



The terrorist tag

India needs tough laws to combat terror, but the proposed amendments could be misused

The idea of designating an individual as a terrorist, as the latest amendments to the Unlawful Activities (Prevention) Act propose to do, may appear innocuous. However, designating an individual as a terrorist raises serious constitutional questions and has the potential for misuse. The practice of designating individuals under anti-terrorism laws, prevalent in several countries, is seen as being necessary because banned groups tend to change their names and continue to operate. However, there is no set procedure for designating an individual a terrorist. Parliament must consider whether an individual can be called a ‘terrorist’ prior to conviction in a court of law. The absence of a judicial determination may render the provision vulnerable to invalidation. There ought to be a distinction between an individual and an organisation, as the former enjoys the right to life and liberty. The likely adverse consequences of a terrorist tag may be worse for individuals than for organisations. Further, individuals may be subjected to arrest and detention; even after obtaining bail from the courts, they may have their travel and movements restricted, besides carrying the taint. This makes it vital that individuals have a faster means of redress than groups. Unfortunately, there is no change in the process of getting an entity removed from the list. Just as any organisation getting the tag, individuals, too, will have to apply to the Centre to get their names removed.

A wrongful designation will cause irreparable damage to a person’s reputation, career and livelihood. Union Home Minister Amit Shah’s warning that his government would not spare terrorists or their sympathisers, and his reference to ‘urban Maoists’, are portentous about the possibility of misuse. It has been argued by some members in Parliament that the Bill contains anti-federal features. The provision to empower the head of the National Investigation Agency to approve the forfeiture of property of those involved in terrorism cases obviously overrides a function of the State government. At present, the approval has to be given by the State police head. Also, there will be a section allowing NIA Inspectors to investigate terrorism cases, as against a Deputy Superintendent of Police or an Assistant Commissioner. This significantly enhances the scope for misuse. The 2004 amendments to the Unlawful Activities (Prevention) Act, 1967, made it a comprehensive anti-terror law that provided for punishing acts of terrorism, as well as for designating groups as ‘terrorist organisations’. Parliament further amended it in 2008 and 2013 to strengthen the legal framework to combat terror. While none will question the need for stringent laws that show ‘zero tolerance’ towards terrorism, the government should be mindful of its obligations to preserve fundamental rights while enacting legislation on the subject.

Boris days

Britain’s new PM should abjure his dangerous brinkmanship in seeing Brexit through

Boris Johnson, Britain’s new Prime Minister, has achieved one of his life’s ambitions. His defiant speech at Downing Street on Wednesday, pledging a “no ifs, no buts” exit from the European Union before October 31, is clear indication that he will pursue a hard Brexit. “Doubters, doomsters and gloomsters,” would be defeated, he declared in characteristic style. Several ministers from the previous government, who have either resigned or have been dropped, are all presumably among them. Conversely, the induction of several eurosceptics, most notably Jacob Rees-Mogg from the European Research Group, leaves no doubt that the Johnson team is nothing if not a Brexit cabinet. The other is Dominic Raab who, during the Conservative leadership race, advocated proroguing Parliament to ensure MPs did not stop a no-deal exit. Mr. Johnson’s rhetoric is reminiscent of Theresa May’s uncompromising early stance that no deal was better than a bad deal. While she was forced to back down from several unrealistic positions, Mr. Johnson’s place in Downing Street is far more precarious than her’s. His majority in the House of Commons could drop to just two seats if, as the polls forecast, the Tories lose the by-election in August. This arithmetic is crucial in what is a sharply polarised Parliament now. Party hardliners have threatened to vote out the government if the exit deadline was breached for a third time. With Brussels ruling out a renegotiation of the withdrawal agreement, the chances of leaving on October 31 seem remote.

Mr. Johnson has for too long painted the other 27 nations in the bloc as hostile adversaries that have undermined Britain’s sovereignty. He has paid scant regard to mounting evidence, most recently from the International Monetary Fund, of the crippling economic impact of Britain leaving the union. Mr. Johnson has even dismissed the risks to the integrity of the Good Friday agreement between the U.K. and Ireland, in the absence of the prevailing soft borders connecting Dublin and Belfast. But as Prime Minister he can ill-afford to indulge the populist instincts of the narrow nationalists among the Conservatives. Instead, he must reckon with the real and grave consequences for the nation and even his party, of abruptly walking out on London’s closest partners. The contradictions of that approach were laid bare this week in London’s bid to coordinate with Brussels to protect European commercial shipping in West Asia. Clearly, London’s interests lie in redoubling efforts to resurrect the multilateral order that U.S. President Donald Trump seems so keen to undo. The special relationship between the principal trans-Atlantic partners is nothing if it did not encompass a more universal vision. Mr. Johnson must abjure his dangerous brinkmanship. That would be in Britain’s interest.

In white nation talk, the voice of the Squad

How the Democratic Party positions itself in the poll run-up cuts to the very heart of its identity and America’s future



SANKARAN KRISHNA

For the first time in over 100 years, the U.S. House of Representatives passed a non-binding resolution on July 16 condemning the President of the United States, Donald Trump. Just days earlier he had tweeted that if four Democratic Congresswomen did not like the state of affairs in the U.S., they could “go back” to the countries they came from, countries whose governments were “a complete and total catastrophe, the worst, most corrupt and inept anywhere in the world.” He went on to tweet, “Why don’t they go back and help fix the totally broken and crime infested places from where they came. Then come back and show us how it is done.”

Vote and politics

All four Congresswomen [they have given themselves the nickname, the “Squad”] are persons of colour; three of them (Rashida Tlaib, D-Michigan; Ayanna Pressley, D-Massachusetts; Alexandria Ocasio-Cortez, D-New York) were born in the U.S., and the fourth (Ilhan Omar, D-Minnesota) was a refugee from Somalia and a naturalised U.S. citizen. The resolution “strongly condemns President Donald Trump’s racist comments that have legitimized and increased fear and hatred of new Americans and people of color by saying that our fellow Americans who are immigrants ... should “go back” to other countries, by referring to immigrants and asylum seekers as “invaders,” and by saying that Members of Congress who

are immigrants ... do not belong in Congress or in the United States of America.”

The vote condemning the President (240 Democrats for, 187 Republicans against) was overwhelmingly along party lines. The Democrats were a united bloc and only four Republicans (one black Congressman from Texas, two others possibly either retiring or not seeking re-election, and the fourth a naturalised citizen of Polish origin) and the sole independent in the House (a Michigan Congressman forced out of the Grand Old Party, or GOP, for his opposition to Mr. Trump) joined them.

Leader, party and vision

In publicly telling these Congresswomen to “go back”, Mr. Trump was explicitly saying the U.S. was a white nation in which coloured people and racial minorities irrespective of their citizenship status, place of birth, or length of residence, did not belong. And in refusing to join the Democrats in supporting the resolution, the GOP was clearly on board with his vision of a white nation. In the 1990s, faced with the demographic reality that the U.S. would in course of time become a white-minority nation, sections of the GOP had sought to broaden its appeal to Hispanics, Asian-Americans, middle-class Blacks, and other minorities. With the rise of a nativist and white supremacist fringe (epitomised by the Tea Party) the GOP has decided it can dispense with minorities.

Between gerrymandering constituencies, preventing minorities from voting through myriad restrictions, and legalising all this through increasing control over both the judiciary and various state legislatures, the GOP has anchored itself firmly in a white nation. Mr. Trump is both a symptom of this process and its great accelerator. Far from being an aberration or outlier in the U.S. political landscape, he epitomises a considerable section of it only too well.



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Mr. Trump was reportedly delighted at the display of Democratic unity on the resolution condemning him for his comments on the Congresswomen. It played fully into his hands for next year’s Presidential elections wherein he would position himself as the candidate of a white nation under threat from a rising tide of minorities, immigrants, and various other un-American ‘outsiders’ living off government handouts and crime. The sight of House majority leader, Nancy Pelosi, standing shoulder-to-shoulder with the four coloured Congresswomen was precisely the sort of photo-opportunity that was dynamite as far as Mr. Trump was concerned. (The weeks prior to this show of unity had been marked by bitter differences between the centrist Pelosi and the more progressive Congresswomen on issues such as socialised health care, immigration reform, border control, and Israel-Palestine, to mention the most prominent).

Poll-centric theme

It is obvious that Mr. Trump intends to make the upcoming Presidential elections a contest about race, and paint the Democratic party as beholden to unpatriotic,

radical socialist, non-white minorities.

How the Democratic party positions itself *vis-à-vis* Mr. Trump’s idea of a white nation cuts to the very heart of its own identity and the nation’s future. There is the temptation to seek an increasingly evanescent middle ground through the candidacy of someone such as Joe Biden. With a track record that includes opposition to busing early in his career; shepherding draconian anti-minority laws through Congress (by securing the bipartisan support of southern racists, no less) on the pretext of getting “tough on crime”; serving as Vice President to Barack Obama as the latter consolidated an unprecedented carceral state (with 5% of the world’s population, the U.S. is home to around 25% of the world’s prison population); and as a white male, Mr. Biden might cut into Mr. Trump’s core constituency of angry whites threatened by a loss of privilege. Yet, for those same reasons he is unlikely to make any headway with the young, with minorities, and those who have stayed away from the polls in the post-Obama period. There is the added danger that the “Trump Democrats” in the rust-belt may prefer the unvarnished bigotry of their man to the triangulated message of a Biden.

With their more progressive and articulate economic agenda, the likes of Elizabeth Warren, Bernie Sanders or Kamala Harris are likely to offer a much better prospect for the Democrats. If a hide-bound party leadership does not stymie their chances (as it did with Mr. Sanders for the nomination the last time around), a ticket comprising two such leaders might offer the best bet. Yet, the obstacles are likely formidable. Precisely because of their accomplishments, intellect and articulateness, Ms.

Warren and Ms. Harris are likely to evoke the sort of misogyny that clearly contributed to Hillary Clinton’s defeat, while Mr. Sanders’ avowal of social democracy often bafflingly alienates many underclass people who need it most. That his socialism is seen as a problem while Mr. Trump’s practically treasonous and utterly pusillanimous relations with Russia’s President Vladimir Putin does not deflect his followers simply beggars belief.

A thread of hatred

More importantly, as with a host of other countries (India, Turkey, the United Kingdom, the Philippines, Brazil – to mention only a few) right-wing strongmen and their supporters riding on a cocktail of racist, casteist, majoritarian and misogynistic ideologies seem to be winning everywhere. A visceral politics of hatred for racial minorities and other putative outsiders, energised by social media resonance machines we still poorly understand, has returned incumbent regimes that would have been swept out of power in times past. It may not matter what the Democrats do and Mr. Trump may yet be re-elected. But in confronting his racism and misogyny, in making a forceful case for progressive taxation, for reforming a dysfunctional health-care system, in bringing the U.S. back into conformity with international law on asylum seekers, and in derailing the endless war machine that it has become, whoever wins the Democratic nomination would be well advised to listen to the four minority Congresswomen: they represent the future, however cloudy that may seem at this moment in time. And it would be the right thing to do.

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The minutiae of Trump’s mediation claim

Governments pursue their national interests single-mindedly without allowing sentiment to influence their judgment



CHINMAYA R. GHAREKHAN

U.S. President Donald Trump’s claim on Monday, during a press conference with Pakistan’s Prime Minister Imran Khan in Washington, that Prime Minister Narendra Modi had told him at the G-20 summit in Japan in June, in so many words, that he wanted the American President’s help, either through mediation or arbitration, in resolving the Kashmir dispute is a claim that has understandably raised hackles in India and jubilation in Pakistan. The Indian External Affairs Minister has denied that Mr. Modi had made any such request to Mr. Trump.

The Opposition is not satisfied with the Minister’s denial and wants Mr. Modi personally to clarify the situation, which he seems reluctant to do; it is very difficult for the Prime Minister to call Mr. Trump a liar because that in effect is what he would be saying if he contested the latter’s claim.

It hardly needs stating that Mr. Modi did not make any such request to Mr. Trump. The President’s love for truthfulness in his own country is suspect. It is entirely possible that he thought of making such a statement, which he must have known was not true, to

please his guest; perhaps he was confident that he would be able to placate the Indian leader on some subsequent occasion, by for example, extending the deadline for reducing import of Iranian oil to zero.

The bottom line

The main lesson for us in India in this is not that we cannot trust the American President – we should not trust any foreign leader in such matters. It is an object lesson how other governments pursue their national interests single-mindedly without allowing sentiment to influence their judgment. At this point in time, the U.S. is desperate for Pakistan’s help in ‘extricating’ the American military from Afghanistan.

The use of the word ‘extricate’ was most suggestive; it indicates that the U.S. feels itself in a quagmire in that unfortunate country and is eager to pull out with some face-saving formula. Mr. Trump is thinking only of his country’s interest; he is not bothered about India’s reaction. If India feels offended, so be it. He knows that Pakistan is the only country with clout with the Taliban that can help him in reaching this objective. If Pakistan does manage to persuade the Taliban to engage in direct talks with the Afghan government, it can expect substantial dividends from Mr. Trump – beyond the \$1.3 billion that was mentioned at the presser.

Imran Khan too has played his cards well. He did not allow him-



self to act hurt or annoyed at Mr. Trump’s pungent criticism of Pakistan’s ‘lying and cheating’ just days before his visit. On the other hand, he took some steps, including lifting the ban on overflights through Pakistan’s airspace to create an impression of reasonableness in time for his Washington visit.

We Indians do not take kindly to such strong words from foreign leaders. We feel hurt and show our hurt publicly. In the old days, what Mr. Trump said would have led to demonstrations in front of the American embassy. We also get carried away by flattery. As they say, even god loves flattery, but governments cannot afford to take praise at face value. Thus, our ego gets inflated when we are told that India has a major role to play in the Indo-Pacific.

The concept of the Indo-Pacific is nothing but containment of China by another name. The Japanese Prime Minister takes credit for coining the phrase, suggesting that the name implies the importance of India in this region. He has his own problems with China, and Japan is a close ally of America. The two no doubt work closely with

each other and coordinate their actions in this area. But India has its own interests and concerns about China which are not shared by others. All ‘strategic’ experts are of one view, namely, in the event of a major crisis with China, we shall have to depend solely on ourselves; no other country will come to our help in any meaningful way. This calls for a certain amount of distancing ourselves from the game that other powers are playing. Surely, the experts in the government are conscious of these factors, especially now that we have a seasoned diplomat at the helm of Foreign Office.

The ‘K’ word

To come back to Kashmir, we are justified in our position that there can be no talks with Pakistan unless and until Islamabad effectively stops cross-border terrorism emanating from its territory. The question is: does either country really want to resolve the issue? It is not enough for either country to say that it wants to solve the problem.

When Pakistan says this, it means withdrawal of all Indian forces from the whole of Jammu and Kashmir, followed by a referendum. When India says it wants to resolve the problem, it means the vacation by Pakistan of its presence from the whole of Jammu and Kashmir. Pakistan’s interpretation of the UN resolution is patently wrong; the resolution calls for withdrawal of all forces under Pakistan’s control first. But it has managed to create a narrative of

self-determination for the Kashmiri people which is largely swallowed by other countries.

It makes sense for the Pakistan military not being keen on resolving the conflict, because it will lose its relevance and pre-eminent position in society once the Kashmir problem is out of the way. Surely that is not the case with the Indian military. India’s military is highly disciplined and apolitical and will follow whatever the civilian government decides.

If each country wants to solve the problem only on its terms, it will never be solved. In any negotiation, both sides have to compromise, which means neither side will get all it demands. The only realistic and practical way out is the conversion of the Line of Control into an international boundary, with suitable, minor adjustments.

We did make this offer during the Bhutto-Swaran Singh talks in 1962-63. We even offered an extra 1,500 sq.km to Pakistan, but the latter wanted the whole State, except for the district of Kathua. It is obvious that neither country has the political courage or the mandate to officially put forward this proposal now or ever. Thus, the issue will not be solved bilaterally and will remain with us for a long, long time. And some might say ‘so be it’.

Chinmaya R. Gharekhan, a former Indian Ambassador to the United Nations, was Special Envoy for West Asia in the Manmohan Singh government

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.

Panel scrutiny

The demand by Opposition leaders that the government must refer seven key Bills, which include the Unlawful Activities (Prevention) Amendment Bill, 2019, the Right to Information (Amendment) Bill, 2019, and the DNA Technology (Use and Application) Regulation Bill 2019, for further scrutiny by a Select Committee of Parliament is reasonable and justified (Page 1, July 25). The government should not bulldoze things merely because it has a political majority. The essence of democracy is debate and discussion. The system of select committees is fully utilised in the Westminster system of parliamentary democracies. Since the

committee comprises both ruling and Opposition members there can be discussions at leisure. The services of experts can also be used. In the past, several useful suggestions have been offered by Opposition members, incorporated before the Bill was tabled. This way, precious time in Parliament can be saved.

S.V. VENKATKRISHNAN, Bengaluru

Population curbs

India is a democracy and cannot afford to pursue an authoritarian policy on population control (Editorial page, “Having the last word on ‘population control’,” July 25). However, I feel India’s demographic dividend can be utilised only if the population growth does not outpace

the growth of infrastructure. On the contrary, such growth will only add to the burden as far as public health and education are concerned and result in greater unemployment. Economic growth will be unequal too.

DIVYA SHARMA, Dehradun, Uttarakhand

■ A prominent feature of population control in India is that it has been achieved without coercive measures, examples of these measures being the Emergency phase or the rigorous norm of one-child per couple in China in the past. Voluntary efforts have been engendered by the spread of education as shown by the best total fertility rate (TFR) results in Kerala. Besides, greater awakening about the

importance of small family among the poor seems to be growing. However, we do need to bring down the total fertility rate (TFR) even further, from 2.2. For this, education, health care and infrastructure have to be in tandem. There needs to be better awareness, quality education and more incentives for adhering to a small family.

Y.G. CHOUSEV, Pune

■ Pockets of Indians across all religious denominations and economic brackets have been deriving direct and palpable benefits by adopting ‘small family norms’, as seen in terms of overall prosperity, quality of life and better rankings in the social indices of these nuclear units. But population

as an asset is not a theory that India can afford to buy. It may not be an exaggeration that all the progress achieved in the 70 years of Independence has been overshadowed by an unbridled population explosion. We do not need a rocket scientist to tell us that excess population is India’s bane. Let us not fight shy of the truth.

SIVAMANI VASUDEVAN, Chennai

Other sources of power
Amidst the acute water crisis India is facing in many parts,

it is inevitable that all of us should be vigilant about the judicious use of water (OpEd, “Making the water-guzzling thermal plants accountable”, July 24). Thermal power has its place but the focus must be towards non-conventional sources of energy production. Tidal energy is one such source that has not been tapped in full. Solar energy too needs huge funding in technological research.

DANISH UMAR, New Delhi

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CORRECTIONS & CLARIFICATIONS:

In the Sports page story titled “Melissa Tapper – making the most of her disadvantage” (July 22, 2019) both the photo caption and the text erroneously said: “Born with *brachial plexus* – which means the nerves between her right neck and shoulder were torn apart...” This should be corrected to read *brachial plexus injury*.

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How to make the Surrogacy Bill more inclusive?

PARLEY
The government need not restrict the surrogacy option to married couples only

The Surrogacy (Regulation) Bill was introduced in the Lok Sabha earlier this month with the intent of facilitating altruistic surrogacy in the country. The Bill stipulates that a surrogate mother has to be a 'close relative' of the intending couple. The government claims that regulating surrogacy will put an end to rampant commercialisation of the practice. But in the process, it has left a lot of women from underprivileged backgrounds who lend their wombs worse off. In a conversation moderated by Ramya Kannan, gynaecologist Dr. Kakoli Ghosh Dastidar (KGD) and author Gita Aravamudan (GA) look at the Bill's shortcomings.



Dr. Kakoli Ghosh Dastidar is a gynaecologist and Trinamool Congress MP



Gita Aravamudan is a journalist with a special interest in gender issues



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How will the Bill impact surrogacy in the country? Will it increase or decrease the chances for people to choose from the many reproduction options?

KGD: I would like to mention that I have spoken to Union Health Minister Harsh Vardhan. I have also, in fact, written to him that it looks like we are putting the cart before the horse. For surrogacy to happen, we need embryos, and embryos are cultured in various In-Vitro Fertilisation (IVF) laboratories. So, before speaking of surrogacy, we should have brought in the Assisted Reproductive Technology (ART) Bill, which has been lying in cold storage for years now. We should have formulated rules and regulations for ART because there is a mention of 'donor eggs' in the Surrogacy Bill; and it is the donor eggs that are used for the IVF procedures. Second, the Bill specifies that the intending couples should be married Indian couples. There is no mention of Non-Resident Indians working or studying abroad who may want to come back home to have a baby. As far as the other provisions go, they are mostly okay, but we need to be able to debate the Bill at length.

Are there any problems with the Bill?

GA: There are a lot of problems. First, as Dr. Kakoli said, we are put-

ting the cart before the horse because there is a whole process involved, and surrogacy is only the ultimate end of it. There are many other points in the Bill that are very problematic. First, it leaves out a lot of people in case they want to have a baby through IVF, including unmarried couples who want to have a baby through surrogacy, gay couples and single men and women.

Also, the Bill allows only altruistic surrogacy; this provision is very problematic as far as I'm concerned. I spent two years with surrogate mothers, clinics and intending couples; what I found is that the people who are lending their wombs in order to bear children for somebody else - they are doing a job which is very creditable because they want to help somebody, but it doesn't mean that they should put their life on hold for it, or that they should not be paid for it.

Altruistic surrogacy has, in fact, failed in other countries, and has resulted in various other forms of assistance being given, though money may not be paid. If we are going to rely on relatives alone, many may not come forward. Surrogacy should be declared as a kind of profession - the person providing a womb must have a contract, must be paid properly and get insurance and proper medical checks.

Both of you sound quite agitated at the exclusion of certain groups of people.

KGD: I would like to mention here that our group, led by my husband, Dr. Sudarshan Ghosh Dastidar, was the first in the country, possibly globally too, to help a single-male parent have a baby through IVF surrogacy in 2005.

We have been working on IVF since 1986-87, so we have had so many experiences of dealing with people who seek surrogacy. Thus, I strongly speak in favour of transgenders and same-sex couples. I think they should have been included in this Bill.

But as far as the experience of surrogate mothers is concerned, some women had been exploited so much that the government was



A foreigner couple with their child, which was born through surrogacy, in Hyderabad in 2013. P.V. SIVAKUMAR

forced to bring this proposal. The mothers were not being given good food or medical treatment and post-partum care was non-existent.

While in my own experience, I have always dealt with close relatives who came forward as surrogates, I am all for including other groups of people too in the Bill, if couples are unable to, or cannot bear children due to medical reasons. However, I'm strictly against 'fashion surrogacy', where women who feel their figure would be disturbed if they carry a baby opt for surrogacy.

GA: In the case of LGBTQI couples and single parents, when medical facilities are available, surrogacy should be allowed, because otherwise how will they have a baby? They will need the womb of a surrogate. Living in has become acceptable now, and live-in couples should also be allowed to have surrogate babies. All these archaic rules, I think, should be shed from the Bill.

Surrogate mothers have indeed been exploited, because there is no process to monitor the clinics or any law to ensure that the mothers are not defrauded by the clinics or the intending couples. The question is, will this Bill manage to ensure a fair and just process?

Before speaking of surrogacy, we should have brought in the Assisted Reproductive Technology Bill, which has been lying in cold storage for years

GA: So, I agree with Dr. Kakoli that there are certain places where surrogates were thoroughly exploited and it was the agents, the middlemen, who did that. However, instead of removing the means of livelihood from them, you should have a contract that all surrogates and the commissioning parents have to sign.

The contract should include details of the payment to be made, specify insurance coverage, and give an assurance that the mothers will be treated properly even in the post-partum stage. I have come across a couple of surrogate homes in Gujarat, in Bengaluru and Hyderabad, where the surrogates are actually treated very well.

Surrogates are actually not very attached to the babies they are carrying in their wombs, because it is a means for them to get a livelihood. If the government can only ensure that everything is done legally, we don't need this kind of a Bill that is so non-inclusive and superficial, in the sense it doesn't delve deep into the problems.

So, it seems logical that ART is the key to surrogacy. Is it possible that the ART Bill will be fast-tracked now?

KGD: We are trying to solve the problems by talking, and we are going to discuss this next week. Only at the end of the discussion will we be able to see how many amendments the government has accepted.

If you have a surrogate pregnancy, it should be preceded by an IVF. That is why IVF should be discussed first. IVF clinics have mushroomed all across the country, and malpractices are happening, for instance, in dichotomy or seed-splitting. There are also advertisements where celebrities falsely claim to provide a 100% success rate, whereas the internationally acceptable rate for women is about 35%, and it can never be more than 40%.

We do have, in certain age groups, a 70% success rate; but it might be just 30% for the next age group, so the cumulative rate comes to 35%-40%. But these IVF units are claiming a 100% success, so more patients are going to them. Costs are also going up. While an IVF procedure earlier used to cost less than ₹1 lakh, it now costs ₹4 lakh-₹5 lakh. So, the ART Bill should be tabled before the Surrogacy Bill.

GA: The ART Bill has been in cold storage. But the Surrogacy Bill, which deals with the end of the process, is being touted as very important. It is not. What is important is to take note of the fact that malpractices are taking place in these IVF laboratories, to the extent that somebody else's embryo can be put into you saying that it is yours. These fly-by-night operators have to be regulated. ART Bill has to be taken up again, and discussed first, after being tabled in Parliament, and passed. Otherwise, are going to have a very messy situation.

Have all points of view been represented in the Bill? Did a consultative process precede the introduction of the Surrogacy Bill?

KGD: When the ART Bill was drafted in the late 1990s, an expert committee was constituted by the Indian Council for Medical Research. It held public debates in all four

parts of the country and we involved the public. We put out advertisements in newspapers and asked the public to speak out. Only after this, did the ART Bill come about. Even for surrogacy, the public should have its say, because this is a democracy.

Couples with infertility problems, transgender people, single women, divorced women, and widows should be involved in the public debate and only then should the Bill be brought in.

GA: Exactly! I agree with you on that. The Constitution gives a woman the right to reproduce, or not to reproduce, as she wishes, and she has the right to privacy when she makes her reproductive choices. So, this has to be incorporated into the Bill - If I have a right to reproduce, that means I can hire a surrogate, I can go in for IVF whether I'm a transgender, a lesbian or a divorcee, I have this right as I wish. A woman who has lent her womb also has these rights.

Any closing remarks?

GA: We need a law, but passing the Surrogacy Bill without looking at the whole process - I think this means we are heading for disaster.

The whole Bill has been drafted without taking into consideration the many physical and emotional factors at stake. Meanwhile, there are many people who don't know whether or not they can hire a surrogate. There are people who have already hired surrogates. What will happen to their baby? There is a lot of doubt in these areas now.

When the government banned surrogacy for foreigners, some foreigners who were here earlier had already put some embryos in deep freeze thinking that they would come back and have another baby through the viable embryos. Following the ban, they asked for the embryos to be returned. They had gone through a lot to produce a life form, but the government said there can be no export and import of embryos any more. So what will happen to those embryos? You cannot put everything in jeopardy at the last moment, and then say 'let me think about it and get back to you after a year'. This is a very complicated issue.

Making national legislatures more gender-balanced

Quotas can ensure more number of women MPs

ARCHANA DATTA
The Global Gender Gap report for 2018 said that the widest gender disparity is in the field of political empowerment. To cite the Inter-Parliamentary Union 2018 report, women legislators account for barely 24% of all MPs across the world.

However, the experience of the top-ranked countries in the IPU list does give an indication of how women's presence in political spaces took an upward turn in those nations.

Rwanda, a landlocked nation with a population of 11.2 million, tops the list, with 61.3% seats in the Lower House and 38.5% in the Upper House occupied by women. Since 2003, the country has implemented a legislated quota of 30% in all elected positions, which has enabled a steady inflow of women parliamentarians after successive elections. Its Constitution has also set a quota of 30% in all elected offices. However, some believe that the higher representation of women in the country cannot be attributed solely to quotas - women were thrust into the political limelight due to the huge vacuum that emerged in the aftermath of the 1994 genocide, which resulted in a large chunk of the country's male population getting killed.

Leader in the Caribbean

Cuba, the largest Caribbean island nation with a population of about 11.1 million, holds the second rank, with 53.2% seats of its 605-member single House being occupied by women representatives. The Communist dispensation in Cuba did not opt for legislated gender quotas, but does follow a practice akin to voluntary quota systems. However, Cuban women are less represented at the local level, where candidates are selected by the local communities that often overlook women candidates.

Sweden, the fifth-rank holder in the IPU, has a professedly feminist government and has maintained a women's parliamentary representation of at least 40% since 90s. The

349-member single House, Swedish Parliament, now has 161 women with 46.1% representation. Sweden does not have any constitutional clause or electoral law earmarking representation for women in elected bodies. The issue of compulsory gender quota didn't find favour in Sweden as it was believed that such a quota will create reverse discrimination and violate the principles of equal opportunities. Almost all political parties there have adopted measures to ensure a fair representation for women at all levels. In 1993, the Social Democratic Party adopted the 'zipper system', described as "a gender quota system whereby women and men are placed alternately on all party lists." This further boosted women's seat share.

Nepal's example

Closer home, Nepal occupies the 36th position in the IPU and its 275-member Lower House has 90 women, about 32.7% of the total strength. The Nepal Constitution stole a march over many others in the South Asia by earmarking 33% seats for women in all state institutions, including the

legislature.

India, at 149 among the 192 countries in the IPU list, had barely 11.8% women's representation in the 16th Lok Sabha, which improved to 14.5% in the current Lower House. At least seven out of the 29 States have not sent a single woman MP. The 108th Constitutional Amendment Bill stipulating 33% quota for women in the Parliament and in State Assemblies remains in political cold storage. The system of voluntary party quotas, which has worked well in many countries, is not likely to cut much ice in India's deeply embedded patriarchal society. As has happened in the case of panchayats and municipalities, only a legally mandated quota could perhaps ensure a large-scale entry of Indian women into the higher echelons of political power.

The writer is a former Indian Information Service Officer and media educationist



NOTEBOOK

The dramatic ambulance ride that wasn't

How an idea for a 'perfect Mumbai feature story' failed to materialise

JAYANT SRIRAM
I try to plan my life around traffic but there was one instance when I was actually counting on it being busy. This was for what I imagined would be the 'perfect feature story'.

A couple of years ago, while working in Mumbai, I was commissioned to do a story about traffic jams. Classic big city reporting cliché yes, but this story had a twist. I would aim to do it while travelling in an ambulance as it navigated its way through traffic.

What I hoped to achieve was a kind of forensic analysis of how disorganised the Mumbai traffic might be, or if there was a sense of order behind the apparent chaos. I wanted to see if vehicles had the space to manoeuvre themselves out of the way when an ambulance needed to cut through and if there were systems in place, like traffic police stepping in, that could help ease the situa-

tion. I also wanted to observe what kind of skills an ambulance driver needed to display.

Armed with this 'perfect image' of what my story should be, I managed to get the help of a government hospital located in the centre of the city and began hanging out with the ambulance dispatch unit from early morning.

What followed, however, was a sobering contrast between the dramatic image in my mind and the reality. Between 7 a.m. and 2 p.m., the unit was dispatched about nine times to different places, and each time, I eagerly geared myself up to report.

It turned out however, that an ambulance is not dispatched only in times of emergency. There are numerous trips it takes just to cater to the basic logistics of running a hospital. For instance, a patient may have to be transferred from one building to another, or

equipment or food may have to be moved between facilities. Members of the ambulance unit were initially sceptical of my idea but, as the day wore on, were totally into the story.

Waiting for emergency

By mid afternoon, we were all in the amusing position of hoping for an emergency call. "It can happen any time," they said, though I suspect now that they just felt sorry for me as I sat quietly in a corner of the dispatch room, looking 'hopeful' every time the phone rang.

More trips between hospital facilities followed and, towards the evening, there was even a trip to transfer a patient to another hospital a few kilometres away, one that proved to be largely uneventful.

I didn't get my 'perfect feature story' but was left with this lingering sense of 'what if'. Traffic jams are so common in Mumbai that

anyone there can recall several instances when he may have heard an ambulance, sirens blaring, trying to cut through. I was so convinced that this would be a great story that I went back thrice to hang out with the same unit.

Members of the unit thought I was a bit crazy and assumed that I must have been particularly jobless to spend hours with them, just waiting. However, they never discouraged me though, predictably, I never got the perfect scenario of that dramatic ambulance ride through busy traffic I assumed was commonplace in Mumbai.

The experience gave me a vague guiding principle, especially when it comes to writing features or other long form stories - never have the perfect scene in mind beforehand and be prepared to write, with a clean slate, on what you see. And, of course, never count on the traffic.

The Hindu

FROM THE ARCHIVES

FIFTY YEARS AGO JULY 26, 1969

Apollo men in good shape

Back from the moon, but isolated from the world the Apollo 11 astronauts to-day [July 25] underwent their first physical examinations since their historic moon trip and showed no signs of having picked up germs on the lunar surface. Dr. William Carpenter of the National Aeronautics and Space Administration said Neil Armstrong, Edwin Aldrin and Michael Collins were in "very good shape", despite a minor inflammation in one of Armstrong's ears. The doctor said the men of Apollo 11 were in a better condition than the previous Apollo astronauts. After 11 hours of examination of the spacemen, Dr. Carpenter said Armstrong, Aldrin and Collins showed less deterioration in the condition of heart and blood vessels than other Apollo men have had. He was not sure why it was so. But he was sure that the inflammation in one of Armstrong's ears was not important. He said there may have been a build-up of fluid in the ear due to the pressures of re-entry and that the fluid was draining. The men will be under painstaking medical scrutiny for 21 days. Dr. Carpenter, has also been quarantined with the astronauts in the trailer-like facility aboard this recovery ship.

A HUNDRED YEARS AGO JULY 26, 1919

Birth of a Prince in Mysore.

A Mysore Government order says: The Government of His Highness the Maharaja desire that the auspicious event of the birth of a son to His Highness the Yuvaraja should be suitably celebrated and observed as a day of rejoicing throughout the State on the 29th, public holiday, in honour of the event, and flags should be flown and special thanksgiving services should be arranged to be held in principal temples and mosques. For this purpose a sum of Rs. 100 for the districts of Bangalore and Mysore including the two cities, and Rs. 50 each for other districts, will be placed at the disposal of the Deputy Commissioner through muzr department. All prisoners under sentence of one month and less will be released and all other prisoners will be given a month's remission for every year or fraction of a year of sentence they have yet to undergo provided their conduct in jail has been satisfactory. Prisoners sentenced to transportation for life who have only one year or less out of their sentences to serve in jail and whose conduct in jail has been uniformly good and civil prisoners who have been confined in jails and look up for a debt not exceeding Rs. 100 and who are through poverty unable to pay the same will also be released.