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TELLING NUMBERS

How the fortunes of Indians in rich list changed in 2019

THE TOP 10

Rank	Name	Wealth (Rs crore)	Change	Company
1-	Mukesh Ambani, 62	380,700	3%	Reliance Industries
2-	SP Hinduja, 83 & family	186,500	17%	Hinduja
3▲	Azim Premji, 74	117,100	22%	Wipro
4▼	LN Mittal, 69 & family	107,300	-6%	ArcelorMittal
5*	Gautam Adani, 57 & family	94,500	33%	Adani Ports & SEZ
6-	Uday Kotak, 60	94,100	20%	Kotak Mahindra Bank
7-	Cyrus Poonawalla, 78	88,800	22%	Serum Institute of India
8▲	Cyrus Pallonji Mistry, 51	76,800	11%	Shapoorji Pallonji
8▲	Shapoor Pallonji Mistry, 54	76,800	11%	Shapoorji Pallonji
10▼	Dilip Shanghvi, 63	71,500	-20%	Sun Pharmaceutical

▲ Rank increase YoY; ▼ Rank decrease YoY; - No Rank change YoY; * New to Top 5
Source: Hurun Research Institute; IIFL Wealth Hurun India Rich List 2019

ON WEDNESDAY, Hurun Report India and IIFL Wealth released the Hurun India Rich List 2019, which has found that the richest Indians saw their average wealth decline by 11 per cent over the last year. "If we exclude the new wealth added this year, the cumulative wealth of the IIFL Wealth Hurun India Rich List 2019 dropped by Rs 3,72,800 crore," it states. According to the list, "344 individuals or more than a third of this year's list witnessed wealth reduction and another 112 failed to meet the cut-off of Rs 1,000 crore — almost half of last year's list".

The Hurun India Rich List has collected data on 953 individuals across 41 industries this year. The cut-off for inclusion was a minimum wealth of Rs 1,000 crore. This year's list grew by 15 per cent. In other words, 122 more people were included in that cut-off mark compared to last year. Compared to the 2016 list, the number of entities included is up 181 per cent.

Among the key highlights:

- With a net worth of Rs 94,500 crore, Gautam Adani (57) stormed into the top 5; his wealth increased by 33% or Rs 22,300 crore

- Average wealth of the list is around Rs 5,300 crore and the average age is 60 years

- 29 new billionaires (in US\$ terms) in 2019 — taking the total to 138

Indians; 5 individuals lost the dollar billionaire status

- 13 Non-Promoter CEOs feature in the IIFL Wealth Hurun India Rich List 2019, of whom two reside in India

- Led by Roshni Nadar of HCL, 152 women feature on the list

Mukesh Ambani, 62, head of Reliance Industries, is the richest Indian with a wealth of Rs 3,80,700 crore — that is roughly 2.2 times the historic dividend transferred by India's central bank — the RBI — to the Union government recently. Or, roughly 2.6 times the revenue foregone by the Union government as it cut corporate income tax rates to their lowest level recently.

While Ambani's wealth grew by just 3 per cent, the biggest gainer over the past year — in terms of percentage change — was Gautam Adani and family. Their wealth soared by 33 per cent — the highest improvement among the top 10 richest Indians. The other big gainers over the past year were Azim Premji of Wipro, Uday Kotak of Kotak Mahindra Bank and Cyrus Poonawalla of the Serum Institute of India.

Rounding off the top 10 is Dilip Shanghvi of Sun Pharmaceuticals whose wealth declined by 20 per cent. LN Mittal of ArcelorMittal was the other one among the top 10 whose wealth declined.

THIS WORD MEANS
QUANTUM SUPREMACY

A goal of computing. Has Google got there?

ON FRIDAY, the *Financial Times* published from the UK reported that a draft research paper claimed Google researchers have achieved a long-ought-after goal in physics called "quantum supremacy". The paper had appeared on the NASA website and was then pulled down, but the *FT* had retrieved a copy.

Quantum supremacy refers to a quantum computer solving a problem that cannot be expected of a classical computer in a normal lifetime. This relates to the speed at which a quantum computer performs. According to reports about the vanished draft paper, said to have been written by scientists at Google and the Quantum Artificial Intelligence Lab collaboration that includes NASA researchers, the quantum processor took 200 seconds to perform a calculation that

the world's fastest supercomputer, Summit, would have taken 10,000 years to accomplish. The draft paper is believed to be an early version of a paper that has been submitted to a scientific journal.

What differentiates a quantum computer from a traditional computer is the way the two store information. The former stores information in the form of bits that can take only two values, zero or one, whereas a quantum computer stores it in the form of quantum bits (qubits) that can take on various combinations of zero and one. The phrase "quantum supremacy" was coined in 2011 by John Preskill, Professor of Theoretical Physics at the California Institute of Technology in a talk he delivered on the benefits of using quantum hardware over traditional computers.

GEORGE MATHEW
MUMBAI, SEPTEMBER 25

ON TUESDAY, the Reserve Bank of India (RBI) slapped restrictions on Punjab and Maharashtra Cooperative Bank Ltd (PMC Bank), a leading cooperative bank headquartered in Mumbai, appointed an administrator and superseded its board of directors, sending shock waves among thousands of its depositors. Panic-stricken customers rushed to bank's branches across the state and were unable to withdraw more than Rs 1,000. They had not been aware that the bank, which was under the supervisory glare of the RBI, was being milked by real estate players led by HDIL with the connivance of bank officials.

What is the reach of PMC Bank?

Founded in 1984, PMC Bank was the youngest bank to get the status of a sched-

uled bank in 2000 and a licence of authorised dealer category 1 in the year 2011 for forex business by the RBI. PMC Bank has 137 branches spread across seven states with 81 of these in Mumbai, Navi Mumbai, Thane and Palghar regions, 10 in Pune and 12 in the rest of Maharashtra. The bank has several small businesses, housing societies and institutions as its customers. It was popular in the Sikh community as some of the original promoters were from the community-based in Mumbai.

What went wrong?

Going by the Annual Report and Balance Sheet, everything appeared to be hunky-dory. The bank, which has a deposit base of just over Rs 11,000 crore, reported a net profit of Rs 99.69 crore in 2018-19 as against Rs 100.90 crore in 2017-18. The bank showed 3.76 per cent (or Rs 315 crore) of advances (Rs 8,383 crore) as gross nonperforming assets (NPAs) in March 2019, which was a good

performance considering that public sector banks recorded over 10 per cent gross NPAs.

But it turned out that the bank had suppressed the sticky assets and under-reported them; the total bad loans could be between Rs 2,000-2,500 crore. There was no way the bank could have made provisions for such high levels of bad loans. Though the auditor of the bank did not flag the issue in the Annual Report of 2018-19, the RBI became tough in the wake of huge divergence in bad loan reporting.

The bank was funding a clutch of companies, mainly in the troubled real estate sector, led by Housing Development & Infrastructure Ltd (HDIL). Commercial banks have already declared HDIL a defaulter. Rakesh Kumar Wadhawan is the Chairman of HDIL and his son Sarang Wadhawan is the Vice Chairman and MD. PMC Bank's Managing Director Joy Thomas on Wednesday went on record to say that the bank had given loan to Wadhawan even af-

ter the company (HDIL) defaulted on its loans to other banks and the firm was taken to National Company Law Tribunal (NCLT) for insolvency proceedings. However, Thomas claimed that the loan was much lower than Rs 2,500 crore quoted in the media.

On August 20, 2019, NCLT admitted an insolvency plea moved by the Bank of India against HDIL in connection with a Rs 522-crore loan default.

What is the Wadhawan connection?

The Wadhawans of HDIL group had close links with PMC Bank for a long time. PMC Bank's chairman, Waryam Singh, was on the board of HDIL for nine years (2006-15) until he resigned as a director. Incidentally, Kapil Wadhawan, chairman and MD of Dewan Housing Finance Ltd (DHFL), which is also facing a liquidity crunch, is a cousin of Sarang Wadhawan. After the Wadhawan family divided the group business, real estate (HDIL) was managed by Rakesh

Wadhawan while the mortgage business (DHFL) went to his brother, the late Rajesh Wadhawan, father of Kapil Wadhawan.

What has surprised bankers is that HDIL, already a defaulter and taken to NCLT for insolvency, managed to get a pay order worth around Rs 96 crore from PMC Bank for a settlement at the Bank of India. However, Thomas of PMC Bank had claimed this was given with the backing of Wadhawan's personal guarantee. "Loans given to HDIL and other entities were suppressed despite defaults. The RBI supervision was also lax. They should have flagged these issues long back. I don't believe their auditors did not know about this," said Vishwas Utagi, former general secretary of Maharashtra State Bank Employees Federation. Utagi said the RBI was forced to step in after the HDIL was taken to NCLT for insolvency proceedings and it was not in a position to repay the loans and the bank was unable to make provisions.

What's the way forward?

The RBI has appointed J B Bhoria as administrator of PMC Bank; he is expected to take appropriate measures to bring the bank back on the rails. The 14-member board of the bank headed by Waryam Singh has been superseded.

Going by the RBI's actions on the co-operative banking front, one option is for PMC Bank to be merged with another bank. Between 2004 and 2018, the RBI has merged 72 cooperative banks in Maharashtra alone. Across the country, the number of urban co-operative banks has fallen from 1,926 to 1,551 in the last 15 years.

If the bank is liquidated, which is less likely, depositors will get Rs 1 lakh irrespective of the amount they had deposited. Small depositors need not panic as the bank has Deposit Insurance and Credit Guarantee Corporation cover under which deposits up to Rs 1 lakh are covered. The bank has also claimed it has enough assets to cover the liabilities.

SIMPLY PUT

The Trump-Biden-Ukraine story

A call between Trump and the Ukraine President has triggered a new crisis in the US, with the Democrat-led House of Representatives deciding to initiate an impeachment inquiry against the President

EXPRESS NEWS SERVICE
NEW DELHI, SEPTEMBER 25

NANCY PELOSI, the Speaker of the United States House of Representatives, has announced that the House would begin a formal impeachment inquiry against President Donald Trump to hold him accountable for a "betrayal of his oath of office, betrayal of our national security and betrayal of the integrity of our elections".

Trump is alleged to have tried to enlist a foreign country, Ukraine, on his side in a personal political battle with Joe Biden, the senior Democratic Party leader who was President Barack Obama's vice-president from 2009 to 2017. Biden is the frontrunner to be the Democratic party's nominee against Trump in the presidential election of 2020.

In a telephone conversation two months ago, Trump is alleged to have pressured Ukrainian President Volodymyr Zelenskiy to open a corruption investigation in his country against Biden and his son Hunter Biden. Before this call, the President issued a personal order to freeze more than \$391 million of US aid to Ukraine, *The Washington Post* and *The New York Times* have reported.

The aid Trump allegedly ordered frozen was intended for use in training and equipping Kyiv's forces against continuing Russian hostility. The money was in two packets: \$250 million from the Defence Department's Ukraine Security Assistance Initiative; \$141 million from the State Department's foreign military financing program. The funds — which would have lapsed on September 30 — were finally released on September 11.

The announcement by Pelosi on Tuesday greatly increases the possibility that Trump will become the fourth individual in the 230-year history of the American presidency to face removal from office by impeachment. None of the previous three — Andrew Johnson (1865-69), Richard Nixon (1969-74) and Bill Clinton (1993-2001) — was removed as a result of impeachment (see inset).

Developments so far

Two years of speculation on possible impeachment, as Department of Justice Special Counsel Robert S Mueller III probed the alleged Russian interference in the 2016 presidential election, ended in July with Mueller neither indicting nor exonerating the President. But in August, an intelligence community whistleblower filed a fresh complaint about Trump, which an inspector general of the intelligence community deemed "credible" and "urgent", and forwarded to the acting Director of National Intelligence, Joseph Maguire.

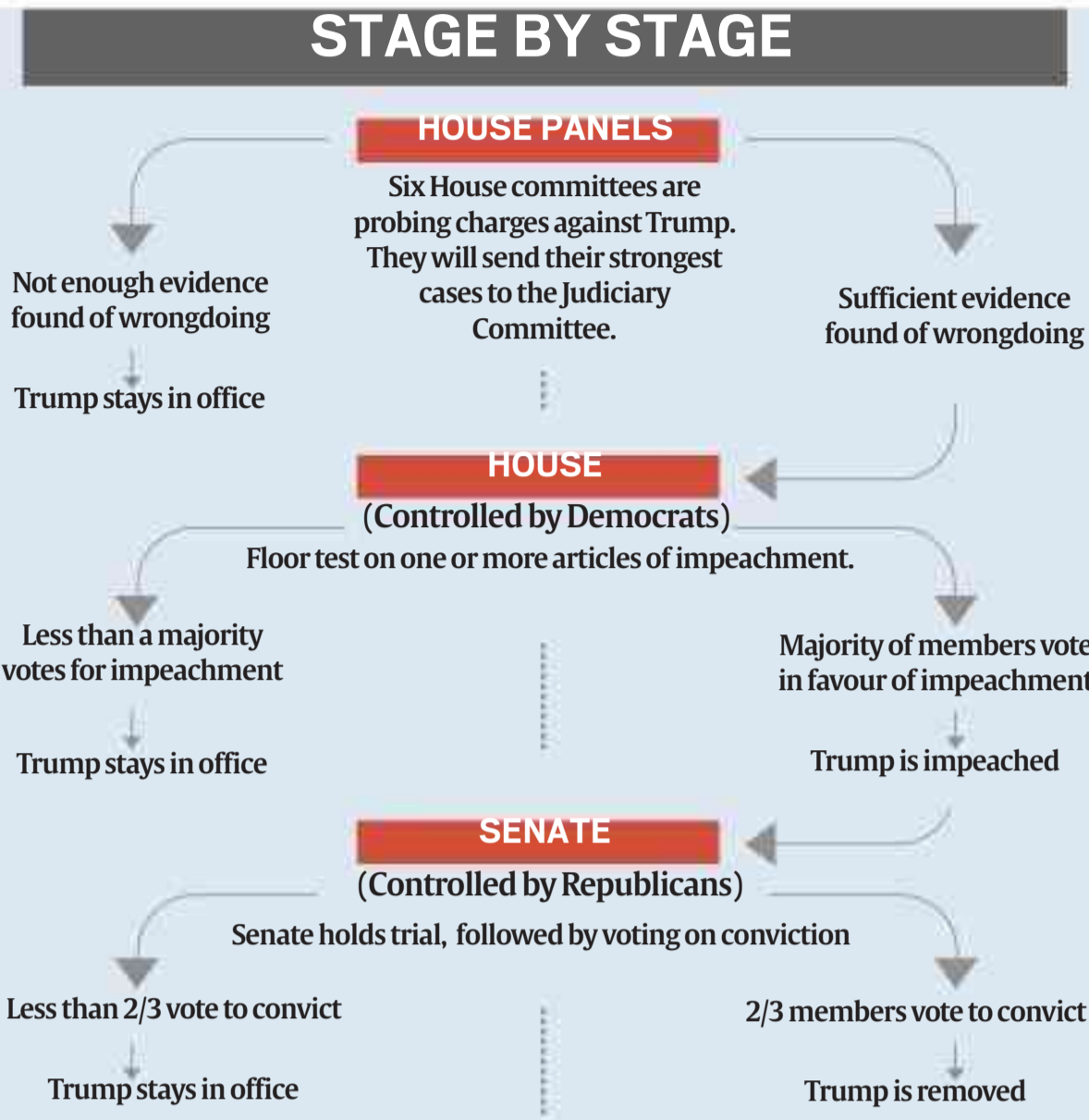
On September 13, House Intelligence Committee chairman Adam Schiff subpoenaed Maguire, accusing him of "improperly" withholding the contents of the whistleblower's complaint citing "confidential and potentially privileged communications". Schiff expressed "grave concerns that (Maguire's) office, together with the Department of Justice and possibly the White House, are engaged in an unlawful effort to protect the President and conceal from the Committee information related to his possible 'serious or flagrant' misconduct, abuse of power, or violation of law".

Over September 18, 19, and 20, reports in *The Post*, *The NYT*, and *The Wall Street Journal* revealed that the whistleblower's complaint, made on August 12, was about a phone call between Trump and Zelenskiy on July 25, in the course of which Trump had asked the Ukrainian leader "about eight times" to investigate Hunter Biden. Several Democratic lawmakers called for an impeachment inquiry on September 20.

As the scandal escalated, Trump confirmed he had discussed Biden with Zelenskiy in the context of "all the corruption taking place": "We don't want... Biden and his son creating [sic] to the corruption already in the Ukraine." He also said he would release the full transcript of his call



Nancy Pelosi, Speaker of the US House of Representatives, announces the launch of an impeachment inquiry against President Donald Trump. Reuters



How a US President can be impeached

EXPRESS NEWS SERVICE
NEW DELHI, SEPTEMBER 25

ON TUESDAY, US House of Representatives Speaker Nancy Pelosi announced that the House would launch an impeachment inquiry against President Donald Trump, over his alleged efforts to pressure Ukraine to investigate Joe Biden, Trump's potential rival in the 2020 elections. How does impeachment take place?

What it means

Impeachment is a provision that allows Congress to remove the President of the United States. Under the US Constitution, the House of Representatives (lower House) has the "sole power of impeachment" while the Senate (upper House) has "the sole power to try all impeachments". The Chief Justice of the US Supreme Court has the duty of presiding over impeachment trials in the Senate.

Grounds for impeachment

The President can be removed from office for "treason, bribery, or other high crimes and misdemeanors". What constitutes these "high crimes" and "misdemeanors" (misde-

meanours), however, is not clearly spelt out. *The New York Times* explained that the expression "high crimes and misdemeanors" came out of the British common law tradition. "Essentially, it means an abuse of power by a high-level public official. This does not necessarily have to be a violation of an ordinary criminal statute," *The NYT* said. Historically, in the US, it has encompassed corruption and other abuses, including trying to obstruct judicial proceedings.

Impeachment history

No US President has ever been removed as a direct result of impeachment. The House did impeach two Presidents — Andrew Johnson (1968) and Bill Clinton (1998) — but the Senate did not convict them. In between, President Richard Nixon (1974) resigned before he could be removed.

The process

HOUSE VOTE: It begins with an investigation by a House committee. In the Nixon and Clinton cases, the House Judiciary Committee held that investigation and recommended articles of impeachment to the full House. In Trump's case, six committees are investigating him on impeachable offences. If they find that

there is enough evidence of wrongdoing, it will refer the matter to the full House (see flow chart).

HOUSE VOTE: When the full House votes, if one or more of the articles of impeachment gets a majority vote, the President is impeached. Next, the proceedings move to the Senate.

SENATE TRIAL & VOTE: The Senate holds a trial, overseen by the chief justice of the Supreme Court. A team of lawmakers from the House, known as managers, play the role of prosecutors. *The NYT* explained. The President has defence lawyers, and the Senate serves as the jury. If at least two-thirds of the Senators present find the President guilty, he is removed and the Vice President takes over as President.

Numbers in the Houses

The House has 235 Democrats, 199 Republicans, and one independent. The Democrats could, therefore, impeach Trump with no Republican support.

The Senate has 53 Republicans, 45 Democrats and two independents who usually vote with the Democrats. Conviction of the President would require 67 votes, which cannot happen unless some Republicans vote against him.

has argued, Biden's demand for a tougher prosecutor was more likely to increase the pressure on Burisma than to take it off.

What happens now

Based on reports in the US media, it would appear that a large number of Democrats believe that the new accusations represent an open-and-shut case against Trump, much more easy to grasp for the public than the complex nuances of the Mueller report. The President used taxpayer money as a bargaining chip to force a foreign government to go after a personal political rival — this sounds like clear-cut impropriety, in their view. "Right now, we have to strike while the iron is hot," Pelosi told House Democrats on Tuesday.

Late Wednesday night India time, *The NYT* was reporting that 209 Representatives supported an impeachment inquiry. All except one — an Independent — were Democrats, making up more than two-thirds of the 235-strong House Democrat group. No Republicans were in favour of the impeachment inquiry.

Why RBI has put restrictions on a cooperative bank, what happens now



The Indian EXPRESS

FOUNDED BY
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

House is sovereign

There are lessons for India in UK apex court order that upholds democratic accountability of parliament



UPENDRA BAXI

THE UNITED KINGDOM Supreme Court, in a slender but significant judgment, decided that the prorogation of parliament by the Queen of England, acting on the advice of the Privy Council, was unlawful on the grounds of parliamentary sovereignty and democratic accountability. It historically held the action was so patently unlawful that “when the Royal Commissioners walked into the House of Lords it was as if they walked in with a blank sheet of paper”. This unanimous judgment of all 11 justices (the twelfth was not empanelled to avoid the casting vote of the chief justice for which apparently the Constitutional Reform Act 2005, makes no provision).

The situation before the Court was pregnant with the politics of power but it, like the Indian counterpart, focussed merely on constitutionality of the prime minister’s action of prorogation of parliament in mid-session. This was truly a *Kesavananda Bharati* moment for the British court. But unlike the full Indian court, there was no riot of concurring and dissenting opinions.

Written in elegant and firm language, and accessible to all, the judgment is very brief (71 paragraphs and 24 pages and heard only for three days). The judicial courage, craft, and contention have a common core in India and UK — judicial review has its basis primarily in safeguarding people’s basic rights but in the Indian context, the end is achieved by a prolixity of judicial opinions addressed to multiple constituencies and the high art of speaking to the future. May be, judicial verbosity emanates in India from the verbosity of the written Constitution itself? Or, each justice values the freedom to write, to concur as well dissent? Or still some are anxious to attain judicial immortality and be remembered by posterity with pride? Perhaps, the ancient Hindu law tradition of *nibandkaras* (essayists) reincarnates law-giving in the form of an erudite discourse. Different judicial styles reveal both the language of power and the power of language — a subject worthy of study by law and sociolinguistics.

The UK Supreme Court has available to it two diametrically opposed readings. The first was the model of judicial self-restraint or ac-

commodation with other institutions of co-governance; in effect, to treat the questions raised as the pursuit of politics by other means. The second was to check the political executive by insisting on the basic principles of the common law, which protect parliamentary sovereignty. It adopted the latter course saying that although the “United Kingdom does not have a single document entitled ‘The Constitution’, it nevertheless possesses a Constitution, established over the course of our history by common law, statutes, conventions and practice”. Though not codified, “it has developed pragmatically, and remains sufficiently flexible to be capable of further development” and it “includes numerous principles of law, which are enforceable by the courts in the same way as other legal principles”. The principle of judicial duty stands reiterated: “... the courts have the responsibility of upholding the values and principles of our constitution and making them effective: And it is their particular responsibility to determine the legal limits of the powers conferred on each branch of government, and to decide whether any exercise of power has transgressed those limits.” The courts “cannot shirk that responsibility merely on the ground that the question raised is political in tone or context”. The judicial duty then lies in the discovery of the first principles of constitutional law, which regulate the application of constitutional discipline over the uses of political power. I do not think that the Indian Supreme Court’s jurisprudence, and its demosprudential co-governance of the nation, is substantially different in result, though the contexts vary enormously.

However, the British Supreme Court does not confine the sway of such principles merely to the “protection of individual rights”, but includes “principles concerning the conduct of public bodies and the relationships between them”. These principles are “a concomitant of parliamentary sovereignty”. Accordingly, the “power to prorogue cannot be unlimited”. Indeed, no power is, at least in a constitutional democracy.

The Court boldly faces the question: “How, then, is the limit upon the power to prorogue to be defined, so as to make it com-

patible with the principle of parliamentary sovereignty?” It dexterously links the doctrine of parliamentary sovereignty with democratic accountability to people at large: “Ministers are accountable to parliament through such mechanisms as their duty to answer parliamentary questions and to appear before parliamentary committees, and through parliamentary scrutiny of the delegated legislation which ministers make. By these means, the policies of the executive are subjected to consideration by the representatives of the electorate, the executive is required to report, explain and defend its actions, and citizens are protected from the arbitrary exercise of executive power”. And in the present case, judicial duty consists in applying some “legal limits” because a mere executive fiat proroguing parliament runs “the greater ...risk that responsible government may be replaced by unaccountable government ...the antithesis of the democratic model”. It was precisely this fear of limitless executive power that led the apex court in India to prescribe and develop the principle of the basic structure and essential features of the Constitution.

Neither the monarch, nor the prime minister, may insulate themselves from parliamentary sovereignty and democratic accountability. Considerable judicial regard for “the responsibilities and experience of the prime minister” does not overcome the “court’s responsibility to determine whether the prime minister has remained within the legal limits of the power”. The Court will intervene if “the consequences are sufficiently serious”; far from being a mere judicial say-so, it has to rest on the discovery and affirmation of sound basic principles of constitutional good governance.

Of course, no judicial decision is beyond socially responsible critique. But in asking parliament to finally decide the terms and conditions of Brexit, the British court has valuably upheld the principles of democratic accountability of a sovereign parliament.

The writer is professor of law, University of Warwick, and former vice chancellor of Universities of South Gujarat and Delhi

PEEKABOO, GUESS WHO

SC seeks an end to trolling and lying online. But the cure must not be worse than the disease

THE SUPREME COURT, responding to a plea by Facebook, has expressed serious concern about the electronic Wild West that internet technology has opened up, and directed the government to file an affidavit within three weeks outlining a strategy to get social media platforms to share information with law enforcement without compromising the privacy of citizens. The court had asked why citizens must suffer being trolled and maligned with the impunity conferred by anonymity, and without hope of easy legal remedy. It is a serious question, since clarity concerning guidelines would remove the arbitrariness with which action has been sought and draconian curbs applied. But in a nation that has become pathetically eager to both give and take offence, it is a difficult question concerning the countervailing claims of different rights, and it is particularly vexed by the depressing reality that none of the stakeholders involved have kept their hands clean.

At the risk of seeming contrarian, may we ask why the government, which will now draft the affidavit, permits the rampant misuse and abuse of the law against citizens who speak out online? Even after the offensive Section 66A of the Information Technology Act was struck down as unconstitutional in 2015, the harassment of citizens involved in opinionating, advocacy or discussion has continued, without the government requiring application of mind from the police. Some governments have stooped to using the instrument directly against their own people. Caution is now required, since the imperative of public order and safety is often used to justify innovations that are revealed to be intrusive or coercive. The court may wish to consult its own ruling in *Shreya Singhal vs Union of India*, delivered by justices J Chelameswar and Rohinton F Nariman: “It is clear that Section 66A arbitrarily, excessively and disproportionately invades the right of free speech and upsets the balance between such right and the reasonable restrictions.” In the judges’ view, Section 66A suffered from the deficit of “vagueness”, encouraging arbitrariness. The guidelines which the government is required to produce may be as arbitrary in practice, because perceptions of right and wrong are socially determined, rather than legally.

The social media platforms which would follow these guidelines have not consistently been ideal guardians of the balance between privacy and accountability. Facebook is still firefighting the Cambridge Analytica scandal and allegations of letting its platform be used to influence the US elections and Brexit. And troll-teeming Twitter is permanently beleaguered by allegations of unresponsiveness to complaints of abuse. The court, which over the years has expanded the contours of free speech, has entered deep waters here, and may finally see fit to rely on existing laws and processes. If applied prudently and morally, they should suffice the purpose.

THE PILLAR STANDS

By asserting the supremacy of parliament, the UK Supreme Court upholds democratic first principles

LAST MONTH, BRITISH Prime Minister Boris Johnson sought to circumvent the first principles of deliberative democracy through a procedural technicality. The PM, by “advising” the titular head of state, Queen Elizabeth, to prorogue (suspend) parliament for five weeks, would have escaped a in-depth debate around the modalities of the Brexit deal Johnson is seeking to put in place before the October 31 deadline. There was also a very real possibility of a disastrous “no deal Brexit”. On Tuesday, the highest court in the United Kingdom ruled unanimously to enforce the supremacy of parliament, and, in doing so, established the resilience of the institutions that form the pillars of democracy during a political crisis that has vitiated the public discourse.

In a sharp and unambiguous 24-page judgment, the 11-member bench highlighted the higher judiciary’s responsibility in defining the limits to the powers of the executive. To do so, it rightly concluded, is not judicial over-reach but rather the essential task of the higher courts in a democracy, which values checks and balances to power. The court also established, rightly, that the legal precedent and conventions that form the bedrock of the UK’s constitutional morality cannot be discarded for the exigencies of partisan politics. By trying to avoid a debate on a contentious and important issue, Johnson undermined the core principle of parliamentary accountability, according to the court. It said: “The Court is bound to conclude, therefore, that the decision to advise Her Majesty to prorogue Parliament was unlawful because it had the effect of frustrating or preventing the ability of Parliament to carry out its constitutional functions without reasonable justification.”

Accountability to parliament, as the judgment notes, “lies at the heart of Westminster democracy”. Since the people of Britain voted by a slender majority to leave the European Union, the country has been mired in a political crisis, with the threat of economic uncertainty looming. Added to that, the prospect of the executive riding rough-shod over the legislature, claiming the backing of the will of the people, would be a challenge to the very idea of parliamentary democracy. The Supreme Court of the United Kingdom has made it clear that it is parliament, collectively, that represents the will of the people, not merely those few members who lead the government. And that the institutions that make democracy a legal and moral endeavour can stand against populism. It is a lesson that has resonance beyond the British Isles.

ALWAYS BIG B

In his 50-year tinsel journey, Amitabh Bachchan has set the mood for Bollywood, remaining larger than life always

THIS YEAR’S DADASAHEB Phalke Award has gone to Hindi cinema’s greatest star. Dilip Kumar was perhaps the better actor, Raj Kapoor the greater showman, Dev Anand more charming and Rajesh Khanna was better at romance. The younger audience may have identified more with the Khans. But for 50 years, Bollywood has not had a shahenshah as charismatic as Amitabh Bachchan.

The thespian did not always have it easy. He made his film debut as a voice narrator in Mrinal Sen’s *Bhuvan Shome* (1969). But in those days, Bachchan’s baritone had few takers. And his tall frame was deemed too awkward for the romantic parts. Bachchan was first noticed in the K A Abbas film *Saat Hindustani* (1969). In his memoirs, Abbas recalls telling “the tall young man... in a way we have no heroine in our film”. One of his early films, *Anand* (1971), got Bachchan a Filmfare award for the Best Supporting Actor. But this Hrishikesh Mukherjee film was all about Rajesh Khanna, the philosopher’s stone for every producer then. This was the time when the Dilip-Raj-Dev trio were on their way out, but still held some sway. And there was jubilee Rajendra Kumar as well. However, these were also times when ideals and morals were put to question. Bollywood needed a hero who was a rebel but introspective, abrasive at times yet with a palpably tender side. Inspector Vijay in Prakash Mehra’s *Zanjeer* (1973) was the prototype of such an “angry young man”.

From *Saat Hindustani*, *Anand* to *Zanjeer*, *Deewar* and *Sholay* to *Hum* and *Shahenshah* to *Black*, *Paa*, *Piku* and *Pink* this century, Bachchan’s tinsel journey, in some ways, encapsulates Bollywood’s changing moods. He defied life-threatening injury, came out of bankruptcy, held his own amidst generations of younger actors and at times, even defied the conventional. But Big B, who came to Bombay after giving up a princely job in a private company, never found the muse to be less than larger than life.



BALRAM BHARGAVA

ON WORLD CONTRACEPTION Day, there is a need to talk about the reproductive health practices and rights of people in India. It is commendable that the government under Prime Minister Narendra Modi has been vocal about the need for a small and healthy family to contribute to India’s socioeconomic growth in the long term. To achieve this vision, there is a need to highlight the importance of Sexual and Reproductive Health and Rights (SRHR), which are fundamental for family planning and the overall well-being of individuals.

India’s family planning programme dates back to the 1950s and it has made significant progress. The recent emphasis on increasing spacing between children and providing access to the basket of contraceptive choices poses the promise of universal access to reproductive health services. The National Family Health Survey (NFHS) 4 shows that the use of modern contraceptive methods (mCPR) continues to be around 48 per cent since 2006. In the states which showed mCPR decline, sterilisation contributed to more than 70 per cent of contraceptive use. Further, according to NFHS 4, female sterilisation in India continues to be around 37 per cent since 2006, despite health complications and deaths, highlighting the gender inequality in contraceptive use. This could be because of lack of accessibility or awareness of other contraceptive methods and requires immediate redressal.

India has a vast repository of health and demographic data. But such a repository can also be confusing. For instance, contraceptive

THE RIGHT COUNT

Sexual & reproductive health data need to be accurate to form effective basis for policy

Researchers have pointed out that data quality gets affected due to factors like interviewer bias, which leads to incorrect data entry. This often occurs while collecting female sterilisation data, which is impacted by over-reporting women as never users and reporting current female non-users as cases of hysterectomy. The level of the bias has been found to be higher in the states that recorded a decline in mCPR, which reflects that the findings were influenced due to errors in data collection.

use data from large-scale surveys show different levels in selected geographies, making planning challenging. These inaccuracies could be due to errors in data collection.

The errors in data collection impact the quality of data, which compromises the survey findings. The quality of these findings is crucial for policy planning to address reproductive health and maternal and child health issues. Researchers have pointed out that data quality gets affected due to factors like interviewer bias, which leads to incorrect data entry. This often occurs while collecting female sterilisation data, which is impacted by over-reporting women as non-users and reporting current female non-users as cases of hysterectomy. The level of the bias has been found to be higher in the states that recorded a decline in mCPR, which reflects that the findings were influenced due to errors in data collection. Also, there is difficulty in distinguishing between methods like sterilisation and hysterectomy for some interviewers, which leads to incorrect reporting. Research shows that state-level decline in the utilisation of mCPR and decline in sterilisation acceptance could lead to a reduction in the use of mCPR.

There is a need to address data quality issues and introduce technological interventions in data collection, training, and capacity-building of survey officials. The role of the National Data Quality Forum (NDQF), a multi-institutional initiative hosted by Indian Council of Medical Research (ICMR) becomes crucial when it comes to addressing the gaps

between data collection and analysis and using that data for advocacy and policymaking. NDQF aims at improving data quality for better and efficient research, identify discordance and errors, and establish protocols and good practices for improving data quality. NDQF plans to create an integrated platform to share new ideas, develop advanced techniques with the use of Artificial Intelligence (AI) and technology, for improving data quality in health and demographic research for effective policy planning.

There is a need to promote forums like NDQF to reduce the errors in data collection and bring together the brightest minds for developing robust data quality frameworks. Further, the onus should be on making data collection inclusive of people, choice, agency, awareness, and decision-making. It is also crucial to address women’s reproductive rights. According to NFHS 4, 36 per cent females and only 0.3 per cent males underwent sterilisation which showcases the level of the disparity. With male sterilisation on rapid decline, Ministry of Health and Family Welfare released the National Health Policy 2017 which aims uptake of male sterilisation to 30 per cent. Therefore, the focus should be on improving data for identifying the issues in contraceptive use and addressing gender inequality in SRHR in India. The ICMR-NIRRH Mumbai has taken this up as a priority area of research.

The writer is director-general, Indian Council of Medical Research



SEPTEMBER 26, 1979, FORTY YEARS AGO

COMPANY DONATIONS PROVISIONS OF SECTION 293-A of the Companies Act banning company donations to political parties have been amended by an ordinance to plug loopholes in it. Under the issued ordinance, contributions — direct or indirect (cash, in kind or by provisions of any service or assistance) — by a company to a political party or for political purposes have been made punishable. According to an official statement by the Department of Company Affairs, receipt of contribution from a company by any member or office-bearer of a political party or by any other person for or on behalf of a political party has also been made an offence under the ordinance.

ONGC STRIKE OFF THE TWO-DAY-OLD STRIKE by workmen and officers of ONGC was called off this morning after an assurance by the deputy prime minister, Y B Chavan, that adequate police protection would be given to those working in Assam. The personnel who had stopped work in the oil fields in Gujarat resumed work today. Workers in the Bombay High offshore project had not joined the strikers. The Bombay High project workmen had threatened to stop crude and allied gas production from 6 a.m today. About 25,000 employees were involved in the ONGC strike which affected the working of the Koyali refinery and two fertiliser plants in Gujarat.

LEFT UNITY EVEN AS THEY are making poll adjustments with the Janata (S)-Congress combination, the Marxists are conscious of the post-election battle that awaits them. That is precisely the reason why the CPM manifesto released in New Delhi today lays accent on consolidation of the Left forces. While explaining the main features of the manifesto to newsmen, B T Ranadive, politburo member, made it clear that continuous struggle will have to be waged even after the election, both inside and outside Parliament. For this to be possible, he said, the Left forces must strive to increase their strength in the Lok Sabha.

WHAT THE OTHERS SAY

“Mr Johnson and his team — including his chief adviser Dominic Cummings — have proved utterly ineffective. Just as well when they are trying to rule by decree and suspend democratic government.” —THE INDEPENDENT

You can't shop for teachers

Massive recruitment of teachers in Delhi University and focus on world rankings are myopic moves that are symptomatic of a larger crisis in higher education



SHOBHIT MAHAJAN

THE UNIVERSITY OF Delhi is reportedly set to finish recruitment of more than 5,000 teachers very soon. And no, that astonishing number is not a typographical error. There are about 4,500 vacant positions in the 80 odd colleges under the University and around 850 positions in the faculties of the University. Earlier this year, the Ministry of Human Resource Development, for reasons best known to them, had ordered the University to fill these positions within six months.

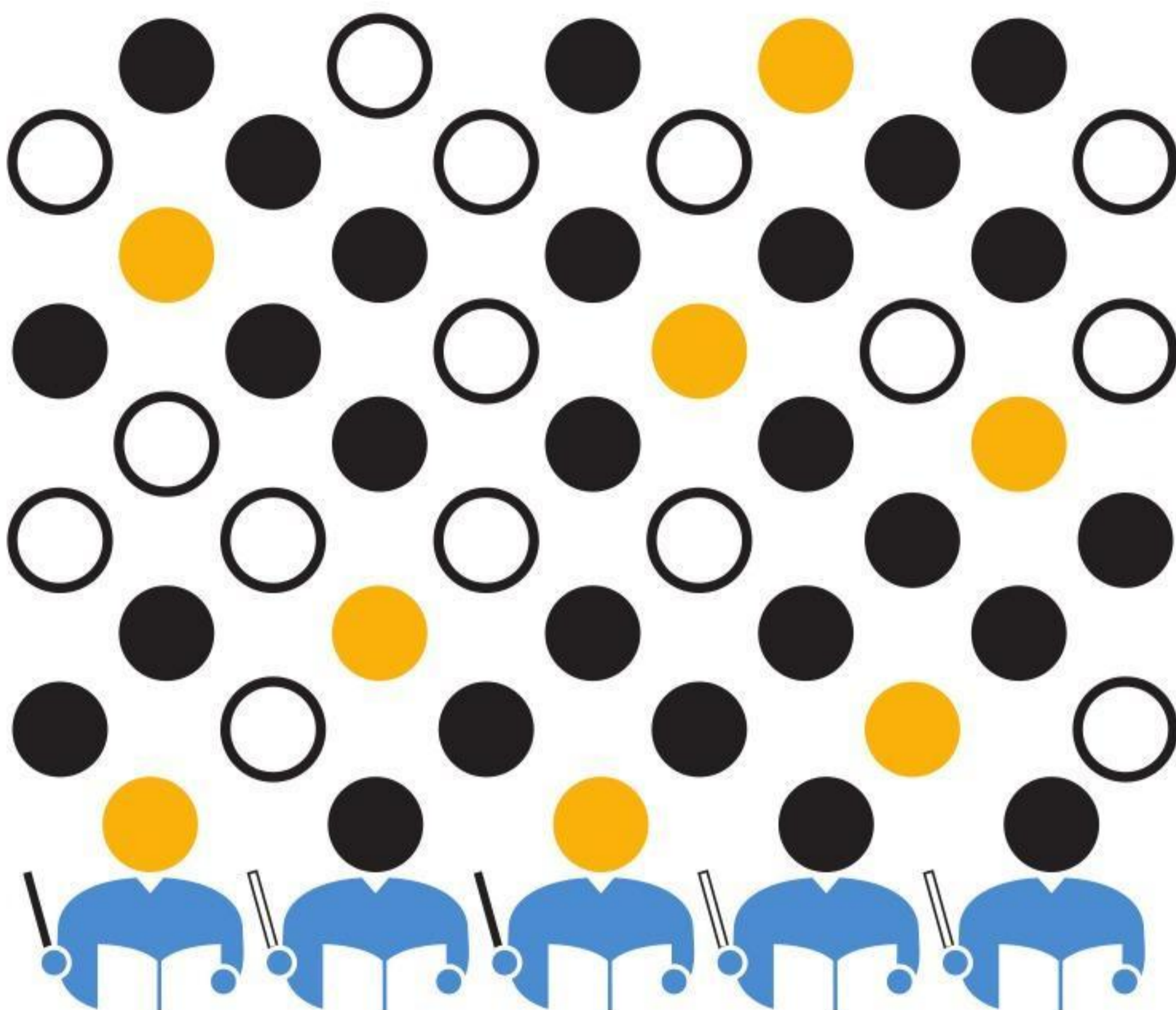
There are several reasons for such an astonishing number of vacancies. First, there have been almost no appointments in the last decade or so for reasons which are not entirely academic. In the interim, many teachers have superannuated and their positions have fallen vacant. In addition, the expansion of the enrolment because of OBC reservation increased the number of positions by almost half. Recently, the EWS reservation has added to this pool. Given that the appointment of such a huge number of people will have a profound effect on the teaching and research environment of the colleges, and the faculties, it is important to delve into several aspects of the current lightning drive to recruit.

The vast majority of positions in the colleges are already being staffed by teachers who are oddly termed as ad-hoc, though they teach as much, and sometimes, more than the regular faculty. These teachers have all the requisite qualifications for a permanent position but are given appointments from semester to semester. And, for some of them, this has been going on for a decade. The devastating psychological toll that this arrangement takes on the teachers can only be imagined. The situation in the faculties of the University is different — here, by and large, there are no ad-hoc appointments.

The critical issue in this whole exercise is the recruitment process itself. The recruitment is decentralised for the colleges and so in principle, one can conceive that such a huge number of appointments would be done concurrently and thereby could take place in a reasonable amount of time. Further, since most vacant positions already have ad-hoc teachers teaching against them, and these have been deemed to be competent (or else, they would not have been reappointed year after year) and qualified, one can imagine that the colleges would be able to fill the positions.

For the university faculties on the other hand, the recruitment is centralised. The process is as follows: The number of candidates to be called for the interview per vacant post is determined by the UGC and a shortlisting of the applicants is done according to an academically suspect formula which is given by, well, the UGC. Whatever happened to university autonomy is another matter. The selection committee which interviews the candidates and selects them, consists of external experts as well as the Vice Chancellor and the Visitor's nominee, apart from the head of the concerned department.

This might seem like a reasonable process ordinarily — but these are hardly ordinary times. Filling up 850 positions involves interviewing around 10,000 candidates at the minimum, as per the UGC



guidelines. Assuming even a perfunctory interview lasting 30 minutes, that means a staggering 5,000 hours of interviews. Since these committee meetings cannot be held concurrently, they would have to work for almost a year without a break! One can only imagine the quality of the candidates chosen by overworked and overburdened selection committees.

This elementary mathematical anomaly aside, which seems to have escaped the MHRD, there is a more serious aspect to this farce: No academic institution worth its name ever goes in for such mass recruitments of its teaching faculty. The reason is simple — it is almost impossible that one would be able to find such large numbers of teachers and researchers of excellence at any given instant of time. In addition, in any discipline, new sub-disciplines might emerge in the future which would need specialists. Academically, it makes a lot more sense to stagger appointments over a long period of time, something which institutions like the IITs and IIMs have been doing. The bureaucrats at the MHRD were, obviously, blissfully unaware of the academic consequences of their diktat before issuing it.

The selection itself is done primarily on the basis of the research capabilities of the applicant without any reference to her/his teaching capabilities or inclinations. Generating new knowledge is obviously an integral and important part of the University's function in society. However, only focusing on research is to take a myopic view — good teachers are essential to motivate and train future researchers, and teachers. Thus, one should factor in the applicant's ability to teach as well.

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Of course, it would be difficult and impractical for a selection committee to gauge such capabilities in a short interview. However, this could easily be done by the concerned departments where the candidates could be asked to host a seminar or teach a class, and their peers could rate them on their teaching skills. This assessment could be shared with the selection committee which could then give it due weightage before selecting. Once again, there is nothing particularly revolutionary about this process — the IITs and IIMs have been doing this for years.

For the past few years, we have been witnessing an almost maniacal obsession with the global university rankings amongst our educational policy-making establishment. Sanctioning money for infrastructure, research and human resources are all for the goal of improving our position in these rankings. Unfortunately, what our policy makers and administrators do not realise is that research and teaching are done by humans. Buildings and laboratories are crucial but they are superfluous in the absence of high quality teachers and researchers. The Tuglaqi firmans to hire on a massive scale in an impossibly short time period might be fine for some other mass sectors, perhaps. But building world-class academic institutions needs patience, some familiarity with how academia works and a willingness to modify straightjacketed processes. If we ignore these self-evident facts, a majority of our institutions will stagnate at best and decay into oblivion at worst.

The writer is professor of physics and astrophysics, University of Delhi

Imagining a new India

It's a nation where all citizens have an equal shot at pursuit of their own happiness



JANMEJAYA SINHA

INDULGING ONE OF my hobbies of listening to great speeches, I turned the other day to Martin Luther King's immortal "I have a dream" speech, where he talked of the "fierce urgency of now" to address the tribulations suffered by the "negro seared in the flames of withering injustice". I feel "the tranquillising drug of gradualism" is not good enough to allow Indians a fair chance if we do not address five major crises enveloping India. My own dream for India is one where it has addressed the crises in:

Water: The government has undertaken a multi-faceted mission mode approach that has three parts to it — revitalising rivers and fresh water lakes, harvesting rain water and changing the incentives in agriculture. A nationwide mission has been undertaken to restore our rivers ravaged by widespread encroachment and interference in their natural flows. Measures have been taken to address the colossal scale of sewage polluting the rivers. City sewage systems have been revamped and a big focus has been put on increasing the number and maintenance of sewage treatment plants in every city. At the same time, urgent measures have been taken to ensure rain water is better harvested during the monsoon so that ground water levels are managed up. Indian urban conglomerations that have become like plastic sheets and do not absorb rain water have taken firm steps to address this.

Finally, the plea of Ashok Gulati and others has been heard and agriculture has been freed from misdirected intervention. There has been a stop to the supply of free intermittent power that led to water pumps pulling out and wasting ground water and allowing for perverse cropping patterns to get established. Minimum support prices have been replaced by direct benefit transfers to farmers and the export of water (T N Ninan's evocative phrase for rice and sugar exports from water-starved regions) has stopped. A more sustainable framework for water has led to a palpable increase in ground water and rivers have become cleaner and flow stronger.

Smart cities: One hundred smart cities have come up to absorb the out migration from the rural areas in UP and Bihar. These cities have affordable houses, piped water, power supply and toilets linked to the city sewage systems with well-developed waste sites. The cities minimise travel between residences and work places because work places are in close proximity to residential colonies. All work places have charging stations for electric vehicles and streets are lined with trees and broad walking pavements and cycle lanes. Taxes have been imposed on private car use in city centres to prevent congestion. Public toilets are plentiful as are trash bins so public areas stay clean. Training facilities have been established for training

poorly educated people for low-skill service industries. The population of metros like Mumbai and Delhi are not growing. There are reports of out-migration from large metro aggregations to newer smart cities.

Digital apartheid: All Indians are provided with smartphones and cyber clinics have been funded to encourage ease with a digital environment. Citizen convenience has become a government mantra and most services can be accessed digitally. Services like police verification, getting an election card, obtaining a driving licence, making payments to government can be done remotely and all applications can be submitted through a digital interface. India has also joined the group of cyber-capable nations that can defend the country from cyber attacks and has the capability to inflict damage to other countries in the same way.

Health: All health records in India are digitised and are centrally stored. Privacy laws have been established and patient's records can only be accessed with individual consent. People anywhere in India can call in to centres that deal with common concerns with ease. The primary health centres have all been transformed, digitised and linked to 30 specialist health centres for diagnosis and care. The PHCs are staffed by qualified nurses who engage with specialist's centres by video and advise their patients. Patient visits have reduced and convenience has increased. The district hospitals are not crowded and it is easy to access the specialised hospitals in smart cities.

Education: The government has introduced a school voucher system where municipal schools are run by the private sector. All Indian children are enrolled in school. A strong accreditation council has been set up by government that maintains and publishes school outcomes widely. Parents can use their school vouchers to choose to send their children to schools within five km of their residences. Paid fully, private schools are fully residential and located out of the cities. Teacher training institutes have been set up and all teachers need to spend one week a year learning from each other on teaching methodologies and new course work. The ratio of teachers to students in primary schools has come down from 46 to 25. All schools are equipped with TVs, computers and phones and powered by renewable sources of energy. Digital penetration in education in India has taken off and a variety of models are being used — instructors joining over phone with the material presented via computer, over video conference or just by providing digital access on computers with drop down menus for further inquiry and more advanced learning. Teaching outcomes are better and the productivity of the Indian economy is showing improvement.

Yes, I have a dream that kids will be judged by the "content of their character", not denied opportunities due to the lack of basic services. I dream that as a nation we have realised that "now is the time to make justice for all of God's children" a reality. Yes, I have a dream that all Indians have an equal shot at pursuit of their own happiness.

The writer is chairman, Boston Consulting Group, India. Views are personal

A hundred small steps

Government should restructure PDS to meet goal of 'one nation, one ration card'



SUBHASHISH BHADRA AND VARAD PANDE

ON INDEPENDENCE DAY this year, Prime Minister Narendra Modi called for national integration through several "one nation" initiatives such as a singular mobility card, tax regime and electricity grid. One such initiative, "One Nation, One Ration Card", is meant to enable a resident from, say, Darbhanga, to access her food rations in Patna or Mumbai. The Ministry for Food and Public Distribution has commenced pilots between Maharashtra-Gujarat and Andhra-Telangana, and has committed to a national rollout by June 30, 2020.

The Economic Survey 2017 estimated that over nine million Indians change their state every year. For them, the "One Nation, One Ration Card" is a gamechanger because it makes their rations "portable", allowing them to pick up foodgrains from any ration shop in the country. It also benefits nonmigrants by allowing them to transact at better-performing shops locally. This local "choice effect" is extremely popular in Andhra Pradesh, which has introduced such portability within the state since October 2015. A study by researchers at the Indian School of Business (ISB) found that over 25 per cent of Public Distribution System (PDS) beneficiaries in the state now use portability.

However, we must approach this bold vision with utmost caution because PDS is a crucial lifeline for many of the 800 million Indians it reaches. It provides them with at

least 5 kg of grain per person per month, equivalent to 25 per cent of an individual's recommended calorie intake. Even well-intentioned changes that shock the system can therefore have potentially catastrophic outcomes for some. In 2017, it was reported that a 11-year old Dalit girl named Santoshi Kumari from Jharkhand died when her family was unable to access rations in the aftermath of large-scale revisions in the beneficiary list. Over 18 starvation deaths have been reported in the state since September 2017. Such tragedies must be prevented at all costs and we should therefore be cautious while restructuring the program.

We believe that three considerations are important to keep in mind while thinking about the "One Nation, One Ration Card" initiative. First, fundamental processes related to the PDS need to be redesigned to empower every individual. The State of Aadhaar Survey 2017-18 found that nearly 6.5 per cent of PDS beneficiaries in Rajasthan were denied ration because the shopowner claimed to be out of food grain. This translates to over 3.5 million people in Rajasthan alone. A beneficiary has no mechanism to question whether the shop owner is telling the truth or diverting rations. Portability and biometrics will not solve this problem completely.

Portability in Andhra Pradesh does well because it exists in an environment of accountability of ration shops. The state gov-

ernment collects feedback in real time through a mobile-based system. The central government should use this opportunity to make PDS more user-centric. It should track denial of service on a real-time basis through mobile-based surveys. It should commission research on the experiences of particularly vulnerable groups such as the elderly, migrants, disabled and tribals to modify the process where needed. It should enable beneficiaries to track the amount of food at nearby ration shops using their mobile phones.

Second, the operational backbone of the PDS needs to be restructured to promote portability. States should be brought together on a national platform that is based on the same technical standards and can therefore "speak" to each other (what technologists call "interoperability"), so that portability works seamlessly across states. The system should be based on what technologists call "open APIs" so that states can customise the user interface to their local needs, and add features and additional entitlements as they deem fit. The system should enable real time tracking of inventories and rapid response to low stock situations.

Thirdly, while leveraging the power of Aadhaar for PDS, the government should actively address privacy and exclusion risks that the use of Aadhaar and a centralised PDS platform can lead to. In early 2018, the UIDAI in-

roduced privacy protecting features such as virtual ID and tokenisation. However, few actually use them. The government should enable every section of society to understand and use these features through both online and offline methods. The government should also acknowledge that authentication failures will happen in any biometric system. Studies by ISB in multiple states point to a 1-3 per cent failure rate, potentially affecting 8-24 million people at a national scale. To prevent denial of service, the government should ensure availability of non-biometric means of authentication (such as OTP or PIN), as well as manual overrides.

In conclusion, we suggest that the central government adopt a patient path of "a hundred small steps" while implementing this vision. It should start by encouraging all states to roll out within-state portability. This will also increase their operational and technical capacity. In the meantime, it should work on a national technical platform that works for all states. Such a gradual rollout will prevent transition glitches that show up as harmless statistics in reports, but are a matter of life and death for millions in our country. We owe this to Santoshi, and to many others like her.

The writers work at Omidyar Network India, an investment firm focussed on social impact through equity investments and grants, with an emphasis on technology

LETTERS TO THE EDITOR

HEAR THEM OUT

THIS REFERS TO the article, 'Being Greta Thunberg' (IE, September 25). The young climate change activist deserves all praise for raising her voice about a serious concern, at a time when governments do not seem to be taking stock of the issue. What worries me is that in India, such voices when raised by young people are increasingly getting suppressed with the tag of "anti-national".

Nikita Gupta, Tricity

REAL TEST

THIS REFERS TO the editorial, 'The test ahead' (IE, September 25). The abrogation of Article 370 was the easier part. The real test starts now. While the Government of India cannot be faulted for all the precautions taken in the run up to annulling Jammu and Kashmir's special status, the prolonged continuation of the clampdown indicates its nervousness. With the identity of Kashmiris at stake, there is bound to be a simmering discontent among the local populace. Has New Delhi bitten more than it can chew?

Kamna Chhabra, Gurugram.

THIS REFERS TO the editorial, 'A new approach' (IE, September 25). To become more aware about climate change, we must dare to ask ourselves, "Are we going to give our future generation a safe planet to live in?" Let's not hurt the prospects of our coming generation. We need honest commitment to avert climate change rather than just paying lip-service.

Neha Yadav, Lucknow

LETTER OF THE WEEK AWARD

To encourage quality reader intervention, The Indian Express offers the Letter of the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to editpage@expressindia.com or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301. Letter writers should mention their postal address and phone number.

THE WINNER RECEIVES SELECT EXPRESS PUBLICATIONS

life of people.

Tarsem Singh, Mahilpur

FOR THEIR FUTURE

THIS REFERS TO the editorial, 'A new approach' (IE, September 25). To become more aware about climate change, we must dare to ask ourselves, "Are we going to give our future generation a safe planet to live in?" Let's not hurt the prospects of our coming generation. We need honest commitment to avert climate change rather than just paying lip-service.

Neha Yadav, Lucknow