

TELLING NUMBERS

93% milk samples found safe, 41% had quality issues: survey

ON FRIDAY, the Food Safety and Standards Authority of India (FSSAI) released the National Milk Safety and Quality Survey 2018. It recorded data from 6,432 samples of milk, out of which 40.5% were processed samples and 59.5% were raw milk samples, taken from towns with populations of 50,000-plus. The samples were analysed for fat and SNF (solids not fat), 13 adulterants and three contaminants.

Overall, above 93% of the samples (5,976 of 6,432) were found safe for human consumption. However, about 41% of the samples, though safe, fell short of one quality parameter or another.

Among the samples found unsafe, 12 were adulterated (6 with hydrogen peroxide, 3 with detergents, 2 with urea, 1 with neutralisers). Nine of the samples were taken from Telangana,

two from Madhya Pradesh and one from Kerala.

In 368 samples, the survey found residues of aflatoxin M1 (a type of mycotoxin that can cause disease and death) beyond permissible levels. This was the first time milk in India was tested for aflatoxin M1, which comes into contact with milk through feed and fodder, not regulated in the country at present. States with the highest levels of residues of this contaminant were Tamil Nadu (88 of 551 samples), followed by Delhi (38 of 262) and Kerala (37 of 187). Most of the residues were found in processed milk.

Out of 77 samples found to be non-compliant for antibiotics, most were taken from Madhya Pradesh (23), followed by Maharashtra (9) and Uttar Pradesh (8).

CRITERIA	TOTAL SAMPLES	PROCESSED	RAW	%
Survey total	6,432	2,607	3,825	-
Safety issues	456	271	185	7.1

(I) CONTAMINANTS				
Aflatoxin-M1	368	227	141	5.7
Antibiotics	77	40	37	1.2
Pesticides	1	0	1	<0.1

(II) ADULTERANTS				
Urea	2	0	2	<0
Detergents	3	1	2	<0.1
Hydrogen peroxide	6	3	3	0.1
Neutralisers	1	1	0	<0.1

Percentages are based on the total 6,432 samples in the survey. The sum of individual failures will not add up to 456 because some samples failed on more than one parameter. Source: National Milk Safety and Quality Survey 2018, FSSAI

THIS WORD MEANS

THYLACINE, OR TASMANIAN TIGER
Considered extinct, yet 'sightings' continue

INTEREST IN an animal considered extinct has been freshly revived, with Tasmania's Department of Primary Industries, Parks, Water and Environment releasing a document that mentions possible sightings between September 2016 and September 2019. Called thylacine, or Tasmanian tiger, the animal is actually a marsupial, believed extinct since 1936, when the last one known, Benjamin, died in captivity in Tasmania's Hobart Zoo.



Thylacine specimen. Australian Museum

It was a carnivorous animal that looked like a large dog, with a band of stripes at the rear. Present in mainland Australia over 2000 years ago, it was limited to Tasmania in later years before it disappeared from there too, mainly because of hunting by humans, diseases and competition from the dingo, a wild dog.

Over the decades, there have been many claims about sightings but most of them have turned out to be wrong identification. The James Cook University in

2017, in fact, launched a search in 2017 following possible sightings. In 1980, a study of 320 sightings, which had been reported over 1934-80, found that roughly under half of these could be considered "good sightings". Now, the Tasmanian government has released eight recent records of people having encountered the animal.

SIMPLY PUT QUESTION & ANSWER

Why interest rates aren't falling

Since February, RBI has cut its interest rate by 135 basis points. Yet, bank lending rates for new loans have not fallen by much while interest rates on many existing loans have actually gone up. What explains this?

UDIT MISRA
NEW DELHI, OCTOBER 20

SINCE FEBRUARY, the Reserve Bank of India (RBI) has aggressively cut the repo rate. This is the interest rate that the RBI charges the banks when it lends them money. By cutting the repo rate, the RBI has been sending a signal to the rest of the banking system that the lending rates in the system — the interest rates that banks charge from you and me when we take a loan — should come down. This process of repo rate cuts leading to interest rate cuts across the banking system is called "monetary policy transmission".

The trouble is, in India, this process is rather inefficient. For example, between February and August, the RBI cut repo rate by 110 basis points — 100 basis points make a percentage point — from 6.5% to 5.4%. But, the interest rate charged by banks on fresh loans that they extended during this period fell by just 29 basis points — that is just 27% of the amount by which the repo rate came down.

Frustrated by the sluggish transmission, the RBI decided to cut the repo rate by another 25 basis points in October and urged banks to link their lending rates to the repo rate. Yet, for the most part, the banking system has ignored the signalling and only some banks have reduced lending rates on new loans by 10 basis points.

In essence, while the RBI has cut its lending rate to the banks by 135 basis points (or 1.35 percentage points) in the nine months since February, the interest rates being charged to the common consumer this Diwali have come down by only about 40-odd basis points.

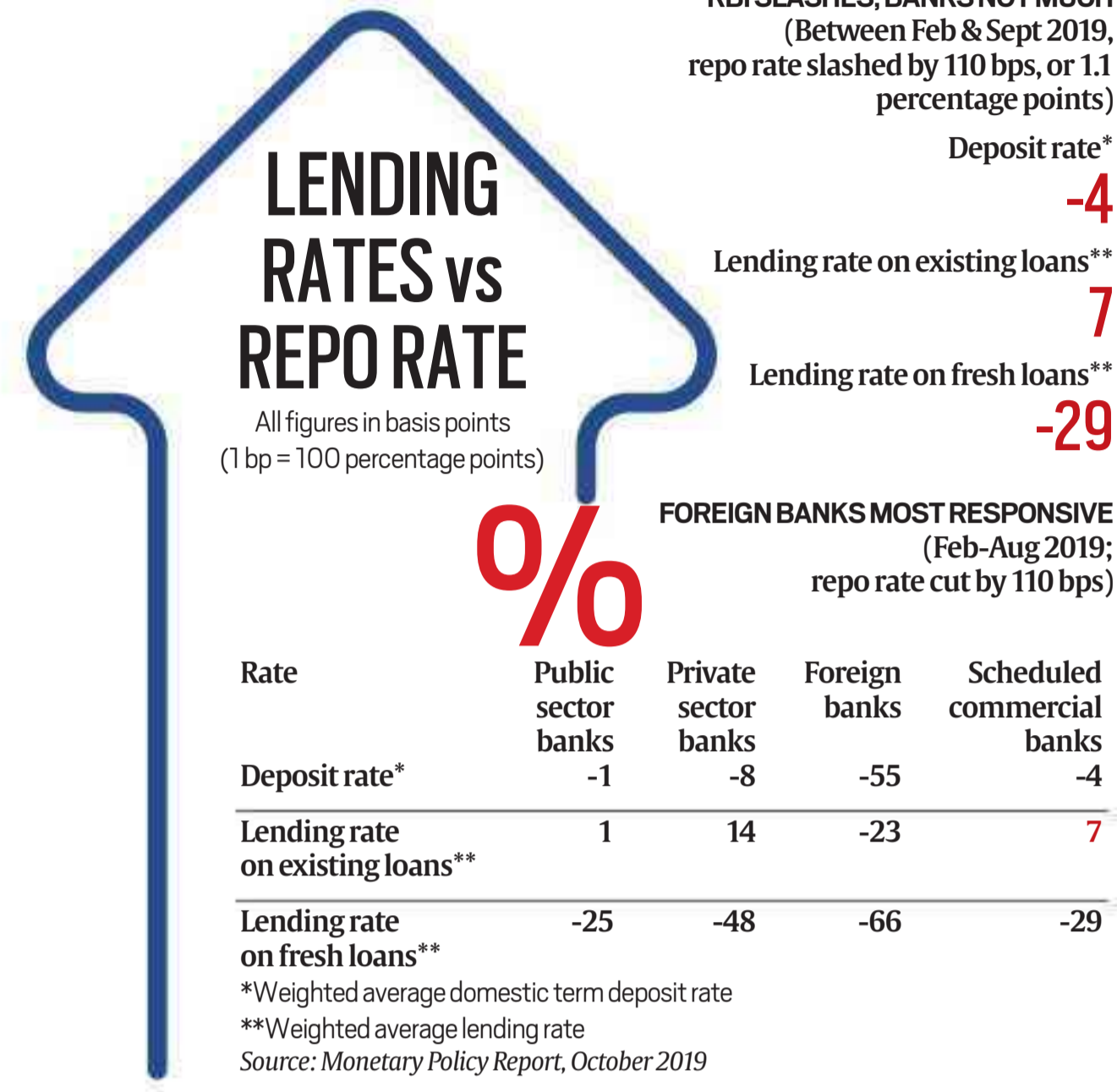
Indeed, even though it is counter-intuitive, interest rates on existing loans (not new loans) have actually gone up by 7 basis points.

Why does RBI want lower interest rates?

Since February, India's economic growth momentum has rapidly decelerated. Projections of GDP growth rate have come down from roughly 7.2%-7.5% in February to 5.8%-6.0%.

There are two key problems in the economy and a lower interest rate regime is expected to help in resolving both.

The main issue is that people are not consuming at a high enough rate. On paper, the argument is that if banks reduce their lend-



ing rates, they would also have to reduce their deposit rates (the interest rate banks pay when we park our money with them in a savings bank deposits or a fixed deposit). This, in turn, will incentivise people to save less and spend more.

The other problem in the economy at present is that businesses are not investing in existing or new facilities. Part of the reason is that they have unsold inventories because people are not buying as much; as such, they argue, what is the point of borrowing money and investing. But part of the reason is also that the interest rate charged on loans is quite high. If banks reduce the interest rates on loans, more businesses are likely to be enticed to borrow new loans for investment. This is particularly so as the government has recently cut corporate tax rates in the hope that it will boost the corporate sector's profitability and get it thinking of investing more.

No matter which way one looks at it, RBI's decision to cut repo rates was a justified move, especially since overall retail inflation has been well within the RBI's comfort zone of 4%.

So, why aren't interest rates coming down?

Simply put: Because repo rates have little impact on a bank's overall cost of funds, and reducing lending rates just because the repo has been cut is not feasible for banks.

Here's why. For any bank to be viable, there must be a clear difference between the interest rate it charges from borrowers on loans it provides and the interest rate it gives to consumers on deposits it accepts. The difference between these two sets of interest rates has to be not only positive but also big enough for the bank to make profits.

To attract deposits, banks pay a high deposit rate. Such deposits make up almost 80%

of all banks' funds from which they then lend to borrowers. Banks borrow a minuscule fraction under the repo. So even sharply reducing the repo rate doesn't change the overall cost of funds. Unless banks reduce their deposit rates, they will not be able to reduce lending rates.

Why are banks not reducing their deposit rates?

That's because if a bank were to reduce its deposit rates, depositors would shift to a rival bank that pays better interest rates or park more and more of their savings in small saving instruments such as public provident fund, Sukanya Samridhi Yojana etc that pay much higher interest rates.

There is another aspect. Even if banks wanted to reduce their deposit rates, they can't always reduce them immediately. Miren Lodha, Director, CRISIL Research, said 65% of total deposits are "term" deposits (fixed for a certain duration) and take, on an average, up to two years to get repriced at fresh rates. "Therefore, banks generally go slow on reducing the interest rates on advances as deposits take longer to get repriced."

But why are interest rates going up on existing loans?

This, too, has to do with the banks trying to manage their finances. If they are under pressure to reduce the interest rate they charge on new loans, then one of the things they could do is to push up the interest rates on old loans that allow for such flexibility. It also has to do with the financial health of a bank; weaker banks would be forced to raise rates to cover for past losses, explained Suvodip Rakshit of Kotak Institutional Equities.

What hasn't linking the lending rate to the repo rate worked?

Because it is not a viable solution. The banks cannot link their lending to the repo rate because repo doesn't determine their cost of funds. For a repo-linked regime to work, the whole banking system would have to shift to that — in other words, along with banks' lending rates, their deposit rates too must go up and down with the repo. But if such a regime were in place, depositors would have earned 1.10 percentage points less interest rate on their savings account.

Longer version on www.indianexpress.com

Uterine transplant: how it's done, risks, debate

ANURADHA MASCARENHAS
PUNE, OCTOBER 20

IT IS now one year since India's first baby was born to a mother with a transplanted uterus (*The Indian Express*, October 18). Such cases are rare across the world — Radha, whose parents have just celebrated her first birthday, is the 12th such baby worldwide. Now demand has risen, especially at Pune's Galaxy Care Hospital, where the transplant had been done on Radha's mother Meenakshi Valan of Gujarat on May 19, 2017. Since then the hospital has got over 1,000 applications.

The reasons, the results

Approximately 1 in 500 women are estimated to have uterine factor infertility according to the September issue of the *British Medical Bulletin*. In India, about 17% of all women face issues relating to infertility, and the reason is related to the uterus in 20% of these. For women whose uterus is not healthy, or who do not have one, a transplant

is the newest form of infertility treatment.

Valan had a scarred uterus due to multiple abortions and cases of stillbirth. Her mother donated the uterus. Usually, women related to the recipient are potential donors. The donor may be either living or deceased, and is chosen from among women up to the age of 50 years.

Dr Shailesh Puntambekar, laparoscopic surgeon and Director of Galaxy Care Hospital, said worldwide there have been 30 uterine transplants and 15 babies born. Among the babies, one was born after a cadaveric uterus was transplanted. The transplanted uterus is generally intended to be removed after the woman has undergone one or two childbirths.

Normal reproduction is not possible with a transplanted uterus — a transplant makes sense only with in vitro fertilisation (outside the body). The first successful transplant was performed in Saudi Arabia in 2002 but did not result in pregnancy. In Turkey, pregnancy following a 2011 transplant lasted only eight weeks. The first birth after a transplant, in 2014, happened in Sweden.

Is it the future?

Uterine transplants are still extremely rare, complicated and expensive. In the case of Meenakshi — and Shivamma, a woman who had undergone a transplant the day before Valan underwent hers — the entire process (up to the birth of Valan's child) was made free because these were the first two such cases in India.

In the earliest cases, doctors took almost 13 hours to retrieve the uterus, because they performed open surgery. With laparoscopic intervention, the time has now come down to about six hours, Dr Puntambekar said. While the donor should ideally be a cadaver, it is difficult in practice — the donor has to be less than age 50, her uterus should have produced children, and the risk of organ rejection is higher when it is from a dead person. Minimally invasive surgery (robotic surgery) has become the standard procedure and in the future, it is likely that the recipient of the uterine transplant has to undergo only one surgery as vessels can also be sutured laparoscopically, Dr Puntambekar said.

A uterine transplant, like that for other organs, requires clearances at several levels. Now the cost is going down as patients are being discharged on the 14th day following the transplant.

Ethical considerations

There has been debate whether uterus transplants are ethically justified. There is vast literature on this debate, covering psychological and physical risks as well as complications arising out of immunosuppressive therapy. According to the *British Medical Bulletin's* September issue, concerns have been raised about the welfare of living donors who may end up regretting their choice to donate. Experts suggest that a living donation is justified only after informed consent by the donor, and this after counselling by physicians and psychologists.

Dr Puntambekar said that in the last two years, they have done eight transplants and kept several on hold as they wanted the couples and family members to be extremely sure and committed about a transplant.

Telangana transport strike: what unions want, why govt is unyielding

SREENIVAS JANYALA
HYDERABAD, OCTOBER 20

SINCE OCTOBER 5, some 47,000 employees of the Telangana State Road Transport Corporation (TSRTC) have gone on strike, with no resolution in sight two weeks later.

Their demands

TSRTC employees have listed 26 demands. These include merger of the TSRTC with the state government, which would make them eligible to a number of perks and benefits; reimbursement of government dues to TSRTC; and an allocation of 1% of the state Budget to TSRTC. Other demands include job security for drivers and conductors; and immediate reimbursement of a salary hike due since April 1, 2017.

TSRTC union leader Ashwathama Reddy said employees called for the strike also because they felt the government was preparing to privatise the corporation. Reddy said employees fear that Chief Minister K Chandrashekar Rao would hand over the corporation to PV Krishna Reddy, managing director of Megha Engineering and

Infrastructure Ltd (MEIL), which is executing some major works under the Kaleswaram irrigation project in Telangana. These apprehensions started after MEIL acquired last August a controlling stake in Olectra Greentech, which makes electric vehicles. Olectra at present runs 40 electric buses in Hyderabad to the Rajiv Gandhi International Airport; TSRTC unions fear that more routes would be privatised and given to MEIL.

Government acts tough

Chief Minister K Chandrashekar Rao, who was supported by TSRTC unions during the statehood movement, has dug in his heels saying he will not negotiate with the unions over their demands.

Transport Minister P Ajay Kumar said: "The Telangana Rashtra Samiti never promised or assured that TSRTC would be merged with the state government. It was not a poll promise either. Salary hike is due but it will be done at an appropriate time, and there was no need for the TSRTC unions to go on strike urgently during Dussehra, which caused immense hardship to people."

Dussehra is Telangana's most important festival, with lakhs travelling to their homes



A commuter carries his luggage at a bus terminal in Hyderabad on Saturday. AP

in the state. Although the unions had issued their strike notice 10 days ahead of Dussehra, the government had ignored it saying it would not be blackmailed. "The CM saw no immediate need for the TSRTC

staff to go on strike especially before the festival," a CMO official said. As a warning to the strike proposal, the state government did not deposit the September salaries of TSRTC employees.

In the absence of TSRTC drivers and conductors, the government has hired temporary drivers, offering them Rs 2,000 for eight hours of duty. Many drivers of garbage trucks of the Greater Hyderabad Municipal Corporation have apparently gone on leave, and were found driving TSRTC buses. But these buses are running only on certain routes, and for short distances. The government also extended Dussehra holidays until October 19, and has impounded school buses to run them along some routes. Striking staff are not allowing buses to leave depots by squatting in front of the gates.

Suicides, then and now

Srinivas Reddy, a TSRTC driver at Khammam depot, immolated himself, allegedly because he did not receive his salary and could not pay his EMI or afford household expenses. He died at a hospital in Hyderabad last week. A day later, Suresh Goud, 50, a conductor, hanged himself at his Hyderabad home.

During the statehood movement between 2009 and 2013, the TRS had attributed every suicide and immolation bid to the movement. Now, it is silent on the sui-

cides of the two TSRTC employees, and a suicide attempt by another one.

To remind the TRS and KCR how they had thrown in their might behind the statehood agitation, TSRTC employees are organising 'vanta varpu' cooking on the roads — which they had done several times during the Telangana agitation — to bring transport to a halt once again.

No looking back

While the Congress and the BJP have piled on the pressure, analysts say KCR cannot turn back after taking such a tough stand. There is a by-election on Monday in Huzumagar Assembly seat. The TRS hopes to wrest the seat from the Congress and leaders believe the TRS's position will be weakened if it softens its stand on the strike.

Although KCR has said the 47,000-odd staff of TSRTC cease to be employees after they failed to rejoin duty before 6 pm of October 3, the government has not sent out suspension or dismissal notices. At a review meeting, KCR told officials they are deemed as dismissed and cease to be employees. TSRTC unions are preparing to approach courts if the government recruits staff in their place.



BREXIT MEANS THAT SOMETHING IS WRONG IN EUROPE. BUT IT MEANS ALSO THAT SOMETHING WAS WRONG IN BRITAIN. — JEAN-CLAUDE JUNCKER

The Indian EXPRESS

FOUNDED BY
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

THE SCREWS TIGHTEN

Islamabad evades FATF blacklist, but Delhi's campaign has put the spotlight on Pakistan's support for cross-border terrorism

PAKISTAN'S ESCAPE, AT least for the moment, from the so-called black list of the global Financial Action Task Force (FATF) that acts against terror financing in the world has surely disappointed Delhi. It also seems to reinforce Delhi's critics, who believe Pakistan can't be "isolated" even if its army brazenly violates its international legal commitments on fighting terrorism. Disappointment and criticism arise from the fact that the government of Narendra Modi had mounted a sustained campaign in the last few years to apply the existing international norms against money laundering and terror financing on Pakistan. The grey list is about putting countries on notice and seek time-bound compliance with a range of FATF benchmarks. If countries fail to comply, they get on to a black list that calls on nations to take additional measures against financial transactions involving Pakistan's jurisdiction. At the moment, only two countries are on the black list — Iran and North Korea.

Pakistan was first put on the grey list in 2012 but got off it in 2015. That was when the FATF and its procedures caught Delhi's serious political interest. Once the Foreign Office put it at the top of its diplomatic priorities, the FATF became part of the public discourse on Pakistan. The intense Indian effort resulted in Pakistan being put on the grey list again in 2018. There is a good case for tempering India's disappointment at the international community's reluctance to put additional pressure on Pakistan's support for terrorism, despite the FATF's acknowledgement that Pakistan is in full compliance with only five of the 27 benchmarks Islamabad had to address.

The FATF has certainly issued a stern warning to Pakistan that it could get to the black list if there was no progress by February 2020. There is no guarantee, of course, that Pakistan will pay the price four months down the road. For the FATF, in the end, is a multilateral mechanism, where bilateral political considerations do impact on the outcomes. Pakistan can thank China, Turkey and Malaysia, whose support helped it escape the black list. There is nothing to suggest that the Pakistan policies of the three countries might change any time soon. Is "isolating Pakistan", then, a "fool's errand"? No, not by any measure. Although Delhi can't bet on complete success in its FATF campaign, the effort has generated unprecedented international pressure on Pakistan Army's support to cross-border terrorism. Sustaining the international mobilisation also turns harsh light on Islamabad's allies — especially China — that talk the talk on opposing terrorism and improving ties with India but refuse to walk the walk.

PM-CM PUSH

The BJP campaign in Maharashtra and Haryana was an endorsement of the leadership of its chief ministers

THE BJP CAMPAIGN in Maharashtra and Haryana, the two states that vote today, was led by Prime Minister Narendra Modi and Union Home Minister and BJP chief Amit Shah. PM Modi addressed nine rallies in Maharashtra and seven in Haryana whereas Shah spoke at 18 meetings in Maharashtra and seven in Haryana. This wasn't unexpected since the two leaders had won a second term for the party with an enhanced majority in the Lok Sabha just a few months ago. But what stood out in the assembly election campaign was the big endorsement the BJP national leadership gave to the outgoing chief ministers in the two states: Modi and Shah, in fact, were seeking the mandate for Devendra Fadnavis in Maharashtra and Manohar Lal Khattar in Haryana.

At his rallies in Maharashtra, PM gave the slogan, "Dilli mein Narendra, Mumbai mein Devendra" (Narendra in Delhi, Devendra in Mumbai). He said the Narendra-Devendra formula has been a super-hit for the last five years and "when Narendra and Devendra stand together, 1+1 is not 2 but becomes 11". Similar was his appreciation for Khattar, who was handpicked by Modi and Shah in 2014 to head the government in Haryana though he had no previous experience as a legislator or in government. The BJP campaign in Maharashtra and Haryana, of course, bet high on the issue of nationalism, especially the Centre's actions in Jammu and Kashmir. But the party also championed the record of the chief ministers in office, which it claimed was superior to their predecessors. The party also leveraged the fact that Fadnavis and Khattar were from non-dominant castes and projected them as leaders who stood above sectarian interests. This has been an interesting strategy since dominant castes such as Marathas and Jats have had a disproportionate influence on electoral politics in Maharashtra and Haryana respectively for a long time. Of course, the BJP's claims went uncontested also because of the lacklustre campaign run by the opposition parties, which seem to have failed to regroup after the general election drubbing.

The rise of Fadnavis and Khattar is in some ways a throwback to the 2000s, when the BJP under Atal Bihari Vajpayee and L K Advani encouraged relatively young parliamentarians such as Shivraj Singh Chauhan, Raman Singh and Vasundhara Raje, to establish themselves as state leaders. The rise of these leaders and the free hand the party allowed them in running governments helped the BJP to expand its vote base and become the dominant electoral force it has now.

FREEZE FRAME

E P UNNY



FAIZAN MUSTAFA

JUSTICE ARUN KUMAR Mishra is in the news, again. This time for his refusal to recuse himself from the Constitution Bench that has to re-examine a controversial judgment that he delivered last year. The repeated use of the word "impartial" by the parties seeking his recusal has naturally "hurt" Justice Mishra. Taking exception to the campaign on social media against him, Mishra asked: "Is maligning a judge on social media not akin to maligning the integrity of the court?"

"I may be criticised for my view, I may not be a hero and I may be a blemished person but if I am satisfied that my conscience is clear, my integrity is clear before God, I will not budge. If I think I will be influenced by any extraneous factor, I will be first to recuse," the SC judge asserted. He added "the question is can we not sit in the constitution bench though it is us who referred the matter to the larger bench. It is not the appeal against the verdict in which I was the party. I may change or correct my view, if persuaded". Justice Mishra has a valid point. However, the case in question is not a routine referring back of a SC verdict to the Chief Justice. It pertains to an exhaustive verdict which was challenged days after it was delivered.

In 2014, a three-judge bench led by the then CJIR M Lodha unanimously held, in the *Pune Municipal Corporation* case, that compensation under the Land Acquisition Act had to be deposited in the Court. It ruled that a mere deposit of money in the government treasury cannot be regarded as payment made to landowners and the acquisition would lapse. But on February 8, 2018, another three-judge bench of Justice Mishra, Justice Adarsh Kumar Goel and Justice Mohan M Shantanagoudar overruled this verdict in the *Indore Development Authority* case. Justice Shantanagoudar differed with the majority verdict.

But the 2:1 verdict in the *Indore Development Authority* case did not satisfy the apex court's criteria for setting aside a

The decision of a judge to recuse is about due process, respecting people's trust in judiciary

A judge should ideally recuse from a proceeding in which his impartiality might reasonably be questioned due to the possibility of personal bias or prejudice or if he has been a lawyer or judge in the matter at some stage. Justice Mishra is absolutely right that the decision of recusal should be made by the judge as per the dictates his conscience. But ideally, when a judge recuses himself, as in the *Gautam Navlakha* case, he should state the reasons for his decision. A recusal should not become a convenient method to get rid of a judge. Bench hunting must not to be permitted through recusal requests and such requests should not be used to intimidate a judge.

verdict. In the *Dawoodi Bohra Community* case in 2005, the court had said that a verdict can be overruled only by a bench of larger strength. On February 20, 2018, another case on land acquisition compensation came up before a SC bench. Justice Madan Lokur, who headed this bench, put a stay on all such cases till the anomalies in the *Indore Development Authority* case were referred to the CJ. The next day, Justice Mishra referred the matter to the CJ and asked him to constitute a larger bench. Since the CJ was aware of the circumstances of referral and Justice Mishra's "predisposition" towards a particular interpretation, he should not have placed Mishra on this bench. Assuming that his inclusion is appropriate, why was Shantanagoudar not included in this larger bench?

There have been other recusal refusals. On May 2, CJ Gogoi refused to recuse himself in the *Assam Detention Centre* case. He observed that, "Do not even remotely think that we will recuse. We will not allow anyone to browbeat the institution. Recusal will be destructive for the institution." Like Mishra, he went on to add that "the inability, difficulty or handicap of a judge to hear a particular matter is to be perceived by the judge himself and no one else." But the law on recusal is slightly different. It was laid down by Justice M N Venkatachaliah in *Ranjit Thakur* (1987), where he observed that, "The proper approach for the judge is not to look at his own mind and ask himself, however honestly, 'am I biased?'; but to look to the mind of party before him".

A judge should ideally recuse from a proceeding in which his impartiality might reasonably be questioned due to the possibility of personal bias or prejudice or if he has been a lawyer or judge in the matter at some stage. We do trust our judges and that's why no one sought the recusal of judges in the *Babri Masjid* case on the ground that judges who believe in the divinity of Lord Ram cannot decide a case in which Lord Ram himself is a party.

Justice Mishra is absolutely right that the decision of recusal should be made by the judge as per the dictates of his conscience. But ideally, when a judge recuses himself, as in the *Gautam Navlakha* case, he should state the reasons for his decision. A recusal should not become a convenient method to get rid of a judge. Bench hunting must not be permitted through recusal requests and such requests should not be used to intimidate a judge. In the *R K Anand* case (2009), the Supreme Court rightly that "a motivated application for recusal, therefore, needs to be dealt with sternly and should be viewed as interference in the due course of justice leading to penal consequences".

The country's judicial system should consider changing the system of hearing recusal requests. Ideally, such a request should not be heard by the bench but only by the judge concerned. In the *Jewell Ridge Coal Corporation* case (1945), the US Supreme Court held that it is the responsibility of the judge in question to hear such a request. In 2014, Justice Antonin Scalia of the US Supreme Court heard the requests for his recusal in a case pertaining to the country's Vice President Dick Cheney. In the *Hanrahan* case in 1980, Justice Rehnquist of the US Supreme Court observed: "Since generally the court as an institution leaves such motions (recusal), even though they are addressed to it, to the decision of the individual judges to whom they refer, I shall treat the motion as addressed to me individually."

The Justice Mishra-led bench will now pronounce its verdict on the recusal on October 23. One hopes it will bear in mind that procedural fairness is an integral part of due process, especially after *Maneka Gandhi* (1978). Propriety, not legality, is in question here. Justice, after all, is rooted in the people's confidence.

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CONTESTED TERRAIN

Savarkar, father of Hindu rashtravad, also represents a tradition of social reformers



GIRISH KUBER

WE ARE living in times when finding the middle ground is becoming increasingly difficult. The latest case in point is the BJP's call for Bhart Ratna for Vinayak Damodar Savarkar aka Swatantryaveer Savarkar. The Maharashtra BJP incorporated this demand as part of its manifesto along with asking for a similar honour for Mahatma Phule. Soon after, Prime Minister Narendra Modi and party president Amit Shah joined the chorus, clearly in an effort to paint Savarkar critics as "anti-BJP", and hence, anti-Hindu.

First, why did the BJP, which has been ruling the state and the Centre for the last five years, think it prudent to demand the highest civilian honour for Savarkar even while it failed or ignored the same all these years? The answer lies in the state BJP's recent political manoeuvres aimed at winning over the Maratha and other caste groups either by offering them reservations or engineering defections. Most of the imported breed of leaders are either from the Congress or its off-shoot, the NCP, and therefore, clearly lack the Hindutva pedigree. This accommodation by the BJP undoubtedly antagonised its traditional vote base of Brahmins and upper castes. Having faced severe criticism for open and unabashed defections, how can it convey to its traditional vote base that it is not deviating much from its core agenda? By making a demand to honour Savarkar with the Bharat Ratna.

This is the BJP's new-found way of outreach to various communities, even while keeping its core in good humour. By doing so,

it has exposed itself yet again to criticism of its "selective appropriation" of icons representing divergent ideologies. Savarkar is more known as the father of Hindu rashtravad (Hindu nationalism), but at the same time he also represents Maharashtra's glorious tradition of social and religious reformers. The BJP doesn't seem to be interested in Savarkar's reformist side.

Unfortunately, in the current highly vitiated political atmosphere, one has to be critical of Savarkar to gain membership of the country's liberal elite. On the other hand, mere proclamation of one's affection for Savarkar opens the doors of the country's now-privileged Hindutvawadi groups. But, notwithstanding the danger of being labelled "rightist" or being accused of peddling "soft-Hindutva", there is a need to bring out certain positive aspects of Savarkar's other-than-Hindutva ideology.

Not many are aware that traditional Hindutvawadis despised Savarkar for his modern approach to life. He bluntly wrote how "India is 200 years behind Europe" and has to give up its religious discourse if it wants to catch up with the modern world. Unlike conventional Hindu leaders, Savarkar openly embraced an "era of machines" and appealed to others to give up their narrow vision of religion. New-Hindutvawadis will certainly find themselves at odds with Savarkar, who openly asked them to give up vegetarianism. His criticism of those who call cow "gau mata" is fairly known. What is relatively unrevealed is his comparison of the

cow with donkey and pigs. "If Hindu puranas have talked about a cow, they also have talked about pigs in the form of (Lord Vishnu's) Varah Avtaar. Then why not set up pig-protection groups on the lines of gau rakhshaks," he asks in one of his essays. He bravely ridiculed the idea of 33 crore gods living in a cow. Some of his criticism of Hindu traditions is so harsh and direct that it can be found "unprintable". In another essay, he came down heavily on the Hindu caste system and questioned "upper caste" Hindus who won't mind consuming cow-urine and cow-dung but at the same time refuse to accept a glass of water from the hands of the supremely intellectual Ambedkar. Savarkar even questioned Hindu gods. He also led an agitation demanding untouchables' entry into Hindu temples.

Much of this, unfortunately, has been forgotten in a country witnessing a Hindu resurgence. Isn't it ironic that the political party that likes to portray itself as "Hindutvawadi" is trying to appropriate Savarkar at a time when the country is witnessing growing incidences of mob lynching over protecting the cow? For the BJP, Savarkar is a mere Hindutva icon who can help garner (or polarise?) more votes and whose call for scientific temper can easily be ignored. By its politically opportune approach to Savarkar, the BJP may get few more votes, but it will further narrow the intellectual middle path. Neither "Hindutvawadi nor anti-Hindu" approach will take us anywhere.

The writer is editor, Loksatta

OCTOBER 20, 1979, FORTY YEARS AGO

BAHUGUNA RESIGNS
H N BAHUGUNA has resigned from office at the prime minister's asking. Charan Singh's letter demanding the resignation of the finance minister reached his residence at 4.35 pm and Bahuguna wrote his resignation by hand before sending it to the PM within 10 minutes. Bahuguna was, however, surprised at Singh's action. Bahuguna's exit from the government may affect the fortunes of the Banarasi Das Government in UP. The support of the 28-member CFD group to the government is crucial.

FLEEING POONCH
FEAR-STRICKEN PEOPLE FROM occupied Poonch area are trying to cross over to the

Indian side, according to official sources. However, the Indian Border Security Force manning the Actual Line of Control is not allowing them to sneak in. Over 400 people have been seen coming near the Pakistan side of the border in Poonch. Youths are reportedly taking out anti-martial law processions in various parts of occupied Kashmir, but troops have chased them away.

TN COPS STRIKE
WHILE CLAIMING A general improvement in the situation resulting from the four-day-old strike by the constabulary in Tamil Nadu, the state director-general of police, E L Stracey, charged that some public figures were urging the men of his force to continue

their agitation. He said "appropriate action" was being taken against the persons concerned under Section 3 of the Incitement of Disaffection Act. He, however, declined to identify them. Asked whether any political party was involved, he said the public figures concerned did not belong to any particular party. Stracey reported a "steady and welcome change in the attitude of the striking policemen". He said: "While quite a number of them are returning to duty, some others are expressing themselves openly against the strike."

The above was published in the October 20, 1979 issue. There was no edition on October 21 on account of Diwali.



THE IDEAS PAGE

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C R Sasikumar

Tap dancing lessons

There are many issues between the India and US that will require some deft diplomatic manoeuvring from External Affairs Minister S Jaishankar



BHASKAR CHAKRAVORTI

"I am reasonably convinced of the powers of my persuasion." — External Affairs Minister, Subrahmanyam Jaishankar.

THE MINISTER WAS speaking to an audience at the Centre for Strategic and International Studies, in Washington, on India's decision to purchase the S-400 air defence missile system from Russia, and his efforts to avoid getting hit with American penalties. Ordinarily, countries doing business with Russia run the risk of sanctions from US Congress under the 2017 Countering America's Adversaries Through Sanctions Act (CAATSA).

Methinks, the honourable minister claims too much credit. An essential attribute of any good diplomat is self-confidence. While I hold Jaishankar in high regard — and yes, yes, I know he has sold his soul trying to justify the Article 370 abrogation, but putting lipstick on a pig is his day job — somehow I am not as persuaded as he is about his powers of persuasion. The truth of the matter is that there is a loophole in CAATSA: The US president can waive the sanctions if it is in the national security interests of the US and the president can determine that the errant country is otherwise cooperating with the US on matters critical to US interests.

Now, this is where Jaishankar caught a break. The US president himself is possibly the biggest threat to US security interests. In addition, he seems to have a fascination with Russia and deep fondness for its leader. America is gearing up for an upcoming election — and given that Donald Trump was only too happy to accept help from the Russians in winning the last election — it may not be entirely coincidental that he is not too keen on stymying one of Russia's most important arms deals. After all, Russia continues to be a lynchpin in the misinformation campaigns that will inundate the US in coming months. In other words, minister Jaishankar,

with all due respect, should cede all credit directly to the US president. Jaishankar's powers of persuasion, while amazing in other circumstances, may not be the pivotal force here. Dealing with Russia was a reasonable bet for India to take — and, for now, the gamble has paid off even at the price of American democracy being undermined.

Now that I have got that off my chest, here are some substantive issue areas where it would be appropriate for Jaishankar to be putting his plenipotentiary powers of persuasion to the test.

To get things rolling, let's talk trade. Earlier in the year, after India imposed higher tariffs on some US goods, Washington withdrew a key trade privilege for India. Trump complains that India's taxes on imports are too high. He has described India as the "king of tariffs". The reality is that, for a change, he is right. India's average tariff rate in 2018 was 17.1 per cent. The tariffs on Harley-Davidsons — a product that Trump is particularly fussed about — used to be 100 per cent. And let's not even mention American walnuts — with a whopping 120 per cent tariff. In comparison, the US, Japan and the EU had average tariff rates between 3.4 per cent and 5.2 per cent. India's rates are high even in comparison with other emerging market nations, Brazil, China and South Africa, all averaging between 8 per cent and 14 per cent.

In a pre-election season when Trump is motivated to trumpet his toughness on unfair trade relationships, the state of Indo-US trade ties remain particularly vulnerable.

Separately, it seems that the US and China are in talks to resolve their longer and more contentious trade dispute. In the latest round of trade talks, the US said it would suspend a tariff hike on Chinese goods and Trump announced that China had agreed to a "very substantial phase one deal". India, in the meantime, has done little to take advantage of the US-China trade tensions to further its own interests. Nevertheless, here is a persuasive persuasion opportunity for Jaishankar to make up for that lapse. What can he and his team do to help reach a trade truce with Trump that meets India's objectives, make Trump look like a hero to his base and put China on the spot?

Next, let's consider a different thorny issue. This one has to do with the thousands of Indian IT professionals and students who face an uncertain future in the US. The Trump administration has vacillated about its posi-

tion on H1B visas. In June, there were plans to cap the visas and then two weeks later, the officials presiding over it walked away from such plans. However, the administration has consistently presented itself as the keepers of American jobs who seek to limit immigration to the US across the board. Many Indian professionals who have been in the US for years and have made a home in the country live with the uncertainty that they might have to pack up and leave. Can Jaishankar persuade the US authorities to recognise that skilled immigration restrictions may not help Americans get jobs. Instead, such short-sighted measures may drive firms to relocate their operations outside the US causing losses of jobs and revenues overall? A study by Britta Glennon of the Wharton School helps make that point.

To pick a third area, Jaishankar might want to closely monitor the topsy-turvy direction of American politics as it unfolds over the coming year. Given the uncertainties of the impeachment inquiry against Trump that is unfolding and the fiercely divisive elections ahead in 2020, it will be a major feat of tap dancing that will be required to build relationships with the Democrats, from Nancy Pelosi to the candidates lining up to take on Trump. Of course, all this must be done while continuing to extract concessions from Trump in parallel. Cozying up to Trump's sworn enemies, the Democrats, is bound to invite his wrath.

If self-confidence, as I have noted earlier, is an essential attribute of a good diplomat, tap dancing skills are even more essential. I think the best advice to Jaishankar is probably from Trump himself: "Don't be a tough guy. Don't be a fool!" (Yes, he actually wrote that in his letter to Turkey's Recep Erdogan.) Perched in a school that has probably produced more diplomats than any other, I can confidently suggest that this is about the best lesson any diplomat can take away. India's top diplomat, surely, has his work cut out for him and quite a few ways in which he can test his power to persuade. And I am sorry, he doesn't have much time for lessons in tap dancing.

The writer is Dean of Global Business at The Fletcher School at Tufts University, founding executive director of Fletcher's Institute for Business in the Global Context and a non-resident senior fellow of Brookings India

WHAT THE OTHERS SAY

"There are now proposals, backed by the UN, for a global Green New Deal. It would be a good thing all round — for the world economy, for the planet and for their own long-term prospects — if the IMF and World Bank chose to back the idea." — THE GUARDIAN

The spectacle of tragedy

The function of the tragic in art is what it does to, and for, the audience



IN GOOD FAITH
VIJAY TANKHA

GREEK TRAGEDY was a spectacle, performed seasonally in great festivals dedicated to gods, in huge amphitheatres ("spectators-all-around") before thousands of people. Much of the performance, accompanied by music and dance, was sung, making it more like opera than proscaenium theatre today. The action was all in the words. It was truly the media of the millennium, whose life was both precious and brief, and whose death was not, as Nietzsche thought, caused by Socrates, coinciding rather with the demise of the democratic state it spoke to.

By convention, if not fiat, tragedy could only deal with mythical themes (though *The Persians* details the victory at Salamis), the result perhaps of a ban on staging contemporary events, in consequence, it was said, of a performance of Phrynichus' *The Sack of Miletus*, which so moved its audience to tears that the poet was fined, "for reminding them of familiar misfortunes".

Though they dealt with myths or elaborated incidents from the epics, the poets could modify them and even invent alternatives ("Probable impossibilities are preferable to improbable possibilities" advises Aristotle, sagely). Myths in any case were stories which varied with each telling, often serving conflicting aims: The homo-geneity and multifarious forms of worship in polytheistic cults made for both competing and complementary narratives.

The remote past really provided a template for articulating present concerns, albeit obliquely. Tragic drama addressed the city through its citizens. Sophocles' *Oedipus* (staged a year after a plague struck Athens in 430 BCE) opens with a crowd petitioning the king because of a miasma afflicting the city. *The Trojan Women*, produced during the ongoing conflict between Athens and Sparta, dwelt on the suffering of women and children, acted out before the ruins of Troy. Jean-Paul Sartre made an adaptation of it during the Algerian war as a lesson for the French.

Tragic drama grappled mainly with moral conflict, articulating the struggle between tradition and new modes of thinking; seeking to confront expediency with justice, revenge with the rule of law; dramatising if not always resolving the collision of rational with irrational forces. Conflict or opposition was the central torque around which both the language and literature of the Greeks was constructed: The lynch pin of their legacy to world thought. Competing voices were a constant on the Attic stage.

Dealing with myths meant having a varied cast of gods, heroes and men. Zeus, a tyrant in *Prometheus Bound* uses, like all tyrants, Force and Violence as his henchmen. Apollo, the god of prophecy, becomes a bounder and liar in *Hippolytus*. Heroes

don't fare any better. Odysseus was regularly cast as an unscrupulous scoundrel, a shifty politician; Hercules, a comic drunk, and so on. The justice and injustice of the gods was both affirmed and denied.

The state and its politics were directly addressed, as in *The Persians* of Aeschylus, where the action takes place before the tomb of Darius, arch enemy of the Greeks. In Euripides' *Helen* (produced in the later half of the 27-year-long Peloponnesian war), the entire Trojan war is shown to have been fought for nothing, since Helen was never taken to Troy, an airy phantom going in her place. Imperial pride and valour were thus emptied of point and purpose; the honour of the thousands killed as shadowy as the simulacra on whose behalf they died. Not surprisingly, Euripides lived out his last years in self-imposed exile, though he was much venerated (some Athenian sailors captured in Sicily were released when they recited verses from his works).

The tragic spectacle, on Aristotle's account, was premised on a flaw (*hamartia*) which reversed the fortunes of a great man. The tragic flaw as it came to be known, insisted on a character trait leading to the downfall of the protagonist. But *hamartia* can also mean a missing of the mark, a mistake in judgement, leading with tragic logic, to suffering or death. Often there was no mistake, just bad luck, the unfolding of events outside human control. Phaedra's illicit desire for Hippolytus was also a conflict between impersonal, cosmic forces. While each strove for mastery, humans suffered, (she hangs herself while he is killed by his father's curse). But ultimately only individuals act, and there are many inhuman acts in these tragedies, done by those in power, tyrants or their clones. Death and misery loom large: Women are sacrificed, children killed, madness and suicide abound, the wicked often prosper while innocents suffer. Suffering is the human condition and the gods alone, if there are any, or an obscure impersonal necessity, drives the destinies of men.

Greek thought privileges purpose. Every artefact has a function or use that explains its nature. The function of the tragic is what it does to the audience. Plato thought tragic poetry exacerbated the emotions it aroused (and so was bad for civic order), Aristotle that it released them (and so was good). Our reactions to violence or sex in the cinema are broadly similar.

But Aristotle also specified the nature of the emotions tragedy relieved us of: Fear and pity. Pity for the fate of the tragic hero, whose very vulnerability is responsible for her undeserved suffering, and fear that such suffering could be one's own. This reversal or metabasis from good to bad fortune is the essence of the tragic condition, which often finds expression in the plays: "Some god destroys you now, exacting in your suffering the cost for having once been happy." (Euripides, *Hecuba*)

This is what universalises the particularities of the tragic plot, it is not something that happens to someone, somewhere, distant in time, but what happens now (so arousing pity). If it can happen here, to anyone, it can happen to you, to me, at anytime, for no reason, other than an inimical god or malign fate, and that is why it arouses fear.

The writer taught philosophy at Delhi University

LETTERS TO THE EDITOR

RTI'S BANE

THIS REFERS TO the editorial, 'Chipping away RTI' (IE, October 18). Downgrading the office of CIC and ICs is bound to have a debilitating effect on RTI. The government shows reluctance in giving information, since that makes it answerable to the people.

Vijai Pant, Hempur

THIS REFERS TO the editorial, 'Chipping away RTI' (IE, October 18). This is not chipping but clipping away RTI. This is part of the government's design to weaken constitutional institutions. The RTI Act, 2005 is one of independent India's most empowering laws. Home Minister Amit Shah is reported to have said there is no need for this Act as his government is very much transparent. This is far from the truth.

HS Upadhyay, Thane

OLD FOLLY

THIS REFERS TO the report, 'Singh signals a Cong shift on 370, Savarkar' (IE, October 18). The Congress has yet again fallen into the BJP's trap of shifting the election narrative from the economy to nationalism. Voters are not interested in Congress' views on Article 370, Savarkar and the NRC. They want the government to be questioned on issues concerning their daily lives, the faltering economy and the non-fulfilment of the

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.

utopia promised in the form of one crore jobs, doubling farmer incomes etc.

SB Bhalerao, Mumbai

SANGRUR EXAMPLE

THIS REFERS TO the report, 'Why Sangrur is the best in Punjab for providing public services within set timelines' (IE, Oct 14). The provision of citizen-centric public services is the most important function of a government. Sangrur is an example in this respect. A responsive administration is the key to the success of policy initiatives.

Urvashi Pareek, Ahmedabad

VIEW FROM THE NEIGHBOURHOOD



A weekly look at the public conversations shaping ideas beyond borders — in the Subcontinent. Curated by Aakash Joshi

UNDERSTANDING INDIA

HUMRA NIAZI TRIES in an article in *The Express Tribune* on October 20, "to read the Indian mindset" vis a vis Kashmir. Like many other columnists writing in Pakistan's print media, Niazi sees designs of demographic change, even ethnic cleansing, on the part of the Indian state — equated without caveats to the current government — in Jammu and Kashmir. The "adversary" appears to be both India and the "RSS mindset", and the sheer diversity of opinion and debate over Kashmir in this country is given short shrift.

After lamenting the lockdown in the Valley, and the alleged violation of human rights there, Niazi outlines what she believes is the plan of the RSS: "The RSS game could well be 'distraction'. This could be very unwise. The Indian Army Chief, Rawat, recently stated that 500 infiltrators are waiting to infiltrate into India. Pakistan's Foreign Office strongly rejected this fake news."

Then, the article asks, "why is there no such concern reflected about the danger of a nuclear war in this part of the world?" It then seems to talk to the world community of the dangers of an "unstable India": "The present government in India has an extremist mindset — something that should not be a characteristic of a nuclear country."

The article also calls for the international community to take "positive action" against India's "atrocities" in Jammu and Kashmir.

PAKISTAN FOR PEACE

Last week, Pakistan Prime Minister Imran Khan visited Tehran and met with President Hassan Rouhani and Ayatollah Ali Khamenei, before going on to visit Saudi Arabia. *Dawn's* editorial on October 16, taking off from the visit, argues for Pakistan to play a greater role in mediating the conflict between the two West Asian powers. The argument is not so outlandish, given that historically, there was

a time when Pakistan did enjoy a certain clout in the Islamic world as well as the fact that "Pakistan is in a unique position" to act as a bridge between the two countries: Both Shias and Sunnis call the country home and it shares a border with Iran and has close ties to Saudi Arabia.

"On the other hand, should things go awry, Pakistan will be among the first victims of instability. The religious factor means that sectarian passions will be inflamed, while violence in the Gulf, not far from this country's waters, will have a debilitating effect on the national economy, as will the spiralling oil prices," according to the editorial.

ABRAR'S DEATH

The brutal torture and killing of Abrar Fahad, a second-year student at the Bangladesh University of Engineering and Technology, by the Chhatra League, the students' wing of the ruling Awami League, has the country

mortified. Abrar was killed allegedly because of a Facebook post in which he criticised the deal between India and Pakistan during Sheikh Hasina's four-day visit last month.

In an article in *The Daily Star*, Sudipta Saha and Yamen Hoque, Bangladeshi scholars in the US, ask questions of the country's polity and society, and are forceful in their arguments: "Over the last few years, Bangladesh has witnessed a number of murders of bloggers, writers and activists. They were specifically targeted because of their progressive, liberal and free-thinking beliefs — beliefs that they were not scared of sharing with others and engaging in the sort of dialogue that a majority of people in Bangladesh are uncomfortable with."

The apathy towards the killing of dissenting, liberal voices bothers the writers: "Let Abrar's death not be in vain, and not just for reforming the role of student politics in our country. Let it also provide light to the dark corners of our mind-set."