



The IndianEXPRESS

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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

WITHOUT FEAR

That was the place on the street across the country where women and men, citizens all, stepped out to be seen and heard

SO MANY OF the images and videos from the people's protests in cities across the country on Thursday, including and especially the national capital, are a reproach to the Narendra Modi government. They frame mostly young, mostly anonymous people who took to the streets mostly peacefully, to raise their voices against a citizenship law that seeks to recast and redefine citizenship of this country in majoritarian terms, faced with a grim and repressive state machinery in BJP-ruled states. They frame historian, Gandhi biographer and prominent public intellectual Ramachandra Guha being pulled and pushed and arrested by policemen in Bengaluru for no evident crime other than holding up a placard showing a picture of the father of India's Constitution, BR Ambedkar, and articulating his own disagreement with the regime's new law. They frame intellectuals and writers and activists being hauled away from protest venues in Delhi. They frame, essentially, a nervous and paranoid government that appears to have lost the ability to either listen to its intellectuals or its young, or to talk to them. A government that seems to respond to dissent only by suppressing it — by imposing Section 144, through arbitrary detention and by snapping voice, internet and sms services. That the world's fastest growing internet market is also now a global leader in cutting off access to small and large swathes of its population, that the internet clampdown as a way of blocking protests is becoming increasingly commonplace, and that in this, India is in the company of countries like Myanmar, Pakistan, Sudan, Syria and Venezuela, is a reason for deep embarrassment to all those who take pride in the argumentativeness of its democracy.

The summary attempt to crack down on dissent against the citizenship law takes place in a grey context. In the backdrop of the current moment is the revocation of Article 370 in Kashmir in August in a manner that has isolated and continues to isolate its people, the detention of thousands of its political workers and leaders, including 83-year-old former chief minister Farooq Abdullah — his incarceration was extended by three months a few days ago — and the longest ever continuous internet shutdown in the country. The scenes that played out in the national capital on Thursday have sent out the signal that the apparent obduracy and imperviousness of government is not limited to its treatment of a long-standing trouble spot. It is the reflexive response to all disagreement and discontent. This is a disquieting signal to the country.

There has also been violence and arson, as in Seelampur in the capital, in parts of Lucknow and Mangalore on Thursday. It is incumbent on the state governments and the entire political establishment, including the Opposition, to do whatever it takes to keep the peace. But in doing so, the world's largest democracy cannot look like it cannot accommodate its young who disagree, it cannot afford to signal that it is so ill at ease with itself. At any time, and especially when its economy is in slowdown, India risks a lot if it begins to be seen as a place where the dissenter's mind is not without fear.

RESET THE BOARDROOM

NCLAT ruling on Tata Sons case flags deeper questions of corporate governance that need to be addressed urgently

THREE YEARS AFTER being abruptly unseated, Cyrus Mistry appears on course to being reinstated as executive chairman of Tata Sons, the holding company of one of India's largest business conglomerates, with the National Company Law Appellate Tribunal (NCLAT) ruling on Wednesday that his sacking in October 2016 and the subsequent appointment of N Chandrasekaran was illegal. This is an extraordinary development in the history of corporate battles in India. It could have a destabilising impact on not just the scores of companies in the over \$100 billion diversified group but also on markets and investors.

The tribunal has said that the manner in which Mistry was suddenly removed, the absence of any discussion at the board meeting on October 24, 2016, and his subsequent removal as a director in group companies, amounted to prejudicial and oppressive action. It has ordered that Mistry be reinstated as director of four Tata companies, while setting aside the decision to convert the company from a public to a private firm. The tribunal's verdict will become operational only after four weeks with a window being provided for the Tatas to appeal to the Supreme Court. But irrespective of the final verdict in this case, there are some larger issues which need to be addressed by corporate India.

These questions concern corporate democracy or democratic behaviour in listed corporate firms, be they promoter-driven companies or professionally managed companies and appropriate governance structures including independent boards. It is important in a public corporation to make a clear distinction between decisiveness and arbitrariness. While corporate governance in any country may be shaped by several factors, including the cultural backdrop, it is also about ethical values, integrity standards and following the spirit of the law. At a fraught time when many Indian companies are struggling to manage their balance sheets, one of the grave risks that the latest ruling poses is that of further deepening the distrust of corporates by many investors hurt already by events in many firms over the past few years. That could be a dampener for long-term investment in India and for companies and entrepreneurs looking to bet on projects here. Much will depend on how swiftly the Supreme Court ensures an early closure to this corporate feud, and the behavioural change in India's boardrooms over the next few years.

JUST IMAGINE

USDA has ended a free trade agreement with a fictional country created by Stan Lee. But are real countries for real?

T IRED OF BATTLING China, the United States has launched a trade war against the state of Wakanda, the world's only source of the metal vibranium, by taking it off the online list of nations with free trade agreements. That's as unbelievable as putting it on the list of the Department of Agriculture in the first place, since Wakanda is a fictional African nation which exists only within the Marvel universe, as the home of Black Panther. Imagine some unsung lower-rung bureaucrat, tired of death of moving files on alfalfa and Brussels sprouts, swerving to his monitor and with a rebellious but steady hand, injecting the database of the world's biggest economy with the fiction of Wakanda. This is fandom at its noblest.

Sadly, the imaginary country was quietly removed from the pages after a software engineer in New York discovered it on the list and alerted the Twitter community. All traces of Wakanda vanished, down to interesting details like tariffs on tobacco and booze, live animals and dairy products. What a pity, when the myth of the relatively stodgy Kailasa, allegedly established by fugitive rape accused godman Nithyananda, is allowed to linger, to offer succour to allegedly dispossessed Hindus from the world over, who have "lost the right to practise Hinduism authentically" in their countries.

On the other hand, maybe Wakanda and Kailasa are authentic, and those who doubt their existence aren't. The world is now full of people who wonder if they had been sleepwalking in the alternate histories of their countries, and have now woken up in the authorised version. But actually, it is we who make history. Tintin exists irrespective of whether Syldevia and Borduria exist, but these mythic nations can only exist in Tintin's world.



NAJEEB JUNG

THERE HAVE BEEN signs that anxiety was building up among the youth for some years now. The initial manifestation came with the agitation following the unfortunate suicide of Rohith Vemula in January 2016 in Hyderabad, which highlighted the callousness and insensitivity of university administrations towards Dalit students. At the same time, JNU was simmering: Its vice-chancellor had done enough to damage what is arguably the most outstanding university in India. Harsh actions against students and faculty, locking up of spaces to curb the movement of students within the campus, restrictions on speech caused umbrage in universities not just in India but across the academic world. There have been protests elsewhere too. Adding to this anger is the fact that there are few jobs available to students leaving universities.

Protests in Jamia Millia Islamia against the Citizenship Amendment Act (CAA) provided the spark for an inferno to rage across the country. Jamia was established 100 years ago. Gandhiji (like Madan Mohan Malviya for BHU) travelled throughout India collecting funds to set it up. Jamnalal Bajaj became the university's first treasurer. Its founders participated in the freedom movement and none went to Pakistan. The university retains its tradition of nationalism and India's syncretic culture. Jamia's students have never participated in a protest of a communal nature. To give a communal colour to the recent protests betrays a lack of understanding. Today, students of Jamia are mobilising against the National Register for Citizenship (NRC) and CAA, which they believe are contrary to the secular values enshrined in the Constitution.

It is true that students at Jamia, AMU and some other universities have been increasingly concerned over the repeated challenges to their patriotism or nationalism. Many of these young boys and girls come from India's mofussil towns. They share the same dreams as the students who may follow other beliefs. To this end, they need confidence-building measures. Quite naturally, they have concerns about how they are, at times, viewed as the "other". This new legislation claims to help those fleeing persecution abroad but divides communities

Implementation of nation-wide NRC will put India in a state of conflict. Government must listen, step back

This week has seen the biggest display of opposition to the government since it assumed office. This is largely because it confirms the fears among many that the country's government is taking it on the trajectory of becoming a Hindu nation with minimal dissent allowed. Unease among many of us — Hindus, Muslims, Christians, Sikhs and secular-minded people who believe in the principles of the Constitution — will remain. There will be more protests. In all probability, thousands will boycott the NRC process. States will decline the Centre's diktat, challenging the very core of our federal structure.

within. It underlines the fact that Muslim citizens are not intrinsically "Indian".

It is tragic that Jamia's authorities did not counsel the students towards restraint. The students had no senior leader to turn to. In fact, it is devastating that the Muslim community has no seasoned leadership to turn to. Its leadership has fallen into the hands of poorly educated, backward-looking, conservative maulanas. And, with palpable antagonism from the government, young Muslims have no one to turn to.

So far, most Muslim students in leading universities have been removed from negative influences. But anxieties and frustrations run high among them. Statements of ministers and ruling party spokespersons that the NRC will be implemented across India have only increased their anxiety. There have been reports of detention camps coming up in some states. The government is pushing increasingly provocative policies and using tactics like shutting down the internet to stifle dissent and free speech. The CAA was the final straw that broke the camel's back.

While the constitutionality of the CAA is for the Supreme Court to judge, the India-wide NRC is the immediate cause for concern. Originally meant only for Assam, it is intended to be extended to all of India. Such an exercise is understandably feared for its potential to disenfranchise millions of Indian Muslims.

The final register in Assam became a major source of embarrassment both for the Union and state governments. The majority of people excluded from it were reportedly non-Muslims, who would now have to go through the tedious and expensive process of appeal, and even then would not be certain of their inclusion. Thousands of non-Muslims in Assam were potentially in fear of losing their homes and being condemned to a life in camps. Faced with a major embarrassment, the government rushed in to pass the CAA to reassure the non-Muslims that their right to Indian citizenship is fully protected. Under the new law all others, barring Muslims, who having come into India (from Pakistan, Bangladesh and Afghanistan) till 2014, are guaranteed citizenship. Simply put, only Muslims' citizenship is under threat and there will likely be thousands of them who

will not have the required documents.

The protests by students may quieten soon. But they will possibly recur with greater ferocity in the near future. Assam and many parts of the Northeast are seething. The uncertainty of the NRC process destroyed people emotionally — some committed suicide, unable to bear the anxiety. They are now burdened with the appeal process, having been excluded from the Register. Once the CAA comes in, there is fear of being swamped by non-Muslim refugees — that will challenge the ancient Assamese culture and burden Assam's scarce resources. There are similar concerns in other parts of the Northeast.

This week has seen the biggest display of opposition to the government since it assumed office. This is largely because it confirms the fears among many that the country's government is taking it on the trajectory of becoming a Hindu nation with minimal dissent allowed. Unease among many of us — Hindus, Muslims, Christians, Sikhs and secular-minded people who believe in the principles of the Constitution — will remain. There will be more protests. In all probability, thousands will boycott the NRC process. States will decline the Centre's diktat, challenging the very core of our federal structure. Where will the detention camps be built? What will be the cost? How much of administrative manpower will be used?

Those of us with some administrative experience know the cost of usual work for conducting elections or carrying out the census exercise. Almost all routine work in field offices comes to a halt. School teachers, revenue officers, panchayat employees are all utilised, causing delays. Where will state governments get the manpower for this exercise? I need not add the beating India's image is taking in the international community.

The implementation of the NRC will put India in a state of conflict. It is up to the Union government to quickly step in, initiate dialogue with a range of people that should include political parties, Muslims, students and civil society, and come up with some understanding to restore the people's confidence urgently.

The writer is a former vice-chancellor of Jamia Millia Islamia and was Lieutenant Governor of Delhi



KAUSTUBH DEKA

A WHOLE NEW generation in Assam has recently been introduced to curfews in their towns and army flag marches in their lanes — though, for the older generation, this means revisiting a trauma.

The current sense of dismay in Assam is primarily due to what they perceive as the BJP's backtracking on pre-poll stances like securing an "immigrant free Assam" and "protecting the indigenous" by putting the state under the purview of the Citizenship Amendment Act without any exemptions. This is precisely why the repeated assurances by the home minister about bringing "safeguards to the indigenous of Assam" in the context of the CAA has not found many takers in the state. While the government is promising to implement Clause 6 of the Assam Accord, which promises protection to the cultural-economic identities of the Assamese, in the same breath, it seems to be denouncing the essence of the Accord by not respecting the cut-off year of 1971. The Accord also refrains from making religion a criterion of identification.

The present agitation is largely a reaction to the perceived breach of this political commitment, given by the government of India to Assam. At the base of this equation lies another cardinal political truth about Assam — that language has historically trumped religion as a primary marker of identity. This

ASSAM'S EDGE

Restiveness in the state has come full circle with the Citizenship Amendment Act

The present agitation is largely a reaction to the perceived breach of this political commitment once given by the government of India to Assam. At the base of this political equation lies another cardinal political truth of Assam, that language has historically trumped religion as a primary marker of identity in Assam.

foundation quickly lapses into the argument that with the "acceptance" of Bengali Hindu migrants, there appears a real possibility that the Assamese speakers and the other "indigenous" communities will be turned into absolute minorities, linguistically and politically. It is often pointed out that with consecutive census reports, the number of Assamese speakers has been coming down — to 47.8 per cent (2001) from 57.8 per cent (1991). During the same period, the share of Bengali speakers has gone up — to 27.5 per cent (2001) from 21.7 per cent (1991); number of Hindus declined to 64.9 per cent (2001) from 67.1 per cent (1991), and, further declined to 61.47 per cent (2011 census). During the same period, the number of Muslims went up by 2.4 per cent in 2001 — that number stood at 34.22 per cent in the 2011 census.

Evidently, during 1991-2001 the rise of Bengalis as a linguistic group seems to be due to the growth of both Hindu and Muslim Bengalis in Assam. The statistics do not support a linear relation between the growth of the "Muslims" alone (which the ruling party insists on projecting as a threat to "Assamese identity") and the decline in the number of Assamese speakers.

As different mass programmes have been announced jointly by multiple groups — political and otherwise — across districts in Assam, parallels are being drawn with the

Assam Movement of the Eighties. That was a social movement launched by an "apolitical-cultural front", spearheaded by students and backed by different segments of society through a complex alliance. It succeeded in overthrowing the Congress government in the state by forming a new regional party. As that regional party, Asom Gana Parishad (AGP), once hailed as paragon of regionalism in Assam, finds itself the object of people's wrath today, many wonder if the final demise of the AGP will usher in the entry of a new regional force in the state.

A road near my house that is now tarred with the rubber of burnt tyres, ringing with the uneasy silence of curfew and patrolled by army trucks, still bears the sign, "Asian Highway 1". People look at it and wonder what sense notions like the "Act East" policy make when one is beneath the military boots? I thought of taking a picture of it recently to send it to a friend abroad, only to realise that internet services had been suspended. Perhaps "normalcy" will be restored in a few more days, but by then, India would have taken a few strides backwards when it comes to acquiring the good faith of smaller "nationalities" within the larger design of the nation state.

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DECEMBER 20, 1979, FORTY YEARS AGO

GANDHI'S MISTAKES

TWO COSTLY MISTAKES of Mahatma Gandhi are responsible for the problems tormenting post-Independence India, according to Prime Minister Charan Singh. He said these mistakes were Gandhiji's support to the Khilafat movement in 1920 and his preference for Jawaharlal Nehru as the Congress president in 1945, ignoring the claim of Sardar Patel. According to Singh, the thief "mistake" bred communalism and led to Partition and the second led India down "the path of superficial westernisation."

US SANCTIONS POLICY

WASHINGTON HINTED THAT it might go as

far as to blockade Iran if the American hostages in Teheran are tried or investigated by a "grand jury" in Teheran. White House press secretary Jody Powell said that the Iranian authorities should be aware that they would bear "full responsibility for any ensuing consequences."

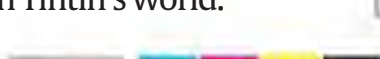
JANATA VS INDIRA

THE JANATA PARTY appealed to the Lok Dal and other parties to facilitate direct contest between its nominees and Mrs Indira Gandhi in Rae Bareilly and Medak. The party's general secretary, Surendra Mohan, wanted the Lok Dal leaders to realise that Mrs Gandhi's defeat "is in the interest of democracy."

Replying to questions, Mohan said the retirement of other candidates was necessary to defeat Mrs Gandhi in both constituencies.

ASSAM ELECTIONS

ELECTIONS WILL BE held as scheduled in three Parliamentary constituencies of Assam — Karimganj, Silchar and autonomous districts. S L Shakhder, chief election commissioner, confirmed this. Doubts about elections cropped up in the light of a press report that K S Rao, chief electoral officer of Assam, had said that he had written to the Election Commission for the postponement of elections in these constituencies due to the law and order situation.



India's Great Slowdown

Standard remedies for getting out of the current predicament aren't working. Out-of-the-box solutions are needed to resolve the balance sheet problems



ARVIND SUBRAMANIAN AND JOSH FELMAN

SEEMINGLY SUDDENLY, INDIA'S economy has taken ill. The GDP numbers are worrying enough, but the disaggregated data are even more distressing. Production of consumer and investment goods is falling. Indicators of exports, imports, and real government revenues are in negative territory, or close to it. Clearly, this is not an ordinary slowdown. It is India's Great Slowdown.

The government and the RBI have been trying vigorously to bring the economy back to health. But the standard remedies for getting out of the current predicament aren't working. Monetary policy is stymied by a broken transmission mechanism, which impedes the pass-through of cuts in policy rates to lending rates. And the scope for fiscal stimulus is limited, since fiscal deficits are already close to double-digits (when properly measured) and larger bond issues will only further crowd out the private sector, by pushing up already-high interest rates.

In a recent paper, we argued that the Great Slowdown stems from a balance sheet crisis that arrived in two waves. The first wave — the Twin Balance Sheet crisis, encompassing banks and infrastructure companies — arrived after the global financial crisis, when the world economy slowed and infrastructure projects started during India's investment boom of the mid-2000s, began to go sour. These problems were not addressed adequately, causing investment and exports, the two engines propelling rapid growth, to sputter.

The second wave came from the collapse of a credit boom, led by NBFCs, and centered on the real estate sector. The collapse owed to the recognition that the boom involved unsustainable financing of a rising inventory of unsold housing. As a result, the economy now confronts a Four Balance Sheet (FBS) problem — the original two sectors, plus NBFCs and real estate companies.

What then can be done to address the FBS? We propose a comprehensive plan in our paper, including a new asset quality review (AQR-2) to get a more honest recognition of the magnitude of stressed assets, and further strengthening the IBC. Here we focus on one idea, namely the creation of special resolution mechanisms for two sectors: Real estate and power.

These special mechanisms are needed because even a strengthened IBC will not be suitable for certain types of cases, notably those where social considerations are as important as commercial criteria, where public subsidies of one kind or another are inevitable, and where coordination across government is critical. The real estate and power sectors fulfill these criteria.

Consider first the real estate sector. In most residential cases, developers have funded their building partly through pre-selling, that is by requiring prospective owners to pay in advance for their promised flats. So when builders go bankrupt, prospective owners are left with neither money nor flats. It is obvious that the plight of these individuals cannot be ignored — a point underscored by the Supreme Court. But, it is equally obvious that



CR Sasikumar

they will not be well served by the IBC. For a start, it is unclear how the prospective owners could be represented on the creditors' committee. And, even if a way could be found, it hardly seems acceptable to ask them to wait for years, only to receive a small fraction of the money that they paid, and perhaps even nothing at all. It would seem far better to provide them with a speedy settlement, with a guaranteed minimum fraction of the amount that they paid. But this will require a government mechanism, most likely with government subsidies, since recovery rates from builders are likely to be very low.

The stressed power-sector assets pose another major quandary. Unlike most assets, private power firms cannot be easily sold, since they are incurring heavy operational losses and their prospects are highly uncertain. Even the public sector power producers have been reluctant to take them. But neither can they be liquidated. Although, supply currently outstrips demand, and the plants are only operating at half capacity, eventually the gap will close. And, technologically and environmentally, these power plants are good assets, in many cases better than the fully-utilised plants.

The essence of the problem, the reason there cannot be a private sector led solution, is that the viability of power assets is inextricably entwined with government policies. For example, demand for power depends on whether the state electricity boards are financially strong enough to buy the power that the public is demanding. Similarly, demand for the stressed assets depends on the pace at which the government, Centre and states, phases out much older, environmentally inefficient public sector plants. As a result, the government would need to be heavily involved in any solution to this sector's problems.

Consider how a bad bank for the power sector might work. The first step would be to take these loans, exceeding Rs 2.5 trillion, off the books of the banks, for that would free up balance sheets and management attention, allowing banks to focus again on their core business of supporting economic growth.

Once removed, the assets will need to go somewhere. A few of the plants could probably be sold off, once their debts are reduced to manageable levels. But most of the plants would need to be 'warehoused' until they can be returned to the private sector. To do this, the government could create a holding company, which would purchase the assets and manage them.

Essentially, the holding company would operate like a public-sector asset rehabilita-

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tion agency (a "bad bank"). The holding company would buy power companies at prices based on the recommendations of independent parties, such as investment banks, which would take into account a special regulatory regime that the government would establish for these assets. Importantly, this regime would include pre-announced levels of subsidies.

Such an open, ruled-based procedure would allow the transaction to be seen as fair by all stakeholders: The holding company, banks, and perhaps most importantly, the public. In addition, fair prices would give the holding company some chance to make a profit in the long run as power demand increases. And, the prospect of profits, in turn, might induce private investors to provide some of the capital that the bad bank would need, thereby alleviating the upfront cost to the government.

One may then ask what the holding company would do with the assets. The ultimate objective would be to sell the plants back to the private sector. In fact, this objective should be built into the charter, which should state that the purpose of the holding company is to sell off the assets within five years, after which it would be dissolved. To realise this objective, the holding company should endeavour to reduce uncertainty, especially by securing long-term contractual arrangements for coal inputs to be supplied by Coal India and output to be purchased by state electricity boards. Once this is done, and as demand for electricity grows to the point where the plants can operate at somewhere close to full capacity, the appetite for these assets will gradually revive, at which point they could be sold.

Of course, bad banks are not magical solutions. They will take some time to establish, and will require difficult political choices, in particular about how to allocate the costs amongst creditors, promoters, home owners, and taxpayers. But, equally, something needs to be done: The nation cannot allow vital power plants to continue to deteriorate, operationally and financially. And, by now, all the alternatives have been tried, and found wanting.

The Great Slowdown is upon us. Two bad banks to resolve the Four Balance Sheet problem might be one critical element of the solution.

Subramanian is former Chief Economic Adviser to the Government of India and Felman is former IMF Resident Representative to India

WHAT THE OTHERS SAY

"The verdict in the treason case against retired Gen Pervez Musharraf marks a seismic shift in Pakistan's history."
—DAWN

Philosopher of Marathi stage

For Shriram Lagoo, theatre was a serious art form and advancement of culture its function



RAMU RAMANATHAN

The date: December 9, 2006. The place: Chavan Natyagruha, Pune. The occasion: The third edition of the Roopvedh Pratishthan, a trust created by Deepa and Shriram Lagoo.

VIJAY TENDULKAR WAS to be bestowed the Tanveer Sanmaan. I was to be honoured with a youth fellowship, the Tanveer Abhyaasvrutti. The auditorium was jam-packed. The stage had a lot of heavyweight personalities, and there were many more in the audience. Grandiloquent speeches were being made and lofty dialectics were being bandied around. After the ceremony, a select few moved to a hall in a nearby hotel. More dialogue-baazi and a little bantering. It was well past midnight when I sauntered into the cloakroom, and said to myself in the mirror, a few minutes more, and then you can go home.

Just then the door opened. A dramatic entry. It was my host for the evening, Dr Lagoo. He said, "Budmaash!" A dramatic pause. He continued, "I've been keeping an eye on you throughout the evening. You escaped into the wings during the speeches, and during the party, you wandered off for a walk. Now, where will you escape?"

I mumbled my apology. Then we stood there and chatted for a long while. We spoke about his book, which demystified the science of voice through simple voice exercises for overworked stage actors, and how his practice as an ENT surgeon provided a scientific foundation. "If your pitch is Kali 2 (black 2), you must speak in Kali 2. Despite this, if you keep straining every nerve to reach Pandhari 4 (white 4), you will destroy your voice."

Then we spoke about his letter to Bhalbha Kelkar, who was the president of Progressive Dramatic Association (PDA). This public letter criticised Kelkar for his narrow-mindedness during the *Ghashiram Kotwal* imbroglio. Lagoo used to act in the PDA plays and Kelkar was his director. Lagoo's assessment: "Bhalba Kelkar was a Varkari of the Natya-Pandhari, a pilgrim on his way to the shrine of theatre. He worked till the end as devotedly as a pilgrim who sets out on a pilgrimage. But Bhalba's morality was puritanical. He didn't bother to intellectually analyse his work. That's why PDA, which was founded in 1951, ceased to be progressive, 10 years later."

It was a warning to my generation of theatrewallahs! Theatre is a serious art form and the advancement of culture is the function of the theatre movement.

Other than as a theatre theorist, my memory of Lagoo was that of a true theatre professional. A glowing example of this is how in a single day, he would perform the lead roles of three blockbuster plays that played to a full house: *Natasamrat* in the morning, *Himalaychi Savli* in the afternoon, and *Gidhade* in the night. It was an extraordinary testimony to his physical stamina and mental alertness — a true-blue athlete-cum-

philosopher.

For theatre *rasiks*, he was memorable as Sridhar Kulkarni in G P Deshpande's *Uddwashta Dharamshala* and then, Siddheswar Bhatji in Premchand Gajjee's *Kirwant*. Other than the politics of the play, he was able to capture the pathos of the Brahmin character whose hands were tied up in an unusual sort of mannerism. It was non-verbal acting at its best.

He staged *Antigone* during the most repressive phase of the Emergency. As the state police was overseeing the censorship, Lagoo went to meet the officer. No one (including the omnipotent state) had any idea about the focal point of *Antigone*. In fact, the group was approached by Doordarshan officials, and the play was telecast. Subsequently, the vexed political issues in the play were discussed on stage and off-stage. Lagoo said, "It's a mad, mad world, this realm of censorship." One more lesson for us, theatrewallahs. Never ever give up.

With Vijay Tendulkar's *Gidhade*, the censor board had spotted 150 highly objectionable bits and pieces. Lagoo and his team were nonplussed. Like all theatrewallahs, they had three options: One, to concede to the objections and delete the unsavoury bits from the play; two, cancel the show; or three, to carry on with the show in spite of the objections of the censor board. And that's what Lagoo did.

Lagoo told the board chief that they didn't accept the cuts that the board had suggested. The cuts were eventually reduced from 150 to 125, and then to 100. Who stood by the beleaguered theatrewallahs during this period? Interestingly it was the women: Kumud Mehta, Shanta Shelke, Sarojini Vaidya and Durga Bhagwat who would say, "The censor board is foolish! Continue to perform... you are doing a good job."

Gidhade played a big role in Lagoo's life. Ramakrishna Naik of the Goa Hindu Association attended a show of *Gidhade*. Now, Lagoo had criticised the Goa Hindu Association's *Raigadla Jemvha Jag Yete* in the periodical, *Rasaranga*. Ramakrishna Naik told Lagoo that V V Shirwadkar (Kusumagraj) had written a new play. This was *Natasamrat*.

Lagoo was ready to play Ganpatrao Belwalkar. *Natasamrat* was to be mounted in one month. Lagoo had a busy schedule. He attended the first rehearsal of *Natasamrat* after memorising all the lines in the play. He did this for the first time in his life. This was *Natasamrat*, play with the cult classic line, "*Nat mhanje bhavahak, lamaan*" (We actors are but a nomadic tribe that transports goods from one place to another).

In the case of Lagoo, besides transporting the goods, he travelled across his beloved Maharashtra to raise funds for the Samajik Krutagnyata Nidhi and supported Medha Patkar's Narmada Bachao Andolan and Narendra Dabholkar's Andhashradha Nirmoolan Samiti.

As we exited that cloakroom in the wee hours of the morning, Lagoo quoted Thoreau, "If a soldier is walking out of pace, he is probably hearing a different drummer. (*The famous Lagoo tremor here*). Try to be that soldier." Lagoo followed what he preached. He didn't hear the drumbeats that the rest of the society was dancing to. His drummer was different.

Ramanathan is Mumbai-based playwright

LETTERS TO THE EDITOR

STILL WE RISE

INDIA IS STANDING up. This government stands exposed and discredited. This is a day when love and solidarity face down bigotry and fascism. Everybody has joined in to protest against the unconstitutional CAB and NRC. We are Dalits, Muslims, Hindus, Christians, Sikhs, Adivasis, Marxists, Ambedkarites, Farmers, Workers, Academics, Writers, Poets, Painters and most of all Students who are the future of this country. This time you will not stop us.

Arundhati Roy, via email

NRC WORRIES

THIS REFERS TO the editorial, 'States stand up' (IE, December 19). It is not the CAA but rather the proposed nationwide NRC that is the cause for so much concern and opposition. The CAA is not against Indian Muslims; it will prevent only Pakistani, Bangladeshi and Afghan illegal Muslim immigrants from acquiring Indian citizenship. But, as far as the NRC is concerned, there are genuine fears surrounding documents to prove citizenship. Though such fears apply to all communities equally, but the fears are possibly more among Indian Muslims, as they may be dubbed as illegal immigrants from Pakistan, Bangladesh or Afghanistan in the event of their inability to produce the required documents to prove citizenship and

LETTER OF THE WEEK AWARD

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

parentage.

Anoop Srivastava, Greater Noida

THIS REFERS TO the editorial, 'States stand up' (IE, December 19). The difference between dictatorship and democracy is that there are multiple centres of power and checks and balances in the latter. The erosion of democratic institutions has been underway in India since they were first conceived. But every now and then, a few people emerge who help reinstate our faith in them. The resistance from chief ministers is the best example of Indian democracy thriving. Hopefully, the NRC is undone or the CAA doesn't apply to NRC results.

Safdar Ali, Kolkata



PRADEEP BHANDARI

A moral law

A misinformation campaign is underway to make Muslims fearful of CAA

THE PASSAGE OF Citizenship Amendment Act, 2019 (CAA) is not only historic but also upholds the democratic and moral values of Indian republic. It is not just the expression of the majority but an article of faith to protect the minorities. It is not a law which grants citizenship based on religion but one that grant's citizenship based on religious persecution. Religious persecution perse is against the minority by a majority in a non-secular state.

It is a fact that religion was a prominent factor in the partition of India and the Constituent Assembly even debated the demand for naturalised citizenship for communities that were forced into becoming minorities in countries in our neighbourhood. However, amidst the influx of refugees, it became impossible for rules and procedures to be drafted in this regard. But the Constitution left the window open to make laws for these minorities, who feared religious persecution, in Articles 6,7,10 and 11.

India has always stood for what is moral and just. It would have been unjust, immoral and unethical for the liberal and secular Indian democracy to look the other way when lakhs of people living in India, having fled from Pakistan after Independence, continue to remain without an identity or voice

despite their residence and ancestral linkages here. Not only has the Indian state given such people citizenship in the past on a case-by-case basis, leaders across the political spectrum from Jawaharlal Nehru to Jayaprakash Narayan and even Manmohan Singh have expressed the need to grant them citizenship.

India has given the right to a dignified life to its minorities and believes in the principle of Vasudhaiva Kutumbakam. When secularism is under threat in the neighborhood, must a secular state not perform its Gandhian duty? Selective secularism goes against constitutional morality. Many have asked why the Bill did not include Muslims. The purpose of the Act is to address religious persecution, not economic migration. Human rights reports by the UN and countless media reports have the persecution of Jain, Sikhs, Christians and Hindus in these countries. How can a follower of Islam face persecution in a country where the state religion is Islam? Even if such exceptional cases arise, the doors for naturalised citizenship remain open.

Given that the CAA does not impinge on a single constitutional right of an Indian citizen, the protests against it on the pretext that it is anti-Muslim are dishonest and against the secular fabric of this great nation. The

truth is that the Constitution provides enough protection to minorities in case of discrimination. Morality teaches us to favour positive discrimination for minorities to bring them on a level-playing field. The CAA is based on the principle of positive discrimination for the minorities suffering from human rights' abuses in our neighbourhood. How can steps to protect minorities in India be termed secular, but steps to protect similar minorities in the neighbourhood be called communal? A global power cannot be silent when minorities are facing existential threats across its border.

Conscious fear-mongering over the CAA is not only against India's national interest but it also hurts the cause of informed dissent on the law. Informed dissent is legitimate, but violence has no place in a society governed by the rule of law. Those who think the law is unconstitutional should approach the Supreme Court and those who think that the anti-CAA protests reflect the mood of the people should make it a part of their political narrative. Anti-CAA protests must eschew radical, violent and communal thoughts and protesters must not vandalise public property. Police excesses should be investigated by the judiciary and, if found guilty, the perpetrators should be punished. However, the

principle of "innocent until proven guilty" must be applied equally, across the board. Neither law enforcement agencies nor protesters have the license to break the law. Students have right to dissent but they should be cautious of becoming tools for groups with vested interests.

Parliament is the most legitimate institution reflecting the will of the people. The CAA was passed with an absolute majority. What will a majority government do if not bring policies which were part of its manifesto? The parties supporting the anti-CAA protests need to test their belief against the popular will. The AAP government in Delhi should campaign on its anti-CAA stand, as should the RJD in Bihar and Congress in UP.

A misinformation campaign is being undertaken to make Indian Muslims fearful of the new Act. Why should the second-largest Muslim population in the world be threatened by an attempt to grant citizenship to a few lakh persecuted minorities in a fraternal democracy? No one is deporting Indian citizens; no one can deport an Indian citizen. Every right-minded citizen should spread facts, not fiction, about the CAA.

The writer is founder, Jan Ki Baat and hosts Lalkaar on Republic Bharat



TELLING NUMBERS

India had most deaths caused by pollution in 2017: new report

In 2017, pollution was responsible for 15% of all deaths globally, and 275 million Disability-Adjusted Life Years. India saw the most pollution deaths — about 2.3 million — a new report has found. The 2019 Pollution and Health Metrics: Global, Regional and Country Analysis report from the Global Alliance on Health and Pollution (GAHP) updates findings from The Lancet Commission on Pollution and Health, and provides a ranking of pollution deaths on global, regional and country levels. The report uses the most recent Global Burden of Disease data from the Institute of Health Metrics Evaluation.

The top 10 countries with the most pollution deaths include both the world's largest and wealthiest nations, and some of its poorer ones. India is followed by China in the number of pollution deaths, with about 1.8 million. The United States makes the top 10 list with 1,97,000 pollution-related deaths, while ranking 132nd in the number of deaths per 100,000 people.

The report includes three lists on pollution-induced deaths. India is the only country that features in the top 10 in all three lists (*right*).

In the list of top 10 countries with the most pollution-related deaths in proportion to their population, there are many smaller countries where the impact of pollution in relation population size is more intense. Chad tops this list with 287 deaths for every 1,00,000 people, whereas India is at number 10 with 174 deaths for every 1,00,000 people.

The list of top 10 countries with the most deaths related to air pollution, significantly, corresponds closely to the list of top 10 countries with the most pollution-related deaths. Air pollution — both ambient and indoor — is one of the largest and most obvious types of pollution affecting global health.

ANNUAL PREMATURE POLLUTION-RELATED DEATHS

1	India	23,26,771
2	China	18,65,566
3	Nigeria	2,79,318
4	Indonesia	2,32,974
5	Pakistan	2,23,836
6	Bangladesh	2,07,922
7	USA	1,96,930
8	Russian Federation	1,18,687
9	Ethiopia	1,10,787
10	Brazil	1,09,438

POLLUTION DEATHS PER 1,00,000 PEOPLE

1	Chad	287
2	Central African Republic	251
3	North Korea	202
4	Niger	192
5	Madagascar	183
6	Papua New Guinea	183
7	South Sudan	180
8	Somalia	179
9	Serbia	175
10	India	174

ANNUAL PREMATURE AIR POLLUTION-RELATED DEATHS

1	China	12,42,987
2	India	12,40,529
3	Pakistan	1,28,005
4	Indonesia	1,23,753
5	Bangladesh	1,22,734
6	Nigeria	1,14,115
7	USA	1,07,507
8	Russian Federation	99,392
9	Brazil	66,245
10	Philippines	64,386

Source: GAHP

THIS WORD MEANS

MERIT PTAH

Said to the first woman physician. Was she?

FOR DECADES, an ancient Egyptian has been celebrated as the first woman physician. Known by the name Merit Ptah, she appears in online posts about women in STEM, in computer games, and in popular history books; even a crater on Venus is named after her. Now, a researcher from the University of Colorado has suggested that no physician by that name ever existed. Dr Jakub Kwiecinski of the Department of Immunology and Microbiology believes that the attribution might be the result of mistaken identity.

Kwiecinski found that Ptah was first mentioned in the 1930s, when Kate Campbell Hurd-Mead, a medical historian, wrote a history of women in medicine. Her book mentioned a picture of a woman named Merit Ptah on the site where a tomb in the Valley of Kings was excavated. In 1929-30, an excavation in Giza uncovered a tomb of Akhetetep, an Old Kingdom courtier, which mentioned a woman called Peseshet as “Overseer of Healer Women”. Both Peseshet and Ptah came from the same period, and mentions to both were made in the tombs of their sons. According to Kwiecinski, Hurd-Mead confused Ptah with Peseshet, “and from a misunderstood case of an authentic Egyptian woman healer, Peseshet, a seemingly earlier Merit Ptah, ‘the first woman physician’ was born”.

misunderstood case of an authentic Egyptian woman healer, Peseshet, a seemingly earlier Merit Ptah, ‘the first woman physician’ was born”.



Merit Ptah

APURVA VISHWANATH & SHRUTI DHAPOLA
NEW DELHI, DECEMBER 19

AS PROTESTERS against the Citizenship Amendment Act hit the streets in large numbers in several states on Thursday (December 19), state governments sought to tamp down on the demonstrations by issuing prohibitory orders under Section 144 of the Code Of Criminal Procedure (CrPC), 1973. On Wednesday, Section 144 was imposed in Bengaluru for three days, while the entire state of Uttar Pradesh remains under this provision.

What is Section 144?

Section 144 CrPC, a law retained from the colonial era, empowers a district magistrate, a sub-divisional magistrate or any other executive magistrate specially empowered by the state government in this behalf to issue orders to prevent and address urgent cases of apprehended danger or nuisance.

The magistrate has to pass a written order which may be directed against a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area. In emergency cases, the magistrate can pass these orders without prior notice to the individual against whom the order is directed.

What powers does the administration have under the provision?

The magistrate can direct any person to abstain from a certain act or to take a certain order with respect to certain property in his possession or under his management. This usually includes restrictions on movement, carrying arms and from assembling unlawfully. It is generally believed that assembly of three or more people is prohibited under Section 144. However, it can be used to restrict even a single individual. Such an order is passed when the magistrate considers that it is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquility, or a riot, of an affray.

However, no order passed under Section 144 can remain in force for more than two months from the date of the order, unless the state government considers it necessary. Even then, the total period cannot extend to more than six months.

Why is the use of power under Section 144 criticised so often?

The criticism is that it is too broad and the

EXPRESS NEWS SERVICE
NEW DELHI, GUWAHATI, DECEMBER 19

ON MONDAY, Nagaland Governor R N Ravi was given additional charge of Meghalaya, whose Governor Tathagata Roy is learnt to have gone on leave. In the days leading up to the move, Roy had tweeted controversially on the Citizenship Amendment Act, and had also upset many in the state by not giving assent to amendments to The Meghalaya Residents Safety and Security Act, 2016. The amendments had been approved by the Meghalaya Cabinet by an Ordinance.

What is the Ordinance about?

The existing 2016 Act deals with registration and documentation of non-state residents living in Meghalaya. The Ordinance, cleared by the Cabinet in November, seeks to extend similar rules to cover all non-state residents visit-

Independent Directors, which is part of The Companies Act, 2013, says that one of their functions is to “safeguard the interests of all stakeholders, particularly the minority shareholders”. The directive will give a boost to the Shapoorji Pallonji Group, which is owned by Mistry’s family and which, although a minority shareholder (18%), is still the biggest outside shareholder in Tata Sons, the holding company of the Tata Group.

USE OF ARTICLE 75

The NCLAT has barred Tata Sons from taking any action against Mistry, Shapoorji Pallonji, Cyrus Investments, and other minority shareholders under Article 75 of the Articles of Association of the Tata Group. This provision grants Tata Sons the right to transfer the ‘ordinary shares’ of any shareholder, including those of the Mistrys’, by-passing a special resolution in the presence of nominated directors of Tata Trusts.

In doing so, the NCLAT has ensured that any decision taken by the Tata Group does not



Police lathicharge protesters in Lucknow on Thursday. Prohibitory orders under Section 144 CrPC have been clamped on Uttar Pradesh. Vishal Srivastav

words of the section are wide enough to give absolute power to a magistrate that may be exercised unjustifiably. The immediate remedy against such an order is a revision application to the magistrate himself. An aggrieved individual can approach the High Court by filing a writ petition if his fundamental rights are at stake. However, fears exist that before the High Court intervenes, the rights could already have been infringed.

Imposition of Section 144 to an entire state, as in UP, has also drawn criticism since the security situation differs from area to area.

How have courts ruled on Section 144?

In *Re: Ardeshir Phirozshaw ... vs Unknown* (1939), a British judge of the Bombay High Court censured the Chief Presidency Magistrate in Bombay for passing an illegal order under Section 144: “A Magistrate acting under Section 144 may no doubt restrict liberty. But he should only do so if the facts clearly make such restriction necessary in the public interest, and he should not impose any restriction which goes beyond the requirements of the case.” The judge criticised application of power under Section 144 for two months, “not only to the particular riot, but to any past riots and any future riots which may take place within the next two months are strong measures and; require cogent facts to justify them”.

The first major challenge to the law was made in 1961 in *Babulal Parate vs State of Maharashtra and Others*. A five-judge Bench of the Supreme Court refused to strike down the law, saying it is “not correct to say that the remedy of a person aggrieved by an order under the section was illusory”.

What is the Meghalaya law held up by Gov?

ing or living in the state, Deputy Chief Minister Prestone Tynsong said last month. “This Act is indicative only for those people who are interested in visiting our state as tourists, labourers or for education and business. With this Act in place, they will need to comply with guidelines to be prepared in the form of rules,” Tynsong had told *The Indian Express*.

What is the point of the amendment?

It came in the backdrop of the National Register of Citizens (NRC) process in Assam, which led to concerns among civil society and political leaders, including Chief Minister Conrad Sangma, that people excluded from the Assam NRC might try to enter Meghalaya. Besides, political parties and activists in Meghalaya had long been demanding replication of the Inner Line Permit (ILP) regime of Arunachal Pradesh, Nagaland and Mizoram, which has now been extended to Manipur following the passage of the Citizenship

Amendment Bill. While the ILP-regime states are exempt from the Citizenship Amendment Act (CAA), practically the whole of Meghalaya is exempt by virtue of special protections under the Sixth Schedule of the Constitution. The Ordinance itself was not a fallout of the citizenship legislation, but a precautionary measure in view of the Assam NRC.

How would the registration take place?

Amid concerns that followed the Ordinance, the Meghalaya government clarified last month that the modalities for registration of visitors have not been finalised. The Director of the Tourism Department issued a statement on November 5: “The registration process will be designed keeping in mind the convenience of tourists who are visiting our state. It will be a simple process with both online and offline registration options and will be similar to the registration when you check into your hotel. There will

be no need to stand or wait in queues when you enter the State. We understand that your time and resources are precious. Meghalaya welcomes all domestic and international travellers who wish to explore our landscapes and experience our culture and traditions. Make your plans and watch our official channels for further updates.”

So, Governor Roy had not given assent?

By some accounts, he had refused to sign the amendments. Robertjune Kharjhrin, chairperson of CoMSO, an umbrella organisation of 22 NGOs and civil society organisations in Meghalaya that are opposing the new citizenship law, told *The Indian Express* recently: “There has been a lot of anger among the people in Meghalaya against the Governor because he has been refusing to sign the Meghalaya Residents Safety and Security Act. This was compounded by his tweet about North Korea.”

immediately. Therefore, the emergency must be sudden and the consequences sufficiently grave,” the court said.

Does Section 144 provide for communications blockades too?

The rules for suspending telecommunication services, which include voice, mobile internet, SMS, landline, fixed broadband, etc, are the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017. These Rules derive their powers from the Indian Telegraph Act of 1885, Section 5(2) of which talks about interception of messages in the “interests of the sovereignty and integrity of India”.

However, shutdowns in India are not always under the rules laid down, which come with safeguards and procedures. Section 144 CrPC has often been used to clamp down on telecommunication services and order Internet shutdowns.

In Sambhal, UP, Internet services were suspended by the District Magistrate under Section 144. In West Bengal on June 20, 2019, mobile internet, cable services, broadband were shut down by the District Magistrate in North 24-Parganas under Section 144 over communal tensions.

Under what provisions were telecom services interrupted in parts of Delhi?

In Delhi on Thursday, the Deputy Commissioner of Police, Special Cell, issued an order to the nodal officers of telecom operators including Airtel, Reliance Jio etc to interrupt services in specific areas.

“No specific legal reason has been cited for this. Police cannot issue these directions because they are not the proper authorities to permit internet shutdown. In Delhi’s case since it is a Union Territory, it would have to be authorised by the Home Ministry itself,” Apar Gupta, Executive Director at Internet Freedom Foundation told *The Indian Express*. Under the 2017 Rules, directions to “suspend the telecom services shall not be issued except by an order made by the Secretary to the Government of India in the Ministry of Home Affairs in the case of Government of India or by the Secretary to the State Government in-charge of the Home Department in the case of a State Government (hereinafter referred to as the competent authority).”

The Rules also say that in case the confirmation does not come from a competent authority, the orders shall cease to exist within a period of 24 hours. Clear reasons for such orders need to be given in written, and need to be forwarded to a Review Committee by the next working day.

Key takeaways from NCLAT order; will Mistry be back at Tata HQs?

AASHISH ARYAN
NEW DELHI, DECEMBER 19

THE NATIONAL Company Law Appellate Tribunal (NCLAT) on Wednesday reinstated Cyrus Pallonji Mistry to the position of Executive Chairman of Tata Sons and Director of the Tata Group of companies for the remainder of his tenure.

Mistry, who was at one time the favourite protégé of Tata Sons Chairman Emeritus Ratan Tata, was unceremoniously sacked both as Executive Chairman and Director in 2016.

The NCLAT held Mistry’s sacking and the subsequent appointment of N Chandra-sekaran to the top post at Tata Sons illegal, prejudicial, and oppressive. It set aside a July 2017 order by the Mumbai bench of the National Company Law Tribunal (NCLT), which had upheld Mistry’s removal from his positions at Tata Sons and other Group companies.

The NCLAT was constituted under

Section 410 of The Companies Act, 2013 to hear appeals against the orders of the NCLT(s). It is also the appellate tribunal for orders passed by the NCLT(s) under Section 61 of the Insolvency and Bankruptcy Code (IBC), 2016, and for orders passed by the Insolvency and Bankruptcy Board of India (IBBI) under Sections 202 and 211 of the IBC. The order of the appellate tribunal, passed by NCLAT Chairman Justice (retd) SJ Mukhopadhaya, a former judge of the Supreme Court, included directions on several major questions of corporate governance.

MINORITY SHAREHOLDERS

The appellate tribunal directed Tata Sons to consult all its minority shareholders before making any appointments in the future to the posts of Executive Chairman, Independent Director, and Director on the boards of Group companies.

The NCLAT direction will empower the minority shareholders, and will force Independent Directors to take their objections more seriously. The Code for

take the Mistrys or other minority shareholders by surprise, which was one of the main allegations made by Mistry and his team.

MAKING PUBLIC COMPANY, PRIVATE

The NCLAT has held that Tata’s decision to convert from a public limited company to a private company was “prejudicial and oppressive to the minority members and depositors” and, therefore, illegal.

Tata Sons, which had functioned as a private concern until 1975, had to turn into a public company following the insertion of Section 43A(1A) in The Companies Act, 1956. This provision forced certain companies to turn public based on their turnover, irrespective of their paid-up share capital.

The NCLAT order built on the issues of oppression and mismanagement, and observed that the company’s affairs were still being conducted in similar ways — a “winding-up order” against Tata Sons would, therefore, be justified.

What had the NCLAT said?