



A reprieve

Pakistan must recognise India's resolve in securing the safety of Jadhav

The judgment of the International Court of Justice at The Hague in the Kulbushan Jadhav case has come as major relief for India, providing space and direction for Pakistan to reconsider the ill-formed process it pursued in convicting and sentencing to death the former naval officer. In its judgment, the ICJ ruled in favour of India's petition on six counts, finding that Pakistan was in breach of its own commitments to the Vienna convention on consular relations, and also rejecting its contention that the convention doesn't apply to the charges of espionage and terrorism levelled against Mr. Jadhav. Put plainly, the judgment castigates Pakistan's legal process against Jadhav *ab initio*: from the initial failure to inform India of the arrest, besides the failure to inform him of his rights, to provide him legal representation, and to provide him an open and fair trial. Pakistan's leadership may choose to publicly rejoice over the fact that the ICJ didn't annul the trial or direct a release, but the order should give it pause for thought, and allow saner minds within its establishment to order a comprehensive review of the trial process, if not a full retrial. The ICJ has worked with precedents in the cases of *Germany vs the United States (LaGrand)* and *Mexico vs the United States (Avena)*, both cases where it had ruled that the U.S. was in violation of the Vienna convention, and ordered a "review and reconsideration" of its process. Pakistan must realise that it cannot now emulate the example of the U.S., which defied the ICJ's ruling, and work instead in good faith to implement the ICJ's detailed recommendations for an effective process of justice for Mr. Jadhav.

Those recommendations, however, can only ensure a fair trial process for Mr. Jadhav in Pakistan, and not his release or eventual return home. For its part, New Delhi must recognise that the verdict is only a breather, a window of opportunity in which to open talks with Islamabad, parallel to the trial review on Mr. Jadhav's future. Pakistan must recognise India's resolve in securing the safety of its citizen, and any rash move to try and put his sentencing into effect will cause deep and lasting damage to its own attempts to restart bilateral talks. This will be even more difficult to do than it was when Mr. Jadhav was arrested in March 2016, as at the time Prime Minister Narendra Modi had just visited Lahore, and despite the Pathankot attack the National Security Advisers had maintained their backchannel negotiations. India had yet to call off its participation in the SAARC summit in Islamabad (which it did after the Uri attack in September 2016), and the Foreign Secretaries had met in Delhi to discuss the summit in April that year. None of those avenues exists today, and new ones will need to be built, if not for the sake of a larger dialogue process, for the sake of Mr. Jadhav, who has secured a reprieve but still faces an uncertain future.

The threat of Ebola

The health emergency declared by the WHO can counter the risk of a global spread

After holding itself back on three occasions, the World Health Organization has declared the Ebola virus disease outbreak in the Democratic Republic of the Congo a Public Health Emergency of International Concern. The outbreak in Congo, officially declared on August 1, 2018, has killed nearly 1,700 people and made more than 2,500 people ill. While cases in other areas are reducing, Beni is the new hotspot. The announcement of the health emergency comes amid renewed concerns that the virus could spread to other countries. A single imported case of Ebola in Goma, a city in Congo with two million people and with an international airport bordering Rwanda, served as a trigger to finally declare a global emergency. Surprisingly, the spread to neighbouring Uganda last month did not seem to change the way the WHO assessed the situation. Even when a handful of Ebola cases were confirmed in Uganda, all the infected people had travelled from Congo and there had been no local transmission or spread within Uganda – one of the criteria used by the WHO to assess if an outbreak is a global emergency. This is the fifth time that the WHO has declared a global emergency. The earlier occasions were in February 2016 for Zika outbreaks in the Americas, August 2014 for Ebola outbreaks in western Africa, the spread of polio in May 2014, and the H1N1 pandemic in April 2009. Declaring an event as a global emergency is meant to stop the spread of the pathogen to other countries and to ensure a coordinated international response.

There have been several challenges in interrupting the virus transmission cycle and containing the spread – reluctance in the community, attacks on health workers, delays in case-detection and isolation, and challenges in contact-tracing. But compared with the situation during 2014-2016, the availability of a candidate vaccine has greatly helped. Though the vaccine has not been licensed in any country, the ring vaccination strategy where people who come into contact with infected people, as well as the contacts of those contacts are immunised, has helped. Of the nearly 94,000 people at risk who were vaccinated till March 25, 2019, only 71 got infected compared with 880 unvaccinated who got infected. The vaccine had 97.5% efficacy; a majority of those who got infected despite being vaccinated were high-risk contacts. Owing to vaccine shortage, the WHO's expert group on immunisation has recommended reducing the individual dose to meet the demand. What is equally important is for the G7 countries to fulfil their promise to the WHO to contain the spread. The agency received only less than half of the \$100 million that was requested to tackle the crisis. The global emergency now declared may probably bring in the funding.

Inappropriate template for a legitimate target

The Economic Survey, while rightly calling for a rise in private investment, incongruously invokes the East Asian model



RAMKISHEN S. RAJAN
SASIDARAN GOPALAN

The recently-released Economic Survey either glosses over or ignores many acute challenges faced by the Indian economy – like the severe agrarian crisis; the troubles of loss-making and debt-ridden public sector units; and the issues plaguing public sector banks.

While the Survey is not incorrect in highlighting the importance of incorporating insights from psychology into economics, it is odd that this has been done so late in the day. Many other countries like the U.K., Australia and Singapore have for long been applying such points to policy design and implementation areas and the issue has been discussed in India over the last few years as well. It is unclear what added value the report truly has to offer here.

One issue that the Survey rightly underlines is the need for India to revive private investment if it is to achieve the magical \$5-trillion economy status by 2024-25. However, what is odd here is that to stress this, the document invokes the age-old comparison between India and East Asian countries. It is rather strange that the Survey brings up something that has been taught in economic development classes over the last two decades.

How the NIEs prospered

Here, a question that arises is: Can the East Asian model help revive India's floundering investment rates? Some crucial reminders are worth underlining.

The East Asian model was largely a story driven by the newly in-

dustrialised economies (NIEs) of Singapore, Hong Kong, South Korea and Taiwan, and Japan earlier.

Specifically, the prime goal in various NIEs from 1960s through to the 1990s (prior to the Asian Financial Crisis) was to raise gross savings rates. While the rise in household savings was partly due to the positive demographic dividend, a variety of other factors, including macroeconomic stability, low inflation, lack of social safety nets, inability to leverage (due to a highly regulated banking system) and forced savings (fully-funded Provident Funds) also played a role. State-owned enterprises had to operate with budget constraints. This, coupled with the fiscal discipline practised by the economies, ensured that the public sector did not crowd out private savings and, in some cases, actually added to national savings.

Another goal was to ensure that the private savings were actually intermediated into the formal financial system, failing which the cost of capital would remain high and the availability of capital for investment would be low. To achieve this, importance was given to the establishment of a safe and secure public sector banking system (usually in the form of postal savings networks) where deposits were guaranteed by the central bank and interest incomes was taxed lightly, if at all. The state-owned banks were tightly regulated as financial stability was the cornerstone of overall macroeconomic stability.

Financial inclusion was encouraged, though the focus was on actual use of the deposit accounts rather than just their opening. While the manufacturing sector was viewed as a growth engine and open to export competition, the banking sector, in all economies apart from Hong Kong, remained tightly regulated and



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closed to foreign banks. Even Singapore initially adopted a dual banking structure that sheltered the domestic economy largely from significant short-term bank flows. It resorted to a calibrated policy to allow fully licensed foreign banks only in the late 1990s.

Tight financial oversight

So, while these economies were generally successful in encouraging savings, the cost of capital was rather high, not unlike the problem in India today. To tackle this, the East Asian economies undertook financial repression – conventionally understood as a ceiling price keeping lending rates lower than market equilibrium.

This, in normal circumstances, would have led to disintermediation from the formal financial system, a consequent reduction in the quantity of financing and the creation of a shadow banking system. However, central banks of these economies maintained tight oversight, and selective capital controls ensured that the low-yielding savings did not leave their countries of origin, while limited financial development forestalled the possibility of people looking

for savings alternatives.

Along with these, the governments undertook sophisticated industrial policies to promote domestic investment, much of which was export-led (though not necessarily free-market based). The governments understood that a vertical industrial policy (of 'picking winners') would not work without a sound horizontal industrial policy (dealing with labour and land reforms, bringing about basic literacy and raising women's participation in the labour force). Besides, incentives also had clear guidelines and sunset clauses and mechanisms were in place to phase out support. Thus, winners prospered while losers were allowed to fail.

In addition, the bureaucracies of these East Asian economies had what Berkeley sociologist Peter Evans referred to as "embedded autonomy". This allowed the state to be autonomous, yet embedded within the private sector and enabled the two to work together to develop policies or change course if the policies did not work. This made industrial policy operate as a process of self-discovery, as emphasised by Harvard economist

Dani Rodrik. It is the lack of this embedded autonomy in the next-tier NIEs of Malaysia, Thailand and Indonesia that has been partly responsible for them being stuck in the 'middle income trap'.

Heterodox policies, reforms

Thus, much of the investment and export acceleration in East Asian countries was due to heterodox policies and reforms that were carefully calibrated, well-sequenced and implemented at a time when the external environment was far less hostile than it is today. These measures allowed the nations to benefit from their demographic dividends and transform themselves into developed economies in record time.

In contrast, due to political and other compulsions, India's reforms since 1991 have been rather haphazard and of a 'stop-and-go' nature with perverse consequences, all of which has made it much more challenging for the country to take full advantage of its demographic dividend.

Successful governments have neither had the tool-sets and the policy space nor the embedded autonomy needed to drive the industrial transformation as in the East Asian countries.

Though measures like reducing policy uncertainty; ensuring that the fiscal expenditures do not crowd out private savings and investment; enhancing the efficiency of financial intermediation; and dealing with land acquisition and environment clearances are all essential to reignite investment, we do not need to invoke the East Asian example to understand the importance of these.

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OIC's curious record on Xinjiang

While the bloc has made repeated references to Kashmir, it has been ambivalent about China's treatment of Uighurs



SUJAN R. CHINOY

In an epochal development, India became the 'Guest of Honour' at the 46th session of the Council of Foreign Ministers of the Organisation of Islamic Cooperation (OIC) held in Abu Dhabi in March. The final declaration eschewed the customary reference to Jammu and Kashmir. This can be considered unique since the previous Dhaka Declaration in May 2018 had contained this reference. Credit must go to the strong personal and state-to-state ties built by the Narendra Modi government with important OIC states, especially the UAE. At the same time, one of the resolutions did refer to Kashmir and expressed concern at the situation of Muslims in India.

The OIC, representing 57 member states and a population of about 1.8 billion people, is the world's second-largest intergovernmental organisation after the UN and is committed to protecting the interests of the Muslim world. It routinely expresses solidarity

with Palestine, Iraq, Afghanistan, Syria and Bosnia, as well as with the peoples of the Turkish Cypriot state, Kosovo and Jammu and Kashmir.

However, the organisation, while making repeated references to Jammu and Kashmir, has traditionally disregarded the fact that India is a democratic and secular country, where every citizen is protected by the Constitution and is free to practise one's religion. It has also conveniently disregarded the fact that India regularly holds State and general elections, including in Jammu and Kashmir.

Turning a Nelson's eye

On the other hand, it has turned a Nelson's eye to the human rights violations committed by its own members, like the actions of the Pakistani state in Balochistan.

However, the organisation's record on China's Xinjiang province, which is in the news on account of alleged violations of human rights and curbs on religious freedom of Uighurs and other Muslim ethnic groups, is far more curious.

The main Abu Dhabi declaration, like the Dhaka Declaration, made no reference to China or its Muslim minorities. Further, it is intriguing that one resolution passed at Abu Dhabi chose to



AFP

"commend the efforts of the People's Republic of China in providing care to its Muslim citizens". This would have come as a huge relief to Beijing, especially after a review held by the United Nations Committee on the Elimination of Racial Discrimination in 2018 had claimed, citing credible reports, that Beijing had turned the Uighur autonomous region into "something that resembles a massive internment camp".

Earlier, a Human Rights Watch report issued in September 2018 had also criticised Beijing's policies in Xinjiang.

On its part, China has defended its policies and claimed that its so-called 'internment camps' are actually vocational centres meant to "to educate and save [the local people of Xinjiang] who were influenced by religious extremism". In its White Paper in November 2018, Beijing had projected Xin-

jiang's culture as an integral part of Chinese culture.

Anodyne appeals

All nations have a right to reject external interference in their internal affairs. However, while the OIC remains critical of India, it is wary of treading on China's toes. Various OIC resolutions have, in the past, referred only superficially to the matter. For instance, the Islamabad OIC meeting in May 2007 made only an anodyne request to its Secretary General "to make contact with the Government of China" on the matter "and to subsequently report on these consultations". The Baku OIC resolution of June 2006 made an appeal "to give special attention to the conditions of Muslims in East Turkistan (Xinjiang) and to examine the possibility of working out a formula for cooperation with the Chinese Government".

China has resented the use of the term "East Turkistan" in OIC documents, reminiscent of the banned East Turkistan Islamic Movement of separatist Uighurs from Xinjiang. Yet, Beijing has engaged the OIC and just before the Abu Dhabi meeting, it welcomed an OIC delegation to Xinjiang, a development which perhaps played a role in the OIC 'com-

mending' China.

The organisation remains mindful of how far it can go with its criticism of Beijing considering that China is a major power, a permanent member of the UN Security Council, a large market for hydrocarbons and a source of arms and investment. Moreover, China refrains from preaching to others about human rights or systems of governance.

As China's continued import of oil from Iran suggests, countries under U.S. pressure and sanctions often turn to China for relief. In return, they do their best to guard China's interests at the OIC.

However, OIC countries, under the influence of Pakistan, support resolutions against India despite having excellent bilateral ties with the country. Recent developments – a call from Pakistan's Minister for Religious Affairs Pir Noor-ul-Haq Qadri urging China to lift restrictions on Muslims in Xinjiang and Jamaat-e-Islami Pakistan chief Sirajul Haq's raising concerns about the Uighur issue with the Chinese Ambassador – must, hence, have come as deep embarrassment to the OIC.

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LETTERS TO THE EDITOR

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ICJ verdict

The International Court of Justice (ICJ)'s verdict directing Pakistan to "review and reconsider" the conviction and death sentence of Kulbushan Jadhav is baffling on several counts (Front page, "Review Jadhav sentence, grant consular access, ICJ tells Pak," July 18). Despite having held unequivocally that Islamabad committed gross violation of both the Vienna Convention and the International Covenant on Civil and Political Rights, it is surprising that the court still thought it fit to only suspend the execution, instead of annulling the sentence. Also, by refraining from spelling out how Pakistan should go about ensuring a review, the court has allowed the country to conduct another trial in a military court.

Given Islamabad's intransigent position on the issue and the strained nature of India-Pakistan relations, it would require extraordinary political and diplomatic acumen to ensure justice for Mr. Jadhav. Euphoria on the ICJ judgment is thus a bit too premature.

S.K. CHOUDHURY,
Bengaluru

■ Thanks to the Vienna Convention and a well-coordinated legal defence before the ICJ, India was able to realise the immediate objective of getting a stay on the death sentence handed out to the former Indian naval officer Kulbushan Jadhav by a Pakistani military court. While celebrating the ICJ's verdict, India should take care to avoid any triumphalist drum-beating because there is a long way

to travel, legally and diplomatically, before the ultimate goal of securing Mr. Jadhav's release can be secured. Once India exhausts the remedies provided for by international laws, the ICJ will have no option other than tossing the case back to Pakistan's civilian courts. It is not known whether India possesses any trump card in the form of a bargaining chip, but in the end, only a thaw in the frozen India-Pakistan ties can open the doors for Mr. Jadhav's return.

V.N. MUKUNDARAJAN,
Thiruvananthapuram

■ The ICJ verdict is only a temporary relief for Mr. Jadhav as his fate now depends on what Pakistan's arbitrarily assembled military courts decide. While consular access could provide moral support, it is not difficult to foresee the

outcome of a 'review and reconsideration' by a military court. India should continue to make all out efforts through diplomatic channels and put pressure on Pakistan to free the retired Naval officer.

KOSARAJU CHANDRAMOULI,
Hyderabad

SC decision

In this struggle among parties for political power, the interests of voters have been totally forgotten (Editorial, "Balance and tilt," July 18). A legislator gets elected by people as a representative of a given party. Once chosen, he has to obey the party's whip. Further, if he wants to join some other party, he should resign from membership of the legislature and seek re-election. The Supreme Court, by giving an interim order that the dissident

legislators cannot be compelled to attend the Assembly, has only considered the rights of the MLAs and overlooked the rights of the voters. The ruling will undermine India's multi-party democracy and promote horse-trading.

S.S. RAJAGOPALAN,
Chennai

Extra run

The two on-field umpires during the World Cup final should have halted the game for a moment if they had any doubt on the total number of runs to be awarded after the overthrow. That they did not consult the television umpire is a bit puzzling. 'Cricketing sense' did not prevail at that crucial stage and it is unfortunate that such a bizarre incident enabled a team that was probably losing to win the World Cup. Ben Stokes should also have

insisted on an intervention by the third umpire ("Did cricketing sense prevail in World Cup final," July 18).

V. LAKSHMANAN,
Thirupur

Tech-averse state

The knee-jerk manner in which the Indian government reacts on being confronted with technological changes needs a rethink. While other nations are formulating progressive policies on the use of technology, India suffers from the ailment of technological parochialism, whose cure lies in education of policymakers and greater involvement of entrepreneurs in policymaking. ("The benefits of blockchain," July 18).

SUPREETH K.,
Bengaluru

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Does the anti-defection law serve any purpose?

PARLEY

The law is against the principles of representative democracy and needs to be reformed

The Supreme Court has held that it is the Speaker's discretion to decide on the resignations of the 15 dissident MLAs belonging to the Congress-Janata Dal (Secular) coalition government of Karnataka as and when he considers appropriate. What is the right course of action for the Speaker? Srinivasan Ramani discusses the political saga in the State with P.D.T. Achary and M.R. Madhavan. Edited excerpts:

Mr. Achary, the Supreme Court has said that the Speaker has complete discretion in deciding on the resignations of the MLAs. While the Speaker has the duty to verify the voluntary nature of the resignations, does this mean he can question the letters of resignation that were handed over to him in person even if they were in the prescribed format?

P.D.T. Achary: Yes, certainly. Under Article 190(3) of the Constitution, the Speaker has to satisfy himself that the resignations are voluntary and genuine and can reject them if he feels they are not. The Speaker has absolute discretion in this matter.

In this case, the legislators have filed sworn affidavits in the court saying they have resigned voluntarily. Should this not put the matter to rest?

PDTA: The Constitution is clear on this. Only the Speaker has the discretion to decide whether the resignations were voluntary or genuine. No other constitutional authority can decide this.

Mr. Madhavan, in the specific case of Karnataka, the legislators have resigned saying they do not have confidence in the current government. The argument being made by their detractors is that these resignations are a ruse to evade disqualification. What is your position on this?

M.R. Madhavan: There are far more fundamental issues to be discussed here. All the institutions including the legislature and the judi-

ciary follow certain rules based on the Constitution. But beyond that, there are certain conventions and assumptions under which these institutions operate. For example, the Speaker... there are only a certain set of rules to be followed by him/her. Beyond that, there is an assumption that the Speaker is a neutral person and acts in good faith. Unfortunately, that assumption has been broken into pieces in our country.

In the last Parliament, there was a no-confidence motion tabled by a set of MPs. The Speaker refused to consider this saying there was too much disturbance in the Lok Sabha, but during the same period allowed the Finance Bill to be passed without discussion. In the elected House prior to this, a similar incident occurred in the way the Reorganisation Bill [that bifurcated Andhra Pradesh] was passed. In the States, in the last Andhra Pradesh Assembly, for example, four MLAs who officially belonged to the YSRCP were in the Cabinet led by Chandrababu Naidu [of the TDP]! Yet the Speaker did not act on their disqualification. What more proof was required to prove that they had switched sides? There is therefore the problem of lack of ethics, and the judiciary cannot do much about this.

In the Karnataka case, the Supreme Court would have embroiled itself in a political crisis and did the right thing by allowing the Speaker the discretion to rule on the resignations.

Mr. Achary, as Speakers generally belong to the ruling party, they have tended to act less as neutral institutions. In some instances, despite clear cases of defections, Speakers have refused to act. Is this not against the spirit of the anti-defection law?

PDTA: Yes. Speakers have not acted as impartial umpires generally on issues related to defection. There is a basic assumption in the Tenth Schedule that the Speaker will decide things on merit and be impartial. Invariably, they come from ruling parties – Somnath Chatterjee being the Speaker in UPA-I was an exception. There have been many issues on



K. MURALI KUMAR

which Speakers have not acted – sitting on cases of defection, the way they have conducted proceedings, etc. The anti-defection law is handled by politicians. Also, there have been demands that it should be handled by the Election Commission; politicians have resisted it. They [politicians] being what they are, they have dealt it in their own way.

In the case of Karnataka, there are issues which are quite important. The Supreme Court has said that the Speaker will have the discretion to decide upon the resignations and after that, he has to convey it to the Supreme Court. I have some reservation about this. The Speaker has the authority to decide upon the resignations and no outside authority should come into the picture. Merely because the matter was brought to the Supreme Court and the court has given an interim order doesn't mean that the Speaker's decision should be conveyed back to the court. What happens if the Speaker rejects the resignations – and I think there are reasons for doing so in this case? What does the Supreme Court do?

The other part of the order was that the members are free and nobody can be compelled to enter the House. The ruling party and other parties have the right to issue a whip to their members to attend the House and vote on a measure. I am not able to understand this part of the order. Suppose the MLAs who have resigned do not attend the proceedings despite the whip, they should be bound to face the consequences. I think this part of the Supreme Court order is problematic.

Mr. Achary, the penalty for defection is disqualification. Doesn't the member, therefore,

be between two parties and two-thirds of the members will agree to the merger. Now the practice is the other way around – two-thirds of the members or more move out and then merge with the new party

have the right to join another party after resignation? Can a Speaker prevent the member from resigning only to hold him guilty for defection?

PDTA: I think the petitions under the Tenth Schedule in these cases were given much before the resignations. Cases for anti-defection were filed before the resignations came up. Suppose the Speaker refuses to accept the resignations, they will continue to remain members of the ruling party [the Congress] and the party has the right to issue a whip. And if they don't attend the House, they will face the consequences. That is the law. But in Karnataka, every day something new emerges – a trust vote followed by a possible fall of the government and so on. It is difficult to know what lies ahead in such a fluid situation.

Mr. Madhavan, considering the Speaker is not an impartial person in practice, shouldn't the anti-defection law be implemented by an authority such as the Election Commission? Or should there be a time frame to decide upon actions related to the anti-defection law?

MRM: The Election Commission being impartial is another assump-

tion, probably a reasonable one. But I think looking for another institution to decide on this process is to look for a bureaucratic solution to what is essentially a political problem. The whole problem arises in the anti-defection law itself, which goes against the principles of representative democracy.

If you go back to 1774 to Edmund Burke's famous speech on representation, he said that the representative should think of what is good for the country and not just for his constituents. Similarly, there is a famous speech by Winston Churchill. For him, first came the nation, then the constituents, and then the party. What we have done with the anti-defection law is that we have made every MP or MLA a slave of the party leadership. Invariably, we have converted a parliamentary system to a de facto presidential system because the head of the executive who happens to be the Prime Minister also controls the majority party in the legislature. In essence, the executive and the legislature seem to have merged. We have chosen the parliamentary system, but the anti-defection law has hollowed out the deliberative aspect of representative democracy. To me, there is one solution: delete the Tenth Schedule.

Mr. Madhavan has a strong view that the anti-defection law has reduced the legislator to a figurehead of the party leadership and is against the deliberative nature of parliamentary democracy. But at the same time, there is an expectation that legislators delineate themselves on ideas and issues, which is why they go to elections for a mandate on the party ticket. Defections reduce them to individuals who seek the loaves of power to move from one party to another. Mr. Achary, how would you address these two aspects and what is your view on the anti-defection law as it exists?

PDTA: When the anti-defection law was passed, people were very afraid about the curbs on freedom of expression and speech of the legislators. The evil that was staring us in our face then was the "Aaya Ram, Gaya Ram" business which was shaking up the entire party system.

In order to put an end to this and to preserve the party system, the law came about, with some important weapons for the political party. But there are some provisions that are problematic. The law says, for example, that even if a legislator has been expelled by a party and continues to be a member in the legislature, he/she will still be held against the party whip and could be disqualified if he/she voted against the whip's directions. This is illogical.

The Supreme Court has said that when the party issues a whip, it must be for a very important legislative measure or a trust vote on which the government's survival is at stake, for example. For all occasions, parties need not issue a whip. I don't think parties are clearly aware of this. I know instances when the Parliament Secretariat had to circulate this decision by the court to parties. Whips should be used only for crucial issues.

So, both of you agree that there is a problem with political culture that well-thought-out laws or institutional corrections cannot address?

MRM: I agree to an extent. We certainly need well-thought-out laws. But I think on the question of defections and other acts, the larger society and the electorate need to act on this kind of political culture. Legislators who act in unscrupulous ways should be voted out in subsequent elections. That is how democracy is supposed to work.

PDTA: The anti-defection law needs to be looked into again by the lawmakers and reformed in light of the experience of its implementation since 1985. There have been a large number of cases of defections and [look at] how they have been handled. Lately, we have seen people moving out of parties in large numbers and eluding disqualification by suggesting that they have merged with a new party. The law is clear: mergers are between two parties and two-thirds of the members will agree to the merger. Now the practice is the other way around – two-thirds of the members or more move out and then merge with the new party. The law is made to stand on its head by the legislators. In the light of this, if the law, the way it is, has to go, I would agree with that.



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A journalist's right to loiter

The intent of the Finance Ministry seems to be to know which official met which journalist and when

ANURADHA RAMAN

Any reporter worth her beat will tell you that the fine art of loitering is a very useful tool in journalism. It is cultivated with patience and honed with experience. Even before the notepad and pen are fished out for a briefing, it is the wait in corridors that helps 'beat' reporters forge relationships with the powers-that-be.

When journalists loiter around a Ministry, they get to speak to a range of people – the support staff who fetch tea for the Minister's guests, the people meeting the Minister, and the senior officials in the Ministry. Sometimes, eye contact with an official allows a journalist access to the official. We journalists earn our spurs when the support staff of a Minister recognise us enough to share dribbles of information that others don't hear. Familiarity with the ecosystem comes from pottering about.

So, it came as a shock when Finance Minister Nirmala Sitharaman made permanent a diktat which was meant to be temporary – namely, keeping the media out as deliberations on the Budget were under way – and said that a procedure has been put in place for "streamlining and facilitating" the entry of media persons inside the Ministry of Finance. She later clarified that there was "no ban in place" for journalists, including those accredited by the Government of India, to enter the Ministry, but that journalists cannot meet officials without prior appointment. This is an unfortunate development. It is the fundamental right of the citizens of this country to be informed about the government, and there are professionals trained in the dissemination of news.

Anonymous sources During the Atal Bihari Vajpayee regime, senior Ministers of the Cabinet did not bother about journalists waiting around in the corridors of Shastri Bhawan. Often, a Minister would call a reporter loitering in the corridor in for a chat that was informal and completely off the record. We could get

Ministers to comment on issues and report on them. We could write about the meeting without attributing the information to the Minister. Secretaries would inform Ministers when they saw us waiting. Joint secretaries would not shoo us away.

All this was made possible for journalists with accreditation. A Press Information Bureau card is given after the credentials of a reporter – a minimum of five years of work experience in a news organisation and residence proof – are vetted by the Ministry of Home Affairs and verified by the police.

No journalist walks into an official's office unless she is allowed. At best, journalists keep a watchful eye on the visitors walking in with appointments and even throw a question at them as they came out of their appointments. Journalists do this after making calls to their sources to check the visitor's list.

Keeping watch

The intent of the Ministry seems to be to know which official met which journalist and when. One of the tricks of the profession is to call on the information officer and on that pretext meet the source. But what the Finance Ministry wants to do is to track down critical news to the source. Often, officials are willing to part with information only if they are not named in the report. The Ministry's decision will not only curtail press freedom, but also prevent officials from revealing any information to journalists they trust.

As the Editors Guild said, there is "no dispute with the Ministry that journalists should behave with restraint and responsibility while enjoying their access to the Finance Ministry" but "a blanket order is not the answer". It is a pity that the Ministry has issued such an order, especially at a time when India's ranking in the World Press Freedom Index has fallen by two ranks to 140 out of 180 countries.

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NOTEBOOK

Rising above sports fandom

Wimbledon ensures that reporters conceal their loyalty towards a player

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To be a Rafael Nadal fan is to be an underdog. It feels unreasonable, for Nadal is an 18-time Grand Slam champion and a serial winner. But in a universe full of Roger Federer supporters, I have often felt like a mere speck. The American writer David Foster Wallace didn't help matters, as his famous 2006 essay, published in *The New York Times*, titled 'Roger Federer as Religious Experience', made it unfashionable to root for Nadal. "A classic is something that everybody wants to have read and nobody wants to read," Mark Twain once said. Wallace's classic was something I didn't go anywhere near.

Wimbledon 2019, though, changed certain things. Federer and Nadal were drawn to meet in the semifinals for what could potentially be their first on grass since that iconic clash

in 2008. Once the draw held good, friends and family told me to feel "blessed" and "privileged" that I could watch it live. To be sure, I was. But as a reporter deputed to cover it, I had to shed the mask of a fan. In fact, 13 of the duo's 40 meetings have come after I turned a journalist and I have had to write about many of them dispassionately. But not once before was I pressured to look the part even as the spectacle was unfolding.

In a way, sports journalism, more than others, can tolerate some subjectivity but not of the kind that clouds perspective. As my previous Sports Editor, the late Nirmal Shekar, once wrote to all of us, "Sports stories are by nature subjective. They need you to editorialise. Even the smallest things, putting down a wicket to poor judgment instead of sloppy execution, for example, is a judg-

ment call – drawn, of course, from a thorough understanding of the sport you are writing about."

To rise above sports fandom is to be accountable, shed biases and provide a fair, comprehensive account of events and act independently. On that Friday, I had to suspend the disbelief that Nadal could lose, even on Federer's favourite surface, despite the Swiss being better on the day, disregard the queries from fellow Nadal fans – there were, of course, only three of them – as to what had come over their hero, and report on it.

Wimbledon, which prizes its etiquette more than any other sporting event, thankfully had a way of settling such nerves. "No cheering or clapping from the press box please," a security officer never tired of telling us. Appreciating a well-executed stroke, be it by any player, shouldn't

ideally cast aspersions on your professional integrity. But Wimbledon's way of ensuring fairness is by shutting down even a modicum of applause from the media. So much so that the press was forced to watch even the rise of the irresistible 15-year-old American Cori Gauff in relative silence.

That probably helped me during the Federer-Nadal match. The Spaniard lost a manic first set, but like him, I was engrossed in finding answers, with an unforgiving deadline also looming. The ending was climatic, but it was important to stay detached and worry only about fitting all the important details into the copy. It was not until I sat in the Nadal press conference that the result truly sunk in. The irrational sense of loyalty, however, never made a reappearance and I can only thank Wimbledon for it.

The Hindu

FROM THE ARCHIVES

FIFTY YEARS AGO JULY 19, 1969

Meagre rise in profits of banks

The working results of scheduled commercial banks for the first six months of 1969 are yet to be published by many banks as there has been some delay in finalising the accounts. But the earnings of two major institutions, which have been published, seem to indicate that even with a spectacular growth in deposits, it has not been possible to improve profitability significantly as working expenses have been rising and heavy expenditure is also being incurred on the opening of new branches. But there would have been a higher level of gross income if available funds could be used. As the heavy expansion of credit against foodgrains has been effected mainly by the State Bank of India, the credit-deposit ratio of other banks particularly has tended to decline and there has been a heavy accumulation of surplus resources. The banking system, however, is in a position to derive good benefit out of the sizable additions to working funds, if as a result of a revival in economic activity there was an increase in demand for funds.

A HUNDRED YEARS AGO JULY 19, 1919.

Hockey at Madras. Y.M.C.A. vs. Y.M.I.A.

A rather tame game was witnessed in this match, which came off last evening [July 17] on the Y.M.C.A. grounds, the visitors eventually scoring an easy win by 4 goals to 1. They no doubt proved a bit too good for their rivals, but it was by no means a high standard of hockey that they displayed, for, as it was, the forwards all with the exception of Kesavan looked lifeless, while the defence too were not without their faults, the halves particularly being out of place time and again. As for Kesavan he was however lively all and tricky too but it was all not to much avail for he seemed to think that he alone could do the trick and failed more often than not naturally. Now about Lakshman Rao, he was slow, in fact very slow, and uncertain too in front of goal for want of practice obviously, but he was unquestionably the least selfish of the lot and made some very good passes now and again. Coming now to the halves Ramaswami was without doubt the stand out man, but he must give up the idea of mixing with the forwards on the half chances of scoring, if he really means to serve his side best. Then regarding the backs M.V. Ramanjulu and Sankaran, they looked safe enough last evening, but they have yet to be tested however to know their real mettle.