Breakingdown companies



TICKER **MIHIR SHARMA**

principal-agent theory the owners are the principal, and the manager their agent - to try and work out how to get companies working properly at profit maximisation again, perhaps through tweaking how managers are compensated.

But, in today's world, who do companies really have to respond to? Increasingly, it's the state - whether as owner, regulator, or goon.

Consider the question of "mandatory" corporate social responsibility, such as the government has now indicated it will introduce. CSR itself was nothing more than a boondoggle — an attempt to corral private resources to serve politicians' objectives. In many cases, CSR money was spent on politicians' favourite charities, or on welfare in their constituencies. In cases where no politician was directly involved, it became just another way for promoters to deny their fare share of the profits to small shareholders — the two per cent of profits mandated by CSR would go to a family-run "charity" instead. More recently, however, CSR funds are increasingly being spent essentially for undercover lobbying — on the stated priorities of the central or state government in return for favourable treatment by government officials. Who is the company working for, then?

There's also the question of the resurgence of the state sector worldwide, whether as direct or indirect investor. Here geo-politics, domestic politics, and corporate policy can interact in sometimes worrying ways. In the United Kingdom, any move to stop Brexit is complicated by one simple fact: the Labour Party leader, Jeremy Corbyn, is not very happy with the European Union. He has always been a eurosceptic, but he has particularly good reasons at the moment, from his point of view. If and when in power, he would like to move on nationalisation — for example, the re-nationalisation of British Rail. But the primary owners of many of the railway lines in Britain today are foreign state-run railway companies, mostly from Europe. Keolis, in which France's SNCF state railway company is a majority owner, controls three major lines out of London. A fourth of trains running in Britain — and many of its buses — are owned by Arriva, which is controlled by Deutsche Bahn of Germany. The Dutch railways are also a big player, and the Italians have just invested in the West Coast Mainline. A Labour government in the EU could correctly fear that its European partners will not look favourably on it bending EU rules in order to re-nationalise them if it is state companies that will be expropriated.

The power of the state sector globally also complicates the notion that the owners of companies are diffuse shareholders who have an interest only in profit maximisation. Look at the state of Cathay Pacific following the protests in Hong Kong. Hong Kong's flag carrier — the world's tenth largest airline and among its best managed — has seen its stock tank after the government in Beijing took a strong stand against its permissive stance with regard to employees who sympathised with the protestors. Part of this is the general kowtowing to the Chinese market that any foreign company does — after all, a great deal of Cathay's business comes from flying to mainland China, and almost all of its low-cost subsidiary Cathay Dragon's market is in the mainland. But even so, the company might have held firm if not for the fact that a significant stake in the carrier is held by Beijing-controlled Air China. It is hard to imagine that Cathay will not take actions that further increase its alienation from its passengers if that is what Beijing wants. Would that be what a disinterested corporate entity would do in its place? Of course not. Some equity owners would not be displeased with the notion of state power in the marketplace — as long as it is on their side. Large pension funds and the like are overjoyed at the notion of partnering with state-controlled finance to invest in Indian infrastructure, for example. Their idea here is that the political risk in India is so immense that it is better to make sure the government is on your side, as a partner, than otherwise. That may be short-sighted, however. A government is quite happy to expropriate anyone, even a partner, if it feels the slightest pressure to do so. But the larger point is clear: at this moment, the market is not working to the assumptions of neo-classical economics. Even if internally there is a well-regulated, free and fair equity market, the power of state finance globally, of staterun companies and the continuing arbitrariness of state demands mean that companies continue to be unable to serve their actual equity owners as well as they should.

basic. useful assumption in neo-classical economics is simply that companies are responsible only to their shareholders, and have the single goal of maximising profits. That serves you very well for a few years; after a while, you discover that in fact managers are capable of surreptitiously

seizing control of compa-

nies that they do not own.

And so you have to learn

Why she can, but won't

The Queen can dismiss Boris Johnson, according to British constitutional experts. But then, 21st century monarchs reign but mustn't presume to rule



SUNANDA K DATTA RAY

he isles are full of noises. I mean the British Isles where this is being written. The noises are not only the groans of victims of the Peterloo Massacre of August 16, 1819, but today's muffled talk of crises and muted whispers of coups. Since they concern parliament and constitutionality, there's a strong resemblance with the exciting times of Indira Gandhi and Gyani Zail Singh.

Boris Johnson boisterously prancing about with a House of Commons majority of only one recalls Mrs Gandhi's defiance after the Allahabad High Court judgment. The pious expected her to resign. Her adversaries hoped she would be toppled. Her fear was a stab in the back from ambitious colleagues if she didn't attend the Lok Sabha, or attended but couldn't vote. Her most loyal supporter was Fakhruddin Ali Ahmed, the president, whose position, Jawaharlal Nehru had claimed, was analogous to that of Britain's sovereign. Reading what some British politicians expect from Queen Elizabeth, I can hear Zail Singh saying with a smile and a shake of his turbaned head, "I can but I won't!".

He meant sacking Rajiv Gandhi, the prime minister. The Queen, too, can dismiss Mr Johnson whom she appointed prime minister, according to British constitutional experts. But Dr Ruth Fox, director of the Hansard Society, adds that "it it is incumbent on politicians to resolve this (the present crisis) politically". With his term drawing to a close, another talking point was whether Rajiv would acquiesce in Gyani standing again. In the event, Zail Singh anticipated Dr Fox's political prudence. He didn't sack Rajiv or contest the presidentship again.

Chatting informally in Rashtrapati Bhavan in those tumultuous days, Zail Singh turned out to be an easy man to talk to, considerate of my limited Hindi and surprisingly familiar with British precedents. When I asked about the basis for appointing Rajiv prime minister, he at once brought up the 1956 Suez crisis and the vacuum left by Sir Anthony Eden's resignation without recommending a successor. Zail Singh believed quite accurately too — that the Queen took advice she thought appropriate and appointed the man she felt best able to repair the damage of an ignominious war. Similarly, he felt in 1984 that Rajiv alone could restore public confidence after the tragedy of Mrs Gandhi's assassination.

He would have appreciated the present challenge to the most aristocratic of democracies and the most democratic of aristocracies. John Bercow, the Commons speaker, vows to "fight with every breath in my body" any move by Mr Johnson to bypass or close down parliament. John McDonnell, the shadow chancellor of the exchequer, threatens to send Jeremy Corbyn (leader of the opposition) "in a cab to Buckingham Palace to say we're taking over" if Mr Johnson loses a no-confidence vote and refuses to quit. Mr Corbyn's own preference is to head a "caretaker government" to continue negotiations with the European Union. Even the egregious Brexit Party leader, Nigel Farage, hints that his hat is in the prime ministerial ring. Behind these histrionics is Mr Johnson's

obsessive determination - aided and abetted by his powerful but unpopular strategic adviser Dominic Cummings but by few others of any standing - to take Britain out of the EU on October 31 even without a divorce settlement. Since many MPs, including prominent Conservatives, oppose such an inglorious exit, theorists have begun to look for a solution to the 93-year-old Queen who has been on the throne 67 years, and seen the rise and fall of 13 prime ministers, including the first female incumbent with whom her relations were reportedly correct but cool.

But royal powers exist mainly in theory. Not since Queen Anne in 1707 has any monarch refused assent to a bill. Not since 1834 has any British monarch dismissed a prime minister. No wonder the telephone lines are said to be humming between the Queen's private secretary, Edward Young, the cabinet secretary. Sir Mark Sedwill, and the prime minister's principal private secretary, Peter Hill. This "golden triangle" of secretaries is determined to keep the Queen out of controversial entanglements on the 200th anniversary of the Peterloo Massacre.

Already, the former foreign secretary, Sir Malcolm Rifkind, has announced that while "King Charles lost his head by flouting the constitution, Mr Johnson will wish to keep his, while some around him are, clearly, losing theirs". The pointed reference is to the presumptuous Mr Cummings. The direct warning is to the prime minister. But there's also an oblique message to Her Majesty: 21st century monarchs reign but mustn't presume to rule.

LUNCH WITH BS > MRUTYUNJAY MOHAPATRA | DIRECTOR GENERAL | INDIA METEOROLOGICAL DEPARTMENT Taming the weather gods

A physicist from a nondescript Odisha village and now the chief weatherman of India spells out his journey to Abhishek Waghmare and Sanjeeb Mukherjee

es sir. I'm quite sure, sir. There would be light rain... just light rain in the morning," our guest assures an official on the other end of the phone managing the show for Prime Minister Narendra Modi's Independence Day address from the Red Fort. It is a muggy August 14 afternoon. The PM's Office is on its toes, praying for a no-rain I-Day, and they have just got an assurance from Mrutyunjay Mohapatra, the new chief of the country's met department, that the event won't be a washout.

With a degree of confidence one rarely sees in weathermen, Mohapatra assures the caller, and gets back to our conversation. We are already one drink into it. When we had asked him a few minutes ago what he would like to drink, Mohapatra had said "I don't take drinks" with the sincerity of a child. So he is sipping a lemonade, as we accli-

matise ourselves to the comfort- Mohapatra loves to write in whatever ably cool air around us in Tres in New Delhi's Lodhi Colony. "Urban time that is left heat island effect," he says. For the from his nouninitiated, that's why we feel holiday job. He warmer in a city than in the surhas, in his car rounding rural areas. trunk, an

unpublished In no time — and for countless times during our conversation volume of the we find ourselves discussing the translated into his freak weather phenomena. mother tongue Floods have ravage l hundreds of villages and inundated several towns in Gujarat, Maharashtra, Karnataka and Kerala. "These instances are increasing, and would increase further. This is the very reason we have started impact-based forecast at the district level," he tells us taking a sip from his glass. European cuisine is new to Mohapatra. Indeed, anything apart from regular Indian food is a rarity for him, given his work hours. "I go to office even on weekends, at least for half a day. I cannot do research work on weekdays." He rarely eats outside, and is content with home-cooked food. And yes, he is happy that Odisha Rasagola received the Geographical Indication (GI) tag.

be holidaying out of the city. Mohapatra does not eat chicken or red meat but eats his seafood with as much relish as he does rice. his staple. As we order some prawns to start with, we get some neighbours - thankfully, soft-spoken ones.

Mohapatra enters his favourite territory cvclones.

thanks to his ability to tame cyclones — that is, minimising their impact — he goes back to October 29, 1971. His father had assumed the role of a "nowcaster", he says, and had saved a hundred lives by getting fellow villagers to their "mantu ghar", or a house with a safe terrace, hours before a cyclone hit Rajgurupur. Nowcast is a special

weather advisory issued by the meteorological department three hours before an extreme weather event, such as a thunderstorm, occurs.

He wouldn't have known h says, that 18 years later, he would get his first big inspiration, and come face-to-face with his first biggest challenge. In 1999, India test-fired the Agni-II ballistic missile under the Prime Ministership of Atal Bihari Vajpayee, and t able and scientific guidance of former President of India APJ Abdul Kalam. Mohapatra, then a junior scientist at DRDO, was monitoring the test at the launchpad in Balasore. Before the fire, Kalam had visited each and every department on the campus, to shake hands with all scientists and engineers and wish them luck. "I shook hands with

offering) to pray for a good monsoon. That is a fact." Traversing from mythology to observational science, he tells us that the first-ever cyclone warning system dates back to 1864, when British ships in the Bay of Bengal sent advisories to the port capital of Calcutta about the intensity of a storm.

Having praised our advanced cyclone warning system, he concedes with despair that the low density of our ground and air observational network makes it difficult to accurately predict the time and place of extreme and sudden weather events. Against a requirement of 55 radars, India has just 26 of them at present, he adds.

Mohapatra's love for rice is amply evident. "The food is good, I like it. But let us have rice, else I will feel I have skipped lunch," he says. A risotto comes to our table, and he seems to get the stimulus to speak on. Continuing an earlier discussion on the poor state of science awareness among the masses in the country. he says he wants to take weather observatories to schools. "If children learn science by operating weather stations, they will be better citizens when they become part of the active economy," he seems to ponder over an

unknown future.

So what does Mohapatra do when he is not trying to decode the vagaries of nature? He loves to write in whatever time that is left from his no-holiday job. He has, in his car trunk, an unpublished volume of the Bhagwad Gita, translated into his mother tongue. "How can a person like me, who is uneducated and understand nothing but Odia, know the Gita," his grandmother would ask him. He took it up as and translated the Gita. He uses the "navakshari chhanda" (nine-letter format). He has also compiled the scientific aspects elucidated in the Odia Bhagabata, a cosmo-religious tale of Hindu deity, Krishna. We decide to skip dessert. Mohapatra lets out a secret — luck has played a key role in getting him to the place he finds himself today. His elevation as the head of the forecasting modernisation programme in 2008 was due to the sudden exit of a senior colleague from the IMD to Isro. That senior colleague is now the secretary in the earth sciences ministry. "Kaama na kale khaiba nahin." (one should not eat unless one has completed one's job) he says, with a sigh of contentment as we prepare to disperse. Who would not feel contented after clearing the stage for none other than the country's Prime Minister!

holidays — a large chunk of Delhiites would

Fondly called the "cyclone man" of India,

We are sitting at a corner table in the unusually quiet restaurant. Maybe because it is bang in the middle of a week with two Kalam," he remembers fondly. The same year, India received sub-normal monsoon after six years of excellent rainfall. In late October, Odisha was hit by an unprecedented cyclonic storm that took more than 10,000 lives. Once again, Mohapatra was at the spot. "The IMD was not well equipped to handle such mega-cyclones back then," he recalls poignantly. It was this experience that prepared him for the 2013 cyclone Phailin. Thanks to accurate prediction, around half a million peo**ILLUSTRATION BY BINAY SINHA**

ple could be moved to safe shelters in a week — India's biggest modern-day evacuation.

The next milestone: The 2019 cyclone Fani. Massive in its severity, but managed successfully by minimising fatality. Mohapatra smiles, asserting that India's cyclone warning system is now better than that of Japan and Australia. "Catching up with the sophistication the US boasts of remains," he says, enjoying the last of his prawns.

For the main course, Mohapatra orders seabass. It arrives in no time — a wholesome fish portion, pampered with jalapeno and tender barley. "The knowledge about the rains is not new to us Indians," he turns the page. "Our rishis (saints) used to do yagnas (sacrificial

The fear of ₹50



PEOPLE LIKE THEM KEYA SARKAR

hen we were young and came to Santiniketan, we never realised the lack of it. Maybe because most of our garbage then was biodegradable and just went into a compost pit somewhere in the large garden. But once I permanently shifted in 2003 to Santiniketan, I realised this place had no conservancy services. Jurisdictionally, Santiniketan is divided into two parts. One part comes under the Visva Bharati University and the other under the Ruppur gram panchayat. Since none of them are capable of providing conservancy services, residents just chuck their garbage wherever they fancy.

Add to this, the hordes of tourists who

arrive every weekend, and you can imagine the state of the streets of Santiniketan and the amount of plastic piling up.

So many years ago, my husband and I decided to start a door-to-door plastic cleaning service for our neighbourhood of over 150 households. Initially, this was funded by us and then residents started making purely voluntary contributions to see us through almost a decade of cleaning.

Emboldened by this, we decided to extend this to the rest of Santiniketan. While a hand pulled rickshaw van had sufficed to cover our area, we needed something bigger and faster if we were to do the whole of Santiniketan. We decided to buy an electronic three-wheeler (popularly known as the Toto) fitted with a hydraulic dumper. A few of us, like-minded in our fight against pollution, raised enough money from friends and family to buy the vehicle and pay for the battery recharge cost and driver's salary for a year.

We then printed leaflets explaining how the Toto would visit each area once a week and collect only the plastic that the household had accumulated. For this, we sought a voluntary monthly donation of ₹50. We were hitting 1,000 households and thought even if half these people opted to pay, our monthly expenses would be taken care of.

But for Santiniketan people, ₹50 is a big sum. Even though reality has changed and both academic and nonacademic staff earn handsome salaries. A friend who had studied at the arts department at the university and is now a renowned sculptor had donated generously towards the initial toto buying fund. When we told him about our ₹50 donation plan he said "Oh! they will say 'zero' means nothing and what will you do with ₹5" in order to avoid paying. We all laughed.

But we realised how well he knew Santiniketan because the reticence to come out with ₹50 was for real. Maybe for most of them it was a case of ensuring they were paying for a service that would be regular and consistent. So that we thought was fair. They would pay if we were able to demonstrate consistency.

But for many other households that was not the case. They simply didn't want the service because they said they don't accumulate any plastic. "We take our own bag to shop", they said by way of explanation. "But what about biscuit packets, shampoo bottles and a million other plastic packaging which has become part of our lifestyle?" The answer: A gentle shutting of doors.

are quietly being burnt. All to save ₹50.

I'm staking a claim too...

own children went on to rule parts of India.

I am no historian, or mythologian, but even so I have not come across dynastic claimants of Lakshman, Bharat or Shatrughan, though they too must exist. But of appellants to Ram's lineage, there are several, Suryavanshis all, of whom the Sisodias are primus inter pares. The Chittaur rulers of Mewar (more recently to be found in Udaipur) believe themselves sprung from Luv, who went on to establish Luvkote, the earlier name for Lahore, now in Pakistan. The sun may have been bountiful in their kingdom but was not always benevolent, causing them generations of hardship under Mughal rule, but the spirit of the Sisodias did not break. The sun that set over Empire shone brightly over their neck of the woods.

Kush, in turn, went on to establish his lineage by way of the Kachchawas, whose leading dynastic claimants ruled most recently from Amber and Jaipur, and did well by themselves. True, they were warriors, but they seemed to have dabbled in real estate as well — the land on which the Taj Mahal in Agra is built was part of their estate, as apparently was Ramkot in Ayodhya where they ordered a Ram temple. Princess Diya Kumari, an MP in the current dispensation, reports that her father was the 309th descendant of Kush, while Maharana Arvind Singh Mewar is the 232nd descendant of Luv. The Mewar Sisodias appear to have been blessed with a longevity not given to the Amber Kachchawas. Meanwhile, counter-claims to Luv's progeny from Alwar have emerged. One may concede Diya Kumari's assertion that there are millions of descendants - and admirers - of Ram, but a case is being made about "direct" lineage.

In 21st-century India, Ayodhya aside, do such incredulous claims matter? In Bikaner recently to address some security concerns, I met senior officials from republican India appointed through a civil competition system. The one assigned to our case made it clear that he was "privileged" to proceed with his official duties having established, through rigorous questioning, that we were, indeed, offspring of the sun.

History may have served our family well, but we are serving it somewhat poorly. For some recent rituals in the clan, I found it difficult to recall the names of our greatgrandfathers, leave alone their forebears of a few hundred generations. Of grannies. alas, our knowledge remains poorer still. However, as a member of the House of Kachchawas, I'm staking a claim too - not to Ayodhya or the Ram temple, as my hugely distant cousins have already declared, but to a slice of antiquity and a smidgeon of respect. As Ram's descendant, however ambiguously, I demand it in his name.



PEOPLE LIKE US KISHORE SINGH

genitor of the twins Luv and Kush whose

oyal families the world over have claimed legitimacy to the throne as a divine right, not least in Europe where the Roman Catholic Church chose to meddle in the affairs of state by the power vested in it. The Bourbons addressed Louis XIV with the epithet 'Sun God'. Ancient Egyptians maintained a close rela-

tionship with Ra. The Incas believed the sun to be an ancestor. But direct kinship to the sun belonged in India, where his descendants included the good king Harishchandra, followed some generations later by Dashrath, whence starts the Ramayan. Dashrath's son Ram was the pro-

Of course, they don't have any. They

OPINION 9

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WEEKEND RUMINATIONS

T N NINAN

Coming up: A tipping point

ndia may soon cross a perhaps unique tipping point, when its export of services becomes bigger than its export of merchandise (other than oil and gems & jewellery). Over the first four months of this financial year, services exports fetched \$74.05 billion, not far short of what was fetched by merchandise exports, excluding oil and gems/jewellery: \$79.81 billion. Since the first is growing at over 8 per cent, and the second at less than 2 per cent, the tipping point may be no more than a year or two away.

This would be an extraordinary development, and not necessarily something to celebrate. Globally, services trade accounts for less than 20 per cent of the total. In India's case, if one takes all of exports (including oil and gems/jewellery), the share of services is 40 per cent. One could argue that it is in fact more: The export of gems and jewellery is classified as merchandise trade, though in reality what is being exported is the value created by the work of people who cut and polish imported diamond roughs and work on precious metals (also imported). Whatever the official classification, this is export of services.

There is supreme irony in this services-manufacturing denouement. When the US first proposed, in the 1980s, that a new round of global trade talks should be expanded in scope to include not just merchandise trade but also trade in services, India was a stout critic of the idea of opening up markets for trade in services. My fellow-columnist TCA Srinivasa-Raghavan was one of the few who saw that India might have a competitive advantage in this area (we have cheaper technologists, doctors, accountants, space scientists, etc than almost all other countries). But his voice was lost in the anti-American cacophony.

Today, the boot is well and truly on the other foot. In the prolonged negotiations for RCEP (Regional Cooperation for Economic Partnership), India has been offering a two-sector deal to the leading economies of the Asia-Pacific: If they open up on services trade, New Delhi will open up further on merchandise trade. There have been no takers so far, and RCEP is stuck.

Consider other ironies. Among the things that India is pushing for is liberalisation of something classified as "Mode 4" in the multilateral trade services agreement. This covers the movement of "natural persons"; the blunt argument is that other countries must allow more work migrants from India (think H1B). The counter-argument from across the table is precisely the one that India uses to try and stop the flow of migrants from Bangladesh: The movement of "natural persons" is a citizenship issue, not one of trade. Common sense tells us it is both.

There is nothing which says countries must be consistent; they can and do follow their perceived self-interest. So what should concern those in charge of economic affairs is not the tactical nature of negotiating positions but the structural flaw at the heart of the Indian economy, which finds reflection in the export pattern: The failure of domestic manufacturing, specifically the Make in India programme, and the consequentially outsize share of GDP and trade accounted for by services. Bear in mind that high-value services exports create fewer jobs than manufacturing (think vendors, dealers, after-sales servicing).

Yet the likely prospect is that the manufacturing-services imbalance will grow. It is easier to realise the untapped potential of some forms of services export than it is to improve the country's physical infrastructure, which today hobbles manufacturing. The relatively high cost of power, land, and transport, along with steep port charges and shipping rates, combines with inefficiencies in the labour market, all of it made worse by an unrealistic exchange rate for the rupee, to limit manufacturing exports. Indeed, as services exports continue to succeed, the rupee will become stronger and large parts of the manufacturing sector, with their smaller profit margins, will find it steadily harder to compete internationally. This will almost certainly result in a shortage of domestic job opportunities for millions of rural youngsters who have acquired a basic education and who do not wish to go back to tilling the land.

Facts, fiction and reality in J&K

Modi has broken the post-Simla status guo on Kashmir. The new reality has to be accepted to move on from its complex and complicated past

efore searching for a solution to the Kashmir problem, we should understand it better. Б There are deadly perils in jumping with solutions without first understanding the facts and realities. Only quacks - or maybe, faith-healers - prescribe medication for chronic ailments without arriving at a reasoned diagnosis.

There are three sets of solutions today from three categories of these "faith-healers". First, in India, the establishment view, which finds wide popular support is, that the only problem in

Kashmir is Pakistan, and the radical Islam it exports there along with rifles, rocket-launchers and RDX. Get the Pakistanis off our back, and you shoot a sequel to Kashmir Ki Kali in Dal Lake.

The Pakistani establishment fantasy, again with wide public support, is an exact opposite: Get the Indians out by pushing, pinching, bleeding them. We defeated the Soviets and Americans in Afghanistan. What is India? Then, you can integrate all of Kashmir as the sixth province of Pakistan. The third category, in our

analysis today, is the small, but articulate and doughty group of Indian liberals. They accept that Kashmir's accession to India isn't final, that the will of the Kashmiris is paramount and it hasn't yet been sought. To that extent, their basic demands for plebiscite, autonomy, even independence, are legitimate. You can't keep them with India by using state and military power.

Philosophically, it is difficult to argue with this: India is a voluntary federation of states, so how can you force people to stay with you if they don't want it. No surprise that this view also finds sympathy among a lot of fundamentally liberal and young elites. I understand the perils in picking an argument with them because this very position gives them the higher moral ground. But we live dangerously.

et's break it down to five fundamental pillars L on which this current liberal position rests: 1. India made a commitment to plebiscite in the United Nations Security Council Resolutions of 1947-48. Why did it violate these?

The fact is, both India and Pakistan made this commitment. Both broke it. If you read the text of the resolution (47), however, you will see a threestep ladder. The first was Pakistan withdrawing all its forces from Kashmir and then making "best endeavours" to ensure all others (we will call them jihadis today), to leave, too. It never happened.

The next two steps were India thinning its troops to the minimum needed, setting up an allparty government, and then for a plebiscite to be held under a UN-appointed governor. Pakistan didn't take the first step. India wasn't jumping to take the next two.

2. Most Kashmiris want neither India nor Pakistan. They want freedom, or *azadi*. How can you deny it to them? Think referendum, think Quebec, Scotland, or Brexit.

Once again, read the resolutions. It will take you three minutes. They do not provide independence or *azadi* as an option. The choice is India or Pakistan.

Pakistan's supposed support for Kashmiri "azadi" is fraudulent, but it has also had some Goebbelsian success with this great deception that Pakistanis back freedom for Kashmiris. Pakistan has built this masterfully over 70 years, calling the part of Kashmir occupied by it

"Azad Kashmir". Since they claim all of Kashmir. shouldn't they be calling it their state of Jammu and Kashmir as well? No. Because that will expose their hypocrisy in using azadi as a cover for territorial capture. Google if there are any statements from

any Pakistani leaders of consequence offering azadi as an option. NATIONAL INTEREST I find none. If you buy into that azadi fantasy, please do. You can't

sell it to the rest of India. 3. Can you hold for ever a piece of territory and people by military

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SHEKHAR GUPTA

The answer is a counter-question: Can you take away a territory and people from another country through military power? Pakistan tried this. Twice, in 1947-48 and 1965 through direct military invasion, and 1989 onwards with proxy war. There was also the little madness of Kargil 1999. These are facts. You need to understand Nehru's shift on the UN resolutions from mid-1953

onwards. The Cold War is then ratcheting up, Kashmir's geography traps it into a unique pincer where the Great Game hasn't ended. Foreseeing trouble, he moved to integrate Kashmir in 1953 with Sheikh Abdullah's arrest. In the next two years, Pakistan had joined the US-led Baghdad Pact, SEATO, etc. It began tilting the military balance in its favour over the next decade. Ultimately it was Nehru's pre-emptive action that saved Kashmir from military (not plebiscite-led) capture. The Pakistanis waited until they

felt they had built sufficient military advantage, caught India in a period of weakness - military recovering from the 1962 debacle, Nehru's death food shortages -- and used its full US-armed and trained military might (read up on Op Gibraltar and Op Grand Slam) to take Kashmir, but failed.

This was the last time Pakistan could have taken Kashmir by direct military force. And they hadn't sent their troops and tanks to win Kashmiris azadi

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m T}$ hese three pretty much account for the twists and turns in the Kashmir story in its first, UN to Simla epoch (1947-72), though at a kind of digi-

tal pace in fast-forward. That brings us to the fourth:

4. Why is the Modi government not settling Kashmir in accordance with the Simla Agreement as even Imran Khan is now saving?

The answer again: Do read the short Simla Agreement. The literal sense is all India-Pakistan problems are now bilateral. Which means, no UN Resolutions. The spirit was, both realise that none can take any territory by force. So, rename the Cease Fire Line (CFL) as the Line of Control (LoC) and work on persuading your people to accept it as the border. Why this wasn't stated more explicitly. is a brilliant subject for some genuine scholar for a book called "The Guilty Indians (not just men) of Simla".

But, the spirit was betrayed as soon as the prisoners of war returned. Zulfikar Ali Bhutto began Islamising his country (yes, he, not Zia, did), hosted the Organisation of Islamic Conference (OIC) summit in Lahore, even named its cricket stadium after Muammar Gaddafi as he launched a fundraiser for his "Islamic Bomb".

The cool breeze of Simla lasted only until the bomb was ready. By 1989, Pakistan was back in "action", trying to take Kashmir with force again, avoiding direct confrontation which they knew they would lose.

The Simla Agreement was indeed violated. Only by Pakistan.

5. But the Kashmiris don't want to be with you, what can you do?

Again, a counter-question: Who are the Kashmiris? The Right-Nationalists are missing nuance when they say just 10 districts of the Valley

can't speak for all of the state Because these represent the state's majority. The liberal argument is more flawed. If the majority view of Valley Muslims then subsumes the sizeable minorities of the state, what do we do for the view of the rest, about 99.5 per cent of India? Can you have the democratic logic of majority work in one place and not in the other?

Whether you like Narendra Modi or not, he has now broken the post-Simla status quo. Pakistan's space for sub-military manoeuvre is gone. No political party of consequence

is questioning the abrogation of Article 370, only the method.

There is a new status quo. Pakistan can risk breaking it. There is a problem in Kashmir, with anger, alienation, violence, human rights abuses, and it needs addressing. It must begin with accepting that the borders today are the permanent borders of India and Pakistan. We shouldn't need Bill Clinton to come here and tell us that maps of the region can no longer be redrawn with blood. Once you accept this reality, you can argue about the future.

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The black elephants



One example of a black eledestructive power of the atom

best, it is possible to build robust been triggered and accelerated systems that can cope with it. It is by human activities. This situapossible to prepare for a black ele- tion has been predicted in detail, phant, but this is an event that and in its broad outlines. by people choose not to prepare for. many scientists. It has been debated at multiple conferences phant was the nuclear bombings and led to accords, such as the of Hiroshima and Nagasaki. The Kyoto Protocol.

One example of a

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destructive

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atom bomb

stunned Japan

unprepared for some of the possible consequences. This could, for example, have a domino effect where other member nations opt out of the EU. When we examine domestic

policies over the past few years, one must classify demo netisation as a black swan. It had position for any political party. It

European Union may well be ment - government and opposition - ought to have been prepared for it, and ready with polipositions, as well as cv arrangements on the ground. But there was a refusal to acknowledge the possibility, let alone prepare for the consequences. What little news we have trickling out of the region indicates that the never been a mainstream policy administration was unprepared for what has followed. If

Flawed superheroes

EYE CULTURE

KUMAR ABISHEK

he face of superheroes is slowly received The Boys; earlier this year, a totalitarian regime. movie, Brighthurn, was released, HBO

Man or good-hearted Star-Lord. In Injustice: Gods Among Us, Superman, in an alternate reality, descends into tyranny after he is changing. Recently, Amazon tricked into killing his pregnant wife Prime Video came up with well- Lois Lane by Joker and establishes a

> The appeal of a corrupted Super goes beyond his powers of X-ray vision, laser vision, super strength, flight, and invulnerability. He is also the moral foundation of the DC universe (like Captain America for Marvel). Superman - in most comic books (even in Superman: Red Son, in which he is a Communist poster boy) and portravals has remained unerringly true to his moral code and this makes it tempting

VIEWPOINT **DEVANGSHU DATTA**

he phrase "black elephant" has been gaining traction on social media. This is an amalgamation of two phrases. One, "The elephant in the room" is about something large and obvious that is being ignored or overlooked. The other, "black swan" is an event that seems impossible and unpredictable until it occurs. A "black elephant" therefore, is an apparently unpredictable event that should actually be very predictable.

render. But the Germans and Americans had been trying to develop an atom bomb for years. Physicists had put pen to paper and theoretically calculated the explosive power it unleashed long before the actual development of the bomb.

Right now, the world is undergoing the sixth extinction event. This is a mass extinction of species, caused by climate change. Climate change is causing hotter temperatures (on average) coupled with wilder, more unpredictable cycles of extreme weather, such as hurricanes, bliz-

zards and droughts. This is another black ele-It is impossible to prepare for phant. There is overwhelming a black swan, by definition. At evidence that climate change has

bomb stunned Japan into sur- ings, climate change still seems to was implemented with a high under-prepared for

But despite de

the consequences. Indeed, the American president appears to be in denial to the point where US government

have supposedly been instructed to throttle the use of the phrase, "climate change". Brexit is another into surrender black elephant. It has

> The deadline is very short now. The UK appears to be totally

> unprepared despite the consequences having been spelt out in detail. For that matter, the

agencies

A different fundamentalism

not from constitutions?

tions are to be preferred.

divinity?

But wait: Is not ascribing

inter-temporally valid wisdom to

spite of its 700-year-old ban on

ijtihad or questioning. However,

both religious and constitutional

the idea of "Founding Fathers"



LINE AND LENGTH

T C A SRINIVASA RAGHAVAN

ugust is not the month for wondering about the Indian Constitution. That annual activity is reserved for January, the month when it was adopted, in 1950.

But now that Messrs Modi and Shah have used it as a weapon against the former state of Jammu and Kashmir, one can be forgiven for the indulgence. These are, after all, momentous times.

So the idle thought is this: If religions and constitutions are both the product of the human brains devised in order to bring order to peoples' lives and societies, why do some people prefer one over the other? As fundamentalists get very angry demand theory would say, they when a reform is actually should be on an indifference attempted or adopted. curve.

Sensible India Not just that: If religions can

be criticised for being the prod-In a word, then, the problem is uct of their times and not valid not the wisdom of religions and for eternity, why can't constituconstitutions. It is the fundations? If what was written in 1949 mentalism of the religious and valid for all times, contexts and the constitutional nutcases. Sensible societies indulge this

circumstances, why can't the same be said for all religious anger of the status quoists and texts? Why laugh at people who get on with the reforms, whether quote from the scriptures and it is to religious or constitutional practice. India has been a cham-One answer to this question

pion at this. The British, who claim the is that while religions were not "adopted" by "the people", conparentage of the very idea of constitutions have been so adopted. stitutions, have been typically Thus, fervour for this or that relislimy: They have never written gion notwithstanding, constitu-

anything down. In Britain no one much talks about the constitution, only about constitutional practice - which is as malleable as plasticine. The US Constitution has been

thrusting upon them a sort of amended 33 times in 227 years. Another answer people give The Australian one has been is that reform is crucial and both amended eight times in 116 years are open to it - even Islam in - and it takes a referendum to

get it done. The Irish Constitution, from which ours has borrowed quite a

cause surprise, and policy-mak- degree of secrecy. The subseers around the world appear quent events made it obvious that

the administration was utterly unprepared and didn't even have a coherent policy position to justify it.

On the other hand. the abrogation of Article 370 and the retraction of statehood status for Jammu & Kashmir is a black elephant. The BJP's ideologues have always

been on the cards since 2016. advocated some variation on this theme, and it should not have been a surprise that it would be muscled through, given a Parliamentary majority.

The entire political establish-

further consequences, such as an escalation of hostilities with our Western neighbour, or international condemnation, those would also be black elephants.

There are always black elephants in the offing. The rollout of the National Register of Citizens (NRC) across the country is on the cards, for example. It will cause huge disruptions since it asks for documents that many Indians have never possessed. We've already seen the mess that resulted from a "pilot NRC project" in Assam, with lakhs of residents sitting in camps. But nobody is debating the likely consequences of a national rollout of the NRC yet. I'm sure you can think of other black elephants if you try.

is also coming up with a re-imagined version of DC Comics' iconic Watchmen series. Over the past 10 years, several comic books have come up, showing the darker side of our superheroes — the most prominent being DC's Injustice: Gods Among Us.

In all of these, superheroes are either villains or at least flawed personalities. In an earlier Eve Culture ('Superheroes are like us and more'; March 23, 2019), I had reasoned why people are attracted towards superheroes. However, this time, I would like to project the flip side.

First, why this shift? According to Barry Keith Grant, author and critic, "Stated simply, genre movies are those commercial feature films that, through repetition and variation, tell familiar stories with familiar characters in familiar situation (Film Genre: From Iconography to Ideology)." Superheroes movies and shows comprise arguably the most popular genre, currently.

Leo Braudy - in The World in a *Frame: What We See in Films* — says: 'When the genre conventions can no longer evoke and shape either the emotions or the intelligence of the audience, they must be discarded and new ones tried out... Change in genres occurs when the audience says, 'That's too infantile a form of what we believe. Show us something more complicated"."

So far in the superhero genre, little has changed: Avengers (the entire team or its members) save the day in 21 of the 23 Marvel Cinematic Universe movies released so far. Even in a parody like the Deadpool series or genre-critical Logan, the protagonist saves the day.

But, shows and movies like The Boys, Watchmen, and Brightburn are attempting us to show that "something more complicated" by turning the genre upside down.

While the Homelander character (the leader of the superhuman group Seven) in The Boys — based on the comic book series of the same name — is an evil Superman (with a tinge of evil Captain America), Brandon in Brightburn is a re-imagined take on Clark Kent's (aka Superman's) teenage days when he upon realising his superhuman powers starts to terrorise his town. In the 2012 movie Chronicle, Andrew Detmer, whose mother is dying of cancer, father is verbally and physically abusive and classmates are bullies, doesn't turn out to be a friendly neighbourhood Spider-

to watch someone that upright fail. Now let's discuss the challenges that superhero movies pose to society. "They celebrate exceptionalism and vigilantism. The old American ideal of succeeding through cleverness, virtue and grit is absent, as is the notion of ordinary folk banding together to overcome a threat — think of It's a Wonderful Life or the original The Magnificent Seven or any of a dozen World War II-era films. Gone is respect for the rule of law and the importance of tradition and community," Mark Bowden argues in his 2018 opinion piece 'Why Are We Obsessed With Superhero Movies?', which was published in The New York Times.

According to an American Academy of Pediatrics study that analysed 10 superhero movies between 2015 and 2016, "The most common act of violence associated with protagonists in the films was fighting (1,021 total acts), followed by the use of a lethal weapon (659), destruction of property (199), murder (168), and bullying/intimidation/torture (144). For antagonists, the most common violent act was the use of a lethal weapon (604 total acts), fighting (599), bullying/ intimidation/torture (237), destruction of property (191), and murder (93) were also portrayed."

An abstract of this 2018 study was published in ScienceDaily, which also quoted the lead author. Robert Olympia. MD, a Professor in the Departments of Emergency Medicine & Pediatrics at Penn State College of Medicine, as saying: "Pediatric health care providers should educate families about the violence depicted in this genre of film and the potential dangers that may occur when children attempt to emulate these perceived heroes"

Maybe it's time superheroes were increasingly projected in films as flawed humans and not gods. This would not only spice up the CGI-generated universe but also help the young audience develop a distaste for unnecessarv violence for the sake of "greater good".

in about 75 years. The French have made about 30 amendments in 56 years but mostly have stood firm. about their former colonies and elections, etc. Our Constitution, meanwhile, has been reformed 104 times in

just 70 years. I used to think this was because the original was faulty. But now I believe that we have been very sensible about it. In modern parlance, we have not shied away from system upgrades.

That's why the amendments to Article 370 are no more than a systems upgrade. Whether it is a good upgrade or not is something the judges will decide on the technicalities of the process, not substance.

Delicious irony

But they can't do much because of the constitutional fiction they themselves propounded with their "basic structure" formulation. That has not been violated because — this is delicious Article 370 was constitutionally temporary.

The wise men who framed the Constitution made it temporary because they understood that it contained the seeds of secession.

lot, has been amended 35 times But they put it there because they had to indulge Nehru. Here Sardar Patel erred. He should

> realised that Article 370 was a huge mistake. He therefore locked up and exiled "Prime Minister" would you believe it - Sheikh Abdullah, his blue-eyed boy, from Kashmir for 15 years.

But Nehru died in 1964. Sheikh Abdullah was released only in 1968 because by then Indira Gandhi, who hugely diluted Article 370 in 1975, was surround-

ed by Kashmiri (Pandit) advisers. The wonder, as Prime Minister Narendra Modi pointed out during his Independence Day speech, is that this troublesome provision was allowed to germinate and bloom to such an extent that a mere four million Muslims of a small valley – 80 miles by 40 miles - were able to hold not just the remaining 1,300 million Indians but also the superpowers to ransom by cunningly feeding the appetite of the Pakistan

As Churchill might have said, never have so many been bullied so much by so few. And as Sam Pitroda ought to say "gaya to gaya".

military.

By 1953, even Nehru had