



The Indian EXPRESS

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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

Old new friends

Why in a more uncertain world order, India and France are natural partners in building the new coalitions



C RAJA MOHAN

BUDGET REVISITED

FM's announcements signal government's willingness to respond to ground reality. But long-term impact remains to be seen

MARKETS ARE ABOUT sentiment and the state of confidence among businessmen to invest, and in consumers to spend. Both were dented by the 2019-20 Union Budget, which was seen by many to be not doing enough to address a deepening economic slowdown, and even as one containing proposals that were retrograde. Thus, while regular car and two-wheeler sales were showing a clear contraction trend from late-2018, the budget dished out sops, including income tax deductions, for purchase of electric vehicles. Instead of making Indian industry globally competitive by bringing down the corporate tax rate to a uniform 25 per cent (as promised in the 2015-16 budget), Finance Minister Nirmala Sitharaman increased the surcharge on individual taxable incomes beyond Rs 2 crore and hiked the customs duty on gold, polyvinyl chloride, newspaper, books and a host of other items. When the effect of the higher surcharge on foreign portfolio investors (FPI) registered as trusts or associations was pointed out, they were simply told to "convert" themselves into companies. Adding insult to injury was a Companies Act amendment that made not spending the mandatory 2-per-cent-of-profits on corporate social responsibility (CSR) activity a criminal offence.

The markets responded in the only way they could: Since the budget's presentation on July 5, the BSE Sensex has shed 3,207 points or over 8 per cent, while the domestic currency has weakened by Rs 3.16 against the US dollar, with FPIs alone making net sales of \$3.5 billion-plus in Indian equities from last month. Meanwhile, real sector data — whether relating to core industries' output, auto sales or reports of job losses — has continued to worsen. It has taken this worsening crisis for the Narendra Modi government to finally respond. On Friday, Sitharaman announced withdrawal of the enhanced surcharge on capital gains against equity sales by both FPIs and domestic investors, while CSR violations shall be treated only as a civil liability. To boost flagging auto sales, an additional 15 per cent depreciation, taking the total to 30 per cent, has been granted on all vehicle purchases made till March 2020. Further, the earlier proposed increase in registration fee for new petrol/diesel cars and two-wheelers has been deferred to June 2020. Sitharaman has further assured consumers that their BS4 vehicles bought before March 31 will not face de-registration after the new BS6 emission norms come into effect.

Whether these measures will have the desired impact — in terms of bringing back investment and consumption demand in the economy — remains to be seen. For now, they send out a positive signal of the Modi government's willingness to engage with and respond to the reality on the ground. What began as PM Modi's Independence Day address extolling the role of "wealth creators" has now been taken to a pragmatic reaching-out on Friday.

ONE-SIDED BOUT

Opposition protests on abrogation of Article 370 frame the incoherence within its own ranks

THE RALLY OF Opposition parties held at the initiative of the DMK in Delhi on Thursday to protest the Centre's move in Jammu and Kashmir showcased the fissures within their ranks. An array of leaders, from the Congress and the communist parties to the Trinamool Congress, Samajwadi Party, and RJD besides the DMK, addressed the rally. However, the dissonance within came to the fore when most of the leaders limited their speeches to demanding the release of politicians detained in Jammu and Kashmir. Even the DMK, which had proposed the rally to protest the abrogation of Article 370, a move it had termed as an attack on federal principles, restricted itself to criticism of the detention of mainstream politicians.

It is nearly three weeks since the Centre removed Jammu and Kashmir's special status and bifurcated the state into two Union Territories, while detaining nearly all the major non-BJP politicians in the Valley, and in Jammu as well. Soon after the government action, the Left parties held protests in Delhi and elsewhere. But a joint Opposition rally had to wait till Thursday. Even then, it is telling that the initiative came from a regional party and not the Congress, the largest Opposition party in Parliament. The Congress itself has been a divided house with several of its prominent leaders backing the Centre on Article 370. Clearly, the BJP's move to situate its actions in J&K within the framework of nationalism and national interest has left the Opposition confused and listless. The Janata splinters and the DMK, historically vocal on the need to safeguard state interests, have toned down their critique of the government and only raised procedural matters while feebly protesting the detentions. This is in stark contrast with the aggressive advocacy by Prime Minister Narendra Modi and Home Minister Amit Shah of the government's decision in the Valley.

It is evident that the Opposition is unable to provide a collective and coherent response even as the government effects major policy shifts. This doesn't augur well for democracy — a healthy polity calls for a strong and alert Opposition. The Congress, in disarray since its May 23 rout and the resignation of its president, has been unable to hold itself or the Opposition together. The vacuum in the Opposition space has never been so conspicuous.

FAILURE TO BOOM

The gun salute at Jagannath Mishra's cremation was a damp squib, and he went silent into that night

THE FUNERAL OF three-time chief minister Jagannath Mishra marks an important moment in the political saga of Bihar. Either it has proved its credentials as a peace-loving but wilfully misunderstood state. Or it has become identical with its stereotype — that of a place where nothing works, and where politics and corruption have gutted everything, and may have even siphoned off the powder from .303 cartridges. Mishra's funeral pyre was to be lit in the presence of Chief Minister Nitish Kumar, accompanied by a 22-gun salute. The kindling caught, but all the 22 rifles produced flashes in the pan, creating an embarrassment unprecedented in the state's history.

Well into the Nineties, Bihar was one of India's most gun-happy states where it was possible to buy, rent or borrow illegal firearms on shockingly easy terms. The handmade arsenal extended to "chain guns", bizarre automatic weapons fashioned out of the metal tubes of a bicycle frame, and actuated by hauling a bicycle chain through the breech. The state teemed with heavily armed militias representing caste and political interests, which often garnered more headlines than the government. Now, the consecutive failure of 22 firearms suggests that this unique legacy is lost.

Of course, these were police weapons, and the Bihar Police were a meme before the internet was even born. But at least they have something to put in the breech, unlike their peers in UP, who wade into encounters armed with empty magazines and raw courage, uttering the onomatopoeic war cry of, "Thain! Thain!" Besides, throughout his extremely successful life — barring the unpleasantness of the fodder scam conviction — Jagannath Mishra had kept his powder dry. He did not need the colonial hangover of a gun salute for a cue, as he bowed off the stage of life.

FOR NEARLY FOUR decades, successive French presidents — Francois Mitterand in the 1980s, Jacques Chirac from the mid 1990s to the mid 2000s and Nicolas Sarkozy after that — made repeated efforts to elevate the engagement with India to a higher level. If Paris was an eager suitor, Delhi was distracted. Preoccupied with other major powers — US, Russia and China — and burdened by its inherited Anglo-Saxon bias, Delhi could hardly appreciate the pivotal value of France, and more broadly that of Europe, in transforming India's international position.

The one-sided love affair has begun to change as Prime Minister Narendra Modi paid greater strategic attention to France and Europe in the first term. While many pending issues relating to Europe were sorted out during 2014-19, it was the boosting of ties with France that stood out as an important feature of Modi's foreign policy in the first term. The PM's summit with French President Emmanuel Macron this week and participation in the G-7 outreach next week mark the injection of some real content into the bilateral strategic partnership that was unveiled more than two decades ago in 1998.

The Modi-Macron bromance could not have come at a more critical time for the two countries. The relative harmony between the major powers witnessed after the Cold War is now becoming a distant memory. The growing tensions between the US on the one hand and China and Russia on the other are roiling the international waters. Meanwhile, thanks to Donald Trump, the cracks in the political West are widening.

As they come to terms with the breakdown of the post-War order, India and France recognise the urgency of constructing coalitions that can provide a measure of stability in an increasingly unstable world. France, which had sought strategic autonomy within the framework of its alliance with the US, and India, which has valued independent foreign policy, are natural partners in building the new coalitions for an uncertain era.

The rapid rise of China — and the expanding gap in the national power indices in favour of Beijing — have altered the balance of power in India's neighbourhood. During the Cold War, India had turned to the Soviet Union to ensure a stable regional balance.

In the last few years, Russia has been drawing steadily closer to China. This movement is not defined by any problem be-

tween Moscow and Delhi, but Russia's larger global calculus. That Russia has a broader and deeper economic and political relationship with China means the new entente between Moscow and Beijing can only make it harder for Delhi to rely on the former to balance the latter.

After the turbulent 1990s when Delhi and Washington argued over non-proliferation and Kashmir, the two sides settled into a period of stable and expanding partnership under the presidencies of George Bush and Barack Obama lasting from 2001-2017. The arrival of Donald Trump in the White House in early 2017, amidst an unexpected turn in American domestic politics, has begun to produce complications for India on a range of issues — from bilateral trade to regional and global affairs.

Trump was, by no means, trying to target India in particular. Delhi has been affected by sweeping changes in the foreign, economic and national security policies unleashed by Trump. He has turned hostile to the WTO and walked away from many multilateral arrangements. He has spewed venom on long-standing US allies for being a burden on the American exchequer. As he withdraws from some of the conflict zones, Trump insists that America's allies and friends do more for their own security. His recent call on India to join the fight against Islamic State in Afghanistan is part of that belief system.

Whether these new emphases will survive the Trump presidency or not, they have unnerved most of America's partners in Europe and Asia. For many nations, including India and France, coping with the muscular assertiveness of China, the resurgence of Russia and the retrenchment of America become the central challenge of their foreign and security policies.

As they look for options in a world where the old political certitudes look shaky, India and France see that strengthening bilateral cooperation and building coalitions with like-minded countries is critical for the protection of their long term interests. The new imperatives driving India and France have manifested themselves in a five-fold agenda for Modi and Macron.

First, enhancing bilateral cooperation in strategic sectors. France has always been an important partner in the development of advanced technologies. This is set to advance further with the consolidation of civil nu-

clear cooperation and enhancing space cooperation. The summit this week saw the placing of artificial intelligence and the unfolding digital revolution at the top of the bilateral agenda.

Second, the new commitment to go beyond the buyer-seller relationship in the field of weapons procurement. When India comes up with clear policies for making arms in India, the synergies between India's large defence market and the French strengths in armament production would come into full play.

Third, political cooperation between India and France is relatively new; it began with French support for India in limiting international sanctions on Delhi after its 1998 nuclear tests. Today, France has emerged as India's most reliable partner on issues relating to terrorism and Kashmir.

Fourth, the relationship between India and France has gone beyond the bilateral to focus on the regional. Modi and Macron this week have agreed to intensify maritime and naval cooperation in the Indian Ocean and more broadly the Indo-Pacific. There is a sweeping and ambitious ocean agenda awaiting the two countries — from maritime governance to oceanographic research and from interoperability between their armed forces to capacity building in the littoral.

Finally, it is the prospect of global agenda-setting that is beginning to make the India-France strategic partnership very exciting. After their joint efforts to limit climate change and develop the Solar Alliance, India and France have turned to more ambitious ideas. The road map on cybersecurity and digital technology issued by Modi and Macron this week provides the framework for long-term cooperation on a set of issues, whose weight is growing by the day.

France also opens the pathway for deeper engagement with Europe on global issues. Since independence, India has experimented with different institutions — including the NAM and BRICS — to shape global norms. The new partnerships with France, Germany and other like-minded countries like Japan would hopefully turn out to be far more consequential for India's influence on the global stage.

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EVERYONE LOVES TURKISH DRAMA

A new book in Pakistan looks at the phenomenon that is gaining worldwide popularity



KHALED AHMED

PAKISTAN TELEVISION LEANS heavily these days on entertainment to distract Pakistanis from the burdens of ideology and, among other foreign borrowings, shows a lot of dubbed Turkish drama. Needless to say, the Turkish contribution to Pakistani entertainment is quite popular. And it is not surprising: Turkey sold 1,35,000 drama hours to 75 countries in 2015, generating approximately US \$300 million, which was surpassed by the \$350 million earnings in 2017.

A book — perhaps the only one today — has come out in Pakistan looking analytically at the phenomenon. On the face of it, Turkish drama is pure entertainment with pretty girls falling in love with strapping Turkish boys as, for instance, in "Golden Butterflies" showing these days on Pakistani channels. But the book delves deeper into the whole phenomenon of modernisation/westernisation in Turkey and how it carries within it cultural values that are purely Turkish and appeal to audiences in Pakistan.

The writer of the book, *Aslan's Roar: Turkish Television and the Rise of the Muslim Hero* (2019), is Navid Shahzad, herself a legend in the field of showbiz and higher education in the country, as a student and teacher. She is the daughter of a great man, Sheikh Abdur Rehman (1903-1990), Chief Justice of

Pakistan. Today Pakistan would do itself a lot of good by acknowledging his book, *Punishment of Apostasy in Islam* (1972), and quitting killing people indiscriminately for blasphemy. A keen follower of the Turkish TV drama, Shahzad got deeper into it after she fell ill and was "addressed" while in delirium by her favourite Turkish actor, Engin Akyurek: "Come! We are all waiting for you!" The result in 2019 is her well-produced book on the phenomenon that is worth \$3 billion of TV ads in Turkey today.

Turkey may be fighting Kemalism but the rights 'modernisation' has bestowed on women can't be taken away easily; and President Erdogan is wise enough to not upset the great tradition still radiating from television: "This forceful top-down approach created a class of political elite which embraced an active, rapidly moving reformist trajectory congruent with the pace demanded by modernisation". The book notes how Ataturk adopted and educated a number of girls, prominent among them Sabiha Gokcen — Turkey's first woman fighter pilot after whom one of Istanbul's airports is named.

Author Shahzad also takes note of the "reaction" to "modernisation" in Turkey, as elsewhere in the Muslim world: The upending of the vision of Jinnah in Pakistan based some-

what directly on the example of Turkey, as Jinnah avidly read the biography of the great Turkish leader; and the less relevant "reaction" through Narendra Modi in India to post-Raj "enlightenment". For Shahzad, the inspiration came through Faiz Ahmed Faiz and Faiz's favourite Turkish poet, Nazim Hikmet.

She writes: "At present, Turkey's status as a modern, Muslim, secular republic with its ideologically polarised and segmented society remains contested; even as it offers an intriguing comparison with issues similar to those being faced by an equally polarised Pakistan still trying to recover from an anti-secular, rigid Islamist agenda perpetrated by a military dictatorship which created deep schisms within the body politic of Pakistani society. It is in this context that the content of present day Turkish TV series appears to wedge itself, that is, between the binary opposites of an Ottoman past, and a modern secular society in what are obviously thinly disguised, semi-symbolic narratives. This has resulted in an intriguing hybridity constructed by the presence of perceived commonalities rather than the differences between ideologies to tell contemporary stories."

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AUGUST 24, 1979, FORTY YEARS AGO

PUNISH THE PRESIDENT THE JANATA LEADERSHIP accused President Neelam Sanjiva Reddy, of acting hand-in-glove with Prime Minister Charan Singh, in denying Jagjivan Ram an opportunity to form government at the Centre. Addressing a mammoth public meeting at Ramlila grounds, the leaders, including Morarji Desai, Jagjivan Ram, Chandra Shekhar and A B Vajpayee, appealed to the people for a mandate to punish the President who they said had acted against the spirit of the Constitution and interest of the nation and democracy. The Janata leaders also announced the launching of their election campaign.

BANK LOAN CHECKS THE RESERVE BANK OF India has announced several measures to achieve the objective of controlling the increase in bank credit with a view to combating inflationary trends in the economy. In the case of all cash, credit and bill accounts of Rs 25 lakh and above, the effective drawing power under the cash credit for the period August 23 to December end would be limited to 80 per cent of the peak levels of actual utilisation reached during the two-year period ending June 1979.

TRIANGULAR FIGHT FROM THE DEBRIS of the Sixth Lok Sabha, a triangular contest for power has begun tak-

ing shape. While politics will remain in a flux and hazy for quite some time, it can safely be said that the three major contenders for powers at the polls this winter will be: The alliance led by outgoing prime minister Charan Singh, the Janata Party led by Jagjivan Ram and Indira Gandhi's Congress (I). There will be a realignment of forces. Individuals and smaller parties may have to make choices, but by and large they will have to join hands with the three major contenders in the field. Although the parties have yet to draw their campaign plans, top leaders have started holding consultations on election strategy. The fight, it appears, is already on.

13 THE IDEAS PAGE

The business of politics, the necessity of values

Elections are short term contests, but the political project of democracy is a long game



MUKULIKA BANERJEE

DEMOCRACY IS NOT just a set of institutions but also a set of values. The institutions are, minimally speaking, free and fair elections, an elected Parliament containing an executive and an Opposition to hold it accountable, an independent judiciary, a nonpartisan bureaucracy, a free media, and security of existence for all citizens. Democratic values include the ability to accommodate a diverse range of viewpoints that requires civility of conduct, a commitment to egalitarian ideals, the idea of universal citizenship — encompassing rights but also duties, allowing all sections of the populace to be heard despite the louder voice of the majority, and, a general commitment to the common good over individual desires. The relationship between democratic institutions and democratic values is symbiotic: The former are there to safeguard the latter and to exemplify them in their own conduct. In turn, the foremost democratic value is respect for institutions. Thus, both institutions and values are essential for any country to be democratic.

Elections are a key indicator of the health of a democracy and are a complicated mechanism involving ratios of population size to the number of representatives, calendars, machines and processes. They are designed to safeguard against majoritarianism — this is why a referendum is not a democratic election through which popular representation can be established. Also, by making them free and fair, it allows ordinary people to experience and perform citizenship by participating in elections, when they are treated equally and with respect by a system that is transparent and well-ordered. For elections to be orderly, it is imperative that other institutions perform their respective roles, to create a set of checks and balances to ensure that elections are, in fact, free and fair. Thus, the election commission had to be a body that functions with complete integrity and transparency, fulfilling its duty as an impartial referee towards all political parties; the judiciary maintains a check on violation of norms and human rights; the media covers the entire range of political opinion and campaigns; and, crucially, the citizen exercises her franchise with complete faith in the system.

As a result, Indians voted with a certain faith in the democratic system, as my research (see *Why India Votes*, 2014) demonstrated. It is for this reason that India developed the 'Model Code of Conduct' in the 1980s, after the experience of a few decades of electoral democracy — to introduce some self-regulation, to maintain a modicum of decorum during a campaign. All Indian political parties signed up to it, in recognition of the fact that it was critical to maintain democratic values even and especially during an election campaign. Because those in politics knew that elections are by nature combative and carnivalesque, because in the heat of the moment anything could be said, desperate measures could be taken and power could be misused



C R Sasikumar

simply to secure a win. A democratic win is achieved only while maintaining democratic values, and within certain shared constraints. The means and ends of winning a democratic election had to be aligned.

But something quite profound has shifted in this relationship between democratic values and elections in recent years because of a combination of factors, including mass technology and institutional failures. The credentials of a "democratically elected government" are now simply one that has won the largest number of seats in Parliament without any accounting of how those seats were won, which institutions were trampled upon in the march to the finishing line, the quality of conduct and veracity of utterances during the journey. Elections have now become a free-for-all affair in which utterances earlier unthinkable even in private, are broadcast to thousands. Discourse has been cheapened such that an incumbent prime minister can be called a thief — and the riposte is to lower the discourse further, rather than aiming for a higher standard (unlike what Michelle Obama said, here the policy is "when they go low, we go lower").

The role that money now plays in elections and democratic politics is, perhaps, key to this: Money cannot buy votes, but it can certainly buy advertising space, the partiality of journalists, the time and labour of social media coordinators, and, even the loyalty of rival politicians. Money has always played a murky role in violating democratic norms in Indian politics, but the new mechanism of electoral bonds has been a game changer. It has now not only made financial contributions legitimately opaque, but allowed unprecedented sums of money to go to one single party, to do as it wishes in order to win an election, without any checks and balances.

Elections are short term contests, but the political project of democracy is a long game; building a democratic polity requires the meticulous building of robust institutions while also cultivating the values associated with it. But such democratic values can seem irrelevant once democracy is reduced to winning an election at any cost. No longer is it then necessary to strive for truth and integrity, or urge people to be better versions of themselves.

Elections are short term contests, but the political project of democracy is a long game; building a democratic polity requires the meticulous building of robust institutions while also cultivating the values associated with it. These values are not esoteric or artificial and many already exist in society — basic decency in speech, learning to live with the Opposition, cooperating with everyone in common purpose, playing by the rules even when they are personally inconvenient, not lying all the time and so on — because they are essential to live with others. But they are not the easiest values to adopt because they take discipline and self-cultivation, and the work of creating a democracy is to identify and cultivate them and make them essential to the business of politics and social life. No country or citizen is born democratic, they are made so. These values and institutions also need protection because they are vulnerable — they take years to grow but can be uprooted in days.

Such democratic values can seem irrelevant once democracy is reduced to winning an election at any cost. No longer is it then necessary to strive for truth and integrity, or to urge people to be better versions of themselves. A politics based on hate and chauvinism, disregard for norms and conventions, the capture of institutions and individuals with naked cash takes relatively less effort (think of how much easier it is to let your child pluck flowers in a park, than teaching them why they must not). And such a politics, unencumbered by restraints, is much better suited to winning elections because it stirs emotions easily and mobilises support, in the short term. Such a politics may win elections, but democracy is lost.

The writer is director, LSE South Asia Centre, and author of *Why India Votes?* (2014)

WHAT THE OTHERS SAY

"Mr Trump combines a belief that everything ought to be for sale to him with an inability to understand what it might be worth to anyone else. That helps to explain his numerous bankruptcies and later failures as a diplomat." —THE GUARDIAN

A different kind of nationalism

In his I-Day address, Prime Minister Modi sought to connect patriotism with day-to-day conduct



VINAY SAHASRABUDHE

ALMOST A WEEK from now, Ganesh Utsav will be celebrated in many parts of the country. With the resurgence of a more integrative national spirit on top on his agenda, Bal Gangadhar Tilak had converted Ganesh Chaturthi, a traditional family festival for worshipping the deity of knowledge, into a social festival. He established the practice of its collective celebrations, and with the same approach, he also established Shivaji Maharaj's birth anniversary every year as a public festival.

Years later, Mahatma Gandhi realised that although a sufficiently awakened national spirit was giving impetus to the freedom struggle, to join civil disobedience and court arrest every now and then was not easy for the commoners. This prompted him to invent some set of actions in the form of activities pertaining to everyday personal conduct. Spinning yarn on an easy-to-operate charkha or wearing clothes made of khadi, thus, eventually became acts of patriotism, and thereby, symbols of joining the freedom struggle. Veer Savarkar, too, appealed to countrymen to stop using clothes made abroad and campaigned for swadeshi, or country-manufactured clothes. Almost during the same period, K B Hedgewar, yet another creative thinker, evolved the practice of joining RSS shakhas for, largely speaking, evening games. Thereby, he cultivated the new apparatus called "shakha". Over the years, the shakha became an instrument for generating social consciousness, assimilation and national spirit.

Like every other lofty ideal, patriotism too is easy to preach and difficult to practise. Visionary leaders like Gandhi, Hedgewar, Savarkar, and leaders like Lal Bahadur Shastri too, tried to simplify patriotism and bring it closer to one's day-to-day conduct. Shastri, in 1965, appealed to the countrymen to forego a meal to save food, and many took a vow and started observing a fast on Mondays all through their lives. For them, it remained a mark of serving the cause of the nation.

What Prime Minister Narendra Modi has made a fervent appeal for, through his Independence Day address last August 15, is precisely in keeping with the traditions established by the likes of Gandhi. But unlike Gandhi, both Shastri and PM Modi made their appeals while in office. Naturally then, their appeals also reflected

an attempt to link governance issues to the personal conduct of the countrymen. Just about three years back, Modi asked the people to buy at least one khadi apparel annually, and it worked wonders. According to the KVIC, in 2015, Khadi saw a phenomenal 60 per cent increase in its sales. Similarly, his appeal to fellow citizens — who had the ability to afford — to forego subsidies on cooking gas or sleeper-class train tickets for the sake of the underprivileged classes, also received a highly encouraging response.

Two years back, addressing a youth gathering to mark the birth centenary of Nanaji Deshmukh, Modi posed a piercing question to the youth. He asked, "How can we chant Bharat Mata ki Jai and in the next moment unhesitatingly dirty the very land of Bharat Mata by either spitting or littering at public places?" Similarly, a set of appeals that he made during his recent Independence Day address, could be seen as the articulation of a brand of patriotism that is in practise. In the past, on several occasions, he has reiterated his appeal to every citizen to work towards water conservation, and in the same spirit this time, he appealed to the countrymen, saying "from October 2, let us pledge to make the country free of single-use plastic... On Diwali let us gift people cloth bags instead of plastics... That will be an advertisement for your company as well". Notably, he also urged start-ups to come up with ideas to recycle plastic in the country. Sharing his concern about the excessive use of chemical fertilisers, he has also appealed to farmers to pledge to reduce the use of fertilisers by at least 10-15 per cent.

PM Modi's appeal to the countrymen to visit at least 15 tourist destinations within the country by 2022, along with family members, is also remarkable in this context. However, what is more noteworthy is his attempt to change the mindset. Equally remarkable is his attempt to link social reforms to patriotism. Without mincing words, in his Independence Day address Modi said, "Population explosion in the country will create various problems for the coming generations. Those who follow the policy of small family also contribute to the development of the nation, it is also a form of patriotism." Never before in the past has any prime minister come forward with such clarity on a subject considered so sensitive.

The message is loud and clear. Nationalism can certainly not be a bad word as some would want us to believe. However, it is also not about mere emotions and slogans. It has an actionable aspect to it, and the prime minister has been consistently emphasising the same, while denying any room for mere lip service.

The writer is national vice president, BJP

LETTERS TO THE EDITOR

CALLOUS APPROACH

THIS REFERS TO the editorial, 'Stateless in Assam' (IE, August 23). Although the exclusion of roughly about 40 lakh people from the draft NRC published in July last year in Assam is a matter of grave concern, it reflects the ham-handed approach of concerned authorities in preparing the humongous register. While the scarcity of resources, continual flux of population, and natural calamities like floods may be some of the major plausible causes making the task all the more difficult to be completed in a limited period, slackness and indifference are other factors responsible for its lopsided preparation.

Ravi Mathur, Ghaziabad, UP

SAFER SPACES

THIS REFERS TO the article "For a safer world of work" (IE, August 23). The ILO's Convention Number 219, which recognises the right to freedom from violence and harassment of everyone in the "world of work", is a quantum leap in making workplaces safe and dignified. The convention has shifted the focus from the duty of an employer to the right of a worker, from prevention of harassment to its elimination. As a founder member of ILO, let India be the first nation among its 187 members to ratify and adopt it. If it makes freedom from violence and harassment at work a Constitutional right and "zero tolerance towards violence and harassment" a state policy, it will motivate more women to join the workforce.

YG Chouksey, Pune

BISCUIT LESSONS

THIS REFERS TO the editorial, 'The biscuit crumbles' (IE, August 23). The sale of passenger cars and commercial vehicles is a fair indicator of the direction of the economy. But if people, especially in

LETTER OF THE WEEK

REAL DEMOCRACY

"THIS REFERS TO the editorial 'World and valley' (IE, August 19). A majority of Kashmir's population is suffering because of its partition and people in the rest of India are celebrating the "conquering" of Kashmir. India's diplomatic moves can be appreciated but they are of no use if an internal conflict becomes inevitable. Retain the rights of the people of Kashmir, then take further steps. That is democracy."

Archana Santhosh, Bhatinda

DOWN MEMORY LANE

THIS REFERS TO the article 'Crucible for the steel frame' (IE, August 23). It made an enjoyable read for someone who has been to the same Academy years ago. But it felt a tad incomplete without the accompanying story of how life spins a completely different narrative from what is scripted for each one of us in the hallowed precincts of the Academy.

Sangeeta Kampani, Delhi

When privacy was made supreme

Two years after historic SC judgment, its promise has not been fully realised



APAR GUPTA

THE MONTH OF August marks a momentous event in the story of our nationhood as we celebrate our independence from colonial rule. The very basis was a constitutional choice, which civil rights lawyer K G Kannabiran put it as the "termination of imposed suzerainty". Two years ago, this sentiment seemed to be achieved with the historic decision of the Supreme Court in the Puttaswamy Privacy case, in which nine judges unanimously affirmed the fundamental right to privacy. This newspaper reported the apex court's decision on the front page with the electric headline — Privacy Supreme.

Though two years is not a fair measure of time in the life of a constitutional judgment, it does provide perspective on early beginnings that may set its future course. Constitutional law builds on precedent, which was an inherent recognition within the privacy judgment. Each of the six concurring opinions comprising it emphasised that the privacy doctrine would develop on a case-by-case basis. Within its large jurisprudential expanse, concepts of personal autonomy, dignity and liberty provided fertility to future adjudication. Almost immediately, constitutional lawyers seized on it, clutching copies of the judgment as they entered courtrooms. Its centrality was felt in *Navej Singh Johar v. Union of India*, which wa-

tered down the unconscionable criminalisation of consensual homosexual activity. This built in part upon the autonomy doctrine of personal choice from the privacy doctrine. Similar victories were felt in cases of *Joseph Shine v. Union of India* which decriminalised adultery and *Shafin Jahan v. Ashokan KM* that restrained the courts from dictating the choice of an adult woman to choose her partner. Many other cases made extensive reference to the judgment.

There were considerable setbacks too. Disappointment was felt most acutely within the Puttaswamy Aadhaar case. The privacy reference arose in the midst of arguments on the constitutionality of Aadhaar, but in many ways the Supreme Court failed in application of the privacy doctrine to it. It was captured most eloquently in the searing dissent of Justice D Y Chandrachud, who repeatedly cautioned against the centralisation of personal data as a tool for surveillance and authoritarianism. This may seem incongruous with the larger development of privacy to India, but to many practising lawyers such a setback did not elicit shock.

Two specific, structural explanations in the nature of constitutional adjudication may explain this incongruity, which forms part of the hidden curriculum of the Supreme Court.

The first is the composition of the court, which changes from case to case and hence, carries a margin of discretion. Judges often disagree amongst themselves, which becomes more varied with the flexibility provided by constitutional doctrine. The second is of a more troubling nature and concerns the investment by the political executive in the continuation of a programme or policy irrespective of its impact on fundamental rights. Here the independence of the judiciary, not only in form but in substance, becomes vital. For it to resist the soothing sirens of reward or gentle whispers of consequence, the institutional strength of the adjudicatory body becomes central. Let us honestly recognise that phantoms today confront the Supreme Court in instances where constitutional adjudication pits citizens against the government. This has an impact on the development of the privacy doctrine in varied discretionary choices, from the procedure for listing to the choice of hearings that subsequently flow into more obvious markers of reasoning and reliefs contained within court judgments.

The answers to this conundrum are found to an extent in the privacy judgment. In the opinions of Justices Chandrachud, Rohinton Nariman and Sanjay Kaul, who expressly overruled the abhorrent decision of

ADM Jabalpur by which the Supreme Court had once affirmed the suspension of fundamental rights during the Emergency. They recognised the dissent of Justice H R Khanna in the *ADM Jabalpur* that natural rights such as privacy are not recognised but protected by the Constitution, hence are ever-persistent, everlasting.

But Justice Khanna's dissent was not merely an act of finely crafted judicial reasoning, but an act of principled courage at the time of Emergency and at grave personal cost. His lifelong labour towards being the Chief Justice of India was disturbed when he was superseded by the political executive. Timing matters and in more ways than one: Justice delayed is justice denied. Today, the privacy doctrine may only offer cold comfort as the autonomy, dignity and liberty of many Indians is violated in deep and pervasive ways. The Supreme Court has occasion to correct many of these moral and constitutional wrongs. For the privacy judgment to fulfil its true promise, it needs to go beyond spirited dissents to firm, binding judgments that keeps the political executive within clear, limited constitutional boundaries.

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