



The Indian EXPRESS

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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

A work in progress

SC order on internet lockdown in J&K makes right noises but leaves matters of relief to the future



RAMAN JIT SINGH CHIMA

CHECKS & BALANCING

SC does well to curb state's untrammelled power to deny people the internet. Delay in relief in J&K will undermine this verdict

IN DECIDING TWO petitions relating to the situation in Jammu and Kashmir since August 5, the Supreme Court has made a significant set of observations underscoring and reiterating the freedom of expression enshrined in the Constitution. Most importantly, the Court, while stating that it would not express any view on declaring the right to access the internet as a fundamental right, still went on to make it an integral part of the freedom of expression guaranteed under Article 19 (i) of the Constitution, emphasising that expression through this "medium" is a "major means of information diffusion", and that freedom to receive information is vital to expression. The court also made the point that the wider circulation of information or its greater impact cannot be cited as reason to restrict internet access or justify its denial. It has also pointed out that in a globalised world, restricting the internet was to restrict the freedom to trade and commerce, protected by Article 19.1 (g). Any restrictions on freedoms guaranteed under Article 19, the Court has observed, would have to be in accordance with the "reasonable restrictions" provided for in clause 2 of the same Article. It has discussed in detail the need for "proportionality" in imposing such restrictions and said that it "cannot extend beyond necessary duration" nor could it be "indefinite". The three-judge bench rapped the government for refusing to produce before the Court orders imposing restrictions on the internet and on the freedom of movement in J&K, stating that the freedom of information also includes access to information about why restrictions are imposed, including the imposition of Section 144 Cr P. It has emphatically stated that the powers under this section "cannot be used to suppress legitimate expression of opinion or grievance or exercise of any democratic rights".

After such an elaborate statement of principles, it is surprising, not to say disappointing, that the court did not apply them to provide relief to the two petitioners, Kashmir Times executive editor Anuradha Bhasin, and MP Ghulam Nabi Azad, by striking down as illegal the clearly indefinite internet ban in Kashmir, now fully five months old (with a couple of relaxations) and the restrictions on movement and assembly that remain in force in the Valley. Instead, it has asked the J&K government to review "forthwith" all orders suspending internet services, and the continuance of orders passed under Sec 144 Cr P. Indeed, it appears to have assumed that the restrictions will continue, as it also directs the government to "consider forthwith" allowing government websites, localised or limited e-banking facilities, hospital and other essential services "in those regions wherein the internet services are not likely to be restored immediately".

While the petitions were specifically about J&K, the questions raised in them have acquired country-wide resonance after protests against the CAA and the proposed NRC. By stating that any order for suspension of internet can be judicially reviewed, but effectively providing no remedy when such a review came up before it, the Court has only left the door open to more litigation. It has pushed back against the state, it needs to do more to secure the people's right in J&K it has so powerfully underlined.

THE RULING BY a three-judge bench of the Supreme Court on Friday in the Kashmir lockdown and communications shutdown cases has been far too long coming. Triggered by the petition filed by Anuradha Bhasin, the editor of the *Kashmir Times*, and clubbed with the concerns raised by other affected press groups and elected representatives, the case pertained to the internet shutdown and clampdown on other communication networks in the erstwhile state. It also dealt with the impact the prohibitory orders issued by the district magistrates of the Union government-controlled Jammu and Kashmir Administration, under Section 144 of the Code of Criminal Procedure, were having on press freedom.

The Supreme Court's decision makes certain things clear with respect to our civil liberties in this digital age, while leaving several legal issues and matters of relief to residents of Jammu and Kashmir to the future. The Court has confirmed that the expression of speech as well as the conduct of trade and business via the internet is protected under Article 19 of the Constitution. The bench's ruling reiterates the importance of testing any restriction to the fundamental right to freedom under Article 19 of our Constitution against the principle of necessity and proportionality. In the process, the precedent established by the Supreme Court's nine-judge bench ruling on the fundamental right to privacy has been further cemented into the country's law — despite the efforts of the lawyers of the Union government.

Indeed, what was remarkable about the case was the troubling call for unprecedented executive power by the government in order to enable it to take actions that intrude on the civil liberties of citizens — with little space for judicial oversight. Till date, the Union government has not filed copies of all the internet shutdowns relevant to this case before the apex court. Instead, it has

tried to assert a form of executive privilege that has no place in a 21st century democracy. Government arguments also tried to conflate legal positions regarding conduct in times of war with those pertaining to the maintenance of law and order, which the Supreme Court luckily chose not to accept.

When it comes to internet-related restrictions, this judgment has one clear, unqualified message — it clearly lays down that any government order that impacts the exercise of fundamental rights must be a reasoned and publicly-accessible order. This verdict may have larger, lasting consequences even for fundamental rights in our digital age, since other rules created and used by the Union government, particularly under the Information Technology Act, have allowed the blocking of countless websites via secret orders that are not published. This has hurt democracy and gone against the principles of judicial oversight and the necessity to have thorough checks and balances. We should also be concerned by the repeated efforts of the Union government since 2015 to assert that the broad reach of digital communications somehow justifies even more intrusive executive powers and the loosening of judicial standards controlling government actions impacting fundamental rights.

This judgment should be seen as a work in progress. It leaves many issues of actual state measures impacting citizens today, and matters of law, open. It should also be seen as a call for further action. The Centre, which oversees the administration of the current Union Territory of Jammu and Kashmir, has to decide whether to continue its restrictions on internet services — and if so, it has to justify why and make its reasons public. The implication of the Supreme Court's judgment — perhaps less explicit legally than what it should have been ideally — is that the internet shutdown in Jammu and Kashmir has not been clearly justified un-

der the current legal framework. Any extension of the shutdown there will likely be challenged before the courts and will face the judiciary's scrutiny.

The executive has also been told that its current Telecom Network Suspension Rules of 2017 has gaps, and that the rules require improvement. The Court did state that it was not being asked to scrutinise the rules and pointed out that it was not testing their constitutionality. However, it made it clear that the status quo on the 2017 rules is not acceptable — it has, in effect, provided guidelines that the executive has to follow in the interim.

Some state high courts have already noted that government actions on internet shutdowns go beyond this flawed legal framework. Last year, for example, a bench of the Rajasthan High Court indicated its displeasure at the state government delegating shutdown powers to district administrations during examinations and the Gauhati High Court ordered the lifting of the Assam internet shutdown after the anti-CAA protests began.

The Union government should actually reconsider this problematic legal framework that enables and excuses internet shutdowns in the first place. Issued in August 2017 under a clause of the Telegraph Act passed by the British Raj in 1884, and notified with no public consultation and despite repeated concerns by MPs on the growth of internet shutdowns in India, these rules have let shutdowns spiral out of control. India has the ignominy of leading the world in terms of the number of internet shutdowns ordered by government authorities last year. We must act to ensure that a shutdown of our increasingly digital lives does not become mainstream standard operating procedure.

The writer is senior international counsel at Access Now and chair of the Internet Freedom Foundation

THE OPPOSITION WITHIN

Mamata Banerjee's plan for solo run signals the contradictions within the anti-CAA political front

ONE ASPECT OF the aggressive federal pushback to the new citizenship Act, the proposed NRC and NPR has been the broad though tenuous consensus among the major opposition parties to oppose these. However, the contradictions within the Opposition have now come to the fore with West Bengal Chief Minister Mamata Banerjee deciding to stay away from a meeting convened by Congress chief Sonia Gandhi. Mamata, the face of the citizenship law protests in her state, has explained her decision as an act of protest against the "violence unleashed by Left and Congress" during the general strike on Wednesday. She had also declined their demand that the West Bengal assembly pass a resolution against the new citizenship Act.

This is not surprising since the compulsions of state politics are often at variance with the national narrative. Besides, the requirements of office too can force parties in government to disassociate with certain forms of protest, especially those of opposition groups, even if their interests converge at the national level. Both these tendencies have become visible in non-BJP ruled states that have seen major mobilisations against the CAA. In Kerala, the ruling CPM-led Left Front and the Congress-led opposition had come together initially to protest the CAA. Soon, the state Congress chief, Mullappally Ramachandran, claimed a joint struggle against the Centre was not a part of the Congress strategy in Kerala. Though the Kerala legislative assembly passed a unanimous resolution against the CAA, the CPM and Congress leaders have refused to coordinate their protests or even address the issue from common platforms. The moment of separation for non-BJP parties in West Bengal came when the Trinamool refused to allow the main opposition in the legislative assembly, the Left Front and Congress, to capture the anti-BJP space. CM Mamata also accused them of trying to damage the state's economy by resorting to strikes.

The challenge for the national opposition would be to manage the state-level contradictions as it tries to build a united front against the Centre, a task it failed at during the general election. Political parties, especially regional outfits, tend to privilege their local electoral interests over larger ideological concerns, which limits the prospect of any collective action at the national level. The absence of opposition unity may have a limited impact in the case of anti-CAA protests since much of it has been mobilisations of students and young people.

THE NEW HERO

Women do make blockbuster characters, box office data shows. But old prejudices refuse to fade away

CANA GIRL have it all? Be a superhero and a princess? A hustler and a stripper? And still have the audience come to watch the films? As it turns out, yes. According to the annual report from San Diego State University's Center for the Study of Women in Television and Film, *It's a Man's (Celluloid) World*, of the top 100 grossing domestic films of 2019, the percentage of films featuring a female protagonist increased to a historic high of 40 per cent, up from 31 per cent the previous year. That figure was bolstered by successes as varied as *Captain Marvel* and *Mary Poppins Returns*, *Little Women* and *What Men Want*. Surprisingly, the spike came not from indie films, where female protagonists fell from 68 per cent to 55 per cent, but across studio releases. The suits seem to be waking up to the fact that women make blockbuster characters.

That's the good news. But parse the data, and the old prejudices remain. Hollywood still wants its women to be seen rather than heard — the number of women with speaking roles is a little over one-third, down by one percentage point. Most of the women characters remain overwhelmingly White, with Black, Asian and Latina characters airbrushed out of screens. That ties in with the disappointing no-show of diversity on award lists as well.

But that way lies the path to greater equality. As this report revealed, women at the helm of creative decisions results in stories where women are placed at the centre of the narrative. In films with at least one woman director and/or writer, females comprised 58 per cent of protagonists, as opposed to 30 per cent for films with only male writers/directors. Packing the studios with women will make camera veer to the female gaze.



KHALED AHMED

THE PRESIDENT OF Pakistan, Arif Alvi, filed a reference in May 2019 against Justice Qazi Faez Isa of the Supreme Court of Pakistan asking the Supreme Judicial Council to probe him for "concealing his properties in the United Kingdom allegedly held in the name of his wife and children". The implication was that the judge had taken bribes and then laundered the sums with which his family had bought the properties in the UK.

Isa became a member of the Supreme Court of Pakistan in 2014, after serving as chief justice of the Balochistan High Court for five years. His father, Qazi Muhammad Essa, was a close associate of Muhammad Ali Jinnah.

As the full bench of the supreme court debated whether the case should go to the Supreme Judicial Council, Justice Isa complained about the propriety of the reference filed by President Alvi. Anticipating his ouster from the supreme court, lawyers across Pakistan protested, charging that Justice Isa's judgment pertaining to the sit-in of the fanatically religious party Tehreek Labbaik Party (TLP) had unleashed the fury of "the powers-that-be" against him.

Salahuddin Ahmed, a former president of the Karachi Bar Association, wrote: "Many consider Justice Isa's real sin to be of a nature similar to a judge of the Islamabad High Court who had made public 'interference' from the powers-that-be in the working of the judiciary: In his Faizabad dharna judgment, the armed forces and intelligence agencies were directed to investigate

JOLTING THE JUDICIARY

The case against a Pakistan supreme court judge reveals older political faultlines

whether their officers violated their oath by meddling in politics, inter alia, by doling out cash to protesters."

The sit-in referred to has a crazy context: Crying blasphemy, the wheelchair-riding, foul-mouthed leader of TLP, Allama Khadim Hussain Rizvi had managed to get rid of a law minister of the Pakistan Muslim League government in 2017 for insulting the Holy Prophet PBUH through changes made in the Election Bill of 2017. The army intervened as Rizvi's followers broke the bones of a policeman, blocked roads and torched vehicles. But they were given cash handouts before being released, giving them a sense of empowerment not available to any other political group.

Everyone thinks it is the verdict Isa delivered on the Faizabad sit-in, and the peculiar way the army behaved, that caused the presidential reference. An excerpt from Justice Isa's judgment: "Politicking, manipulation of media undermines integrity of armed forces. Pursuant to the judgment in Air Marshal Asghar Khan's case, the involvement of ISI and of the members of the armed forces in politics, media and other 'unlawful activities' should have stopped. Instead when TLP's dharna participants received cash handouts from men in uniform, the perception of their involvement gained traction. The Director General of the Inter-Services Public Relations (ISPR) has also taken to commenting on political matters."

This objection to how democracy is disrupted in Pakistan could have been the last

straw, leading finally to the presidential order against the judge.

About the property of Justice Isa's settled-in-UK family, one knows little. His lawyer has revealed in court that Zarina Montessarat Khoso Carrera, wife of Justice Isa, was an independent lady and, while in Pakistan, had paid Rs 1,04,000 as tax in 2009, Rs 1,43,055 in 2010 and Rs 1,47,883 in 2011, whereas "Prime Minister Imran Khan paid Rs 103,763 as tax in 2017". What flummoxed the judges was President Alvi's oversight in not reading the Income Tax Law that lays no responsibility on a taxpayer to reveal the wealth of his family members, but holds that the Income Tax Department could demand such details if it chooses to.

Decisions taken in haste, at times at someone else's behest, come to grief. After the 2013 polls, which Imran Khan lost, he leveled the charge of "35 painchar" (punctures) on the caretaker chief minister of Punjab, journalist Najam Sethi, meaning that he had "fixed" the election by applying 35 different rigging devices against Khan's party. Sethi, who currently lives in London out of fear, went to court against him demanding "damages" in crores of rupees. It remains a pending case that the prime minister has carefully ignored. Will Justice Isa — who has been taken off the bench — too demand some kind of reparation for the pain caused to him by the president?

The writer is consulting editor, Newsweek Pakistan



JANUARY 11, 1980, FORTY YEARS AGO

INDIRA TO TAKE OVER
THE PRESIDENT INVITED Indira Gandhi to form the new government. He requested her to communicate the names of other ministers to be appointed to the council of ministers. Sanjeeva Reddy sent the invitation to Mrs Gandhi (I). Mrs Gandhi is likely to form the cabinet in two phases. She has been consulting senior party colleagues about cabinet formation, but no one really knows whom she will ask to join her government.

US TO ARM PAK
INDIA'S CHARGE D'AFFAIRES Ashok Gokhale met the Assistant Secretary of State and other

senior US officials to discuss the latest developments in Asia. It is learnt that the officials conveyed to Gokhale that the US would take note of India's concerns in formulating future policy in the region. American sources said that the US would arm Pakistan to meet the danger from across the Afghan border but the level would be such as not to cause concern to India.

UN ON AFGHANISTAN
THE UN SECURITY Council called for an emergency special session of the general assembly to deal with the Soviet intervention in Afghanistan. The council approved a Philippine and Mexican request to take the

issue to the 152-nation assembly following a Soviet veto in the Council. The Soviet Union and East Germany voted against the measure, claiming it was an interference in the internal matters of Afghanistan.

RED FORT BURGLARY
THE POLICE HAVE not made progress in investigating the theft of three valuable antique pieces from the Red Fort museum. The stolen articles include the ghaghra-choli of Zeenat Mahal and a gold brocade dress of Bahadurshah Zafar. However, the police suspect that the burglary was an organised operation sponsored by a collector who specifically sought the three pieces.

The digital repression playbook

Some thoughts and advice for the Hon'ble Minister of Digital Repression, Government of India, for 2020



BHASKAR CHAKRAVORTI

DEAR HON'BLE MINISTER of Digital Repression, Government of India,

I am sorry if you were planning to read this article on your smartphone and are stuck in a part of the country experiencing an internet shutdown. That would be ironic. Of course, you know you could always go out and buy an old-fashioned print version of this newspaper, but that would not be in keeping with our collective commitment to Digital India. But I digress. Onwards to the main points I wanted to share with you — all essential tips for upgrading your ministry's tech capabilities to 2020 to secure India from hooligans demonstrating against the Citizenship Amendment Act, reading the Indian Constitution in public and committing other such acts of moral turpitude.

First, allow me a moment to dwell on congratulations. It is a rare instance when India breaks world records. Thanks, no doubt, to the diligence of your tireless staff, when it comes to digital repression, India has no competition: Most Internet shutdowns of any country — unlike all those nail-biters on the cricket pitch, India's score of 134 shutdowns in 2018 handily beats the world number two, Pakistan's measly 12 shutdowns. With Jammu and Kashmir in digital darkness, you have secured the record for the longest-running internet shutdown in a democracy. Your team can orchestrate shutdowns at will across the country, from Meghalaya and Tripura to the nation's capital. From Bijnor to Bulandshahr, from Rampur to Sitapur, the state of UP, enjoyed freedom from the menace of social media on a rolling basis during December and got to reflect on deeper things as befitting a state governed by a yogi. Given the sheer scale of these operations, I am in awe that you even have the time to read this article.

Second, I wonder if you have asked: Is it worth it? I thought I would do some research for you. I am afraid the news isn't good.

You will, no doubt, recall that we are talking about a country that pretty much gifted the world the notion of satyagraha, which the hooligans of yesteryear pulled off without WhatsApp. Yes, an internet shutdown does make it inconvenient to organise, but the resourceful find a way. You will note that Indians have also invented *jugaad*, which roughly translates into: For every shutdown, there is a workaround. The troublemakers travel to places where they can pick up a signal. They use virtual private networks. They turn to the TOR network or Bridgefy, an app that uses bluetooth to enable chats or tweet using SMS to bypass a ban. When all else fails, they go back to old-fashioned whisper campaigns.

A Stanford study on internet shutdowns in India suggests that an internet shutdown may lead to even more offline protest and violence. Research drawing on the perpetual digital repression laboratory of Kashmir indicates that shutdowns have been "largely ineffective". Internet shutdowns can, ironically, create even wider awareness of the causes being suppressed. This phenomenon even has a name — the "Streisand effect" — named



CR Sasikumar

for the star, Barbra Streisand, who sued the California Coastal Records Project, on the grounds that the organisation's pictures of the coastline invaded her privacy since it included images of her Malibu mansion.

To make matters worse, these shutdowns are not costless. Putting aside the human cost — there is, after all, no shortage of humans in India — the economic costs can be enormous, especially when you count the losses tied to shutting down the internet not just in a few out-of-the-way places, such as Kashmir, but across India. Running up huge economic losses in the middle of an economic slowdown may not be such a hot idea. On the plus side, you might be able to get a selfie with Barbra Streisand on your next visit to Malibu.

Now to my third point. Surely, you have a job to do and I cannot leave you without constructive advice. What should a government with an irrepensible need to repress do in an era of the equally irrepensible internet? My advice is simple — look to China. Their digital repression playbook can be your 2020 upgrade. There is no shame in this. We must all admit that the Chinese know a thing or two about repression.

The first lesson you'd learn is that even the Chinese have given up on crude techniques like wholesale internet shutdowns. After riots in the capital of Xinjiang province, Urumqi, home to the pesky Uighur minority, the Chinese government cut off the internet. But that was 2009. The Chinese 2020 digital repression arsenal for that same province includes drones, facial recognition, and other biometrics techniques, AI, smart borders and, of course, monitored cell phones. Elsewhere, their digital throttling is surgically precise. Lawless Silicon Valley companies, such as Facebook and Google, are banned. In advance of the Tiananmen protest anniversary, last year, the messaging app WeChat and microblogging site Weibo stopped users from altering profile photos and other personal information. Words such as "tank man" and code for "Xi Jinping", including the otherwise adorable Winnie the Pooh, are banned.

As a real-time case study, consider China's

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play in Hong Kong. The state correctly anticipated that the economic costs of an internet shutdown would be too high and Hong Kongers would find workarounds. During past protests, many citizens had downloaded FireChat, a messaging app which uses wireless mesh networking to communicate over bluetooth and wifi. Instead, the state left the internet running and stuffed it with disinformation. The range of this propaganda is impressively broad, from coordinated social media blasts condemning protesters or depicting Hong Kong as a bratty little girl, playing to sexist stereotypes, to more sophisticated approaches, such as satirical news and rap music videos. Looking ahead, state manipulation apparatus will adopt deepfakes and other digital innovations.

Will it work in India? And, here, dear minister, I must end on a happy note. India holds another world record. According to Microsoft's Digital Civility Index, of all the nationalities in their study, Indians were most likely to encounter fake news and internet hoaxes. Digital disinformation is already a tradition. In other words, there is precedent — and the experiences of the 2018 summer suggests it works. The one catch is that the government also plans to require monitoring, interception and tracing of social media messages in 2020 and it could get really awkward if toxic messages get traced to your ministry or your proxies.

This is all part and parcel of the new complex reality as you push towards a Digital India into the third decade of this century. Techniques from 2009 — or even 2019 — are not befitting an aspiring tech superpower. Dear Hon'ble Minister, I know these are busy times, but tell your team that getting the 2020 upgrade will be rewarding. And, oh, please remember to tell them to turn the internet back on.

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

WHAT THE OTHERS SAY

"It is a strange yet somehow positive development that Iran's airstrikes on Iraqi bases hosting US troops has had a sobering effect in terms of diffusing (for now) the real threat of an escalation of hostilities between the US and Iran."

— DAILY STAR, BANGLADESH

Demographic dividend to demographic wasteland

It is bad enough that our education system routinely fails the youth. To subject them to violence only adds to their sense of hopelessness about the future



ARVIND SUBRAMANIAN

ONE OF THE greatest privileges of being a Chief Economic Advisor was the opportunity to meet with students from all over India. Over the course of nearly four years, my team and I visited scores of educational institutions across the country to talk about India's economic issues and the Economic Surveys.

Each time, I was struck by the students' curiosity, enthusiasm and eagerness to learn. In campus after campus, turnout exceeded our expectations, questions exceeded the time to answer them, and we always left wanting to return. Indeed, it was the students' evident desire to learn, so that they could participate in the national project of building India, which inspired my team and me to create an online course on the Indian economy.

Among the campuses we visited were places that have been in the news recently: Jamia Millia University, Jawaharlal Nehru University and Aligarh Muslim University (AMU), all bastions of youthful idealism. I remember in particular the welcome by the students in AMU — a rousing Jana Gana Mana, with the boys all dressed in black sherwanis and the girls in white salwar-kameezes with red dupattas.

But something has changed over the past few months. Thugs armed not just with weapons but with ideological hate have perpetrated unprovoked violence, not only in these universities but in campuses across India. Among the many victims could easily have been some of the students we met and still remember: The eager escort, the enthusiastic guide, the brilliant questioner, the impressive organiser, the selfie-seeker.

We speak of creating a \$5-trillion economy by taking advantage of our demographic dividend. But if our universities become war zones rather than sacred sanctuaries of learning, we don't build human capital. We make carcasses of the hopes of our students. Just as the psycho-

logical burdens of poverty and hardship narrow cognitive bandwidth (according to research by Sendhil Mullainathan and Anandi Mani), the psychological burdens of violence on students could impair their capabilities and turn the demographic dividend into a demographic wasteland. Indeed, since building human capital, maintaining social peace and creating strong institutions are key determinants of long-run development, recent actions triply undermine achieving *sabka saath, sabka vikas*.

It is bad enough that our higher education system has routinely been failing our youth. It is bad enough too that their prospects of getting decent, well-paying jobs are becoming more grim. To heap violence and physical and psychological insecurity only adds more hopelessness to their educational years and to their sense of the future that awaits them.

And why are these students being attacked? For exercising their right of expression, their right to articulate their concerns

And why are these students being attacked? For exercising their right of expression, their right to articulate their concerns and opinions about a set of measures they fear might consign many Indians to second-class citizenship, if not deprive them of their identity altogether? Are their fears exaggerated or misplaced? Regardless, they must be heard. How else will we be able to understand and address their concerns? And to be clear, address them we must.

As the images of violence on India's university campuses have streamed on screens and phones across the globe over the past months, the poet Yeats' dark evocation keeps coming to mind: "The blood-dimmed tide is loosed, and everywhere/The ceremony of innocence is drowned." So, too, does a climactic scene from Mira Nair's movie, *Monsoon Wedding*. The character played by Naseeruddin Shah confronts a relative who has abused a younger family member, saying: "These are my children. I will protect them from myself even, if I have to." We too must ask: Aren't these our children, who need to be protected from ourselves, from our instincts to hate and harm? These young, our college students, need to be nurtured, educated, and equipped to build the wealth and future that we want for our country.

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The writer, currently teaching at Harvard University, was chief economic adviser to the government of India from 2014-2018

LETTERS TO THE EDITOR

RIGHT REFORM

THIS REFERS TO the editorial, 'Coal comfort' (IE, January 9). Indeed, this is one reform the coal sector, especially after the poor monopoly of Coal India, desperately needed. Ultimately, the objective should be that whoever gets the best output should be the one mining. Besides improving quality and output, it is bound to ease pressure on our current account deficit. Till date, only 14 per cent of the total blocks that were cancelled after the coalgate scam have been allowed to mine. The government must ensure that more such blocks are opened for private mining.

Bal Govind, Noida

STAR OF THE HOUR

THIS REFERS TO the editorial, 'A star's trek' (IE, January 9). The editorial is right in its assessment that the new crop of Bollywood stars are not caged. They express their opinion more freely. But questions related to the timing of Deepika Padukone's visit still lie unanswered. Why did she visit JNU and not Jamia or any other university of India where students have been protesting? Will she keep her commitment to the student cause even after the release of her movie? Did she use the student platform to promote her own film? Only time can offer the answer. But the editorial should have mentioned these perspectives too.

Suchak D Patel, Ahmedabad

THIS REFERS TO the editorial, 'A star's trek' (IE, January 10). Indeed, not all the glamour, glitz and glory of *Padmaavat* made Deepika Padukone the hero that her visit to JNU did. Her quiet dignity was ample proof that true heroism is undramatic. In this one moment, the tall Deepika stood much taller than the tallest from the film industry who probably didn't want any trouble in these

LETTER OF THE WEEK

JNU FOR INDIA

THIS REFERS TO the article, 'A history of violence' (IE, January 9). The writer has quoted incidents out of context to tarnish the image of JNU. The solidarity shown by JNU students and the faculty members towards people fighting for their rights is a demonstration of their love for the nation — unlike the BJP which resorts to discriminatory measures such as the CAA. The Left opposed the Emergency half-heartedly. But it is also true that the BJP's earlier avatar, the Jana Sangh, joined the JP-led anti-Congress movement to promote its sectarian agenda.

Tarsem Singh, Mahilpur

testing times.

Sangeeta Kampani, New Delhi

THIS REFERS TO the editorial, 'A star's trek' (IE, January 10). Celebrities are treated like demigods in our country and this star power is gainfully milked by advertisers for marketing products. It has happened more often than not, that the product endorsed by the celeb has failed to lived up to the expectations of the consumer. The celebrity has never been called into question after that. The point is, whatever the celebrities do is to serve their own ends. Deepika's upcoming film is to be released shortly, and the JNU platform has been appropriately, innovatively exploited to promote her visibility and the film.

Deepak Singhal, Chennai



VINAY SAHASRABUDDHE

Hypocrisy in the name of liberalism

Frustrated by their electoral reverses, the Left has turned to manufacturing unrest

WHILE THOSE IN office are striving to ward off the impact of the challenges from the global economy and give further impetus to India's manufacturing sector, many in the opposition are working overtime to "manufacture" unrest.

For them, it is easier to do so as most "narrative shapers" come from the left-of-centre camp. Compared to the BJP, ideologies opposed to it have always had an upper hand in the mainstream media. Even in the NGO sector, many of whom now call themselves civil society, leftists have been in a dominant position. This used to be the case in academia as well. Even the Padma awards were almost an exclusive right of the left-of-centre artists and authors.

Post 2014, this situation has been changing. The left-of-centre ideological block is facing stiff opposition in every walk of public life. Accounted to calling the shots without any accountability, this group is now bewildered at an establishment that is demanding answers. Increasingly, they are now finding it tough to protect their privileges. Habituated to an unquestioned hegemony in their chosen sectors, leftists are perturbed to find that their opponents can outsmart them. During the last five years, all this contributed to the unease in the leftist block.

Frustration in this block reached its zenith after the resounding victory of the BJP-NDA in the 2019 general election. Finding themselves in a helpless situation, they are now spreading unfounded fears, sowing seeds of suspicion and rejecting the fears about the impact of unchecked infiltration of Bangladeshis, expressed even by the apex court. Uninformed opposition to the Citizenship Amendment Act is a classic case of back-door support to the front-door entry of Bangladeshi infiltrators. And yet, people are being told that opposing the CAA is equal to progressivism. Now that there is a greater public awakening about the truth behind the CAA and with the initial opposition to the Act depleting, violence in JNU is being used by the leftist to play the martyr. It is, therefore, educative to understand the general game plan as well as the usual positions of the leftists.

To start with, nationalism was always a bad word for the Left. Many in the ultra-left have a firm conviction that India is a conglomeration of several nationalities. Although they talk of constitutionalism, they look grudgingly even at the constitutional boundaries of India. Disregarding the threat of secessionism, they have always been pro-Article 370, much against the desire of the framers of Constitution. Similarly, Supreme

Court observations and reprimands notwithstanding, leftists always opposed the common civil code and by implication, freedom to Muslim women from the barbaric practice of triple talaq as well.

Post JNU, the entire leftist ecosystem is busy in condemning violence. Violence is always deplorable. But the leftists have double standards. They don't mind burning public property in Delhi and unleashing murderous politics in Kerala. But when violence takes a toll on their functionaries, they suddenly become Gandhian and create a picture as if their political activism has always been within the "legal framework" and non-violent as well. From Trinamool Congress to the Shiv Sena — the Left's new found friend — all were at the receiving end of the Left's violent political activism at one point of time or the other.

In so far as freedom of expression is concerned, again, leftists and their occasional partners must understand that people are now acutely conscious of their hypocrisy. Leftists don't mind banning Taslima Nasrin's or Salman Rushdie's books. But when a Hindu organisation complains about pictures of Ganesha or Hanuman (Elephant God and Monkey God according to the so called progressives) being used on toilet seats or

footwear, they look the other way. Ask an opponent of leftist trade unions where he or she is singularly fighting against their thought terror and one would realise how authoritarianism is a part of their DNA. The latest testimony to this thought terror is the incident at Visva Bharati, where a speaker is not only disallowed from speaking but in fact held hostage by goons professing liberalism. But remember, you can't show the leftists a mirror. They immediately tell you that "whataboutery" is a sin. You can't dig into their past!

Frustrated by electoral reverses, the ideological untouchability practised by the leftists leading to intellectual arrogance is now acquiring new, dangerous dimensions. Their hegemony is now being challenged and that is the real reason for their stomach ache. This frustration takes a perverted turn when enmity to and a pathological hatred of Prime Minister Narendra Modi is added to it. Unless the saner elements in their ideological block ensure that leftists liberate themselves from this hypocrisy, their anarchist politics is going to wreak havoc, and sadly, all in the name of liberalism.

The writer is national vice president, BJP and a Rajya Sabha MP

The laws being used to suspend Internet, and what SC laid down

APURVA VISHWANATH
NEW DELHI, JANUARY 10

ON FRIDAY, the Supreme Court declared that the fundamental right to freedom of speech and expression and the right to carry on trade or business using the Internet are constitutionally protected. This came in the backdrop of the five-month-long Internet shutdown in Kashmir. While India's longest Internet suspension continues, the verdict has laid down a framework of how the Internet can be suspended, and what rights and legal recourses a citizen has when it is suspended.

What does the verdict say about Internet shutdowns?

Although the court stopped short of ruling that access to Internet is a fundamental right, it said that the Internet as a medium is used to exercise other fundamental rights. "Expression through the Internet has gained contemporary relevance and is one of the major means of information diffusion," the court said. The observations made by the court essentially laid out guidelines that Internet shutdowns cannot be arbitrary and can be challenged in courts. However, for Kashmir, the court did not test the legality of

the shutdown and has instead directed the government to review the orders. The court also said the orders suspending the Internet would have to necessarily state how the action was justified and proportionate to the imminent threat to law and order.

What procedure does the government follow to suspend Internet services?

The Information Technology Act, 2000, the Criminal Procedure Code (CrPC), 1973 and the Telegraph Act, 1885 are the three laws that deal with suspension of Internet services.

SECTION 144: Before 2017, Internet suspension orders were issued under Section 144 of the CrPC. A law retained from the colonial era, it 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 use of Section 144 to suspend mobile internet was challenged before the Gujarat High Court in 2015 but the court upheld the power of the magistrate to issue such orders.

SUSPENSION RULES: In 2017, the central government notified the Temporary Suspension of Telecom Services (Public Emergency or Public Service) Rules under the



An Army vehicle in Srinagar on January 9. AP

Telegraph Act to govern suspension of Internet. These Rules derive their powers from Section 5(2) of the Indian Telegraph Act, which talks about interception of messages in the "interests of the sovereignty and integrity of India".

But hasn't Section 144 CrPC continued to be used to shut down the Internet?

Despite the 2017 rules, the government

has often used the broad powers under Section 144. In the wake of the protests against the Citizenship Amendment Act, Internet services were suspended by the District Magistrate in Sambhal, UP, under Section 144. In West Bengal on June 20, 2019, mobile Internet, cable services and broadband were shut down by the District Magistrate in North 24-Parganas under

Section 144 over communal tensions.

The government had argued that the "volatile history, overwhelming material available even in the public domain about external aggressions, nefarious secessionist activities and the provocative statements given by political leaders, created a compelling situation" which mandated passing of orders under Section 144 to suspend the Internet in Kashmir.

In December last year, 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.

So, what does the judgment say on the rules to be followed?

The court recognised that the 2017 Rules are the only procedure to be followed to suspend Internet services in the occurrence of a "public emergency" or for it to be "in the interest of public safety".

Quoting from the 2017 Rules, the verdict reiterated that the competent authority to issue an order under the Suspension Rules, in ordinary circumstances, would be the Secretary to the Ministry of Home Affairs. 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 writing, and need to be forwarded to a Review Committee by the next working day. Further, the confirmation must not be a mere formality, but must indicate independent application of mind by the competent authority to the order passed by the authorised officer, who must also take into account changed circumstances if any, etc.

What can an individual affected by an Internet shutdown do?

Although the Suspension Rules do not provide for publication or notification of the orders, the court said that an order, particularly one that affects lives, liberty and property of people, must be made available. When these orders are made available, an individual can challenge the orders in court on grounds of proportionality. "We are therefore required to read in the requirement of ensuring that all the orders passed under the Suspension Rules are made freely available, through some suitable mechanism," the court said. While suspension orders were always subject to judicial review, lack of availability of such orders in public domain prevented such challenges before courts. The court also ruled that the government cannot refuse to publish such orders citing logistical inconvenience.

FACT CHECK, GROUND REALITY

A GIANT FISH IS DECLARED EXTINCT — HOW DO SCIENTISTS CONCLUDE THAT?



The Chinese paddlefish, now declared extinct, grew up to 7 m long and had existed since 200 million years ago. Qiwei Wei et al/Science of the Total Environment

ONE OF the largest freshwater fish has been declared extinct in a study published in the journal *Science of the Total Environment*. The Chinese paddlefish (*Psephurus gladius*) was an iconic species, measuring up to 7 m in length, dating back from 200 million years ago, and therefore swimming the rivers when dinosaurs ruled the Earth. Its ancestral home was the Yangtze River.

But how did the study determine that it has gone extinct? Chinese researchers made this conclusion based on the Red List criteria of the International Union for Conservation of Nature (IUCN). The Red List has several categories for extinction, or for how endangered a species is. For example, "extinct in the wild" means a species survives only in a captive environment while "locally extinct" means a species has ceased to exist in a particular area but may exist in other areas. Then there is "functionally extinct", which means the species continues to exist but it has too few members to enable to reproduce meaningfully enough to ensure survival. To be "globally extinct", it means a species has no surviving member any-

where. Such a conclusion is reached when there is no reasonable doubt left that its last member has died.

Declaring a species extinct is an elaborate process. It involves a series of exhaustive surveys, which need to be taken at appropriate times, throughout the species' historic range and over a time-frame that is appropriate to the species' life cycle and form. When these surveys fail to record the existence of any individuals belonging to that species, a species may be presumed to be extinct. Once declared extinct, a species is not eligible for protective measures and conservation funding; therefore, the declaration has significant consequences.

In the case of the Chinese paddlefish, the researchers made the conclusion over long-term surveys. It was once common in the Yangtze, before overfishing and habitat fragmentation — including dam building — caused its population to dwindle from the 1970s onwards. Between 1981 and 2003, there were just around 210 sightings of the fish. The researchers estimate that it became functionally extinct by 1993, and extinct sometime between 2005-2010.

THIS WORD MEANS CORONAVIRUS

New virus identified as agent in China disease outbreak. Why is it called a coronavirus?

ON FRIDAY, *The Indian Express* published a report, sourced from *The New York Times*, about a new virus identified by Chinese researchers. They said it was responsible for a new pneumonia-like illness that had swept Wuhan since last month, leaving 59 ill and created panic. The researchers described the infectious agent as a "coronavirus", identified in a hospitalised person with pneumonia in Wuhan.

Coronaviruses are a specific family of viruses, with some of them causing less-severe damage, such as the common cold, and others causing respiratory and intestinal diseases. A coronavirus has many "regularly arranged" protrusions on its surface, because of which the entire virus particle looks like an emperor's crown, hence the name "coronavirus".

Apart from human beings, coronaviruses can affect mammals including pigs, cattle, cats, dogs, martens, camels, hedgehogs and some birds. So far, there are four

known disease-causing coronaviruses, among which the best known are the SARS corona virus and the Middle East Respiratory Syndrome (MERS) coronavirus, both of which can cause severe respiratory diseases.

In the newly identified coronavirus, a direct link with the disease has not been established yet. Previously, there was speculation that the mystery illness was related to the SARS epidemic in China in the latter half of 2002 that killed roughly 350 people. Now, the new coronavirus has been detected in over 15 cases so far. No deaths have been reported, nor has any case been reported of human-to-human transmission.

As per state-owned CCTV, the new coronavirus is different from human coronaviruses already known. WHO said in a statement that further investigations are required to determine the source, modes of transmission and extent of infection caused by the new virus.

AMITABH SINHA
PUNE, JANUARY 10

FOR MORE than three weeks now, striking photographs from Australian towns and villages, bathed in an orange background, have been making global headlines, and circulating on social media. The gloomy orange background is because of smoke from an unprecedented spate of forest fires in large parts of Australia for more than three months now.

Forest fires, or bushfires as they are known in some parts of the world, are common occurrences in Australia during the summer season, but the scale and intensity this year have been extraordinary, and scientists are already attributing it to climate change. Many of them are warning that the scenes from Australia could be a glimpse of the future that awaits our planet if urgent action is not initiated on climate change.

What causes forest fires?

Forest fires, or wild fires, routinely occur across the world in hot and dry seasons. Dry leaves, grass, shrubs, deadwood etc are easily combustible. Ignition happens naturally, from lightning strikes for example, or accidentally, from sources such as cigarette stubs. Suitable speed and direction of wind helps spread a forest fire faster. It usually comes to an end due to rain or because there is no further contiguous vegetation to spread to. Sometimes, fires are ignited on purpose, either to clear the land, or even to control an incoming forest fire by removing vegetation that would have aided the incoming fire's further spread.

Last year, the fires in the Amazon forests in Brazil had become controversial because they were largely seen to have been a result of deliberate burning by farmers and large agro-industry players keen on getting more land. Major forest fires were reported last year in the US, Canada and Europe too. During the summer months, fires are common in the forests of India as well, though their scale and impact are much smaller.

How common are forest fires in Australia?

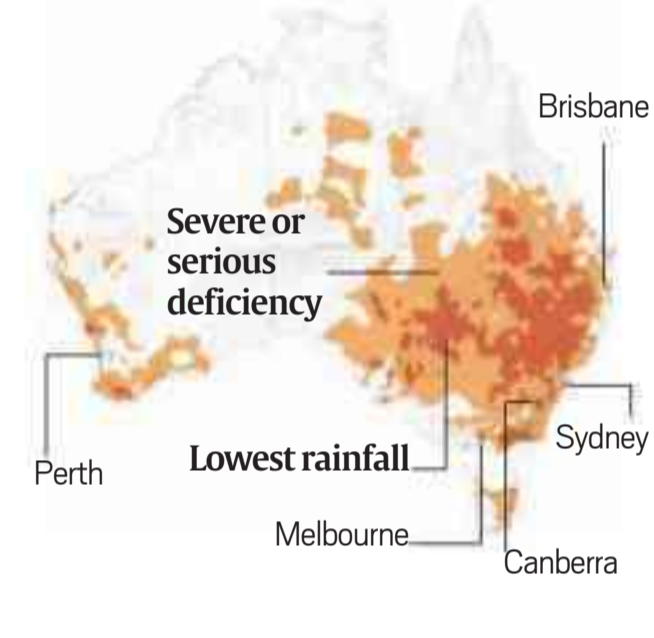
Australia, where the summer starts around October, is known to be the most fire-prone of all continents. This is mainly because Australia is also the driest inhabited continent. Almost 70 per cent of its area comprises arid or semi-arid land, with average annual rainfall less than 350 mm, according to the Australian government's Department of Environment and Energy.

Australia has about 134 million hectares of forest land, most of it in the north and east. Bushfires are pretty common every year in summer. Australian government data show

SIMPLY PUT QUESTION & ANSWER

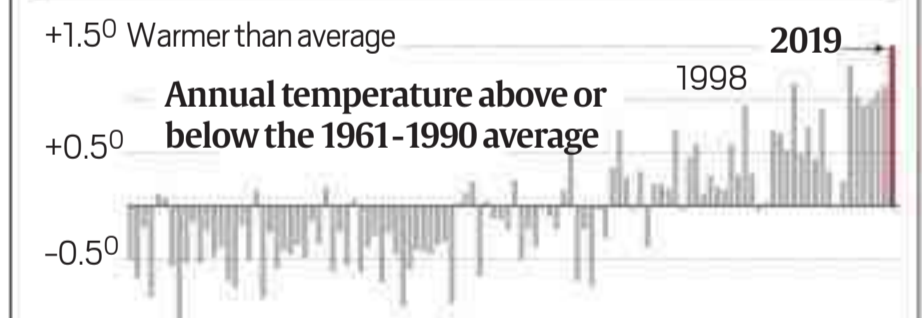
Reading Australia fire signals

Forest fires are routine during the Australian summer, but what's happening now is on an unprecedented scale. A look at the extent of damage, and how the likely causes bear out long-time climate concerns

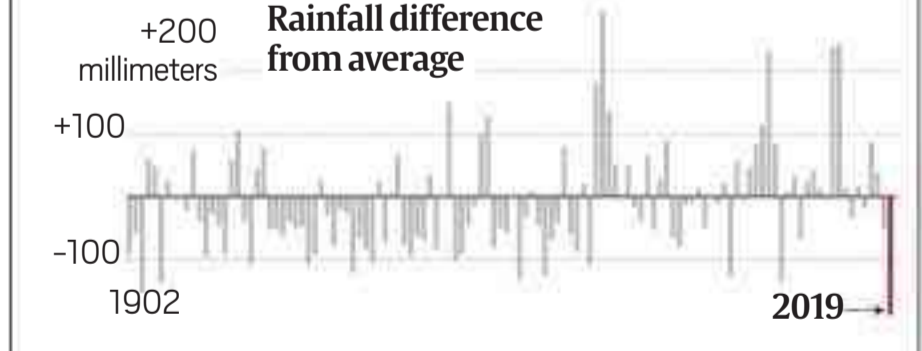


Map of Australia three-year rainfall trends (2017-19) shows highest deficiency in southeast. Photo (left) shows a koala during a bushfire in Kangaroo Island. Map: NYT; photo: Reuters

2019 WAS AUSTRALIA'S HOTTEST YEAR

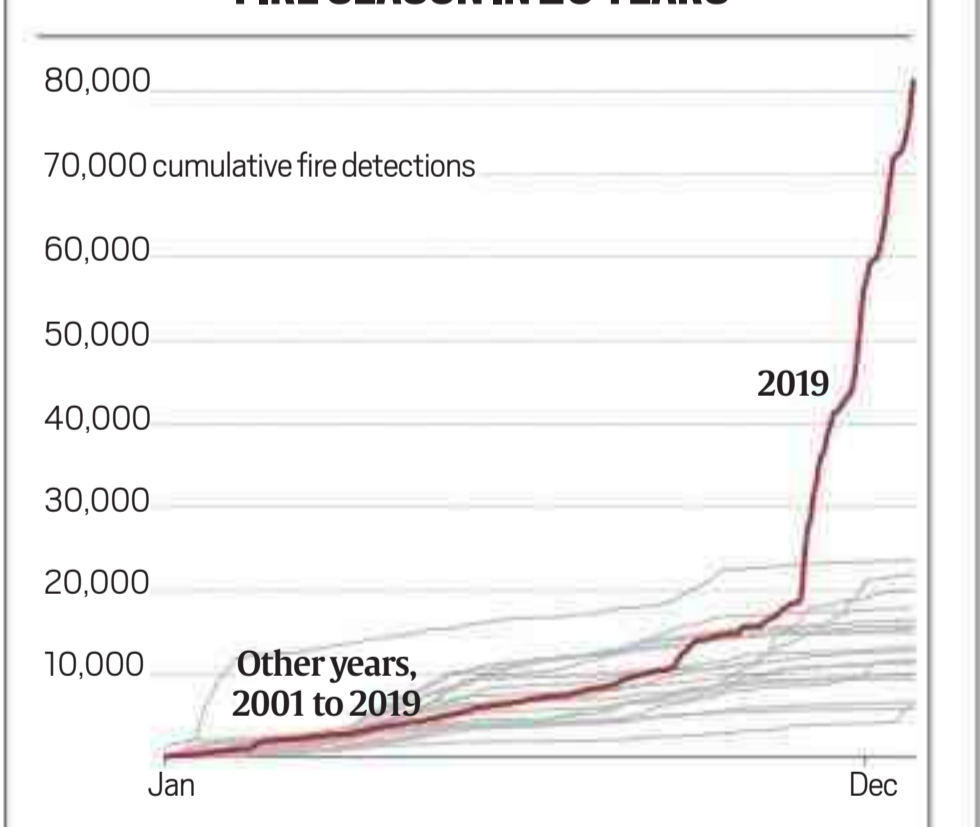


AND ITS DRIEST



Sources: NASA Terra and Aqua satellite data and Australian Government Bureau of Meteorology via The New York Times

NEW SOUTH WALES IS HAVING ITS WORST FIRE SEASON IN 20 YEARS



that about 55 million hectares of forest land, more than 40 per cent of the entire forests, had been affected by at least one such fire in the period between 2011 and 2016.

So, how are the ongoing fires different?

This Australian summer, the spread and intensity of forest fires are something never seen before. According to a Reuters report earlier this week, the fire has impacted more than 10.3 million hectares of forest land so far, an area the size of South Korea. Twenty-seven people have so far died, while reports suggest millions of wild animals might have been killed. Australia's Environment Minister said up to 30 per cent of the koala population was feared to have perished in the fires.

Several record-breaking weather conditions are believed to have contributed to this unprecedented wave of forest fires. The Australian Bureau of Meteorology confirmed on Thursday that 2019 happened to be the warmest and driest year for the country since 1900. Daytime temperatures were, on an average, 2°C higher than normal, while average rainfall for the country was 40% below normal. Heat and dryness are the key preconditions for the ignition and spread of forest fires.

Australia is in the midst of a prolonged drought, now spreading to three consecutive years. The three years between 2017 and 2019 were the driest 36-month period ever in the Murray-Darling Basin and New South Wales. For last year at least, the problem has been compounded by the presence of one of

the strongest-ever positive Indian Ocean Dipole (IOD) events. The IOD, which refers to the difference in sea-surface temperatures in the eastern and western Indian Ocean, either aids or cuts off moisture supply to Australia, depending on whether the western Indian Ocean is cooler or the eastern. This year, the eastern Indian Ocean has been unusually cold, and that contributed to the rainfall deficiency over Australia.

Another indicator of the extent of dryness this year is the condition of soil moisture which is at historic lows in the areas most affected by the fires. Scientists also point to a rare stratospheric warming over Antarctica — temperatures were 30°C to 40°C higher than normal in the region 10 to 50 km from Earth's surface — as yet another extraordinary weather event that could have contributed to the unusual heat and dryness in Australia.

Can it be attributed to climate change?

Usually, scientists are wary of attributing any single contemporary event to climate change, mainly because of the difficulty in completely ruling out the possibility of the event having been caused by some other reason, or a result of natural variability. In this case, however, there is strong evidence to indicate that nearly all the drivers of the extraordinary heat and dryness in Australia, which has led to these unprecedented forest fires, could directly be linked to climate change. The warming trend that made 2019 the

warmest year on record for Australia, the prolonged drought, severe rainfall deficiencies, the strongly positive IOD and low soil moisture can all be easily attributed to climate change.

More significantly, exactly these kinds of bushfires, of higher intensity and wider spread, have been predicted by climate change studies in the past. As far back as 2007, the Intergovernmental Panel on Climate Change (IPCC) had said in its fourth assessment report that climate change was likely to increase the frequency of fires in Australia. This has been re-emphasised in all recent IPCC reports.

"In south-east Australia, the frequency of very high and extreme fire danger days is likely to rise by four to 25 per cent by 2020 and 15 to 70 per cent by 2050," the IPCC report had said in its 2007 report. The fiercest fires this season have also been concentrated in south-east Australia. "In both Australia and New Zealand, the fire season length is likely to be extended," the report had said.

The Australian bushfires are therefore being seen as one of the biggest climate disasters of our times. And it is likely to intensify even further, considering that the Australian summer is not yet over. Thousands of people have already been rendered homeless, and Australian authorities, on Thursday, told the people to be ready for more mass evacuations, particularly those living in the south-eastern parts where the fires have caused the maximum devastation.