

Ease of doing what?



COUNTRY CODE

RAHUL JACOB

In the midst of drinks last Saturday with an ex-colleague, the conversation took an unexpected turn. If he wanted to return to India, his wife declared, he would need to hire a secretary or marry again because she never wanted to be involved in applying for an Indian visa again. She was joking of course, but it was a reminder of how difficult the process of getting permissions to travel to India even in an age of electronic visas. My friend's rites of passage had been complicated by the fact that he used to be a foreign correspondent in this country. What additional security benefits accrue by asking visitors to list every Indian city they have travelled to, for instance? Asking an Irishwoman, meanwhile, if she has Pakistani ancestry is a bit silly. Five years ago, a Singaporean friend said he would not revisit the country after he was interrogated as he did not have the special permit to return to India within a month of arriving here. He needed to catch a connecting flight. A 70-person business delegation from China had to cancel meetings in India this week because the visas did not come through in time — and this is just weeks after Prime Minister Modi and President Xi Jinping were sipping coconut water on a beach.

Our capacity to make visas difficult has meant we have handicapped our ability to capture the more than 10 per cent of global GDP and 27 per cent of global services exports that come from travel and tourism. There are few more labour-intensive industries for a country with a low-skilled workforce such as India's than tourism. Yet, this is just a microcosm of how difficult it remains to do business in India — or even just get here. For that reason, the Modi government's focus on moving up the ease of doing business rankings of the World Bank is admirable and the jump to 63 in a few years spectacular. Yet anyone courageous enough to run an honest business in India must wonder about the weighting of parameters for this list.

True, the bank's survey says India remains well behind when it comes to enforcing contracts and registering property. "It takes 58 days and costs on average 8 per cent of a property's value to register it" the bank says. About 1,445 days is needed for a company to resolve a commercial dispute through a local court, almost three times as long as it takes in high-income economies.

Do a straw poll of any business friends and you will laugh and weep at what they go through. I asked one about the permissions and licences required to build a hotel. There are almost 70 needed. Moreover, a number require the permission of the police; operating a swimming pool needs our cops to wade in to the matter but also approval from a fire safety officer. Bars in hotels are allowed to be open for 24 hours in Delhi, but music must stop at 1 am. (Surely a hotel's guests can use tripadvisor to forcefully complain if hotels play music too loud?) The Delhi government's recent edict that alcohol must be thrown away if it has been open for about a week should get an award. How is this a foolproof method of ensuring that alcohol is not adulterated? Has the meddlesome genius who thought this up spent time in India's duty-free shops where sales assistants bore you senseless with how long a whiskey has been aged when all you want is a faster payment queue?

Then, there are our courts. They are not as speedy as the government in seeing an opportunity for revenue enhancement but — as the Supreme Court's ruling that telecom companies pay billions of dollars in back taxes going back years shows — about are as unpredictable. Vodafone CEO Nick Read's straight talk of a few days ago might have upset telecom ministry officials, but a collective 3 billion euros writedown of Vodafone's India business to zero speaks volumes. Even the tabloids in London are covering this saga as if it were a Prince Harry rant.

The giant torture chamber that doing business in India represents means a business journalist is never short of material. Sometimes, it cuts close to home. This summer I moved from Hong Kong to Bengaluru. The forms sent in advance for customs clearance required 25 signatures. Then, a week before my shipment arrived, I was asked to deposit my passport, my taxpayer identity card and my Aadhaar with the handling agent dealing with Chennai customs, ostensibly to prove where I lived. A page in my passport stamped by customs now declares that on 28/6/19 I brought "annexure II and III of goods worth ₹75,000" and other personal goods (including faded old clothes, mildewed books and pots and pans) worth ₹1 lakh. My music system, which includes a 15-year old compact disc player with a tray that needs a nudge and speakers I bought in 1988, was slapped with about ₹9,000 in import duties after being grandly described on the receipt as a "home entertainment system". There is a method to the madness.

A lot rides on Sri Lanka elections

The winner of its upcoming presidential elections could alter the nature of India's relationship with that country



PLAIN POLITICS

ADITI PHADNIS

In a few hours, Sri Lanka will have a new President, its eighth executive president. In 2015, an unlikely coalition of rival parties — the Left-leaning Sri Lanka Freedom Party (SLFP) and the free market supporter United National Party (UNP) — that was cobbled together by incumbent President Maithripala Sirisena and supported by Prime Minister Ranil Wickremesinghe, defeated incumbent Mahinda Rajapaksa of the Sri Lanka People's Party (SLPP) and led to the formation of the first National Unity Government (NUG).

This began to unravel two years ago. The conflict and power struggle climaxed when Sirisena, in a constitutional coup, dismissed Wickremesinghe and appointed Rajapaksa as Prime Minister in 2018. It took the intervention of the Supreme Court to reinstate Wickremesinghe in December 2018. The conflictual relations between the executive head of state and the head of government has led to totally dysfunction governance and was the main reason for the Easter Sunday 21/4 (occurring on April 21, 2019) terrorist attack, Sri Lanka's first since 2009, which sounded alarm bells that another internal conflict, this time against Muslims, might be in the making. Two parallel enquiries investigating the bombings were ordered by the President and the Prime Minister.

The rift between Sirisena and Wickremesinghe climaxed when Sirisena asked his defence secretary not to invite Prime Minister to National Security Council (NSC) meetings. Former Defence Secretary Kapila Waidyaratne is the latest to confirm this in his testimony to the parliamentary commission. Political instability has taken its toll on the economy. Tourism has been crippled after the suicide bombings and caused a loss of ₹20 billion. Political co-habitation between President

and Prime Minister has just not worked. Mahinda Rajapaksa was the last President to use his all-powerful office to his advantage. He won the war but antagonised the western community and India by cosying up to China.

The political impasse is expected to be broken by presidential elections currently on. The UNP is leading a major alliance, the National Democratic Front whose agenda is national security, democracy and the economy. UNP's presidential candidate is the youthful Sajith Premadasa, minister for housing and construction. He is the son of former President Ranasinghe Premadasa who was assassinated by the LTTE. Sajith's election could set the precedent for father and son becoming President of Sri Lanka.

The SLPP is on a high after sweeping local body elections in February 2018. That Mahinda Rajapaksa's younger brother, Gotabaya Rajapaksa, would be the presidential candidate was a foregone conclusion. Like his elder brother, Gotabaya (popularly known as Gota), a former Colonel in the Sri Lanka Army, is a strong and ruthless leader remembered for synergising the war victory against the Tamil insurgents, the LTTE, as defence secretary. He is a better known face than Premadasa but carries

war-excesses baggage. Gota has in his favour, the backing of the Sinhala Buddhists and his reputation as a tough administrator. However, where he will lose out is the north and east which are dominated by minorities. By contrast, while Sajith Premadasa is seen by aspirational younger Sri Lankans as a potentially good administrator, he is also carrying the baggage of his party, which is blamed for the current economic woes of Sri Lanka.

The comprehensive mishandling of the Easter Sunday bombings by the fractured ruling coalition will provide Gota, if he wins, an opportunity to reset the country's intelligence and counter terrorism grid. But there is more to national interest than just national security.

India was integral to an international effort in 2014-15 to dislodge Mahinda Rajapaksa, seen to be uncomfortably close to countries like China, Pakistan, Russia, Libya and North Korea. It was during his regime that China was able to spread its influence across south and central Sri Lanka with connectivity projects — ports, airports, expressways and an upcoming commercial city — and enhancing political and defence cooperation. The first Chinese submarine docked in Colombo Port during the Rajapaksa era. Entrapped in Belt and Road debts, Sri Lanka has had to lease Hambantota Port to China for 99 years and the future Colombo Port city complex for 90 years. The UNP government was able to nominally arrest the rise and growth of China during its term.

The Rajapaksas have been out of power for five years. Their victory will return strategic advantage to China.

LUNCH WITH BS ▶ SAMEER NAIR | CEO | APPLAUSE ENTERTAINMENT

On the creative continuum

Nair tells Vanita Kohli-Khandekar how various industries — devices, payments, telecom — have created the perfect storm in the media business

Sameer Nair loves his food. The last time I had lunch at his office, the 54-year old CEO of Applause Entertainment had ordered some awesome mutton and chicken dishes from The Bori Kitchen. This time we agree that his secretary would book us at a place he fancies. And that is how I land up at Boteco in Mumbai's Bandra Kurla Complex one Wednesday afternoon. Just as I am settling in, Nair walks in from his office next door. We start discussing food immediately. He's ravenous because he's skipped breakfast for our early lunch. He orders a carne na pedra or thin slices of steak and a side dish of pork sausages with tapioca chunks. I go for the pato assado do boteco or roasted Peking duck. He quaffs a Coke and I sip on hot water as we start talking shop.

Nair's chuffed about getting the rights to make the Indian version of the popular Israeli show Fauda. Applause, the Aditya Birla Group's entertainment arm, had been defunct for some years. So when Nair bumped into chairman Kumar Mangalam Birla in 2016 and mentioned that his contract (as group CEO) with Balaji Telefilms was coming to an end and he might do stuff on his own, Birla snapped him up. Very few people in the business combine an instinct for content with a firm grip on its costing, the broader business scenario and a huge network of relationships within the creative ecosystem the way Nair does. He is erudite, watches huge amounts of cinema and shows and is totally with whatever is happening.

There seems some cosmic correctness at work here: The man most identified with getting *Kaun Banega Crorepati* (KBC) and the *saas-bahu* serials to Indian TV screens, one who ran its largest broadcaster Star India, is now applying his mind to bringing the most disruptive and cutting edge shows online. His journey on the creative continuum that has shaped the Indian media market and audience tastes, continues.

Nair joined Applause in 2017 with the broad idea to build a content company. So far seven Applause shows such as *Hello Mini* and *Hostages* have dropped online. Another six are in post-production and many others including films and short form content are in various stages of development. Interestingly enough, the first set of Applause's shows such as *Criminal Justice* (based on a BBC show) and *The Office* began streaming on Hotstar, owned by Disney's Star India. Star is Nair's old home, the

firm where he came into his own, found fame, fortune and of course, Amitabh Bachchan.

The food arrives. Nair starts cooking his steak on the hot stone and offers me his tapoca chips. The duck is good but the portion is huge. Nair happily takes a piece of it while I try one of the thinly sliced steaks. The chomping and chewing is interrupted only by our deep dive into the past.

It was in August 2000 while waiting for Bachchan on the sets of (then Star India's) KBC at Filmcity in Mumbai that I first met Nair. An easygoing chap he'd done everything from selling yellow pages to making ad films before he joined as a producer-director for interstitials for Star Movies in 1994. Interstitials are pieces of content that fill the breaks during a film. He reckons he would have made behind-the-scenes kind of stuff that included interviews with stars for about 200 films. That is when his early friendships and network in the film and creative industry were formed. Soon he became head of promos and presentation for Star Plus, the flagship channel and also handled movie acquisition. But he was always on the fringes of the system.

He soon grew restless. "In February 1999 I was like 'this is too much, what am I doing, I want to be a director'. I had a movie idea and even set up a time to meet Mr Bachchan on a Friday morning at 11 am. But I couldn't go because I got promoted to programming head that day. One year later when I took KBC to him, he said what happened to the movie script you wanted to show me," he laughs. As programming head Nair kicked off a lot of shows that were "much appreciated and applauded but got us no ratings", he says. There was *Rajdhani*, a political drama a la *House of Cards*. There were the Star Bestsellers, one-hour films from directors who now rank among India's biggest — Imtiaz Ali and Rajkumar Hirani among others. Star Plus did comedy, fiction, and talk shows. However, nothing hit the big time.

For nine years after it entered India, Star struggled. It had the odd success in Channel [V] or Star News but despite being one of the earliest entrants, rivals Zee and Sony had run away with the game. After its divorce from Zee in 1999, Star was finally free to do Hindi programming. It needed a show that would cut across age groups, socio-economic barriers and get India together as if it was the "India-



ILLUSTRATION: BINAY SINHA

Pakistan cricket final", as (then) CEO Peter Mukerjee put it in his brief to the team.

Nair, all of 34 then, was key to this transformation. He zeroed in on KBC, Siddhartha Basu and insisted on having Bachchan as the host though it took three months to convince him. KBC hit the TV industry like a tsunami. Nair quickly followed that with daily soaps, an unknown quantity during primetime then. *Kyunki Saas Bhi Kabhi Bahu Thi* and *Kahaani Ghar Ghar Kii* among others took off and Star dominated the rating charts for six long years. That is the base on which it went on to become India's largest media firm long after Nair left

in 2007 to set up Imagine TV.

When KBC hit the screens, India was at 70 million TV homes, about half of which were watching cable and satellite TV. Today more than 95 per cent of India's 197 million TV homes use cable and satellite. That is over 800 million people. Add about 600 million (who may or may not own a TV) who have broadband enabled phones. Isn't this a whole new ball game? "One big difference since the early 90s is, then we were creating content, throwing the cables, building distribution, content and even the ad industry. Today distribution is in place, the whole e-commerce industry has built a degree of trust so people are happy to buy video online. Therefore various industries — devices, payments, telecom — have created the perfect storm," points out Nair.

We are on the last few bites of duck and steak. There is an air of contentment around the table when we ask for the dessert menu. We decide to share a coffee panna cotta along with cappuccinos.

How does he feel about being in this new world, knowing that he has been there at the birthing of the old one? "This is not a new world for me... storytelling has always been around. Even before KBC there were weekly dramas like *Saans* or *Tu Tu Main Main*. These (online dramas) too are like weekly dramas but they are made together and binged on. Netflix was a great distribution idea (not content). From 2000 onwards India skewed towards the daily soap opera and that killed fiction. Now OTT is bringing it back," he reckons. "A drama series is like three-four movies. You want to work with better actors, writers, directors and all of it is on location. In TV you air an episode and it is gone. Drama sits on the platform," he adds. So does a lot of other content like talk shows that "the rise of news channels had destroyed", he says.

What does this Sameer Nair with all that he knows and has seen bring to the table? "I bring what I have learnt. I have worked with wonderful teams on the creative side. Success or failure is the outcome, the process of creation is fun. I work well with people. And one thing I do is decide — good or bad — I decide. I am not a deer caught in the headlights. In a crisis, I will step up and say that this was my decision. The creative business is like clay on a wheel, you have to keep your hands on it, tapping and touching. If you let go the clay will fall apart," says Nair.

After a meal like that, it is holding myself together for the rest of the day that worries me. Nair however is raring to go to his next meeting as we bid adieu.

Telling didi



PEOPLE LIKE THEM

KEYA SARKAR

Our house in Santiniketan is bordered on one side by the railway track that runs from Kolkata to north Bengal. Beyond that there is a bustling township called Makhdumpur that shares little in terms of profile of residents or their enterprises with Santiniketan which is in most part a university town.

Though we knew of the existence of a temple across the rail track we never gave it much thought till recently when it started blaring tuneless *kirtan* over the loud-speaker at 5 am for half an hour and at 7 pm for an hour.

Our first response was to complain to our local police station (which has even

set up a helpline for senior citizens). Their first response was that they cannot do anything because the temple did not fall under their jurisdiction. On second thought they said, we should come back after November 11 for a discussion because till then they were busy with *bandobast* for the President's visit to the university for its annual convocation.

It was then that I had the idea of "didike bolo" or tell *didi* — a campaign which West Bengal Chief Minister Mamata Banerjee has been running to address grievances of citizens. The idea has been attributed to Prashant Kishor, the man who is helping Banerjee in the 2021 Assembly polls.

Despite many advising me otherwise saying "nothing will come of it", I refused to be cynical and dialled the number that had been staring at me from billboards across the state. I was greeted by a very pleasant voice who took down my name, location, my educational qualification, whether or not I was a member of any party and then transferred me to someone else who was actually going to take down my complaint/suggestion. I must say this Q&A routine was unlike any other experience with call centres. The man on the other side seemed to know what he was talking about and this was certainly Kishor training.

The next person asked me whether I

had approached any local authority with the problem. I said I had approached the police. She took down details of where the temple was, exactly how far from my home, the timing of their noise polluting *kirtan* etc.

Within minutes of ending the conversation, I got a unique ID sent by sms to my phone. However, 10 days went by and I heard nothing from *didi* and the *kirtan* remained unfettered. So I called back and was politely told by a recorded message that my number and complaint had been listed and I would be notified of progress. Excellent use of technology, I thought, to block progress questions. But what then was the unique ID for?

Ever hopeful I went on to the *didikebolo.com* to see whether I could put in my unique ID someplace to track progress. There was none. So this time I called from another number. I was asked my name. But I quickly interrupted the person at the other end to say that I had already registered a complaint but now I wanted to know what was happening. He verified that I had indeed registered a complaint and asked me politely to wait some more for redress. I asked whether there was any target timeframe for that. He said he wasn't aware of any. So what is the unique ID for, I asked.

"Just a placebo," I imagined he uttered under his breath.

Simply having a wonderful time



PEOPLE LIKE US

KISHORE SINGH

Surely the most tedious entertainment dreamt up by the glitterati must be the formal sit-down dinner with your names neatly pre-placed, so you're separated from your partner and left floundering amidst strangers you're unlikely to meet again, but with whom you're expected to engage. It might appear like the height of glamour with oodles of cutlery and waiters hastening forth with refreshments of wine and changes in the plating service, straight out of *Downtown Abbey*, but that picture doesn't, alas, say it all. You're offered a place on the long table not because you provide scintillating company but because your host expects you to

have one essential quality — patience — during which a multi-course meal likely to last over two hours will be served. And no matter how much you're tempted, given the dreary somnolence that's part of its routine, you simply cannot feign an appointment and hasten your departure, which will be considered the height of bad manners. Since speeches too are post-prandial affairs, you're expected to stay till coffee is served — which is good because you'll need the caffeine to stay awake.

Proficient hostesses have found that several smaller tables are usually better than one long table — such as the 100-seaters I have sometimes found myself at, which may make for a grand photograph, but renders table service untenable. By the time the starters arrive — cold and chewy, because plating takes time in the kitchen — the wine waiter can no longer be spotted, and your glass has been empty for something like 20 minutes. Getting your main course wrong is almost guaranteed, but never-ever make a scene because you'll attract the assembly of the disapproving service staff, the other guests will glare at you, your unrequited course will be removed but do not count on its replacement because — guess what? — the chef prepared only 35 helpings of jerky chicken, and they're all over.

God help too if you're stuck between

the club bore and the professional curmudgeon. Just last week, I found myself sandwiched between a manufacturer of soft toys on one side, an agriculturist on the other. Conversation, expectedly, was stilted. The toy manufacturer did furry toys that got dirty requiring specialised dry-cleaning, services so far unavailable in India. Great if I was a PE looking for a business opportunity, but I chose to pass on it. An opinionated lady sitting by his side and finding him dull as well, opted to speak over his head instead, but since the subject of her choosing was mostly complaints about food — too much spice, too little protein, too much diversity — while masticating loudly, I was forced to seek refuge in the agriculturist on my other side. My knowledge of manure processing techniques and soil rejuvenation improved by leaps and bounds, but to say I was overwhelmed might be an overstatement.

But occasionally things do get interesting — as happened a while ago when a gentleman with a grudge against the world was assigned a seat across from me where he simmered silently till, sufficiently satiated with a blend of wine and whisky, he exploded in rage. He hurled abuse, flung a glass, embarrassed his corporate host, amused the host's detractors, and in the bargain provided amusement and scurrilous gossip for most. I admit to having a good time.

The Kejriwal alternative

On one side of the pink bus ticket issued free to women passengers in Delhi is a picture of its chief minister, Arvind Kejriwal. His statement appears above it: “Main chahta hoon ki aap aur aapka parivar khub tarakki karein. Jab mahilayein aage badegi, tabhi desh aage badega.” (It is my wish that you and your family make progress. It is when women move ahead that the country moves ahead.) Some 2 million women ride Delhi’s public buses daily — of the 16 million residents of the city.

The campaign, transparently a build-up to the Delhi elections, due in February, reminds one of the pictures of Narendra Modi looking down at you with a self-satisfied smile from hoardings put up at 60,000 petrol pumps across the country. In a lower corner of the hoardings, women who have received subsidised cooking gas cylinders thank Mr Modi, as though it is personal largesse. The hoardings had to be pulled down at election time in the summer, but are back.

The Aam Aadmi Party’s (AAP’s) Kejriwal is a political alternative to Mr Modi, at least in Delhi. But consider the many ways in which they are similar. The state government has introduced an all-costs paid chief minister’s *tirthyatra* to sundry places of pilgrimage: Mathura-Vrindavan, Rishikesh-Hardwar, Anandpur Sahib, and Ajmer Sharif. You might think it is none of a secular state’s business to be sponsoring religious pilgrimages, and there would be howls of protest if Mr Modi were to do something similar. In fact, the Congress spent money for years on a haj subsidy, which the Modi government scrapped last year — and just as well too. Still, we are into *Sarva Dharma Sama Bhava*, not a hard western-style secularism. So everything goes.

Then consider rival strands of populism. Where the Modi government offers free toilets, free medical insurance, and free doles to farmers, Mr Kejriwal offers free electricity, and free bus and metro-rides. Mr Modi does not ask where his bankrupt government will find the money, and Mr Kejriwal, who runs Delhi with three times the national per capita income, does not ask why such freebies are needed. Is it that he does not feel the need for more money? After all, property taxes in the city have remained unchanged for 15 years — without even any indexation for inflation!

Both leaders are prone to exaggerated claims. We have heard for five years about 1,000 mohalla clinics being set up, but their number totals fewer than 200 — or less than one a week! Sounds suspiciously like the claims about the country being open-defecation-free, or Aadhaar saving the government a tonne of money? As for the public buses on which women can now ride with free tickets, no bus has been added to the city’s 5,000-strong fleet since 2010 — apparently because the state government doesn’t know where it would park them.

As for operational style, while Mr Modi has converted a cadre-based party into one that sings his hosannahs from sunrise to sunset, Mr Kejriwal has converted what was a mass movement against corruption, and for a change in political culture, into a party over which he holds untrammelled sway.

In short, Mr Kejriwal is almost exactly the package that Mr Modi offers: Personal aggrandisement, the building of a personality cult through full-page newspaper ads day after day, populist schemes involving subsidies (whether affordable or required), abandonment of secular principles, exaggerated claims, and no checks on leadership. Is there a method to this careful mimicking of style and substance? Perhaps, because at the time of the last election, Mr Kejriwal had mentioned that his voter base was the same as that of the BJP.

There is a difference, though. The hard edge to the BJP’s communalism is missing in AAP; there are no Pehlu Khans or Mohammed Akhlaqs being killed here. So perhaps Muslims feel safer with AAP — though, ironically, the police in the city are controlled by Amit Shah! Equally important, where the BJP’s education programme is occupied with such projects as wiping out the hated Nehru from history books, AAP has focused on improving the education imparted in government schools. We should celebrate that difference.

ILLUSTRATION BY BINAY SINHA



Clutching at a saffron straw

If the BJP and the Left didn’t hesitate to align against a common enemy in the past, why can’t the Congress now? It doesn’t have much to lose anyway

In politics, or war by any other means, the oldest principle is: The enemy’s enemy is your friend. And what do you do when you are so down in the dumps that you aren’t even in the fight? Then conventional rules no longer suffice. Once you get desperate enough you venture out to even reverse it: What if the enemy’s best friend then becomes your friend? If there is the minutest crack visible in their relationship, why not probe it with a finely sharpened hatchet?

That is exactly the game the Congress and its ally, Nationalist Congress Party (NCP), are playing in Maharashtra. A deal isn’t sealed as this column is written, but the mere fact that they’ve announced willingness to share power with the Shiv Sena tells us what a change this is in Indian politics. The two, committed “secular” allies for decades are reaching out formally to a party they have condemned as a Right-wing Hindutva and communal party all this while. This is India’s premier secular combination crossing an ideological Lakshman Rekha.

It is even more striking for the Congress. Sharad Pawar’s NCP is still a party known for its deft political footwork now and then, backroom deal-cutting. As I have written earlier, Mr Pawar has been India’s best-networked politician for three decades now. And, in the true sense of old-fashioned Indian politics, he never treats anybody as an enemy. He has always fought with the BJP and Shiv Sena, both have routinely called him a “crook”, and the Modi government’s Enforcement Directorate also named him in some scam on the eve of this state election.

Do also note that the same Modi government had honoured him with the Padma Vibhushan, an award next only to Bharat Ratna. Mr Pawar and the Thackerays too have had a business-like political relationship sometimes.

The Congress, on the other hand, has never gone anywhere in that direction. Committed critics of the Congress would contest this, mentioning the party’s deals with the Indian Union Muslim League and Kerala Congress (Christian), and sometimes with Asaduddin Owaisi’s MIM in Hyderabad. Those deals are still marginal, localised, and, more importantly, with small groups riding minority politics. This is the Congress’ first embrace of a genuine, fried-in-desighee Hindutva party since Independence.

If you understand the essential politics of the Congress, especially under Sonia Gandhi over the past two decades, it has looked at the Hindutva parties as its prime ideological rivals and designed its entire politics in opposition to them. In an interview with me on NDTV’s *Walk The Talk* show in 2003, L K Advani had complained that Sonia treated his party not just as a rival but “enemy”. Once it defined its politics this way, the Congress was now willing to align with just about anyone to fight the BJP and its essential allies. We define two parties, Shiromani Akali Dal and Shiv Sena, as its essential allies.

The Congress has aligned with the Left multiple times, beginning with outside support to H D Deve Gowda and I K Gujral’s United Front governments merely to keep the “communal forces” out, and to also place the party back in power at the head of the United Progressive Alliance (UPA), after the unlikely general election result in 2004.

In the coalition era, it has, at some point or the other, made deals with those who’ve also aligned with the BJP. These include Mamata Banerjee, Chandrababu Naidu, and Nitish Kumar, but never with a Hindutva ally, or the Akalis. There had to be a “progressive force” cover always. Sonia’s Congress, if anything, leaned even more towards minorityism, first by agreeing to repeal the



NATIONAL INTEREST
SHEKHAR GUPTA

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The march of the majoritarian state



AL FRESCO
SUNIL SETHI

With every passing day, in actions large and small, the push and thrust of the majoritarian state becomes apparent. Defining who is an Indian precisely, or what constitutes “Indianness”, has always been a problematic issue for rulers down the ages. The ambiguities surrounding the question today are evaporating as divisions sharpen in the soil of *jannabhoomi*.

If you are an Indian-born Hindu, you are relatively safe, whatever the degree of dissent you might profess; being a Muslim, however, could cast you in a wider penumbra of being “The Other” for doing the same. It carries the risk of being sidelined, excluded, or even punished — as in the recent case of the overseas Indian writer Aatish Taseer.

Many see the unanimous Supreme Court judgment on Ayodhya as a nuanced and polit-

ically pragmatic balancing act between contesting Hindu and Muslim claims to the site. The best that can be said about the verdict is that calm has prevailed and a conflagration avoided. But those in disagreement argue that Hindu proponents of the Ram temple have been unfairly rewarded for acts of destruction and demolition of the mosque by being handed over the entire 2.77-acre site; Muslim contestants have been relegated to second-best by the allocation of 5 acres to build a mosque elsewhere. It is not only Hyderabad MP Asaduddin Owaisi who has dismissed the compromise as an act of unwanted charity (“the Supreme Court is Supreme but not infallible”); retired Supreme Court judge A K Ganguly says he is “perplexed and disturbed” by the judgment and the Supreme Court’s failure to protect the rights of minorities. “It is... undeniable that the mosque was demolished by sheer act of vandalism. Even the Supreme Court has in its verdict said that it was a gross violation of rule of law and act of vandalism. In that scenario the question is that who has been wronged. It is the minorities that have been wronged.”

More than three months after the reading down of Article 377, the Kashmir valley is frozen, now literally as well as figuratively. A premature heavy snowfall on November 7 buried Srinagar in foot-deep snow and landslides blocked the Jammu-Srinagar highway. Power outages lasted several days, a precursor to the bitter winter ahead. Mobility is further

restricted, and telecommunication largely crippled with no internet and restriction on pre-paid mobile connections. Schools and colleges remain obdurately shut, public transport is at a standstill, and the commerce of everyday life functions is at low ebb.

“Shops open for short periods, from about 6 am to 10 am, more as a sign of civil disobedience than anything else. Students are being bundled in to take their pre-board exams and will be passed regardless of their lack of preparation,” reports a Kashmiri colleague on visits to his family. With an absent civil administration and political leaders, starting with the 81-year-old Farooq Abdullah under arrest, everything is at the behest of the lieutenant governor and his bunch of advisers. Recourse to the law by those held in jail is arbitrary and limited. This is governance by coercion, not persuasion.

The inexorable march of a punitive majoritarian state can isolate not only swathes of the population but also make an example of singular individuals who raise their voice in criticism of the prime minister and divisive politics. The peremptory speed with which the government cancelled the OCI (Overseas Citizen of India) card of 39-year-old writer Aatish Taseer on account of his paternity is an example of pure pique, widely perceived as petty revenge for his *Time* magazine cover story that called Narendra Modi “Divider in Chief”. The ostensible reason for stripping of his OCI status is that he failed to declare that

his father was Salmaan Taseer, the Pakistani politician assassinated in 2011 for his denunciation of blasphemy laws.

What makes the injustice of this curious case compelling are the twists of Mr Taseer’s personal history: Born in London he was raised in Delhi by his single mother, the columnist Tavleen Singh, at the heart of a Sikh family. He may not have known his father but he took his name and, later, wrote poignantly about looking for him in his book, aptly titled *Stranger to History: A Son’s Journey Through Islamic Lands* (2009). Ms Singh, too, gave her personal side of the story in her political memoir *Durbar* (2012). Both accounts have long been in the public domain.

If some niggardly bureaucrat in New Delhi or New York now believes Mr Taseer must relinquish his right of residence, it is also because of amendments to the Citizenship Act since 2015. From what used to be a Yes/No answer to a question asking if the applicant had ever been a Pakistani or Bangladeshi national it has become more exclusionary, demanding answers to parental lineage. In other words, the home ministry has the discretionary power to call you out as a potential (Muslim) infiltrator or illegal immigrant on the basis of some lost forebear.

Mr Taseer has declared that he will fight his case. His challenge will question the march of the majoritarian state and give heart to less privileged thousands struggling to prove their “Indianness”.

Choking to death, for many millennia

EYE CULTURE

KUMAR ABISHEK

As I write this piece, people are gasping for clean air under a thick smog blanket in Delhi and several parts of north India. Hopefully, the sun will shine out there when you read it.

We all, but those brought up in a metropolis, remember the days when the air was at least breathable. But even those days of the past weren’t pristine.

The Industrial Revolution, which began in Europe sometime in the late 1700s, is squarely blamed for the beginning of the deterioration of air quality throughout the globe. But the history of air pollution is even longer and darker — probably starting when our ancestors first ignited the wood fire (the effects of which have been found in mummified lung tissues from ancient Egypt, Peru, and Britain).

Humans have released greenhouse gases on a large scale for at least 2,000 years, according to research conducted by Céilia Sapart of Utrecht University in the Netherlands. A record of the air trapped in Greenland’s ice found methane levels rose about 2,000 years ago and remained at that higher level for almost two centuries — the glory days of the Roman Empire and the Han Dynasty.

Methane was probably released during deforestation for farming and from the use of charcoal as fuel to smelt metal to make weapons, Sapart was quoted as saying by *Reuters*. “Per capita, they were already emitting quite a lot in the Roman Empire and the Han Dynasty.”

In 61AD, Seneca the Younger, philosopher and statesman, wrote about the pollution in Rome: “No sooner had I left behind the oppressive atmosphere of the city and that reek of smoking cookers which pour out, along with clouds of ashes, all the poisonous fumes they’ve accumulated in their interiors whenever they’re started up, than I noticed the change in my condition.” Romans, according to *Smithsonian.com*, called their city’s smoky air *gravioris caeli* (heavy heaven) and *infamis aer* (infamous air).

In addition, in the then capital city of the Roman Empire, Constantinople, air pollution became such a major concern that emperor Justinian I instituted the first recognised clean air Act in 535 AD and proclaimed clean air as a birthright. “By the law of nature, these things are common to mankind — the air, running water, the sea.”

Earlier, Babylonian and Assyrians laws dealt with similar issues, and in around 200 AD, the Hebrew *Mishnah* sought to control sources of air pollution in Jerusalem (*The Basic Environmental History*, edited by Mauro Agnoletti and Simone Neri Serneri).

Traces of massive air pollution were also found in Peru’s Quelccaya Ice Cap — the second-largest glaciated area in the tropics. According to Paolo Gabrielli, who led a team of researchers from the Ohio State University, “When the Spanish conquered South America in the 16th century, they took over the Incas’ mines and soon began to pump clouds of lead dust over the Andes. The silver the conquistadors sent back home made them wealthy. It also made them the world’s first industrial-scale toxic metal air polluters. (weforum.org)”

In the late 13th century, in a futile effort to reduce air pollution in London, England’s King Edward I threatened residents with harsh penalties if they did not stop burning coal. Similar efforts later failed, too (somehow odd-even, halting construction activities, etc, popped up in my mind).

But the worst was yet to come — the Industrial Revolution, when coal fuelled human ambitions, and lessons from which we’ve never learned.

We are currently in the midst of a definite low level in the human history of air pollution. Hopefully, if future humans, in thousands of years from now, were to learn about the Anthropocene period, the proposed geological epoch dating from the start of significant human influence on the geology and ecosystems of the planet, they view it as the time when our species reached great heights, and not as the period when in our own success we choked to death.

Wrongs you cannot right, just repent and regret



YES, BUT...
SANDEEP GOYAL

Hamara Bajaj is possibly one of India’s most memorable advertising campaigns. Unforgettable, more so since Bajaj scooters were ubiquitous, a part of every home, every family, when the campaign was first aired in 1989. In 2006, Chetak, the flagship scooter from the Bajaj stable was withdrawn from the market. In 2010, the young scion of the Bajaj family, Rajiv Bajaj, decided to pull the brand entirely out of the scooter business, with the specific intent to focus on its motorcycles offering.

It was the year 2000 when Lara Dutta, Priyanka Chopra and Dia Mirza won the top three positions in the Miss India contest, paving the way for their respective Miss Universe, Miss World and Miss Asia Pacific crowns. What very few people would remem-

ber today is that almost 20 years ago, the title sponsor of that eventful Miss India contest was a brand called Palmolive, from the House of Colgate. Palmolive was then a significant player in the shampoo business. But Colgate was at that time under extreme stress from Hindustan Lever’s Pepsodent and Close-Up brands that were pummeling its mainstay, Colgate toothpaste, in India. Jay Jayaraman, the chief executive officer of Colgate-Palmolive took a momentous decision: To exit the shampoo business, so as to concentrate all company resources on the toothpaste line. Palmolive exited the India market.

Much before Bharti Airtel was born, the Mittal brothers used to make POTS (plain old telephone sets) under the Beetel brand name in the late 1980s and early 1990s out of Ludhiana. They were undisputed market leaders. Then came Airtel, a mobile service, first launched in Delhi in 1995. A service that belied all estimates and predictions, zooming to a subscriber base of nearly 180 million by 2010. In 15 years since its launch, Airtel subscribers had bought at least 1 billion handsets. Despite that stupendous number of mobiles having been activated and disposed off by its customers, the Mittals strangely never decided to enter the handset market. They partnered, and bundled, Nokia, Siemens, Ericsson and others to new Airtel subscribers but never introduced a brand of their own.

Raymond has been the preferred suitings & shirtings brand of *The Complete Man* for

generations. In 2025, Brand Raymond will complete a hundred years. In the 1980s when the Indian male started to migrate from getting shirts and trousers stitched from tailors to ready-wear, Raymond decided to largely ignore the shift in consumer preference. It did make a half-hearted attempt in 1986 by launching Park Avenue but did not want to “risk” the Raymond brand. Also, despite knowing that nearly 80 per cent of its volumes came from the wedding segment, Raymond never entered this “ceremonial” business.

Essel group’s Subhash Chandra sold 49.9 per cent of his stake in the nascent but rapidly growing satellite channel Zee TV to Rupert Murdoch in the mid-1990s. The relationship was never easy. In 1999, Chandra bought back the entire stake from Murdoch for \$1 billion, an astronomical sum 20 years ago. More importantly, the stake sale freed up Star TV from an important binding clause in the aborted joint-venture: That Star TV could not do programming in Hindi.

The scooter space exited by Bajaj was quickly occupied by the Honda Activa, which has become the No. 1 scooter in the country. Hero (35.9 per cent), Honda (26.1 per cent), TVS (14.8 per cent) today are far ahead of Bajaj (12 per cent) in the two-wheeler business. Even in motorcycles Bajaj is a distant second.

P&G almost filled in for Palmolive with its Pantene and Head & Shoulders shampoos launched in 1995 and 1997, respectively. Colgate just missed the bus completely in the

hair-care segment which has grown exponentially in the past two decades.

Micromax, Karbonn, Lava, Intex and the likes entered the handset space that the Mittals never ventured into for whatever reason. For some years they all had a good run till the Chinese brands came and wiped them all out. Reliance Jio learned quickly from the Airtel error, however, and made LYF and JioPhone an integral part of its offering from day one.

Raymond did eventually launch Raymond ready-wear around 2008-09. But by then others like Louis Philippe, Van Heusen, Arrow, Allen Solly and Peter England had already stolen a march. Gautam Singhania tried to make up for lost time by buying Color Plus in 2002, and by launching brands like Parx and Manzoni. But the race had already been lost. In wedding wear too, brands like Manyavar trumped Raymond who has only recently started to market *Ceremonials*.

Star TV crushed Zee once it was allowed to be in the Hindi GEC space. *Kaun Banega Crorepati* and the Ekta Kapoor serials *Kyunki and Kahaani* just demolished Subhas Chandra’s channel, never to recover to No. 1. Strategic errors — acts of omission and commission — have hurt many companies. Most have thankfully survived the disastrous decisions but sans those wrongs, each of them could have gone much much further, and farther.

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Opinion

FRIDAY, NOVEMBER 15, 2019

Judiciary takes a step towards transparency

SC allowing CJI to come under RTI a welcome step, but the conditions set must not stonewall queries

THE SUPREME COURT'S (SC's) decision to bring the office of the chief justice of India (CJI) under the purview of the RTI Act, albeit with certain conditions applying, would seem a watershed moment in the judiciary's history given how it has resisted public scrutiny. Coming under the RTI lens will push what has been a notoriously opaque system to share insights into its functioning. That said, the conditions that the judgment sets lend themselves to the apex court stonewalling efforts to dig out particulars that may be of public interest. The verdict leans heavily on the judges' right to privacy, and the independence of the judiciary as touchstones for allowing RTI queries. Justice NV Ramana, a member of the bench that delivered the verdict on Wednesday, also cautions against the RTI becoming a "tool of surveillance" against the court in his separate but concurring judgment in the matter. All this means taking the RTI route to get the CJI's office to give information could prove a Sisyphean task if the SC wills it so. While citizens are allowed to ask for information on appointment and transfer of judges, the reasons behind the decisions may not be shared since these will be based on intelligence inputs by agencies that are exempt from RTI.

The division bench of the SC that heard the appeal against a 2010 Delhi High Court ruling—which had upheld the Central Information Commission's 2009 decision to bring the CJI's office under the purview of RTI—had decided the same year that the matter should be heard by a Constitution bench. Eight years, and nine CJIs later, the bench got constituted last year by CJI Ranjan Gogoi. This itself should be illustrative of the judiciary's lack of appetite for transparency. Indeed, the judiciary has largely refused to explain its decisions on appointments to its upper echelons—recommendation of candidates remains the exclusive turf of the judiciary—even as the government makes public the reasons for not accepting the judiciary's recommendations. Under former CJI Dipak Misra, the reasons explaining the SC collegium's recommendations of appointments were put up on the apex court's website. Under CJI Gogoi, the practice has been dropped. It is hardly a surprise then that controversies, like the one over the transfer of Madras High Court judge Justice VK Tahilaramani that ended with Tahilaramani resigning, dog the judiciary. Against this backdrop, the RTI becomes the instrument that the public turns to force the judiciary to be more transparent. Indeed, as Justice DY Chandrachud, another member of the Constitution Bench that delivered the landmark verdict, writes in his separate but concurring judgment, "Bereft of information pertaining to both the criteria governing the selection and appointment of judges to the higher judiciary and the application of those criteria in individual cases, citizens have engaged the constitutional right to information, facilitated by the RTI Act."

If the CJI's office, and, indeed, the judiciary, is to become meaningfully transparent, the guiding principle has to be what Justice Chandrachud writes in his judgment: "Failure to bring about accountability reforms would erode trust in the courts' impartiality, harming core judicial functions... Transparency and the right to information are crucially linked to the rule of law itself."

In plain English...

...Andhra is right in making govt schools English-medium

THE ANDHRA PRADESH government's proposal to make English the language of instruction in government schools is an idea other states, too, would do well to seriously consider. The move has received flak from nearly all opposition parties in the state, including TDP, which had proposed a similar move, though on a pilot basis, in one district, when it was in power. Even vice-president Venkaiah Naidu, whose mother tongue is Telugu, has weighed in on the side of the critics. However, as chief minister YS Jagan Reddy has argued, making English the language of instruction from the primary level itself will improve the employability of government school students, largely from poor families, given English proficiency is crucial for a large number of jobs.

Reddy's poser to critics—on the language of instruction at the schools where their children and grandchildren were enrolled—may have been rhetorical, but it reveals how much premium is placed on English skills in the job market. Given that English remains the medium of instruction in higher education across India, an early foundation in the language will vastly improve the chances of a student completing their education. With most textbooks and reference material being published exclusively in English—higher education in popular destinations like the US or the UK also calls for demonstrated competence in the language—delaying mainlining of the language in government schools makes the poor even more vulnerable as it skews opportunities in favour of students educated in English-medium schools. Data from the ASER 2017 shows that nearly a quarter of the 14-18 year-olds—over 98% of whom had completed elementary education (school education up to the VIII standard)—surveyed in the state (Srikakulam district) couldn't read an easy sentence in English. ASER 2016 data shows that nearly 30% of Class VIII students in the state who were surveyed couldn't read simple English sentences and, worse, 20% of those who could read couldn't tell the meaning of the sentences. Thus, an early foundation in English would perhaps help improve the lot of students who get left behind because of poor comprehension of the language.

The fear of the critics that a switch to English will mean that the regional languages that are now the medium of instruction—Telugu and Urdu—will get neglected is addressed by the fact that, as the state government has clarified, it will be compulsory for students in government schools to learn either of the two languages. Many experts argue that learning outcomes are likely to be better if early learning is conducted in the student's mother tongue. However, that can't come at the cost of English learning. The government can come up with regional-language reference texts and teaching aids that help the child have a better grasp on classroom teaching, or even have computer-aided learning aids that the students can be trained to use to negotiate English instruction better. But, keeping English away from the bogeys the critics of the Andhra government are raising will be a retrograde move.

Doomed FUTURE

Failure to act on climate will mean debilitating health consequences for children born today

THE WORLD, OVER the last few years, has seen devastating consequences of climate change unravel. With various reports sounding the alarm on consequences—indeed, some warn we might have vastly underestimated them so far—climate action couldn't have seen more urgent ever. Now, a report by The Lancet on the public health impacts of rising temperatures and air pollution provides a set of equally compelling reasons. The report points to several threats, including increased incidence of infectious and vector-borne diseases like dengue, rising food insecurity, undernutrition, and more frequent extreme weather events, it notes that the size of India's population and the stark inequalities in healthcare in the country expose it to the risk of losing the public health gains of the last two decades. India, along with China, is expected to face an increased burden of climate change effects, the worst of which, the report emphasises, will be borne by children being born today.

"A child born today," the report states, "will experience a world that is more than four degrees warmer than the pre-industrial average, with climate change impacting human health from infancy and adolescence to adulthood and old age." Infants would be more vulnerable to malnutrition—already responsible for two-thirds of under-five deaths—and rising food prices. With worsening air pollution and PM 2.5 already having contributed to 5,29,500 premature deaths in 2016, future adolescents are expected to suffer damage to their hearts, lungs, and other vital organs. Extreme weather events, including exposure to wildfires—the exposure of daily population to which the report estimates to be 21 million between 2001 and 2014—is expected to severely limit labour capacity. The writing has been on the wall for quite some time now—Greta Thunberg is right. A failure to act now will doom future generations.



FLIGHT OF FANCY

Union home minister Amit Shah

Now, it has been proved that disruption of Parliament over #Rafale was a sham... After today's rebuke from SC, Congress and its leader, for whom politics is above national interest must apologise to the nation

RIGHT DEAL

THE CAG'S OBSERVATIONS, IN ITS AUDIT REPORT ON CAPITAL ACQUISITION BY IAF, SHOULD HAVE BEEN INTEGRATED IN THE DEFENCE PROCUREMENT PROCESS

Defence procurement delays hurt national interest

PRIME MINISTER MODI'S second stint has raised many expectations. The relentless encouragement, and enabling policy environment provided by the NDA's earlier regime through a series of reforms gave an impetus to ease of doing business, and ease of living and creating national infrastructure to build a new India. A cost-effective procurement process, along with development of indigenous capabilities, products, and technologies would give our armed forces a decisive edge in defending India's national security, territorial integrity, and sovereignty.

India's armed forces have been facing enormous challenges. Spelling out India's defence operational requirements, and finding solutions to the problems therein would serve as a testimony to the Modi 2.0's commitment. It is time for India's defence minister, Rajnath Singh, to lay down an appropriate policy framework to empower the armed forces to discharge their responsibilities. Valuable lessons can be learnt from the Comptroller and Auditor General of India's (CAG's) performance audit of capital acquisition in the Indian Air Force (IAF), placed before Parliament in February, 2019, to resolve some chronic bottlenecks in the IAF's defence procurement process.

The CAG report examined 11 contracts of capital acquisition signed between 2012-13 and 2017-18, with a total value of approximately ₹95,000 crore. It highlights systemic issues in the acquisition process and gives recommendations to rectify deficiencies in the procurement process. The acquisition process begins with the formulation of user requirements, known as the Air Staff Qualitative Requirements (ASQR). The formulation of ASQRs critical to the defence acquisition process because it determines quality, price, and competition. In a 2007 report, CAG had

KP SHASHIDHARAN
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Views are personal



recommended that ASQRs be stated in terms of measurable functional parameters. However, IAF did not implement this, and made the ASQRs exhaustive with technical details. This led to serious, avoidable consequences—all vendors failed to meet the ASQRs. Moreover, IAF changed ASQRs repeatedly during the procurement process.

The nation's supreme audit institution, mandated by the Constitution to help enforce public accountability, effective service delivery, transparency, and good governance, had no option but to repeat its 2007 recommendation that ASQRs should be stated in terms of functional parameters. Further, CAG recommended that technical experts with knowledge of the systems be involved in the acquisition process.

As required, offers are sought from varied vendors by issuing a Request for Proposal (RFP). Vendors respond to the RFP by giving technical and commercial bids. CAG found that there was limited competition as the number of vendors who responded to the RFP was less than that of those invited to bid. Reasons for this include delays in the acquisition system, and inappropriately defined ASQRs. CAG recommended that the defence ministry consider open, competitive tendering in case of non-strategic items, like basic trainer aircraft and weather radar.

CAG observed a lack of consistency in technical evaluation across procurement cases: In some cases, such as doppler weather radars and attack heli-

copters, technical bids were rejected when vendors failed to meet all the ASQR parameters; but, in the case of medium multi-role combat aircraft (MMRCA) and heavy lift helicopters, bids were technically qualified even when they did not meet critical ASQRs.

A Contract Negotiation Committee was constituted to evaluate the price bid, and negotiate the final contract. The committee was required to estimate the benchmark price to assess the various bids before opening the price bid. CAG found that in eight procurement cases, the benchmark price was significantly different from the bid price. The report opined that repeated off-market pricing evidenced inability to estimate the market price.

The central auditor pointed out that delays in acquisition were essentially due to a complex, multi-level approval process; to be precise, each procurement case has to go through 11 stages, from initiation to contract-signing. The current acquisition system is, therefore, unlikely to support IAF's operational preparedness. CAG recommended that the defence ministry structurally reform the entire procurement process to facilitate expeditious acquisition. CAG examined the procurement

process for MMRCA. It remarked that IAF had discarded its original August 2000 proposal to acquire 126 Mirage 2000 II aircraft in 2004, and, in 2007, it decided to acquire 126 Rafale aircraft from Dassault Aviation. However, the commercial negotiations with Dassault were not concluded, and in 2015, the decision was altered to procure only 36 Rafale aircraft through an inter-governmental agreement with France. Comparing these two deals, CAG concluded that the price of the 2015 deal was less than that of the 2007 one by 2.86%. The latter included a bank guarantee from the French government to safeguard the national interest in case of

default, making the vendor—the French government—liable to provide payment. However, the 2015 deal excluded a bank guarantee.

The government's defence procurement policies have been subjected to criticism. Enormous delays in the procurement process thwart the urgency in defence procurement. CAG's observations should have been integrated in the defence procurement process. The unwarranted

delay, and complex procedures and decision-making process seem to be cost-ineffective. More importantly, it could damage national interest and lead to the acquisition of technologically inferior armaments. India must get value for the public money it spends. It is high time the government, under Modi 2.0, took stock of things with new policy directions on all defence and security related matters, and implement them effectively, optimising the scarce public resources.

The unwarranted delay, complex procedures and decision-making processes are cost-ineffective. It can lead to the acquisition of technologically inferior armaments

IEA's new energy outlook comforts no one

That the World Energy Outlook report has become a battleground speaks to the urgency of dealing with climate change spreading beyond think-tanks

LIAM DENNING
Bloomberg

THE INTERNATIONAL ENERGY Agency would like you to know it is not in the business of making predictions: The WEO (World Energy Outlook) analyses the choices that will shape our energy use, our environment, and our wellbeing. It is not, and has never been, a forecast of where the energy world will end up.

That the IEA feels the need to put that high in the foreword to its latest long-term energy outlook gets at the problem: To a large degree, it doesn't matter that it isn't prophesying. Because of the IEA's stature, and the fact that not many institutions have the inclination or funding to maintain detailed models of global energy supply and demand—plus our species' preference to just reach for ready-made statistics—the World Energy Outlook tends to be treated as a reference work rather than a mere thinking aid. That isn't the IEA's fault; it is just what happens.

Hence, back in April, a group of investment funds, scientific institutions, and think tanks wrote a letter to the IEA demanding the WEO more explicitly map out scenarios consistent with the Paris Agreement's goal of limiting the rise in temperature associated with climate change. The IEA has met them partway. The old central scenario called "New Policies" has been renamed "Stated Policies," capturing the impact of policy makers' plans rather than assumed improvements. The more ambitious "Sustainable Development Scenario," or SDS, gets more weightage in this edition, while the "Current Policies Scenario"—the embrace-the-fires-and-floods scenario—gets demoted.

The central criticism of the WEO is that it doesn't make a scenario with a good chance of limiting the world's temperature increase from pre-industrial levels to 1.5° celsius (2.7° fahrenheit) its central case. The secondary SDS, which the IEA characterises as being in line with the Paris Agreement, comes much closer than the Stated Policies case. However, while it is consistent with modelled pathways that limit warming below 2°

celsius, it still implies overshooting the 1.5° target. Avoiding that would mean getting to net-zero emissions by 2050, according to last year's special report from the United Nations' Intergovernmental Panel on Climate Change.

The SDS, instead, effectively relies on the deployment of carbon sequestration beyond 2050 to correct the overshoot, with the IEA pointing out that many of the pathways surveyed by the IPCC do the same thing. As for getting to net-zero emissions by 2050 without relying on sequestration, the IEA's language is sceptical, to say the least:

The additional changes involved would pose challenges that would be very difficult and very expensive to surmount. This is not something that is within the power of the energy sector alone to deliver. It would be a task for society as a whole, and likely involve widespread behavioural changes.

The IEA is correct: Getting to a net-zero energy system without sucking enormous quantities of carbon dioxide out of the air within the next 30 years is a gargantuan task. Given this, however, surely it would be worthwhile spelling that out in detail rather than condensing it into a qualitative statement?

As I wrote, we should reframe the way we think about dealing with climate change, away from pure "cost" toward a holistic view of investments and rewards—just as we do, in a flawed way, with our current energy systems. After all, the Stated Policies—and, especially, the Current Policies—scenarios would come with enormous costs of their own, in the form of a degraded environment. And, both the IEA and the IPCC acknowledge that carbon sequestration technologies are, at scale, both unproven and potentially unsustainable in their own ways in terms of, for example, land requirements. Scenarios

are, as the IEA reminds us upfront, just that, so showing one that may seem unrealistic in a different way from the lack of realism informing our current path couldn't hurt.

It is tempting to view the WEO as a comfort blanket for fossil-fuel interests, but it would be shallow indeed for energy's incumbents to see it that way. Yes, the Stated Policies Scenario foresees continued dominance by fossil fuels through 2040 at least. However, SDS effectively upends the current growth-driven economic model of the coal and oil businesses in the 2020s, and does the same to the natural gas business in the 2030s. Investment in oil and gas production stalls almost immediately and then declines, kicking away the central pillar for a broad-based recovery from the crash.

And this, after all, isn't even the more drastic scenario demanded by the IEA's critics. It shouldn't be lost on today's energy incumbents that the latest edition of the WEO represents a shift prompted by demands from a wide range of institutions, including those representing capital markets, to map out more-rapid pathways to slash carbon emissions.

Even if it leaves some unsatisfied, the very fact that this document, of all things, has become a battleground speaks to the urgency of dealing with climate change, and the way in which that sense of urgency is spreading beyond the confines of think tanks and laboratories—with all the potential that holds for sudden, disruptive changes in policy. As a metaphor for where we're at on dealing with climate change, an 800-odd-page report filled with tables populated by data nerds doesn't seem the obvious choice, but I'll take it.

This column does not necessarily reflect the opinion of the editorial board or Bloomberg LP and its owners

LETTERS TO THE EDITOR

One state, multiple elections

Instead of mocking the high chair, political parties must focus on a constructive agenda to attain a common ideological ground, and work hand in glove to render stability to the state. It has become imperative for parties to follow the code of conduct round the year, and not just during the poll process, in order to attract public cheer, and preserve goodwill. An intent to address state issues and maintain a decisive stance on key matters is usually found wanting. Limiting undue expenditures and enforcing discipline is prudent to utilise taxpayer money in an efficient manner. Regulators and the Election Commission must redefine their visibility to combat challenges and maintain decorum and integrity in the political system by demonstrating exceptional skills. Since vested interests of regional parties often conflict with larger goals, multiple elections in a state cannot be ruled out as a possibility in the long term, especially when pre/post-poll alliances are fickle. It is essential to make sure that ideals widely preached are also practised on the ground. Berating peers, disrespecting the larger mandate, questioning the decision making by higher ranks, challenging the credibility and integrity of neutral authorities and expending effort towards non-constructive tasks have emerged as the new norms. Low-benchmarks of performance, seeking attention through ambiguous or bizarre statements, focus on short-term gains and opportunistic alliances cannot be encouraged in the name of a democratic federal structure. To prioritise state interest, instill public-confidence, and accomplish socio-economic objectives viably, a stringent regulatory framework must be established to promote collective accountability within parties.

— Girish Lalwani, Delhi

Write to us at feletters@expressindia.com



ILLUSTRATION: SHYAM KUMAR PRASAD

Resolving bilateral tax disputes

JAYESH SANGHVI

Tax Partner, EY India.
Views are personal



OECD lays down a roadmap for India to make bilateral taxation efficient

TAX TREATIES PROVIDE for the mutual agreement procedure (MAP) through which the competent authorities (CAs) of the contracting states may resolve differences or difficulties regarding the interpretation or application of the tax treaty on a mutually-agreed basis. In recent times, MAP has emerged as a preferred option for resolving transfer pricing (TP) controversies and other double taxation issues as it minimises risks of uncertainty and provides an effective and timely resolution.

On October 24, OECD released the sixth batch of peer review reports (the Report), for eight countries including India, relating to the implementation of the BEPS minimum standard under Action 14 (making dispute resolution mechanisms more effective). The peer review process assesses a member's legal and administrative framework to determine how its MAP regime performs relative to the four key areas: (i) preventing disputes; (ii) availability and access to MAP; (iii) resolution of MAP cases; and (iv) implementation of MAP agreements.

The report provides interesting insights into the positions adopted by the Indian CA while granting MAP access. India provides access to MAP in all TP cases and cases concerning application of treaty anti-abuse provisions. However, it does not provide access to MAP for issues that do not give rise to double taxation, cases involving advance tax rulings and settlement commission. Further, for cases concerning the domestic anti-abuse provision, discussions during the MAP will focus on elimination of double taxation.

The Report indicates that the experiences of the peers in handling and resolving MAP cases with India is generally positive and affirms India's commitment to make dispute resolution under tax treaties an effective and efficient process. A few peers note the difficulties in resolving case, particularly the long time it takes to reach an agreement.

The peers attribute this to the lack of resources on the Indian side. It is noted in the report that MAP cases in India were not closed within 24 months (which is the pursued average for resolving MAP cases received on or after January 1, 2016). The peers recommend that India should hire additional personnel to ensure that MAP cases are resolved in a timely and efficient manner.

The OECD recommends that India should without further delay introduce clear and comprehensive MAP guidance. Further, it also recommends that India should change its policy to effectively allow access to MAP for issues concerning the question of whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a tax treaty and on matters where there is no double taxation but there is taxation that is not in accordance with the provisions of a tax treaty.

In a post-BEPS world, MNCs face tremendous pressures and scrutiny from tax authorities. In the Indian context, given the challenges with the domestic tax law appeal process, MAP would continue to be a preferred option for resolving TP disputes. The Report reinforces India's commitment to make dispute resolution an effective and efficient process. Considering the recommendations of the OECD, the Indian Tax Administration should issue detailed MAP guidance providing information on India's approach to key issues in MAP and corresponding expectations of treaty partners. Further, the Indian Tax Administration would need to strengthen the teams overseeing MAP/ advance pricing agreement (APA) cases by providing additional resources for the efficacy of MAP/ APA programme. These measures will strengthen the effectiveness and efficiency of MAP and taxpayers would find the forum more attractive. Peer reports must be reviewed to get a sense of the policy considerations and country positions while developing their MAP and APA strategy for effective dispute resolutions.

With inputs from
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RAJIV NATH

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MEDICAL DEVICES

Rx: Rationalise trade margins

Importers have been lobbying to be kept outside the purview of trade margin rationalisation. By accepting their demand, the government would be doing a great disservice to the domestic device manufacturing industry

on the procurement cost by a hospital, thus, spiralling prices of medical devices leads to an artificial inflation.

Importers have been lobbying to be kept outside the purview of trade margin rationalisation. By accepting their demand, the government would be doing a great disservice to the domestic device manufacturing industry. There is a need to tread the line carefully between boosting domestic manufacturing and promoting 'Make in India' or encouraging more imports and promoting 'Make Outside India'. Unless, the anomaly between importers and domestic manufacturers is corrected, Indian manufacturing will remain at a strategic disadvantage and India will remain dominantly import dependent.

When it comes to trade margin rationalisation, importers of medical devices should also be included. Aren't MNC importers traders too? How can we have importers having irrational 200% margin as was indicated in NPPA report analysing trade margins on catheters and guide wires, while the rest of supply chain have only 35-50% margin as was being recommended by MNC importers' lobby?

Medical devices usually go through 4-7 change of hands along the supply chain from a distributor to a wholesaler to a retailer and a hospital before they reach a consumer. Each point in supply chain incurs various costs such as freight, inventory carrying costs, rental, salaries, marketing and sales overheads and service and statutory expenses of compliance, and then there is also a need of net profit by a reseller. Everyone in a supply chain has intermediate costs and value addition. It needs to be ascertained what value addition, if any, importers do and what's a rational margin for them. Importers in order to avoid customs duty, argue that intermediate costs like R&D and clinical evaluation are not part of the import-landed price. However they also induce hospitals with higher MRP and higher trade margins. This tactical marketing warfare is highly unethical and has cost the consumers dearly as well as adversely impacted domestic manufacturers.

For sake of parity and level playing field, the policy needs to equate an overseas manufacturers' first point of sale at which their goods enter the Indian Union on CIF (Cost, Insurance & Freight) import price basis with the ex-factory price of the Indian Manufacturers. GST is applied for the first time on the first point of sale for both India and overseas manufacturers.

The Government may consider to cap trade margins along entire supply chain of specific devices to a maximum of 85%.

This will help in reducing MRP of many medical devices to less than half of current prices while not being unreasonably detrimental to traders and hospitals. Additionally, manufacturers will be encouraged to attract clients on competitive features, and hospitals will start buying on evaluating cost of purchase & quality, instead of considering margins to be made on higher MRP.

Based on evidence of successful price caps of stents, the Government must proactively make cohesive, industry-friendly policy giving at least a level playing field, if not a strategic advantage to domestic manufacturers while safeguarding consumers. Devices are not Drugs though both are medical products but differ in approach in marketing - any move to bring in Trade Margin Rationalization that's based on PTS (Price to Stockist) instead of first point of sales (when goods enter India), may not meet objectives "to boost domestic manufacturing, end exploitative MRP & unethical Marketing"

Government should define following:
a) First Point of sale for Manufacturer is Price on which GST is charged first time. On an overseas manufacturer GST is charged on Import CIF landed price in bill of entry, whereas on an indigenous manufacturer GST is levied on the ex-factory price post discounts

b) Indigenous manufacturer should be equated with overseas Manufacturer and not with importers.

Price controls can be done in a calibrated manner through,
● 0.5 - 1% GST Cess on MRP as a tax-based disincentive;
● Capping trade margins; &
● Price caps on few priority devices.

There is an urgent need for the government to move towards ending over 80% import dependence, expedite steps for patients' protection, stronger quality & safety regulations, judicious price controls to make medical devices and quality treatment accessible and affordable and promote indigenous manufacturing.

Also, there is a need to counter attempts to spread mis-information *vis-à-vis* any kind of government policy to control prices of medical devices. When MRP prices or trade margins are capped the manufacturers margins are not impacted, so fear mongering regarding detrimental impact on quality and innovations in medical devices on account of price control policy stipulations will not be in the interest of consumers or domestic manufacturers. Such misinformation by any particular lobby should be discouraged and countered effectively.

India is ranked 145 among 190 nations, lower than even Bangladesh, Sudan and Equatorial Guinea by the 2018 Global Healthcare Access and Quality Index. To change this landscape, we need to provide quality and affordable healthcare and reasonably priced medical devices. In recent times, exorbitantly priced medical devices and medical treatment has caused distrust in the healthcare industry, adversely impacting healthcare business environment. In this context, the government needs to protect consumers' interest as well as allow domestic industry to flourish, while also creating a level-playing field with multinationals. Excessive pricing is stifling India's manufacturing growth story. In the absence of fair competition, reasonable price controls are desirable. One possible solution for ensuring reasonable MRP (maximum retail

price) is keeping trade margin at a rational level along the supply chain.

The trade margin is the difference between the price at which the manufacturers (indigenous / overseas) sell to trade and the final price to patients.

The main aim of rationalisation of trade margins in medical devices should be not only to help consumers, but also allow rationalised and reasonable profits for traders, importers, distributors, and wholesalers & retailers, and create a level-playing field for domestic industry *vis-à-vis* foreign manufacturers. There should be clear objectives for any policy intervention to provide quality and affordability and avoid distress (to consumers), distrust (in industry) and disruption (to market). The market place is, unfortunately, skewed where suppliers induce hospitals to buy and push their brands based on profit margins and not on basic of cost savings

WOMEN & EMPOWERMENT

Breaking the glass ceiling

Systematic engagement of women in enterprise is the key to achieve the \$5 tn target

ANNA ROY

Senior advisor, NITI Aayog



entrenched in India's traditional socio-economic power structures. Some of the common challenges faced by women are social barriers delimited by patriarchy (such as lack of family support), lower access to finance and networks, safety concerns, and resultant lower confidence. Additional deterrents to female participation include the absence of successful precedents, lack of education, and unequal distribution of domestic responsibilities (women are expected to be the primary homemakers and caregivers). Women are not only denied access to financial capital and networks with potential partners, but are also subjected to the reality of unsafe work environments and discriminatory

inhibitory practices. These conditions directly inhibit the participation of women in entrepreneurship and as per studies also result in the low labour workforce participation.

In the larger scheme of things, India's \$5 trillion economy vision will be possible only when women are actively brought into the fold. This will require the glass ceiling to be broken, and will necessitate its complete dismantling. The challenges can be addressed with a careful, conscientious and diligent review of the existing conditions. While some of these challenges are inter-generational and improvements will require larger societal behavioural change over time, others can be implemented in a short span.

Gender gaps in economic participation and missed opportunities can be addressed with strategic policies and programmes, curated to address the existing inadequacies. There are efforts underway to better understand these factors through initiatives, NITI Aayog's Women's Index for Socio-Economic Opportunities, which will be used to develop actionable policy interventions, at the state and central levels. For women entrepreneurs, who are able to overcome the typical social challenges, the barrier to entry still remains high. Besides the government efforts, there are numerous initiatives by private sector aimed at promoting women entrepreneurship, including corporates,

PSUs, financial institutions, civil societies, international organisations.

Despite the substantial government and private initiatives, women who actually need these services are not able to benefit due to information asymmetry. Thus several of these initiatives and programs often remain under-subscribed, as beneficiaries can't access information timely and methodically. At the same time, women entrepreneurs continue to face business-compliance issues without the correct information or access to services that makes enterprise seem unnecessarily prohibitive even though these are easily addressed by making the right information



available. Women entrepreneurs often miss out on the right kind of mentoring support in addition to other challenges.

Women Entrepreneurship Platform, a flagship initiative NITI Aayog was announced by Amitabh Kant, CEO, NITI Aayog at the conclusion of Global Entrepreneurship Summit in 2017, and was launched on March 8, 2018 as an aggregator platform that brings together all relevant information required by existing or prospective entrepreneurs in their quest to establish and promote their enterprise. WEP adopts a multi-pronged approach to address critical needs of a woman entrepreneur, such as access to networks, information, learning resources, services and mentoring by sharing information seamlessly. The gap of not showcasing effectively women role models is also being addressed through efforts made to recognise the efforts and achievements of women entrepreneurs through awards such as the Women Transforming India Awards.

Indian society is at the cusp of change, and the role of women is one that is steadily changing. There has been a slow but rapid rise of women's agency and autonomy, and as a result there has been all round positive change. But the most impactful changes are yet to come, as women slowly take up their rightful place in building India's economy. Programs and initiatives like WEP can champion the cause of women, thus taking the lead in ushering in a new India.



The Indian EXPRESS

FOUNDED BY
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

Wrong number

The revival plan for BSNL and MTNL does not inspire confidence



RAJAT KATHURIA AND CHAVI ASRANI

THE EARLY LOGIC of public provision of telecommunications services in India was justified on grounds of market failure and employment creation. Market failure meant the private sector would either not be interested in provision especially in far flung rural areas or monopoly conduct would flourish unchecked in areas it did serve. The widespread distrust of the market and private enterprise obliged the government to supply telecommunications services. And in the absence of a meaningful social security architecture, the department of telecommunications (DoT) along with other public sector enterprises, became employers, not only of "last resort" but also of "first choice". The security of a government job and its associated benefits are enticing even today, even though the economy is vastly different and private enterprise is truly established.

The natural monopoly character of telecommunications has been decidedly undermined by wireless technology. Accordingly, ownership is no longer the best way to achieve multiple government objectives, if ever it was. There is ample evidence from India and the world that suggests government ownership dulls incentives and therefore, development and distributional objectives are better achieved through independent regulation and the law of contract.

The arrival of independent regulation in 1997 in the form of the Telecom Regulatory Authority of India (TRAI) and private sector participation meant the government could easily vacate this space without hurting its development objectives. To be fair, the government did incorporate BSNL in 2000 to supply services in India except for Delhi and Mumbai, which have been served by the MTNL since 1986. The change formally created a PSU in telecom but functioning, process and culture was largely inherited from the parent department.

Often, the argument is made that in choosing between a private and public sector monopoly, the former would be abusive and extractive while the latter benign. And thus, if ever the sector inched towards monopolisation, either by design (read cartelisation) or market circumstance (read aggressive and disruptive competition), the public sector would provide the much needed countervailing power. One cannot imagine either BSNL or MTNL succumbing to become part of a private sector led cartel, just as one cannot visualise the nature of the competitive threat they would present in case pri-

private sector ran amuck.

The beginning did, however, inspire confidence. In the three years following BSNL's incorporation, it became the country's leading telecom operator commanding a market share of about 85 per cent in provisioning of fixed-line services, over 17 per cent in mobile services and 25 per cent in internet services. But, over time, its fundamental weaknesses, overstaffing, lack of market responses and cumbersome procedures have rendered it an also-ran. The market share of BSNL has dwindled to about 10 per cent, while MTNL has a market share of about 7 per cent in two of India's most lucrative circles. If preservation of competition is the objective, it is a task best performed by the sector and economy wide competition regulator, and not by artificially supporting a public sector entity. It seems to be a rather extravagant route to maintaining competition.

Another argument made in support of the public sector is service provisioning in remote areas. To BSNL's credit, it did serve areas which private sector did not. But BSNL's rural market share has dwindled from over 25 per cent in 2008 to less than 8 per cent in 2019, while the rural market has been growing. A robust telecom PSU, another argument suggests, could be of strategic value especially in periods of calamities. Once again, it seems a rather expensive route to maintain strategic services when the same could be provided by private players under threat of regulatory injunctions.

How does the public sector survive with market disruptions and technology shocks becoming the norm rather than the exception in telecom? Public sector is at best geared for stasis and the telecom sector is anything but that. Adding to the technology disruptions are policy flip-flops that went from being pro-public sector to either neutral or even hostile. Private entrants had long argued for a level playing field with the public sector, while the latter complained they could not compete with one hand tied behind their back. Both were right from their standpoints, but asymmetric policy in favour of the public sector was hard to maintain. Thus, the public sector was persuaded to pay license fee and for spectrum, just like others did, some of which they did not want. In 2016, the entry of Reliance Jio coincided with intense tariff competition, and subsequently, a sharp fall in interconnection user charges (IUC) affected the entire telecom industry. Public sector operators already bleeding were hit badly.

Worried about the future of the public sector entities, the government has crafted a revival plan, including a merger of BSNL and MTNL. In management jargon, the merger could potentially unlock synergies, but unfortunately there appear none on the telecom horizon. The return on capital employed for the two PSUs has been consistently negative, and manpower costs account for 60 and 80 per cent of their revenues respectively, compared to about 5 per cent for private operators. The other components of the rescue package include raising sovereign bonds, monetising land assets and a voluntary retirement scheme for employees. The government has also promised allocation of 4G spectrum at 2016 prices.

None of these inspire confidence, given protracted government procedures. For example, asset sales will be subject to cumbersome tenders, allegations of favouritism and plain rent-seeking, aspects that are partly responsible for the bleak situation in the first place. Moreover, customer interface is not a public sector forte, so 4G spectrum is likely to be a drain rather than a revenue spinner.

At the beginning of this piece, we advanced two reasons for direct public sector service provision by government — market failure and employment. The market failure justification doesn't exist anymore, suggesting exit for BSNL and MTNL. The medium to long term costs of continuing in operation are likely to be higher than shutting down. Although employment creation is no longer a public sector imperative, shutting down may make economic sense but it is hardly a feasible political option. One cannot lay off two lakh employees with a stroke of the pen, even if continuing operations is a more expensive form of social protection. It has to be carefully planned.

The silver lining is that the merged telecom entity would have a pan India presence and would become a listed enterprise. This may eventually assist in disinvesting or better, privatising the merged operator. Thus "revival to sell" should be the mantra rather than "revival to operate". The latter is a tall order and, unencumbered, the merged entity could well turn out to be profitable in private hands. But it will be a painstaking process. As Terrell, as a great poet said, *aah ko chahiye ik umr asar hone tak!*

Kathuria is director and chief executive and Asrani is consultant at ICRIER. Views are personal

FRAUGHT COURSE

On essential religious practice, SC should have gone case by case — rather than aim for a grand unified theory

A FIVE-JUDGE CONSTITUTION bench has deferred its decision on the review of the 2018 Sabarimala verdict until a larger bench examines a range of broader issues — and thereby led the apex court into uncharted, and potentially turbulent waters. There are technical reasons why reference to a larger seven-judge bench in a review petition is mined with complications. The parameters of review usually permit a narrow reconsideration in case of an error in the verdict or discovery of new evidence. But apprehensions that the majority judgment on Thursday could open up new questions, instead of settling the old, go well beyond technicalities. The court has clubbed together the question of the entry of women of menstruating age into the Sabarimala temple with others — the entry of Muslim women in the dargah/mosque and of Parsi women married to non-Parsis to the holy fireplace of an Agyari, and whether female genital mutilation in the Dawoodi Bohra community constitutes that religion's essential practice. It is possible to argue that each of these questions must be considered on its own ground, in its specificity. Not content with putting together issues that may not belong in the same frame, the court has gone further, casting on the larger bench a responsibility that may not belong to it.

The seven-judge bench has been tasked with finding the balance between the right to freedom of religion and other constitutionally-guaranteed rights, especially the right to equality, defining "essential religious practice" and "constitutional morality". This is a tall order, and not least because in a large and diverse democracy, spelling out judicial doctrines on these matters removes essential ambiguities. It also usurps the space of other players and protagonists, and narrows the room for manoeuvre for them, for the court itself — and eventually, for justice. Of course, constitutional morality has been used to emancipatory effect in past cases by the apex court, not only in striking down the restrictions on women of a certain age in the 2018 Sabarimala decision, but also in another verdict the same year decriminalising homosexuality. In both, the court upheld ideas of freedom and equality and the constitutional promise of a pluralistic and inclusive society, while redressing an injustice, even though its Sabarimala decision was seen by certain sections to rush into grey areas of tradition and its autonomy. Yet in setting itself the task of defining this constitutional morality, the court will now have to go into the question of its limits and boundaries, of its possible clash with religious beliefs and faith and what is essential to them. In the process, it could not only be tying its own hands for the future, but also circumscribing individual freedoms and treading into the clergy's domain.

The court has been inconsistent in applying the essential religious practice doctrine that it evolved in the 1950s. Perhaps that is just as it should be. It may be that the court's push for expanding its remit and for hard clarity on complex questions is misguided and counterproductive. In some cases, it is okay, even just, to keep to the narrow path, take it case by case.

STUDENTS ARE WRONG

Protests against appointment of a Muslim faculty member in Sanskrit department in BHU are regressive and disturbing

IN 2017, THE churn in Banaras Hindu University (BHU) mirrored the conflicts between students and university authorities in institutions of higher education across the country. The protests then were sparked by an alleged incident of eve teasing but soon became about the larger issue of discrimination based on gender, caste and class. Like elsewhere, BHU's students were demanding that the university become a more equal and open space. The BHU was at the forefront of the anti-colonial struggle and the early efforts to build a modern India, and the students were keeping that legacy alive. Over the last week, however, a section of students from the Sanskrit literature department have displayed an attitude that goes against the grain of all BHU has stood for.

Students of the Sanskrit literature department have been protesting the appointment on November 6 of Firoz Khan as an assistant professor. Khan holds a BA, BEd, MA and PhD from Rashtriya Sanskrit Sansthan in Jaipur and was appointed to the post in line with the University Grant Commission's guidelines. But he cannot teach at the department, according to the protestors, because he is a Muslim. The vice chancellor and other university authorities have said that Khan's appointment cannot be rescinded on the grounds the students are demanding. But what of the students themselves? Sanskrit is not, as they appear to believe, the province of "Aryans", but rather, the means to a rich store of historical and philosophical knowledge that belongs to no single community or religion, but to all. The fact that Sanskrit scholarship in India has widened to a point where people from every community are involved in its study and growth ought to be a matter of pride.

In various periods in India's history, the university has been a contested space. There are now, in India's public universities, a plethora of voices from hitherto marginalised groups that often make the powers-that-be uncomfortable. Students have, by and large, demanded that the university become a more egalitarian space — in terms of representation, access and protocols and practices in hostels. To insist that people from a particular religion not be allowed into a department of one of India's most prestigious universities is a demand to make it a space more regressive than society at large, not less. Hopefully, the students and scholars at the Sanskrit department will soon course correct.

THE LOST SCHOLAR

Vashishtha Narayan Singh's work has applications in varied areas including quantum mechanics

IN THE EARLY 1960s, JOHN L. Kelley, the head of the mathematics department of the University of California, was visiting the Patna Science College. He was in the principal's room when a mathematics teacher rushed in with a complaint about a student who was disturbing his class. The youngster's fault was that he had asked difficult questions. Kelley's curiosity was aroused and in the meeting that followed, the student, Vashishtha Narayan Singh, had impressed the American scholar into inviting him to the UCB. There is more than one version of this story. Many stories of Singh's brilliance are apocryphal. However, his 1969 PhD dissertation, "Reproducing Kernels and Operators with Cyclic Vector," is one of the most referred works in the field. But in less than a decade, this brilliant mind was lost to academia. His troubled life came to an end on Thursday.

Born to a family of modest means in Vasantpur village in Bihar's Ara district, Singh acquired a reputation for quizzing his mathematics teachers at school. Patna University decided to bend its rulers when it was felt that the syllabus system was holding the prodigy back. Singh was allowed to appear for the final year BSc examination when he was still in his first year. He topped. The American sojourn followed soon after.

After his PhD, Singh worked at NASA for about three years. His research has applications in areas ranging from computer graphics to quantum mechanics. Singh chose to return to India at the height of his scholastic prowess and worked at the IIT Kanpur, TIFR, Mumbai and the ISI, Kolkata. But his mind had also begun wandering into realms unknown. In 1976, not yet 35, he was diagnosed with schizophrenia. He is known to have scribbled equations in notebooks that admirers would get for him, which would be kept under lock and key. Are there traces of his erudition waiting to be uncovered?

CORRIDOR OF CONCILIATION

Kartarpur presents an opportunity for normalisation of India-Pakistan ties



KHALED AHMED

ON NOVEMBER 9, Prime Minister Imran Khan got together with thousands of Sikh pilgrims to inaugurate the Kartarpur Corridor. Prime Minister Narendra Modi thanked Pakistan for opening up the route to the last resting place of the great Sikh founder-guru, Nanak Dev, in accordance with an agreement reached between the former Pakistan Prime Minister Nawaz Sharif and former Indian statesman-PM Atal Behari Vajpayee in 1999. The Sikh yatris were visibly touched as they heard PM Khan speak of the "opening up borders for free movement and trade with India".

Things looked good till the Indian media "revealed" the presence of a group of "Khalistani" agents at Kartarpur. That meant the corridor was actually a conspiracy to undermine India's integrity by luring the Sikhs away. On the Pakistani side, the hounded opposition thought of the "betrayal" of "Kartarpur" after Modi "annexed" Kashmir. But the people at large didn't bite and were happy to receive more pilgrims. Imran Khan covered his head as he paid tributes to Guru Nanak Dev.

The "largest gurudwara in the world" was thought of by Imran Khan and the chief of the Pakistan Army General Qamar Javed Bajwa. The impressive gurudwara came about in 10

months because the army took charge of it and built it in record time. If the army is behind the project, is it, therefore, a conspiracy to alienate the Sikhs of Indian Punjab from India?

Or is General interested in "cooling the eastern front" because his challenge from the "western front" is too big for the Pakistan Army to handle? India kills Pakistani troops on a permanent basis on the Line of Control (LoC), but the new development is that Afghanistan too kills Pakistani troops across the wire-fence Pakistan has erected on the challenged Durand Line. The odds on the western front are enormous: The hostile elements include the Taliban (Afghan and Pakistani) backed by al Qaeda which is fully entrenched in Afghanistan, and the Islamic State whose appeal for the Pakhtun youth is increasing.

Pakistan has tried diplomacy against the removal by India of Article 370 from the Constitution. The world has reacted negatively to the abuse of human rights in Kashmir but Pakistan has failed to get the world, including the Islamic world, to condemn the "annexation" of Kashmir by India. What Pakistan has learned is the fact that under the Simla Agreement the world will "not decide" the dispute of Kashmir between India and Pakistan.

On the Pakistani side, the hounded opposition thought of the 'betrayal' of 'Kartarpur' after Modi 'annexed' Kashmir. But the people at large didn't bite and were happy to receive more pilgrims. Imran Khan covered his head as he paid tributes to Guru Nanak Dev.

NOVEMBER 16, 1979, FORTY YEARS AGO

IRAN HOSTAGE CRISIS

THE IRANIAN GOVERNMENT is expected to free some 40 non-Americans and American women, who are among the hostages in the US embassy in Teheran. The foreign minister, Bani Sadr, said a decision would be taken "very soon". Among the hostages, in addition to 62 Americans, are nationals of India, Pakistan, Bangladesh, the Philippines, Korea and Italy. They are believed to be employees of the embassy. CBS News reported that Bani-Sadr told its correspondent, Randy Daniels, that "all women and blacks would be freed very soon". Bani Sadr did not say exactly when this would take place, Daniels reported.

BAHUGUNA IN A SPOT

THE INITIAL EUPHORIA following H N Bahuguna's decision to join the Congress (I) was somewhat diminished with the Shahi Imam of Jama Masjid refusing to endorse the CFD decision. The Imam, Syed Abdullah Bukhari, was said to be sore that Bahuguna had ignored him and his 15-point programme while discussing the modalities of merger with the Congress (I). Bahuguna had a long meeting with the Imam last night. Since the latter insisted that Mrs Gandhi first give a separate assurance to him on the 15-point programme, the CFD leader postponed his last night's scheduled meeting with the Congress (I) president.

ZIA ON KASHMIR

PAKISTAN PRESIDENT GEN Zia-ul-Haq said that Pakistan would hold talks on Kashmir with the Indian government to be formed after the Lok Sabha elections, Radio Pakistan reported. He said in Muzaffarabad in occupied Kashmir that some progress had been achieved towards the normalisation of relations between the two countries, but complete normalisation would be possible only after a solution of the Kashmir issue. Zia said in the past India had agreed to hold talks on a settlement of this issue. Zia spoke of his country's desire for "peace and friendship" with all countries, in particular, with its neighbour.

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15 THE IDEAS PAGE

Education, ours and theirs

BJP has still not realised its ambitions of rewriting history at national level, but in the states, has been more effective in transmitting its version of Indian history to the next generation of learners



CHRISTOPHE JAFFRELOT AND PRADYUMNA JAIRAM

UNION HOME MINISTER Amit Shah, while speaking at a recent seminar in Banaras Hindu University on the 5th century emperor, Skandagupta, declared: "Putting together our history, embellishing it and rewriting it is the responsibility of the country, its people and historians", suggesting that there are different ways to write the history of India and that professional historians had not done their job properly so far.

One of the government spheres in which the sangh parivar has always shown interest is the teaching of history, not only because it contributes to defining the national identity, but also because the *parivar* believes the version of the past portrayed by secularists does not reflect reality.

Shortly after Narendra Modi's rise to power, in August 2014, the RSS formed a committee, the Bharatiya Shiksha Niti Aayog, to "Indianise" the education system. It was headed by Dinanath Batra, who had specialised in rewriting Indian history according to the canons of Hindu nationalism. In 2010, he had filed a civil suit to ban Wendy Doniger's *The Hindus*, which he felt gave Hinduism a bad image. Batra also pressured the University of Delhi to remove from its syllabus an essay by A K Ramanujan — *Three Hundred Ramayanas* — that contradicted the Hindu nationalist idea that there was a single version of the epic.

At the same time, Batra, long-time general secretary of the sangh parivar's Vidya Bharati, devoted most of his energy to combating perceived errors in history textbooks written by secular authors. In his 2001 book, *The Enemies of Indianisation: The Children of Marx, Macaulay and Madrasa*, he listed 41 major flaws that reflected the historic tropisms of the Hindu nationalists: First, the idea that the Aryans came from another part of the world in ancient times because the Hindus could only be sons of the soil; second, all the glories attributed to ancient India in its epic poems are an accurate reflection of historical reality; third, the Muslim invasions opened the darkest chapter in Indian history, starting with the destruction of Nalanda University in the 12th century up until the end of the Mughal empire; and fourth, the standard account of the freedom movement ascribes too much importance to Gandhi and Nehru to the detriment of Hindu nationalist heroes. These serious flaws have all been attributed to the secularist or Westernised nature of history textbook authors.

The second point was particularly emphasised by the leading Hindu nationalist historian, Y Sudershan Rao, who was appointed by the Narendra Modi government in summer 2014 to head the Indian Council of Historical Research. Rao views history and mythology as being the same thing and believes that historiographic research should focus on identifying the locations where the "events" described in the epics took place. This mixing up of history and mythology has become common since



C R Sasikumar

2014. The then culture minister Mahesh Sharma said in 2018: "I worship Ramayana and I think it is a historical document."

The textbooks put out by the National Council of Educational Research and Training (NCERT), which can be used in schools affiliated with the Central Board of Secondary Education (CBSE), have been extensively rewritten. According to *The Indian Express*, between 2014 and 2018 1,334 changes were made to 182 textbooks put out by the NCERT between 2005 and 2009.

However, the scale on which Hindu nationalists are rewriting history can be most clearly gauged at the state government level. Take Rajasthan, where the revision of the history curriculum, and changing of narratives formed an integral part of policy at the highest levels of government. In fact, when the BJP was in power, the education minister, Vasudev Devnani, was quite candid on how he wanted the history textbooks to be rewritten. For him, the focus of teaching should be on imparting nationalism, and he asserted that the textbooks "would remove the chapters on the greatness of Akbar and include the heroics of Maharana Pratap". This led to a process of regionalising the history of the nation, wherein Pratap would become the central protagonist of the Medieval period. Devnani went a step further when he had the textbooks change the outcome of the Battle of Haldighati, fought between Pratap and Akbar. As the historical record points to a stalemate, the BJP narrative "altered" this, to portray a victory for Pratap, in Devnani's eyes "fixing an aberration".

Devnani's opinions reflected in the textbooks released in 2017. He remarked that the new textbooks would ensure "no more Kanhaiyas are born in the state", a reference to the former JNUSU president who had been accused of sedition. Thus, nationalism became the cornerstone of the new Rajasthan history textbooks. This was depicted through a hagiographical account of Hindu rulers, which focused on their early lives, territorial exploits, and differences in personal de-

meanour from their Muslim enemies.

Besides, these textbooks revisited the prioritisation of individuals associated with the freedom struggle. For instance, the first prime minister of the nation, Jawaharlal Nehru, has been omitted from the class 8 textbook, while B R Ambedkar is classified as a 'Hindu social reformer', in a bid to sanitise his fight against caste. In fact, the textbooks argue that Ambedkar's efforts were similar to those of Dayanand Saraswati, Mahatma Gandhi and RSS founder KB Hedgewar. Ambedkar's more radical contributions such as the Mahad Satyagraha, or his conversion to Buddhism are omitted altogether.

Finally, the most celebrated "freedom fighter" is Vinayak Damodar Savarkar, the founder of the Hindutva ideology. He figures in every history textbook from class 8 to 12 as someone "whose contribution to the cause of independence cannot be described in words". Deified status is further exemplified by describing him as a "great patriot, great revolutionary and great organiser". The usage of the term "great" is thus once again the monopoly of certain protagonists in the BJP textbooks.

Thus, for the BJP, the teaching of history is linked to the prioritisation of certain communities and individuals in order to foster a particular spirit of nationalism among school students. While Batra has still not yet realised his ambitions at the national level, in the states, the party has been most effective in transmitting its version of Indian history to the next generation of learners.

Will the Congress government re-write the history textbooks of Rajasthan, or is the Hindu nationalist version bound to prevail? And if one more version of India's history is produced, in the context of the political narrative in India today, will it have any impact on the next generation of learners?

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SC as unifier-in-chief

Supreme Court's Ayodhya verdict has strengthened democracy



GAURAV BHATIA

ON NOVEMBER 9, the Supreme Court delivered a historic verdict on the Ram Mandir issue, which was under litigation for more than seven decades. Finally, the judgment put to rest the competing claims of two opposing sides — for the construction of a Ram temple and the rebuilding of the Babri masjid respectively.

It is a unique judgment for the manner in which it has been authored and delivered. The 1045-page judgement, and its addendum, does not mention the name of the author of the judgement — it has been signed by all the five judges. The regular practice of the Supreme Court is that every judgement — whether majority, concurring or dissenting — carries the name of the author. The verdict was pronounced on a Saturday, which is again unusual as it was not a regular working day. And, the judgement becomes more efficacious, since it is a unanimous one by all the five judges constituting the bench.

The Supreme Court while deciding this contentious issue strictly went by the evidence placed on record, the testimony of witnesses, the ASI report and travelogues. The judgement makes it clear that all faiths and religions are to be respected equally.

To the credit of the bench, the judges always patiently heard both sides, maintained rectitude to uphold the dignity of the Court, even when there were multiple occasions when the counsels for the Sunni Waqf Board

made scurrilous remarks, and tried to browbeat it.

The Supreme Court firmly rejected the prayer of the Sunni Waqf Board opposing the its five-day a week hearing plan. It also decided to exercise restraint for the larger public good when a lawyer, acting unprofessionally, tore a map handed over by the counsel for the Hindu side. During the course of the hearing, in December 2017, a request was made to the Supreme Court to defer the matter till the completion of the 2019 Lok Sabha election. Senior lawyers even went to the extent of threatening to walk out of the Court room, if their prayers were not accepted: This was completely blasphemous and against the traditions of the Supreme Court. However, the Court showed exemplary restraint here too.

Eventually, the Supreme Court, on the basis of clear evidence held that, "the worship by the Hindus in the outer courtyard continued unimpeded" and "their (Hindus) possession of the outer courtyard stands established together with the incidents attaching to their control over it."

As regards to the inner courtyard, the Court stated that, "there is evidence on a preponderance of probabilities to establish worship by the Hindus prior to the annexation of Oudh by the British in 1857." It was also recorded by the Court that "The Muslim side offered no evidence to indicate that they were in exclusive possession of the in-

ner structure prior to 1857 since the date of the construction in the sixteenth century."

The Court set aside the Allahabad High Court judgement and held that "Three-way bifurcation by the High court was legally unsustainable. Even as a matter of maintaining public peace and tranquillity, the solution which commended itself to the High Court is not feasible. The disputed site measures all of 1500 square yards."

The Court noted that, "dividing the land will not subserv the interest of either of the parties or secure a lasting sense of peace and tranquillity."

It is evident that in the present case justice was clearly delayed, if not completely denied. The real delay was caused at the trial stage, as litigation which was going on since 1950 was finally adjudicated by the Allahabad high court on September 30, 2010. Whereas, in a relatively shorter span of nine years, the Supreme Court was able to deliver this historic verdict.

The main reason why it took the Supreme Court nine years to finally decide the matter, has more to do with the procedural aspects — like the completion of pleadings and translation than the lack of will on part of the Supreme Court to finally decide on it. What added to the delay was the lackadaisical approach of the earlier state governments of Uttar Pradesh in assisting the Supreme Court registry in getting approximately 14,000 pages translated

in time. These relevant pages were translated within a short span of five months by the newly elected government led by the present chief minister, Yogi Adityanath. As a result, the matter was decided expeditiously.

Significantly, in the interest of justice, the Supreme Court also directed that a suitable plot of land measuring five acres be handed over to the Sunni Waqf Board, either by the Central government or the state government. The Nirmohi Akhara was also granted appropriate representation in the Trust/body to be formed by the Central government.

Finally, it augurs well for our democracy that both sides had the patience to wait for decades for this historic verdict. All parties exercising patience displayed that unity in diversity is the inherent strength of our democracy.

It is important that in a democracy governed by the rule of law, every action undertaken by a citizen or a community has valid legal sanctity. This judgment ensures that the construction of a temple at Ayodhya will also have complete legal sanction. It will be apt to say that the Supreme Court, with one stroke of the pen, has strengthened the democratic fabric of our country. It has played the decisive role of "Unifier-in-Chief".

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WHAT THE OTHERS SAY

"Over and over, the Republican members of the House Intelligence Committee attempted to cast the hearings as a sham, a Democratic plot to remove the president." — THE NEW YORK TIMES

Separated at the seam

Ayodhya verdict offers justice for some, but not fairness for all



SHAH ALAM KHAN

I WAS A 22-year-old medical student when a group of thugs climbed the dome of the Babri masjid in Ayodhya and reduced it to a grey pile of rubble on December 6, 1992. Having been brought up in a liberal democracy, I was devastated at this blatant brutality and violation of the Constitution, and that too with the tacit collusion of the state. It was painful, probably because it happened in an India which believed in the virtues of liberty, secularism and pluralism.

As we ascended in our national quest to achieve the goals of neo-liberal economics, India evolved. And we lost ourselves to more trysts with bigger brutalities and even bigger national tragedies which claimed our consciousness. We became aloof to the sufferings of the poor, the marginalised, the underprivileged and minorities. We kept on erecting more and more tombstones in the cemetery of that liberal democracy, which we had decided to once nurture when we became independent in 1947. In evolutionary terms, we did lose our tails, but in the bargain we developed fangs full of poison for the deprived masses of the land.

On November 9, a closure happened for one of the tragedies which had marred our consciousness. The Ayodhya verdict, given by a bench of five judges of the Supreme Court including the Chief Justice of India, hopefully, brought an end to this long-standing dispute. The unanimous verdict pronounced that the disputed land in Ayodhya will go to a government-monitored Trust to build a temple, and the Muslims will get a separate five-acre piece of land in the city at some "prominent" site. Although it is still in its early days, the verdict is being hailed as prudent and practical. There is little resistance and mention of the fact that the verdict, in a way, has vindicated the brutality which was unleashed on the disputed structure in 1992. If, in 1992, there were whispers of correcting the wrongs of the past, in 2019 there are rumblings that the past stands corrected.

The India in which I grew up was, by and large, ashamed and felt guilty of doing what it did to the Babri masjid in 1992. Having said that, even at that time a fringe celebrated the demolition of the mosque. However, though that fringe had political faces and common men as supporters, they

did not get the kind of acceptance they had wished for. There were momentary political gains for many, but there was a general resistance to the idea of hatred. In 2019, that fringe has taken centre-stage. They now rule our consciousness. They decide what is wrong and, more importantly, what is not. Hatred is acceptable. The evolution from demolishing century-old structures to breaking human skulls is complete. Lynching of fellow citizens, bail to proven thugs like Babu Bajrang and Maya Kodnani, detention of human rights activists, demands for awarding the killers of Gandhi, bail for the killers of Dalits in Khairlanji — we have definitely come a long way. The tortuous route that the republic has taken to arrive at where we rest today is exceptionally unique. In a way, it is our tryst with destiny, as claimed by Nehru in the famous midnight speech. It is never easy to defeat destiny.

As a common Indian, I am happy that the Supreme Court judgment has brought closure to a long-standing dispute which vitiated the atmosphere of the country for so long. But, as a liberal in a democracy and citizen of the broader world, the ache of the judgement's arbitrariness is like a thorn in my heart. The idea of justice is based on the perception of fairness. John Rawls, in his seminal work, *A Theory of Justice*, said that all people have a claim to as much freedom as is consistent with everyone else having an equal level of freedom. This is an important concept towards understanding both justice and freedom. According to him, freedom and equality can be integrated and, thus, justice can be presented as fairness. With this verdict of the Supreme Court, I am not sure if justice can be outlined as per Rawls's definition. Justice and fairness seem to be separated at the seam in this case. This open seam, like an open vein, can bleed a society white. Justice as fairness for just a few, can erode societal norms.

We should respect the judgment of the Supreme Court without trying to fit it into the landscape of justice and fairness as explained by Rawls. It is a closure of something perniciously erosive to the idea of India, the idea to which we all owe our allegiance. To be honest, our worry lies not in this verdict, but the verdicts which can come in the future. It is not a time to celebrate or mourn this judgment. It is a time to be alert to the idea of justice, to the idea of inclusion, to the idea of democracy and, most importantly, to the idea of peace. In the words of the Dutch philosopher Baruch Spinoza, peace is not the absence of war, it is the presence of justice.

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LETTERS TO THE EDITOR

ABOUT DEMOCRACY

THIS REFERS TO the article, 'A verdict, a test' (IE, November 15). I want to ask a question — what is the writer's criteria for being a nationalist? He holds that those who did not predict that the BJP would win the general elections and did not support the party do not qualify as nationalists. Can questioning the government and not supporting the popular opinion in a country be reason enough for being called anti-national? Have we become so intolerant that anyone who questions the government is said to be acting against the nation? If only the BJP and its allies are nationalists, what is the purpose contesting elections? We need to keep the importance of dissent in view in re-examining the idea of Bharat.

Chinmay Jain, Delhi

BUDGETS, SECURITY

THIS REFERS TO the article, 'Beyond the mandate', (IE, November 15). The idea of a separate mechanism for funding defence and internal security definitely deserves wider consultation and the Finance Commission must have a say on this subject. A dedicated corpus for defence procurement and police modernisation will ensure that the security is not subjected to the annual budget cycle. A dedicated stream to fund defence and internal security would also distribute the financial burden evenly across a period of time.

Sudip Kumar Dey, Kolkata

A DEAD HORSE

THIS REFERS TO the report, 'SC rejects Rafale plea' (IE, November 15). It is evident that Rafale has boomeranged on the Congress. The party should now refrain from flogging a dead horse. The party has plethora of issues to criticise the government. The economy in dire straits, there is acute joblessness and the environment is worsening. The country's major opposition party needs to ask the government if it has

LETTER OF THE WEEK

NO ECONOMISTS

THIS REFERS TO the article, 'Experts, dissent and the economy' (IE, November 8). There are two basic problems in implementing author's suggestions. In today's world there are no economists who have the requisite expertise but are politically and ideologically neutral. The second problem is, economists are expert in devising various solutions after the horse has bolted away. No economist worth his salt had predicted the 2008 meltdown. Lastly, economists are never known to give practical and precise advice. Their craft lies in beating around the bush while sounding profound.

H N Bhagwat, Chiplun

delivered on any of its promises. Post Ayodhya verdict, the BJP's jingoism should ebb as the common man is feeling suffocated with the overdose of nationalism.

Deepak Singhal, Chennai

LESSON FOR BJP

THIS REFERS TO the editorial, 'Winning and losing' (IE, November 13). The Maharashtra and Haryana assembly election results signal that no party can claim a permanent place in the states. Unemployment problem is a burning issue in every state. The government's failure to curb this problem has reflected on the BJP's reduced numbers in the two states. This has given an impetus to parties like the Shiv Sena to break away from the NDA fold. There is a lesson for the BJP to manage its relationship with the allies.

Dilip Kumar Dutta, Midnapore

