Beyond Mayday

The Jet Airways case has takeaways for the bankruptcy code as well as for other airlines

Jet Airways may have finally run out of runway. Two months after Jet halted all flight operations, lenders to the beleaguered full service airline have decided to refer it to the National Company Law Tribunal and initiate insolvency proceedings in a bid to recover the money owed to them. The lenders' consortium arrived at this conclusion after unsuccessfully trying to rope in a white knight – an investor who would have helped put the airline's flights back in the air, thus saving thousands of jobs and potentially helping turn around the carrier. And while, theoretically, the Insolvency and Bankruptcy Code was conceived to help achieve a resolution that could potentially protect a running business and help revive it through capital restructuring under a new promoter, in Jet's case the chances of a resolution seem rather remote now. The lenders have to shoulder a fair share of the blame as the delay in initiating the insolvency process has drastically eroded some of the airline's key assets, including customer goodwill, its aircraft fleet, routes and landing slots and even its experienced flight crew. Ironically, while the banks may have viewed Jet's request for emergency lines of credit in the run-up to the suspension of operations as 'good money chasing bad money', nothing could potentially kill an airline more effectively than protracted grounding. And one doesn't even need to look too far back in time to recall what happened to Kingfisher Airlines.

It would surely have been instructive for the creditors to revisit the Chapter 11 bankruptcies that a clutch of U.S. legacy airlines opted for in the early 2000s. That protection helped Delta and United to not only survive the crisis of confidence in aviation triggered by the terrorist attacks of September 11, 2001, the surge in jet fuel and labour costs and the intense competition from low-cost carriers, but emerge stronger and rank among the top five contemporary American carriers. A look at some of Jet's industry-specific operational metrics, at least until the recent cash-starved implosion, show an airline that had consistently posted growth in terms of revenue passenger kilometres and cargo tonnage till the 2017-18 financial year. So it wasn't a lack of business that led to Jet's stall and crash. For the health of India's airline industry, it will be crucial for policymakers to review several issues that affect viability: from the way aviation turbine fuel is taxed, to the charges airports levy. The carriers too need to reappraise their pricing strategies and ensure that in the quest for market share they don't end up in a race to the bottom. The government must take a closer, harder look at the IBC and examine the viability of a framework akin to Chapter 11 that may ultimately be more suited to industries like aviation.

Deadlock in Libya

Prime Minister al-Sarraj's peace plan can work only if the big powers help enforce a ceasefire

Libya's UN-recognised government's decision to launch a peace initiative aimed at stabilising the civil war-stricken country is a welcome move. Prime Minister Fayez al-Sarraj of the Tripoli-based government has proposed setting up a national peace forum with help from the UN, to be followed by simultaneous presidential and parliamentary elections. Mr. al-Sarraj made the offer at a time when the rebel army of warlord Khalifa Haftar was fighting the Tripoli government troops on the outskirts of the capital. But an offer for peace alone won't make any difference in the complex, war-torn polity. The country descended into chaos after protests against dictator Muammar Qadhafi in 2011. A NATO invasion helped oust Qadhafi, but neither the foreign powers nor their local allies managed to fill the vacuum left by the regime that had been in power for four decades. Today there are two governments in Libya, one based in Tobruk and the other in the capital Tripoli. The self-styled Libyan National Army, commanded by Mr. Haftar, backs the Tobruk government and has captured huge swathes of territory, while the Tripoli government, which has international recognition, is defended by a host of militias, including Islamist groups. Mr. Haftar claims he is fighting terror groups and wants to unify Libya under his leadership, while Mr. al-Sarraj says his government is legitimate.

The current crisis was triggered when Mr. Haftar moved his troops to Tripoli in April 2019 to oust the government of Mr. al-Sarraj. But in contrast to other battles Mr. Haftar's forces had fought in the east and the south, they were stopped on the outskirts of the capital by forces loyal to the government. Hundreds of people have already been killed, but both sides have refused to agree to a ceasefire despite international calls. The regional dynamics are also at play in the Libyan crisis. Egypt, Saudi Arabia and the UAE are backing Mr. Haftar's forces, while Turkey and Qatar back the Tripoli government. When Mr. Haftar launched the Tripoli offensive, the U.S. had also taken a favourable view, President Donald Trump having talked to him on the phone. Libya illustrates what regime change wars could do to a country. Changing a regime using force could be easy as the examples of Iraq and Libya suggest, but rebuilding a new state is not, and it can't be done with the aid of military power. All the countries that invaded the oil-rich north African nation and backed its paramilitary groups, including the U.S., Britain and their Gulf allies, should share some responsibility for Libya's crisis today. At least now, they should look beyond their narrow geopolitical interests and use their influence to rein in the militias the war has unleashed and help establish order in the country. Prime Minister al-Sarraj's offer could be a new beginning only if a ceasefire is reached, and respected, by all sides.

What a $5 trillion economy would look like

The economy must be evaluated in terms of how much it contributes to the ease of our living

PULAPRE BALAKRISHNAN

At the meeting of the Governing Council of the NITI Aayog last week, Prime Minister Narendra Modi announced the target of a $5 trillion economy for India by 2024. It is necessary to think big when seeking to make a difference, for transformation does not come from modest plans. Hopefully, the Prime Minister will also use the drive to growth to place India's official statistics on a firmer footing, so that we can be sure that economic policy-making is based on reality. However, getting the numbers right will not ideally end the task. What this task is may be illustrated by a question that was asked some years ago when a high-speed expressway connecting the polar extremities of one of our States had been proposed. A wit had asked what we would hope to find once we have reached our destination.

A similar question can be asked of plans for growing the economy. What would we like to see in the proposed $5 trillion economy? Moreover, unlike in the case of an expressway, which can always be built by simply borrowing money and ideas from the global market, a quantum leap in the size of the economy is not so easily achieved. It will require design, funding and governance.

Without investment

The importance of funding, and to an equal extent design, may be seen in the failure of the quite sensible aspiration, 'Make in India'. Though technically applicable to every sector, it was clearly focussed on manufacturing. Articulated very early on in Mr. Modi's first term (2014-19), and accorded a certain prestige in the pronouncements that followed, it played out as a damn squib. One of the reasons for this was the absence of commensurate investment outlay. To raise the share of manufacturing in the economy from its present 16% to 25%, an ambition declared by both the United Progressive Alliance and National Democratic Alliance governments, requires a scaling up of investment. This did not come about.

Whether this was due to the corporate sector, Mr. Modi's chosen vehicle, not having the wherewithal or due to it not being convinced of the plan is beside the point. Investment there must be and if the private sector is, for whatever reason, not coming forward to invest, then the government must. This is no more than accounting, but Mr. Modi's government seems to be unfavourable to this diagnosis, perhaps on ideological grounds. Remember 'minimum government'?

A small digression should clarify matters. The first attempt to make in India was in the 1940s. Finance Minister Shanmukham Chetty's first budget speech had identified increasing "internal production" as the economic priority. And this was achieved quite soon. Along with the quickening of the economy as a whole, the share of manufacturing had risen, the mocking epithet 'Hindu rate of growth' notwithstanding. This had not emerged as part of the moral victory of an oppressed people. The reason was that it had resulted from a surge in investment, led by

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the government. That resources could have been mobilised on such a scale in so short a time in an economy devastated by colonial rule is testimony to the availability of the three ingredients – design, resources and governance – necessary when contemplating a move to the next level, which is what aiming at a $5 trillion economy amounts to.

The wish list

While lauding the efforts of leaders of early independent India, however, we would do well to remember their follies. Principal among them was the failure to articulate, possibly even adequately imagine, the contents of the economy that was being raced towards. If this is repeated now, a moment of triumphalism different in character but nevertheless there, it would amount to not having learned the lessons of history. Something missing from "internal production" and 'Make in India' is the difference these intentions would make to the lives of Indians. At least in the 1940s, the priority was to get the economy moving in the first place. This is no longer the issue. Today the economy must be evaluated in terms of how much it contributes to the ease of our living. So what would be some of the characteristics of a valuable economy?

First, Indians should feel empowered by the economy. We know that currently they do not feel so. India is placed very low in the United Nations' World Happiness Report. Happiness, best understood as a sense of well-being, is directly related to empowerment, or being able to undertake the functionings we value. This is, in the first instance, related to being educated and experiencing good health. We are in India facing an education sector that is broken down and the majority are battling with almost non-existent public health infrastructure. The private sector has some worthy initiatives in these areas but they await an effective public presence on a gigantic scale. So, the first attribute of the valuable economy would be access to quality health and education for all.

The second attribute of a valuable economy would be equality of opportunity. For over three decades now income inequality has been rising in India. According to some measures, India is today more unequal than China, itself a society widely perceived as highly unequal. Now some part of inequality of opportunity is related to unequal distribution of income but a part of it is not. Gender inequality manifested as women having less opportunity in life is not going to go away with a re-distribution of income along class lines or across social groupings. India is a serious outlier in this regard, and becoming richer as a society may do little to change the status quo. Shockingly, a sex ratio, already unfavourable to women, has shown a secular worsening since 1947. Inequality in India can only be ended by equalising capabilities across individuals. Concerted public action via education is the means to this outcome. Income transfers, pushed relentlessly by policy entrepreneurs, evade the issue altogether.

Conserving nature

Finally, an economy, whatever its size, cannot be meaningfully evaluated independently of the extent of presence in it of natural capital. Till now, by referring to the imperative for growth, to eradicate poverty, any effort to conserve nature has not just been ignored but treated with derision, by both right and left. This is no longer a credible political stance. Two-thirds of the world's most polluted cities are in India, when we accept less than a fifth of its population. Air pollution shortens lives and lowers productivity, reducing the capacity to earn a living when alive. The poor are the most affected as they cannot afford to live in gated communities that somehow manage to commandeer scarce natural resources. Some part of environmental depletion in India is due to the pursuit of unbridled growth.

This implies that any improvement in the life of the majority would require a re-alignment of the growth process so that it is less damaging. This would very likely require that we have slower growth but the process can be configured to channel more of it towards poorer groups. We may end up in a situation of less tangible goods in the aggregate than otherwise but one in which more people are happier than in the past. Such an economy is more valuable.

Pulapre Balakrishnan is Professor of Ashoka University, Sonipat and Senior Fellow of the Indian Institute of Management, Kozhikode

The forgotten funds

The government must utilise cess proceeds and publish an annual account of how they have been spent

ALEX M. THOMAS & VARUN NALLUR

The season of filing tax returns brings with it an increased emphasis on the accountability of the private sector towards the government. In this period of accounting and accountability, as citizens, it is equally important to apply the same principles to the working of the government. A key area is the social accounting of the education cess, which is a compulsory contribution made by all taxpayers, both individuals and firms.

The difference

A cess is levied on the tax payable and not on the taxable income. In a sense, for the taxpayer, it is equivalent to a surcharge on tax. Direct taxes on income are compulsory transfers of private incomes (both individual and firm) to the government to meet collective aims such as the expansion of schooling infrastructure, an increase in health facilities, or an improvement of transportation infrastructure. A cess can be levied on both direct and indirect taxes. The revenue obtained from income tax, corporation tax, and indirect taxes can be allocated for various purposes. Unlike a tax, a cess is levied to meet a specific purpose; its proceeds cannot be spent on any kind of government expenditure. Recent examples of cess are: infrastructure cess on motor vehicles, clean environment cess, Krishi Kalyan cess (for the improvement of agriculture and welfare of farmers), and education cess. To make the point clear, the proceeds from the education cess cannot be used for cleaning the environment and vice versa.

From the point of view of the government, the proceeds of all taxes and cesses are credited in the Consolidated Fund of India (CFI), an account of the Government of India. It constitutes all receipts, expenditures, borrowing and lending of the government. The CFI details are published annually as a part of the Union Budget documents. And the approval of Parliament is necessary to withdraw funds from the CFI. While the tax proceeds are shared with the States and Union Territories according to the guidelines by the Finance Commission, the cess proceeds need not be shared with them.

To meet specific socioeconomic

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goals, a cess is preferred over a tax because it is relatively easier to introduce, modify, and abolish.

The education cess, at 2%, which was first proposed in 2004, was aimed at improving primary education. In 2007, an additional cess of 1% was introduced to fund secondary and higher education (SHEC). And recently, in the 2019 Union Budget, a 4% health and education cess was announced which incorporates the previous 3% education cess as well as an additional 1% to provide for the health of rural families.

What data show

Data from various years of the Union Budget show an increase in the amount of education cess collected via corporation tax and income tax. Initially, the education cess was also levied on customs, excise, and service taxes. When tax proceeds increase, the cess collected also rises. From the inception of the education cess until 2019, the total proceeds have been ₹4,25,795.81 crore.

In order to utilise the cess proceeds lying in the CFI, the government has to create a dedicated fund. As long as a dedicated fund is not created, the cess proceeds remain unutilised. The dedicated fund for primary education is the 'Prarambhik Shiksha Kosh', or PSK, (created in October 2005, a year after the cess was introduced) while that for higher and secondary education is the 'Madhyamik and Uchchtar Shiksha Kosh' (set up in August 2017). It is baffling why the government set up the dedicated fund for higher and secondary education in 2017, 10 years after the introduction of SHEC; it is also shocking that this fund has remained dormant as of March 2018.

Moreover, data from the 2017-18 annual financial audit of government finances conducted by the Comptroller and Auditor General (CAG) show that ₹94,036 crore of SHEC proceeds is lying unutilised in the CFI. In fact, it appears that the government finally set up the 'Madhyamik and Uchchtar Shiksha Kosh' after consecutive CAG reports, repeated Lok Sabha queries, and newspaper articles.

The degree of economic injustice becomes sharper when the unspent account is seen in conjunction with the Central government's expenditure on education; for example, in 2017-18, the public expenditure on school and higher education was estimated to be ₹79,435.95 crore. In other words, the cumulative unutilised SHEC funds far exceeded the expenditure on both school and higher education for the year 2017-18.

Going forward

Taxes in democratic societies indicate the presence of a collective socioeconomic vision aimed at improving livelihoods. Just as taxpayers have a responsibility to pay taxes, the government ought to ensure that tax proceeds are appropriately utilised. Since a cess is introduced with a specific purpose, it is completely unjustified when the proceeds remain unutilised for so many years. Moreover, in the current context of self-imposed fiscal discipline and the consequent reduction of public expenditure, the opportunity cost of unutilised education cess proceeds is significantly high. Finally, it is imperative that the government immediately begins utilising cess proceeds and also publishes an annual account of the manner in which they have been utilised.

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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.

Oath-taking

It is unfortunate that a very solemn occasion such as oath-taking by the new MPs of the 17th Lok Sabha has been trivialised by many of them in their act of raising slogans on religious lines and by taunting political opponents to demean them or their ideology ("Competitive slogans drown out Lok Sabha oath-taking", June 19).
Once the elections are over, all parliamentarians should set their differences aside and venture out to discharge the huge responsibility of nation building. While taking the oath or affirmation, members should stick to its form as prescribed in both letter and spirit. This will help nurture an environment of mutual goodwill and trust.

KAMAL LADDHA,
Bengaluru

■ The shameful behaviour on a solemn occasion destroyed the dignity of the House. Even the Speaker looked on helplessly. MPs of the ruling party in the hubris of their victory have forgotten that the general election is over and they now represent the whole country. The ruling party has also exposed its true underbelly – of intolerance and majoritarianism, forgetting the basic principles of secularism and inclusiveness as enshrined in the Constitution. The silent senior leaders must now remind those down the line that the need of the hour is not further division and polarisation based on religion.

DR. K. VARKEY,
Oddanchatram, Dindigul, Tamil Nadu

Chennai's water woes

If there is one thing that can be most aptly described as the elixir of life, it is water. The water crisis in Chennai is for real. Tamil Nadu Chief Minister Edappadi K. Palaniswami's claim that the water crisis is "exaggerated" is simply not true (Page 1, "Water crisis is being exaggerated, says CM" and "Have to make do with available water till monsoon, says CM", both June 19). Ministers denying water scarcity cannot be oblivious to queues of women across the city with empty water pots and waiting in the blistering summer heat for the arrival of water tankers. Residents are now experiencing what life is like with scant water. While poor rain has affected water supply, the human factor in the making of the crisis cannot be denied. Encroachments, pollution and the gross neglect of water bodies (Chennai city, "Dead fish prompts study of illegal sewage connections", June 19) and reckless exploitation of groundwater are some of the key human contributions that have exacerbated the crisis.

G. DAVID MILTON,
Maruthancode, Tamil Nadu

■ With the city's major reservoirs touching dead storage, the Chief Minister's remark is appalling. Instead of parrying issues, the government must focus on saving much of the bounty of the Northeast monsoon by desilting and dredging existing reservoirs. The Chief Minister must understand that this is not a question of saving face but water.

SAM VIJAY KUMAR J.,
Vanur, Villupuram, Tamil Nadu

■ It is strange that Chennai, with its extensive estuarine ecosystem, now has scant potable water. The Buckingham Canal, though not a natural flowing river, is a disaster, but can be fixed to play an important role in water supply considerations. According to research, the total water supply to Chennai can touch a comfortable level if enough attention is paid to recharging groundwater.

P.S. SUBRAHMANIAN,
Chennai

■ The State government is being criticised rather unfairly. I have been a resident of Chennai for four decades and have seen several such scarcities in the past. This year's problem has been blown out of proportion. Looking forward, the following actions should be initiated on a war-footing, preferably under the watch of the Madras High Court.
Catchment areas to the main reservoirs should be immediately cleared of encroachments. Almost all political parties are responsible for allowing such encroachments. All drinking water lakes should be desilted and the channelling of sewage into waterbodies should be stopped. Chennai has several tanks which can be used to recharge groundwater. Again, their catchment areas have been encroached. Most importantly, many residents are ready to install rainwater harvesting systems but do not have the necessary technical skills. The government must help in their proper installation and maintenance. A high-powered committee must monitor illegal encroachments around waterbodies. Technology using drone surveillance can be used for this.

S.V. RADHAKRISHNAN,
Chennai

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CORRECTIONS & CLARIFICATIONS:

As a reader has rightly pointed out, Taiwan legalised same-sex marriages in May 2019 and the Data Point graphic - "Not a free world yet" (June 19, 2019, OpEd page) missed this fact. The International Lesbian, Gay, Bisexual, Trans and Intersex Association's report, from which the data was gathered, takes into account only those events which happened till March 2019. The graphic should have mentioned this. As this clarification was missing from the graphic, the statement that "No Asian country allows same-sex marriage" is wrong.

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Game of Chicken in the Gulf

Why an Iran-U.S. conflict looks like a realistic possibility

STANLY JOHNY

When two powers are heading towards each other in an escalating game for leverage, the situation is often referred to as a Game of Chicken. This is a concept in game theory. The strategic calculus of the Game of Chicken is that each player thinks the other will either slow down or swerve away and therefore become the "chicken". This will not only avoid a crash, but also give the persistent player an advantage over the other. The risk of the game, of course, is that if no player backs off, a crash is certain.

There is no better theoretical description to understand the Iran-U.S. tensions that are unfolding now. U.S. President Donald Trump began the escalation by pulling the country out of the Iran nuclear deal in May 2018. He then reimposed crippling sanctions on Iran, termed a branch of the Iranian armed forces a terrorist group, and sent more troops to West Asia in a bid to force "behaviour change" in Tehran. The U.S. administration calls this strategy the "maximum pressure" approach. But with Iran now threatening to breach the nuclear deal and increasing anti-U.S. military rhetoric, this strategy appears to be failing. As a result, war clouds have gathered over the Gulf with U.S.-Iran ties sinking to levels seen in the final years of George W. Bush's presidency.

"War clouds have gathered over the Gulf with U.S.-Iran ties sinking to levels seen in the final years of George W. Bush's presidency." Iranians at a rally in May in Tehran after U.S.-Iran tensions escalated. ▪ AFP

Returning to talks

Unlike some members of his administration, Mr. Trump has said he doesn't want a war with Iran. But he was unhappy with the nuclear deal reached between Iran and world powers in 2015 under his predecessor, Barack Obama. The deal, its critics argued, paid Iran for not making a nuclear bomb, while leaving unaddressed critical issues such as its ballistic missile programme and its "disruptive" activities in the region. Mr. Trump wants Iran to return to talks on terms set by the U.S. so that they can renegotiate the nuclear issue. He may have hoped that the "maximum pressure" the U.S. has put on Iran would force it to return to the table.

The sanctions have been effective in isolating and choking Iran's economy. After the U.S.'s pullout, the nuclear deal was practically a dead agreement. The other signatories to the deal – the U.K., France, Germany, Russia, China and the European Union (EU) – did nothing concrete to save Iran from U.S. sanctions. Corporations that had shown interest in investing in Iran, including Chinese companies, pulled out after the sanctions. The U.S. also scared off the top-buyers of Iran's oil, including India, resulting in a massive drop in Iran's oil exports. But where Mr. Trump erred was in his calculation that economic misery would force Iran to give up its resistance and return to talks.

Back to hostility

Iran has cooperated with the U.S. in the past. After the September 11, 2001 attacks, it assisted the U.S. war in Afghanistan. It arrested and deported Taliban members who crossed into its territory and also conducted search and rescue operations for downed U.S. aircrew members. Iran also played a critical role in the formation of the first post-Taliban Afghan government. But thereafter, the U.S. turned hostile to Iran, with President Bush lumping the country together with Iraq and North Korea as the "Axis of Evil".

With help from the European powers and Russia and China, President Obama got the Iranians to the table. After months-long painstaking diplomatic engagement, all sides agreed to the nuclear deal, which scuttled Iran's nuclear programme in return for the lifting of international sanctions. After the deal was signed, the U.S. and Iran cooperated in Iraq in the fight against the Islamic State (IS). But once the direct war against the IS in Iraq was over, Mr. Trump pulled the U.S. out of the deal.

Iran's options

Broadly, Iran had a choice of tactical pathways. One was to return to talks on the U.S.'s terms and negotiate another nuclear deal for sanctions relief. But this would have been humiliating for nationalist Ayatollahs who have built their political capital on anti-Americanism since 1979.

The second was to wait out Mr. Trump's presidency and hope that his successor would take the U.S. back to the nuclear deal. This is still not impossible as there are Democratic presidential candidates who back the deal. But with sanctions biting, Iran can't wait till the next U.S. presidential election. Also, there's no certainty that Mr. Trump will not be re-elected.

The third option was to force the EU to defy U.S. sanctions and save the deal. Iran, in fact, waited for a year after the U.S. pullout for the other members to come up with a solid mechanism to save the deal. When it did not materialise – the EU has set up a channel with Iran called Instex (Instrument in Support of Trade Exchanges), but this is used mainly for transacting essential goods, not high-value exports such as oil and gas – Iran moved to the last option, "maximum resistance" to "maximum pressure".

Iran's response has been gradual. In May, it gave a 60-day deadline to other signatories to fix the deal and also vowed to keep unspent enriched uranium and heavy water, which it had been exporting ever since the deal was sealed. This week, as the deadline is set to expire in two weeks, Tehran said it will keep the low-enriched uranium and threatened to begin enriching the uranium to higher levels of purity. Under the agreement, Iran is allowed to enrich uranium to 3.67%, which it plans to raise to 20%, taking the country closer to weapons-grade level (90%). If Iran starts producing high-enriched uranium, it would be a breach of the nuclear deal.

This may sound dangerously aggressive, but it is not totally irrational. First, it proves that Mr. Trump's "maximum pressure" doesn't work. Second, it holds Mr. Trump primarily responsible for the collapse of the deal and seeks to deprive the U.S. of any help from Europe in the event of a conflict. Third, if Iran is actually responsible for the tanker attacks in the Gulf, it is an indication to countries dependent on oil that flows through the Strait of Hormuz what disruption caused by war would look. If Iran is not behind the attacks, the "maximum pressure" strategy has raised the stakes so high that even a third party is capable of carrying out false flag attacks to trigger an all-out conflict. Either way, Iran is using counter-escalation for deterrence.

But the danger in the Game of Chicken is that the risk of a crash is always there unless one power swerves away. Will Mr. Trump do so after realising that his "maximum pressure" approach has failed? Or will Iran be able to sustain its "maximum resistance" in the wake of continued U.S. targeting? If not, there will be war.

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State of the artefacts

The discourse surrounding the identification of stolen cultural property should not be politicised

ROHAN P. KOTHARI

The Archaeological Survey of India (ASI) has seldom found itself in the gleam of the public eye. Its work does not necessarily contain the stuff of high drama. The ASI is seen as a bespectacled, burrowing outlier amongst the larger governmental bodies that line the avenues of central Delhi.

However, this has changed since famed art dealer Subhash Kapoor's arrest in Tamil Nadu, and the subsequent unearthing of a multi-million dollar antiques smuggling racket. Kapoor was at the centre of that racket. 'Operation Hidden Idol', initiated by the U.S. Immigration and Customs Enforcement's Homeland Security Investigations, eventually culminated in the seizure of several hundred historically significant artefacts. Over 200 of these were returned to India in June 2016, but many still remain on American soil.

In May, the ASI released a statement that two of its officials had visited New York and identified close to 100 antique objects in a tranche seized by the U.S. investigative authorities from Kapoor's storage units. This statement was purportedly given to a news agency, without any press release being made available either through the ASI or the Ministry of Culture. A post on the ASI's Facebook page made things clearer: out of more than 230 items in the possession of the Indian Consulate in New York, close to 100 had been identified and declared to be antiques. The post trailed off stating that the Consulate would be advised to transport the antiques back to India. While there is some confusion in the media about how many objects are currently with the Indian Consulate, it is clear that the return of these objects to India is likely to take significant time.

Asking all the wrong questions

There is little point in discussing how delayed the ASI's or the Indian government's response in general has been compared to foreign agencies engaged in the work of repatriation of cultural property. The Homeland Security Investigations's International Operations Division, which deals with tracking illegally smuggled antiquities, has 64 attaché offices in 46 countries. India's Idol Wing can barely manage Tamil Nadu. We have not prioritised the conservation of our heritage enough, and it is a concern that has remained alive for decades. However, what is of more immediate relevance is the discourse surrounding the identification of stolen cultural property.

Instead of seeking answers to questions germane to the identification of the artefacts, such as why it took so long or how many objects still remain to be identified/returned, popular TV news bulletins turned the conversation towards base, communal sentiment. Tickers were populated with questions such as "Does no one care about Hindu heritage?" Or, "Why is Hindu Heritage loot not a poll issue?" They referred to the fact that the antiquities identified included idols from Hindu temples. These are not the ways in which the public ought to be informed about the ASI's work, and it is irresponsible for the news media to controversialise a dialogue that has barely been understood.

Not another photo op, please

S. Vijay Kumar, co-founder of the India Pride Project, had written with uncanny foresight that the absence of a robust idol theft investigation apparatus "threatens to turn the present identification into just another photo opportunity". It is therefore not altogether unsound to picture election rallies where crowds are riled up on the plank of a newfound zest for lost idols. Indeed, in the recent past, efforts have been made by the current political dispensation to present itself as a stalwart of India's heritage, albeit not activated by the purest motivations. Whatever the posturing might be about, the agencies in charge of securing the return of stolen antiques have little to show, or have shown very little so far.

Awareness about laws to protect India's ancient heritage is negligible. Working under unreasonable resource constraints, India's bureaucratic and investigative agencies are doing far less than they can. In a climate that is already so apathetic, it is no one's real gain to politicise and cheapen the issue of safeguarding our past.

Some may remember the kind of scathing criticism that the ASI came under from the academic community when it released its report on the purported remains of a temple under the Babri Masjid. Allegations had been made that it had misplaced its scientific temper, handling the survey with a predetermined goal in mind. A loss in credibility cannot be allowed to happen, not when so many of our public institutions are falling into decay.

Rohan P. Kothari is a Bengaluru-based advocate

SINGLE FILE

Water woes

The crisis in Tamil Nadu shows that we have a lot to learn about rainwater harvesting from our ancestors

MARKANDEY KATJU

R. RAGU

In *Delhi Water Supply & Sewage Disposal Undertaking v. State of Haryana* (1996), the Supreme Court said, "Water is a gift of nature. Human hand cannot be permitted to convert this bounty into a curse, an oppression."

But human beings have converted water into precisely that in Tamil Nadu, where there is now an acute shortage of water. Many people are struggling to find adequate water in Chennai and other parts of the State. There are pictures going around of rows of women holding plastic buckets and waiting for tankers. IT firms, restaurants and the construction industry have all admitted that they are struggling without water. Clashes over water have been reported in some parts. It is a bad situation.

Yes, there was no rainfall last year, which is why major reservoirs that supply water to the city are drying up. But could this situation not have been anticipated by the authorities? Could there not have been timely desilting of lakes?

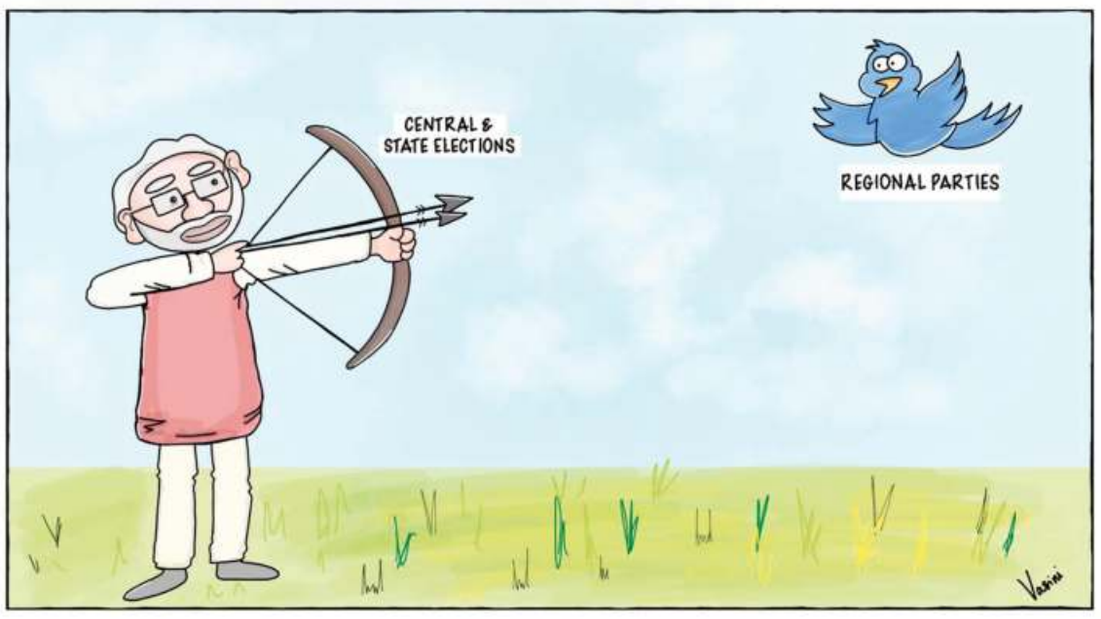
Our ancestors knew that there would be drought in the future. That is why they built ponds in and near every village, and tanks in every temple. They knew how to harvest water. There were tanks even in the Harappa-Mohenjodaro civilisation. Have we learnt more water harvesting techniques or have we gone backwards in the past few millennia?

There was acute water shortage in Tamil Nadu when I was Chief Justice of the Madras High Court in 2004-2005. In *L. Krishnan v. State of Tamil Nadu* (2005), a Bench that I had presided over noted that most of the lands marked in the revenue records of the State as ponds or lakes had been encroached on. Illegal houses and shops had been constructed in those areas. The Bench directed removal of all these illegal encroachments. In *M.K. Balakrishnan v. Union of India* (2009), I presided over a Bench of the Supreme Court. We noted the acute water shortage in several States, and set up a committee chaired by Thirumalachari Ramasami, a former Secretary in the Union Ministry of Science and Technology, to work out scientific solutions to the problem.

In China, some parts experienced frequent floods, while others experienced drought. The Huang He was known as the 'river of sorrow'. After the Chinese Revolution of 1949, the authorities constructed huge dams. Canals were built to carry excess water to areas with drought. Flood as well as drought problems were solved. Why could not this have been done in India?

I appeal to the Chief Minister of Tamil Nadu to immediately set up a committee comprising scientists, administrators and other eminent people to consider the seriousness of the the problem and find solutions.

Markandey Katju is a former judge of the Supreme Court

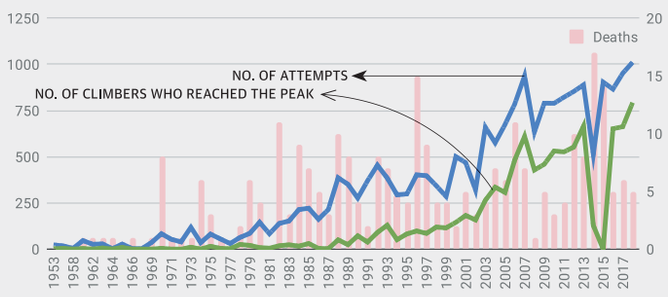


DATA POINT

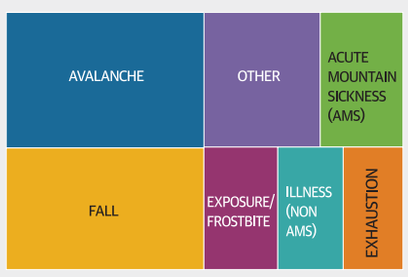
Test of Everest

Since 2000, there has been a sharp increase in the number of people attempting to scale Mount Everest, the world's tallest peak. In about 61% of the expeditions between 1921 and 2018, the climbers were able to reach the summit. As many as 295 people died trying to conquer the peak in that period. By **Varun B. Krishnan** and **Sumant Sen**

MORE CLIMBERS & SUCCESSES The highest number of attempts to scale the peak were made in 2018*. Success rates have improved over the years due to better technology. In 2015 no one reached the top due to the devastating quake in Nepal

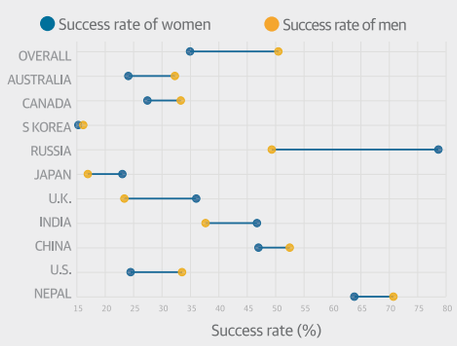


CAUSES OF DEATH Falls and acute mountain sickness were the most common causes of deaths. Avalanches killed a significant number of climbers in 2014 and 2015



EXPERT CLIMBERS Nepali nationals, several of them from the Sherpa community, attempted and reached the peak the most number of times. They also have the highest success rate. Indian climbers have the fourth highest success rate

BETTER SUCCESS FOR WOMEN Women have a better success rate than men among Russian, Indian and U.K. climbers. But overall more men have scaled the peak



SOURCE: THE HIMALAYAN DATABASE (UPDATED TILL 2018) | NOTE: *COUNT DOES NOT INCLUDE MULTIPLE SUCCESSES BY THE SAME PERSON IN THE SAME SEASON

FROM The Hindu. ARCHIVES

FIFTY YEARS AGO JUNE 20, 1969

Priority for housing

(From an Editorial)

The backlog in housing goes on mounting, because the building effort has lagged far behind need. Mr. K. K. Shah, Union Minister, is not the first of Government spokesmen to admit this gap, but his warning against the socially explosive consequences of any further neglect of this prime need of millions living in substandard conditions should stir the State Housing Ministers in conference at Bangalore to some dynamic action at least now. The difficulty in financing other sectors of the Plans has led the Government to relegate allocations for housing to a minor place. Even so, the tempo of new construction could be stepped up if the urge of most citizens to possess their own homes is capitalised by intelligent official policies. Mr. Shah has done well to emphasise this means of getting thousands of new houses built on a hire-purchase basis, and there is no doubt that many middle class people will tighten their belts to save some money to meet the instalment commitment.

A HUNDRED YEARS AGO JUNE 20, 1919.

An offensive term.

In dismissing the appeal of an Indian who claimed damages from a European for terming him a 'coolie,' the Judge President of the Natal Provincial Division of the Supreme Court said: "Whatever might be the significance attaching to the term 'coolie' in India, what they were concerned with was its meaning in Natal, and the people affected could not expect Europeans here to have a knowledge of a class distinction and of the customs ruling in India, and therefore could not be surprised if such find distinctions were misunderstood by the Europeans in Natal.'' Now we should say, says 'Indian Opinion' commenting on this grotesque view, that that is not a fair view of the matter; we venture to say that the most ignorant European in Natal knows full well that, when he calls an Indian, not of the labouring class, a 'coolie,' the term is offensive.

CONCEPTUAL

Rotten kid theorem

FAMILY ECONOMICS

The rotten kid theorem says that in the presence of parents who care equally about the welfare of all their children, even selfish children within the family may possess a strong incentive to be kind to their siblings. This is because any harm caused by the selfish child to the other children in the family will push the parents to allocate more wealth to the well-being of the other children and will in turn reduce the selfish child's own share of the family wealth. The rotten kid theorem was proposed by American economist Gary Becker in his 1974 paper, "A theory of social interactions".

MORE ON THE WEB

Watch: Family builds their house around a 150-year-old tree

bit.ly/FigTreeHouse