month. The Generalised System of Preferences scheme has been withdrawn, adversely impacting about 12% of India's exports to the U.S., as a sign of growing impatience with India's inability to address the U.S.'s concerns regarding market access, tariff lines and recent changes in the e-commerce policy.

A third looming issue, perhaps the most critical, is the threat of sanctions under the Countering American Adversaries Through Sanctions Act (CAATSA), were India to proceed with the purchase of the S-400 air and missile defence system from Russia. Till the end of last year, then U.S. Defence Secretary James Mattis had been confident of India securing a waiver – but times have changed.

Other potential tricky issues could relate to whether Huawei, which is currently the prime target in the U.S.-China technology war, is allowed to participate in the 5G trials (telecom) in India. The reconciliation talks between the U.S. and the Taliban as the U.S. negotiates its exit from Afghanistan raise New Delhi's apprehensions about the Taliban's return, constituting another potential irritant.

External balancing

How New Delhi manages its relations with Washington will be closely watched in Beijing and Moscow, which have been moving closer. It is reminiscent of 1971 when China began moving closer to the U.S. to balance the then USSR, with which its relationship was strained. Today, both see merit in a common front against the U.S., though for China the rivalry with the U.S. is all-encompassing because of its geography and Taiwan. Russia has interests beyond, in Afghanistan, West and Central Asia and Europe, and it is here that Mr. Modi will need to exploit new opportunities to reshape the relationship.

In a post-ideology age of promiscuity with rivalries unfolding around us, the harsh reality is that India lacks the ability to shape events around it on account of resource limitations. These require domestic decisions in terms of expanding the foreign policy establishment though having a seasoned professional at the top does help. We need to ensure far more coordination among the different ministries and agencies than has been the case so far. Our record in implementation projects is patchy at best and needs urgent attention. The focus on the neighbourhood is certainly desirable, for only if we can shape events here can we look beyond. However, the fact that China too is part of the neighbourhood compounds Mr. Modi's foreign policy challenges in his second term. Employing external balancing to create a conducive regional environment is a new game that will also require building a new consensus at home.

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The script writer of culture

Through his plays and their performances, Girish Karnad's work interrogated our deepest beliefs about the idea of India

UMA MAHADEVAN-DASGUPTA

"I was twenty-one when I came to Daulatabad first, and built this fort," says Muhammad Tughlaq to a young guard in Girish Karnad's play of the same name. "I supervised the placing of every brick in it and I said to myself, one day I shall build my own history like this, brick by brick."

But the fundamental lesson of Karnad's work, and its tragic vision, is that individual histories are not built in this way. Individual histories are directed both by heart and mind, by the desire to leave a legacy – but also, inevitably, by the desire to hold on to power.

Set in a vibrant age

Karnad's first play, *Yayati* (1961), written when he was in Oxford, was about the theme of responsibility. "Those of us writing in the Kannada Navya movement of the time can still remember the excitement when we first read it in 1961," remarked U.R. Ananthamurthy famously. In 1971, he wrote the introduction to the Oxford University Press translation of Karnad's second play, *Tughlaq* (1964).

Those were the exciting years of a new and modern Indian theatre, with Badal Sircar writing in Bengali, Vijay Tendulkar in Marathi, and Mohan Rakesh in Hindi.

Both through the pages of his plays, and through their powerful, unforgettable performances staged by legendary directors such as Alkazi, B.V. Karanth, Satyadev Dubey, Vijaya Mehta and Prasanna, Karnad's work interrogated our deepest beliefs about the idea of India.

Karnad's death, at the age of 81, is a loss to the world of modern Indian theatre and literature. It is also the loss of a towering public intellectual who was not afraid to speak his mind, whether about the prejudices of fellow writer V.S. Naipaul, or to attend a public protest, carrying his oxygen cylinder, after the killing of Gauri Lankesh.

Karnad was born in Matheran, near Bombay, in 1938. His mother, Krishnabai, was a pathbreaker herself: a young widow with a child who trained as a nurse and eventually married Raghunath, a doctor. As a child, Girish grew up watching Yakshagana performances in the hill town of Sirsi, in Karnataka's wet and forested Malnad region. Perhaps it was here that his theatrical sensibility was born; perhaps it was this early experience that made him choose playwriting, rather than poetry, fiction or art.

K. BHAGYA PRAKASH

After obtaining his degree from Karnatak University, Dharwad in 1958, he went to Oxford as a Rhodes Scholar between 1960 and 1963, where he became President of the Oxford Union. Unlike others of the period who chose to go westward, he chose to return to India, working in Chennai for the Oxford University Press, where he met his future wife, the paediatrician, Saraswathy Ganapathy (Saras).

Much has been written about Karnad's creative collaborations with B.V. Karanth, A.K. Ramanujan, U.R. Ananthamurthy and others. But in my opinion his marriage to Saras was his greatest creative collaboration. A paediatrician with a deep commitment to working in public health, it was she who encouraged him to follow his calling and write.

Layers and threads

And write he did. In 1970, Karnad left his publishing job to write full time. Intricately plotted, and with razor-sharp dialogue, Karnad's greatest plays have drawn from mythology and history, while some of his later plays have dwelt on more contemporary issues. His themes have ranged from the 12th century reform movement in northern Karnataka, to stories drawn from the Mahabharata. But across all his work, from *Yayati* to *Taledanda*, from *Nagamandala* to *Agni Mattu Male*, is the deep, relentless concern with power imbalances: between the central and the marginal, the rich and the poor, man and woman, king and priest, man and god.

How can power be handled without going to an individual's head? How is a better world possible? How to be good in a world full of disillusionment and despair, a world where nothing is as it seems? These are the central concerns of Karnad's work.

In a long career spanning over six decades, Karnad also directed several award-winning feature films and documentaries, worked as a culture administrator, and went to Chicago as an academic. His acting debut was in the film *Samskara* (1970), directed by Pattabhirama Reddy, based on U.R. Ananthamurthy's novel. The film won the first President's Golden Lotus Award for Kannada cinema. A later generation will remember him as the strict and distant father of Swami, the little boy, in the television adaptation of R.K. Narayan's *Malgudi Days*. Intermittently, through it all, he had stints in commercial cinema, which he regarded as a way to achieve financial security.

Above all, what Karnad will be remembered for is his commitment to liberalism, and to the idea of India. When Saraswathy Ganapathy set up a trust that worked among poor women in Kanakapura, outside Bangalore, it was Karnad who gave it the name "Belaku", meaning light. Deepest condolences to Saras, as well as to their children, Raghu and Radha.

Uma Mahadevan-Dasgupta is in the IAS

LETTERS TO THE EDITOR

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

Anti-terror strategy

The euphoria in India over the UN Security Council's listing of Masood Azhar as a global terrorist will last until, god forbid, another terror attack (Page 1, "Terrorism is a joint threat: PM", June 10). The terrorist might well be from the same Masood Azhar stable but under a different name altogether. The elimination of Osama bin Laden and other top leaders of al-Qaeda appears to have had no significant impact on terrorism, which continues to flourish. Terrorism is indeed a threat that needs the collective attention of all countries in the region.

KANGAYAM R. NARASIMHAN,
Chennai

Judiciary's role

It is disconcerting how the fundamental principles of justice are being subverted in the working of the state and law. (Editorial page, "Inhumane, and utterly undemocratic", June 10). There appears to be an increasing tendency even within public institutions to bypass the established dicta of justice, such as 'presumption of innocence', 'burden of proof', 'a hundred guilty may go free but not a single innocent should be punished', etc. This is leading to the construction of a regime of civil lynching where the violation of fundamental rights and civil liberties of the most vulnerable enjoys complete impunity. On the other hand, making it mandatory for people to prove their identity claims, including the one of nationality, on the basis of a well-ordered chain of documents is symptomatic of a total disconnect with the grim realities of people's insecure lives in this country. Submitting a people already leading precarious lives to the demands of a brutal bureaucratic exercise is punishing them twice over. The judiciary must stand up as the guarantor of fundamental and human rights in the face of a state and society fast turning away from the Constitution's humane values.

FIROZ AHMAD,
New Delhi

Rahul's line

Congress president Rahul Gandhi is at it again – hitting out at the Prime Minister for spreading hatred. Sure, he has every reason to feel bitter but this is not the time to give expression to his disappointment in such strong terms. 'Hatred' is too extreme a term; 'intolerance' and 'partisanship' are more like it. If he continues in the same vein, it will only take him down the 'chowkidar chor hai' road and damage his image even more. It's no secret that a lot of people are not happy with the supercharged atmosphere in the country. Speaking against partisanship can be contained only by initiating a more balanced and fair approach.

PREETHA SALIL,
New Delhi

From the field

The Indian cricket team came out with all guns blazing against the mighty Australians and notched up a highly creditable win which should do a world of good to the morale of the Indian players (Page 1, "Clinical India prevails in a high scoring affair", June 10). The team is peaking at the right time, and with two victories in as many matches, it has become a strong contender for a place in the top slot; the momentum must continue. In the match against Australia the team did right in all areas with the batsmen and bowlers all coming good. While Shikhar Dhawan was the pick of the batsmen, the pacers, Jasprit Bumrah and Bhuvneshwar Kumar, turned in tidy spells to outfox the Aussie batsmen.

C.V. ARAVIND,
Benglauru

■ I was in the United Kingdom/London recently and happened to watch a few of the ICC Cricket World Cup matches. One thing I found striking is that cricket does not enjoy the same popular patronage it once enjoyed in England. Even this time, cricket in the English print media, occupies minuscule space in contrast to what it is for soccer. An Englishman had an explanation: cricket is slow and also consumes a lot of time and resources, while soccer is alive and is thrilling every moment. It appears that Asians are the only one patronising cricket if one is to go by the spectators in the stands at the India-Australia match, at the Oval.

SIVAMANI VASUDEVAN,
Chennai

On contentment

Most of us are unaware of what our true purpose in life is, more so when most us are keeping up with the Joneses in every sphere of life. The contentment in ones's life is left to others to judge ('Open Page', "Finding contentment whereever you are", June 9).

DEEPAK SINGHAL,
Noida

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Why language matters

As the particular language we learn constitutes us and our world, our relationship with it has to be deep

RAJEEV BHARGAVA

C. VENKATACHALAPATHY

The recent emotional outburst by Tamil speakers against the perceived threat of Hindi being imposed on them compels us to ask: why does language matter so much to us? Why are we deeply attached to a particular language? Why do we identify with it so strongly?

According to one theory of the nature and importance of language, it is an instrument by which we describe the world outside it. We have ideas in our heads, and language, consisting of signs – marks or sounds – is needed only to communicate these ideas to others. Our mental representations are private, but become public once words are used to designate them. We convey our thoughts to others in and through words. If this is the only function of language – to designate, describe and communicate things and thoughts that exist independently of it, in order to make them public – why would anybody be attached to a particular language? Can't this job be performed by *any* language?

So, this account fails to explain our deep attachment to a particular language, our mother tongue. It doesn't explain the emotional intensity with which people fight for their own language. Is there an account of language that can?

Objects and relations

The 'constitutive theory' by the great philosopher Charles Taylor does. According to this theory, pre-linguistic humans had already begun to express themselves, but when they became language users, they changed fundamentally. Language helped them articulate explicitly what was earlier somewhat vague and inchoate. It changed the nature of their thought. Language makes certain features of an entity more salient than others, pushes some into the background, while foregrounding others. As we fix our attention only on some features, we draw boundaries, make distinctions, no matter how rough, fluid or porous. We contrast them with other things. To take a simple example from the English language, when we sit at a table, we use a material object with a flat top with one or more legs that serves a range of purposes such as eating, writing, meeting, and so on, and different from, say, a bench or a stool that might look similar but fulfils different purposes. These particular purposes and activities are part of the meaning of the term ' table', crucial to learning how to use it. None of this is possible without a certain kind of reflective, focussed awareness which literally brings into existing a piece of wood *as* a table. So, the word 'table' brings a new thought, a new social object and a new set of activities into being. Without that term or its equivalents, the sociocultural object, table, would not exist. It is in this sense that words, thought and the world are constitutively linked.

Just as the objects that surround us are linguistically constituted, so too are our relations with one another. For instance, learning the use of the word 'teacher' and 'student' is to learn a whole gamut of social relations crucial to the practice and institution of education. It also helps constitute how those performing these roles (teachers and students) may stand in relation to each other – formal or informal, friendly or withdrawn, casual or serious, and so on. Furthermore, language constitutes not only a web of power-laden or power-free social relationships but also new emotions. For example, anger experienced by non-linguistic animals is different from indignation which depends on a grasp of what is just and unjust. To admire someone is more than just being attracted to her; it is to see her as having exceptional virtues or achievements. We don't just desire things or are repulsed by them but also evaluate, by a standard, which desires are worthy and which among all worthy entities are of even higher worth. This recognition of a standard, of the distinction between correct and incorrect, morally right and wrong, a specifically human characteristic, is also constituted by language. In sum, unlike the purely physical, chemical or biological world, the human world is word-laden, shot through with language. We are, as Professor Taylor puts it, language animals, living in a dimension in which other animals do not, the linguistic dimension.

The attachment to one language

Another feature of language to which the constitutive theory draws our attention is its strong communitarianism. Word-meaning is created and recreated in speech, in conversation and dialogue with others. It follows that a language would not exist or grow without a speech community, a community of language users. So, Tamil is sustained by and grows within the specific community of Tamil speakers, so also Bengali or Hindi. And it is not just the speech community which shapes and creates language, but language which constitutes and sustains the speech community. Since thousands of languages exist and are nourished by its speakers, different linguistic vocabularies imply different ways of constituting and experiencing the world; each having different feelings, concerns, sensibilities, aspirations and so on. Language makes us what we are. Specific languages make us the specific creatures that we are.

So, our own language matters to us because it constitutes us and our world, our own specific way of being in the world. Language makes us at home in the world. In a manner of speaking, we dwell comfortably only in our own particular languages.

Because the particular language we learn constitutes us and our world, our relationship with it simply has to be very deep. And we all feel a special bond with all those who speak the same language. Just imagine the alienation of, say, a rural Tamil speaker who lands unprepared in American English-speaking Texas, and imagine equally his relief and elation if he ever finds a Tamil-speaker there! Fifty years ago, Tamilians probably felt similarly in Punjab!

So, the constitutive theory explains the deep attachment people have to particular languages. It explains why, when a particular set of language-speakers fear a threat to their language, they respond with indignation. They fight to defend it.

What does not follow, however, is that languages are self-contained entities. Instead, they are, as the sociologist Steven Lukes puts it, "clusters or assemblages of heterogeneous elements with varying origins", dynamic constellations in a moving galaxy, intermixing, borrowing from one another, being shaped and in turn shaping one another. The demand for purity is an enemy of language growth and innovation. Consider the Sanskrit term 'puja'. It has been suggested that it may have not Indo-European but Dravidian roots deriving from the Tamil word '*pu*' for flowers. How many of us know the Sanskrit word 'Veda', or 'vid', is linked to 'wit' and 'witness', the English 'daughter' to *dugdha* (milk), or 'free' linked etymologically to Sanskrit '*preeta*' (love)? Languages which now seem radically distinct from each other have evolved together over a long, interconnected global history.

One must remember the ease and dedication with which people born in one linguistic community embrace languages different from their own. Indeed, we can be attached to more than one language. Just think of the Hebrew/English-speaking Indologist David Shulman's love for Tamil and Telugu. Not to speak of the passionate bilinguality of good translators. So, while deep attachment to one's language is understandable, the pathological obsession with which people defend its purity, uniqueness and superiority is unwarranted, pathetic and unforgivable.

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Artificial Intelligence, the law and the future

AI-driven tech will become counterproductive if a legal framework is not devised to regulate it

G.S. BAJPAI & MOHSINA IRSHAD

In February, the Kerala police inducted a robot for police work. The same month, Chennai got its second robot-themed restaurant, where robots not only serve as waiters but also interact with customers in English and Tamil. In Ahmedabad, in December 2018, a cardiologist performed the world's first in-human telerobotic coronary intervention on a patient nearly 32 km away. All these examples symbolise the arrival of Artificial Intelligence (AI) in our everyday lives. AI has several positive applications, as seen in these examples. But the capability of AI systems to learn from experience and to perform autonomously for humans makes AI the most disruptive and self-transformative technology of the 21st century.

If AI is not regulated properly, it is bound to have unmanageable implications. Imagine, for instance, that electricity supply suddenly stops while a robot is performing a surgery, and access to a doctor is lost? And what if a drone hits a human being? These questions have already confronted courts in the U.S. and Germany. All countries, including India, need to be legally prepared to face such kind of disruptive technology.

Challenges of AI

Predicting and analysing legal issues and their solutions, however, is not that simple. For instance, criminal law is going to face drastic challenges. What if an AI-based driverless car gets into an accident that causes harm to humans or damages property? Who should the courts hold liable for the same? Can AI be thought to have knowingly or carelessly caused bodily injury to another? Can robots act as a witness or as a tool for committing various crimes?

Except for Isaac Asimov's 'three laws of robotics' discussed in his short story, 'Runaround', published in 1942, only recently has there been interest across the world to develop a law on smart technologies. In the U.S., there is a lot of discussion about regulation of AI. Germany has come up with ethical rules for autonomous vehicles stipulating that human life should always have priority over property or animal life. China, Japan and Korea are following Germany in developing a law on self-driven cars.

In India, NITI Aayog released a policy paper, 'National Strategy for Artificial Intelligence', in June 2018, which considered the importance of AI in different sectors. The Budget 2019 also proposed to launch a national programme on AI. While all these developments are taking place on the technological front, no comprehensive legislation to regulate this growing industry has been formulated in the country till date.

Legal personality of AI

First we need a legal definition of AI. Also, given the importance of intention in India's criminal law jurisprudence, it is essential to establish the legal personality of AI (which means AI will have a bundle of rights and obligations), and whether any sort of intention can be attributed to it. To answer the question on liability, since AI is considered to be inanimate, a strict liability scheme that holds the producer or manufacturer of the product liable for harm, regardless of the fault, might be an approach to consider. Since privacy is a fundamental right, certain rules to regulate the usage of data possessed by an AI entity should be framed as part of the Personal Data Protection Bill, 2018.

BIJOY GHOSH

Traffic accidents lead to about 400 deaths a day in India, 90% of which are caused by preventable human errors. Autonomous vehicles that rely on AI can reduce this significantly, through smart warnings and preventive and defensive techniques. Patients sometimes die due to non-availability of specialised doctors. AI can reduce the distance between patients and doctors. But as futurist Gray Scott says, "The real question is, when will we draft an artificial intelligence bill of rights? What will that consist of? And who will get to decide that?"

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SINGLE FILE

The merits of a free ride

The Delhi government's proposal encourages the use of public transport and is gender-inclusive

AKRITI BHATIA

R.V. MOORTHY

The Delhi government's proposal to make metro and bus travel free for women not only encourages women to use public transport more, but also allows them to occupy public spaces more and exercise their right to work and commute much more freely.

According to various studies, women's choices (and often those of their spouses and families) about work are determined by their commuting experience, including the availability of modes of transport, distance of the workplace from their residence, presence of other women during commute, and safety of the overall route. For many families, it is the cost of commute that determines their choice of work.

A recent report by Deloitte revealed that female labour force participation fell to 26% in 2018 from 36.7% in 2005 amidst the larger unemployment crisis. A move like this could therefore increase productivity and women's participation in the economy.

More importantly, this move could make the Delhi metro (a state-of-the-art, air-conditioned public mode of transport) accessible to working-class women for whom the metro has always been an aspirational vehicle. Given that the principal logic of any public service is that it should be inclusive, free (or at least inexpensive) access to metro trains and buses must also necessarily extend to the urban working poor, students, the differently abled, and senior citizens – albeit with an option of self-exclusion for those who can afford it. Post metro fare hikes in 2017, ridership dropped by over three lakh passengers per day, owing to increased unaffordability.

Ecologically too, in a polluted city like Delhi, universalising cheap access to public transport and disincentivising private vehicles as much as possible is the need of the hour.

Finally, those arguing that this move would reinforce the idea that women are the 'weaker sex' often turn a blind eye to the notion of equality when it comes to acknowledging large gender pay gaps, how women rampantly indulge in unpaid labour, or how public spaces are visibly gendered (there is a near absence of women on the streets of Delhi after a particular time).

This is not to say that the government's proposal will automatically lead to safer environments for women. It must be supplemented with efforts towards greater capacity building, increased frequency of metros and buses, provision of all-women's coaches and buses, street lighting, stepping up last-mile connectivity, deployment of women guards, and so on. And most important is the need for radical attitudinal shifts. Discussing the merits of a proposal like this and learning from examples around the world is important rather than attacking it the minute it is announced.

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DATA POINT

The toss factor

Tosses are considered important in cricket, as captains decide whether to bat or bowl first depending on the condition of the pitch. Overall, only 46% of the teams that won the toss went on to win the game across World Cups. While the toss did not always play a pivotal role in the outcome, it could have been a factor when the nature of the wicket changed during the course of the game

Host	Year	Matches *	Chose to bat first (%)	Chose to chase (%)	Won toss & match (%)	Chose to bat, won match (%)	Chose to chase, won match
England	1975	15	40	60	46.7	50	44.4
England	1979	15	13.3	80	33.3	0	41.7
England	1983	27	51.9	48.1	51.9	57.1	46.2
India, Pakistan	1987	27	40.7	59.3	40.7	63.6	25
Australia, New Zealand	1992	39	41	53.8	59	62.5	61.9
India, Pakistan, Sri Lanka	1996	38	52.6	39.5	34.2	40	33.3
England	1999	42	33.3	61.9	40.5	35.7	46.2
South Africa	2003	54	48.1	42.6	42.6	57.7	34.8
Carribean	2007	51	33.3	64.7	47.1	47.1	48.5
India, Sri Lanka, Bangladesh	2011	49	71.4	24.5	44.9	48.6	41.7
Australia	2015	49	51	46.9	53.1	52	52.2
England	2019	13#	23	77	46.15	33	30.76

**Includes abandoned matches* | *#Up to the India vs Australia match on June 9*

- In the first two editions of the World Cup in England, bowling first was the popular choice. Choosing to chase a target was also popular in the 1987, 1992, 1999 and 2007 editions
- Batting first was a popular choice in 1996, but it was in 2011 that taking first strike was almost the norm. Both these editions were played in Asian conditions
- Winning the toss isn't always a good thing. But in the 1983 and 2015 editions, winning the toss paid off a little more than 50% of the time. In 1979 and 1996, teams that won the toss went on to win barely one third of those games
- The 1992 edition, held in Australia and New Zealand, saw 59% of the games won by teams that won the toss. This is the highest of the 12 editions
- In 2019 so far, chasing has been the preferred choice. But teams have lost a higher percentage of games trying to chase a target

Compiled by ***Richie Lionell, Gramener Inc.***

FROM The Hindu. ARCHIVES

FIFTY YEARS AGO JUNE 11, 1969

Secret of P.M.'s freshness

Mrs. Indira Gandhi told Afghan journalists here [Kabul] to-day [June 10] that she derived her strength to carry the heavy burdens of office as Prime Minister from two sources, the mountains and the people. The Prime Minister had been asked by a correspondent here about the secret of her "astounding freshness" despite the fact that she had to carry the heavy burdens of a vast country like India. Mrs. Gandhi replied: "I have known no other life. I have been involved from the earliest stage in the freedom struggle. I think what we are doing in India is a continuation of that struggle because we have to safeguard that freedom against both external and internal dangers. When one wants to do something and feels very strongly about it, one always derives strength to do it." After a pause she said she was a "child of the mountains" and derived strength from them. She also drew energy from the people.

A HUNDRED YEARS AGO JUNE 11, 1919.

Bengal Jails.

To-day [June 11] the Calcutta 'Gazette' contains the resolution on Bengal Jail Administration for last year. 83,207 prisoners were admitted to the Bengal jails during last year, being less by 1,500 admitted the previous year. The general health conditions were unfavourable, 3,426 cases of influenza having occurred. The manufacture of quinine tablets continued to be the important industry in jail and [Rupees] 3 ½ lakhs worth of quinine was sold. Juvenile jail at Alipore continues to do excellent work. Further improvements have been made in the school where reading, writing arithmetic and freehand drawing are now taught by a complete staff, while the physical training has produced an excellent effect on the health and spirits of the boys.

CONCEPTUAL

Vote trading

POLITICS

This refers to any manner of voting where people agree to vote in certain ways in which they would not have voted otherwise in exchange for immediate or future benefits. A certain political party that is in Opposition, for instance, may decide to support a certain legislation that it would not have supported otherwise in exchange for favours it expects to receive from the ruling party. Vote trading is considered to be unethical by some political observers who have a problem with the purely transactional nature of such voting. While common in the political arena, vote trading is also present in other places like big businesses and other large organisations.

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